

Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

MONDAY, 20 JUNE 2005  
9.45 A.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Sharelle Aitchison Ms Roza Salibekova
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Mohamed Bangura Mr Kevin Tavener Mr Mohaned Stevens
For the Principal Defender:	Ms Joni Canada (intern)
For the accused Sam Hinga Norman:	Mr John Wesley Hall Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Yada Williams Mr Ansu Lansana Mr Virgil Chang (intern)

1 Monday, 2 June 2005

2 [Open session]

3 [The accused Fofana and Kondewa present]

4 [The accused Norman not present]

5 [HN200605A - AD]

6 [Upon commencing at 9.45 a.m.]

7 PRESIDING JUDGE: Good morning, Mr Prosecutor. Good  
8 morning, Defence counsel. Are we ready to proceed, Mr Bangura?

9 MR BANGURA: Thank you, Your Honour. Your Honour, yes, we  
09:49:54 10 are, but not momentarily. Just a short while ago we detected a  
11 slight anomaly with the report the witness is going to tender  
12 this morning. We are just at the moment in the processes of  
13 having some corrections made. That should not take too long at  
14 all. In fact, we were expecting somebody to have come back to  
09:50:25 15 the Court just before Your Lordships came into Court.

16 PRESIDING JUDGE: So, are what are you proposing?

17 MR BANGURA: We would respectfully ask that we be given 10  
18 minutes. That should be enough. They should have the pages we  
19 need here.

09:50:43 20 PRESIDING JUDGE: How do you intend to proceed? I see  
21 there is a computer on the table next to the witness's chair.

22 MR BANGURA: Your Honour, the witness will be using the  
23 Power Point presentation method of testifying.

24 PRESIDING JUDGE: Okay.

09:51:03 25 MR BANGURA: In addition to tendering the report. He will  
26 be basically illustrating photographs that are contained in the  
27 report.

28 PRESIDING JUDGE: Before I turn to the Defence, I would  
29 like to you ask you to expand and inform the Court while we are

1 waiting for this information to come in what is the position of  
2 the Prosecution, if I may, with respect to the proposal you made,  
3 or your colleague Mr Tavener made, on Friday of last week about  
4 documents. I use that very loosely here. what is the position  
09:51:44 5 of the Prosecution in this respect, if we can be informed of  
6 that?

7 MR BANGURA: Your Honour, I will have Mr Tavener address  
8 the Court on that point.

9 PRESIDING JUDGE: Mr Tavener.

09:52:00 10 MR TAVENER: Thank, Your Honour. There has been some  
11 discussion by email with the Defence counsel. Very briefly this  
12 morning we are hoping there will be further discussion this  
13 afternoon to identify what is, in fact, in issue so we can narrow  
14 it down as much as possible. I will know more after lunch.  
09:52:21 15 Hopefully we will have some resolution, maybe not of every  
16 document but the bulk of them.

17 PRESIDING JUDGE: If I may, without unduly restricting what  
18 you are proposing to do with the tendered document, what are we  
19 talking about? I know you have made reference to 92 bis but 92  
09:52:45 20 bis could go in many directions. You have used the term  
21 "documents". What is it your -- if you are not in a position to  
22 answer my question now I will not hold it against you, but just  
23 to see where we are going with this.

24 MR TAVENER: What we are seeking to --

09:52:59 25 JUDGE THOMPSON: I share the same -- let me just interrupt.  
26 If it is something that you don't want, you cannot usefully  
27 disclose at this stage, then I would be content with that. But I  
28 think what the learned Presiding Judge is in fact trying to get  
29 from you is, and which I am interested in myself, is what

1 specifically are we going to be asked to admit. But, as I said,  
2 I am not pressing for an answer if this is not considered  
3 opportune at this point in time.

4 MR TAVENER: I can be general, which may assist Your  
09:53:46 5 Honour. The documents we are seeking to tender would be things  
6 such as United Nations generated reports, reports or documents we  
7 say were generated by the CDF, newspaper reports which have  
8 bylines so that the reporter is identified, documents such as  
9 that which were referred to in the decision by the Appellate  
09:54:13 10 Court. We are seeking to tenders that those as bundles of  
11 documents which provide background, in effect. It's sort of the  
12 final piece which may assist the Court to whatever extent the  
13 Court feels appropriate. That is the type of document we are  
14 seeking to tender.

09:54:33 15 PRESIDING JUDGE: Thank you very much. We will adjourn the  
16 Court -- will 10 minutes be enough, or would you rather half an  
17 hour? I would rather be out for half an hour rather than come  
18 back and go out again.

19 MR BANGURA: I think 15 minutes should be all right.

09:54:55 20 PRESIDING JUDGE: Any comment from the Defence side?  
21 Mr Hall, you are smiling, so you have no comment. Mr Bockarie?  
22 The comment is only for adjournment now; it is nothing to do with  
23 the documents, that is a different issue.

24 MR BOCKARIE: None, Your Honour.

09:55:13 25 PRESIDING JUDGE: Mr Williams?

26 MR WILLIAMS: We are indifferent, My Lord.

27 PRESIDING JUDGE: The Court is adjourned until 10.15 a.m.

28 [Break taken at 9.55 a.m.]

29 [On resuming at 10.20 a.m.]

1           PRESIDING JUDGE: Yes, Mr Prosecutor. Mr Bangura?  
2           MR BANGURA: Yes, Your Honour, the Prosecution is ready to  
3 go on.  
4           PRESIDING JUDGE: Call your witness.  
10:25:06 5           MR BANGURA: Thank you, Your Honour. Can the witness be  
6 called in, please?  
7                           [The witness entered court]  
8           PRESIDING JUDGE: Can we proceed to swear the witness,  
9 please?  
10:27:20 10                           WITNESS: TF2-EW3 [Sworn]  
  
11           PRESIDING JUDGE: So this is TF2-EW3?  
12           MR BANGURA: Yes, Your Honour.  
13           PRESIDING JUDGE: Thank you.  
14                           EXAMINED BY MR BANGURA:  
10:27:57 15          Q.     Good morning, Mr witness.  
16          A.     Good morning.  
17          Q.     I will be asking you questions this morning, Mr witness, to  
18 which you are expected to give answers. I will ask that when you  
  
19 give your answers you try not to speak too fast as your answers  
10:28:19 20 will be recorded and there is translation of those answers going  
21 on as well. Mr witness, what is your name?  
22          A.     William D. Haglund, H-A-G-L-U-N-D.  
23          Q.     Your address, please?  
24          A.     I live in the United States in the state of Washington, the  
10:29:01 25 city of Seattle.  
26          Q.     Can you state your age for the court, please?  
27          A.     I am 62 years old.  
28                 JUDGE ITOE: 60?  
29                 THE WITNESS: Two.

1 MR BANGURA:  
2 Q. What is your profession?  
3 A. I am a forensic anthropologist.  
4 Q. Do you work in an office or an institution?  
10:29:42 5 A. I am employed by the non-governmental organisation the  
6 Physicians for Human Rights in Cambridge, Massachusetts, USA.  
7 Q. Can you tell this Court what qualifications you hold?  
8 A. I have a doctorate degree in physical anthropology with a  
9 speciality in forensic anthropology.  
10:30:52 10 JUDGE ITOE: Did you say physical anthropology?  
11 THE WITNESS: Yes, Your Honour.  
12 JUDGE ITOE: With a --  
13 THE WITNESS: With a speciality in forensic anthropology.  
14 MR BANGURA:  
10:31:03 15 Q. You would have held other degrees before you held a PhD.  
16 A. Yes, I have a masters degree also and a bachelors degree.  
17 A bachelors degree in biology and a masters degree in physical  
18 anthropology.  
19 Q. As a forensic anthropologist can you briefly explain what  
10:31:44 20 your work entails?  
21 A. It entails the examination of the human skeleton. It is  
22 based on the theory of the development of the human skeleton and  
23 disease processes, and attributes of the skeleton that would help  
24 us assess age of the individual from the bones, their sex, their  
10:32:17 25 general ancestry and estimations of height, trauma, those sorts  
26 of things. Also it involves the scene investigation of skeletal  
27 remains and the recovery of skeletal remains.  
28 Q. Are you able to better illustrate some of these functions  
29 that relate to your profession electronically?

1 A. Yes.

2 MR BANGURA: Your Honours, at this stage the witness would  
3 show to the Court a slide on the Power Point, examples of his  
4 duties as a forensic anthropologist.

10:33:23 5 THE WITNESS: I don't think it is projecting on the  
6 monitors.

7 MR BANGURA: I am sorry about that. That is not going to  
8 be shown at this point. I am sorry about that; I probably got it  
9 wrong.

10:33:39 10 Q. Mr witness, you have mentioned that as part of your duties  
11 you would determine age, sex, stature and ancestry of dead  
12 persons from bones that you examined; is that correct?

13 A. That is correct.

14 PRESIDING JUDGE: And you mentioned trauma as well.

10:34:07 15 THE WITNESS: That is correct.

16 MR BANGURA:

17 Q. At this point, Mr witness, would you like to explain to the  
18 Court, for instance, how you would determine the age of a victim?

19 A. The age is evidenced in the skeleton at young ages most  
10:34:25 20 reliably by the teeth. The development of the teeth within the  
21 jaw and the eruption of teeth -- I think we are all familiar with  
22 babies and when their teeth erupt they let you know. Certain  
23 teeth erupt at certain times. That is a reliable way to estimate  
24 age for the early ages and up in through the late teens. Also  
10:34:53 25 during that time our bones are developing. When we are born --

26 PRESIDING JUDGE: Can I stop you there?

27 THE WITNESS: Yes.

28 MR BANGURA: Will you try to go a bit slower?

29 PRESIDING JUDGE: You were explaining why the teeth

1 assessment is a reliable factor to determine age as such. You  
2 were saying that obviously that a young baby -- you gave example.  
3 But you also that up to late teens, but in between the late teens  
4 and midway in between, how do you assess that?

10:35:28 5 THE WITNESS: That is continuous up through the late teens.  
6 We have two sets of teeth, we have our baby teeth and we have our  
7 adult teeth. The adult teeth erupt and come in until the late  
8 teens and early 20s, like the wisdom teeth. The teeth are fairly  
9 reliable, but it is not just the eruption. Through x-rays we can  
10:35:57 10 look at the development of the teeth in the jaw before they ever  
11 become apparent in the mouth. They have a very distinct timing  
12 of which teeth -- it is an average timing, we are never able to  
13 assess exact age. We have given an estimate with a range that is  
14 based on studies. Also during that time, the bones are  
10:36:25 15 developing. What I mean by that is that when we are adults we  
16 have an average of 206 bones in our body. But when we are born,  
17 we have about 450 areas where bones are developing from. Through  
18 our early ages, up into the late teens, and in some respects even  
19 into the 30s for certain bones -- early 30s for the collar-bone,  
10:37:04 20 for instance --

21 JUDGE ITOE: Sorry, you are saying when you are a child you  
22 have how many? As an adult you have 206.

23 THE WITNESS: That's correct.

24 JUDGE ITOE: When you are child, you have how many?

10:37:16 25 THE WITNESS: When you are born, there is about 450  
26 separate bones or ossification centres in the human body. These,  
27 throughout our development and growth, grow together and make our  
28 final bones. I think the best example is when we feel a  
29 baby's -- the top of a baby's head there is a, say, soft spot.



