

THE SPECIAL COURT FOR SIERRA LEONE

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

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

TUESDAY, 30 NOVEMBER 2004
9.55 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Raimund Sauter
Mr Kevin Tavener
Mr Mohamed Stevens
Ms Sharon Parmar
Ms Marie-Helene Proulx

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Tuesday, 30 November 2004
2 [The accused not present]
3 [Open session]
4 [The witness entered court]
5 [Upon recommencing at 9.55 a.m.]
6 WITNESS: TF2-057 [Continued]
7 JUDGE BOUTET: Mr Prosecutor, you're ready to carry on with
8 your investigation -- examination-in-chief?
9 MR SAUTER: Yes, My Lord.
10 JUDGE BOUTET: It may have been investigation, but it's your
11 examination-in-chief.
12 MR SAUTER: Thank you.
13 JUDGE BOUTET: Welcome, Mr Witness. Please go on.
14 MR SAUTER:
15 Q. Good morning, Mr Witness. We continue your testimony
16 which we started yesterday. We stopped at the point when
17 you said you were put into a cell together with your
18 brother. When you were put in the cell, did you meet
19 anyone else in this cell?
20 A. I met four people in the cell.
21 Q. Did you know any of these people you met in this cell?
22 A. No, I did not know them.
23 PRESIDING JUDGE: He said so yesterday.
24 MR SAUTER:
25 Q. Do you know for what reasons these people were in the
26 cell?
27 A. I just met them there, I did not know what happened.
28 Q. How long did you stay in this cell?
29 A. I was in this cell for 25 days.

1 Q. What about your brother, did he stay for 25 days as well?

2 MR BOCKARIE: Objection. For how long did your brother stay
3 in the cell?

4 PRESIDING JUDGE: Sustained.

5 MR SAUTER:

6 Q. So, Mr Witness, for how long did your brother stay in the
7 cell?

8 A. He spent 15 days in the cell. My brother spent 15 days
9 in the cell.

10 PRESIDING JUDGE: You see, objection said the times. Would
11 have presumed that he too was there for 25 days, mm?

12 MR SAUTER:

13 Q. Do you know why your brother left the cell before you?

14 A. Yes.

15 Q. Could you, please, tell the Court why?

16 A. While we are in the cell with my brother, I heard
17 Moinina Fofana's voice saying that they should bring one
18 person among the two people in the cell. He said they
19 should take one from the two people that were in the
20 cell.

21 Q. What happened after you heard this?

22 A. We saw a Kamajor who met us in the Kamajor [sic] and
23 asked --

24 Q. Go ahead, please?

25 A. He said, "Who are the two people that last came into the
26 cell?" And he answered -- I answered by saying it was
27 both of us, I and my younger brother.

28 Q. What happened after you had answered the question?

29 A. At that time it was my younger brother that was by the

1 door. When the Kamajors opened, they saw him and they
2 asked him to come out.

3 Q. Do you know what happened to your brother after he was
4 taken out of the cell?

5 A. When he was taken out of the cell, a little bit later I
6 heard him shouting. I heard him shout to cell that,
7 "Brother, they are taking me away, they are taking me
8 away." That is what I heard.

9 Q. Did your brother at any time return to the cell?

10 A. From that time I've not been able to see him up to now.

11 Q. What about the other four people you met in the cell, how
12 long did they stay?

13 PRESIDING JUDGE: How long did they stay means what? From
14 when? They met four people there.

15 MR SAUTER: From the point he met them in the cell.

16 THE WITNESS: Well, those of us were put there, they spent
17 just after 10 days. After they're taken --

18 THE INTERPRETER: Please, excuse me, Your Honours, would the
19 witness please go a little bit slower.

20 JUDGE BOUTET: Mr Witness, when you answer the questions, try
21 to go a little bit more slow with your answers. It needs
22 to be translated in this case from your language to
23 English. So would you please repeat your last answer and
24 slowly so it can be interpreted.

25 THE WITNESS: Okay. With the four people that I met in the
26 cell, I heard that --

27 MR SAUTER:

28 Q. Slow down. Go ahead, please?

29 A. I heard the voice of Moinina Fofana. He said they should

1 take out two people out of the four people that were
2 first put in prison.
3 Q. Were they taken out of the cell?
4 A. Yes, they put them into the cell.
5 Q. Pardon? Would you please repeat?
6 A. They took them from the cell and they brought them
7 outside.
8 PRESIDING JUDGE: They took two of them?
9 MR SAUTER: Two of them.
10 JUDGE BOUTET: What the witness said is they took two of them
11 out of the cell. Is that what you're saying, Mr Witness?
12 THE WITNESS: Yes, yes. Yes, sir.
13 MR SAUTER:
14 Q. Do you know what happened to these people after they were
15 taken out of the cell?
16 A. Yes, sir.
17 Q. Please tell the Court?
18 A. When they have been taken outside -- [Interpretation
19 interrupted]
20 PRESIDING JUDGE: Please wait, wait. Yes, please?
21 THE WITNESS: When they have been taken outside, I heard these
22 two people crying.
23 MR SAUTER:
24 Q. Did you make any other observation?
25 A. When they were crying, the cell in which we are put --
26 Q. Go ahead, please?
27 A. When I heard them crying, so I went there. There was a
28 small hole in the room and I peeped and saw what was
29 happening outside.

- 1 Q. Please tell the Court what you saw?
- 2 A. I saw them and I saw a group of Kamajors surrounding the
3 two people. They were at the middle.
- 4 Q. Did the Kamajors do anything to these two people apart
5 from surrounding them?
- 6 A. When they surrounded them, they started singing and the
7 last word that they uttered was Alahuakbar, Alahuakbar.
- 8 Q. Did anything happen after you heard them say Alahuakbar?
- 9 A. Yes, and during the time they were surrounding them, they
10 had cutlasses and sticks.
- 11 Q. When you say "they had cutlass and sticks," who do you
12 mean?
- 13 A. It was the Kamajors that had the cutlasses and the
14 sticks, and they were singing.
- 15 Q. And did they do anything with the cutlasses and the
16 sticks?
- 17 A. Yes, sir. After uttering the word Alahuakbar, I saw one
18 Kamajor hacking the other fellow and the other one's
19 killed and started hacking both of them and both of them
20 fell down.
- 21 Q. After these two people had fallen to the ground, what
22 happened?
- 23 A. So, I saw the people -- I saw them struggling. They were
24 struggling, raising their hands. They were struggling.
- 25 Q. Did the Kamajors continue to deal with these people?
- 26 A. When they had fallen now, so they surrounded them again
27 and they continued to sing.
- 28 Q. Were these two people left at this place or taken away at
29 some time?

1 PRESIDING JUDGE: Ask him what happened, Mr Sauter, please.
2 Get used to the culture, you know, of leading questions,
3 please. I'm very sensitive to that and I'm sure, you
4 know, your colleagues on the other side are as well.
5 MR SAUTER:
6 Q. So, Mr Witness, what happened next?
7 A. When I continued looking at them, I saw one Kamajor
8 coming towards me. So I had to leave the place where I
9 was standing and I went and sat down.
10 Q. Could you make any other observations after you had to
11 retreat from this hole in the wall or in the door?
12 A. Yes, sir.
13 Q. Please tell the Court?
14 A. I sat there and I heard a lot of noise, somebody
15 shouting. And I went to the same place and I peeped and
16 I saw one boy again.
17 Q. Did this person do anything as far as you could see?
18 A. I did not see him do anything.
19 Q. You said you heard a noise. Could you find out what was
20 the cause of this noise?
21 PRESIDING JUDGE: Sorry, let me get -- I mean, he said he
22 heard the noise, came back to the place where he was and
23 was peeping and saw a small boy?
24 MR SAUTER: This is what I understood. I am about to try to
25 clarify this.
26 PRESIDING JUDGE: Yes.
27 MR SAUTER: The circumstances.
28 PRESIDING JUDGE: He saw a small boy, mm? Yes, Mr Sauter, can
29 you help us clarify the situation, please?

- 1 MR SAUTER: Yes.
- 2 Q. So could you find out what the cause of the noise was?
- 3 A. Yes, I went to the same place where I was sitting, where
- 4 I had been peeping and saw the people being killed.
- 5 Q. Please could you clarify who you saw being killed?
- 6 A. Yes.
- 7 Q. Please?
- 8 A. I saw them kill one man that was called Aruna Massaquoi.
- 9 Q. Mr Witness, before we go ahead from this point, let's go
- 10 back to the two persons that had been taken out of your
- 11 cell. You told us they were cut with cutlasses and
- 12 beaten with sticks and they fell to the ground, and the
- 13 Kamajors were singing after that. Let's go back to this
- 14 point. Do you know what finally happened to these
- 15 people?
- 16 A. Well, those that were taken and had been killed, and whom
- 17 I saw fall down to the ground, I saw them, they did not
- 18 shake at all. I saw one Kamajor coming towards me. I
- 19 did not want him to know I was peeping, so I returned
- 20 where I was sitting.
- 21 Q. How do you know, Mr Witness, that they were killed?
- 22 A. Well, I saw them being hacked several times.
- 23 Q. Yes?
- 24 A. I saw that they all had fallen to the ground and
- 25 initially they had been shaking their hands, but later
- 26 did not shake their hands anymore, and the blood started
- 27 oozing from them. So from my own point of view, I
- 28 thought they had died.
- 29 Q. Did they ever return to the cell?

1 PRESIDING JUDGE: What a question.
2 THE WITNESS: No, they did not come again.
3 PRESIDING JUDGE: Those two returning to the cell,
4 Mr Sauter, mm?
5 MR SAUTER: We are speaking of an assumption of this witness.
6 PRESIDING JUDGE: Please move on. Let's move to more concrete
7 things.
8 MR SAUTER:
9 Q. You mentioned the name Massaquoi, Aruna Massaquoi. Who
10 was or who is Aruna Massaquoi?
11 PRESIDING JUDGE: Look, I don't know, maybe I didn't get the
12 translation right. There is a boy who was introduced
13 into this after he had spoken of --
14 MR SAUTER: He has mentioned the name.
15 PRESIDING JUDGE: I do not know that that is the name.
16 MR SAUTER: He has mentioned the name Aruna Massaquoi a few
17 minutes ago.
18 PRESIDING JUDGE: I have on my records that it's a small boy.
19 I do not know that it is he who goes by the name Aruna
20 Massaquoi.
21 MR SAUTER: He was mentioning that they killed one Aruna
22 Massaquoi a few minutes ago.
23 PRESIDING JUDGE: This is really -- would be the boy who came.
24 Can you clarify that. Create the nexus.
25 MR SAUTER: I'm about, Your Lord, to do so.
26 PRESIDING JUDGE: Please, please.
27 MR SAUTER: To find out whether when he mentioned the small
28 boy, he meant this Aruna Massaquoi, but I need some time
29 for that.

