

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, 3 DECEMBER 2004
9.58 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Roza Salibekova
Ms Chiarra Galletti

For the Registry:

Mr Geoff walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Raimund Sauter
Ms Adwoa Wiafe
Mr Mohamed Stevens
Ms Allison Reed (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams

1 Friday, 3 December 2004
2 [The witness entered court]
3 [The three accused not present]
4 [Open session]
5 [Upon commencing at 9.58 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel. We are
7 resuming the session and we are sorry for the late start,
8 which was due to some -- a consideration of some urgent
9 issues in Chambers, which are of common concern, but this
10 said, I think we can pursue the cross-examination process
11 of this witness.
12 JUDGE BOUTET: Mr Williams, for the third accused you are
13 ready to proceed?
14 MR WILLIAMS: Yes, Your Honour.
15 JUDGE BOUTET: Please do so.
16 WITNESS: TF2-007 [Continued]
17 [The witness answered through interpretation]
18 PRESIDING JUDGE: Mr Williams, before you proceed, I would
19 like the Prosecution to enlighten every one of us here as
20 to whether there is a witness standing by after this
21 witness.
22 MR BANGURA: Yes, Your Honour, there is.
23 PRESIDING JUDGE: From your estimation, because you see we are
24 looking at the calendar up to Tuesday the 7th when we are
25 supposed to be rising for the session. Do you think that
26 we would be able to wrap up with this
27 examination-in-chief if we started it today?
28 MR BANGURA: Certainly, Your Honour, I don't think --
29 PRESIDING JUDGE: You think -- you think -- I know there are

1 are some elastic elements that crop up time and again,
2 but about how long would you think it would last? I may
3 be putting the question to the wrong person. Maybe it is
4 not you handling the case.

5 MR BANGURA: To the best of my knowledge, of that witness's
6 testimony --

7 PRESIDING JUDGE: Mr Kamara, are you involved with that
8 witness?

9 MR KAMARA: Yes, Your Honour, and to put it straight, we
10 believe we can wrap up that witness by Monday. We should
11 be able to finish and if we start --

12 PRESIDING JUDGE: You mean the Prosecution.

13 MR KAMARA: The Prosecution -- not only the Prosecution and
14 probably the Defence.

15 PRESIDING JUDGE: I want to know what the Prosecution -- I
16 mean, what time -- are we able to finish and at least
17 start and the cross-examination today as well?

18 MR KAMARA: Today, Your Honour.

19 PRESIDING JUDGE: It is possible.

20 MR KAMARA: It is possible, yes, Your Honour. Thank you.

21 PRESIDING JUDGE: Mr Bockarie, I saw you adjusting yourself to
22 bounce on your feet.

23 MR BOCKARIE: No, no, Your Honour.

24 PRESIDING JUDGE: Right, okay.

25 JUDGE BOUTET: He is just training himself in case of.

26 Mr Williams, please.

27 CROSS-EXAMINED BY MR WILLIAMS:

28 MR WILLIAMS:

29 Q. Yes, Mr witness, you said during the war your father left

1 your village and he settled in xxxx; is that correct?
2 A. Yes.
3 Q. Do you know that the war started in 1991?
4 A. I didn't know, but I knew later. I heard about it.
5 well, the dates you called I didn't know.
6 PRESIDING JUDGE: [Previous translation continued] -- quiet on
7 the translation channel, so I didn't get your first
8 question.
9 MR WILLIAMS: My Lord, whether he knows that the war started
10 in 1991.
11 PRESIDING JUDGE: No, but before that.
12 MR WILLIAMS: Yes, I prefaced my question about asking him
13 whether his father left the village for xxxx during the war
14 and he said yes.
15 PRESIDING JUDGE: Okay.
16 MR WILLIAMS:
17 Q. Did your father leave before?
18 PRESIDING JUDGE: And he said that did he not know the war
19 started in 1991.
20 MR WILLIAMS: But it was later on, My Lord.
21 PRESIDING JUDGE: Okay.
22 MR WILLIAMS:
23 Q. Do you know exactly when your father left your village?
24 A. I don't know the dates.
25 Q. And would it be correct to say that it was during the
26 reign of the AFRC that your father left your village?
27 A. That AFRC you are talking about, I do not know it.
28 Explain to me what is.
29 JUDGE BOUTET: I thought so, Mr Williams, because --

- 1 PRESIDING JUDGE: Because of the soldiers.
- 2 MR WILLIAMS:
- 3 Q. Yes, when the soldiers and the rebels were in power, did
4 he leave during that time?
- 5 A. Yes.
- 6 Q. You mentioned that the rebels came to your village and
7 looted properties. Did they ever kill any people in your
8 village?
- 9 A. No, they just looted and went away.
- 10 Q. Could you tell the reason why your father left? I mean
11 if there is more than one, please say so. The reasons
12 why your father left your village?
- 13 A. Yes, he left the village, yes.
- 14 Q. [Previous translation continued]
- 15 A. why he left the village, whenever the rebels came, they
16 would come amongst us and we would run away and we would
17 go to hide -- we go into hiding about one or two weeks.
18 But he was an old person. He was not able to be running
19 away to go to the bush, so he said he decided to go to
20 Bo, "because this thing is difficult for me. It is
21 something that I can't do, so I'm going ahead. You are
22 younger. whatever happens, you will be able to protect
23 yourself."
- 24 Q. Mr witness, when your father went to Bo, did you ever see
25 him before the day he was brought to your village by the
26 Kamajors?
- 27 A. I didn't see him.
- 28 Q. So you never visited xxxx whilst he was there?
- 29 A. From where he was in xxxx, I didn't know there.

- 1 Q. Is it correct to say that during -- whilst the soldiers
2 were in power, attacks by rebels on your village stopped?
3 whilst the rebels and the soldiers were in power, the
4 attacks on your village stopped?
- 5 A. There came a time they stopped attacking, but they
6 started capturing people and whatever they had looted,
7 they would tell people to carry for them, so if you -- if
8 you're lucky, if you go, you will come back. If you are
9 unlucky, you will go and not come back. So we were
10 hiding away from them because we were scared. No
11 problem.
- 12 Q. Your village was a very small -- small village; right.
13 It was a very small one?
- 14 A. Small village, yes but we were able to live there,
15 because it is our birthplace. We were used to it.
- 16 Q. And this is one village where -- I mean, everybody knows
17 everybody; is that correct?
- 18 A. Oh, yes. Except for strangers who would come there and
19 we do not know him, but as long as he resides there,
20 I would know him.
- 21 Q. So would you agree with me that if something bad happens
22 to one person, everybody in the village would know; is
23 that correct?
- 24 A. If what happened?
- 25 Q. If something bad happens to one person, the entire
26 village would know of the incident?
- 27 A. Yes, those who would be there, they would know.
- 28 MR WILLIAMS: I have a list, My Lord, I will furnish the Bench
29 and my colleagues on both sides with some documents

1 containing names.

2 JUDGE BOUTET: These are names that you want to put to the
3 witness to ask him if he knows whoever?

4 MR WILLIAMS: Yes, Your Honour.

5 JUDGE BOUTET: How do you intend to proceed with that, if I
6 may ask, Mr Williams?

7 MR WILLIAMS: I will get the Prosecutor and somebody from this
8 side to approach the witness.

9 JUDGE BOUTET: They will read whatever to the witness?

10 MR WILLIAMS: Yes. They will call the first name and I will
11 say: Do you know him? And, you know, I'll proceed that
12 way.

13 JUDGE BOUTET: You have four names, you say, on that?

14 MR WILLIAMS: No, no, I have several documents.

15 JUDGE BOUTET: Oh, several documents.

16 MR WILLIAMS: Yes. I asked Mr Walker to furnish the Bench
17 with -- I did copies for each one of Your Lordships.

18 JUDGE BOUTET: So how many of these documents, so we know
19 what --

20 MR WILLIAMS: The names on page 2 is what I intend to start
21 with.

22 JUDGE BOUTET: But if you produce all of these papers, six
23 pages, as such, is to use these names on the six pages as
24 you move along.

25 Q. At various times, My Lord.

26 JUDGE BOUTET: Obviously, it is to not disclose the identity
27 of the witness.

28 MR WILLIAMS: My Lord, I don't know whether -- I'm just being
29 cautious. I really don't know whether mentioning them

1 will disclose their identity. I just want to proceed
2 cautiously.

3 JUDGE BOUTET: Yes. Well, I know we've done that yesterday
4 with a few names, but now we're moving to 20 some names,
5 if not more. I'm not sure that it will not cause more
6 confusion than any positive result.

7 MR WILLIAMS: Your Honour, I mean, I've worked out my
8 strategy.

9 JUDGE BOUTET: Okay, we'll try it and if it doesn't work,
10 we'll ask you to change your strategy.

11 MR WILLIAMS: As it pleases Your Lordship.

12 JUDGE BOUTET: What do you want to do with these papers, mark
13 them as exhibits or --

14 MR WILLIAMS: Yes, at the end of the day, Your Honour.

15 JUDGE BOUTET: At the end of it, okay. So you'll lead us
16 through the documents and make sure that if you move from
17 one page to the other that we can follow through.

18 MR WILLIAMS: Yes, I'm starting with page 2.

19 JUDGE BOUTET: So now we have in front of us six pages, is
20 what you have. Mr Prosecutor, yes.

21 MR BANGURA: My Lord, I would like to have some clarification
22 from counsel as to how we proceed with the list that he
23 has provided us. If he is only going to get the witness
24 to say whether he knows or does not know these name, how
25 do we indicate that? Is it just to say no, I know --
26 I mean, we need to know how we proceed, or is he going to
27 be asking more questions beyond just whether the witness
28 knows these persons?

29 JUDGE BOUTET: Mr Williams, can you enlighten not only the

1 Prosecution but the Court as well?

2 MR WILLIAMS: I don't understand the concerns of my learned
3 friend.

4 JUDGE BOUTET: well, the concern is if you use name - I don't
5 know - number 3 on page 2 as such, is it simply to ask
6 the witness: Name number 3 is what have you and do you
7 know that person, or do you intend to ask many, many,
8 many questions in relation to number 3?

9 MR WILLIAMS: My Lord, I might very well ask him several
10 questions in respect of each and every name, but I cannot
11 say the questions that I will be asking at this stage.

12 JUDGE THOMPSON: But let me ask one question: Is this, the
13 exercise you intend to embark upon, is it to get him, if
14 you can, to get him to identify all of these persons? Is
15 that the aim of the exercise?

16 MR WILLIAMS: Yes, one.

17 JUDGE THOMPSON: So in other words, every name that appears on
18 every page?

19 MR WILLIAMS: Yes.

20 JUDGE THOMPSON: Ideally.

21 MR WILLIAMS: Yes, Your Honour.

22 JUDGE THOMPSON: So if that is the case then, would this be a
23 tidier methodology to get the identification process as a
24 separate process and then later on come to the
25 questioning process. I mean, it is entirely up to you
26 what -- because you are in control of your case and your
27 cross-examination. I can envisage, probably wrongly,
28 some confusion if say -- you say number 1 and then you
29 ask a question and then we've got to reflect that in the

1 record. I think it is a question of a tidier and logical
2 methodology, but I'm entirely in your hands.

3 MR WILLIAMS: Your Honour, the only problem I have with that
4 is that some of these names are related to certain
5 episodes.

6 JUDGE THOMPSON: That's the point, yes. Well, that is my
7 difficulty too, how far we can keep the record in some
8 very logical and common-sense sequence.

9 MR WILLIAMS: My Lord, when I'm through with a page, I will
10 tender it so it goes in as an exhibit and that will be
11 all for that.

12 JUDGE THOMPSON: Okay. Well, I certainly will rely on your
13 assurance. I just thought I should express my own
14 viewpoint on this. Thank you.

15 JUDGE BOUTET: I'm not convinced this is the better way to go
16 about it, Mr Williams. For example, without naming
17 names, as such, if I look at your page 2, the document
18 page 2, name number 9 on that page is the same as name
19 number 13 on page 1 and how many names in that page 2 are
20 exactly similar, whether or not they are the same
21 individual, I don't know.

22 MR WILLIAMS: Your Honour, actually well -- I don't know
23 whether I actually said that some of the names are
24 repetitious, but it relates to different episodes. So if
25 I'm dealing with page 2, for example, I'll name all those
26 names --

27 JUDGE BOUTET: But relates to a specific episode?

28 MR WILLIAMS: Yes, I will tie up the loose ends at the end of
29 the day.

1 PRESIDING JUDGE: I have some questions as to whether this is
2 the best way of proceeding, because if in -- assuming he
3 identifies witness 1 or rather name 1 or 2, you know, and
4 you decide to spend some time questioning and questioning
5 and questioning, when do you think we'll get through this
6 list? I would rather that we went straight away into a
7 session that will enable us to hear the matter openly and
8 in a closed session, I mean to say, so that we avoid so
9 much of documentation, which to me -- the documents are
10 useful to you, but you call the -- if you say you're
11 going on document 1, you can cross-examine him on these
12 names in a closed session and we'll move more
13 harmoniously than the confusion we'll get ourselves in if
14 we start looking at one document after another, name
15 after name and where there are repetitions like you say,
16 we would run into procedural problems somewhere. I think
17 the more expeditious method in these circumstances would
18 be, for the purposes of protecting the identity of this
19 witness, is to go into a closed session and do things as
20 fast as we can.

21 MR WILLIAMS: I took into consideration the reluctance of the
22 Bench to be moving, you know, back and forth into open
23 and closed session, that is why I did this. I mean, I
24 could say this at the outset, that for some of those
25 names, one of the names is the name of his father.
26 I just want that to go in, possibly one question in
27 relation to that. I won't dwell on these names
28 lengthily, but, I mean, whatever is fine by
29 Your Lordships is fine by me.

1 JUDGE BOUTET: Although a closed session is -- we're trying to
2 do things publicly as much as possible, as such, and use
3 the minimum situations of closed session. If this is
4 important to your case, and it appears to be the case,
5 then you need to explore that. At the same time, we need
6 to be in a position to properly understand what is
7 happening. We may end up maybe being more confused and
8 not solving anything, simply because you're trying to be
9 amenable to that scenario. We suggest you apply for a
10 close session.

11 MR WILLIAMS: Let me try with four, five and six. They are
12 quite short. Let's see how much headway I can make.

13 JUDGE BOUTET: You mean, four, five and six to start with?

14 MR WILLIAMS: Yes, four, five and six.

15 JUDGE BOUTET: Okay. Let's try it and we will see.

16 MR WILLIAMS:

17 Q. Mr witness --

18 JUDGE BOUTET: Before you do so, Mr Williams, Mr Prosecution
19 you had raised this question for clarification. As
20 suggested, we will try with four, five, and six and we'll
21 see what problems, if any, and we'll move in that
22 direction for now.

23 MR BANGURA: Certainly, it is okay as it seems. Let's see how
24 he gets on with it, Your Honour.

25 JUDGE BOUTET: Okay. Mr Williams, who will be translating to
26 the witness.

27 MR WILLIAMS: He speaks a little Krio, My Lord. We will speak
28 in Krio to him.

29 JUDGE BOUTET: Yes, I know but --

1 MR WILLIAMS: Mr Yillah --
2 JUDGE BOUTET: So he is the one that will be for you and
3 Mr Bangura will be for the Prosecution?
4 PRESIDING JUDGE: I think Mr Bangura may be concentrating on
5 some notes he would be taking in the process. I think
6 some other person in the Prosecution can go and perform
7 that exercise, because --
8 MR BANGURA: In that case, Your Honour, we can have the intern
9 working on the team to -- I don't know whether there is
10 any objection to him being involved in that.
11 JUDGE BOUTET: The purpose here is not the legal
12 qualification. It is to make sure that whoever
13 translates, translates as accurately as possible the
14 content of the document.
15 MR BANGURA: Very well, Your Honour.
16 JUDGE BOUTET: So I take it that the intern does speak Krio?
17 MR BANGURA: Yes, Your Honour.
18 JUDGE BOUTET: Okay, Mr Williams.
19 MR WILLIAMS:
20 Q. Yes, look at page 4 -- look at page 4. A name will be
21 called out to you please. Tell the Court whether that is
22 the name of your father.
23 THE INTERPRETER: Do we need to interpret from the booth?
24 PRESIDING JUDGE: No, don't, please.
25 JUDGE BOUTET: But, Mr Williams, they need to interpret for
26 the witness the question you've just asked, otherwise --
27 MR WILLIAMS: No, My Lord, they were speaking Krio to him
28 yesterday, so that is what my learned friends are doing
29 now.