1 That is a membrane that some day will be bone. It takes about  
2 two years for the head of a child to get its full size. After  
3 that time, those membranes turn into bone. The same thing  
4 happens to the other individual bones in the body. They occur at  
10:38:15 5 a rather regular pace. Although the development is a little  
6 faster rate in women; they seem to be more advanced than men in  
7 their development as far as the skeleton is concerned.

8 MR BANGURA:

9 Q. Thank you, Mr witness. I asked earlier that you give an  
10:38:41 10 example of how you could determine age and sex. Perhaps you can  
11 briefly also explain how you can determine the sex of a victim.

12 A. The most reliable indicators of sex in the skeleton are, of  
13 course, in the pelvis region. That is the region for women has  
14 to do with the birth of a child and for men does not. So, the  
10:39:11 15 shape of the pelvis is different in women than in men. It tends  
16 to be wider, and in making the pelvis wider certain parts of the  
17 pelvic bones are extended and longer. The inlet from which a  
18 baby is born has to be larger to allow a baby's head to come out  
19 during the birth process. Those biological functions of women  
10:39:50 20 that are really different from those of men are reflected in the  
21 skeleton.

22 Q. You just explained determining sex from basically  
23 reproductive features within the body. Would it be easier --

24 PRESIDING JUDGE: More from bone structure rather than  
10:40:12 25 reproductive. The witness is describing the skeleton. I don't  
26 think he has mentioned the --

27 MR BANGURA: Not organs actually, bones that are related to  
28 reproductive functions.

29 THE WITNESS: There are also other bones that we can

1 determine sex from. Some of this is cultural, but, in general,  
2 from the skull - that is, the lower jaw and the cranium - men  
3 tend to have more pronounced muscular attachments. The forehead  
4 tends to be more receding whereas a woman's is more vertical.  
10:41:03 5 The women's skeleton tends to be more what we call gracile and  
6 not as robust as those in men. There are different features with  
7 muscle attachments that also tend to have more robust  
8 characteristics. For instance, there is a process here called  
9 the mastoid process. It connects to a muscle, that is called the  
10:41:39 10 sternal cleidomastoid muscle, in the neck. It tends to be  
11 larger, broader based in men than in women. We don't look at any  
12 one particular characteristic when we are looking at age and sex.  
13 We look at all the bones and see what each bone can contribute to  
14 our estimations. When we have a complete skeleton, that is the  
10:42:06 15 most ideal situation.  
16 Q. Thank you. How long have you been working as a forensic  
17 anthropologist?  
18 A. For 20-plus years. I might also say, in addition to just  
19 what we call morphological features of looking at bones, there  
10:42:36 20 are also measurements and standards that we can apply. These  
21 observations I have been speaking of are all backed up by studies  
22 in certain populations.  
23 Q. Thank you.  
24 JUDGE ITOE: You say you have been working on this as a  
10:43:00 25 forensic anthropologist for 25 or 20 years?  
26 THE WITNESS: 20-plus, probably 22.  
27 JUDGE ITOE: It is 20-plus.  
28 THE WITNESS: Probably 22.  
29 MR BANGURA:

1 Q. Do you have any international experience in work as a  
2 forensic anthropologist?

3 A. Yes.

4 Q. Can you tell the Court what experiences?

10:43:30 5 A. Briefly, I have served on several expert commissions, done  
6 consulting work for the High Commissioner for Human Rights,  
7 expert commissions I have been on are in Croatia in 1993, Somalia  
8 1997, East Timor, the working with -- some of the projects -- I  
9 have worked with the High Commissioner for Human Rights that  
10:44:13 10 involved Afghanistan, Somaliland. For two-and-a-half years, 1996  
11 through mid-1998, I was the senior forensic consultant for the  
12 International Criminal Tribunal for Rwanda and also served in  
13 1996 in that capacity for the International Tribunal for the  
14 former Yugoslavia. Since then, my international work, a lot of  
10:44:53 15 it has been done through the Physicians for Human Rights who I am  
16 employed by.

17 Q. Have you had any experience testifying before international  
18 tribunals?

19 A. Yes.

10:45:10 20 Q. Which tribunals?

21 A. I have testified in both ad hoc tribunals, ICTY and ICTR.

22 Q. Mr witness, you have published materials before; is that  
23 correct?

24 A. Yes.

10:45:27 25 Q. Without actually going into detail, would you like to  
26 mention just a few of those publications?

27 A. I have over 50 publications of book chapters and peer  
28 reviewed journal articles, two edited textbooks in forensic  
29 anthropology and one co-authored book in medical-legal death

1 investigation.

2 Q. Do you hold any academic engagements?

3 A. I teach for the Washington State Criminal Justice Training  
4 Commission for law enforcement officers, as well as death  
10:46:22 5 investigators from coroner's and medical examiners' office to the  
6 State of Washington, and I teach one course a year on  
7 medical-legal death investigation at the University of Washington  
8 in Seattle, Washington.

9 Q. Mr Witness, you are here testifying as a result of forensic  
10:46:45 10 investigations you conducted on behalf of the OTP of the Special  
11 Court of Sierra Leone; is that correct?

12 A. Yes.

13 Q. When were you first contacted by the OTP?

14 A. In mid-2002.

10:47:05 15 Q. On this occasion, what specifically were you tasked to do?

16 A. I actually was tasked to do a forensic assessment, which is  
17 often done when international projects are involved. That is  
18 basically to look at what it would take to do forensic  
19 investigations in a particular country, to evaluate sites,  
10:47:40 20 reports of sites, of alleged graves or other places where bodies  
21 have been disposed of. They could be wells, or open-pit mines,  
22 or caves, but graves mostly. And then to put a plan together of  
23 what it would take to do forensic investigations in Sierra  
24 Leone - a budget, timetables and options - and then to prioritise  
10:48:24 25 sites based on logistics and expertise needed. The quality of  
26 evidence that might be gotten from particular kinds of sites  
27 varies.

28 PRESIDING JUDGE: Dr Haglund, what do you mean by forensic  
29 investigation? Is that part of a process you have to follow? Is

1 there a call for that?

2 THE WITNESS: Basically, it is more or less death  
3 investigation in the legal context, in the legal forum, with the  
4 idea that the documentation and evidence collected from that  
10:49:11 5 investigation would be eligible to be submitted to a court.

6 MR BANGURA:

7 Q. Mr witness, taking it from the question asked by His  
8 Lordship, it might be helpful if you explain to the Court, as a  
9 forensic anthropologist, what exactly the second aspect of that  
10:49:43 10 title of your profession means, anthropologist.

11 A. My speciality is in -- my university degree is in  
12 anthropology, but much of my 20 years of experience is in death  
13 investigation. So, more often than not, I am also involved in  
14 the administration and putting together teams of pathologists ,  
10:50:03 15 evidence technicians, photographers, whatever it would take to  
16 put -- and resources -- it would take to make a forensic  
17 investigation work.

18 Q. Thank you. Following your first contact with the OTP you  
19 did some time in October 2003 -- you were again asked to come and  
10:50:31 20 do further work for the OTP; is that correct?

21 A. That is when the work was actually done. I was contacted  
22 first in mid-2002. The actual trip to Sierra Leone and the  
23 actual assessment occurred on the date you mentioned .

24 Q. At this time, in October 2003, what specifically were you  
10:50:57 25 asked to do?

26 A. The same thing basically that we had talked about when I  
27 was contacted. I reviewed reports of alleged sites of where  
28 bodies were. I reviewed the Argentinian report that was given to  
29 the Truth and Reconciliation Commission, and in addition some 50

1 other reports of different locations of grave, wells, burnt  
2 houses, places where bodies were alleged to be. I visited, all  
3 totaled, 20 of these sites in person and photographed them and  
4 assessed them right on site. Then, on the basis of that, I wrote  
10:51:56 5 a report for the Court and gave recommendations of how it might  
6 be best to proceed.

7 Q. The report which you prepared and gave to the OTP covered  
8 many more sites than those that you are going to discuss in your  
9 testimony today; is that correct?

10:52:26 10 A. Yes. If you are talking about the original report --

11 Q. Yes, that is right.

12 A. Yes. There 50 some sites that I looked at -- that myself  
13 and a colleague looked at. Then there was some overlap, but  
14 there were some other sites that the Argentinian forensic  
10:52:48 15 anthropology group had looked at for the Truth and Reconciliation  
16 Commission.

17 Q. As you sit here in Court, you have extracts of that report;  
18 is that so? An extract from the original report.

19 A. I don't believe is it included here in this packet that you  
10:53:12 20 have.

21 Q. The packet you have before you right now covers some  
22 aspects the report that you originally presented to the OTP; is  
23 that correct?

24 A. It gives mention to that report, yes.

10:53:28 25 Q. Would you like to have the Court receive this report in  
26 evidence at this point?

27 A. Yes.

28 PRESIDING JUDGE: Mr Bangura, I would like to know, it is  
29 not clear to me what part of the report you are talking about.

1 MR BANGURA: Your Honours, the original report which the  
2 Prosecution filed and for which we applied for this witness to  
3 testify as an expert covered something like three main locations  
4 with several grave sites.

10:54:01 5 PRESIDING JUDGE: Indeed.

6 MR BANGURA: Not all of those grave sites relate to the CDF  
7 case.

8 PRESIDING JUDGE: They are not relevant.

9 MR BANGURA: That is right. What we have endeavoured to do  
10:54:12 10 is to extract from that original report those portions of it that  
11 relate to the present case. That is the document that we are  
12 seeking to tender in Court this morning.

13 THE WITNESS: I have may have misled the Court, if you  
14 please. I thought the speaker was addressing the report of 2002  
10:54:39 15 regarding the assessments. I was confused; I did not know that  
16 he was addressing the present report. The present report that  
17 was submitted to the Court has an example of an exhumation and  
18 examination of remains representing, I believe, each trial that  
19 is going on. What has been excerpted for this Chamber has been  
10:55:14 20 the general information that pertains to the work, the methods,  
21 the photograph log, and the particular example that was exhumed  
22 for this particular trial.

23 PRESIDING JUDGE: So, Mr Bangura, we have on our table this  
24 document here. That is what you are talking about. This is the  
10:55:38 25 excerpt from the main report.

26 MR BANGURA: That is right, Your Honour.

27 PRESIDING JUDGE: So, all we have in the excerpt has been  
28 extracted from the main report.

29 MR BANGURA: That is right, Your Honour.

1           PRESIDING JUDGE: This is more focused on essentially on  
2 CDF.

3           MR BANGURA: That is right, Your Honour, except for the  
4 first 17 pages.

10:55:57 5           PRESIDING JUDGE: Yes, which contain that whole background.

6           MR BANGURA: Your Honour, I was just going to say that the  
7 first 17 pages are copies of the picture slides which the witness  
8 will be showing on the Power Point. They were not part of the  
9 original report as such.

10:56:10 10          PRESIDING JUDGE: But if we exclude that, which is pages 1  
11 1 to 17, you say?

12          MR BANGURA: That is right. If those are excluded --

13          PRESIDING JUDGE: Then we go to the curriculum vitae of the  
14 witness, and from there on it is the general background and then  
10:56:27 15 the specifics of matters related to this trial.

