

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-4-14-T	THE PROSECUTOR
TRIAL CHAMBER	OF THE SPECIAL COURT
	v.
	SAM HINGA NORMAN
	MOININA FOFANA
	ALLIEU KONDEWA

MONDAY, 20 SEPTEMBER 2004  
9.40 A.M.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For the Chambers:

Sharelle Aitchison  
Chiara Galletti

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Mohammed Bangura  
Mr Raimund Sauter  
Mr Kevin Tavener  
Ms Leslie Murray [intern]

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Norman:

Dr Bu-Buakie Jabbi  
Mr John Wesley Hall

For the Accused Fofana:

Mr Arrow Bockarie  
Mr Victor Koppe  
Ms Phoebe Knowles  
Mr Michiel Pestman

For the Accused Kondewa:

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Mr Neerav Kingsland [Intern]

1 [Monday, 20 September 2004]

2 [Open session]

3 [Upon commencing at 9.40 a.m.]

4 [The accused entered court]

5 [The witness entered court]

6 PRESIDING JUDGE: Learned counsel, we are resuming the session  
7 and we will be calling on the Prosecution to proceed with  
8 the next witness.

9 MR BANGURA: Your Honour, the Prosecution calls witness  
10 TF2-033.

11 PRESIDING JUDGE: TF2?

12 MR BANGURA: 033.

13 PRESIDING JUDGE: 033?

14 MR BANGURA: Yes, Your Honour.

15 PRESIDING JUDGE: This will be your eleventh witness, is it?

16 MR BANGURA: Yes, Your Honour.

17 PRESIDING JUDGE: Eleventh. Out of how many more, if I may  
18 ask?

19 MR BANGURA: Your Honour, I believe when we filed initially --

20 PRESIDING JUDGE: I mean, I know we are not in pre-trial  
21 conference, but I think it is a pertinent question. You  
22 think you will call about how many witnesses, if we may  
23 ask you the question again, to wrap up this trial for the  
24 Prosecution?

25 MR BANGURA: Your Honour, I cannot give --

26 PRESIDING JUDGE: You cannot say for now. Right, go ahead,  
27 but you should make that prospection and be prepared to  
28 take this question in due course, please, because we

1 would like to know how we are progressing and how fast --  
2 how far we are, you know, from concluding the case of the  
3 Prosecution. Thank you. Can you please go on.

4 MR BANGURA: Suffice it to say, Your Honour, that at this  
5 moment we are presently reviewing the list that was filed  
6 at the pre-trial conference and --

7 PRESIDING JUDGE: I know -- I know you are within the list; I  
8 am not questioning you on that, you know, it's just a  
9 general remark, you know.

10 MR BANGURA: As Your Honour pleases.

11 PRESIDING JUDGE: Because we are looking forward, you know, to  
12 when the Prosecution would close its case, so that we  
13 move to the other side. Take your time, but please make  
14 prospections on this and keep us informed about it.

15 Yes, have you sworn in the witness, please?

16 WITNESS TF2-033 sworn

17 PRESIDING JUDGE: Mr Kamara.

18 MR BANGURA: Bangura, Your Honour.

19 PRESIDING JUDGE: [Microphone not activated] I'm sorry.

20 MR BANGURA: That's right, Your Honour.

21 PRESIDING JUDGE: Yes, please go on, Mr Bangura.

22 MR BANGURA: Your Honour, the witness will testify in English.

23 EXAMINED BY MR BANGURA:

24 Q. Mr Witness, how old are you?

25 A. I'm ~~xxxxxxxxxx~~ years old.

26 Q. Where were you born?

27 A. In Freetown.

28 Q. What is your present address; where do you currently

1 live.

2 A. xxxxxxxx xxxxxxxx xxxxxxxx.

3 Q. How long have you been a resident of xxxxxxxx?

4 A. Since 1993.

5 Q. Are you married?

6 A. Yes, Your Worship.

7 Q. Do you have children?

8 A. Yes, My Lord.

9 Q. How many?

10 A. Three.

11 Q. You are a police officer; not so?

12 A. Yes, My Lord.

13 Q. How long have you been in the police force?

14 A. Since xxxxxxxx.

15 Q. What is your present rank?

16 A. I'm a xxxxxxxx.

17 Q. What languages do you speak?

18 A. Krio and English.

19 Q. Now, do you remember the intervention period?

20 A. I do, Your Worship.

21 PRESIDING JUDGE: Which intervention period?

22 MR BANGURA:

23 Q. What intervention period do you say you remember?

24 A. The time the Kamajor -- it's a -- took over the reign of

25 the city in this country.

26 Q. Can you remember what year this was?

27 A. 15th February 1998.

28 JUDGE THOMPSON: Took over what? I didn't get that quite

1 clear. Took over the --

2 PRESIDING JUDGE: City and the country.

3 MR BANGURA: He said the reign of --

4 JUDGE THOMPSON: Of what?

5 MR BANGURA: My Lord, I didn't get it very clearly myself.

6 JUDGE THOMPSON: Yes, quite. The time the Kamajors took over

7 the --

8 MR BANGURA:

9 Q. Can you explain --

10 JUDGE THOMPSON: The reign --

11 MR BANGURA:

12 Q. Can you explain that answer again, Mr Witness?

13 A. On the time the Kamajor took over reign in Kenema. Ruled

14 in Kenema.

15 JUDGE THOMPSON: Yes, took over the reign, okay.

16 MR BANGURA:

17 Q. And you were saying this was about when; what year?

18 A. On 15 February 1998.

19 Q. Were you resident in Kenema at this time?

20 A. Yes, My Lord.

21 Q. Now, how long had you been resident in Kenema before this

22 event?

23 A. About four months -- four to five months -- between four

24 and five months.

25 Q. Now, can you explain what the situation was in Kenema at

26 this time, just before the intervention that you have

27 mentioned?

28 A. The town was very tense.

1 Q. Now, who was in control of the town at this time?

2 A. The Kamajors. Oh, no, not the Kamajor at that time  
3 before; it was the junta?

4 Q. Before -- just before the intervention, it as the junta?

5 A. The junta.

6 Q. Now apart from the junta --

7 PRESIDING JUDGE: Please, I want to know what he means by "the  
8 junta".

9 MR BANGURA: As Your Honour pleases.

10 Q. When you say "the junta," who do you refer to?

11 A. The AFRC and the RUF, government.

12 Q. Now, apart from the junta, the AFRC and the RUF, were  
13 there any other forces within Kenema about this time?

14 A. Yes, My Lord.

15 Q. Who were they?

16 A. The Kamajors.

17 Q. Would you say that they were themselves fully resident in  
18 the town at this time?

19 A. They are not visibly seen for that, but their presence  
20 was well-known, because after the initiation they took to  
21 the bush. After they initiated they go to the bush.

22 Q. Now when you say "they go to the bush," what do you mean?

23 A. Well, they are not in good terms with the juntas, because  
24 the juntas were hunting them and they are also hunting  
25 the juntas [inaudible] like in Kenema.

26 Q. Now, how would you describe the --

27 JUDGE THOMPSON: Just a minute. Juntas are hunting them and  
28 they were hunting the juntas?

1 THE WITNESS: Yes, Your Honour.

2 MR BANGURA:

3 Q. How would you describe the relationship between the junta  
4 and the residents of Kenema at this time?

5 A. It was not cordial.

6 Q. And why was it not cordial; why do you say so?

7 A. The junta did something that the community didn't like.  
8 Just like the time they arrested some people -- some boys  
9 saying that they are being -- they have -- they are  
10 thieves. They were brought into the station and executed  
11 there at the police station. It did not go down well.

12 Q. Executed by who?

13 A. By the juntas, one Sam Bockarie.

14 Q. So that is one reason why you say --

15 A. That is one reason.

16 Q. -- was not cordial?

17 A. Yeah, at that time, again, a man was caught --

18 JUDGE THOMPSON: Slowly, I am not -- they brought in some  
19 people for -- can we be a little slower.

20 MR BANGURA:

21 Q. Mr Witness, you will have to speak much slower.

22 A. Slowly. Okay. Sorry, sir.

23 MR BANGURA: My Lord, they brought in some people who were  
24 accused of thieving and they were executed at the  
25 station.

26 THE WITNESS: Without trial.

27 JUDGE THOMPSON: Yes.

28 MR BANGURA:

1 Q. Now, do you remember -- you have said you remember the  
2 15th of February 1998?

3 A. I do, Your worship.

4 Q. Now what happened in Kenema on this date?

5 A. On that day, 15th February, it was a Sunday. I was in my  
6 quarters.

7 Q. Can you speak slowly, please?

8 A. Yeah.

9 PRESIDING JUDGE:

10 Q. In your quarters or in your house.

11 A. My quarters, I live at the barracks.

12 Q. In your house in the barracks?

13 A. Exactly.

14 Q. That is what you meant to say?

15 A. Exactly, sir.

16 Q. In the police barracks?

17 A. Yes, My Lord.

18 MR BANGURA:

19 Q. Yes, go on, please.

20 A. Around 9.00/9.30 in the morning, I heard noise in the  
21 street. I wish to say that my quarters is just in the  
22 street; it means Hangha Road.

23 Q. Can you say your house, please?

24 A. My house is just opposite the street, the main Hangha  
25 Road.

26 Q. And did you observe anything?

27 A. I saw people running from the barracks towards the  
28 street.

- 1 Q. Yes.
- 2 A. I, too, went out to know what was happening.
- 3 Q. Did you notice anything?
- 4 A. Yes, Your Worship.
- 5 Q. Can you please say "Your Honour" if you wish to defer to
- 6 the Bench?
- 7 A. Thank you.
- 8 Q. Or "My Lord"?
- 9 A. Thank you.
- 10 Q. So you went out yourself?
- 11 A. Yes, Your Honour.
- 12 Q. What did you observe?
- 13 A. I saw Kamajors marching in the street, straight line, two
- 14 abreast. They are coming from the clock tower direction,
- 15 heading towards Capitol cinema.
- 16 Q. What did you observe about them -- they were marching;
- 17 what else?
- 18 A. They were singing the Kamajors' song.
- 19 Q. Were they carrying anything?
- 20 A. Holding guns, knives, cutlasses.
- 21 Q. As they marched through, did anything happen?
- 22 A. I observed people cutting down palm leaves and tying them
- 23 around their wrist and their head, mostly the youths.
- 24 Q. Can you say that again, please?
- 25 A. Mostly the youth.
- 26 Q. The youth? Yes. Did you yourself do anything?
- 27 A. Yes, I asked what reason. He told me that we should tie
- 28 it on our arm to show that we are in --

- 1 Q. To show that you are in what?
- 2 A. We are in line with them, with the Kamajors; we are in  
3 support of them.
- 4 Q. And did you do this?
- 5 A. Yes, [inaudible].
- 6 Q. Did anything happen after this?
- 7 A. Yes, Your Honour. Later we are told to remove the palm  
8 leaves and we should replace them with white cloth.
- 9 Q. You say "we were told?"
- 10 A. By the youth.
- 11 Q. Did you follow these instructions?
- 12 A. Yes, I was also handed with the white cloth, which I tied  
13 around my wrist.
- 14 Q. Now at this time you said the Kamajors were marching  
15 into -- towards the capital?
- 16 A. Yeah.
- 17 Q. Did you notice anything happen?
- 18 A. Yes, we moved them -- we were moving with them and  
19 marched with them in the main street reaching --
- 20 Q. You say, "We were moving with them". Who are "we" here?
- 21 A. We the civilian. We -- we are -- we, the civilians,  
22 because we are not Kamajors, we don't want to go.
- 23 Q. So did anything happen?
- 24 A. On reaching at the junction of reservation and the road  
25 leading to the police field, the police barracks - the  
26 road leading to the police barracks - at that junction we  
27 saw a soldier dressed in a combat trousers and a mufti  
28 shirt. He was coming from the barracks.

- 1 Q. Did anything happen?
- 2 A. The soldier was warned by some elder people not to go to  
3 the street where the Kamajors are. If he did that, he  
4 would be killed.
- 5 Q. Did the soldier go there, to the street?
- 6 A. He returned -- he was trying to take off his combat  
7 trousers off from him when the youths saw him.
- 8 Q. And did anything happen after this?
- 9 A. They grabbed him, dragged him to the street where the  
10 Kamajors are dancing and then pushed him towards the  
11 Kamajor and he fell down on the street.
- 12 Q. He fell down in the street where the Kamajors were  
13 dancing?
- 14 A. Yeah.
- 15 Q. And what next; did anything happen?
- 16 A. Yes, Your Honour. The youth were talking in Mende to the  
17 Kamajors. I don't know what they were saying. But the  
18 Kamajors started dancing around the soldier in the  
19 street. The soldier was in the middle and they were  
20 dancing around him.
- 21 Q. Yes?
- 22 A. Then one of them shot the soldier -- three shots.
- 23 Q. Yes?
- 24 A. I sensed trouble. I started to go back to my residence.
- 25 Q. You sensed trouble. Did you -- you eventually went back  
26 to your residence?
- 27 A. To my residence.
- 28 Q. In the police barracks?

- 1 A. In the police barracks.
- 2 Q. While you were there, did anything happen?
- 3 A. When I reached home, I told my wife what had happened to
- 4 the soldier. And then saw the Kamajors dividing
- 5 themselves into groups.
- 6 Q. And where were they at this time that you saw them
- 7 dividing themselves?
- 8 A. The main street -- the main street in Hangha Road just
- 9 opposite the barracks.
- 10 Q. And did anything happen after this?
- 11 A. The bulk of the Kamajors went towards brigade
- 12 headquarters, the former brigade headquarters - that's
- 13 reservation. Some choose to come to the barracks, but
- 14 others went straight down Hangha Road.
- 15 Q. Now, you say some chose to come to the barracks?
- 16 A. Yeah.
- 17 Q. Did you observe anything after this?
- 18 A. Yes, Your Honour. I saw them at MI1 Woman Inspector
- 19 Cooper's quarters. There was a crowd of people in that
- 20 compound, but I didn't go there. I was in my veranda.
- 21 Q. And thereafter did anything else happen?
- 22 A. I saw -- after for a while, I just want to go and
- 23 investigate to see what they are doing at that woman's --
- 24 at that inspector's quarters. When I saw one Mason,
- 25 Sergeant Mason, running from that direction towards his
- 26 quarters.
- 27 Q. Did you see anything else?
- 28 A. Yes, Your Honour. Two Kamajors were chasing him. One

- 1           was carrying a gun and the other carrying a long sword.
- 2   Q.    Go on, Mr Witness?
- 3   A.    The one with gun shot Mason three times.
- 4   Q.    Yes?
- 5   A.    And the one with the cutlass chopped him on his head and
- 6           neck whilst he was on the ground.
- 7   Q.    Now you say you were in your veranda when you saw this
- 8           incident?
- 9   A.    Yeah.
- 10  Q.    How far were you away from the incident itself?
- 11  A.    I'd say about 30 yards away from him - about 30 yards -
- 12           30, 35 yards; not far.
- 13  Q.    Now after this incident, did you do anything?
- 14  A.    I went inside and I told my wife that they have killed --
- 15           just killed Mason. She asked me what to do next. I ask
- 16           her to go and see the leader of the women - they call
- 17           them Mammy Queen - at the barracks.
- 18  Q.    Who was that leader?
- 19  A.    She was one Mrs Sankoh.
- 20  Q.    Did your wife go there.
- 21  A.    Yes, she left the place and went there.
- 22  Q.    And did you, yourself, do anything after this?
- 23  A.    I came to my veranda and I took a chair and I sat on the
- 24           veranda waiting for her.
- 25  Q.    And did anything happen after this?
- 26  A.    I waited for some time; she didn't come. So I went there
- 27           to know what was happening. I went there myself.
- 28  Q.    When you say you went "there" - to where?

- 1 A. To Mrs Sankoh's place.
- 2 Q. And did anything happen there?
- 3 A. I met them discussing what would be next and they asked  
4 me what to do next. I said, "I don't really care, you  
5 know, except if you want to leave the barracks, they can  
6 go." So Mrs Sankoh was packing her things when I went  
7 outside to our own veranda. I went outside to our own  
8 veranda. I was -- whilst they were inside, Mrs Sankoh  
9 was packing her things, my wife was also inside in  
10 Mrs Sankoh's room.
- 11 Q. And you were in the veranda?
- 12 A. Yeah.
- 13 Q. Did anything happen there?
- 14 A. Yes, Your Honour. I saw one Fandai, one Corporal Fandai,  
15 coming towards this -- his residence.
- 16 Q. Yes?
- 17 A. He was carrying a Bible in his hand. So I presume he had  
18 just coming from church.
- 19 Q. Yes, go on.
- 20 A. He was about to go to his quarters when some group of  
21 Kamajors just appeared from opposite him, by coming up  
22 towards him and they halted him.
- 23 Q. Yes. Go on, please?
- 24 A. And he obeyed. And they moved up to him and ask him who  
25 is he? And he said he is the police officer.
- 26 Q. Yes?
- 27 A. He said for what reason? He said why he is a police  
28 officer. So they give us six feet.

- 1 Q. Now who was saying -- who was speaking to Corporal  
2 Fandai?
- 3 A. One of the Kamajor.
- 4 Q. In what language?
- 5 A. In Krio.
- 6 Q. And were you within hearing distance?
- 7 A. Yes, Your Worship.
- 8 Q. You said the Kamajor said, "Give me six feet."
- 9 A. Yes, he said, "Give me six feet." And he said, "For what  
10 reason?" And he asked - he said, "For what reason?"
- 11 Q. Go on, Mr Witness.
- 12 A. He said, "I want to kill you."
- 13 PRESIDING JUDGE: He said.
- 14 THE WITNESS: "I want to kill you."
- 15 MR BANGURA:
- 16 Q. Yes?
- 17 A. Fandai pleaded with them; he said they are going to kill  
18 him. He said, "Well, give me chance, let me pray to my  
19 Lord."
- 20 Q. Was he given chance to pray?
- 21 A. Well, as soon as he said that - he just said, "Lord, if  
22 it is thy will, let it be done." As soon as he said  
23 those words, he was shot three times.
- 24 Q. In what language did Fandai -- Corporal Fandai say these  
25 words?
- 26 A. Exactly what I'm saying now, in English, "Lord, if it is  
27 thy will, let it be done."
- 28 Q. Now you say he was shot?

- 1 A. He was shot three times.
- 2 Q. Yes. Did anything happen after this?
- 3 A. At that time one sub-inspector Momoh - his common name is
- 4 Momoh Tawol, that's what we know him as - he was an OSD
- 5 man. He was eating in his veranda.
- 6 Q. Now, just -- you say his common name is?
- 7 A. Momoh Tawol. Sub-inspector Momoh Tawol.
- 8 PRESIDING JUDGE: Momoh?
- 9 MR BANGURA: Momoh Tawol. Your Honours, if I may assist. We
- 10 have tried to spell that name T-A-W-O-L.
- 11 Q. Now this Momoh Tawol, was he known by any other name?
- 12 You say his common name was Momoh Tawol.
- 13 A. Yeah, I think he is Sub-inspector Kamara Momoh Tawol. I
- 14 can't even recollect now.
- 15 Q. Sub-inspector?
- 16 A. Kamara.
- 17 Q. Yes, you say he was eating?
- 18 A. He was eating at his veranda when he heard this shot. He
- 19 placed his daughter down, who was sitting on his lap. He
- 20 placed her down and then came out on his veranda and
- 21 asked in a baritone voice, "Who shoot [Krio word]." That
- 22 is meaning Who has fired those shots.
- 23 Q. Now, those words you just said now, were said in Krio --
- 24 A. Yes.
- 25 Q. -- by Momoh Tawol. And you say he was asking who shot?
- 26 A. Yeah.
- 27 Q. Did anything happen after this?
- 28 A. The Kamajor that shot Fandai said, "Oh, I've made a

- 1 mistake. "
- 2 Q. In what language did he say this?
- 3 A. In Krio. He said, "Oh, I did make mistake."
- 4 Q. And did anything happen next?
- 5 A. The other Kamajor was with them, who was also carrying a
- 6 gun, shot Momoh Tawol four times on his chest. He went
- 7 down with his knees to the ground and he raised his head
- 8 up. He was shot again; a fifth time.
- 9 Q. Yes, go on?
- 10 A. He raised his head again. He was shot again a sixth
- 11 time. He bowed down his head.
- 12 Q. Yes?
- 13 A. He raised his head again. He was shot the seventh time.
- 14 Then this same Kamajor who was carrying this cutlass that
- 15 chopped Mason head, come and chopped him on his head and
- 16 on his neck again.
- 17 Q. Now after this, did Momoh Tawol raise his head again?
- 18 A. No, no, after that he proceeded to Fandai --
- 19 Q. You say "he proceeded" - who?
- 20 A. The same Kamajor, this tall Kamajor.
- 21 Q. You say, "this tall". We have not heard that before. Is
- 22 he a tall person?
- 23 A. A tall, slim Kamajor.
- 24 Q. Right. He proceeded to --
- 25 A. Chop Mason and Fandai.
- 26 Q. Fandai is --
- 27 A. Just cut --
- 28 Q. Fandai is the officer --

1 A. -- his corpse -- found his corpse on the ground.

2 Q. Now you mentioned something about this same Kamajor who  
3 had been with the first group. Is it the same group of  
4 Kamajors that we are talking of here?

5 A. That is that exactly. The same group that killed Mason,  
6 the same group that killed Fandai and killed Momoh Tawol.

7 Q. Now, after observing this incident, did you do anything?

8 A. At that time I was partially paralysed. I don't -- I  
9 wasn't able to move my legs. I was stiff, totally stiff.  
10 I thought they were moving towards my direction.

11 Q. Now when you say you were "partially paralysed", can you  
12 explain what you mean?

13 A. I was -- my -- both knees was buckle, I was unable to  
14 move them. I was stiff, completely stiff. I can't move.  
15 Not until I saw them moving to -- not -- they didn't come  
16 to my direction, they moved to the other direction. When  
17 the same road that Fandai used to come to his house, they  
18 used that road to go down. That was the time I gained  
19 the fear -- I gained control over the fear in me.

