

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
MOINI NA FOFANA
ALLIEU KONDEWA

FRIDAY, 18 FEBRUARY 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Raimund Sauter
Mr Kevin Tavener
Mr Mohamed Stevens

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Mr John Wesley Hall

For the Accused Moini na Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Ansu Lansana

1 Friday, 18 February 2005
2 [HN180205A - RK]
3 [The accused Norman and Fofana not present]
4 [Open session]
09:34:20 5 [On commencing at 9.45 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel. We're
7 resuming the session.
8 JUDGE BOUTET: Mr Yillah, are you ready to carry on with your
9 cross-examination.
09:42:55 10 MR YILLAH: Very well, My Lord.
11 JUDGE BOUTET: Please do so.
12 MR YILLAH: Yes, sir.
13 WITNESS: TF2-222
14 CROSS-EXAMINED BY MR YILLAH: [Continued]
09:43:07 15 MR YILLAH:
16 Q. Mr Witness, could you please tell this Honourable Court
17 how long you were at Talia?
18 A. Yes, My Lord. I went to Talia in October 1997 and left
19 about the 3rd of March 1998.
09:43:37 20 Q. Now, Mr Witness, during your stay in Talia, could you
21 tell this Court from what you know -- let me ask you this
22 question. What was the effective period that the
23 Kamajors fought? Is it from October to March 1998?
24 A. Let me understand one thing the Kamajors had been
09:44:21 25 fighting when it was Kamajor. When the idea of
26 initiation came since 1996, then I was not a member.
27 Q. No, whilst you were a member, whilst you were at Base
28 Zero, could you tell this Court for how long did they
29 effectively fight, so far as you know?

1 A. Yes, My Lord, while there, from that time of October they
2 were in effective combat.
3 Q. Do you know from what period?
4 A. From when the ECOMOG intervention took place. And within
09:45:03 5 even my own area while we were in the Eastern Province up
6 until the time of disarmament.
7 Q. Could that be roughly what period? Could you tell the
8 Court what period?
9 A. I was there roughly from October 1997 to sometime in
09:45:25 10 2000.
11 Q. Mr Witness?
12 A. Yes, My Lord.
13 PRESIDING JUDGE: 1997.
14 MR YILLAH: Up to 2000.
09:45:36 15 JUDGE BOUTET: Up to sometime?
16 MR YILLAH: Sometime in 2000.
17 Q. Mr Witness, could you tell this court, in what part of
18 Sierra Leone, is this Base Zero, or Talia, as you call
19 it, found?
09:46:00 20 A. Yes, My Lord. Base Zero, Talia, is in the Bonthe
21 district and the chiefdom itself is Yawbeko.
22 Q. When you say Bonthe district, do you mean Bonthe island?
23 A. Not Bonthe island itself. I think upland Bonthe, because
24 I do not really -- that was my first time in fact going
09:46:30 25 to that part of Sierra Leone.
26 Q. Now, Mr Witness?
27 A. Yes, My Lord.
28 Q. How far, according to you and what you know, how far is
29 Talia from Tongo?

- 1 A. I would say that distance is more than -- very close to
2 200 miles, I would say, because the route -- the main
3 road they were using but it used to take over five days
4 to get to Tongo itself.
- 09:47:06 5 Q. So would it be correct, Mr Witness, to state that --
6 PRESIDING JUDGE: Did he say 200 miles?
7 MR YILLAH: 200 miles.
8 PRESIDING JUDGE: From Base Zero to Tongo?
9 MR YILLAH: Tongo, yes. And that his men --
- 09:47:15 10 Q. Could you explain that, please?
11 A. As I said the route they were taking, they were not going
12 straight. They had to go through a series of bends.
13 Q. Who do you mean by they?
14 A. Our men, the Kamajors.
- 09:47:34 15 Q. The Kamajors.
16 A. Yes, My Lord.
17 Q. Now, could you tell this Court how long it would take for
18 a message or an information to come from Tongo to Talia?
19 A. Same length because we did not have any means of
09:47:58 20 electronic communication. We had to use our men, one
21 point to the next point, then to the next point.
22 Q. So because you did not have any means of communication
23 you had to use your men from one point to the other?
24 A. Yes, My Lord.
- 09:48:12 25 Q. By what means was message transmitted? In other words,
26 did they have vehicles -- did they have -- was it --
27 could you tell the Court?
28 A. Yes, My Lord, we had some vehicles. The vehicles used to
29 send some people up to -- very close to Gondama.

1 Sometimes they were led up to very close -- they came to
2 Bumpe and very close to Towama here they had a sort of
3 route to go through the SALCOST, and there was another
4 way they used to go up to Shenge-Dambara axis and the
09:48:55 5 Tikonko area.

6 Q. Mr Witness, would it be correct to state that when
7 something happens in a place like Tongo it would take at
8 least a period of five days before it comes to the
9 knowledge of your council in Talia?

09:49:12 10 A. Yes, it should, My Lord.

11 Q. Mr Witness?

12 A. Yes, My Lord.

13 Q. For how long did you serve as a xxxxxx to the
14 committee, or what you call council in Talia?

09:49:53 15 A. I would say effectively it was not up to three weeks,
16 effectively.

17 Q. Effectively it was not up to three weeks.

18 A. Yes, My Lord.

19 Q. Is it also true, Mr Witness, that during the period of
09:50:25 20 three week that is you served as council you were
21 exchanging offices with one xxxxxx.

22 A. I cannot remember changing office with xxxxxx within
23 my own three weeks. During my own effective three weeks,
24 looking at my own efforts not adhered to, I started
09:50:58 25 becoming a bit calm about the whole situation and
26 thereafter.

27 JUDGE THOMPSON: No, it is a question of whether you did
28 change. Let's get that clear. Do you remember that at
29 all. Counsel is putting to you that --

1 MR YILLAH: During the effective period of three weeks.
2 JUDGE THOMPSON: That is the central aspect of his question.
3 MR YILLAH:
4 Q. Did you change offices with one xxxxxx?
09:51:26 5 A. Yes, I did.
6 Q. You did?
7 A. Yes, My Lord.
8 Q. It would be true to say that even during that three weeks
9 period you were not the sole xxxxxx to the War
09:51:43 10 Council?
11 A. You're correct, My Lord.
12 Q. Very well. Mr Witness?
13 A. Yes, My Lord.
14 Q. You stated in your evidence in chief that you were not
09:52:00 15 permitted into commanders' meeting; is that correct?
16 A. Yes, My Lord.
17 Q. But you also stated in your evidence in chief - correct
18 me if I'm wrong there, Mr Witness - that you were present
19 in a meeting when the first accused gave orders to
09:52:45 20 commanders?
21 A. My Lord, it was not a meeting, it was a personnel parade.
22 Q. Oh, it was a personnel parade?
23 A. Yes.
24 JUDGE BOUTET: Just before, could you explain what is a
09:53:13 25 personnel parade, please.
26 THE WITNESS: Okay. My Lord, when we heard that ECOMOG had
27 been mandated to push the men because they had -- back
28 then, the man had become so recalcitrant that they were
29 not shelling ECOMOG position, and that they had been

1 given the mandate to make sure they push as far as to the
2 point where any shelling would come from and make sure
3 they move some metres and have a sort of blockade against
4 the enemy shelling. So there and then, we were now, men
09:53:55 5 were now asked to be on the radar and so they had to
6 undergo some training. So thereafter the training, we
7 had a personnel parade in which the men were to parade
8 and present themselves that they have learned some
9 skills, so it was a general -- everybody had to go there
09:54:19 10 to see the parade and everybody wanted to admire his own
11 group that had gone.

12 JUDGE BOUTET: Passing of men in the sense that they had
13 passed the training?

14 THE WITNESS: Yes, My Lord.

09:54:32 15 JUDGE BOUTET: Thank you.

16 MR YILLAH:

17 Q. Mr Witness?

18 A. Yes, My Lord.

19 Q. Now you stated certain facts to this Court yesterday in
09:54:40 20 your evidence in chief regarding what the first accused
21 said. Now, Mr Witness, did he say these things in the
22 open?

23 A. At that same day of the parade, yes, My Lord.

24 Q. In the open.

09:54:57 25 A. In the open. Not even in any closing. Open.

26 Q. Mr Witness?

27 A. Yes, My Lord.

28 Q. Could you tell this Court whether you know the individual
29 whose name is written on this piece of paper?

1 A. I have not seen it.
2 JUDGE BOUTET: Show it to your colleagues and the Prosecution
3 before you show it to the witness.
4 MR YILLAH: Very well, My Lord.
09:55:30 5 JUDGE BOUTET: Mr Bockarie, you've seen that piece of paper?
6 MR BOCKARIE: No.
7 JUDGE BOUTET: No? Well, ensure that you do before. So the
8 witness is shown a piece of paper with a name written on
9 it, one name.
09:56:01 10 MR YILLAH: Yes, one name.
11 THE WITNESS: Yes, I know this name. I even talked about him
12 yesterday.
13 MR YILLAH: You spoke about him.
14 JUDGE BOUTET: So you want that to be marked as an exhibit.
09:56:12 15 MR YILLAH: Yes, My Lord. Your Honour, my attention has been
16 brought to the fact that that witness testified in the
17 open, but never mind.
18 JUDGE BOUTET: Yes, that is true, yes.
19 MR YILLAH: Yes, My Lord.
09:56:31 20 JUDGE BOUTET: Document with the name of a person which
21 contains that name and the aka on it.
22 MR YILLAH: Yes, My Lord.
23 JUDGE BOUTET: And this is of TF2-222 given the 18th of
24 February 2005, 61.
09:57:17 25 [Exhibit No. 62 was admitted]
26 MR YILLAH:
27 Q. Mr Witness, do you know what position that individual
28 held?
29 A. Yes, My Lord.

1 Q. So, Mr Witness, yesterday in your evidence in chief you
2 said that the group that that individual headed was
3 responsible for arresting those who were not disciplined?
4 A. Yes, My Lord.

09:58:05 5 Q. Is that what you said?
6 A. Yes, My Lord.

7 JUDGE THOMPSON: Counsel, let's have the evidence, moderate
8 your pace.

9 MR YILLAH: Sorry, My Lord.

09:58:28 10 Q. Mr Witness, so it would not be correct if that individual
11 said that his group was solely responsible for security
12 in and around Talia?
13 A. My Lord, that is not to my notice that that particular
14 group was purely responsible for securing in and around
09:59:07 15 Talia. That was not to my knowledge.

16 Q. Thank you. Mr Witness, I put it to you that the orders
17 you stated were given by the first accused in the open
18 yesterday were never given by him?
19 A. My Lord, I think all I'm saying here is correct and
09:59:50 20 I want to do justice to my conscience. I do not come
21 here to frame issues only to implicate somebody, but
22 I want to satisfy my conscience. I'm sure, upon the
23 Bible I swore, all I am saying here are the hard facts,
24 My Lord.

10:00:18 25 PRESIDING JUDGE: So what you're saying is that he said what
26 you said out in the open?
27 THE WITNESS: Yes, My Lord.

28 MR YILLAH:
29 Q. Mr Witness, would you be surprised to note that you are

1 the only person from Talia to state that the first
2 accused said those particular words? Would you be
3 surprised?
4 JUDGE THOMPSON: Is that correct? That means so far you're
10:01:23 5 talking about. When you frame it like that you say he's
6 the only person to say it.
7 MR YILLAH: Yes, My Lord.
8 JUDGE THOMPSON: You mean so far.
9 MR YILLAH: So far.
10:01:30 10 JUDGE THOMPSON: Perhaps you need to qualify it.
11 MR YILLAH: Very well, My Lord.
12 JUDGE BOUTET: And I would like to know when you say these
13 words, which words are you talking about more
14 specifically, because it was my recollection that there
10:01:41 15 is some evidence of something when you say these words --
16 MR YILLAH: I'll put them specifically. I take the cue, My
17 Lord.
18 Q. Mr Witness you said that the first accused said that the
19 international community is talking about human rights and
10:02:05 20 that the fighters or the Kamajors should take care of the
21 human rights?
22 A. Honestly, My Lord.
23 Q. That's what you said in evidence in chief.
24 A. And upon the Bible I swore.
10:02:14 25 JUDGE THOMPSON: Confirm your evidence in that regard. You're
26 confirming your evidence in that regard. In other words,
27 you're saying you stand by what you said.
28 THE WITNESS: Yes, My Lord.
29 MR YILLAH:

1 Q. My question now, Mr Witness is: Would it surprise you to
2 note that you are the only person from Talia on record to
3 say that the first accused said those particular words?
4 PRESIDING JUDGE: So far.

10:02:40 5 MR YILLAH:
6 Q. So far.
7 A. I would be surprised and even doubt the honesty of
8 people, honestly. For God and man.
9 Q. Mr Witness, I also put it to you that the statement that
10:03:10 10 you said the first accused made about civilians in Tongo
11 is not true.
12 A. My Lord, I want you to go over that about civilians in
13 Tongo.
14 PRESIDING JUDGE: In what context, Mr Yillah? You should be
10:03:39 15 speci fi c.
16 MR YILLAH:
17 Q. Mr Witness, in your evidence in chief yesterday you said
18 that the first accused said that Tongo was the
19 determining factor, it determines who wins or loses the
10:03:50 20 war?
21 A. Yes, My Lord.
22 Q. And that anybody found working for the juntas should not
23 be spared; is that what you said?
24 A. My Lord, I did not say that speci fi cally for Tongo,
10:04:01 25 I said he went into the air as a nation-wide broadcast
26 that Operation Black December was about to begin and that
27 all those who had initially not listened, had not gone
28 and pulled away from the junta regime, be prepared for
29 whatever circumstances. I did not say that speci fi cally

1 for Tongo.

2 Q. Thank you, very much, Mr Witness. Mr Witness, so far as
3 you know, was it a consistent practice for the Kamajors
4 to give warnings to civilians in areas they intended to
10:04:43 5 target militarily? Was it a consistent practice?

6 A. As far as my own knowledge goes, for Tongo, as far as my
7 own knowledge goes, for Tongo, the Kamajors who came to
8 report said they had earlier on sent in some secret
9 warnings for civilians to make sure they pull out as they
10:05:15 10 would strike at any time. That was in their report, that
11 I know, but for the others, as I told you I was an
12 xxxxxx.

13 Q. So you only know about Tongo?

14 A. That order was given.

10:05:27 15 Q. Okay. Mr Witness, you were a xxxxxx and an educated
16 man?

17 A. Yes, My Lord.

18 Q. Did you make a diary of all these events at Talia?

19 A. No, My Lord. I had no access to paper. I scouted round,
10:05:47 20 even to be getting some other things.

21 Q. Answer the question, Mr Witness, please. Did you make a
22 diary of these events -- of these happenings at Talia
23 that you've testified to in this Court as a xxxxxx?

24 A. At that time I was xxxxxx, I was keeping records, My
10:06:05 25 Lord.

26 JUDGE THOMPSON: Actually, he was talking about the specific
27 events that you're talking about.

28 MR YILLAH: The specific events that he witnessed in Talia.

29 JUDGE THOMPSON: He now answers by saying he was keeping

1 records.

2 MR YILLAH: Keeping records, My Lord.

3 JUDGE THOMPSON: Is that the evidence?

4 MR YILLAH: It would amount to the same thing, My Lord.

5 JUDGE THOMPSON: All right. That's fine, that's fine.

6 Because as secretary.

7 PRESIDING JUDGE: You see it is moving from a diary to

8 records. Let's be very clear.

9 MR YILLAH: I'll use one word, My Lord. I'll clarify.

10:06:45 10 PRESIDING JUDGE: Because a xxxxxx means he was keeping

11 records. But was he keeping a diary, which was the first

12 arm of your question?

13 JUDGE THOMPSON: That is my difficulty.

14 JUDGE BOUTET: Before you do, the answer as I got it was, "at

10:06:58 15 the time I was xxxxxx, I was keeping records," so my

16 recollection was that he was not secretary for the whole

17 time he was in Talia.

18 MR YILLAH: Thank you, My Lord. I take the cue, My Lord.

19 I'll clarify the issue, My Lords.

10:07:17 20 Q. Mr Witness, you've told this Court that you were

21 xxxxxx for effectively a period of three weeks; is

22 that correct?

23 A. Yes, My Lord.

24 Q. During this period, are these your words, did you make a

10:07:33 25 record of the happenings in Talia as you knew them then?

26 A. For the council. My personal records I made, but for the

27 council, I made also for the council. Yes, My Lord.

28 Q. In your personal records, did you state the events that

29 you have testified to in this Court?

1 A. My personal records. Yes, My Lord.
2 JUDGE THOMPSON: So he made two sets of records.
3 MR YILLAH: Yes. One for the council and one for his personal
4 records.
10:08:01 5 JUDGE THOMPSON: During the period that he was effectively
6 xxxxxx.
7 MR YILLAH: Effectively xxxxxx.
8 PRESIDING JUDGE: One for the council and the other for.
9 THE WITNESS: My personal self.
10:08:16 10 MR YILLAH: For his personal self.
11 Q. Mr Witness, did you produce your personal records to the
12 investigators for the Prosecutor?
13 A. No, My Lord.
14 Q. Mr Witness, you have said to this Court that you are a
10:08:58 15 poet, you are a dramatist and you are a writer and an
16 intellectual. Didn't you think it was wise to have,
17 personally -- so far as you can answer this personally,
18 do you think -- didn't you think it was wise for you to
19 have produced to this Honourable Court your personal
10:09:21 20 records of the happenings in Talia?
21 A. My Lord, I would like to explain why I didn't, if you
22 give me the chance.
23 Q. If you could answer the question then you can elaborate.
24 A. It was appropriate that I would have done so, but it was
10:09:47 25 unfortunate I was not able to do so.
26 JUDGE BOUTET: You want to explain, would you please explain?
27 THE WITNESS: I was trying to write a whole detail of the
28 things that happened from March 23rd, 1991 up to the time
29 of the final disarmament when I held the last weapon from

1 my last fighter in my district for destruction. So
2 I compiled all the few things. I had a brother, a
3 colleague, he was a lecturer at the polytechnic in Kenema
4 by the name of Mr Christian Isaac, may his soul rest in
10:10:33 5 peace. He, myself and Mr MD Swaray after a workshop for
6 a program in Daru, that was in September 2004,
7 I discussed the matter with them. I said I was thinking
8 that when I had read this man's book, Jungle something,
9 "Bread basket in the jungle," I say I would want to see,
10:10:53 10 to write something, to put some scripts on paper because
11 I think I had experienced a lot in this war, I think
12 I would write better than what was put in there.
13 So they asked me -- they gave me first some
14 highlights since he was a master in language. I compiled
10:11:13 15 all those records, I made my scripts. He was to
16 cross-check, having made all the literature reviews and
17 other things. He was to edit and make sure we were to
18 put things to other -- have a book made for the use of
19 any institution. So when he took that thing along it is
10:11:30 20 unfortunate just after that he had a heart failure and he
21 died. I tried as much as possible to lay hands on those
22 things and even up to this time there is one Mr MD
23 Swaray, he know about all those things I was discussing
24 with them, they saw some of the scripts. If they were
10:11:49 25 here, they would tell you that I had those things, and
26 that I give them for development. It's unfortunate,
27 I regret it because I have lost those things up to this
28 time. I had to even ask permission from my lawyer that I
29 was going in search of some of these scraps I had had. I

1 had to travel from here to Koindu because I had a
2 personal secretary who too was keeping these things. So
3 I had to travel to that point. He told me definitely he
4 could not trace them, and I had promised that I would be
10:12:17 5 back within seven days, so I could not find any here.
6 But I am still bent upon looking out to find out those
7 scraps. I even promised my lawyer that if by chance,
8 I lay hands on it, even a speck of it, I would let him
9 have it. So that is why, up to this time, I could not
10:12:39 10 boast of any record, My Lord.