16          THE WITNESS: Exactly.

17          PRESIDING JUDGE: This is what you are asking the witness  
18 to tender -- that you are trying to tender as an exhibit this  
19 morning.

10:56:40 20          MR BANGURA: That is right.

21          PRESIDING JUDGE: Those excerpts?

22          MR BANGURA: That is right.

23          PRESIDING JUDGE: Mr Hall, or Defence counsel for the first  
24 accused?

10:56:45 25          MR HALL: Your Honour, we have no objection, but I would  
26 point out for the Court two things: One is Prosecution witness  
27 34's name appears in certain places in this report, which the  
28 Court may want to black out if need be, if it becomes public. I  
29 don't know how many place it is in there, but it is in there.



1           PRESIDING JUDGE: Okay.

2           MR HALL: Also in the summary 7738 through 43 is a mixing  
3 of references of the three trials. The ones that have a  
4 preface --

10:57:26 5           PRESIDING JUDGE: Sorry, which ones?

6           MR HALL: 7738 through 43. It is a table. There is the  
7 one that has MHB as its prefix relates to this case. The others  
8 relate to the other cases. I just point that out to the Court.  
9 We have no objection otherwise. We stipulate that he is an  
10:57:44 10 expert.

11           PRESIDING JUDGE: I appreciate your observation in this  
12 respect. Certainly, any information contained in this report  
13 that could disclose the identity of one or more witnesses will  
14 have to be removed from it because the intent was not to file  
10:58:02 15 this report confidentially, presumably. To my knowledge the one  
16 that has been filed with the Court management has not been filed  
17 in any confidential manner.

18           MR BANGURA: That is right; it was not intended to be filed  
19 confidentially.

10:58:19 20           PRESIDING JUDGE: I do not intend that it be filed  
21 confidentially. But we have to make sure that whatever  
22 information might be contained therein that could disclose the  
23 identity of a witness or more should be deleted from the report.

24           MR BANGURA: We are much obliged, Your Honour.

10:58:33 25           MR BOCKARIE: No objection, Your Honour.

26           PRESIDING JUDGE: Thank you, Mr Bockarie.

27           MR HALL: Also, Your Honour, I forgot to mention that some  
28 of the pictures, I believe that as that witness testified, maybe  
29 as he demonstrated his injuries to the Court, were outside of the

1 view of the public. So some of those photographs are in this  
2 report too, and therefore his face is visible and I caution the  
3 Court on that as well, just in case his identity was -- it is  
4 long time since he testified, I don't remember

10:59:11 5 PRESIDING JUDGE: Very well. Mr Bockarie, you said for the  
6 second accused there is no objection?

7 MR BOCKARIE: Yes, Your Honour.

8 PRESIDING JUDGE: Mr Margai, any objection?

9 MR MARGAI: No objection, My Lord.

10:59:23 10 PRESIDING JUDGE: Thank you. So the extract of the expert  
11 report, a copy of which has been tabled with the Court, will be  
12 marked as Exhibit No. 101, I think.

13 MS EDMONDS: Yes, sir, 101.

14 PRESIDING JUDGE: Thank you.

10:59:42 15 [Exhibit No. 101 was admitted]

16 PRESIDING JUDGE: I see on the top of the pages,  
17 Mr Bangura, just for our own convenience so we can follow when we  
18 use this report the proper numbering. Because it has -- I am  
19 just flipping through the report -- excepting the first part, the  
11:00:00 20 photographs as such, when we get to the other parts, it has two  
21 serial numbers at the top. One is presumably the serial number  
22 that Court Management gave to the report when it was filed, which  
23 is 7621, it has 405024, and then 7621 and so on.

24 MR BANGURA: Your Honours, the numbers starting with three  
11:00:31 25 four zeros -- digit numbers -- those are numbers uniquely given  
26 to documents that are kept with the evidence unit of the OTP.  
27 Those would be numbers by which we in the OTP identify documents.  
28 The report having been handed to the OTP a long time ago was in  
29 the custody of the evidence unit and this is how it would have

1       been numbered and archived.

2               JUDGE THOMPSON: That numbering is not relevant to us.

3               MR BANGURA: Not at all, Your Honour.

4               JUDGE THOMPSON: What is the operative numbering?

11:01:11 5               MR BANGURA: The operative numbering would be the numbering  
6       that is assigned by --

7               JUDGE THOMPSON: The four digits?

8               MR BANGURA: Yes, the four-digit one.

9               PRESIDING JUDGE: The 76 something?

11:01:18 10              MR BANGURA: That is right.

11              PRESIDING JUDGE: Okay, thank you.

12              MR BANGURA: Your Honours, just before we continue taking  
13       the points raised by Mr Hall regarding portion of the report that  
14       could reveal the identity of the witness, the document is now in  
11:01:42 15       evidence. Subject to the point I believe stated by Your Honours  
16       that those portions should be --

17              PRESIDING JUDGE: It is in evidence but it shall not be  
18       made public. Court Management and the Witness Protection Unit  
19       shall look at it to ensure that those portions are deleted from  
11:02:08 20       the report that will be disclosed publicly. Only those portions  
21       obviously.

22              MR BANGURA: Thank you. That would be the Court copy.

23       Q.       Mr witness, this report, as we have it here, deals with  
24       examination of grave sites that you conducted somewhere in Bo; is  
11:02:47 25       that correct?

26       A.       That is correct.

27       Q.       Now, you had mentioned before that initially you had to  
28       examine quite a number of sites, but eventually you selected  
29       these sites for the report which you have just presented. How to

1 you go about prioritising the sites? What did you take into  
2 consideration in determining how these would be more appropriate?

3 A. The prioritisation of the sites and the selection of the  
4 sites are two different things. I prioritise sites on the basis  
11:03:30 5 of my expertise and the selection the sites is at the mercy or  
6 the direction of the Prosecution. They make the final decision  
7 on the sites. Does that answer the question?

8 Q. Yes. How many sites did you examine that are contained in  
9 this report, Mr Witness?

11:04:01 10 A. There is one site and two graves are involved. One

11 location and two graves.

12 Q. At this site and at these graves, you dug up the graves and  
13 exhumed the remains; is that correct?

14 A. That is correct.

11:04:32 15 Q. Now, you said there were two graves. Can you tell the  
16 Court how many persons, the remains of persons you found in each  
17 of those two graves?

18 A. One grave contained a single individual and another grave  
19 contained three individuals.

11:05:00 20 Q. Is it correct to say that the key focus of the  
21 investigations you were conducting was to identify victims that  
22 were found in these graves?

23 A. That is always the goal of these sorts of investigations.  
24 Whether we achieve it is dependent upon circumstances and the  
11:05:44 25 remains themselves.

26 Q. In this case were you able to achieve that objective?

27 A. The remains in these cases were not scientifically  
28 identified. By that I mean -- I am very strict in that  
29 interpretation -- positive identification to mean scientific

1 identification, and it is achieved through fingerprints, which  
2 skeletons do not have, dental or medical records like x-rays that  
3 show bones, which the health care infrastructure of Sierra Leone  
4 does not really have, or DNA, for which funding was lacking to  
11:06:44 5 achieve.

6 JUDGE THOMPSON: What was the second one? Was it  
7 fingerprints?

8 THE WITNESS: Fingerprints and dental records.

9 PRESIDING JUDGE: And medical.

11:06:59 10 THE WITNESS: And then medical records, yes. And finally  
11 genetic identification through DNA. That said --

12 JUDGE THOMPSON: Which one does Sierra Leone not have?

13 THE WITNESS: Sierra Leone does not have DNA capacity, and  
14 nor, for the majority of the population, are there dental or  
11:07:23 15 medical records.

16 PRESIDING JUDGE: To come back to your original statement  
17 in this respect you were saying that from your perspective as an  
18 expert to talk of positive identification you would need to go to  
19 one of those means.

11:07:41 20 THE WITNESS: Yes. Now, that said, most identifications  
21 accomplished and accepted throughout the world are more or less  
22 circumstantial identifications, usually viewing the body. In  
23 this case, the circumstances essentially were that the bodies  
24 were identified, but how I would categorise is highly probable  
11:08:07 25 identifications, because I cannot say scientifically that is the  
26 person, although I know it is probably the person.

27 JUDGE THOMPSON: But you would not even go beyond  
28 probabilities.

29 THE WITNESS: I would not say positive, because it is not

1 scientific to say that in this respect.

2 JUDGE THOMPSON: Right.

3 MR BANGURA:

4 Q. How were you aided in determining the level of identity  
11:08:38 5 that you established?

6 A. There were several dimension of the identification. First  
7 of all, family members and acquaintances identified the bodies  
8 after they were freshly killed. Family members or family  
9 representatives buried the remains. The attributes of sex and  
11:09:08 10 age range et cetera were consistent with those that the victims -  
11 the named victims according to families - would have. They also  
12 independently described the clothing of the individuals and then  
13 subsequently identified that clothing as belonging to particular  
14 individuals.

11:09:31 15 Q. In effect, Mr witness, you did speak to some relatives of  
16 individuals found in those grave; is that correct?

17 A. Yes. I had the -- the investigators gave me information,  
18 yes, Prosecution investigators.

19 Q. In one instance, Mr witness, you did in fact speak to a  
11:10:11 20 survivor of the incidents that led to the death of these persons;  
21 is that correct?

22 A. He was brought to the scene. I did not interview him. I  
23 thought that was the duty of the Prosecution. But I did  
24 photograph him and I did that so that a medical doctor could  
11:10:32 25 evaluate the scars and possible injuries that this individual had  
26 suffered.

27 Q. You do recall the name of that person; is that correct?

28 A. Yes.

29 Q. I will not ask that you say the name, but rather ask that

1 you write that name on a piece of paper because that person  
2 happens to be a protected witness.

3 [Document shown to Defence counsel and the Bench]

4 PRESIDING JUDGE: You have the name written down?

11:12:18 5 MR BANGURA: Yes, Your Honour.

6 PRESIDING JUDGE: Was it shown to the Defence?

7 MR BANGURA: It has been shown to them.

8 PRESIDING JUDGE: No comment, Mr Hall?

9 MR HALL: No comment other than that it is in fact witness  
11:12:34 10 34.

11 PRESIDING JUDGE: That is the individual or the name you  
12 referred to when you made your submission?

13 MR HALL: Yes.

14 PRESIDING JUDGE: That will be marked as Exhibit No. 102?

11:12:47 15 [Exhibit No. 102 was admitted]

16 MR BANGURA: That is right, Your Honour.

17 MR WILLIAMS: We thought that the question that led to that  
18 answer would have been included on that piece of paper. That has  
19 been the procedure. The question that led to that name would  
11:13:04 20 have been included on that piece of paper.

21 JUDGE THOMPSON: Perhaps I should -- I should support that,  
22 otherwise we may get lost in the process when we come to  
23 evaluating this.

24 JUDGE ITOE: In addition to the characterisation of this  
11:13:24 25 witness TF2-EW3?

26 JUDGE THOMPSON: Precisely, yes. These are all particulars  
27 that seem to be necessary.

28 MR BANGURA: Thank you, Your Honours. I will have the  
29 question written on the paper.

1           PRESIDING JUDGE: Can I have the court officer take this  
2 back with the Prosecution? I have written in the corner  
3 "TF2-EW3".