20 Q. Okay. Now following these incidents, did you do  
21 anything?

22 A. I went inside, straight inside?

23 Q. Inside where?

24 A. Inside Mrs Sankoh's quarters. Told them -- I met her and  
25 my wife still in her room -- told them what has happened.  
26 I told them -- they asked me, "And what gunshot was  
27 that?" I said, "They have just killed Fandai and Momoh  
28 Tawol." So my wife became scared. She said, "What

- 1           should we do?" I said, "We should just leave -- should  
2           just leave the barracks and go."
- 3    Q.    Can you be a bit slower, please. Now, was any decision  
4           reached at that time?
- 5    A.    Yes. We started to leave.
- 6    Q.    Did you leave?
- 7    A.    I leave with them -- leave the quarters with them.  
8           Mrs Sankoh was carrying a bundle on her head. Myself and  
9           my wife went to the house for her to pack up some things  
10          to leave for a safer place.
- 11   Q.    Now, you got to your house?
- 12   A.    Yes.
- 13   Q.    Did anything happen there?
- 14   A.    I went -- I was sitting on my veranda while my wife was  
15          inside packing things, necessary things for them to  
16          leave. When I gained information that the OC SSD had  
17          hired a truck that would take them to -- that it would  
18          take some personnel out of Kenema to a safer place.
- 19   Q.    So you got this information, did you do anything?
- 20   A.    I told my wife that I'm going to investigate from one  
21          sub-inspector Turay, but now a retired inspector.
- 22   Q.    Yes. So did you go there?
- 23   A.    I went there and met Inspector Turay.
- 24   Q.    And was that within the barracks as well?
- 25   A.    Inside the barracks, yes.
- 26   Q.    Right. So you met Inspector Turay?
- 27   A.    Yes, outside.
- 28   Q.    Did you verify the information that was given to you?

1 A. I asked him, he said he doesn't know anything about that.  
2 So we are discussing about the death of these people that  
3 I have seen. When we saw -- when I saw these very  
4 Kamajors moving from one direction towards -- towards one  
5 -- to one sergeants. One Sergeants Michael that is 1-16  
6 Michael's quarters. We observed them, they went there,  
7 Michael was there. They were singing and they were  
8 dancing. Michael joined them singing and dancing, these  
9 Kamajor, with these Kamajors. So I told her to wait that  
10 I'm going to find out from -- I'm going to find out  
11 whether it was true that OC Bull has got this vehicle,  
12 because we should leave this place immediately. We want  
13 to leave the place immediately.

14 Q. Now just before you -- you talked about seeing the  
15 Kamajors at Michael's house and they were singing and  
16 dancing as --

17 A. Yes.

18 Q. -- Michael joined them?

19 A. Yes.

20 Q. Anything happen after that at Michael's house?

21 A. Yes, Michael -- as I say, they were dancing. Michael  
22 showed them because he was wearing a vest -- an under  
23 vest. He showed his chest. He showed them -- I don't  
24 know what he was showing them. He opened this other side  
25 and showed them. I don't know what he was trying to show  
26 to these Kamajors, because they are far away from us, but  
27 we are seeing -- we are in a position to see them, but we  
28 can't hear what they are saying. They are talking, but

1 we can't hear what they are saying.

2 Q. Okay.

3 A. That was in the presence of myself and Sub-inspector  
4 Turay.

5 Q. Okay. Now following that, you say you were now going to  
6 check again on the information you had about a vehicle?

7 A. Yeah. I saw the Kamajors going direct to that direction,  
8 so I tried to keep my pace -- I don't want to meet them.  
9 I got to keep my distance from them, at the same time  
10 going to find out.

11 Q. Did you observe anything as were you going?

12 A. As I was going, I heard seven shots -- first seven shots  
13 in the field. I was scared, so I stand still where I was  
14 and I saw one Sergeant Turay running from that direction  
15 where the gunshot was in the field -- running towards  
16 back of his house -- and two Kamajors were after him,  
17 behind him. The one with the gun shot him three times.  
18 He fell down and later, I heard three shots in the  
19 field -- middle of the field.

20 Q. Okay. Can you slow down a bit? So you saw another  
21 incident where somebody was shot?

22 A. Yeah, that was Turay. Sergeant Turay was our station  
23 sergeant at that time.

24 Q. Did you do anything after this?

25 A. I returned -- I returned -- I returned to my house. I  
26 didn't go to find out again, I just returned to my  
27 house -- told my wife what has happened, and she grabbed  
28 our son and a few things in a plastic bag and then leave

1 the compound.

2 Q. Now after this, did anything happen?

3 A. Yes, Your Honour. The chair that I placed in my veranda  
4 was still there. I sat there.

5 Q. And --

6 A. The family of Fandai Mason and Momoh Tawol met me at my  
7 veranda and they all sat there with me on my veranda.  
8 They sat there crying -- asked me what to do next.

9 Q. Now these are families of?

10 A. Of Mason, the first deceased, Fandai and Momoh Tawol.

11 Q. And what did you do?

12 A. I tried to console them, told them to leave the place for  
13 safety, safety area. I said, "Stop crying," I don't want  
14 them to keep crying on my veranda and then the Kamajor  
15 come there and kill my -- kill me also.

16 Q. So did they leave?

17 A. Yes, eventually they leave.

18 Q. And about yourself, did anything happen?

19 A. I sat there. I was there when I saw five Kamajors coming  
20 from Sandis, they actually entering the barracks.

21 Q. Coming from what direction, please?

22 A. From Hangha Road, just by Sandis -- the bar Sandis that  
23 entered the barracks. So there were was no way for me to  
24 [inaudible] and get inside, because as soon as you moved  
25 they take you as a bad person. You are goner.

26 Q. So what happened?

27 A. I sat there. They came to me and asked me whether I  
28 lived in this quarters. I said yes. They asked me for

1 the other people in the next quarters. I told them that  
2 they've all left the barracks.

3 Q. Yes.

4 A. And they told me not to go anywhere, they are coming to  
5 search for any bad person in my quarter. I said, "Okay,"  
6 and they left. That was the first batch.

7 Q. And then after that batch left?

8 A. Another batch came again. There were three in number.  
9 They asked me whether I live in these quarters. I said,  
10 "Yes." They said if I have any bad thing in my quarters.  
11 I said, "No." They said suppose they search and they  
12 find any bad thing in my quarters, should they kill me?  
13 I said, "Yes".

14 Q. And did anything happen?

15 A. They left. They said I should wait, they are coming  
16 again to come and search my place.

17 Q. Did any other group come to --

18 A. A third group come. Two of them, came from the  
19 reservation - the former brigade headquarters - with two  
20 travelling bags -- two big travelling bags.

21 Q. Yes.

22 A. They came directly to me, crossed the street, entered the  
23 barracks -- came directly to me, because I was in the  
24 open.

25 Q. So what happened?

26 A. They asked me whether I lived there. I said, "Yes."  
27 They asked for my name, I told them. I said okay -- gave  
28 me the two bags for me to keep them for them and, "We

1 will come and collect it later." I took the two bags  
2 from them and placed them inside my parlour, [inaudible]  
3 chairs. And they left and said, "We'll come back again  
4 for it." I said, "Okay," and they left. That was the  
5 third batch.

6 Q. Was it just bags that they brought --

7 A. There was two travelling bags -- two travelling bags.  
8 That was the third batch. The fourth batch came again.

9 Q. And what happened?

10 A. They came with one dressing mirror. They met me at the  
11 veranda and asked me whether I live there. I said,  
12 "Yes," asked for my name, I told them. Said, [Krio  
13 words] that is Krio [Krio words] they said, "Okay, you  
14 are my friend." I said, "Okay." They asked me to keep  
15 this thing for them. They leave it in the room by the  
16 window.

17 Q. A dressing mirror, you say?

18 A. A dressing mirror. They leave it by the window -- leave  
19 it by the window. The said they were coming for it later  
20 and they left.

21 Q. Did any other group come?

22 A. The last batch -- five batches -- seven of them -- very  
23 very fierce. If I had seen them and I had known they  
24 were coming, I would have take cover.

25 Q. When you say "very fierce", what do you mean?

26 A. Well, them people -- the way they are -- the way they are  
27 displaying: "You, you, you, you, you, what you do here?  
28 What you do here? What you do here? What you do here?"

- 1 Q. And this is in Krio? You see, "You, you, you, you, you,  
2 what are doing here, what are you doing here? Why are  
3 you sitting here? What are doing here? Do you live  
4 here?"
- 5 A. I said, "Yes."
- 6 Q. And did anything happen?
- 7 A. They asked me whether I lived in this quarter. I said,  
8 "Yes." They said if I have any bad thing in my quarter  
9 they seized, should they kill me? I said, "Okay, so let  
10 us go inside." The leader of them was carrying a long  
11 sword. Both ends were sharp -- both ends of the sword  
12 was sharp. He led me inside. My son was standing on  
13 that mango -- just far from me, just about 30 yards up  
14 from me -- just near the corpse of Mason with other two  
15 police officers. They took me inside. As soon as they  
16 went inside, they forget about the searching. The  
17 property that they see in my parlour, they started  
18 grabbing it. This one grabbing the -- and this -- the  
19 senior one going for the travelling, other going for  
20 these and the sculpture -- lion sculpture that was in my  
21 -- on top of my cupboard. Others were trying to open the  
22 cupboard for [inaudible]. I told them that, "All these  
23 things that were in our cabinet are not mine."
- 24 Q. Can you slow down, please?
- 25 A. Yes.
- 26 Q. So they were all grabbing at things in your house?
- 27 A. In the house.
- 28 Q. And then you said to them?

- 1 A. "These things that you are now grabbing, they are not  
2 mine. They are owned by your friends, by your comrades."
- 3 Q. Did anything happen?
- 4 A. And that they asked me to keep them for them and they  
5 come to collect it later.
- 6 Q. Now after saying these words to them, did anything  
7 happen?
- 8 A. Yes, the leader of the team looked at me. He looked at  
9 me from head to toe, toe to head, and asked me again, "Do  
10 you live here?" I said, "Yes, these are my quarter." He  
11 said, "What I'm telling you," okay, I'm saying this in  
12 Krio, "What I tell you, not sleep here [Krio words] if  
13 you sleep here they will kill you." Meaning, what I'm  
14 now saying to you, those that sleep here tonight, if you  
15 sleep here they will kill you. And he said in Mende to  
16 his comrades [Mende word].
- 17 Q. Now you don't speak Mende?
- 18 A. I don't. That was the language that he used. He said  
19 [Mende word].
- 20 Q. But did you understand what that word -- -
- 21 A. Because I saw them placing everything down that they have  
22 grabbed, I know that he meant put it down.
- 23 Q. Did they comply with that?
- 24 A. And they placed everything -- they are good for that,  
25 they have discipline. They obey their bosses.
- 26 Q. Okay. So what happened after this?
- 27 A. They placed everything down. [Inaudible] they were told  
28 that. They placed everything down and they left after

1 cautioning.

2 Q. So did you do anything yourself?

3 A. I left the place. As soon as I left, I also left the  
4 place to a safer place. I wanted to use the police field

5 at that time, but because I knew that many of the  
6 Kamajors are inside that -- I decided to use the main  
7 street. That was in the evening now -- around 4.30 to  
8 5.00 I'm now talking about.

9 Q. Now, as you were leaving what -- you have mentioned all  
10 these incidents of your colleagues that had been shot.

11 A. Yeah.

12 Q. Now what happened to them? Were they -- what happened to  
13 them?

14 A. Were in the field, they were there. I am trying to leave  
15 to escape from this place. I decided to use the main  
16 street, the main Hangha Road. As I was going, I saw this  
17 one Sub-inspector Mimor in front of me going down. He  
18 was partially paralysed. His left arm and left leg were  
19 dead, partially dead. He was limping. Only the right  
20 hand -- only the left leg and his right -- was moving.  
21 He was limping going to his quarters. All of a sudden  
22 some Kamajor --

23 Q. What was this person you say saw?

24 A. Sub -- one Sub-inspector Mimor.

25 Q. Mimor.

26 A. Was limping to his quarters, towards his quarters, when  
27 some Kamajors just came from Capitol end, and one of them  
28 shouted in Krio, "Look at the man, look at the man who

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1 [Krio words]" "Look at the policeman, and look at the  
2 husband of the policewoman that we are looking for." And  
3 they rushed to him, they were questioning him, asked him  
4 to inquire about his wife. Then one of them just took  
5 his cutlass, but not that slim man again -- one of them  
6 took this cutlass and then chopped Mimor on his right arm  
7 and left leg and he fell down bleeding. So I had wanted  
8 to go down that direction. I decided to use the field  
9 that I was afraid to use.

10 Q. So you changed course?

11 A. I changed course. I went straight into the field, the  
12 middle field. Finally, I went towards Duwau Street.

13 Q. Now, as you were leaving --

14 A. As I was leaving, I saw a corpse just towards the end of  
15 the field. I went there to look. I saw it was one  
16 Pratt, Desmond Pratt - the corpse of one Desmond Pratt.

17 Q. Did you see anything else?

18 A. Moving down, just down from that place - just about  
19 15 yards from his body - I saw another corpse. I went  
20 down there. I saw it was OC Bull's corpse - the corpse  
21 of OC Bull. I just took diversion, went straight to  
22 Duwau Street and I find a hiding place until ECOMOG  
23 entered Kenema.

24 Q. So you went into a hiding place, you say. How long were  
25 you in hiding before ECOMOG came?

26 A. Sunday, Monday, Tuesday, Wednesday, Thursday -- four days  
27 before ECOMOG -- the fifth day ECOMOG came -- four  
28 days -- four days before ECOMOG came.

- 1 Q. And you came out of hiding when ECOMOG came?
- 2 A. Yes, we were told to go and report -- to go and surrender  
3 ourselves to ECOMOG at NIC building.
- 4 Q. Now just before we go on, how many dead police officers  
5 were there in the barracks that day?
- 6 A. Which I knew of -- one, two, three, four -- six, which I  
7 know of on that particular day. Later on learned of the  
8 deaths -- Mimor also -- was also dead.
- 9 Q. Mimor, that is --
- 10 A. Sub-inspector Mimor, the one that they chop -- the one  
11 that was paralysed, partially paralysed.
- 12 Q. So you came from hiding when ECOMOG came?
- 13 A. Yeah.
- 14 Q. So what was -- did anything happen? Did you --
- 15 A. I went and surrendered myself to ECOMOG at NIC.
- 16 Q. Were you at any time addressed by anybody after you had  
17 surrendered?
- 18 A. Yes, yes, Your Honour. We are first addressed in -- at  
19 the NIC compound. We were paraded and the parade was  
20 reported to one Mr Jambawai, Jambawai. Jambawai, he is  
21 chief coordinating officer.
- 22 Q. Jambawai?
- 23 A. Jambawai. Parade was [inaudible] to him and he addressed  
24 the parade. After he addressed the parade, one Eddie  
25 Mansaray also addressed the parade.
- 26 Q. Now, do you remember the things that these gentlemen  
27 said?
- 28 A. Well, Mr Jambawai told us to forget about the past, and,

1 "Let's just continue with our job. What has happened has  
2 happened. Let us just forget about the whole thing and  
3 then taking you leave," that they will talk to the rest  
4 of the Kamajor not to harm us again. That was his  
5 address -- Jambawai's address.

6 Q. And the other person?

7 A. Eddie Mansaray.

8 Q. Yes.

9 A. He came and told us why the Kamajors were killing us.

10 Q. And what did he have to say?

11 A. He said that you were in the bush fighting the RUF. Then  
12 they learnt that the RUF are on the other side in the  
13 bush. But before going there you have to cross the OSD.

14 Q. Who are the OSD.

15 A. The SSD, now the OSD.

16 Q. And what do those letters stand for?

17 A. State Security Division, and OSD, Operation Support  
18 Division.

19 Q. Okay.

20 A. They have to cross them. So they took permission from  
21 these OSD personnel. I don't know the area, but they  
22 were in the bush. I took permission from this OSD. The  
23 OSD grant them the permission and they were leaving --  
24 after they -- they left their own base, trying to enter  
25 the base of these RUF fighters, the rebels territory,  
26 when the OSD opened fire behind them. And in the process  
27 they lost two men. They were all scattered in the  
28 bush -- reported they lost two men. So they gather again

1       and come and attack the OSD. They said, "But what  
2       happened what happened in that bush?" In a broad smile  
3       he said, "It was a bush talk. What happens after that  
4       when you came to attack the SSD. Let's just leave it  
5       like that. It is either a bush talk."

6   Q.   And he said this was a reason why the Kamajors were now  
7       attacking the police?

8   A.   The police, that is what he told us, and they told us to  
9       wait a bit, let us don't go outside until they have  
10      talked to the Kamajors and warned all the Kamajors not to  
11      touch us again before we should go out. We should still  
12      be at the NIC building until they have get in contact  
13      with all the Kamajors.

14  Q.   Were you again addressed at any time?

15  A.   After that, we are told to go to the station, to clean up  
16      the station. When we went there, we were paraded again  
17      and this time the parade was addressed by one Arthur  
18      Koroma. He told us that some of us deserved death  
19      because of our mouth.

20  Q.   What did he mean because of your "mouth"?

21  A.   We are talking against the government. He said when they  
22      are in the bush they have spies who they have planted  
23      inside the police station taking down our names and  
24      addresses and they passed them onto them in the bush.

10:39:48 25                               [10.42 a.m. HN200904B]

26  A.   That was the reason why most of us lose our lives.

27  Q.   So he said this was another reason for targeting police  
28      officers?

1 A. Yes.

2 Q. Now this Arthur Koroma, who was he?

3 A. He was one of the leaders.

4 Q. Leaders of what?

10:40:28 5 A. Kamajors. They were in control of them.

6 Q. And the other two people you mentioned earlier --

7 A. Were also the leaders of the Kamajors; they were also  
8 bosses to the Kamajors. What they said to the Kamajors,  
9 the Kamajor obey. As soon as they told them not to harm

10:40:46 10 us again, no Kamajor attacked us -- no Kamajor attacked  
11 us in Kenema. We were allowed to go about our business.  
12 They told us that, if we have any problem with Kamajors,  
13 we should not go to our quarters or our residences; we  
14 should stay at ECOMOG base. ECOMOG will take care of us  
10:40:52 15 until things has settled down and that was what happened.  
16 Some of us --

17 Q. Now, please, slow down. They said if you --

18 A. "If you have any problem with Kamajors -- if you know  
19 that you have any problems with Kamajors, you should not  
10:41:16 20 go to your residences or your quarters - police

21 quarters." That was the advice they gave us. "So if  
22 there was any palaver with you and any Kamajor, the  
23 person that you knew is a Kamajor, don't go to your  
24 quarters or your residence, but if you know you don't

10:41:40 25 have any stain with any Kamajor, go back to your quarters  
26 or your residence." So some people -- some of us went to  
27 our quarters and residences, others decided to stay with  
28 ECOMOG.

1 Q. You yourself went back to your quarters?

2 A. I went to my quarters.

3 MR BANGURA: Your Honours, can I ask for a moment to confer  
4 with my colleagues? Your Honour, this would be all for  
10:42:20 5 this witness. Thank you, Mr Witness.

6 PRESIDING JUDGE: Thank you. Mr Norman, would you wish to  
7 cross-examine this witness? You are not bound to  
8 Mr Norman. It doesn't mean that you should; I'm just  
9 reminding you of your rights as a defendant who is  
10:42:42 10 ensuring his self-defence. I'm just saying that you are  
11 not bound.

12 THE ACCUSED NORMAN: Thank you, My Lord. I was just looking  
13 at you to observe whether there was going to be a few  
14 minutes break. That's all I was looking at you for.

10:42:54 15 PRESIDING JUDGE: Mr Norman is asking for a break. The Court  
16 will rise for ten minutes.

17 THE ACCUSED NORMAN: Thank you, My Lord.

18 PRESIDING JUDGE: The Court will rise, please.

19 [Recess taken at 10.46 a.m.]

11:01:04 20 [On resuming at 11.01 a.m.]

21 PRESIDING JUDGE: Yes, Mr Norman, the witness is at your  
22 disposal if you so wish.

23 THE ACCUSED NORMAN: Thank you, My Lord.

24 CROSS-EXAMINED BY THE ACCUSED NORMAN:

11:01:56 25 Q. Mr Witness.

26 A. Yes, Your Worship, Your Lord.

27 Q. Are you a government employee?

28 A. Yes, Your Honour.

1 Q. What job do you do for government?  
2 A. I'm a police officer.  
3 Q. You are a police officer?  
4 A. Yes, Your Honour.  
11:02:28 5 Q. And how long have you been a police officer?  
6 A. xxxxxxxx years.  
7 Q. xxxxxxxx years a police officer?  
8 A. Yes, Your Honour.  
9 Q. I have heard you give testimony about the taken over of  
11:03:02 10 state authority in Kenema?  
11 A. Yes, Your Worship.  
12 Q. What do you mean by "taken over state authority in  
13 Kenema"?  
14 A. Well, what I mean by that is at first the juntas were in  
11:03:30 15 control; they were ruling us - they were in control of  
16 us. Later, Kamajors came, they were in control; they  
17 were ruling us.  
18 Q. Thank you. The junta meaning AFRC and RUF together were  
19 ruling you --  
11:03:54 20 A. Yes.  
21 Q -- or were ruling Sierra Leone; what do you mean?  
22 A. Were ruling Sierra Leone.  
23 Q. Was the Kamajor ruling Sierra Leone?  
24 A. I wouldn't say that at that time, but they were ruling us  
11:04:10 25 in Kenema. I can't talk about another part.  
26 Q. Fine. When did the junta rule over Sierra Leone occur -  
27 the day, the date, probably the year and the month; do  
28 you know?

