

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-04-14-T
TRIAL CHAMBER I

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

THURSDAY, 9 SEPTEMBER 2004
9.50 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet.

For the Registry:

Mr Clemens Dubron
Ms Sharelle Aitchison

For the Prosecution:

Mr Mohamed Bangura
Mr Joseph Kamara
Mr Raimund Sauter
Mr Kevin Tavener
Ms Leslie Murray (inter)

For the accused Norman:

Mr John Wesley Hall
Ms Quincy Whitaker

For the Accused Fofana:

Mr Arrow Bockarie
Mr Michiel Pestman
Ms Phoebe Knowles

For the Accused Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana
Mr Neerav Kingsland (intern)

1 [Thursday, 9 September 2004]

2 [Open Session]

3 [Upon commencing at 9.50 a.m.]

4 [The accused entered court]

5 [Witness entered court]

6

7 PRESIDING JUDGE: The session resumes and, before we continue,
8 I would like to make an appeal to counsel on both sides -
9 and this concerns a request from Court Management - for
10 counsel on both sides who understand the local languages
11 which are translated into English. Please, when the
12 witness who is testifying in Temne or Mende whatever,
13 whenever he has given his reply to a question, you should
14 wait until it is fully translated into English for the
15 court records to have that translation recorded before
16 you proceed to the next question. Because it appears
17 that -- the observation by Court Management is that even
18 before a record is made of the response of that witness,
19 counsel goes to the next question. This sort of disrupts
20 and distorts the records. So, please, you kindly take
21 note of this and help Court Management to keep our
22 records right. Thank you.

23 This said, I think we are still on the fifth
24 prosecution witness and I think this morning we were to
25 look into the request, which was expressed by Ms Quincy
26 Whitaker on behalf of the first accused, about the
27 earnings or so of what monies, you know, were paid to
28 this particular witness. That information was made

1 available to us about some ten minutes ago and we thought
2 that it should be communicated to you for you to digest
3 before we come in. I hope that was done.

4 MS WHITAKER: Thank you, Your Honour, yes, it was. We are
5 most grateful to Mr Vahidy for the provision of this
6 material as far as it goes, although regrettably, it
7 appears to be incomplete in that it doesn't detail the
8 provision of the rather splendid outfit the witness was
9 wearing yesterday and, indeed, perhaps the further outfit
10 that he is wearing today. So I would request, again
11 through the Court, that this information could be
12 complete in terms of all the benefits the witnesses
13 receive.

14 PRESIDING JUDGE: Well, we will go with the information we
15 have for purposes of cross-examination. We will revisit
16 the other issues later.

17 MS WHITAKER: Indeed, but perhaps the Victims Support Unit
18 could note the comments and, in due course, provide full
19 disclosure of all the benefits provided.

20 PRESIDING JUDGE: I suppose the point is taken by the Witness
21 Support Unit which will be communicated to them.

22 MS WHITAKER: Thank you.

23 PRESIDING JUDGE: Yes. This said, we were to proceed with the
24 re-examination of this witness, but we reserved that
25 process, you know, to see what your approach would be
26 after you have received the information you now have in
27 your possession.

28 MS WHITAKER: Yes.

1 PRESIDING JUDGE: What is your position? Are you asking for
2 leave to further cross-examine this witness on these
3 issues?

4 MS WHITAKER: Yes, Your Honour.

5 PRESIDING JUDGE: Right. The leave is granted; you can go on.

6 MS WHITAKER: I am grateful. If I could hand over to my
7 colleagues.

8 WITNESS: TF2-162 [Continued]

9 [Witness answered through interpretation]

10 FURTHER CROSS-EXAMINED BY MR HALL:

11 Q. Mr Witness, good morning again.

12 A. Yes, good morning.

13 Q. You have been provided a document that shows your
14 attendance allowance paid by the victim and witness
15 support group is 672,000 Leones; is that correct?

16 A. They are giving me the money, I am not the one that
17 writes it down.

18 Q. And part of that is to support your family at home while
19 you are here.

20 A. Yes.

21 Q. And while you were here in Freetown, they provided you
22 food, but you don't know how much it cost; is that a fair
23 statement?

24 A. Yes.

25 Q. They also show medical expenses, but you don't know how
26 much they cost?

27 A. No.

28 Q. And you don't disagree they paid 95,900 Leones for your

1 medical care.

2 A. I will not deny that, of course; I don't know.

3 Q. You are wearing a different outfit today than you had
4 yesterday. Did they also buy that for you?

5 A. This is my very own, the one that I used to go for
6 prayers. It's only because of love, but I'll have
7 brought my own clothings myself. This is my very own
8 clothing bought by myself.

9 Q. So, by my calculations, for you and your family you have
10 received approximately 833,000 Leones to testify.

11 PRESIDING JUDGE: Mr Hall --

12 MR HALL: Yes, sir.

13 PRESIDING JUDGE: You did not look at him very closely, that's
14 not very new.

15 MR HALL: Yes.

16 PRESIDING JUDGE: I am just making a comment, you know. You
17 say it doesn't look very new, to suggest that it was
18 bought recently. Go ahead anyway.

19 MR HALL: My eyes are not as good as yours, Your Honour.

20 PRESIDING JUDGE: Go ahead.

21 MR HALL:

22 Q. My last question to you, sir, by my calculations you
23 received 833,000 Leones for you and your family while you
24 have testified; is that a fair statement?

25 A. That is what I said. I can't deny it, because I am not
26 writing it down when they give it to me. They give it to
27 me. If they said that they gave me 833,000, I will not
28 say they are lying.

1 Q. Thank you, sir.

2 A. Yes, sir.

3 PRESIDING JUDGE: Well, I know that the other counsel, counsel
4 for the second and third accused, have not shown a
5 particular concern up to now on this, but do I understand
6 this to be their position as of now?

7 MR PESTMAN: I have no further questions. Thank you.

8 PRESIDING JUDGE: You have no further questions.

9 MR MARGAI: [Inaudible] that line.

10 PRESIDING JUDGE: Right, thank you. Re-examination?

11 MR BANGURA: Yes, Your Honour.

12 RE-EXAMINED BY MR BANGURA:

13 Q. Mr Witness, when you were answering questions posed by
14 Mr Margai, counsel for the third accused, about Joe
15 Tamidey, you said that you knew that he punished Kamajors
16 who misbehaved; not so?

17 A. Yeah, if you are still -- if you are still with someone,
18 you have to do wrong to him.

19 MR MARGAI: I'm afraid, My Lord, I am not hearing the
20 interpretation.

21 JUDGE BOUTET: There seem to be some background noises in the
22 system as well, so when --

23 PRESIDING JUDGE: Mr Walker is now the technician?

24 JUDGE BOUTET: Mr Margai, is it okay now? Do you know --

25 THE INTERPRETER: Do you get us now?

26 MR MARGAI: The [inaudible] interpretation is what I am
27 complaining about. I am not hearing it and my colleagues
28 here are not hearing it either, Bockarie and Lansana.

1 THE INTERPRETER: What particular language do you want to get?

2 MR MARGAI: Mende, Mende. [Technical difficulties] I can get
3 it now.

4 JUDGE BOUTET: Okay, thank you.

5 MR BANGURA: May I go over that question again?

6 PRESIDING JUDGE: Yes, please. I was just going to ask you to
7 go over the question again. Yes.

8 MR BANGURA:

9 Q. Mr Witness, when you were asked questions by counsel for
10 the third accused, Mr Margai, you answered that you knew
11 Joe Tamidey punished Kamajors who misbehaved in
12 Koribundu; not so?

13 A. I answered. If someone is under you and does you wrong,
14 you will punish him to desist from that.

15 Q. Now, can you tell this Court how you knew that --

16 MR MARGAI: Objection, My Lords, objection. First of all, he
17 cannot cross-examine his own witness.

18 JUDGE THOMPSON: Sustained, sustained.

19 MR MARGAI: As My Lords please.

20 JUDGE THOMPSON: Counsel need to be reminded that
21 re-examination is confined, as a matter of law, to
22 clarification - seeking clarifications - as a result of
23 cross-examination, elimination of ambiguities and
24 inconsistencies and, also, responding to new issues.

25 MR BANGURA: Your Honour, and that is exactly what I am
26 seeking to do here; I am seeking clarification on the
27 point.

28 JUDGE THOMPSON: What is the ambiguity in that piece of

1 evidence?

2 MR BANGURA: Your Honour, counsel had asked the witness
3 whether he knew whether Joe Tamidey punished Kamajors.
4 And that hadn't come up in his evidence-in-chief, Your
5 Honour.

6 JUDGE THOMPSON: No, he answered it under cross-examination.

7 MR BANGURA: I know, Your Honour, but the point is that we
8 just wish to have the point cleared up.

9 JUDGE THOMPSON: Cleared up in what sense? I need to be
10 persuaded.

11 MR BANGURA: My Lord, as to the source of his knowledge.

12 JUDGE THOMPSON: Why? Is that an ambiguity, is that an
13 inconsistency? He answered positively that he knew.
14 Re-examination is of a narrow compass. It doesn't give
15 counsel the chance to bolster up his case.

16 MR BANGURA: Your Honour, I would continue, but on a different
17 line.

18 JUDGE THOMPSON: Thank you.

19 MR BANGURA:

20 Q. You said that you knew that Joe Tamidey punished
21 Kamajors. Did you know particularly who he did punish?

22 MR MARGAI: Objection, My Lords.

23 JUDGE THOMPSON: Sustained.

24 MR MARGAI: As My Lords please.

25 MR BANGURA: Your Honour, I would still pursue a different
26 line of re-examination.

27 JUDGE THOMPSON: Carry on.

28 MR BANGURA:

1 Q. In answer to questions posed to you for counsel for the
2 second accused, Pestman, you did say that you -- once you
3 came to Freetown, you have spoken to many people working
4 for the court -- lawyers and investigators; is that not
5 so?

6 A. Yes, those that brought me.

7 Q. Now, you spoke to -- these people you spoke to, were they
8 all people that -- were they all talking to you about the
9 case in court, or about other matters?

10 A. What they were telling me -- they were just telling me
11 that now that we have brought you here, you will have to
12 take care whatever yourself. You should only say what
13 you are supposed to say.

14 Q. Now, it is a case that you spoke to lawyers; not so?

15 A. Yes.

16 Q. And it is the case that you spoke to other persons
17 working for the court; not so?

18 A. Yes. Yes, but they were not lawyers, but they may be
19 legal people.

20 Q. And it is the case that you spoke in these meetings with
21 the people who are not lawyers, that you spoke about
22 matters which do not --

23 MR BOCKARIE: Your Honour, we would like to object to that
24 line of re-examination. We consider it to be outside the
25 realm of re-examination. The answers given to the
26 questions by Mr Pestman were answered in very unequivocal
27 terms, free of ambiguity, and it does not require
28 clarification, Your Honour. There is finality to

1 questions asked in cross-examination and that has already
2 been done, Your Honour.

3 MR BANGURA: Your Honour, the position is that within the OTP
4 there are lawyers and there are investigators and, apart
5 from those people, there are personnel at the witness
6 management unit, and while this witness has been in
7 Freetown, the position is that he has not only been seen
8 by lawyers and investigators, he has also been seen by
9 other persons who are not within the OTP. And the
10 question which was posed to the witness was that had he
11 been having -- has he been meeting with people from the
12 OTP apart from the court and he said yes, and counsel
13 further from that point assumed that there had been
14 interviews and that notes had been taken which had not
15 been disclosed to the Defence. And, My Lord, that is the
16 area that I wish to clarify.

17 MR BOCKARIE: Your Honour, with all due respect to my learned
18 colleague, I do not consider that this requires any
19 clarification. I mean, that borders on giving fresh
20 evidence, Your Honour. I mean, because he rightly said,
21 he answered to Mr Pestman in very clear and unequivocal
22 terms, Your Honour, which is devoid of clarification.

23 PRESIDING JUDGE: Don't you think that -- just a minute.

24 JUDGE BOUTET: We will allow that question in re-examination,
25 but we just want to caution you that, again, this is very
26 limited and you will be watched very closely as to how
27 far you can go with these kind of questions, but that
28 question is permissible.

1 MR BANGURA: Thank you, Your Honour.

2 Q. Mr Witness, I asked you now --

3 A. Yes.

4 Q. -- apart from the lawyers who spoke to you, other people
5 within the court have been speaking to you; not so?

6 A. Yes, those that they used to send to us who speak to us,
7 they are the ones that send them.

8 Q. And they have been speaking to you about matters which do
9 not relate to your testimony in court; not so?

10 MR BOCKARIE: My Lord, I am objecting to that question; it is
11 leading.

12 PRESIDING JUDGE: Sustained, sustained.

13 MR BANGURA:

14 Q. Can you tell the court what other matters they have been
15 discussing with you?

16 MR BOCKARIE: My Lord, I think, I mean, this amounts to
17 bringing in new evidence. It appears as if he wants to
18 start his examination-in-chief all over again, My Lord.

19 PRESIDING JUDGE: What do you say about that?

20 MR BANGURA: My Lord, I do not see any problem in -- Your
21 Lordships have allowed that I can re-examine on the point
22 and the witness has answered that he has spoken to people
23 other than lawyers. And, My Lord, I don't see any
24 problem in the witness being asked --

25 JUDGE THOMPSON: My difficulty with that line of questioning,
26 re-examination, is that if you elicit - and we allow you
27 to elicit - evidence that actually amount to new issues,
28 you will get into the situation where the Defence will be

1 entitled to a rebuttal.

2 MR BANGURA: I take the point.

3 PRESIDING JUDGE: The objection is sustained. Do you want to
4 continue?

5 MR BANGURA: No, that will be all for the witness.

6 PRESIDING JUDGE: Okay, thank you.

7 Q. Well, Mr Witness, thank you, I think we are through with
8 you.

9 A. Yes, sir. I am also thanking you because you've
10 completed with me.

11 Q. Thank you, but --

12 A. May God keep you there.

13 Q. May God keep you, too.

14 A. The truth that you are looking for, may God upgrade you
15 better than this.

16 Q. Thank you.

17 A. May God increase your love even unto your children.

18 Q. Thank you.

19 A. [Inaudible]

20 Q. Thank you very much, thank you. We respect your
21 traditional and religious values, and above all your age.
22 If we need you again -- if ever we need you again, we
23 shall call you back here.

24 A. Here? It will not be heart rending again, is it?

25 Q. No, not at all.

26 A. Okay.

27 PRESIDING JUDGE: Bye-bye, now.

28 [The witness withdrew]

1 PRESIDING JUDGE: Can the Prosecution call the next witness,
2 please, the sixth prosecution witness.
3 MR KAMARA: Your Honours, the Prosecution seeks to call
4 TF2-159.
5 [The witness entered court]
6 WITNESS: TF2-159 sworn
7 [The witness answered through interpreter]
8 EXAMINED BY MR KAMARA:
9 Q. Mr Witness, can --
10 PRESIDING JUDGE: Please, can you wait for the screens to
11 be totally gone, please.
12 MR KAMARA: Sorry.
13 PRESIDING JUDGE: Yes. You are Mr Joseph Bangura?
14 MR KAMARA: Kamara.
15 PRESIDING JUDGE: Kamara?
16 MR KAMARA: Yes, My Lord.
17 PRESIDING JUDGE: What is happening to this list? Your name
18 is nowhere. So, it is Joseph Kamara, not Joseph Bangura?
19 MR KAMARA: Joseph Kamara.
20 PRESIDING JUDGE: I just called you Joseph Bangura. I didn't
21 intend to, but that is your friend?
22 MR KAMARA: Yes.
23 JUDGE THOMPSON: [Inaudible]
24 MR KAMARA: Yes, Mohammed is Bangura.
25 PRESIDING JUDGE: Yes, Mr Kamara, go ahead.
26 MR KAMARA:
27 Q. Mr Witness, I want to thank you for coming this morning.
28 A. Okay.

- 1 Q. I shall be asking you questions by way of leading your
2 testimony before this Court.
- 3 A. I am ready.
- 4 Q. I advise that you answer the questions directly.
- 5 A. That's why I said I am ready; I am ready to give the
6 answers.
- 7 Q. Mr Witness, as I said, you answer the questions directly
8 and also in this Court you will be asked questions from
9 the panel of judges and the other side, and please
10 endeavour to answer the questions directly.
- 11 A. Okay.
- 12 Q. What is your age, Mr Witness?
- 13 PRESIDING JUDGE: What?
- 14 THE WITNESS: I am 28 years old this year.
- 15 MR KAMARA:
- 16 Q. You are 28 years old. Are you married?
- 17 A. Yes.
- 18 Q. Do you have children?
- 19 A. Yes.
- 20 Q. How many children do you have?
- 21 A. Two children.
- 22 Q. Right. And, Mr Witness, where were you born?
- 23 A. I was born in xxxxxxxxx.
- 24 Q. Have you lived in xxxxxxxxx all your life?
- 25 A. Yes.
- 26 Q. Mr Witness, what languages do you speak?
- 27 A. I speak Mende and Krio.
- 28 Q. And will you tell this Court what do you do for a living?

- 1 A. Yes.
- 2 Q. So what do you do for a living?
- 3 A. I am a farmer and I am a businessman which gives me, you
4 know, some money to sustain me and my family.
- 5 Q. You are telling this Court that you are a businessman.
6 Is there any other type of job that you do?
- 7 A. No, except -- no, apart from what I have said, I only do
8 farming and petty trading.
- 9 Q. All right. You just mentioned farming. What type of
10 farming do you do?
- 11 A. Rice farming; I do rice farming.
- 12 Q. Now, Mr Witness, I want to take your mind far back to the
13 year of 1998. Do you recall the 13th February 1998?
- 14 A. Yes. Yes, I can remember that day and what happened on
15 that Friday.
- 16 Q. Now, you said it's a Friday. Where were you on that
17 date?
- 18 A. I was in xxxxxxxx, right in xxxxxxxx town on that
19 Friday.
- 20 Q. You were in xxxxxxxx town on that Friday. And you
21 mentioned to this Court that you recall the incident of
22 that day. Would you tell this Court what you do recall?
- 23 A. Yes. Yes, I can tell exactly what happened on that
24 Friday.
- 25 Q. Yes, tell this Court.
- 26 A. On that Friday, in the morning, after we've gone about
27 for some time, it was in the afternoon, but then 1.00
28 o'clock, I went to the mosque - I dressed myself and went

1 to the mosque.

2 Q. [Inaudible] and they are writing and they are recording
3 what you say. So, please take your time, calm down; we
4 are here to hear your evidence. Take your time. Tell
5 your story slowly, so the Court will be able to hear what
6 you say.

7 A. Okay.

8 Q. You were saying --

9 A. Okay.

10 Q. [Inaudible]

11 A. Okay. On that Friday on the morning and in the
12 afternoon --

13 PRESIDING JUDGE: It doesn't mean he should [inaudible] his
14 word, please. Speak slowly.

15 THE WITNESS: Okay. On that Friday in the morning -- on that
16 Friday in the morning until 1.00 o'clock, we went when it
17 was the -- it was sounded for us to go to the mosque at
18 12.00. We went there, and the mosque is at xxxxxxxxx Road
19 and we went to the mosque. When we entered the mosque,
20 when the chief Imam in xxxxxxxxx came and he started
21 talking to us, as he was talking to us in the mosque, one
22 woman came from the xxxxxxxxx end.

23 Q. [Inaudible] as I said to you earlier, they are recording
24 what you have to say. Okay. You are telling this Court
25 that you went to the mosque which is at xxxxxxxxx Road; is
26 that what you said?

27 A. Yes.

28 Q. And you were at this mosque?

1 A. Yes, I entered the mosque.

2 Q. And that you were telling this Court something about the
3 Imam; tell us.

4 A. The Imam came. He entered the mosque and entered the
5 membre, and he started talking to us concerning the way
6 we conduct the prayers. When he spoke to us for a while,
7 as he started talking we saw one woman coming from
8 Sumbuya Road and he [sic] said the Kamajors were coming.
9 And we asked him [sic] -- we asked her who were the
10 Kamajors, and I asked her who the Kamajors were. And I
11 came out and I peeped and I saw the Kamajors coming with
12 guns in their hands and they were singing.

13 Q. You were telling us that while you were at this mosque
14 and the Imam was telling you what to do with the prayers,
15 you saw a woman come in and informed members in the
16 mosque that Kamajors were approaching. And then you
17 asked this woman who were these Kamajors.

18 A. Yes.

19 Q. And then you ventured outside yourself to find out.

20 A. Yes.

21 Q. Right. Again, continue telling your story, bearing in
22 mind they are recording what you are saying. Okay?

23 A. Okay. Then I came out and I saw them. When I saw them,
24 I got scared and I ran away behind the kitchen. Then I
25 entered one of the -- my aunt's house.

26 Q. [Inaudible] You said you ventured outside.

27 PRESIDING JUDGE: No, please, don't be repeating what he has
28 said. Don't be repeating what he has said. That would

1 be double testimony. Let him directly --

2 MR KAMARA: As your Lordship pleases.

3 PRESIDING JUDGE: Yes.

4 MR KAMARA:

5 Q. As you were outside, what did you see that made you
6 scared?

7 A. I saw Kamajors and that scared me and that is why I ran
8 away behind the street and entered my aunt's house.

9 PRESIDING JUDGE: Yes, go ahead.

10 MR KAMARA:

11 Q. Who were these Kamajors?

12 A. I also know that Kamajors are bad people, whatever they
13 are -- what made me to know that they were Kamajors?
14 They had guns and they had a Ronko dress on and their
15 dresses had horns on them, on top of the caps. That's
16 why I knew that they were Kamajors.

17 Q. When you saw them approaching, were they carrying
18 anything with them?

19 A. Yes.

20 Q. What were they carrying with them?

21 A. They had guns in their hands and sticks and some other
22 bad things -- swords that are seen on people.

23 Q. You just mentioned to this Court that you ran to your
24 aunt's house. Now, tell us what happened then.

25 A. So I saw them firing the guns. That made me to be
26 afraid. I was lying under the bed and I said -- there
27 came a time then I came outside and said, "I will have to
28 come out. If they have to kill me, let them kill me."

- 1 Q. You made up your mind to come outside. Yes, what
2 happened?
- 3 A. Please cover the question again.
- 4 Q. You said you made up your mind to come outside; what
5 happened thereafter?
- 6 A. I went outside and I met the soldiers fighting against
7 them. So I went out and hid in the store where I usually
8 -- in the cooler store where I usually sit.
- 9 Q. Where is this cooler store?
- 10 A. At the junction, right at the junction.
- 11 Q. Which junction?
- 12 A. xxxxxxxx junction, right at the xxxxxxxx junction.
- 13 Q. Now, we are at that store in xxxxxxxx junction. Let's
14 take your story from there.
- 15 A. Then I left there and, going to my house, I just reached
16 at the pump, then I saw a corpse.
- 17 Q. You saw this corpse.
- 18 A. Lying down at the pump, dead.
- 19 Q. Yes, tell this Court what you saw from there.
- 20 A. Then I went again - upon entering my house I met two
21 corpses again lying down.
- 22 Q. Did you take a look at them?
- 23 A. Yes.
- 24 Q. Did you notice anything?
- 25 A. Yes.
- 26 Q. What did you notice?
- 27 A. I saw and recognised that they were Kamajors.
- 28 Q. You recognised they were Kamajors. Did you do anything?

1 A. No, I just passed them and entered my house.

2 Q. When you went to your house, did you observe anything?

3 A. Concerning them, I did not see any other thing, except
4 that when I came out and went across the street to my
5 people to know who were lying down dead. But then I also
6 saw for myself that they were Kamajors. Then I told them
7 that let us try to bury them, because lest they will be
8 here and be killed.

9 Q. So were they buried?

10 A. Yes. I myself took a shovel and a pickaxe and took them
11 to be buried, because they were lying in front of our
12 house.

13 Q. Did you do that by yourself, or were there other people
14 with you?

15 A. Myself, my brothers and some other people in the
16 neighbourhood went to get to the burial.

17 Q. So after the burial tell this Court what happened.

18 A. Then we left. Just after we left the place of the burial
19 I saw people gathering at the house of the town chief at
20 the Barri. They said it was the soldier that had -- it
21 was the soldiers that had asked us to meet. Then I also
22 went there.

23 Q. So you went to this Barri where there was a meeting?

24 A. Yes.

25 Q. What happened at that meeting?

26 MR MARGAI: I'm sorry, My Lord, just seeking clarification. I
27 am not sure what Your Lordship's got, whether he saw
28 these people gather at the Barri or at the chief's house.

1 JUDGE THOMPSON: I had "Barri".

2 MR MARGAI: Barri. As My Lord pleases, as My Lord pleases.

3 MR KAMARA:

4 Q. Will you tell this Court what happened at that meeting?

5 A. Yes.

6 Q. Yes, tell us.

7 A. When we went to the meeting, it was called by the RSM.

8 He said, "You gave money for your children to join the

9 Kamajors. They've done a lot of things to us. They've

10 overthrown our boss there in Freetown, so we are leaving

11 today. We are leaving this town and we are going there."

12 Q. Was that all that was said at the meeting?

13 A. Yes.

14 Q. So what did you do after that?

15 A. Then I saw people packing. Then I also came to the house

16 and told my people that, "Please, let us get ourselves

17 prepared and go to Bo. If you see all here, you see

18 people going elsewhere, you should follow them and go.

19 If you see them sitting there, you will sit with them."

20 Q. You have informed this Court that you went back to your

21 family and you informed them that you've seen people

22 packing. What did you do?

23 A. Then I told my father for them to pack and we should go

24 to Bo. And he said, "No, if we go to Bo there'll be no

25 food, so we should go to our... to our farm, oil palm

26 farm."

27 Q. Where was this oil palm farm?

28 A. From ~~xxxxxxxx~~ to the place is two and a half miles.

1 That's where we went.

2 Q. Who went with you to this oil palm farm?

3 A. Myself and my villagers, but I did not take everybody
4 with me. I left three people at the house; my
5 grandfather, my grandfather and another sibling of mine.

6 [10.43 a.m. HN090904B]

7 Q. For how long were you at this oil palm farm?

8 A. We went there about 8.30 in the night. I was there till
9 about 6.00 in the morning. Then early in the morning I
10:41:58 10 came back to check what happened to my people; that was
11 on the Saturday.

12 Q. So now we are on to Saturday. Are you telling this Court
13 that on Saturday you left your oil palm farm for work?

14 A. I came back to Koribundu in the morning to check for my
10:42:24 15 people where I left them.

16 Q. On your return, did you observe anything?

17 A. On my return, yes. I came to check my grandmother and my
18 grandfather and toward then I met with the town chief --
19 the town imam who was the head of the whole town -- he
10:42:56 20 was the head imam.

21 Q. Did you talk to the imam?

22 A. Yes. Then I greeted him and then he said we should catch
23 a sheep and send it to Jumbong to the Kamajors to tell
24 them that the soldiers had left the town -- to come to
10:43:16 25 the town but not to do us any other harm.

26 Q. Did you get that sheep?

27 A. Yes, we got the sheep and send it with an amount of
28 20,000 Leones. Then a colleague of mine was sent to

1 Jumbong and told my people what had happend in the bush.

2 Q. Did you go back to your oil palm farm?

3 A. Yes.

4 Q. And for how long were you there this time?

10:43:52 5 A. I was there till in the early afternoon at about 1.00.

6 Then I came near the road, because I heard some noise to
7 know who were coming.

8 Q. How far was this oil palm house to this road that was
9 leading to xxxxxxxxx?

10:44:18 10 A. It was a short distance.

11 Q. Could you tell us -- is it like from where you are
12 sitting to the panel of judges, or it could be further?

13 A. No, the distance was a little more than that, but it was
14 not too far from the street. Whatever could happen on

10:44:44 15 the street they would hear from the street, and who also
16 is discussing in the garden would be heard on the street.

17 Q. Thank you. You said you heard these voices and what did
18 you do; what happened?

19 A. Then I told my people let me check -- those people that
10:45:04 20 are talking, let me check.

21 THE MENDE INTERPRETER: My Lord, the witness is speaking so
22 fast for the interpreters to go on.

23 MR KAMARA: Mr witness, you remember in the opening I told you
24 to speak slowly, but fast enough for the interpreter to
10:45:22 25 understand what you say, and also for the judges to be
26 able to write down what you are saying.