11 PRESIDING JUDGE: So the long and short of it is that you
12 handed your records. You handed these records to one?

13 THE WITNESS: One lecturer, late xxxxxx, may his
14 soul rest in place.

10:13:02 15 PRESIDING JUDGE: xxxxxx.

16 THE WITNESS: Isaac. He was a lecturer, language arts
17 department, Eastern Polytechnic.

18 PRESIDING JUDGE: Isaac?

19 THE WITNESS: Isaac, I-S-A-A-C. That is how he was spelling
10:13:14 20 his name.

21 PRESIDING JUDGE: He died soon thereafter and you have not be
22 able to retrieve.

23 THE WITNESS: To retrieve, really, My Lord. Honestly.

24 MR YILLAH:

10:13:56 25 Q. Mr Witness, were you aware, as secretary, that the War
26 Council tried Kamajors who misconducted themselves?

27 A. I was told because there were some misconducts that I
28 know of when I was xxxxxx. I did not go to witness
29 how they were going to conduct the trials. They had to

1 travel there; I did not go. And that interchange of
2 position with Mr Kanneh came up, and he had to go, but
3 I did not go, because all along when I saw my own efforts
4 were discouraged, I never decided to be very active in
10:14:51 5 most of those things. So he had to go.

6 Q. So you're telling the this Court that you did not
7 participate in important council meeting?

8 MR KAMARA: No, that is not what he's saying. Your question
9 if he is aware of any disciplinary action taken by the
10:15:11 10 War Council. And he said he was aware, but he was not
11 there. But he never said that he never participated in
12 War Council proceedings.

13 MR YILLAH: My Lord, if I could briefly reply to my learned
14 friend. I was putting in a new question and even my
10:15:22 15 question is qualified. And I didn't say War Council
16 meetings I said important. I can put it another way.

17 JUDGE BOUTET: Thank you.

18 MR YILLAH:

19 Q. Mr Witness, did you, as a secretary, attend any council
10:15:38 20 meeting where disciplinary proceedings were held in
21 respect of Kamajors who misconducted themselves?

22 A. My Lord, I have told you that --

23 JUDGE THOMPSON: Witness, the question is very direct and
24 specific. Did you or did you not.

10:16:05 25 THE WITNESS: Not to my knowledge, My Lord.

26 JUDGE THOMPSON: Yes, I mean otherwise we get tangled again.
27 Do you recall that you were present at any of these
28 meetings or you were not present?

29 THE WITNESS: I heard but I did not go there.

1 JUDGE THOMPSON: So what is the answer?
2 THE WITNESS: I did not.
3 MR YILLAH:
4 Q. Mr Witness, did you subsequently learn that the War
10:16:49 5 Council held disciplinary proceedings on Kamajors who
6 misconducted themselves?
7 A. That I heard, My Lord, honestly.
8 Q. Mr Witness, did you specifically learn about the trial of
9 one Vanjawai?
10:17:36 10 A. Yes, My Lord, I did.
11 Q. Mr Witness, did you also specifically learn about the
12 trial of the individual?
13 MR YILLAH: My Lord, may I ask what's the exhibit number.
14 PRESIDING JUDGE: 61?
10:17:56 15 MR YILLAH: The last one.
16 JUDGE BOUTET: 61.
17 MR YILLAH:
18 Q. Mr Witness, the individual whose name is written on the
19 piece of paper that I've just showed you?
10:18:06 20 JUDGE BOUTET: The one this morning.
21 MR YILLAH:
22 Q. The one this morning.
23 A. Yes, My Lord.
24 Q. Do you recall it?
10:18:13 25 A. I do.
26 Q. Did you learn about his trial?
27 JUDGE BOUTET: Mr Yillah, I have misled you, I'm sorry. It is
28 62, and not 61. I apologise for that.
29 MR YILLAH: I'm grateful, My Lord.

1 JUDGE BOUTET: I misled the presiding judge as well. So, it's
2 62 and not 61.
3 MR YILLAH: Very well, My Lord.
4 Q. So you recall the individual whose name is written on
10:18:39 5 Exhibit 62?
6 A. Yes, My Lord.
7 JUDGE THOMPSON: Counsel, for the sake of precision, is the
8 evidence about trials when the War Council decides to
9 discipline persons who -- or Kamajors who misconduct
10:18:53 10 themselves, because I recall at one stage the evidence
11 about investigating but if you prefer to use the word
12 trial, that's fine.
13 MR YILLAH: My Lord, those are my instructions.
14 JUDGE THOMPSON: All right. I apologise.
10:19:08 15 MR YILLAH:
16 Q. Mr Witness, did you subsequently learn about the trial of
17 that individual by the War Council?
18 A. Yes, My Lord, I heard.
19 Q. You heard about it?
10:19:22 20 A. Yes, My Lord.
21 Q. Mr Witness, you were initiated as a Kamajor?
22 A. Yes, My Lord.
23 Q. Were you given some rules immediately after initiation to
24 guide you in your conduct of warfare as a Kamajor?
10:19:59 25 A. Yes, My Lord.
26 Q. Could you state these rules for the Court?
27 A. For the confidentiality of the court, of the Kamajor
28 court, certain rules I will not talk about, but those
29 that had dealing with battle, I have to talk about.

- 1 Q. Could you help the Court to know about those that had
2 dealings with battles?
- 3 A. Yes, My Lord. Yes, we were told that one, if a colleague
4 was knocked down, you make sure you retrieve the corpse;
10:20:57 5 two, one was not to turn his weapon against another
6 colleague; three, he --
- 7 JUDGE THOMPSON: Slowly, Mr Witness, slowly. The first one
8 you say, if a colleague was knocked down.
- 9 THE WITNESS: Killed, I mean. Or whatever. Injured, killed
10:21:16 10 or injured, you have to make sure you do whatever you can
11 to retrieve the corpse or the injured person to a safer
12 place; two, you were not to turn your own weapon against
13 your colleague fighter; three - may I go ahead - three,
14 you should not take anything from a civilian running away
10:22:13 15 from the bullets. In other words, you should avoid
16 looting.
- 17 Q. Yes?
- 18 A. As far as the battle, those are the orders. The others
19 are purely the court's confidentiality.
- 10:22:55 20 Q. Mr Witness, let me just put this to you: Were you in
21 fact told, as a rule, not to kill an innocent civilian?
- 22 A. Yes, My Lord, in fact.
- 23 Q. Did you forget that?
- 24 A. I want to believe I said it in that envelope where I said
10:23:15 25 civilians running away.
- 26 Q. No, you said looting.
- 27 A. I said, sort of in general, looting or even killing.
- 28 Q. Mr Witness, did you personally as a Kamajor observe these
29 rules?

1 A. My Lord.
2 Q. Did you or did you not, Mr Witness?
3 A. As far as I am concerned, personally I did.
4 Q. You observed this?
10:23:43 5 A. I did.
6 Q. Mr Witness, do you know what are the effects or what are
7 the consequences if a Kamajor flouts these rules?
8 A. Well, what they told us, you want me to explain that? I
9 know what we were told by our initiators.
10:24:32 10 Q. Yes, Mr Witness, we're waiting.
11 A. We were told that if you did, since the court had some
12 mystical powers, if you turn your weapon against an
13 innocent civilian, honestly, always in whatever cache of
14 arms you have there must be one bullet that will hit you,
10:24:52 15 unknowingly, in fact, we were told.
16 Q. And did you believe?
17 JUDGE THOMPSON: Let's get that first, counsel.
18 MR YILLAH: Sorry, My Lord.
19 Q. Mr Witness, did you in fact believe what you were told?
10:25:33 20 Speak for yourself?
21 A. For myself, I don't only believe things if I don't prove
22 them correct.
23 Q. Did you believe or not?
24 A. I was apprehensive. I was in between. I like to believe
10:25:54 25 when I prove it myself.
26 PRESIDING JUDGE: Did you never believe or did you disbelieve.
27 THE WITNESS: I was in between.
28 JUDGE BOUTET: So you did not believe or disbelieve; you were
29 in between.

1 THE WITNESS: Yes, I was in between, My Lord.
2 MR YILLAH:
3 Q. But you personally did not flout any of these rules?
4 A. Honestly, I would say without any fear, I did not flout
10: 26: 22 5 them.
6 Q. Thank you, Mr Witness.
7 Now, Mr Witness, so far as you know about the war in
8 Sierra Leone, would you tell this Court how the rebels of
9 the RUF were dressed, usually?
10: 26: 53 10 A. Those I saw, yes, My Lord.
11 Q. Were they in fact dressed in civilian clothing?
12 A. Some had civilian clothing, some had nets on their body,
13 the first we saw in 1991.
14 Q. Let me jog your memory, Mr Witness. Mr Witness, you had
10: 27: 22 15 said in your evidence in chief that you were in your home
16 town when the rebels struck; is that correct?
17 A. Yes, My Lord.
18 Q. Mr Witness, looking at the dressing of the rebels, how
19 they were attired at that time, was it easy for you to
10: 27: 43 20 distinguish between a rebel and a civilian?
21 PRESIDING JUDGE: Why doesn't he finish with enumerating how
22 the rebels were dressed.
23 MR YILLAH: Yes, My Lord. As My Lord pleases.
24 JUDGE THOMPSON: Otherwise it gets convoluted.
10: 28: 04 25 MR YILLAH: As My Lord pleases.
26 THE WITNESS: May I then go ahead?
27 PRESIDING JUDGE: Yes.
28 THE WITNESS: I said civilian clothings, some had nets --
29 fishing nets, yes, My Lord. Some even had military

1 gears, some had our native cotton cloth woven and tied
2 with some other things.
3 PRESIDING JUDGE: Tied with some other thing like what?
4 THE WITNESS: Like kola nuts. The dye, the dye they get from
10:29:08 5 gari, tie-dye sort of things. And so on. They did not
6 have any just organised way of dressing, anyone -- if you
7 were even fortunate to have any of these gowns you are
8 wearing, that could have been a very good uniform for
9 them.
10:29:30 10 PRESIDING JUDGE: Any of the gowns the judges are wearing?
11 THE WITNESS: Any one they laid out. Some rebels we saw had
12 those academy gowns. I was surprised I seen one with
13 even the whole thing. I don't know where he got it. So
14 that thing, I just found this situation very funny,
10:29:44 15 particularly when they hit Njala.
16 JUDGE THOMPSON: I find it intriguing, that reference.
17 THE WITNESS: Hm?
18 JUDGE THOMPSON: I find the reference intriguing, that's all.
19 THE WITNESS: I'm sorry about that.
10:29:58 20 PRESIDING JUDGE: Which reference was that? Academic gowns?
21 JUDGE THOMPSON: Not the academic gowns, the robes of the
22 Judges.
23 THE WITNESS: I'm sorry about that.
24 JUDGE THOMPSON: Myself, that's all.
10:30:11 25 MR YILLAH:
26 Q. Mr Witness, you've just stated that the rebels were
27 sometimes dressed in civilian clothing; is that correct?
28 A. Yes, My Lord.
29 Q. You've also stated that they were sometimes dressed in

1 native clothing?
2 A. Yes, My Lord.
3 Q. Tied with kola nuts and other things?
4 A. Yes, My Lord.
10:30:33 5 Q. Is this akin, is this similar to the Kamajor mode of
6 dressing?
7 A. The type of cloth, we had our own special.
8 Q. Mr Witness, the question is simple and straightforward.
9 You said they sometimes dressed in native cotton cloth,
10:30:53 10 tied with kola nuts and other things, if I get you
11 rightly. Now, is that particular native cotton cloth
12 similar to the dressing of the Kamajors?
13 A. I don't want to say yes, because the Kamajor too did not
14 have a uniform. Everybody had according to his region,
10:31:28 15 that is what I want to explain.
16 JUDGE BOUTET: Again, Mr Witness, the question is relatively
17 simple. You have described the dress, some of the dress
18 of rebels to be of native clothing.
19 THE WITNESS: Yes, similar to the Kamajors.
10:31:50 20 JUDGE BOUTET: Was this similar to the dress of the Kamajors?
21 THE WITNESS: Yes, My Lord.
22 JUDGE BOUTET: Thank you.
23 MR YILLAH:
24 Q. Mr Witness, based on your personal experiences with the
10:32:16 25 attacks of the rebels, as you've stated in this Court,
26 did the rebels mix with the civilian population in your
27 own town when they attacked? Did they?
28 A. Yes, My Lord.
29 Q. They did?

1 A. Yes, My Lord.
2 PRESIDING JUDGE: Let me get the last question. The rebels do
3 what.
4 MR YILLAH: Based on his own personal experience whether the
10:32:57 5 rebels when they attacked mixed with the civilian
6 population.
7 THE WITNESS: I said yes, My Lord.
8 MR YILLAH: He said yes.
9 Q. So Mr Witness, is it correct to state that in those
10:33:25 10 circumstances it would be very difficult to distinguish
11 between a rebel and a civilian? Is it correct?
12 A. You are correct, My Lord.
13 Q. Mr Witness, again, based on your personal experiences
14 with the war in Sierra Leone, so far as you know, was it
10:34:14 15 the practice of the rebels to use civilians as human
16 shields?
17 A. That I do.
18 Q. Did you personally observe any such incident?
19 A. Yes, I observed.
10:34:24 20 Q. Would you tell the Court?
21 A. May I go ahead.
22 JUDGE THOMPSON: Not yet, you said based on my personal
23 experiences it was the practice of rebels to use
24 civilians as human shields.
10:34:50 25 THE WITNESS: Yes, My Lord.
26 JUDGE THOMPSON: Okay. Let me get that first.
27 THE WITNESS: May I go ahead.
28 MR YILLAH:
29 Q. No, Mr Witness, you were not present for the Tongo

- 1 attack, were you?
- 2 A. No, My Lord. I was at Base Zero. I said that earlier.
- 3 I was not there, My Lord.
- 4 Q. Did you subsequently learn about the Tongo attack?
- 10:35:10 5 A. I learned about it, My Lord.
- 6 Q. Mr Witness?
- 7 A. My Lord.
- 8 Q. Did you in fact hear that that was the situation at the
- 9 NDMC headquarters in Tongo during the Kamajor attack?
- 10:35:35 10 A. That was.
- 11 Q. That was what you heard?
- 12 A. Yes, My Lord.
- 13 Q. That the rebels used the civilians as human shields at
- 14 the NDMC headquarters?
- 10:35:50 15 A. Yes, My Lord.
- 16 Q. Thank you very much, Mr Witness.
- 17 Mr Witness, is it true that the War Council was in
- 18 existence very effectively until April of 1998?
- 19 A. It was, .
- 10:36:14 20 Q. It was.
- 21 A. That was the end, the final one held in April.
- 22 Q. By then the legitimate government had been restored?
- 23 A. Yes, My Lord.
- 24 Q. Do you recall attending a War Council meeting in Kenema
- 10:36:50 25 sometime in April of 1998?
- 26 A. Yes, My Lord.
- 27 Q. Do you recall that very strong disciplinary measures were
- 28 taken against Kamajors for their excesses in the east at
- 29 that meeting; do you recall?

1 A. That particular meeting.
2 Q. Do you recall?
3 A. Yes, My Lord.
4 Q. You do recall?
10:37:27 5 A. Yes, My Lord.
6 Q. Mr Witness, do you know whether the War Council in that
7 meeting reduced their conclusions in writing?
8 A. Yes, My Lord.
9 Q. You do know?
10:38:01 10 A. We recorded all the activities at the meeting.
11 Q. Very well, My Lord. At this stage, My Lord, may I apply
12 for the recall of Exhibit 28?
13 JUDGE BOUTET: 28?
14 MR YILLAH: Which is already in evidence, My Lord, Exhibit 28.
10:38:49 15 JUDGE BOUTET: Mr Yillah, I'm informed that we don't have it
16 in court now. It is safeguarded in the office.
17 MR YILLAH: My Lord, that is very germane.
18 JUDGE BOUTET: I don't dispute that. I'm just telling you we
19 may have to break for.
10:39:02 20 MR YILLAH: I'm entirely in Your Lordship's hands.
21 PRESIDING JUDGE: Can you not proceed so that we come back to
22 that topic?
23 MR YILLAH: My Lord, it is very, very important for my
24 instructions that I put that.
10:39:14 25 JUDGE BOUTET: Can you carry on with the remainder of your
26 cross-examination?
27 MR YILLAH: That is my last bit. That's why I saved it for
28 the last.
29 PRESIDING JUDGE: Ms Edmonds, do you think it will take us

1 about --

2 MS EDMONDS: About five minutes.

3 PRESIDING JUDGE: About five minutes. Well, we will rise for

4 ten minutes in order to enable the Court Management to

10:39:42 5 produce. Please make sure you give the Court Management

6 the right reference to the exhibits.

7 MR YILLAH: As My Lord pleases.

8 PRESIDING JUDGE: So the Court will rise for ten minutes,

9 please.

10:40:17 10 [Break taken at 10.45 a.m.]

11 [On resuming at 11.00 a.m.]

12 PRESIDING JUDGE: Sorry we're starting a bit late, I learned

13 counsel. I think the custodian of the exhibits was not

14 immediately available, so we had to wait for him.

10:56:53 15 JUDGE BOUTET: But we were also told that when we were ready,

16 all of you had disappeared from the Court so -- we're

17 ready now. You do have in your hand Exhibit 28?

18 MR YILLAH: 28, My Lord. May I apply to the Court Management

19 to show the Prosecution?

10:57:47 20 JUDGE BOUTET: Yes. Mr Yillah, if you have a good memory this

21 is your last question or questions depending the answer.

22 MR YILLAH: Yes, depending on --

23 Q. Mr Witness --

24 PRESIDING JUDGE: Has the document -- just to refresh your

10:58:08 25 memory? That is been shown to the other members of the

26 Defence?

27 MR YILLAH: They're familiar.

28 PRESIDING JUDGE: They're familiar with it, okay. Mr Witness,

29 please take your time. Don't be in any rush, take your

1 time, because --

2 MR YILLAH: May be I be seated, My Lord?

3 PRESIDING JUDGE: Yes, you may.

4 MR KAMARA: Your Honours, while the witness is taking a look

10:59:06 5 at that document, can I make a comment about --

6 PRESIDING JUDGE: No, please, we don't want him to be

7 disturbed. We want him to concentrate on that document.

8 You may do that thereafter, please.

9 Mr Witness, how many more pages do you have.

11:02:28 10 THE WITNESS: The last page.

11 PRESIDING JUDGE: The last page, okay.

12 THE WITNESS: Yes, okay, My Lord.

13 MR YILLAH:

14 Q. Mr Witness, in answer to my question awhile ago you said

11:02:50 15 that you were in attendance at the meeting of the War

16 Council held in Kenema in April?

17 A. Yes, My Lord.

18 Q. And you also said that the conclusions or the

19 resolutions, as that document is headed, were reduced in

11:03:14 20 writing; is that right?

21 A. Yes.

22 Q. Are you familiar with that document, Mr Witness.

23 A. I took the very minutes.

24 Q. So you are the author of that document?

11:03:20 25 A. Yes, My Lord.

