

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 3 MARCH 2005
9.59 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 (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi

For the Accused Moinina Fofana:

Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana

1 [HN030305A]
2 Thursday, 3 March 2005
3 [Open session]
4 [The accused entered court]
09:35:26 5 [The accused Norman not present]
6 [The witness entered court]
7 [On commencing at 9.59 a.m.]
8 WITNESS: TF2-073 [Continued]
9 PRESIDING JUDGE: Learned counsel, good morning. We are
10:02:28 10 resuming our session. Mr Witness, good morning.
11 THE WITNESS: Good morning, sir.
12 PRESIDING JUDGE: How are you this morning?
13 THE WITNESS: Fine, thank you.
14 PRESIDING JUDGE: Are you all right?
10:02:50 15 THE WITNESS: Yes.
16 JUDGE BOUTET: Are we ready to proceed with the
17 cross-examination of this witness? According to what we
18 had discussed, it is the second accused, third accused
19 and then first accused in that order but I heard
10:03:01 20 yesterday that it was the third accused who was to start
21 cross-examination of this witness. Are you ready to
22 proceed with cross-examination of this witness? Yes,
23 Dr Jabbi.
24 MR JABBI: Yes, My Lord, sorry to interpose at this stage. We
10:03:17 25 wish to seek some clarifications, but I believe it is
26 probably better that those clarifications are sought in
27 the absence of the witness for the moment. It will not
28 take long at all, My Lord.
29 JUDGE BOUTET: If you feel this is important that the witness

1 does not hear what you have to say, we have no option but
2 to ask the witness to be excused. Mr Walker, would you
3 please proceed.

4 MR JABBI: Very well, My Lord.

10:05:37 5 [The witness stands down]

6 JUDGE BOUTET: Yes, Dr Jabbi.

7 MR JABBI: My Lords, with your indulgence, if I may begin by
8 announcing that I've come back to the trial proceedings
9 fairly well rested and I want to say thank you very much
10:05:57 10 for having given me the opportunity to get rested after
11 the long vacation.

12 My Lords, as to the decision that was handed down
13 two days ago in respect of the Moyamba crime base
14 witnesses, the essence of the decision, My Lords, as I
10:06:28 15 see it, is simply that these witnesses be now taken and
16 duly cross-examined in the interests of expeditiousness
17 of the proceedings. Certain issues and proposals are
18 made in the decision -- in the proceedings from the
19 representations made by the Prosecution and counsel for
10:07:03 20 the first accused. Some of those proposals are not
21 specifically dealt with in a final order --

22 PRESIDING JUDGE: Excuse me, Dr Jabbi.

23 MR JABBI: Yes, indeed, My Lord.

24 PRESIDING JUDGE: I just want to caution, because I do not
10:07:27 25 think and I do not expect that you want the Chamber to
26 visit or to revisit its decision.

27 MR JABBI: No, My Lord.

28 PRESIDING JUDGE: Or to make comments on the decision --

29 MR JABBI: No, My Lord.

1 PRESIDING JUDGE: -- which could be looked upon, you know,
2 otherwise. Because the way I see you going, you know,
3 you're going into commenting on the decision on what is
4 there and what is not there. I wonder whether you are on
10:08:01 5 the right track. But I just said that I want to caution
6 on this.

7 MR JABBI: My Lord, thank you very much.

8 JUDGE THOMPSON: Let me interject, too, that I'm sure that
9 counsel - recognising counsel's seniority at the bar -
10:08:15 10 appreciates that once a Chamber has rendered a decision
11 on certain issues the Chamber becomes functus officio and
12 at no point in time, except if there is a review
13 jurisdiction under the Rules for the Chamber to review
14 its decision should the Chamber be invited, so to speak,
10:08:44 15 to conduct a kind of judicial post-mortem on its
16 decision, the proper machinery is the appellate
17 machinery. And I'd like to suggest to learned counsel
18 that whatever difficulties by way of lack of specificity
19 or errors of law that the Chamber might have committed in
10:09:07 20 his submission should be addressed to a different forum.

21 We respect the principle of judicial hierarchy. If we're
22 told by a higher chamber that we went wrong, we accept it
23 in the true spirit of the profession. That will be my
24 own short contribution in response to your observation.

10:09:29 25 JUDGE BOUTET: I will not repeat what my colleagues have said,
26 but if your comments are more specific to who is to start
27 the cross-examination, it is true that this specific
28 aspect was not dealt with in the decision. If this is
29 what you're trying to talk about, fine. We did speak

1 about it, however, outside of the decision because after
2 we had given the decision I said in Court, based upon the
3 representation, this is what we intend to do. So if this
4 is what you want to talk about, fine.

10:10:03 5 MR JABBI: Thank you very much, My Lord.

6 JUDGE BOUTET: Is it what you want to talk about, the order of
7 cross-examination?

8 MR JABBI: Pardon me, My Lord?

9 JUDGE BOUTET: Is it what you want to talk about, as to who is
10:10:13 10 to do -- the order of cross-examination?

11 MR JABBI: The order and the timing, My Lord.

12 JUDGE BOUTET: Okay.

13 MR JABBI: I would like to allay the fears of the learned
14 Justices that I do not intend at all to raise any issues
10:10:31 15 as to the legal propriety or otherwise of any
16 observations made during the decision. It is simply the
17 practical implementation of the decision in terms of the
18 cross-examination as to who comes when and that sort of
19 thing.

10:10:51 20 JUDGE THOMPSON: I am reassured.

21 MR JABBI: Yes. So My Lord, as I was saying, there are a few
22 specific proposals made by both the Prosecution and
23 counsel for the first accused in the process of the
24 deliberations out of which the decision has come. I am
10:11:13 25 now, of course, informed that some suggestions have been
26 made as to the sequence of cross-examination.

27 JUDGE BOUTET: Indeed.

28 MR JABBI: And we welcome the suggested sequence, more
29 particularly that counsel may cross-examine on behalf of

1 the first accused after counsel on behalf of the third
2 and the second have duly done so.

3 JUDGE BOUTET: Dr Jabbi, it was not quite my understanding.
4 The proposal was, rather than follow the normal order of
10:11:53 5 cross-examination - that is, first accused, second
6 accused, and third accused - it would be second accused
7 would go first, then third accused, and then if the first
8 accused felt that there were areas or some aspect that
9 they would like to cross-examine on, they would do it
10:12:08 10 last. They were not delegating their cross-examination
11 to the third or second accused. That was not my
12 understanding. So if it is what you understood, that was
13 not the proposal that was put on the table for the
14 cross-examination.

10:12:25 15 MR JABBI: Yes, indeed, My Lord. I'm only saying that if that
16 was the understanding, we have no objection to that
17 sequence.

18 JUDGE BOUTET: So you are just talking sequence. Not
19 delegation --

10:12:36 20 MR JABBI: Yes, My Lord, of the sequence.

21 JUDGE BOUTET: Yes.

22 MR JABBI: My Lord, secondly, however, there is reference to
23 the suggestion by court appointed counsel for the first
24 accused in paragraph 5 to the effect that if this
10:13:02 25 sequence is adopted, the court appointed counsel for
26 first accused will have the option to cross-examine if
27 they choose to do so. That was the suggestion.

28 JUDGE BOUTET: That's always the case. I mean, you may wish
29 in any circumstances not to cross-examine. So that's all

1 he was saying.

2 MR JABBI: My Lord, it is in this area that I wish to make a
3 specific proposal, that even as the court appointed
4 counsel for the first accused will cross-examine after
10:13:48 5 counsel for the other two accused have done so, we would
6 want to request that we be entitled to request deferment
7 of cross-examination at a later date for the first
8 accused, as distinct from immediately choosing to
9 cross-examine after the other accused persons have done
10:14:21 10 so. Or indeed, immediately deciding whether or not we
11 are going to cross-examine thereafter. Our request is
12 that we be allowed to defer cross-examination of the
13 witnesses from the Moyamba crime base to a later date on
14 behalf of the first accused. Thank you very much,
10:14:47 15 My Lord. I do not want to advance certain reasons for
16 it, just in case it gets over into a discussion of some
17 of the issues in the decision.

18 JUDGE BOUTET: Yes, Mr Tavener.

19 MR TAVENER: Thank you, Your Honour. Does the Court require a
10:16:27 20 comment from the Prosecution on that proposal?

21 JUDGE BOUTET: Indeed.

22 MR TAVENER: The Prosecution would simply submit that the
23 effect of that proposal is to negate the decision. It
24 simply undermines the whole purpose of the decision and
10:16:41 25 the arrangement that was entered into by the counsel for
26 the first accused. It would make the decision nugatory;
27 it would have no effect at all. As Your Honours have
28 already suggested, if that is the approach of the first
29 accused then he should have used the proper procedures.

1 Thank you.

2 JUDGE BOUTET: Thank you.

3 [Trial Chamber confers]

4 MR JABBI: My Lords, I don't know if My Lord would let me make
10:19:38 5 a short reply to what my learned friend from the
6 Prosecution said?

7 PRESIDING JUDGE: Yes.

8 MR JABBI: Thank you very much. Unfortunately, I had a little
9 technical problem when he was talking, I did not clearly
10:19:50 10 hear him, but I have been duly informed that his point,
11 in fact, was that my proposal is a negation of the
12 decision in question. If indeed that is what was said,
13 then I would like to make it very clear that there is no
14 sense in which this proposal can be said to be in
10:20:09 15 negation of the decision. The primary objective of the
16 decision is to ensure the expeditiousness of the
17 proceedings in this trial and my proposal duly
18 acknowledges that. It recognises it and accepts it.

19 My Lord, some of the difficulties of the first
10:20:41 20 accused in this area may briefly be pointed out. I do
21 not want to go into details. But it may well have been
22 that investigation about these witnesses may have been
23 put on the cold burner as a result of the decision of
24 29th of November 2004. It was only on Monday that the
10:21:17 25 decision was now taken to proceed with the witnesses and
26 we would appreciate if we allowed a little bit of time to
27 do some further investigation into the witnesses more
28 fully before we are called upon to cross-examine.

29 PRESIDING JUDGE: Are you saying, Dr Jabbi, that you have not

1 been put on notice about these Moyamba based witnesses?
2 Is that what you're saying?
3 MR JABBI: My Lord, we have been put on notice.
4 PRESIDING JUDGE: Are you saying that witness statements have
10:21:50 5 not been disclosed to you, you know, as far as the
6 Moyamba crime base witnesses are concerned?
7 MR JABBI: No, My Lord. That is not what I am saying. Indeed
8 that has been done.
9 PRESIDING JUDGE: That has been done.
10:22:04 10 MR JABBI: Yes, indeed, My Lord. What I am saying --
11 JUDGE BOUTET: I would like to add, too, that in all our
12 decisions we were very specific to say that these were
13 not operating as a stay of proceedings. In other words,
14 the situation remained the status quo; the status quo
10:22:14 15 being that what you have is what we have at this
16 particular moment. So I don't know why and based on what
17 you would have decided that all of a sudden this is not
18 of importance any more. We have put it on the
19 back-burner, to use your language on this. Why would
10:22:30 20 that be?
21 MR JABBI: My Lord, as I said, as a result of the decision of
22 29th November, one would perhaps anticipate that it would
23 not be immediately possible to deal fully with these
24 witnesses --
10:22:55 25 JUDGE BOUTET: Dr Jabbi, your colleague and co-counsel for the
26 first accused argued last week on this proposal, and
27 you're trying to re-argue the case this morning on a
28 different basis and we're not prepared to listen to that.
29 I mean, you are part of a team. We heard the first

1 accused representation last week. I don't see why we
2 should reopen that issue when we have rendered a
3 decision.