1 PRESIDING JUDGE: Please, it's important.

2 MR SAUTER:

3 Q. So you mentioned the name of one Aruna Massaquoi. Who
4 was or is this Aruna Massaquoi?

5 A. Aruna Massaquoi is a man that I knew in Bo Town.

6 Q. Go on, please?

7 A. So when I heard somebody crying, so I went and peeped in
8 the same place, and I saw the face of Aruna Massaquoi,
9 whom I knew in Bo Town.

10 Q. A few minutes ago you mentioned that you saw a small boy.
11 What about this small boy, who was he?

12 A. It was a boy -- it was the boy that I talked about --

13 JUDGE THOMPSON: Counsel, we're getting the evidence in a
14 zigzag manner from my perspective. After he had
15 witnessed the alleged hacking to death of the two people,
16 he said he went back -- he went in. You know, he'd been
17 peeping through a door. I thought that concluded an
18 episode.

19 MR SAUTER: Yes.

20 JUDGE THOMPSON: And then you took us back to the other
21 episode of another set of observations.

22 MR SAUTER: Yes.

23 JUDGE THOMPSON: Perhaps if we take it from there, the
24 evidence would make more sense and would, in fact, be
25 more sequential, because he's still in the cell, isn't
26 he?

27 MR SAUTER: Yes.

28 JUDGE THOMPSON: He's not left the cell yet. All what he's
29 been doing is peeping through something to see what is

1 going on. So perhaps if we make the connection, that
2 will help. So let's call this cell experience episode 1
3 and there is this sub episode A where he watched two
4 people who were inmates in the cell hacked to death, and
5 now he's telling us about another scenario. So perhaps
6 if we keep it in that context, the evidence might unfold
7 in a sequential way.

8 MR SAUTER: Thank you.

9 Q. Mr Witness, you narrated the alleged killing of the two
10 inmates of your cell. Did you make any other
11 observations while you were in the cell?

12 A. Yes, sir.

13 Q. What kind of observations?

14 A. I heard some shouting and I peeped again the small inner
15 hole where I had been peeping.

16 Q. And what did you see?

17 A. I saw the face of Aruna Massaquoi when he was shouting.

18 Q. How long after the first incident - I mean, the killing
19 of the two inmates - was this?

20 A. It was not even two hours between the killing of the
21 first people and the second one. It was not up to two
22 hours.

23 Q. What exactly did you see when peeping through this hole?

24 A. It is the same scenario. You know, they had been
25 surrounding Aruna Massaquoi the same as they did when
26 they wanted to kill those two people that I talked about.

27 Q. So please describe exactly what they did to Aruna
28 Massaquoi?

29 A. Aruna Massaquoi was also hacked to death. I was watching

- 1 through the window and I saw them hacking him to --
2 hacking him with a machete.
- 3 Q. You say "they were hacking him." Who do you mean by
4 "they"?
- 5 A. It was the Kamajors that had been hacking him.
- 6 Q. Do you know whether or not Aruna Massaquoi died from
7 these actions?
- 8 A. He was hacked and I saw him being drawn, and they took
9 him to a mango tree and they left him there.
- 10 Q. Did you make any other observations while being in your
11 cell?
- 12 A. No, sir.
- 13 Q. Which ones?
- 14 A. When they had killed the first two people and the last
15 one, I did not see any other thing in the cell when I was
16 in the cell.
- 17 Q. You said you were in the cell for 25 days. What happened
18 after these 25 days?
- 19 A. During the 25 days, one of my elder brothers came and
20 asked. He came to 88 Mahei Boima Road.
- 21 Q. Go on, please?
- 22 A. He asked in the office -- he said, "Why was my brother
23 retained? What did he do?" They asked him -- they said,
24 "Who are you to come and ask as if we capture anybody?"
- 25 Q. Did your brother succeed in getting you released?
- 26 A. He was not able to succeed the first time. In fact, he
27 was even captured. They put him in the cell, because he
28 asked this particular question.
- 29 Q. Do you know for what time your brother was detained?

- 1 A. Three days. They detain him for three days.
- 2 Q. What happened after these three days?
- 3 A. He was released later.
- 4 Q. The initial question was how come you were released?
- 5 A. When they had released my elder brother, he went, and he
- 6 went and reported to ECOMOG office.
- 7 Q. What to your knowledge did he do at the ECOMOG office?
- 8 A. Well, he reported that the -- [Interpretation
- 9 interrupted]
- 10 PRESIDING JUDGE: He reported to ECOMOG. What happened
- 11 thereafter? What happened after ECOMOG?
- 12 THE WITNESS: Well, the ECOMOG soldiers came to the Kamajor
- 13 office.
- 14 MR SAUTER:
- 15 Q. Go ahead, please?
- 16 A. They asked them why -- they said, "Why did you retain
- 17 this man's younger brother?" They were not able to show
- 18 any good reason, so the ECOMOG asked that I be released.
- 19 Q. Did the Kamajors release you?
- 20 A. Yes.
- 21 Q. Now, after being out of detention did you witness any
- 22 other incidents in which Kamajors were involved?
- 23 PRESIDING JUDGE: Any other incidents, please. Any other
- 24 incidents, stop there. You stop there, please. Did you
- 25 witness any other incident?
- 26 THE WITNESS: When I was released, I returned to Bo. I went
- 27 back to my house.
- 28 MR SAUTER:
- 29 Q. And after that?

1 A. After three days, when I had been released, I was walking
2 along the main street in Bo.

3 Q. Yes?

4 A. I saw a group of the Kamajors right in front of me.

5 Q. Go ahead, please?

6 A. And at the same time I saw one woman coming opposite me.

7 Q. Go on, please?

8 A. When the Kamajors and the woman came closer, they halted
9 the woman.

10 Q. Go on, please?

11 A. When she was halted, they used the word on the woman
12 saying let her offload.

13 Q. Go on, please?

14 A. The woman asked, "What am I going to offload?" When the
15 woman refused, she was invited to their office at the
16 19th battalion.

17 Q. Did you see her being taken away?

18 PRESIDING JUDGE: He said they invited her. What happened?

19 He said they invited her. That's the word he has used.

20 MR SAUTER:

21 Q. Did she accompany the soldiers as far as you could
22 observe?

23 A. Yes, but at that time she was with one small child -- a
24 boy.

25 Q. What about this boy, did he accompany --

26 JUDGE THOMPSON: Just stop there. Let him continue.

27 THE WITNESS: When she was invited to go to the office, the
28 boy didn't go to the office. He stayed there and he was
29 crying.

1 JUDGE THOMPSON: Let me get this clear. According to witness,
2 this was an invitation to her to come to the office, and
3 she had with her a small boy. So how did the scenario
4 develop? Did she respond to the invitation? In other
5 words, you can clarify this, because there was an
6 invitation to come to the office after the encounter
7 about offloading and her refusal, and she had a small
8 boy. So what happened after that?

9 MR SAUTER: To my understanding --

10 JUDGE THOMPSON: Because he's saying that the boy did not go
11 to the office. I thought that's a very huge factual
12 leap, because we don't know yet what the woman's response
13 was.

14 MR SAUTER: To my understanding this question was answered.
15 My initial question, which was -- I don't know the right
16 word, beg your pardon -- was she taken away? And the
17 corrected answer was did she -- I'm not sure. Did she
18 follow the invitation? And he said yes, to my knowledge,
19 and the child was left behind. She went along with the
20 Kamajors, supposedly to the headquarters, and the child
21 was left behind. And this is the point where we are
22 right now.

23 JUDGE THOMPSON: I missed that part, I apologise. I thought
24 we hadn't got there yet, we're still at the stage of
25 determining whether she responded to the invitation or
26 not.

27 MR SAUTER:

28 Q. So, Mr Witness, you were saying the boy was left behind
29 and crying?

1 A. Yes.

2 Q. Did anything else happen to this boy? Was he staying
3 there?

4 A. I said the boy was crying. I called him to me, and I
5 asked him if he knew where they had come from and the boy
6 said yes.

7 Q. So what was the boy's exact answer? What did he tell
8 you?

9 A. When I asked him if his father was there and if he
10 knew --

11 PRESIDING JUDGE: After that, what did you do with the child?

12 THE WITNESS: I told the child take me to where his father
13 was.

14 PRESIDING JUDGE: [Overlapping speakers] that you took the
15 child, did you?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: You took the child to their home; is that
18 so?

19 THE WITNESS: Yes, sir.

20 MR SAUTER:

21 Q. So did you go with the child to see its father?

22 A. Yes, sir.

23 Q. Did you meet the father?

24 A. Yes, sir.

25 Q. What did you tell the father?

26 A. When I reach there, they -- [Interpretation interrupted]

27 PRESIDING JUDGE: You told the father what had happened, yeah?
28 When you got there you told the father what had happened;
29 is that not so?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: Tell us what happened to you, yourself.

3 We're interested in knowing what happened thereafter.

4 You reported to the father what had happened to the
5 woman. We do not even know whether that's the mother or
6 not. That's not our interest. So after you reported,
7 what happened?

8 THE WITNESS: It was travelling to this meeting with his
9 father, that's when I reported to him that they've
10 captured his wife and she's at the 19th battalion.

11 MR SAUTER:

12 Q. Did the father do anything after he has been informed
13 about what happened?

14 A. Yes, sir.

15 Q. Please tell the Court what the father did?

16 A. The father asked me to accompany him to the office where
17 the wife had been taken.

18 Q. Did you do so?

19 A. Yes.

20 Q. So when you reached the headquarters, please tell the
21 Court what happened next?

22 A. As we were going -- the 19th battalion is at a building
23 at Mahei Boima Road; it was in the ground floor. The
24 Kamajors who were upstairs halted us down there and we
25 stopped.

26 Q. Continue, please?

27 A. The husband answered that his wife had been taken to the
28 office, that's why he's come there.

29 Q. What was the reaction of the Kamajors at this point?

- 1 A. The Kamajor had answered the question and they told us
2 that if we move any other step, they will shoot us.
- 3 Q. What did you do after this threat?
- 4 A. Then I told him not to go, because they were just
5 shooting rampantly in the air, and I told him for us to
6 return.
- 7 Q. So did you leave?
- 8 A. Yes, sir.
- 9 Q. Do you know what happened to this woman?
- 10 A. We went and I advised him that we should go and report at
11 the ECOMOG office.
- 12 Q. Did you go there?
- 13 A. Yes, sir.
- 14 Q. Did you report about this incident to ECOMOG?
- 15 A. We told ECOMOG that this man's wife had been captured, so
16 they gave us three soldiers.
- 17 Q. What did these three soldiers do?
- 18 A. They went with us together, but when we were going, we
19 didn't use the main street; we used a bypass through a
20 back house to reach the office.
- 21 Q. What happened when you reached the office?
- 22 A. The bypass road that we used, as soon as we reached the
23 office and we went in to the verandah --
- 24 Q. Continue, please?
- 25 A. The husband turned the other angle and saw a head wrapped
26 in a head tie and there was blood on it. And the husband
27 said, "Hey, this is the head tie that my wife carried
28 this morning."
- 29 Q. Continue please?