26 Q. Mr Witness, look at page 1 of that document, paragraph 1

27 of that document. Could you kindly, Mr Witness, with the

28 leave of the Bench, My Lord, read out the first paragraph

29 for the Bench's -- for the attention of this Bench, this

1 Honourable Bench.

2 THE WITNESS: My Lord, may I read?

3 MR YILLAH: With the leave of the learned judges.

4 JUDGE BOUTET: Well, if you think it is important that we hear
11:04:02 5 that, it is okay.

6 MR YILLAH: As My Lord pleases. It is crucial, My Lord.

7 THE WITNESS: Okay. "Discipline of CDFSL fighting forces.
8 "To ensure the discipline of Kamajors, Kapras,
9 Donsos, hunting societies, et cetera, the War Council
11:04:26 10 directs all CDFSL functionaries, including administrators
11 and initiators to relinquish their control of the
12 fighting forces exclusively to the directorate of war and
13 operations (War Office), which is the command structure
14 that is vested with statutory powers to command and
11:04:42 15 control the fighting forces. As such, on CDFSL
16 functionary administrators and initiators alike shall
17 deploy the fighting forces to the warfront or elsewhere
18 without the expressed approval of the War Council. To
19 that end, the War Council instructs the War Office to
11:05:03 20 undertake the immediate effect -- immediately effective,
21 a tour of all CDFSL chiefdoms to establish our strength
22 in CDFSL structures for which effective control and
23 discipline of the fighting forces can be attained.
24 Consequently, the War Council formally requests ECOMOG to
11:05:24 25 transfer to CDFSL the specific responsibility of the
26 discipline of CDFSL fighting forces. The responsibility
27 for which --"

28 PRESIDING JUDGE: Is that still paragraph 1?

29 MR YILLAH: That is about the conclusion now.

1 THE WITNESS: "The responsibility for which CDFSL has the
2 appropriate structures and traditional apparatus."
3 MR YILLAH:
4 Q. Thank you, Mr Witness. Mr Witness, I also want you to
11:05:45 5 look at page 3, headed "Recapture of Commandeered
6 Vehicles" or something?
7 A. That is page 3.
8 Q. There is a heading?
9 A. "The recapture of the looted commandeered vehicles in
11:06:02 10 battle.
11 Q. Could you also read the War Council's position on that to
12 the Court.
13 A. Yes, My Lord. "As complaints continued to filter from
14 civilians and organisations about the refusal of CDFSL
11:06:18 15 members to return their vehicles having been commandeered
16 by junta forces but recaptured in battle by the CDFSL
17 fighting forces, the War Council directs that all
18 recaptured vehicles belonging to the Sierra Leonean
19 government for embassies and non-governmental
11:06:31 20 organisations must be returned to the their rightful
21 owners without delay. The directive further states that
22 where the vehicle in question is owned by a civilian of a
23 commercial organisation, it shall be used on operational
24 purposes for the war and shall be returned to its owner
11:06:53 25 after such use, but if, however, such a vehicle is
26 unsuitable for the operational use, the rightful owner
27 can recover his own vehicle upon payment of a modest
28 compensation to the fighter who recaptured the vehicle in
29 battle."

1 Q. Thank you, Mr Witness. So, Mr Witness, you have said in
2 evidence that you have, in fact, wrote down that
3 resolution; is that correct?
4 A. Yes, My Lord.
11:07:21 5 Q. And you reflected the position of the War Council in that
6 resolution; is that correct?
7 A. Yes, My Lord.
8 Q. Thank you, Mr Witness. Your Honour, that is all on that
9 exhibit. Mr Witness, one last question. As an
11:07:35 10 intellectual do you intend to write a book on what you
11 have testified to in these courts?
12 JUDGE BOUTET: What is your question again?
13 MR YILLAH: As an intellectual, I'm just asking.
14 JUDGE BOUTET: That's okay. I just want to make sure I hear
11:07:47 15 what you're asking.
16 MR YILLAH: I'll re-state the question again.
17 Q. Mr Witness, as an intellectual, do you intend to write a
18 memoir or book or drama of what your experiences are in
19 this war?
11:08:04 20 JUDGE BOUTET: What is the relevancy to this trial? Whether
21 he does or not, writes a play or not. I mean, I fail to
22 see the relevancy, honestly.
23 MR YILLAH: My Lord, I earlier asked the question in the
24 course of cross-examination regarding whether -- when I
11:08:17 25 was dealing with Talia as to whether the witness kept
26 records of, or made diaries of that, My Lord. It may be
27 important when certain submissions are made to Your
28 Lordship much later on as to the relevance of this
29 question.

1 PRESIDING JUDGE: Let us take the state of the evidence as it
2 is now. And assuming he does not retrieve his documents,
3 I mean, what do you want him to say, you know? I
4 think -- I don't know. Any way -- I don't see the
11:08:56 5 relevance. Like my learned brother has said, I fail to
6 see the relevance of whether he will write or not.
7 JUDGE BOUTET: I don't know the case for the Defence. If you
8 say it is relevant, I'll accept that. I don't know,
9 that's why I'm asking the question. So if you say it is,
11:09:09 10 well --
11 PRESIDING JUDGE: He may use his procedural memory maybe to
12 reconstitute whatever and write.
13 MR YILLAH: That is very true, My Lord. My instructions are
14 that --
11:09:22 15 JUDGE THOMPSON: Just a minute. Are you going disclose
16 something that you probably would not want the witness to
17 hear, if your instructions are of a legal nature in
18 respect to this line of cross-inquiry? Because I myself
19 I have reservations about the relevance of it, but unless
11:09:42 20 you know something that we don't know and might want to
21 take us into your confidence --
22 MR YILLAH: I will take the cue and rest the case there, My
23 Lord.
24 JUDGE BOUTET: Thank you. Court Management, could you
11:09:55 25 retrieve Exhibit 28, please. Mr Bockarie?
26 MR BOCKARIE: Yes.
27 JUDGE BOUTET: Are you ready to proceed?
28 MR BOCKARIE: Yes, Your Honour.
29 MR KAMARA: Sorry, Mr Bockarie.

[HN180205B 11.15 a.m. - SGH]

2 MR KAMARA: Yes, Your Honours. This is with regards to the
3 line of cross-examination of my learned friend yesterday.
4 I wish to draw the attention of the Bench to the fact
11:10:24 5 that certain questions were put to the witness based on
6 the testimony of TF-005 and, Your Honours, we might seek
7 guidelines on the use of testimony of a witness that has
8 given evidence before this Court being put to another
9 witness. Your Honours, I have combed the transcript --
11:10:50 10 JUDGE BOUTET: Do we need to deal with this before we are
11 finished with the cross-examination?
12 MR KAMARA: Maybe it will help in the flow of the next line of
13 cross-examination, probably. I hope it does.
14 JUDGE BOUTET: Mr Kamara, we will hear your comments but we'll
11:12:21 15 ask that the witness be excused in the meantime in case
16 there might be some legal arguments in this respect.
17 MR KAMARA: Yes.
18 JUDGE BOUTET: Can the Court Management close the curtains
19 while the witness leaves the courtroom? Mr Witness, just
11:12:39 20 wait a few seconds until we ensure that there is privacy
21 and you can exit the courtroom and we will hear arguments
22 and we'll call you back afterwards. Just wait for the
23 time being.
24 [The witness stands down]
11:13:53 25 JUDGE BOUTET: Wait, Mr Kamara. We will just wait until we
26 re-open the curtains because we are still in a public
27 hearing at this moment, we are in open session.
28 MR KAMARA: Yes.
29 JUDGE BOUTET: Yes, Mr Kamara, please proceed.

1 MR KAMARA: Thank you, Your Honour. Your Honours, the
2 Prosecution do acknowledge that the correct state of the
3 law is that questions could be properly put to a witness
4 with regards to testimony of another witness in court.
11:15:12 5 But the first of our concern is, Your Honour, that it
6 should be properly reflected in the records. The
7 questions that have been put to a witness on the stand
8 should properly reflected the accurate records of a prior
9 testimony. And yesterday questions were put to this
11:15:30 10 witness with regards to the evidence of TF2-005. I have
11 with me the transcript of that date of Tuesday
12 February 15th and, to say the least, Your Honour, some of
13 the questions that were being put as assertions of fact
14 from TF2-005 are not so reflected in the transcript.
11:16:05 15 JUDGE BOUTET: You are saying it was put to the witness that
16 witness TF2-005 has said on whatever this and this is not
17 what has been said in the transcript.
18 MR KAMARA: Yes, this is not what it reflect in the
19 transcript.
11:16:17 20 JUDGE BOUTET: Yes, that's okay. Please carry on.
21 MR KAMARA: And our concern is if questions have been put to
22 witnesses with regards to evidence before this Court it
23 should truly reflect the accurate records.
24 JUDGE THOMPSON: In other words, at some point in time in the
11:16:33 25 process there is a danger of misrepresentation.
26 MR KAMARA: Certainly. Misrepresentation and
27 mischaracterisation.
28 JUDGE THOMPSON: Mischaracterisation also.
29 MR KAMARA: Yes.

1 JUDGE BOUTET: So your comments have nothing to do with the --
2 and you are saying the statement of the law is such
3 questions indeed can be put to a witness but it is the
4 manner of and, more particularly, the accuracy of the
11:16:57 5 record that is put to the witness.
6 MR KAMARA: Yes, Your Honour.
7 JUDGE BOUTET: You are not objecting but you have questions
8 about -- you are objecting to the way it has been done.
9 MR KAMARA: The way it has been done.
11:17:09 10 JUDGE BOUTET: Saying it was not done with an accurate
11 reflection of what that witness would have testified
12 about in the past.
13 MR KAMARA: Thank you, Your Honour.
14 JUDGE BOUTET: Okay, thank you.
11:17:18 15 MR YILLAH: My Lord, in brief reply to what my learned friend
16 has said, I am pleased that my learned friend conceded
17 that questions of what a witness --
18 PRESIDING JUDGE: [Inaudible] he has conceded to that.
19 JUDGE THOMPSON: Yes, I mean it's not a question of law any
11:17:27 20 more.
21 PRESIDING JUDGE: [Inaudible] point of law.
22 JUDGE THOMPSON: Yes, it is not the law any more.
23 MR YILLAH: The point that I wish to make, My Lord, is my
24 learned friend has not cited with any precision any
11:17:38 25 inaccurate question or any inaccurate fact put to the
26 witness by my questions, My Lord. I challenge my learned
27 friend to produce to this Court -- because, My Lord, we
28 have copious notes and --
29 JUDGE BOUTET: Yes but the notes are not the transcripts.

1 MR YILLAH: Yes, My Lord, but he has not cited from that
2 transcript that he is holding.
3 PRESIDING JUDGE: Mr Yillah.
4 MR YILLAH: Yes, My Lord.
11:17:58 5 PRESIDING JUDGE: I want us to move. There is no point for
6 any arguments on this.
7 MR YILLAH: As My Lord pleases.
8 PRESIDING JUDGE: We do not want to re-open a debate on this
9 issue.
11:18:04 10 MR YILLAH: As My Lord pleases.
11 PRESIDING JUDGE: I don't think learned counsel for the
12 Prosecution, in raising this, wants us to visit the
13 records and to see whether we correct this or that.
14 Whatever has been done has been done. I think we are
11:18:19 15 taking note of this for purposes of what will happen
16 after now.
17 MR YILLAH: As My Lord pleases.
18 PRESIDING JUDGE: I think that is all. We are not saying that
19 he is right or that you are right. It is a comment, you
11:18:35 20 know, and I think it is a proper statement of the law.
21 MR YILLAH: As My Lord pleases.
22 PRESIDING JUDGE: So I think what we would say is that if the
23 evidence of the previous deponent has to be used in
24 subsequent evidence it has to be very accurate. What he
11:18:56 25 said must be very accurate and must be reflected on the
26 records.
27 MR YILLAH: As My Lord pleases.
28 JUDGE BOUTET: And record is not what you have in your notes,
29 but what is in the transcript and I know now the

1 transcripts are available the next day. So the evidence
2 of TF2-005 was accessible and available to the Defence
3 prior to the evidence of this witness. So if you are to
4 do that in the future -- I understand you may be taking
11:19:25 5 copious notes but these are not the official record.
6 Same as we do, we try to take copious notes but obviously
7 what we record is not what we have essentially.
8 MY YILLAH: My Lord, I will take the cue from the Bench
9 without conceding that we put inaccurate questions to the
11:19:36 10 witness.
11 PRESIDING JUDGE: We don't rule on that because we are not
12 sure of your assertion.
13 MR YILLAH: As My Lord pleases.
14 JUDGE BOUTET: Does that satisfy your observations at this
11:19:51 15 time, Mr Kamara?
16 MR KAMARA: Thank you, Your Honour. Yes, thank you.
17 JUDGE BOUTET: Thank you. So, Court Management, can we invite
18 the witness back please? So, Mr Bockarie, once the
19 witness is back in court are you ready to proceed with
20 the cross-examination?
21 MR BOCKARIE: Yes, Your Honour.
22 [The witness entered court]
23 JUDGE BOUTET: Thank you, Mr Witness. We are going to proceed
24 now with the cross-examination by the second accused.
11:22:41 25 Thank you.
26 PRESIDING JUDGE: Yes, Mr Bockarie.
27 MR BOCKARIE: Thank you, Your Honour.
28 PRESIDING JUDGE: And slowly please.
29 MR BOCKARIE: Thank you, Your Honour.

1 CROSS-EXAMINED BY MR BOCKARIE:
2 Q. Mr Witness?
3 A. Yes, My Lord.
4 Q. In your testimony yesterday you mentioned the name of MS
11:24:01 5 Dumbuya and even referred to him as the master planner
6 and strategist; am I correct?
7 MR KAMARA: Objection, Your Honour. I am sorry to start by
8 objecting to that but no evidence has been led to this
9 Court that MS Dumbuya was a master planner and
11:24:17 10 strategist.
11 MR BOCKARIE: My Lord, I vividly recall in mentioning the name
12 MS Dumbuya he said master planner and strategist.
13 JUDGE BOUTET: He did testify to that while giving the
14 description of the membership of the war council, is it?
11:24:53 15 It was when he was describing the membership of the war
16 council, is it?
17 MR BOCKARIE: Yes, when he mentioned the name -- the first
18 time he mentioned the name MS Dumbuya.
19 JUDGE BOUTET: I have that he was responsible for the north,
11:25:07 20 planning and strategy for the north. So that's what I
21 have in my notes. I don't have exactly what you have
22 just stated. We can check the record in this respect if
23 need be.
24 PRESIDING JUDGE: Mr Bockarie, this can easily be referred to
11:25:30 25 but we will not allow [inaudible]. I am sure he
26 certainly mentioned MS Dumbuya somewhere in his evidence
27 and when we can continue before we get into the
28 characterisation that he gave to Dumbuya.
29 MR BOCKARIE: Yes.

1 PRESIDING JUDGE: We can always revisit that field.
2 JUDGE BOUTET: Ask him now what his position was or whatever
3 it was, if he was.
4 MR BOCKARIE:
11:25:55 5 Q. Mr Witness, whilst at xxxxxx -- you agree with me that
6 you mentioned the name MS Dumbuya?
7 A. I did, My Lord.
8 Q. Whilst at Base Zero xxxxxx was in charge of training
9 of the Kamajors; am I correct?
11:26:20 10 A. Yes, My Lord, he was.
11 Q. And whilst you were in Base Zero did you come to realise
12 that MS Dumbuya was once head of the armed wing of the
13 police known as the SSD?
14 A. Yes, My Lord.
11:27:25 15 PRESIDING JUDGE: That he was what of the armed wing?
16 MR BOCKARIE: Once head.
17 PRESIDING JUDGE: Once head. Okay. Was once head.
18 JUDGE BOUTET: Once head of the armed wing of the police known
19 as the SSD?
11:27:47 20 MR BOCKARIE: Yes, Your Honour.
21 Q. Mr Witness, you certainly agree with me that he had some
22 military background, don't you?
23 A. I do, My Lord.
24 PRESIDING JUDGE: That he had? Who, Dumbuya or him?
11:28:16 25 MR BOCKARIE: Yes, Dumbuya.
26 Q. Mr Witness, would I be right to say that
27 because of his military background he was very
28 much involved in formulating strategies and
29 planning towards prosecuting the war from Base

1 Zero?

2 A. That I would agree with, My Lord.

3 Q. And he, meaning MS Dumbuya, featured prominently in this
4 regard more than anyone else; am I correct?

11:29:50 5 A. Not to my knowledge but I'm saying -- excuse me, My Lord,
6 saying featured prominently more than anyone else, I
7 would want some clarification there.

8 Q. As far as formulating policies and strategising the war
9 from Base Zero?

11:30:27 10 A. I would not want to agree with that, My Lord.

11 Q. You would not want to agree with me. Thank you. But, Mr
12 Witness, do you know one Bob Tucker alias Jegbeyama?

13 A. Yes I do, My Lord.

14 PRESIDING JUDGE: Mr Bockarie --

11:30:27 15 MR BOCKARIE: Bob Tucker, alias Jegbeyama.

16 JUDGE BOUTET: Please proceed.

17 MR BOCKARIE: Yes.

18 Q. Mr Witness, when the first accused Chief Norman
19 was giving, according to you, his orders
11:32:33 20 relating to the attack on Tongo so many
21 Kamajors were present during that meeting; am I
22 correct?

23 A. Yes, My Lord.

24 Q. Among those present was also Bob Tucker alias Jegbeyama,
11:33:13 25 isn't it?

26 A. Yes, My Lord.

27 Q. Thank you. Mr Witness, how many Sierra Leoneans sought
28 refuge at the Ricks Institutes in Monrovia. How many?
29 A. I cannot recall.

1 Q. Can you give a rough estimate please?
2 A. Slightly over 15.
3 Q. Slightly over 15?
4 A. Yes. I am just guessing because I was not bothered
11:34:19 5 counting, My Lord.
6 Q. Slightly over 15?
7 A. 15, 15.
8 JUDGE BOUTET: Is your question in Monrovia or?
9 MR BOCKARIE: Yes, at the Ricks Institute, yes.
11:34:57 10 Q. According to your testimony you were considered
11 as a threat and you advised to be evacuated by
12 ECOMOG one General One; isn't it?
13 A. Yes, My Lord.
14 Q. And you were evacuated on board a helicopter, only you
11:35:38 15 and one xxxxxx, isn't it?
16 A. Yes, My Lord.
17 Q. Mr Witness, you recall making statement to the
18 investigators on the 18th day of May 2004?
19 A. Yes, My Lord.
11:36:21 20 Q. In which language did you speak?
21 A. In English.
22 Q. Was it recorded?
23 A. Yes, My Lord.
24 Q. In which language?
11:36:44 25 JUDGE BOUTET: Mr Bockarie, is this the same statement we
26 went through the exercise yesterday?
27 MR BOCKARIE: Yes, Your Honour.
28 JUDGE BOUTET: If that is the case I don't think we need to
29 repeat all of that because --

1 MR BOCKARIE: Well, I want to get the guidance from the Bench.
2 JUDGE BOUTET: Yes, just refer the witness to that so we know
3 we are talking of the same thing.
4 MR BOCKARIE:
11:37:01 5 Q. Yes. Mr Witness, do you recall telling the investigators
6 this, I will read slowly: "Myself, one Ali and many
7 others were airlifted in an executive helicopter" --
8 sorry, "It was myself, one Ali and many others." Do you
9 recall telling the investigators that?
11:37:22 10 A. I did that.
11 Q. You did that?
12 A. Yes. Myself, Ali and others. I said others.
13 PRESIDING JUDGE: So what you are saying is that you did not
14 say "many others" you said "others".
11:38:00 15 THE WITNESS: Others.
16 MR BOCKARIE: My Lord, I am reading directly from what --
17 PRESIDING JUDGE: I know, I know. I am taking note of what
18 you have read there and taking note of his reply.
19 MR BOCKARIE: Yes, Your Honour. Thank you very much, Mr
11:38:32 20 Witness. That will be all for him, sir.
21 JUDGE BOUTET: Counsel for the third accused are you ready to
22 proceed with your cross-examination?
23 MR LANSANA: Yes, Your Honour.
24 JUDGE BOUTET: Please do so.
11:38:44 25 CROSS EXAMINED BY MR LANSANA:
26 Q. Mr Witness, in your testimony yesterday you said that in
27 June 1997 you were at Jojoima; correct?
28 A. Yes, My Lord.
29 PRESIDING JUDGE: Let us have that name again.