27 A. Okay.

28 PRESIDING JUDGE: Not necessarily the judges; the

1 stenographers and, of course, counsel as well.

2 MR KAMARA: Thank you very much.

3 THE WITNESS: I have used to talking so fast.

4 PRESIDING JUDGE: Yes, we know you are used to talking too

10:46:00 5 fast, you know, but take your time; take your time and

6 talk slowly, but don't count words.

7 A. Okay.

8 MR KAMARA:

9 Q. So you were telling us about hearing voices. What did

10:46:24 10 you do?

11 A. Then I came there -- I came but I was afraid to reach the

12 street. Then I hid elsewhere. I saw them doing whatever

13 they were doing.

14 Q. Who were "them"?

10:46:42 15 A. The way I saw them, they were Kamajors and civilians.

16 Q. Yes; you saw Kamajors and civilians. What did you do?

17 A. When I saw them passing and some were sitting and those

18 who had entered towards my direction, I saw them having a

19 palm frond on their face.

10:47:18 20 Q. How many of them, do you know?

21 A. They were so many, I can't recall the number now.

22 Q. So what happened after seeing them? You said you saw

23 them tie a palm frond on their head.

24 A. Yes, palm leaves, palm fronds. Then I also tied the same

10:47:52 25 palm frond on my head and came out on the street and

26 mixed with all of them.

27 Q. Would you then tell this Court what happened once you

28 joined them?

1 A. All of us went now to the town; they were in front of us,
2 we were at the back. All of us went to the town.

3 Q. And why did you join them?

4 A. For me not to given a report or a speech of whatever they
10:48:44 5 would have to do in town; so that I can explain myself
6 what I saw.

7 Q. So you went where?

8 A. All of us went to Koribundu Town.

9 Q. And what happened in Koribundu Town?

10:49:08 10 A. When we went and they starting firing in the town. Then
11 there was no soldier in the town; they were the only ones
12 in the town and then they open the firing.

13 Q. And where were you when this firing was taking place?

14 A. Then I went and sat at my house -- I was sitting there
10:49:38 15 with some of them.

16 Q. You had already told us that you left your grandparents
17 at your house. So when you went back, were they still
18 there?

19 A. Yes. It was because of them that I was sitting there
10:50:04 20 because I didn't want them to be harmed?

21 Q. Thank you. So now you are at your house. You said you
22 were there with other Kamajors. Did anything happen?

23 A. Yes. They were there destroying the houses. Some of
24 them were taking property away from houses and I was
10:50:34 25 there, but still told my grandmother to be lying down,
26 not to speak anything.

27 Q. Where were these properties taken away from?

28 MR MARGAI: Objection, objection. He never said they took

1 properties away. He said he was there watching them
2 destroying the town.

3 PRESIDING JUDGE: He said they were taking --

4 THE WITNESS: They were taking properties and carrying them.

10:51:02 5 PRESIDING JUDGE: Yes, that`s what he said.

6 MR KAMARA: As Your Lord pleases.

7 Q. My question again to you, Mr Witness, is where were these
8 properties taken from?

9 A. They were taking the properties from Koribundu and taking
10:51:26 10 them to their hometowns because they were so much --
11 taking them along Sumbuya, Kandong, Jombong.

12 Q. And, again, where were you when this was happening?

13 A. Then I had left my house going towards the junction, but
14 from my house to the junction is a bit long distance, but
10:51:58 15 I saw all of them happening.

16 Q. You are telling this Court that these incidents you
17 explained were observed on your way to the junction from
18 your house; is that so?

19 A. When I was sitting, yes. When they started taking away
10:52:24 20 the property gave me the cause to go to the junction.

21 Q. So you got to this junction. Did anything happen there?

22 A. Yes. Beside the property that they were taking away, it
23 reached a time at about 6.30 then they started burning
24 their farm - they were referring to the town as a farm.

10:52:50 25 Q. Did you say 6.30 in the morning or in the evening?

26 A. In the evening.

27 Q. Who were burning houses?

28 A. The Kamajors.

1 Q. How did you know they were Kamajors?

2 A. They were wearing their uniform -- the ronko that they
3 were having with the beads around it -- that was how I
4 came to know that they were Kamajors.

10:53:34 5 Q. Do you know any particular Kamajors yourself?

6 A. Yes.

7 Q. Did you see that or any of them on that day?

8 A. Those that were burning the town? Yes.

9 Q. So how many houses did you see being burnt?

10:54:16 10 A. Well coming from Blama Road on to where they sell shell,
11 they burnt about 25 houses; zinc roofs and those with
12 thatched roofs.

13 Q. Do you know how these houses were burnt?

14 A. Yes.

10:54:36 15 Q. Tell this Court how they did it?

16 A. When we were going towards Blama Road it was Habib`s
17 house --

18 Q. Okay, hold it there. You mentioned the name. What is
19 that name?

10:54:56 20 A. Mr Daniel Habib.

21 Q. So what is it about Mr Daniel Habib?

22 A. His house was the very first house that was burnt in
23 xxxxxxxxx.

24 Q. Where was this house in xxxxxxxxx?

10:55:20 25 A. Along Blama Road.

26 Q. And you saw that house burnt?

27 A. Yes, I was standing there when it was put on fire.

28 Q. You were going to tell us how this burning took place;

1 could you tell this Court?

2 A. I saw them entering Mr Daniel`s house and they took the

3 kerosine out of the house and put it on those and palm

4 fronds and pieces of cloth and they set fire on it and

10:56:00 5 sent it in the house. That is the way I saw them burning

6 the houses.

7 Q. And you mentioned a number that it was -- you noticed 25

8 houses being burnt along Blama Road; is that true?

9 A. From Blama Road to the junction, yes. I am the very

10:56:30 10 person that counted them.

11 Q. And having observed this burning, did you do anything

12 else?

13 A. I couldn't have done any other thing, because I was also

14 afraid that they would kill me. So I went back to our

10:56:48 15 oil palm farm and told my father that we should go back

16 to xxxxxxxxx because they were really burning houses

17 extensively.

18 Q. You went to the oil palm farm. For how long were you

19 there this time?

10:57:16 20 A. I slept there till the next morning. Around 7.00 O'clock

21 I came back to xxxxxxxxx.

22 Q. So what day was that, do you remember?

23 A. Yes, it was on a Sunday.

24 Q. What time of that Sunday did you come back to xxxxxxxxx?

10:57:48 25 A. 7.00 O'clock met me in the town.

26 Q. Are you referring to the morning?

27 A. Yes, early in the morning.

28 Q. So at 7 you were back in xxxxxxxxx - 7 in the morning?

1 A. Yes.

2 Q. Did anything happen in xxxxxxxx on that date that you
3 would you like this Court to know?

4 A. Yes. When I came on that day, I went to check for my
10:58:28 5 grandparents, I met them there. I left there going
6 towards the junction I met them singing lots of songs.
7 By then some of them were sitting at our house.

8 Q. When you are referring to you went to your house, you met
9 your grandparents, you met them - "Them" whom?

10:58:52 10 A. I saw Kamajors at my house destroying.

11 Q. At your house?

12 A. Yes, right at my house. In fact, that was what made me
13 to be afraid so I went down to the junction.

14 Q. I heard you mention something like singing and dancing.
10:59:26 15 What are you trying to tell this Court?

16 A. That is what I have said. When they were singing, that
17 made me to be afraid. When I met them singing, they were
18 singing on people they had caught to be killed --
19 bringing them to be killed.

10:59:44 20 Q. Where was this?

21 A. At the junction, that is what I am explaining.

22 Q. What junction is that?

23 A. Right at the xxxxxxxx junction.

24 Q. Do you know how many people were caught when you saw
11:00:06 25 them?

26 A. Yes.

27 Q. How many were they?

28 A. They were five people, but all of them were Limba people.

1 Q. You said they were five Limba people. How do you know
2 they were Limbas?

3 A. The time when all of us were in town, at times in the
4 morning all of us will go to the palm oil selling base,
11:00:40 5 we would meet them there because they were the ones that
6 used to sell palm wine. I knew them.

7 Q. You are telling this Court that these are people you know
8 personally?

9 A. Yes.

11:00:54 10 Q. Now, could you tell this Court what happened to these
11 people when you saw them being captured by these Kamajors
12 that were singing?

13 A. Yes. They said they were juntas; that they were the ones
14 that kill their brother. So that's why they were going
11:01:20 15 to kill them because they killed their brothers. So I
16 saw them being beaten; they were being wounded,
17 mutilated. You couldn't even easily recognise them.

18 Q. And how far were you from this incident?

19 A. Just as I was standing here -- for example, the distance
11:02:00 20 between myself and Your Lordships.

21 Q. So what happened to these five people?

22 A. Then they went to kill them. They went with them, they
23 pushed them and cut them in pieces as some of them were
24 fired with guns.

11:02:22 25 Q. Did you see that happen?

26 A. Yes, it was in my presence.

27 Q. Now, these men you said you know personally, do you know
28 their names?

1 A. Yes.

2 Q. Please tell the Court the names of these five Limba men
3 that you saw being kill?

4 A. The first person was Sofiana and Sarrah and Momoh, Kamara
11:02:58 5 and Koroma.

6 Q. If I get you rightly Sofiana, Sarrah, Momoh, Kamara and
7 one Koroma.

8 A. Yes, that is what I have just said.

9 Q. Could you help this Court by telling if you know -- you
11:03:24 10 said some of them were shot and others were hacked to
11 death. Do you know those that were hacked to death and
12 those that were shot?

13 MR PESTMAN: Sorry, Your Honour, the witness did not use the
14 word "hack".

11:03:54 15 PRESIDING JUDGE: Reframe the question. Yes, he did not use
16 "hack". Rephrase your question, please.

17 MR KAMARA: As Your Lordship pleases. That was my choice of
18 words. So I didn't say the witness --

19 PRESIDING JUDGE: Try to reflect the testimony of the witness,
11:04:10 20 please.

21 MR KAMARA: As Your Lord pleases.

22 Q. You told this Court that the bodies were mutilated?

23 A. Yes.

24 Q. Mr Witness, I want you to tell the Court so we could
11:04:30 25 understand you better which of these five people was
26 shot, if you know, and which one of them was killed and
27 you tell us how they were killed.

28 A. Only two people were killed with guns and the other three

1 were killed by a cutlass at the back of their necks.

2 MR KAMARA: Thank you, Mr Witness. And, Your Lords, can I
3 refer to that --

4 PRESIDING JUDGE: Is your question answered? Was that what
11:05:16 5 you were pursuing? You said you wanted him to identify
6 those who were -- you first used "hacked." We said no,
7 it is "mutilation" that he used and those who were shot.
8 He now says that two were killed with guns and the
9 others, you know, were -- does that answer your question?

11:05:34 10 MR KAMARA: I am satisfied with that, My Lord.

11 PRESIDING JUDGE: All right, good.

12 MR KAMARA:

13 Q. So you are testifying that you saw those killings.

14 A. Yes.

11:05:54 15 Q. Now tell us that story; how did it go?

16 A. When they were killed, two of them were beheaded and they
17 brought the heads and put them at the junction. The one
18 was turned towards Blama Road and the other one was
19 turned towards Sumbuya Road.

11:06:18 20 Q. Mr witness, you are telling this Court that two of them
21 were beheaded. What do you mean?

22 A. When they kill a person and behead you or decapitate you
23 is what I mean. They cut off your head from your body,
24 that is what I mean.

11:06:48 25 Q. Thank you, that is what I wanted to hear. The heads were
26 cut off from the bodies.

27 A. Yes.

28 Q. Were you able to recognise those two?

1 A. Yes.

2 Q. Whose heads were cut off from the bodies?

3 A. They were Sarrah and Momoh.

4 Q. Thank you, Mr Witness --

11:07:14 5 MR KAMARA: My Lord, Mr Margai --

6 PRESIDING JUDGE: Don't allow Mr Margai to derail you.

7 MR MARGAI: My Lord, we were just -- we only wanted to be in

8 consonant with the Bench, because I believe that, to be

9 beheaded, one needs to be alive. I mean, you cannot

11:07:32 10 behead after death; you can decapitate after death, but

11 it doesn't really matter.

12 PRESIDING JUDGE: Get along.

13 MR KAMARA: Thank you, My Lord.

14 PRESIDING JUDGE: Don't mind Mr Margai. He is teasing you.

11:07:58 15 MR KAMARA: I will try to avoid that.

16 Q. Mr Witness, you were at the point where you were telling

17 this Court that the two heads were placed on poles across

18 on the street. Is that what you are telling -- could you

19 describe that scene?

11:08:18 20 A. Yes. The one faced one other end and the other one faced

21 the other end.

22 Q. So what happened to the rest of the other bodies; do you

23 know?

24 A. Then they put earth on top of them, but they were not

11:08:42 25 buried properly, so they asked us to bury them, so I also

26 went and asked my brothers and we buried them properly.

27 Then we went back home.

28 Q. When you say "back home", where was that?

1 A. I went back home to my house.

2 Q. The house in xxxxxxxxx?

3 A. Yes.

4 Q. Did you have cause to leave xxxxxxxxx u on that Sunday?

11:09:18 5 A. Yes. Just after they had done that thing, I was afraid.

6 I went and told my grandparents and I went back to the

7 oil palm farm.

8 Q. What time of the day did this incident occur; do you

9 know?

11:09:38 10 A. It was 9.30 in the morning.

11 Q. And what time did you leave for your farmhouse?

12 A. I left there 12 mid-day and went back to the oil palm

13 farm.

14 Q. Did you have cause to come back to xxxxxxxxx at any other

11:10:04 15 point in time?

16 A. Yes.

17 Q. And when was that?

18 A. When I went there I slept again. Then the next morning

19 at 8.00 o'clock I returned on Monday, the next morning.

11:10:24 20 Q. Mr witness, will you tell this Court the reason of your

21 going and coming to xxxxxxxxx?

22 A. Yes.

23 Q. Why?

24 A. That is the place of my birth. I don't want to explain

11:10:50 25 it by hearsay. That was why I was brave enough to go

26 there and see for myself.

27 Q. So now, this was Monday morning, you are saying at 8.00

28 you went back to xxxxxxxxx. Did anything happen on that

1 morning that you would like this Court to know?

2 A. Yes.

3 Q. Then please tell this Court?

4 A. I left there and come and checked to my grandparents to
11:11:20 5 make sure that they were there. Then I left there to the
6 junction and came to the headquarters at Pa Joe Tamidey's
7 place.

8 Q. You went to the headquarters. Which headquarters?

9 A. The headquarters of the Kamajors were along the Bo Road.
11:11:48 10 That was where I went.

11 Q. And you did mention one name, Joe Tamidey. Who is this
12 Joe Tamidey?

13 A. He was the one I heard was the battalion commander in
14 xxxxxxxxx.

11:12:08 15 Q. And what was the purpose of going to this headquarter?

16 A. I was going there to know Pa Joe and to tell them that
17 they had taken our property, but when I went and met them
18 singing, I was afraid.

19 Q. So you went to meet Joe to make a report; is that what
11:12:38 20 you are saying?

21 A. Yes, to know him so the two of us would work hand in
22 hand.

23 Q. What do you mean by "to know him, to work hand in hand";
24 what do you mean by that?

11:12:56 25 A. Just in case anything could happen -- I am a civilian and
26 he is a fighter, so if anything could happen, probably I
27 could be caught and brought before him, he would say,
28 "Release him." That's why I was trying to know him.

1 Q. So you are telling this Court you went to this
2 headquarter and you saw them singing?

3 A. Yes.

4 Q. Why were they singing; do you know?

11:13:32 5 A. Those they had caught was already were those they were
6 singing on to be killed. That was the song that they
7 were singing.

8 Q. Are you telling us that there were people already
9 captured?

11:13:42 10 A. Yes.

11 Q. How many persons were they?

12 A. They were eight people after I had counted, five men and
13 three women.

14 Q. And where were these persons?

11:14:02 15 A. Most of them were in xxxxxxxxx. When they were caught,
16 they were sitting on the ground.

17 Q. Do you happen to know any of these eight persons?

18 A. I know the women, because I know they were the wives of
19 soldiers.

11:14:30 20 Q. Can we get that clear? Did you say you know them because
21 they were the wives of soldiers?

22 A. Yes.

23 Q. Do you know their names?

24 A. Yes.

11:14:46 25 Q. Could you tell this Court what their names were?

26 A. The first person was Amie whom I knew, the other one was
27 Jenenba and the other one was Esther. I know the three
28 of them.

1 MR KAMARA: The names of the three women were Amie, Jenenba
2 and Esther, Your Lordships.

3 Q. So tell this Court what happened to these captives?

4 A. They were singing on them; they were taking them to be
11:15:32 5 killed. Then I followed them, because where ever they
6 could catch a person, they would kill that person along
7 the Blama Road and our house was located along the Blama
8 Road.

9 Q. So you followed them along?

11:15:50 10 A. Yes.

11 Q. So what happened then?

12 A. Then they came -- just as they were beating them, so they
13 were mutilating them.

14 Q. And again, Mr Witness, where were you when this was
11:16:16 15 happening?

16 A. I was behind them; I was following them.

17 Q. How far away was that?

18 A. Just as the distance where I am sitting now and the Bench
19 in front of me.

11:16:40 20 Q. So eventually what happened to these persons that were
21 captured?

22 A. I said they were beating them and mutilating them; they
23 said they were going to kill them.

24 Q. Were they killed?

11:17:00 25 A. Yes.

26 Q. How were they killed; do you know?

27 A. Yes.

28 Q. Tell this Court?

1 A. As for the women, two of them were killed by a stick and
2 the other one was killed with a gun, and for the men,
3 four of them were killed by a gun and one of them was
4 killed with a cutlass behind his neck.

11:17:30 5 Q. Now, let`s take it slowly. You said they were five men?

6 A. Yes.

7 Q. And if I get your testimony right, you said four were
8 shot.

9 A. Yes.

11:17:48 10 Q. And the fifth one, how was he killed?

11 A. He was killed with a cutlass at the back of his neck.

12 Q. And let`s go to the women. There were three of them; is
13 that right?

14 A. Yes.

11:18:10 15 Q. And you said two of them were killed with a stick.

16 Describe how were they killed with a stick.

17 A. They took a stick and put it right into them and the
18 stick came out through their mouth.

19 Q. Can I have that again, please?

11:18:46 20 A. Yes. They kill them with a stick; they put the stick
21 into their female genitals and the stick came out through
22 their mouths. So they were killed.

23 Q. How many of them were killed like that?

24 A. Two people.

11:19:12 25 Q. What about the third one, how was she killed?

26 PRESIDING JUDGE: Just wait, please. Yes.

27 MR KAMARA: As Your Lord pleases.

28 Q. I was asking you about the third one, how was she killed?

1 A. She was killed by a cutlass; her neck was cut off.

2 Q. And do you know why they were killed?

3 A. Yes. They said the men were juntas and the women were
4 the wives of soldiers; that's why they killed them.

11:20:36 5 Q. And you are telling this Court that you saw all this
6 happen in front of your eyes?

7 PRESIDING JUDGE: He has said so. Can you move on, please?

8 THE WITNESS: Yes.

9 MR KAMARA:

11:20:52 10 Q. So having seen these incidents, did anything else happen?

11 A. Yes. I saw them disemboweling the women and they took
12 their entrails and put them into a bucket and brought the
13 bucket to my house and put it there.

14 Q. Let's take it at a time.

11:21:06 15 A. May I go over that again?

16 PRESIDING JUDGE: Yes.

17 MR KAMARA: Yes, please.

18 A. I said I saw the women's stomachs were opened and their
19 entrails were taken out.

11:22:08 20 Q. Continue your story, please.

21 A. Their guts were turned towards the check point. Two of
22 them were decapitated, one turned towards the check point
23 and one turned towards the opposite side.

24 PRESIDING JUDGE: You said the bowels were taken out. What

11:22:44 25 happened to these --

26 MR KAMARA:

27 Q. Yes, what happened to those bowels? You mentioned that
28 the bowels were opened and the intestines taken out and

1 put in a bucket. Could you explain that so the judges
2 could understand and colleagues on the other side?

3 A. Yes. Their guts were made into check points so that
4 everybody who could come would see them.

11:23:08 5 Q. What was placed in a bucket?

6 A. Their entrails were taken in a bucket and put them in our
7 house.

8 Q. So what happened to them?

9 PRESIDING JUDGE: Their "end" what?

11:23:30 10 MR KAMARA: Their entrails.

11 Q. So what did you do?

12 A. When their heads were cut off because of -- they cut off
13 the head of a woman and the head of a man.

14 Q. So what happened?

11:23:54 15 A. Then it was turned into a check point.

16 Q. Did you do anything else?

17 A. After that I also went to the town and asked my brothers
18 for these people to be buried because the things were in
19 our compound.

11:24:20 20 Q. Did you bury these remains?

21 A. No. Part of the entrails were eaten; it was the body
22 that we buried.

23 Q. Who ate the entrails?

24 A. They themselves; the Kamajors. They said that was what
11:24:52 25 they were going to eat; that was their food for that day.

26 Q. Oh, you were told they were going to eat them but you
27 didn't see them eat; is that what you are trying to say?

28 A. Yes. I did not see them eating it, but they told me that

1 they were going to eat them, and I saw them eating
2 entrails.

3 Q. Mr Witness, could you just clarify this area for us? Did
4 you see them eat the entrails?

11:25:30 5 A. They did not cook it at my house on that day. They took
6 it. They said they were going to eat it, but before then
7 they used to cook entrails at my house when I had a pot
8 in my house. They used to cook entrails in my house
9 before then.

11:25:46 10 Q. All right, Mr Witness, let us not go to what was before
11 then. My question to you is these entrails that were
12 taken to your house, did you see them eat them?

13 A. No.

14 Q. Thank you. Now, having witnessed this event, did you
11:26:06 15 have cause to leave for your farmhouse?

16 A. Yes.

17 Q. At what time did you leave for your farmhouse?

18 A. I went there between 2 and 4 o'clock.

19 Q. And we are on Monday, right; is that so?

11:26:42 20 A. Yes.

21 Q. So did you have cause to come back to xxxxxxxxxx at any
22 other day?

23 A. No, I did not go there again on Tuesday, but I went there
24 back on Wednesday.

11:27:10 25 Q. So you are telling this Court you went back to xxxxxxxxxx
26 on Wednesday. Did anything happen on that Wednesday?

27 A. Yes.

28 Q. Please, tell this Court.

1 A. When I came, I met my grandparents were killed; that they
2 had killed my grandmother and grandfather.

3 Q. You went back to your house. What did you observe happen
4 in that house?

11:27:44 5 A. I met my house burnt and my people killed -- dead.

6 Q. You met your people dead?

7 A. Yes.

8 Q. Do you know how they died?

9 MR WILLIAMS: My Lord, I object to that. The witness will not
11:28:00 10 be in a position to answer that question. He was in his
11 farmhouse; he came back and met all this happen, My Lord.

12 MR KAMARA: Your Honours, this witness came back to his house,
13 he met his people dead and there are various ways people
14 could be dead that could be inferred from the manner of
11:28:20 15 death by just looking at the corpse. And he mentioned --
16 he testified that the houses were burnt. The question
17 put to the witness: "Do you know how they died" is as
18 simple as that and let the witness answer.

19 MR WILLIAMS: I will re-echo my objection, My Lord.

20 JUDGE THOMPSON: Is it your submission that the witness should
21 answer?

22 MR KAMARA: Yes, Your Lordship.

23 JUDGE THOMPSON: Yes, you will probably say that, but not
24 command the Court, "Let the witness answer." And an
11:28:50 25 objection has been taken to the statement -- to the
26 question. What is the reply to counsel's response.

27 MR WILLIAMS: My Lord, two-prong answer, My Lord. Firstly, it
28 would be calling for the opinion of the witness and

1 secondly, the answer would definitely be hearsay, My
2 Lord.

3 JUDGE THOMPSON: Well, suppose I said to you in respect of the
4 second prong that the law of international tribunals does
11:29:20 5 not prohibit the admission or reception of hearsay
6 evidence; what would be your response as a matter of law?

7 MR WILLIAMS: My Lord, I would say that Your Lordships
8 emphasised that Your Lordships were guided by the best
9 evidence and that --

11:29:38 10 JUDGE THOMPSON: But the point I am making is that suppose I
11 tell you that the state of the jurisprudence and, of
12 course, the rules governing the admissibility of evidence
13 of international tribunals, and also the Special Court,
14 do not prohibit the admission or reception of hearsay
11:30:02 15 evidence in contrast to the rules prevailing in some
16 national common law systems. In short, what I am saying
17 is that with international tribunals, given the gravity
18 of the crime alleged, it has been thought wise to apply
19 the principle of extensive admissibility of evidence as
11:30:26 20 against the strict technical rules applicable in the
21 common law traditions. Would you agree with that as a
22 matter of law and, if you do not, what is your
23 interpretation of the law?

24 MR WILLIAMS: My Lord, I do agree with Your Lordship's
11:30:44 25 analysis, but all the other international tribunals, My
26 Lord, have been very reluctant, especially so on the
27 ground of unreliability.

28 JUDGE THOMPSON: That is a factor to be considered, but it is

1 not a factor which actually undermines the principle
2 that, as a matter of law, these tribunals are not bound
3 by the strict rules of hearsay as are applicable in
4 national systems.

11:31:08 5 MR WILLIAMS: My Lord, further, My Lord, I would even want to
6 amplify on what I have said that what my learned friend
7 would be seeking from this witness goes even beyond
8 hearsay. He is asking him to make presumptions -- he
9 would be asking him to make presumptions: "I came, I
11:31:34 10 found X, Y and Z. I was not there." How did it happen?
11 He is calling for the witness to make presumptions, My
12 Lord.

13 JUDGE THOMPSON: [Microphone not activated] underlying that
14 question is, do you know as a matter of fact how did
11:31:42 15 that --

16 MR WILLIAMS: Sorry, My Lord.

17 JUDGE THOMPSON: I say I thought underlying that question from
18 the Prosecution is whether, this witness knows as a
19 matter of fact how did that happen. Isn't that the
11:32:00 20 rationale behind that question?

21 MR WILLIAMS: My Lord, the witness cannot know as a matter of
22 fact how they died, because he was not there.

23 JUDGE BOUTET: Well, if the body has been beheaded or burned
24 as such, he can certainly observe that by himself.

11:32:12 25 MR WILLIAMS: My Lord, that is completely different from what
26 my learned friend is seeking.

27 JUDGE BOUTET: Well, it is simply asking, "do you know how" or
28 if he says, "Well, I have seen them. The bodies had been

1 beheaded." So therefore, he draws his own conclusion on
2 that, just like he would do.

3 MR WILLIAMS: My Lord, the witness to draw conclusions? It is
4 not for the witness to draw conclusion, My Lord; it is
11:32:32 5 for the Bench.

6 JUDGE THOMPSON: Let me interject respectfully and, with the
7 leave of my brother Boutet, that the witness can give an
8 opinion, provided it is not an expert opinion. I mean,
9 ordinary witnesses can exceptionally, as a matter of law,
11:32:54 10 I emphasise again, be asked their opinion which could be
11 challenged under cross-examination. Of course, we are
12 not suggesting that this witness would be turned into an
13 expert, but it seems to me that this question is clearly
14 permissible at this stage.

11:33:08 15 MR WILLIAMS: As My Lord pleases.

16 JUDGE THOMPSON: And if it goes beyond that, you may be able
17 to say, "We think that it's getting outside the border of
18 permissibility."

19 JUDGE BOUTET: I would add to my brother that, indeed, a
11:33:20 20 witness may express his opinion on matters of common
21 knowledge and I would suggest to you that, if you see a
22 body beheaded, you may, as a matter of common knowledge,
23 say yes, he was killed because -- and I would be quite
24 prepared to accept that evidence in spite of your
11:33:28 25 objection.

26 MR WILLIAMS: As it pleases Your Lordships.

27 THE ACCUSED NORMAN: My Lord, I am on my leg.

28 PRESIDING JUDGE: Yes, Mr Norman.

1 THE ACCUSED NORMAN: My Lord, I wish to go down on record that
2 I am not before an international tribunal. I am before
3 the Special Court for Sierra Leone. This is not an
4 international tribunal and my trial should not be viewed
11:33:58 5 in that respect. I want to be down on record.