1 PRESIDING JUDGE: A head tied in? You said you saw a head?
2 THE WITNESS: A head that had been cut off.
3 PRESIDING JUDGE: Hair, hair, you said.
4 THE WITNESS: Head, head, head.
5 PRESIDING JUDGE: Not head, his hair. You are saying head,
6 Mr Translator. It's hair.
7 THE WITNESS: The head, the head itself. The head itself.
8 PRESIDING JUDGE: When I say hair, you say head; when I say
9 head, you say hair. Please tell us what you want to say,
10 we want to know.
11 THE WITNESS: I didn't mean the hair; it's the head itself.
12 PRESIDING JUDGE: And the head was tied in what?
13 THE WITNESS: In a piece of cloth that she uses to tie her
14 head.
15 MR SAUTER:
16 Q. What happened next?
17 PRESIDING JUDGE: Please wait. We're moving to the next --
18 the husband.
19 JUDGE THOMPSON: The husband spotted this head; is that what
20 he's saying?
21 MR SAUTER: Yes.
22 JUDGE THOMPSON: In a head tie?
23 MR SAUTER: Yes.
24 JUDGE THOMPSON: And then what?
25 THE WITNESS: So he called us and he told us that, "This is my
26 wife's face," and myself and ECOMOG soldier went there
27 and saw the woman's face.
28 Q. What did you do after you had found the head which,
29 according to the husband, was the head of his wife?

1 JUDGE THOMPSON: Don't say he found it. He said the
2 husband -- is it or you did?
3 MR SAUTER: The husband was the first one to see it.
4 JUDGE THOMPSON: To spot the head, yes.
5 MR SAUTER: Then all of them went to this point.
6 JUDGE THOMPSON: I see.
7 PRESIDING JUDGE: And confirmed.
8 MR SAUTER:
9 Q. Mr Witness, the question was after you've seen the head,
10 what did you do?
11 A. The husband cried.
12 Q. And what else?
13 A. We didn't go upstairs. The soldiers went upstairs.
14 Q. Do you know whether they did anything when going
15 upstairs?
16 A. Yes.
17 Q. What did they do?
18 A. The soldiers left. We are downstairs and we saw ECOMOG
19 trucks arrive.
20 [HN301104B 10.50a.m.]
21 Q. Continue, please.
22 A. And they arrested all the Kamajors who were there. At
23 that time, Ngaujia was the battalion commander of the
24 29th Battalion.
25 Q. The spelling of Ngaujia is N-g-a-u-j-i-a. Do you know
26 whether or not anything happened to the Kamajors being
27 arrested by ECOMOG?
28 A. Yes, sir.
29 Q. Please tell us.

1 A. After one week, the second week, I saw them, all those
2 that were arrested. I saw them going about the town.

3 Q. Do you say that all of them were free again?

4 A. Yes, I saw them all outside. They were moving up and
5 down.

6 Q. Mr Witness, let's come to another chapter. You said
7 earlier in your testimony that Moinina Fofana announced
8 that the Kamajors will not bear any Temne in this
9 country. Did you make any observations to this point
10 that anything happened to Temnes at this point of time,
11 especially to Temnes?

12 A. Like I said earlier yesterday, the first time they took
13 us, he said he had not had nothing to do with Temnes
14 because Fodah Sankoh was a Temne, and it was you who
15 brought war in this country. So he had nothing to do
16 with the Temnes. That's what I said yesterday.

17 PRESIDING JUDGE: He said he has nothing to do with the
18 Temnes. What does that mean? That translation appears
19 to me figurative. I do not know. Let the witness
20 explain, when he says that Moinina Fofana says -- said he
21 does not have anything to do with the Temnes, what does
22 he mean?

23 MR SAUTER:

24 Q. Mr Witness, what did you understand when Moinina Fofana
25 was saying he has nothing to do with the Temnes?

26 A. What he meant was that it was our brother, Fodah Sankoh,
27 who had brought war in this country. That's why the
28 rebels gained most of his brothers, the Mendes. Now that
29 Kamajors are in power, Fodah Sankoh is brought, he

1 doesn't want to know anything that is happening to them.

2 PRESIDING JUDGE: He's just talking and talking and talking, I

3 mean.

4 MR SAUTER:

5 Q. What exactly did you understand from the sentence?

6 A. Moinina Fofana said that because --

7 Q. This you mentioned before, because Foday Sankoh was a

8 Temne or not, he will not spare any Temne. What did this

9 mean for you?

10 A. That means any Temne man who is brought forward to him,

11 he wouldn't have any regard for him. They would kill

12 him.

13 Q. Do you know about specific actions directed against

14 Temnes or other tribes?

15 A. Yes. During 1998, when Kamajors returned to Bo.

16 Q. Yes.

17 A. It was only northerners that were being looked for.

18 Q. Could you please explain to the court the term

19 "northerners." What do you mean with "northerners"?

20 A. The people who had come from the north, Temnes, Lokos,

21 Limbas, and so on. They were looking out for such

22 people, for them to be killed.

23 PRESIDING JUDGE: You said Temnes?

24 THE WITNESS: Limbas.

25 PRESIDING JUDGE: Limbas. Mm-hmm.

26 THE WITNESS: Loko.

27 MR SAUTER:

28 Q. So go on, please.

29 A. So even during those times when you're a person in the

1 streets, you mistakenly speak Temne or Limbali, they got
2 you; you're finished.

3 Q. You told us earlier that you are a Temne. Did you do
4 anything to save your life?

5 A. Yes.

6 Q. What, please, did you do?

7 A. Well, all the time I didn't go out. I was just indoors.
8 Hiding.

9 Q. My previous question was whether or not you know about
10 specific actions planned by the Kamajors to --

11 MR BOCKARIE: I oppose that question. He asked of specific
12 actions not planned by the Kamajors. That is leading,
13 my Lord.

14 PRESIDING JUDGE: Did anything happen to the Temnes and so on,
15 you know, subsequently?

16 THE WITNESS: Yes, they killed most of the Temnes in Bo Town.

17 PRESIDING JUDGE: "Most" is not an identification. Most,
18 most, they killed most of the Temnes. You want us to
19 take that like that? That's no proof of a killing.
20 "Most" is no proof of a killing. It's an affirmation,
21 but it is not proof of a killing. So we have to get into
22 the specifics. If you are alleging that Temnes were
23 targeted, then you should be prepared to get -- to go
24 further, to identify the victims.

25 JUDGE THOMPSON: Learned counsel, are you -- is your line of
26 examination-in-chief along those -- going to unfold
27 evidence of a kind of warfare between the Temnes and the
28 Kamajors along those lines? Is that what the evidence
29 you prepare to unfold?

1 Because I wanted to support my learned brother, the
2 Presiding Judge, that unless you have evidence which you
3 intend to present before this Court of a kind of vendetta
4 resulting in a warfare or attempted warfare between the
5 Kamajors, of course, since your indictment alleges
6 certain actions, again, by the Kamajors, it would be
7 definitely difficult for you to pursue this line of
8 examination-in-chief if we're going to depend upon this
9 witness to come and testify merely to perceptions,
10 half-perception, half-factual statements that he may have
11 heard here and there about Temnes and Kamajors and the
12 like. It would be very difficult to pursue that line if
13 there's nothing solid and concrete in terms of what you
14 have as evidence.

15 Because I'm not making any final determination, I'm
16 only just saying that for this witness to lead us into a
17 kind of speculative exercise based on his own subjective
18 interpretations and analyses and all that, it would be
19 very difficult.

20 MR SAUTER: I completely share your opinion, Your Honour. I
21 do not want to go to any general actions but to the
22 specific experiences of this witness.

23 JUDGE THOMPSON: As a Temne.

24 MR SAUTER: As a Temne.

25 JUDGE THOMPSON: But of course, not to move from the
26 particular experiences he may have, to a broader universe
27 of discourse? To say that because of his own perceptions
28 of likely Temne-Kamajor resentment, therefore this Court
29 has to come to some understanding, even though the

1 indictment does not allege that, I'm just worried about
2 this line of examination in chief, that it brings into
3 the process evidence of a highly prejudicial nature and
4 probably in some respects whose relevance is highly
5 questionable.

6 MR SAUTER: Thank you, my Lord. But I assure you I want to
7 come only to the personal experiences of this witness.
8 Which conclusions have to be drawn out of this evidence
9 coming from this witness is another point and not up to
10 this witness.

11 PRESIDING JUDGE: You can be sure, of course, that where he
12 says, you know, that they killed many Temnes and there is
13 no proof of that, that evidence will take you to nowhere.

14 MR SAUTER: Of course. And this is not my line of
15 examination.

16 JUDGE THOMPSON: Reassured.

17 MR SAUTER: I'm a little bit in difficulties to exactly answer
18 your question.

19 JUDGE THOMPSON: No, I was not really asking for an answer. I
20 was merely putting forward my own judicial evaluation of
21 the stage at which we are, that if that is the intention,
22 then it would seem as if the indictment does not allege
23 that. There's nothing in the indictment talking about a
24 Temne-Kamajor or Temne-Mende warfare. And therefore, we
25 want to be very careful how we are treading, lest we
26 unleash prejudicial evidence and probably evidence of a
27 highly questionable nature.

28 MR SAUTER: Thank you.

29 PRESIDING JUDGE: And taking it from where he has left it,

1 which I entirely go with, the Temnes were, of course,
2 part of the civilian population for purposes of your
3 indictment, Mr Sauter. So I will say no more, you know,
4 than that. But since you say you are not pursuing it,
5 that is fine. Let's move ahead.

6 MR SAUTER: Thank you. Please give me two seconds. Thank you
7 very much. I apologise for this delay.

8 Q. Mr Witness, do you have any specific informations about
9 the planning of attacks on civilians during this time?

10 A. Yes, sir.

11 Q. Please, tell the Court.

12 A. At one time again, one of my neighbours, a Mende woman,
13 told me that there is a plan.

14 Q. Continue, please.

15 A. That the Kamajors have had a meeting that they are going
16 to do the last massacre.

17 Q. Continue, please.

18 A. She said, Well, most of the Kamajors who have come to Bo,
19 most of them were strangers.

20 Q. Mr Witness, what did you do after hearing from this plan?

21 A. The woman told me that the plan that they've made, that
22 they were going to do the last massacre, during that
23 time, she said.