4 MR JABBI: My Lord, it's just the timing of our
10:23:22 5 cross-examination.

6 JUDGE BOUTET: No, no. Our decision is fairly complete in
7 this respect. We would not allow and we did not allow a
8 postponement of cross-examination at a future time. That
9 is not the essence of our decision.

10:23:37 10 MR JABBI: As Your Lordship pleases.

11 PRESIDING JUDGE: Mr Koppe, yes.

12 MR KOPPE: Just another brief point while the witness is out,
13 just to clear all confusion, counsel for the third
14 accused is cross-examining this witness on our behalf.

10:24:17 15 We will not be cross-examining this witness because we
16 have a conflict of interest situation. This witness is a
17 client of co-counsel, and that's why we are not
18 cross-examining this witness. So please don't ask us to
19 cross-examine in front of the witness. I just want to
10:24:36 20 make that point clear.

21 PRESIDING JUDGE: Right, thank you. Dr Jabbi.

22 MR JABBI: Yes, My Lord.

23 PRESIDING JUDGE: We have heard your application. We have
24 heard the response by the Prosecution. And your response
10:24:59 25 to the response of the Prosecution. We are of the
26 opinion that if cross-examination is deferred at this
27 point in time it would be negating the effects of the
28 majority decision which you know legally is in place at
29 this time.

1 Let me say here that notwithstanding the dissenting
2 opinion, the majority opinion is what is in place and
3 what has to be applied. I think as Presiding Judge of
4 this Chamber I would rule that the cross-examination will
10:25:54 5 go on because if it doesn't go on, it will be putting the
6 execution of the majority decision on hold.

7 And I further have this to say: That, having
8 received the disclosure of the statements and other
9 evidence of the Moyamba base witnesses, you ought to have
10:26:25 10 -- you ought to have conducted investigations and
11 whatever since then, knowing fully well that anything
12 could happen at any time. What if the appeal you took
13 against the decision on 29th of November 2004 were here
14 and you lost it? Would you say you would not be able to
10:26:50 15 go on with the Moyamba base because you needed to conduct
16 investigations?

17 I think your application is denied and for reasons
18 which you should understand. We will take some time to
19 put this decision in writing because it is important that
10:27:07 20 we do so. You have other means of challenging the
21 decision which has been rendered and for which we as the
22 Tribunal are now functus officio. That is our stand in
23 this matter and it is a unanimous stand.

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

10:27:32 25 JUDGE BOUTET: Yes, Mr Williams.

26 MR WILLIAMS: I have a small request, application to make,
27 My Lord. Just before Your Lordships came in, I was
28 informed that I would be doing the cross-examination of
29 this witness, My Lord.

1 JUDGE BOUTET: You need some time?
2 MR WILLIAMS: Yes, My Lord. I have spoken with the
3 Prosecution. After lunch would be fine by me, My Lord.
4 JUDGE BOUTET: Inasmuch as we regret losing time, but we
10:28:00 5 understand. I think that would be just fair for you to
6 be ready because it's useless to go ahead if you're not
7 ready. So in fairness, in the interests of justice, I
8 think it is a fair application and we'll grant it.
9 MR WILLIAMS: Most grateful, My Lords.
10:28:15 10 PRESIDING JUDGE: Yes, I think it's a reasonable application.
11 Without even seeking the consent of the Prosecution it is
12 granted.
13 MR TAVENER: I'm not standing up for that purpose,
14 Your Honour. Is it possible for the victim support to
10:28:27 15 advise the witness that the matter will be delayed after
16 lunch, and he will be completed today. He has some
17 concerns about that.
18 JUDGE BOUTET: He should be informed of that obviously.
19 PRESIDING JUDGE: He should be informed. He doesn't need to
10:28:37 20 come back here.
21 MR TAVENER: No, no. Just so someone does tell him the
22 position. That's all.
23 PRESIDING JUDGE: Somebody in the Court Management will tell
24 him or whoever.
10:28:57 25 MR MARGAI: I understand there is a witness that can interpose
26 --
27 PRESIDING JUDGE: Please, we don't want to get into that. We
28 don't want to get into that for the neatness of the
29 record.

1 MR MARGAI: We discussed it --

2 PRESIDING JUDGE: No, no. Let Mr Williams please go and
3 prepare his cross-examination. We will resume at 2.30.
4 The Court will rise please.

14:29:25 5 [Luncheon recess taken at 10.30 a.m.]
6 [HN030305 - CLR]
7 [On resuming at 2.39 p.m.]

8 PRESIDING JUDGE: Good afternoon, learned counsel.
9 Mr Witness, good afternoon. We are resuming our session,
14:45:25 10 please.

11 JUDGE BOUTET: Mr Williams, are you ready to proceed with the
12 cross-examination of this witness?

13 MR WILLIAMS: Yes, My Lord.

14 CROSS-EXAMINED BY MR WILLIAMS:

14:45:57 15 Q. Mr Witness, in your testimony, you said you were a
16 farmer; is that correct?

17 A. Yes.

18 Q. Do you know any other trade, apart from the farming
19 business?

14:46:12 20 A. Yes, Your Honour.

21 MR BANGURA: May it please Your Honours, I do not particularly
22 object to counsel asking questions about the witness's
23 occupation, other than being a farmer, but my concern is
24 whatever he might say may reveal, somehow, his identity.
14:46:34 25 Because when I led him in evidence, I did ask questions
26 around what he had done before without specifically
27 asking him to indicate what he had done before or what
28 position he presently holds in his community.

29 JUDGE BOUTET: Thank you, Mr Bangura.

1 PRESIDING JUDGE: Is the question related to positions he
2 held, or a profession?

3 MR BANGURA: The question is really about profession but I
4 think, in his situation, it would be difficult for him to
14:47:10 5 state what profession he had, and perhaps still practises
6 in some way, without in any way indicating that as an
7 occupation.

8 JUDGE THOMPSON: In other words, if he says he is a lawyer,
9 would that be a problem?

10 MR BANGURA: No, but I know as a fact that that is not the
11 answer he might give.

12 JUDGE BOUTET: Mr Williams, you know the concerns so just be
13 careful with your questions. Obviously the identity of
14 this witness is protected and questions and,
14:47:45 15 specifically, answers to be given to your questions must
16 be such that it does not reveal his identity. So if you
17 can accept that, carry on.

18 PRESIDING JUDGE: Mr Williams, for purposes of fairness, you
19 may adopt our methodology and proceed. If that is likely
14:48:06 20 to -- then let us do it on a piece of paper and he can
21 confirm, if that is material to your case.

22 MR WILLIAMS: I take the cue, but I thought on this the answer
23 he would have given would have been a very general -- but
24 I'm entirely in Your Lordships' hands.

14:48:25 25 JUDGE BOUTET: We are in your hands, too, because we don't
26 know how much of the next answer will be given that may
27 indeed reveal his identity. As you know, at times that,
28 coupled with some other information, that may lead to
29 that conclusion. But I do recall when evidence-in-chief

1 was led, he was asked very generally questions about,
2 "You had an important role in your community"; these
3 types of question, without asking what role he had.
4 JUDGE THOMPSON: The constructive approach would be that if
14:49:12 5 you know what the answer would be, why not write it down.
6 PRESIDING JUDGE: Why not write it. You must be looking for
7 something, I imagine.
8 JUDGE THOMPSON: Quite. That would be the constructive
9 approach.
14:49:12 10 MR WILLIAMS: I take the cue.
11 Q. Mr Witness, have you ever had political aspirations?
12 A. Yes.
13 Q. Have you, for example, ever aspired for --
14 MR BANGURA: May it please Your Honours, I am again very much
14:49:47 15 concerned about this line of questioning.
16 PRESIDING JUDGE: Yes. Put it on paper so that we move fast.
17 MR WILLIAMS: With the greatest respect to my learned friend,
18 this would not -- I mean, have you ever aspired --
19 PRESIDING JUDGE: No, it could. It could. I say it could,
14:50:00 20 that's why I'm intervening.
21 MR WILLIAMS: As My Lord pleases. I will abandon that line
22 for now, My Lord.
23 PRESIDING JUDGE: [Inaudible] format of how we need in this
24 Court, not Mr Bockarie's format. Fortunately, he's not
14:50:41 25 here. Is it he writing, or is it for you to write? I
26 want you to write, because I don't want you to ask him
27 the question.
28 MR WILLIAMS: No, My Lord. I might not know the answer he is
29 going to provide, but he can put it in writing. I can

1 ask the question.

2 PRESIDING JUDGE: No, ask the question on paper, please. Ask
3 the question on paper. This is just for us to avoid us
4 going into a closed session, you see. That's why.

14:51:29 5 MR WILLIAMS:
6 Q. Mr Witness, do you know Dr Harry Will?
7 A. Yes, I do.
8 Q. Do you know him very well?
9 PRESIDING JUDGE: Please. Please wait.

14:51:39 10 JUDGE BOUTET: Mr Williams, what was the name?
11 MR WILLIAMS: Dr Harry Will. H-A-R-R-Y W-I-L-L.
12 PRESIDING JUDGE: And he says he knows him very well.
13 MR WILLIAMS: Yes, My Lord.
14 Q. Does he come from the same chiefdom as you?

14:52:20 15 A. Yes, he does.
16 Q. Could you tell the Court whether you have any common
17 interest with Dr Harry Will?
18 A. No, I couldn't.
19 Q. You cannot?

14:52:59 20 A. No.
21 Q. Why?
22 A. I don't know what his interests are.
23 Q. I mean, do you share any interests in common?
24 A. Well, he comes from -- he was born in my chiefdom.

14:53:14 25 Q. Yes.
26 A. That's an interest in common; we are both interested in
27 the chiefdom, I hope.
28 Q. In addition to that, you are a member of the Sierra Leone
29 People's Party just as Dr Harry Will is; is that correct?

1 A. I'm not sure about his political affiliation, but I have
2 been a member of the Sierra Leone People's Party.

3 Q. You want this Court to believe that Dr Harry Will is not
4 a member of the Sierra Leone People's Party?

14:54:18 5 A. Well, it is not for me to say, because one person can be
6 a member of several political parties. I mean, the fact
7 that you have served in the government of a political
8 party, it's not for me to say whether you are a member --
9 a registered member or not, because you have to be a
14:54:38 10 registered member of the political party to my knowledge
11 before I can say you are. But merely serving in the
12 government of a political party does not assure me that
13 you are a member of that party.

14 Q. Mr Witness, don't you know as a matter of fact that
14:55:35 15 Dr Harry Will was the district chairman for the SLPP
16 party for Moyamba?

17 A. I know that as a matter of fact, but as I sit here --
18 PRESIDING JUDGE: Wait, wait. Mr Williams, Dr Will was --
19 MR WILLIAMS: Dr Harry Will was district chairman of the SLPP
14:56:06 20 party, My Lord, for the Moyamba district.

21 Q. Yes, what is your answer to that?

22 A. My answer is I know that for a fact, but as I sit here I
23 am myself a member of two political parties. Yet, I was
24 chairman of one of the political parties in some place.

14:57:19 25 THE INTERPRETER: My Lords, can the witness please draw near
26 the mic a bit so that what he is saying can be
27 interpreted for the accused persons. We are not getting
28 him clearly.

29 JUDGE BOUTET: Mr Witness, can you bring the mic a bit closer

1 to your mouth. Yes, thank you.