- 1 MR LANSANA: Jojoima. My Lord, the spelling is J-0-J-0-I-M-A.
- 2 Q. And that you left Jojoima when a certain
- 3 proposal was put to you by Sam Bockarie?
- 4 A. Yes, My Lord.
- 11:40:05 5 Q. And you eventually ended up at the xxxxxx in
- 6 Monrovia?
- 7 A. Yes, My Lord.
- 8 Q. Would it be correct to say that although you left because
- 9 of security concerns you were also concerned about doing
- 11:40:40 10 something to stop the carnage during that time?
- 11 A. Yes, My Lord. That was my purpose of me running away to
- 12 that end, My Lord.
- 13 Q. Thank you very much.
- 14 A. Yes, My Lord.
- 11:41:11 15 Q. And you reported that people were dying slowly, to use
- 16 your exact expression yesterday?
- 17 A. Yes, My Lord, in their hundreds.
- 18 Q. They were dying slowly in their hundreds?
- 19 A. Yes, My Lord.
- 11:41:39 20 Q. So it means that you were concerned about the depletion
- 21 of the population?
- 22 A. Indeed, My Lord.
- 23 Q. Mr Witness, can I take you back to May 1997 when you were
- 24 Daru?
- 11:42:08 25 A. Yes, My Lord.
- 26 Q. Did you have graphic experiences of rebel atrocities in
- 27 Daru prior to May 1997?
- 28 A. Indeed, My Lord.
- 29 Q. Can you please give us an example or two?

1 A. When Daru was first attacked, that was on 27th of April,
2 a Thursday, 1991.
3 PRESIDING JUDGE: On Thursday the?
4 THE WITNESS: 27th of April 1991. The first sight I saw was a
11:43:51 5 mad woman killed in cold blood. She had her throat cut.
6 MR LANSANA:
7 Q. By whom?
8 A. By the rebels.
9 Q. I will not ask you for any further illustration. You
11:44:25 10 experienced something in Daru on 25th of May 1997?
11 A. Yes, very traumatic.
12 Q. You said very traumatic?
13 A. Yes, My Lord.
14 Q. How traumatic, if I may ask?
11:45:02 15 A. I saw a Kamajor, defenceless Kamajor, who was confused
16 seeing the shooting all over the town when everybody was
17 running helter-skelter, he wanted to know why. He was
18 fired at but he could not fall down. He rushed into one
19 house by the headquarters, a street called Mygor [phon]
11:45:45 20 Street. So they kept firing at the house and in the
21 house they had women, children they, were all wailing.
22 PRESIDING JUDGE: They --
23 THE WITNESS: The Kamajor --
24 PRESIDING JUDGE: They kept firing. The Kamajor was fired
11:45:47 25 at.
26 THE WITNESS: The soldier, the Sierra Leonean soldiers on that
27 day May 25th.
28 PRESIDING JUDGE: You say in this house there were many --
29 THE WITNESS: Women and children. May I continue?

1 MR LANSANA:
2 Q. Yes, briefly please?
3 A. So the Kamajor had to rush out then, just like
4 that, I saw him grabbed by the soldiers and he
11:47:04 5 was hit on the spine by the butt of their
6 rifle. And I can remember the soldier who hit
7 him, though he died last year in a road
8 accident, one Junior Swaray who was the
9 sergeant, I can remember that name, I saw him
11:47:17 10 because I was standing some distance away from
11 the area.
12 Q. Did anything else happen to that Kamajor?
13 A. Yes.
14 PRESIDING JUDGE: Was hit by one.
15 THE WITNESS: The late Junior Swaray.
16 PRESIDING JUDGE: Yes, I know. Junior Swaray, that's the name
17 I want.
18 THE WITNESS: Yes, My Lord.
19 PRESIDING JUDGE: Who you say had died in a --
11:47:51 20 THE WITNESS: He died last year in a road accident at a place
21 called Banana Island along Segbwema Road.
22 MR LANSANA:
23 Q. Yes. What happened to that Kamajor?
24 A. The corpse, whilst lying down, I saw the military Land
11:48:25 25 Rover -- an ambulance, a military ambulance. A sergeant
26 was sitting on the bumper of that ambulance firing
27 randomly all over the place saying, "Soldiers, wives of
28 soldiers jubilate. We are now well off. Our government
29 has come back into our hands". And they drove over the

1 corpse of the body three times and got it smashed up
2 which was very pathetic.
3 MR LANSANA: Thank you, very much.
4 JUDGE BOUTET: And that was an ambulance?
11:49:07 5 THE WITNESS: The military ambulance with soldiers in it, but
6 one Sergeant Johnson attached to the medical wing firing.
7 Soldiers, jubilate, our government is back at our hands.
8 We are all well off now.
9 MR LANSANA:
11:49:29 10 Q. Mr Witness, you agree with me, from the two instances you
11 have given, that the rebels, the AFRC and the RUF junta
12 were waging a very savage war?
13 A. Indeed, My Lord.
14 Q. A war with no rules of engagement, or I will say no
11:50:18 15 decent rules of engagement.
16 JUDGE BOUTET: Do we know what is a rules of engagement?
17 MR LANSANA: My Lord, normal rules of war, My Lord, that's
18 what I'm talking about.
19 JUDGE BOUTET: Maybe you should ask the witness if he knows
11:50:30 20 about that.
21 MR LANSANA:
22 Q. Mr Witness, do you know about rules of engagement?
23 A. Well, at that time I know this, in warfare I could not
24 tell.
11:50:39 25 Q. Do you know about what is proper and what is not proper
26 in war from a common point --
27 A. Yes, My Lord, I do now.
28 Q. Thank you?
29 A. Yes, My Lord.

- 1 Q. Do you therefore admit that the Kamajors had a very
2 Herculean task in fighting such a savage war machinery?
3 A. Indeed.
4 Q. A very heavy Herculean one?
5 A. Indeed.
6 Q. Thank you.
7 PRESIDING JUDGE: What adjective did you use? Herculean task
8 or?
9 MR LANSANA: Yes.
11:51:36 10 PRESIDING JUDGE: Herculean. Fighting against the --
11 MR LANSANA: A very savage war machine. A Herculean task.
12 Q. Mr Witness, I will venture into this field
13 because I see you are a bit literally inclined.
14 Are you familiar with Shakespeare's Hamlet?
11:52:01 15 A. Yes, My Lord.
16 Q. Thank you. A quotation from Polonius regarding the
17 Prince of Denmark's state of being: Diseases desperate
18 are by desperate remedies cured or not. Familiar with
19 that?
11:52:33 20 A. I'm familiar with that.
21 Q. Now let me take you to October 1997?
22 A. Okay, My Lord.
23 Q. You were at Base Zero; is that correct?
24 A. Yes, My Lord.
11:53:12 25 Q. When you went there were you aware that there was a dance
26 group there?
27 A. Yes, there was a cultural group.
28 Q. Cultural group?
29 A. Yes, My Lord.

1 Q. Mainly of young girls?
2 A. Yes, My Lord.
3 Q. And these performed on Fridays didn't they?
4 A. They did, My Lord.
11:54:07 5 Q. Now, may I ask who was in charge of these girls that
6 constituted the cultural group?
7 A. Yes, My Lord.
8 Q. Who was it?
9 A. Mr Allieu Kondewa.
11:54:20 10 Q. You mean the third accused?
11 A. Yes, My Lord.
12 Q. And you agree with me that he was at a settlement called
13 Nyandehun?
14 A. Yes, My Lord.
11:54:51 15 MR LANSANA: My Lord, the spelling is N-Y-A-N-D-E-H-U-N.
16 N-Y-A-N-D-E-H-U-N. Nyandehun.
17 PRESIDING JUDGE: You mean who was there in that settlement?
18 MR LANSANA: The third accused.
19 PRESIDING JUDGE: The third accused?
11:55:15 20 MR LANSANA: Yes, My Lord.
21 PRESIDING JUDGE: With the dance group?
22 MR LANSANA: Yes, My Lord, it's a cultural group.
23 Q. Mr Witness, you also talked in your testimony
24 about a war council being formed for which you
11:55:45 25 were secretary?
26 A. Yes, My Lord.
27 PRESIDING JUDGE: Just for the records, how far is Nyandehun
28 from Base Zero?
29 THE WITNESS: Well, not even up to -- it's just about a

1 quarter of a mile. It was just -- you stand at Yawbeko
2 and looking straight you see Nyandehun. It's just a
3 stone's throw --
4 MR LANSANA:
11:56:10 5 Q. A quarter of a mile, you say
6 A. About that, just like from here to looking at
7 that road opposite --
8 Q. The next -- [overlapping speakers]
9 A. -- not too far a distance.
11:56:24 10 MR LANSANA: Quarter of a mile, My Lord.
11 THE WITNESS: Quarter of a mile.
12 MR LANSANA: Before we go to the war council, My Lords, I
13 apologise.
14 Q. You say -- can you just confirm that the third accused
11:56:42 15 was in charge of this dance troop?
16 A. Yes, My Lord.
17 Q. This cultural group you call them?
18 A. Yes, My Lord.
19 Q. You would also agree with me he had to spend most of his
11:56:51 20 time there with the girls?
21 A. Well, I was not all time with him. I was just at --
22 Q. You were at Talia?
23 A. Talia.
24 Q. And he was in Nyandehun. Although there is no --
11:57:01 25 A. Only had to --
26 Q. -- proximity?
27 A. Exactly.
28 Q. But he, most of the time, he spent time with the girls?
29 A. I cannot tell that, My Lord.

- 1 Q. You cannot tell?
- 2 A. I cannot tell.
- 3 Q. Thank you very much. Now you say you were secretary of
4 the War Council?
- 11:57:13 5 A. Yes, My Lord.
- 6 Q. And in your expression you say the War Council was
7 marginalised?
- 8 A. Indeed, My Lord. At a point in time.
- 9 Q. Thank you. Which you explain by saying they were
11:57:57 10 excluded from meetings at which instructions and strategy
11 briefings were given to commanders of war; correct?
- 12 A. Yes, My Lord.
- 13 Q. I put it to you that it is not correct to say that you
14 did not attend strategy meetings.
- 11:58:42 15 A. I would not agree with that, My Lord.
- 16 Q. Thank you very much. I will refer to your statement of
17 18th May 2004. Page 2 --
- 18 PRESIDING JUDGE: Counsel, you were specific in your earlier
19 question and you said you referred him -- you confined
11:59:01 20 him to meetings of commanders of war, which is not
21 necessarily the same thing as strategy meetings.
- 22 MR LANSANA: My Lord, my question was that they were excluded
23 from meetings at which commanders were briefed and at
24 which instructions were given to commanders of war.
- 11:59:20 25 There were two ambits.
- 26 PRESIDING JUDGE: You don't go into instructions.
- 27 MR LANSANA: My Lord, I said --
- 28 PRESIDING JUDGE: You are expounding. You are expounding.
29 You are expounding.

1 MR LANSANA: My Lord, I remember I did say --

2 PRESIDING JUDGE: No, no, no, you have it -- I have it here on
3 record that you were at meetings of commanders of war.
4 You didn't go into strategies and so on. And now you are
11:59:39 5 talking of strategic meetings. You know, it's a question
6 of knowing where we are, is it, that they were excluded
7 from strategic meetings, or just from meetings that
8 involved commanders of war.

9 MR LANSANA: Your Honour, I will take pleasure in rephrasing
11:59:50 10 my question.

11 PRESIDING JUDGE: Right, please.

12 MR LANSANA:

13 Q. I am saying that it is not correct to say that you did
14 not attend meetings where instructions were given to
12:00:04 15 commanders of war.

16 MR KAMARA: Objection, Your Honour, at no point in time does
17 this witness say that he was not -- he never
18 participated in meetings of strategic planning.

19 JUDGE BOUTET: Yes, but I mean that -- he may ask that
12:00:17 20 question, if he was not, the witness can answer that.

21 MR KAMARA: Yes, but it is the way the question has been put
22 that it is not correct to say that you never. He is
23 making an assertion that this witness said, which he
24 never did. He can put it to the witness that he never
12:00:28 25 participated in any strategic planning, then the witness
26 is right to answer. But to make an assertion that this
27 is what this witness said and if the witness had not said
28 so is improper, Your Honour.

29 JUDGE THOMPSON: You are alleging misrepresentation of the

1 evidence again.

2 MR KAMARA: Exactly so, Your Honour.

3 JUDGE THOMPSON: Yes.

4 MR LANSANA: Your Honours, I will just give a brief reply.

12:00:47 5 This witness did say yesterday, from my notes - of
6 course, I take the cue from Judge Boutet that it is not a
7 conclusive evidence of the record of the Court.

8 PRESIDING JUDGE: It is the Bench. It is the Bench. It is
9 the Bench.

12:01:01 10 MR LANSANA: Yes. Yes, Your Honour.

11 PRESIDING JUDGE: Yes.

12 MR LANSANA: I was just referring to what he said a while ago.

13 PRESIDING JUDGE: Because we associate ourselves with what he
14 said.

12:01:14 15 MR LANSANA: As Your Honour pleases.

16 PRESIDING JUDGE: That's right.

17 MR LANSANA: Yes. He said, "We were sidelined, marginalised.
18 I was frustrated Norman could convene meetings to which
19 non-commanders were not invited." And he said in his
12:01:34 20 statement - My Lord, I just wanted to refer him to his
21 statement before my learned friend decided to object -
22 refer --

23 Q. Mr Witness, I refer you to page 2 of your statement of
24 18th May 2004. The last line -- starting from the last
12:01:56 25 line of page 1, I will read to you with the leave of Your
26 Honours. "I was actually -- I was not actually allowed
27 to perform my role as xxxxxx to the War Council
28 because when meetings were held and command for war were
29 given to war commanders, Chief Norman would stop us from

1 attending such meetings." You did not say all or some,
2 it was generalised. "And further," he said, "I was in a
3 meeting when Chief Norman gave instructions for the
4 launching of the Black December operations." I take this
12:02:40 5 to mean in one vein, Your Honours, that he is
6 categorically saying that they were not at any time
7 allowed to attend meetings at which instructions were
8 given to commanders of war. And in another vein, Your
9 Honours, he is saying that he was at a meeting when
12:03:01 10 instructions were given to commanders regarding Black
11 December.

12 JUDGE BOUTET: Yes, he did explain why yesterday in some of
13 his evidence. I do not have that at the tip of my
14 fingers now, but he did say that he did attend that
12:03:12 15 particular meeting where Black December was being
16 instructed.

17 MR LANSANA: Yes, Your Honour.

18 JUDGE BOUTET: I don't recall all of his explanation about
19 that, but certainly he does not deny -- he did not deny
12:03:23 20 that in his evidence.

21 MR LANSANA: Yes, Your Honour. So I wanted to put to him that
22 it is not correct to say that he did not at all attend a
23 meeting at which instructions were given to commanders.

24 JUDGE THOMPSON: But the objection was that you were
12:03:37 25 misrepresenting his oral testimony. That if you step
26 back a bit that is what learned counsel for the
27 Prosecution said, that you were on that particular aspect
28 misrepresenting the testimony and that was not what he
29 said in --

1 MR LANSANA: My Lord, I will put --
2 JUDGE THOMPSON: -- in evidence-in-chief or under
3 cross-examination.
4 MR LANSANA: Your Honour, I would not agree with my learned
12:04:03 5 colleague.
6 JUDGE THOMPSON: That is the difficulty.
7 MR LANSANA: It is left with him to be candid enough to this
8 Court to tell us whether he said that he -- there were
9 meetings, strategic meetings, or meetings where
12:04:18 10 commanders were instructed that he attended.
11 JUDGE THOMPSON: Because my way of responding is that what he
12 told the interrogators is on one level, if you are trying
13 to establish some discrepancy between what he said to the
14 interrogators and what he actually said here under oath,
12:04:39 15 and I think counsel's observation was directed to what he
16 allegedly said here under oath and I don't know whether
17 we have clarified that.
18 MR LANSANA: Your Honour, if we clarify that, either way --
19 JUDGE THOMPSON: Because we cannot move to what he told the
12:04:55 20 interrogators and make a comparison between what he told
21 them and what he said here under oath yesterday without
22 settling whether you have got what he said here under
23 oath correct.
24 MR LANSANA: Precisely, Your Honour. Precisely.
12:05:10 25 JUDGE THOMPSON: I don't see how we can move away from that
26 unless we settle with the Prosecution.
27 Mr Kamara. Is it that he -- where did you say the
28 misrepresentation occurred?
29 MR KAMARA: As to the fact that he never participated in the

1 meeting where instructions --
2 PRESIDING JUDGE: He never said that under oath here yesterday
3 and that's your complaint.
4 MR KAMARA: That's my complaint, yes.
12:05:33 5 JUDGE THOMPSON: The question now really, learned counsel, is
6 how do you respond to that, and after having been able to
7 satisfy us whether you were right or Mr Kamara is right,
8 then we will move to what he told the interrogators.
9 PRESIDING JUDGE: [Overlapping speakers]
12:05:48 10 JUDGE THOMPSON: Otherwise we are mixing apples and peaches.
11 PRESIDING JUDGE: [Overlapping speakers] to strategic meetings
12 and meetings of commanders of war. You see, you created
13 some slight confusion in my mind as well as far as that
14 is concerned.
12:05:58 15 MR LANSANA: Yes, Your Honour, maybe I will first address what
16 your concern is.
17 PRESIDING JUDGE: No, address what -- address my learned
18 friend's concerns, you know, first.
19 JUDGE THOMPSON: [Microphone not activated] My concern is
12:06:10 20 that you must first establish [inaudible] We must first
21 establish preliminarily whether you have got his
22 testimony here on that issue under oath correct. And
23 counsel's contention is that there has been a
24 misrepresentation. Once that matter is resolved, then
12:06:31 25 you can move on to stage two, take up any alleged or
26 perceived inconsistencies from your own perspective. Am
27 I clear, or am I getting it mixed up?
28 MR LANSANA: You are very, very clear and very helpful, Your
29 Honour. I would say on that score it would be his word

1 against mine, because he took down notes and I took down
2 notes, it depends on what the official court record is as
3 the statement of the -- as the testimony of the witness
4 was yesterday.

12:07:02 5 JUDGE THOMPSON: I take that, because unless we settle that
6 then it will be confusion compounded.

7 MR LANSANA: Precisely, Your Honour.

8 JUDGE THOMPSON: If we put something to him as something he
9 told the investigators as contrary or at variance to what
12:07:12 10 he said here yesterday.

11 MR LANSANA: Exactly, Your Honour.

12 [Judges confer]

13 JUDGE BOUTET: As it appears that there are important
14 differences between what the Prosecution is saying and
12:09:17 15 objecting to and what you are saying and, as we say, the
16 only way to clarify that is to go back to the official
17 record and check what was said in this respect. So that
18 is the only way to resolve that to the satisfaction of
19 everyone concerned. My own recollection is not
12:09:37 20 sufficient. I am not the record keeper and therefore we
21 will have to break and ask the stenographer to get that
22 portion back and read that out in court, what the
23 question was and what the answer was.

24 MR LANSANA: As it pleases Your Honours.

12:09:59 25 JUDGE BOUTET: We will have to break for that and when that
26 portion of the record is found in the transcript it will
27 be read back in court.

28 MR KAMARA: Your Honours, if I may be of some assistance. If
29 counsel can only re-phrase that question, then we can

1 just continue. If he can only re-phrase or break that
2 question into two.

3 PRESIDING JUDGE: Counsel is nodding his head, he does not
4 want that. He does not want [overlapping speakers]

12:10:30 5 So we will rise and verify the records and come in
6 as soon as this is done.

7 [Break taken at 12.15 p.m.]
8 [On resuming at 12.40 p.m.]

9 PRESIDING JUDGE: Learned counsel, we are resuming the
12:36:29 10 session.

11 JUDGE BOUTET: We have asked that the record be checked and we
12 do have copies of the transcript of the evidence-in-chief
13 of the witness. And I take it that your objection,
14 Mr Prosecutor, had to do with answers given by the
12:37:16 15 witness in examination-in-chief yesterday and you were
16 saying that the question that was being asked was not an
17 accurate reflection of evidence as it had been adduced.