6 JUDGE THOMPSON: I would like to interject here that Mr Norman
7 should realise that the term "international tribunal",
8 which probably I am sure he is not aware is a matter
9 [microphones not activated] this Court was not set up as
11:34:44 10 a domestic court. That matter has, in fact, been
11 resolved and resolved authoritatively. We are not
12 sitting as a court of Sierra Leone. We are an
13 international court. Our Statutes have authorised us to
14 apply international law, not national law.

11:34:54 15 THE ACCUSED NORMAN: My Lord, what I am saying is that this
16 Court is not international and is not supreme to my
17 courts in Sierra Leone.

18 JUDGE BOUTET: Well, Mr Norman --

19 PRESIDING JUDGE: Mr Norman, can you stop there. Mr Norman?

11:35:14 20 THE ACCUSED NORMAN: Yes, My Lord.

21 PRESIDING JUDGE: I think everyone of us is bound by the rule
22 of law and there is at least the concept of the equality
23 of all before justice and before the law. And the issue
24 of the status of this Court being either national or
11:35:52 25 international has been settled by judicial decisions of
26 this Court and I think that, as a justice of the peace
27 and as a very enlightened citizen yourself, whether you
28 agree with a judicial decision or not, it is part of that

1 respect that you have for the rule of law that should
2 make you submit to the decision of the Court instead of
3 coming all the time to contest the nationality or the
4 internationality of this Court. My colleagues had spoken
11:36:34 5 on this and I only have one appeal to make to you and
6 that is that you respect decisions which have been taken
7 on this and other issue, so as to allow the process to
8 move on. You may not be satisfied with a decision, but
9 once it has become final and it is so decided, it is part
11:37:00 10 of the respect we all have for the law that you accept
11 the situation as it is and that bringing it up time and
12 again would not necessarily change the situation. I
13 think we are getting on fine. We don't need to get back
14 to what has been decided to take more time on issues
11:37:26 15 which have been laid to rest.

16 THE ACCUSED NORMAN: My Lord, I wish to emphasise the fact
17 that the war fought in Sierra Leone, which is the result
18 of this Court, was fought so that no one can impose their
19 will upon the people of Sierra Leone. This Court, ruling
11:37:48 20 in its own favour, is seen as an imposition on the will
21 of the people, including Sam Hinga Norman, of Sierra
22 Leone in the sense that the Special Court for Sierra
23 Leone was set for Sierra Leone and not as an
24 international Court and it cannot be made a supreme court
11:38:04 25 above the supreme court of Sierra Leone --

26 JUDGE THOMPSON: Mr Norman, Mr Norman --

27 THE ACCUSED NORMAN: I want to have it down on record, My
28 Lord.

1 JUDGE THOMPSON: Mr Norman, that is on record. We are sitting
2 here as judges who are called upon to administer the law.
3 We are not sitting here as judges who are supposed to be
4 taking some cognisance of political posturings.

11:38:26 5 THE ACCUSED NORMAN: Precisely, My Lord.

6 JUDGE THOMPSON: The statements that you are making --

7 THE ACCUSED NORMAN: The charge before you is political.

8 JUDGE THOMPSON: The statements that you making --

9 THE ACCUSED NORMAN: It is political. I was charged for
10 taking over --

11 JUDGE THOMPSON: Mr Norman, Mr Norman --

12 THE ACCUSED NORMAN: -- for attempting to take over the
13 government of Sierra Leone.

14 JUDGE THOMPSON: Mr Norman.

15 THE ACCUSED NORMAN: Look at the count.

16 JUDGE THOMPSON: Mr Norman.

17 THE ACCUSED NORMAN: Yes, My Lord.

18 JUDGE THOMPSON: The charges here are contrary to certain
19 statutes and conventions --

11:38:48 20 THE ACCUSED NORMAN: The charges are political.

21 JUDGE THOMPSON: You can take a political posturing, but I
22 want to assure you that the judges here are supposed to
23 perform their law, having regard to one principle - the
24 principle of legality - and that's what we are trying to

11:39:04 25 do, and any amount of political posturing, I can assure
26 you, will not intimidate me in particular. I am here to
27 do justice according to the principle of legality; I am
28 not supposed to be engaged in any kind of political

1 rationalisation as to my role. This is not a court of
2 politics; it is a court of law.

3 THE ACCUSED NORMAN: My Lord, I am saying emphatically that
4 this is a court of politics and that the charges against
11:39:40 5 Sam Hinga Norman before you is political, that he was
6 charged with planning, together with these two gentlemen,
7 to eliminate the AFRC, the RUF, their sympathisers and
8 supporters and take over the territory of Sierra Leone.
9 Is that an international crime -- a war crime?

11:40:04 10 PRESIDING JUDGE: Mr Norman, this Tribunal does not share your
11 view point and I think that the debate should be made to
12 rest there. May we continue, please.

13 THE ACCUSED NORMAN: My Lord, I would continue to raise my
14 objection as soon as -- any time the Court is referred to
11:40:28 15 as international and non-political.

16 PRESIDING JUDGE: May we continue, please.

17 MR KAMARA:

18 Q. Mr Witness, let me take you back to where we were.

19 A. Yes.

11:40:40 20 Q. And I did ask you a question about the circumstance of
21 the death of your grandparents and the particular
22 question was: Do you know how they died?

23 A. When I came, I met them dead. Their house in which I
24 left them, I met the house burned and they were laid near
11:41:12 25 the house.

26 Q. What did you observe about the bodies?

27 A. I saw their bodies burned; there were burns around their
28 bodies. So I just concluded that probably they were in

1 the house when they set the fire on the house, so they
2 were taken out of the house and brought out.

3 Q. Now, Mr Witness, what did you do to those bodies, if
4 anything?

11:41:50 5 A. I went back to the garden and explained to my father and
6 said his parents had died so we should come and bury
7 them.

8 Q. When you referred to the "garden," are you referring to
9 your oil palm farm which you said is two and half miles
11:42:16 10 from xxxxxxxxx?

11 A. Well, in the Mende language that is what we refer
12 to -- whether it is an oil palm farm, when once it is a
13 farm, we refer to it as a garden.

14 Q. So you are telling this Court you went back to this
11:42:36 15 garden and informed your parents. What happened?

16 A. We came back and they saw the bodies. Then we went and
17 buried them.

18 Q. And all that happened on Wednesday?

19 A. Yes.

11:43:02 20 Q. Now, Mr Witness, let me take you to some time in March
21 of 1998. Do you recall the month of March 1998?

22 A. Yes.

23 Q. Where were you?

24 A. I was in xxxxxxxxx.

11:43:32 25 Q. You were in xxxxxxxxx?

26 A. Yes.

27 Q. Did anything happen in xxxxxxxxx that you want this Court
28 to know?

1 A. Yes.

2 Q. Please, tell this Court.

3 A. The first week in March --

4 Q. What happened during the first week in March?

11:44:08 5 A. I saw Pa Norman coming from the Bo end passing on his way
6 to Pujehun.

7 Q. And where were you?

8 A. I was standing at the junction.

9 Q. So when you say you saw Pa Norman, do you know that Pa
11:44:38 10 Norman?

11 A. Yes, I know him even before then.

12 Q. If you were to see him today, would you be able to
13 identify him as the person you saw in ~~xxxxxxxxxx~~ on that
14 first week of March?

11:44:56 15 A. Yes.

16 Q. Do you see that Pa Norman today anywhere in this
17 courtroom?

18 A. Yes, he is in this Court.

19 Q. Could you point him out? You do not have to stand.
11:45:16 20 Could you point him out for the benefit of the Court?

21 A. Starting from the first person, the second person is him;
22 he has a black cap on.

23 MR KAMARA: The first Accused has been identified, Your
24 Lordships.

11:45:50 25 Q. Mr Witness, you have identified the Pa Norman that you
26 saw at that junction. Now tell us what transpired at
27 that junction on that day.

28 A. I saw -- in the evening he was passing by and he called

1 Pa Joe Tamidey.

2 Q. When you say he was passing by, what do you mean? Was he
3 walking, in a vehicle or -- tell this Court; let us
4 understand your position.

11:46:36 5 A. He was passing in a vehicle going to Pujehun.

6 Q. You said he called Pa Joe. Are you referring to the same
7 Joe Tamidey you've already testified about?

8 A. When he called Joe Tamidey, the word that he told Joe
9 Tamidey is what I'm talking about, but I'm actually
10 talking about Pa Norman.

11 Q. Did Pa Norman say anything to your hearing?

12 A. Yes.

13 Q. What is it that he said?

14 A. He said, "Tomorrow all the Kamajors should meet." There
11:47:46 15 were five sections that he was heading. So he said,
16 "Tomorrow the Kamajors should meet and nobody should go
17 anywhere, they would meet there at xxxxxxxxxx."

18 Q. Who was he talking to?

19 [11.50 a.m. HN090904C]

11:51:43 20 A. He was saying about this to Joe Tamidey and his people.

21 Q. Where was Pa Norman when he was saying this?

22 A. He was sitting in the vehicle.

23 Q. And where were you, Mr Witness?

24 A. I was sitting at the gate near their headquarters.

11:52:09 25 Q. How far was this gate where you were seated to Pa
26 Norman's vehicle?

27 A. From here to where those people are sitting.

28 Q. Which people are you referring to?

1 A. Those sitting before here, in front.

2 Q. You're telling this Court that you heard Pa Norman said
3 the Kamajors should be rallying together the next day; is
4 that what you're trying to say?

11:52:50 5 MS WHITAKER: I believe the evidence was they should meet the
6 next.

7 JUDGE THOMPSON: Yes, it's not "rallied". They didn't say
8 "rallied" at all.

9 MR KAMARA: Poor choice of words, that they should meet.

11:53:07 10 PRESIDING JUDGE: Or an invention of words to suit your
11 purposes. Get along. It is said off the record, please.

12 MR KAMARA: Thank you, My Lord.

13 Q. Did that meeting take place?

14 A. Yes, the next day.

11:53:31 15 Q. It took place the next day. Where was that meeting held?

16 A. He held that meeting in -- under the Barri of -- under
17 Koribundu's Barri, along Sembehun Road.

18 Q. Did you attend that meeting?

19 A. Yes, all of us went to the Barri who were behind him
11:54:08 20 singing.

21 Q. When you say "We were behind him singing," behind him
22 who?

23 A. We were behind Hinga Norman, singing behind him taking
24 him to the Barri.

11:54:31 25 Q. At what time was this meeting held; do you know?

26 A. Yes.

27 Q. What time of the day?

28 A. It was between 2.00 and 4.00.

1 Q. Between 2.00 and 4.00 in the morning or in the afternoon?

2 A. In the afternoon after we had left for the afternoon
3 prayer.

4 Q. Did Mr Norman address that meeting?

11:55:09 5 A. Yes.

6 Q. Where were you in that Court Barri? You said the meeting
7 was held in a Court Barri; where were you?

8 A. I was in -- right in the Court Barri on the bench,
9 sitting on the bench.

11:55:34 10 Q. What did Mr Norman say at that meeting?

11 A. He entered and greeted. It was interpreted in Krio.

12 Q. So what did he say?

13 A. He said -- he introduced his entourage.

14 Q. Was there anybody that you know that was introduced at
11:56:19 15 that meeting?

16 A. Yes.

17 Q. Tell this Court those that you were introduced that you
18 know or that you remember.

19 A. He introduced Moinina Fofana. He said he was a
11:56:49 20 dignitary.

21 Q. Was any other person introduced to the crowd?

22 A. Yes.

23 Q. Tell the Court?

24 A. He also introduced Allieu Kondewa.

11:57:11 25 Q. So having made the introductions, was anything said?

26 A. Yes.

27 Q. Tell this Court what was said?

28 A. He said he had always been hearing about us. He had only

1 come to thank you.

2 Q. When you say "us", who are you referring to?

3 A. We, the people of Koribundu.

4 Q. Yes, tell us what he said.

11:58:00 5 A. He said he had come to tell us that what he sent the
6 Kamajors to do in xxxxxxxx they did not do it.

7 Q. Yes, Mr Witness, continue.

8 A. He said, "Joe Tamidey, didn't I tell you that you should
9 only spare three houses in xxxxxxxx?"

11:59:34 10 Q. Yes, Mr Witness.

11 A. Then Joe Tamidey said, "Yes," and he said, "Why have I
12 come and seen several houses here in xxxxxxxx?"

13 JUDGE BOUTET: Carry on.

14 MR. KAMARA:

11:59:55 15 Q. Carry on, Mr Witness.

16 A. After he had said that, then he said he was the one that
17 authorised the Kamajors to burn the whole town and kill
18 everybody in the town.

19 Q. Yes.

12:00:25 20 A. Myself when he said that -- my colleagues that was
21 sticking together, I took them and I said, "Let's go
22 because if I continue sitting here, I'll continue feeling
23 bad, so let's just leave here and go."

24 Q. So you advised yourself to leave the meeting?

12:00:48 25 A. Yes, because of what he said, so I left there and went to
26 the Junction and sat nearby my goods.

27 Q. Now, Mr Witness, in what language did Mr Norman speak?

28 A. He was speaking in Mende and he was being interpreted in

1 Krio.

2 Q. And how far away were you from Mr Norman where he was
3 speaking from?

4 A. Just like the distance between myself and those men
12:01:45 5 sitting down here.

6 Q. Okay. Mr Witness, was there any other meeting held in
7 K xxxxxxxxxx by Mr Norman?

8 A. Yes.

9 Q. Do you recall when that meeting was held?

12:01:59 10 A. Yes.

11 Q. Please tell this Court.

12 A. At the end of March.

13 Q. The end of March another meeting was held by Mr Norman.
14 Where was that meeting held?

12:02:20 15 A. At the same Barri, along the same Barri road.

16 Q. Did you attend that meeting?

17 A. Yes.

18 Q. And who were present in that meeting that you know?

19 A. There was Pa Norman himself.

12:02:50 20 Q. Did any person address that meeting?

21 A. Yes.

22 Q. Who addressed that meeting?

23 A. It was the same Pa Norman that addressed the meeting.

24 Q. What did Pa Norman say at that second meeting?

12:03:15 25 A. He said -- we, the xxxxxxxxxx people, our complaints were
26 still reaching him.

27 Q. Yes.

28 A. He said, since he saw us and we said we didn't like the

1 Kamajors, that was the same thing that he was still
2 doing.

3 Q. Were you in that meeting until it ended?

4 A. I was not there 'til it ended. He said something that
12:04:14 5 sent me off, that I went back to the junction.

6 Q. What is it that the first accused, Pa Norman, said at
7 that meeting which you were telling this Court made you
8 to leave?

9 A. Just as he went, he told us that he had heard that we had
12:04:43 10 been swearing the Kamajors because they are taking away
11 our beds, they are taking away our property, and they
12 have killed a lot of people. He said we should not swear
13 any other person because he sent the person to do these
14 things. We should swear him, not the people, not the
12:04:59 15 Kamajors.

16 Q. Take it slowly, take it slowly. Can we have the second
17 bit of it again so that the judges and the stenographers
18 as well as the Defence --

19 A. He said now that he has seen that the Koribundu people
12:05:23 20 didn't like the Kamajors, soldiers came and they killed
21 people, the rebels came and they killed people, Cobras
22 came and they killed people, who were the Kamajors that
23 would come and kill people that he started grumbling.

24 Q. So is that what you heard that made you leave?

12:05:46 25 A. When he said that we should not curse the Kamajors, we
26 should curse him, that is the reason why I left the
27 place.

28 Q. So Pa Norman -- you're telling this Court that Pa Norman

1 said that you people of Koribundu should --

2 MR MARGAI: My Lord, you had cautioned my learned friend not
3 to repeat the evidence.

4 PRESIDING JUDGE: I reiterate my caution.

12:06:14 5 MR KAMARA: I'm sorry, Your Honours. I was just trying to
6 make the record clearer.

7 PRESIDING JUDGE: No, please examine your witness; don't
8 testify in place of your witness.

9 MR KAMARA: As Your Lord pleases. I thank you very much for
12:06:28 10 that caution reiterated. And, Your Honours, that is all
11 for this witness. Thank you.

12 PRESIDING JUDGE: Thank you. The Court will rise for five
13 minutes, and we'll resume with the cross-examination of
14 this witness by counsel for the first accused, and of
12:08:23 15 course, you know, the first accused himself, if he so
16 wishes. The Court will rise, please.

17 [Break taken at 12.06 p.m.]

18 [On resuming at 12.17 p.m.]

19 PRESIDING JUDGE: Yes, cross-examination, first accused.

12:21:04 20 THE ACCUSED NORMAN: My Lord, may I enjoy Your Lordship's
21 permission to let me say a few words before I take up the
22 cross-examination. Whatever I say here, I do not mean
23 your personal self, My Lord. I am in a very difficult
24 position as a man on trial for his life concerning as a
12:21:33 25 human being what I did, what resulted as a result of my
26 doings and what I'm now faced with, thinking probably if
27 I did not, perhaps I would not be here. For it is
28 unfortunate that is part of life, so I want Your

1 Lordships to treat me with that understanding, and I have
2 every respect to the Bench for which I belong as a very,
3 very, far junior. Thank you very much, My Lord.

4 PRESIDING JUDGE: Thank you. I would like to assure you that
12:22:21 5 we have been sent here by the United Nations to do a job.
6 I think every one of us here trails a career behind him
7 in his national system. We never came here on our own
8 invitation, and we've come here, with the little bit of
9 experience that we have acquired in our system, both
12:22:56 10 national and international, to do justice and nothing but
11 justice, and this, of course, to the best of our ability.
12 That is what we are committed to doing to all and sundry.

13 We would like to assure you that we have taken what
14 you have said in very good faith and to assure that we
12:23:26 15 will not deviate from our determination to ensure that
16 justice is done to every person who is appearing before
17 us and that the principle of equality of justice before
18 all is strictly respected and applied. This is the
19 assurance I would like to give you and to say that we
12:23:51 20 would do this in strictly applying the principle of
21 equality of arms to all parties. You are
22 self-represented, you have your rights, you have standby
23 counsel. You have your rights. The Prosecution has its
24 rights. We are here to hold the balance and we will hold
12:24:15 25 the balance. We want to assure all who are involved in
26 these matters that we would do that in fairness and in
27 all equity. So, thank you for what you've said.

28 Yes, my colleague, Judge Thompson has something to

1 say.

2 JUDGE THOMPSON: Just a short point that the assurance that
3 we've given to this Court that this Bench takes the
4 assumption of innocence [microphone not activated] and
12:24:57 5 everybody who appears before this Court can be
6 [microphone not activated] presumed innocent until proven
7 guilty. That is my own guide, that is what motivates my
8 sense of justice and whatever disagreements or disputes
9 on both sides never affects me in that [microphone not
12:25:23 10 activated] which I call --

11 THE ACCUSED NORMAN: Thank you.

12 JUDGE BOUTET: I thought my brothers and colleagues had said
13 it all, but if you want to hear it from me, Mr Norman,
14 certainly I share the views expressed by my brothers, and
12:25:47 15 I can assure that I do understand the predicament you are
16 in, but you are an accused. You have not been convicted
17 on anything and I agree with you, you are facing very
18 serious charges as such. But we are committed and I am
19 committed, just like my brothers, to make sure that this
12:26:04 20 trial is fair and that the principle of justice and the
21 rule of law is properly applied throughout this process
22 and this trial. And we will do our best and I will do my
23 best to make sure that your rights are properly protected
24 as well. And that's why in your case, for example, like
12:26:22 25 my Presiding Judge has said, we have allowed you to do
26 your own self-representation with some assistance,
27 because we felt that, for your own protection and in the
28 interests of justice, that was the best way to proceed

1 with this trial. So we are committed to this. We will
2 try to do the best to accommodate your views, but we are
3 in a trial as such and, as difficult as it may be, we
4 must try to go through and see an end to this trial and
12:26:52 5 this is what we're here to do and we will do that to the
6 best of our ability.

7 THE ACCUSED NORMAN: I want to thank you, My Lords, and say
8 that my goal in life has always been bold enough to speak
9 the truth, and what I've heard from the Bench today has
12:27:10 10 now relieved me of a lot of bothering on my mind that I
11 have been carrying, and I can assure that there has been
12 a whole lot which has been relieved very presently and
13 for which I want to thank Your Lordships and that from
14 now on we will proceed to getting to the truth and
12:27:30 15 justice. Thank you very much.

16 JUDGE BOUTET: Now, Mr Norman, do you wish to cross-examine
17 the witness?

18 THE ACCUSED NORMAN: Yes, My Lord. Just a few questions.

19 CROSS-EXAMINED BY THE ACCUSED NORMAN:

12:27:40 20 Q. Mr Witness, I'm sure you know me.

21 A. Very well.

22 Q. I'm sure that you know that I know you. I know you.

23 A. How do you know me?

24 Q. In xxxxxxxxxx when you were a young man, between 20 and 21
12:28:08 25 years and you used to go to Telu with your father. No,
26 never mind. We have not come to introduce ourselves, but
27 we have come on a matter that is different. Now, you
28 have said that on many occasions you were very close to

1 the Kamajors.

2 A. Yes, yes, indeed.

3 Q. And that, in fact, you are related to some of them?

4 A. Yes.

12:28:50 5 Q. That even when you masqueraded to appear like a Kamajor,
6 some of them knew and they did not do anything to you?

7 A. No.

8 Q. And that -- and that it is possible that if you could
9 masquerade, any other person can masquerade, too, and

12:29:17 10 appear as a Kamajor and they would not do anything to
11 them.

12 MR KAMARA: Object, Your Honour. The question is hypothetical
13 and highly speculative.

14 JUDGE THOMPSON: Yes. It sounds argumentative and perhaps we
12:29:34 15 could -- I'll sustain the objection and have you rephrase
16 it.

17 THE ACCUSED NORMAN: I will rephrase it, My Lord.

18 Q. You wore something like what the Kamajors were wearing.

19 A. [The accused Norman interrupts interpretation]

12:30:05 20 Q. [Overlapping microphones]

21 A. Which clothes are you talking about -- these that I'm
22 wearing?

23 Q. Palm fronds.

24 A. Yes, palm fronds. I took it and I tied it across my
12:30:13 25 forehead.

26 Q. Why did you wear that?

27 A. Now, the time they were coming to ~~xxxxxxxxxx~~, that was to
28 show that you were in support of the palm frond.

1 Q. And they were also wearing the same palm frond?

2 A. Yes, now the time -- they too were having palm fronds
3 like some civilians. So when they went to xxxxxxxxx,
4 that's what they were wearing. That's why I wore it,
12:30:49 5 too.

6 Q. And were you born in xxxxxxxxx or a nearby village?

7 MR KAMARA: Objection, Your Honour, the question will likely
8 identify the witness.

9 MS WHITAKER: He hasn't been asked to name the village. He
12:31:10 10 simply asked whether there was a village.

11 JUDGE THOMPSON: Yes, right. The objection is overruled.

12 PRESIDING JUDGE: Overruled.

13 MR KAMARA: Thank you, My Lord.

14 THE ACCUSED NORMAN:

12:31:20 15 Q. Were you born in xxxxxxxxx or in a nearby village?

16 A. I was born in xxxxxxxxx town, right in xxxxxxxxx town.

17 [12.30 p.m. HN090904D]

18 Q. And xxxxxxxxx is part of xxxxxxxxx section of xxxxxxxxx?

19 A. Yes, xxxxxxxxx is xxxxxxxxx.

12:31:35 20 Q. You know xxxxxxxxx is divided between xxxxxxxxx and
21 xxxxxxxxx?

22 A. Yes.

23 Q. And you have come from xxxxxxxxx section. Is that a very
24 big area?

12:31:59 25 A. Yes. Yes. Yes.

26 Q. How long do you think soldiers ever resided in xxxxxxxxx?

27 A. They were there till the overthrowing took place in
28 Freetown.

1 Q. I said how long were they in xxxxxxxx? Until the day
2 they left, how long - one month, two months, one year,
3 two years, or how many years?

4 A. They were there for up to nine years and in the 10th year
12:32:52 5 they left.

6 Q. So they were there for nine to ten years. That's a long
7 period. And the soldiers also inter-married with xxxxxxxx
8 daughters in xxxxxxxx?

9 A. Wait on, give me a moment. I said nine years and in the
12:33:16 10 10th year they left.

11 Q. All I'm saying now is that while they were there for that
12 nine years, they inter-married with daughters of
13 xxxxxxxx and the outlying villages?

14 A. Many, many of them.

12:33:52 15 Q. So there was a brother-in-law, son-in-law, father-in-law
16 relationship?

17 JUDGE THOMPSON: Just a minute. Many of them what?

18 THE ACCUSED NORMAN: Inter-married, my Lord.

19 JUDGE THOMPSON: Yes, we didn't get that complete answer from
12:34:09 20 the translators.

21 THE INTERPRETER: He said [Mende spoken]. That means "many".

22 THE ACCUSED NORMAN: "Plenty, plenty, plenty" [Mende spoken].

23 Q. So they inter-married with men and women and so they
24 became in-laws?

12:34:36 25 A. What are you talking about?

26 Q. The soldiers married the xxxxxxxx girl children and
27 xxxxxxxx section girl children?

28 A. Where do you have soldiers that won't marry?

1 Q. Your business is not to ask me questions. I'm not a
2 witness. You are the witness. I ask you questions. You
3 don't ask me.

4 JUDGE THOMPSON: Is the suggestion that soldiers like marrying
12:35:16 5 everywhere?

6 THE ACCUSED NORMAN: I was a soldier. I was a soldier.

7 JUDGE THOMPSON: Everywhere they find themselves --

8 THE ACCUSED NORMAN: We always live there modestly.

9 PRESIDING JUDGE: Please, answer the questions which are put
12:35:30 10 to you.

11 THE WITNESS: Yes, the soldiers got married to many women in
12 that town.

13 THE ACCUSED NORMAN:

14 Q. So those soldiers who became hurt in the attack and
12:35:42 15 counter-attacks, and those Kamajors who became hurt in
16 the counter-attacks, they were all hurt in the same one
17 act of war?

18 A. Please ask the question properly. I didn't understand
19 the question.

12:36:16 20 Q. The soldiers were hurt by the Kamajors, were they not,
21 when they were attacked?

22 A. Some even got killed.

23 MR MARGAI: That interpretation is not correct, My Lords.

24 PRESIDING JUDGE: Why?

12:36:34 25 MR MARGAI: What the witness is saying is that both the
26 Kamajors and the soldiers got hurt in the same act.

27 THE ACCUSED NORMAN: That is what I'm saying.

28 MR MARGAI: That is what he is saying, but before he said it,

1 not the witness.

2 THE ACCUSED NORMAN: Please, I am Mende. If he can understand
3 me in Mende, can I tell him?

4 PRESIDING JUDGE: No.

12:36:57 5 THE ACCUSED NORMAN: I want your Lordships to let me.

6 JUDGE BOUTET: Mr Margai, are you suggesting that it was the
7 answer from the witness --

8 MR MARGAI: No, not the answer, but the question was not
9 correctly put, My Lord.

12:37:07 10 JUDGE BOUTET: Let's try it again.

11 THE ACCUSED NORMAN: I will take it one by one this time.

12 Q. The soldiers were sometimes hurt and sometimes killed by
13 the Kamajors, were they not? Whenever there was an
14 attack --

12:37:28 15 MR MARGAI: Again, that is not correct. I mean, the question
16 is very specific that sometimes the soldiers were hurt
17 and sometimes killed by the Kamajors. That was --

18 THE ACCUSED NORMAN: When the town was attacked.

19 MR BANGURA: Your Honours, if I may be heard.

12:37:49 20 THE WITNESS: No, this Kamajor business didn't just start when
21 the war started.