1 A. I can't tell you the day, but it was some time in 1997.  
2 Q. Fine. What month?  
3 A. Some time in May.  
4 Q. If I refresh your memory, perhaps you will agree?  
11:05:00 5 A. Yes.  
6 Q. It was on Sunday, the 25th of May 1997; am I correct?  
7 A. I can't disagree with you.  
8 Q. How did you get to know; how did you know?  
9 PRESIDING JUDGE: You said the 25th or the 27th of May - what  
11:05:18 10 date?  
11 THE ACCUSED NORMAN: I said Sunday, the 25th of May --  
12 PRESIDING JUDGE: Okay, that's all I need.  
13 THE ACCUSED NORMAN: -- 1997, My Lord, and he said he will not  
14 disagree with me.  
11:05:32 15 Q. How did you know that that incident on that day had  
16 occurred?  
17 A. It was over the radio station.  
18 Q. It was over the radio station. Was the taking over of  
19 state authority in Kenema on the radio station, or on the  
11:06:00 20 radio?  
21 A. We heard it over the radio.  
22 Q. Did you hear that announced over the radio that Kamajors  
23 had taken over state authority in Kenema?  
24 A. No, it was not announced over the radio.  
11:06:18 25 Q. How and why did you conclude that?  
26 A. They were in command of us.  
27 Q. They were in command of you?  
28 A. Yes, we the civilians.

1 Q. "We the civilians" meaning you the civilians?

2 A. Yes.

3 Q. Is the police a civilian?

4 A. Yes, we are civil servants.

11:06:48 5 Q. Fine. Did the police have guns in their hands?

6 A. No.

7 Q. The police did not have guns?

8 A. No.

9 Q. What do you mean by SSD.

11:07:02 10 A. State security division.

11 Q. Did they have guns?

12 A. No. At that time there were no guns in their hands.

13 Q. What do you mean by OSD?

14 A. Operation support division.

11:07:14 15 Q. Did they have guns?

16 A. Now they have guns.

17 Q. Did they have guns?

18 A. At that time they were not OSD, they were SSD. Now that

19 they are OSD, they have guns now.

11:07:22 20 Q. Who used OSD, me or you?

21 A. Neither the two of us.

22 Q. Fine. So if OSD appears in Their Lordships' statement,

23 that would be wrong; it was not used by you?

24 A. No, it was not used by me. I'm not an OSD or SSD

11:07:46 25 personnel.

26 Q. My question is: If anything like OSD appears in any of

27 what you have said this morning, it would be a mistake;

28 will it be?

1 A. No, I talked about SSD and OSD.

2 Q. Fine. When you talked about OSD, you are talking about  
3 what is the meaning?

4 A. Operational support division. Presently they are now  
11:08:12 5 operational support division, but before now they were  
6 state security division.

7 Q. Do you have SSD now?

8 A. No.

9 Q. Who has taken the place of SSD?

11:08:30 10 A. OSD.

11 Q. Fine. So they are one and the same organisation?

12 A. Exactly.

13 Q. Do they carry guns?

14 A. The OSD carry guns.

11:08:38 15 Q. Did the SSD ever carry guns in Sierra Leone before?

16 A. Yes, they do.

17 Q. Fine. Who was the police serving on the 15th --

18 JUDGE THOMPSON: Shall I get that clear? The OSD, do they  
19 carry guns?

20 THE ACCUSED NORMAN: Yes, My Lord.

21 THE WITNESS: Now -- presently.

22 JUDGE THOMPSON:

23 Q. And the SSD, did they use to carry guns.

24 A. They used to carry guns before.

11:09:08 25 THE ACCUSED NORMAN: Thank you.

26 Q. Who did the police serve on the 15th of February? Who  
27 was the police serving -- hold on, who was the police  
28 serving as a government from the 25th of May 1997 to the

1 15th of February 1998?

2 A. The government of the day at that time.

3 Q. What was that government?

4 A. AFRC.

11:09:54 5 Q. And did the AFRC --

6 PRESIDING JUDGE: Please wait. Let us get your date, please.

7 THE ACCUSED NORMAN:

8 Q. Between the 25th of May 1997 and the 15th of February

9 1998 who -- which government was the police serving?

11:10:22 10 A. My answer is they were serving the government of the day

11 at that time.

12 Q. They were serving the government of the day at that time.

13 And what was the government of that day?

14 A. AFRC.

11:10:38 15 Q. AFRC. Was it a constitutional government?

16 A. No, it was the junta.

17 Q. We are coming to the junta yet; we are yet after the

18 AFRC. How did the --

19 PRESIDING JUDGE: Mr Norman, wait.

11:10:58 20 Q. Was it a constitutional government.

21 A. No.

22 Q. You said no?

23 A. I said no.

24 THE ACCUSED NORMAN:

11:11:06 25 Q. So you, the police, were serving a non-constitutional

26 government?

27 A. We just had to.

28 Q. You had to. And you were -- the police was using the SSD

1 to support such a government.

2 A. I can't answer that --

3 JUDGE THOMPSON: You are asking a question?

4 THE ACCUSED NORMAN: -- question.

11:11:36 5 Q. And the police -- was the police supporting --

6 JUDGE THOMPSON: "Using" you said. We have the --

7 THE ACCUSED NORMAN:

8 Q. Was the police using the SSD or OSD, or both, to support  
9 such a government?

11:12:00 10 A. That I can't say.

11 Q. You cannot say. Were you part of the police?

12 A. I was.

13 Q. And the government at that time was AFRC?

14 A. That is true.

11:12:18 15 Q. And you supported that AFRC government?

16 A. I was not supporting them; I was working as a civil  
17 servant.

18 JUDGE THOMPSON: Just a minute. Let's have the answer.

19 THE ACCUSED NORMAN: May I proceed My Lord? May I go ahead?

11:13:02 20 Q. You say you were not supporting them; did you say so?

21 A. Exactly.

22 Q. That you were merely working?

23 A. Exactly.

24 Q. Is there a government right now in Sierra Leone?

11:13:20 25 A. Yes, Your Worship.

26 Q. What government is that?

27 A. The SLPP government.

28 Q. Is it constitutional?

1 A. Yes, Your Honour.

2 Q. Are you supporting it?

3 A. I'm working for it.

4 Q. Fine. You are not supporting the SLPP government; you  
11:13:36 5 are working for it.

6 A. Yes.

7 Q. Fine. In your testimony in-chief, you did say that the  
8 junta did something that did not go down well with the  
9 people; did you say that?

11:13:56 10 A. Yes.

11 Q. Can you repeat what they did that did not go down well  
12 with the people?

13 A. They arrested some people, brought them to the station  
14 and executed them without trial.

11:14:08 15 Q. Fine. They arrested some people, took them to the  
16 station. When you say "station," what station do you  
17 mean?

18 A. Police station.

19 Q. Police station?

11:14:20 20 A. Yes.

21 Q. Did the junta do the arrest, or the police did the arrest  
22 for them?

23 A. The junta did the arrest. We were in the station. They  
24 came with their suspects, told us that these people are  
11:14:38 25 thieves, and they were executed in our presence.

26 Q. So you are saying that the police were never used for  
27 arresting?

28 A. That is the fact, sir.

1 Q. Throughout the period of the junta, the police never  
2 arrested; it was the junta who arrested?

3 A. Who arrested, yes. We were just standing as tools - just  
4 as tools.

11:15:06 5 Q. Thank you. And why were you just standing there as  
6 tools?

7 A. We don't have anywhere to go. The roads were blocked;  
8 all the roads were blocked by the Kamajors. We don't  
9 have anywhere to go.

11:15:20 10 Q. No. Listen, please. Why were you standing just as a  
11 tool? You know what a tool is?

12 A. Yes.

13 Q. Fine. What is a tool?

14 A. A tool is a sort of instrument --

11:15:32 15 Q. To use.

16 A. To use.

17 Q. Fine. So you were being used as an instrument?

18 A. Yes, because they have guns; we don't have guns.

19 THE ACCUSED NORMAN: Hold on, hold on. Being used as a

11:15:42 20 tool --

21 PRESIDING JUDGE: Mr Norman, you know, you should allow him to

22 express himself if he wants to expand -- if he wants to

23 expand, please allow him, you know, to expand.

24 THE ACCUSED NORMAN: Thank you, My Lord. I will request him

11:15:54 25 to expand, My Lord, when I want him to expand.

26 Q. You were being used as a tool?

27 A. Yes.

28 Q. By a government that was not democratic; not so?

1 A. Yes, sir.

2 Q. Now, you have named about six policemen that were killed.

3 Who were they - what department were those police from;

4 OSD, SSD, ordinary, which?

11:16:30 5 A. Those that were killed, we have one SSD, the rest were  
6 all general duties.

7 Q. One policeman was killed that was OSD or SSD --

8 A. SSD.

9 Q -- and then the rest?

11:16:52 10 A. Were general duties personnel.

11 Q. Now, what would you call the name of those that were  
12 ordinary policemen?

13 PRESIDING JUDGE: And the rest?

14 THE ACCUSED NORMAN:

11:17:02 15 Q. The rest were?

16 A. General duties personnel.

17 Q. What do you mean by "general duty"?

18 A. They were not state security personnel; they were  
19 attached to SSD.

11:17:16 20 Q. They were not attached to SSD.

21 A. They were doing police function.

22 Q. What was the difference between the general duty and the  
23 SSD?

24 A. Okay. The SSD - they are support division; they have  
11:17:32 25 weapons. The general duty doesn't carry weapons.

26 Q. Fine.

27 A. They are their to investigate case, arrest --

28 Q. Would you go over the names of those general duty

1 policemen? Go carefully. My Lordships would want to  
2 write them because we --  
3 A. One Sergeant Mason.  
4 Q. One sergeant Mason.  
11:17:52 5 A. Yes.  
6 Q. And you remember -- do you know his number?  
7 A. No, I can't tell you now.  
8 Q. Ordinary policemen - general duty carry their number on  
9 their chest.  
11:18:00 10 A. Yes.  
11 Q. And they were your colleagues.  
12 A. Yes.  
13 Q. Would you know their number?  
14 A. I don't know them now.  
15 Q. Fine. Sergeant Mason.  
16 A. Yes.  
17 Q. Another one.  
18 A. Corporal Fandai.  
19 Q. Do you know his number?  
11:18:16 20 A. No, I don't know.  
21 Q. What else?  
22 A. Sergeant Turay.  
23 Q. Do you know his number?  
24 A. Yes. 2509, Sergeant Turay.  
11:18:28 25 Q. 2509, Sergeant Turay.  
26 A. Yes.  
27 Q. Then the next name? That is PC or police sergeant?  
28 A. Police sergeant.

1 Q. Police Sergeant, 2509, Turay.  
2 A. Yes.  
3 Q. Do you know his initials?  
4 A. No.  
11:18:50 5 Q. How long was he working with you?  
6 A. I was --  
7 PRESIDING JUDGE: No, Mr Norman, let him finish the list.  
8 THE ACCUSED NORMAN: Sorry, My Lords.  
9 Q. The list. What was the next name?  
11:19:08 10 A. Another one is Corporal Pratt - Desmond Pratt.  
11 Q. Corporal Desmond Pratt, Police Corporal. Do you know his  
12 number?  
13 A. No, I don't know his number.  
14 Q. And the name of the SSD/OSD?  
11:19:22 15 A. It remain one more general duty.  
16 Q. Yes, one more general duty.  
17 A. Sub-Inspector Mimor.  
18 Q. Sub-Inspector Mimor. Then we go now to the --  
19 A. The OSD.  
11:19:42 20 Q. Do you remember any other thing - identity about him?  
21 A. He was commonly known as Momoh Tawl. That is the  
22 Sub-Inspector, Momoh Tawl.  
23 Q. And no number?  
24 A. No, they don't carry number.  
11:20:02 25 Q. They don't carry number.  
26 A. Yes. Sub-Inspector and OC Bull.  
27 PRESIDING JUDGE: I think that Sub-Inspector Mimor was the --  
28 was of the SSD.

1 A. Was general duty.

2 THE ACCUSED NORMAN: Was general duty, My Lord.

3 Q. Sub-Inspector Mimor --

4 JUDGE THOMPSON:

11:20:24 5 Q. Mimor. What about Momoh --

6 A. Momoh Tawl.

7 Q. That was the OSD/SSD?

8 A. OSD/SSD, and the OC Bull, OC SSD.

9 THE ACCUSED NORMAN:

11:20:42 10 Q. Mr Witness, you seemed to be a very brave police officer?

11 A. Exactly, sir.

12 Q. Who was sitting down and seeing alleged horrible acts  
13 being committed against his friends and comrades, and who  
14 was never afraid; he was always in his veranda.

11:21:00 15 A. Exactly, sir.

16 Q. Are you afraid for the public not to see your face as you  
17 are sitting there giving evidence?

18 A. This is just for security. I'm not afraid for anybody to  
19 see me.

11:21:34 20 Q. Fine. Thank you. It is only for the order of the Court,  
21 but you are not afraid. If the Court were to say that  
22 you should stand up and that cage be removed, you will  
23 not be afraid?

24 A. No.

11:21:44 25 Q. Thank you very much. What is the difference -- oh,  
26 sorry. Is there any difference between a policeman and a  
27 civilian?

28 A. Yes.

1 Q. What is the difference?

2 A. The policeman executes -- carries out or executes police  
3 duties. They arrest, protect -- they arrest, while the  
4 civilian can't do that.

11:22:40 5 Q. Fine. So there is a difference between a civilian and a  
6 policeman?

7 A. Yes.

8 Q. Thank you. And you are a policeman?

9 A. Yes.

11:23:06 10 Q. Now, Mr Witness, you have stated three names here - three  
11 names that were in Kenema and who to you had full  
12 disciplinary control over the Kamajors. Do you remember  
13 those names?

14 A. Yes, Your Honour.

11:23:38 15 Q. Can you repeat those names, please?

16 A. One is Jambawai.

17 Q. Jambawai.

18 A. The other is Eddie Mansaray.

19 Q. Hold on. My Lordships are writing the names. Jambawai.

11:23:52 20 J-A-M-B-A-W-A-I, I suppose; am I correct, Mr Witness?

21 A. You are correct, you are correct.

22 Q. And Mr who?

23 A. Mr Eddie Mansaray.

24 Q. Mr Eddie Mansaray. The next one?

11:24:14 25 A. Arthur Koroma.

26 Q. Was Hinga Norman there?

27 A. No, no.

28 Q. He was not there at all?

1 A. No.

2 Q. And I'm sure that you have been looking to our direction.

3 You know how many of us are on trial this morning before

4 this Court?

11:24:48 5 A. Three.

6 Q. Did you see any of those other two in Kenema at that

7 time?

8 PRESIDING JUDGE: I would like you to withdraw that question

9 and leave it --

10 THE ACCUSED NORMAN: Thank you, I will withdraw the question,

11 My Lord.

12 PRESIDING JUDGE: -- and leave it for the Defence teams,

13 please.

14 THE ACCUSED NORMAN: I withdraw the question; I withdraw the

15 question.

16 JUDGE THOMPSON: I can --

17 THE ACCUSED NORMAN: I am my own defence. I withdraw that

18 question.

19 Q. Now, you did investigating duty during all your service

11:25:26 20 in the police, did you?

21 A. Yes.

22 Q. Did you investigate something like murder?

23 A. No.

24 Q. Did you investigate any crime?

11:25:40 25 A. Yes.

26 Q. Like what?

27 A. Forgery, larceny, assaults.

28 Q. Now, like for assault, who do you charge for assault?

1 A. The accused.

2 Q. Who is the accused in an assault case?

3 A. The doer.

4 Q. The doer, the one that does the act?

11:26:16 5 A. Yes.

6 Q. The act of inflicting any communication that may cause  
7 hurt?

8 A. Yes.

9 Q. But you are a police officer that is vast in your work as  
11:26:16 10 a policeman.

11 A. Yes.

12 Q. And I give you that respect that, in the case of the  
13 doer, the doer of any crime must have or may have had a  
14 mother and the father; not so?

11:26:44 15 A. Yes, yes, exactly

16 Q. When you charge the doer, do you charge the mother or the  
17 father for the crime of the doer?

18 A. No, no, no.

19 Q. You don't?

11:26:56 20 A. No.

21 Q. If the doer is an employee, do you charge the doer's  
22 employer.

23 A. No.

24 Q. No, you don't --

11:27:06 25 MR BANGURA: May it please Your Honour. Your Honour, I am at  
26 a loss as to where we are going on the question of  
27 relevance. The witness is here as a witness of fact; he  
28 is not here as a police witness in the normal execution

1 of his duties as a police officer. So I don't really  
2 know how far we are going to go with these questions  
3 about his duties, Your Honour.

4 PRESIDING JUDGE: Well, the first accused can ask whatever  
11:27:42 5 questions. I think everything remains on -- the decision  
6 is on the Court as to how it would evaluate the evidence,  
7 you know, which has been adduced. You can see where he  
8 is driving at, but I think it will depend on the  
9 entirety, you know, of the evidence. So he can go on.

11:27:58 10 THE ACCUSED NORMAN: Thank you, My Lord. My Lord, although I  
11 do not mean or intend to comment on the issue that you  
12 have overruled, I suppose.

13 PRESIDING JUDGE: Don't comment, move on.

14 THE ACCUSED NORMAN: Thank you.

11:28:16 15 PRESIDING JUDGE: We want to move on, please.

16 THE ACCUSED NORMAN: I am charged for bearing the greatest  
17 responsibility for acts that I did not commit. I'm not  
18 the doer. So --

19 PRESIDING JUDGE: No, these are matters, Mr Norman, for  
11:28:32 20 submissions.

21 THE ACCUSED NORMAN: I know, My Lord.

22 PRESIDING JUDGE: Yes.

23 THE ACCUSED NORMAN: So that is the reason why I'm soliciting  
24 evidence so that I can submit to Your Lordships --

11:28:38 25 JUDGE BOUTET: No, no, this is a matter to --

26 THE ACCUSED NORMAN: -- the evidence.

27 JUDGE BOUTET: MR Norman, this is a matter to be dealt with by  
28 the Court, not the witness. You can ask facts, the

1 witness as such, but not these comments.

2 THE ACCUSED NORMAN: Thank you, My Lord. It is a fact that  
3 the witness sitting before you is a policeman, and that  
4 he can testify --

11:29:00 5 JUDGE BOUTET: Absolutely.

6 THE ACCUSED NORMAN: -- as to who he can arrest and charge.

7 JUDGE BOUTET: I am in that direction, I have no problem.

8 THE ACCUSED NORMAN: Thank you, thank you, My Lord.

9 Q. So you don't normally charge the man who did not commit  
11:29:18 10 the crime?

11 A. It depends on what type of crime you are talking about.

12 Q. I said you don't normally charge the man who did not  
13 commit the crime?

14 A. That is what I am talking --

11:29:32 15 PRESIDING JUDGE:

16 Q. No, no, no. Don't speak with any qualifications. You  
17 are a policeman. If the man did not commit the crime,  
18 you don't charge him; is that true or false.

19 A. That is true.

11:29:46 20 THE ACCUSED NORMAN: That is true. Thank you, My Lord.

21 JUDGE THOMPSON: And you said you don't normally.

22 THE ACCUSED NORMAN: I was a bit -- very cautious, Mr Witness.

23 Q. And you mentioned a name. If I repeat that name perhaps  
24 you would agree - a Michael. Who was this Michael - a  
11:30:06 25 policeman?

26 A. A policeman.

27 Q. And you saw what transpired between him and a group of  
28 people you referred to as Kamajors; not so?

1 A. Yes, Your Honour.

2 Q. What happened after that? Was Michael killed?

3 A. No.

4 Q. Michael was not killed. And, Mr Witness, did you in any  
11:30:48 5 way assist to dispose off the bodies you said were  
6 policemen?

7 A. Not at all.

8 Q. Would you know if they were disposed?

9 A. Well, when we came back, we didn't meet the body -- we  
11:31:08 10 didn't meet the bodies in the barracks. We heard that  
11 they were being buried in the barracks.

12 Q. You heard that the bodies had been buried in the  
13 barracks?

14 A. Yes.

11:31:18 15 Q. Did you care -- they were your comrades; did care to know  
16 where they were buried?

17 A. Yes, they were buried inside the barracks.

18 Q. Inside the barracks. And you would know the spot, would  
19 you?

11:31:30 20 A. Yes, I know the spot.

21 Q. Fine. And that if requested, you could lead their  
22 Lordships to that site?

23 A. Yes, but they are being -- the bodies had been exhumed.

24 Q. Hold on. Who exhumed the bodies?

11:31:44 25 A. Well, some people came -- I heard that some people came  
26 -- white people came. They want to see the bodies.

27 Q. White people went.

28 A. I don't know.

1 Q. And they exhumed the bodies.

2 A. I don't know.

3 Q. But you have said it; I didn't say it for you.

4 A. Yes, I don't know why.

11:32:02 5 Q. I am not saying why. I said who exhumed the bodies?

6 A. I don't know who exhumed it, but I knew that they were  
7 exhumed. They told us later that the bodies were exhumed  
8 and they were photographed, then transferred to another  
9 burial ground for them.

11:32:14 10 Q. Who told you?

11 A. My comrades.

12 Q. Your comrades.

13 A. Yes.

14 Q. Had the police known it?

11:32:34 15 A. If I am working outside, I wouldn't know it.

16 Q. So you were working?

17 A. Outside.

18 Q. So you had postings?

19 A. Yes, we have postings.

11:32:36 20 Q. To different places?

21 A. Yes.

22 Q. Before 19 -- before Sunday the 25th of May 1997, where  
23 were you?

24 A. I was in the police station.

11:32:52 25 Q. Which police station?

26 A. Kenema police station.

27 Q. And from that time --

28 A. The date again?

1 Q. The 25th of May 1997.

2 A. I was in Tongo field.

3 Q. You were in Tongo field. Now, you know why I am asking.

4 You were in Tongo field?

11:33:06 5 A. Yes.

6 Q. And when did you get posted to Kenema?

7 A. In November 1997.

8 Q. In November 1997 you were posted from Tongo --

9 A. To Kenema.

11:33:34 10 Q. To Kenema. And were some other comrades, the policemen  
11 of yours, also posted in like manner?

12 A. Yes.

13 Q. If some of the names you have mentioned were in posting  
14 to other places, would you know?

11:33:56 15 A. These names?

16 Q. The dead and the living also?

17 A. No, they were not posted anywhere; they were still in  
18 Kenema.

19 Q. And you knew they were in Kenema from the 25th to the  
11:34:12 20 date when you returned to Kenema?

21 A. Yes.

22 Q. You know that?

23 A. Yes.

24 Q. Fine. Thank you very much. And you can prove that while  
11:34:22 25 in Tongo you know that these people were still in Kenema?

26 A. Yes, because I usually come to Kenema and go back. My  
27 family were in Kenema, I was staying in Tongo. So I come  
28 to visit them.