18 MR KAMARA: Yes, Your Honour.

19 JUDGE BOUTET: We have the record in front of us, I have it
12:37:30 20 and I will read not all of it, but what I consider to be
21 the salient portion of it. One of the questions - and I
22 will read it - after we have been through the scenario by
23 the Prosecution asking the witness to describe the role
24 of Chief Norman with that of the War Council and the
12:37:52 25 relationship between Chief Norman with that of the War
26 Council against the background of events that you have
27 mentioned to the Court. And then the witness is
28 describing some of it and he said that -- He would say,
29 "We are looked upon as side liners at the meetings. He

1 say, 'Okay, this is purely for commanders. You will stay
2 out from now. You are just administrators, you know.
3 You will be asserting these things, you don't need to be
4 there.'" Later on in this evidence - and I am quoting
12:38:25 5 now from page 104 of the transcript -- "Now,
6 Mr Witness..."
7 PRESIDING JUDGE: Mr Kamara, you may sit down, please.
8 JUDGE BOUTET:
9 "Q. Now, Mr Witness, let me move you to another
12:38:32 10 episode --
11 A. Yes, My Lord.
12 Q. -- in your evidence. You did mention earlier on
13 about deployment.
14 A. Yes, My Lord.
12:38:39 15 Q. Were you in any meeting where any arrangements were
16 made for deployment or plans for attack?
17 A. Yes, My Lord. One meeting when they wanted to
18 launch the Operation Black December.
19 Q. You are saying you were present in one meeting.
12:38:50 20 A. In one meeting.
21 Q. For the launching of Operation Black December?
22 A. Operation Black December.
23 Q. When was that meeting?"
24 So on and so on and so on. So this is, essentially,
12:39:00 25 the transcript of the evidence and this is in accordance,
26 I should say, with my recollection and that of all judges
27 of this Bench.
28 MR LANSANA: As it pleases Your Honour.
29 PRESIDING JUDGE: On that note, it is on my records and also

1 on the records of the judges of the Bench.
2 MR LANSANA: As Your Honour pleases.
3 PRESIDING JUDGE: At that particular meeting.
4 MR LANSANA: At that particular meeting.
12:39:24 5 PRESIDING JUDGE: Where the Black December operation was
6 strategised.
7 JUDGE BOUTET: And the witness carries on to describe what was
8 said at that particular meeting about Black December.
9 MR LANSANA: As Your Honour pleases.
12:39:31 10 MR KAMARA: Thank you, Your Honour.
11 MR LANSANA:
12 Q. Mr Witness --
13 A. Yes, My Lord.
14 PRESIDING JUDGE: Mr Lansana, you think you have about how
15 much more time?
16 MR LANSANA: A little less than five minutes.
17 PRESIDING JUDGE: A little less than five minutes? Thank you.
18 MR LANSANA:
19 Q. Mr Witness --
20 A. Yes, My Lord.
21 Q. You recall your statement of 18th May 2004?
22 A. Yes, My Lord.
23 Q. Did you say this to the investigators, "I was not
24 actually allowed to perform my role as ~~xxxxxx~~ to the
12:40:13 25 War Council because when meetings were held the command
26 and command for war were given to war commanders, Chief
27 Norman will stop us from attending such meetings. He
28 only called people like Moinina Fofana, MS Dumbuya,
29 Allieu Kondewa and the war commanders for such closed

1 door meetings. "

2 A. Yes.

3 Q. Did you say that to them?

4 A. Yes, My Lord, I did.

12:40:46 5 Q. Do you now say that this is not correct? This statement
6 you made, this particular expression that he never or you
7 were never allowed into such meetings?

8 MR KAMARA: Again, Your Honour, I think my counsel or has
9 misunderstood the decision that comes from the Bench a
12:41:09 10 few minutes ago. The transcripts have been read and the
11 witness clearly indicated that he was present in some of
12 these meetings and now counsel is putting the same
13 question for which we adjourned that he never said --
14 and he has a read statement from -- that is dated -- a
12:41:23 15 paragraph from the 18th, from the statement of 18th May
16 and the witness agrees with that statement and it is
17 consistent with his evidence before this Court. And now
18 he is more or less reversing that statement, putting it
19 to the witness again, for the same reason for which we
12:41:39 20 adjourned and I still object, Your Honour.

21 JUDGE BOUTET: Mr Lansana.

22 MR LANSANA: Your Honours, a quick reply to that. Your
23 Honour, there is an inconsistency here and that is what I
24 am trying to point out. First and foremost, this witness
12:41:49 25 in his statement --

26 JUDGE THOMPSON: There is an inconsistency in your submission.

27 MR LANSANA: In my submission?

28 JUDGE THOMPSON: In your submission.

29 PRESIDING JUDGE: In your opinion.

1 JUDGE THOMPSON: In your submission to us. In other words,
2 you are saying that there is an inconsistency somewhere.
3 We are saying you are submitting to us that there is an
4 inconsistency.

12: 42: 09 5 MR LANSANA: Yes, Your Honour.

6 JUDGE THOMPSON: Because when we use the language
7 inconsistency we talk about perceived alleged
8 inconsistency and it is at the end of the day, when we
9 come to look at the entire evidence, that will determine
12: 42: 27 10 whether an inconsistency is an inconsistency so properly
11 called.

12 MR LANSANA: Right so, Your Honour.

13 JUDGE THOMPSON: Or whether it is merely a perceived
14 inconsistency.

12: 42: 36 15 MR LANSANA: At this stage, may I say that I perceive an
16 inconsistency.

17 JUDGE THOMPSON: Precisely, then it is your submission and we
18 are lawyers, we speak in that kind -- that's our familiar
19 vocabulary.

12: 42: 43 20 MR LANSANA: As it pleases Your Honour. Your Honours, I
21 perceive an inconsistency here. In his viva voce
22 evidence he said that they were excluded, they were
23 allowed into one meeting where commanders were instructed
24 to one Base Zero -- for Black December. I am putting it
12: 43: 05 25 to him now that in the statement he had earlier said that
26 they were never allowed at meetings where commanders were
27 instructed. And my learned colleague is missing the
28 point here, with respect. This is a statement he made to
29 the investigators and his oral testimony before this

1 Court is at variance with this particular statement. And
2 I think it beholds me to put it to the witness if he now
3 accepts that this is what he said and he stands by what
4 he said or he now relinquishes the veracity of this
12:43:59 5 statement. I think it is proper that I put to him it is
6 not for my learned colleague to say precisely what the
7 reaction of the witness will be to this perceived
8 inconsistency.

9 [Judges confer]

12:45:34 10 PRESIDING JUDGE: Can we have the last -- do you have the --

11 JUDGE BOUTET: Can we have that statement that you are --

12 PRESIDING JUDGE: Let's have the statement you are referring
13 to, please.

14 JUDGE BOUTET: What is the date of that statement? You say it
12:45:42 15 is 18th May?

16 MR LANSANA: 18th May 2004.

17 PRESIDING JUDGE: Yes. What paragraph, please?

18 MR LANSANA: It is not in paragraphs, but it is highlighted.

19 Your Honour, the highlighted portions in green and
12:46:12 20 yellow.

21 PRESIDING JUDGE: It is in green or yellow?

22 MR LANSANA: In green and yellow. The first one and the other
23 one.

24 [Document handed to Bench]

12:47:26 25 JUDGE BOUTET: Mr Lansana, I will ask you to read again to the
26 witness that portion of his statement of 18th May 2004
27 and go slowly and read exactly what is in there, because
28 I think it may have to do with some qualification you are
29 giving to this document. But we will see. Read from the

1 statement slowly that portion that you are saying is not
2 necessarily -- which would not be the same as his
3 evidence in court.

4 MR LANSANA: As it pleases Your Honour.

12: 47: 57 5 JUDGE BOUTET: That is the portion starting with, "I was not
6 actually."

7 MR LANSANA: As it pleases Your Honour.

8 PRESIDING JUDGE: Which is an inconsistency with his oral
9 testimony as you are alleging.

12: 48: 03 10 MR LANSANA: Yes, Your Honour.

11 PRESIDING JUDGE: Re-read that portion.

12 MR LANSANA: Yes, Your Honour.

13 Q. Mr Witness, listen very attentively.

14 A. Okay, My Lord.

12: 48: 13 15 Q. "I was not actually allowed to perform my full role as
16 xxxxxx to the War Council. Because when meetings were
17 held and command for war were given to war commanders,
18 Chief Norman will stop us from attending such meetings.
19 He only called people like Moinina Fofana, MS Dumbuya,
12: 48: 37 20 Allieu Kondewa and the war commanders for such closed
21 door meetings."

22 PRESIDING JUDGE: Yes, put your question to him.

23 MR LANSANA:

24 Q. Did you tell the investigators that?

12: 48: 50 25 A. Exactly those are my words.

26 JUDGE BOUTET: But in the same statement the witness carries
27 on to say, "I only performed my role in general meetings
28 when the War Council met. For example," and then he
29 gives an example, "whilst at Base Zero I was in a

1 meeting when xxxxxx gave instructions for the
2 launching of Black December operation. He said in that
3 meeting, " and so on and so on. It is all part of the
4 statement. So you should put that part as well, because
12: 49: 25 5 this is -- I mean, if you are putting a statement as to
6 whatever he said, I don't think it is fair to just take
7 an excerpt when that excerpt is not fully explained,
8 because the witness is not saying only that, he carries
9 on with that explanation.

12: 49: 41 10 MR LANSANA: Yes, Your Honour. With respect --
11 PRESIDING JUDGE: Because here we find ourselves in a scenario
12 very different from what we are very used to, that is, a
13 witness expounding on his statement.
14 MR LANSANA: Yes, Your Honour.

12: 49: 53 15 PRESIDING JUDGE: Here, in that same statement he makes
16 certain assertions and then he continues, you know, to
17 make an assertion which he has also reinforced in his
18 oral testimony. Would you consider that as an
19 inconsistency as you are saying, for purposes of letting
12: 50: 09 20 us, you know -- convincing us as to whether there is
21 indeed an inconsistency. Is there indeed an
22 inconsistency?

23 MR LANSANA: Your Honour, my perception of the inconsistency
24 derives from the fact that where he says "for example" is
12: 50: 29 25 one sentence that is totally divorced from the sentence
26 that starts "while at Base Zero". It is not prefaced by
27 the word however, which is an exception --

28 JUDGE THOMPSON: No, but he continues, he continues.
29 MR LANSANA: Yes, Your Honour --

1 JUDGE BOUTET: Yes, but now you are trying to give it your own
2 interpretation -- [Overlapping speakers]
3 PRESIDING JUDGE: [Overlapping speakers] interpretation.
4 JUDGE BOUTET: So fine, if you want this, maybe we should mark
12:50:57 5 this statement first in evidence, because we don't have
6 that in evidence.
7 MR LANSANA: That would be very helpful, Your Honour.
8 JUDGE BOUTET: If it is to be a basis for some arguments
9 you're going to put now or later as such, I think it is
12:51:07 10 only fair that we have it, otherwise we have bits and
11 pieces.
12 MR LANSANA: I will take the cue, Your Honour. I will make an
13 application that this be taken in --
14 JUDGE BOUTET: I should also say that maybe part of the
12:51:21 15 confusion is that in your subsequent question to the
16 witness you are saying to the witness, "You say that you
17 never" -- the word you used is never, but he does not use
18 that in his statement, "I never attended". The words are
19 more "I was not actually allowed to perform". You say
12:51:35 20 from that you conclude never and the witness has not used
21 the word never in his statement.
22 MR LANSANA: Your Honour, I concede that he never -- he did
23 not use the word never. But when we look at the
24 statement he said, "Because when meetings were held we
12:51:43 25 were not allowed, we were excluded."
26 JUDGE BOUTET: "I was not actually allowed to perform my
27 duties."
28 MR LANSANA: "We were usually not", "we were normally not",
29 but there is no "usually", no "normally". It is

1 categorical, "When meetings were held we were not
2 allowed, we were excluded."
3 JUDGE THOMPSON: And you are saying that the qualifying
4 subsequent statement does not take care of that --
12:52:13 5 PRESIDING JUDGE: Of that?
6 JUDGE THOMPSON: -- problem. Are you saying that any time you
7 have a general statement without some qualifying word,
8 even though in the sense, reading the entire statement in
9 its context, shows that there is a qualifying element
12:52:32 10 there we should not treat it as a qualifying clause or a
11 qualifying factor?
12 MR LANSANA: Your Honour --
13 JUDGE THOMPSON: Do you say that every time we want to qualify
14 we have got to say but or however or nevertheless, and
12:52:47 15 that kind. What is the -- why is that rule?
16 MR LANSANA: Your Honour --
17 JUDGE THOMPSON: Remember these were statements taken by
18 interrogators in answers -- you know, as answers to
19 questions put to him. And so if you want to be so
12:53:05 20 structured in terms of the grammatical and syntactical
21 way of taking a statement, would it be fair to the
22 witness, you know?
23 MR LANSANA: Your Honour, I accept that I would not say that
24 it's a general rule that where these qualifiers like
12:53:22 25 however, nonetheless are not there we cannot impute a
26 continuance of the sense like you say. But, Your Honour,
27 I was in doubt, that is why I put it to the witness.
28 Before the objection came that could have been clarified
29 by the witness.

1 JUDGE BOUTET: Yes, but again -- I should put to you that
2 maybe I didn't read the whole of it before, but in his
3 evidence yesterday, and I will quote from page 102 so
4 there is no misunderstanding, he says, and I will just
12:53:54 5 read from that: "Q. Now you are referring to some
6 meetings which were called by whom?" This is page 102.
7 "A. He was calling the meetings.
8 Q. You are referring to Chief Norman --
9 A. Yes, Chief Norman was calling most of -- who would
12:54:09 10 call a meeting apart from him.
11 Q. And in those meetings you said he will only want to
12 see the commanders.
13 A. Yes.
14 Q. And the members of the War Council will not be
12:54:19 15 allowed; is that what you said?
16 A. Yes. He would say, yes. Certainly he would say this
17 meeting is purely for commanders. When I am ready for
18 the administrators we will go to Walehun."
19 And so on and so on. This is what the witness has
12:54:32 20 said yesterday, so I am trying to see, to use your word,
21 the inconsistency between that and what he said in that
22 statement.
23 PRESIDING JUDGE: Where is the inconsistency?
24 JUDGE BOUTET: This is his evidence during his
12:54:39 25 examination-in-chief yesterday.
26 MR LANSANA: Yes, Your Honour.
27 JUDGE BOUTET: And then further on he explained that there was
28 indeed a meeting where Black December was being discussed
29 and everybody attended and he was there.

1 MR LANSANA: Yes, Your Honour, in the general construction of
2 the statement in its entirety I concede that that portion
3 that gives the exception to his categorical statement
4 takes care of the categorical statement.

12:55:09 5 JUDGE BOUTET: You said "categorical". It is a question as to
6 how you want to qualify that. You will be giving that
7 qualification, it's a question of interpretation.

8 MR LANSANA: Your Honour, that is the way I see it. But it's
9 left to him to --

12:55:23 10 JUDGE BOUTET: All I'm saying is the witness has testified
11 yesterday explaining what he meant by that and this, I
12 say, on the face of it, I don't see inconsistency with
13 what he has --

14 MR LANSANA: As it please Your Honours.

12:55:33 15 JUDGE BOUTET: -- said in that statement and what he said in
16 Court.

17 MR LANSANA: As it please Your Honours. I will go further
18 with the cross-examination.

19 PRESIDING JUDGE: Mr Lansana, we would like you to appreciate
12:55:46 20 the fact that you will not only confine yourself, you
21 know, to a small portion of that statement which may suit
22 you. I know you are defending the interests of your
23 client, but, you know, you have to read the statement in
24 its entirety before you come to drawing the conclusion
12:56:05 25 that there is an inconsistency. So you may now move.

26 MR LANSANA: As it please Your Honours.

27 PRESIDING JUDGE: Time to be done with it.

28 JUDGE BOUTET: I would like -- Mr Lansana, please.

29 MR LANSANA: Yes, Your Honour.

1 JUDGE BOUTET: We were about to proceed to have this document
2 marked as an exhibit and we moved to something else, so I
3 would like that document to be marked as an exhibit.
4 MR LANSANA: As it please Your Honour.
12:56:24 5 JUDGE BOUTET: Because it has been used, there has been many
6 arguments about that.
7 MR LANSANA: And it has been highlighted. It may be useful in
8 due course.
9 JUDGE BOUTET: Indeed. We are now at Exhibit 60?
12:56:31 10 MR LANSANA: 63?
11 JUDGE BOUTET: Mr Walker?
12 MR KAMARA: Yes, Your Honour, if I may be heard on that. I
13 wish the other aspects are highlighted as well
14 [inaudible], so we are comfortable that the whole
15 document --
16 JUDGE BOUTET: The whole --
17 PRESIDING JUDGE: The whole document.
18 JUDGE BOUTET: The whole statement is marked in.
19 PRESIDING JUDGE: The whole statement, it's marked in.
20 JUDGE BOUTET: It's not only for that.
21 MR KAMARA: Thank you, Your Honours.
22 PRESIDING JUDGE: Of course, we are taking note and cognizance
23 of the portions --
24 MR KAMARA: The portions.
12:57:00 25 PRESIDING JUDGE: -- which have been highlighted by Mr
26 Lansana. But for purposes of making a judgment on this
27 we will look at the whole statement.
28 MR KAMARA: Thank you.
29 PRESIDING JUDGE: We will not only confine ourselves to that.

1 JUDGE BOUTET: So there is no misconception either, the
2 statement is marked for the purpose of alleged
3 inconsistency between the evidence in
4 examination-in-chief and the document in question.

12:57:23 5 MR KAMARA: Thank you, Your Honour.

6 JUDGE BOUTET: Thank you.

7 MR YILLAH: My Lord, I just want to seek guidance from the
8 Bench. I don't know whether Your Honours are receiving
9 the entire statement as the exhibit or the underlying
12:57:38 10 portions.

11 JUDGE BOUTET: I just said so. I did. It is accepted in
12 evidence for the limited purpose of showing or examining
13 inconsistency between the examination-in-chief of the
14 witness and the alleged inconsistency that has been
12:57:56 15 underlined. So that's all.

16 MR YILLAH: My fears are now allayed, My Lord.

17 JUDGE BOUTET: I had just said so and you were not listening.

18 MR LANSANA: May I proceed, Your Honours?

19 JUDGE BOUTET: Yes.

12:58:07 20 PRESIDING JUDGE: Have we marked it Exhibit 63? Statement of
21 witness dated the 18th of May '04?

22 JUDGE BOUTET: That's right. Statement of four pages, is it,
23 Mr Lansana?

24 MR LANSANA: Yes, Your Honour.

12:58:30 25 JUDGE BOUTET: Thank you.