2 PRESIDING JUDGE: So you belonged to two political parties?

3 THE WITNESS: Yes, Your Honour.

4 PRESIDING JUDGE: Even though you had been the chairman of one
14:57:49 5 political party in a certain place?

6 THE WITNESS: Yes, Your Honour.

7 PRESIDING JUDGE: Which, for the purposes of your identity,
8 you don't want to mention, I suppose?

9 THE WITNESS: Yes, Your Honour.

14:58:07 10 MR WILLIAMS:

11 Q. Can you tell the Court the two political parties to which
12 you belong?

13 JUDGE BOUTET: Again, if we are to pursue that we are going to
14 move into a closed session. I don't think it is -- I
14:58:18 15 mean, it serves no purpose now, in the sense that I don't
16 know how many political parties there is in Sierra Leone,
17 but there is not 300 parties. He's told you of two. If
18 you ask him is it this one, obviously it will be the
19 other one.

14:58:32 20 MR WILLIAMS: There are several. There are over a dozen
21 political parties in this country, My Lord.

22 JUDGE BOUTET: In this country, maybe not in that particular
23 district as such.

24 MR WILLIAMS: My Lord, we are not restricting the question to
14:58:45 25 any district. The question is restricted to political
26 parties and is just one out of 5 million Sierra Leoneans.

27 JUDGE THOMPSON: Well, learned counsel this is a very --

28 JUDGE BOUTET: Well, that was the chairman of the political
29 party in one particular district?

1 MR WILLIAMS: No, I mean, I'm not pursuing him that. I'm just
2 asking him the parties to which he belongs presently.

3 JUDGE THOMPSON: Learned counsel, if you intend to pursue this
4 as a very important line of cross inquiry, why shouldn't
14:59:11 5 we go into closed session if this is very important to
6 you? Because this seems to be a controversial area,
7 judging from his answers. I am prepared to take judicial
8 notice of people shuffling between parties. It's not
9 strange, as far as I recall. But if it's so germane to
14:59:36 10 your defence, why not move the Court to go into closed
11 session? I would hate to want to stop you, but I
12 recognise that this is an acutely controversial area from
13 his perspective and his responses.

14 JUDGE BOUTET: The closed session as you know, Mr Williams, we
15:00:01 15 have got the use of it. This is a tool that is
16 available. If it is important for you, well, then move
17 into a closed session.

18 MR WILLIAMS: No, My Lord, I would want to avoid going into a
19 closed session, My Lord, so I will pursue --

15:00:14 20 JUDGE BOUTET: Well, maybe, then, the other alternative short
21 of not asking the question is go on a piece of paper. We
22 will try to be as helpful as we can.

23 MR WILLIAMS: Can I write the names of the parties on this
24 piece of paper?

15:00:31 25 JUDGE BOUTET: Yes.

26 PRESIDING JUDGE: Yes, write them.

27 JUDGE BOUTET: You have written them on that piece of paper?
28 You will ask the witness to write it?

29 MR WILLIAMS: Yes.

1 JUDGE BOUTET: What's your question now?
2 MR WILLIAMS: The names of the political parties to which he
3 belongs.
4 PRESIDING JUDGE: Yes, give him the paper now.
15:02:07 5 JUDGE BOUTET: And the pen.
6 MR WILLIAMS: My Lord, I wish to --
7 JUDGE BOUTET: Would you show it to the Prosecution, please?
8 MR WILLIAMS: -- show it to the Prosecution and then I will
9 tender it.
15:02:26 10 JUDGE BOUTET: So the paper containing the names of the two
11 political parties to which the witness says he belongs is
12 what is written down on that piece of paper?
13 MR WILLIAMS: Yes, My Lord.
14 JUDGE BOUTET: That piece of paper, according to my record,
15:02:40 15 should be Exhibit 73.
16 MR WILLIAMS:
17 Q. Mr Witness, I will ask you this question again.
18 JUDGE BOUTET: Just a moment.
19 MR BANGURA: Just for clarification, what is the exhibit
15:03:22 20 number for this?
21 JUDGE BOUTET: 73.
22 MR BANGURA: Thank you, Your Honour.
23 JUDGE BOUTET: So this answer by witness TF2-073 is marked as
24 Exhibit 73.
15:03:53 25 [Exhibit No. 73 was admitted]
26 MR WILLIAMS:
27 Q. Mr Witness, I will ask you this question again. Do you
28 know as a matter of fact that Dr Harry Will was district
29 chairman of the SLPP party for Moyamba District?

- 1 A. Yes, I know he has been.
- 2 Q. What is your relationship with Dr Harry Will? What is
3 your relationship with him?
- 4 A. I just said that we come from the same chiefdom.
- 15:05:01 5 Q. Yes, apart from that?
- 6 A. I refer to him XXXX XXXXX XXXXXX
- 7 Q. The relationship between the two of you, is it cordial?
- 8 A. Yes, it is.
- 9 Q. Was he based at Sembehun during the period 1997 to 1999?
- 15:05:58 10 A. No.
- 11 Q. He was not?
- 12 A. He was not.
- 13 PRESIDING JUDGE: Mr Williams, 1997 to 1999?
- 14 MR WILLIAMS: Yes, My Lord.
- 15:06:29 15 Q. Did you ever prepare a manifesto in respect of an office
16 for which you were aspiring?
- 17 A. Yes, I did.
- 18 Q. You did. Mr Witness, do you have a copy of that
19 manifesto?
- 15:07:16 20 A. Not with me here.
- 21 Q. I know, I know. Not physically with you at the moment.
22 Do you have a copy of that manifesto sitting somewhere at
23 this moment?
- 24 A. Yes, I do.
- 15:07:30 25 Q. Was that manifesto prepared by you in the year 2002?
- 26 A. I don't remember the year, but around that time, perhaps.
- 27 Q. Are you currently resident in Freetown? I mean, not for
28 this case; are you generally resident in Freetown?
- 29 A. No, I am not.

1 Q. Given the opportunity, would you be able to produce that
2 manifesto to this Court?
3 A. Yes.
4 Q. Did you state in that manifesto, Mr Witness, that you
15:09:59 5 were one of the financiers of the Kamajors during the
6 war?
7 A. Yes.
8 Q. Have you ever been a Kamajor?
9 A. No.
15:10:39 10 Q. You've never been a Kamajor?
11 A. No.
12 Q. Could you tell the Court when, where and how did you
13 finance the Kamajors?
14 PRESIDING JUDGE: There are three questions in one.
15:11:15 15 MR WILLIAMS: No, My Lord --
16 PRESIDING JUDGE: Three questions as one.
17 MR WILLIAMS: As My Lord pleases.
18 Q. When did you finance the Kamajors?
19 A. At the beginning of the Kamajor activity to fight the
15:11:33 20 rebel war I was in my home town. Whenever the local
21 Kamajors needed assistance in terms of food stuff and
22 finances, they would go round the town and ask citizens
23 for such assistance. I usually chip in my own bit.
24 Q. Thank you very much. And all that took place at
15:12:32 25 Sembehun?
26 A. Yes. Also, there was a national appeal from the
27 Government of Sierra Leone for assistance to the Kamajor
28 movement.
29 PRESIDING JUDGE: Please wait. There was a national appeal?

1 THE WITNESS: Yes, by the government of President Tejan Kabbah
2 for financial assistance to the Kamajor movement.
3 PRESIDING JUDGE: Can you give us a time frame?
4 THE WITNESS: At that time --
15:13:33 5 PRESIDING JUDGE: A time frame; when was this, please?
6 THE WITNESS: Before 1997, I think. Before 1997. At that
7 time --
8 PRESIDING JUDGE: You say you are certain that it was before
9 1997?
15:13:54 10 THE WITNESS: Yes, yes, before 1997. Certainly before 1997.
11 At that time I was serving in an institution -- national
12 institution in this country which made a substantial
13 donation of money to that appeal.
14 PRESIDING JUDGE: You say an institution which contributed?
15:14:58 15 THE WITNESS: Yes, which contributed a substantial donation to
16 that appeal. Furthermore, my chiefdom, an association in
17 my chiefdom made -- I'm sorry, it was not for the Kamajor
18 movement, it was towards the war effort. Sorry. The
19 association in my chiefdom made a contribution towards
15:15:37 20 the war effort, but not to the Kamajor. I'm sorry about
21 that. It was towards the war effort. That is this third
22 instance.
23 MR WILLIAMS:
24 Q. Could you tell the Court how you came to know about the
15:16:06 25 appeal that was made by the President Dr Ahmad Tejan
26 Kabbah for assistance for the Kamajors, how you came to
27 know about that?
28 MR BANGURA: Your Honours, I don't think the evidence before
29 this Court is that an appeal was made by the President Dr

1 Ahmad Tejan Kabbah and counsel is seeking to put a
2 question to the witness on that premise. I don't think
3 that evidence is before this Court.

4 JUDGE THOMPSON: Yes, quite.

15:16:40 5 PRESIDING JUDGE: What we have on record is that there was a
6 national appeal by the Government, not by President Tejan
7 Kabbah.

8 MR WILLIAMS: I'm sorry. I'm sorry for the misstatement, Your
9 Honours.

15:16:51 10 Q. How did you come to know about that appeal that was made
11 by the Government?

12 PRESIDING JUDGE: That national appeal.

13 MR WILLIAMS:

14 Q. The national appeal, yes?

15:17:01 15 A. I got to a meeting and the matter was introduced to the
16 meeting and we debated the issue and agreed to make a
17 contribution. I happen to know that the appeal was
18 specifically made by the vice-president at the time.
19 This was part of an agenda of the meeting.

15:18:08 20 Q. Was there any subsequent appeal made by the government
21 for assistance to the Kamajors after the restoration in
22 1998?

23 A. Not to my knowledge.

24 PRESIDING JUDGE: Mr Williams, that's after 1998?

15:18:41 25 MR WILLIAMS: Yes, My Lord, after 1998.

26 Q. You mentioned in your evidence-in-chief that you were
27 present at a passing out of Kamajors in your village, or
28 your chiefdom, when the third accused Allieu Kondewa
29 addressed some Kamajors; is that correct?

1 A. That's right.

2 Q. Was he there with other people, or did he go there
3 unaccompanied?

4 A. Whether I went there?

15:20:11 5 Q. No, Allieu Kondewa. Did he go there unaccompanied or in
6 the company of other people?

7 A. Well, I wouldn't tell, but he was there and he was
8 addressing Kamajor recruits, with his usual entourage, I
9 suppose. I heard he was giving an address and I went
15:20:32 10 there to listen.

11 PRESIDING JUDGE: But if you mention an entourage then he
12 would be saying that he was accompanied, wouldn't you,
13 Mr Witness.

14 THE WITNESS: Yes, perhaps, because he was there with
15:20:46 15 Kamajors. Since I was not a member of the Kamajor, I
16 wouldn't know who were and were not Kamajors with him,
17 but I did see him standing up and addressing recruits.
18 These were new recruits of Kamajors who were surrounding
19 him. So, he was there with other people, yes.

15:21:13 20 PRESIDING JUDGE: Other people outside the recruits -- other
21 than the recruits?

22 MR WILLIAMS: I wouldn't know they were recruits, because I
23 said I was not a Kamajor, I wouldn't know who was a
24 Kamajor. They were not dressed in any uniform that would
15:21:25 25 make them --

26 PRESIDING JUDGE: Okay, thank you.

27 MR WILLIAMS:

28 Q. And at that meeting Mr Kondewa warned those recruits
29 against indiscipline; is that correct?

1 A. That's right.

2 Q. Could you tell the Court all the warnings that were given
3 to these recruits by Allieu Kondewa?

4 A. I couldn't tell all the warnings, but I could tell what I
15:22:12 5 heard. I heard him say to the recruits that the Kamajor
6 movement was not meant to harass, torment, loot or
7 disadvantage civilians. It was meant to protect them.
8 And that if anybody --

9 Q. Could you go a little bit slowly, please. Their
15:23:03 10 Lordships are writing.

11 PRESIDING JUDGE: And that if anybody?

12 THE WITNESS: And that if any Kamajor attempted to do those
13 things he would not survive the war.

14 MR WILLIAMS:

15:23:49 15 Q. I want to jog your memory a little bit, Mr Witness. Did
16 Allieu Kondewa specifically tell those recruits that if
17 they rape women, they would also die in the war?