22 THE ACCUSED NORMAN: What --

23 PRESIDING JUDGE: Just a moment, please.

24 MR BANGURA: Can he sit down, please? If I may be heard on

12:38:04 25 this, Your Honours, I think and believe that the question
26 is confusing for not only the witness but even the
27 interpreter, because when I am constrained to punctuate
28 Mr Norman in his cross-examination, I really didn't want

1 to get up like that, but the fact is, when he said
2 "hurt", it was difficult for the witness, and I'm sure it
3 is the same thing with the interpreters. Just identify
4 what is meant by "hurt" and at what point in time.
12:38:26 5 Where, if Mr Norman could easily identify what he meant
6 by "being hurt" and, also, what specific event is he
7 referring to, then that will help the interpretation and,
8 secondly, Your Honours, as a matter of policy for this
9 Court, we would be obliged and happy to know if we
12:38:43 10 could -- inasmuch as Mr Margai is trying to be of help to
11 the Court, but I think we would prefer to have an
12 independent resort in terms of what the interpreter
13 says than what Mr Margai tells the Court. But, at the
14 same time, I think the proper thing to be done for us on
12:38:59 15 this side, so we could understand better --
16 PRESIDING JUDGE: Well, I don't know if there is any
17 suggestion that Mr Margai is --
18 MR MARGAI: Not interpreting faithfully.
19 PRESIDING JUDGE: -- misleading the Court. He is just saying
12:39:25 20 that it's a mistranslation, or in his appreciation of the
21 translation that has been given.
22 MR BANGURA: Not at all, no explanation like that.
23 PRESIDING JUDGE: Do you want us to have another interpreter
24 for another interpreter?
12:39:37 25 MR BANGURA: No, Your Honours. The point I'm trying to make
26 is that, if we have these interpreters and they tell
27 us -- we agree, we believe they are independent, and we
28 go by what they say, but in the event that Mr Margai is

1 telling us that --

2 PRESIDING JUDGE: I think when that comment is made by

3 Mr Margai, it is for the translator to revisit his

4 translation and see whether he is faithfully translating

12:40:05 5 the witness. We could ask him to do that rather than

6 getting an independent -- somebody to say it is this. It

7 will get us into a procedure --

8 JUDGE BOUTET: In short addition to this, Mr Margai makes

9 these statements or observations as an officer of the

12:40:24 10 Court and I think that you, too, can make a statement if

11 you understand the language. If you feel that an

12 interpretation is wrong, why shouldn't you take the

13 position that it's wrong, again as an officer of the

14 Court. I think the idea of some kind of ombudsman

12:40:41 15 interpreter would be a little complicated for us, but

16 I think that it is right to argue whether in fact what we

17 have got is the correct interpretation. The Court is

18 assisted by that and I don't think much time is consumed

19 by that exercise and I don't think you are trying to

12:41:03 20 impeach your learned colleague's integrity in the matter.

21 MR BANGURA: Not at all, Your Honour. My concern there, which

22 I believe is very significant in the sense that we've had

23 occasions where the accused himself made voluntary

24 interpretations with the belief to aid the Court and

12:41:22 25 Mr Margai has made interpretations and, in the gist of

26 all that, I was wanting to know what the guideline is.

27 JUDGE THOMPSON: But at no point in time have we found

28 ourselves -- the Bench accepted what Mr Margai has said

1 as the correct interpretation, or what the Prosecution
2 has said is the correct interpretation. What we do is to
3 revisit the issue and ask the translators to have another
4 try. I mean, I'm sure that they are the best people to
12:41:53 5 be able to provide us with what is in fact the authentic
6 rendition of the translation.

7 MR BANGURA: I thank you, Your Honours.

8 PRESIDING JUDGE: This said, I think Mr Norman can continue,
9 but, please, make your questions brief and precise. Even
12:42:12 10 if you have 10 of them, let them be brief and precise so
11 we move on.

12 THE ACCUSED NORMAN: Thank you, My Lord. I was using "hurt"
13 in the generality of language, but I will be specific.

14 Q. Mr Witness, whenever there was an attack on xxxxxxxxx,
12:42:34 15 soldiers got wounded. Their families also got wounded
16 and some of them --

17 JUDGE BOUTET: Maybe you can ask him if he knows that.

18 THE ACCUSED NORMAN:

19 Q. Do you know that? Are you aware of that?

12:42:56 20 A. Yes, I know that when the soldiers were there and when
21 they were still there, they were fighting, but the
22 Kamajors didn't just come to fight. That's what I want
23 him to know. The Kamajors came, but it was later.

24 Q. My question is that you are aware -- you are aware and
12:43:26 25 that as of fact you have knowledge that, whenever
26 Kamajors attacked xxxxxxxxx, soldiers got wounded, their
27 families got wounded, and some of them even got killed.
28 Do you know this?

1 A. Yes.

2 Q. And that, also, whenever the soldiers launched a
3 counter-attack, the Kamajors got hurt, their families got
4 hurt, and some of them even got killed. You also know
12:44:14 5 this. Do you know?

6 A. Yes.

7 Q. So, as a matter of fact, one would say that xxxxxxxxxx was
8 a divided town between Kamajors and soldier sympathisers
9 and relatives. Do you know that?

12:44:53 10 A. What do you mean about "sympathisers"?

11 Q. Mr Witness, if you don't understand, say, "I don't
12 understand," and then I will repeat. May I repeat?

13 PRESIDING JUDGE: Please repeat.

14 THE ACCUSED NORMAN: Yes.

12:45:14 15 Q. Do you know that, whenever soldiers also attacked
16 xxxxxxxxxx, Kamajors and Kamajors' family got wounded and
17 some even got killed?

18 A. That question that you're asking, the soldiers that were
19 in the town, were they attacking each other -- one
12:45:52 20 another?

21 Q. Mr Witness, I have several times said to you that I am
22 not a witness and you are not cross-examining me. You
23 are the witness and I am cross-examining you. You answer
24 my question "Yes" or "No", or, "I don't understand," so
12:46:21 25 I can repeat, and I will seek the Bench's protection that
26 I may not be subjected to the witness's question.

27 PRESIDING JUDGE: You have the protection, Mr Norman.

28 THE ACCUSED NORMAN: Thank you, My Lord.

1 PRESIDING JUDGE: Can you carry, on, please?

2 THE ACCUSED NORMAN:

3 Q. Mr Witness, how many times did Kamajors attack xxxxxxxxx?

4 A. Many times; I don't know the count.

12:46:53 5 Q. And did they take xxxxxxxxx?

6 A. The Kamajors, till they came -- when they were there with
7 soldiers, one day the Kamajors didn't come into

8 xxxxxxxxx and left --

9 [The accused Norman interrupts interpreter]

12:47:11 10 THE INTERPRETER: That's the total answer. Can Mr Norman
11 allow me to interpret?

12 PRESIDING JUDGE: Mr Norman, the interpreter --

13 JUDGE BOUTET: You are going too fast, because you need to let
14 the interpreters to translate what the witness has said

12:47:25 15 before you move on to the next question. Please repeat
16 your last question.

17 THE ACCUSED NORMAN: Thank you, my Lord.

18 Q. How many times did Kamajors attack xxxxxxxxx, to your
19 knowledge, as you were living there?

12:47:47 20 A. I have said it, that I don't know the times. They were
21 attacking during the evening and during the day, but I
22 don't know the number of times. If I said that now,
23 I would be telling lies.

24 Q. Oh, yes. And how many times did they take xxxxxxxxx?

12:48:11 25 A. They never took xxxxxxxxx. They came and attacked
26 xxxxxxxxx, but they were never able to take xxxxxxxxx.

27 Q. If the attack was beaten back, there would be a reprisal
28 against Kamajor relatives and sympathisers. Do you know

1 that? Do you know that?

2 JUDGE BOUTET: Mr Norman, you have to ask a question, not make
3 statements, please.

4 THE ACCUSED NORMAN:

12:48:33 5 Q. Do you know whether there was any reprisal attack by
6 soldiers against Kamajor family or Kamajor relatives in
7 xxxxxxxxx?

8 A. Yes, I know that.

9 Q. Thank you very much. You know that, as a chief -- and
12:49:05 10 you know me -- I went there several times to settle this
11 dispute?

12 A. Yes.

13 Q. And that at another time you know that where I was based
14 in Telu the town was attacked and I moved out of xxxxxxxxx

12:49:33 15 xxxxxxxxx?

16 A. When xxxxxxxxx was attacked -- when you were attacked in xxxxxxxxx,
17 you left xxxxxxxxx and you came back to xxxxxxxxx, but
18 you came here.

19 Q. After I left xxxxxxxxx -- after I left xxxxxxxxx, do you
12:50:00 20 know that soldiers and Kamajors continued in that
21 situation in xxxxxxxxx -- confrontational?

22 A. Yes, they were fighting each other.

23 Q. It's better than confrontational. And you have testified
24 here several times about a meeting in xxxxxxxxx at which
12:51:01 25 meeting I always addressed the people.

26 A. Yes, xxxxxxxxx in March month.

27 Q. Whatever month I went to xxxxxxxxx, you know that
28 xxxxxxxxx was also in my own responsibility area as a

1 chief. Do you know that?

2 A. Yeah, you are the chief in xxxxxxxxx and you ask them to
3 burn xxxxxxxxx.

4 Q. Mr Witness, what is your answer to my question? Do you
12:51:44 5 know or don't you know that I was a chief of xxxxxxxxx
6 xxxxxxxxx r, including xxxxxxxxx?

7 A. Yes, I knew that. Yes, I heard that you were -- you were
8 the regent chief in xxxxxxxxx.

9 Q. Of the two sections of xxxxxxxxx?

12:52:08 10 A. Yes.

11 PRESIDING JUDGE: Yes, he has said so.

12 THE ACCUSED NORMAN: He has said so?

13 PRESIDING JUDGE: Yes, he has already said so.

14 THE ACCUSED NORMAN: Thank you My Lord.

12:52:17 15 Q. And that you, and all of you, think that I did not treat
16 xxxxxxxxx and xxxxxxxxx fairly. You, do you think so?

17 A. Not in the least -- not in the least. You didn't treat
18 the people of xxxxxxxxx in the least. Everybody --
19 and you didn't know that there was a chief at xxxxxxxxx

12:52:51 20 xxxxxxxxx.

21 Q. [Overlapping microphones] you think the chief that has
22 not treated your section is to be blamed. Do you think
23 so?

24 A. Yes.

12:53:05 25 Q. So, as a result, I went to the Barri and I addressed all
26 of you, and that I want to get to your memory, that
27 during the contest of the chieftaincy which resulted --

28 PRESIDING JUDGE: Mr Norman, take your time. Phrase your

1 questions.

2 THE ACCUSED NORMAN: Thank you, My Lord.

3 PRESIDING JUDGE: Avoid making speeches.

4 THE ACCUSED NORMAN: Thank you.

12:53:37 5 PRESIDING JUDGE: Or introductory remarks.

6 THE ACCUSED NORMAN: Thank you.

7 PRESIDING JUDGE: Put precise questions to this witness,

8 please.

9 THE ACCUSED NORMAN: Thank you.

12:53:44 10 Q. You know that there is a new chief in xxxxxxxxx?

11 A. At present, yes.

12 Q. And that that chief is from the xxxxxxxxx section?

13 A. Yes.

14 Q. And that the chief is from a village called Valunia?

12:54:08 15 A. Yes.

16 Q. And that he also has a brother with whom he contested?

17 A. He and his brother, Siaka Bah, they fought the contest.

18 Q. [Overlapping microphones]

19 A. xxxxxxxxx.

12:54:36 20 Q. And where does the other Bah live?

21 A. Valunia.

22 Q. So there is also a split in that town concerning that

23 chieftaincy?

24 A. Are we talking about chieftaincy, or are you asking me

12:55:03 25 questions?

26 Q. No, no, no.

27 PRESIDING JUDGE: Sir, answer the question. Answer the

28 question. Mr Norman, put your question to him again,

1 please.

2 THE ACCUSED NORMAN: Thank you, My Lord.

3 Q. Mr Witness --

4 PRESIDING JUDGE: If you do not know the answer to a

12:55:24 5 question --

6 THE ACCUSED NORMAN: Say, "I know," or, "I don't know."

7 PRESIDING JUDGE: -- say you do not know.

8 THE ACCUSED NORMAN:

9 Q. I'm not wily. You know me. I have nothing against you,

12:55:35 10 you have nothing against me. Your business here is to

11 speak the truth of what happened. So have no fear in

12 your mind -- no fear. Just answer the question,

13 Mr Witness. What would be the answer?

14 PRESIDING JUDGE: Ask him the question again, please.

12:55:49 15 THE WITNESS: Okay.

16 THE ACCUSED NORMAN:

17 Q. You know that the two brothers are divided and that that

18 division is also existing in xxxxxxxxx?

19 A. Well, that relationship has been remedied. They have

12:56:15 20 corrected it.

21 Q. Up to the time when I held the meeting in xxxxxxxxx, that

22 was the case; the situation between the two brothers had

23 not been resolved -- the meeting you are referring to

24 here?

12:56:42 25 A. Yes, but you didn't convene that meeting in order to

26 resolve that problem.

27 Q. It's all the answer I wanted, not the comment. Good.

28 Now, you have said here that I said they should go and

1 burn the entire town.

2 A. Wait. Wait, that wasn't why you called the meeting.

3 Q. You have testified here that I went to xxxxxxxxxx and held
4 a meeting; did you, or did you not?

12:57:31 5 A. I said, sir, that you convened a meeting in xxxxxxxxxx.

6 Q. And at that meeting you said I said that I was vexed with
7 the Kamajors for not doing what I told them to do?

8 A. Yes.

9 Q. And at the other meeting you said I said that they were
12:57:58 10 to burn all the houses and kill everybody. Did you say
11 that?

12 A. These two meetings that you called, are you talking about
13 those two meetings?

14 Q. Whatever you alleged here.

12:58:20 15 PRESIDING JUDGE: Mr Norman, he talked of two meetings. Take
16 them one by one.

17 THE ACCUSED NORMAN: The first meeting --

18 PRESIDING JUDGE: Yes.

19 THE ACCUSED NORMAN:

12:58:28 20 Q. The first meeting which you saw me in the vehicle when
21 you heard me giving instructions to a man called Joe
22 Tamidey for a meeting the next day. That is the meeting
23 that I'm referring to first.

24 A. The first meeting that you convened when you were going
12:58:55 25 to Pujehun, is that the meeting you're talking about?

26 THE ACCUSED NORMAN: My Lords --

27 JUDGE BOUTET: Carry on.

28 Q. Mr Witness, the meeting that Mr Norman is referring to is

1 a meeting that you described in your evidence where you
2 met Mr Norman for the first time, and he was talking to
3 Joe Tamidey and from there he asked that the meeting be
4 convened for the next day. If I'm not mistaken -
12:59:27 5 I haven't looked at my note - I recall it was March 1998.
6 In fact, I think you said the first week of March 1998.
7 That's the meeting, I guess, that Mr Norman was referring
8 to. According to your evidence, there were two meetings
9 in March 1998.

12:59:44 10 JUDGE THOMPSON: Also, I think wasn't that the meeting you
11 said he was passing through Pujehun?

12 THE ACCUSED NORMAN: Yes, My Lord, that's right.

13 JUDGE THOMPSON: That is what my recollection of the evidence
14 indicates.

12:59:56 15 PRESIDING JUDGE: Mr Norman, ask him questions on that first
16 meeting.

17 THE ACCUSED NORMAN: Okay.

18 Q. Mr Witness, when you were coming to give evidence here,
19 did you know I would be asking you these questions
13:00:09 20 myself?

21 A. Yes.

22 Q. How did you know that?

23 A. I know that you're in captivity, that you've been
24 arrested.

13:00:31 25 Q. Because I was arrested, so you know I am going to ask you
26 questions?

27 A. Yes.

28 Q. Now I'm asking you this question myself, as you thought

1 I would. You saw me. You said I was going to Pujehun
2 and you said I was sitting in the vehicle and I called a
3 man named Joe Tamidey, whom you know very well.

4 A. Yes.

13:01:01 5 Q. And I told him of a meeting the next day. To your
6 knowledge, did you see me attend that meeting which you
7 think -- at which you said I told Joe Tamidey off?

8 A. Yes.

9 Q. Did you hear me say anything at that meeting?

13:01:32 10 A. Yes.

11 Q. What was that?

12 A. When you came and alighted and I was sitting behind you
13 as we were going to the Barri. We went. The hammock
14 that they took for you to lie down, you didn't even lie
13:01:51 15 down in it, and you came and went to the junction and
16 went to the Barri by Sumbuya Road. When we went, you
17 said you told Joe Tamidey that the work you sent him to
18 do he didn't do, because -- because you've come and
19 you've seen so many houses and you told him that you only
13:02:11 20 wanted to see three houses.

21 Q. So that is what you said?

22 A. No, I didn't say it; you said so.

23 Q. [Microphones overlapping] reporting what I said. Did you
24 report what I said and your report was correct?

13:02:41 25 Mr Witness, "Yes" or "No"? Was your report correct?

26 "Yes" or "No". Was your report correct?

27 A. Yes.

28 Q. Mr Witness, was your statement correct?

1 A. Yeah, what you said was true.

2 Q. What you said was not correct. It was what I said was
3 correct; is that what you're saying?

4 A. What you said was true.

13:03:12 5 Q. So what you said was not correct?

6 A. Why?

7 Q. Mr Witness, you said --

8 MR BANGURA: Your Lordship if I may be heard at this point?

9 I'm sorry, Mr Norman, I don't think we're getting it
13:03:32 10 straight from your cross-exchanges through the witness.

11 My understanding, Your Honours, of what the witness said

12 is that what he's reporting, or what he reported as

13 Mr Norman having said is true, and what Mr Norman is

14 trying to say to the witness that what the witness said

13:03:48 15 is not true, but what he said is true. I am confused.

16 Can the Court please let Mr Norman differentiate the two?

17 What is he referring to, what the witness said? Is this

18 referring to what he testified in Court, or if he's

19 referring or he's accepting that what the witness has

13:04:04 20 testified to this Court is true, then let him say so and
21 then we accept that.

22 And another point of law, Your Honours, is that

23 while inasmuch as we appreciate Mr Norman's position in

24 defending himself, if in the course of his

13:04:20 25 cross-examination he proffers evidence -- and, Your

26 Honours, I think I'm willing to be guided by the bench --

27 then the proper place for Mr Norman to proffer evidence

28 to this court is the witness stand.

1 PRESIDING JUDGE: It is your duty to object whenever such
2 occasions arise.

3 MR BANGURA: As My Lord pleases.

4 PRESIDING JUDGE: It is not for the Court to do your job.

13:04:47 5 Mr Norman, can you continue, please?

6 JUDGE BOUTET: Just before you do, Mr Norman, I agree with the
7 Prosecution on this issue, because I am confused, too, as
8 to what is the exact answer. Is he saying yes to what
9 you're saying? I would appreciate it if you --

13:05:02 10 PRESIDING JUDGE: In fact, he should rephrase his questions.

11 JUDGE BOUTET: I simply do not know what the status of that is
12 at the moment. It's not only for the Prosecution; it's
13 for myself as well. I'd like to be able to clearly
14 understand what the picture is, if possible.

13:05:16 15 THE ACCUSED NORMAN: Thank you, My Lords. You see, My Lord,
16 as an accused person, I am observing the witness. Every
17 time the witness has come to give evidence-in-chief, they
18 are not difficult. But when (inaudible) question, then
19 they become non-understanding, non-educated. However,
13:05:41 20 I will try. It is my case. I have to walk out of here.

21 Q. Mr Witness, you said I entered the Court and introduced
22 the people who went with me. Did you say that?

23 A. Yes.

24 Q. At that time when I entered that Court and you were

13:06:12 25 sitting behind me, what did you observe me to be - as an
26 ordinary person, or your chief?

27 A. At that time you were Kamajor chief.

28 Q. Did you observe me as chief of Jaiama Bongor, or just a

1 mere Kamajor chief when you were dancing behind me,
2 singing?

3 A. I saw you as the Kamajor chief as well when I was dancing
4 behind you. You were there as the Kamajor chief. You
13:07:08 5 went there as somebody -- as the regent chief.

6 Q. You did not recognise me as a chief of Jaiama Bongor?

7 A. No -- no, at that time.

8 Q. So, therefore, anything I may have said was not as a
9 chief but as a Kamajor chief -- not as a chief of Jaiama
13:07:32 10 Bongor but as a Kamajor chief?

11 A. Yes, you were doing it as chief of the Kamajors.

12 Q. How do you know the difference?

13 JUDGE BOUTET: Mr Norman, please, you are --

14 PRESIDING JUDGE: [Overlapping microphones] If he has given
13:07:57 15 the precise answer, please, move along.

16 THE ACCUSED NORMAN: He said, My Lord --

17 PRESIDING JUDGE: He says that you were there as a Kamajor
18 chief and not as a chief of Jaiama Bongor --

19 THE ACCUSED NORMAN: That's exactly what I want him to say.

13:08:14 20 PRESIDING JUDGE: -- at that time, and they were marching
21 behind you as the Kamajor chief.

22 THE ACCUSED NORMAN: As the Kamajor chief. If your Lordships
23 have got that, then thank you, I will go ahead.

24 PRESIDING JUDGE: Yes, that is what -- yes.

13:08:28 25 THE ACCUSED NORMAN: Thank you.

26 Q. Did you see me vexed when I was talking to you people of
27 ~~xxxxxxx~~? Did you see that my comportment was a vexed
28 one? Was I angry, or look -- angry looking?

1 A. Too badly, yes.

2 Q. Would you say whether you knew why I was vexed?

3 MR BANGURA: Your Honour, I think I'm obliged to object again.

4 This question seeks the opinion of the witness. I think

13:09:05 5 I've allowed Mr Norman too many opinion questions. He is

6 seeking the opinion of this witness in this case.

7 PRESIDING JUDGE: Sustained.

8 THE ACCUSED NORMAN: My Lord, the learned counsel --

9 PRESIDING JUDGE: Rephrase your question, sir, and move along,

13:09:14 10 please.

11 THE ACCUSED NORMAN: The learned friend sought the opinion of

12 the witness when he came from his farm to see the dead

13 bodies. He cannot now testify --

14 PRESIDING JUDGE: You are asking him to tell us why he thinks

13:09:26 15 you spoke in the tone you did. Rephrase the question,

16 please.

17 THE ACCUSED NORMAN:

18 Q. Did you know why I was vexed? Mr Witness, did you know

19 why I was vexed?

13:09:36 20 A. Yes.

21 Q. Why was I vexed? Why was I annoyed?

22 A. Because you said the work you sent the Kamajors to do

23 they've not done, and you gave them instructions to

24 destroy the houses except three, and you said that openly

13:09:54 25 in the Barri.

26 Q. [Overlapping microphones] the houses had not been burned;

27 not so?

28 A. At that time the houses had been burned except for a few

1 and you came back and said that word.

2 Q. If I was vexed that the people did not carry out my
3 wishes, why should I now -- why should you now --

4 JUDGE BOUTET: No, you ask your question, because you are now
13:10:20 5 arguing with the witness. You may disagree with his
6 answers, but those are his answers.

7 THE ACCUSED NORMAN:

8 Q. Mr Witness, you are saying that I was vexed because my
9 wishes were carried out?

13:10:31 10 PRESIDING JUDGE: No, your wishes were not carried out.

11 THE ACCUSED NORMAN: My Lord, he has said something else which
12 probably was not exactly intended.

13 PRESIDING JUDGE: Okay.

14 THE ACCUSED NORMAN:

13:10:41 15 Q. You said that you know the reason why I was vexed. I was
16 vexed because my wishes were not carried out; not so?

17 A. Yes, because you said, "They have not burnt all the
18 houses," that's why you were angry.

19 Q. And then you heard me say something else apart from what
13:11:06 20 you have reported here? Not all that you thought I said
21 you have reported; not so?

22 THE INTERPRETER: My Lords, the statement is too long. Can he
23 make it short and simple so that the interpreters can do
24 it correctly?

13:11:23 25 PRESIDING JUDGE: Mr Norman, the interpreters say you should
26 reduce the length of your statement so that it can give
27 them an opportunity to translate.

28 THE ACCUSED NORMAN: Thank you.

1 Q. Have you stated here -- have you stated here all that
2 I said at that meeting in the Court Barri at xxxxxxxxx?

3 A. Yes, you said that.

4 Q. Have you reported all? Is it possible that you left
13:12:05 5 something behind?

6 A. That wouldn't have made me angry but made me leave the
7 place. That's what I have spoken about and that's when
8 I left.

9 JUDGE BOUTET: Mr Norman, please, I do know that you
13:12:28 10 understand Mende and therefore you are responding -
11 you're asking questions before everything is translated
12 and it causes difficulty.

13 THE ACCUSED NORMAN: I'm sorry, My Lord.

14 JUDGE BOUTET: I know you're trying to react to the answers,
13:12:38 15 but we need to be able to have the interpreters and the
16 stenographers to do it properly.

17 THE ACCUSED NORMAN: Okay, thank you.

18 Q. Before you left, when I entered the Barri, right up to
19 the time when you left, have you stated everything that I
13:13:03 20 said?

21 A. That word that you said I heard -- when you spoke about
22 the burning of the town, that made me angry and that's
23 what made me leave and went to the junction. What
24 happened after, I didn't hear.

13:13:27 25 Q. Before you left -- before you left, what did you really
26 hear me say -- before you left -- from the time I entered
27 to the time you left? Was it only about the burning of
28 the houses, then you left?

1 A. You just spoke about the burning of the town, that they
2 didn't kill everybody. If they had killed everybody in
3 the town, then you would have been happy. That is what
4 you said and that made me angry. That's when I left. If
13:14:07 5 you had said something after that, then I didn't hear it
6 that well.

7 JUDGE BOUTET: Mr Norman, nothing to do with these questions,
8 but I'm just trying to find out the timings, because if
9 you do have many more questions --

13:14:21 10 THE ACCUSED NORMAN: Plenty -- not plenty, but if your
11 Lordships want to take a break, then please do.

12 JUDGE BOUTET: Mr Norman --

13 THE ACCUSED NORMAN:

14 Q. Mr Witness, I'm interested in what you said I said when
13:14:36 15 I entered the Court Barri up to the time you left. It
16 seems as if interest here is only burn all houses and
17 kill everybody --

18 JUDGE BOUTET: Mr Norman --

19 THE INTERPRETER: Again, it's too long.

13:14:50 20 JUDGE BOUTET: Ask questions. Do not argue and do
21 not testify.

22 THE ACCUSED NORMAN: [Overlapping microphones] I was
23 illustrating something.

24 JUDGE THOMPSON: Mr Norman, perhaps another way to get over
13:15:00 25 this impasse is to put specific issues that you may have
26 addressed while he was still allegedly there and
27 challenge him on that.

28 THE ACCUSED NORMAN: Yes, My Lord.

1 JUDGE THOMPSON: It may well be -- otherwise, it would appear
2 the whole expedition is going to be enveloped in an aura
3 of uncertainty.

4 THE ACCUSED NORMAN: My Lord, the difficult situation is --

13:15:32 5 JUDGE THOMPSON: You jog his memory with specific questions.

6 THE ACCUSED NORMAN: The Prosecution out there know that they
7 have not asked Norman to state anything until he was
8 caught and brought to this Court. Norman knows what he
9 said. Norman is finding it difficult now whether he

13:15:50 10 could say at this particular time what he said, so that
11 is the reason why [overlapping microphones] --

12 JUDGE THOMPSON: That is why I am suggesting perhaps you can
13 jog his memory and say, "Your memory is flawed. I did
14 say X." I mean, it is just a way to break the impasse,

13:16:08 15 because there is really a suggestion of an impasse with
16 the witness.

17 THE ACCUSED NORMAN:

18 Q. Mr Witness, the burning of the houses, which you said you
19 heard, was surely not what Hinga Norman said?

13:16:31 20 PRESIDING JUDGE: Stop there.

21 THE WITNESS: Go over the question.

22 THE ACCUSED NORMAN:

23 Q. Hinga Norman did not say that the houses were to be
24 burnt?

13:16:48 25 A. It's not hearsay. I heard it from himself. He himself
26 said that they should kill everybody and burn all the
27 houses.

28 Q. Hinga Norman did not say that they were to kill everybody

1 in xxxxxxxx?

2 A. I heard it from him.

3 Q. Mr Witness, you and other witnesses from xxxxxxxx --

4 xxxxxxxx expressly -- xxxxxxxx -- are saying this as a

13:17:29 5 result of your anger for whatever you suffered because of

6 your dual position between the soldiers and the Kamajors?

7 A. As I'm sitting here, I didn't tell lies on him -- because

8 the soldiers have done this to us, do it to them as well

9 -- no, that's a lie. What you said in that Barri -- and

13:18:11 10 that is what I'm repeating here and I'll continue to say

11 it. I won't tell lies in here. You've never done

12 anything wrong to me.

13 Q. Mr Witness, do you know a man called Saliji Rogers?

14 A. Very well - very, very well.

13:18:27 15 Q. Do you recall the part he played as a Kamajor in

16 Koribundu?

17 A. Well, that was something for the elders. I have nothing

18 to say about that.