1 Q. So if Fandai, Mimor or other people were posted, say, to  
2 Hangha, or to Blama, you would know?

3 A. Yes, yes, definitely.

4 Q. You were in charge of posting?

11:34:58 5 A. No, I was not in charge, but I will know.

6 Q. I know you will know. You were very brave. I will come  
7 back to the incidence of -- you the police were serving a  
8 government that you know -- that had taken a  
9 government - a democratic government out of power. You  
11:35:30 10 as a policeman, you know that; not so?

11 A. Yes.

12 Q. Fine. And that at that time did you hear the  
13 announcement of the ousted president anywhere else  
14 concerning what was going on in Sierra Leone?

11:35:54 15 A. I didn't hear it, but I heard it from my friends.

16 Q. What did your friends tell you?

17 A. They told us that we should leave and find our way  
18 outside Sierra Leone.

19 Q. Why?

11:36:02 20 A. Because the government of the day was not constitutional.

21 Q. And did you obey that?

22 A. There was no way that I can get outside, Kamajors had  
23 blocked the road.

24 Q. Did you obey?

11:36:30 25 A. I can't obey the order, because the road had been blocked  
26 and there was no vehicle plying the road.

27 Q. Did you obey the orders of your democratic president not  
28 to serve a junta?

1 A. I can't obey at that time, because there was no road for  
2 us to leave Kenema. The highway had been blocked by the  
3 Kamajors.

4 Q. Not that could you have; I said did you? Did you or did  
11:36:48 5 you not? Say I did or did not.

6 A. I can't obey.

7 Q. Oh, you can't?

8 A. Because of the roads had been blocked.

9 Q. Wait. The question is did you obey? You must give me an  
11:36:56 10 answer. If you refuse to give, then His Lordship will  
11 write it down. Did you obey the orders of a democratic  
12 president to you, the policemen?

13 A. I have said it again. I can't obey, because the roads  
14 had been blocked. I can't do anything. We were told to  
11:37:12 15 leave the country. We can't go anywhere. All the roads  
16 had been blocked. Kamajors had blocked all the roads  
17 almost - no motor car was plying.

18 Q. When did the order not to obey the junta government come  
19 from the democratic president?

11:37:30 20 A. I can't tell you the date.

21 Q. You can't tell. Was that order given in May 1997?

22 A. I can't deny; I can't say yes.

23 Q. Fine. Was it given in June 1997?

24 A. I can't say yes; I can't say no.

11:37:46 25 Q. Were the roads blocked in May 1997?

26 A. Yes, they had been blocked before that.

27 Q. By whom?

28 A. The Kamajors.

1 Q. Fine. So you are saying that, of your knowledge,  
2 Kamajors had blocked the roads?

3 A. Yes.

4 Q. And because of that, you refused to obey the orders of  
11:38:08 5 your president?

6 A. Not exactly.

7 Q. How exactly or how not exactly?

8 A. The juntas know that we are policemen; we were there. We  
9 can't disobey them and then obey this. If there was a  
11:38:14 10 way for us to leave the country, we should left the  
11 place, leaving the juntas alone, but the Kamajor blocked  
12 the road for us to go outside. How can we go? How can  
13 we obey the order? And if you were still in that country  
14 and you don't comply with the junta, you are still in  
11:38:28 15 trouble. So we had to stay.

16 Q. That is your answer to their Lordships?

17 A. Yes.

18 Q. That you stayed --

19 A. We had to stayed. That's why we stayed.

11:38:54 20 Q. And that you disobeyed and stayed.

21 A. Am not the only one; even my CPO was there.

22 Q. All of you, the policemen, disobeyed the democratic  
23 government.

24 A. Not all of us.

11:39:06 25 Q. Some of you.

26 A. Those that had mean to go out of the country, they left.

27 Q. Fine. Now, did the Kamajors stay in Kenema?

28 A. When?

1 Q. Did they stay in Kenema when the junta took power?

2 A. No, they were in the bush.

3 Q. Fine. So -- and they obeyed the president.

4 A. They are society members, we are not society members. I

11:39:22 5 can't go with them.

6 Q. So society members obeyed the president?

7 A. Yes, yes. They go to the bush. They have weapons; we

8 don't have weapons.

9 Q. Fine. Society members obeyed the democratic government?

11:39:34 10 A. Yes.

11 Q. And the policemen who were not society members disobeyed.

12 JUDGE THOMPSON: Mr Norman, let's get the answers.

13 THE ACCUSED NORMAN: Thank you, My Lord.

14 JUDGE THOMPSON: I don't think you should be --

11:39:44 15 cross-examination should not necessarily be that

16 confrontational, although it has to be thorough --

17 THE ACCUSED NORMAN: No, My Lord, I will not be

18 confrontational, My Lord.

19 JUDGE THOMPSON: -- so that we can get the answers.

11:39:52 20 THE ACCUSED NORMAN: Thank you. I am still trying to solicit

21 whether he obeyed or the police obeyed the orders of the

22 president - democratic president.

23 JUDGE THOMPSON: Well, I think from the records he had in fact

24 said that there was no way of obeying, because the roads

11:40:10 25 had been blocked, and I think the records have

26 sufficiently reflected the reasons why he took the

27 position that he took.

28 THE ACCUSED NORMAN: My Lord, I would suppose that if he had

1           given the answer "Yes" or "No," then I would have pursued  
2           why they did or did not, but to give a supposed  
3           pre-emptive answer that I had not asked is only coming  
4           from him, but not as a result of my question, My Lord. I  
11:40:40 5           am saying to the witness, "Did you obey the orders of the  
6           democratic government not to obey the junta or the  
7           undemocratic government; yes or no?" Then I would pursue  
8           from there, My Lord.

9 JUDGE THOMPSON: Well, I thought I got the sense of his  
11:41:02 10           response that he did not obey because -- on the grounds  
11           that the roads were blocked, and that's the sense that I  
12           am getting.

13 THE ACCUSED NORMAN: The sense you are getting is only  
14           probably intuitive. I am saying that I have not asked  
11:41:14 15           the question why he did not obey.

16 JUDGE THOMPSON: I see, he was volunteering that already.

17 THE ACCUSED NORMAN: Well, if Your Lordships put it down that  
18           he has volunteered to say he did not and was volunteering  
19           the reason, then I will accept, My Lords.

11:41:34 20 JUDGE THOMPSON: I'm just trying to get a sense of what he is  
21           trying to say.

22 THE ACCUSED NORMAN: My Lord, I am --

23 JUDGE THOMPSON: You can proceed.

24 THE ACCUSED NORMAN: -- I'm pleading with the Bench that the  
11:41:44 25           witness must answer the question whether he did or did  
26           not. At least, I need that support from the Bench.

27 PRESIDING JUDGE: But he has said he did not.

28 THE ACCUSED NORMAN: Fine, My Lord. If you have that answer,

1           then I would --

2   PRESIDING JUDGE:   He said he did not, and has given reasons  
3           why we he did not.

4   THE ACCUSED NORMAN:   Thank you, My Lord.

11:42:04 5   PRESIDING JUDGE:   It is on record.

6   THE ACCUSED NORMAN:   It is on record that the witness says he  
7           did not.   It is on record that the witness has stated the  
8           reason why he did not.   Thank you, My Lord.   Thank you.

9           And it is also on record that the witness has given the  
11:42:24 10          answer that those that were not uniform people that were  
11          Kamajors obeyed the orders of the democratic president,  
12          and left the city and went into the bush.

13   Q.   Now, Mr Policeman, who took your -- did you make any  
14          statement to the Special Court officials?

11:42:46 15   A.   Yes.

16   Q.   How did you know they were Special Court officials?

17   A.   Well, we were called into the office of Commissioner of  
18          Police.   Somebody made a statement and he mentioned  
19          myself, so I was called there and asked whether it was

11:43:04 20          true that I was in the barracks at that time of the  
21          incident.   I answered "Yes."   He said if I would wish to  
22          make a statement.   I said "Yes" and I went and made the  
23          statement.

24   Q.   Fine.   When was this -- when were you called by the CPO  
11:43:22 25          that somebody has mentioned your name - what month, what  
26          year?

27   A.   In 1997.   I think it was in January.

28   Q.   Be careful.   Not 1997?   I want to assist you.

1 A. 199 -- sorry, 2003.  
2 Q. Fine. 2003.  
3 A. Some time in January, or what month, I don't know.  
4 Q. January 2003?  
11:43:56 5 A. I think that is the month.  
6 Q. Before then, had it got to you that some people had gone  
7 to your barracks and dug somewhere -- they said they were  
8 exhuming bones?  
9 A. Yes.  
11:44:10 10 Q. Good. And when you say before that time, was it before  
11 January?  
12 A. Yes, before January.  
13 Q. Could it be in December?  
14 A. That, again, I can't tell you, but it was before  
11:44:20 15 January -- before I was interviewed.  
16 Q. Good. Before you were interviewed?  
17 A. Yes.  
18 Q. Who was your CPO then?  
19 A. One Mr Manner (phonetic)  
11:44:38 20 Q. Are you still in Kenema?  
21 A. Yes.  
22 Q. Fine. Now, who is your CPO now?  
23 A. Mr Wellington.  
24 Q. Mr Wellington?  
11:44:54 25 A. Yes.  
26 Q. Are you sure it's Mr Wellington that is the CPO presently  
27 in Kenema?  
28 A. Presently -- now it's Mr Wellington. Formerly, it was

1 Mr Bangura.

2 Q. Mr Bangura?

3 A. Yes.

4 PRESIDING JUDGE: Let's get the exact -- CPO is what?

11:45:16 5 THE ACCUSED NORMAN: Chief Police Officer.

6 THE WITNESS: Chief Police Officer; that is CPO.

7 Q. Now, do you have another rank above that in Kenema?

8 A. Yes.

9 Q. What is the rank?

11:45:28 10 A. The commissioner.

11 Q. Do you know him?

12 A. Yes.

13 Q. Who is he?

14 A. Mr Gbekie.

11:45:38 15 Q. Mr Gbekie. Now, was the police involved in taking down

16 that statement you referred to?

17 A. No, no, no.

18 Q. The police was not involved?

19 A. No, no, no. There was no policeman. It was a white man.

11:45:54 20 Q. A white man.

21 A. I think he is a Swedish.

22 Q. And he had no police accompaniment.

23 A. Mr Gbekie was there.

24 Q. Mr Gbekie was there.

11:46:02 25 A. But he left us after the interview.

26 Q. Mr Gbekie accompanied the white man?

27 A. Yes.

28 Q. And Mr Gbekie is in the service of the government of

1 Sierra Leone?

2 A. Yes.

3 Q. As a senior police officer?

4 A. Yes.

5 Q. And at that time, he was not commissioner?

6 A. No.

7 Q. Soon after taking the statement from you, and to your  
8 knowledge, was Mr Gbekie in any way involved in other  
9 statements relevant to policemen?

11:46:18 10 A. That was the statement -- that was the last time for that  
11 day when he introduced me to this white man, and I was  
12 inside with this white man. He left us, go away and the  
13 white man --

14 Q. How did he introduce you?

11:46:52 15 A. He told the white man that, "This man is prepared to make  
16 a statement concerning the death of his colleagues at the  
17 police barracks."

18 Q. "This man"?

19 A. "This police officer".

11:47:06 20 Q. Yes, go on.

21 A. "This police officer is prepared to make a statement  
22 about the death of his colleagues in police barracks."

23 Q. And he did not go beyond that, to your own hearing?

24 A. That was the main topic. I can't go into all the  
11:47:32 25 details. That was the main topic.

26 Q. Fine. That was the main topic, and you built upon that  
27 topic to make a statement?

28 A. Yes.

1 Q. Did you make any other statement or were you approached  
2 by any other organisation apart from the Special Court to  
3 make a statement?

4 A. No, no, no.

11:47:42 5 Q. As a policeman, did you make any report about murder  
6 being committed by people that your own eyes saw before  
7 you were approached to make your statement?

8 A. I cannot, because my boss was there also. My CP was  
9 there. He is responsible for that --

11:48:02 10 Q. From the 15th of February --

11 A. Because we made a report to him on our -- the day we  
12 reported at NIC, our CP was there. We told him what we  
13 have seen -- all the police officers. So he should have  
14 made that report, not us.

11:48:26 15 Q. Have you finished, Mr Witness?

16 A. Yes, I'm through.

17 Q. From the 15th of February to the day when you were  
18 approached to make a statement -- and I'm sure you  
19 remember that day and the date.

11:48:42 20 A. Yes.

21 Q. What was the date?

22 A. Sunday, 15th February 1998.

23 Q. No, when you were approached to make a statement?

24 A. I think it was some time in January 2003.

11:49:00 25 Q. Are you sure?

26 A. It was 2003 anyway, but early 2003.

27 Q. Early January 2003 you were approached to make a  
28 statement?

1 A. Yes.

2 Q. From the 15th of February 1998 to early January the year  
3 2003, have you reported murder that had been committed to  
4 your own eyes to any authority?

11:49:28 5 A. I have told my CPO at that time.

6 Q. When?

7 A. The time ECOMOG entered Kenema; that was on 19th of  
8 February 1998.

9 Q. And did you also tell your CPO that the junta had also  
11:49:52 10 murdered civilians?

11 A. He was present at that time; I don't have to tell him.

12 Q. Did you?

13 A. I don't have to tell him.

14 Q. Did you?

11:50:02 15 A. I don't have to tell him, because he was there.

16 Q. My question is did you?

17 A. I don't have to tell him, sir.

18 JUDGE BOUTET: Mr Witness --

19 PRESIDING JUDGE:

11:50:10 20 Q. The question is did you not report to him? Did you or  
21 did you not report to him?

22 THE WITNESS: I did not report to him.

23 PRESIDING JUDGE: Answer the question, please.

24 THE ACCUSED NORMAN: We want to finish quick. We want to go  
11:50:24 25 home, Mr Witness. Please, that is the short --

26 JUDGE BOUTET: Mr Norman, Please. Please, proceed.

27 THE ACCUSED NORMAN:

28 Q. Mr Witness, you did not. Now, your own senior police

1 officer called you and introduced you to a white man to  
2 give --

3 PRESIDING JUDGE: But let me say here that the witness is on  
4 record as having said that he did not report, because the  
11:50:46 5 CPO was there at the time.

6 THE ACCUSED NORMAN: Thank you, My Lord. He did not report  
7 and the follow up question is why, he said your [sic] own  
8 boss was there,

9 Q. And so I am saying that a senior police officer had then  
11:51:04 10 introduced you to give statement to a white man about  
11 your colleagues being killed by Kamajors, but not about  
12 civilians being killed by a junta that had overthrown the  
13 democratic government; not so?

14 A. Yes.

11:51:24 15 Q. Fine. And that one showed concern for civilians -- more  
16 concern for civilians, or less concern to civilians to  
17 you. Did that action show more concern for policemen or  
18 more concern for civilian?

19 A. I don't understand this question.

11:52:04 20 Q. You don't understand. Your boss has introduced you to a  
21 white man to give statement about your colleagues being  
22 policemen that had been killed by Kamajors, but he did  
23 not introduce you to give statement to the white man  
24 about civilians that had been killed by a junta that had  
11:52:26 25 overthrown a civilian government.

26 A. This senior officer that you are talking about --

27 JUDGE THOMPSON: What was the question?

28 THE ACCUSED NORMAN: The question now is, did that action show

1 concern for civilians by police --

2 MR BANGURA: Your Honour, if I may be heard? I believe that  
3 the question is somewhat misleading in the sense that the  
4 witness is being asked about two different incidents  
11:52:56 5 relating to a police officer, his superior, but referring  
6 to two different times. The record, if I am right --  
7 correct me if I am wrong, Your Honour, is that he was  
8 introduced by Gbekie sometime in January 2003 --

9 JUDGE THOMPSON: A white man, Swedish.

11:53:22 10 MR BANGURA: -- to a white man -- by Gbekie to a white man,  
11 and the record also state that after the incident in  
12 Kenema, the question was did he report to anybody.  
13 JUDGE THOMPSON: No. The issue now is whether his willingness  
14 to talk to a Swedish person about the murder of policemen  
11:53:50 15 as distinct from his not reporting the murder of  
16 civilians, allegedly committed by an unconstitutional  
17 government, reflects a lack of concern for civilians as  
18 against police officers. I think the question is  
19 legitimate.

11:49:00 20 [HN200904C 11.55 a.m.]

21 MR BANGURA: As My Lord pleases.

22 THE ACCUSED NORMAN: Thank you, My Lord.

23 JUDGE THOMPSON: Let the witness answer the question.

24 THE WITNESS: This -- the question you are asking me about,  
11:50:28 25 this officer was not in Kenema at that time of these --  
26 of these juntas killing -- executing civilians. He was  
27 not there. He was -- he was not in Kenema, so I don't  
28 see why I should be asked that question.

1 JUDGE THOMPSON: Well, the question is legitimate, is that you  
2 were willing and ready and guided by your senior officer  
3 to speak to a white man about the alleged murder of  
4 police officers, but as a police officer -- and you've  
11:51:15 5 answered to the fact that you're a diligent police  
6 officer -- you also have investigation experience, and  
7 all that, whether the non-action by you to report alleged  
8 deaths of civilians by an unconstitutional government  
9 reflect a lack of concern for civilians as against police  
11:51:45 10 officers. I see it as a straightforward question without  
11 prejudice to what my learned brothers may think about it,  
12 and I think it is perfectly permissible within the realm  
13 of cross-examination.

14 THE WITNESS: Okay, I will try to answer the question. If I  
11:52:09 15 had been called to make a statement concerning that  
16 incident, I would have made it, because I've said it  
17 here -- I said it here in-chief that it did not go down  
18 well with the populace about that killing, that illegal  
19 killing in the police compound. It did not go down well.  
11:52:37 20 It did not go down well with the civilians. It did not

21 go down well with the police also. At that time --  
22 [indiscernible]

23 JUDGE THOMPSON: No, the question is your own concern,  
24 official concern as a police officer. By that, were you  
11:52:52 25 showing a lack of concern for civilians and more concern  
26 for police officers. I understand the question.

27 THE WITNESS: I have concern for the civilians, as well as the  
28 police officers. I was concerned for them, but I was not

1 called upon to make statement for these civilians. I was  
2 called upon to give [indiscernible] for the Kamajors.

3 JUDGE THOMPSON: So that is why you should answer what you  
4 want to answer. The first accused is asking: Does this  
11:53:18 5 mean you showed more concern for your -- members of  
6 your --

7 THE WITNESS: I showed more concern for my colleagues.

8 THE ACCUSED NORMAN:

9 Q. Thank you, Mr Witness, for that answer, and thank you,  
11:53:32 10 Your Lordship, for soliciting and assisting me in getting  
11 that answer. You showed more concern for your colleagues  
12 and less concern for civilians. This now leads me to the  
13 question: During the time of your stay in Kenema, did  
14 you know a man by the name of BS Massaquoi?

11:53:56 15 A. I do -- I do know him very well.

16 Q. Is he living?

17 A. No, he is dead.

18 Q. He's dead?

19 A. I know.

11:54:03 20 Q. Do you know the circumstances of his death?

21 A. I knew that he was killed by the juntas.

22 Q. You know he was killed by the juntas?

23 A. Yes.

24 Q. Was he in police custody before he was killed?

11:54:17 25 A. Yes.

26 Q. Right. And he was -- was he taken out of police custody  
27 and killed?

28 A. He was forcefully taken from police custody.

1 Q. Thank you. And killed?

2 A. And killed.

3 Q. An innocent civilian?

4 A. Yeah.

11:54:33 5 Q. And the police did not do anything?

6 A. I've told you before, at that time you can't cough.

7 Q. Thank you.

8 PRESIDING JUDGE: Mr Norman, please, the witness is very, very  
9 persistent on this. To summarise what he said, he said:

11:54:48 10 At that time could you cough?

11 THE ACCUSED NORMAN: My Lord, you were not in this country.

12 We are bringing evidence before you that you could cough.

13 THE WITNESS: No, you can't cough.

14 PRESIDING JUDGE: Well, he's saying that you could not cough

11:55:02 15 and he's described the circumstances.

16 THE WITNESS: My boss was here, CPO and the commissioner was  
17 here.

18 [Overlapping microphones]

19 PRESIDING JUDGE: If he could come, well, that's a problem

11:55:09 20 between yourself and -- [overlapping microphones].

21 THE ACCUSED NORMAN:

22 Q. The police had guns in their hands. The SSD had guns in  
23 their hands and working with the junta government.

24 A. Well, that I can't tell you.

11:55:21 25 Q. Your eyes saw who put a civilian into a police cell?

26 A. The junta brought them.

27 Q. Who put them there?

28 A. The police.

1 Q. Fine.

2 A. They were forced by the police to put them in the cells.

3 Q. The police put civilians into a police cell?

4 A. On the orders of the junta.

11:55:42 5 Q. On the orders of the junta, a government that was not  
6 democratic, for whom the police worked; not so? And that  
7 police would not like a regime that was to remove that  
8 junta government from power; not so?

9 JUDGE BOUTET: Please ask that question again.

11:56:13 10 MR BANGURA: Your Honour, I'm not so sure whether the question  
11 has been put.

12 JUDGE THOMPSON: Clearly a multiplicity of questions.

13 Mr Norman, would you please put your questions singly and  
14 one after another, because my records are completely

11:56:30 15 confused now. What is the question and --

16 THE ACCUSED NORMAN: I apologise, sir.

17 JUDGE THOMPSON: Yes.

18 THE ACCUSED NORMAN:

19 Q. That the police were working with a government that was  
11:56:47 20 undemocratic, was it not?

21 A. Yes, Your Lordship.

22 Q. And that undemocratic government took civilians to the  
23 police and the police put them into their police cell;  
24 not so?

11:57:19 25 A. They were forced by the junta to place them in cells.

26 Q. Whatever means, those civilians went into the police  
27 cell?

28 A. Yes, yes, Your Lordship.

1 Q. Fine. And that the Kamajors -- the Kamajors were  
2 fighting against a junta government that had overthrown a  
3 democratic government; not so?

4 A. Yes, Your Lordship.

11:57:52 5 Q. And that the police, working together with that  
6 undemocratic government, opposed the Kamajors; not so?