1 PRESIDING JUDGE: Please do not forget to put his pseudonym,
2 his pseudonym on that piece of paper, Mr Yillah.
3 Mr Yillah, don't forget to put the pseudonym of that
4 witness and the date as well.
5 MR WILLIAMS:
6 Q. So you agree that the name on that document is the name
7 of your father; right? You agree that the name on that
8 document is the name of your father?
9 THE INTERPRETER: Is that meant to be interpreted to him?
10 JUDGE BOUTET: Yes.
11 THE WITNESS: Yes.
12 JUDGE BOUTET: So this is the name on page 4 of the document
13 that has been shown to the witness?
14 MR WILLIAMS: Yes.
15 JUDGE BOUTET: For the record, on that page 4 there is one
16 single name.
17 MR WILLIAMS: Yes, Your Honour. I wish to tender that
18 document, please.
19 JUDGE BOUTET: You want to mark it now?
20 MR WILLIAMS: Yes.
21 JUDGE BOUTET: I think we're at 39. So this document number
22 four at the top, containing one name and one handwritten
23 answer and marked 3 December 2004, witness TF2-007 is
24 marked as Exhibit 39.
25 [Exhibit No. 39 was admitted]
26 MR WILLIAMS:
27 Q. Mr witness, you mentioned yesterday that you knew certain
28 Kamajors. Firstly, the one that went to call you from
29 your farm, and then when you came to the school, you said

1 you were able to identify four more Kamajors; is that
2 correct?
3 A. Yes.
4 Q. I will show you a list that has the name --
5 THE INTERPRETER: Mr Williams, the interpretation is still
6 going on.
7 THE WITNESS: Those who were at the school I knew some. Where
8 we went, when they brought me. The first place that they
9 took me -- when we went towards the bush to the school,
10 that is where I knew some of the people and in the school
11 as well.
12 MR WILLIAMS:
13 Q. So I will show you a list which has five names. I will
14 ask you whether these were the people that you said you
15 knew?
16 JUDGE BOUTET: So this is page 5?
17 MR WILLIAMS: Yes, My Lord.
18 JUDGE BOUTET: Okay. So your question, Mr Williams, is you're
19 asking the witness if those names appearing on page 5 are
20 the names of the Kamajors he would have seen in those two
21 incidents?
22 MR WILLIAMS: Yes, yes.
23 JUDGE BOUTET: Thank you.
24 MR WILLIAMS: My Lord, his answer is that those were the five
25 people, the five Kamajors that he came across.
26 JUDGE BOUTET: Ask him the question. He has written --
27 MR WILLIAMS: Oh, yes.
28 Q. So you would agree that those five people are the
29 Kamajors you said you saw between your farm and the

1 school the day you said your father was killed?
2 A. Yes, I saw many Kamajors, but those were the ones I knew.
3 JUDGE BOUTET: Okay, so it is more than -- those are not that
4 he has seen, but those that he has seen and knew of.
5 MR WILLIAMS: Yes.
6 JUDGE BOUTET: Mr Prosecutor, you've seen the list and the
7 answer?
8 MR BANGURA: Yes.
9 JUDGE BOUTET: So you are moving to have that marked as an
10 exhibit now, Mr Williams?
11 MR WILLIAMS: Yes, My Lord.
12 JUDGE BOUTET: That is Exhibit 40, 4-0. So that is a list of
13 five Kamajors seen and known by the witness in the bush
14 and the school.
15 MR WILLIAMS: My Lord, I haven't heard the exhibit number.
16 JUDGE BOUTET: 40, 4-0.
17 [Exhibit No. 40 was admitted]
18 MR WILLIAMS:
19 Q. I'll show you another document. Just tell the Court
20 whether you know that person.
21 JUDGE BOUTET: This is your page 6?
22 MR WILLIAMS: Yes.
23 JUDGE BOUTET: So will you ask the question again to the
24 witness.
25 MR WILLIAMS: Yes.
26 Q. Do you know the -- somebody by that name?
27 A. This last name that you brought to me?
28 Q. Yes.
29 A. Yes, I know him.

1 JUDGE BOUTET: So this page 6 containing one name is being
2 marked as Exhibit 41.
3 MR WILLIAMS: Yes, My Lord.
4 JUDGE BOUTET: Mr Prosecutor, you have no objection to that.
5 MR BANGURA: None, Your Honour.
6 JUDGE BOUTET: Thank you.
7 [Exhibit No. 41 was admitted]
8 MR WILLIAMS:
9 Q. Could you tell the Court what you know about that
10 individual?
11 A. What I know about him?
12 Q. Yes.
13 A. Yes, how I knew him.
14 Q. What you know about him?
15 A. I do see him there. He does go there. Since I was --
16 since I was born 'til I am grown up now, he does go
17 there. Sometimes he sleeps there and sometimes he goes
18 beyond and sleeps in the other village. But if you want
19 to say --
20 PRESIDING JUDGE: "Does go there," "does sleep there," "does
21 move from there," and so on, let him be specific.
22 MR BANGURA: Your Honour, I think counsel invited the kind of
23 answer that he got. I think it is kind of vague to say:
24 what do you know about him? He may want to reconsider --
25 PRESIDING JUDGE: If he wants to say the "village", he can say
26 "I used to see him in the village" and things like that.
27 MR BANGURA: Your Honour, I agree --
28 PRESIDING JUDGE: Counsel's question to me was well put. I
29 mean, he said: what do you know about this man?

1 MR BANGURA: And, Your Honour, the witness, in my view has
2 answered what he knew.

3 PRESIDING JUDGE: No, it is not that when he says "there",
4 "there", "there", I mean, he is relating certain facts.
5 No, Mr Bangura, I think we can move along. I don't need
6 to pronounce -- make a pronouncement. No, that's all
7 right. It was an observation, yes.

8 MR BANGURA: Yes.

9 PRESIDING JUDGE: Please, Mr Williams, put the question.

10 MR WILLIAMS:

11 Q. The question might be open-ended, but not vague.

12 PRESIDING JUDGE: We have said so, Mr Williams. Never mind.

13 JUDGE BOUTET: Please, no argument. Just put the question.

14 MR WILLIAMS:

15 Q. Could you tell the Court what you know about this
16 gentlemen.

17 A. Like what?

18 Q. Like the things you started mentioning.

19 JUDGE BOUTET: When you say "there".

20 PRESIDING JUDGE: Ask him: who is this man? who is this?

21 THE WITNESS: That person, he's a man. He's a man, but I
22 don't know what he does, what he is doing and what he
23 does not do. I do see him, but I have never asked him
24 who he is.

25 JUDGE BOUTET: You see him in your village?

26 THE WITNESS: I do see him there.

27 JUDGE BOUTET: When you said before "he just go there", what
28 do you mean by "there"?

29 THE WITNESS: He goes there. I do not know where -- who he

- 1 goes to, but he goes there. Sometimes he does not sleep
2 there. where he goes I do not know.
- 3 JUDGE BOUTET: But what do you mean by "there"? "There", is
4 it the your house, the village, the Court Barri? what is
5 "there", or the school?
- 6 THE WITNESS: He goes to my hometown. He goes there. He goes
7 to my hometown. Sometimes he goes beyond to some other
8 place, but where he goes, I do not know. Sometimes I saw
9 him one month.
- 10 PRESIDING JUDGE: He goes to my hometown. He comes.
- 11 MR WILLIAMS:
- 12 Q. Is he is a native of your village?
- 13 A. Yes, that is what I do not know, because they did not
14 tell me that he's native of the village or he is not a
15 native of the village. I didn't ask him that.
- 16 Q. You said you've been seeing this gentlemen since you were
17 a child; is that correct?
- 18 A. Yes.
- 19 Q. Did you see him at your village during the rule of the
20 soldiers and the rebels?
- 21 A. At that time I did see him there, but I didn't know when
22 he leaves.
- 23 Q. Did he ever go to your house to visit your father in the
24 past? Did he ever at any time go there to visit your
25 father?
- 26 A. I didn't know that. whether he went there, I did not see
27 him.
- 28 Q. Your father was a chief of your village; is that correct?
- 29 MR BANGURA: May it please, Your Honours --

1 MR WILLIAMS: My Lord, if the village is not known, nobody
2 will know.
3 PRESIDING JUDGE: No, leave that chief business. We know --
4 [microphone not activated]
5 THE INTERPRETER: My Lord, your microphone is not on.
6 MR WILLIAMS: I take the cue, My Lord.
7 PRESIDING JUDGE: There is a reply to this already.
8 MR WILLIAMS:
9 Q. Do you know a village called xxxxx xxxxxx?
10 A. Yes.
11 JUDGE BOUTET: Can you spell it out, Mr Williams?
12 MR WILLIAMS: x x x x x x x x x.
13 PRESIDING JUDGE: Is it the same one or are they different?
14 MR WILLIAMS: It`s two separate.
15 PRESIDING JUDGE: Two separate ones.
16 JUDGE BOUTET: x x x --
17 MR WILLIAMS: x x x x x x x.
18 Q. Somebody was killed at that village in July of 1997; is
19 that correct?
20 A. which village?
21 Q. xxxx xxxxxx?
22 A. I didn't know that. whether they killed somebody there,
23 I didn't know that.
24 PRESIDING JUDGE: In July 1997?
25 MR WILLIAMS: Yes, July of 1997, My Lord.
26 Q. I mean, your father, did he ever own a single-barrel gun?
27 A. whether he had it, I didn't see it with my own eyes.
28 Q. Did he ever go out hunting? Did your father ever go out
29 hunting?

- 1 A. Well, even if he went, I didn't know.
- 2 Q. You were staying at your father's house; is that correct?
- 3 A. Sometime -- sometimes I lived there, but I was learning
4 the Koran, so that is where I stayed.
- 5 Q. Will you answer the question, please. Did you stay at
6 your father's house?
- 7 PRESIDING JUDGE: But he said sometimes.
- 8 MR WILLIAMS: My Lord, I want to know his permanent address,
9 whether he was there all of the time.
- 10 PRESIDING JUDGE: But take that answer first before you pursue
11 it.
- 12 MR WILLIAMS: Yes.
- 13 PRESIDING JUDGE: He has given an answer to the question:
14 Sometimes he lived there, other times he lived somewhere
15 else where he was attending the Koran school.
- 16 MR WILLIAMS: That is fine by me. What I'm asking is --
- 17 PRESIDING JUDGE: You can pursue your questions from there.
18 But you should admit that he has given a reply to your
19 question even if you are not satisfied with the content.
- 20 MR WILLIAMS: Yes.
- 21 Q. Your permanent address was at your father's house?
- 22 A. Where? What do you mean?
- 23 Q. I mean where you lived was where your father also lived?
- 24 A. Oh, no. When I was learning?
- 25 Q. Since you were born, you stayed at your father's house;
26 is that correct?
- 27 A. When I was born, yes.
- 28 Q. And you stayed there right up to the time of your
29 father's death?

- 1 A. When I was born, yes, but I did go some places. They
2 sent me to go and learn somewhere else, far off, about
3 three years, two years, then I returned.
- 4 Q. So when you were not away from your village, you were
5 staying at your father's house?
- 6 A. Yes.
- 7 Q. And did you have a close relationship with your dad?
- 8 A. Oh, yes. Yes, if you give birth to your child, you are
9 bound to like that child.
- 10 Q. Did your father ever go out hunting with you?
- 11 A. Me, no.
- 12 [HN031204B 10.50 a.m.]
- 13 Q. Did he ever go out hunting on his own?
- 14 A. Even if he went, I didn't know.
- 15 JUDGE THOMPSON: I thought he answered that question earlier
16 on in exactly the same way.
- 17 MR WILLIAMS:
- 18 Q. Do you know xxxx xxx, who was paramount chief of xxx?
- 19 A. Yes. Yes.
- 20 Q. xxxx xxxxx. He was the paramount chief of xxxxx
21 Chieftom. Is that right?
- 22 A. Yes.
- 23 PRESIDING JUDGE: xxxxx.
- 24 MR WILLIAMS: x x x x x .
- 25 PRESIDING JUDGE: But you said xxx? Is xxxxx --
- 26 MR WILLIAMS: xxxxx is in the xxx area. He is the expert,
27 My Lord. He says xxx Town is in xxxxx Chieftom.
- 28 PRESIDING JUDGE: Yes. I understand now. Yes.
- 29 MR WILLIAMS:

- 1 Q. Was he your father's friend?
- 2 PRESIDING JUDGE: xxx is the headquarters. xxxx is the
3 headquarters of xxxx Chiefdom.
- 4 MR WILLIAMS: Yes.
- 5 Q. Was he your father's friend?
- 6 A. Whether they made that friendship, it's something I'm not
7 aware of. I did see them talking. Whether he went to
8 him or he went to him, I do not know. They were visiting
9 each other.
- 10 Q. So your father would leave his house -- or I mean, xx
11 xxxxx would come and visit your father at his house, and
12 your father would also visit him at his own house?
- 13 A. When there is a meeting of the chiefdoms where the
14 designated -- they would all meet at the designated
15 place.
- 16 Q. Yes. And yesterday, in answer to a question by
17 Mr Yillah, you said you were aware that certain people
18 were taken from your village, were removed from your
19 village and taken to xxx; is that correct?
- 20 A. When I was doing what yesterday?
- 21 Q. When the other lawyer was asking you questions.
22 Mr Yillah was asking you questions. This lawyer.
- 23 PRESIDING JUDGE: Mr Williams.
- 24 MR WILLIAMS: Yes, My Lord.
- 25 PRESIDING JUDGE: Have you lived in a village before?
- 26 MR WILLIAMS: No, My Lord.
- 27 PRESIDING JUDGE: Good. You're missing a lot.
- 28 MR WILLIAMS: Except the greater village, My Lord.
- 29 PRESIDING JUDGE: You're missing a lot. There's a lot of fun

1 you're missing.

2 From the way this witness is testifying, we who were

3 born and bred in villages, before we came to the OAU

4 village, are having a lot of fun from his evidence.

5 MR WILLIAMS: As My Lord pleases.

6 PRESIDING JUDGE: You may proceed, please.

7 MR WILLIAMS: Yes.

8 Q. When Mr Yillah was asking you questions yesterday, you

9 said you were aware a number of people were taken from

10 your village, were removed from your village and taken to

11 xxx. Is that correct?

12 A. He asked me if they took some people away, if they took

13 some people away from that area and took them to Bo to

14 kill them. But he didn't ask me -- he didn't ask me

15 whether they took them and whether I heard that they took

16 some people from my area and took them to Bo to kill

17 them, and then I say yes.

18 JUDGE THOMPSON: I don't quite understand the answer.

19 PRESIDING JUDGE: Let him repeat. Mr Williams, I think it

20 would be good for you to put the question to him again,

21 please.

22 MR WILLIAMS:

23 Q. In answer to a question put to you by my learned friend

24 Mr Yillah yesterday, did you say that you were aware that

25 certain people were taken -- were removed from your

26 village and taken to xxx?

27 PRESIDING JUDGE: xxx. Stop there.

28 THE WITNESS: I said "I heard."

29 JUDGE THOMPSON: In other words, it's a disclaimer, is it?

1 Yes, in a way. He does not agree that he has said that.
2 He said he heard. That's all.
3 MR WILLIAMS: Yes.
4 JUDGE THOMPSON: Sounds like a disclaimer to me.
5 MR WILLIAMS: Yes.
6 Q. Do you know -- I'll show you a short list. It has three
7 names for you to see whether you know these people, these
8 three.
9 A. What do you do with the paper?
10 Q. They will call the names to you, and you see whether you
11 know the people --
12 PRESIDING JUDGE: Mr Williams, he has not yet said that he
13 knows the people who were taken there. Why don't you ask
14 him whether he knows the names of the people who were
15 taken there? Who were taken from his village to Bo.
16 MR WILLIAMS: I'll proceed, My Lord.
17 PRESIDING JUDGE: He can thereafter --
18 MR. WILLIAMS: My Lord, but again, that might disclose his
19 identity, so that is why --
20 PRESIDING JUDGE: Yes. Do you know the people who were taken
21 to xxx? Yes, I know. And then you show him the list.
22 And quietly. We then take the document and mark it.
23 MR WILLIAMS: This list is -- would address your Lordship's
24 concern.
25 PRESIDING JUDGE: Fine.
26 JUDGE BOUTET: But the question was you should have asked one
27 preliminary question before you put the names to him.
28 That's the suggestion.
29 MR WILLIAMS: I'll do that, My Lord.

1 PRESIDING JUDGE: That's it.
2 JUDGE BOUTET: So Mr Williams, this document with three names
3 on it that has been shown to the witness, it's marked as
4 Exhibit 42.
5 [Exhibit No. 42 was admitted.]
6 MR WILLIAMS:
7 Q. So you said you know two out of those three names. Is
8 that correct?
9 PRESIDING JUDGE: He says he knows the first and the third --
10 THE WITNESS: Yes.
11 MR WILLIAMS: The first and the third.
12 THE WITNESS: Yes.
13 MR WILLIAMS:
14 Q. Do you know those -- the names of those that were taken
15 from your village --
16 PRESIDING JUDGE: Have we marked that document?
17 JUDGE BOUTET: We marked it as Exhibit 42.
18 MR WILLIAMS:
19 Q. Do you know the names of those --
20 PRESIDING JUDGE: Please wait. Yes.
21 MR WILLIAMS:
22 Q. Do you know all the names of those that were taken from
23 your village to xxx?
24 A. The ones who were taken from our village to xxx?
25 Q. Yes.
26 A. I know some.
27 Q. Some.
28 A. But they used to tell me.
29 Q. How many do you know?

1 A. How many of them I know?
2 Q. Yes.
3 A. Those people whom I've shown.
4 Q. You mean those two were amongst those who were taken to
5 xxx? Those two were amongst those who were taken to xxx?
6 A. That's what I don't know.
7 Q. You said you know some of those that were taken to xxx.
8 How many do you know that were taken to xxx? Tell the
9 Court the names of how many of those that were taken to
10 Bo that you know. Take your time. Count your fingers.
11 JUDGE BOUTET: You're not asking their names now, Mr Williams;
12 you're asking the number.
13 MR WILLIAMS: Yes.
14 THE WITNESS: what I heard, I heard -- what I heard is what
15 I'm going to say. I didn't see. I knew four of them.
16 MR WILLIAMS:
17 Q. You knew four of them.
18 PRESIDING JUDGE: At this stage, if he knows the names, if he
19 knows the names, he can write them down.
20 MR WILLIAMS:
21 Q. Yesterday, did you not say that you knew nine of those
22 that were taken from your village to xxx? Yesterday when
23 Mr Yillah was asking you questions, you said you knew
24 nine of those that were taken from your village to xxx.
25 JUDGE THOMPSON: Let me, first of all, before he goes on. The
26 answer that he has just given now to your question, is it
27 that he's saying that he knew four of those whom he heard
28 were taken to xxx?
29 MR WILLIAMS: Yes, My Lord.