19 Q. And you and Saliji Rogers and others had your own

13:18:53 20 selection of members of Kamajor of xxxxxxxx. Do you

21 know?

22 THE INTERPRETER: Can Mr Norman put his question again,

23 please?

24 THE ACCUSED NORMAN:

13:19:11 25 Q. Mr Witness, I'm saying do you know whether Saliji Rogers

26 and you and others made a selection of Kamajors of

27 xxxxxxxx to defend xxxxxxxx?

28 A. Yes, I knew about that.

1 Q. And do you know that Saliji Rogers was a platoon
2 commander under a man called Joe Tamidey?

3 A. No, I didn't know about that.

4 Q. Do you know that Saliji Rogers was in charge of a group
13:20:00 5 of xxxxxxxxxx Kamajors?

6 A. I didn't know about that.

7 Q. And, Mr Witness -- so do you know that Joe Tamidey was a
8 commander of Kamajors in xxxxxxxxxx?

9 A. Yes.

13:20:41 10 Q. Before you came here, did you meet Joe Tamidey?

11 A. One day, since that disarmament, I have not seen Joe
12 Tamidey.

13 Q. There is evidence produced in this Court that you have
14 met Joe Tamidey several times. Would that mean that you

13:21:01 15 would not be telling this Court the truth -- from

16 disarmament till now? "Yes" or "No". Would you be
17 telling this Court the truth?

18 A. If that happens, then what I've said - all I have said in
19 this Court is a lie.

13:21:25 20 Q. [Overlapping microphones] Saliji Rogers have not met each
21 other one day from disarmament?

22 A. Since that time, I've not met with Joe Tamidey. Saliji
23 Rogers does come and pass, but I don't know about that.

24 Q. Have any other group of people been to see you about
13:21:57 25 evidence concerning what happened in xxxxxxxxxx before
26 now?

27 A. Yes.

28 Q. What is the group?

1 A. TRCs were the first people who went and asked me.

2 Q. [Indecipherable]

3 A. Yes, I told them exactly what had happened to me during
4 the war.

13:22:30 5 THE ACCUSED NORMAN: I will stop there, My Lord.

6 JUDGE BOUTET: So, Mr Norman, you have no more questions?

7 THE ACCUSED NORMAN: Thank you, My Lord. Expeditiousness.

8 PRESIDING JUDGE: I hope you really were.

9 THE ACCUSED NORMAN: I'm sorry, My Lord.

13:22:53 10 PRESIDING JUDGE: And I wish that you continue to be. This is
11 break time. We shall break off and resume for further
12 cross-examination at 3 o'clock. So the Court will rise.

13 [Luncheon recess taken at 1.23 p.m.]

14 [On resuming at 3.03 p.m.]

15 [HN090904E]

16 PRESIDING JUDGE: The session resumes. Cross-examination by
17 stand-by counsel for the first accused.

18 MR HALL: Thank you, Your Honour.

19 CROSS-EXAMINED BY MR HALL:

20 Q. Mr Witness, do you know Joe Tamidey?

21 JUDGE BOUTET: Open your mike, please.

22 MR HALL: I am sorry.

23 Q. Mr Witness, do you know Joe Tamidey?

24 THE INTERPRETER: It appears he is not hearing him. I think
25 his set needs to be checked.

26 MR HALL:

27 Q. Can you hear me, sir? No. Do you know Joe Tamidey well?

28 Yes or no? Do you know Joe Tamidey?

1 JUDGE BOUTET: Can you answer by saying yes or no, not just
2 with your head?
3 THE WITNESS: Yes.
4 THE INTERPRETER: Yes.
5 MR HALL:
6 Q. How long have you known him?
7 THE WITNESS: Me?
8 Q. You.
9 THE WITNESS: I don't know you.
10 JUDGE BOUTET: So it would appear that the witness does not
11 get the translation.
12 THE INTERPRETER: It's like he's getting the English version.
13 PRESIDING JUDGE: He is not getting it.
14 THE INTERPRETER: I think he is getting the English version.
15 JUDGE BOUTET: Okay, he is getting the English version, not
16 the Mende. Okay.
17 THE INTERPRETER: Yes, he says he's hearing the English and
18 not the Mende. Something is wrong with his channel.
19 JUDGE BOUTET: So does -- are you okay now?
20 MR HALL:
21 Q. Can you hear it now?
22 THE INTERPRETER: He says yes.
23 MR HALL:
24 Q. Let me ask you directly about TRC first. When you met
25 with them, did you testify in front of a body or meet
26 with an investigator, or what?
27 PRESIDING JUDGE: You asked him a question about Joe Tamidey.
28 Can we finish with that?

1 MR HALL: All right.

2 Q. You have known Joe Tamidey how long?

3 A. I know -- I knew Joe Tamidey during this conflict.

4 Q. Did he always live in xxxxxxxxxx?

5 A. No, he went there during the war.

6 Q. He was assigned there by the Kamajors?

7 A. Yes. It was during the Kamajor war that he went there.

8 Q. And you reported to him?

9 A. Yes, when they went there initially.

10 Q. So were you a Kamajor yourself?

11 A. No, I was a civilian.

12 Q. You testified on your direct examination though that you

13 reported something to him that had happened; is that

14 correct?

15 A. No.

16 Q. Did he have a house there or an office there, or both?

17 THE INTERPRETER: Yes, can the speaker please speak audibly?

18 MR HALL:

19 Q. Did he have an office or a home there, or both? Did he

20 live in the same building he worked out of?

21 THE INTERPRETER: Yes, we are still having problem with

22 reception.

23 JUDGE BOUTET: Try again.

24 PRESIDING JUDGE: Can the microphone [inaudible].

25 MR HALL: It can't move any more. The cord is too short.

26 PRESIDING JUDGE: Can you change positions?

27 MR HALL: I will move down.

28 Q. Did Mr Tamidey have a house there that he lived in?

- 1 A. No.
- 2 Q. But he spent the nights there?
- 3 A. Yes, during the war, yes, when he went there.
- 4 Q. He stayed there how many years?
- 5 A. No, I don't know the number of years, but he went there
- 6 during the war, this Kamajor war.
- 7 Q. Was he there one year, two years - just approximately -
- 8 three years or longer?
- 9 A. Yes, he took three years there.
- 10 Q. And during that time he was there, did the army come in
- 11 and take over the town?
- 12 A. No. When these soldiers left, he came there.
- 13 Q. And when he was there, the soldiers never left -- the
- 14 soldiers never came back?
- 15 A. No. When they left there they never returned.
- 16 Q. And when did the soldiers leave in relation to when
- 17 Mr Norman came to visit?
- 18 A. Mr Norman used to come there every time. When the --
- 19 when they came there and left there in 1998, February 13.
- 20 Q. He only came there twice or more.
- 21 A. When the Kamajors came to the town, he came there twice.
- 22 Before they came there -- before they came there, he was
- 23 coming there, too.
- 24 Q. He had come there before the Kamajors came?
- 25 A. Yes, even before this Kamajor business started.
- 26 Q. Now, one time you described putting on a palm frond. And
- 27 what is the significance of a palm frond? What does that
- 28 signify?

- 1 A. During February 13 when they attacked the town, on the
2 Saturday when the Kamajors came, I saw them with the palm
3 frond on their forehead, that's why I, too, tied the palm
4 frond on my forehead.
- 5 Q. So you were trying to blend in with the Kamajors?
- 6 A. To join them for what reason, for us to fight together?
- 7 Q. Well, you are the one that joined in with them; you tell
8 us why you joined in.
- 9 A. Because, as they were coming to destroy my town, I would
10 be behind them.
- 11 Q. You were behind them in support of them?
- 12 A. I didn't support them today, I didn't support them
13 tomorrow.
- 14 Q. When they came to town, did they drive the army out?
- 15 A. No soldiers were in town then, because the soldiers had
16 gone on Friday.
- 17 Q. That's because they knew the Kamajors were coming on
18 Saturday?
- 19 A. That was not the reason. They came because they said
20 their boss man had been overthrown in Freetown, that's
21 why they left.
- 22 Q. And you have no way of knowing how the Kamajors knew that
23 the city was -- that the army had left the city?
- 24 A. We were there on Friday - after the fighting that they
25 had the meeting - that their boss had been overthrown,
26 that's how we knew it. They held a meeting.
- 27 Q. Who was "they" that held the meeting?
- 28 A. The soldiers summoned the civilians and told them.

1 Q. Told them they were leaving?

2 A. Yes. They told us that they were leaving the town.

3 Q. When the soldiers were there, had they married some of
4 the women?

5 JUDGE BOUTET: Mr Hall, I would like to caution you. I mean,
6 I have not intervened yet, but we have agreed that
7 Mr Norman can ask questions, whatever questions he may
8 ask, but as his counsel as such, appointed counsel, you
9 are not to cover the same area. This was covered quite
10 extensively, I would say, this morning by Mr Norman
11 himself.

12 MR HALL: Understood.

13 JUDGE BOUTET: So we don't want to go into this area. So you
14 can move into any area not covered by Mr Norman this
15 morning.

16 MR HALL: Understood.

17 JUDGE BOUTET: Thank you.

18 MR HALL:

19 Q. So when the soldiers left, did their wives go with them?

20 A. Yes. They went together with some of their wives and
21 some of them stayed and that they were not going.

22 Q. And when the soldiers left, did they burn any of the
23 houses to keep them out of the hands of the Kamajors?

24 THE INTERPRETER: Ask the question again, Mr Hall.

25 MR HALL:

26 Q. When the soldiers left, did they destroy any of houses to
27 keep them from the Kamajors?

28 A. When the soldiers were leaving, they didn't leave with

1 anything except what was their own.

2 Q. So the soldiers were on the run?

3 A. They didn't run away; they left some of their belongings
4 there. Some of the things that they were supplied with,
5 they left them there. They left them there and they went
6 away.

7 Q. [Inaudible] they left military supplies?

8 A. Yes, they left guns there; they left many guns there.

9 Q. And when the Kamajors came, they took the guns?

10 A. Yes.

11 Q. And the Kamajors packed up all the military armaments and
12 kept them for themselves?

13 THE INTERPRETER: Repeat the question, repeat the question.

14 MR HALL:

15 Q. When the Kamajors came, they took all the military
16 armaments, guns, bullets, whatever and kept them for
17 themselves?

18 A. Yes, they shared it amongst themselves. Yes, they shared
19 it amongst themselves. Everybody would take what he
20 wants. One person would take this and say, "This is
21 mine."

22 Q. So the civilians in ~~xxxxxxxxxx~~ became part of the Civil
23 Defence by taking the weapons from the military when they
24 left.

25 A. They didn't meet any civilians there except the old
26 people. They didn't meet civilians there except the
27 elderly, those who couldn't walk. All those people who
28 were able-bodied went to get out the soldiers to Bo -

1 except for me - I went to the garden to get out my
2 people.

3 Q. You are saying then that all the adult people left - left
4 the elderly behind?

5 A. Yes, all the elderly people, the elderly, the old people,
6 except for myself and my family. We stayed in the town
7 because we had nowhere to go.

8 Q. The day that Chief Norman came, the first time you were
9 testifying to, which I believe was in March, you were
10 dancing behind him and celebrating?

11 PRESIDING JUDGE: He has said so, he has said so. Continue
12 Mr Hall.

13 MR HALL: Because of the liberation of the town?

14 JUDGE BOUTET: Again, Mr Hall, this is an area that was again
15 dealt with this morning.

16 PRESIDING JUDGE: It was covered.

17 MR HALL: He did not give a reason.

18 JUDGE THOMPSON: But there's a -- and I am intervening to
19 suggest that I don't think the records reflect
20 celebrating. The word -- I am not sure whether
21 "celebrating" is part of the record. I think he --
22 "supporting," I think, was what he said, sort of, part of
23 the group.

24 MR HALL: Let me clarify that, because I don't understand
25 that.

26 JUDGE THOMPSON: Yes, because the word "celebrate" seems --

27 MR HALL:

28 Q. What is the meaning of dancing behind Chief Norman? For

1 what reason would you do that?

2 A. I didn't say I was dancing earlier on. I saw the
3 Kamajors dancing and when they are dancing we joined
4 them.

5 Q. Did all the men join with the Kamajors, men and women, or
6 just men?

7 A. Just -- only the men were dancing.

8 Q. And Chief Norman greeted you, greeted the people and
9 seemed thankful to them?

10 A. When he came and went to the Barri he greeted everybody.

11 Q. And these were people that he supposedly all wanted dead
12 he was greeting?

13 A. He was greeting his Kamajors. He did not greet the
14 xxxxxxxxx people, but he was greeting the Kamajors,
15 because all those chiefdoms have met there.

16 Q. And the Kamajors were all that was left in the town
17 except for you and the elderly?

18 THE INTERPRETER: Can you take the question again, please.

19 MR HALL:

20 Q. And the Kamajors were all that were left in town except
21 for you and the elderly?

22 A. When they came then or when they came at that time?

23 Q. When they came in March.

24 A. That was the time I said the townspeople were still there
25 - we had a large crowd. Women were there - I didn't just
26 say Kamajors and me, but women were there and there were
27 many people.

28 Q. And this is the time you said that the Kamajors didn't do

1 what he said and destroy the town; correct?

2 A. When he came, what he said to the Kamajors that's what I
3 have told this Court.

4 Q. And the Kamajors, when they came in, they weren't part of
5 the townspeople; they were separate - they came in the
6 town?

7 A. Yes, they turned the town upside down.

8 Q. At some point you said houses were burned. When did that
9 happen after they arrived?

10 A. That was why we hated them, because they came and
11 destroyed the town. We didn't even want to see them. I
12 didn't even want to see Kamajors.

13 Q. How many homes are there in xxxxxxxx?

14 THE INTERPRETER: Take that again.

15 MR HALL:

16 Q. How many homes are there in xxxxxxxx?

17 A. There are many houses.

18 Q. More than 200?

19 A. Yes. Yes, xxxxxxxx is a big town. We don't think it's
20 a village.

21 Q. More than 500?

22 A. Houses. Well, I don't know the count, but I can say it's
23 up to 500, but it was full. Houses were there.

24 Q. You said 25 homes were destroyed.

25 A. Yes, on Saturday, yes. When I counted on Blama Road,
26 yes. The one I counted on Saturday, that's what I've
27 talked about when they started burning at 6.30 in the
28 evening at Blama Road.

1 Q. In your first statement dated December 3rd, 2003 you said
2 only ten homes were burned; is that correct?
3 A. That's a lie; I didn't say that.
4 Q. So whoever took down the statement could have taken it
5 down wrong, because you did correct it in May; isn't that
6 correct?
7 A. Yes. I am not educated and I didn't write it. What they
8 asked me is what I answered. So what I didn't say I
9 wouldn't say I had said so.
10 Q. Did the person you were talking to write it down in
11 long-hand or did they tape-record it?
12 A. Yes, I was just explaining and he was writing.
13 Q. Did he write it out on a pad and then you gave a
14 thumbprint or signed it?
15 A. Yes, he wrote on a paper, but I didn't thumbprint it.
16 Q. Did you have it read to you before you put your
17 thumbprint or signed it?
18 MR KAMARA: Objection, Your Honour.
19 JUDGE THOMPSON: Yes. Learned counsel, he said he didn't
20 thumbprint it. That's what I -- that's the answer I
21 heard. I don't know what you heard.
22 MR HALL: I guess I missed that.
23 JUDGE BOUTET: This is what I heard, too.
24 JUDGE THOMPSON: He said he didn't thumbprint it.
25 MR HALL: Let me re-phrase the question then.
26 JUDGE THOMPSON: Yes.
27 MR HALL:
28 Q. Before you were done, did they read the statement back to

1 you to see if it was correct?

2 A. Yes, when they write something and they ask me, I will
3 say. If I didn't say so, I will say, "I didn't say
4 that." But whatever I say and it is written on paper I
5 will never forget.

6 Q. You also told them in your first statement and on that
7 Monday, after people were killed and their heads were cut
8 off, that three bodies were dumped in a water well;
9 didn't you?

10 A. There were three people who were killed and put in the
11 well - water well - but that statement I had given to the
12 TRC.

13 Q. You didn't tell that to the Prosecutor's office or their
14 investigator, let me add that?

15 A. Yes, I told them.

16 Q. All right.

17 [3.33 p.m. HN0909F]

18 Q. You also told them that on Wednesday you removed the
19 bodies from the water well, two days later; is that
15:31:38 20 correct?

21 A. Yes, I went into the water well myself, that's where they
22 were put. When they told me that they've killed them and
23 put them there, I entered the well, I went down the well
24 and removed these people and brought them out.

15:32:12 25 Q. On the March 31st statement -- excuse me -- May 31st
26 statement 2004 in your correction to your statement. It
27 states: "The bodies were not dumped in the water well,"
28 as you previously stated; is the correction incorrect?

1 MR KAMARA: Objection, Your Honour.

2 JUDGE BOUTET: Yes, what is your objection?

3 MR KAMARA: My learned friend on the other side is looking at

4 a document of May 31st and stating that the bodies that

15:32:48 5 he referred to, the three bodies, were dumped in the

6 water well and what we have for the 31st of May 2004 the

7 change was not the three bodies but the eight bodies. So

8 he is mis-stating the evidence and even the document. He

9 is referring to the three bodies and putting that in

15:33:02 10 place for the eight and thereby confusing the witness.

11 If he could separate the two and the two different

12 incidents, I think that would be helpful to the Court.

13 JUDGE BOUTET: Mr Defence counsel.

14 MR HALL: I will read a paragraph so you can understand it:

15 "The witness saw Kamajors killing people on Monday."

16 This is a correction or a clarification of the first

17 statements: "Who were alleged to be junta collaborators,

18 not five as earlier stated. Their bodies were not dumped

19 in the water well as stated." Now, that could mean that

20 not eight bodies were dumped or no bodies were dumped.

21 It could be a complete retraction of what he previously

22 said, but on its face when it says: "Their bodies were

23 not dumped in the water well", I take it to mean no

24 bodies were dumped. It is not crystal clear, I admit.

15:33:22 25 JUDGE BOUTET: It is not crystal clear, indeed.

26 JUDGE THOMPSON: Does that document purport to be a

27 corrigendum to some earlier statement?

28 MR HALL: Yes, it is, Your Honour. It is dated May 31st 2004,

1 apparently as the Prosecutor were preparing him.

2 JUDGE BOUTET: What is the previous statement? It refers

3 to --

4 MR HALL: The previous statement was dated December 3rd.

15:34:28 5 JUDGE BOUTET: And what does it say with reference to that

6 particular issue?

7 MR HALL: First, the people whose heads were cut off, it says:

8 "Their heads were displayed at the checkpoint and their

9 bodies were dumped in the water well that was inside the

15:34:40 10 witness`s compound."

11 PRESIDING JUDGE: How many dead people were involved in that

12 particular statement?

13 MR HALL: It says five. That was the one that was corrected

14 on the 8th, and on Wednesday it said -- the next

15:34:52 15 paragraph: "The witness and other people removed the

16 bodies from the well and buried them inside the

17 compound."

18 JUDGE BOUTET: I can see it is still confusing to me as to

19 what it is. I will deny the objection on this.

15:35:14 20 MR HALL: Thank you, Your Honour.

21 JUDGE BOUTET: But please, try to clarify the issue because I

22 still don`t understand what it is all about.

23 MR HALL:

24 Q. Let me see if we can clarify this, Mr witness. You gave

15:35:32 25 a correction to the Prosecutor when they went over your

26 statement in May, which they provided us and in there you

27 said that their bodies -- some persons bodies were not

28 dumped in the water well. Were bodies dumped in the

1 water well or were they not?

2 A. Yes. The three people -- I was not there when they
3 killed them, but when I came the Kamajors told me that
4 they were in the water well and the water well was in our
15:36:20 5 compound. It is the water that we drank.

6 JUDGE THOMPSON: Learned counsel, would you pose your question
7 again because it is quite a straight forward question,
8 and it doesn't seem as if we are getting any answer to
9 that. You asked whether bodies were dumped in the well
15:36:38 10 or were not dumped. Was that your question.

11 MR HALL: Yes, Your Honour.

12 PRESIDING JUDGE: And the witness is saying that he was not
13 there when they killed these three people. When he came
14 and was told by the Kamajors and so he went and retrieved
15:36:54 15 the bodies. So you see, the confusion is which are these
16 bodies? We've heard evidence, you know, that there was
17 an incident which involved five bodies and so on. I
18 mean, where are we, you know, in this little confusion as
19 to three dead, five dead and so on and so forth? We need
15:37:18 20 to be clarified on this.

21 MR HALL:

22 Q. Mr witness --

23 JUDGE THOMPSON: Perhaps before you put a further question,
24 what is a perceived inconsistency here? Perhaps if you
15:37:32 25 can help the Bench, then we might be able to follow what
26 you are trying to elicit.

27 MR HALL: I took his correction as meaning that it never
28 happened; that the bodies were not dumped in a well at

1 all.

2 JUDGE THOMPSON: I see, that there was an inconsistency
3 between the two: The previous statement and the
4 corrigendum.

5 MR HALL: Correct. There was a specific statement: "On

6 Monday the bodies were put in the well, on Wednesday I
7 removed them..."

8 JUDGE THOMPSON: Yes.

9 MR HALL: "...with two others and buried them." And then the
10 correction, the clarification said that the bodies were
11 not dumped in the well.

12 JUDGE THOMPSON: The presumption being that both cannot be
13 true at the same time.

14 MR HALL: Correct.

15:38:14 15 JUDGE THOMPSON: I follow that and I think it is perfectly
16 legitimate to pursue this line of cross-inquiry.

17 MR HALL:

18 Q. Mr witness, let me be more specific and following up on
19 something, you said you did not see any body dumped in
15:38:32 20 the well. You heard that; is that the first statement?

21 A. I didn't see them put any body in the water well, it is
22 the Kamajors that told me that they've killed three
23 people and they placed them in the water well, that we
24 shouldn't drink the water and that is when I entered the
15:38:50 25 water well and removed them. But I didn't see it myself.
26 What I saw is what I talked about.

27 Q. How many bodies were in the well?

28 A. When we got them out, they were three in number.

1 Q. And you helped bury them?

2 A. Yes, I was the very one who entered there and removed
3 them. We got them out and we went and buried them.

4 Q. Who helped you bury them?

15:39:34 5 A. Some of the Kamajor boys who were in the house helped me
6 to bury them.

7 Q. Kamajors helped you to bury them?

8 A. Yes, some Kamajors and my brothers; we all went together
9 to bury them.

15:39:58 10 Q. So the Kamajors put the bodies in the well and then they
11 help bury them too?

12 A. When we got towards the grave side -- because they said
13 they can't reach the grave side. They help me till the
14 grave side because they said they can't reach the grave
15:40:36 15 side.

16 Q. In your original statement you said that on Monday three
17 women were killed by having their throats cut and you saw
18 it happen.

19 A. Eight of them were killed on Monday and it included three
15:41:04 20 women.

21 Q. But in your statement you said on Monday three had their
22 throats cut, today you testified only one had her throat
23 cut.

24 MR KAMARA: Objection again, Your Honour. I believe that this
15:41:20 25 Court has take the decision on contradicting a witness as
26 to prior inconsistency in his statement, and guidance --
27 guidelines were issued by this Court as to how to
28 contradict a witness with prior inconsistent statements,

1 and my learned friend on the other side hasn't in any
2 point identified the areas of the statement and put it
3 specifically to the witness in contradiction to what has
4 been testified to this morning. And I draw your
15:41:44 5 attention, Your Lordships, to the decision of this Court
6 in the ruling of SCSL 2004-15-T, 7263, 7270 and we have
7 the guidelines from this Court.

8 PRESIDING JUDGE: You cite the reference of the case without
9 the name of the case.

15:42:18 10 THE MENDE INTERPRETER: Put your microphone on, please.

11 MR KAMARA: Sorry. In fact, we have two decisions before this
12 Court -- from this Court. The one is the one in the
13 Hinga Norman's case, and another we have from the RUF
14 trial, Your Lordships.

15:43:04 15 JUDGE THOMPSON: What is the date of the first decision?

16 MR KAMARA: The first one was dated the 16th of July 2004.

17 JUDGE THOMPSON: And what is the title of that decision?

18 MR KAMARA: SCSL-2004.

19 JUDGE THOMPSON: Decision on -- read it out? Disclosure or --

15:43:28 20 MR KAMARA: It is a disclosure of witness statement

21 (overlapping microphones) cross-examination.

22 JUDGE THOMPSON: That's the title?

23 MR KAMARA: Yes, Your Honours.

24 JUDGE THOMPSON: Page, paragraph.

15:43:38 25 MR KAMARA: My Lord, this is just a note that I had with me.

26 I didn't like -- I wasn't prepared to cite the exact

27 page, but I can read to you --

28 JUDGE THOMPSON: But if you are attacking counsel as to

1 non-compliance on procedural requirements propounded in a
2 decision of the Court, from an abundance of caution and
3 also in terms of thoroughness, ought we not to know the
4 paragraphs and the pages you are relying upon?

15:43:54 5 MR KAMARA: Yes, Your Honour.

6 MR HALL: Your Honour, I will give it to you, it's page 8
7 paragraph 21.

8 MR KAMARA: Thank you very much.

9 JUDGE THOMPSON: Thank you very much. What did we do at
15:44:22 10 paragraph 21, page 8? What did the Court do?

11 MR KAMARA: Your Honours, the summary that I have on this case
12 I have not been able to choose my decision --

13 JUDGE THOMPSON: What was our ruling there, if you want to
14 summarise it? What did we rule?

15:45:00 15 MR KAMARA: The summary of it, Your Honour -- you want the
16 exact paragraph?

17 JUDGE THOMPSON: Well, I mean, you are attacking counsel that
18 he has not complied with certain procedural requirements.
19 I think, in the interest of justice we want to know which
15:45:28 20 particular aspect of our decisional ruling he is not in
21 compliance with.

22 MR KAMARA: Yes, Your Honour. Paragraph 21, on page 8: "A
23 witness may be cross-examined as to previous statements
24 made by him or her in writing, or reduced into writing,
15:46:12 25 or recorded on to audio tape, where an inconsistency has
26 emerged during the course of viva voce testimony between
27 a prior statement and his testimony. In conducting
28 cross-examination on inconsistencies between viva voce

1 testimony and a previous statement, the witness should
2 first be asked whether or not he or she made the
3 statement being referred to. The circumstances of the
4 making of that statement sufficient to designate the
15:46:42 5 situation must be put to the witness when asking this
6 question." I'm relying on the second limb of paragraph
7 21, Your Honour. "And that the circumstances of the
8 making of the statement sufficient to designate the
9 situation", has not been put to this witness, and the
15:47:02 10 particulars of the inconsistency that my learned friend
11 intends to put has not been identified to the witness.
12 JUDGE BOUTET: Counsel for the Prosecution, we are of the view
13 that your objection is premature at this time. We are
14 aiming in that direction. I would say to you that what
15:47:50 15 you've quoted is, indeed, our ruling and we stand by it
16 obviously, but at this stage we feel that the Defence
17 have not reached that level yet. We will see if and when
18 we get there.
19 MR KAMARA: Thank you, Your Honour.
15:48:04 20 JUDGE BOUTET: Thank you.
21 PRESIDING JUDGE: Mr Hall, you may proceed.
22 MR HALL: Thank you, Your Honour.
23 Q. Mr witness, in your direct testimony you named three
24 women by name: Aminata, Jenenba and Esther as women who
15:48:30 25 were killed, and in your original statement of 3rd of
26 December 2003, you said they had their throats cut; is
27 that correct?
28 THE INTERPRETER: Can Mr Hall please go over his question?

1 PRESIDING JUDGE: Mr Hall, there is request for you to go over
2 that question from the booth.

3 MR HALL:

4 Q. You gave the name of three women on direct which is the
15:49:00 5 same as your statement: Aminata, Jainaba and Esther;
6 three women who were killed and you said they cut their
7 throats, whoever killed them, they cut their throats.
8 You said that in your statement of December 2003;
9 correct?

15:49:26 10 A. Yes, I said so, but that is not how I said it.