24 Q. Go ahead.

25 A. She said any Mende house, they would place one bucket
26 there full of water. They would place it there.

27 Q. The question was, Mr Witness, what did you do --

28 PRESIDING JUDGE: Please, let us take the story, Mr Sauter.

29 MR SAUTER:

1 Q. So you were telling about a bucket of water that should
2 be at any Mende's house. What was the meaning of this
3 bucket of water?

4 A. The Mendes had said what they had arranged at the
5 meeting, that every Mende house should have a bucket full
6 of water, that when the Kamajors.

7 Q. Continue, please.

8 A. That when the Kamajors go around searching, any house
9 that has that bucket full of water, they would recognise
10 it as a Mende house.

11 Q. So once again, what did you do after you learned of this
12 plan?

13 A. When the woman told me about this plan, she told me that
14 once you were my good neighbour. I would ask you to
15 leave the -- to depart this town for now.

16 Q. Did you follow her advice?

17 JUDGE THOMPSON: Before you move on to that, this female
18 neighbour, Mende neighbour of his, was allegedly,
19 according to him, telling him about a plan, and then
20 according to him, that this was a meeting that had been
21 held by the Kamajors. Was she there? Was this
22 neighbour, this female neighbour of his, present at the
23 meeting?

24 THE WITNESS: That's what she told me, that she was at the
25 meeting.

26 JUDGE THOMPSON: She was at the meeting, because that's very
27 important because this is highly -- this is evidence
28 which is complex in its nature. And -- so she did say
29 that she was present at the meeting of these Kamajors.

1 Is that part of your case, Mr Sauter, according to
2 your witness?

3 MR SAUTER: Yes, it is.

4 JUDGE THOMPSON: That she was there when they were holding
5 that meeting. Thank you.

6 MR SAUTER:

7 Q. So Mr Witness, my last question was, did you leave the
8 town?

9 PRESIDING JUDGE: What did you do when she gave you the
10 information, when she advised you that you should leave
11 the town? What did you do?

12 THE WITNESS: Then I informed all my brothers and my
13 neighbours that they shouldn't stay in this town, that
14 things are getting worse.

15 MR SAUTER:

16 Q. And Mr Witness, what did your brothers and yourself do?

17 A. My neighbour told me this. It was on Monday. And we
18 were to leave on Tuesday.

19 Q. Did you, in fact, leave on Tuesday?

20 A. We were not able to go on Tuesday. That was the time
21 when the rebels came back, on Tuesday. And they started
22 fighting. They fought for three hours, exchanging fire
23 -- firearms.

24 Q. You said the rebels came back, and they were exchanging
25 fire for three hours. What happened after these three
26 hours?

27 PRESIDING JUDGE: They were exchanging fire with who?

28 THE WITNESS: The rebels and the Kamajors.

29 MR SAUTER:

1 Q. What happened after these three hours of exchanging fire?

2 A. So the Kamajors were pushed by the rebels, and they had
3 to go to Bo Town.

4 Q. They had to go where?

5 MR BOCKARIE: Yes, Your Honour, I just wanted this position
6 clarified. I seem to be at a loss. Your Honour, we're
7 at the position, according to the testimony of this
8 witness, ECOMOG were in town. Kamajors were in town.
9 This incident now he's about to narrate, is it at the
10 time the Kamajor are already in town or not? Because I
11 seem to be at a loss here. I want the position
12 clarified.

13 MR SAUTER: May I go on.

14 PRESIDING JUDGE: Your witness.

15 MR SAUTER:

16 Q. Mr Witness.

17 A. At that time, ECOMOG were there. But when this fighting
18 occurred, since ECOMOG and the Kamajors were fighting, so
19 the Kamajors really went out. But because of the health
20 of the ECOMOG soldiers later, the Kamajors came back to
21 Bo Town.

22 Q. Let's go -- Mr Witness, let's go step by step. You said
23 the rebels came to Bo and attacked. Who did they attack?
24 The Kamajors? Or ECOMOG? Or both?

25 A. Well, the ones that were on the ground. The ECOMOG and
26 the Kamajors, they came and attacked.

27 JUDGE THOMPSON: The difficulty about this piece of evidence,
28 it is in the context of his decision, according to his
29 evidence, to leave based on the advice allegedly given to

1 him by his neighbour because I recall that what he was
2 saying, that that advice was allegedly given to him on a
3 Monday, and he and his brother were planning to leave on
4 a Tuesday. But it was then the rebels and the Kamajors
5 started exchanging fire.

6 It would seem to me that this is -- if I'm right, I
7 may be wrong; and correct me -- that this evidence is not
8 an isolated piece of evidence in the context of a warfare
9 between the Kamajors and the rebels but in the context of
10 whether and his brother were able to leave or that their
11 departure was delayed as a result of this alleged plan of
12 the final massacre by the Kamajors.

13 Am I right or am I wrong, Mr Prosecutor? If not,
14 then something needs to be done to disentangle this
15 evidence.

16 PRESIDING JUDGE: I am imaging that they might have been able
17 to leave because there was this attack like you are
18 saying, but it's for the witness to tell us, you know, to
19 situate us, you know, properly.

20 JUDGE THOMPSON: And I think for the Prosecutor, too, to help
21 us ground that because otherwise we would probably end up
22 going in circles because if the witness -- we don't know
23 whether the sequence has been severed between what his
24 female neighbour, Mende neighbour, told him and the --
25 his and his brothers' plan to leave the country. But
26 it's entirely your case. As I say, I just want to see
27 that my mind is clear on what I'm hearing.

28 MR SAUTER: It was not my intention to come intensively to
29 this point. It was raised by my colleague from the other

1 side.

2 PRESIDING JUDGE: What has raised by him has been answered.

3 He said, you know, the ECOMOG was there and that
4 thereafter, although the Kamajors left, ECOMOG came in,
5 and that is what I understood. He wanted to know whether
6 this attack was done when ECOMOG was already there.

7 Mr Bockarie?

8 MR BOCKARIE: Yes, Your Honour. Because he had testified to
9 the fact that he was being held for 25 days, and it was
10 reported to ECOMOG. ECOMOG came. We don't know for how
11 long they stayed in Bo before this other episode relating
12 to the massacre. I'm at a loss completely.

13 JUDGE THOMPSON: Yes. And that's the confusion, in fact. The
14 question really is whether at this point in time the
15 emphasis is on a possible warfare or exchange of fire
16 between the Kamajors and the rebels, or whether it is in
17 the context of an alleged plan by the Kamajors to launch
18 a final massacre, according to his neighbour. In other
19 words, where are we going from there? I mean, is this
20 something which is pertinent to his decision to leave?
21 Because remember, he has testified about a Mende- or
22 Kamajor-Temne feud. That's the context in which the
23 evidence seems to be leading, and I'm not sure whether
24 the link has been severed. If it has been, then fine.

25 MR SAUTER: Your Honour, in my view, it is not as complicated.
26 The witness has told us that he was informed that
27 possibly or not an attack is planned on himself and his
28 co-tribe members.

29 JUDGE THOMPSON: It is a massacre, he said, according to the

1 translation.

2 MR SAUTER: Since he certainly does not have the total
3 oversight, my intention is only to come to his personal
4 experiences in context with this knowledge of a maybe
5 known or maybe unknown plan. And this is all I want to
6 know from this witness.

7 JUDGE THOMPSON: Counsel, I rest my position. Okay, I let you
8 proceed.

9 MR SAUTER: And please, the attack which delayed his possible
10 departure, we are not at this point.

11 PRESIDING JUDGE: Let him clarify. Mr Sauter, you've listened
12 very carefully to my colleague. You've listened very
13 carefully to Mr Bockarie and his concerns. Please, lead
14 your witness and let us see how his testimony would
15 clarify the doubts that are in these two great minds.
16 Please.

17 MR SAUTER:

18 Q. Mr Witness, you said you planned to leave Bo on a
19 Tuesday, but you could not do so due to an attack which
20 took place. That's right?

21 A. Yes, sir.

22 Q. Were you able to leave Bo at any other time?

23 PRESIDING JUDGE: You were to leave Bo -- you planned to leave
24 Bo on -- the information was given to you on a Monday.
25 You were to leave Bo on a Tuesday. Did you leave on
26 Tuesday? No, you did not leave. Is that not so?

27 THE WITNESS: I left Tuesday, but it was late in the evening
28 on Tuesday.

29 PRESIDING JUDGE: [Previous translation continues]

1 MR SAUTER: I did not understand the answer.

2 Q. What did you say?

3 A. We left late in the evening because of the information
4 that was given to us on Monday by the woman. We decided
5 to leave on Tuesday. That Tuesday morning we were not
6 able to go because the rebels came and attacked the
7 Kamajors. And during that exchange of fire, we were not
8 able to leave at all.

9 Q. But you said you left Bo in the late evening of this
10 Tuesday. Is that right?

11 A. Yes, sir.

12 Q. When you are saying "we left Bo," who do you mean?

13 A. Well, we were many, in groups. I told my brothers and
14 other neighbours that we were to leave.

15 PRESIDING JUDGE: And if you say you left later in the
16 evening, this was at about what time?

17 MR SAUTER:

18 Q. Mr Witness, about what time did you leave Bo this
19 evening?

20 A. Around 5.00, sir.

21 PRESIDING JUDGE: But there was fighting before you left.

22 What had happened between now and then? I mean, there
23 was fighting and so on.

24 THE WITNESS: Well, the fighting -- the fighting took place
25 for three hours.

26 PRESIDING JUDGE: And after three hours, what happened?

27 THE WITNESS: After three hours, when we saw there were a lot
28 of ECOMOG going up and down, we decided to move. So the
29 woman came and collected us, and we moved away.