1 JUDGE THOMPSON: Because remember, he said he wasn't aware
2 that they were taken to xxx. He heard that they were
3 taken to xxx.

4 MR WILLIAMS: My Lords, well, I don't --

5 JUDGE THOMPSON: I think it's important to me because he's
6 virtually not claiming that he saw them being taken to
7 xxx. He virtually said he heard that they were taken to
8 xxx. So I'm asking whether the state of the evidence from
9 his answer now, when he says "I knew four of those whom I
10 heard were taken to xxx," is that the evidence?

11 MR BANGURA: That is fine, My Lord.

12 JUDGE THOMPSON: I'm just trying to represent accurately what
13 I hear him say.

14 MR BANGURA: As I understand it, My Lord, that is the answer.

15 JUDGE THOMPSON: Because he's making a distinction between
16 being aware that they were taken to xxx, some who were
17 taken to xxx, and what he heard.

18 MR BANGURA: Exactly, Your Honour. That's exactly the point I
19 was going to make because the question seemed to suggest
20 that he said he knew that they were taken to xxx.

21 PRESIDING JUDGE: That is what -- again, it is the state of
22 the records. What did he say yesterday compared to what
23 he's saying today? Did he, like Mr Williams is saying,
24 say that he knew the nine who were taken to xxx and not
25 just that he was told; he never saw them?

26 MR BANGURA: My recollection of the evidence as it came out
27 yesterday was that he heard that nine people were taken
28 to xxx.

29 JUDGE BOUTET: I have that in my notes, too, that he heard

- 1 that there were nine people arrested and taken to xxx. He
2 never said in his evidence yesterday that he knew of
3 these nine people.
- 4 MR BANGURA: Thank you, My Lord.
- 5 MR WILLIAMS:
- 6 Q. Did you say yesterday that you heard that nine people
7 were taken to xxx?
- 8 A. I heard eight people. Eight people. That's what he
9 asked me, whether I heard that they took eight people and
10 took them to xxx. I said yes. That's what I heard.
- 11 Q. And all those eight people were natives of your village;
12 is that correct?
- 13 A. That's what -- that's what I do not know. All I know is
14 that they took away four people. All I heard -- I said I
15 know four of them.
- 16 JUDGE BOUTET: Can you clarify that with the witness,
17 Mr Williams. When he says "I knew four of them," he knew
18 four of the eight that were taken away? Is that what he
19 means?
- 20 MR WILLIAMS: Yes, Your Honour. Yes.
- 21 Q. And two of those people, the names you recognise in
22 Exhibit 42, the last document I was showing to you, those
23 are two of the four you said you knew were taken from
24 your village to xxx?
- 25 A. Whether they were amongst those they took to xxx?
- 26 Q. Yes.
- 27 A. I saw them, but I do not know whether they're amongst
28 those they took to xxx.
- 29 Q. Those two people are still staying at your village; is

1 that correct?

2 A. Yes. They leave the place, but they were there.

3 PRESIDING JUDGE: The last question was are they still in your

4 village?

5 MR WILLIAMS: Yes, Your Honour.

6 PRESIDING JUDGE: And he says yes.

7 MR WILLIAMS: Yes.

8 Q. And the four people you said you knew who were taken to

9 xxx, did any of them ever return to your village?

10 A. Those four people up to now, I've not seen them.

11 Q. Do you know what happened to them?

12 A. I don't know.

13 Q. Were you ever told what happened to them?

14 A. whether they told me what happened to them? Yes, I heard

15 it. But I was not there.

16 Q. I know you were not there, Mr witness.

17 A. Mm-hmm.

18 Q. Tell the Court what you were told -- tell the Court

19 exactly what you were told that happened to them.

20 A. They said that they have been killed by soldiers, but I

21 didn't see it, and I didn't go there.

22 Q. Let me ask you this, Mr witness: Could you tell the

23 Court how these people were removed from your village to

24 xxx?

25 A. I didn't know that.

26 Q. Mr witness, I'm putting it to you that you're not

27 speaking the truth. You are not speaking the truth.

28 A. what am I -- what I saw is what I talk about. what I

29 didn't see, I wouldn't talk about.

- 1 Q. Your father was in xxx when these people were killed. Is
2 that correct?
- 3 A. When they killed these people --
- 4 Q. Your father was in xxx when they were killed.
- 5 A. That's what I didn't know. Whether when they killed
6 them, my father was in xxx. I didn't know that. I didn't
7 know where he was. I didn't know that.
- 8 PRESIDING JUDGE: Is the evidence that they were killed in xxx?
- 9 MR WILLIAMS: Yes, My Lord.
- 10 PRESIDING JUDGE: That they were killed in xxx?
- 11 MR WILLIAMS: Yes, My Lord.
- 12 PRESIDING JUDGE: I see.
- 13 MR WILLIAMS:
- 14 Q. You know that these people were killed in xxx. Is that
15 correct? You know they were killed in xxx?
- 16 A. Yes.
- 17 Q. And your father, you know very well that your father was
18 in xxx at the time? You know very well?
- 19 A. I heard that he was in xxx. But I didn't know whether he
20 was in xxx Town because we didn't see each other. Where
21 he was, I didn't go there.
- 22 Q. I'm putting it to you, Mr Witness, that you know very
23 well that it was your father who orchestrated for the
24 killing of those people. You know very well.
- 25 A. Even if he did it, I didn't see. What I saw is what I'm
26 talking about.
- 27 Q. Mr witness, I'm not saying that you were in xxx. I'm
28 saying that you were told, you were informed subsequently
29 -- you could not have been present in xxx. My question is

1 this: That you were informed, you knew, through some
2 other means, secondary means or whatever it is, that it
3 was your father who orchestrated for the killing of those
4 people.

5 A. Now, who told me?

6 Q. It's a close, small village, and -- okay. Let me ask you
7 this: The people that were killed, do they still have
8 relatives in your village?

9 A. Some of them have their relatives there. For some, I do
10 not know their relatives.

11 Q. Those who --

12 JUDGE THOMPSON: Learned counsel, did your question get
13 answered, that he heard that his father did orchestrate
14 the killing of these people? was that question answered?
15 I mean, of course, he has virtually said that because he
16 didn't have direct knowledge of this, but you put to him
17 that he may well have had indirect knowledge.

18 MR WILLIAMS: Yes.

19 JUDGE THOMPSON: By hearing of it. And then we moved on to
20 whether relatives --

21 MR WILLIAMS: I'm laying the foundation to pursue that.

22 JUDGE THOMPSON: Quite. Okay, thanks.

23 MR BANGURA: I don't know whether -- I got something here, and
24 the witness said, "Even if it was my father who
25 orchestrated the killing, I do not know."

26 JUDGE THOMPSON: "I did not see it." That's what I had. And
27 then counsel pursued it, saying, right, you may not have
28 had direct knowledge, but secondary knowledge. In other
29 words, did you hear? And I think that's the distinction

- 1 which seems pertinent because the witness himself makes
2 that distinction all the time.
- 3 MR BANGURA: Yes, Your Honour.
- 4 MR WILLIAMS:
- 5 Q. Yes. You said some of those who were killed in xxx, they
6 still have relatives in your village; is that correct?
- 7 PRESIDING JUDGE: He has said so. You can move on. He has
8 said so.
- 9 MR WILLIAMS:
- 10 Q. Are you --
- 11 PRESIDING JUDGE: That some have. He knows some who still --
- 12 MR WILLIAMS:
- 13 Q. Of those who were killed and still have relatives in xxx,
14 do you talk to them? Do they talk to you?
- 15 A. Some of them, yes. For some of them, we are not in the
16 same village. Those with whom we are in the same
17 village, we do speak.
- 18 Q. Please tell the Court how many people were taken from
19 other villages on that occasion and of this incident of
20 people being taken from your village, removed from your
21 village and taken to xxx. From your last answer, it
22 appears that people were taken from other villages.
23 Could you tell the Court how many people were taken from
24 those other villages?
- 25 A. I said -- I said these people who were in this town,
26 there were some people who were born in the town. But
27 that's not where his mother is, neither his father, but
28 that's where he is. He comes and settles there.
- 29 PRESIDING JUDGE: Mr Williams.

1 MR WILLIAMS: My Lord, I will be with him for a while.
2 PRESIDING JUDGE: For a while. Okay. The Court will break,
3 and we will resume your cross-examination when we come
4 back. The Court will rise, please.
5 [Break taken at 11.24 a.m.]
6 [Upon resuming at 11.53 a.m.]
7 PRESIDING JUDGE: We're resuming the session, please, learned
8 counsel. Mr Williams, you may continue with your
9 cross-examination.
10 MR WILLIAMS: I'm grateful, My Lord.
11 Q. Mr witness, you said that you did not know that your
12 father was present in xxx when these people were killed.
13 Could you tell the Court whether your father -- I mean,
14 can you positively say whether your father ever left Bo?
15 PRESIDING JUDGE: Mr Williams.
16 MR WILLIAMS: Yes, My Lord.
17 PRESIDING JUDGE: The father left the village for xxx for
18 reasons which he had given. Each time the rebels come
19 in, they harass the people; and because of the harassment
20 they would run to the bush, stay there for about two
21 weeks, one week. And because he said he was tired, he
22 wouldn't resist -- or rather, he couldn't withstand that
23 exercise. He decides to go to xxx. You, who are young
24 and who can put up with all that, should remain in the
25 village and take care of yourselves. Now, he's not there
26 with the father. Would this be a fair question for him,
27 really?
28 MR WILLIAMS: It is, My Lord. It's his father. They were
29 close.

- 1 PRESIDING JUDGE: Because, you know, you will be asking him to
2 account for the movements of the father who was not
3 necessarily staying with him. He's in the village. The
4 father is in xxx. But you may proceed. I just wanted to
5 put this perspective, you know, to you and for you to
6 understand.
- 7 MR WILLIAMS: Yes.
- 8 JUDGE BOUTET: Mr williams, this is your question: Are you
9 positive that your father left xxx or left for xxx?
- 10 MR WILLIAMS: Left xxx.
- 11 Q. Did he ever leave xxx? At any time, did he leave xxx?
12 A. When he came there?
13 Q. Yes.
14 A. Even if he left there or not, even if he left for some
15 place, what I heard was he had come to xxx.
16 Q. Okay.
- 17 PRESIDING JUDGE: would it then be correct to say that he did
18 not know whether his father left xxx or not?
- 19 MR WILLIAMS: Yes, My Lord.
- 20 PRESIDING JUDGE: whilst he was in xxx?
- 21 MR WILLIAMS: Yes, My Lord. I think that's a perfect
22 interpretation of the answer.
- 23 Q. Did any of your brothers or sisters go with him when he
24 was going to xxx?
25 A. No, because even if they accompanied him, I didn't know.
26 Because at that time, we were all scattered. Maybe by
27 the time he was coming to xxx, somebody accompanied him.
28 But I didn't know that they accompanied him. Maybe they
29 met on the way and they went to xxx, but I did not know

1 about that.

2 Q. Mr witness, how many brothers or sisters do you have?

3 PRESIDING JUDGE: Mr Williams, shall we say here he does not
4 know if any of his brothers or his sisters accompanied
5 his father to xxx?

6 JUDGE THOMPSON: Many times he seems to be saying "even if."
7 He's virtually disclaiming. Even if it happened, I don't
8 know. That seems to be the --

9 PRESIDING JUDGE: He's not very forthright.

10 JUDGE THOMPSON: No, that's his approach. Everything is
11 prefaced with "even if."

12 PRESIDING JUDGE: That's what Mr Williams is missing, for
13 being born and bred in an OAU village. And that's why
14 you should not get angry with witnesses like this. They
15 don't mean any harm at all to you. That's their way.
16 We've seen many of them through our passage in this
17 business.

18 MR WILLIAMS:

19 Q. Mr witness, how many brothers and sisters do you have?

20 A. well, many. why I said we are many, we are many, those
21 whom I saw. when he gave birth to me, I do not know
22 whether he gave birth to some other children after me.
23 Those whom I saw when he gave birth to me, there are
24 many. I did not know whether he give birth to some --

25 PRESIDING JUDGE: You don't want to become polygamous because
26 you have OAU village. There you are.

27 MR WILLIAMS: I'll show you a list. I want you to tell you
28 whether -- there are nine names on this list and I want
29 you to tell this Court whether you know these people and

1 whether they were amongst those that were killed when
2 they were taken to xxx.

3 PRESIDING JUDGE: That's page what?

4 MR WILLIAMS: Page 2, My Lord.

5 JUDGE BOUTET: That's document 2? Number 2?

6 Mr Prosecutor, you have seen the document as well?

7 MR BANGURA: Yes, I have, Your Honour.

8 JUDGE BOUTET: No comment?

9 MR BANGURA: No.

10 JUDGE BOUTET: So Mr Williams, you'll be moving to have this
11 document marked as an exhibit?

12 MR WILLIAMS: Yes, My Lord.

13 JUDGE BOUTET: So this is the document that is described as
14 page 2. It contains nine names and now has the written
15 answer of the witness. I don't have it now, but he does
16 recognise some names.

17 PRESIDING JUDGE: [Microphone not activated].

18 MR WILLIAMS: Yes, My Lord. Those who were killed.

19 JUDGE BOUTET: Of that list of nine names, he has recognised
20 -- I think it is four.

21 PRESIDING JUDGE: [Microphone not activated].

22 MR WILLIAMS:

23 Q. So you would agree that in that list, there are names of
24 four people who were taken from your village -- who were
25 removed from your village to xxx and later killed?

26 A. Yes, that's what I heard.

27 JUDGE BOUTET: And that's what's written on the document, that
28 I heard were killed in xxx.

29 MR WILLIAMS: Yes.

1 JUDGE BOUTET: Mr walker, that is marked as Exhibit 43.
2 [Exhibit No. 43 was admitted.]
3 MR WILLIAMS:
4 Q. The five other names in that exhibit, do you know those
5 people?
6 A. I do not know many of them, only those that I have shown.
7 They are the people I know.
8 Q. Mr witness, I'm putting it to you that your father was a
9 very wicked man in that village, that your father was a
10 very wicked man in that village.
11 PRESIDING JUDGE: I see Mr Bockarie laughing very hard today.
12 MR WILLIAMS:
13 Q. Yes, answer the question, please.
14 A. I should answer. You say you are telling me that my
15 father was a wicked person in that village. I do not
16 believe that. Whether he was wicked, even among humans,
17 it's not everybody that would say you are good. Even if
18 you're a kid, it's not everybody that would praise you.
19 But what I saw is that he never did anything bad to me
20 that I knew of.
21 PRESIDING JUDGE: Stop. Stop. I want to take down what
22 you've written [sic]. Mr Williams, he says that even if
23 you're a kid, not everybody likes you.
24 MR WILLIAMS: I agree, My Lord.
25 PRESIDING JUDGE: It's his philosophy, and he comes from --
26 MR WILLIAMS: That village.
27 PRESIDING JUDGE: From what you people call yonder.
28 [HN031204C 12.15 p.m.]
29 MR WILLIAMS:

- 1 Q. And I'm putting it to you that the reason why you've
2 still not held a memorial service for your father is
3 because nobody in your village will attend that service
4 if it is held?
- 5 A. It's a lie. It's not for that reason. Even if we do
6 that, there are still some good people -- his own good
7 people who will come if we do it. But that's not the
8 reason, that's not what we are afraid of. His own good
9 people are still there. If we still want to do that,
10 there will be people who'll come. It is likely that if
11 we attend, something bad would happen to us. That is
12 what we are scared of. But that is not the reason.
- 13 Q. Have you ever spoken to the pastor of your village since
14 1997? Have you ever spoken to -- I mean, I showed you a
15 list and there is a name there. The person is a
16 pastor -- he's pastor of your village; is that correct?
- 17 A. Yes.
- 18 Q. Have you spoken with him since -- Exhibit 42, My Lord.
- 19 PRESIDING JUDGE: For purposes of identification, please,
20 where is Exhibit 42? I would like the name -- let him
21 give us the number of the name.
- 22 MR WILLIAMS: Number three, My Lord.
- 23 PRESIDING JUDGE: Number three?
- 24 MR WILLIAMS: Yes.
- 25 Q. Mr witness, we will be calling that pastor as a witness,
26 but I just want to get this from you. Have you spoken
27 with that pastor since 1997?
- 28 A. what kind of talk do you mean?
- 29 Q. You tell me, please. Have you spoken with him?

- 1 A. Yes, we do talk; oh, yes, we do talk. we do talk about
2 almost everything.
- 3 Q. Did he tell you how he escaped death in xxx?
4 A. Him?
5 Q. Yes.
6 A. No, he didn't tell me.
- 7 Q. And the first name on that exhibit again, Pa something,
8 is he still at the village? On Exhibit 42, there is a
9 name that starts with Pa. Is he still at your village?
10 A. What?
- 11 MR WILLIAMS: My Lord, I will get my learned friend to refresh
12 his memory.
- 13 JUDGE BOUTET: So you are showing Exhibit 42 to the witness
14 now?
- 15 MR WILLIAMS: Yes.
- 16 JUDGE BOUTET: And you want the witness to look at the first
17 name on that list?
- 18 MR WILLIAMS: Yes, My Lord.
- 19 JUDGE BOUTET: You don't need to write the answer. Just show
20 him the name and then Mr Williams will ask him questions.
21 MR WILLIAMS:
- 22 Q. You know that gentleman; is that correct?
23 A. Yes, I know him.
- 24 PRESIDING JUDGE: That's number one?
25 MR WILLIAMS: Yes.
- 26 Q. Did you see him before you left your village to come to
27 this court?
28 A. Yes, I saw him there when I was coming.
29 Q. Did you talk with him?