11 Q. Did the person who write it wrote it down wrong?

12 A. Yes, what I told him is not what he wrote.

13 Q. Did you have it read back to you to make sure it is
14 accurate?

15:50:04 15 A. The names that I said, yes, they got correct. But that I
16 said they killed all three of them with a cutlass that`s
17 what they got wrong.

18 Q. Only one person was killed with a cutlass?

19 A. Yes, one person was killed with a cutlass and the other
15:50:38 20 two with a stick.

21 Q. And you had the statement read or you went over the
22 statement on May 31st to give your clarification, you
23 didn't clarify that single point; did you?

24 A. No, they didn't read anything to me. How would I know
15:51:10 25 that it is true or it`s a lie.

26 Q. Was any of the women shot with a gun or just the men?

27 A. Even when somebody`s throat is cut, they would fire him
28 with a gun.

1 Q. So they were shot as well; all of them?

2 A. You have just spoken about the men.

3 Q. You said Joe Tamidey was in charge of the Kamajors at
4 this time?

15:52:16 5 A. Yes.

6 Q. Was he there?

7 A. He was not at Blama Road, but he was at his headquarters.

8 Q. How far away was that from the scene of the killings?

9 A. It would be less than one mile -- it would go closer to
15:52:50 10 one mile.

11 Q. And you were there to watch it?

12 A. I said we went together from the junction up to Blama
13 Road, but Joe Tamidey was not there.

14 Q. So you were a Kamajor yourself?

15:53:34 15 A. I was putting on civilian clothes, I have never put on
16 Kamajor clothing. I don't like Kamajors, I never held
17 the gun. That's why I didn't dress like Kamajors.

18 Q. But you did one time when you put on the palm frond to
19 blend in with them?

15:54:02 20 A. Yes.

21 Q. You didn't like the Kamajors but you travelled a mile
22 outside the town to watch them kill five people or eight
23 people, whichever it was?

24 A. I didn't want to say it as a hearsay that is why I was
15:54:26 25 brave enough to follow so I would say it for myself. I
26 don't want to give a reported speech.

27 Q. How many other civilians were there beside you?

28 A. There were several civilians because any time Kamajors

1 would be coming into a town, they would bring civilians
2 to help them carry their loads.

3 Q. And these were civilians that were aiding the Kamajors as
4 labourers?

15:55:08 5 A. They were helping them carrying loads, all of them
6 together.

7 Q. And how many of them were there compared to the number of
8 Kamajors? One for every one or two for every one?

9 A. Are you talking about the number of the Kamajors or the
15:55:46 10 number of the civilians?

11 Q. How did the number of civilians compare to the number of
12 Kamajors? An equal number, a greater number?

13 A. The Kamajors were much more than the civilians.

14 Q. And were the civilians from ~~xxxxxxxx~~ or from somewhere
15:56:22 15 else?

16 A. They were coming from different towns coming to -- there
17 were hardly any brave civilians from ~~xxxxxxxx~~ who could
18 have done that except elderly people who could have done
19 that, or people like myself who were brave enough.

15:56:48 20 Q. You said that you gave a statement to the TRC. How long
21 ago was that?

22 A. I can't remember the month or the year now. It was not
23 too long before these people met me.

24 Q. So you've met with the TRC before you met with the
15:57:26 25 investigators from the Prosecution?

26 MR KAMARA: Objection, Your Honour. This is a ground that has
27 already been tread upon by Mr Norman. He has covered the
28 ground on the TRC issue; the witness meeting the TRC

1 people and counsel is retreading that ground again and

2 I`m sure -- I thought Justice Boutet --

3 JUDGE BOUTET: Objection overruled.

4 MR KAMARA: As Your Lord pleases.

5 MR HALL:

6 Q. You met with the TRC before you met with the

7 investigators from the Prosecution?

8 PRESIDING JUDGE: Counsel for the Prosecution, that is what

9 makes the ground here different from what was the case in

15:58:08 10 the morning, because this ground was not covered by

11 Mr Norman.

12 JUDGE THOMPSON: It seems as if it is an amplification.

13 PRESIDING JUDGE: Amplification. Please, go on.

14 MR HALL:

15:58:24 15 Q. You met with them before you met with the investigators

16 for the Prosecution; correct?

17 A. TRC were the first people who met me. They met me in

18 xxxxxxxxx.

19 Q. And how much earlier was that before you met with the

15:58:58 20 people from the Prosecution; weeks, months, many months?

21 A. It was much more than two month if I could remember.

22 Q. When the TRC came to town, did they meet with you

23 individually or they meet with groups of people?

24 A. The way I was in xxxxxxxxx, whoever could come there they

15:59:42 25 would first tell that person about me because I never

26 left the town.

27 Q. And when they met you in xxxxxxxxx, did they meet with

28 you alone or with a group of people?

1 A. They called me alone -- they called me, we went into a
2 vehicle and we talked in the vehicle, and they called
3 some other people and they talked also.

4 Q. They talked to you alone in a vehicle and somebody took
16:00:18 5 note of that with a tape recorder?

6 A. They were both tape recording it and writing it.

7 Q. Have you ever appeared in public on behalf of the TRC --
8 to talk to the TRC as a group?

9 A. No, I have never done that except when I have come
16:01:10 10 here -- when these people come to me. I have never done
11 so in public except when I have come here now to do this.

12 Q. When you met with the prosecutors -- investigators to
13 prepare for your testimony they paid you for your
14 attendance; correct?

16:01:42 15 A. No, they did not pay me because they can't pay me for
16 this one. They can only give me allowance for me and my
17 family; they can't pay me for this one.

18 Q. Then we must understood each other; that's what I meant.
19 You were paid for transport and allowances, wages, on
16:02:14 20 February 19th when you came to the field office which I
21 assume was xxxxxxxxxx to talk to them -- to prepare for
22 trial?

23 THE INTERPRETER: My Lord, could the questioner go over his
24 question again?

16:02:26 25 MR HALL:

26 Q. On February 19th 2004, you met with the prosecutor's
27 staff in xxxxxxxxxx probably, to go over your testimony?

28 A. Go over that again, please.

1 Q. In February you met with the prosecutors in xxxxxxxx to
2 go over your testimony?

3 A. I did not meet them, they went and met me. If you say I
4 met them meaning I went to them. They came to me and we
16:03:28 5 talked.

6 Q. That you met with them in Bo not xxxxxxxx?

7 A. They went and met me right in xxxxxxxx Town, we did not
8 meet in Bo.

9 Q. And they paid you transportation and [inaudible] wages
16:04:00 10 that day of 5,000 Leones.

11 A. They gave me 5,000 Leones because they said since they
12 had wasted my time for that day, we had spent some time
13 together, they said, "Okay, let us give you this 5,000
14 Leones so that you will go and buy something for you and
16:04:36 15 your family. That was what they gave to me and that was
16 done in xxxxxxxx, not in Bo.

17 Q. On May 12th you came to -- you were in Freetown on
18 May 12th, you came here for a week to prepare for trial;
19 do you remember that?

16:08:38 20 [4.06 p.m. HN090904F]

21 A. Yes.

22 Q. And when you were here for a week, they paid for family
23 assistance while you were gone and they paid 98,000
24 Leones.

16:09:03 25 A. When they were taking me from xxxxxxxx, they gave it to
26 me, yes.

27 Q. And whenever you came as a witness, they provided you
28 with meals and housing; correct?

1 A. No, they don't give me money for that. They provide for
2 food for me and housing; it is their responsibility to
3 feed me.

4 Q. And the Victim Witness Services Unit has also paid for
16:09:47 5 your testimony when you were here today?

6 JUDGE BOUTET: Mr Hall, there is -- you keep saying, "Pay for
7 your testimony." There is a slight difference between
8 being paid for your testimony and being paid your
9 expenses to come here. Your choice of words is causing
16:10:05 10 the confusion.

11 MR HALL: Yes, I'm sorry.

12 PRESIDING JUDGE: The impression should not be given that they
13 are buying the evidence. That's where -- it is a nuance,
14 you see.

16:10:18 15 JUDGE THOMPSON: It is a nuance which borders on the
16 pejorative and the non-pejorative.

17 MR HALL: And he was taking it that way and I see that now.

18 Q. They covered your expenses of 600,000 Leones for this
19 piece of testimony, for this part of the trial?

16:10:50 20 A. Well, I have not been checking it. If I had been
21 checking, I would know. They just give it to me.
22 Whenever they give it to me, I would send it to my
23 people. If I said that is what they gave to me, well, I
24 would be telling a lie, because they have not given me
16:11:05 25 that alone. I've not been checking it.

26 Q. How much did you make a month as a farmer, or do you make
27 a month as a farmer?

28 A. I would get a lot of fields from that of my farming. I

1 will get husk rice; I will get money. Let me not waste
2 your time.

3 Q. Well, would you make as much as 100,000 Leones a month as
4 a farmer?

16:12:01 5 A. It's more than that.

6 Q. Is there anything else that you were provided to be here
7 besides the subsistence expenses, the support for your
8 family while you were gone? A place to stay, food,
9 transportation to get here, anything else?

16:12:27 10 THE INTERPRETER: Can you take the question, again, Mr Hall?

11 Repeat the question, please.

12 MR HALL:

13 Q. Besides those subsistence payments - support for your
14 family, transportation, food, lodging - is there anything

16:12:47 15 else that you were give to be here; for instance, the
16 suit you are wearing today?

17 A. Yes, they provided all of them for me.

18 MR HALL: Thank you, Your Honour. That's all I have.

19 JUDGE BOUTET: Thank you, Mr Hall.

16:13:16 20 THE WITNESS: Besides these items provided for me, I would be

21 there -- the medical people would meet me, they would
22 send some provisions for me. If I asked for some other
23 things, they will do it for me.

24 JUDGE BOUTET: Mr Hall, do you want to -- I know you had

16:13:36 25 finished, but the answer was not completed, that's all.

26 MR HALL:

27 Q. Did you talk about medical expenses as well? Did you
28 have medical problems while you were here?

1 A. I did not say they used to give me money for medicine. I
2 said they will treat me because I am not well.

3 Q. And did you tell them you are not well, or did they
4 discover that?

16:14:04 5 A. I told them that I'm not well, that I feel pain all over
6 my body even as I sit here.

7 Q. So they took you to a hospital and a doctor, or to a
8 doctor?

9 A. Yes.

16:14:26 10 Q. Did the doctor make everything okay? Or better?

11 A. Thanks be to God now. It's better.

12 MR HALL: Okay. Thank you.

13 JUDGE BOUTET: Thank you. Yes, Mr Pestman. You are ready to
14 proceed for the second accused?

16:14:59 15 MR PESTMAN: Yes, I am. I was just wondering whether you
16 would adjourn for a short moment.

17 PRESIDING JUDGE: No, we're not adjourning; we're continuing.

18 CROSS-EXAMINED BY MR PESTMAN:

19 MR PESTMAN: Okay.

16:15:14 20 Q. Mr Witness, just a moment ago I heard you saying that you
21 were a brave man; is that correct?

22 MR BORLAH: My Lord.

23 A. Yes.

24 MR BORLAH: My Lord.

16:15:41 25 MR PESTMAN: My Lord, I understand the witness would like a
26 short break or an adjournment.

27 PRESIDING JUDGE: All right. Did the witness mention he
28 wanted a break?

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: We will rise for ten minutes.

3 MS EDMONDS: Court rise.

4 [Break taken at 4.15 p.m.]

16:27:41 5 [On resuming at 4.40 p.m.]

6 PRESIDING JUDGE: The witness's microphone is not on. Yes.

7 Mr Witness, are you all right now?

8 THE WITNESS: Oh, yes.

9 PRESIDING JUDGE: Yes, just before we broke off, Mr Pestman

16:43:02 10 was cross-examining you and you remember saying that

11 you're a very brave man. Mr Pestman, can you continue,

12 please.

13 THE WITNESS: Yes.

14 MR PESTMAN:

16:43:17 15 Q. You're a brave man, so you were not afraid to come to

16 court and give evidence today?

17 A. Yes.

18 Q. Does that mean you are afraid or you are not afraid?

19 A. No, I'm not afraid. I'm not afraid. If I were afraid, I

16:43:50 20 would have told them when they went to me.

21 Q. Told "them" - who?

22 A. I would have told them that I can't come to court.

23 Q. And who is "them"? Whom would you have told?

24 A. The Prosecution, the Prosecutors.

16:44:07 25 Q. So you did not discuss the issue of protective measures

26 with the Prosecution?

27 A. No, I wouldn't tell them that; they are doing their job.

28 Q. But you didn't discuss it with them?

1 A. No.

2 Q. So you're not afraid that your name would become known,
3 or would you be afraid that your name would become known
4 to the public?

16:44:55 5 A. No, I wouldn't say that.

6 Q. So you are afraid that your name would become public?

7 A. Apart from that name given to me, the pseudonym given to
8 me as a witness?

9 Q. No, your own name.

16:45:19 10 A. Yes, as a witness.

11 Q. Yes. Are you afraid that your name will become known to
12 the public?

13 A. Apart from the name given to me as a witness.

14 Q. Is that your answer? I don't understand your answer.

16:46:01 15 Would you tell me whether you're afraid that your real
16 name - not the number you were given by the Prosecution,
17 your real name - will become known to the public; in
18 other words, that the public will know who testified or
19 gave evidence today in court?

16:46:38 20 A. No.

21 Q. So you're not afraid?

22 A. I don't want my name to be called.

23 Q. Oh, you don't want your name to be called. How many
24 meetings did you have with the Prosecution or with

16:47:00 25 investigators before you came to court today?

26 A. Many times.

27 Q. Do you know how many times?

28 A. No, I can't remember that one.

1 Q. Was it two, three, five, ten?

2 A. I said I can't remember that now.

3 Q. Do you remember when the first meeting was with the
4 Prosecution or with investigators?

16:47:45 5 A. No.

6 Q. Is it possible that it was in the beginning of December
7 of last year?

8 A. I didn't -- I can't remember the month nor the date.

9 Q. Can you tell me whether the Prosecution or the
16:48:26 10 investigators who interviewed you for the first time,
11 whether they took notes of the interview? Did they in
12 any way record what you were saying?

13 A. When they were asking me, yes, they were writing it down.

14 Q. How were they writing it down, with a pen on paper?

16:49:11 15 A. Yes, they were using a pen to write it on paper.

16 Q. And that same procedure was followed for every following
17 interview?

18 A. Yes, they were writing it on paper.

19 Q. Do you remember the interview that took place on the 31st
16:49:36 20 of May of this year?

21 A. Yes.

22 Q. And do you remember the interview you had two days ago
23 here in Freetown?

24 PRESIDING JUDGE: Mr Pestman, what day in May?

16:50:15 25 MR PESTMAN: The 31st of May.

26 Q. And the last question was referring to an interview that
27 took place here in Freetown on the 6th of September.

28 Mr Witness, do you remember that interview?

1 A. Yes, they testified me Monday, Tuesday.

2 Q. On both of those interviews they went through your first
3 witness statement and asked you whether you had any
4 comments or alterations; is that correct?

16:51:17 5 A. Repeat the question for me to understand.

6 Q. The first meeting you had with the Prosecution you gave a
7 long statement and the other two meetings, interviews
8 that took place, you gave short statements, according to
9 the information we have. You gave comments on the first
16:51:47 10 statement; is that correct?

11 A. What I said to them was the same thing that they asked me
12 about and that is what I told them again.

13 Q. Okay. Did you discuss with the Prosecution what was
14 going to happen today in Court?

16:52:22 15 A. No.

16 Q. So they didn't tell you or warn you that you were going
17 to be cross-examined by the Defence?

18 A. They told me that, yes; they told me that one.

19 Q. They told you that you were going to be cross-examined by
16:53:00 20 the Defence. Did they also tell you what kind of
21 questions you could expect?

22 A. No. They only told me that Hinga Norman's lawyers are
23 going to ask me and I said that I'm ready for them.

24 Q. Do you know the other witnesses who testified, or are
16:53:36 25 going to testify on xxxxxxxxx before this Court?

26 A. I can't know them because xxxxxxxxx is a big town. We
27 are not all in the same place. In the morning I go about
28 my own business.

1 Q. So you have no idea who else will testify on these events
2 in xxxxxxxxx?

3 A. No.

4 Q. So when you were taken to Freetown, you were on your own;
16:54:20 5 there was nobody else from xxxxxxxxx?

6 A. I know about myself. Where I'm sleeping, that's where
7 I'm sleeping. I'm all alone.

8 Q. Did the Prosecution or anyone else of the Special Court
9 ever ask you whether you would be willing to talk to any
16:54:58 10 of the Defence teams? Should I repeat my question?

11 A. Yes.

12 Q. Did anyone here in court - "anyone" being from the
13 Prosecution or the investigation or any other organ of
14 this Court - ever ask you -- ever tell you that there
16:55:52 15 were people in the Defence who wanted to interview you
16 before testifying in court?

17 A. Nobody forced me to come to court; I said that I was
18 coming. I volunteered to come to court. If the Defence
19 asks me any question, I'm ready to answer them.

16:56:43 20 Q. But that was not my question. Did anyone tell you before
21 you came to court today that counsel for Moinina Fofana
22 had expressed the willingness to talk to you before
23 testifying? Did they ever ask you whether you agreed to
24 that or not?

16:57:06 25 JUDGE THOMPSON: Learned counsel, why not ask the question
26 singly, the first part first and then the second part,
27 otherwise we get into an impasse again. Let him answer
28 the first part of your question.

1 MR PESTMAN: I thought I already asked the first part
2 separately.

3 JUDGE THOMPSON: No. There was, in fact, a linking of the
4 first premise with the second one. Firstly of all, I
16:57:40 5 don't have the answer as to whether anyone indicated to
6 him that the Defence would be willing to talk to him
7 before he testifies. There's nothing on my records. I
8 don't know whether the records reflect that. I
9 understand the question to be a two-part question.

16:57:58 10 MR PESTMAN: Yes. I can try to rephrase it.

11 JUDGE THOMPSON: Yes.

12 MR PESTMAN:

13 Q. Did anyone tell you before today -- anyone in court tell
14 you that the Defence wanted to interview you before going
16:58:14 15 to court?

16 A. Yes, today. They went to me and asked me and they told
17 me that Defence lawyers would like to see me and I told
18 them: "No, I don't have any chance now because I am not
19 here for them."

16:58:48 20 Q. What time did they approach for this question -- with
21 this question?

22 A. At 9.30. That's when they met me.

23 Q. I would like to ask a couple of questions about the
24 events in xxxxxxxxxx, ask for some clarifications to be
16:59:12 25 more precise. You talked about looting this morning.
26 Did you see any soldiers or Kamajors taking property from
27 private houses?

28 A. I didn't talk about soldiers. I talked about Kamajors

1 and that the Kamajors did that, that it was the Kamajors
2 who were taking people's property and burning houses. I
3 didn't talk about soldiers.

4 Q. Did you see people taking property from private houses?

16:59:55 5 A. That is what I have said, that the Kamajors and some
6 civilians, those civilians who were behind them or
7 supporting them, it was they who were taking property and
8 burning houses. Those are the people I spoke about. I
9 didn't talk about soldiers. The soldiers didn't do
17:00:17 10 anything wrong to xxxxxxxxx people.

11 Q. The civilians were participating in the looting and the
12 burning of houses?

13 A. Yes, those who were relatives to the Kamajors; they did
14 it together.

17:00:37 15 Q. Early this morning you also said that you saw 25 houses
16 burning and I would like to be more specific. How many
17 houses -- how many times did you see Kamajors actually
18 setting houses on fire?

19 JUDGE BOUTET: I'm not sure that the witness testified that he
17:01:07 20 saw 25 houses burning. He has said certainly that he has
21 seen 25 houses burnt. There's a slight difference
22 between the two.

23 [5.00 p.m. HN090904H]

24 MR PESTMAN: Yes. That's even worse.

17:01:18 25 Q. So my question is how often did you see Kamajors setting
26 a house on fire? How many instances did you see
27 yourself?

28 A. From Saturday that they entered the town, they burn the

1 place through all the way up to Saturday until Joe
2 Tamidey said, "Anybody who burns a house, I will kill
3 them," and that's when they stopped.

4 Q. So Joe Tamidey made an order for the burning to stop?

17:01:58 5 A. Yes, that anybody who burnt the house, he'd kill that
6 person. That's when they stopped burning the houses.

7 Q. But you testified that on Saturday evening you saw 25
8 burnt houses. Did you see Kamajors setting houses on
9 fire -- "Yes" or "No"?

17:02:43 10 A. The Kamajors had burnt -- it would be five houses on
11 Saturday, about 6.30. That's when they started. That's
12 when they burnt the houses.

13 Q. So you didn't see Kamajors setting houses on fire?

14 A. Yes, I saw it myself. It's not hearsay. I saw it
17:03:04 15 myself. Nobody told me. I saw it myself.

16 Q. So you saw 25 houses being set on fire by Kamajors? You
17 actually saw 25 houses set on fire?

18 A. Yes.

19 MR PESTMAN: I would like to revisit an event which was
17:03:40 20 discussed this morning and, also, in the
21 cross-examination by my colleague, as I think that
22 there's still some inconsistencies and that
23 clarifications are needed. I think it might be useful to
24 submit the earlier statements given by this witness to
17:04:03 25 the Prosecution and investigators as evidence and I would
26 like the Court to have these statements marked as
27 evidence. I have one copy.

28 JUDGE BOUTET: As evidence for what?

1 MR PESTMAN: Because I would like to confront the witnesses
2 with the statements.

3 JUDGE BOUTET: But this is not the way it is done and the
4 rulings that were quoted earlier this afternoon have
17:04:31 5 spelt out what it's all about.

6 MR PESTMAN: Okay.

7 JUDGE BOUTET: I just say clearly here: we're not prepared to
8 take a statement just because you wanted to use a
9 statement. If you are intending to do that, obviously it
17:04:48 10 is because you are claiming that the witness is now
11 giving evidence that is contrary to something he may have
12 said before.

13 MR PESTMAN: Yes.

14 JUDGE BOUTET: If that is the case, you have to put it to him
17:04:57 15 what it is that he may or may not have said and quote
16 exactly what it is and ask him if he has done that.

17 MR PESTMAN: That's the evidence.

18 JUDGE BOUTET: That's the procedure, but not the statement as
19 a whole.

17:05:12 20 MR PESTMAN:

21 Q. I will quote --

22 JUDGE BOUTET: But, Mr Pestman, before you do that, you have
23 to be quite precise with the witness. You have to bring
24 his attention to that particular statement, as to when it
17:05:24 25 was made and so on; in other words, you have to
26 establish, on the one hand, this is his statement.

27 PRESIDING JUDGE: That he made the statement; it is his
28 statement.

1 JUDGE THOMPSON: We would like to add that we need the legal
2 foundation for receiving the statement as an exhibit
3 established.

4 MR PESTMAN: I will not submit the statements now. I might do
17:05:46 5 so later, and I hope it is obvious then why I do so.

6 PRESIDING JUDGE: Very well.

7 MR PESTMAN:

8 Q. Mr Witness, we discussed the statements you gave earlier
9 to the investigation -- or investigators and the
17:06:02 10 Prosecution. According to our information, the first
11 statement you gave to investigators was given on
12 3 December 2003 and I would like to quote a short
13 paragraph in a statement and I would like you to tell me
14 whether that quote is correct or not. In this statement
17:06:27 15 you say that you were threatened on Monday morning by
16 Kamajors and that you went to hide in the bush, so we're
17 talking about Monday morning. "He returned on Monday
18 night. He witnessed Kamajors" --

19 THE INTERPRETER: Can you take it slowly? You are reading
17:06:44 20 something. You want that to be said to the witness,
21 please?

22 MR PESTMAN: I'll wait. Do you want me to repeat the quote?

23 THE INTERPRETER: Yes.

24 MR PESTMAN:

17:06:53 25 Q. "On Monday morning he was threatened by Kamajors and he
26 went to hide in the bush. He returned on Monday night.
27 He witnessed the Kamajors kill five people." Would you
28 like me to wait, or can I continue?

1 THE INTERPRETER: You can continue with that piece, thanks.

2 MR PESTMAN:

3 Q. "Momoh Sofiana Aminata, woman, Jenenba woman, and Esther,
4 they cut their throats." My question is: is that what
17:07:31 5 you told the investigators on 3 December 2003?

6 A. I didn't say that on Monday about those things that
7 you're talking about. I didn't go to town on Monday.
8 How could Kamajors threaten me?

9 Q. I didn't read that you were frightened. I said that you
17:08:10 10 witnessed Kamajors kill five people, and I mentioned
11 their names, and that you said they cut their throats.
12 Is that what you told the Prosecution or the
13 investigators in December of last year?

14 A. I said eight people on Monday. What I said is what
17:08:39 15 people should say. If people say what I didn't say, then
16 I would have told lies. What he's -- (inaudible) that I
17 said, that's what you should say.

18 Q. So you say that's wrong, there were eight people, but the
19 rest of the statement is correct. That is what you told
17:08:58 20 in December 2003?

21 A. No. I said they killed eight people on Monday in the
22 morning. I didn't go out and come back. They didn't
23 threaten me in the morning and I go there and come back.
24 We met -- I met them on the way when they were coming to
17:09:29 25 kill people.

26 Q. But you did say that they cut their throats?

27 A. The eight people, they cut some -- the women, they cut
28 some of their throats and some men as well.

1 Q. This morning about the same incident you said that there
2 were eight people - three women and five men - and you
3 told in great detail that two of the women were killed by
4 a stick, put in the vagina, coming out through their
17:10:12 5 mouth and the third woman was killed with a gun; is that
6 correct? Did you say that this morning?

7 A. I said two men, they were killed with a stick and the
8 other one was shot. First they cut his throat and they
9 shot him [sic], the women -- the three women, that's how
17:10:40 10 they killed them. It happened right in my presence.

11 Q. Tell me exactly how they were killed?

12 A. They took a stick that they put through their private
13 part and they came out through their mouth and the other
14 was caught and they shot them later. That's how they
17:11:11 15 killed them. They can't kill anyone without shooting the
16 person -- they'll say they have not died yet.

17 Q. About the five men this morning, you said that four were
18 killed with guns and one was killed with a cutlass in his
19 neck; is that correct?

17:11:42 20 A. Yes, with a cutlass, that's what I said. Four of them
21 were shot. Whether they killed them with the cutlass,
22 they must fire them -- they must shoot them.

23 MR PESTMAN: These two statements are not only different, they
24 are incompatible, and for that reason I would like to
17:12:06 25 submit the statement given on 3 December 2003 as
26 evidence, and I would like that statement to be marked as
27 an exhibit.

28 JUDGE BOUTET: For what purpose?

1 MR PESTMAN: To show that this witness is not reliable when
2 testifying about this particular incident. It affects
3 his reliability as an eye witness.

4 JUDGE BOUTET: You mean to say the whole statement? Have you
17:12:35 5 read the whole statement to him? Have you put the whole
6 statement to him?

7 MR PESTMAN: I'm happy to submit only that paragraph. It's
8 incorporated in a document.

9 JUDGE BOUTET: But I'm not sure -- it's unclear, all of this,
17:12:58 10 because I had understood your colleague for the first
11 accused to have mentioned that there were three
12 statements - two that corrected the first one, so which
13 one are we talking about and why would you introduce a
14 portion of that without talking of the other ones, and
17:13:12 15 I'm not sure that number 2 and number 3, if they do
16 modify that portion that you're talking about or not.
17 I don't know. I need to understand what it's all about.

18 MR PESTMAN:

19 Q. Mr Witness, the second statement --

17:13:28 20 PRESIDING JUDGE: Just one question. Are those statements
21 that we find printed?

22 MR PESTMAN: No, they are not. These are computer-typed
23 statements which must have been produced later as the
24 interviews --

17:13:42 25 PRESIDING JUDGE: How then can the Tribunal be guided as to
26 whether they were made by him, first of all, if they
27 were, and if they were, whether he signed -- he approved
28 of their contents by either appending a signature or a

1 thumb print to it?