7 A. No, we didn't oppose them.

8 Q. Fine. You befriended them, did you?

9 A. Yes, yes --

11:58:13 10 JUDGE THOMPSON: He gave the answer - he did not oppose them.

11 THE ACCUSED NORMAN:

12 Q. No, you did not oppose them. What did you do?

13 A. We were friends.

14 Q. You were friends? And they killed you as friends?

11:58:23 15 A. That's why, when they came, we thought they were friends,  
16 the CDF. We danced with them, but later they started  
17 killing us, so we decided to go into hiding. They are no  
18 more our friends.

19 Q. Why did they later on kill the police?

11:58:39 20 A. I've told you my reason. One reason was that -- I mean,  
21 what transpired in the bush. Second reason was that the  
22 police were opposing, talking evil against the  
23 government.

24 Q. Good. Were these true?

11:58:58 25 A. That I can't tell you.

26 Q. You cannot? And you're a policeman?

27 A. Yes, I'm police.

28 Q. And this friendship between you and the Kamajors led them

1 to depositing two bags into your house; not so?

2 A. Well, no, no. I don't even know those Kamajors. They  
3 are not Kenema Kamajors.

4 Q. How do you know they were not Kenema Kamajors?

11:59:19 5 A. No, we knew the Kenema Kamajors; they were outside  
6 Kenema.

7 Q. Fine. Now there were sets of Kamajors there?

8 A. Stationed all the villages around.

9 Q. You're telling My Lords that there were sets of Kamajors?

11:59:32 10 A. Yes.

11 Q. Some of them known to you?

12 A. Yes.

13 Q. Others not known to you?

14 A. Yes.

11:59:38 15 Q. And that you know these people who took those two bags to  
16 you?

17 A. I don't know them.

18 Q. You don't know them. And you saw strange people --

19 A. Yes.

11:59:47 20 Q. -- whom you had seen killing your own colleagues?

21 A. No, they're not the one that killed my colleague; they  
22 are not the one. The one that killed my colleagues are  
23 in group of seven.

24 Q. What do you call those who killed --

12:00:02 25 A. They are Kamajors.

26 Q. What about those who took the bags to you?

27 A. They're Kamajors.

28 Q. Fine. So you know one set of Kamajors was good and the

1 other set was bad?

2 A. No, I can't tell you.

3 Q. You cannot tell. Then another time again another one

4 took -- another set took, you know, a dressing mirror,

12:00:20 5 and another time another set went to you and called you

6 their friends?

7 A. Yes.

8 Q. And these were three sets, all different?

9 A. No, the group -- the batch that brought the glass -- the

12:00:35 10 dress mirror told me that we are friends. He told me,

11 "Friend, keep this mirror for me. I'll come for it

12 later."

13 Q. Yes, and you kept it?

14 A. Yes, [indiscernible]

12:00:46 15 Q. Do you realise that, as a police officer, by that act you

16 had participated in looting?

17 A. Do you expect me to disobey them?

18 Q. No, just answer the question.

19 A. No, no, I can't disobey them. I can't disobey them.

12:01:03 20 I can't disobey them.

21 Q. Mr Policeman, because of your non-obedience of the law,

22 you disobeyed to disobey [sic] the law by looting?

23 A. No, I did not loot.

24 Q. What was that?

12:01:15 25 A. It was not a looting. I just have to keep them. If I do

26 not, I will get myself killed.

27 Q. Fine. So -- so you participated in looting because there

28 was no --

1 PRESIDING JUDGE: He said, he said no. He didn't say so.

2 Please, proceed, Mr Norman. [overlapping microphones]

3 JUDGE THOMPSON: Let's not disturb the records. He did not

4 say [overlapping microphones]

12:01:42 5 PRESIDING JUDGE: He said no. He has said no.

6 JUDGE THOMPSON: He said no.

7 THE ACCUSED NORMAN:

8 Q. Well, what was it, keeping something that did not belong

9 to you?

12:01:49 10 PRESIDING JUDGE: He has said that he kept them. He had never

11 known -- I'm telling you what is on the record, because

12 we will not waste time on issues which we should equate

13 immediately. This witness has said that he took these

14 things. He never knew these people and that --

12:02:04 15 THE ACCUSED NORMAN: My Lord --

16 PRESIDING JUDGE: I'm talking. Mr Norman, please, I'm

17 talking.

18 THE ACCUSED NORMAN: Thank you, My Lord, I will listen.

19 PRESIDING JUDGE: And that if he kept them, it is because he

12:02:21 20 could not refuse keeping them. He was afraid of his

21 life. That is what he has said here. Can you proceed,

22 Mr Norman.

23 JUDGE THOMPSON: And clearly, the line you were pursuing is

24 clearly a matter for address. You can invite the Bench

12:02:36 25 to draw conclusions, but I mean, so far I don't see how

26 he can say beyond what he said, that he did not think at

27 the time he was participating in looting, and why not

28 invite the Bench, during the time of address, to draw the

1 conclusion that that was what he was doing? It is a  
2 matter of inference.

3 THE ACCUSED NORMAN: My Lord, I want to at least plead with  
4 Your Lordships that I'm defending Sam Hinga Norman, tried  
12:03:06 5 for bearing the greatest responsibility. Please let me  
6 proceed with my defence.

7 JUDGE THOMPSON: We are letting you do that. The only thing  
8 is we cannot necessarily bend the rules, because clearly  
9 he has given an answer, and if you have an inference that  
12:03:22 10 you want the Court to draw, these are matters that you  
11 can note down and invite us to draw the conclusion that  
12 you want us to draw. He's now said, "Look, I did not  
13 participate in looting."

14 THE ACCUSED NORMAN: My Lord, I'm not saying that he did not  
12:03:41 15 say that, but I want him to answer my question that he  
16 participated in looting by that act. Let him say I did  
17 not or I did.

18 JUDGE THOMPSON: Well, that is what I'm sure he did.

19 THE WITNESS: I did not.

12:03:56 20 THE ACCUSED NORMAN:

21 Q. You did not. But you kept something that was not your  
22 own?

23 A. I have to, to save my life.

24 Q. Fine. So whether it was looting or not looting, you had  
12:04:04 25 to do that to save your life?

26 A. Exactly.

27 Q. Fine.

28 A. Exactly.

1 Q. Now, you did the wrong thing to save your life?

2 JUDGE THOMPSON: What is the question? Does he --

3 THE ACCUSED NORMAN:

4 Q. Did you do the wrong thing to save your life? Did you do  
12:04:25 5 the wrong thing as a policeman to save your life?

6 A. Yes.

7 Q. Fine. If an ordinary man did the same wrong thing to  
8 save his life, would he have been arrested?

9 A. It depends on the circumstance.

12:04:39 10 Q. Because that circumstance is that he is not police?

11 A. No, not because of that, just the circumstances.

12 Q. Fine. Fine. Now, after that, another group came and  
13 told you you were friends?

14 A. No, only the group that stole this bureau told me that we  
12:04:59 15 were friends. Another group came and threatened me, told  
16 me to wait for them, they are coming to search my place  
17 for any bad thing.

18 Q. Yes, fine. What do you think as a policeman who will be  
19 that bad thing?

12:05:11 20 A. At that time they tell me they were looking for junta and  
21 uniform.

22 Q. Hold on. A junta is a bad thing?

23 A. That was their own decision at that time. They were  
24 looking for a junta. A junta is a bad person.

12:05:26 25 Q. And you did not have junta?

26 A. I did not have junta.

27 Q. But you had property that had been kept in your place  
28 that was not your own?

1 A. Yes.

2 Q. And that was not a bad thing?

3 A. If they asked me for why are these things in my place, I  
4 would have told them my friends brought them to me. That  
12:05:45 5 is exactly what I told them.

6 Q. Precisely. They asked you about the other things in the  
7 room?

8 A. They didn't enter my room. They didn't even enter my  
9 room.

12:05:56 10 Q. They did not?

11 A. All the discussion was in the parlour.

12 Q. You are saying that, if you said that these people  
13 entered and they looked around and they saw things and  
14 they asked you about these things, that that cannot be  
12:06:11 15 true?

16 A. No, no, in my parlour, in my parlour. I'm not talking  
17 about my room, I'm talking about the parlour. When we  
18 entered the parlour, they saw these bags, this dress  
19 mirror this -- this cupboard, and they started grabbing  
12:06:30 20 them.

21 Q. When they said if you had anything in your room, that  
22 room was minus the parlour; not so?

23 A. Well, it all includes the parlour. I don't know why they  
24 did it. They set about to search the room, I don't know.  
12:06:46 25 That is not my concern.

26 Q. I'm not talking about that.

27 A. I don't know why they did not search it. They said they  
28 have come to search. If they want to, I would open the

1 room door for them to search. The door was not locked.

2 Q. Precisely. Did you tell them that there were two bags  
3 there that were not your own?

4 A. I told them I -- I didn't say anything about the two  
12:07:03 5 bags. I said everything they were grabbing is not mine.

6 Q. What happened after that?

7 A. Together I told the leader that -- he looked at me up and  
8 down and then asked me again whether I lived in these  
9 quarters and I said yes. Then he warned me, cautioned me  
12:07:24 10 that if I slept in this place, I would be killed. Then  
11 he said in Mende "Gbuja".

12 Q. Do you understand Mende?

13 A. I don't understand Mende.

14 Q. Up to now?

12:07:35 15 A. Up to now I don't understand Mende, but my own  
16 understanding, when he said "Gbuja", they placed  
17 everything down automatically. Since that, I knew that  
18 he told them to place everything down.

19 Q. So if I say "Gbuja", that means in Mende --

12:07:49 20 A. Well, because he said those words and they placed  
21 everything down and then they leave the place, I assume  
22 that -- I saw them to place the thing down. I am not a  
23 Mende man.

24 Q. I know you're not a Mende man. And, Mr Witness, you're a  
12:08:11 25 policeman and you're paid out of consolidated funds; not  
26 so?

27 A. Yes.

28 Q. And that salary should take care of your travelling and

1 your food; not so?

2 A. Travelling from where?

3 Q. Travelling from point A to B?

4 A. We have police vehicles.

12:08:34 5 Q. You have police vehicles, and those vehicles should be  
6 used to convey you?

7 A. To my house and my place of work.

8 Q. And to your place of work. When the place is not your  
9 place of work, what vehicle do you use?

12:08:46 10 A. You travel by yourself.

11 Q. You travel by yourself. Did you travel by yourself to  
12 Freetown to come here?

13 A. No, no, no, no.

14 Q. No. How did you travel?

12:08:56 15 A. The Prosecution paid for me, paid my transport for me.

16 Q. The Prosecution paid for your transport. Are you a  
17 policeman?

18 A. Yes.

19 Q. Now, are you on leave to come and testify here?

12:09:09 20 A. I'm okay, I'm on leave.

21 Q. And if you're not --

22 PRESIDING JUDGE: Supposing he was not on leave, Mr Norman --

23 THE ACCUSED NORMAN:

24 Q. My Lord, I'm saying that if he was not on leave, then

12:09:21 25 government, you know, time is being spent to come and  
26 testify here and he's a government man; not so?

27 A. Yes.

28 Q. And that you are being paid extra money to come here.

1 PRESIDING JUDGE: Let me -- Mr Norman, let me say this: This  
2 witness is a witness for the Prosecutor or the  
3 Prosecution of the Special Court. He is not a witness of  
4 the government, as far as I understand it, of Sierra  
12:09:43 5 Leone.

6 THE ACCUSED NORMAN: Yes.

7 Q. So the government of Sierra Leone employed you and you  
8 become a witness to Special Court?

9 A. Exactly.

12:10:00 10 Q. Do you, for any reason, know why the Special Court came  
11 to Sierra Leone?

12 A. Yes.

13 Q. Why?

14 A. To try those people.

12:10:09 15 Q. Who?

16 A. Who committed the greatest responsibility.

17 Q. Right, who committed the greatest responsibility. Do you  
18 commit responsibility?

19 PRESIDING JUDGE: We understand the grammatical problems. We  
12:10:26 20 understand. It is not our language. We're managing to  
21 speak it and to understand it. Move ahead, Mr Norman,  
22 please.

23 THE ACCUSED NORMAN:

24 Q. Those who committed the greatest responsibility are the  
12:10:42 25 ones that are to be tried. Do you know whether you and  
26 myself and the other Sierra Leoneans in this country  
27 called for this Court? Do you have any knowledge of  
28 that?

1 A. It is difficult for me.

2 Q. Do you know -- do you have knowledge whether you, myself  
3 and other Sierra Leoneans called for this Court?

4 PRESIDING JUDGE: That question, to me, is not relevant. Move  
12:11:06 5 to another question, please.

6 THE ACCUSED NORMAN: Thank you, My Lord. It is going down on  
7 record.

8 Q. Who called for this Court?

9 PRESIDING JUDGE: Irrelevant. Please, move along to some  
12:11:19 10 other questions.

11 THE ACCUSED NORMAN: Well, My Lord, is the Bench forbidding me  
12 from defending myself?

13 PRESIDING JUDGE: No, no, I am not forbidding you. It is on  
14 record. If you would like it, I'm preventing -- the  
12:11:30 15 Bench is preventing you, then that is a matter for some  
16 other consideration. It is my place here, you know, to  
17 check on questions which are asked. They've been done in  
18 your favour; they've been done in the favour of  
19 everybody. The Court is keeping a balance here. Proceed  
12:11:53 20 please.

21 THE ACCUSED NORMAN: I hope --

22 PRESIDING JUDGE: We're keeping a balance here, you know,  
23 we're trying to keep a balance.

24 THE ACCUSED NORMAN:

12:12:05 25 Q. Mr Witness, Mr Witness, you know Commissioner Gbekie?

26 A. I do.

27 Q. Is he involved in the investigation for Special Court  
28 case; do you know that?

1 A. Before now.

2 Q. Before now did you know that?

3 A. Yes.

4 Q. Is he involved now?

12:12:21 5 A. No.

6 Q. Who uses ABU 810, a red Toyota vehicle?

7 A. I don't know.

8 Q. If I said that vehicle is used by the Commissioner of

9 Police, allocated to him by the Special Court for

12:12:51 10 purposes of investigation, would you agree with me?

11 A. When? Well, presently I know he is using SLP vehicle,

12 because he is serving.

13 Q. That is his official car?

14 A. That is the vehicle I've seen him on board.

12:13:06 15 Q. Is he connected, even right up to now, with the

16 investigation that is going on by the Special Court?

17 A. No.

18 Q. Do you have knowledge of that?

19 A. Yes.

12:13:19 20 Q. Thank you. You have knowledge of the fact that he is not

21 involved. And, Mr Witness, do you know where Eddie

22 Massaley is presently?

23 A. I don't know.

24 Q. Did you used to have in the police force any man by the

12:13:52 25 name of MS Dumbuya?

26 A. Yes, he was the head of the SSD.

27 Q. Head of the SSD. He was the head of the SSD and, right

28 up to the coup, was Dumbuya head of SSD?

1 A. I believe so.

2 Q. You believe so. After the 25th of May did Dumbuya  
3 continue to be head of SSD?

4 A. Well, I was not in Freetown. I was in Tongo Field.

12:14:37 5 Q. You were in Tongo Field?

6 A. Yeah.

7 Q. But the SSD -- the head of the SSD is the whole police  
8 organisation; not so?

9 A. That is true.

12:14:45 10 Q. Good. Did you know that the police was represented at  
11 the council of the AFRC?

12 A. I don't know.

13 Q. You don't? If I remind you, perhaps, I call a name,  
14 would you remember? Mr Conteh Bangura what was he during  
12:15:09 15 that time?

16 A. He was Inspector-General of the police.

17 Q. Inspector-General. Was he a member of the AFRC Council?

18 A. I don't know.

19 Q. You don't know. And that the police were, in fact,  
12:15:27 20 requested by this police head that the police were to  
21 work in cooperation with the AFRC, were they not, and  
22 that was announced on the radio and you heard it in your  
23 orders?

24 A. I did not.

12:15:45 25 Q. You did not receive orders?

26 A. I did not.

27 Q. So you were acting on your own to support a junta  
28 government?

1 A. I want so make something clear to you.

2 Q. Thank you. Make it.

3 A. I was not working inside that office. We just wear our  
4 uniforms, sat the whole in the day office and then go  
12:16:07 5 home.

6 Q. Did you continue to receive salary?

7 A. We were not. We were a civil servant before. Later --  
8 for two months we were not paid until the intervention.

9 Q. After that intervention were you paid?

12:16:18 10 A. Yes.

11 Q. Fine. So you continued to receive salary from a junta  
12 government?

13 A. Yes, they paid us.

14 Q. Fine. And that is the reason why I am saying, if you did  
12:16:30 15 not receive orders and you continued to work for that  
16 junta government, were you doing so on your own?

17 A. Mr Hinga Norman, we were working not because we liked  
18 to -- not because we liked to.

19 Q. Did you work because of orders or because of why --

12:17:04 20 A. I did not have any orders that told us not to work or to  
21 work.

22 JUDGE BOUTET: Mr Norman, can we move ahead, please. You have  
23 covered that I don't know how many times. I would like  
24 that we move ahead somehow. You've been questioning that  
12:17:20 25 back and forth and we're still back at the same thing.  
26 Please!

27 THE ACCUSED NORMAN: My Lord, the law, which is the law which  
28 we are applying to have me here, allows any amount of

1 question to the witness so that the law can see the  
2 testimony of consistency.

3 JUDGE BOUTET: Mr Norman, the law is controlled by this Bench,  
4 the judges here, so I've just told you to move ahead,  
12:17:46 5 please.

6 THE ACCUSED NORMAN: My Lords, the law allows Hinga Norman to  
7 defend himself within the ambit of the law and not to be  
8 guillotined by the Bench.

9 JUDGE BOUTET: Mr Norman, please move ahead.

12:18:02 10 PRESIDING JUDGE: Mr Norman, please watch your language.

11 THE ACCUSED NORMAN: Thank you, My Lord, I withdraw that  
12 language.

13 PRESIDING JUDGE: We're working within the confines of rules  
14 and regulations and we're all subject to the rule of law.

12:18:17 15 You are not an exception to the fact that even in  
16 defending yourself, you're also subjected to the rule of  
17 law and this Bench is called upon and we'll enforce, you  
18 know, the rule of law if its processes are being abused.  
19 Go ahead, please.

12:18:40 20 THE ACCUSED NORMAN: My Lord, the law has had me in detention  
21 for all this time and the law has been seeing me kept in  
22 detention. My friend questioned the witness for one hour  
23 and you cannot now make me go against that law. And that  
24 same law --

12:18:55 25 PRESIDING JUDGE: We're not questioning the -- you are  
26 entitled to ask questions, but please avoid being  
27 repetitive, because we must move on. We must move on.

28 THE ACCUSED NORMAN: Thank you, My Lord, and that is the law

1 that has permitted witnesses to come to this court; their  
2 faces are hidden; they are paid for food, clothing,  
3 shelter; they are paid for medicine and education --

4 JUDGE BOUTET: Mr Norman, please, this is not the time to  
12:19:25 5 argue.

6 JUDGE THOMPSON: These points were made. Actually, I want to  
7 add my voice to what my learned brothers have said, that  
8 we apply the same rules to the Prosecution; we must apply  
9 them to the Defence. If the ground that you've covered

12:19:44 10 has been extensively covered, we think that you ought to  
11 concede to the Bench that you, in fact, should move on to  
12 another topic. We're not guillotining anybody here.

13 THE ACCUSED NORMAN: I know.

14 JUDGE THOMPSON: And, of course, we're very sensitive to the  
12:20:04 15 fact that you're defending yourself, but at the same time  
16 we cannot bend the rules to accommodate that position.  
17 We don't bend the rules for the Prosecution. We cannot  
18 bend the rules for the Defence.

19 THE ACCUSED NORMAN: Thank you, My Lord. That is the reason  
12:20:18 20 why I'm applying now that the rule be applied that these  
21 witnesses' faces be seen by the public, so that they will  
22 know that they were there and they are not lying to this  
23 Court. And that Rule must be applied that the witnesses  
24 should not be protected against my own justice, which I  
12:20:35 25 demand, and if, for any reason, these witnesses are  
26 continued to be protected, their faces are not seen, then  
27 I will consider this trial being held in camera -- and  
28 that my own defence has not been permitted to be exposed

1 to the public of Sierra Leone.

2 Q. Mr Witness, I want you to tell me whether you obeyed  
3 orders of serving the junta or you did it on your own  
4 volition?

12:21:14 5 A. I did not obey orders. No order was carried out that we  
6 should not work with the juntas and no order was in place  
7 that we should work with the juntas. The order was there  
8 that the police officer -- to obey any government of the  
9 day.

12:21:32 10 Q. Fine. Who gave those orders?

11 A. It is orders, the order for the police you obey the  
12 government of the day, that is the order.

13 Q. And that the orders not to obey the junta was given by  
14 the president of a democratic government; not so?

12:21:50 15 A. Yes.

16 Q. You heard it?

17 A. I heard it.

18 Q. And you did not obey?

19 A. And that was another force that forced us not to obey  
12:21:56 20 that order.

21 Q. Fine. And because of that force, you carried on what you  
22 did?

23 A. There was not a force that stopped us not to obey that  
24 order, because if you -- if you could apply, you would  
12:22:08 25 have obeyed that order.

26 Q. And if the Kamajors obeyed the orders to reinstate that  
27 government, you would consider what they did was wrong?

28 A. I'm not saying that. I'm not saying that.

1 Q. What are you saying?

2 A. I'm not saying that. They should not come and kill our  
3 colleagues - the Kamajors, that is.

4 Q. And your colleagues could kill Kamajors, but they could  
12:22:33 5 not kill your colleagues?

6 A. No, no colleagues - no police killed Kamajors.

7 Q. Were you there around the country?

8 A. I was in Kenema. No police officer killed any Kamajors.

9 Q. And did you move out of your area to around Kenema?

12:22:45 10 A. I did not move out of Kenema, but I was there. If police  
11 officers had start killing Kamajors, I would have heard  
12 about it.

13 Q. How big is Kenema, like this Court room? How big is  
14 Kenema?

12:23:00 15 A. Kenema is a large town.