1 A. We didn't talk.

2 Q. Does he have a scar on one of -- underneath one of his
3 eyes? Does he have a scar underneath one of his eyes?

4 A. Scar?

5 Q. Yes. I mean, it's not --

6 A. No, I've not observed him closely.

7 PRESIDING JUDGE: On which eye?

8 MR WILLIAMS: I don't want to mislead the Court, My Lord; I
9 don't know.

10 PRESIDING JUDGE: So we should just say he does not have a
11 scar on his eye.

12 MR WILLIAMS: Underneath one of his eyes, My Lord.

13 PRESIDING JUDGE: The investigator was not very efficient
14 there.

15 MR WILLIAMS: I'll give him the sack, My Lord.

16 PRESIDING JUDGE: Give him the sack, yes.

17 MR WILLIAMS:

18 Q. Did that Pa ever tell you that your father got him to
19 drink the blood that came out of those people that were
20 killed in xxx? That your father got him to drink the
21 blood that came out of those people that were killed in
22 xxx?

23 A. No, no, he did not tell me that.

24 Q. Did you get to know that through any other source?

25 A. Nobody has told me that.

26 MR WILLIAMS: I have a last name that I want him -- it's just
27 a single name, but was not part of the document.

28 JUDGE BOUTET: which document is it now? It's not one of
29 those that we have?

1 MR WILLIAMS: Yes, but I have copies for Your Lordships.
2 PRESIDING JUDGE: How many did you give us?
3 MR WILLIAMS: Six. This is seven.
4 PRESIDING JUDGE: Please, number that seven, yes.
5 JUDGE BOUTET: So this document has one name on it,
6 Mr williams?
7 MR WILLIAMS: Just one, My Lord.
8 JUDGE BOUTET: And you will ask him if he knows that person --
9 that is what you intend to do?
10 MR WILLIAMS: Yes.
11 PRESIDING JUDGE: Mr Williams, you say there is only one name?
12 MR WILLIAMS: Just one.
13 JUDGE BOUTET: So you're moving to have that marked as an
14 exhibit?
15 MR WILLIAMS: Yes, My Lord.
16 JUDGE BOUTET: Mr Prosecutor?
17 MR BANGURA: No objection.
18 JUDGE BOUTET: I thought we had been through that yesterday,
19 but anyhow.
20 MR WILLIAMS: My Lord, I've pursued it and --
21 JUDGE BOUTET: I mean, that name.
22 MR WILLIAMS: Yes, successfully now, My Lord. Yesterday
23 denied the entire name, now he's saying he knows the
24 person by the first two names.
25 JUDGE BOUTET: I see.
26 PRESIDING JUDGE: Are we then settling on the fact that it is
27 the same person that has -- the person with two names is
28 the same person that has the three names? Is there any
29 ambiguity there? we will admit it, it's no problem.

- 1 JUDGE BOUTET: The question was the one with the three names?
- 2 MR WILLIAMS: Yes.
- 3 JUDGE BOUTET: So that is what you were asking the witness:
4 If he knew the person with the three names on the piece
5 of paper?
- 6 MR WILLIAMS: Yes.
- 7 JUDGE BOUTET: And his answer is he knows the name written
8 down by him.
- 9 MR WILLIAMS: Yeah.
- 10 JUDGE BOUTET: So this document with the page number 7 on it,
11 with a name comprising three parts and the answer from
12 the witness to that, is marked as Exhibit 44.
13 [Exhibit No. 44 admitted]
- 14 MR WILLIAMS:
- 15 Q. The person you know by those two names comes from xxxxx
16 xxxxxx; is that correct?
- 17 A. Yes, that's where I see him.
- 18 Q. Did you observe that he disappeared from his village for
19 quite a long -- let me ask you, when was the last time
20 you saw this gentleman?
- 21 A. what are you talking about?
- 22 Q. This name I've just -- the person who comes from xxxxx,
23 when was the last time you saw him?
- 24 A. I do see him at all times. I do see him in xxx, I do see
25 him in xxxxx.
- 26 Q. were you told or did you observe that he disappeared from
27 xxxxx after 1997?
- 28 A. Nobody told me, but I was not seeing him. So I do not
29 know whether he was in that town or he was not in that

- 1 town, but nobody told me.
- 2 Q. But you were not seeing him for a long while; is that
3 your answer?
- 4 A. Yes, it's been a long time. It took a long time without
5 seeing him.
- 6 PRESIDING JUDGE: Are you saying it took a long time? The
7 translation is it took a long time without his seeing
8 him?
- 9 MR WILLIAMS: Yes, in his village.
- 10 Q. Was he a friend of your father?
- 11 A. Even if they are friends, I do not know.
- 12 PRESIDING JUDGE: Learned counsel, "It took a long time
13 without my seeing him in the village or without my seeing
14 him." I mean, has he seen him now?
- 15 MR WILLIAMS: He said he saw him before he came, My Lord.
- 16 PRESIDING JUDGE: He saw him before he came?
- 17 MR WILLIAMS: Yes.
- 18 Q. You'll agree with me that he only returned back to ~~xxxxxx~~
19 recently?
- 20 PRESIDING JUDGE: Have we finished with the last question?
21 The last question was: Is he a friend to your father?
- 22 MR WILLIAMS: He said if he was a friend, he wouldn't know.
- 23 JUDGE THOMPSON: If he was, he didn't know that.
- 24 MR WILLIAMS: Yes.
- 25 Q. And this gentleman only returned back to ~~xxxxx~~ quite
26 recently; is that correct?
- 27 A. I wouldn't say that he'd just recently returned, because
28 we are not staying in the same place. Maybe he would
29 come to his home town and return and I wouldn't see him.

- 1 Q. I'm putting it to you, Mr Witness, that your father never
2 returned to xxx after orchestrating the murder of those
3 nine people?
- 4 MR BANGURA: May it please Your Honours.
- 5 MR WILLIAMS: Sorry, never returned to his village, My Lord.
- 6 MR BANGURA: I don't know whether my learned friend is trying
7 to rephrase before I make the point I was going to.
- 8 PRESIDING JUDGE: He has rephrased. He is putting it to him
9 that the father never returned to the village after he
10 went to xxx.
- 11 MR WILLIAMS: And after orchestrating the murder of those nine
12 people in xxx.
- 13 PRESIDING JUDGE: Ask them separately then.
- 14 MR WILLIAMS: As My Lord pleases.
- 15 Q. That he never returned -- that your father never returned
16 to xxxx -- sorry, to your village?
- 17 JUDGE BOUTET: From xxxx?
- 18 MR WILLIAMS: He never returned to the village from xxxx.
- 19 JUDGE BOUTET: From xxx?
- 20 MR WILLIAMS: Yes.
- 21 THE WITNESS: when he went to xxx, he didn't come back. when
22 he went to xxx, I never saw him till that day. whether he
23 came back and stopped somewhere or went somewhere, I
24 didn't know. I never saw him.
- 25 PRESIDING JUDGE: we have the first answer. when he went to
26 xxx, he never came to the village until when he was
27 brought back to the village.
- 28 MR WILLIAMS:
- 29 Q. I'm putting it to you that your father joined the rebels

1 and never returned to your village -- that your father
2 joined the rebels?
3 A. That is something I can't say, because that man went and
4 we did not see each other again. And now you're asking
5 me whether my father joined the rebels, that's why he
6 didn't return to the village. That's something I can't
7 take decision on, because I didn't see him again.
8 Q. Whether your father joined the rebels or not, that's your
9 answer?
10 A. No, and I didn't see him join them.
11 JUDGE BOUTET: Ask him if he knows. He never saw him join
12 them, but does he know about it?
13 MR WILLIAMS:
14 Q. Do you know whether your father joined the rebels or not?
15 A. Nobody told me that, I didn't hear that.
16 PRESIDING JUDGE: He has given an answer to the next question
17 I wanted to ask him: whether he heard. He has given you
18 a double barreled answer.
19 MR WILLIAMS: He is reading Your Lordship's mind. There will
20 be no further questions for him.
21 JUDGE BOUTET: Thank you.
22 PRESIDING JUDGE: I would have been surprised if you
23 continued, because I saw you --
24 MR WILLIAMS: Sorry, My Lord?
25 PRESIDING JUDGE: I said I would have been surprised if you
26 were to continue because I saw you winding up -- I read
27 you winding up.
28 MR WILLIAMS: As My Lord pleases.
29 JUDGE BOUTET: Mr Prosecutor, do you have any questions in

1 re-examination?

2 MR BANGURA: There will be no questions in re-examination,
3 My Lord.

4 JUDGE BOUTET: Thank you very much.

5 PRESIDING JUDGE: Mr Witness.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: We have finished with you for now, but we
8 may need you again here tomorrow - I'm not saying
9 tomorrow, I mean some time; not tomorrow, some time -
10 should necessity arise. If it does, we are going to get
11 in touch with you.

12 THE WITNESS: No problem. Thank you.

13 PRESIDING JUDGE: We wish you a safe journey. Thank you very
14 much for coming to give evidence in this case.

15 THE WITNESS: Amen. I thank you too. Thank you, too, very
16 much. And those who asked me and those who are sitting,
17 and the person who is supporting me, I thank you all, and
18 you, too. Those of you been asking me questions since
19 yesterday, I thank you too. Whatever time you need me,
20 just let me know, I'll be available.

21 PRESIDING JUDGE: Thank you very much. We wish you a safe
22 journey back home and a good pursuit of your farming
23 activities. You talked of brushing your garden at times
24 and so on, so we wish you all the best, okay.

25 MR BOCKARIE: This is the first time the Defence has been
26 thanked.

27 PRESIDING JUDGE: He's an objective witness, is that what you
28 mean to say? Right, that goes to his credit. Is the
29 next witness ready, because we thought we could start

1 with him? We'll just rise for five minutes. So that we
2 don't waste a lot of time on formalities when we resume
3 in the afternoon. Yes, Mr Kamara?
4 MR KAMARA: Yes, Your Honour, the witness is ready and the
5 Prosecution is ready.
6 THE INTERPRETER: What language will he be testifying in?
7 MR KAMARA: She'll be testifying in Temne. TF2-058.
8 PRESIDING JUDGE: We shall rise now and resume the session in
9 the next five minutes, just the time for this witness to
10 withdraw and for the other witness to be --
11 JUDGE BOUTET: Just before we do, is the Defence ready to
12 proceed, as well, with this witness, 058? Yes, okay,
13 thank you.
14 PRESIDING JUDGE: The Court will rise, please.
15 [Break taken at 12.47 p.m.]
16 [The witness withdrew]
17 [The witness entered Court]
18 [Upon resuming at 12.53 p.m.]
19 PRESIDING JUDGE: We are resuming the session. Ms Wiafe, is
20 this your case?
21 MS WIAFE: Yes, Your Honour.
22 PRESIDING JUDGE: Your case in the sense that this is part of
23 your case in this case.
24 MS WIAFE: The Prosecution calls TF2-058.
25 PRESIDING JUDGE: And this will be the --
26 MS WIAFE: 37th witness.
27 JUDGE BOUTET: Does that mean that you're not calling 062 and
28 190?
29 MS WIAFE: Yes, I think 062 has been taken out of turn.

1 JUDGE BOUTET: Just taken out of turn.
2 MS WIAFE: Yes, as far as I know.
3 JUDGE BOUTET: Will be called?
4 MS WIAFE: I'm not sure whether he will or will not be called
5 right now.
6 PRESIDING JUDGE: This is TF2 --
7 MS WIAFE: 058.
8 JUDGE BOUTET: And this witness will testify in Krio, is it?
9 MS WIAFE: Yes. Your Honour, the witness had told me that she
10 would testify in Temne, but I was informed by Witness
11 Protection that she was going to testify in Krio. So I'm
12 not sure right now what she --
13 PRESIDING JUDGE: Let us ask her the question; she's right
14 here. Let's ask her the question.
15 MS WIAFE: Madam witness, what language do you wish to testify
16 in?
17 JUDGE BOUTET: Open her mike, please.
18 THE WITNESS: I would like to testify in Krio.
19 PRESIDING JUDGE: Is she a Muslim?
20 MR WALKER: Yes, Your Honour.
21 WITNESS: TF2-058 [Sworn]
22 [The witness answered through interpreter]
23 MS WIAFE:
24 Q. Madam witness, I'll be asking you some questions and if
25 at any time you wish to take a break, do let me know.
26 A. Okay.
27 Q. Madam witness, what work do you do?
28 A. I'm a businesswoman.
29 Q. Have you ever gone to school?

- 1 A. No, I've not been to school.
- 2 Q. what languages do you speak?
- 3 A. I speak Krio.
- 4 Q. Any other language?
- 5 A. Yes, I speak Temne.
- 6 Q. Madam Witness, are you married now?
- 7 A. Yes, I was married but now I'm not married.
- 8 Q. Do you have any children?
- 9 A. Yes, I have children.
- 10 Q. How many children do you have?
- 11 A. I have five children.
- 12 Q. How old is the oldest child?
- 13 A. 19 years.
- 14 Q. And how old is the youngest?
- 15 A. He's around 6 years.
- 16 Q. Madam Witness, you said you are no longer married. Can
17 you tell this Court why?
- 18 A. Yes, sir.
- 19 Q. Tell the Court why you're not married.
- 20 A. well, I was married, but they had killed my husband.
- 21 PRESIDING JUDGE: Ms Wiafe, before you go into those details,
22 it's a whole chapter we are running into. we had rather
23 tackle that some time this afternoon.
- 24 MS WIAFE: Yes, Your Honour.
- 25 PRESIDING JUDGE: Learned counsel, we will recess for the
26 break and we shall resume at 2.30. The Court will rise,
27 please.
- 28 [Luncheon recess taken at 1.03 p.m.]
- 29 [On resuming at 2.45 p.m.]

1 [HN031204D]
2 [The witness entered court]
3 PRESIDING JUDGE: These look like special pens for the special
4 Court. I see one on Williams's table. I see another one
5 somewhere. I have one too. Special Court's special
6 pens. Dr Jabbi has not got one. He has gotten his from
7 the wrong source.
8 JUDGE BOUTET: Yes, madam, please let's proceed.
9 MS WIAFE: Thank you, Your Honours.
10 Q. Madam, just before the break --
11 A. Yes, sir.
12 Q. -- you told the Court that your husband had been killed.
13 A. Yes, sir.
14 Q. Where was your husband killed?
15 A. In xxx.
16 Q. And when was he killed?
17 A. On Independence Day.
18 Q. Do you remember the month?
19 A. Yes.
20 Q. Please tell this Court the month.
21 PRESIDING JUDGE: You can put it to her if you --
22 THE WITNESS: The 27th of April.
23 MS WIAFE:
24 Q. Madam Witness, do you remember the year?
25 A. No, I cannot remember the year, but I can remember the
26 date on which my husband was killed.
27 Q. How old was your --
28 PRESIDING JUDGE: Put the date to her. I don't think that's a
29 contentious matter. I don't think the Defence will

1 object to that.

2 MS WIAFE: She has already mentioned April 27th.

3 PRESIDING JUDGE: April 27th of what year?

4 MS WIAFE: She said didn't remember.

5 PRESIDING JUDGE: That's why I'm saying you should suggest it
6 to her. Do you have it on your record?

7 MS WIAFE: It might be a contentious issue. I was going to
8 ask certain questions.

9 PRESIDING JUDGE: So you're saying on a certain 27th of April,
10 which is Independence Day.

11 MS WIAFE: Yes, but I was going to ask some follow-up
12 questions to clarify.

13 THE WITNESS: Okay.

14 Q. Madam Witness, at the time that your husband was killed,
15 how old was your oldest son?

16 A. He is about 13 years.

17 Q. And do you remember when he was born, what year he was
18 born?

19 A. My first son?

20 Q. Yes.

21 A. Yes.

22 Q. Please tell this Court what year he was born.

23 A. '85.

24 Q. You mean 1985?

25 A. 1985.

26 Q. Madam Witness, who killed your husband?

27 A. It was the Kamajors.

28 Q. And who are these -- who do you refer to as Kamajors?

29 A. Well, they have their own way of dressing which they used

- 1 to dress.
- 2 Q. Can you describe their dressing for the Court?
- 3 A. Yes.
- 4 Q. Please describe it.
- 5 A. They used to wear ronkos, which is normally referred to
6 as country clothes.
- 7 Q. Madam Witness, where were you when your husband was
8 killed?
- 9 A. where I was when they killed my husband? In xxx.
- 10 Q. Madam Witness, can you tell this Court what happened on
11 the day that your husband was killed?
- 12 A. Yes.
- 13 Q. Please go ahead.
- 14 A. well, my husband, they first of all killed his first son.
- 15 Q. who killed his first son?
- 16 A. It was the same Kamajors.
- 17 Q. Did this happen on the same day, April 27th, Independence
18 Day?
- 19 A. No, no, no.
- 20 Q. when did this happen?
- 21 A. At the time when the Kamajors first entered in xxx and
22 took control of xxx.
- 23 Q. Madam Witness, I would like to focus your attention on
24 the killing of your husband.
- 25 A. Okay.
- 26 Q. Tell us what happened to your husband on April 27th,
27 Independence Day?
- 28 A. well, when they killed my husband's first son, so he came
29 out to go and tell his father that they had killed his

- 1 first son.
- 2 Q. Madam Witness, I'm referring to April 27th, the day that
3 your husband was killed?
- 4 A. A, um-hum.
- 5 Q. Madam Witness, how was your husband killed?
- 6 A. How they killed my husband?
- 7 Q. Yes.
- 8 A. My husband, when he came from a journey, he went and met
9 me at market.
- 10 Q. Can you slow down a little bit?
- 11 A. Okay.
- 12 Q. Did your husband come back from a journey the 27th of
13 April?
- 14 A. Yes.
- 15 Q. And you said he met you at the market. what market are
16 you referring to?
- 17 PRESIDING JUDGE: Did she say she met or -- he came back from
18 a journey?
- 19 JUDGE THOMPSON: He met her at the market. That was the
20 sequence, met her at the marketplace.
- 21 MS WIAFE: Yes, Your Honour.
- 22 Q. what market are you referring to, Madam Witness?
- 23 A. when my husband came from a journey, he met me in the
24 market selling.
- 25 Q. And where is this market?
- 26 A. In xxx.
- 27 Q. what happened after your husband met you at the market?
- 28 A. when he came from the journey, he met me in the market.
- 29 Q. After he met you in the market, what did you do?