2 MR PESTMAN: Tomorrow I will present a motion to Your Honours.

3 PRESIDING JUDGE: We don't want to know whether you'll present
4 a motion. I'm asking a question for now, Mr Pestman.

17:14:08 5 MR PESTMAN: I am asking to get full disclosure, including all
6 the handwritten notes taken by investigators and
7 prosecutors so that we can actually check what the
8 witnesses really --

9 PRESIDING JUDGE: That's the difficulty I have. The statement
17:14:22 10 is a computer statement. It's come from under -- it's
11 being attributed to this --

12 MR PESTMAN: Yes, but I asked this witness whether that's what
13 he said, what he had testified.

14 JUDGE THOMPSON: Let me again, for the sake of completeness
17:14:42 15 and also thoroughness in terms of our proceedings, direct
16 your attention to paragraph 21, page 8 of our decision
17 entitled, "Decision on disclosure of witness statements
18 and cross-examination. The Prosecutor against Samuel
19 Hinga Norman, Moinina Fofana and Allieu Kondewa dated
17:15:03 20 16 July 2004." And perhaps for the better guidance of

21 this Tribunal, in appreciating the course of action that
22 you intend to adopt, and also satisfying the Chamber as
23 to the need to admit into the Court record the statement
24 or statements that you propose to have admitted, you

17:15:35 25 could look carefully at what we said there and the
26 procedure which we outlined and perhaps advise yourself
27 appropriately as to whether the proper legal foundation
28 for the reception of the statement -- all statements into

1 evidence has been established by you.

2 MR PESTMAN: I think I have followed the procedure set out by
3 this Trial Chamber exactly. I would like to refer Your
4 Honours to subparagraph (v) of paragraph 21 where it says
17:16:14 5 that statements may be admitted into the Court record and
6 marked as an exhibit, and that's exactly what I'm asking,
7 and I have followed the procedure described above. So
8 I'm only asking this Trial Chamber to do what they asked
9 me to do and to follow their own procedure.

17:16:43 10 JUDGE BOUTET: The problem at this time is there is barely any
11 evidence that this is a statement of this witness. For
12 example, the witness has testified -- the document that
13 you have in front of you, if I'm not mistaken, is written
14 in English, isn't it?

17:16:59 15 MR PESTMAN: Maybe the Prosecution made it up. I don't know.

16 JUDGE BOUTET: I'm just asking -- I don't want to get into
17 arguments. I'm just asking you whether the document you
18 have is in English or not.

19 MR PESTMAN: Yes, it is in English.

17:17:13 20 JUDGE BOUTET: Because the witness has testified up till now
21 that he does not speak English, does not write English,
22 and obviously I have to conclude that these interviews
23 were either conducted in Krio or Mende, because these are
24 the languages that this witness speaks, and we need --
17:17:31 25 all I'm saying is we need to know a little bit more of
26 the background that led to what you have than just
27 saying, "This is your statement." At this stage there's
28 something missing. For example, if it was read, what was

1 read to him, how it was read to him, was it read in
2 English or was it read in Mende? This is what we mean by
3 other than just having a piece of paper that says
4 "December" and, "This is your statement."

17:17:58 5 I'm not trying to be difficult. I'm just trying to
6 see that what you produce has any value. I mean, if we
7 have a statement in English and this witness, as I said,
8 doesn't speak English, it is not of much value to us
9 unless you make that linkage.

17:18:18 10 JUDGE THOMPSON: Also, do we have on the record so far any
11 disclaimer by this witness of the statement or statements
12 that you are seeking to have received in evidence? We
13 are trying to make sure that we follow the procedures
14 that we have laid down by way of procedural tidiness and
17:18:36 15 to ensure the integrity of our proceedings. I do
16 understand your enthusiasm to be as thorough as you can,
17 but I'm sure that the thoroughness that you intend to
18 proceed with is also complemented by the thoroughness of
19 the bench.

17:18:58 20 MR PESTMAN: So may I conclude that the document will not be
21 marked as an exhibit and not be accepted, either?

22 JUDGE BOUTET: Not at this stage --

23 PRESIDING JUDGE: Not at this stage.

24 JUDGE BOUTET: -- unless you ask more questions. You need to
17:19:07 25 clarify the situation. What I have just mentioned to you
26 are some of the issues that are still outstanding --
27 that, as I say, to mark this document as an exhibit, we
28 are not prepared to do so at this time, because you have

1 not established enough connection between that document
2 you have and this witness.

3 JUDGE THOMPSON: You are not foreclosed. I mean, you can
4 still lay further foundation to satisfy the Chamber and
17:19:36 5 I certainly am not in any way opposed to your asking for
6 leave to revisit this issue if at this point in time you
7 find that you're not able to satisfy the Bench that you
8 have completed all the necessary requirements for the
9 reception of the statement or statements into evidence.

17:20:09 10 JUDGE BOUTET: You are not precluded. You are just premature
11 at this time, in that you have not established
12 everything, but as my dear colleague has just mentioned,
13 in his generosity he's giving you leave to do it later if
14 you want to, so it's up to you.

17:20:23 15 MR PESTMAN: I'll try to do it now.

16 Q. Mr Witness, did you give a statement to two investigators
17 in the beginning of December 2003?

18 A. I can't remember that one.

19 Q. Do you remember speaking to two female investigators and
17:21:07 20 giving a long interview or a long statement?

21 A. In that December?

22 Q. Yes.

23 A. No, no, in that December I can't remember talking to any
24 women.

17:21:40 25 Q. Two female investigators -- you never spoke to two female
26 investigators in December 2003?

27 A. No.

28 Q. Did you ever speak to two female investigators about what

1 happened in xxxxxxxx?

2 A. No women have come to me. If I need to go, I go together
3 with men, but I've not met two women.

4 MR PESTMAN: I'll accept the suggestion to revisit this topic
17:22:45 5 later and maybe I'll be allowed to do so tomorrow after
6 consulting with the Prosecution.

7 JUDGE BOUTET: Have you finished with your cross-examination,
8 subject to what you just mentioned?

9 MR PESTMAN: No. If I may just check my notes. I would like
17:23:02 10 to ask a few questions about the first meeting that took
11 place in the xxxxxxxx after xxxxxxxx was taken by the
12 Kamajors.

13 Q. You testified that Moinina Fofana was introduced to the
14 people by Hinga Norman. Did Hinga Norman mention his
17:23:34 15 name?

16 A. Yes.

17 Q. First name, second name?

18 A. Yes, in that first meeting -- I have never known him.
19 That was the first day that I saw him, Moinina Fofana.

17:24:09 20 Q. That was the first day that you saw him, so you saw him
21 as well?

22 A. Yes. That's how I knew that he was Moinina Fofana. In
23 the first place, I didn't know him.

24 Q. Had you ever heard his name before?

17:24:30 25 A. Yes, many, many times.

26 Q. So you had heard his name before, but that was the first
27 time that you actually saw him?

28 A. Yes, it was that very day that I saw him.

1 Q. Where was he standing when you saw him?

2 A. When I sat at the junction, he and the others went
3 together to the Barri.

4 Q. So you saw him arriving in ~~xxxxxxxxxx~~?

17:25:16 5 A. When they reached the junction as they were going to the
6 Barri, all of them, together with Kondewa, together with
7 Norman, all of them went to the Barri.

8 Q. Can you describe to me how that arrival took place? Were
9 they in a car? Did they come walking?

17:25:46 10 A. They walked on foot.

11 Q. Where did they come from? Which direction were they
12 coming from?

13 A. They came from the Pujehun end going towards Sumbuya.

14 Q. And how many people were there?

17:26:09 15 A. That was a large crowd.

16 Q. Can you tell me who you know in that crowd? Can you tell
17 me the names of the people in that crowd?

18 A. I didn't know all of them, but there were so many people
19 whom I knew.

17:26:35 20 Q. Was Joe Tamidey there, for example?

21 A. Yes, he was the battalion commander. Dixon Kosia was
22 there. Saliji Rogers was there. There were many, many
23 Kamajors. I'm talking about five chiefdoms, that they
24 meet together and say hi. It's a large crowd of
17:26:59 25 Kamajors.

26 Q. And they all walked through the Barri?

27 A. Yes, and they were dancing, yes. By the time we reached
28 the Barri, there were many of them - many of them.

1 Q. [Overlapping microphones] dancing as well?

2 A. How can he dance? He was discouraged.

3 Q. [Overlapping microphones].

4 A. Discouraged because he said they didn't burn the town.

17:27:34 5 Q. Did Moinina Fofana dance?

6 A. I didn't see Moinina Fofana dance, nor did I see him
7 talk.

8 Q. So you all went to the Barri. Where did Hinga Norman
9 address the people? Where was he standing when he did

17:27:58 10 that?

11 A. In the Barri -- there's a difference in the Barri. Like
12 where the judges are sitting, that's where they would be
13 sitting. They'd all be at the back. This is where they
14 were. That is where he made the introduction. The

17:28:24 15 Kamajors were there and we were in the middle.

16 Q. And you were sitting on the bench, you testified earlier
17 this morning; is that correct?

18 THE INTERPRETER: Can you put the question again?

19 MR PESTMAN:

17:28:36 20 Q. Is it correct that you were sitting on the bench when the
21 introductions took place?

22 A. Yes. As I was entering, I had my chair with me.

23 Q. So you had your own chair?

24 A. Yes. As I enter, I take my chair along and I'll sit on
17:29:04 25 it.

26 Q. And Hinga Norman was standing in front of you?

27 A. Yes, when he entered, he stood there. As he was

28 addressing it, he was standing, but there was a place for

1 him to sit down if he wanted to sit down.

2 Q. And when he introduced the people, how would that go?

3 Can you tell me, for example, how the introduction of

4 Moinina Fofana took place?

17:29:47 5 A. When they entered, they greeted. Then they called Pa Joe

6 and the other elders and they started introducing them.

7 They started introducing them to the elders.

8 Q. And where were the others when they were being introduced

9 by Hinga Norman? Where were they?

17:30:17 10 THE INTERPRETER: Repeat the question.

11 MR PESTMAN:

12 Q. Where were the elders or the other people like Pa Joe

13 when they were being introduced?

14 A. The Kamajor bosses and the elders of the village, they

17:30:43 15 were in one area -- they were on one side.

16 Q. One side of what?

17 A. One side of the Barri -- inside the Barri, but there was

18 a boundary in the Barri, so where they were and where the

19 other big men were sitting.

17:31:03 20 Q. Where was Moinina Fofana when he was introduced by Hinga

21 Norman? I want to know exactly how that went.

22 A. They were all in the same place. They were sitting

23 before the same table -- they were sitting at the same

24 table.

17:31:27 25 Q. So they were sitting at the one table?

26 A. Yes, like I'm sitting here, there's a table and a chair

27 behind it, like I'm sitting there.

28 [5.30 p.m.]

- 1 Q. So there was one small table with a chair behind it.
- 2 A. It was a large table and it had chairs behind it.
- 3 Q. How large was the table and chairs -- the table?
- 4 A. Long bench behind and there were chairs in front. About
- 5 ten chairs - there were ten chairs there. There are five
- 6 chairs to them and five chairs to the elders, the town
- 7 elders who had come.
- 8 Q. [Microphone not activated] The town elders who were
- 9 sitting there when an introduction took place.
- 10 A. The chiefdom elders, are you talking about the chiefs?
- 11 Q. I'm talking about the people who were sitting there, the
- 12 elders and [inaudible] the elders, I would like to know
- 13 who these people were; their names.
- 14 A. Momodu Korboh was there, Chief Musa for Kpetewoma Lugbu.
- 15 And Ngor Kinie for Sembehun 17, their own chief, chief of
- 16 the Kamajors. xxxxxxxxxx, he was the Imam in
- 17 xxxxxxxxxx. The elders, there are many. If I am going to
- 18 call them now, we would not leave here today.
- 19 Q. I didn't understand the last remark; could you please
- 20 repeat that?
- 21 PRESIDING JUDGE: He said the elders are very many and that,
- 22 if he put himself into calling their names, we would not
- 23 leave here today.
- 24 MR PESTMAN:
- 25 Q. But there were only five people sitting behind - five
- 26 elders sitting behind a table. Did you mention all five?
- 27 PRESIDING JUDGE: Mr Pestman, can you be rounding up, please?
- 28 MR PESTMAN:

1 Q. Who were the other people sitting behind that table?

2 A. Those that I've -- the names that I have called, didn't
3 you hear them?

4 Q. Could you name them again, please? Who was sitting
5 behind that table apart from the elders?

6 A. I said there were many people.

7 Q. So you can't name anyone sitting behind that table apart
8 from the elders?

9 A. There were many people there. I have said that if I say
10 I am going call these names we would not leave here
11 today.

12 Q. Where was Moinina Fofana; was he behind that table?

13 A. No, they had their own Kamajors' section - their own
14 section which was separate from the others. They were
15 not -- they were quite apart from the elders.

16 Q. Where was that section?

17 A. Just like as we are here, look at the judges, look at
18 these ones, look at these ones. Do you want to tell me
19 that if I said this was where they were, that's what you
20 said, that's where they were?

21 Q. I want to know how the introduction took place. Where
22 was Moinina Fofana when he was introduced to the people
23 in the Barri?

24 PRESIDING JUDGE: Mr Witness, Mr Witness, Mr Witness, you have
25 told the Tribunal that Moinina Fofana was introduced
26 during that meeting. Where was he sitting? Describe to
27 us, describe to counsel, you know, where he was sitting,
28 please.

1 A. He and Pa Norman were all in the same place. They were
2 standing in the same place.

3 MR PESTMAN:

4 Q. And where was that?

5 A. In the Barri, all of them. They were in that Barri, all
6 of them.

7 Q. Well, they were standing in front of you, next to the
8 table, behind the table, left of the table, right of the
9 table?

10 A. They were standing in front of the table. I know they
11 were standing -- we were stood facing them.

12 Q. When Moinina Fofana was introduced. Was it just Moinina
13 Fofana and Hinga Norman in front of this table, or were
14 there also other people in front of the table?

15 A. There were many of them.

16 Q. All in front of the table?

17 A. They were standing right in front of that table, just
18 like I have said. That's -- there is a table and, like I
19 am sitting behind it, then people were in front.

20 Q. Can you tell me the exact words Hinga Norman used to
21 introduce Moinina Fofana? I want to know the exact
22 words.

23 A. What I can remember, as I'm sitting here, is that when he
24 said, "Those of you have not known Moinina Fofana, the
25 War Director, this is him." That is when Moinina Fofana
26 stood up and waved to us.

27 Q. You just said he was standing already. Was he sitting or
28 was he standing before he was introduced?

1 PRESIDING JUDGE: Just a minute, just a minute.

2 THE WITNESS: When he entered initially --

3 PRESIDING JUDGE: Wait. Yes, please go on. Yes, please,

4 Mr Pestman.

5 MR PESTMAN:

6 Q. So you said that after Hinga Norman spoke those words he
7 stood up, so he was sitting before he said that?

8 A. Yes, initially he was sitting there; when they all
9 entered they were sitting. Then Hinga Norman stood up
10 and he was being interpreted. That was when he
11 introduced Moinina Fofana. That is the first time I saw
12 Moinina Fofana, and that's when he said he was War
13 Director, and that's the first time I knew him. Then he
14 turned and sat down.

15 Q. That was the first time you saw Moinina Fofana?

16 PRESIDING JUDGE: Yes, he said it was the first time he was
17 seeing him or that he had heard his name. It is on
18 record.

19 MR PESTMAN:

20 Q. What you told me earlier about seeing him walking towards
21 the Barri; that's not correct?

22 A. We walked from the junction to the Barri and that's what
23 I'm talking about. I'm talking about the Barri. How
24 could you say that's not the truth? We are talking about
25 the Barri.

26 Q. The first time you saw him in the Barri is when he was
27 being introduced by Hinga Norman; is that correct?

28 A. Since when they alighted till they reached the Barri I

1 did see him, but I didn't know him until in the Barri
2 when he was shown to us.

3 Q. Did he also mention his title when he introduced Moinina
4 Fofana?

5 PRESIDING JUDGE: He said he was a War Director.

6 MR PESTMAN: I would like to hear that again.

7 PRESIDING JUDGE: No, I think -- you don't insist. We have
8 heard that; it is on record. Please proceed.

9 MR PESTMAN:

10 Q. Did Moinina -- was Moinina Fofana introduced as Director
11 of War Operations; yes or no?

12 A. Yes.

13 Q. I have no further questions.

14 JUDGE BOUTET: Thank you. Mr Margai, are you prepared to
15 proceed with your cross-examination?

16 MR WILLIAMS: Your Honour, I will be cross-examining on behalf
17 of the third.

18 JUDGE BOUTET: Just a second.

19 PRESIDING JUDGE: Mr Williams, have I gotten the name right?

20 MR WILLIAMS: Yes, My Lord.

21 PRESIDING JUDGE: Right, Mr Yada Hashim Williams.

22 MR WILLIAMS: Correct, My Lord.

23 PRESIDING JUDGE: You want to proceed with the
24 cross-examination of this witness?

25 MR WILLIAMS: Yes, My Lord, but I will start, My Lord, I can
26 start.

27 JUDGE BOUTET: You can ask are they --

28 PRESIDING JUDGE: We are here, I would like to remark, to do

1 justice to all and sundry and we would like to not only
2 invite counsel to be very restrictive and very -- limit
3 themselves to the pertinence of their cross-examination,
4 the sort of cross-examination which works in the
5 interests of their clients, because it is important that
6 we make sure that we limit our cross-examination to
7 things which are very, very pertinent and which would
8 help to do justice to everybody, including those who are
9 standing trial. You can go ahead, Mr Williams.

10 CROSS-EXAMINED BY MR WILLIAMS:

11 Q. Mr Witness, would I be right to say that you do not like
12 Kamajors?

13 A. No.

14 Q. The Friday, you said, they entered xxxxxxxx. Right?
15 You said that when you saw them you commented that bad
16 peoples -- or, sorry, bad people are about to or are
17 coming into xxxxxxxx; is that correct?

18 A. Yes, because they were coming to xxxxxxxx to kill us.

19 Q. Could you restrict yourself to my questions. I don't
20 believe comment is -- please, just restrict yourself to
21 my questions.

22 A. Okay.

23 Q. How did you know they were coming to kill people?

24 A. We heard about them all along, that if they come to
25 xxxxxxxx and they take xxxxxxxx, they will kill us.

26 Q. So you already held prejudices against the Kamajors? You
27 had already heard things about them - you had made an
28 opinion about them even before they came; correct?

- 1 A. No, I didn't make up my mind that they were bad people.
- 2 Q. Please, please, just answer my question. Had you made up
3 your mind -- had you -- did you already hold opinions
4 about them before they came; yes or no?
- 5 A. That's what I'm talking, that's what I have said. What
6 they were doing -- from what they were doing that I knew
7 that they were doing something bad.
- 8 Q. Please. I mean, it's a simple and straightforward
9 question. Had you made up your mind? You already
10 carried an opinion of the Kamajors before they came to
11 ~~xxxxxxxxxx~~; correct?
- 12 A. What do you mean about my mind is made up?
- 13 Q. You had formed an opinion that these were bad people,
14 these were terrible people, before even they stepped foot
15 in ~~xxxxxxxxxx~~; correct?
- 16 A. Yes.
- 17 Q. Yes, thank you. And you had not heard anything good --
- 18 A. Yes.
- 19 Q. Thank you. And you had not heard anything good about the
20 Kamajors before they came to ~~xxxxxxxxxx~~; is that what you
21 are saying?
- 22 A. Yes.
- 23 Q. You had not been informed that they fought to kick out
24 the RUF and the AFRC from Freetown; you had not heard
25 that. But that is not something -- that is not good by
26 your standards? Have you -- did you --
- 27 THE INTERPRETER: Please, My Lords, can he take it in bits?
- 28 PRESIDING JUDGE: Mr Williams, please take it in bits.

1 JUDGE THOMPSON: You are getting argumentative.
2 JUDGE BOUTET: You are making statements about -- and then you
3 are asking him a question yes or no. How can he -- I
4 mean, if you want him to answer yes or no, ask him a very
5 clear question; don't make statements before, otherwise
6 it's impossible.
7 MR WILLIAMS: My Lord, I am asking -- I'm asking him to either
8 accept or deny certain things.
9 JUDGE THOMPSON: Yes.
10 JUDGE BOUTET: Yes, but you said many things.
11 PRESIDING JUDGE: You are making statements.
12 MR WILLIAMS: I take the cue, My Lord.
13 JUDGE THOMPSON: Yes, we [inaudible] answers.
14 PRESIDING JUDGE: Take [inaudible].
15 MR WILLIAMS:
16 Q. You had not heard that those people had fought to
17 liberate Freetown from the RUF and the AFRC.
18 A. No.
19 Q. What about Bo?
20 A. I couldn't know anything about that.
21 JUDGE BOUTET: Did he say Bo or no?
22 THE INTERPRETER: No, he said, no.
23 MR WILLIAMS: No, My Lord. [Inaudible] and the fact that they
24 fought to liberate Freetown.
25 JUDGE THOMPSON: Okay.
26 MR KAMARA: If I may be of assistance to the Court. The
27 incident of Kamajors helping out --
28 PRESIDING JUDGE: Please, please, let us follow the

1 cross-examination. Please, you know, I want to follow
2 the cross-examination. We don't want to punctuate these
3 things with -- unless you are rising to raise an
4 objection or so, you know.

5 MR KAMARA: I am making the records straight.

6 PRESIDING JUDGE: No, you can't get the records straight.

7 JUDGE THOMPSON: How can this be precluded from analysing,
8 comment --

9 PRESIDING JUDGE: You can't analyse; you can't comment unless
10 you are rising to make an objection.

11 JUDGE THOMPSON: I mean, we want the evidence, the facts, as
12 seen through the eyes of this witness or as -- again as
13 heard by him. And if you want to clarify anything at
14 this stage --

15 THE INTERPRETER: My Lord, your microphone is not on.

16 JUDGE THOMPSON: -- clarify anything that would impact upon
17 what we will have on the record from your own knowledge,
18 it would be really dangerous - I think perilous. We
19 would not let you do that. Why not let counsel put the
20 question again if you think there is something to
21 clarify?

22 MR KAMARA: As Your Lordship pleases.

23 JUDGE THOMPSON: Because I was on the point, "I have not heard
24 that the Kamajors..."

25 MR WILLIAMS: Fought.

26 JUDGE THOMPSON: Fought, yes, to --

27 MR WILLIAMS: For the liberation of Freetown, My Lord.

28 JUDGE THOMPSON: To --

1 MR WILLIAMS: In the liberation of Freetown.
2 JUDGE THOMPSON: Yes, I was trying to get that.
3 MR WILLIAMS: From the RUF and the AFRC.
4 PRESIDING JUDGE: And he said he doesn't know.
5 MR WILLIAMS: He said he didn't know. Yes, he doesn't know
6 about that.
7 PRESIDING JUDGE: Yes.
8 MR WILLIAMS:
9 Q. Yes. And does the same apply to the liberation of Bo?
10 You never heard that these Kamajors fought to liberate Bo
11 from the RUF and AFRC?
12 A. No.
13 Q. Did you not say in your examination-in-chief that the
14 soldiers told you that their boss had been kicked from
15 Freetown so they are going away? Did you not say that in
16 examination-in-chief?
17 A. Yes, I said so, yes.
18 Q. You said that.
19 A. Yes, but I don't know who got them out of there.
20 Q. [Counsel interrupts] What is your religion? What is your
21 religion?
22 A. I am a Muslim.
23 Q. You are Muslim. And did you or did you ever have a
24 brother who was a Kamajor?
25 A. No.
26 Q. Did you have any close relatives who were Kamajors?
27 A. After they had taken xxxxxxxxx?
28 Q. Did you --

1 PRESIDING JUDGE: Answer the question directly.
2 MR WILLIAMS:
3 Q. Did you ever have --
4 PRESIDING JUDGE: Did you have any --
5 MR WILLIAMS: -- a brother who was Kamajor?
6 PRESIDING JUDGE: -- any relatives.
7 MR WILLIAMS: -- or relatives. You said no for brother or
8 brothers --
9 JUDGE THOMPSON: [Inaudible].
10 MR WILLIAMS:
11 Q. What about relatives; I want you to answer the question
12 about relatives.
13 A. No.
14 Q. Thank you. Did you ever have any confrontation with
15 Kamajors whilst they were at xxxxxxxxx?
16 A. Many, many, many. As I'm sitting here I am somebody who
17 is very saucy.
18 Q. And you said when you went to the meeting -- well, let me
19 ask you this: the people you said were killed on the
20 Monday after the Kamajors entered xxxxxxxxx, were they
21 killed in the afternoon hours or late at night?
22 A. They were killed in the morning.
23 Q. In the morning. So at what time?
24 A. From 9.30 a.m. to 10.00 a.m., between 9.30 a.m. and
25 10.00 a.m., that's when they were killed.
26 Q. Did you witness any other incidents on that day?
27 A. Apart from the looting that was taking place, apart from
28 the cutting -- the things that they were cutting away.

1 Q. [Counsel interrupts] you have to tell me.

2 A. That's it, that's it. Apart from those that they killed,
3 I was scared about -- those who were taking the cutting
4 properties, when we went into my house I returned for
5 that day.

6 Q. [Counsel interrupts] did the Kamajors, or when did people
7 enter your house? What time of the day; was it in the
8 afternoon hours?

9 A. As they entered on Friday they were unable, on Saturday
10 and on Sunday they all -- the house was open at night.
11 Everywhere in the house was open.

12 Q. [Counsel interrupts] about Monday. What transpired on
13 Monday? You had said that certain people were killed, I
14 am asking you whether other incidents took place that
15 Monday.

16 A. That's what I have answered. Now you are talking about
17 Monday that they are open house -- my house. I opened my
18 house on Sunday at night and by Monday everywhere was
19 destroyed.

20 Q. What do you mean by "everywhere was destroyed"?

21 A. My house, I am talking about my house.

22 Q. I am not concerned about your house; I am concerned about
23 xxxxxxxxx in general, not what transpired at your house.

24 A. Were you talking about Monday, what happened at my house
25 on Monday, that my house was destroyed? That's what I am
26 answering.

27 Q. When was your house destroyed on that day?

28 A. When they entered on Saturday, on Sunday night that's

1 when they spoilt the house. Yes, in fact, they turned
2 the house into a check-point; they turned it into a base.

3 Q. When was your house destroyed? You said your house was
4 destroyed. When was it destroyed?

5 A. Sunday at night.

6 Q. Sunday at night. And your grandparents were in the house
7 when it was destroyed?

8 A. We have a compound. It's a large house. The other house
9 was not destroyed, so they had moved from the main house
10 and they went to the thatch house.

11 Q. That was your grandparents. I mean, your grandparents
12 moved from the big house into the smaller house; is that
13 what you are saying?

14 A. Before I left there on Friday I put them in the smaller
15 house for fixing them -- yes, because I said I don't want
16 to leave them in the bigger house because I don't want to
17 make them killed.

18 Q. Yes. Would I be right to say that -- I mean, how does it
19 feel to see somebody being killed?

20 MR KAMARA: Objection to that question, Your Honour, inviting
21 the opinion of a witness.

22 PRESIDING JUDGE: Sustained.

23 MR WILLIAMS: My Lord, may I be allowed to -- My Lord, that
24 cannot be opinion - how he felt.

25 PRESIDING JUDGE: Sustained, please.

26 MR WILLIAMS: As My Lord pleases.

27 Q. I mean, do you like to see people being killed, is that
28 -- would I be right to say that, that you love to see

1 people being killed; is that correct?

2 A. No, I was angry, but what could I do? I had no way -- I
3 had nothing to do. Yes, I was angry that they were
4 killing them. I was not happy; that's why I was afraid.
5 But if I went there, they would get hold of me and kill
6 me too.

7 Q. But you were moving from place to place witnessing --
8 witnessing incidents of people being killed.

9 A. Yes, so nobody would tell me.

10 Q. That's what I mean, you love to see people being killed.
11 I mean, you -- I mean --

12 A. I was angry, but I had no way to do.

13 Q. And you -- did you -- you said when the soldiers left
14 they went away with all the able-bodied people of
15 xxxxxxxxx; is that correct?

16 A. Yes, yes, some of them followed them, yes. That's what
17 they said, "Whoever wants to go with us can go. Whoever
18 wants to stay can stay."

19 Q. You have not answered my question. Did they leave with
20 all the able-bodied people of xxxxxxxxx? Did they, the
21 soldiers, go away with all the able-bodied people of
22 xxxxxxxxx?

23 A. Except me. That is what I have said, yes, except me and
24 my people, we went to my -- to my Mosanke farm.

25 Q. Do you know where they left for or where they went?

26 A. When they were leaving xxxxxxxxx, some are going to Bo
27 and I was going by Blama Road. So I didn't know where
28 they were going, nobody didn't know where I was going.