18 A. I do not remember specifically women -- they would die in
19 the war, but he did say disadvantage -- you know,
15:24:42 20 disadvantage would be rape but -- I remember that.

21 PRESIDING JUDGE: Mr Witness, do you specifically remember
22 that he warned against raping?

23 THE WITNESS: He warned against raping as well.

24 MR WILLIAMS:

15:25:00 25 Q. You mentioned your brother-in-law which you said was
26 beaten up and died as a result of the way he was treated.

27 A. No, I did not say that.

28 Q. But you said --

29 A. I said he died a few weeks afterwards.

1 PRESIDING JUDGE: Afterwards.
2 MR WILLIAMS:
3 Q. Yes, as a result of --
4 A. Not necessarily --
15:25:19 5 PRESIDING JUDGE: No, he didn't say as a result. He didn't
6 say as a result.
7 MR WILLIAMS: Thank you very much, Your Honour.
8 PRESIDING JUDGE: Even with the earlier lady who dies, you
9 know, some days after, he did not say it was as a result.
15:25:34 10 MR WILLIAMS: I'm grateful, My Lord.
11 Q. That brother was based at XXXXXX
12 A. Yes, XXXXXX
13 Q. XXXXXX
14 A. -- Chiefdom.
15:26:05 15 PRESIDING JUDGE: Bag what?
16 THE WITNESS: XXXXXX
17 PRESIDING JUDGE: XXXXXX XXXXXX
?
18 THE WITNESS: Yes, please.
19 MR WILLIAMS:
15:26:38 20 Q. Mr Witness, I will give you a piece of paper. I want you
21 to write the name of your brother who, you said, was
22 beaten up and died a few weeks later.
23 PRESIDING JUDGE: Brother-in-law.
24 MR WILLIAMS: Brother-in-law. Sorry.
15:28:19 25 JUDGE BOUTET: There are two questions on that piece of paper.
26 MR YILLAH: Yes, My Lord, the question is related to the first
27 question, the one at the top.
28 JUDGE BOUTET: What about the second question? Will you be
29 asking that?

SCSL - TRIAL CHAMBER I

1 MR WILLIAMS: Yes, I will now, My Lord.
2 [Chamber confers]
3 JUDGE BOUTET: Before we mark this piece of paper as an
4 exhibit, we will let you ask the second question.
15:29:26 5 Otherwise, if the answer is something that is not
6 acceptable, we may not be able to do so. Before we mark
7 it, you have to ask the second question and ask the
8 witness to answer that question.
9 MR WILLIAMS: Yes, sir.
15:29:40 10 Q. You mentioned that you had a brother who was a Kamajor?
11 A. Yes.
12 Q. Is he still alive?
13 A. Yes.
14 Q. Could you write out his name on that piece of paper as
15:29:51 15 well?
16 JUDGE BOUTET: So that is question two on that piece of paper?
17 MR WILLIAMS: Yes, My Lord.
18 JUDGE BOUTET: I see in the answer to the second question,
19 there are two different writings on this with a different
15:31:56 20 spelling of one of the names; what is and what is not?
21 MR WILLIAMS: I will just --
22 JUDGE BOUTET: I don't know if the witness has written the
23 first part on the top?
24 MR WILLIAMS: No, the bottom one.
15:32:12 25 JUDGE BOUTET: Okay. And right after the name of the brother
26 who was a Kamajor, there is a name there; this is not
27 what the witness has written down?
28 MR WILLIAMS: I don't understand what Your Lordship is saying?
29 JUDGE BOUTET: Twice there is the same name, but spelt out

1 differently to the second question and the handwriting is
2 different. Which one did you write?
3 MR WILLIAMS: The one in bold.
4 JUDGE BOUTET: The one in bold?
15:32:37 5 MR WILLIAMS: Yes.
6 JUDGE BOUTET: Well, we need to know. You asked the question
7 of the witness. This is the answer of the witness. If
8 you write on it after he has written something, we don't
9 know which one, that is why I am asking you.
15:32:48 10 MR WILLIAMS: It is the same as --
11 JUDGE BOUTET: The spelling is different in one. At least
12 looking at that, you spell it with a "PH" and he spells
13 it with a "V".
14 MR WILLIAMS: Well, Court Management can correct it, Your
15:33:04 15 Honour. I'm sorry.
16 JUDGE BOUTET: Is the witness's writing the one at the bottom
17 of that page?
18 MR WILLIAMS: Yes.
19 JUDGE BOUTET: Prosecution, you have seen this document; you
15:33:21 20 have it?
21 MR BANGURA: Yes, Your Honour, we have.
22 JUDGE BOUTET: This document containing two answers given by
23 the witness TF2-073, the first one, I will mark on it
24 "question one" and the question is the name of the
15:35:15 25 brother-in-law was who was beaten up. There is an answer
26 written by the witness and the second question is, "Name
27 of brother who was a Kamajor?" There is a name printed
28 at the bottom of that page and that page. That page is
29 marked as exhibit 74.

1 [Exhibit No. 74 was admitted]

2 MR WILLIAMS:

3 Q. Mr Witness, you mentioned in your evidence-in-chief that

4 you saw Mr Margai in May of 1998.

15:36:04 5 A. Yes, Your Honour.

6 Q. That was at his office at XXXXXX

7 A. Yes, Your Honour.

8 Q. And you explained the circumstances surrounding your

9 vehicle to him?

15:36:49 10 A. Yes.

11 Q. The letter you said he wrote to the Resident Minister,

12 southern province, were you given a copy of that letter?

13 A. Yes.

14 PRESIDING JUDGE: What is that position again? The letter he

15:37:50 15 wrote to?

16 MR WILLIAMS: The Resident Minister, southern province.

17 Q. Were you satisfied with the content of that letter?

18 A. I took the letter to Bo and I got the result.

19 Q. No, no, that is not my -- that is fine, really.

15:38:27 20 A. I was not entirely satisfied, but I did get results from

21 that letter.

22 Q. You did get a result?

23 A. Yes.

24 Q. Could you tell the Court why you were not satisfied with

15:39:10 25 the content?

26 A. Well, first of all, Mr Charles Margai said that he

27 thought that XXXXXX was keeping my car in safe

28 custody, which was not the case. Because when --

29 PRESIDING JUDGE: Please wait.

1 THE WITNESS: Because, firstly, he did not return my car to me
2 when it was taken to him - looked at and taken to him.
3 Over a long period, more than six months --
4 JUDGE BOUTET: Slowly, Mr Witness, please.

15:40:19 5 THE WITNESS: When my car was looted and kept by him, he did
6 not return it. He kept it for six months. That's the
7 first thing. Secondly, when my car was found in his
8 possession afterwards, he was asked to return the car,
9 which he refused to do. Thirdly --

15:41:03 10 PRESIDING JUDGE: Please wait.

11 THE WITNESS: After the restoration of civilian rule, he still
12 held on to my car. Fourthly --

13 PRESIDING JUDGE: Please, go slowly.

14 THE WITNESS: He actually used my car for mining in the
15 swamps. Fifthly, it took a long drawn-out process to
16 retrieve my car from him in Bo. Sixthly, when I finally
17 got my car, it was damaged - devastated - and it took me
18 a lot of money to put it back on the road. But I still
19 expressed my grateful thanks to Mr Charles Margai,
15:43:40 20 because whatever diplomatic measures he may have used, by
21 saying that ~~XXXXXX~~ was keeping safe custody of
22 my car, it worked. I got my car.

23 MR WILLIAMS:

24 Q. Mr Witness, for seven months, you were out of Sierra
15:44:53 25 Leone; is that correct?

26 A. About six months, yes, six, seven months.

27 Q. And on the very first occasion you sent your ownership
28 documents to Mr Kondewa, your vehicle was released; is
29 that correct?

- 1 A. Sorry, can you say that again?
- 2 Q. On the very first occasion you sent -- I mean, the first
3 time your ownership documents were presented was when
4 this letter was written; is that correct?
- 15:45:59 5 A. No, I didn't say that.
- 6 Q. No, I'm putting to you that -- when you went to ECOMOG,
7 ECOMOG asked you to file --
- 8 A. To obtain --
- 9 Q. -- ownership certificate for the vehicle?
- 15:46:11 10 A. That's right, yes.
- 11 Q. And my question is this: the first time ownership
12 documents were sent to Mr Kondewa by ECOMOG, the vehicle
13 was released; is that correct?
- 14 A. I'm not sure what documents were sent to Mr Kondewa.
- 15:46:31 15 Q. You not sure about that?
- 16 A. No, I didn't say that. I said I obtained an ownership
17 document from the police, and together with a letter from
18 ECOMOG and Mr Charles Margai's letter - all three
19 documents I took with me and gave them over to ECOMOG.
- 15:46:58 20 The letter Mr Charles Margai wrote, I gave to the
21 Minister. The ownership document and ECOMOG documents I
22 gave to ECOMOG in Bo. I am not privy to what happened
23 between ECOMOG and Mr Kondewa, but I finally got my car
24 through ECOMOG. As I said, I learnt later that it was a
15:47:28 25 drawn-out struggle for ECOMOG to retrieve my car from
26 Mr Kondewa. I learnt that later on.
- 27 Q. Look at this letter. Is it a copy of the letter that was
28 written to the Resident Minister by Mr Margai?
- 29 JUDGE BOUTET: Do you have copies of that letter, Mr Williams?

1 MR WILLIAMS: Yes, My Lord.
2 JUDGE BOUTET: For the Court and for the Prosecution?
3 MR WILLIAMS: They disclosed it to us, My Lord.
4 JUDGE BOUTET: Yes, but presumably -- is it a document you
15:48:14 5 intend to introduce as an exhibit?
6 MR WILLIAMS: Yes, My Lord.
7 JUDGE BOUTET: I just want to remind you that when you are
8 trying to produce - aside from the piece of paper,
9 obviously, you don't have that on you, but when you are
15:48:25 10 trying to introduce documents, you should have copies
11 available for all parties, including one for each member
12 of the Court.
13 MR WILLIAMS: It is coming from then, My Lord, but I still
14 have copies for them.
15:48:37 15 JUDGE BOUTET: You are not listening to what I am saying. You
16 must have copies for Prosecution, Court Management and
17 the judges.
18 MR WILLIAMS: Oh, I'm sorry, My Lord. I only have two copies.
19 JUDGE BOUTET: An instruction has been issued long ago. I'm
15:48:52 20 not talking about the pieces of paper that you showed to
21 the witness, obviously, it comes as we move, but other
22 documents. Is there any date on that letter or document
23 you're showing to the witness?
24 MR WILLIAMS: 4 May 1998.
15:49:15 25 MR BANGURA: If it please Your Honours, if it assists counsel,
26 we did indeed disclose a copy of this letter to them, but
27 we did not actually intend to use it. It was at some
28 point an intention, but we abandoned that. We do have a
29 copy here, plus the one which they have served on us. We

1 will be willing to make those available to the Court, if
2 that should help the process.

3 JUDGE BOUTET: Yes.

4 MR WILLIAMS:

15:50:05 5 Q. Was that letter shown to you?

6 A. Yes.

7 JUDGE BOUTET: Sorry, what was your question, Mr Williams?
8 You were asking the witness about that -- was this letter
9 given to you, was that the question you asked?

15:50:18 10 MR WILLIAMS: Yes.