4                           [Defence and Prosecution counsel confer]

11:17:23 5           PRESIDING JUDGE: Yes, Mr Bangura.

6           MR BANGURA: Thank you, Your Honour.

7           Q.    Mr witness, your examination was also intended to  
8 determine --

9           JUDGE ITOE: Has it been marked already?

11:17:38 10          PRESIDING JUDGE: Yes, Exhibit --

11          MR BANGURA: Yes, Exhibit 102.

12          PRESIDING JUDGE: For completeness of record, 102 now  
13 contains the question and the answer.

14          MR BANGURA:

11:17:56 15          Q.    Mr witness, you were also to determine the cause of death  
16 of these individuals from your investigations; is that correct?

17          A.    Yes.

18          Q.    Your findings as to the cause of death of the four  
19 individuals are contained in post-mortem examination case  
11:18:39 20 summaries in the report; is that so?

21          A.    They are not in the case summaries; they are contained in a  
22 statement by a forensic pathologist. Usually when forensic  
23 anthropologists work in death investigations we work with a  
24 forensic pathologist, a medical doctor with special training in  
11:19:05 25 forensic pathology. The information that anthropologists collect  
26 is information from the skeleton that allows the physician to  
27 determine the cause of death. Cause of death is usually -- it is  
28 a medical opinion. Not being a medical doctor, I would not  
29 presume to document that opinion when there is forensic



1 pathologist available. I had a forensic pathologist review our  
2 findings to determine the cause and the manner of death in these  
3 cases.

4 JUDGE THOMPSON: For ease of reference, would you like to  
11:19:49 5 pursue that to see where we have this cause of death documented?  
6 we have followed the practice in terms of their own  
7 investigations.

8 MR BANGURA: I will direct Your Lordship's attention to the  
9 pages.

11:20:07 10 JUDGE ITOE: What the witness is saying is that their  
11 investigations -- are you saying that your investigations on  
12 these four deaths at the level of your expertise were handed over  
13 to a forensic pathologist for him to determine the cause of  
14 death?

11:20:30 15 THE WITNESS: I could tell you the cause of death, but to  
16 be legally accurate I had a forensic pathologist review and give  
17 an opinion as to the cause of death. He reviewed photographs and  
18 pertinent information regarding the exhumation to do that.

19 JUDGE THOMPSON: This is what I understood you to say. It  
11:20:53 20 is just that I want to know where in the exhibit do we find this  
21 cause of death in respect of the four individuals documented,  
22 just for ease of reference?

23 MR BANGURA: That is what I am coming to, Your Honour.

24 Q. Mr Witness, are those post-mortem examination reports  
11:21:16 25 contained in pages 26 to 48 of your report as you have it before  
26 you?

27 A. Yes. It is on 7679 they begin.

28 MR BANGURA: Your Honours, 7658.

29 JUDGE THOMPSON: 765?

1           PRESIDING JUDGE: 7679.  
2           JUDGE THOMPSON: 7679 he said.  
3           MR BANGURA: Your Honours, if we include the cover page,  
4           from which these reports start, then it will be 7658, which is  
11:22:16 5           Mahiboima examination summaries. That is in fact why the  
6           question I asked earlier was do they contain summaries.  
7           A. That was the summary, but the actual statement is on 7679.  
8           JUDGE THOMPSON: Let's have it from the witness.  
9           MR BANGURA:  
11:22:34 10          Q. Mr witness, look at the report. Can you please turn to  
11          page 7658 as numbered by the Registry?  
12          PRESIDING JUDGE: He has agreed with you that it is a  
13          summary, but his report on the cause of that is at 7679.  
14          JUDGE THOMPSON: This is the specific findings.  
  
11:22:56 15          THE WITNESS: This introduces that particular portion of  
16          the report. The actual opinion of the pathologist is on 7679 and  
17          7680.  
18          JUDGE THOMPSON: Doctor, what is your final answer for the  
19          records?  
11:23:11 20          THE WITNESS: 7679 and 7680.  
21          JUDGE ITOE: But 7679 and 7670 have a connection with 7659.  
22          THE WITNESS: 7680.  
23          JUDGE ITOE: That is the confusion from what you are  
24          saying.  
11:23:28 25          THE WITNESS: Yes.  
26          JUDGE ITOE: Are you also saying that the Prosecution as is  
27          suggesting ?  
28          MR BANGURA: Your Honours, I was actually trying to direct  
29          the witness's mind at this point to the individual summary

1 reports by the forensic pathologist. These are contained -- that  
2 that is where I was directing his mind. In addition to that  
3 there is what he has as a summary of causes of death for all the  
4 victims, which starts at 7679. He obviously went straight to  
11:24:05 5 that summary.

6 JUDGE THOMPSON: I am still at a loss, quite frankly.

7 PRESIDING JUDGE: I agree with you. If I look at 7679,  
8 this is not a summary. All you have to do is read what is  
9 written there. "I have reviewed the forensic investigations from  
11:24:18 10 the graves and so on and have the following opinion." This is  
11 not a summary; this is the opinion of the forensic pathologist.  
12 Am I right?

13 THE WITNESS: That is the statement of the forensic  
14 pathologist; that is correct.

11:24:29 15 PRESIDING JUDGE: It is not a summary; that is the  
16 statement of the pathologist. It may be included in the summary  
17 of the investigation. But the question that my learned brother  
18 asked was about the cause of death and the pathologist. The  
19 answer of the witness is 7679 and 7680, which is exactly the  
11:24:46 20 answer to the question asked. We are not disputing that, but the  
21 question was, where is the pathologist's report. This is these  
22 two pages.

23 JUDGE THOMPSON: I wanted it for ease of reference.  
24 Because, at the end of the day, we will be wading through massive  
11:25:02 25 documents virtually not being able to find these gems or jewels,  
26 if you call them that. I still need guidance and I would like  
27 the doctor to repeat the answer.

28 [HN200605B - CR]

29 MR BANGURA:

1 Q. Mr witness, the question is the pathologist's report. The  
2 summary of the pathologist's report is contained --  
3 JUDGE THOMPSON: Without any embellishment by the  
4 Prosecutor.  
11:25:33 5 THE WITNESS: The actual words of the forensic pathologist  
6 are contained on 7679 and 7680.  
7 PRESIDING JUDGE: Just to correct your statement, this is  
8 not a summary of the pathologist's report, this is the  
9 pathologist's report. At least, that's my reading of it.  
11:26:02 10 JUDGE THOMPSON: I now have the witness's guidance.  
11 Thanks.  
12 MR BANGURA:  
13 Q. Mr witness, you have explained and the pathologist has  
14 explained the cause of death from the point of view that trauma  
11:26:38 15 was suffered by each one of these individuals; is that correct?  
16 A. That's correct.  
17 Q. You have, in fact, made mention of different kinds of  
18 trauma in the report; is that correct?  
19 A. That's correct.  
11:27:11 20 Q. Now would you, first of all, explain to this Court what  
21 trauma is and then maybe after that you can discuss the various  
22 kinds of trauma that you've mentioned in the report.  
23 A. Trauma basically is an injury or an insult to flesh or bone  
24 and, in this case, it would be injury to bone, or evidence of an  
11:27:37 25 injury to bone.  
26 Q. As I said, you have mentioned different kinds of trauma in  
27 the report.  
28 A. Yes.  
29 Q. Can you discuss this?

1 A. Yes. The two major categories of injury that are injuries  
2 involved in the cause of death or involved are sharp-force  
3 injury. It's caused by a sharp-edged object. In these cases, it  
4 would be a large sharp-edged object consistent with something  
11:28:30 5 like a machete. The other category of injury that's mentioned is  
6 blunt-force trauma. Blunt-force trauma is caused by an object  
7 that is not a narrow-edged object, but more an object with more  
8 of a surface. It could be a fist; it could be a boot; it could  
9 be a rock; it could be a club, but an instrument of that nature.

11:29:24 10 Q. Mr Witness, you have gone on to describe different stages  
11 at which trauma could occur. It could be before death; it could  
12 be at the time of death; it could also be after death; is that  
13 correct?

14 A. That's correct.

11:29:45 15 Q. How do you characterise these different kinds of trauma?

16 A. It is very important for us to be able to differentiate  
17 trauma that happened to bone during a person's life. For  
18 instance, a person may have had a disease process. Certain  
19 cancers, for instance, affect bones, and you can see that on the  
11:30:07 20 bones themselves, or a person may have had a fracture of a leg or  
21 an arm and it's well-healed, or partially healed, or shows part  
22 of the healing process. That indicates what we call antemortem  
23 trauma, before death; during the time that the person lived and  
24 thrived. The other category is perimortem trauma. This is  
11:30:43 25 trauma that the person suffered at or about the time of their  
26 death.

27 JUDGE ITOE: Could you call it again?

28 THE WITNESS: Peri, P-E-R-I, mortem. At or about the time  
29 of death.

1 PRESIDING JUDGE: This is what you have in the --

2 THE WITNESS: Yes, I have. I will be able to illustrate  
3 that.

4 MR BANGURA:

11:31:21 5 Q. I was just going to that. would you --

6 A. The third category of trauma, time-wise, is post-mortem  
7 trauma because the bones continue to exist after death and they  
8 can be injured by the environment. For instance, if they lay on  
9 the surface of the ground, they're bleached by the sun, they get  
11:31:46 10 certain staining; the bones start to disintegrate; they may be  
11 chewed upon by animals; they may be stepped on or broken. It is  
12 important to be able to -- or, they may be damaged during the  
13 recovery process even. It's important to distinguish those  
14 categories of trauma because you don't want to be led astray by  
11:32:14 15 what's not the death event which was the cause of death, which is  
16 the peri-mortem event of injury.

17 Q. Are you, at this stage, able to give some illustration of  
18 what you have just explained about trauma?

19 A. Providing electronics work.

11:32:39 20 MR BANGURA: Your Honours, at this point, the witness would  
21 seek to give some illustration of what different kinds of trauma  
22 there are and how they may affect the bones.

23 THE WITNESS: I don't see it that other monitors are  
24 reacting as fast as mine. Do you have something?

11:33:00 25 PRESIDING JUDGE: We have nothing yet.

26 THE WITNESS: I think you're going to need some technical  
27 help to address this.

28 PRESIDING JUDGE: Can we get some assistance from the  
29 technicians, please? There we are.

1 THE WITNESS: Did you want me to do this?

2 MR BANGURA:

3 Q. For a guide, Mr witness, we have pages --

4 A. Yes, but it's not the pages. I will find the actual page  
11:34:28 5 that the picture appears on. This appears on page 7661 of the  
6 document you have before you. What is described as sharp-force  
7 trauma in that photo is what I'm showing on the cursor. Can you  
8 see the cursor on your screen? That is bracketed in red. It is  
9 sharp-force trauma. It is an interesting form of it. The sharp  
11:35:31 10 blade went at this area here and it is rather flat and plainer,  
11 but as the blade was pulled out, it was probably twisted and then  
12 it broke off a chunk of bone as it was twisted out. Now, you  
13 will notice that the colour of that injury itself is about the  
14 same colour as the bone surface itself because that injured bone  
11:35:59 15 was exposed during the time that the skeleton was in the grave  
16 and in contact with the dirt and the water, et cetera.