16 Q. It is a large town, so what happens at the other end may  
17 not be known to your own end?

18 A. Rumours would have brought it out.

19 Q. Pardon?

12:23:11 20 A. Rumours would have brought it out that police officers  
21 have killed Kamajors, soldiers.

22 Q. And that rumour was never out?

23 A. Never.

24 Q. Good. And so, because you believed rumours, and when you  
12:23:20 25 did not hear the rumour, you took it for the truth; not  
26 so?

27 A. There were some -- there are some rumours that you tend  
28 to believe, others you don't.

1 Q. You don't believe, good. So police never shot Kamajors?

2 A. Not to my knowledge.

3 Q. Not to your knowledge. Fine, I will accept that, not to  
4 your knowledge. But if the police shot Kamajor not to

12:23:50 5 your knowledge, then the police would be asking for  
6 return fire not to your knowledge; not so?

7 A. Not to my knowledge.

8 Q. Thank you. Who has Kamajors in Sierra Leone? Who has  
9 Kamajors - government or Hinga Norman?

12:24:12 10 A. Well, I know it was headed by Hinga Norman.

11 Q. It was headed by Hinga Norman. Now, who was heading the  
12 police?

13 A. Mr Conteh Bangura.

14 Q. Now, Mr Conteh Bangura and the government of Sierra  
12:24:32 15 Leone, who owns the police?

16 A. The government of Sierra Leone.

17 Q. Fine. Now, Mr Hinga Norman and the government of Sierra  
18 Leone, who owns the Kamajors?

19 A. Mr Hinga Norman.

12:24:44 20 Q. Mr Hinga Norman. And you're sure that when Mr Hinga  
21 Norman heads the Kamajors, he owns the Kamajors; not so?

22 A. Yes.

23 Q. But when Mr Conteh Bangura heads the police, he does not  
24 own the police?

12:25:00 25 A. He owns the police. He is the head of the police, and  
26 the government of the day -- the government of the day  
27 owns the police.

28 Q. Yes. The government of the day owns the police?

1 A. Yes.

2 Q. Does the government of the day own the Kamajor?

3 A. No.

12:25:19 4 Q. They don't? Now, who were the Kamajors fighting to  
5 reinstate - Hinga Norman or the government?

6 A. They were fighting to reinstate the government, that was  
7 the understanding.

8 Q. So Hinga Norman, who owned the Kamajor, but they would  
9 not reinstate him to the power, they would reinstate the  
12:25:34 10 government that does not own them? Does that make sense  
11 to you?

12 A. Yes. Yes, it makes sense.

13 Q. It makes sense. Fine. Are you here to testify to the  
14 truth?

12:25:45 15 A. The whole truth and nothing but the truth.

16 Q. And what you have testified just now has been the truth,  
17 whole truth and nothing but the truth?

18 A. Yes, and nothing but the truth.

19 Q. Fine. Now, you said that Hinga Norman owns the Kamajors?

12:25:58 20 A. Yes.

21 Q. How do you know that?

22 A. He was head of the Kamajors.

23 Q. Because he is the head of Kamajors, therefore he owns the  
24 Kamajors?

12:26:05 25 A. Yes.

26 Q. Good. Now, who owns the army?

27 A. The government of the day.

28 Q. Not the head of the army?

1 A. The government of the day.

2 Q. The government of the day. The government of the day  
3 owns the army; not so?

4 A. Yes.

12:26:24 5 Q. Who heads the army?

6 A. The first commander.

7 Q. But the government of the day owns the army and the army  
8 is headed by somebody?

9 A. Yes.

12:26:41 10 Q. Good. So there is no similarity between the head and the  
11 owner; not so? The owner is known and the head is known?

12 A. Yes.

13 Q. Good. Now, in the case of Kamajors, the head is known,  
14 the owner is known; not so?

12:26:55 15 A. Yes.

16 Q. The head and the owner are the same for the Kamajors?

17 A. Yes.

18 Q. But the head and the owner is not the same for the  
19 police?

12:27:04 20 A. Yes.

21 Q. And the head and the owner of the army is not the same?

22 A. Yes.

23 Q. Because it is Hinga Norman, so therefore, it is the same?

12:27:22 24 A. No, not because of that. The army and the police were  
25 legitimate?

26 Q. The army and the police were legitimate. So you're  
27 saying by that answer that the Kamajor was not  
28 legitimate?

1 A. Yes.

2 Q. If the Kamajor was legitimate, would you agree that you  
3 have made a mistake?

4 A. If the Kamajor was legitimate?

12:27:40 5 MR BANGURA: May it please Your Honours. Again, I'm  
6 constrained to have to interject. I'm at a loss. On the  
7 question of relevance, Your Honour, Mr Norman is seeking  
8 to have the witness give answers from which he could draw  
9 certain logical conclusions and I believe the Bench has  
12:28:03 10 indicated more than once that certain matters could best  
11 be left for address at a later stage and, Your Honour, we  
12 seem to be going endlessly along this path. We don't  
13 really know where we are. Your Honour, I believe there  
14 must be some finality to cross-examination at a certain  
12:28:19 15 stage.

16 PRESIDING JUDGE: Noted. Mr Norman, proceed. Let's see how  
17 far we go with this prolongation of your  
18 cross-examination.

19 THE ACCUSED NORMAN: Thank you, My Lord, for as long as the  
12:28:33 20 witness is evasive, I will go as long as two years. Yes.

21 PRESIDING JUDGE: I hope you have the legal right to go for  
22 two years or even beyond the next ten minutes.

23 THE ACCUSED NORMAN: Well, Your Lordship will go down on  
24 record as stopping the man defending himself, but I'm  
12:29:00 25 sure Your Lordship will not do that to me.

26 Q. Mr Witness, you're saying that Kamajors were not  
27 legitimate. What authority do you have to say that?

28 A. Because the Kamajors are the Civil Defence Force; they

1 are civil. I do not see them as a legitimate society,  
2 because they are a society -- it is not a legitimate  
3 society. I don't see them.

4 Q. Are you saying that the Civil Defence is not a legitimate  
12:29:36 5 agency? What authority do you have?

6 A. Because it is a civil force.

7 Q. Is the police an armed force or a civil force?

8 A. The police?

9 Q. Yes, is the police an armed force or a civil force?

12:29:57 10 A. It is connected with armed force, armed men also.

11 Q. Fine. So you have armed men who fought or who can fight?

12 A. Yes.

13 Q. So, therefore, you are legitimate because you have arms?

14 Go on, sir.

12:30:14 15 A. Okay, I'll answer, yes.

16 Q. Okay. Go on. I'm listening. I'm just looking for  
17 something.

18 A. I've answered to your question.

19 JUDGE BOUTET: He has answered the question, Mr Norman.

12:30:59 20 Please proceed.

21 THE ACCUSED NORMAN: My Lord, I did not -- he was telling me  
22 that he would answer the question, but he's not answered  
23 the question.

24 JUDGE BOUTET: He had answered before, he said so.

12:31:12 25 THE ACCUSED NORMAN:

26 Q. What was your answer?

27 A. I said the Kamajor is not legitimate.

28 Q. Yes. We have heard that. We passed that one long time.

1 This last answer that you gave, repeat it.

2 A. I said the police were of a wing of armed men.

3 Q. Yes.

4 A. I recognised one, too.

12:31:41 5 Q. You recognised one, and I said: What authority and you  
6 gave me?

7 A. The police force is called the Sierra Leone Police. The  
8 Kamajor is called CDF, Civil Defence Force, the Sierra  
9 Leone Defence Force.

12:32:05 10 Q. Hold on, you have omitted two letters. I know you know  
11 it, don't subtract. CDF stroke what?

12 A. I just know CDF.

13 Q. If I tell you it is CDFSL, would you accept?

14 A. I have no reason to deny you.

12:32:30 15 Q. Good. Do you know that there was a Lome Agreement  
16 affecting the fighters in Sierra Leone?

17 A. Yes.

18 Q. Have you had any opportunity to read the Lome Agreement?

19 A. No.

12:32:45 20 Q. Good. And do you know also that there is a Geneva  
21 Convention controlling the acts -- the activities of  
22 agents in war? Geneva Convention, have you heard that?

23 A. I know about Geneva Convention.

24 Q. You know about it; not so? And you know that in the  
12:33:10 25 Geneva Convention there is an area they call Protocol 1  
26 and Protocol 2? Do you know that?

27 MR BANGURA: Your Honour, I believe the questions being put to  
28 the witness are basically legal issues.

1 PRESIDING JUDGE: Mr Norman, go to some other questions. The  
2 objection is sustained. The Tribunal takes judicial  
3 notice of all these laws which you're citing.

4 THE ACCUSED NORMAN: My Lord, I agree. I want to also take  
12:33:41 5 notice of the fact that the charges that have not yet  
6 been laid against me, but that counsel over there  
7 contests, Protocol 2, which they tell me -- I hear it,  
8 and I'm still calling for it to be seen, that which has  
9 not been. Where did the Protocol 2 come from? Geneva  
12:34:00 10 Convention.

11 PRESIDING JUDGE: Those are matters -- I'm sure your lawyers  
12 will advise you.

13 THE ACCUSED NORMAN: No, My Lord.

14 PRESIDING JUDGE: Proceed, proceed to --

12:34:06 15 THE ACCUSED NORMAN:

16 Q. You know Civil Defence is a content of Geneva Convention?

17 A. I don't know that.

18 Q. I put it to you that the Civil Defence is in the Geneva  
19 Convention?

12:34:26 20 A. I don't know that.

21 Q. Good. And I put it to you that in the Geneva Convention  
22 there are Protocol 1 and Protocol 2.

23 MR BANGURA: Again, My Lord, I stand to object. Mr Norman is  
24 still following the same path and these are legal issues,  
12:34:36 25 My Lord. He is a witness of fact. I believe he is not  
26 competent to answer questions which border on such  
27 legality.

28 JUDGE BOUTET: Objection sustained.

1 THE ACCUSED NORMAN: Fine.

2 Q. I'm putting to you, Mr Witness, that the Geneva  
3 Convention guides and protects the acts in war -- I'm  
4 putting to you.

12:35:09 5 A. I don't know.

6 Q. I'm putting it to you that inside the Geneva Convention  
7 that there are these Protocols 1 and 2?

8 A. I don't know.

9 Q. Fine. And that in that Geneva Convention, under  
12:35:23 10 Protocol 2, that only the penal responsibility -- penal,  
11 that which is done by individuals are prosecuted?

12 A. I don't know.

13 Q. And I'm further putting it to you that Protocol 1 holds  
14 governments responsible for the acts of their military  
12:35:45 15 forces.

16 JUDGE BOUTET: Mr Norman, I'm not prepared to restrict your  
17 cross-examination, but I would like to know the relevancy  
18 of that. This witness has told you he does not know  
19 about that, Mr Norman. You'll have ample time and we  
12:35:57 20 will give you all the time you need to argue that with  
21 the Court. Obviously Geneva Convention will be argued  
22 and you will be given all the time you wish to take to do  
23 that. I'm just asking you to move ahead with this  
24 witness. What you're doing now is arguing with the  
12:36:12 25 witness on matters of law and the witness is not in a  
26 position to respond to you. So I'm just urging you to  
27 move ahead with your cross-examination, Mr Norman. We'll  
28 listen to you in due course on these arguments.

1 THE ACCUSED NORMAN: My Lord, I will not proceed with this  
2 further until I say to Your Lordships that I'm before you  
3 for war crimes, that you have said, and so I'm defending  
4 myself against those war crimes.

12:36:40 5 JUDGE BOUTET: Mr. Norman, we've just told you we will allow  
6 you to do everything you wish to do in the arguments on  
7 these matters in due course, but this is not the time  
8 with this witness or through this witness. That's all  
9 I'm saying to you.

12:36:54 10 THE ACCUSED NORMAN: My Lord, it is also my right to put to  
11 the witness what I feel is best for my defence and not  
12 argue with him.

13 JUDGE BOUTET: Well, then just move ahead, please, because the  
14 witness is not helping you at all in these matters.

12:37:08 15 THE ACCUSED NORMAN: I will. Mr Witness -- I know I'm going  
16 down on record as I'm helping myself. The witness has  
17 not come to help me.

18 PRESIDING JUDGE: This Court, in the interests of justice and  
19 the integrity of its proceedings, has done everything to  
12:37:23 20 assign to you stand-by counsel - very competent, national  
21 and internationally recognised stand-by counsel - help  
22 you in your defence. If this Court were not conscious of  
23 the crimes committed, we would not have gone this far,  
24 and I'm sure you know that. They're listening to you and  
12:37:43 25 they are here to do just what the Court expects them to  
26 do, and that is to properly ensure your defence. That is  
27 why they were designated by this Court to assist you.

28 THE ACCUSED NORMAN: Thank you, My Lord. I'm defending myself

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1 and I'm defending myself in a case where I have not  
2 committed the acts, but the acts that others have  
3 committed, and that is the reason why I'm insisting on  
4 the fact that this Court, from this day, should not  
12:38:18 5 encourage witnesses whose faces are hidden, and that I am  
6 now indicating to the Court that any witness that comes  
7 here with his face hidden to the public is being seen by  
8 me as testifying in secret and is lying, because he  
9 knows, if the public see him, he will not lie, and that  
12:38:43 10 he has been paid to come here and lie and encouraged to  
11 lie because --

12 JUDGE BOUTET: Mr Norman, Mr Norman, please, you are  
13 cross-examining. We've told you, please, to move ahead.  
14 This is no time to make submissions. Please!

12:38:57 15 THE ACCUSED NORMAN: My Lord, if you had let me go with my  
16 defence, perhaps I would not --

17 JUDGE BOUTET: I have given you all the possible latitude at  
18 this time. We've ruled on some matters. We've told you  
19 to move ahead, Mr Norman.

12:39:09 20 THE ACCUSED NORMAN: My Lord, I'm moving ahead.

21 Q. Mr Witness, I'm putting it to you, which is my right to  
22 put to you -- it is your right to make of it -- I'm  
23 putting it to you that you have come here to testify, to  
24 say Hinga Norman owns the Kamajors and not government.

12:39:29 25 I'm putting it to you. And I'm further putting it to  
26 you --

27 PRESIDING JUDGE: Let him answer that one.

28 THE ACCUSED NORMAN: Fine.

1 A. It is not true.

2 Q. Good. And I'm further putting it to you, Mr Witness,  
3 that your testimony here is given because your face is  
4 hidden and the people out there cannot identify you.

12:39:55 5 A. That is not true.

6 Q. And, Mr Witness, I'm putting it to you that you have come  
7 to testify because of the economic and government  
8 promotional benefit that you get from this.

9 A. I'm not benefitting anything. I've -- I don't have any  
12:40:35 10 promotion. [Indiscernible ] I'm not having any benefit  
11 from it. I'm doing it for my colleagues.

12 Q. I'm putting it to you that your interest in Sierra Leone  
13 is not to serve the people of Sierra Leone, but to serve  
14 policemen's interests.

12:40:56 15 A. I'm here to serve the people of Sierra Leone.

16 Q. Mr Witness, would you like me to call your name so that  
17 the public would know you?

18 A. If the Court allows it.

19 Q. Good, so you have no objection?

12:41:25 20 JUDGE BOUTET: No, he has an objection. He says if the Court  
21 allows him and we will not allow it, because we have  
22 issued instructions and directions that his identity is  
23 to be protected. This is very clear and simple.

24 THE ACCUSED NORMAN: I'm saying to the Court that the interest  
12:41:40 25 of the witness cannot override the right of an accused  
26 person.

27 JUDGE BOUTET: Very well, Mr Norman.

28 THE ACCUSED NORMAN: And that Mr Norman will take objection

1 and recuse himself from this instant from participating  
2 in this trial until the Court will take a position to  
3 expose the witnesses so that their faces can be seen.

12:42:19 4 PRESIDING JUDGE: Is your cross-examination over, Mr Norman,  
5 of this witness?

6 THE ACCUSED NORMAN: My Lord, I'm stopping this far and I'm  
7 saying that I will go no further with this witness until  
8 his face is seen and all other witnesses, that the only  
9 witness that I will accept whose face will be hidden here  
12:42:37 10 is the one who suffered from sexual violence, but from  
11 that on, any face that is hidden here, I will not  
12 participate in the trial. That is my protest before this  
13 Court.

14 PRESIDING JUDGE: It is ten minutes to 1.00 and it is  
12:43:48 15 lunchtime. The Tribunal will adjourn and we will resume  
16 sitting at 3.00. The Court adjourns, please.

17 [Luncheon recess taken at 12.50 p.m.]

18 [On resuming at 3.30 p.m.]

19 [HN200904D]

15:31:45 20 [In the absence of the three accused]

21 PRESIDING JUDGE: We are resuming the session and starting a  
22 bit late, and this is because the Chamber was advised not  
23 to start the proceedings in view of the absence of the  
24 accused -- the three accused persons. Since we couldn't  
15:35:55 25 wait indefinitely, we thought that nothing should corrupt  
26 our proceedings. We came in -- we've come in and we see  
27 that the three accused persons are not here, even though  
28 they were hale and hearty during this morning's

1 proceedings. Have counsel any comments on this event,  
2 please? First accused, please.

3 MR HALL: I have no comment, but I'm prepared to cross-examine  
4 the witness, if need be. I don't have many questions of  
15:36:40 5 this witness in light of Mr Norman's extensive cross --  
6 perhaps five minutes worth.

7 PRESIDING JUDGE: First of all, Mr Hall, I have not yet gone  
8 into the issue of whether you're cross-examining or not.  
9 Do you have any comments about the absence of your  
15:37:06 10 client?

11 MR HALL: He told me when he was leaving not to participate  
12 today, but I don't take that as being my role. Since I'm  
13 here, I think I should participate. I don't consider  
14 myself, as one lawyer in the US said, to be a potted  
15:37:23 15 plant just to sit here and do nothing and take up space.  
16 So I will participate, because I'm stand-by counsel, not  
17 appointed counsel, and that's a slightly different role.

18 JUDGE BOUTET: Absolutely.

19 PRESIDING JUDGE: Yes. Second accused, please.

15:37:41 20 MR KOPPE: Your Honours, we have had no opportunity yet to  
21 speak extensively to our client and speak as to the  
22 grounds of his absence. In order to give any further  
23 detailed comment, I would prefer that we speak to our  
24 client first.

15:37:57 25 PRESIDING JUDGE: So, Mr Koppe, you want to speak to your  
26 client first? You did not have an indication that he was  
27 not attending the afternoon's session?

28 MR KOPPE: None whatsoever, Your Honour.

1 PRESIDING JUDGE: Right. Is there any other thing that you  
2 want to add to that?

3 MR KOPPE: No, not at this stage.

4 PRESIDING JUDGE: Right. Thank you. The third accused,  
15:38:20 5 please.

6 MR MARGAI: My Lords, before I came in for the afternoon  
7 session, I had no indication as to what the conduct of my  
8 client would be, but having entered the Chamber, I was  
9 informed that all three would not be turning up for the  
15:38:43 10 trial and, through the Defence Office, I was able to talk  
11 to my client on the telephone and he says that the first  
12 accused was leading them and, since he had declined to  
13 come into Court, he didn't have any choice but to behave  
14 likewise. I mean, I explained to him, as best as  
15:39:10 15 I could, the implications, bearing in mind Rule 60 of the  
16 Rules, but I sympathise with him.

17 I think I would go along with my learned friend  
18 Victor to crave Your Lordship's indulgence. I hope this  
19 will not be taken as a weakness on the part of the Bench,  
15:39:33 20 but as you have always said and, indeed, it has been  
21 manifestly demonstrated here, that sometimes you really  
22 lean over just to accommodate the accused in furtherance  
23 of the aims of justice. But I think the accused persons  
24 should be made to understand that we cannot be here  
15:39:52 25 indefinitely. This trial has to proceed, and there has  
26 to be a finality, either way.

27 But my own client is in a particular situation in  
28 that he is, for all intents and purposes, illiterate --

1 unlike the other two. He seems to be led like a sheep to  
2 be slaughtered, and we are here to ensure that he does  
3 not get into that situation without endangering his own  
4 liberty. But be that as it may, I would join my  
15:40:29 5 colleague in craving the Court's indulgence for perhaps  
6 either a stand-down or an adjournment so that we could  
7 avail of the opportunity of precisely finding out what  
8 has gone amiss and how best we could get back on track.

9 [Trial Chamber confers]

15:41:23 10 PRESIDING JUDGE: Mr Hall, my attention is drawn to the fact  
11 that you want to say something.

12 MR HALL: Yes, Your Honour.

13 PRESIDING JUDGE: Yes, please.

14 MR HALL: I'm going to speak carefully, because I don't know  
15:41:34 15 where attorney/client confidence begins and ends in this  
16 role. I meet with Chief Norman every Sunday to prepare  
17 for the coming week, and he had mentioned before - a week  
18 ago - the same problem, and the problem stems from his  
19 sincere belief -- and I know he's gone over this with you  
15:41:59 20 before and I'm not here to beat a dead horse -- but that  
21 every witness so far -- I missed the first two because  
22 I couldn't get here -- but every witness so far has been  
23 screened off from the public, and some witnesses we can  
24 see why they might be fearful, but others are not. And  
15:42:17 25 that's the deep part of his concern, and I would  
26 respectfully ask the Court to at least reconsider parts  
27 of the order so -- we talked about this last Friday --  
28 how far they should go, whether there should be a voir

1       dire of the witnesses. That is the root of his concern,  
2       I think. He has mentioned this to me yesterday and  
3       Sunday week ago when I first got back in Freetown for  
4       this trial session, and he desperately wants this to be a  
15:42:56 5       public trial, not just the witnesses screened off where  
6       people can only hear their voice and --

7       PRESIDING JUDGE: But, Mr Hall, if your client does not  
8       know -- but I'm very sure he knows that the trials are  
9       proceeding within the confines of certain procedural  
15:43:16 10       rules and that there are times when the Court, if it  
11       deems it necessary, can hold a closed session, or make  
12       such orders that are consistent, you know, with  
13       maintaining the integrity of its proceedings. I mean, is  
14       it that we have to receive the dictates, you know, of who  
15:43:48 15       ever in order to be able to proceed with our trials?