1 Q. And after they left you never saw any wife or wives of a
2 former soldier; is that correct?

3 A. What I just said, this was --

4 Q. Please, please, I don't need an explanation. After they
5 left with the soldiers, did you -- please, please --

6 A. You are asking the question, let me answer him.

7 MR KAMARA: Please allow the witness to answer the question.

8 PRESIDING JUDGE: You see, I know those of you understand the
9 language have a problem. As soon as a witness is
10 talking, you know, you get the reply and the natural
11 tendency is to strike back.

12 MR WILLIAMS: My Lord, the witness has been going on a frolic,
13 My Lord.

14 PRESIDING JUDGE: Yes.

15 MR WILLIAMS: I mean, he should limit himself to the
16 questions.

17 PRESIDING JUDGE: Yes, I agree; I agree with you, but, you
18 know, wait for him to finish and then you will draw his
19 attention to the fact that that is not what you --

20 MR WILLIAMS: Your Honour, I don't know how the records are
21 kept, but when once he has answered it goes into a --

22 PRESIDING JUDGE: No, but the records can also be corrected,
23 you know, they can always be corrected still through the
24 process, you know, that we are on now.

25 MR WILLIAMS: As My Lord pleases.

26 PRESIDING JUDGE: Yes, please, go ahead.

27 MR WILLIAMS:

28 Q. Right, I will repeat the question. When the soldiers

1 left with the wives, you never saw any wife or wives of a
2 soldier subsequent to that?

3 A. That's what I have said. I can't decide that one -- I
4 can't decide that one now, because it was in the night.

5 Q. I mean, subsequent to that Friday, I'm talking about --

6 PRESIDING JUDGE: Mr Witness, Mr Witness, the soldiers left
7 with their wives. After that did you see any of their
8 wives there at that community? Did you see them? Did
9 you see any of the soldiers' wives? That is what counsel
10 is asking you.

11 THE WITNESS: Only when I came on Monday and I saw them when
12 they said they have caught -- they've caught them, yes.

13 PRESIDING JUDGE: Counsel, does that answer your question?

14 MR WILLIAMS: It does, My Lord.

15 Q. You had just in answer to my -- a question that I asked
16 you earlier, you said you do not - I mean, you have never
17 had a brother who was a Kamajor at any point in time. I
18 mean, did you make a statement to the Office of the
19 Prosecution? Did you make a statement to the
20 Prosecutors, to investigators, on the -- well, I mean,
21 you made several statements to prosecutors; correct?

22 [6.05 p.m. HN090904J]

23 A. Repeat the question so that I understand properly.

24 Q. You spoke with investigators on a number of occasions and
18:03:04 25 they recorded you; correct?

26 A. I still do not understand the question.

27 JUDGE THOMPSON: Won't the -- the familiar vocabulary is
28 interview. Wouldn't the translators be able to put that.

1 Spoke with investigators seem not to be the term of art.
2 I think we talk about interviews, perhaps the translators
3 may be able to put that across because he say he does not
4 understand. Maybe we are using language here which does
18:03:44 5 not assist in eliciting the kind of appropriate answers
6 for the purpose of ascertaining the truth here because --
7 and perhaps it seems to me to say -- to ask: "Were you
8 interviewed by the prosecutors?" And if the answer comes
9 out: "Yes", did they record the interview and that would
18:04:16 10 help the Court.

11 MR WILLIAMS: My Lord, I would defer to Your Lordship's
12 wishes.

13 Q. Did you -- you had several meetings with investigators;
14 is that correct, before coming to Court today?

18:04:42 15 A. Yes.

16 Q. Can you tell the Court what transpired at those meetings?

17 JUDGE THOMPSON: Why not take it singly. A cumulative
18 response is likely again to create some impasse.

19 MR WILLIAMS: So I should go first, second --

18:05:04 20 JUDGE THOMPSON: Well, why not. Afterall, if we are trying to
21 elicit the facts here, I mean, ought we need to set for
22 ourselves by a questioning -- a kind of ambush where we
23 don't even know how to get out of it? I mean, several
24 meetings, I am sure that what transpired may be

18:05:22 25 speculatively, in meeting one may be different from what
26 transpired in meeting B. So why put the cumulative --

27 MR WILLIAMS: My Lord, I could do that. I was merely
28 respecting Your Lordship's wishes or desire for an

1 expeditious trial.

2 JUDGE THOMPSON: But expedition, not to sacrifice quality

3 because I don't know how to evaluate evidence that comes

4 out in that kind of, you know, several meetings and then

18:05:48 5 we don't know where we are going.

6 MR WILLIAMS: As My Lord pleases.

7 Q. So tell the Court what transpired at the first meeting,

8 the very first meeting you had with the investigators.

9 Tell the Court what transpired between you and them.

18:06:18 10 A. When they went and met me in xxxxxxxxxx or when I came

11 here; which one are you talking about?

12 Q. It has to be at some place. So you tell us what

13 transpired at the first meeting.

14 A. Isn't that what I talked about this morning?

18:06:48 15 Q. I want you to say it again.

16 A. That Friday?

17 Q. You know what I am saying. Do you know who is an

18 investigator?

19 A. What do you mean by what you are saying?

18:07:14 20 JUDGE BOUTET:

21 Q. Mr witness, you have had interviews with the Prosecution

22 in the past before today.

23 A. Yes.

24 Q. When was the first time and who was there that first

18:07:40 25 time?

26 A. That is my doubt at the moment. If they had said that

27 they went and met me in xxxxxxxxxx and they testified me

28 there and I came here they were going to testify, that's

1 what I'm saying. They are talking about Friday, if it is
2 xxxxxxxxxx that's what I want to know, if it is here then
3 I want to know.

4 Q. What they are asking you is the first time ever that you
18:08:10 5 met people from the Prosecution. When was that?

6 THE INTERPRETER: Can you go over the question, My Lord.

7 JUDGE BOUTET:

8 Q. When was the first time you were interviewed by somebody
9 from the Prosecution?

18:08:32 10 A. The first people who went, they met me in xxxxxxxxxx .
11 They were from TRC.

12 Q. After the TRC?

13 A. The people who went they still met me in xxxxxxxxxx.

14 Q. Yes, how many people met you and when was that?

18:09:14 15 A. They were five in number, but I can't remember the time;
16 I don't know the time.

17 Q. They were five at that time that met with you?

18 A. Yes.

19 JUDGE BOUTET: Mr Williams, carry on from there, please.

18:09:38 20 MR WILLIAMS:

21 Q. They were five in number and they came from the office of
22 the prosecution; is that correct?

23 A. Yes.

24 Q. They spoke with you, you had a discussion with them;
18:09:54 25 correct?

26 A. Yes.

27 JUDGE THOMPSON: Let me intervene. Discussion is
28 argumentative, why not interview. It helps the Court.

1 MR WILLIAMS: As Your Lord pleases.

2 JUDGE THOMPSON: Because discussion -- I am sure, I don't
3 know, but we are all familiar with these processes as
4 lawyers. I'm not sure whether that is what happens when
18:10:14 5 you are looking for evidence in the process of
6 investigation. I don't know whether it is discussion.
7 Let us use the appropriate and precise language.

8 MR WILLIAMS: My Lord, I would not know what transpired. I
9 had used the word "spoke", he could respond, I used the
18:10:28 10 word, "discuss", he could not respond. So it's for him
11 to say, My Lord.

12 JUDGE THOMPSON: Learned counsel, the familiar vocabulary is
13 interview.

14 MR WILLIAMS: I take the cue, My Lord.

18:10:36 15 JUDGE THOMPSON: I mean, I don't know when police invite you
16 to the -- what about accused person? They don't go and
17 discuss with them; they interview them.

18 MR WILLIAMS:

19 Q. Did these five people interview you?

18:10:54 20 A. Yes.

21 Q. And then they wrote down all what you had to say;
22 correct?

23 A. Yes, that is what I said. I don't know whether all of
24 what they wrote is true, but I can explain.

18:11:18 25 Q. You spoke in Mende or in Krio?

26 A. I was speaking in Mende and it was being interpreted in
27 Krio, the people who went with them.

28 Q. And after they had completed the interview they read over

1 to you what they had written; is that correct?

2 A. No.

3 Q. So did they -- did anybody explain to you what you had
4 said to them?

18:12:04 5 A. What I said to them if somebody else explained to me that
6 that was what I have said? Yes, I saw them writing on
7 paper.

8 Q. The person who was interpreting from Mende to Krio, did
9 he read over to you what they had written in Krio or
18:12:26 10 explained what they had written to you in Krio at the
11 conclusion?

12 A. No.

13 Q. So many how times did that kind of business -- did you
14 have that kind of business with the Prosecutor? How many
18:12:52 15 times after the first time did you meet with them, they
16 interview you and wrote down what you had to say to them?

17 A. After that, two people met -- they met me twice.

18 Q. Thank you. When was the last such meeting?

19 A. I can't remember the month nor the date, but I can
18:13:48 20 remember that one.

21 Q. You can remember what?

22 A. I can remember that they went there twice, but I can't
23 remember month and the date.

24 Q. Did these two meetings take place at Koribundu?

18:14:16 25 A. Yes.

26 Q. Did any such meeting take place in Freetown?

27 A. Yes, when I come to Freetown they do call me for those
28 interviews and I do come there.

1 Q. Is it correct to say that the last such meeting took
2 place on Monday this week?

3 A. Yes, Monday and Tuesday.

4 Q. And in the meeting of the 6th, you sought to correct
18:15:12 5 certain things you had said in some previous statements;
6 is that correct?

7 A. I was not doing the correction, my lawyer asked me
8 whether I was the one who said that and I said, "No, what
9 I said I would never forget today, nor tomorrow."

18:16:06 10 Q. In your statement to investigators made -- dated 3rd
11 December 2003, I will read a portion of it for you. It
12 said: "Witness" that is you, "were severely beaten by
13 Kamajors on two occasions and you maintained injuries
14 since." Did you say that to -- did you tell
18:16:58 15 investigators that?

16 A. Yes, I didn't say twice, I said once.

17 Q. So you only said once?

18 A. Yes.

19 Q. And that you were taken to Joe Tamidey to be killed; did
18:17:28 20 you say that to them?

21 A. No.

22 Q. And that you were accused of being a collaborator. Did
23 you say that to them?

24 A. Yes, they told me that where they caught me in the bush.

18:17:50 25 Q. And that your brother who was a Kamajor in Bo happened to
26 come to Koribundu and he intervened on your behalf.

27 JUDGE THOMPSON: What is the question put to him?

28 MR WILLIAMS: I want him to --

1 JUDGE THOMPSON: Ask him, ask him. Did he do what?

2 MR WILLIAMS: Did he say that to the investigators.

3 JUDGE THOMPSON: Precisely, we want it.

4 MR WILLIAMS: As My Lord pleases.

18:18:34 5 Q. Did you tell the investigators that your brother who was
6 a Kamajor in Bo happened to be in xxxxxxxxx and
7 intervened on your behalf?

8 A. No.

9 Q. And that that was how you escaped from being killed, that
18:19:06 10 because your brother who was a Kamajor and happened to be
11 in xxxxxxxxx intervened on your behalf, that was how you
12 escaped with your life. Did you say that to the
13 investigators? I'm still waiting for an answer, My Lord.

14 JUDGE BOUTET: Mr witness, can you answer that question?

18:20:14 15 THE WITNESS: I have said no, I have nobody in the Kamajor.
16 How could I rely on a Kamajor to come and save me.

17 MR WILLIAMS: My Lord, may I at this stage -- I would at this
18 stage, pursuant to Your Lordships' ruling and directive
19 seek to tender the statement of the 3rd of December into
18:20:38 20 evidence, My Lord.

21 JUDGE BOUTET: Again, the same question I asked one of your
22 colleagues. Obviously you are not asking for the whole
23 of the statement but those portions of the statement that
24 you've just referred to. I don't know, I don't have the
18:20:56 25 statement, I don't know.

26 MR WILLIAMS: My Lord, I don't know how to cut the statement
27 into pieces, My Lord. If we are tendering this
28 statement, it has to be the entire thing.

1 JUDGE BOUTET: Yes, but not for the whole statement itself.

2 MR WILLIAMS: Not for the whole statement, obviously, My Lord.

3 PRESIDING JUDGE: Is that statement thumbprinted and signed by
4 him?

18:21:30 5 MR WILLIAMS: It is not thumbprinted, it was not signed by him
6 but it was served on us by the office of the Prosecution.

7 PRESIDING JUDGE: Yes, it was served on you through the normal
8 practices of disclosure.

9 MR WILLIAMS: Yes, My Lord.

18:21:38 10 PRESIDING JUDGE: But is it signed by him or is it one of
11 those other statements? Is it like the other statements
12 which are --

13 MR WILLIAMS: It is called an interview report, and Your
14 Lordships have ruled that an interview report or

18:21:38 15 summaries are as good as a statement.

16 PRESIDING JUDGE: Is it signed by anybody there?

17 MR WILLIAMS: It's not signed by anybody there.

18 JUDGE BOUTET: Mr Williams, I hope we would be able to resolve
19 this issue now. What we would appreciate is that you in

18:23:14 20 some way highlight, underline those portions that you are
21 talking about. If it is five lines in that statement,
22 two lines, whatever it is, you say if it is on page 1, 2,
23 3 or 4. And of the document that you have referred to as
24 being a document, interview report described as --

18:23:30 25 MR WILLIAMS: My Lord, procedurally, it is the Prosecution who
26 should provide us with --

27 JUDGE BOUTET: The original, you mean.

28 MR WILLIAMS: Yes, My Lord. And then, I had asked them

1 yesterday that they make it available in Court today

2 because I anticipated --

3 JUDGE BOUTET: Do they have it?

4 MR WILLIAMS: They said they have it in Court, My Lord.

18:23:58 5 PRESIDING JUDGE: Does the Prosecution have the statement?

6 MR KAMARA: My Lord, we only have a computer print-out of it

7 which is what we have.

8 PRESIDING JUDGE: Where is the original?

9 JUDGE THOMPSON: Is that what you call the original?

18:24:16 10 MR KAMARA: Yes, Your Honours. After the interview, these

11 notes were reduced into writing from the computer and

12 they are printed out.

13 JUDGE THOMPSON: So that would be the best evidence that you

14 have of it?

18:24:22 15 MR KAMARA: Yes, Your Honours.

16 JUDGE THOMPSON: So we are virtually -- got to be ruled by

17 technology.

18 MR KAMARA: If you say so, Your Honour.

19 JUDGE THOMPSON: Well, in terms of the best evidence.

18:24:30 20 MR KAMARA: Exactly so.

21 JUDGE THOMPSON: Under the best evidence rule in the

22 traditional sense, we would expect the original itself to

23 come, but now technology imposes that limitation.

24 JUDGE BOUTET: So, would you give a copy of that print-out to

18:25:04 25 your colleague for the Defence?

26 MR KAMARA: Sure, Your Honour.

27 JUDGE BOUTET: So, Mr Williams, is this the statement that you

28 were talking about?

1 MR WILLIAMS: I see it has already been highlighted by them.

2 JUDGE BOUTET: Open your mic, please; I can't hear you.

3 MR WILLIAMS: I see it is already been highlighted by them My
4 Lord, so I want to say thanks to them.

18:25:28 5 JUDGE BOUTET: Okay. What I am asking you is that it would be
6 those portions that you are seeking to be admitted for
7 the purpose that you are asking be highlighted.

8 MR WILLIAMS: Perfectly, My Lord.

9 JUDGE BOUTET: And that is a document of two pages, three
18:25:36 10 pages.

11 MR WILLIAMS: It is a three page document, My Lord.

12 JUDGE BOUTET: And the portions are on page 1, 2 or 3 or
13 everywhere.

14 MR WILLIAMS: For now it's on page 2, My Lord.

18:25:58 15 PRESIDING JUDGE: What?

16 MR WILLIAMS: Page 2, My Lord.

17 MR KAMARA: Your Honours, I rise to object to that application
18 for the submission of that statement for the very reasons
19 that the Defence counsel mentioned, and Your Honours the
18:26:16 20 witness has not accepted that statement, nor the
21 particulars that the Defence counsel has referred to. He

22 has not acknowledged authorship, and he has said he is
23 not literate to read and write English and he has denied
24 the particulars that my learned friend is trying to draw
18:26:36 25 the attention of the Court, and for the very reason for
26 which he intends to tender this document. And from the
27 decisions of this Court, and the guidance that we have
28 from the summary of what I have is that if a witness

1 disclaims making a statement, extrinsic evidence can be
2 submitted to prove that the witness did make that
3 statement. And additionally, witnesses may be
4 cross-examined as to previous statements without the
5 statement being shown, but where it is intended to
6 contradict the witness, counsel must direct the witness
7 to those parts of the statement alleged to be
8 contradictory which he has done. But our witness has not
9 acknowledged those particulars; he did not write them and
10 he said: "I didn't say so." So the question here is,
11 Your Honours, for what purpose are we admitting this
12 document?

13 JUDGE BOUTET: Mr Williams.

14 MR WILLIAMS: My Lord, it's because of the -- I mean, if he
18:26:52 15 had accepted what is contained in the statement, there
16 would have been no need to tender it. Your Lordships
17 ruling is quite clear; there has to be inconsistency.
18 They have to disagree with what is contained in his
19 statement from what he said viva voce, and that is
18:27:54 20 exactly what has come out, My Lord.

21 JUDGE BOUTET: But the [inaudible] you are in, as the
22 Prosecutor has said, the witness has denied making that
23 statement. I'm not saying it's not on that piece of
24 paper.

18:28:10 25 MR WILLIAMS: My Lord, with respect, he said he made
26 statements, he said he spoke several times and they took
27 him down. They interviewed him.

28 JUDGE BOUTET: That's true, but he denied making that very

1 statement -- those portions of the statement that you
2 have read to him; he said: "I never said so.

3 MR WILLIAMS: My Lord, that is why the statement should go on
4 in because he is denying. If he had accepted, there
18:28:24 5 would have been no need. It is because he is denying
6 that`s what --

7 PRESIDING JUDGE: That would have been a clear inconsistency,
8 you know, with his prior statement if he had accepted
9 that.

18:28:34 10 MR WILLIAMS: Sorry, My Lord.

11 PRESIDING JUDGE: If he had agreed to what is there, then it
12 would mean that his viva voce evidence is contradictory
13 to what he had said before; is that not true?

14 MR WILLIAMS: Yes, My Lord.

18:28:44 15 PRESIDING JUDGE: So I don`t know what you are driving at.

16 MR WILLIAMS: My Lord, this is a statement that was served on
17 us by the OT. This is supposed to be a noble profession.
18 I mean, we have no doubt that this was what was said to
19 them. We would not impeach them in any way. My Lord,
18:29:22 20 let them say this was not the statement. I challenge my
21 learned friend to tell this Court that this was not what
22 the witness said to investigators or to their office.
23 Let him say that.

24 JUDGE BOUTET: Mr Williams, we've heard your arguments and the
18:31:28 25 arguments presented by the Prosecution on this issue, and
26 we will admit those portions of the statement for the
27 purpose that you are seeking and this is kind of a
28 circumvoluted scenario as such, because of the way we

1 understand those so-called statements as such --
2 interview notes and we have ruled in the past, as you
3 know, that interview notes may be, in fact, statements of
4 an accused person or of a witness, whoever it may be, and
18:32:06 5 it goes to the weight to be attached to this particular
6 evidence. So the system, as we understand it, at least
7 based on the evidence we've heard in this Court today, is
8 a witness is interviewed by one, two, three, four or more
9 people and is eventually taken down in some form and
18:32:18 10 translated into so-called interview notes and they are
11 deemed to be statements of a witness. So that is what
12 you have in your hands at this particular moment.
13 Obviously, there are difficulties in this case, but that
14 is for the Court to assess what weight to attach to the
18:32:40 15 credibility of this witness on this matter. So that is
16 for that purpose you are tendering this, any how.

17 MR WILLIAMS: My Lord, at this stage it is only admissibility
18 we are seeking. When we come to the final addresses, we
19 will address Your Lordships on the weight.

18:33:06 20 JUDGE BOUTET: So we will solve the issue, we will admit that
21 for that purpose. So we are now at Exhibit 7.

22 MR WILLIAMS: As My Lord pleases.

23 [Exhibit No. 7 was admitted]

24 JUDGE BOUTET: And these are the portions that your have
18:33:10 25 highlighted for that purpose. Yes, I knew you would
26 stand up, Mr Pestman.

27 MR PESTMAN: Can we also mark the sections I cited this
28 morning or late this afternoon because it is the same

1 document.

2 JUDGE BOUTET: Would you look at it and -- and yours are on
3 page 1.

4 MR PESTMAN: Page 1, the first three sentences.

18:33:56 5 MR KAMARA: Your Honours, I will object to Mr Pestman trying
6 to introduce his -- coming through the back door. He has
7 not laid the legal foundation as Mr Williams did and I am
8 sure that is why Your Lordships accepted Mr Williams'
9 position, and Mr Pestman --

18:34:14 10 JUDGE THOMPSON: Speaking for myself I think, perhaps, much as
11 I don't anticipate if this particular statement is
12 received in evidence and our decision is being relied
13 upon as authority for such receptivity of the evidence,
14 I, speaking for myself, would not anticipate any
18:34:40 15 difficulty on the part of what Mr Pestman may be seeking
16 to do, but I would keep the two separate for purposes of
17 procedural tidiness. And I would like to add that what
18 we are doing here - and I would probably address this to
19 the Prosecution is quite consistent with the principle of
18:35:00 20 extensive admissibility of evidence that guides this
21 Court. The issues that need to be addressed; the
22 reliability or the alleged discrepancy are all factors
23 that will come into -- when evaluating the probative
24 value of these pieces of evidence.

18:35:18 25 MR KAMARA: I agree with you, Your --

26 JUDGE THOMPSON: So we needn't set up too many legal road
27 blocks to the admissibility of documents which, in fact,
28 will assist us to determine the truth.

1 MR KAMARA: I agree with you, Your Honour.

2 MR MARGAI: My Lord, before we proceed, for the sake of
3 consistency, could we have the same treatment applied to
4 Exhibit 6 which you admitted this morning?

18:35:52 5 JUDGE THOMPSON: Thank you very much.

6 MR MARGAI: As My Lords please.

7 JUDGE BOUTET: I thought it had been admitted under the same
8 conditions, but if you perceived that there were
9 limitations that were different, it was not intended.

18:36:00 10 MR MARGAI: Thank you, My Lord.

11 JUDGE BOUTET: Thank You. Yes, Mr Norman.

12 THE ACCUSED NORMAN: Thank you My Lord. I think I did make --

13 JUDGE BOUTET: But Mr Norman, I just want to tell you that you
14 have had your cross-examination. We are not in --

18:36:20 15 THE ACCUSED NORMAN: I am not cross-examining, but there is an
16 issue before Your Lordships that is now of my own
17 interest as an accused person, that is why I just ask
18 leave for me to say something, if I could.

19 JUDGE BOUTET: Can we, before you do, finish with what we were
18:36:40 20 dealing with and then we will see what it is?

21 THE ACCUSED NORMAN: Thank you, Your Lordship.

22 JUDGE BOUTET: Thank you very much.

23 PRESIDING JUDGE: Yes, what -- there is an application on the
24 floor by Mr Pestman, you know, seeking the admission of
18:36:54 25 his own portion of Exhibit 7 and the Court did say that
26 the proper foundation was not laid as far as his
27 application was concerned, and that we did apply -- he
28 did say that he would re-visit the issue tomorrow and

1 would like it to be done neatly and properly, and it is
2 in this light that we are sustaining the objection of the
3 Prosecution for the admission of that -- of Mr Pestman's
4 own portions which he was underlining. We will re-visit
18:37:36 5 that issue and neatly treat it tomorrow. So that is it.

6 Yes, Mr --

7 JUDGE BOUTET: Before we turn to Mr Norman, have you finished
8 with your cross-examination, Mr Williams?

9 MR WILLIAMS: No, My Lord.

18:38:04 10 PRESIDING JUDGE: Have you finished?

11 MR WILLIAMS: No, My Lord.

12 PRESIDING JUDGE: You have how many more minutes to go?

13 MR WILLIAMS: My Lord, under 30 minutes.

14 PRESIDING JUDGE: Under 30 minutes?

18:38:18 15 MR WILLIAMS: Yes, My Lord.

16 PRESIDING JUDGE: You mean you cannot wrap up your evidence --
17 your cross-examination in the next ten minutes?

18 MR WILLIAMS: No, My Lord.

19 [6.40 p.m. HN090904k]

18:42:06 20 PRESIDING JUDGE: Well, then in that event, we would listen to
21 Mr Norman and we'll take -- we'll continue with -- we'll
22 wrap up your cross-examination tomorrow morning. But
23 that does not mean, you know, that you will take two more
24 hours because you have a day to reflect on this, because
18:42:32 25 we must move.

26 THE ACCUSED NORMAN: I thought I heard you correctly. If I
27 did, then I would like to wait until tomorrow.

28 JUDGE BOUTET: Well, tomorrow [overlapping microphones]

1 cross-examination.

2 PRESIDING JUDGE: We want to gain time, please.

3 THE ACCUSED NORMAN: It is just that I want that. On the
4 onset I did request that the statements of witnesses be
18:42:55 5 always made available to the Bench as exhibits before
6 even they begin to testify in examination-in-chief so
7 that they cannot go back to deny the content.

8 JUDGE BOUTET: Mr Norman, we hear what you are saying, but
9 this is not a proper procedure. It doesn't work that
18:43:19 10 way.

11 THE ACCUSED NORMAN: Thank you, My Lord. I think I will
12 follow the cue of those that know the procedure.

13 JUDGE BOUTET: Thank you.

14 MS WHITAKER: My Lord, before you rise, could I, just at the
18:43:46 15 risk of being tedious and repetitive, ask if the -- if My
16 Lords may ask -- invite the victims to again comply with
17 the ruling that we be provided with details of all
18 witnesses. We've had nothing in relation to this
19 witness.

18:44:00 20 JUDGE BOUTET: You have had nothing about this witness?

21 MS WHITAKER: No. So we would ask, and it relates to all
22 other witnesses, of course, but nothing in relation to
23 this witness.

24 JUDGE BOUTET: Well, I thought the direction from the Court
18:44:10 25 was quite clear. They were to provide yesterday for the
26 witness and for every other witness that is to be called.

27 MS WHITAKER: That was how I had understood Your Honours'
28 ruling, too, but we've had nothing from them.

1 MR KAMARA: Your Honour, Mr Hall did cross-examine the witness
2 about an amount being given to him, about 600,000 from
3 the WVS. Where did he get that information if he has not
4 been served with that?

18:44:36 5 MS WHITAKER: That was based on the information in relation to
6 yesterday's witness, assuming that it was about the same.

7 MR KAMARA: But he did ask him --

8 MS WHITAKER: We've had no information from the victims
9 support regarding this --

18:44:43 10 JUDGE BOUTET: Please, please.

11 MR KAMARA: Sorry, Your Honours.

12 JUDGE BOUTET: What we have is that they have not been given
13 the information requested. We had ordered that this
14 information be provided to the Defence. That's what
18:44:54 15 we've said yesterday and it should be complied with.

16 Thank you.

17 MS WHITAKER: Grateful.

18 PRESIDING JUDGE: All right, the Court will rise and we'll
19 resume sitting tomorrow at 9.30. Court rises.

18:45:41 20 [Whereupon the hearing adjourned at 6.43 p.m., to be
21 reconvened on Friday, the 10th day of September, 2004 at
22 9.30 a.m.]

23

24

25

26

27

28

C E R T I F I C A T E

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

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

Susan G Humphries

Momodou Jallow

Roni Kerekes

Maureen P Dunn

INDEX

WITNESSES FOR THE PROSECUTION:

WITNESS TF2-162

FURTHER CROSS-EXAMINED BY MR HALL

RE-EXAMINED BY MR BANGURA

WITNESS TF2-159

EXAMINED BY MR KAMARA

CROSS-EXAMINED BY THE ACCUSED NORMAN

CROSS-EXAMINED BY MR HALL

CROSS-EXAMINED BY MR PESTMAN

CROSS-EXAMINED BY MR WILLIAMS

EXHIBITS

Exhibit No. 7

166