1 MR SAUTER:
2 Q. Mr Witness --
3 PRESIDING JUDGE: Mr Sauter, please wait. Yes, please.
4 MR SAUTER:
5 Q. Mr Witness, after this fighting was over, who was in
6 control of Bo?
7 PRESIDING JUDGE: He was telling a story about who came to
8 pick -- to take them. You see, we're moving forwards and
9 backwards. Who came to pick them? Let's follow
10 something to a logical conclusion. The fighting was
11 over. ECOMOG forces now were all over the town. So they
12 feel reassured. And somebody, he says a woman, came and
13 took you. Who took you? Who came and took you?
14 THE WITNESS: It was the neighbour, this neighbour who came
15 and explained to us that there was going to be problems.
16 She was the one that came and collected us. We went
17 towards the village that was called Gbetema.
18 MR SAUTER:
19 Q. Do you say that this woman was leading you?
20 A. Yes, sir.
21 PRESIDING JUDGE: She took you to a village called?
22 THE WITNESS: Gbetama.
23 PRESIDING JUDGE: Gbetama or Gbatema?
24 THE WITNESS: Gbetama.
25 PRESIDING JUDGE: Is it G-B or K-P?
26 JUDGE THOMPSON: Mr Bockarie, can you give us the benefit of
27 your --
28 MR BOCKARIE: Yes. It's Gbetama.
29 MR SAUTER:

- 1 Q. How many people about were in this group?
- 2 A. Well, when I counted the figureheads, we was about
- 3 17 groups.
- 4 PRESIDING JUDGE: Say how many people. Groups are not people.
- 5 JUDGE THOMPSON: Is he talking about a convoy of about 17 or
- 6 17 groups?
- 7 MR SAUTER: I was just about to clarify this.
- 8 Q. You said 17 groups. Am I right?
- 9 A. 17 groups, because this one come with his own family, and
- 10 I was not able to count all. That's why I said that we,
- 11 the figureheads, were 17.
- 12 PRESIDING JUDGE: Who are you calling figureheads,
- 13 Mr Translator? Please clarify that for me. What did he
- 14 say?
- 15 THE INTERPRETER: He said "figurehead."
- 16 PRESIDING JUDGE: He has talked of 17 people. Are you talking
- 17 of 17 groups or 17 people?
- 18 THE WITNESS: 17 groups. I mean 17 groups, sir.
- 19 PRESIDING JUDGE: You cannot even estimate the number of
- 20 people, the total number of people in these groups? Just
- 21 an estimate?
- 22 THE WITNESS: I would not be able to tell, sir. I would not
- 23 be able to tell, sir.
- 24 MR SAUTER:
- 25 Q. To your knowledge, were all the members of these total
- 26 group member of the same tribe?
- 27 A. Some of the people were Limbas, Temnes. So we're all
- 28 mixed up.
- 29 Q. Could you go unhindered to Gbetama?

- 1 A. No, sir. As we were going, we met a checkpoint.
- 2 Q. By who were these checkpoints set up or manned?
- 3 A. Kamajors.
- 4 Q. And what happened at this checkpoint?
- 5 A. As the woman that was leading us, who was a Mende woman,
6 when we reached the first checkpoint, they had to
7 question us two men in Mende, and she had been answering,
8 and they asked her -- they allowed us to pass.
- 9 Q. After you have passed this checkpoint, did anything else
10 happen on your way to Gbetama?
- 11 A. After we had passed one, two, three checkpoints, the
12 fourth one --
- 13 Q. What happened at the fourth one?
- 14 PRESIDING JUDGE: The fourth. We are at the fourth
15 checkpoint?
- 16 THE WITNESS: Yes, sir. So the woman that was leading us, I
17 and my group, we were next to her, the one that was
18 taking us.
- 19 MR SAUTER:
- 20 Q. Continue.
- 21 A. The Kamajors had to tell the woman that "you want to tell
22 me that all these people are good people, that they are
23 not bad people at all?"
- 24 Q. Go on. Mr Witness, could you pass this fourth
25 checkpoint? Please answer.
- 26 A. Then the Kamajors said: "At this point in time, we are
27 going to ask each individual, we are going to check them.
28 We'll not just allow them to go away when you have
29 explained to us."

1 Q. Go on, please.

2 A. So we had already passed, and I see that the lady had
3 passed, and they started asking the others one by one,
4 interrogating them.

5 PRESIDING JUDGE: What is the sequence of this, then? You
6 passed?

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: The lady passed first?

9 THE WITNESS: She was the one that first passed, and I was
10 second.

11 MR SAUTER:

12 Q. So you say, your group, you mean your family group, could
13 pass with the woman leading you. Is that right?

14 A. Yes, sir.

15 PRESIDING JUDGE: He did not say his family group. He said
16 he -- he said he passed. The woman passed, he passed.
17 Not his family group.

18 MR SAUTER:

19 Q. Could only you pass or anyone else?

20 A. What I meant was the woman was leading us. I was second
21 to her with all my group. So when the woman passed, I
22 passed, and the people saw there were a lot of people.
23 So they said, "You have passed. Now the next group that
24 are coming, we are going to check them individually and
25 we are going to ask them questions:

26 PRESIDING JUDGE: So the two of you had passed, and then they
27 said they were going to check others individually --

28 THE WITNESS: It's not two. What I meant was that the people
29 that were behind me had already passed. That's my own

1 people had already passed.

2 JUDGE THOMPSON: So your group, in fact, passed?

3 THE WITNESS: Yes, sir.

4 JUDGE THOMPSON: So it was after your group that, again,

5 allegedly, the Kamajors said they would check

6 individually?

7 THE WITNESS: Yes, sir.

8 MR SAUTER:

9 Q. Could you see what happened at the checkpoint to the

10 other people after your group had passed?

11 A. Yes, sir.

12 Q. Please tell the Court.

13 A. So the Kamajors started asking them in Mende; and who was

14 not able to reply, they would say: "Okay, pass there."

15 Q. Did you see how many people they separated?

16 A. Yes, sir. After they had checked all, they were able to

17 take four people out and they said they were not

18 satisfied with them.

19 Q. Mr Witness, my question was --

20 PRESIDING JUDGE: Please, wait.

21 MR SAUTER:

22 Q. Mr Witness, my question was whether you could see how

23 many people were separated from the others at this

24 checkpoint?

25 A. Yes, sir.

26 Q. How many?

27 A. It was four. Four.

28 PRESIDING JUDGE: Say what?

29 THE WITNESS: Four.

1 PRESIDING JUDGE: Who were these four?

2 MR SAUTER: Four people were separated from the group, from

3 the whole group.

4 PRESIDING JUDGE: I thought I had 12.

5 JUDGE THOMPSON: Did he say --

6 PRESIDING JUDGE: I don't know.

7 JUDGE THOMPSON: I had four --

8 MR SAUTER: He was just saying four.

9 PRESIDING JUDGE: Four.

10 JUDGE THOMPSON: And these were persons whose explanations

11 allegedly did not satisfy the Kamajors. Is that what he

12 said?

13 MR SAUTER: This is what I understood from the --

14 JUDGE THOMPSON: Is that correct?

15 THE WITNESS: Yes, sir.

16 MR SAUTER:

17 Q. Do you know what happened to these four people?

18 A. Yes --

19 PRESIDING JUDGE: Do you know those four people to begin with?

20 Do you know those four people?

21 THE WITNESS: I knew them the very day that they were

22 separated. I did not know them before.

23 PRESIDING JUDGE: Okay.

24 MR SAUTER:

25 Q. The question was whether you know what happened to these

26 four people.

27 A. Yes, sir.

28 Q. Please tell. Go on, please.

29 A. When they had been interviewed and were not able to give

1 a good explanation, they said they were going to "wash"
2 them.

3 PRESIDING JUDGE: Who said they were going to wash them?

4 THE WITNESS: The Kamajors. The Kamajors.

5 MR SAUTER:

6 Q. Did you know what they mean with the term --

7 PRESIDING JUDGE: What do they do? Washing, what do they do?

8 They were going to "wash" them; what were they going to
9 do?

10 THE WITNESS: That's the other word for kill. That's the
11 other word for kill.

12 MR SAUTER:

13 Q. Could you see what, in fact, happened to these people?

14 A. I saw.

15 Q. Please, tell the Court.

16 A. I stood, and I saw them killing them by hacking them.

17 PRESIDING JUDGE: So the four were killed?

18 THE WITNESS: Yes, sir.

19 PRESIDING JUDGE: The Court will take a break, please. We'll
20 resume in the next couple of minutes. The Court rises,
21 please.

22 [Break taken at 11.39 a.m.]

23 [On resuming at 12.02 p.m.]

24 [HN301104C]

25 PRESIDING JUDGE: Yes, we're resuming the session. Mr Sauter,
26 you may proceed. You may continue with your
27 examination-in-chief.

28 MR SAUTER: Which will only be a few minutes.

29 PRESIDING JUDGE: I see. We rose because we thought you were

1 moving to a new chapter. Well let's get along, please.

2 MR SAUTER:

3 Q. Mr Witness, you were at the fourth checkpoint and you
4 told us that you and your family could pass this fourth
5 checkpoint; is that right?

6 A. Yes, sir.

7 Q. So, now could you proceed your way to Batama after you
8 passed this fourth checkpoint?

9 A. We continued to go. The woman was still leading us.

10 Q. Did anything else happen on your way to Batama?

11 A. When we passed fifth checkpoint we went to the sixth
12 checkpoint.

13 Q. What happened at this checkpoint?

14 PRESIDING JUDGE: This is the sixth?

15 MR SAUTER: Sixth.

16 THE WITNESS: When we reached to the sixth checkpoint we met
17 the heads that had been severed. One was on the
18 right-hand side and the other on the left-hand side on
19 the sixth checkpoint.

20 JUDGE BOUTET: Can you repeat that again, please, Mr Witness?

21 When you got to the sixth checkpoint, what did you see?

22 THE WITNESS: When we arrived at the sixth checkpoint we saw
23 heads that had been severed. We saw one on the right and
24 the other on the left-hand side.

25 MR SAUTER:

26 Q. Could you and your group pass this checkpoint?

27 A. Yes, sir. No sooner past this checkpoint they said we
28 should not pass at all. We should stop at all. We have
29 to go straightaway so as not to see what is happening at

1 the back.

2 PRESIDING JUDGE: Let him take that again.

3 THE WITNESS: When we had pass the sixth checkpoint, when we

4 had crossed, the woman that was leading us and my own

5 people, all, we passed.

6 MR SAUTER:

7 Q. You could pass the checkpoint?

8 A. Yes, sir.

9 Q. What happened after you had passed the sixth checkpoint?

10 A. So normally when we crossed she would talk to the people,

11 but at that particular point at the sixth checkpoint they

12 pushed the woman. They said you should go. They said

13 I thought you had passed. So you should go so as not to

14 know what would happen at the back of us.

15 JUDGE THOMPSON: Who are the they? They?

16 THE WITNESS: We that have crossed the checkpoint. We were

17 the ones that were asked to go.

18 MR SAUTER:

19 Q. By who was this checkpoint met?

20 A. I'm talking about the sixth checkpoint. They dropped us,

21 they said we should go. They said we should not stand

22 there again.