16       MR HALL: I understand, and if I were in your position,  
17       I wouldn't want to be held hostage by one of the  
18       defendants, essentially, to determine how the proceedings  
19       go. But having all the witnesses screened off, from my  
15:44:08 20       perspective as a US lawyer, is completely foreign to me,  
21       and the only time a witness is ever -- the identity is  
22       ever withheld is when that witness is -- even if they are  
23       in the witness protection programme or something, they  
24       would come in, their face would be seen but their names  
15:44:29 25       would be changed, if need be, as we did here with a  
26       pseudonym, but they wouldn't be screened off. That is  
27       part and parcel of public trial.

28       Now, I've not fed him the information to make the

1 argument about a public trial; he has come up with that  
2 on his own, and I only respectfully request that the  
3 Court reconsider the breadth of its order.

4 I can understand as to many of the witnesses, some  
15:44:56 5 of the witnesses, but so far it's been all the witnesses,  
6 and this is the 11th witness to testify. I just add  
7 that, trying to come to an accommodation that would at  
8 least answer Chief Norman's concerns.

9 JUDGE BOUTET: What I'm concerned about -- I don't want to get  
15:45:16 10 into arguments about that, because when we issued those  
11 instructions and that order at that time, it was based on  
12 the evidence that had been adduced, and obviously when  
13 the application was made by the Prosecution and the  
14 Witness Protection Unit as such, Defence Counsel and the  
15:45:33 15 accused had the right, and they did respond to all this,  
16 and we made at the time what we considered to have been  
17 the best possible decision in the circumstances and in  
18 the overall interests of justice. I mean, this is, as  
19 you know, a balancing act that is not always easy, but we  
15:45:48 20 think we did the best we could.

21 Now, all of this is never cast in concrete and that  
22 subject will change us for ever. If, as you know, you  
23 had representation of that nature, nothing precludes you  
24 or the first accused himself to make a motion to ask that  
15:46:05 25 it be varied, if need be, and you have the evidence to  
26 support that. I mean, as I say -- I should add as well  
27 that you are an American lawyer and in the States it  
28 works this way, and I don't disagree with you, but in

1 most international tribunals you're going to see this  
2 kind of evidence given behind a screen because of the  
3 very nature of the evidence and the difficulties  
4 associated with it. More so, as we've said consistently  
15:46:30 5 in our decision, because this is the very international  
6 court that sits in the very country where the crimes are  
7 alleged to have been committed were committed. So this  
8 is the difficulties of trying to ensure fairness of the  
9 process, protection of the accused but protection of the  
15:46:47 10 witnesses. I mean, you know that our own Statute  
11 provides specifically for that, and we must make sure of  
12 that.

13 So this is this balancing act. Now, having said  
14 that, as I say, if there is evidence to support changes,  
15:47:00 15 we are not saying no -- I mean, we'll look at it very  
16 scrupulously if an application is made, there's no doubt  
17 about that.

18 JUDGE THOMPSON: Yes, I share the opinions expressed by my  
19 learned brothers and specifically my response to  
15:47:21 20 Mr Hall's plea or submission is that it would be  
21 inadvisable for the Court at this stage to review or  
22 reconsider its protective measures on its own motion. To  
23 do so would be tantamount to judicial capitulation to a  
24 threat to undermine the rule of law and the integrity of  
15:47:57 25 these proceedings.

26 Rule 60 applies clearly where an accused person  
27 is -- makes the decision not to attend at his trial, and  
28 this Court can invoke that Rule. But I think I agree

1 with my learned brothers that our previous decisions on  
2 protective measures are subject to variation. If the  
3 procedure for their variation is followed, and followed  
4 scrupulously, either party - the Prosecution or the  
15:48:42 5 Defence - can come and ask for a variation in the light  
6 of developments.

7 But for the Court to be told that an accused person  
8 is going to stay away from the trial unless the Court, on  
9 its own motion, decides to vary its previous order, seems  
15:49:05 10 to me like, as I've said, holding the Court to -- as  
11 hostage, and I am sure that all of us here are committed  
12 to the rule of law and what we are doing in this Court  
13 today was a result of a breakdown of the rule of law and  
14 what we're doing here in these proceedings is to try and  
15:49:35 15 restore the rule of law.

16 Any attempt, therefore, to capitulate to what  
17 happened this morning would in fact be virtually writing  
18 the death certificate of the rule of law, or saying that  
19 we don't seriously believe in the rule of law. So  
15:49:56 20 I would suggest that whatever variations are sought in  
21 respect of the protective measures should come properly  
22 before the Court by either party. I would not, without  
23 prejudice to what my two learned brothers would say,  
24 support the idea of the Court taking such an action  
15:50:20 25 sui sponte, or on its own motion.

26 PRESIDING JUDGE: May we hear the Prosecution on this, please.

27 We've heard all the parties and --

28 MR BANGURA: Your Honour, we do not at this stage particularly

1 wish to be drawn into an argument on the merits or  
2 demerits of your order on witness protection. Suffice it  
3 to say, Your Honour, that the Prosecution is mindful of  
4 the provision of Rule 60. But, again, we sympathise with  
15:50:53 5 our colleagues on the other side, particularly counsel  
6 for the second and third accused persons, who, as we  
7 understand it, had no inkling -- no idea of the conduct  
8 that their clients were going to take. Again, I think a  
9 similar sympathy is expressed for Mr Hall, I mean,  
15:51:16 10 considering the kind of representation that he has for  
11 the first accused.

12 Your Honour, we -- I mean, it is up to the Bench,  
13 but we're very much understanding of their position, and  
14 we're not averse to any decision that the Bench may come  
15:51:35 15 to in allowing them to have further consultation with  
16 their clients. Thank you.

17 [Trial Chamber confers]

18 PRESIDING JUDGE: Well, learned counsel, we've listened very  
19 attentively to your pleas, and I think that one of the  
15:54:01 20 attributes of the judges that we are is to be patient and  
21 maybe, you know, to wink at certain challenges to the  
22 jurisdiction over which we are charged to preside. We've  
23 been particularly touched by the plea made by Mr Margai,  
24 particularly as far as his client is concerned, and this  
15:54:39 25 being a joint trial, we want to concede to Mr Margai's  
26 client that he's been led by the nose. And we have also  
27 considered Mr Koppe's application for him to consult his  
28 client and to know why he is not here at this point in

1 time, just as we have considered Mr Hall's application as  
2 well for -- I mean, putting across arguments that have  
3 been raised by his client and associating himself with  
4 the idea that this matter be stood down for them to  
15:55:26 5 investigate the circumstances that have led to the  
6 abandonment of the proceedings by the three accused  
7 persons.

8 This Tribunal would want to say this here - and  
9 this is once and for all - that it will proceed to  
15:55:49 10 fulfill its mandate in whatever circumstances, even if  
11 the accused persons abandoned or failed to present  
12 themselves. We would not abdicate from the  
13 responsibility that has been conferred on us by the  
14 Secretary-General of the United Nations and we count on  
15:56:20 15 counsel at all times to fulfill this obligation that we  
16 have to their clients and to the witnesses who are  
17 testifying before us.

18 We are also very -- we have taken cognisance of the  
19 reply by the Prosecution that they're not objecting to a  
15:56:54 20 consultation by counsel for the three Defence teams with  
21 the accused persons so that we can know where we stand.  
22 It is in this light that the Chamber, in all wisdom and  
23 without any passion, has advised itself to stand this  
24 matter down up to 5.00 to enable counsel to fulfill the  
15:57:27 25 mission which we think is theirs in these very delicate  
26 circumstances. We will reconvene at 5.00 and know where  
27 we move from there. The Court will rise, please.

28 [Break taken at 3.56 p.m.]

1 [On resuming at 5.10 p.m.]

2 [The third accused entered Court]

3 PRESIDING JUDGE: Yes, learned counsel, we are resuming the  
4 session and we, the Chamber, notice the presence of the  
17:15:33 5 third accused. May we hear counsel -- stand-by counsel  
6 for the first accused on his continued absence, please?

7 MR HALL: Did the Court get a copy of a letter that Chief  
8 Norman wrote during the lunch hour? Can I give it to  
9 Madam Clerk?

17:16:14 10 JUDGE BOUTET: Yes.

11 MR HALL: Also, Your Honour, in relation to paragraph (c) of  
12 that, at Mr Norman's request, over the weekend Ms Quincy  
13 [sic] and I prepared a motion to formalise the request  
14 for a service of arraignment of the second indictment,  
17:16:34 15 yet again, and that was to have been filed today.  
16 I called from lock-up to Court Management and it had not  
17 made it into the system. I don't know whether or not it  
18 was filed. I printed off other copies and brought them  
19 with me, but when I printed them off, it was 2 minutes  
17:16:51 20 to 5.00, so I did not have a chance to take them over to  
21 make sure they are filed. I have extra copies to give to  
22 the Court now, if that's your desire. Otherwise, I can  
23 file them.

24 JUDGE BOUTET: Speaking for myself, first of all, I would say  
17:17:11 25 just file it in the normal way tomorrow and serve the  
26 Prosecutor with it and let it follow its normal process.  
27 My Presiding Judge may defer from that.

28 PRESIDING JUDGE: Yes, I think I defer to my learned

1 colleague's position on this. We have a letter here  
2 which is labelled - a letter from the first accused, and  
3 it's entitled "Judicial Protests". Would you please --  
4 would you please pass this letter around to the Defence  
17:17:59 5 teams?

6 MR HALL: They have a copy, Your Honour.

7 PRESIDING JUDGE: Oh, they have a copies. Has the Prosecution  
8 a copy as well?

9 MR BANGURA: No, Your Honour.

17:18:11 10 PRESIDING JUDGE: Can you please take that and show it to the  
11 Prosecution?

12 JUDGE BOUTET: Mr Hall, do you have an extra copy of this  
13 letter?

14 MR HALL: That's the only signed one I have.

17:18:46 15 JUDGE BOUTET: Just leave a copy with the Prosecution and we  
16 could have that one back.

17 MR HALL: Your Honours, the first we saw that was at 4.00 at  
18 the gaol itself when we went over there.

19 PRESIDING JUDGE: We would like this letter to go on record as  
17:19:46 20 an exhibit. Prosecution, do you have any objection to  
21 this, please?

22 MR BANGURA: No, none, Your Honour.

23 PRESIDING JUDGE: This letter is admitted in evidence and  
24 marked as Exhibit 12.

17:20:10 25 [Exhibit No. 12 was admitted]

26 PRESIDING JUDGE: Mr Hall, can you -- I know that it should  
27 ordinarily be read by the Court Records, but could we ask  
28 you to read this letter to us, please? I know it should

1 be read by Court Records normally, but exceptionally, can  
2 you --

3 MR HALL: Can I have a copy back? Thank you. In the upper  
4 left it says:

17:21:10 5 "The Principal Defender,  
6 Defence Unit,  
7 Special Court for Sierra Leone,  
8 Freetown  
9 20 September 2004

17:21:20 10 Dear Sir/Madam..."

11 And then centred and at the top "Judicial Protest":  
12 "This is to inform you that after the morning session of  
13 the Trial Chamber's sitting of the case of a Joinder of  
14 Trial of the Accused, Samuel Hinga Norman and two others  
17:21:39 15 on Monday, 20 September 2004, until the following  
16 conditions are fulfilled, and judicial orders are fully  
17 complied with and necessary actions in the interest of  
18 transparent justice are taken:

19 I, the first accused (Samuel Hinga Norman) have decided  
17:21:59 20 not to appear before the Trial Chamber of the Special  
21 Court composed of Their Honours, Justice Itoe presiding,  
22 and Justices Thompson and Boutet Members.

23 (a) The joinder indictment served on the accused pursuant  
24 to Rule 52 of the Rules.

17:22:16 25 (b) Arraign the accused to enter a plea pursuant to Rule  
26 61(iii) of the Rules of Procedure.

27 (c) Remove the protective order so that witnesses who are  
28 not sexually assaulted could testify in full view of the

1 public in order to discourage the giving of lie  
2 testimonies that the Prosecution has been paying  
3 Prosecution witnesses to give under a hidden identity.  
4 (d) that the single indictment against me alone dated  
17:22:50 5 7 March 2003 be quashed, so that it could not be used as  
6 a fall-back tactic in an eventuality by the Prosecutor."

7 "At any time the above-mentioned conditions are  
8 judiciously addressed, I will not [sic] make myself  
9 available. But until then, may this letter please serve  
17:23:10 10 as instruction to my stand-by counsel not to appear in my  
11 absence, nor do they have my authority to participate in  
12 any ongoing proceedings in my absence until the  
13 stipulated legal conditions are fully met.

14 My highest regards,  
17:23:26 15 Samuel Hinga Norman JP,  
16 Self Defending Accused."

17 And it says, "Copies to stand-by/all CDF Defence  
18 Counsel, Judges of the Trial Chamber for the CDF accused,  
19 the Registrar, Norman Defence teams at home and abroad,  
17:23:43 20 family, press and file."

21 PRESIDING JUDGE: Thank you very much, Mr Hall, for the  
22 exceptional favour of reading Exhibit 12 to the hearing  
23 of everybody. Yes, may we hear from Mr Koppe?

24 MR BOCKARIE: Your Honour, may I, on behalf of Mr Koppe, who  
17:24:18 25 left this afternoon for Holland, and I'm now standing in  
26 his shoes, Your Honour.

27 PRESIDING JUDGE: Yes, Mr Bockarie, we are listening to you.

28 MR BOCKARIE: Yes, Your Honour. We had an opportunity of

1 talking to our client --

2 PRESIDING JUDGE: Mr Bockarie, your name is spelt,

3 B-O-K-A-R-I-E?

4 MR BOCKARIE: B-O-C-K-A-R-I-E. Your Honour, we had an

17:24:47 5 opportunity of meeting our client this afternoon, as  
6 directed. His apprehension, Your Honour, is in respect  
7 of the protective measures for each witness before they  
8 testify. I mean, he is of the view that, taking into  
9 consideration that Sierra Leone is a very poor country --

17:25:07 10 we have the living conditions of most of its people are  
11 enough to encourage them, he's not really against the  
12 moneys that have been paid to witnesses, but in addition,  
13 the moneys being paid and the identities have been  
14 disclosed to the public, he has a little bit of  
17:25:28 15 apprehension. He is apprehensive.

16 PRESIDING JUDGE: The identities?

17 MR BOCKARIE: The identities of the witnesses that are not  
18 being disclosed to the public, he is apprehensive of  
19 that, Your Honour. More so taking into consideration

17:25:44 20 that the alleged incidents occurred in Sierra Leone, the  
21 trial is taking place in Sierra Leone, all the  
22 witnesses -- most of the witnesses are Sierra Leoneans,  
23 and most of the issues they are testifying to did not  
24 happen surreptitiously - they happened in the open - so  
17:26:08 25 he is of the view that, to add credibility to their  
26 testimony, at least the identity must be disclosed, sir.  
27 That's all, Your Honour.

28 JUDGE BOUTET: So can we understand from what you're stating

1           that he stands by the decision not to attend?

2   MR BOCKARIE:   That was the impression we got until this issue  
3           has been addressed -- his apprehension has been  
4           addressed, Your Honour.

17:26:38 5   JUDGE BOUTET:   Thank you.

6   MR BOCKARIE:   Thank you, sir.

7                               [Trial Chamber confers]

8   MR MARGAI:   My Lords, before you come to a decision, may  
9           I respectfully say that my client is here and he wishes  
17:27:55 10          to say something to the Court, if I may crave your  
11          indulgence.

12   PRESIDING JUDGE:   It's all right, Mr Margai.   Yes, Mr Kondewa,  
13          you want to say something to the Court.

14   THE ACCUSED KONDEWA:   Yes, I wanted to say something to the  
17:28:16 15          Court.

16   PRESIDING JUDGE:   Mr Kondewa, start.

17   THE ACCUSED KONDEWA:   I am happy today that I've been given an  
18          opportunity to talk.   When I didn't come today, when  
19          we went this morning, I was thinking that I was not well.  
17:28:45 20          Otherwise, I had no reason not to come -- to say I'm not  
21          coming to court.   All I want this Court to do that is  
22          going to, you know, make me happy -- just to bring about  
23          an expeditious trial -- I'm happy that we're being  
24          investigated.   I believe that if we're not being  
17:29:22 25          investigated, there is no way the truth will come out and  
26          you'll not be doing a good job.

27                I am happy -- I am happy for my lawyers.   I know  
28          that I didn't do anything wrong.   I am saying today that,

1 even if I'm not here, as long as my lawyers are here, you  
2 can go ahead with the trial -- I'm happy for the Court.  
3 That's all I have to say.

4 PRESIDING JUDGE: Thank you, Mr Kondewa.

17:29:59 5 THE ACCUSED KONDEWA: Yes.

6 [Trial Chamber confers]

7 PRESIDING JUDGE: Mr Kondewa, I have a question. I wanted to  
8 clarify something. Can you stand up, please?

9 THE ACCUSED KONDEWA: I have stood up.

17:30:53 10 PRESIDING JUDGE: You have said that we can go ahead with the  
11 trial even if you are not here. Can you explain to the  
12 Tribunal what you mean by this, please?

13 THE ACCUSED KONDEWA: If I am sick and my lawyers are here,  
14 you can go ahead with the trial. Whatever they say,

17:31:22 15 we're in unison together.

16 PRESIDING JUDGE: But, for now, you're not sick.

17 THE ACCUSED KONDEWA: As I'm standing here right now, I am not  
18 well.

19 PRESIDING JUDGE: What is wrong with you?

17:31:37 20 THE ACCUSED KONDEWA: My head is aching and I can feel cold in  
21 my system.

22 PRESIDING JUDGE: Everybody can fall ill -- it's normal, but  
23 are you saying that, if you are well, you will attend the  
24 proceedings?

17:32:00 25 THE ACCUSED KONDEWA: Yes.

26 MR MARGAI: In the light of his --

27 PRESIDING JUDGE: Mr Kondewa, please sit down.

28 MR MARGAI: In the light of his penultimate answer to the

1 Court, may I respectfully ask that, after the Court shall  
2 have decided on a way forward, that he be excused,  
3 because, in fairness, he did tell us that over the  
4 weekend he wasn't keeping well. I'm myself not well.  
17:33:00 5 I'm only managing because I want us to expedite this  
6 matter. I had fever over the weekend.  
7 PRESIDING JUDGE: I see. Thank you. Well, we've taken note  
8 of that and we'll address the issue as we move along.  
9 MR MARGAI: Thank you, My Lords.  
17:33:20 10 JUDGE BOUTET: Mr Margai, just one question on what you've  
11 just said. Are you suggesting that Mr Kondewa should be  
12 excused now?  
13 MR MARGAI: Yes, My Lords -- not right now, but when your Your  
14 Lordships shall have decided on a way forward. As My  
17:33:37 15 Lords please.  
16 JUDGE BOUTET: Understood. Thank you very much. So what  
17 we're planning to do now is, as we've done in the past,  
18 just for better clarity of the record, call somebody from  
19 the detention facility to establish what's happening with  
17:33:55 20 accused no. 1 and accused no. 2 and, once we've done  
21 that, then we should make some other decisions. Can we  
22 get some representative or the director of the detention  
23 facility?  
24 PRESIDING JUDGE: Is he in Court?  
17:34:23 25 JUDGE BOUTET: You have to call them? Court Management, can  
26 we be informed as to how much time it will take, if any,  
27 to get them over here?  
28 THE INTERPRETER: She hadn't her microphone on.

1 PRESIDING JUDGE: Learned counsel, we are all waiting for a  
2 representative of the detention facility to be here.  
3 That's why we do not think we should rise, because that  
4 might occasion, you know, other delays or maybe disrupt  
17:36:26 5 the proceedings.

6 [5.36 p.m. HN200904E]

7 PRESIDING JUDGE: Mr Witness, we are sorry to keep you sitting  
8 in there, you know, for this long. We are caught up in a  
9 procedural intricacy, and you will bear with us, please.  
10 I know you are looking tired.

11 THE WITNESS: I don't mind it now.

12 PRESIDING JUDGE: You were grilled for two hours this morning  
13 and good enough -- you are the profession that makes you  
14 more solid than some of us could be. So please exercise  
15 some patience. Right.

16 [Mr Wallace enters court]

17 JUDGE BOUTET: Yes, can you proceed to swear the witness,  
18 please.

19 WITNESS: BARRY WALLACE sworn

20 EXAMINED BY JUDGE BOUTET:

21 Q. Good afternoon. Can you identify yourself, please?

22 A. My name is Barry Wallace, I am the Chief of Detention of  
23 the Special Court for Sierra Leone.

24 Q. Have you attended at the detention facility this  
25 afternoon?

26 A. I have, Your Honour.

27 Q. And have you been able to assess the situation vis-a-vis  
28 one accused, Mr Sam Hinga Norman?

1 A. I have, Your Honour.

2 Q. And about another accused, Mr Fofana?

3 A. I have, Your Honour.

4 Q. Could you inform the Court as to what you have  
5 determined, if you have assessed -- and whether or not  
6 you have assessed their ability to attend the trial this  
7 afternoon?

8 A. In terms of their fitness, both detainees are capable of  
9 attending court. I spoke to both individually.  
10 Mr Norman advised me that he would not be attending.

11 I asked him why and he said it was because he could not  
12 see the witnesses, that they were in some form of --

13 Q. They were giving evidence behind a screen?

14 A. Correct. Mr Fofana indicated a similar response.

15 I advised them both that it was their right not to attend  
16 if they wished, however, that each day we would ask them  
17 formally if they were wishing to attend court, and the  
18 decision would be theirs on each day.

19 Q. Thank you.

20 [Trial Chamber confers]

21 JUDGE BOUTET: Does counsel for first accused, second accused,  
22 wish to question the witness? As to first accused first.

23 MR HALL: No, Your Honour.

24 JUDGE BOUTET: Mr Bockarie?

25 MR BOCKARIE: No, Your Honour.

26 JUDGE BOUTET: Thank you. Prosecution?

27 MR BANGURA: No, Your Honour.

28 JUDGE BOUTET: Thank you very much.

1 THE WITNESS: Thank you, Your Honour.

2 [Trial Chamber confers]

3 JUDGE BOUTET: Based on the evidence we have heard and based  
4 on the comments we have heard as well from counsel for  
5 the first accused, Mr Norman, and the second accused,  
6 Mr Fofana, we are satisfied that the conditions contained  
7 in the Rules of Procedure and Evidence - that is Rule 60  
8 - have been complied with and that the accused knowingly  
9 and with intent have decided not to attend proceedings  
10 this afternoon. And, therefore, in this case we order  
11 that the trial be proceeded with in the absence of both  
12 the first accused and the second accused - in the case of  
13 the first accused to be represented by his stand-by  
14 counsel, as they have been appointed; in the case of the  
15 second accused by his counsel, as they have been  
16 representing him up until this time.