17 The trauma bracketed in yellow is post-mortem trauma. That  
18 was caused during the excavation process when one of the diggers  
19 injured that cranium, I hate to say. You will see that the  
11:36:32 20 injury itself inside the cancellous bone, that spongy bone does  
21 not have the same dark colouration and stain because it was  
22 protected, but the fresh trauma now shows you the lighter colour  
23 inside, so that's one of the ways that you could determine  
24 post-mortem versus anti-mortem -- post-mortem versus peri-mortem  
11:37:01 25 trauma.

26 Q. I notice the letters MHB-B-01. That is the reference to --

27 A. MHB is for the site.

28 Q. Mahiboima, is that correct?

29 A. B is the second location at that site that we excavated

1 that turned out to be a grave. The first location, A, turned out  
2 not to be a grave, so that's for the grave designation. Then 01  
3 is the first and only remains that we removed from that  
4 particular grave because it only had one individual in it.

11:37:55 5 Q. In explaining trauma --

6 A. I just want to make one more distinction just so you can  
7 see. This particular representation, the top bone shows a  
8 well-healed fracture. This bone has been broken during life.  
9 This bone has been broken during life and the healing process  
11:38:22 10 formed sort of a bony cast around the bone we call a callous, and  
11 it turns into bone and that's how the bone heals. Whereas we  
12 have a peri-mortem fracture down on the lower bone where you can  
13 see here where this bone is fractured. That's a peri-mortem  
14 fracture. So these are categorical distinctions we need to make  
11:38:54 15 in our examination.

16 Q. Thank you, Mr witness. As you set about your work, digging  
17 up these graves and examining the remains in there, you did in  
18 fact take photographs of the process?

19 A. Yes, that's part of documentation and that chain of custody  
11:39:27 20 of your work and progress of your work, yes.

21 Q. At this point, would you like to take us through that  
22 process?

23 A. I just might, for Your Honours' convenience, point out that  
24 a documentation, a photo log, appears in the documents you have  
11:39:51 25 between pages 7748 and 7828. That's to complete a photo log of  
26 the photographs we took. Then also for digital photographs, you  
27 have a thumbnail picture of the image itself that corresponds to  
28 the digital photo log numbers and those appear by date taken  
29 between pages 7846 --



1           PRESIDING JUDGE: These are photos different to the ones  
2 you have in the photo log?

3           THE WITNESS: I think this represents several hundred  
4 photos -- no, no, the photo log is the documentation of who took  
11:41:11 5 these particular images; what direction they were taken from; and  
6 the numbers. So they correspond to the images, yes. Then from  
7 these images are selected the photos that appear in the report,  
8 and when you see a figure in the report that has a photo log  
9 number, you can see where it came from.

11:41:57 10           MR BANGURA:

11 Q. I was asking you, Mr Witness, are you able to take us to  
12 some of these photos to explain, particularly how you determined  
13 trauma in each of these cases?

14 A. Yes.

11:42:10 15 Q. Please go on.

16 A. First of all, this is an overview of the site. The actual  
17 location was at the backyard of some houses. The location was at  
18 the edge of a rice field that ended the backyard of these  
19 residences.

11:42:35 20 Q. Mr Witness, would you guide this Court and indicate in each  
21 case as you go through the photographs where in the photo log you  
22 are at, actually?

23 A. Okay. This is on page 7752 of the photo log. Under the  
24 image number column, it was the 92nd photo we took. Its number  
11:43:29 25 is 0160. All the photographs are arranged like that.

26 Q. Thank you, Mr Witness. Please go on.

27 A. This is grave B that we're looking at, the grave that  
28 eventually one individual was removed from. Notice the strings  
29 laid out. We do a perimeter. First of all, the exact locations

1 of these graves were not known. The general area was pointed  
2 out, but the individuals that did the burial, a lot of refuse had  
3 been dumped on this area in the intervening years. What is  
4 necessary for us to do is dig a trench along that whole area  
11:44:34 5 until we find the grave. We're just cleaning off the area now so  
6 that we can dig a trench and try to locate the actual grave.  
7 Sometimes we can tell by the different colours of the soil as  
8 we -- not in this particular case, the soil was so wet and the  
9 water table so high we couldn't see the different colours. In  
11:44:58 10 this case, we actually had encountered the actual human remains  
11 before we knew that we were actually in the grave.

12 This is the remains at the stage just before we remove it  
13 from the grave. As you can see, this is very wet. The grave  
14 was -- every night we had rain, so the grave flooded and we had  
11:45:22 15 to drain the grave and things like that. What we do when we  
16 encounter the skeleton is very meticulously clean it off and  
17 fully expose all the bones and clothing that is in that area so  
18 we know exactly what we have before we remove it so we can take  
19 an overall photograph like this. You can see some clothing is  
11:45:52 20 with the remains. There is some clothing and material up here.  
21 What is interesting here, you can see that this individual, both  
22 of his legs had been amputated, essentially.

23 Q. You have just mentioned clothing. Would you particularly  
24 indicate how that helps in the process of identification?

11:46:17 25 A. Well, the clothing was associated with the individuals at  
26 the time the relatives last saw the individuals, both living and  
27 dead and most of the people in Rwanda [sic] have very, very few  
28 clothes. They don't have -- they trade clothes, shirts and that,  
29 especially when you get out into the villages, they don't have a

1 luxurious wardrobe like we do. I don't know if it's a luxury,  
2 but they don't have that and so the families are very aware of  
3 what clothes people wear. They know their clothing well, so that  
4 helps in that respect.

11:47:00 5 Q. Just for the record, if you could just indicate that this  
6 is photograph 212 in the photo log; is that correct?

7 A. Well, all we have to do in the photo log - it will take an  
8 awful lot of time - but if you want me to identify each page, it  
9 is in the photo log, that's fine. But all one has to do is go  
11:47:23 10 consecutively through the numbers in the photo log.

11 PRESIDING JUDGE: That's 7754.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: I think we can follow that.

14 THE WITNESS: It's very logical.

11:47:34 15 MR BANGURA: I believe it will be enough, Your Honours.

16 PRESIDING JUDGE: If we have any problem, we'll let you  
17 know.

18 JUDGE THOMPSON: I spotted it at 7754.

19 MR BANGURA: Would it be all right if he merely mentions  
11:47:47 20 that this is photograph from the photo log and the number  
21 indicated?

22 JUDGE THOMPSON: It's sequential.

23 PRESIDING JUDGE: We took it the log number on the bottom  
24 of the photos that we're looking at is indeed making reference to  
11:48:07 25 the log. So that's -- if we have any problems, we'll let you  
26 know.

27 MR BANGURA: We're concerned here about what is reflected  
28 in the transcript. If the witness says this is photo number so  
29 and so from the photo log.

1 THE WITNESS: So this is photo number 212 from the digital  
2 photo log.

3 MR BANGURA:

4 Q. Thank you.

11:48:26 5 PRESIDING JUDGE: Mr Witness, you were saying what was  
6 interesting by looking at this skeleton here was that that person  
7 had both of their legs amputated?

8 THE WITNESS: Amputated, yes.

9 PRESIDING JUDGE: why do you say so, looking at these  
11:48:42 10 bones?

11 THE WITNESS: well, the bones are completely separated from  
12 the rest of the other bones. Probably the reason they're still  
13 at the lower part of the body is that they were probably attached  
14 by muscle, still, but the bones, when the muscle and the soft  
11:49:01 15 tissue went away, the bones were lying like that. That did not  
16 happen in the grave, that happened to the person before they were  
17 put into the grave and it's sharp-force trauma.

18 MR BANGURA:

19 Q. Sharp force would be consistent with what kind of injury?

11:49:21 20 A. A heavy cutting instrument. A machete comes to mind. It  
21 is consistent with that kind of trauma.

22 PRESIDING JUDGE: would you put your cursor to these two  
23 areas?

24 THE WITNESS: Yes, I will do the upper leg first. As soon  
11:49:41 25 as I get my cursor to work. Yes, the right leg here and the left  
26 leg here. This leg is quite separated from this other part,  
27 because I think that the clothing was pulled during the  
28 exhumation phase and this femur was pulled up here. It should be  
29 down in this position. These are the remnants of this femur and

1 these are the end parts of this tibia and fibula, the lower part  
2 of the leg. We want to make those kinds of observations as much  
3 as possible in the grave. When we look at this individual,  
4 Foday Bangura, he was identified as MHB-B-01 --

11:50:41 5 MR BANGURA:

6 Q. This would be an individual from the second grave site;  
7 would that be correct?

8 A. This is the first real grave. B is the first real grave.  
9 A was not a grave. It was an area pointed out as a grave, but is  
11:51:00 10 not a grave. This is the first grave we exhumed, with one  
11 individual in it. Just for your convenience so that --

12 JUDGE ITOE: Did you give a name? You said it was  
13 identified as?

14 THE WITNESS: Yes, it's on the image in front of you. It  
11:51:18 15 is Foday, F-O-D-A-Y, Bangura, B-A-N-G-U-R-A.

16 JUDGE ITOE: That's all right.

17 MR BANGURA: May it please Your Honours, I believe there is  
18 a misspelling of the surname there.

19 THE WITNESS: These are spellings I got from the particular  
11:51:34 20 member of the family.

21 MR BANGURA: For the record, the spelling for Bangura would  
22 be B-A-N-G-U-R-A.

23 Q. Thank you. Please go on.

24 A. For your convenience, I put a skeleton there because if I  
11:52:04 25 name the names of bones, you may not be familiar with them. This  
26 is an indication of the general areas and pattern of injury. I  
27 think pattern is very important and I will explain why in a  
28 minute. The red arrows point to all these areas where the person  
29 has evidence of sharp-force trauma. That's what the SFT means,

1 sharp-force trauma, and a more -- we'll start with the skeleton  
2 facing towards us. These skeletons are in the anatomical  
3 position, so it is not as you look at the person, it's the  
4 opposite side. So don't be confused, hopefully.

11:52:59 5 This is the right parietal bone that has been injured here.  
6 what I did for this presentation, I've not gone through the  
7 individual trauma for each case. I just want to give you the  
8 pattern for three of the cases and for one case, I will go  
9 through the individual trauma. If you felt you wanted me to do  
11:53:24 10 that for every case, I can certainly amend my strategy. I  
11 thought this would be more efficient and I think you'd get the  
12 picture.

13 PRESIDING JUDGE: This is the same pattern as you would  
14 follow for the other --

11:53:42 15 THE WITNESS: The presentation?

16 PRESIDING JUDGE: Yes.

17 THE WITNESS: No. I'm going to take one case example and  
18 do this, as well as show you the individual photographs of the  
19 particular injuries that are pointed to in this.

11:53:58 20 MR BANGURA: Your Honours, if I can help to explain this.  
21 we are talking of four victims. what the witness is seeking to  
22 do is to take one of those victims and give a clear illustration,  
23 picture wise, showing the trauma that victim suffered and so  
24 forth. In the case of the other three, we will have diagrammatic  
11:54:22 25 presentation of this one as we're having now with all those  
26 indications only showing where they suffered trauma and what kind  
27 of trauma it was. We would be seeking to lead that with the  
28 pathologist's report at the end of the day.