26 [Exhibit No. 63 was admitted]

27 PRESIDING JUDGE: Mr Lansana, you may proceed.

28 MR LANSANA: As Your Honours please.

29 Q. Mr Witness, you testified yesterday that the

1 Kamajors regarded you and other educated people
2 among them as bookish?
3 A. Yes, My Lord.
4 Q. Elitist, to your use your word?
12:59:12 5 A. Yes, My Lord.
6 Q. It would be a fair comment to say, wouldn't it, that it's
7 not really your marginalisation, but the Kamajors'
8 aversion to your elitism that really hurt you?
9 PRESIDING JUDGE: I haven't understood the question.
12:59:51 10 MR LANSANA:
11 Q. It is true, isn't it, that it was not really --
12 PRESIDING JUDGE: Don't be too elitist too.
13 MR LANSANA: My Lord, these things get infectious.
14 Q. It is true, isn't it, that it wasn't really the
13:00:12 15 case that you were hurt because you were
16 marginalised, but because the Kamajors were
17 adverse to your elitism, your bookishness?
18 A. My Lord, you mean my slow pace towards the secretariat?
19 Q. No, your bookishness. You said -- you referred to
13:00:31 20 bookishness, elitism. You have admitted that they
21 thought you were bookish.
22 A. Those were their comments.
23 Q. Yes, and I am saying that you were hurt not because you
24 were marginalised --
13:00:42 25 PRESIDING JUDGE: You were?
26 MR LANSANA: Hurt, H-U-R-T.
27 PRESIDING JUDGE: H-U-R-T.
28 MR LANSANA: Yes.
29 Q. You were hurt not because you were marginalised, but

1 because they were adverse to your elitism?
2 A. I was hurt because I was marginalised.
3 Q. And it would again be fair to say, wouldn't it, that your
4 decision to testify against the Kamajors is borne out of
13:01:23 5 some grievance against them?
6 A. My Lord, I will not agree to that.
7 MR LANSANA: My Lord, that will be all for this witness.
8 JUDGE BOUTET: Than you very much. Mr Kamara, do you have any
9 questions in re-examination?
13:01:36 10 MR KAMARA: No questions in re-examination.
11 JUDGE BOUTET: Thank you very much.
12 MR KAMARA: Thank you.
13 PRESIDING JUDGE: Well, learned counsel, it is a convenient
14 point for us to have the lunch break. We will be
13:03:12 15 resuming at 2.30. Mr Tavener, did you have an
16 observation; I saw your finger.
17 MR TAVENER: I was just thinking, Your Honour. We do have two
18 witnesses for this afternoon. It is unlikely we will
19 complete the second one. What I am asking Your Honour is
13:03:32 20 is it possible to release the second witness? He has
21 been waiting for some time and it is probably not helpful
22 that he remain unless there is a chance we'll be
23 finished.
24 PRESIDING JUDGE: Even though we want to fill -- we always
13:03:45 25 have a very optimistic approach as to how we proceed. We
26 always presume that we'll proceed faster. But I think
27 you can allow that witness to go, yes.
28 MR TAVENER: Thank you.
29 PRESIDING JUDGE: That we just face one witness this

1 afternoon.

2 MR TAVENER: Thank you.

3 PRESIDING JUDGE: Yes. But you have agreed with the Defence
4 teams as to the witness who is testifying in the
13:04:06 5 afternoon.

6 MR TAVENER: They know who that witness is.

7 JUDGE BOUTET: Mr Yillah, you were about to stand up to make a
8 comment or you were just getting ready to adjourn?

9 MR YILLAH: No, My Lord, we do know who the next witness is.

13:04:19 10 JUDGE BOUTET: But did you have any comments to make?

11 MR YILLAH: No, My Lord.

12 JUDGE BOUTET: Okay.

13 PRESIDING JUDGE: Right. Well, we shall be rising soon for
14 lunch. Mr Witness.

13:04:34 15 THE WITNESS: Yes, My Lord.

16 PRESIDING JUDGE: We are not taking you hostage. I think you
17 have come to the end of your testimony.

18 THE WITNESS: Yes, My Lord.

19 PRESIDING JUDGE: And the Tribunal wants to thank you for
13:04:56 20 making yourself and your evidence available to its
21 proceedings, which you will appreciate are very important
22 and which in the long run will contribute to our getting
23 at the truth of this matter. We thank you very much for
24 coming and we wish you the very best in your daily
13:05:26 25 occupations. The Tribunal particularly wishes you luck,
26 you know, in your search for the documentation which you
27 consider very vital. So thank you very much and we wish
28 you a very safe journey.

29 But although we are releasing you, there might arise

1 a necessity for us to call you back here to clarify
2 certain issues. We are not saying the necessity will
3 arise, because as far as we are concerned we are done
4 with you now, but if it does arise please come back and
13:05:56 5 assist us with your evidence. Thank you very much and we
6 wish you a very safe journey.
7 THE WITNESS: Thank you too sir.
8 PRESIDING JUDGE: Right.
9 [Luncheon recess taken at 1.10 p.m.]
14:27:07 10 [HN180205C - RK]
11 [On resuming at 2.43 p.m.]
12 [The witness entered court]
13 PRESIDING JUDGE: We're resuming the session.
14 JUDGE BOUTET: Thank you.
14:41:58 15 PRESIDING JUDGE: Learned counsel.
16 JUDGE BOUTET: Are we ready to proceed? It doesn't appear to
17 be counsel for the third accused.
18 MR BOCKARIE: He was here just now, Your Honour. Probably
19 went to ease himself, Your Honour.
14:42:25 20 JUDGE BOUTET: Mr Bangura.
21 MR BANGURA: The Prosecution is ready to proceed.
22 JUDGE BOUTET: What is the next witness, please.
23 MR BANGURA: TF2-027.
24 JUDGE BOUTET: In which language is he giving evidence?
14:42:47 25 MR BANGURA: In Krio, Your Honour.
26 PRESIDING JUDGE: This is your 47th witness.
27 MR BANGURA: That's right, Your Honour.
28 JUDGE BOUTET: Proceed, please.
29 WITNESS: TF2-027 [sworn]

1 [The witness answered through interpretation]
2 JUDGE BOUTET: Yes, Mr Prosecutor.
3 MR BANGURA: Thank you, Your Honours.
4 EXAMINED BY MR BANGURA:
14: 44: 24 5 Q. Good afternoon, Mr Witness.
6 A. Good afternoon.
7 Q. I will be asking you questions to which you will give
8 your answers, Mr Witness.
9 A. Okay.
14: 44: 44 10 Q. I will ask that you try not to speak too fast when you
11 give your answers, okay?
12 A. Okay.
13 Q. Because what you say is being recorded, all right?
14 A. Okay.
14: 45: 00 15 Q. Mr Witness, how old are you?
16 A. 53.
17 Q. 53 years old?
18 A. Yes.
19 Q. Where were you born?
14: 45: 25 20 A. I was born in the xxxxxx village, Bo chiefdom.
21 MR BANGURA: Your Honours, Kendeyama is K-A-N-D-E-Y-A-M-A.
22 Mr Witness, is it Bo chiefdom?
23 A. Yes, it is Bo chiefdom.
24 Q. What district, Mr Witness?
14: 45: 54 25 A. Kandeyama is a village. Bo district, Bo district.
26 Q. Where do you presently reside, Mr Witness?
27 A. I reside in xxxxxx.
28 Q. How long have you been living in xxxxxx?
29 A. I was in xxxxxx since 1969.

- 1 Q. Mr Witness, Tongo Field is the same place as Tongo; is
2 that right?
- 3 A. Yes.
- 4 Q. Are you married, Mr Witness?
- 14: 46: 58 5 A. I'm married, I have two wives.
- 6 Q. And do you have children?
- 7 A. Yes, I have 13 children.
- 8 Q. What is your occupation?
- 9 A. I am a xxxxxx as well as a xxxxxx.
- 14: 47: 26 10 Q. Are you able to read and write English?
- 11 A. No.
- 12 Q. Can you tell this Court what languages you speak?
- 13 A. I speak Mende and Krio.
- 14 Q. Mr Witness, I would like to talk about events which
14: 47: 57 15 happened in this country not so long ago, okay? Do you
16 recall that there was a war in this country recently?
- 17 A. Yes.
- 18 Q. Do you recall sometime in August 1997?
- 19 A. Yes.
- 14: 48: 33 20 Q. Where were you living at this time?
- 21 A. I was in xxxxxx at xxxxxx section.
- 22 Q. Your Honours, xxxxxx is xxxxxx. What was the
23 security situation in xxxxxx at this time, Mr Witness?
- 24 A. At that time the police, the Sierra Leone police was in
14: 49: 17 25 charge of security in xxxxxx.
- 26 Q. Mr Witness, within that month of August 1997, did that
27 situation change?
- 28 A. Yes.
- 29 Q. How did it change?

- 1 A. Where we were in Tongo at that time when the AFRC
2 soldiers took over Tongo.
- 3 Q. Do you recall at this time what the security situation
4 was in the country generally? Did you know?
- 14:50:22 5 A. Yes, we heard that the AFRC had taken over, but to us in
6 Tongo particularly, it was in August that we saw them in
7 Tongo.
- 8 Q. Is the AFRC do anything when they came and took over
9 control of Tongo?
- 14:50:53 10 A. Well, they went and put us together, assembled us
11 together at the xxxxxx football field and told us that
12 they've taken over the country and Tongo as a whole.
- 13 Q. Mr Witness, you're moving a bit too fast. I would like
14 you to go over what you've just said but a bit slowly,
14:51:22 15 please.
- 16 A. Yes.
- 17 Q. The question again is did the AFRC do anything when they
18 took over control of the town?
- 19 A. Yes. When they took over, they assembled us in Tongo in
14:51:43 20 the football field.
- 21 Q. Yes.
- 22 A. And told us that they have taken over Tongo and that
23 whosoever was there was under their control.
- 24 Q. Did they organise any activity at all while they were
14:52:11 25 there?
- 26 A. Yes, then they organised mining.
- 27 Q. When you say they organised mining, what do you mean?
- 28 A. They organised mining, so therefore to mine diamonds for
29 them.

1 Q. And who were to mine these diamonds?
2 A. We the civilians were to do it.
3 Q. Mr Witness, did the AFRC continue to be in control of
4 Tongo for long?
14:53:16 5 PRESIDING JUDGE: Did they do the mining, you're going to come
6 to that.
7 MR BANGURA: It is not really part of the --
8 PRESIDING JUDGE: I see.
9 MR BANGURA: It is not relevant to our case. It's just what
14:53:30 10 activity they --
11 PRESIDING JUDGE: That is fine. You may proceed, Mr Bangura,
12 that is okay.
13 MR BANGURA:
14 Q. Mr Witness, the question was is the AFRC continue to be
14:53:42 15 in Tongo for long?
16 A. Well, they were there from November going to December.
17 Q. Now you said they were there November going to December,
18 did anything happen about November going to December?
19 PRESIDING JUDGE: That is November-December 1997.
14:54:13 20 MR BANGURA: Yes, My Lord.
21 THE WITNESS: Well, we were there one day, then Kamajors came
22 from the Panguma end and attacked.
23 Q. Slowly, slowly. They attacked Tongo?
24 PRESIDING JUDGE: From what end?
14:54:47 25 MR BANGURA: Panguma. P-A-N-G-U-M-A.
26 PRESIDING JUDGE: They came from the Panguma end and attacked
27 Tongo.
28 MR BANGURA: Yes, Your Honour.
29 THE WITNESS: Yes.

- 1 MR BANGURA:
- 2 Q. If I may ask you, how far away is Panguma from Tongo?
- 3 A. Well, Panguma to Tongo is about 8 to 9 miles.
- 4 Q. So what happened during this attack?
- 14:55:28 5 A. They came and they were not able -- they were not
6 successful, so they retreated.
- 7 Q. The Kamajors; is that right?
- 8 A. Yes.
- 9 Q. Before this time, Mr Witness, were there any Kamajors in
14:55:51 10 Tongo?
- 11 A. No, there was no Kamajor in Tongo. The AFRC was in
12 control and the commander's name was --
- 13 Q. You were going to say the name of the commander?
- 14 A. It was SI Olu, he was in charge.
- 14:56:19 15 MR BANGURA: Olu is O-L-U, Your Honours.
- 16 Q. Mr Witness, did you yourself know at that time about the
17 existence of Kamajors at all?
- 18 A. Yes.
- 19 Q. You say they were not in Tongo, but you knew about their
14:56:43 20 existence. How did you come to know about their
21 existence?
- 22 A. Well, I used to see them in Kenema. I come to Bo, I see
23 them there, as well.
- 24 Q. Mr Witness, you told this Court that the Kamajors came
14:57:10 25 from Panguma, they attacked, they were not successful,
26 and they withdrew. After this incident, did anything
27 happen at all in Tongo relating to the security of the
28 town?
- 29 A. Yes.

1 Q. Yes, what is it?
2 A. Well, after they attacked, after three days we heard that
3 -- another Kamajor group called the Black December.
4 MR BANGURA: Your Honours, I'm not so sure I got the
14:57:55 5 translation right.
6 THE INTERPRETER: My Lord.
7 MR BANGURA: [Microphone not activated]
8 THE INTERPRETER: My Lord, I advise that the witness comes
9 closer to the mic so that we get him properly.
14:58:14 10 PRESIDING JUDGE: Mr Witness.
11 JUDGE BOUTET: Or bring the mic to him.
12 PRESIDING JUDGE: Mr Witness, come closer to the mic. You
13 need to relax. Sitting is not easy. Can the mic go
14 closer to him, I don't know? Because when he's sat in
14:58:26 15 one posture for too long the tendency is for him to relax
16 a bit.
17 JUDGE BOUTET: Mr Bangura, maybe we can just go back a little.
18 MR BANGURA: Yes, the question was after the attack was there.
19 JUDGE BOUTET: Has anything happened.
14:58:56 20 MR BANGURA: And he had given an answer.
21 JUDGE BOUTET: Let's hear that answer.
22 MR BANGURA:
23 Q. Mr Witness, the question again is after the attack, the
24 first attack and the Kamajors had retreated did anything
14:59:09 25 happen in the town after the attack regarding the
26 security of the town?
27 A. Well, within three days we heard information that another
28 Kamajor group has been formed called the Black December.
29 Q. How did you learn about this, Mr Witness?

- 1 A. We heard it over the BBC.
- 2 Q. You mean BBC radio?
- 3 A. Yes.
- 4 Q. Did you know what that group -- that Black December group
15:00:02 5 was formed -- for what purpose it had been formed?
- 6 A. No. We only heard that another Kamajor group had been
7 formed called the Black December.
- 8 Q. Mr Witness, in addition to this news that you heard on
9 radio about Kamajor activity, did you learn of anything
15:00:37 10 else about the activities after this first attack?
- 11 A. That very night we heard that another Kamajor group was
12 coming from Kolumba camp in Guinea to attack Tongo.
- 13 MR BANGURA: Your Honours, Kolumba is spelled K-O-L-U-M-B-A.
- 14 Q. Mr Witness, what became the situation in Tongo, as a
15:01:27 15 result of these bits of information you had heard, you
16 had received?
- 17 A. There was panic in the town. There were roadblocks all
18 over. Vehicles were not plying from Kenema to Tongo.
- 19 Q. Were people able to move freely then?
- 15:01:57 20 A. Around Tongo, wherever you went to along the road you
21 fall in the Kamajor ambush.
- 22 Q. Did anything happen following all of this, Mr Witness?
- 23 A. Yes.
- 24 Q. Please tell the Court.
- 15:02:32 25 A. After all this within two weeks, after one day about
26 4.00.
- 27 Q. Yes?
- 28 A. We heard the mortar bomb sounds coming from Kpandebu end,
29 coming from Kenema into Tongo.

1 MR BANGURA: Kpandebu, Your Honours is K-P-A-N-D-E-B-U.
2 PRESIDING JUDGE: Mortar bomb sounds coming from.
3 MR BANGURA: Kpandebu end.
4 THE WITNESS: Kpandebu, the road coming from Kenema into
15:03:15 5 Tongo.
6 MR BANGURA: Kpandebu. K-P-A-N-D-E-B-U. Kpandebu.
7 PRESIDING JUDGE: That's the main road leading?
8 MR BANGURA: The witness says, as I understand him, Kpandebu
9 is a section in Kenema -- oh, sorry, in Tongo. But it's
15:03:42 10 -- he heard the sound in the area where the road leads
11 from Kenema, Kpandebu end.
12 Q. Mr Witness, where were you when you heard this sound,
13 this explosion?
14 A. I was in the Tongola section.
15:04:25 15 Q. Did you hear anything else after this first sound of an
16 explosion?
17 A. Yes, not long we heard another -- we heard another sound
18 from Landoma section, the road leading from Kono into
19 Tongo.
15:04:49 20 MR BANGURA: Your Honours, Landoma is L-A-N-D-O-M-A.
21 PRESIDING JUDGE: The road leading from.
22 MR BANGURA: Kono.
23 Q. Bass that all you heard, Mr Witness?
24 A. No, at same time, we heard another coming from Semwabu
15:05:27 25 Road, the road coming from Segbwema into Tongo.
26 MR BANGURA: Semwabu. S-E-M-W-A-B-U, Semwabu.
27 PRESIDING JUDGE: S.
28 MR BANGURA: S-E-M-W-A-B-U. This is the road leading from
29 Segbwema. And Segbwema is S-E-G-B-W-E-M-A.

1 PRESIDING JUDGE: S-E-G-B?
2 MR BANGURA: W-E-M-A. Segbwema.
3 Q. Mr Witness, did anything happen following these sounds of
4 explosion that you had heard from different parts of
15:06:26 5 town?
6 A. Yes.
7 Q. What was it?
8 A. That was the time when the AFRC soldiers instructed all
9 the civilians to go to the NDMC headquarters.
15:06:51 10 Q. Do you know why they were telling?
11 PRESIDING JUDGE: Please wait.
12 MR BANGURA: Sorry.
13 Q. Do you know why they were telling the civilians to go to
14 the NDMC headquarters?
15:07:20 15 A. Well, they were based there. They were there in large
16 number so they asked all the civilians to move over to
17 the headquarters.
18 Q. Did civilians comply? Did they go to the headquarters as
19 they were asked to do?
15:07:50 20 A. Yes, we all went to the headquarters, but I didn't go.
21 Q. Mr Witness, while this was going on, did you notice
22 anything else in town?
23 A. Yes. We were by Tongola, because on the hill is a
24 section near --
15:08:19 25 MR BANGURA:
26 Q. Mr Witness, may I asking you again not to speak too fast.
27 The question is go notice anything that happened, please
28 answer, but more slowly.
29 THE WITNESS: Okay.

- 1 Q. Go on, please.
- 2 A. We were standing by Tongola.
- 3 Q. Yes?
- 4 A. When we saw a large group of Kamajors coming.
- 15:08:57 5 Q. Where were they coming from?
- 6 A. Well, they were coming from the Tongola end, the new road
7 leading to Weama, to Bendu Junction, that was the road.
- 8 MR BANGURA: Your Honours, Weama is W-E-A-M-A. And Bendu is
9 B-E-N-D-U. W-E-A-M-A, Weama.
- 15:09:36 10 Q. And where were they marching towards?
- 11 A. Well, they were going towards the headquarter.
- 12 Q. Can you describe these Kamajors how you saw him?
- 13 A. They were in a straight line and there was -- there was
14 somebody there with a white rag who swung the band over
15:10:15 15 them and they all their guns across their chests.
- 16 Q. What was the feeling among you, the civilians, who were
17 watching this?
- 18 A. We were happy because we thought they were coming to
19 surrender. We thought because they had a white
15:10:51 20 handkerchief, we thought they were coming to surrender.
- 21 Q. Can you tell what number that was coming?
- 22 A. It was a long line, according to what I can make of it,
23 they were about 200 or more and they were in a queue.
- 24 Q. Mr Witness, after these Kamajors had come past, you said
15:11:31 25 they were going towards the headquarter. Did anything
26 happen?
- 27 A. Yes, no sooner they passed us in the queue to the
28 headquarter, as they were going close to the headquarter,
29 we heard shots.