11 JUDGE BOUTET: Written by Mr Margai at the time?

12 JUDGE THOMPSON: Is that a copy?

13 MR WILLIAMS: Yes, My Lord.

14 JUDGE THOMPSON: So he recognises that as a copy of the
15:50:30 15 letter?

16 MR WILLIAMS:

17 Q. Do you?

18 A. Yes.

19 JUDGE BOUTET: This is a copy of a letter dated 4 May 1998
15:50:36 20 from the Ministry of Internal Affairs and Local
21 Administration, Ministerial Building in George Street,
22 Freetown and signed by XXXXXX. It is marked as
23 Exhibit 75.

24 [Exhibit No. 75 was admitted]

15:50:50 25 [HN030305C 3.45 p.m. - SGH]

26 MR WILLIAMS:

27 Q. Could you read out that letter, just don't mention the
28 names, don't mention your name, don't mention your
29 vehicle registration number. Just give the contents,

1 please, apart from these details.

2 PRESIDING JUDGE: There is a name there, I don't know for what

3 particular reasons, you know, you want this exhibit read.

4 I don't know.

15:50:56 5 JUDGE BOUTET: Yes, I mean it is all there --

6 PRESIDING JUDGE: I can't understand.

7 JUDGE BOUTET: -- in evidence presumably --

8 PRESIDING JUDGE: You have it there.

9 JUDGE BOUTET: -- so it speaks for itself.

10 PRESIDING JUDGE: If you want to ask him questions on it, you

11 can.

12 MR WILLIAMS: As My Lord pleases.

13 PRESIDING JUDGE: [Inaudible] that he reads.

14 JUDGE THOMPSON: I would just say res ipsa loquitur.

15:51:08 15 MR WILLIAMS: Sorry, My Lord.

16 JUDGE THOMPSON: Res ipsa loquitur.

17 MR WILLIAMS: As Your Lordship pleases.

18 JUDGE BOUTET: Court Management. Thank you.

19 PRESIDING JUDGE: Except for the name Charles which is

15:51:23 20 anonymous.

21 JUDGE BOUTET: When I read Charles I was not trying to

22 be disrespectful to you Mr Margai, I just read what is in

23 the letter.

24 MR MARGAI: As My Lord pleases.

15:51:36 25 MR WILLIAMS:

26 Q. Mr Witness, you mentioned that two traders were killed by

27 Kamajors.

28 A. Yes.

29 Q. Do you know of a Mr Aruna, commonly called Jajaman?

- 1 A. Yes, I do.
- 2 JUDGE BOUTET: Mr Williams, would you spell that out for us,
3 please?
- 4 MR WILLIAMS: Aruna is A-R-U-N-A. Jajaman.
- 15:52:59 5 Q. Aruna Oka Jajaman. That Oka, O-K-A. J-A-J-A-M-A-N?
- 6 A. That's right.
- 7 Q. Was he investigated by the police in relation to the
8 killing of those two people?
- 9 A. Yes.
- 15:54:14 10 Q. Yes, and was he also investigated by the paramount chief
11 of your chiefdom?
- 12 A. Yes.
- 13 Q. Were you part of that investigative body?
- 14 A. I was in attendance.
- 15:54:59 15 Q. And the investigations came about as a result of a letter
16 you wrote to the police officer.
- 17 A. The first investigation by the local chief was not as a
18 result of a letter I wrote. It was just as something
19 happens the local chief called the Kamajors around and
15:55:12 20 investigated. But the police investigation, yes.
- 21 Q. And Mr Witness, the investigation that was done by the
22 paramount chief, were there -- were Kamajors -- did
23 Kamajors serve on that body? Members of the Kamajor
24 society, did they serve on that body?
- 15:55:52 25 A. Yes.
- 26 Q. What was the mandate of that body?
- 27 A. I would not know.
- 28 Q. You said you were in attendance.
- 29 A. I just heard that there was an investigation going on on

1 that matter and I went there. I don't know what the
2 mandate was. But they were Kamajors, the chief himself
3 was a Kamajor and so I went there to attend. I just
4 attended.

15:57:03 5 Q. So it was conducted in public.
6 A. Yes.
7 Q. You say in your statement it was in public.
8 A. Yes, in public.
9 Q. You cannot say what that investigation was geared
15:57:29 10 towards?
11 A. The investigation was geared towards the killings that I
12 have just described by the riverside in the town. That
13 is what was being investigated: What happened; why did
14 they do that.

15:58:14 15 Q. Was it alleged that any particular person had committed
16 these atrocities?
17 A. I myself heard quite a few of them confessing to the
18 killing. Not an allegation, I heard them confess --
19 Q. Yes.

15:58:30 20 A. -- that they carried out the killings.
21 Q. And these people were XXXXXX and --
22 A. And others.
23 Q. And others. Do you know the names of the others?
24 A. One of them is called XXXXXX
15:58:47 25 Bangura, B-A-N-G-U-R-A.
26 PRESIDING JUDGE:
27 Q. What is the name of the first?
28 A. The first of them was XXXXXX.
29 Alias Jajaman.

- 1 Q. Jajaman?
- 2 A. Yes. XXXXXX. Yes, alias Jajaman.
- 3 Q. The other one was?
- 4 A. The other one was Tiby Bangura. T-I-B-Y, Tiby Bangura.
- 15:59:26 5 Tiby Bangura, he was a XXXXXX.
- 6 Q. Tiby Bangura?
- 7 A. Yes, please.
- 8 Q. You said he was?
- 9 A. XXXXXX.
- 15:59:39 10 MR WILLIAMS:
- 11 Q. Yes, and who else?
- 12 A. I do not now remember the others, but there were others.
- 13 Q. Did you make a statement to the police?
- 14 A. I wrote a letter to the district officer in XXXXXX.
- 16:00:36 15 Q. Did you make a statement to the police?
- 16 A. No.
- 17 Q. You did not.
- 18 A. I did not.
- 19 Q. Did you testify at the investigation that was done by the
- 16:01:09 20 paramount chief?
- 21 A. No.
- 22 Q. You did not?
- 23 A. I did not.
- 24 Q. Why not?
- 16:01:26 25 A. Because I was not asked to.
- 26 Q. You were not asked to?
- 27 A. No. It was treated as a Kamajor affair, the chief
- 28 himself being a Kamajor.
- 29 Q. Could you tell the Court what the findings of the

1 investigation that was done by the paramount chief was?
2 A. I cannot because I was not at the conclusion of it, but I
3 know when I went to the scene and I saw -- I saw
4 statements being taken from these Kamajors, I heard them
16:02:38 5 make confessions as to the killing. Thereafter, the
6 chief took them to his village away from the town and
7 kept them there for about two weeks.
8 Q. Okay, Mr Witness --
9 A. I later learnt that he took them to Allieu Kondewa.
16:02:58 10 PRESIDING JUDGE:
11 Q. The chief took them to which village?
12 A. To his own village, XXXXXX. For some two weeks --
13 Q. Spell that, please.
14 A. XXXXXX. From there he
16:03:36 15 transferred them to XXXXXX to Allieu Kondewa.
16 MR WILLIAMS:
17 Q. Yes, and it was Allieu Kondewa who turned them in to the
18 police; is that right?
19 A. I wouldn't know.
16:03:55 20 Q. You would not know?
21 A. No.
22 Q. You would not know. But you were later told that they
23 were detained for about a month by the police; is that
24 correct?
16:04:23 25 A. I wouldn't know that.
26 Q. You would not know that. Mr Witness, you made a
27 statement to the investigators on the 7th April 2003; is
28 that correct?
29 A. Which investigators?

1 Q. Prosecution investigators.
2 A. Oh yes.
3 Q. You did. And I just want to refresh your memory with a
4 portion of that statement.
16:05:39 5 JUDGE BOUTET: If you want [overlapping speakers]
6 PRESIDING JUDGE: How was the statement made?
7 MR WILLIAMS: How was it made?
8 PRESIDING JUDGE: It is for you to ask him. Lead him, lead
9 him on this.
16:05:45 10 MR WILLIAMS: Yes.
11 Q. You spoke to the investigators and they wrote what you
12 were saying down; is that correct?
13 A. Yes, yes, I spoke to him.
14 Q. You spoke to him?
16:05:57 15 A. Yes.
16 JUDGE BOUTET: What is the date, Mr Williams, again?
17 MR WILLIAMS: It is --
18 PRESIDING JUDGE: 7th April 2003.
19 MR WILLIAMS: Yes, My Lord.
16:06:13 20 JUDGE BOUTET: If you want to refresh his memory I would
21 suggest you show him the statement and ask him to refresh
22 his memory and then ask him the question.
23 MR WILLIAMS:
24 Q. Look at portion of page 11873 -- 11883? 11883.
16:06:21 25 JUDGE BOUTET: 118?
26 MR WILLIAMS: 11883.
27 JUDGE BOUTET:
28 Q. Is this a statement you gave to the OTP, Mr Witness?
29 A. Yes, I may have said that, yes.

1 Q. Yes, and look at the whole document, Mr Witness. Is this
2 your statement to the OTP on 7th April 2003?

3 MR BANGURA: May it please Your Honour. We do not have the
4 correct reference to the -- I believe I heard my learned
16:07:32 5 friend referring the witness to underlined portions. We
6 do have a statement [inaudible].

7 MR WILLIAMS: Let me have it --

8 JUDGE BOUTET: Page 11883.

9 MR WILLIAMS: 11883. Paragraphs 2, lines 6 to 8.

16:08:04 10 MR BANGURA: Thank you.

11 MR WILLIAMS:

12 Q. Did you tell them that [inaudible] is those who killed
13 these two people --

14 PRESIDING JUDGE: Paragraph what?

16:08:14 15 MR WILLIAMS: Paragraph 2, line 6 to 8, starting with the
16 words "Several of them."

17 JUDGE BOUTET: Are you trying to introduce this statement?

18 MR WILLIAMS: No, no. [Overlapping speakers]

19 JUDGE BOUTET: Ask the question then.

16:08:23 20 MR WILLIAMS:

21 Q. Do you now recall telling the investigators that several
22 of those who it was alleged killed these two people were
23 arrested and taken to the Bo police station where they
24 were held for a period of about one month and then
16:08:48 25 released for want of Prosecution?

26 A. I think I said so. I said I heard -- I told him that I
27 heard that that happened. But I was not an eyewitness to
28 it.

29 Q. So you will agree with me that when these people were

1 taken to Kondewa, according to you, they were turned into
2 the police and later released by the police after
3 investigation?
4 A. That's what I heard. Actually what I said I was not --
16:09:23 5 Q. Thank you. Thank you.
6 A. I heard that that happened.
7 Q. Yes. You know somebody called Nbaba Fofana?
8 A. Nbaba, yes.
9 Q. Nbaba Fofana?
16:10:23 10 A. Yes.
11 Q. Is he still at XXXXXX; is he still there?
12 A. Yes, he is partially there and partially in Freetown.
13 Q. I am suggesting to you, Mr Witness, that XXXXXX
14 never told you about Kamajors taking things away from
16:11:10 15 him.
16 A. He did.
17 Q. Do you recall an earlier attack on your village on 21st
18 June 1997?
19 A. 1997, there was an attack probably that date is correct,
16:11:57 20 but there was certainly an attack. Yes.
21 Q. There was certainly an attack.
22 PRESIDING JUDGE: There was an attack. The RUF attack was
23 where?
24 MR WILLIAMS: On his village, My Lord.
16:12:11 25 A. Yes.
26 Q. During that attack they took away a lot of properties
27 belonging to civilians; is that correct?
28 A. Yes.
29 Q. And I am putting it to you, Mr Witness, that it was

1 during that attack that your vehicle was taken away by
2 the RUF.
3 A. Completely wrong.
4 PRESIDING JUDGE:
16:13:21 5 Q. Mr Witness, what is your answer you are saying?
6 A. It is wrong, it is incorrect.
7 Q. That is incorrect to say that --
8 A. That my vehicle was taken away --
9 Q. -- was taken away --
16:13:40 10 A. -- during an RUF attack earlier than November.
11 PRESIDING JUDGE: Earlier than November 19?
12 MR WILLIAMS: 1998, My Lord.
13 PRESIDING JUDGE: 1998.
14 THE WITNESS: 98? 97.
15 MR WILLIAMS: 97.
16 PRESIDING JUDGE: Yes.
17 MR WILLIAMS:
18 Q. I am further suggesting to you, Mr Witness, that it was
19 the CDF that retrieved your vehicle from the RUF on 4th
16:14:21 20 July 1997.
21 A. That is incorrect.
22 PRESIDING JUDGE: It is incorrect to say that it was the CDF.
23 MR WILLIAMS: That retrieved his vehicle from the RUF on 4th
24 July 1997.
16:14:55 25 PRESIDING JUDGE: Retrieved his vehicle from the RUF in 1997?
26 MR WILLIAMS: Yes, 1997, My Lord.
27 PRESIDING JUDGE: You gave a date, didn't you?
28 MR WILLIAMS: 4th July.
29 Q. You know a teacher Edward Challe?