29 THE WITNESS: In the document that you have, though, all of

1 the trauma is specified through images on pages 7660 through to  
2 pages 7677. I've just picked out one of those cases to reflect  
3 the same images, but to talk my way through them for you.

4 JUDGE THOMPSON: On those pages we have the specifics of  
11:55:19 5 the traumas?

6 THE WITNESS: Yes, you do.

7 JUDGE THOMPSON: So now you want to put them into a pattern  
8 for us?

9 THE WITNESS: I'm just going to go through -- what I hope  
11:55:30 10 to do is just give you an overview of the trauma for each  
11 individual and, for one individual, go through it specifically  
12 like I have in the report.

13 JUDGE THOMPSON: Okay.

14 THE WITNESS: what we see here where the cursor is, this  
11:56:05 15 here is a sharp-force trauma to the right parietal bone. It is  
16 the bone at the side of the head. It is about 3.7 centimetres in  
17 length. Then we have trauma to the back of the head.

18 MR BANGURA:

19 Q. Can you turn your microphone on, please?

11:56:45 20 A. I leaned my elbow on it. I'm sorry, I'm trying to do too  
21 many things at once. So then we have trauma to the back of the  
22 head in the occipital bone, this area right here. This is a  
23 sharp-force trauma. Then we have sharp-force trauma to both the  
24 lower arms on the back - this is the rear portion of the skeleton  
11:57:13 25 - to the back of the right arm and to the side and front of the  
26 left arm. Then we have those fractures which I showed you which  
27 were evident in the photograph of the individual in the grave,  
28 because this is that individual. We have the sharp-force trauma  
29 that amputated the legs.

1           What this pattern of injury is described as, it is sort of  
2           categorised as defence-type injuries, especially those to the  
3           lower arms. They indicate that a person is trying to ward off  
4           blows and defend themselves as they're receiving these injuries.  
11:58:04 5           You will see it more explicitly in some of the other cases.  
6           Q.     In this case of Foday Bangura that we're looking at, is the  
7           pathologist's report, the cause of death, consistent with the  
8           kinds of trauma that you've just indicated to the Court?  
9           A.     Yes. In my summary, I will give you the pathologist's  
11:58:30 10           opinion on each of these occasions.  
11           Q.     Right.  
12           A.     So I'm coming to that. This is it. The pathologist said,  
13           "These injuries would have resulted in severe injuries to the  
14           brain, loss of blood to such an extent that the victim would have  
11:58:50 15           bled to death. Most likely, the deceased may have been struck  
16           first in the legs to incapacitate them; they could not run away.  
17           The sharp-force injuries noted to the right and left forearm are  
18           consistent with defence wounds, incurred as the deceased  
19           attempted to ward off blows from his head. The cause of death is  
11:59:17 20           due to sharp-force trauma injuries to the cranium" - that's the  
21           skull minus the lower jaw - "and the extremities. The manner of  
22           death is homicide."  
23           Q.     Thank you.  
24           A.     Now we turn our attention to grave C, which is the second  
11:59:38 25           grave in which the three individuals were removed from. This is  
26           an overview of the site looking on to the rice field and the bank  
27           in which the bodies have been buried. I'm just doing a very  
28           brief look at this process. We need to appreciate that this is a  
29           very -- a lot of earth. The photograph on the left-hand side of



1 the screen shows you how we take down the earth in layers until  
2 we encounter the bones. The photo on the right - and this is a  
3 blow-up - is an overview of the three individuals just before the  
4 time that we removed them from the grave. We have one individual  
12:00:46 5 here lying -- two individuals lying face-up. This cursor doesn't  
6 work. I don't know what to do. Two individuals lying face-up on  
7 the left side of your screen and on the right side of your  
8 screen, an individual lying face-down. You will see an arrow in  
9 the picture. That arrow indicates the direction north. It is a  
12:01:12 10 convention we always use when we're doing this. You will see  
11 bags at the ends of the legs and hands. Those bags contain the  
12 hand bones and the feet bones, because when you encounter  
13 situations like this with the mud, when you find the hand bones  
14 and feet bones, it is a good technique to bag them up right away,  
12:01:39 15 otherwise you will lose them. They'll get lost in the mud, so we  
16 want to get all of the bones that represent the individual. You  
17 can see, also, with these remains, there is clothing associated  
18 with the remains.  
19 Q. For the record, this would be photograph 302 from the photo  
12:02:05 20 log?  
21 A. Excuse me, yes, this is photo 302.  
22 Q. Thank you.  
23 A. The first victim we removed from the grave was  
24 Hatti Conteh. He received injuries to his head, a rather massive  
12:02:19 25 blunt-force injury and then a sharp-force injury to the head.  
26 The injury to the head, you can see on the right-hand side of  
27 your screen, it basically was a blow or multiple blows which  
28 really destroyed most of the bones of the face. Then there is a  
29 sharp-force injury indicated right along the brow line where the

1 sharp instrument had cut into the bone. What is important to  
2 realise, I think, as you look at these pictures of bones, in  
3 order for a sharp instrument to make an imprint on a bone, an  
4 injury to a bone, it has to cut through soft tissues, muscles,  
12:03:17 5 nerves, blood vessels, organs of the body, dependent upon the  
6 position of the injury. So we always have to translate what we  
7 see on the bone into the soft tissues of the body that would have  
8 been impacted by the injury. The forensic pathologist's opinion  
9 on this case was that the sharp-force injuries were like  
12:03:49 10 chopping-type injuries. To the right side of the face,  
11 blunt-force trauma to the face. "Cause of death is due to  
12 massive facial trauma that would have resulted in massive blood  
13 loss as well as asphyxia due to trauma to the face. The manner  
14 of death is homicide." In this kind of case, you would get a lot  
12:04:10 15 of bleeding and a lot of bleeding would go down the airways and  
16 the back of the pharynx, et cetera.

17 Q. Just before you finish this, are you in a position to  
18 explain what is --

19 A. Oh, asphyxia. Excuse me. Asphyxia in this case would be  
12:04:33 20 basically a blockage of the airways. The blood would get down  
21 into the trachea and into the bronchials of the lungs and you  
22 would be unable to breathe air, so you would smother - not  
23 smother, but you would die from lack of oxygen.

24 PRESIDING JUDGE: Which --

12:04:58 25 THE WITNESS: I might point out, these diagrams do not  
26 appear in the report. I just did this for presentation purposes  
27 as an afterthought in a way to expedite showing you the trauma.

28 PRESIDING JUDGE: When we looked at the exposed remains  
29 photo, log photo 302.

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: Which one is MHB-C-01?

3 THE WITNESS: I can figure that out by going through other  
4 photos that show the pictures better. Let me see here. I may be  
12:05:44 5 able to figure it out another way. Just give me a moment here.  
6 Okay, this is the gentleman with the blue trousers that's in the  
7 lower left-hand picture in that grave. Other photos do show the  
8 number better, so there is a record of which bodies are which in  
9 the grave, but we took it that this was taken and the numbers are  
12:06:26 10 facing another direction in this particular case.

11 The second individual removed from the grave identified as  
12 Yamba Conteh had a combination of blunt and sharp-force injuries,  
13 both to the head. The scapula region, that's the shoulder blade,  
14 and to the lower left leg. I could read you the descriptions of  
12:07:16 15 these, but they are in your document. I don't think that would  
16 be as meaningful. I would be happy to do so if you wished.

17 Now, the second individual removed from this grave, I'm  
18 going to go through the process a little bit of all the trauma.  
19 The first thing we do after we remove a skeleton from a grave  
12:07:44 20 like this is to clean the bones and lay them out in anatomical  
21 order like you see in this image of 0380 from the photo log.  
22 That is laid out as the bones would be in a regular body. From  
23 that stage, we look at each bone separately and make our  
24 assessments and do our examination by doing it that way. Then we  
12:08:11 25 photograph bones that are age indicators and bones that  
26 demonstrate trauma, which you will see in the following images.

27 This is the clavicle or the collar-bone. You can see a  
28 defect in this bone. I'm sorry, my pointer is not functioning  
29 here. My pointing at it doesn't help you at all. You can see a

1 defect. Actually, that's another situation where sharp force - a  
2 blade had cut into a bone and as it was pulled out, it basically  
3 pulled that piece of bone out with it.

4 This is the left radius and the ulna, the bones in the  
12:09:12 5 forearm. These are the kinds of defence-type injuries that I  
6 mentioned previously. This is 056 in the photo log. This is the  
7 end of the shoulder blade as it reaches out that cover the top of  
8 the upper arm, or the humerus. That has been cut and as it was  
9 pulled out, actually, it broke off the end of that particular

12:09:47 10 bone, as you can see. This is the other arm. This is the upper  
11 part of the forearm that you see these cut marks evidenced here.  
12 This is the left hand. These are the metacarpals in the hand  
13 itself. This hand has received a blow that actually amputated  
14 the middle finger as well as caused damage to the two adjacent  
12:10:29 15 fingers on either side; another indication of one trying to  
16 protect oneself.

17 These are the bones of the lower leg. This is the left  
18 lower leg. You can see in the mid-shaft, right above the name  
19 indicator MHB-C-02, and a blow-up picture of those cut marks that  
12:10:59 20 have actually injured the bone, but gone through soft tissue on  
21 the way to doing that, cutting blood vessels, et cetera.

22 Now we see the left side of the skull. This is a  
23 blunt-force injury from some kind of blow. If you just feel your  
24 cheekbone, you can feel like a bridge of bone going across there.  
12:11:27 25 That's the zygomatic arch, which is referred to in this image  
26 number 273-0424. That has been broken; the left side of the  
27 cheek, basically has been broken.

28 Now when we look at the head from the top view, the front  
29 of the head is to the left and the back of the head is to the

1 right. We see three separate blows from some sharp-like object.  
2 we have this "X" configuration towards the right. One has  
3 basically split the back of the head open and then another  
4 diagonal blow across it, and then another sharp-force injury  
12:12:25 5 towards the bottom of the picture, just above the word "sharp" in  
6 the caption of the picture. This is a blow-up of that particular  
7 injury. This appears in image number 354-0585. It is another  
8 one of those situations where you can see a nice straight side to  
9 this injury, but then you see the broken off part as the  
12:12:55 10 implement was pulled out of the wound and broken a part of the  
11 bone.

12 Then on the right side of the face, image number 0426, as  
13 it appears in the report, I've blown up that image so that you  
14 can see the difference between a sharp-force injury when you look  
12:13:21 15 at the margins of the wound. Now, towards the top, those are  
16 natural suture lines. This blow actually hit the side of the  
17 face and broke the bones up here [indicates] and there is  
18 actually a suture that goes across here that allows the head to  
19 grow as an infant. Sometimes it remains relatively -- it doesn't  
12:13:54 20 fuse together, but it just remains interdigitated together and a  
21 blow like this might separate that. That is what we're seeing.  
22 Some of this might be exaggerated by the post-mortem -- the way  
23 it rested in the grave and that. Anyway, the rough edges, and  
24 you will see when you look at these edges very closely, the blunt  
12:14:15 25 trauma towards the end of that margin, you will have parts of the  
26 bone bent in the direction of the blow, et cetera.