23 Q. Who said you should go?

24 A. The Kamajors did, the ones that were at the checkpoint.

25 Q. So also this checkpoint was manned by the Kamajors?

26 A. Yes, sir.

27 Q. The question was: What happened after you had passed the

28 sixth checkpoint?

29 A. We continued going. We reached at the 15th checkpoint.

1 There was no need for you to wait for your companion.
2 When you finish crossing, you have to go.
3 PRESIDING JUDGE: You said they got to which checkpoint?
4 MR SAUTER: 15th.
5 THE WITNESS: 15th checkpoint.
6 MR SAUTER:
7 Q. And after the 15th checkpoint?
8 A. When we had crossed the 15th checkpoint the woman said,
9 "Okay, now let's push a little bit."
10 PRESIDING JUDGE: The woman crossed. You crossed. Who else
11 crossed?
12 THE WITNESS: The woman and my family had crossed.
13 MR SAUTER:
14 Q. Mr Witness, you were about to tell us what happened after
15 the 15th checkpoint?
16 A. So the woman said, "Let's push a little bit."
17 PRESIDING JUDGE: How many people passed the river?
18 THE WITNESS: I had five people, including me. We had to sit
19 down and wait for them and all of them came and she said,
20 "Now I will not go further with you because the last
21 checkpoints that are remaining, I will not be able to
22 cross with you there." After the 15th checkpoint the
23 woman said, "Let us push a little bit" and we pushed a
24 little bit and we sat down.
25 MR SAUTER:
26 Q. So are you speaking about your group or other groups as
27 well?
28 A. When I crossed with my own group and my people other
29 groups had been coming, so some had been stayed behind.

- 1 So we sat down and waited for them.
- 2 Q. What did you do after all the other groups you expected
3 had arrived?
- 4 A. So the woman who was leading us said she would not be
5 able to go any further. So we said, "Let us go to the
6 bush and have some rest."
- 7 Q. Did this woman give reasons why it was not possible to go
8 any further?
- 9 A. Yes.
- 10 Q. What did she say?
- 11 A. She said, the other checkpoints, she not be able to cross
12 with us there because those are danger zones.
- 13 Q. So, Mr Witness, did you go to the bush for a rest?
- 14 A. Yes, sir.
- 15 Q. For what time did you take a rest?
- 16 A. We were there for two days.
- 17 Q. Did you say two days?
- 18 A. Yes, sir.
- 19 Q. What happened after these two days?
- 20 A. When we arrived at the place where we rested, there this
21 woman asked -- said, "Since we're not able" --
- 22 Q. Yes, please.
- 23 A. [No interpretation].
- 24 MR SAUTER: I did not get the translation.
- 25 JUDGE BOUTET: I did not either.
- 26 PRESIDING JUDGE: I didn't either. Maybe Mr Tavener got it.
- 27 MR SAUTER:
- 28 Q. Mr Witness, could you please repeat your answer for the
29 translator to interpret?

1 A. When we arrived, the woman who was leading us, she asked
2 out of all the groups that came how many people did you
3 lose out of all these checkpoints that we passed?

4 Q. Yes, go on, please?

5 A. So the group leader said -- told us the number of groups
6 -- the number of people that were lost and in all there
7 were 17 people that were lost.

8 JUDGE BOUTET: 17?

9 MR SAUTER: Yes.

10 THE WITNESS: Yes, sir.

11 MR SAUTER:

12 Q. And you said, as far as I understood the Krio, this
13 included the four you witnessed being killed; is that
14 right?

15 A. Yes, that is -- that was some up to the 17, including the
16 four that I saw being killed.

17 Q. So now you were in the bush taking a rest?

18 A. Yes, sir.

19 Q. What did you do after you had taken your rest?

20 A. The woman that was leading us, she left us in the bush
21 and said she was going to check in town to know what the
22 situation was.

23 Q. And did she return to your group?

24 A. Yes, sir. Yes, sir.

25 Q. And --

26 A. When she came back, I saw her with the group of ECOMOG
27 soldiers and they came to us.

28 Q. And what did the ECOMOG soldiers do?

29 A. When they met us they said all of us should go to town,

1 that they came for us.

2 Q. When you say return to town, you mean Bo Town?

3 A. Yes, sir. Yes, sir.

4 Q. Did you return to Bo Town?

5 A. Yes, sir.

6 MR SAUTER: This, My Lords, is all for this witness.

7 PRESIDING JUDGE: That was a wonderful journey. Thank you so

8 much. We landed so comfortably. Mr Sauter, thank you

9 very much.

10 JUDGE BOUTET: Dr Jabbi, are you ready to proceed with your

11 cross-examination or Mr Yillah, whoever.

12 MR YILLAH: Yes, My Lord.

13 JUDGE BOUTET: Thank you. So for the first accused you are

14 ready to proceed?

15 MR YILLAH: Very well, My Lord.

16 CROSS-EXAMINED BY MR YILLAH:

17 Q. Mr Witness, are you a member of the RUF?

18 A. No.

19 Q. Are you an informant of the RUF?

20 A. No.

21 Q. Did you make a statement to the Prosecutors?

22 A. Yes.

23 Q. At the end of that statement was it read over and

24 explained to you?

25 A. Yes.

26 Q. Did you sign that statement as your statement?

27 A. Yes.

28 MR YILLAH: With your leave, My Lords, may I just put portions

29 of the statement to him?

1 Q. Do you recall saying --
2 JUDGE BOUTET: Mr Yillah, did you ask him when that statement
3 was made and by whom. You are talking about a Prosecutor
4 but how many of them and who it was. And I would also
5 like to know the language, which language was used.
6 MR YILLAH:
7 Q. Do you know in which language the statement was recorded?
8 A. In English.
9 Q. Do you know the date of that statement?
10 A. I can't remember the date now, but it was some time in
11 July.
12 JUDGE BOUTET: You may suggest the date to him, that's not a
13 problem.
14 MR YILLAH:
15 Q. If I may refresh your memory, was that statement made on
16 the 5th of April 2003? Would I be correct to say it was
17 made on the 5th of April 2003?
18 A. Yes.
19 MR TAVENER: Just one small matter, if my friend could also
20 ask the witness in what -- I understand that the
21 statement was recorded in English. It might be asked in
22 what language he was spoken to in the statement.
23 JUDGE BOUTET: Interview.
24 MR TAVENER: Sorry, in what language was he interviewed.
25 MR YILLAH: I take the point.
26 Q. Mr Witness, in what language were you interviewed?
27 A. In Krio.
28 PRESIDING JUDGE: What is the date of the statement,
29 Mr Yillah?

- 1 MR YILLAH: The 5th day of April, 2003.
- 2 JUDGE BOUTET: So, Mr Yillah, you intended to show the
3 statement to the witness to refresh his memory. I just
4 want to make sure I follow you.
- 5 MR YILLAH: Very well, My Lord, to refresh his statement.
6 With your leave, My Lord, may I ask that the statement be
7 shown to the witness. Show the underlined portion to
8 him.
- 9 JUDGE BOUTET: Do we know if he reads English?
- 10 MR YILLAH:
- 11 Q. Can you read English, Mr Witness?
- 12 A. Yes, sir.
- 13 Q. Could you read the underlined portion of that statement?
- 14 JUDGE BOUTET: Mr Witness, is this a statement you gave to the
15 investigators on April 2003?
- 16 PRESIDING JUDGE: Mr Yillah, it has how many pages?
- 17 MR YILLAH: My Lord, the original statement has about six
18 pages, but it is not legible. We had to appeal to the
19 Prosecutors yesterday to type it out for us and that is a
20 typed version that I have shown him.
- 21 PRESIDING JUDGE: Would it be fair for him, at this stage, for
22 him to really look at it and confirm that it is his
23 statement?
- 24 MR YILLAH: My Lord, I can put the original, with your leave,
25 to him.
- 26 JUDGE BOUTET: The one he is reading now has how many pages?
- 27 MR YILLAH: That has about three pages, My Lord. That is the
28 typed version.
- 29 MR TAVENER: That is the difficulty. What is being shown to

1 the witness is a typed version, not the version --
2 JUDGE BOUTET: It is not the version he was shown at the time
3 of the interview?
4 MR TAVENER: No. He doesn't have that now. He has the typed
5 version that assists the Defence in reading the statement
6 but this witness may not have seen this typed version.
7 MR YILLAH: My Lord, with your leave I may put the original
8 statement to the witness but the difficulty we have here
9 is they disclosed to us materials which are not legible
10 and that amounts to nondisclosure. The witness would
11 find it practically impossible to read this statement.
12 JUDGE BOUTET: I understand but the concern that the Presiding
13 Judge has expressed is to the fact that you have now
14 given that statement, that document, to the witness to
15 look at, but, as I understand it, he hasn't read it other
16 than in April 2003. So we have to give him the time to
17 look at it and see if it is his statement and if he has
18 indeed refreshed his memory as you ask him to do. But
19 we'll see if he can do it with that statement or if it is
20 better to show him the original statement, even though it
21 may not be readable to the same extent.
22 MR SAUTER: As My Lord pleases.
23 Q. Mr Witness, is that your statement? Is that a copy of
24 the statement that you made to the Prosecutors?
25 A. Yes, sir.
26 JUDGE BOUTET: Have you had the time to read the statement
27 now? Have you been able to read it completely,
28 Mr Witness?
29 THE WITNESS: If I read it completely, sir?

1 JUDGE BOUTET: The question you're being asked by the Defence
2 is not with regard to the whole of the statement but with
3 respect to one paragraph, I understand. But, Mr Yillah,
4 it's only a question that the statement - I don't know -
5 if it contains other portions that may have an impact on
6 that one.

7 MR YILLAH: My Lord, it is a very short portion that
8 I underlined for the witness.

9 JUDGE BOUTET: But in fairness to the witness to be able to
10 answer your question on that specific paragraph it would
11 be only fair to him to give him the totality of that
12 statement because he may be able to put it in context.

13 MR YILLAH: That statement is the totality of the statement
14 that he made that he has with him.

15 JUDGE BOUTET: But it appears that he has not had the time nor
16 the ability to read it all.

17 MR YILLAH: Okay, I'll put it to him then.

18 Q. Mr Witness, can you look at that statement, all the
19 statement, all the pages put together. Can you look at
20 that?

21 JUDGE THOMPSON: Mr Yillah, is that the only portion of the
22 statement you intend to cross-examine him on?

23 MR YILLAH: That's the only portion at this stage.

24 JUDGE THOMPSON: Well, that is the difficulty I have. It
25 would seem to me that it is better where now we are
26 confronted with a situation where the originals of
27 statements become hopelessly illegible and therefore the
28 question that arises for me is whether it is fair to have
29 witnesses rush through statements which are typed copies

1 or reproductions of the original without sufficient time
2 to familiarise themselves so that they put everything in
3 context. Of course, that goes to the quality of how we
4 dispense justice. If you have, for example, five or six
5 portions you may want to put to him -- it would seem to
6 me that it is fair to have this witness study his
7 statement very carefully before you are allowed to put
8 any questions to him if they're so material and germane
9 to the case of the Defence.