1 A. Yes, I do.

2 Q. Is he from -- is he from the same area as you?

3 A. No, but he teaches there or he used to teach there.

4 PRESIDING JUDGE: You say you know a teacher?

16:15:40 5 MR WILLIAMS: Edward.

6 THE WITNESS: Edward Challe.

7 MR WILLIAMS: Challe. C-H-A-L-L-E.

8 Q. Is he still based there?

9 A. Yes, he is.

16:15:45 10 PRESIDING JUDGE:

11 Q. He is still based where?

12 A. At ~~XXXXXX~~.

13 Q. At ~~XXXXXX~~?

14 A. Yes, please.

16:16:14 15 MR WILLIAMS:

16 Q. The relation between you and Teacher Colley [sic], is it

17 cordial?

18 A. It's teacher Challe.

19 Q. Sorry, teacher Challe; is it cordial?

16:16:47 20 A. Teacher Challe has a mental problem right now so I have

21 no relationship with him. He has a mental problem right

22 now so we have no relationship.

23 Q. Was it good before it became a --

24 A. Yes, it was good.

16:16:55 25 Q. It was very good?

26 A. Yes. He used to help me wash my car which I bought in

27 September.

28 MR WILLIAMS: That will be all for this witness, My Lord.

29 JUDGE BOUTET: Thank you, Mr Williams. The second accused has

1 no cross-examination. The first accused.
2 MR YILLAH: Yes, My Lord, we have cross-examination
3 [inaudible].
4 JUDGE BOUTET: Please go ahead.
16:18:02 5 CROSS-EXAMINED BY MR YILLAH:
6 Q. Yes, Mr Witness, you testified to an incident that
7 occurred in 1999 regarding the two visitors from --
8 regarding the killing of the two travellers; is that
9 correct?
16:18:26 10 A. Yes.
11 Q. Mr Witness, during this period was there a government in
12 Sierra Leone?
13 A. Yes, there was.
14 Q. And Mr Witness --
16:18:53 15 PRESIDING JUDGE: What period were you referring to?
16 MR YILLAH: Before the incident of 1999 regarding the killing
17 of the two travellers --
18 Q. And you say there was a government in Sierra Leone during
19 that period?
16:19:10 20 A. There was civilian government of President Ahmed Tejan
21 Kabbah in Sierra Leone.
22 PRESIDING JUDGE: Before the killing of?
23 MR YILLAH: No, no. Should I put it to him again for clarity,
24 My Lord?
16:19:19 25 PRESIDING JUDGE: No, you can qualify it to me, you know,
26 since that is outside the question.
27 MR YILLAH: Yes, My Lord. I asked him whether he recalls the
28 incident of 1999 where he talked about the killing of the
29 two travellers.

1 PRESIDING JUDGE: Yes.

2 MR YILLAH: And I further asked him whether during this period
3 there was a government in Sierra Leone and he agrees.

4 THE WITNESS: Yes, there was.

16:19:44 5 MR YILLAH:

6 Q. Mr Witness, do you know that the killing of a human being
7 is a crime under Sierra Leone punishable by the State?

8 A. I do.

9 Q. Would it be correct, Mr Witness, to say that it was on
16:20:09 10 the basis of that knowledge that you informed the CID of
11 these killings; is that correct?

12 A. I informed the district officer of those killings who
13 referred the matter to the CID.

14 Q. To the Criminal Investigation Department?

16:20:17 15 A. Yes.

16 Q. And so far as you know, Mr Witness, is that the
17 appropriate machinery that is established by law to deal
18 with such matters to investigate murders?

19 A. Which machinery?

16:20:49 20 Q. The Criminal Investigation Department of the Sierra Leone
21 police force.

22 A. As far as I know, I should think so.

23 Q. No, do you know, Mr Witness or don't you know?

24 A. I should think so.

16:21:04 25 Q. Mr Witness, that does not help.

26 A. I don't know if there is any other machinery, but I
27 expect that to be the case.

28 Q. I will take that for an answer. Mr Witness, so you would
29 agree with me if I say that the report of those killings

- 1 was dealt with by the Sierra Leone police force precisely
2 the Criminal Investigations Department?
- 3 A. Yes.
- 4 Q. Mr Witness, you also spoke about the looting of your
16:21:51 5 vehicle --
- 6 A. Yes.
- 7 Q. -- by Kamajors?
- 8 A. Yes.
- 9 Q. Now, Mr Witness, at the time you made the report to the
16:22:15 10 then Minister of Internal Affairs, was there a government
11 in Sierra Leone?
- 12 A. Yes, he was a minister of Internal Affairs in that
13 government.
- 14 Q. And again, Mr Witness, stealing of a vehicle, as you
16:22:36 15 know, is also a crime under Sierra Leonean law punishable
16 by the state; is that correct?
- 17 A. Yes.
- 18 Q. And it was on that basis that you reported the looting of
19 your vehicle to the appropriate channel of government; is
16:22:50 20 that correct?
- 21 A. Yes.
- 22 Q. And steps were taken, Mr Witness --
- 23 PRESIDING JUDGE: You are going too fast.
- 24 MR YILLAH: I am sorry, My Lord. I apologise.
- 16:23:40 25 Q. Mr Witness, is it true that as a result of the
26 intervention of the ministry of internal affairs and
27 ECOMOG you eventually got your vehicle?
- 28 A. That's right.
- 29 Q. Mr Witness, you spoke about an incident regarding Mr

1 Nbaba Fofana regarding the looting of this vehicle. Do
2 you know whether that incident was reported to the Sierra
3 Leone police force?
4 A. No, I don't know.
16:25:02 5 Q. Now, Mr Witness, you also spoke about an incident
6 regarding the looting of produce in your own words from
7 civilians who were coming from farms; is that correct?
8 A. Yes.
9 Q. And you have also agreed that during this period there
16:25:24 10 was a government operating in Sierra Leone?
11 A. No, I have not agreed that.
12 Q. Was there a government operating during that period?
13 A. There was no civilian government at that time. The
14 government -- the civilian government was in Guinea --
16:25:31 15 Q. It was in Guinea?
16 A. -- at the time of the looting of my car and Nbaba's car
17 and the time of the advent of the Kamajors into town.
18 The civilian government was in Guinea.
19 Q. Thank you, Mr Witness. Now when the civilian --
16:25:42 20 PRESIDING JUDGE: Please wait.
21 MR YILLAH: As My Lord pleases.
22 PRESIDING JUDGE: Mr Witness, are you saying that the civilian
23 government was in Guinea during the looting of your car
24 and Nbaba Fofana's car?
16:26:07 25 THE WITNESS: Yes.
26 JUDGE BOUTET: So was it the junta in power at that time in
27 the country?
28 THE WITNESS: Yes. Yes.
29 MR YILLAH:

- 1 Q. Mr Witness, did you, on the return of that civilian
2 government in February of 1998, did you on the return of
3 that government or any time thereafter that return, take
4 steps to recover your looted vehicle?
- 16:26:51 5 A. That is exactly what I said. On the return of the
6 civilian government I went to the ECOMOG anti-looting
7 committee and I obtained a certificate of ownership from
8 the police and I went to go to retrieve my car on the
9 restoration of the civilian government. At the looting
16:27:13 10 of my car there was a Conakry peace accord in existence
11 at that time. The Conakry peace accord was in force at
12 that time of the looting. When the civilian government
13 returned I came back from Abidjan and I took steps to
14 recover my car.
- 16:27:36 15 Q. And it was recovered?
- 16 A. And it was recovered, that's right.
- 17 Q. Now, Mr Witness, did you, on the return of that
18 government, also report about the looting of the produce
19 of civilians?
- 16:27:52 20 A. It was not for me to report.
- 21 Q. No, did you report or not?
- 22 A. No, I did not.
- 23 Q. You did not report.
- 24 MR YILLAH: Thank you very much. My Lords, that will be all
16:28:00 25 for this witness.
- 26 JUDGE BOUTET: Thank you. Mr Prosecutor, any re-examination?
- 27 MR BANGURA: No, Your Honour, there will be no re-examination
28 of this witness.
- 29 JUDGE BOUTET: Thank you.

1 PRESIDING JUDGE: Mr Witness --
2 THE WITNESS: Yes, please.
3 PRESIDING JUDGE: -- we have come to the end of your
4 testimony. We want to thank you for making yourself
16:29:44 5 available to the tribunal and at the same time making
6 available your evidence before it. We have for now
7 finished with you, but one never knows, we may, I say
8 may, still need you here sometime. We may recall you for
9 one reason or the other. I am not saying you are going
16:30:09 10 to, but we may. We hope that if we ever do we will have
11 the pleasure of having you back here.
12 THE WITNESS: Thank you.
13 PRESIDING JUDGE: So this said, again we thank you very much
14 for your testimony and we wish you a safe journey to
16:30:22 15 Sembehun?
16 THE WITNESS: Thank you.
17 PRESIDING JUDGE: Mr Bangura, how are we proceeding after
18 this?
19 MR BANGURA: Your Honour, there is a witness waiting should
16:30:41 20 the Bench wish to take him.
21 PRESIDING JUDGE: Oh yes, we are going to take the witness.
22 MR BANGURA: Yes, Your Honour.
23 PRESIDING JUDGE: We are going to take a witness. So we will
24 rise to allow the witness to retreat and thereafter we
16:31:08 25 will resume the session as soon as the next witness is
26 installed. The Court will rise, please.
27 [Break taken at 4.27 p.m.]
28 [HN030305D - EKD]
29 [Upon resuming at 5.00 p.m.]

1 PRESIDING JUDGE: We are resuming the session. Mr Sauter, you
2 think your examination-in-chief will last how long?
3 MR SAUTER: Hard to say, but not more than one hour. I
4 endeavour to keep it shorter.

17:05:26 5 PRESIDING JUDGE: Yes, you will endeavour to do some surgery
6 on it and make it shorter; isn't it?
7 JUDGE BOUTET: Which witness are you calling now, Mr Sauter?
8 MR SAUTER: The Prosecution calls witness TF2-168.
9 JUDGE BOUTET: That is witness number 50 --

17:05:50 10 MR SAUTER: 55 to my knowledge.
11 JUDGE BOUTET: Yes, and what is the language the witness will
12 be --
13 MR SAUTER: The witness will testify in Krio.
14 WITNESS: TF2-168 [sworn]

17:06:32 15 [Witness answered through interpretation]
16 JUDGE BOUTET: Yes, Mr Sauter, you're ready to proceed?
17 EXAMINED BY MR SAUTER:
18 MR SAUTER:
19 Q. Good afternoon, Mr Witness. Can you hear me?