- 1 A. I packed my belongings and I went to the house.
- 2 Q. Did you get to your house that day?
- 3 A. Yes, it was I and my husband that were going.
- 4 Q. Did anything happen on your way to the house?
- 5 A. Yes.
- 6 Q. Can you tell this Court what happened on the way?
- 7 A. Yes.
- 8 Q. Please go ahead.
- 9 A. As we were going, so luckily there was another man behind
10 us as we were going with my husband. So when we reached
11 at xxxx area [as interpreted] section --
- 12 MS WIAFE: And Your Honours --
- 13 PRESIDING JUDGE: The name of this section?
- 14 MS WIAFE: I'll attempt to spell it. I think it is
15 x x x x x.
- 16 Q. And xxxxx section, is it in xxx, in xxx Town?
- 17 A. Yes, it is in Bo Town that you find xxxxxx.
- 18 Q. So what happened when you got to xxxxx section?
- 19 A. So we are going, so all of a sudden we saw Kamajors.
- 20 Q. Where were these Kamajors coming from?
- 21 A. We just saw them at our back.
- 22 Q. How many Kamajors did you see?
- 23 A. Fifteen.
- 24 Q. These people you described as Kamajors, what were they
25 wearing?
- 26 A. It is the uniform they used to wear, ronko.
- 27 Q. Were they carrying anything?
- 28 A. Yes.
- 29 Q. What were they carrying?

- 1 A. well, they had knives, cutlasses, something like knives
2 with RPG, guns, they had them and their cutlasses.
- 3 Q. Did the Kamajors say anything to you?
- 4 A. No.
- 5 Q. So what happened when the Kamajors came, when you saw the
6 Kamajors?
- 7 A. They did not say anything to me, but they said something
8 to my husband.
- 9 Q. what did they say to your husband?
- 10 A. well, when they saw my husband, then they said, "There is
11 the junta. He has come."
- 12 Q. what did they mean by junta?
- 13 A. He was a soldier.
- 14 PRESIDING JUDGE: He did not say it was a soldier yet. I mean
15 it is the translation. It's not you. The translation
16 has gone a bit -- it is not at this stage very accurate.
17 You asked the witness what did they mean by "junta".
- 18 MS WIAFE: Junta, yes.
- 19 PRESIDING JUDGE: He gave an answer which was not that he was
20 a soldier.
- 21 MS WIAFE: Junta means soldier.
- 22 PRESIDING JUDGE: I want to believe that is what she wants to
23 say.
- 24 MS WIAFE:
- 25 Q. Now, after they said "This is a junta", what they do?
- 26 A. My husband said he was not a junta.
- 27 Q. what was the response of the Kamajors?
- 28 A. They said no, he was a junta.
- 29 Q. So, Madam witness, did anything happen to your husband at

- 1 that point?
- 2 A. Yes. Yes.
- 3 Q. Please tell this Court what happened.
- 4 PRESIDING JUDGE: Just one question. was her husband a
5 soldier? Ask her the question. was her husband a
6 soldier?
- 7 MS WIAFE:
- 8 Q. Madam Witness, was your husband a soldier?
- 9 A. No, my husband was a businessman.
- 10 Q. where did he do his business?
- 11 A. It was inside xxx Town.
- 12 Q. So, Madam Witness, what happened after the Kamajors
13 called your husband a junta?
- 14 A. well, when they called my husband the junta, my husband
15 said -- my husband said, "You all know that I am not a
16 junta; I am a businessman."
- 17 Q. what did the Kamajors do after your husband told them
18 that he was not a junta, but a businessman?
- 19 A. It was then that one of them slapped my husband.
- 20 Q. Did anything else happen to your husband?
- 21 A. Yes.
- 22 Q. what else happened to him?
- 23 A. So they answered, "You are a junta", and they struck him
24 in his eye.
- 25 Q. what did he strike him with?
- 26 A. Something like a knife, a long one, but it was not a
27 knife.
- 28 Q. And this person who struck your husband, was he one of
29 the Kamajors?

- 1 A. Yes. They are all juntas -- they are all Kamajors.
- 2 Q. What happened after your husband was struck in the eye?
- 3 A. It was at the same time that -- it was at the same time
4 that they took the same instrument that was used to
5 strike my husband in the eye.
- 6 Q. Madam Witness, what did he do with the instrument again,
7 the instrument that he used to strike your husband in the
8 eye?
- 9 A. Who, the other Kamajor? The other Kamajor took up -- the
10 other Kamajor took something like is like what the first
11 Kamajor used to strike my husband's eye. He used the
12 same implements and struck my husband on the side.
- 13 PRESIDING JUDGE: Is this the same instrument that was used
14 earlier that was used the second time?
- 15 MS WIAFE: That is what the translation is saying.
- 16 PRESIDING JUDGE: That's where I'm lost somehow.
- 17 MS WIAFE:
- 18 Q. Madam Witness, was it the same instrument that was used
19 to strike your husband's eye? Was it the same instrument
20 that was used to stab him in the side?
- 21 JUDGE BOUTET: Did she say the same instrument?
- 22 THE WITNESS: Yes, then the Kamajors --
- 23 MS WIAFE: -- clarify.
- 24 JUDGE BOUTET: Because she's saying it is another Kamajor, not
25 the same. In other words, her husband was struck in the
26 eye with this instrument and then another one struck him
27 in the side.
- 28 MS WIAFE: Yes, but there is some ambiguity as to whether it
29 is the same instrument or a different --

- 1 Q. Madam Witness, the instrument that was used to strike
2 your husband in the eye, was it the same instrument that
3 was used to stab him in the side?
4 JUDGE THOMPSON: Learned counsel, is it the same in the sense
5 of specifically or generically?
6 MS WIAFE: Specifically.
7 JUDGE THOMPSON: Not generically.
8 MS WIAFE: No.
9 JUDGE THOMPSON: Because remember, the evidence is they were
10 all armed with knives. So you're asking whether it was
11 the specific identical instrument?
12 MS WIAFE: Yes, the same type.
13 JUDGE THOMPSON: Right.
14 Q. Madam Witness, can you answer the question?
15 A. Yes. Yes.
16 Q. And was this the same Kamajor who stabbed him in the eye
17 and the side?
18 A. No. All had identical instruments, so --
19 Q. So, Madam Witness, continue your answer.
20 A. So when they say Kamajor, that what you see with one, the
21 other has it.
22 PRESIDING JUDGE: Now, we're at the stage where she said "at
23 the same time another one" -- "another Kamajor took up
24 the same type of instrument and struck my husband in the
25 eye."
26 MS WIAFE: In the side.
27 PRESIDING JUDGE: On the side?
28 MS WIAFE: Yes.
29 PRESIDING JUDGE: Okay, no, no, what I have is "which was used

- 1 to struck my husband on the eye and struck him on the
2 side."
- 3 MS WIAFE: Same type of instruments.
- 4 PRESIDING JUDGE: Yes.
- 5 Q. Madam Witness, what happened to your husband after he was
6 stabbed on the side?
- 7 A. When they stabbed him on his side, he fell down.
- 8 Q. What happened when he fell down?
- 9 A. So when my husband fell down, I took my son on my back.
10 I was panicked so I went running.
- 11 Q. Where did you go?
- 12 A. At that time I was going to my brother -- I was crying
13 and saying that they had killed my husband.
- 14 Q. Madam Witness, I'll take you one step back. Were you
15 able -- what was the condition of your husband when you
16 ran away?
- 17 A. Well, when he had been stabbed on his eye and on his side
18 and when he fell down -- see, all of them, you know, had
19 been stabbing him. My husband had already fallen down.
20 And there was somebody at my back when I was going to my
21 brother crying.
- 22 PRESIDING JUDGE: The incident, you know, after he had been
23 stabbed and had fallen down what -- you ask her a
24 question there, you know.
- 25 MS WIAFE:
- 26 Q. Madam Witness, when your husband fell down, can you
27 clarify again what happened to him?
- 28 A. Yes. When my husband fell down, I was panic-stricken, so
29 I strapped my child on my back, so I went to my elder

- 1 brother crying.
- 2 Q. Madam Witness, take your time. When your husband fell
3 down were you able -- could you tell the exact condition
4 he was when he fell down, apart from the stabs he had?
- 5 A. Yes.
- 6 Q. What was his condition?
- 7 A. They had already killed my husband.
- 8 Q. At the time that you were running away, was your husband
9 dead?
- 10 A. Yes, he was almost dying, he was struggling to die.
- 11 Q. Madam Witness, you said you ran to your brother's place;
12 did you get there?
- 13 A. Well, I didn't reach to my brother.
- 14 Q. So where did you go?
- 15 A. I went through xxxx Town through a swamp. I was crying
16 as I was going.
- 17 MS WIAFE: I think the spelling for xxxx Town, if I may
18 attempt, is x x x x.
- 19 Q. Did anything happen at xxxx town?
- 20 A. Yes.
- 21 Q. What happened at xxxx Town?
- 22 A. So when I was going and crying, the man that was behind
23 us when we were going with my husband, when my husband
24 was attacked by the kamajors --
- 25 Q. Madam Witness, take your time. What happened to this man
26 who was behind you?
- 27 A. Well, the thing that they did to my husband was fearful
28 so he himself was afraid. He was panic-stricken.
- 29 Q. Did you meet him at xxxx Town?

- 1 A. No. The time when we were coming with my husband, during
2 the time when he had not yet been killed, so the man was
3 behind us. I and my husband were in front.
- 4 Q. So you said after your husband was killed, he himself was
5 afraid?
- 6 A. "He" the man?
- 7 Q. Yes, the man who was behind you.
- 8 A. Yes, so -- so when I cried, I was panic-stricken, I was
9 going.
- 10 Q. You said you arrived at **xxxx** Town?
- 11 A. So the man was behind me when I was going.
- 12 Q. And where did you go, Madam witness?
- 13 A. I was going to my brother so I passed through **xxxxx** Town.
14 There was a swamp.
- 15 Q. And when -- after **xxxx** Town, where did you go?
- 16 A. So I was trying to search my brother by **xxxxx** market.
- 17 Q. Did you go to **xxxxx** market?
- 18 A. Yes, but I have not yet reached there.
- 19 Q. Madam witness, you said you went to **xxxxx** market?
- 20 A. I said I was going by **xxxxxx** market and I passed through
21 **xxxx** Town. There was a swamp.
- 22 Q. Did anything happen at that swamp?
- 23 A. Yes.
- 24 Q. Tell the Court what happened at the swamp.
- 25 A. So when I was going, I met some other Kamajors. They
26 were saying "Allahu Akbar". They were saying "Allahu
27 Akbar".
- 28 Q. Yes. Apart from "Allahu Akbar", what else were they
29 doing?

- 1 A. well, that language -- when -- where Kamajors are
2 gathered, when you hear them saying "Allahu Akbar" that
3 means to say that they were killing somebody.
- 4 Q. Did you see them killing anybody at that swamp?
- 5 A. Yes, when I heard them sing "Allahu Akbar", I saw them
6 hacking one man and they as said "Allahu Akbar, Allahu
7 Akbar".
- 8 Q. Did you know this man?
- 9 A. No, I did not know him.
- 10 Q. How many Kamajors were chopping this man -- were hacking
11 this man?
- 12 A. So -- well, I wouldn't be able to tell the Court, because
13 by then I was crying. I was weeping, you know, for the
14 death of my husband.
- 15 Q. what did you do after you saw the Kamajors hacking this
16 man?
- 17 A. So I went. I ran away. So there was this same man
18 behind me, following me wherever I went.
- 19 Q. where did you go from the swamp?
- 20 A. So I was finding a way to go to xxxxx market by xxxxxx.
- 21 MS WIAFE: xxxxx is x x x x x, xxxxxx.
- 22 Q. Did anything happen at xxxxx?
- 23 A. Yes.
- 24 Q. what happened at xxxxxxx?
- 25 A. well, the same thing that I saw happen in the swamp at
26 xxxxx Town swamp, it is the same thing that I saw
27 happening at this place. I saw them hacking one
28 individual and they were saying "Allahu Akbar, Allahu
29 Akbar".

- 1 Q. who was hacking this man?
- 2 A. It was the Kamajors.
- 3 Q. what were they hacking this man with?
- 4 A. Cutlasses.
- 5 Q. Did you know this man?
- 6 A. No, I didn't know him.
- 7 Q. From xxxxx, where did you go?
- 8 A. I went to my brother at xxxx market.
- 9 Q. what happened when you found your brother at xxxx
- 10 market?
- 11 A. well, I went to inform him. when I saw him, I told him
- 12 that my husband has been killed.
- 13 Q. what did your brother do when you told him that your
- 14 husband had been killed?
- 15 A. Then my brother said "Eh, so they've killed your
- 16 husband." "
- 17 Q. what else did he do or say?
- 18 A. It was then that my brother asked me, "So they've killed
- 19 your husband?"
- 20 Q. Madam Witness, did you say anything else to your brother?
- 21 A. Yes, it was the man that was coming at my back that was
- 22 following me who said -- who supported that they had
- 23 killed my husband.
- 24 Q. Did you know this man who was following you?
- 25 A. No, I did not know him.
- 26 Q. Did the man say anything else?
- 27 A. So the man said "Yes, now they are in search of your
- 28 sister. They have killed her husband, now it is the
- 29 wife's turn."

- 1 Q. what did you do when you heard this?
- 2 A. My brother took me and asked me -- and took me to my
3 sister; therein I took refuge.
- 4 Q. Madam witness, after this incident, did you go back to
5 ~~xxxxxx~~ section to look for your husband?
- 6 A. No.
- 7 Q. why not?
- 8 A. During that time the Kamajors had power. If they killed
9 anybody in your house, if you ventured to report, they
10 would kill you. So you would not be -- you would not
11 have a gut. Mm-hmm.
- 12 Q. So, Madam witness, you never went to look for your
13 husband's body?
- 14 A. Hmm, because -- because they had been looking for me so
15 as to kill me. So if I had gone to search for my
16 husband's corpse, they would have killed me. So I would
17 have left my children again.
- 18 Q. Madam witness, did you ever come to know about what
19 happened to your husband after he was stabbed?
- 20 A. Yes. When they had killed my husband, I took one week
21 with my sister and my brother went for me around 4.30 in
22 the morning, and they took me and --
- 23 Q. Take your time.
- 24 PRESIDING JUDGE: 4.30?
- 25 MS WIAFE:
- 26 Q. 4.30 morning or evening?
- 27 A. Early in the morning, around -- at the time that people
28 go in for their first morning prayers.
- 29 Q. where did you go?

1 A. I tried to go to xxxx xxxxxx.
2 PRESIDING JUDGE: Do you want to volunteer a spelling? I see
3 you smiling. There are consultants on this side.
4 MS WIAFE:
5 Q. Which district is this, Madam witness?
6 A. It's xxxxx District.
7 PRESIDING JUDGE: what did she call the place again?
8 MS WIAFE: xxxx xxxxxx.
9 PRESIDING JUDGE: Let her pronounce it.
10 THE WITNESS: xxxx xxxxxx, xxxxxx district.
11 MS WIAFE: x x x x xxxxx, x x x x x.
12 PRESIDING JUDGE: Is it xxx or xxxx?
13 MS WIAFE: xxxxx.
14 PRESIDING JUDGE: xxxx xxxx.
15 MS WIAFE:
16 Q. Madam witness, what happened at xxxx xxxx?
17 A. That is where my husband's father was.
18 Q. Did you get to xxxx xxxx?
19 A. Yes, yes, I was able to reach.
20 Q. What happened when you got to xxxx xxxxxx?
21 A. Well, I went to inform my husband's father that -- about
22 the death that overtook his son.
23 PRESIDING JUDGE: She appears to be under some stress or so --
24 THE WITNESS: Yes, I am tormented. At any time that you ask
25 me something connected with my husband, I feel bad and
26 I get tormented.
27 MS WIAFE: Your Honours, I don't know if we could take a break
28 at this point just to --
29 PRESIDING JUDGE: Is the witness Protection Unit

- 1 representative here? Yes, madam, can you just go and
2 cheer her up a bit, please. Are we making some progress?
- 3 MS BARRIE: The witness is ready to go on, Your Honour.
- 4 PRESIDING JUDGE: Okay.
- 5 JUDGE BOUTET: Yes, you may proceed.
- 6 MS WIAFE: Thank you, Your Honour.
- 7 Q. Madam Witness, I have a few more questions for you. What
8 happened when you got to xxxx xxxx?
- 9 A. All right. When I arrived at xxxx xxxx, I was trying
10 to find my husband's father's house and I met them making
11 a booth before the house where people went to observe the
12 funeral ceremony.
- 13 Q. Madam Witness, take your time. Whose funeral ceremony
14 are you talking about?
- 15 A. When I arrive at xxxx xxxxx -- when I arrived at xxxx
16 xxxxx to tell my husband -- my husband's father that
17 they killed him -- that they killed my husband, so I saw
18 one booth right in front of the house. When I saw that
19 booth, I thought that my husband -- that the death --
20 I thought that they had informed my husband's father
21 that --
- 22 JUDGE BOUTET: Are you okay, madam? Can you continue?
- 23 THE WITNESS: So I reached at the house.
- 24 MS WIAFE:
- 25 Q. Madam Witness, are you okay? Are you feeling fine?
- 26 A. Yes.
- 27 Q. Yes, carry on. So when you saw the booth, what happened?
- 28 [HN031204E 3.40 p.m.]
- 29 A. So I entered in the house. I met -- I met some people

- 1 that I just buried my husband's father [as interpreted].
2 So I cried. And I told the people that they had killed
3 my husband. That's why I've come to tell his father.
- 4 Q. Madam Witness, please wait. What did they say to you?
5 A. They told: "Oh, my daughter, now you suffered a lot."
6 So they said to me, your in-law to whom you are coming to
7 narrate the death of his son, he himself has died. He
8 himself has died because of the shock of your husband's
9 death.
- 10 Q. Madam Witness, did they tell you how they got to know
11 about your husband's death?
12 A. Yes.
- 13 Q. What did they say?
14 A. So when people had known that I had come, I had gone to
15 tell my husband's father about the death of his son, I
16 found out that my husband's father had died because of
17 the shock of the death of his son. He said, well, it was
18 not my husband that was killed. It was him himself that
19 was killed.
- 20 Q. Please wait. Madam Witness, who said it wasn't your
21 husband that was killed but he himself who was killed?
22 A. That's my husband's father. He was the one that was
23 talking to people. But by then, I was not there when
24 they were talking about this. They had already buried
25 him. It was the people who had explained to me that when
26 your in-law received a message that they had killed your
27 husband, that was the time when they explained to the
28 people that it was not your husband that was killed, but
29 he himself that was killed.