10 MR YILLAH: My Lord, this portion is very much germane to
11 the Defence.

12 JUDGE THOMPSON: That is the point and I'm just asking whether
13 this kind of peremptory justice is good for us if
14 witnesses are going to be confronted in terms of their
15 statements to the investigators only in a peremptory
16 manner without being given the opportunity to study their
17 statements carefully, since in fact what you are showing
18 him is not the actual thing but a reproduction of it.

19 MR YILLAH: Subject to directions I'm prepared to let the
20 witness study the document. But the point I want to put
21 across is a very, very crucial to the case.

22 JUDGE THOMPSON: I'm just expressing one judge's point of
23 view. My learned brothers here may have their own
24 approach to it.

25 JUDGE BOUTET: No, we agree with that. My questions to you
26 were indeed to try to find out -- as the witness has
27 indicated when I asked him the question that he had not
28 read the totality of the statement. So, in fairness to
29 him, for him to be able to answer completely to your

1 question we have to give him the time to read the
2 totality of it and put it in context because your
3 question may be specific but the statement may contain a
4 little bit more that would help him to answer more
5 adequately to your question. So that is really what we
6 are trying to achieve.

7 MR TAVENER: The Prosecution is also not confident about the
8 ability of this witness to read English.

9 JUDGE BOUTET: Well, he has said he does.

10 MR TAVENER: He reads some English. That's the problem. So
11 it may ultimately have to be explained to him, by my
12 friend, exactly what he is asking.

13 JUDGE BOUTET: Mr Yillah, the statement that is barely
14 readable that you have, that statement is handwritten?

15 MR YILLAH: This is the handwritten statement and it is the
16 one signed by the witness.

17 JUDGE BOUTET: But this is handwritten in English.

18 MR YILLAH: In English, My Lord, and it is signed. All the
19 pages are signed by the witness.

20 JUDGE BOUTET: I would suggest that we adjourn for a few
21 moments to allow the witness to look not only at the
22 document that you have given him, but the one that you
23 describe as the original one or, at least, a copy of the
24 original one with his signature on it. So he can look at
25 that and make some sense with all of that and then we'll
26 come back to carry on with your cross-examination.

27 MR YILLAH: As My Lord pleases. With your leave, may I ask
28 the Court assistant to put this statement --

29 JUDGE BOUTET: Yes.

1 PRESIDING JUDGE: We'll give the witness ten minutes to go
2 through that statement guided by the Prosecution and the
3 Defence, of course, if necessity arises. We'll resume in
4 ten minutes time to allow him to get through that
5 exercise. The Court rises, please.

6 [Break taken at 12.34 p.m.]

7 [On resuming at 12.50 p.m.]

8 PRESIDING JUDGE: Mr Yillah, we're resuming the session. You
9 may proceed.

10 JUDGE BOUTET: Mr Witness, you've had the time to read the
11 statement?

12 THE WITNESS: Yes, sir.

13 JUDGE BOUTET: Thank you.

14 MR YILLAH:

15 Q. Mr Witness, do you admit that statement as your
16 statement?

17 A. Yes, but there is something else here which was written,
18 which I need to clarify.

19 Q. Mr Witness, could you confine yourself to the questions
20 that I put.

21 JUDGE BOUTET: Well, this is an answer to your question,
22 Mr Yillah, because you have asked him if this is his
23 statement and he says yes, but there is something in
24 there - whatever it is- that seems to cause some problem.
25 So let him explain that.

26 MR YILLAH: As My Lord pleases.

27 JUDGE BOUTET: Yes, Mr Witness, what was it?

28 THE WITNESS: Yeah, they said my brother -- about 25, but
29 I did mention that he was 25 years of age and not 23

1 years. He was 25 years of age.

2 PRESIDING JUDGE: Never mind that. That is not material now.

3 MR YILLAH:

4 Q. Mr Witness, could you confine yourself to the portion of
5 the typed statement --

6 PRESIDING JUDGE: Is there any other observation you have on
7 the statement besides the age of your brother which you
8 say was 25 and they wrote 23?

9 THE WITNESS: Yes, but this message which they said that we
10 sent to the rebels at 91, that the rebels had planned to
11 kill, I didn't say that.

12 MR YILLAH: My Lord, may I continue? May I proceed?

13 JUDGE BOUTET: Yes.

14 PRESIDING JUDGE: Yes, yes. Wait just a minute, Mr Yillah.
15 Does he have any other part of that statement again which
16 he is disagreeing with?

17 THE WITNESS: Yes, sir.

18 JUDGE THOMPSON: Let me just make my point clear here. That
19 statement is not yet in evidence and I'm not sure myself
20 the extent to which it is procedurally proper for us to
21 take any evidence from him regarding contentions in
22 respect of this statement which is not in evidence, and
23 which I don't think counsel intends to put into evidence
24 but merely to refresh his memory. It would seem to me a
25 little problematic here I can here if he is raising
26 queries about the accuracy of his statement in respect of
27 matters that are not necessarily forming the part of
28 cross-examination. That is just for the record.

29 MR YILLAH: As My Lord pleases.

1 Q. Mr Witness, could you have a look at the portion
2 underlined in that statement?

3 A. Yes.

4 JUDGE BOUTET: Which is where; first page, second page, third
5 page?

6 MR YILLAH: It is the second page, My Lord.

7 JUDGE BOUTET: Second page of the typewritten version that he
8 has?

9 MR YILLAH: Yes, My Lord. With your leave, My Lord, may I ask
10 that the witness read that portion.

11 JUDGE BOUTET: Why should he read it, because I thought the
12 purposed of that was for you to ask the witness to
13 refresh his memory. Once he has refreshed his memory the
14 purpose is for you to ask your questions, presumably
15 about what is in there.

16 MR YILLAH: I take the cue, My Lord.

17 Q. Mr Witness --

18 A. Yes.

19 Q. On the Tuesday that the rebels attacked Bo you were in
20 Bo, were you not?

21 A. I was in Bo, sir.

22 Q. Do you recall saying that on that very Tuesday the rebels
23 in Mile 91 had gotten the information that the Kamajors
24 were about to massacre; do you recall saying that in your
25 statement?

26 A. Yes.

27 Q. My question to you now, Mr Witness, is: How did you
28 know, when you were in Bo, that the rebels in Mile 91 had
29 gotten the information that the Kamajors were about to

1 massacre in Bo? You were in Bo, the rebels were in Mile
2 91. How did you know that the rebels in Mile 91 had
3 gotten the information that the Kamajors were about to
4 massacre in Bo?

5 A. When the information reached us, the rebels came and when
6 they came and attacked --

7 PRESIDING JUDGE: That is not the question. That is not the
8 question. Listen to the question carefully.

9 MR YILLAH:

10 Q. Mr Witness, you were in Bo?

11 A. Yes, sir.

12 Q. You were a resident in Bo and the rebels were in Mile 91.
13 You have testified in this Court that the rebels had
14 gathered information that Tuesday that the Kamajors were
15 about to massacre. My question is: How did you know
16 that the rebels in Mile 91, whilst you were in Bo, had
17 gotten this information? How did you know?

18 JUDGE THOMPSON: Before he answer that, let me ask -- I may be
19 missing something here. You said the purpose of
20 confronting him with a certain portion of his statement
21 is to refresh his memory. I take it that the exercise of
22 refreshing one's memory presupposes that he may have
23 forgotten something that you intend to jog his memory
24 about. In other words, there is something that his
25 recollection is hazy about in this Court. So, if that is
26 the line of your cross-examination, how can the issue of
27 the source of his knowledge germane to this particular
28 aspect?

29 I need to be enlightened, because it would seem to

1 me now you may be, even if tangentially, sliding away
2 from refreshing his memory, jogging his memory, into some
3 broader area of questioning the source of knowledge. If
4 you can sort of take that in and see how far I may be
5 probably getting you to enlighten the Court a little,
6 because I'm not sure if refresh memory presupposes that
7 he may have forgotten something, in the light of what he
8 said.

9 PRESIDING JUDGE: The way I understand counsel - I don't know,
10 I'm speculating, you may put the notes right - the issue
11 is how he got to know about the information, that very
12 precise information when he has earlier said under
13 cross-examination that he is neither a member of the RUF,
14 nor is he an informant of the RUF. That is the basis on
15 which that question is asked.

16 MR YILLAH: Your Lordship has seen the point, My Lord.

17 JUDGE THOMPSON: It is just that -- in other words, are we
18 saying that his memory is hazy on that particular aspect?

19 MR YILLAH: As My Lord pleases.

20 JUDGE THOMPSON: If that is the way we're going then perhaps
21 the route you were choosing was a little circuitous for
22 me. But, of course, I understand my learned brother's
23 intervention. I will just rest on this.

24 MR YILLAH: As My Lord pleases.

25 Q. Mr Witness, if I may put the question once again. You
26 were in Bo yet you testified in this Court that the
27 rebels in Mile 91 had gotten information that Kamajors
28 were about to massacre Temnes that Tuesday. My question
29 is: How did you know that the rebels in Mile 91, when

1 you were in Bo, got this information?

2 A. Well, at that time people were coming from Bo, going to
3 91. And people were coming from 91 and coming to Bo.
4 And, by then, people were running away to go. People
5 were packing their luggage and going. So that is how
6 I got that information from the rebels.

7 JUDGE BOUTET: Yes.

8 MR YILLAH:

9 Q. Mr Witness, I put it to you that you got this information
10 that the rebels would attack Bo that Tuesday because you
11 were a rebel informant; I put it to you?

12 A. I was not a rebel informant. I am not a rebel.

13 Q. Mr Witness, during the time frame of the incident you've
14 testified to in this Court --

15 PRESIDING JUDGE: Mr Yillah, it is 1.00.

16 MR YILLAH: It is a convenient point to break, My Lord.

17 PRESIDING JUDGE: Yes, I think we can conveniently break here
18 and you can continue with your cross-examination when we
19 do resume in the afternoon.

20 MR YILLAH: As My Lord pleases.

21 MR MARGAI: My Lords, sorry, it is just an information which
22 perhaps Your Lordships will address when we resume. In
23 relation to the ruling delivered yesterday we observed
24 that it dealt with only the motion filed by the first
25 accused. Subsequent to the first accused filing his
26 motion the other two accused persons, the second and
27 third, also filed similar motions in identical terms. So
28 we would very much want to know whether the ruling there
29 cuts across the CDF motions or the subsequent motions

1 filed by the second and third would be separately
2 delivered.