17:06:51 20 A. I can get you clearly. Good afternoon.
21 Q. First I would like to put some question to your personal
22 data.
23 A. All right.
24 Q. How old are you, Mr Witness?

17:07:11 25 A. I am 64 years.
26 Q. Where were you born?
27 A. I was born in XXXXXX XXXXXX.
28 JUDGE BOUTET: Can you spell that out please?
29 MR SAUTER: XXXXXX XXXXXX, XXXXXX.

1 JUDGE BOUTET: XXXXXX?
2 MR SAUTER: XXXXXX.
3 JUDGE BOUTET: Thank you.
4 MR SAUTER:
17:07:43 5 Q. In which town are you residing?
6 A. XXXXXX.
7 Q. Which is in Moyamba District; correct?
8 A. Correct, in the Moyamba District.
9 Q. Are you married, Mr Witness?
17:08:13 10 A. I am married.
11 Q. And do you have children?
12 A. I have children.
13 Q. How many please?
14 A. Seven.
17:08:31 15 Q. Did you attend school?
16 A. Yes, I attended school.
17 Q. Up to which level, please?
18 A. Standard 8.
19 Q. What is your profession, Mr Witness?
17:08:59 20 A. I'm a farmer.
21 PRESIDING JUDGE: What's the equivalent of Standard 8 now?
22 MR MARGAI: Form 2, My Lord.
23 PRESIDING JUDGE: Form 2. That's after six years of primary.
24 Standard 8.
17:09:27 25 MR SAUTER:
26 Q. Now, Mr Witness, let me take your mind back to the year
27 1996?
28 PRESIDING JUDGE: Mr Sauter, whilst I was diverting a bit --
29 what was the question.

1 MR SAUTER: Pardon?

2 PRESIDING JUDGE: When I diverted and asked the question what
3 was Standard 8, what was the question you put to the
4 witness?

17:09:48 5 MR SAUTER: I forgot. Okay, my colleague assisted me. The
6 question was "What is your profession" and the answer was
7 "I'm a farmer".

8 PRESIDING JUDGE: Okay. I don't blame you, Mr Sauter, there
9 is a lot of stress around. Never mind, we will soon take
17:10:13 10 a break and you will have to go and bask in some cold in
11 your country, I suppose.

12 MR SAUTER: In three weeks, yes.

13 PRESIDING JUDGE: I mean basking in cold.

14 MR SAUTER: Yes. May I continue?

17:10:27 15 PRESIDING JUDGE: Yes, please.

16 MR SAUTER:

17 Q. So Mr Witness, let me take your mind back to the year
18 1996. Where did you live in 1996?

19 A. I was in XXXXXX.

17:10:43 20 Q. Did you live all the year round in XXXXXX in 1996?

21 A. I was in XXXXXX with my family.

22 Q. The question, Mr Witness, was whether or not you lived
23 all the year round in XXXXXX in 1996?

24 A. Yes, sir.

17:11:20 25 Q. Did you ever leave XXXXXX to live at another place?

26 A. Yes.

27 Q. When did you leave XXXXXX?

28 A. I left XXXXXX towards the end of 1996.

29 Q. And where did you go to?

1 A. I came to Freetown.

2 Q. Could you please explain to the Court why you left
3 XXXXXX to go to Freetown?

4 A. Yes.

17:12:14 5 Q. Please.

6 A. I left XXXXXX towards the end of 1996 because rebel
7 based in XXXXXX, they were troubling us. They used to
8 harass us on our farms. All our food -- [Interpretation
9 interrupted]

17:12:53 10 PRESIDING JUDGE: Wait, wait, wait. Slowly, Mr Witness.
11 Slowly.

12 THE WITNESS: Okay, sir. Okay, sir. All right, sir.

13 PRESIDING JUDGE: What year?

14 THE WITNESS: Towards the end of 1996.

17:13:27 15 PRESIDING JUDGE: Yes, Mr Witness, go ahead.

16 THE WITNESS: I left XXXXXX and came to Freetown.

17 MR SAUTER:

18 Q. Mr Witness, you were about to explain to the Court why
19 you left XXXXXX?

17:13:50 20 PRESIDING JUDGE: Why you left XXXXXX, yes.

21 THE WITNESS: I left XXXXXX because rebel were already based
22 in our town and we were farmers, they took away the rice
23 we produce from our farms. This is what brought me down
24 to Freetown with all my family. After I've been here for
17:14:21 25 some time --

26 MR SAUTER:

27 Q. So continue, please.

28 A. I spent a year here in Freetown with my family.

29 Q. Where did you go after this year has passed by?

1 A. When I heard that the rebel who were based in our town
2 had come down to Freetown --
3 Q. Yes, please.
4 A. That was in 1997. So I left there with my family and
17:15:32 5 returned to our town in XXXXXX.
6 Q. How was the situation in XXXXXX when you returned?
7 A. When I return, although it was -- the town was bushy but
8 there was no problem there for quite some time.
9 Q. Has there any force -- any armed forces been in XXXXXX
17:16:27 10 or around?
11 A. Well, by that time we understood that CDF were in Bumpah.
12 ECOMOG had moved them and they were now based in Bumpah.
13 Q. When you say CDF what do you mean?
14 A. Civil Defence Force.
17:17:09 15 Q. Did they ever come to Bradford Town?
16 A. Well, ECOMOG went and based in Bradford so they never had
17 a chance to come there.
18 Q. Do you know what Kamajors are?
19 A. The Kamajors? They and the Civil Defence Forces are one
17:17:53 20 and the same people.
21 Q. So do you say the CDF or Kamajors never came to Bradford
22 Town?
23 A. What I'm telling you now, I have not come to the time
24 when they came to Bradford. I'm trying to talk about it
17:18:23 25 now.
26 Q. So please.
27 JUDGE BOUTET: Ask him when.
28 MR SAUTER: Pardon?
29 JUDGE BOUTET: Ask him when they did come.

1 MR SAUTER:
2 Q. Mr Witness --
3 A. Yes, sir.
4 Q. -- did they ever come to Bradford Town?
17:18:50 5 A. Well, it was after ECOMOG had left that they came to
6 Bradford.
7 Q. Could you recall a year or a month?
8 A. That was in 1998, March the 8th.
9 Q. What exactly happened on 8th of March 1998; please tell
17:19:34 10 the Court?
11 A. Obai came with his group and called a meeting, and called
12 all the town people to meet.
13 PRESIDING JUDGE: Who came with his group?
14 MR SAUTER: I'll come to this question.
17:19:52 15 THE WITNESS: Obai.
16 MR SAUTER:
17 Q. Who, Mr Witness, was Obai?
18 A. Well, XXXXXX was the one who came and told us that he was
19 the commander between Bumpeh and Ribbi, that he was given
17:20:15 20 the post of a commander.
21 MR SAUTER: The writing of Obai is O-B-A-I.
22 Q. Who did Obai command?
23 A. Well, he had his group and used to patrol between Bumpeh
24 and Ribbi, and that it was his boss that appointed him to
17:20:47 25 be the commander between the two chiefdoms.
26 PRESIDING JUDGE: Between Bumpeh and?
27 THE WITNESS: Ribbi.
28 MR SAUTER:
29 Q. Mr Witness, do you know to which organisation this group

1 which was commanded by Obai belonged to? Did you
2 understand my question?

3 A. Well, he was commanding the Civil Defence Forces.

4 Q. So you said he called for a meeting on 8th of March 1998.
17:21:40 5 Did you personally attend this meeting?

6 A. I myself was at that meeting.

7 Q. Once again, what was said on this meeting?

8 A. Well, XXXXXX told us that his boss, Hinga Norman, has
9 appointed him to be the commander between Bumpeh and
17:22:10 10 Ribbi Chiefdom [inaudible], so that we should all
11 understand that.

12 Q. Did he, Obai, and his group stay in Bradford?

13 A. Well, after the meeting they returned -- he returned with
14 his group to Bumpeh.

17:22:50 15 Q. And did he or his group ever return?

16 A. Well, the second time they came was on the 19th. They
17 raided the whole of Bradford.

18 Q. The 19th of which month?

19 A. 19th of March 1998.

17:23:19 20 Q. And exactly who came back and raided?

21 A. XXXXXX came with his group that day. He came with his
22 group at night and there were so many.

23 Q. Have you personally been affected by this raid?

24 A. There was no house. All my property, including my rice,
17:24:11 25 was all cleared.

26 Q. Who took away your property from you?

27 A. I saw them, the gunmen that he came along with, they
28 entered my house, I saw them clearing my rice. They
29 cleared everything.

1 Q. Do you know to which group those men belonged to who took
2 away your property or your rice?
3 A. It was XXXXXX and his group that came there.
4 PRESIDING JUDGE: What was the group? Talking of XXXXXX and the
17:25:13 5 group. Counsel wants to know what is the group.
6 THE WITNESS: The Civil Defence Force. Civil Defence Force.
7 MR SAUTER:
8 Q. Where have you been when this happened?
9 A. The sooner they came dogs were barking. I came away
17:25:44 10 stealthily and hid in the banana trees.
11 Q. We are now talking about the 19th of March 1998,
12 according to your testimony. Did they stay -- this
13 group, the CDF, did they stay this time in Bradford?
14 A. Well, they came, they came. They were not stationed
17:26:24 15 there.
16 Q. No, no, the question was whether they stayed in Bradford
17 after they had raided?
18 A. They went back. They went to Bumpeh. They went away.
19 Q. Did they come back another time?
17:26:54 20 A. Well, the other time -- the other group that came, the
21 Kamajors that came from up, including Obai --
22 PRESIDING JUDGE: The Kamajors that came from?
23 THE WITNESS: Some came from Moyamba, they came and mixed up
24 with Obai's.
17:27:22 25 MR SAUTER:
26 Q. Is it right to say that different groups of Kamajors
27 came?
28 A. Well, when they came Obai was a commander and he being
29 the commander, Obai -- I mean, they all mixed up together

1 and he was commanding them.

2 Q. So what happened on this day?

3 A. Well, the 23rd when they came seven o'clock in the
4 morning because we were not passing the nights in our
17:28:04 5 homes. We used to pass the nights in our gardens.

6 PRESIDING JUDGE: On the 23rd of what?

7 MR SAUTER:

8 Q. Mr Witness, when you say the 23rd are you still speaking
9 of March?

17:28:13 10 A. The 23rd of March.

11 Q. 1998?

12 A. Of 1998.

13 Q. All in the same month?

14 A. All in the same month, yes, sir.

17:28:35 15 Q. So once again, what did they do when they came on the
16 23rd of March 1998?

17 A. Since we are not passing the night in the town, wherever
18 we are hidden we came to town seven o'clock. So they
19 came and ran after the people and opened fire on them.

17:29:01 20 Q. Did they kill anybody or was anybody killed?

21 A. During that time on the 23rd March they were not able to
22 kill anybody, because we all ran into the bush.

23 Q. Did this include you and your family? Did you and your
24 family run into the bush as well?

17:29:36 25 A. Yes, we all ran. My family including other families, all
26 of us. We were many in number. That was on the 23rd.

27 Q. Mr Witness, what happened after the 23rd of March 1998?

28 A. Well, the 25th, after we've been dislodged, the 25th of
29 March, the farm which I have already burnt and where I

1 hid myself on the farm, that is the place they'll chase
2 us again.

3 Q. Are you speaking of your own farm?

4 A. Yes, my own farm. The farm that I've just burnt down.

17:30:31 5 It was in one of the corners -- one of the corners that
6 we transferred. There were many other people there.