27 Yamba Conteh, case number MHB-C-02, the pathologist's  
28 opinion was, "Most likely the deceased was struck in the left leg  
29 first in order to incapacitate him before receiving the other

1 blows (chops). The injuries to the left ulna and radius and the  
2 second through fourth metacarpals" - the bones in the hand - "are  
3 consistent with defence wounds incurred while the deceased was  
4 trying to ward off blows to his head and face. The cause of  
12:15:12 5 death is due to severe brain injuries and exsanguination," which  
6 means bleeding or haemorrhage. "The manner of death is  
7 homicide."

8 The last individual, Alpha Conteh, MHB-C-03 has, as you  
9 see, a similar pattern of injuries and I've indicated those with  
12:15:34 10 soft force and blunt force. But having seen the previous case,  
11 you can then look at the report and you can see what I've gone  
12 through and explained and the one case in more detail.

13 For this individual, the pathologist's opinion was the  
14 sharp-force injuries to the left frontal cranium and trauma to  
12:16:02 15 the mid-body. That means the mid-body or the middle of the rib.  
16 The rib has two ends and in between is the body of the rib. So  
17 the ninth through the tenth ribs have cut marks on them. The  
18 back -- the head of the humerus, the blow to that scapula or  
19 shoulder blade also went through the top part of the humerus -  
12:16:36 20 that's the big bone in the arms - to the head of the humerus, the  
21 ball part of the socket, and to the posterior acromian process,  
22 which was that part also of the shoulder blade, and the  
23 blunt-force trauma to the right temporal cranium and right side  
24 of the face. "These injuries would have resulted in severe  
12:16:57 25 trauma to the brain as well as severe bleeding and would have  
26 resulted in death. The cause of death is due to sharp and  
27 blunt-force injuries to the face and head. The manner of death  
28 is homicide."

29 The survivor had a similar pattern of injuries, if you

1 recall the injuries that I think you have briefly seen in these  
2 Chambers and are depicted in a report.

3 MR BANGURA:

4 Q. Mr witness, before you go and talk about the survivor,  
12:17:26 5 would the survivor be the same person you earlier identified in  
6 Court by writing his name on a piece of paper; is that correct?

7 A. That's correct. I had the opportunity to photograph him  
8 and those photographs were also given to the pathologist for his  
9 opinion. Efforts were made to try to find medical records,  
12:17:47 10 although the individual, I think, had been in the hospital for a  
11 few months, there were no records -- no X-rays or anything like  
12 that.

13 The pathologist's opinion in this case is that he had  
14 received at least five blows or chops with a sharp instrument  
12:18:06 15 such as a machete to the right side of his face, at least three  
16 blows to his chest and at least two blows to his right leg.  
17 "These injuries were life-threatening and without medical care,  
18 the wounds most likely would have been fatal."

19 In brief summary, basically the cause of death in all of  
12:18:26 20 these cases was sharp-force trauma, blunt-force trauma or a  
21 combination of both. The manner of death is homicide. As to the  
22 identification of the victims, they were identified by the family  
23 members prior to burial, as I previously noted. Originally, the  
24 burials were by families or family representatives. The  
12:18:52 25 examination findings of the skeleton were consistent with the  
26 sex, age, ancestry of the victims. The clothing and associated  
27 artefacts, such as combs, et cetera, recovered with the remains  
28 were independently described in many cases and then subsequently  
29 identified by the families as belonging to these individuals.

1 Q. I take it that concludes your presentation of the  
2 photographs?

3 A. This portion, yes.

4 Q. Thank you, Mr witness. Just a couple more questions.  
12:19:29 5 witness, once you had completed your examination of these  
6 individuals, did you do anything with the remains?

7 A. At the completion of the examination and identification,  
8 the families were notified that we would like to return the  
9 remains and they gathered at the actual site where we had exhumed  
12:19:59 10 the remains, and we wrapped the remains up - these were persons  
11 of Islamic religion - as is the custom, in a white cloth and  
12 returned them. At that time, they signed a receipt, chain of  
13 custody, and we gave the remains back to the family.

14 Q. Mr witness, how would you describe the method you have used  
12:20:30 15 in collecting and in processing the data you have used in your  
16 investigations?

17 A. I'm not clear what the question means.

18 Q. How would you describe this process. How reliable would  
19 you say are the methods you have used in collecting --

12:20:55 20 A. well, the methods we use are methods that adhere to  
21 accepted standards of examination and exhumation in these cases.  
22 There is a manual. There are no written protocols by separate  
23 Courts how it is to be done. You do it to the highest standards  
24 you are able to with resources in mind and there is a document  
12:21:25 25 put out by the United Nations. It is a document that is on  
26 investigation of extrajudicial homicides and extrajudicial  
27 executions. It goes through autopsy procedures, anthropology  
28 procedures and provides guidelines for working with these kinds  
29 of deaths, with a lot of caveats in the guidelines that say, you



1 know, if you don't have an X-ray machine you can't take X-rays  
2 and things like that.

3 The methods that we used, I have described in the documents  
4 that you have in pages 7634 through 7642. I've described the  
12:22:58 5 methods that we use for the assessments. The methods that we use  
6 when taking photographs and assemble our photo logs; how we  
7 transferred evidence; security arrangements at the site once we  
8 begin our work and opened up the site, they had 24 hours security  
9 by UNAMSIL troops; then the methods and standards which we used

12:23:30 10 to determine sex, age, race; and the examination procedures,  
11 they're all described in that section.

12 Q. That will be all for the witness. Thank you, Mr witness.

13 PRESIDING JUDGE: Mr Hall, are you prepared to proceed with  
14 the cross-examination of your witness?

12:23:58 15 MR HALL: Yes, Your Honour.

16 CROSS-EXAMINED BY MR HALL:

17 Q. Dr Haglund, based on your assessment, there is no way of  
18 determining who inflicted these blows?

19 A. That's correct.

12:24:15 20 MR HALL: Thank you.

21 PRESIDING JUDGE: Mr Bockarie for the second accused?

22 MR BOCKARIE: No questions, Your Honour.

23 PRESIDING JUDGE: Mr Margai, for the third accused.

24 CROSS-EXAMINED BY MR MARGAI:

12:24:26 25 Q. Mr witness, you were aided in your investigation by people  
26 provided by the OTP?

27 A. In respect to a translator, we usually got a translator  
28 from the local police department and that was facilitated by the  
29 OTP. Local labourers that were under our supervision and helped

1 us dig were provided by the OTP. The actual examinations, the  
2 digging and exhumations when we cut near the remains, they were  
3 all done by myself and my colleagues.  
4 Q. You talked about relations of the deceased.  
12:25:16 5 A. Yes.  
6 Q. These were made available to you by the OTP?  
7 A. That's correct.  
8 Q. Before you got here, you had been briefed, or, rather,  
9 informed of people who were standing trial?  
12:25:41 10 A. No.  
11 Q. You were not?  
12 A. No. I'm still not clear on that.  
13 PRESIDING JUDGE: What was the question?  
14 MR MARGAI:  
12:25:46 15 Q. What I want to know is when you were first asked to come  
16 and do these investigations.  
17 A. Yes.  
18 Q. Were you informed as to why you were asked to do these  
19 investigations?  
12:25:59 20 JUDGE ITOE: That's a different question, Mr Margai.  
21 MR MARGAI: It's the same --  
22 JUDGE ITOE: It's a different question.  
23 THE WITNESS: Any time --  
24 MR MARGAI:  
12:26:07 25 Q. I don't think I expanded.  
26 JUDGE ITOE: Okay.  
27 THE WITNESS: Do you want to expand it first?  
28 MR MARGAI:  
29 Q. I've just expanded.

1 A. Every time I'm asked to do an investigation, it means  
2 people are dead.

3 Q. I'm talking about this particular instance.

4 A. I was told there had been people killed here and there were  
12:26:23 5 graves. I was asked what I could provide in assistance to  
6 investigating those.

7 Q. Thank you. Of course, you have already told the tribunal  
8 of the lack of facilities such as DNA, et cetera, et cetera?

9 A. Although that's true, and it is in most countries of the  
12:26:58 10 world, I didn't think it affected the identifications, if you're  
11 meaning that in this case.

12 Q. No, we need your answers to --

13 PRESIDING JUDGE: No, let the witness answer, please.  
14 You've asked a question and he's giving you a full answer to your  
12:27:13 15 question.

16 MR MARGAI: My Lord, what I'm saying is that my questions  
17 are focused on Sierra Leone, not other countries.

18 THE WITNESS: Okay.

19 PRESIDING JUDGE: But the expert is not only an expert in  
12:27:27 20 Sierra Leone. He's trying to give you some background as to why.  
21 I understand your question, as such, and it is focused on  
22 Sierra Leone.

23 MR MARGAI: Precisely.

24 PRESIDING JUDGE: But what the witness is telling you, to  
12:27:40 25 answer your question, he has to rely on his overall expertise,  
26 not only that in Sierra Leone. Anyhow, I hear your comments.

27 MR MARGAI: Thank you.

28 Q. If you will, please, could you confine your answers to what  
29 operated in Sierra Leone vis-a-vis your investigations?

1 A. Not really as an expert witness. I think we're allowed to  
2 comment. The question is not a - it's a biased question, in a  
3 way. Could you repeat the question? I will try to do that.  
4 Q. My question is, when you were approached to come and  
12:28:28 5 investigate, did you know why you were being asked to come to  
6 Sierra Leone to investigate?  
7 A. Yes. I knew I was coming to investigate graves and dead  
8 people, that's why anybody asked me to go anywhere. That's  
9 always the case.  
12:28:56 10 Q. Were you told the circumstances --  
11 JUDGE THOMPSON: Sorry, can I have the answer? Can you  
12 repeat that?  
13 THE WITNESS: As I understood the question, did I  
14 understand why I was asked to come to Sierra Leone.  
12:29:06 15 JUDGE THOMPSON: It's a precise question. I'm just wanting  
16 to have the answer to it. "When I was asked to come to Sierra  
17 Leone, I knew I was coming to investigate"?  
18 THE WITNESS: I knew I was coming to investigate graves or  
19 death.  
12:29:27 20 JUDGE THOMPSON: Thank you.  
21 THE WITNESS: I knew I would be involved in a forensic  
22 investigation.  
23 PRESIDING JUDGE: That's the second time we have the same  
24 question.  
12:29:43 25 JUDGE THOMPSON: Shall I have it? "I knew I was coming to  
26 be involved in a forensic investigation." I just want to be  
27 absolutely certain that I got that.  
28 MR MARGAI: Thank you, Your Honour.  
29 THE WITNESS: Nobody asked me to come for a vacation, ever,

1 that I can remember.

2 JUDGE THOMPSON: Doctor, we're really not interested in a  
3 an excursion.

4 THE WITNESS: I know. I'm sorry.

12:30:02 5 JUDGE THOMPSON: I just wanted a direct answer to a  
6 question which was put to you.

7 MR MARGAI:

8 Q. Were you given a background history leading to the  
9 investigation?

12:30:22 10 A. No.

11 Q. You were not?

12 A. No.

13 [HN200605C-JM]

14 Q. Were you paid for the services rendered?

12:30:53 15 A. Yes, I was paid for my time.