- 1 Q. Where did you hear these shots come from?
- 2 A. Well, the firing was coming from the headquarter, because
3 the place Tongola is very close to the headquarter.
- 4 Q. The sound of firing you heard, how would you describe it?
15:12:23 5 Was it light fire, heavy fire?
- 6 A. Well, the shots that were coming from the headquarter
7 were heavy.
- 8 Q. Did you do anything when you heard this sound?
- 9 A. The whole town, because we heard the town it was, so
15:12:53 10 I ran I went to the xxxxxx xxxxxx and hid myself there.
11 Hid myself there with other people.
- 12 Q. Did you say you now heard firing all over the town?
- 13 A. Yes.
- 14 Q. Were you long in hiding in the xxxxxx xxxxxx?
- 15:13:30 15 A. When I went to the xxxxxx xxxxxx, I met some people
16 there, not too long, I heard.
- 17 Q. Mr Witness, I'll again ask you not to speak too fast,
18 please. Start again from you were at the xxxxxx xxxxxx.
19 While you were there, the question was did you stay long,
15:13:56 20 were you long in hiding in the xxxxxx xxxxxx?
- 21 A. No, I was not there for long.
- 22 Q. So while you were there, did anything happen?
- 23 A. Well, I was there. When I heard the Kamajors singing
24 from the headquarters, singing from the headquarters that
15:14:24 25 they've captured the headquarters.
- 26 Q. In what language were they singing?
- 27 A. In Mende.
- 28 Q. Did you eventually get out of your hiding in the
29 headquarter?

- 1 A. Well, not too long. Then Kamajors came around and put
2 people to gunpoint and asked all the civilians to go to
3 the headquarter.
- 4 Q. Is it the same headquarter that the soldiers had asked
15:15:16 5 civilians to go to that the Kamajors were now asking to
6 the same civilians to go to?
- 7 A. Yes, that was the same headquarter.
- 8 Q. Did you yourself go to the headquarter?
- 9 A. I came from my hiding place and we went as a group to the
15:15:44 10 headquarters.
- 11 Q. About what time was there, Mr Witness?
- 12 A. It was already going to half past 4.00 to 5.00 and that
13 was the time I could remember.
- 14 Q. Did you observe anything on your way to the headquarter?
- 15:16:08 15 A. Yes.
- 16 Q. What did you observe?
- 17 A. Well, the entrance to the headquarters there I saw so
18 many corpses.
- 19 Q. Now you said so many, were you able to -- or are you able
15:16:47 20 to give us an estimation as to the number of corpses that
21 you saw?
- 22 A. Well, all the corpses I saw, they were many and I have my
23 wits. They were about 30 going to 40.
- 24 Q. Mr Witness, what were your observations about these
15:17:27 25 corpses? How did they look to you?
- 26 A. Some had bullet wounds, as though somebody was shot from
27 the back in the head. Some as if the crowd in which they
28 were going.
- 29 Q. You were saying some had bullet wounds. That is the last

1 point I got. Mr Witness, can you continue from there.
2 JUDGE BOUTET: There was more, as if they had been shot from
3 behind or something like that.
4 MR BANGURA:
15:18:04 5 Q. Can you take it from there, Mr Witness?
6 A. Yes. Some had bullet wounds as if they had been shot
7 from the back. There were some as if they were trampled
8 upon, because they were really dead but there was no mark
9 on them.
15:18:41 10 Q. Mr Witness, was there any reason to think at that time
11 that those corpses that had no marks that did not look
12 like they had been shot, was there any reason at that
13 time to think that they had been trampled upon?
14 PRESIDING JUDGE: Is that not what he has said. As if they
15:19:11 15 had been trampled upon.
16 MR BANGURA: Your Honour, the question was to his
17 observations.
18 JUDGE BOUTET: Asking why he is saying that.
19 MR BANGURA: Another way of asking why he thought they had
15:19:29 20 been trampled upon.
21 THE INTERPRETER: Please, could you go back to the question.
22 MR BANGURA:
23 Q. Mr Witness, how or why do you think that some of those
24 corpses had been trampled upon? Was there anything that
15:19:48 25 made you think they had been trampled upon?
26 JUDGE BOUTET: Let him answer that.
27 THE WITNESS: Yes. Because the crowd that was going to the
28 headquarter was a large one and there were some who were
29 on the ground that had no marks and I want to believe

- 1 that these were the people as if they were really
2 trampled upon to death.
- 3 Q. Mr Witness, did you get into the headquarter yourself?
4 A. Yes.
- 15:20:29 5 Q. What was the situation in the headquarter when you got in
6 there?
7 A. When I got there, I met a large crowd of people there.
- 8 Q. Are you in a position to give us a number, an estimation
9 of the number of people you saw there?
15:20:56 10 A. I did not count them, but they were so many. They were
11 up to thousands.
- 12 Q. Mr Witness, could you describe the physical surrounding
13 of the headquarters where you all converged, where you
14 went?
15:21:25 15 A. Yes.
- 16 Q. Please do?
17 A. Well, I was in Tongo before and that was the NDMC
18 security headquarter, and there is a big field there,
19 like any other football field with buildings all around.
- 15:21:54 20 Q. Take it slowly. Please just go over your description of
21 the headquarter again?
22 A. The headquarter is a big field like any other football
23 field.
24 Q. Yes.
- 15:22:15 25 A. And there are buildings.
26 Q. Where are these buildings?
27 A. Inside around the headquarters, there were the security
28 headquarters where the NDMC had buildings for their
29 staff.

- 1 Q. Now, you've said it is a big field like any other
2 football field and you've talked about buildings. Where
3 were these buildings? Inside the field?
- 4 A. No, they were around the field.
- 15:23:05 5 Q. So where were these people that you have just talked
6 about?
- 7 A. They were all in the headquarter field and the
8 headquarter is not far from the Tongo football field.
9 It's not far from the Tongo football field.
- 15:23:26 10 Q. Are you saying there is another field which is just near
11 the headquarter field that you've talked about?
- 12 A. Yes, that is the football field.
- 13 Q. And how far away is that football field from the
14 headquarter field?
- 15:23:50 15 A. It was very close. There is only one building between
16 the headquarter field and the football field.
- 17 Q. Are you able to estimate the distance looking within this
18 courtroom and giving us an idea of how close the two
19 were?
- 15:24:12 20 A. Well, the building between the headquarter field and the
21 football field is about like from here to the room where
22 I was seated, to the room where I was moments ago outside
23 there.
- 24 MR BANGURA: Your Honours, I would estimate that to be about
15:24:47 25 40 yards -- 30 yards to 40 yards. I don't know if
26 Defence agrees or -- but it is a points beyond -- at the
27 back of the court. There is a waiting room there for
28 witnesses. But my estimation would be about 30 yards.
- 29 JUDGE BOUTET: Mr Bockarie, do you want to --

1 MR BOCKARIE: We just said we don't know where the waiting
2 room is for the witnesses.
3 JUDGE BOUTET: I don't know, either.
4 MR HALL: Your Honour, I've seen the room and I think it is
15:25:34 5 about 60 feet from where the witness is sitting.
6 JUDGE BOUTET: 60 feet? That would be 20 yards, not 30.
7 MR BANGURA: 20 yards, as Your Honour pleases. I will take
8 that.
9 Q. Mr Witness, do you know what was happening in this other
15:26:06 10 field, the football field, the town football field?
11 A. There were a lot of people, but I didn't know what had
12 been happening there.
13 Q. So in effect, you had people in the football -- in the
14 field, in the NDMC field as well as the football field;
15:26:25 15 is that right?
16 A. Yes.
17 Q. Who was in control at the NDMC football field -- NDMC
18 field where you were?
19 A. Well, it was the Kamajors that were controlling that
15:26:49 20 place, that whole area.
21 Q. Was anything going on in the field when you got there?
22 A. Yes.
23 Q. Can you tell this Court?
24 A. Yes.
15:27:13 25 Q. Please do.
26 A. When we entered the field --
27 Q. Go on please, but not too fast.
28 A. So the Kamajors asked us to stand according to tribe.
29 Q. Did this happen? Did you do that?

- 1 A. No, it did not work because the people are so many.
- 2 Q. Did anything happen after this?
- 3 A. Yes.
- 4 Q. Yes, go on.
- 15:28:13 5 A. We were there and they said, "Push, push." They said the
6 Kamajor boss was coming and we saw them coming.
- 7 Q. You said they asked you to push. Explain exactly what
8 they meant when they said "push"?
- 9 A. Well, because if you have a lot of crowd, they said,
15:28:45 10 "Okay, split," so that you give way. They said we should
11 give way because the Kamajor CO was coming in.
- 12 Q. Did anybody come in?
- 13 A. Yes. So we gave way and we saw two CO Kamajors coming
14 with a large crowd of Kamajors behind them, and these
15:29:10 15 were people that I knew.
- 16 Q. Now, you said two COs. What do you mean when you say
17 "COs"?
- 18 A. Well, the Kamajors the boss, the elders are called COs.
- 19 Q. Did you -- you've said that you knew these COs who came
15:29:43 20 in; is that right?
- 21 A. Yes.
- 22 Q. Who were they? Well, the head of Kamajor that was there
23 I knew him. He was called Mr BJK Sei?
- 24 MR BANGURA: Your Honours Sei is S-E-I.
- 15:30:10 25 Q. Who was the other one?
- 26 A. With his deputy Shaka Lahai.
- 27 Q. Lahai is L-A-H-A-I. So they came into the field; is that
28 right?
- 29 A. Yes.

- 1 Q. Did anything happen when they got in there?
- 2 A. Well, they came with a large Kamajor group and some
3 Kamajors said -- one Kamajor came and said, "All these
4 people should be killed."
- 15:30:56 5 Q. Okay. When he said "All these people should be killed,"
6 who were the people that he was referring to?
7 A. He was talking about all of us that were in the field.
- 8 Q. Mr Witness, let me ask you, what was the composition of
9 you, the people in the field, the people that had
15:31:27 10 gathered in the field? What -- what kind of people were
11 you? Who were you?
12 A. Most of us that were there were civilians.
- 13 Q. You say most, were there other people amongst you who
14 were not civilians?
15:31:53 15 A. Well, I did not know about other people, but only that
16 most of us were civilians.
- 17 Q. You said one Kamajor said they should kill all of you
18 people. Did they do that?
19 A. That was the time BJK Sei said, "No, that should not
15:32:27 20 happen."
- 21 Q. Did anything happen after this?
22 A. Yes, that was the time BJK Sei left. He came to the
23 Barri.
24 Q. Where was this Barri?
15:32:51 25 A. It was in this same field on the side of the field. It
26 was a very big Barri which was made by the NDMC where
27 they used to hold meetings.
- 28 Q. So after BJK Sei had moved away did anything happen to
29 the civilians who were gathered together?

- 1 A. Yes, that was the time Shaka Lahai went there to near the
2 Barri .
- 3 Q. Shaka Lahai had said move to the Barri ?
- 4 A. Yes, he went and stood by the entrance of the Barri .
- 15:33:43 5 Q. Did anything happen to -- with you the civilians? You
6 were standing there still; is that not right?
- 7 A. Yes.
- 8 Q. Yes, Mr Witness, did anything happen at this point?
- 9 A. Yes. It was then that one Kamajor came and said "Well ,
15:34:08 10 since you people are there, you identify the rebels that
11 are amongst you. Identify the rebels that are amongst
12 you. "
- 13 Q. Did the civilians do this? Did they identify rebels
14 amongst them?
- 15:34:44 15 A. That was the time people started pointing to people
16 saying, "These are rebels," and they even pointed to the
17 woman that was pregnant, identifying her as a rebel .
- 18 Q. Mr Witness, what would happen to people who were pointed
19 out as rebels?
- 15:35:24 20 A. They were in the act of pointing out at people and that
21 was the time that I crossed and went to Shaka Lahai .
22 [HN180205D 3.40 p.m. - EKD.]
- 23 Q. Mr Witness, before we talk about you crossing over to
24 Shaka Lahai , now these people who were being pointed out,
15:35:49 25 when somebody was pointed out what did they do to him?
26 Did they doing anything to the person?
- 27 MR YILLAH: My Lords, I hate to interrupt my learned friend in
28 his evidence-in-chief, but, My Lord, the witness was
29 giving evidence on a particular line as has been elicited

1 by my learned friend and there is nothing about what was
2 done to people pointed out coming from the evidence of
3 the witness. The witness said they were pointing those
4 people, when at that point he left and went over to Shaka
15:36:25 5 Lahai. That's the evidence.

6 MR BANGURA: My Lords, I do not see any difficulty that
7 counsel should be facing. I am leading the witness on a
8 point, he has not completed his answer and I just want
9 him to clear up the point. I do not see any difficulty.

10 JUDGE THOMPSON: It is a premature observation probably borne
11 out of experience that you might just move to another
12 area leaving that area a little unclear. I think it is
13 for the clarity of the records that perhaps is there
14 anything else the witness wants to say before going to
15:37:11 15 the consequences of pointing out. Is there anything else
16 he wants to tell the Court certainly before the
17 consequences alleged? I think that is counsel's concern.

18 MR YILLAH: Very well.

19 MR BANGURA: The witness, in talking about the pointing out of
15:37:27 20 persons who were --

21 JUDGE THOMPSON: In other words, that is that aspect
22 completed?

23 MR BANGURA: Your Honours, I am leading the witness.

24 JUDGE THOMPSON: I just wanted to say --

15:37:37 25 MR BANGURA: It is not completed.

26 JUDGE THOMPSON: -- I understand what he is trying to say so
27 it does appear as if we come back to something that was
28 left out before the consequences.

29 MR BANGURA: Certainly, Your Honour, that is the position.

- 1 Q. Mr Witness, I am saying, again, when these people were
2 pointed out can you tell this Court what would happen to
3 each one of them as they pointed them out?
- 4 A. That was the point I wanted to come to. When they point
15:38:09 5 at somebody, so I feared and cross to Shaka Lahai .
- 6 Q. Let me ask again, Mr Witness.
- 7 JUDGE BOUTET: What did the witness say?
- 8 PRESIDING JUDGE: When they were pointing out the people he
9 became apprehensive and he crossed to Shaka Lahai .
- 15:38:31 10 MR BANGURA: Yes, Your Honour.
- 11 PRESIDING JUDGE: Is that not the sequence of your evidence?
- 12 MR BANGURA: That would be the sequence, but the theory of my
13 examination is that he has not quite cleared up --
14 completed the evidence I want him to lead in the area of
15:38:44 15 the pointing out.
- 16 PRESIDING JUDGE: Please, conduct your case. Please, let's
17 move.
- 18 MR BANGURA:
- 19 Q. Mr Witness, did anything happen to the civilians as they
15:38:55 20 were being pointed out -- each one of them as they were
21 being pointed out?
- 22 A. Anyone that was pointed out, they will draw him out of
23 the crowd and put him separately.
- 24 Q. So you said you moved over to where Shaka Lahai was?
- 15:39:27 25 A. When that had been happening I crossed over to Shaka
26 Lahai .
- 27 Q. While you were with Shaka Lahai was this process still
28 continuing, the pointing out of persons who were accused
29 of being -- [Overlapping speakers]

- 1 A. Yes. They had still been pointing at people and bringing
2 them out of the crowd.
- 3 Q. While you were standing with Shaka Lahai did anything
4 happen? Did you observe anything?
- 15:40:12 5 A. Yes.
- 6 Q. What did you observe?
- 7 A. What I observed? Some -- one Kamajor group came.
- 8 Q. Yes? You said one Kamajor group came, and what did you
9 observe?
- 15:40:42 10 A. Well, there was one man who had a wireless shirt -- a
11 wireless set on his back, just like the soldiers have
12 wireless sets.
- 13 Q. Communication sets, wireless communication sets. Yes,
14 Mr Witness?
- 15:41:05 15 A. He came into the barri.
- 16 Q. Yes, did he do anything?
- 17 A. Then they brought a cable.
- 18 Q. Yes?
- 19 A. Then they came and fixed it. They came with a very big
15:41:36 20 motor car battery and they fixed it.
- 21 Q. You said they fixed it. What did they fix?
- 22 A. Well, I did not see what they fix. They just took a
23 motor car battery and they fixed some equipment on it.
- 24 Q. Did anything happen at this stage?
- 15:42:02 25 A. Yes.
- 26 Q. Please tell the Court.
- 27 A. So they took a long pole outside and fixed it there.
- 28 Q. And then?
- 29 A. So the man opened the wireless and it is something that

- 1 you hold like that and you squeeze it. It has something
2 like a speaker. Just like microphone speakers, where
3 they record the speaker is.
- 4 Q. Mr Witness, is this something -- are you saying that he
15: 42: 46 5 had something which he would hold in his hand?
- 6 A. Yes, which was joined on the wireless, just like a mic.
- 7 Q. How was it connected to the wireless?
- 8 A. Well, the thing has a long cable, just like this one
9 here, but somebody can hold it on his hand, and it came
15: 43: 10 10 to us, the cable, and it was through this that an
11 individual will speak.
- 12 JUDGE BOUTET: So it was a microphone?
- 13 MR BANGURA: It was microphone.
- 14 Q. Yes, Mr Witness, what happened?
- 15: 43: 28 15 A. That was the time when somebody called saying, "Hello,
16 hello, hello."
- 17 Q. When you said the person, who was this person?
- 18 A. Well, it was one Kamajor. He is now a soldier, he's a
19 lieutenant. He was the individual who was talking
15: 43: 48 20 through this wireless.
- 21 Q. Yes, Mr Witness, you say you -- [Overlapping speakers]
- 22 A. When he said "hello", so the one individual answered the
23 other side and said, "Yes."
- 24 Q. And did anything happen?
- 15: 44: 20 25 A. Well, that was the time when the wireless man said, "I
26 wanted to talk to Chief. I want to talk to Chief Hinga
27 Norman."
- 28 Q. When he said these words, do you know what happened next?
- 29 A. Yes, that was the time when the wireless set, they cut it

1 off for some time, for something like a minute.
2 Q. And then?
3 A. Then I heard the other persons on the other side saying,
4 "Hello," and the wireless man said, "Chief, chief." He
15:45:18 5 said, "We've captured Tongo, we have captured Tongo, we
6 are now in Tongo."
7 PRESIDING JUDGE: He said what? "Chief, chief"?
8 MR BANGURA: Yes, Your Honour. He is reporting a
9 conversation, and the person speaking from his end was
15:45:37 10 saying, "Chief, chief, we have taken Tongo," or "held
11 Tongo". This was in Mende.
12 PRESIDING JUDGE: Who was this person talking from his end?
13 MR BANGURA: The evidence, as I understand it, is a Kamajor
14 who is now a lieutenant in the army.
15:45:56 15 PRESIDING JUDGE: Yes, we have that, but was he the one
16 talking? Said he's a lieutenant in the army. He even
17 gave his name.
18 MR BANGURA: I'm not so sure about name.
19 PRESIDING JUDGE: I don't know. I see.
15:46:15 20 MR BANGURA: Your Honours, I can get the witness to --
21 PRESIDING JUDGE: He just ended up by saying he's now a
22 lieutenant in the army.
23 MR BANGURA: We can get the witness to explain it further.
24 PRESIDING JUDGE: Yes, please.
15:46:27 25 MR BANGURA:
26 Q. Mr Witness.
27 A. Yes.
28 Q. This Kamajor who was speaking from your side, he said in
29 Mende -- what were the words that he said again?

- 1 A. In Mende he said, "Mu Tongo ho-a, mu Tongo ho-a, mu-a na
2 mu Tongo."
- 3 Q. And what does that mean?
- 4 A. That is to say, "We've captured Tongo, we have captured
15:46:59 5 Tongo. We are now in Tongo."
- 6 PRESIDING JUDGE: "Chief, chief, mu Tongo ho-a, mu Tongo
7 ho-a."
- 8 MR BANGURA: Yes, Your Honour. Unfortunately, I am not a
9 Mende speaker. It may be difficult for me to help the
15:47:18 10 Court with.
- 11 PRESIDING JUDGE: I am teaching you already how to pronounce
12 it. Don't you see I have been applauded already on this
13 side.
- 14 MR BANGURA: I appreciate that, Your Honour.
- 15:47:37 15 Q. Mr Witness, did you hear anything else?
- 16 A. Well, my attention drifted from that and it was directed
17 to the area where they had been identifying people as
18 rebels.
- 19 Q. So whatever you heard, this conversation on the wireless,
15:48:03 20 was just a -- was going on while they still were pointing
21 out people; is that right?
- 22 A. Well, they have been discussing but my attention was not
23 there because I feared for my life. So when they had
24 been identifying people as rebels, that was where my
15:48:24 25 attention was focused.
- 26 Q. Mr Witness, did anything happen to those people who were
27 being pointed out as rebels?
- 28 A. Yes.
- 29 Q. What happened?