7 Q. For what purpose did you burn your farm down?

8 A. I've already done the brushing and it was dried and I
9 burnt it so that I could plough my farm, plough rice.

17:31:08 10 Q. So did you meet Kamajors at this stage, or CDF?

11 A. Well, when they came at seven that morning, I saw one boy
12 running, they run after him. As they were about to reach
13 our direction they fired, but they were not able to get
14 him. My wife and myself --

17:31:32 15 Q. Go on with the translation.

16 A. All right, sir.

17 Q. Once again you said they ran after a boy, you mean the
18 Kamajors; right?

19 A. Yes, the Kamajors that came.

17:31:49 20 Q. So what happened after?

21 A. When we all got up to run and the direction to which we
22 were running, my wife was with me.

23 Q. Go ahead, please.

24 A. My wife ran towards the bush that was not clear with the
17:32:29 25 children.

26 Q. Continue, please.

27 A. Well, I took the other direction, the direction through
28 which they came by the edge of the farm. When I ran up
29 there, there I sneaked away. Then I hid myself and kept

1 watching what was happening.

2 Q. Did you see anything happen?

3 A. Well, my wife ran away into the thick bush. I heard
4 them. They ran after her and caught her. I heard the
17:33:42 5 noise.

6 Q. Could you see your wife being caught?

7 A. I saw them marching with her coming. I was laying down,
8 I saw them coming.

9 Q. Again, Mr Witness, you say "they caught my wife," who
17:34:14 10 caught your wife?

11 A. The Kamajors. It was the Kamajors that caught her.

12 Q. After your wife was caught did anything happen to her?

13 A. They came for a distance and they were coming towards my
14 direction and I was watching at them closely. But where
17:34:46 15 I laid in, they never saw me and they brought her and
16 Kakpata said, "Bring her here."

17 Q. Who, Mr Witness, said "Bring her here"?

18 A. It was Kakpata.

19 MR SAUTER: I'll come to the writing.

17:35:09 20 Q. Who was Kakpata?

21 A. Well, he was the head of the Kamajors.

22 MR SAUTER: The writing is K-P-A-K-A-T-H-A. Once again
23 K-P-A-K-A-T-H-A, Kakpata. I hope it's correct.

24 MR MARGAI: [Microphone not activated].

17:36:16 25 MR SAUTER: I was corrected by my learned friend.

26 PRESIDING JUDGE: He is always helping you with your spelling
27 so I hope he will charge you a fee someday. I know
28 you're very good friends.

29 MR SAUTER: I know I can rely on my learned friend.

1 PRESIDING JUDGE: The spelling of that name is very
2 complicated, I haven't got it yet.

3 MR MARGAI: K-A-K-P-A-T-A.

4 PRESIDING JUDGE: Okay. It's Kakpata who said, "Bring her
17:36:46 5 here".

6 MR SAUTER: Yes.

7 Q. So Mr Witness, you said that there was a Kamajor
8 commander by the name of Kakpata and you heard him say,
9 "Bring her here." That's correct?

17:36:58 10 A. Yes, he was at the middle of the farm. And his men were
11 the ones that captured her, and they were the ones that
12 brought her.

13 Q. To which place was she brought?

14 A. Well, to him, because he was standing at the middle of
17:37:24 15 the farm and when they reached with her and he said,
16 "Stand."

17 Q. Could you see your wife being brought to this place?

18 A. Yes, and they left her and Kakpata said, "What did you
19 have in the waist -- what did you tie around your waist".

17:37:58 20 Q. So you could see her being brought to this place;
21 correct.

22 A. Yes, sir.

23 Q. And after she was brought to this place, what happened?

24 A. When they said, "What do you have wrapped around your
17:38:21 25 waist" she was afraid and she loosed something. It was
26 in a [inaudible] and she had a lappa around her waist and
27 she tied something there.

28 Q. Do you know what she had around her waist?

29 A. Yes, it was money that I gave her. I gave her this

1 morning, I said she should keep it since we are on the
2 run.

3 Q. Do you know the amount of money she had with her?
4 A. Yes, I was the one that gave it to her and I knew the
17:39:14 5 amount that I gave her.

6 Q. How much was it, to your knowledge?
7 A. It was 1.6 leones, which was 800,000 pounds.
8 Q. 800,000 pounds?
9 A. 800,000 pounds.

17:39:49 10 Q. Which is equivalent to?
11 A. 1.6 thousand leones. 1.6 thousand leones.
12 Q. You mean 1,600,000.
13 A. Yes, sir.

14 PRESIDING JUDGE: No, let him give us the money in leones.

17:40:10 15 MR SAUTER: 800,000 pounds.
16 PRESIDING JUDGE: No, let him give us in leones.
17 MR SAUTER: Which is equivalent to --
18 PRESIDING JUDGE: No, we don't want the equivalent. We are
19 not dealing with pounds here.

17:40:22 20 MR SAUTER: The population is still --
21 THE WITNESS: 1,600 leones.
22 PRESIDING JUDGE: [Overlapping speakers] I thought I got him
23 to say 1,600,000 leones.
24 JUDGE THOMPSON: No, he didn't say the million. He didn't say
17:40:39 25 million at all. He just said 1.6 leones.
26 PRESIDING JUDGE: I got it wrong.
27 JUDGE THOMPSON: And then the equivalent of 800,000 pounds but
28 that would be clearly erroneous. It cannot be. So
29 that's why we want him to -- [Overlapping speakers]

1 PRESIDING JUDGE: [Overlapping speakers] leones in particular.
2 You need boxes and boxes to transport 800,000 pounds.
3 JUDGE THOMPSON: Let him try again.
4 MR SAUTER:
17:41:07 5 Q. Mr Witness, do you know how many leones your wife had
6 with her?
7 A. 1,600,000 leones.
8 PRESIDING JUDGE: Yes, that is what he had said.
9 THE WITNESS: I tied it in a bundle.
17:41:25 10 MR SAUTER: [Overlapping speakers]
11 Q. 1,600,000 leones.
12 A. Yes, sir.
13 Q. So what happened?
14 A. When they had given them the money --
17:41:44 15 PRESIDING JUDGE: She gave them the money?
16 THE WITNESS: Yes, sir.
17 MR SAUTER:
18 Q. What happened after she had given them the money?
19 A. At that time my grandson was standing far away and he
17:42:12 20 stood --
21 Q. Slowly. Who was around beside your wife?
22 PRESIDING JUDGE: After they have taken the money what
23 happened to your wife? Let's get things sequentially.
24 What happened to your wife?
17:42:31 25 THE WITNESS: When my wife was standing and Kakpata said
26 "Don't you want to shoot that woman" --
27 MR SAUTER:
28 Q. What did Kakpata say, please?
29 A. He tell the other Kamajors, "Don't you want to shoot at

1 that woman?"

2 Q. "Don't you want to shoot at that woman"; that's right?

3 A. Yes.

4 Q. Were any shots fired?

17:43:05 5 A. It was then that they shot at her and they shone the --

6 the gun gave two shots and the shots were pow pow.

7 Q. Could you see whether or not your wife was hit by the

8 shots?

9 A. When they shot at her, my woman shouted my name, my own

17:43:45 10 name was the one that she shouted.

11 Q. The question, Mr Witness, was whether or not your wife

12 was hit by the shots? Was she wounded?

13 A. She was shot at. She stood for some time and she went

14 slowly and she fell against the palm tree. See, I was

17:44:12 15 there, lying down, looking at them, but I wasn't able to

16 come out.

17 Q. How far away from this place of the incident was your

18 hiding place, approximately?

19 A. Just from here to that waiting room. I was in the bush,

17:44:49 20 I was looking at them. It's just like from that waiting

21 room to here where I'm sitting.

22 Q. Was anybody else from your family around when your wife

23 was shot?

24 A. Well, my grandchild was there. They did nothing to her.

17:45:19 25 She was the one standing and looking at what was

26 happening.

27 Q. Your grandchild was there?

28 A. Yes, she was standing, standing right at her back.

29 Nothing happened to her.

1 Q. What age was your grandchild at this time?
2 A. Six years.
3 Q. Mr Witness, let's come back again to the distance from
4 your hiding place to the place where your wife was shot.
17:46:07 5 You said from where you sit to what place?
6 A. Just like that waiting room where I came from to where
7 I'm sitting now.
8 MR SAUTER: The waiting room.
9 JUDGE BOUTET: Yes, but --
17:46:18 10 MR SAUTER:
11 Q. Could you give an estimate in feet or metres or
12 whatsoever?
13 PRESIDING JUDGE: [Microphone not activated]
14 JUDGE BOUTET: You give it, please. Give an estimate. You
17:46:29 15 have done that the last time.
16 MR SAUTER: Yes, yes.
17 JUDGE BOUTET: So you should remember.
18 MR SAUTER:
19 Q. Would you say it is about -- I can't count in feet.
17:46:38 20 JUDGE BOUTET: No, in metres is okay.
21 MR SAUTER:
22 Q. Would you say it's about 10 metres?
23 A. It's about like from here to -- it's 50 feet from the
24 area where I was lying down.
17:47:00 25 Q. About 50 feet, thank you, Mr Witness.
26 JUDGE BOUTET: You're saved.
27 THE WITNESS: Sorry, sorry.
28 MR SAUTER: No, no, it's okay.
29 PRESIDING JUDGE: Sorry means what? You want to rectify

1 something?

2 THE WITNESS: No, the 50 feet that I thought about.

3 MR SAUTER:

4 Q. Is it correct, 50 feet, to your --

17:47:31 5 A. Yes, it's correct.

6 Q. Okay, thank you very much. So after your wife had fallen
7 down to the ground what happened?

8 A. Well, when my wife shouted my name, Kakpata said, "That's
9 the old man's wife." When the woman shouted my name,
17:47:59 10 Kakpata said, "You see, this is his wife."

11 Q. And after that?

12 A. That was then that they left and went away. I was there
13 for some time. I heard them, I heard gun shots.

14 Q. So you say the Kamajors left?

17:48:42 15 A. Yes, they went.

16 Q. Leaving your wife?

17 A. They're heading for town.

18 Q. Leaving your wife behind?

19 A. Yes, my wife was lying there.

17:49:00 20 Q. Do you know whether or not at this point of time your
21 wife was still alive?

22 A. Hey papa, she had died. At that time I went stealthily
23 and took my grandchild, see, and I went some other side.
24 I called the child.

17:49:30 25 Q. What did you do after the child has come to you?

26 A. The child came and greet me and I asked, "Where are your
27 sisters?" Said, "There they are." And I went and met
28 them, see, and I went and called them. I told them that
29 their mother had been killed, there she is lying down.

1 Q. Mr Witness, since your wife was killed did you bury her?
2 A. I buried her after two days. The third day I was able to
3 get people. Whosoever saw me would run away the first
4 and second days. The third day I was able to get people.
17:50:42 5 I begged them, and we came and dug at the edge of the
6 farm and buried her.
7 MR SAUTER: My Lords, that is all for this witness. Thank you
8 very much, Mr Witness.
9 JUDGE BOUTET: Thank you, Mr Prosecutor.
17:51:28 10 PRESIDING JUDGE: I see everybody packing as if the session
11 has been suspended. Anyway, it's okay. Well, it will
12 soon be 6.00. There can be no meaningful
13 cross-examination at this point in time. So, learned
14 counsel, I think it is a convenient point for us to stop
17:52:54 15 for the day and let's look at what tomorrow reserves for
16 us when we resume at 9.30. So the Court will rise,
17 please.
18 [Whereupon the hearing adjourned at 5.48 p.m., to be
19 reconvened on Friday, the 4th day of March 2005, at 9.30
17:53:52 20 a.m.]
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