16 Q. And how much time did you put in?

17 A. Um, probably a few weeks in preparation. Six weeks in the  
18 field on the ground here. And another month and a half or two to  
19 prepare the report.

12:31:17 20 Q. How many weeks total?

21 A. Looks -- three, three and a half months.

22 Q. Three and a half months.

23 A. Approximately.

24 Q. Thank you. How much were you paid total?

12:31:41 25 A. I don't recall exact. I'm sure it's part of the records of  
26 the Court. I don't know. Part of what I received as pay  
27 actually I paid for another volunteer to come.

28 Q. How much were you paid, Mr witness?

29 A. I can't answer that question. I don't know. It was -- I'm

1 sure I have a contract, but I didn't bring it with me. I don't  
2 recall. At a UN rate.  
3 Q. Did you submit a bill?  
4 A. No, I was submitted a contract which I do not have with me.  
12:32:26 5 Q. And did you negotiate a fee --  
6 JUDGE THOMPSON: Learned counsel, do you want the answers  
7 recorded?  
8 MR MARGAI: Sorry, sorry, sorry.  
9 Q. Did you negotiate a fee?  
12:32:48 10 A. No, it's a standard -- I think a standard. I didn't  
11 negotiate anything. They told me what the standard compensation  
12 would be, and I said fine.  
13 Q. And were you satisfied with what was offered to you?  
14 A. I am never satisfied. This is not an ideal world.  
12:33:16 15 Q. Could you now tell the Chamber approximately what you  
16 received?  
17 A. Probably between -- between 10 and 15,000 dollars out of  
18 which I paid my boarding and my cost of living here exactly.  
19 Q. Now, Mr witness, you said you examined four corpses to be  
12:34:54 20 precise; three in one grave, one in another grave?  
21 A. That are pertinent to this Chamber, yes.  
22 Q. Yes, this Chamber. Were these corpses identified by the  
23 same person?  
24 A. No. They were identified by individual family members,  
12:35:30 25 different people.  
26 Q. Thank you. Let us take the individual corpse. This was  
27 identified by an individual.  
28 A. One or more, yes.  
29 Q. Taking the three corpses, how many individuals identified

1 those remains?  
2 A. You mean the four?  
3 Q. The three.  
4 A. The three.  
12:36:24 5 Q. Yes. The three that were found together.  
6 A. There were several family members there. Four or five, I  
7 would presume, I think.  
8 Q. Four or five. Now, before these corpses were exhumed, did  
9 you know how many corpses were in each grave?  
12:37:14 10 A. Yes.  
11 Q. You did. Apart from yourself, these family members, was  
12 there any other person present?  
13 A. Yes.  
14 Q. Who else?  
12:37:54 15 A. There were UNAMSIL security individuals. There was a  
16 representative from the OTP. There were a host of neighbours. I  
17 think one of the village chiefs was there. My two colleagues.  
18 Q. That was all? As far as you could remember.  
19 A. Categorically, that's it. I didn't have a registry or  
12:38:26 20 anything.  
21 Q. I appreciate that. That's as far as you could remember.  
22 A. Yes, yeah.  
23 Q. Thank you. Now, the examination you did in relation to  
24 this particular trial, was it done on a separate day as distinct  
12:39:21 25 from other investigations unrelated?  
26 A. Yes. These were conducted between the 4th and the 10th of  
27 November.  
28 Q. Of which year?  
29 A. 2003.

1 Q. 2003.  
2 A. Yes. The other investigations were done sequentially.  
3 JUDGE ITOE: Give the dates again.  
4 THE WITNESS: The 10th, I believe, and the 4th of November.  
12:39:57 5 They are reflected in the photo log when we took the photographs.  
6 If you're asking, we didn't do these different investigations  
7 simultaneously. They were done sequentially.  
8 MR MARGAI:  
9 Q. I appreciate that. Now, the total period of three months  
12:40:47 10 covered not only investigations touching and concerning this  
11 trial but others as well, I take it?  
12 A. That's correct.  
13 Q. Thank you. Now -- sorry. Take your time. You  
14 comfortable?  
12:41:34 15 A. Of course.  
16 Q. Thank you. Now, prior to the commencement of the  
17 investigations, were you provided with statements?  
18 A. No.  
19 JUDGE ITOE: You're referring to witness statements,  
12:42:11 20 Mr Margai?  
21 MR MARGAI: Witness statements, yes.  
22 Q. Now, Mr Witness, prior to the commencement of your  
23 investigations, were transcripts made available to you of  
24 testimonies that had gone before this court?  
12:42:42 25 A. No. No.  
26 Q. During the course of your investigation, were witness  
27 statements made available to you? Not at the commencement now,  
28 during the course of.  
29 A. No.



1 Q. Now, Mr Witness, how many locations precisely did you visit  
2 in the course of your investigation?  
3 A. Are you asking me from my total presence in Sierra Leone as  
4 far as --  
12:44:02 5 Q. Precisely.  
6 A. Okay.  
7 Q. Precisely.  
8 A. In 2002 combined with 2003, I visited 20 different  
9 locations in various districts.  
12:44:14 10 Q. Twenty. would all of those locations be connected with  
11 this trial?  
12 A. I don't think so, no.  
13 Q. Thank you.  
14 JUDGE ITOE: I heard counsel use the word "would." Are  
12:44:55 15 they -- are they connected? Let's get to --  
16 THE WITNESS: I'm not familiar enough with the -- with the  
17 way the trials are put together. It's not my -- I'm not involved  
18 in that. So I wouldn't know. I mean, I would presume that if  
19 there are different trials going on, some of the places I visited  
12:45:16 20 has to do with those trials, not this one.  
21 MR MARGAI:  
22 Q. The reason why I'm asking is that you had earlier made a  
23 distinction in this Chamber as to the report when you made  
24 mention of extracts, and I think the Bench asked you whether, in  
12:45:30 25 fact, these were part of and parcel of the total report. And you  
26 said these were components of the total report.  
27 A. Exactly, yes.  
28 Q. So I'm now asking, these locations -- 20 locations you  
29 visited, were they all connected with this particular trial?

1 A. No.

2 Q. How many of those locations would you say are connected  
3 with this particular trial?

4 A. I can't answer that information -- question. I don't have  
12:46:18 5 that kind of information. I know from reports that I read, some  
6 were attributed to various groups. But some were not. So I have  
7 no idea.

8 Q. Thank you.

9 JUDGE THOMPSON: Mr Margai, was the answer in the negative,  
12:46:55 10 that he doesn't have the information as to how many of the  
11 locations were not connected with this trial or were connected?

12 MR MARGAI: Were connected with this trial.

13 JUDGE THOMPSON: Thank you.

14 MR MARGAI:

12:47:08 15 Q. These locations you visited, could you tell the Chamber who  
16 actually identified the locations.

17 A. Some of the locations were mentioned in various human  
18 rights reports, like Amnesty International. Some of the  
19 locations were mentioned in the report of the Argentines for the  
12:47:36 20 TRC. Some of the locations were brought forward by members of  
21 the OTP. And some locations, when one would get in an area,  
22 would be mentioned by locals.

23 Q. Sorry. Could you keep pace with Their Lordship's pens,  
24 please.

12:48:00 25 MR MARGAI: Would you like him to go over that again, My  
26 Lords? Very well.

27 JUDGE THOMPSON: I got the first one, human rights reports.

28 THE WITNESS: Yes, human rights reports. Among those a  
29 report to the TRC. Some were proffered by members of the OTP.

1 Some arose when one would get to a particular area and other  
2 people just in the neighbourhood that one would come upon would  
3 point out to another location where other graves were alleged to  
4 be.

12:49:08 5 MR MARGAI:

6 Q. Now, Mr Witness, you said you entered into a contract to  
7 come and do these investigations?

8 A. I entered into a contract that paid for my time, yes, to do  
9 these investigations. Yes.

12:49:22 10 Q. At the time you entered into this contract, were you  
11 specifically told the areas you would be visiting?

12 A. No.

13 Q. Were you given guidelines as to the areas you would be  
14 visiting?

12:50:01 15 A. I pointed out, you know, after I had reviewed written  
16 information of the areas that looked like it would be profitable  
17 for me to visit as far as looking, doing assessments, I suggested  
18 those. And then the OTP had other areas, I think, in their  
19 investigations that they had progressed enough that they felt  
12:50:25 20 were ones that should be looked at.

21 Q. Thank you.

22 MR MARGAI: That will be all for this witness, My Lords.  
23 Thank you, Mr Witness.

24 PRESIDING JUDGE: Thank you, Mr Margai. Mr Prosecutor, any  
12:51:11 25 question in re-examination?

26 MR BANGURA: There will be no questions in re-examination,  
27 Your Honour.

28 PRESIDING JUDGE: Thank you very much.

29 That concludes your evidence today, Dr Haglund, and we

1 thank you very much.

2 THE WITNESS: Thank you.

3 PRESIDING JUDGE: So where are we now, Mr Prosecutor,  
4 Mr Tavener?

12:51:31 5 MR TAVENER: That completes the witnesses, Your Honour.  
6 There will be no further witnesses called. Unfortunately, in  
7 this trial, there are still some outstanding legal issues as it  
8 happens. There will be a meeting to further discuss with the  
9 Defence counsel this afternoon about those documents I mentioned  
12:51:45 10 this morning, about the tendering certain documents. I  
11 understand some time is required for the Defence to consider  
12 those matters.

13 what I would be asking for, if the Court could resume  
14 wednesday morning. I don't anticipate a long hearing on  
12:51:59 15 wednesday. It's simply a matter of resolving what items can go  
16 in, what items won't come in. They have been disclosed in one  
17 form or another for some time.

18 PRESIDING JUDGE: wednesday morning, 9.30, 10.00.

19 [Trial Chamber confers]

12:52:40 20 JUDGE THOMPSON: Learned counsel for the Prosecution, you  
21 did indicate this morning that you would, in fact -- and  
22 following what you've just said, you would be seeking the Court's  
23 leave to have some documents received in evidence. And hopefully  
24 when you have worked out whatever arrangement you need to work  
12:52:59 25 out with the Defence, would the Chamber be able to have, so that  
26 we can expedite our work on wednesday morning, an indication of  
27 which particular documents you really intend us to receive in  
28 evidence and any other information that will enable the Court to  
29 arrive at an expeditious determination on the question of

1 admissibility?

2 MR TAVENER: Yes, that's what we're working towards,  
3 Your Honour, exactly, to identify which documents are in dispute.  
4 So hopefully -- we're trying to narrow down the focus as much as  
12:53:36 5 possible.

6 PRESIDING JUDGE: Thank you very much. The Court is  
7 adjourned until wednesday, 0930. Thank you.

8 [The witness withdrew]

9 [whereupon the hearing adjourned at 12.54 p.m.,  
10 to be reconvened on wednesday, the 22nd day of  
11 June, 2005, at 9.30 a.m.]  
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EXHIBITS:

Exhibit No. 101	18
Exhibit No. 102	23

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-EW3	5
EXAMINED BY MR BANGURA	5
CROSS-EXAMINED BY MR HALL	49
CROSS-EXAMINED BY MR MARGAI	49