- 1 Q. Madam Witness, did they tell you how they themselves got
2 the message that your husband had been killed?
- 3 A. Yes. They said the day that my husband was killed in xxx,
4 the next day, it was then that they got information that
5 they had killed my husband. My husband, that it was not
6 in secret -- my husband, that was not in secret because
7 it had shocked a lot of people. A lot of people knew
8 that they had killed my husband. A lot of people knew
9 that they had killed my husband. A lot of people knew
10 about that.
- 11 Q. Madam Witness, how long did you stay at xxxx xxxx?
- 12 A. I spent two months there.
- 13 Q. From there, where did you go?
- 14 A. I went back to xxx.
- 15 Q. Madam Witness, you have testified that your husband was
16 killed. Have you ever seen his body?
- 17 A. No. I did not see my husband's corpse, and my husband's
18 corpse was not buried.
- 19 Q. When you say your husband's corpse was not buried, what
20 do you mean?
- 21 A. What I mean, my husband's body was eaten.
- 22 PRESIDING JUDGE: I'm not taking that evidence down yet. How
23 does she know?
- 24 MS WIAFE:
- 25 Q. Madam Witness, how do you know that your husband's body
26 was eaten?
- 27 A. Yes. How I managed to know that my husband's body was
28 eaten? When I came from xxxx xxxx, now, the death of
29 my husband was not hidden. Everybody knew about that.

- 1 All knew that my husband's body was not buried. It was
2 eaten. They took it far to a place that is called
3 xxxxxx. That's where they ate it, my husband.
- 4 Q. who told you that your husband's body was eaten? who, in
5 particular?
- 6 A. well, when I came from xxxx xxxxxx, when I came home, I
7 was going. So I heard people saying that earlier, they
8 said, "This lady's pathetic." This lady's pathetic.
9 This lady -- it is this lady's husband that was killed
10 and they did not bury his corpse. They ate it, and they
11 were dancing a dance in commemoration of that for three
12 days in xxxxxx.
- 13 Q. Madam Witness, were you told by any particular person
14 that you know, this information? was it given to you by
15 any particular person that you know?
- 16 A. well, I would not be able to tell you those that were
17 saying so. But those that knew my husband and those that
18 knew about the death of my husband, these were the ones
19 that were saying this. But as I passed along with my
20 sons strapped on my back, people had been saying this.
- 21 PRESIDING JUDGE: She talked of people dancing. who were
22 dancing?
- 23 MS WIAFE: Your Honour, may I confer --
- 24 THE WITNESS: It was the Kamajors. It was they that were
25 dancing. They said my husband was delicious.
- 26 MS WIAFE:
- 27 Q. Madam Witness, who did you say ate your husband? who did
28 you say you heard had eaten your husband?
- 29 A. It was the people. It was not something that was hidden.

- 1 My husband, my particular husband. In fact, when he was
2 killed, everybody knew. And it was scattered all over
3 that my -- that that man has been killed and they ate
4 him. It was not something that was hidden. In fact, a
5 lot of people knew that. Even in xxx, it was not hidden.
6 Everybody knew about that. It was not hidden at all. It
7 was not something that was hidden. It was only I that
8 would not be able to understand because by then I was not
9 there. I had left.
- 10 Q. Madam Witness, at the time that this incident happened,
11 who was in control of xxx Town?
- 12 A. It was the Kamajors. They had power. They were there.
13 They were in control.
- 14 MS WIAFE: Your Honours, I have no further questions for the
15 witness.
- 16 JUDGE BOUTET: Thank you, Madam Prosecutor.
- 17 [The Trial Chamber confers]
- 18 PRESIDING JUDGE: I would have started off with the
19 cross-examination, but since the witness has been under a
20 lot of stress, I would like to take a break so as to
21 allow her rest before the cross-examination goes on.
22 So the Court will rise for a few minutes, please.
- 23 [Break taken at 3.50 p.m.]
- 24 [Upon resuming at 4.10 p.m.]
- 25 PRESIDING JUDGE: We are resuming the session, please.
- 26 JUDGE BOUTET: Mr Koppe, you were up when we left just to
27 address the Court.
- 28 MR KOPPE: Yes, thank you, Your Honour. I just have a brief
29 question because as today's Friday regarding an

1 outstanding motion. Could I raise that now, or should I
2 do that at the end of the day?
3 JUDGE BOUTET: Because Friday being motion day --
4 MR KOPPE: Yeah. It's a very brief issue really.
5 JUDGE BOUTET: We would prefer if we can carry on with the
6 witness. Well, certainly before we part company sometime
7 next week, we'll hear your application. So if it's not
8 this afternoon, Monday. Is there any urgency?
9 MR KOPPE: No. No.
10 JUDGE BOUTET: We'll give you the -- if we forget, remind us,
11 please.
12 PRESIDING JUDGE: If today we can be done with it before it's
13 5.30 or 6.00, I mean, we will take the application. But
14 let's see how we proceed, please.
15 JUDGE BOUTET: Dr Jabbi, are you ready to proceed with the
16 cross-examination of this witness?
17 MR JABBI: Yes, My Lord.
18 JUDGE BOUTET: Please do so.
19 CROSS-EXAMINED BY MR JABBI:
20 Q. Now, Madam Witness, on Independence Day, the day you
21 allege that your husband was killed, you were in the
22 market in xxx. Is that correct?
23 A. Yes, I was in the market. There, my husband met me when
24 he came.
25 Q. What were you doing in the market that day?
26 A. Well, we were selling.
27 JUDGE THOMPSON: I was going to take judicial notice of that.
28 PRESIDING JUDGE: Should she not sell? If she doesn't sell
29 something, who don't stock food. They will go hungry

1 that day. So in my country, markets like that, you know,
2 are open. Some big shops -- even some shops are open.
3 Depends on who wants to celebrate or who doesn't want to
4 celebrate. It's part of humanity, that is.

5 MR JABBI:

6 Q. Would you say that the market was well attended that day
7 by people selling, by people buying?

8 A. Yes. Yes, because there were a lot of buyers and those
9 of us who were selling. It depends, if you had somebody
10 who would give you chop money.

11 Q. So by the way the market was operating on that day, would
12 you say that things were running normally in xxx that day?

13 A. Yes, businesswomen were going. Buyers were going.

14 Q. And generally, people went about freely, without fear.
15 Not so?

16 A. "Na" [as interpreted].

17 Q. Generally, people went about on that day without fear.
18 Not so?

19 A. Well, some were in the field with devils. Whatever you
20 wanted to do, you can go ahead.

21 Q. With devils.

22 JUDGE THOMPSON: Dr Jabbi, there was some degree of
23 masquerading going on, was there?

24 MR JABBI: That's just what I was going to go to.

25 JUDGE THOMPSON: That's what I thought. Masqueraders and so
26 on.

27 MR JABBI:

28 Q. Now, when you talk about devils on that day, what you are
29 talking about is --

- 1 A. That day was an occasion day, so everybody was glad. It
2 was a happy day. And so if you want to be glad, you're
3 at home. If you want to lie down, you can lie down. If
4 you want to go out, you can go out. Everything you
5 wanted to do that day, you could do it.
- 6 Q. And talking about the general state of affairs in the
7 town, not only on that day now but around that time,
8 would you say that the atmosphere in the town around that
9 time was generally peaceful and calm?
- 10 A. Well, as for me during that time, I was in the market.
11 So I and my companions in the market, we are talking, we
12 are playing. So I would not tell what happened to those
13 who were outside.
- 14 Q. Now, who were in control of xxx Town around that time?
- 15 A. I said that during that time, it was during the Kamajor
16 time. They had power. They did everything they wanted.
17 If they do something to anybody, you have nowhere to
18 report. They will kill you. You don't have any mind to
19 ask or complain. If you go to complain, you never come
20 back.
- 21 Q. Are you, in fact, saying that you were not -- you did not
22 make a report of the incidents you have narrated in Bo
23 Town? Is that what you are saying?
- 24 A. I said as for me, apart from me, anybody, if you are
25 offended, if they do something to you in xxx Town, you
26 have nowhere to report. If you venture, you'll be
27 killed. Hmm.
- 28 JUDGE THOMPSON: Counsel, we have got all that. Virtually
29 it's implied. She has said, in my own shorthand way, has

1 said there was a reign of impunity somehow. That's my
2 shortened judicial perception, but that may not even sort
3 of be. But she seems to be saying that it would be
4 futile complaining because of the scenario that she has
5 described. And that's what I have as her evidence.
6 MR JABBI: Of course, My Lord, we can make inferences from
7 that.
8 JUDGE THOMPSON: I don't want to draw any inference at this
9 stage. I'm just trying to understand the evidence.
10 MR JABBI: I am, in fact, trying to get a more direct factual
11 statement from --
12 JUDGE THOMPSON: I concede. I certainly agree that you
13 should, yeah.
14 MR JABBI: Yes, thank you.
15 Q. Now, although you have said that you were not in a
16 position to make a report, nonetheless I want you to
17 answer this question directly: Did you make a report of
18 these incidents you have narrated? Yes or no.
19 A. I said during that time, even me -- they were after
20 killing me.
21 PRESIDING JUDGE: Madam Witness, answer yes or no.
22 Afterwards, you can explain. Your husband, you say, was
23 killed. Did you make a report? Yes or no.
24 MR JABBI: Yes or no.
25 THE WITNESS: I did not make a report.
26 PRESIDING JUDGE: [Previous translation continues] why? You
27 were going to explain.
28 MR JABBI: I would have thought --
29 THE WITNESS: why I did not make a report? If there had been

1 a place where if you had made a report there, then you
2 -- something will come out of it, you can report. But if
3 you look at the place wherein you make this report,
4 nothing comes out of it. They have killed my husband.
5 My husband left me five children. I'm afraid that they
6 would kill me as how they killed my husband. Then my
7 children will remain to suffer without a father and a
8 mother.

9 JUDGE BOUTET: Yes, Dr Jabbi.

10 MR JABBI:

11 Q. You mentioned your brother whom you went to look for at
12 ~~xxxxx~~ market. Did you, in fact, see him, your brother?

13 A. Yes, I saw my brother.

14 Q. And you told him of the incident; not so?

15 A. Yes, sir.

16 JUDGE BOUTET: Yes, Dr Jabbi.

17 MR JABBI:

18 Q. Do you know if your brother made any effort to report the
19 incident if you were not able to?

20 A. He had not got the mind to make that effort because
21 during that time it was a Kamajor government. They were
22 in control. There was no place to report. If you'd make
23 an attempt, you'd be killed. You'll not come back.

24 JUDGE BOUTET: Yes, please.

25 MR JABBI:

26 Q. Do you know if the police were functioning in ~~xxx~~ at that
27 time?

28 A. Hmm, no. During that time, it was too tense.

29 PRESIDING JUDGE: I don't have her answer clearly.

- 1 THE WITNESS: I said, "During that time, it was tense."
2 PRESIDING JUDGE: [Previous translation continues] But were
3 the police functioning?
4 THE WITNESS: well, I am in serious pain, so I did not
5 understand. I was in serious pain.
6 MR JABBI:
7 Q. So, the question was whether at that time the police were
8 functioning in xxx Town?
9 A. During the time the kamajors had taken charge, there was
10 no policeman. There should be no soldier. It was only
11 they themselves. That was their government. Whatever
12 they wanted, that's what happened. If you confront them
13 and you complain and they know your address, they'll burn
14 that house. So, so for that, just keep quiet and God
15 will fight for you. Besides God's fight, you don't have
16 anybody to help you.
17 JUDGE BOUTET: Yes.
18 MR JABBI:
19 Q. After the death of your husband, how long did you take in
20 xxx Town before you went to xxxx xxxx?
21 A. It was within a week. It was one week. I took seven
22 days. The one making eight day, my brother moved me.
23 Q. And then you spent two months in xxxx xxxx. Not so?
24 A. Yes, sir.
25 Q. So I take it that you returned to xxx Town sometime around
26 July, your husband having died in April. Is that
27 correct?
28 A. Yes, that was the time they killed my husband.
29 Q. Now, the question was that you returned to xxx Town from

1 xxxx xxxx around July. Is that correct?

2 A. well, me, I only know the date when they kill my man. I
3 am able to remember the date my husband was killed. But
4 the date when I returned, I cannot remember. I took two
5 months at xxxxx and returned.

6 PRESIDING JUDGE: From there, we can deduce. We can deduce,
7 yes.

8 MR JABBI: Yes, indeed, My Lord.

9 The entire week following the 27th of April. So it
10 would be all in May, it took two months. So July is a
11 fair deduction.

12 Q. Now, when you came back to xxx in July after you left
13 xxxx xxxx, did you make a report of what had happened?

14 PRESIDING JUDGE: A report to who?

15 MR JABBI: To anywhere.

16 THE WITNESS: I said I never reported to anybody. I never
17 reported.

18 PRESIDING JUDGE: [Previous translation continues]...

19 MR JABBI: Your Honour --

20 PRESIDING JUDGE: That question, she has answered the
21 question. We should not belabour the point. This is the
22 way I look at it.

23 MR JABBI: My Lord, with respect, I had been talking about the
24 time her husband died. And she said the circumstances
25 were tense and she did not make a report. And she stays
26 away for two months somewhere and comes back and the
27 circumstances may not necessarily be the same.

28 PRESIDING JUDGE: Dr Jabbi, you may move, but I've made the
29 point.

- 1 MR JABBI: As Your Lordship pleases.
- 2 PRESIDING JUDGE: You may move, but I've made the point. It's
3 pointless belabouring this point in which -- ask her to
4 answer the question.
- 5 MR JABBI: As Your Lordship pleases.
- 6 Q. Now, when you returned to xxx Town after xxxx xxxxx, did
7 you continuously stay in xxx Town after that?
- 8 A. No, I did not stay there continuously. Of course, my
9 heart never rested. I will not be able to be there
10 continuously.
- 11 Q. How long did you stay in xxx?
- 12 A. I went out. After that, I came back.
- 13 Q. Have you been in xxx Town since then, up to this time you
14 have come to give evidence?
- 15 A. Yes.
- 16 Q. Would it be fair to say that you have lived in xxx Town
17 for the past five years?
- 18 A. From the time my husband was killed.
- 19 Q. No. From this moment now to five years back, have you
20 been living in xxx Town?
- 21 A. Yes. I was in xxx Town, but I was not steady there. I
22 was in xxx Town, but I'm not steady there.
- 23 Q. Where did you come from on this occasion that you have
24 come to give evidence here?
- 25 A. I'm from xxx.
- 26 JUDGE BOUTET: Go ahead.
- 27 MR JABBI:
- 28 Q. Now, for the past five years, how long have you stayed
29 outside xxx Town during the past five years?

1 A. No. If I leave xxx, two months, three months, I go back.
2 Two month, one month, I come back because in xxx, I was
3 married in xxx. I had my children there. I was doing
4 business with my husband until they killed my husband
5 there. So I cannot leave Bo finally. I am in xxx. I'm
6 still staying in xxx.

7 Q. Now, over the past four years, let us say when you have
8 been living in xxx, have you made any report of your
9 husband's killing to any authorities in xxx?

10 A. I have made no report to any big man in xxx. I did not
11 make any report because they have killed my husband
12 already. So because he has been killed, so my friends
13 encourage me, they are telling me to leave everything in
14 the hands of God. And this is what I am on now. I never
15 reported to anybody.

16 People in xxx know that, yes, my husband had been
17 killed. The people know. Only a few do not know about
18 the killing of my husband. Few, only strangers, and even
19 strangers, they hear this explanation because the killing
20 of my husband was not hidden. A lot of people who went
21 out, they were not allowed to come to xxx thinking that
22 when they come, they would be killed. So most of them
23 who went out did not come back. It took them a long time
24 to return to xxx.

25 [HN031204F 4.45 p.m.]