1 A. Well, one other Kamajor came. He had a file and he told
2 the other CO and said, "We have captured 200 rebels."
3 Q. Your Honours, I'm not so sure they got the translation
4 right. I understand the witness saying in Krio, "We
15:49:42 5 don't gather, we are put together," and the translation I
6 heard is "we are captured". I'm not so sure. I happen
7 to understand --
8 THE INTERPRETER: Could you please go over the question again?
9 PRESIDING JUDGE: He said one Kamajor came -- as this was
15:50:00 10 going on one Kamajor came.
11 MR BANGURA: Yes, as one Kamajor came and he had a file and
12 reported to another Kamajor that they had put together --
13 gathered -- in Krio he said --
14 PRESIDING JUDGE: And he had a file.
15:50:13 15 MR BANGURA: Yes.
16 PRESIDING JUDGE: Mr Witness, are you -- you say the Kamajor
17 who came had a file?
18 THE WITNESS: He had a file on which he wrote the number.
19 MR BANGURA:
15:50:40 20 Q. And did you say he reported that they had got 200
21 Kamajors -- 200 people; is that right?
22 A. He said they had gathered 200 rebels.
23 Q. Did anything happen after this?
24 A. Yes.
15:51:13 25 PRESIDING JUDGE: Who was he talking to when he said they have
26 gathered 200 rebels?
27 MR BANGURA: Your Honours, as I understand it was one --
28 [Overlapping speakers]
29 THE WITNESS: It was one other CO. They had a lot of

1 commanders. It was one other CO. He was talking to one
2 CO.

3 MR BANGURA:

4 Q. Did this CO say anything?

15:51:51 5 A. Yes.

6 Q. What did he say?

7 A. The CO said, "Well, they should be taken to Dudoma."

8 Q. D-U-D-O-M-A. Where was Dudoma?

9 A. D-U-D-O-M-A.

15:52:34 10 Q. Where was Dudoma, Mr Witness?

11 A. Dudoma was just behind the football field, which was a
12 former Limba corner. But at the latter part it became a
13 slaughter place for cows.

14 JUDGE BOUTET: He said it became a slaughter place for?

15:53:10 15 MR BANGURA: For cattle, cows.

16 JUDGE BOUTET: Cattle, okay. That's what I thought I heard.

17 PRESIDING JUDGE: He said it was formerly --

18 MR BANGURA: Limba corner.

19 Q. What do you mean, Mr Witness, when you say it was
15:53:22 20 formerly a Limba corner?

21 A. That was the place where the Limbas used to sell their
22 palm wine.

23 PRESIDING JUDGE: And that later became a slaughterhouse?

24 MR BANGURA: Yes, Your Honour.

15:53:57 25 Q. Mr Witness, were these orders -- or was this order
26 carried out, the order of the CO that they, the so-called
27 rebels, should be taken to Dudoma? Was this order
28 carried out?

29 A. Yes, they took all of them.

- 1 Q. Mr Witness, did you recognise anybody among these people
2 who had been pointed out who were called rebels? Did you
3 recognise anybody among them?
4 A. Yes, I knew three people among them.
15:54:57 5 Q. Who were those three people?
6 A. Well, one Bobson [phon], who was made youth leader by the
7 AFRC.
8 Q. Did you say youth leader?
9 A. Yes, the AFRC appointed him as youth leader in the town.
15:55:31 10 He was a native of Tongo.
11 Q. Who else?
12 A. And one Temne lady who used to sell cookery.
13 Q. Temne, the tribe?
14 PRESIDING JUDGE: Who used to sell what?
15:55:56 15 THE WITNESS: Cookery. Cookery, cooked food.
16 MR BANGURA:
17 Q. This woman, was she also a native of Tongo?
18 A. No, she was a Temne. She came there, but she had been
19 there for a long time.
15:56:28 20 Q. Who was the third person that you recognised?
21 A. It was another man. He used to sell junks clothes. I
22 knew him very well.
23 MR BANGURA: Your Honours, junks is second-hand clothing.
24 It's a local word for second-hand clothing here.
15:56:57 25 PRESIDING JUDGE: What's the name for second-hand clothing?
26 MR BANGURA: Junks, junks.
27 THE WITNESS: Junks clothes.
28 MR BANGURA: As in junk [inaudible].
29 JUDGE THOMPSON: Used clothes.

- 1 MR BANGURA: Yes.
- 2 Q. This person who was selling used clothing, how did you
3 know him before?
- 4 A. Well, he came not for long, but he was very close to my
15:57:50 5 house. We used to stay together, we are neighbours.
- 6 Q. Mr Witness, these 200 people -- at least the three people
7 that you know of these 300, have you seen them again
8 ever?
- 9 A. I did not say 300 people, I said 200.
- 15:58:27 10 PRESIDING JUDGE: Follow counsel's question. Follow his
11 question.
- 12 MR BANGURA:
- 13 Q. Mr Witness, these three people that you saw amongst the
14 200, have you seen them again at all in Tongo since that
15:58:39 15 day?
- 16 A. No, up to this day I have not seen them. Even that lady
17 who used to sell cookery, her children are there up to
18 now selling cookery.
- 19 Q. When they took these 200 people away do you know what
15:59:08 20 happened to them?
- 21 A. No.
- 22 Q. Mr Witness, did you spend the night in the Tongo in the
23 field that night?
- 24 A. Yes, we passed the night there.
- 15:59:47 25 Q. What about the rest of the civilians, did they also spend
26 the night there?
- 27 A. Yes.
- 28 Q. What was the situation in the town that night?
- 29 A. Well, that night, firing was going on throughout the

1 night, the Kamajors were dancing around the headquarter
2 and in town.

3 Q. Do you recall the next morning, Mr Witness?
4 A. Yes.

16:00:40 5 Q. Did anything happen that morning?
6 A. Yes.
7 Q. Please tell the Court.
8 A. The next morning BJK ordered Shaka Lahai.
9 Q. Were you present when he ordered Shaka Lahai?
16:01:10 10 A. Yes, we are already in one place. I was with the
11 Kamajors.
12 Q. When you say you were the Kamajors, were you yourself now
13 carrying anything to show that you were Kamajor? Were
14 you in any way identifiable to them?

16:01:31 15 A. No, xxxxxx was with Shaka Lahai. xxxxxx was with Shaka Lahai.
16 Q. So you say BJK ordered Shaka Lahai. What orders did he
17 give to him?
18 A. Yes. He ordered Shaka Lahai to tell the civilians to
19 bury the corpses that were at the entrance of the
16:02:32 20 headquarter.
21 Q. Was this done?
22 A. Yes. Kamajors selected 20 civilians.
23 Q. Did they get the civilians to do anything?
24 A. Yes, the Kamajors ordered the civilians to go and dig a
16:03:17 25 big pit at the back of the headquarters.
26 Q. And was this done?
27 A. Yes.
28 Q. Did you yourself go and see the pit that was dug?
29 A. No, but xxxxxx was with Shaka Lahai when the Kamajors reported

- 1 back that they have dug the hole.
- 2 Q. Did anything happen after that?
- 3 A. Well, Shaka Lahai ordered the civilians to carry all the
- 4 corpses and plunge them into that pit.
- 16:04:14 5 Q. Mr Witness, were these the corpses that you had seen the
- 6 day before as you were entering the headquarters?
- 7 A. Yes.
- 8 Q. Were they buried in the pit -- in the grave?
- 9 A. They were all buried. They were all gathered and put
- 16:05:03 10 into that same pit.
- 11 Q. Did anything else happen that day, Mr Witness?
- 12 A. Yes. BJK ordered Shaka Lahai to go to the town to go and
- 13 see what was happening in the town.
- 14 Q. And you heard these orders?
- 16:05:43 15 A. Yes.
- 16 Q. Did Shaka Lahai go into town to observe what was
- 17 happening?
- 18 A. Therein Shaka Lahai ordered some Kamajors to follow him
- 19 to the town. xxxxxx was with them because he is the person
- 16:06:11 20 that saved xxxxxx.
- 21 Q. Did you observe anything in town?
- 22 A. Yes, we went through the market to the park, the main
- 23 motor park, the Tongo motor park.
- 24 Q. Yes?
- 16:06:39 25 A. Therein we saw the four corpses, three men and a women.
- 26 Q. Were you able to recognise any of these corpses?
- 27 A. Yes, I knew two of them.
- 28 Q. Who were they?
- 29 A. There was one prominent miner with whom we used to work

1 for 20 years in Tongo. He was Joski Mboma, he was hacked
2 at the back.

3 MR BANGURA: Joski is J-O-S-K-I and Mboma is M-B-O-M-A.

4 PRESIDING JUDGE: A Camaroonian player, Patrick Mboma.

16:07:59 5 MR BANGURA:

6 Q. Mr Witness, you said you observed that Joski Mboma had
7 been struck at the back?

8 MR BOCKARIE: My Lord, he didn't say struck on the back. He
9 said that was his observation.

16:08:19 10 JUDGE BOUTET: He said he was hacked at the back. I have
11 written down he was hacked at the.

12 MR BANGURA: I was not so sure of the particular word, but I'm
13 thankful.

14 JUDGE BOUTET: Well, this is what I remember.

16:08:32 15 PRESIDING JUDGE: I had hacked.

16 MR BANGURA: I will take that, Your Honour.

17 PRESIDING JUDGE: But clarify it with the witness.

18 MR BANGURA:

19 Q. Mr Witness, you said Joski Mboma had been hacked at the
16:08:42 20 back.

21 A. That is the back of the neck, at the back of his neck.

22 PRESIDING JUDGE: What did you observe?

23 THE WITNESS: They hacked him with a cutlass.

24 MR BOCKARIE: You see, Your Honour, he is not in a position to
16:09:01 25 tell, because he said the following morning that was what
26 they observed. More or less what he observed was
27 probably a wound at the back, but he couldn't tell
28 whether he was hacked or not.

29 MR BANGURA: Your Honours, I appreciate my learned friend's

1 position. The witness may not have been there, but my
2 view is that it may be proper -- it's my view that I can
3 ask the witness to tell me how did the wounds look, how?
4 PRESIDING JUDGE: Yes.
16:09:45 5 MR BANGURA: That is what I was going to do.
6 PRESIDING JUDGE: Yes, that's right.
7 MR BANGURA:
8 Q. Mr Witness, you said you noticed that he had a wound at
9 the back. That wound that you saw --
16:09:53 10 A. Yes.
11 Q. -- were you able to tell how it may have been caused,
12 what may have caused that wound?
13 A. It looked as if somebody was hacked with a machete.
14 Q. Thank you, Mr Witness. How were you able to recognise
16:10:20 15 Joski? How were you able to know that this was Joski?
16 A. Well, he lay flat on his stomach but his neck was really
17 bent sideways [inaudible] and I saw his face. He's
18 somebody I knew.
19 Q. As far as you know, who was Joski in Tongo? What was he?
16:10:54 20 A. He was a civilian --
21 MR BANGURA: I didn't want to suggest any words as answers to
22 him.
23 PRESIDING JUDGE: But he has said, he has given everything
24 about him here; prominent miner, we knew him for the past
16:11:13 25 20 years or so.
26 MR BANGURA: Your Honour, this one is a bit different. He
27 says Joski was a civilian. I'm not so sure whether that
28 had been said before.
29 PRESIDING JUDGE: Okay. Go ahead, please. Go ahead.

- 1 MR BANGURA:
- 2 Q. Who was the other person that you recognised?
- 3 A. That was another Fullah boy who used to sell bread.
- 4 Q. Did you notice anything about him?
- 16:11:54 5 A. He lay flat on his stomach. He lay flat, but I didn't
6 really see any mark on his body. I don't know really how
7 he was killed.
- 8 Q. Mr Witness, apart from these corpses that you observed,
9 did you notice anything in town while you were out there
- 16:12:27 10 with Shaka Lahai and his Kamajors?
- 11 A. From there Shaka Lahai said xxxxxx should go back because all
12 the Kamajors were by their guard posts.
- 13 Q. Did you eventually go back to the headquarter?
- 14 A. Yes, we went back to the headquarters.
- 16:13:16 15 Q. Did anything else happen at the headquarter that same
16 day?
- 17 A. Yes.
- 18 Q. Please tell the Court.
- 19 A. We were there when another Kamajor called Baggay
- 16:13:43 20 Walters --
- 21 MR BANGURA: Baggay Walters, Your Honours, is B-A-G-G-A-Y,
22 Walters as in Walters.
- 23 THE WITNESS: CO.
- 24 PRESIDING JUDGE: B-A?
- 16:13:49 25 MR BANGURA: G-G-A-Y.
- 26 PRESIDING JUDGE: Walters?
- 27 MR BANGURA: Yes.
- 28 Q. You said Baggay Walters was a CO?
- 29 A. He was called a CO.

1 Q. So what happened?
2 A. He came and reported to BJK that in Dodo Kamajors have
3 taken 300 civilians there.
4 Q. D-O-D-O. Do you know of any other complaints about
16:14:59 5 Kamajors taking people away to locations outside Tongo
6 that same day?
7 PRESIDING JUDGE: Did he say 300 or 200?
8 MR BANGURA: 300.
9 THE WITNESS: Yes. I was there when Sembe Jormui, another
16:15:23 10 Kamajor, came and reported to BJK.
11 PRESIDING JUDGE: Sembe?
12 MR BANGURA: Sembe Jormui. S-E-M-B-E is Sembe. Jormui is
13 J-O-R-M-U-I.
14 Q. Yes?
16:15:44 15 A. He said that Kamajors have taken 200 people and taken
16 them to Saama.
17 Q. S-A-A-M-A. Did BJK Sei do anything about this?
18 PRESIDING JUDGE: Saama is what?
19 MR BANGURA: S-A-A-M-A.
20 PRESIDING JUDGE: S-K-A-M-A?
21 MR BANGURA: S-A-A-M-A. Double A.
22 PRESIDING JUDGE: Okay. S-A-A?
23 MR BANGURA: Yes, Your Honour. M-A.
24 PRESIDING JUDGE: Okay.
16:16:28 25 MR BANGURA:
26 Q. Did BJK do anything about these complaints?
27 A. Yes. He said, well -- he said that anybody that was
28 captured, whether it was civilian or rebel, he should be
29 brought over to the headquarters.

- 1 Q. Mr Witness, the civilians who were gathered at the
2 headquarter, were they still there on this second day?
- 3 A. Well, Kamajors came and took them away in groups. I
4 don't know really.
- 16:17:15 5 Q. But did you still have civilians there by the end of the
6 second day?
- 7 A. There were civilians there.
- 8 Q. Did you spend the second night at the headquarter,
9 Mr Witness?
- 16:17:37 10 A. Yes, the second night, yes.
- 11 Q. When did you leave the headquarter?
- 12 A. It was during the day that I left the headquarter, around
13 12.00 to 1.00. I cannot remember the day.
- 14 Q. I am not asking about the day of the week or date. The
16:18:18 15 day Tongo was attacked you spent the night there; is that
16 right?
- 17 A. Yes.
- 18 Q. You spent a second night there; is that right?
- 19 A. Yes.
- 16:18:32 20 Q. Did you leave on the third day?
- 21 A. Yes.
- 22 Q. You say you left Tongo about what time?
- 23 A. Around 12.00 to 1.00.
- 24 Q. Did you leave alone?
- 16:18:57 25 A. Yes, I left alone.
- 26 Q. Where were you heading for?
- 27 A. I was really heading for Kenema but I passed through
28 ~~xxxxxx~~ village.
- 29 Q. ~~xxxxxx~~. Were you joined by anybody on the way?

- 1 A. Yes, a mile to xxxxxx I met four men who joined me to
2 go.
- 3 Q. At xxxxxx did anything happen?
- 4 A. We met a large group of Kamajors on the road in xxxxxx.
- 16:20:30 5 Q. Did anything happen there?
- 6 A. They ask me with my colleagues that where we were from.
- 7 Q. Where did you tell them you were coming from?
- 8 A. That I was coming from Jakondoma village together with
9 the people that were with me.
- 16:21:04 10 Q. J-A-K-O-N-D-O-M-A. Why did you not tell them you were
11 coming from xxxxxx?
- 12 A. At that hour, whosoever told the Kamajors that they were
13 coming from Tongo, they will kill you that you were
14 rebel. That is why we told them that we were coming from
16:21:23 15 xxxxxx village.
- 16 Q. Mr Witness, did you say they would kill you?
- 17 A. Whosoever said that he was coming from Tongo, they'll do
18 bad things to you. That is why we said we were coming
19 from xxxxxx village.
- 16:21:47 20 Q. Did you go past xxxxxx then?
- 21 A. Yes. After that I heard that there were Kamajors in
22 Konia.
- 23 Q. K-O-N-I-A. Did you get to Konia?
- 24 A. Yes. When I went to Konia, my colleagues with whom I
16:22:28 25 walk, they took a bypass through the bush, but I went
26 direct into Konia.
- 27 Q. What was the situation in Konia when you got there?
- 28 A. Upon entering Konia there was a large crowd of Kamajors
29 gathered together and they asked me the same questions.

- 1 Q. While you were there -- did you give them the same
2 answers?
- 3 A. [No translation]
- 4 Q. Mr Witness, you said they asked you the same question.
16: 23: 15 5 What was the same question?
- 6 A. They asked me whether I was coming from Tongo and I said
7 no, that I was coming from Jakondoma.
- 8 Q. While you were in Konia did you learn about anything?
9 Did you come by any information?
- 16: 23: 37 10 A. Yes.
- 11 Q. What was it?
- 12 A. Well, I was there, they made their checkpoint in the bush
13 and they --
- 14 Q. Slowly.
- 16: 23: 57 15 A. They had their checkpoint in the bush and the Kamajors
16 were coming from there.
- 17 Q. Did you say two Kamajors were coming from there?
- 18 A. Yes, in the coffee by the road.
- 19 Q. And then did anything happen?
- 16: 24: 19 20 A. I heard one of them saying, "That boy who was killed was
21 a civilian, he was not a rebel."
- 22 Q. In what language was he speaking?
- 23 A. In Mende.
- 24 Q. After this did anything else happened?
- 16: 24: 45 25 A. I sat there for some time.
- 26 Q. And then?
- 27 A. And another Kamajor came. He selected three boys to go
28 and bury --
- 29 MR BANGURA: Your Honours, I hear the witness saying one thing

1 and I hear something else slightly different coming from
2 the translator.
3 PRESIDING JUDGE: Maybe the translators need some rest, we
4 would rise for some time and ask them to recuperate a
16: 25: 26 5 bit. The Court will rise, please.
6 [Break taken at 4.30 p.m.]
7 [Upon resuming at 4.50 p.m.]
8 PRESIDING JUDGE: Learned counsel, we would have loved to have
9 proceed, but we have some urgent consultations to make.
16: 48: 23 10 Because of this we will be rising almost immediately
11 after I finish talking to you and we will resume the
12 session on Monday. We are sorry about this, but we had
13 to take care of some other front. So we would rise.
14 Mr Witness, we are going to continue with you on
16: 48: 51 15 Monday at 9.30. We wish you a happy weekend, just as I
16 wish all learned counsel a very happy and restful
17 weekend. The Court will rise, please.
18 [Whereupon the hearing adjourned at 4.53 p.m., to be
19 reconvened on Monday, the 21st day of February 2005, at
16: 50: 12 20 9.30 a.m.]

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EXHIBITS:

Exhibit No. 62	8
Exhibit No. 63	71

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-222	2
CROSS-EXAMINED BY MR YILLAH	2
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