17 A detailed decision will follow in writing, but for  
18 the purpose of this afternoon, suffice to say that is  
19 you, Mr Bockarie, and you will inform other counsel that  
20 we have determined that we shall proceed to do  
21 representation for the second accused in spite of his  
22 absence.

23 MR BOCKARIE: As My Lord pleases.

24 JUDGE BOUTET: Thank you.

25 [Trial Chamber confers]

26 PRESIDING JUDGE: Mr Hall.

27 MR HALL: Yes, Your Honour.

28 PRESIDING JUDGE: Of course, we would like to inform learned

1       counsel that the first accused, by abandoning the  
2       proceedings, also voluntarily forfeits his right on his  
3       own motion to continue with the cross-examination of this  
4       witness, which I do not think he had concluded. So it is  
5       now your turn to cross-examine this witness.

6               Mr Hall, can you give us -- can you give us an idea  
7       of how long your cross-examination will take? Can you  
8       confer with Mr Jabbi -- with Dr Jabbi?

9   MR HALL: Three or four minutes.

10   PRESIDING JUDGE: Pardon me?

11   MR HALL: Three or four minutes.

12   PRESIDING JUDGE: Right.

13   MR HALL: A point of clarification, Your Honour --

14   PRESIDING JUDGE: Mr Witness, now we are back to you. Counsel  
15       are now ready to ask you questions. Okay.

16   THE WITNESS: I'm ready, sir.

17   PRESIDING JUDGE: Right.

18   MR MARGAI: Before counsel does, I have made an application  
19       which I believe you have considered.

20   PRESIDING JUDGE: I think the Chamber has taken cognisance of  
21       that application and grants it. So Mr Kondewa can  
22       retire.

23   MR MARGAI: Thank you. Thank you very much.

24   PRESIDING JUDGE: And go and be resting.

25   MR MARGAI: Thank you.

26   PRESIDING JUDGE: He can retire immediately. Immediately. He  
27       can be escorted out of court immediately so that he  
28       goes -- and goes to rest, please -- I mean rest in the

1 real sense, not in the other sense.

2 JUDGE BOUTET: Mr Hall, you had indicated that you had some  
3 comments to make before you were to proceed -- or  
4 clarification.

5 MR HALL: Clarification.

6 JUDGE BOUTET: Yes.

7 MR HALL: I have not seen the proposed code of conduct for the  
8 Court and Mr Norman's letter instructs me not to  
9 participate, but that is not in his best interest. And,  
10 as stand-by counsel, I see my role as to advocate for  
11 him.

12 PRESIDING JUDGE: Mr Hall, we don't want to take too much time  
13 on that issue. The Court designated you as stand-by  
14 counsel, after instructing the Registrar so to do, and  
15 your role as stand-by counsel is still maintained,  
16 notwithstanding any instructions from the first accused  
17 to the contrary.

18 MR HALL: That's all I needed to know, Your Honour.

19 PRESIDING JUDGE: Great.

20 JUDGE BOUTET: That was clear when we made the order. So he  
21 was consulted at that time and it was clear that you were  
22 appointed by Court, and you were Court-appointed as  
23 stand-by counsel.

24 MR HALL: Thank you, that's all I needed to know.

25 JUDGE BOUTET: Thank you.

26 WITNESS TF2-033

27 CROSS-EXAMINED BY MR HALL:

28 Q. Mr Witness.

- 1 A. Yes, Your Honour.
- 2 Q. After what happened in Kenema, did you, as a police  
3 officer, or as a citizen, or an observer to what  
4 happened -- did you make a report of this incident - the  
5 deaths of those other officers - to the government?
- 6 A. No, Your Honour.
- 7 Q. Did you make a report of that to ECOMOG?
- 8 A. No, Your Honour.
- 9 Q. Did you make a report of it to the chief of your police  
10 department?
- 11 A. Yes, Your Honour.
- 12 Q. And do you know what the chief did with it after that?
- 13 A. I don't know what was called upon [inaudible].
- 14 Q. Did anybody come to you other than --
- 15 PRESIDING JUDGE: Mr Hall, please, slow.
- 16 MR HALL: Yes, Your Honour.
- 17 PRESIDING JUDGE: Okay, okay, okay. I thought there was a  
18 translation. But you still have to go slow because --
- 19 MR HALL: Understood.
- 20 PRESIDING JUDGE: -- we want the records to go right, you  
21 know -- the court records, please.
- 22 MR HALL:
- 23 Q. ECOMOG, I recall you said, came about four days later?
- 24 A. Yes.
- 25 Q. And aside from the Prosecution, any witnesses from the  
26 Prosecution, were you interviewed by anybody to find out  
27 what happened there -- for instance, the Government, or  
28 the TRC, or anything like that?

1 A. No.

2 MR HALL: That's all I have, Your Honour. Thank you.

3 PRESIDING JUDGE: Thank you, Mr Hall. Mr Bockarie.

4 MR BOCKARIE: Yes, Your Honour.

5 CROSS-EXAMINED BY MR BOCKARIE:

6 Q. Mr Witness.

7 A. Yes, Your Honour.

8 Q. At the time of this incident in Kenema, there were big  
9 Kamajor officials in Kenema at that time; am I correct?

10 A. Quite correct, Your Honour.

11 Q. And you said in your evidence-in-chief that the Kamajors  
12 religiously obeyed the orders of these big officials; am  
13 I correct, too?

14 A. You are correct. Yes.

15 Q. Now, Mr Witness, Kenema is the headquarter of L division;  
16 is that true?

17 A. That is true.

18 Q. Can you just give us an estimate as to the number of  
19 police personnel stationed at Kenema police station at  
20 the time of this incident?

21 A. I can't tell you.

22 Q. Will it be over 100 police personnel?

23 A. I can't tell you.

24 Q. Will it be over 200?

25 A. I can't tell you.

26 PRESIDING JUDGE: No, no, no. Mr Witness, please. You are  
27 very senior. You have been in the police force 22  
28 years -- at least we have that on record. Even if you

1       can't be too sure of the exact number, you could  
2       estimate. This Court will contain you in your  
3       estimations.

4   A.   Thank you, Your Honour. By the time when we gathered at  
5       NIC we are over 100.

6   MR BOCKARIE:

7   Q.   You are over 100?

8   A.   Yes.

9   Q.   And you will agree with me that 90 per cent of the police  
10       officers reside at the police barracks?

11  A.   No, Your Honour.

12  Q.   At least 75 per cent reside at the police barracks?

13  A.   No, Your Honour.

14  Q.   Can you say 60 per cent?

15  A.   No, no, Your Honour.

16  Q.   Can you give an estimation then?

17  A.   I give you -- I will say around 45 to 50 per cent.

18  Q.   Okay, let's take it at 50 per cent.

19  A.   Yeah.

20  Q.   Yes. Now you said you were identified by the Kamajors as  
21       a police officer, didn't you?

22  A.   I didn't say so.

23  Q.   Didn't you? Well, were you identified by the Kamajors as  
24       a police personnel?

25  A.   Nobody identified me. They asked me who I am.

26  Q.   And you identified yourself.

27  A.   Thank you.

28  Q.   Thank you. So you agree with me that the Kamajors knew

1           that you were a police personnel?

2   A.    The one that approached me.

3   Q.    Yes.  And you were spared?

4   A.    Yeah, that's true.

5   Q.    Thank you.  And also you mentioned --

6   MR BOCKARIE:  Your Honour, just a minute.  Sorry, sir.

7   PRESIDING JUDGE:  Take your time; please take your time,

8           Mr Bockarie.  Yes.

9   MR BOCKARIE:

10   Q.   You also gave a vivid account of the death of

11          Sub-inspector Mimor.

12   A.    Yes, Your Honour.

13   Q.    Yes.  And in your testimony it was revealed that they

14          were specifically looking for the wife of Sub-inspector

15          Mimor.

16   A.    Exactly.

17   Q.    And in the process he was killed.

18   A.    No.  I was not there when he was killed.

19   Q.    But you were told.

20   A.    I was told that he was killed.

21   Q.    Yes.

22   A.    But I was there when he was chopped, his arm and legs.

23   Q.    Now, Mr Witness, so at the time of this incident in the

24          barracks you had so many police officers residing at the

25          barracks.

26   A.    Some of them had left the barracks.

27   Q.    But quite a good number were there.

28   A.    Not quite a good number, just a few of us at the

1 barracks.

2 Q. Will you agree with me that there was an appreciable  
3 number of policemen residing at the barracks?

4 A. The barracks contain about 80 police personnel.

5 Q. Yes.

6 A. At that time of this incident, during that time of this  
7 incident, we are just about going to be [inaudible]  
8 just -- I would just say about 12 personnel in the  
9 barracks at that time. All the rest had left the station  
10 to the bush to find places to hide.

11 Q. I am putting it to you, Mr Witness, that you are not of  
12 assistance to this court.

13 A. I am quite an assistance to this court.

14 Q. That at the time of this incident most police personnel  
15 were in their barracks.

16 A. They were not in the barracks -- they have gone after the  
17 killings.

18 Q. Now, Mr Witness, do you know one Corporal Tommy Koroma -  
19 his number is 7078 - commonly known as Corporal Last Man.

20 A. I don't know him.

21 Q. You don't know him?

22 A. I don't know him.

23 Q. Yes. Will you be surprised to know that he was an SSD  
24 personnel attached to Kenema police station?

25 A. I can't tell that, I'm not in [inaudible] the man.

26 Q. Mr Witness, it's a fact that they [inaudible] the police,  
27 especially the SSD, fought alongside the rebels and the  
28 soldiers against the Kamajors in Kenema?

20 September 2004

1 A. It is a surprise to me, sir.

2 Q. It's a surprise to you. Now, before the attack in

3 February, you had had clashes between the Kamajors and

4 the soldiers in Kenema?

5 A. Yes, Your Honour.

6 Q. I am putting it to you that during these clashes the SSD

7 fought alongside the soldiers and the rebels against the

8 Kamajor.

9 A. I'm not aware of that.

10 Q. You are not aware of that?

11 A. No.

12 Q. But you will agree with me -- you will agree with me that

13 during this time the SSD were armed?

14 A. Yes, Your Honour.

15 MR BOCKARIE: And that will be all for him, sir.

16 JUDGE BOUTET: Thank you, Mr Bockarie. Your last question

17 was: at that time SSD was armed?

18 MR BOCKARIE: They were armed.

19 JUDGE BOUTET: Okay. Thank you.

20 MR BOCKARIE: Yes, sir.

21 JUDGE BOUTET: Thank you. Mr Margai or Mr Williams?

22 CROSS-EXAMINED BY MR MARGAI:

23 Q. Mr Witness.

24 A. Yes, Your Honour.

25 Q. The coup which occurred on the 25th of May 1997, where

26 were you?

27 A. I was in Tongo Field.

28 Q. In Tongo Field. What district is that?

- 1 A. Kenema District.
- 2 Q. Kenema District. Did you have full knowledge of the  
3 coup?
- 4 A. Full knowledge of the coup?
- 5 Q. Yes.
- 6 A. No, sir.
- 7 Q. No. Were you expecting a coup?
- 8 A. No, sir.
- 9 Q. No. Did it come to you as a surprise?
- 10 A. When I heard news over the radio --
- 11 Q. Yes.
- 12 A. -- it was a surprise.
- 13 Q. It was a surprise.
- 14 A. A surprise to all of us.
- 15 Q. Just speak for yourself.
- 16 A. Yeah, okay.
- 17 Q. Were you pleased about the coup, or were you displeased?
- 18 A. I was not pleased.
- 19 Q. You were not pleased. I believe you were not pleased,  
20 because you believe in constitutionality.
- 21 A. Exactly, Your Honour.
- 22 Q. Thank you. Now when the coup took place, please tell the  
23 court what was the situation like in Kenema? Was there  
24 chaos, confusion?
- 25 A. I was not in Kenema, I was in Tongo Field.
- 26 Q. All right in Tongo -- in Tongo.
- 27 A. The whole town became quiet. It was completely quiet.  
28 Nobody was laughing or doing anything.

- 1 Q. Very quiet.
- 2 A. Very quiet.
- 3 Q. And what did you understand that to mean?
- 4 A. People are not pleased.
- 5 Q. They were not pleased. Now, when did you come to Kenema
- 6 Town, if at all?
- 7 A. November.
- 8 Q. In November. In November?
- 9 A. That same year.
- 10 Q. Yes. And you have testified as to occurrences dating
- 11 from the 15th of February 1998?
- 12 A. That is -- exactly.
- 13 Q. Good. Now whilst in Kenema with the military junta in
- 14 place, could you tell this court what was the atmosphere
- 15 like in Kenema -- the community at large?
- 16 A. Your Honour, I think I have explained that before.
- 17 Q. No, you have not.
- 18 A. I said the place was tense in Kenema Town.
- 19 Q. You talked about Tongo. Now we are in Kenema Town.
- 20 A. Kenema -- I am in Kenema now.
- 21 Q. Yes. The place was tense?
- 22 A. It was tense.
- 23 Q. Very tense?
- 24 A. Very, very tense.
- 25 Q. Yes. All of you, including you --
- 26 A. Yes.
- 27 Q. -- were afraid of your lives?
- 28 A. Yes, we'd come --

- 1 Q. Of your lives?
- 2 A. Yes, exactly.
- 3 Q. Yes. I am sure when you went to bed you prayed fervently  
4 so that you would survive the night.
- 5 A. [Inaudible]
- 6 Q. Thank you. And the junta was in control?
- 7 A. Exactly.
- 8 Q. Yes. And you have told this court of the junta bringing  
9 civilians to the police station and summarily executing  
10 them.
- 11 A. Exactly.
- 12 Q. Could you tell this court the number of civilians who  
13 were brought, as far as you could tell?
- 14 A. The one that --
- 15 A. Approximately.
- 16 Q. The month that they were executed, there were three of  
17 them -- three of them were executed.
- 18 Q. On the same day?
- 19 A. On the same day.
- 20 Q. And that execution was, apart from BS Massaquoi?
- 21 A. Exactly. Yes, BS Massaquoi.
- 22 Q. And several summary executions took place in Kenema --
- 23 A. Exactly.
- 24 Q. -- at the hand of juntas?
- 25 A. The juntas, exactly, Your Worship.
- 26 Q. And you will agree with me that the Kamajors were in  
27 Kenema to restore constitutional order; in other words,  
28 to bring back the legitimate government?

1 A. The date.

2 Q. Not so?

3 A. The date -- the date.

4 Q. In Kenema.

5 A. The date.

6 PRESIDING JUDGE: He asked for the date. He does call for the

7 date.

8 JUDGE THOMPSON: It was a general question. [Overlapping

9 microphones]

10 MR MARGAI: It's a general question. [Overlapping microphones]

11 PRESIDING JUDGE: General question. [Overlapping microphones]

12 MR MARGAI: General question. [Overlapping microphones]

13 THE WITNESS: On the 15th of February?

14 MR MARGAI: What I am saying is [Overlapping microphones]

15 PRESIDING JUDGE: No, no, no. [Overlapping microphones]

16 JUDGE THOMPSON: [Microphone not activated]

17 MR MARGAI:

18 Q. The Kamajors, as we know them, these are hunters.

19 A. Yes.

20 Q. Hunting for their daily subsistence; not so?

21 A. [Inaudible]

22 Q. Thank you. And they were formed primarily to restore the

23 legitimate government of the day?

24 A. Exactly, Your Worship.

25 Q. Thank you. Now a number of clashes occurred in Kenema

26 Town between the Kamajors and the junta forces.

27 A. Exactly, Your Worship.

28 Q. And you have told this court about a number of killings

1           you witnessed, up to about six; not so -- five or six?

2   A.   Six.

3   Q.   About six. Now at the time you witnessed the first

4           killing, were you afraid --

5   A.   Yes.

6   Q.   -- that you might be next?

7   A.   Not at that --

8   Q.   Were you afraid that you could be killed?

9   A.   Not on that -- I was afraid for that. I was just tense,

10          just tense --

11   Q.   Listen to my question.

12   PRESIDING JUDGE: Mr Witness.

13   MR MARGAI:

14   Q.   I'm not trying to trick you.

15   PRESIDING JUDGE:

16   Q.   You have given evidence in this court before. When you

17          witnessed the first killings --

18   A.   Yes.

19   Q.   -- were you afraid --

20   A.   I sensed --

21   Q.   -- of your life?

22   MR MARGAI:

23   Q.   You said your legs were numbed.

24   A.   That was the second killing.

25   Q.   Over the second killing, but the first killing, were you

26          afraid --

27   A.   Yes.

28   Q.   -- for your life?

- 1 A. Yes.
- 2 Q. Naturally, I would be. And yet you witnessed the second
- 3 killing?
- 4 A. Yes, Your Worship.
- 5 Q. And your legs were numb?
- 6 A. Yes, Your Worship.
- 7 Q. Yes, you were still afraid for your life?
- 8 A. Yes.
- 9 Q. And you witnessed the third killing?
- 10 A. Yes, Your Worship.
- 11 Q. Were you afraid for your life?
- 12 A. Yes, Your worship.
- 13 Q. Thank you. And the fourth killing --
- 14 A. Yes, Your Worship.
- 15 Q. -- were you afraid for your lift?
- 16 A. Yes, Your Lordship.
- 17 Q. And the fifth killing you witnessed?
- 18 A. Yes.
- 19 Q. Were you afraid for your life?
- 20 A. Yes, Your Honour.
- 21 Q. And finally, the sixth, were you afraid for your life?
- 22 A. Yes, Your Honour.
- 23 Q. Thank you. Mr Witness, in the light of your testimony in
- 24 relation to the first killing, did you ever think of
- 25 hiding to save your life?
- 26 A. No, no, no, no, no, I did not.
- 27 Q. You did not?
- 28 A. I did not. I was thinking of how my wife and children

1           would escape.

2   Q.   Mr Witness, I appreciate that. Before you can think of  
3           your wife and children, self-preservation, that is the  
4           first law of nature. Did you think of saving your own  
5           life?

6   A.   I was scared of my life.

7   Q.   Did you think of running to save your life?

8   A.   Yes, yes. This is what it mean. But I have to save my  
9           wife.

10   Q.   No, no, no, no, no, answer for the records. After that  
11           first killing, you were afraid for your life?

12   A.   Yes.

13   Q.   Did it occur to you to run and hide just to save your  
14           life?

15   MR BANGURA: Your Honour, I -- [Overlapping microphones]

16   THE WITNESS: No, Your Honour that [Overlapping microphones]

17   PRESIDING JUDGE: [Overlapping microphones] No, the witness  
18           should answer the question.

19   MR BANGURA: No, not that, Your Honour, not that Your Honour.

20   PRESIDING JUDGE: Yes.

21   MR BANGURA: The witness has said that, in answer to questions  
22           previously put to him, he had said the question of his  
23           life did not -- did not come up to him after the first  
24           killing. And I think the evidence is that --

25   PRESIDING JUDGE: Please, let's not take time, please.

26   MR BANGURA: Yes, Your Honour, but he -- Mr Margai insists --  
27           [Overlapping microphones]

28   PRESIDING JUDGE: Objection is overruled. Mr Margai, please

1           continue. [Overlapping microphones] Please continue.

2   MR MARGAI: [Overlapping microphones] Thank you, My Lord. And

3           you see this type of objection -- we have all prosecuted,

4           it is designed to [Overlapping microphones].

5   PRESIDING JUDGE: [Overlapping microphones] Mr Margai, please

6           go on, please go on [Overlapping microphones].

7   MR MARGAI: I am sorry [Overlapping microphones].

8   PRESIDING JUDGE: Go to the substance, please.

9   MR MARGAI: Now -- now -- [Overlapping microphones]

10   Q.    You have been doing very well, please continue. You are

11           only here to assist the court. Okay? Now after this

12           first killing, in the light of your evidence, being

13           afraid, trying to save your life, did it occur to you to

14           find somewhere to hide to save your life?

15   A.    No, it never occurred to me.

16   Q.    It never occurred to you? Am I right in assuming that

17           you were perhaps not concerned about what might happen to

18           you after that first killing?

19   A.    Yes, Your Honour.

20   Q.    And you want this court to believe that?

21   A.    Yes.

22   Q.    I am putting it to you that you are lying.

23   A.    I am not lying.

24   Q.    Thank you. Now, you are a police officer?

25   A.    Yes, Your Honour.

26   Q.    Of 20 or 22 years standing?

27   A.    Exactly.

28   Q.    22 years.

1 A. 22.

2 Q. Now after all of these killings, did you report any of  
3 these killings to the high command in Kenema then, or the  
4 Kamajors? Did you or did you not?

5 A. I did not.

6 Q. You did not. Thank you. I'm putting it to you,  
7 Mr Witness, without conceding that if any of these people  
8 you mentioned killed -- I'm putting it to you that they  
9 were killed in combat without conceding.

10 A. They were not killed in combat. They were killed by the  
11 Kamajors.

12 MR MARGAI: That will be all for this witness, My Lords.

13 JUDGE BOUTET: Thank you, Mr Margai. Re-examination?

14 MR BANGURA: None, Your Worship. Your Honour.

15 JUDGE BOUTET: Thank you.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: Learned counsel, we, the Chamber, will be  
18 calling it a day here. We would adjourn and resume  
19 sitting tomorrow, for exceptional circumstances, at.  
20 10.00 a.m. We shall sit tomorrow from 10.00, and I hope  
21 that the Prosecution will be ready with a witness and a  
22 stand-by at 10.00. Is that all right?

23 MR BANGURA: Yes, Your Honour.

24 PRESIDING JUDGE: Right. The Court will rise, please.

25 [Whereupon the hearing adjourned at 6.08 p.m., to be  
26 reconvened on Tuesday, the 21st day of September 2004 at  
27 10.00 a.m.]

28

C E R T I F I C A T E

We, Susan G 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

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