26 MR JABBI: My Lord, no more questions for the witness.

27 JUDGE BOUTET: Thank you, Dr Jabbi. Cross-examination, second
28 accused?

29 CROSS-EXAMINED BY MR BOCKARIE:

1 MR BOCKARIE:
2 Q. Madam, I will show you a piece of paper indicating your
3 address in xxx during that crisis and your present
4 address?
5 JUDGE BOUTET: Show it to the Prosecution first. Mr Bockarie,
6 this is a piece of paper that you eventually intend to
7 introduce as an exhibit?
8 MR BOCKARIE: Yes, Your Honour.
9 JUDGE BOUTET: That will do what?
10 MR BOCKARIE: Address, which is something --
11 JUDGE BOUTET: You have two addresses on that?
12 MR BOCKARIE: At xxx during the crisis and that's the same
13 address now.
14 JUDGE BOUTET: Same address now?
15 MR BOCKARIE: Yes, Your Honour.
16 JUDGE BOUTET: Are you moving to have this marked as an
17 exhibit?
18 MR BOCKARIE: Yes, Your Honour.
19 JUDGE BOUTET: Before we do so, I just want to make sure that
20 the document does refer to witness TF2-052, and that with
21 the date of --
22 MS WIAFE: 058, Your Honour.
23 JUDGE BOUTET: 058, pardon me, with the date of 3 December.
24 PRESIDING JUDGE: It looks too minuscule, that document.
25 Since it's coming in as an exhibit, why don't we have it
26 on paper like this.
27 MR BOCKARIE: It can be written on nice paper.
28 PRESIDING JUDGE: You don't have paper like this. You just
29 tore a small yellow paper.

1 MR BOCKARIE: I'm sorry, sir.
2 PRESIDING JUDGE: My learned brother here is telling me it is
3 a doctrine of least costs, that is what Mr Bockarie is
4 practicing. Please let's have it --
5 MR BOCKARIE: Neatly written, sir, yes.
6 PRESIDING JUDGE: On a clean, white sheet.
7 MR BOCKARIE: Indeed, it is immaculate, sir.
8 PRESIDING JUDGE: Yes. Mr Yillah, watch out for
9 hieroglyphics.
10 THE WITNESS: I want to drink.
11 PRESIDING JUDGE: Witness Protection, please, give her water.
12 She wants a drink of water.
13 JUDGE BOUTET: Can we see the document that will be Exhibit 45
14 if my record is correct? 45.
15 [Exhibit No. 45 admitted]
16 JUDGE BOUTET: For the record, the address you had written
17 down on that piece of paper, which is to be marked now as
18 Exhibit 45, the witness is saying to you this is not an
19 address she knows, it's not her address.
20 MR BOCKARIE: Yes.
21 Q. Madam Witness, don't mention the name, it will be written
22 for you. Maureen, could you please oblige us with a
23 piece of white paper? No, another one, please. Madam,
24 please don't mention it. Just say it so it can be
25 written. Please, can you tell this Court --
26 PRESIDING JUDGE: Please, I want to get this right. There is
27 Exhibit 45. You were suggesting to witness that --
28 MR BOCKARIE: That was her address.
29 PRESIDING JUDGE: That was her address. She says that it is

1 not her address?
2 MR BOCKARIE: Yes, Your Honour.
3 PRESIDING JUDGE: It should be reflected in the records that
4 the address on Exhibit 45 --
5 JUDGE BOUTET: I have said so for the record.
6 PRESIDING JUDGE: Yes, okay.
7 JUDGE BOUTET: I should add, as well, that she added that she
8 does not know of any such street in xxx.
9 MR BOCKARIE: Accepted.
10 JUDGE BOUTET: The response is twofold: One, that is not her
11 address and, two, she does not know of that street in xxx.
12 MR BOCKARIE: Yes, Your Honour, I accept it.
13 JUDGE BOUTET: And that is the content of Exhibit 45.
14 MR BOCKARIE: Yes, Your Honour.
15 Q. Madam Witness, don't say it loud, just say it to those
16 who will be by you. Can you tell us your residential
17 address at the time of the alleged incident -- meaning
18 the alleged killings?
19 PRESIDING JUDGE: Mr Bockarie, please, you can sit down. Sit
20 down, please.
21 MR BOCKARIE: Thank you.
22 PRESIDING JUDGE: I know you have very solid limbs, but you
23 need to conserve them because the road is still very
24 long -- the journey is still very long to accomplish.
25 MR BOCKARIE: I'll accept it, Your Honour.
26 JUDGE BOUTET: You're asking that this document also be marked
27 as an exhibit?
28 MR BOCKARIE: Yes, Your Honour.
29 JUDGE BOUTET: Exhibit 46 and this contains the address of the

1 witness at the time of the alleged incident?
2 MR BOCKARIE: Yes, Your Honour.
3 Q. Madam --
4 PRESIDING JUDGE: Please wait. The incident, that is at the
5 time of the alleged killing of the husband?
6 MR BOCKARIE: Yes, Your Honour.
7 JUDGE BOUTET: This document is marked as Exhibit 46.
8 [Exhibit No. 46 was admitted]
9 MR BOCKARIE:
10 Q. Madam Witness, did you know one Major AF Kamara? He was
11 a minister during the reign of the junta in xxx. Did you
12 know him?
13 A. No.
14 PRESIDING JUDGE: Mr Bockarie, is it AF?
15 MR BOCKARIE: Yes, Your Honour.
16 PRESIDING JUDGE: AF Kamara?
17 MR BOCKARIE: Yes, Your Honour.
18 PRESIDING JUDGE: And you say he was a minister?
19 MR BOCKARIE: Yes, he was a minister in Bo.
20 JUDGE BOUTET: At the time of the junta?
21 MR BOCKARIE: Yes, during the reign of the junta.
22 Q. Madam, did you hear of him during the reign of the juntas
23 in Bo?
24 A. No, I don't know about him.
25 Q. Did you hear of him?
26 A. well, for me, no, because I do not put my attention in
27 such things.
28 Q. Madam, did you know whether your husband knew him?
29 A. No, I don't understand -- I don't know. In the morning I

1 go to town to find something for me and my children to
2 eat, so I don't know.

3 JUDGE BOUTET: Mr Bockarie, if she didn't know about him,
4 never heard of him, it's rather difficult for her to even
5 know if her husband knew of him because she would have
6 heard of it in some fashion.

7 MR BOCKARIE: well, I just wanted it to come out from her,
8 Your Honour.

9 JUDGE BOUTET: Anyhow, carry on.

10 MR BOCKARIE:

11 Q. Madam, do you know whether your house was visited by
12 friendly soldiers during the reign of the juntas in Bo?

13 A. No. No, we don't have any company. Early in the morning
14 - we are business people - we go to town and do our
15 selling.

16 Q. Madam, I am putting it to you that your husband was very
17 friendly with Major AF Kamara while he was in xxx as
18 minister. What's the answer, madam?

19 A. I don't understand what you are saying.

20 Q. That your husband was very friendly with Major AF Kamara
21 during the reign of AF Kamara as minister in xxx. Do you
22 agree with me or not?

23 JUDGE THOMPSON: You can also answer whether you know that or
24 you don't. It's not just the two options.

25 THE WITNESS: No, as for me -- me and my husband, he is doing
26 his business, I am doing my business. At the beginning
27 of the day we close our house, he goes about his business
28 and I go and do my own. If I told it ever happen, I
29 don't know anything about it, because in the morning I

1 leave my husband in the house and I go. And then, unless
2 if he tells me "get ready to go down to town to sell",
3 but I don't know anything about any company with somebody
4 who's a government man up to the time he was killed. I
5 don't know anything about that. He was a businessman and
6 I am a business woman, that's what we know.

7 MR BOCKARIE:

8 Q. Madam --

9 A. Yes.

10 Q. -- in the month of February the juntas fled from xxx; do
11 you agree with me? 1998 sorry. In the month of February
12 1998 the juntas fled from xxx, including minister AF
13 Kamara; do you agree with me?

14 MS WIAFE: Your Honour, I object to the question. The witness
15 has answered that -- [Overlapping speakers]

16 JUDGE THOMPSON: Quite. In fact, it is a very, I would say,
17 entangled question, because she is already on record as
18 not knowing this minister AF Kamara. So why not ask her
19 the factual question whether she knows whether the juntas
20 fled from xxx at that particular time. It's too
21 entangled.

22 MR BOCKARIE: Thank you, Your Honour.

23 Q. Madam, in February 1998 the juntas fled from xxx; do you
24 agree?

25 A. Huh?

26 Q. In February 1998 the juntas fled from xxx; do you agree
27 with me?

28 A. Yes, but during that time my husband was in Bo. He was
29 in Bo during that time. They had not killed his son yet,

1 nothing had happened to him. During the time when the
2 Kamajors came, when they killed his son --
3 Q. [Overlapping speakers]
4 JUDGE THOMPSON: Learned counsel, did you say February 1998?
5 MR BOCKARIE: Yes, Your Honour.
6 PRESIDING JUDGE: Is she agreeing?
7 MR BOCKARIE: Yes, she agrees.
8 Q. Madam --
9 A. Sir?
10 Q. -- at this time do you know whether your husband fled
11 together with the juntas from xxx?
12 A. No.
13 Q. Madam, I am putting it to you that your husband fled
14 together with the juntas from xxx in February 1998?
15 A. No, it didn't happen that way. It didn't be at all. It
16 didn't happen.
17 Q. Madam, are you aware that when the juntas fled from xxx
18 did they ever come back to xxx?
19 JUDGE BOUTET: I didn't hear your question.
20 MR BOCKARIE: Sorry.
21 JUDGE BOUTET: Are you aware that --
22 MR BOCKARIE:
23 Q. When the juntas fled from xxx, did they ever come back to
24 xxx?
25 A. Yes, they came back to xxx.
26 Q. Madam --
27 A. Yes, sir?
28 Q. -- I am putting it to you that at the second coming of
29 the juntas to xxx, they came together with your husband?

- 1 A. No, sir, it didn't happen that way.
- 2 Q. Madam, when the juntas came back to xxx for the second
3 time, are you aware whether they burnt down houses of
4 Kamajor sympathisers in xxx?
- 5 A. Well, now that I'm sitting here, even myself I suffered
6 from that. The house which my husband built for me was
7 burnt by Kamajors.
- 8 Q. [Overlapping speakers] xxx for the second time, are you
9 aware whether they burnt down houses of Kamajor
10 sympathisers in xxx?
- 11 A. No, I don't understand anything about that.
- 12 MR BOCKARIE: What's the response, Your Honour? I don't know.
- 13 JUDGE BOUTET: It was no.
- 14 MR BOCKARIE: Oh, she denies.
- 15 Q. Madam --
- 16 A. Yes?
- 17 Q. -- do you know xxxxx xxx xxx in xxx?
- 18 A. I know xxxxx Road. Yes, I know xxxxx Town. Yes, I know
19 xxxxx xxxxx Road.
- 20 Q. Madam, do you know anyone along xxxx xxxxx Road by the
21 name of xxxx xxxxx?
- 22 A. I don't know him.
- 23 PRESIDING JUDGE: xxxxx xxxxx?
- 24 MR BOCKARIE: xxxx xxxxx, x x x x x x x x.
- 25 Q. Madam, I am putting it to you that it was your husband
26 who led a gang of Kamajors and had xxx xxxxx house
27 burnt?
- 28 PRESIDING JUDGE: Kamajors?
- 29 MR BOCKARIE: The juntas, I'm sorry.

1 PRESIDING JUDGE: I thought you wanted to nail your own
2 coffin.
3 MR BOCKARIE: No, it was a slip, My Lord.
4 THE WITNESS: No, sir, it didn't happen -- it didn't happen at
5 all. Not true, it didn't.
6 PRESIDING JUDGE: You say it is -- [Overlapping speakers]
7 MR BOCKARIE: Yes.
8 THE WITNESS: And, in fact, he's afraid of problem. My
9 husband's afraid of problems.
10 MR BOCKARIE: [Overlapping speakers] juntas and had xxxx
11 xxxxx's house burnt along xxx xxxx Road in xxx.
12 THE WITNESS: It didn't happen that way. My actual husband is
13 afraid of problems, he is afraid. So he doesn't have any
14 hand in that. His hands are --
15 PRESIDING JUDGE: [Overlapping speakers] xxxx xxxxx's house?
16 MR BOCKARIE: Yes.
17 Q. Along xxxx xxxxx Road in xxx?
18 A. He doesn't even know him. My husband doesn't know him.
19 PRESIDING JUDGE: We have recorded you, you have denied.
20 THE WITNESS: No, I said my husband does not even know that
21 man. Even me, I don't know him. All we know, me and my
22 husband, is that during the day we go to sell, in the
23 evening he come to where I'm selling. But to say that he
24 knows anybody of that type, no, it was not my husband,
25 not my husband.
26 MR BOCKARIE:
27 Q. Madam, whilst the juntas were in xxx for the second time
28 are you aware whether there was any fight between the
29 juntas and Kamajors and ECOMOG combined for the retaking

- 1 of xxx?
- 2 A. Ask me again.
- 3 Q. During the second occupation of the juntas of xxx, are you
4 aware whether there was any fight between the juntas and
5 Kamajors and ECOMOG combined?
- 6 A. Yes, that time I was in xxx, but during that time --
- 7 PRESIDING JUDGE: She's admitting that there was a fight
8 between the Kamajors and ECOMOG on one side against the
9 juntas.
- 10 JUDGE BOUTET: I'm not sure that was her answer.
- 11 [Overlapping speakers]
- 12 PRESIDING JUDGE: She has a way of answering.
- 13 JUDGE BOUTET: She says she was in xxx, but she did not
14 complete her answer.
- 15 JUDGE THOMPSON: But in fact, to be fair to her, the question
16 was not that clear, because I thought that the question
17 presupposed exactly what my learned brothers are saying.
18 The juntas on the one side and the Kamajors and the
19 ECOMOG on the other side.
- 20 MR BOCKARIE: Yes.
- 21 PRESIDING JUDGE: At that time she was in xxx. You may wish to
22 clarify the question.
- 23 JUDGE THOMPSON: But the way the question was put did not make
24 that contradistinction.
- 25 MR BOCKARIE:
- 26 Q. Madam, are you aware that whilst the juntas were in xxx --
- 27 A. Yes.
- 28 Q. -- they fought against the Kamajors combined with ECOMOG?
- 29 A. Yes.

- 1 Q. Madam, are you aware or did you know that in the course
2 of this fight juntas and those who fought along with
3 them, most of them were killed?
- 4 JUDGE BOUTET: who were killed - the junta or the other side?
- 5 THE WITNESS: Sir?
- 6 JUDGE BOUTET: I don't understand your question.
- 7 MR BOCKARIE: Okay, I will rephrase it.
- 8 Q. Madam, are you aware that in this fight between the
9 juntas and Kamajor and ECOMOG combined, most junta
10 soldiers were killed?
- 11 A. Well, I don't understand that.
- 12 PRESIDING JUDGE: Madam --
- 13 THE WITNESS: Yes?
- 14 PRESIDING JUDGE: -- you have agreed that there was a fight
15 between the juntas on one side and ECOMOG and Kamajors on
16 the other side; you said it took place. Counsel is
17 asking you whether you know that many members of the
18 junta were killed during that fight. Do you know whether
19 many members of the juntas were killed?
- 20 THE WITNESS: During the fight -- the fight I know of, that
21 was the time the juntas pulled out and then Kamajors
22 entered. They were in town for a few days and then the
23 juntas came back. During that time, we were in a tight
24 place. When they were fighting, everybody was in his own
25 place hiding. Nobody went out. So I don't know about
26 that, because everybody was in a tight place -- was
27 hiding.
- 28 MR BOCKARIE:
- 29 Q. Madam, I am putting it to you that the juntas fought

1 against combined forces of the Kamajors and ECOMOG in xxx?
2 PRESIDING JUDGE: But she has said so.
3 MR BOCKARIE: Accepted, sir.
4 JUDGE THOMPSON: You don't need a confirmation of something
5 that is agreed upon already.
6 THE WITNESS: I said --
7 MR BOCKARIE:
8 Q. Madam, I am putting it to you that your husband fought
9 alongside the juntas and he was killed during this
10 battle?
11 A. No. During the time my husband was killed -- during that
12 time my husband was no longer there. They had killed his
13 elder son, he came to xxxxx to tell his father that his
14 son had been killed. So during the time, my husband was
15 not there, he was not in town.
16 PRESIDING JUDGE: During which time, madam?
17 THE WITNESS: He was seeing his father.
18 PRESIDING JUDGE: During which time?
19 THE WITNESS: That was the time the juntas pulled out, when
20 the Kamajors entered the other day in the morning.
21 During that time my husband was not in xxx. My husband
22 had gone.
23 PRESIDING JUDGE: wait. Mr Bockarie, it is your case, please.
24 Can you stand up, please.
25 MR BOCKARIE: I'm sorry.
26 PRESIDING JUDGE:
27 Q. Madam --
28 A. Yes, sir.
29 Q. -- the lawyer is asking you -- or he is telling you that

- 1 your husband, during that fight - ECOMOG/Kamajor on one
2 side, junta on the other side -- the lawyer is saying
3 that your husband was on the side of the junta and that
4 that was when he was killed. Is it true or false?
- 5 A. It's a lie. During that time my husband was not even
6 there. My husband was not there.
- 7 Q. Wait, wait, wait, wait, please. You say your husband was
8 not in town during that fight. Is that what you are
9 saying?
- 10 A. Yes.
- 11 Q. During that ECOMOG/Kamajor junta fight, you say your
12 husband was not in town?
- 13 A. My husband, he had gone. Before that time they had
14 killed my husband's son. My husband had moved from Bo to
15 xxxxxx to tell his father that his son had been killed.
16 During that time my husband was not in xxxx.
- 17 Q. You say he had gone to tell the father that they had
18 killed the son?
- 19 A. Yes.
- 20 MR BOCKARIE: Sorry, Your Honour, I stand to be guided. I'm
21 watching the time.
- 22 PRESIDING JUDGE: We are not watching the time yet.
- 23 MR BOCKARIE: As My Lord pleases.
- 24 JUDGE BOUTET: We would like to see you finish.
- 25 PRESIDING JUDGE: Yes.
- 26 MR BOCKARIE: Thank you, sir.
- 27 Q. Madam, so you are now telling this Court that indeed your
28 husband left xxx; am I correct?
- 29 A. Sir?

- 1 Q. You are now telling this Court that indeed your husband
2 left xxx; am I correct?
- 3 A. Yes, my husband left xxx when his son was killed. So he
4 went to his father to tell him that his son had been
5 killed. That was the time my husband left to go and tell
6 his father that his son had been killed.
- 7 Q. Madam --
- 8 A. Yes?
- 9 Q. -- your husband was a Susu, am I correct?
- 10 PRESIDING JUDGE: What, sorry?
- 11 MR BOCKARIE:
- 12 Q. Your husband was a Susu?
- 13 A. My husband was a Susu.
- 14 Q. Of the Susu tribe?
- 15 A. Yes, my husband is a Susu.
- 16 PRESIDING JUDGE: Is it S-O-S-S-O?
- 17 [Overlapping speakers]
- 18 MR YILLAH: S-U-S-U.
- 19 PRESIDING JUDGE: Is Yillah from there?
- 20 MR YILLAH: Very well, My Lord. S-U-S-U.
- 21 PRESIDING JUDGE: Susu tribe.
- 22 MR BOCKARIE:
- 23 Q. Madam, you will agree with me that there is an
24 appreciable Susu community in xxx; am I correct?
- 25 A. Yes, yes, there are Susus, there are Mandingos. Yes,
26 yes, there are so many in xxx.
- 27 PRESIDING JUDGE: So she's saying there are many Susus in xxx?
- 28 MR BOCKARIE: Yes.
- 29 Q. Madam, there is even a Susu tribal head man in xxx; isn't

- 1 it?
- 2 A. Yes, sir.
- 3 Q. Madam, this alleged death of your husband, are you aware
4 whether it was brought to the attention of the Susu
5 community in xxx?
- 6 A. All tribes know about it, that they had killed my
7 husband.
- 8 Q. [Overlapping speakers] specifically brought to their
9 attention?
- 10 JUDGE THOMPSON: By whom?
- 11 MR BOCKARIE: By members of the Susu community.
- 12 Q. Listen. Did you make any representation to the Susu
13 community in respect of the alleged death of your
14 husband?
- 15 A. I told you that during the time they killed my husband,
16 they were also looking for me. I told you that my
17 brother hid me in our sister's house for seven days. On
18 the eighth day he removed me, placed me in a car -- in a
19 vehicle to go. So I don't know anything about that.
20 Everybody knew. It was not a hidden thing. If it had
21 been hidden, but here everybody knows that. It doesn't
22 mean you have to be told. Everything was clear,
23 everybody knows about it. And during that time, if you
24 go there and make a report, you'll be killed. And if I
25 had gone to report it, they'd have killed me too. Who
26 would have taken care of my children? I have no power.
27 During that time it was the Kamajors who were in control.
28 Everything you do was for nothing. Whether you had the
29 house, they'll burn it or you'll go and report, they'll

1 kill you.

2 JUDGE BOUTET: well, Mr Bockarie, can we move to something
3 else. We know she has not reported that to anybody. To
4 anybody.

5 MR BOCKARIE: I know, I'm quite satisfied with that.

6 THE WITNESS: I mean, I --

7 JUDGE THOMPSON: [Overlapping microphones] and the last answer
8 is that it was common knowledge --

9 THE WITNESS: Yes.

10 JUDGE THOMPSON: -- in the community that her husband had been
11 killed. So, therefore, what was the point of going to
12 broadcast it all over the place?

13 MR BOCKARIE: well, I'll come to that.

14 Q. Madam, your husband was buried at xxxxxxx; am I correct?

15 A. My husband was not buried. My husband was taken to
16 xxxxxx and he was eaten there. Nobody will ever give
17 testimony that, but people are saying that my husband was
18 eaten. He was eaten at xxxxxx and everybody knows about
19 it, that it is true.

20 Q. Madam, I am finally putting it to you that your husband
21 was buried at xxxxxx to be precise?

22 PRESIDING JUDGE: At?

23 MR BOCKARIE: xxxxxxx.

24 PRESIDING JUDGE: Can you spell it, please?

25 MR BOCKARIE: x x x x x x. Thank you very much,
26 Your Honour, that's all for her. Thank you very much.

27 JUDGE BOUTET: Thank you.

28 PRESIDING JUDGE: Mr Williams, you may proceed, please.

29 CROSS-EXAMINED BY MR WILLIAMS:

1 MR WILLIAMS: My Lord, I would want to know the name of the
2 husband of the witness, so I will ask the Court
3 Management to provide us with a piece of paper.
4 JUDGE BOUTET: The Defence is in such a poor state that they
5 don't even have a piece of white paper.
6 PRESIDING JUDGE: This defence which has a whole Principal
7 Defender's Office that is even here very present,
8 represented by two, if not three people.
9 MR KOPPE: We don't even have a copier yet, Your Honour.
10 PRESIDING JUDGE: Mr Koppe, you say what?
11 JUDGE BOUTET: They have no photocopier machine yet. Maybe
12 that's why you don't have paper.
13 PRESIDING JUDGE: Never mind, the Chamber is looking into
14 that. It is supposed to have been ordered. I don't know
15 how long it will --
16 MR WILLIAMS: My Lord, I am informed that the witness is
17 reluctant to give the names of her husband. Possibly
18 with some assurances from the Bench she might divulge it.
19 JUDGE BOUTET: Madam, if you write down -- if you give the
20 name of your husband, it will not be disclosed publicly.
21 It is only for the Court and only to enable the Court to
22 assess what is going on. So it will not be disclosed to
23 anybody outside this Court, and we appreciate if you
24 could help us.
25 THE WITNESS: There'll be no problem for that, huh? For
26 people to go in search of me in xxx -- to do anything to
27 me in xxx, that's the question.
28 JUDGE BOUTET: I didn't hear the question.
29 THE WITNESS: I said if I show my husband's name and I'm

1 living in xxx and all my children are there, if I leave
2 this place and go to xxx, will there be no problem in xxx?
3 will people not go in search of me in xxx because of the
4 testimony that I give here?
5 PRESIDING JUDGE: This witness has always been talking of
6 security and how she's been afraid, inhibited to do
7 whatever. I don't know.
8 JUDGE BOUTET: But if you need this information all we can say
9 to you, Madam Witness, is that information will not be
10 relayed to xxx. To the same that you are giving evidence
11 here today will not be disclosed in xxx. Your identity is
12 hidden -- it is protected, because we want to make sure
13 that you and your family are protected.
14 JUDGE THOMPSON: I wonder whether we need the assistance of
15 the Victims Witness Unit, because my perception is that
16 she is very much in a state in which she says --
17 PRESIDING JUDGE: She's very afraid.
18 JUDGE THOMPSON: -- she feels that her life, even at this
19 point of time, is in jeopardy. So perhaps we need some
20 expert guidance on this.
21 PRESIDING JUDGE: Can we skip that and continue with the
22 cross-examination. We can come back to that. We'll come
23 back to that. Let's continue with the cross-examination.
24 MR WILLIAMS: I don't have too many questions.
25 PRESIDING JUDGE: Yes, go ahead. We'll look into that and see
26 if --
27 MR WILLIAMS: Possibly that might be the only question,
28 really. I don't have too many questions for her.
29 JUDGE BOUTET: well, can we ask the witness Protection Unit to

1 try to see --

2 PRESIDING JUDGE: We'll call Mr Vahidy, he'll come here on
3 Monday and will tell us what the situation is about this
4 particular witness.

5 JUDGE THOMPSON: Shall we advise on very strong counselling
6 over the weekend, taking into consideration the fact that
7 the Bench gives that assurance but since we're not the
8 experts you should be able to provide that kind of expert
9 guidance. So if you can do something over the weekend,
10 so that by the time we come here on Monday this lady
11 would be assured that we are fully conscious of the
12 situation and very much supportive of her.

13 PRESIDING JUDGE: But, again, it is a question of -- I don't
14 think, in saying this, the Bench wants to bring any
15 pressure on her to go beyond certain limits because she
16 has real concerns for her safety. This woman has kept
17 saying here in this Court that if she is killed, her
18 children will not have any other person to look after
19 them. I think there is something wrong somewhere. I
20 wouldn't want any pressure to be brought on her to really
21 accept any form of assurances -- the three of us here are
22 very disturbed about the situation and I think we will
23 advise ourselves and see what the Witness Protection Unit
24 will come up with.

25 MR KOPPE: Your Honour, I can suggest an alternative. We do
26 have the name of her husband and we could show it to her
27 and say if this is her husband, and we're all --

28 PRESIDING JUDGE: Mr Koppe, let's wait and see what we can do
29 on Monday, please.

1 JUDGE BOUTET: That's certainly one alternative. If it comes
2 from the outside rather than from her, it may be a little
3 bit easier. But along these lines, Mr Williams, we'll
4 hold you to your statement that you only have a few
5 questions on that.

6 PRESIDING JUDGE: No, that was the only question Mr Williams
7 has.

8 MR WILLIAMS: I might have changed my mind by Monday, My Lord,
9 but I won't be long with her anyway. I won't be five,
10 ten minutes with her, and, as I say, it may well be my
11 only question.

12 JUDGE BOUTET: We'll make sure that we observe you on Monday.

13 PRESIDING JUDGE: We'll put you under very strict and
14 scrupulous scrutiny on Monday, and make sure that you
15 leave to your word.

16 MR WILLIAMS: I hope Your Lordship would successfully read my
17 mind on that. My Lord, on a related matter --

18 PRESIDING JUDGE: Yes, Mr Koppe, you had something to raise,
19 please. Sorry, we shouldn't pack up without listening to
20 you. You said you were going to be very brief also.

21 MR KOPPE: Very brief, Your Honour.

22 PRESIDING JUDGE: Yes, can the witness be led out, please? We
23 don't want to rise. Can the witness be led out, because
24 she is coming back here on Monday. The screens, please,
25 the screens.

26 [HN031204G 5.50 p.m.]

27 PRESIDING JUDGE: Madam witness -- she has removed her
28 earphones. Madam witness.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Thank you for coming, but we shall have you
2 here very briefly on Monday. Very briefly on Monday
3 morning. So as you are going, you should know that
4 you're come back on Monday. Thank you very much for
5 coming, all right.

6 THE WITNESS: Okay. May the Lord make me to be healthy up to
7 Monday.

8 PRESIDING JUDGE: You are a brave woman. The Lord will make
9 you healthy. He has taken care of you all this while, so
10 there is no reason why He should let you down at this
11 time. So, okay, you can go.

12 THE WITNESS: Okay. It is not bad.

13 JUDGE BOUTET: Yes, Mr Koppe. You had said it would be short,
14 so we trust it will be short.

15 MR. KOPPE: It is maybe two sentences, Your Honour. It is
16 just the following matter: My client is very concerned
17 or very interested in the decision on a confidential
18 motion on the detention issue filed on the 6th of August,
19 and he was wondering if you could indicate when a
20 decision is due. Because of coming Christmas, he is very
21 concerned whether a decision is due before Christmas.

22 JUDGE BOUTET: As soon as we can, but, other than that, that
23 is as precise as it can be for now. It is under
24 consideration at this time, but I cannot --

25 MR. KOPPE: You cannot indicate a time frame?

26 JUDGE BOUTET: No.

27 PRESIDING JUDGE: We want to keep it as a tradition here that
28 we don't, from the Bar, get constrained to giving dates
29 as to when we would give decisions. These decisions are

1 not easy.

2 MR. KOPPE: I understand, but it seems to be a matter of great
3 concern to not only --

4 PRESIDING JUDGE: Don't presume that the deliberations are
5 that easy. You have seen the examples yourself on a
6 number of issues. So when we are ready, we'll let you
7 know that we are ready and will deliver a decision.
8 Mr Koppe, try to understand this, okay. when we're ready
9 we will deliver the decision.

10 MR JABBI: My Lord, it is a question on one of the opinions
11 delivered in the last ruling given here.

12 PRESIDING JUDGE: Yes, my opinion?

13 MR JABBI: Yes, My Lord.

14 PRESIDING JUDGE: It is available already.

15 JUDGE BOUTET: It has been filed today.

16 PRESIDING JUDGE: It has been filed today.

17 MR JABBI: Thank you very much, My Lord.

18 MR WILLIAMS: May it please Your Lordship --

19 JUDGE BOUTET: we had allowed for one now, it's not -- all
20 though it was motion day, but --

21 MR WILLIAMS: No, no, I actually indicated that I wanted to
22 say something on an unrelated matter and it has to do
23 with Your Lordship's direction as to the filing of the
24 motion for recall of one of the witnesses. Your
25 Lordships actually stipulated that we should file by
26 today's date. We actually came up with an authority
27 which might -- which actually prevented us from filing,
28 because the authority is indicating that for the recall
29 of the witness -- I mean, certain information should have

1 been brought out clearly which we have not yet succeeded
2 in getting from the child witness. We don't want to
3 file -- I mean, we've advised ourselves not to file,
4 because if we had filed, the Prosecution might have used
5 that against us. So what we're seeking is an extension.

6 PRESIDING JUDGE: A what?

7 MR WILLIAMS: An extension of time to file. I don't know
8 whether it was strictly -- the time stipulated to be --
9 I take it that should strictly apply.

10 PRESIDING JUDGE: We would take it that you've asked for an
11 extension of time today for reasons which you've stated.
12 Let us address this issue on Monday. We will address the
13 issue on Monday. You will raise it on Monday, but we've
14 taken noted of the fact that you have raised -- you've
15 presented an application for extension of time because
16 you've seen an authority somewhere which tells you that
17 should not comply with the -- with the decision of the
18 Court, the directions of the Court for you to file a
19 motion.

20 MR WILLIAMS: Yes.

21 PRESIDING JUDGE: So we'll listen to you on Monday,
22 Mr Williams.

23 JUDGE BOUTET: But there might be some confusion in what you
24 understand. What we want to know, if we asked you to
25 file something in writing, it is so we could have a very
26 clear statement of what it is that you're asking for,
27 supported by authorities, and so you could ask the
28 Prosecution on the other side to respond to it and also
29 provide authorities so we could look at this problem. So

1 now you seem to be saying that maybe you should not have
2 made the application. It is not clear where you want to
3 go.

4 MR WILLIAMS: Yes, sir, that is exactly what I'm saying, Your
5 Honour. That we came across an authority which says -- I
6 mean, the application would have been premature.

7 JUDGE THOMPSON: In other words, what it means is that you may
8 want to, at some point in time, advise yourselves whether
9 you're withdrawing the application,.

10 MR WILLIAMS: No, we would --

11 JUDGE THOMPSON: Because if you say that this authority is
12 persuasive in the context in which you are submitting
13 now, it would mean therefore if it is premature then you
14 may want to withdraw it for the time being. Isn't that
15 one way of looking at it?

16 MR WILLIAMS: There is no application before this Court as of
17 now.

18 JUDGE THOMPSON: well, there is an oral application before the
19 Court and we, of course, indicated that you should
20 formalise it in written form. So we're seized orally of
21 an application which will be transformed into a written
22 application, and I'm sure that when we -- if we hear your
23 submissions, and when we come to write a decision, we
24 will refer to the fact that that application began as an
25 oral application, and on the advice of the bench, it was
26 transmuted to a written application. So we're seized of
27 it now. If we're not, then why are you talking to us
28 about it?

29 JUDGE BOUTET: That's the problem.

1 MR WILLIAMS: I thought the written application would have
2 superseded --

3 JUDGE THOMPSON: No, I don't think that is how we do it. We
4 do not have doctrine of supersession. We do give the
5 history of it.

6 JUDGE BOUTET: If I may just assist my learned brother, as
7 well, there seems to be a lot of confusion everywhere,
8 because I have seen, and now I was just given a copy, of
9 a motion that has been called this afternoon by counsel
10 for Allieu Kondewa, so I think you are counsel, one of
11 those, a motion for recall of witness TF2-057. So I am
12 at a loss to understand what your application is all
13 about now.

14 MR WILLIAMS: well, I'm taken by -- that comes as a surprise,
15 because --

16 JUDGE BOUTET: well, it's been filed with the --

17 MR WILLIAMS: They should not have filed until after I had
18 made the application.

19 PRESIDING JUDGE: Yes, okay. Now, supposing we said, you
20 know, that we don't give any credence to the authority
21 you're referring to and that we stand our ground that you
22 must file a motion, do you think it is a good option for
23 you not to file a motion because you have discovered an
24 authority?

25 MR WILLIAMS: well, I think it is all academic now.

26 PRESIDING JUDGE: You're scratching your head. That's all
27 right. Is there any other matter on the table? No.
28 well, we have come to the --

29 MR BOCKARIE: The photocopier, Your Honour.

1 PRESIDING JUDGE: I thought that you -- you are the greatest
2 advocates, you know, and the Bench is not as strong an
3 advocate as you the advocates. We're doing our best to
4 ensure that the situation is remedied, please.

5 So we've come to the end of the week and, as usual,
6 I wish every one of you a very enjoyable weekend and
7 above all, a good rest before we start to end next week.
8 Have a nice weekend. The Court will rise, please.

9 [Whereupon the hearing adjourned at 5.58 p.m., to be
10 reconvened on Monday, the 6th day of December 2004, at
11 9.30 a.m.]

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EXHIBITS:

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WITNESSES FOR THE PROSECUTION:

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C E R T I F I C A T E

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

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

Roni Kerekes

Joanne Mankow

Ella K Drury