3 JUDGE BOUTET: I can answer that question immediately. The
4 decision yesterday applied to the motion we had to deal
5 with. The motion we had to deal with was the motion by
6 the first accused and did not touch the motion on the
7 second or third accused. The second and third accused
8 have filed separate, distinct motions, even though they
9 may be related to the same subject matter, and they will
10 be disposed accordingly. So that decision of yesterday
11 dealt with the first accused and first accused only.

12 MR MARGAI: I appreciate that. Thank you very much.

13 JUDGE BOUTET: At least the majority. I do know that my
14 friend and Presiding Judge in his decision commented on
15 the second and third accused but that comment.

16 [Overlapping speakers]

17 PRESIDING JUDGE: He is speaking for all three of us.

18 MR MARGAI: You may have different opinions in the
19 interpretation in the law but there should be unison.

20 Thank you very much. I appreciate the --

21 PRESIDING JUDGE: Never mind that. I mean, I couldn't address
22 one without addressing the other for the completeness of
23 my own records and my own conscience.

24 JUDGE BOUTET: Thank you.

25 PRESIDING JUDGE: But you will have decisions on these other
26 motions which were filed and that is it. So we'll rise
27 and resume at 2.30. The Court rises, please.

28 [Luncheon recess taken at 1.05 p.m.]

29 [Upon resuming at 2.45 p.m.]

1 JUDGE BOUTET: Yes, Mr Yillah?

2 MR YILLAH: May I proceed, My Lord?

3 JUDGE BOUTET: Yes.

4 MR YILLAH: Thank you, My Lord.

5 Q. Mr Witness, so far as you observed, when did police
6 presence return to Bo?

7 PRESIDING JUDGE: Mr Yillah, take that question again.

8 MR YILLAH: Let me put the question again.

9 PRESIDING JUDGE: Please.

10 MR YILLAH:

11 Q. Did you observe police presence during this period in Bo?

12 A. Yes.

13 Q. Did you report the incidents you've testified to in this
14 Court to the police in Bo at any time?

15 A. When the police returned, I didn't make any report.

16 JUDGE BOUTET: Mr Yillah, I am not sure that the witness has
17 really answered your second question. I have a feeling
18 that he has answered your first question.

19 MR YILLAH: I'll put the question again, My Lord.

20 JUDGE BOUTET: Given the answer to your second question now,
21 because your first question was when did the police
22 return to Bo.

23 MR YILLAH: I rephrased that question and then said "Did you
24 at any time observe police presence in Bo during this
25 period?"

26 JUDGE BOUTET: I know, but now with his answer it seems to be
27 a bit confused.

28 MR YILLAH: I'll put the question again.

29 Q. Did you at any time report the incidents you've testified

1 to in this Court to the police in Bo?

2 A. No, sir.

3 PRESIDING JUDGE: Mr Yillah, there were many incidents. There

4 were a number.

5 MR YILLAH: My Lord, I grouped the various incidents together.

6 PRESIDING JUDGE: You mean all the incidents -- all that

7 occurred.

8 MR YILLAH: Yes, My Lord.

9 PRESIDING JUDGE: So we should ask him, all the incidents.

10 MR YILLAH:

11 Q. Did you at any time report all the incidents you have

12 testified to in this Court to the police in Bo?

13 A. I didn't report, sir.

14 Q. Mr Witness, do you know of a Kamajor in Bo who's called

15 "After the War" -- generally known as "After the War"?

16 Do you know him or do you know of him?

17 A. I don't know him.

18 PRESIDING JUDGE: Should we say who is popularly known as

19 "After the War"?

20 MR YILLAH: Who's popularly known as "After the War", My Lord.

21 Q. I am putting it to you, Mr Witness, that you know of him?

22 A. I don't know him.

23 Q. I'm further putting it to you, Mr Witness, that "After

24 the War" was arrested and charged by the Sierra Leone

25 police for killing a civilian in Bo and you know of that?

26 JUDGE BOUTET: Are you talking of the same Kamajor now?

27 MR YILLAH: The same Kamajor, My Lord.

28 PRESIDING JUDGE: That "After the War"?

29 MR YILLAH: "After the War", My Lord. I don't know whether

1 the witness understands the question, My Lord.

2 THE WITNESS: No, I didn't get you clearly, sir.

3 MR YILLAH:

4 Q. I'm putting it to you, Mr Witness, that this Kamajor

5 known as "After the War" was arrested and charged for

6 murder by the Sierra Leone police during this period for

7 killing a civilian?

8 A. I don't know about that and I'm not aware about that.

9 PRESIDING JUDGE: Mr Yillah, did you say he was arrested and

10 prosecuted by the police?

11 MR YILLAH: He was arrested and charged for murder.

12 PRESIDING JUDGE: He was arrested by the police?

13 MR YILLAH: And charged for murder for killing a civilian,

14 My Lord, during this period. May I proceed, My Lord?

15 PRESIDING JUDGE: Yes.

16 MR YILLAH:

17 Q. Mr Witness, during this period, would I be correct to say

18 that ECOMOG was in overall command of Bo?

19 A. Well, during the last days, they were there together with

20 the Kamajors, they were in control.

21 MR YILLAH: I'm satisfied the interpretation has come out that

22 ECOMOG were in control during the last period.

23 THE WITNESS: Together with the Kamajors.

24 MR YILLAH: The interpreter has added "together with the

25 Kamajors".

26 PRESIDING JUDGE: I got him, you know, to have said "together

27 with the Kamajors".

28 MR YILLAH: May I clarify this point, My Lord?

29 PRESIDING JUDGE: Go ahead.

1 MR YILLAH:

2 Q. Mr Witness, you have testified that ECOMOG and Kamajors
3 were in Bo during this time. Would I be correct to say
4 that ECOMOG was in overall control of Bo at this time?

5 A. During the time, yes.

6 Q. Mr Witness, would I be also correct to say that during
7 the time your brother and you reported to ECOMOG, they
8 intervened -- ECOMOG intervened?

9 A. Repeat the question.

10 Q. You testified in this Court to an incident whereby
11 Kamajors came to your house, your brother reported to
12 ECOMOG and ECOMOG came and asked him out. You also
13 testified to another incident involving a woman, whereby
14 ECOMOG intervened. So my question is would I be correct
15 to say, as far as you know, as a result of reports made
16 to ECOMOG, ECOMOG intervened?

17 A. Yes.

18 Q. And according to your testimony, Mr Witness, on one such
19 occasion involving the woman, all the Kamajors involved
20 were arrested by ECOMOG?

21 A. Yes.

22 MR YILLAH: My Lord, I seek your leave to -- I want to ask a
23 question of the witness that may reveal his identity, so
24 I'm putting it on file --

25 JUDGE BOUTET: On that piece of paper?

26 MR YILLAH: Yes, My Lord.

27 JUDGE BOUTET: So you have put the pseudonym of the witness
28 with the date of today so we know what this document is
29 making reference to. It is TF2-057 and today's date is

- 1 30 November.
- 2 MR YILLAH: Thank you, My Lord.
- 3 JUDGE BOUTET: So you want to show that to the witness and
- 4 then you're going to file that as an exhibit to the
- 5 Court?
- 6 MR YILLAH: Yes, depending on the answers that come out.
- 7 Please don't read that out, Mr Witness.
- 8 JUDGE BOUTET: Mr Walker, please, show it to the Prosecution
- 9 before you do.
- 10 MR YILLAH: Please don't read it out, Mr Witness.
- 11 Q. Mr Witness, do you know of him?
- 12 A. I don't know this name.
- 13 JUDGE BOUTET: So you need not to produce it in those
- 14 circumstances, I presume.
- 15 MR YILLAH: I will not, My Lord. I will abandon that line.
- 16 JUDGE BOUTET: Okay. Mr Walker, take the piece of paper back
- 17 to the Defence, please.
- 18 MR YILLAH:
- 19 Q. Mr Witness, did you at any time identify any of the
- 20 corpses you have testified to in this Court to the
- 21 investigators? Did you at any time do that?
- 22 A. When I made my report, I showed them all.
- 23 Q. Did you identify the corpses of the people you allege
- 24 were killed? Did you identify their corpses - their
- 25 bodies, in other words - to the investigators?
- 26 A. That thing happened in 1998 and the people went there.
- 27 How could I identify them when they were not there. It
- 28 had happened in 1998.
- 29 Q. Mr Witness, my question is did you or did you not?

1 A. I couldn't identify them because that was not the time
2 they died. They died a long time ago.

3 PRESIDING JUDGE: Your answer should be straight. Don't
4 quarrel with the lawyer. Don't argue too much with the
5 lawyer, Mr Witness.

6 JUDGE BOUTET: We understand your answer, Mr Witness, but --

7 PRESIDING JUDGE: We understand what you're saying, that's
8 right; that was what I was going to say.

9 JUDGE BOUTET: But please answer the question: Did you or did
10 you not -- yes or no?

11 THE WITNESS: No, I didn't identify them.

12 MR YILLAH:

13 Q. Mr Witness, would you agree with me if I suggested to you
14 that the distance between Bo and Kpetewoma, or whatever
15 is the town's name that you went to, is about 1 mile?

16 A. It's more than that.

17 MR YILLAH: That will be all for this witness, My Lord.

18 JUDGE BOUTET: Thank you. Counsel for second accused, Mr
19 Bockarie, thank you.

20 CROSS-EXAMINED BY MR BOCKARIE:

21 MR BOCKARIE:

22 Q. Mr Witness, for how long have you lived in Bo?

23 A. I went to Bo in 1976.

24 Q. You'll agree with me that from 1976 to date the
25 relationship between the Mendes and the Temne had been
26 very harmonious; do you agree?

27 A. Yes, during that time, yes, the relationship was good.

28 Q. Up to date it had been very harmonious?

29 PRESIDING JUDGE: [Microphone not activated] Ask one question.

- 1 MR BOCKARIE: Yes.
- 2 THE WITNESS: Go over that again.
- 3 MR BOCKARIE:
- 4 Q. From 1976, according to you when you went to Bo, to date,
5 the relationship between the Temne and the Mende had been
6 very harmonious; do you agree?
- 7 A. Yes, during that time.
- 8 Q. And that harmonious relationship had never changed for
9 the worse -- at no time; do you agree?
- 10 A. No, some times in 1998 it's changed.
- 11 PRESIDING JUDGE: When you say "changed", what do you mean?
- 12 THE WITNESS: From 1997 the relationship was not cordial
13 anymore.
- 14 PRESIDING JUDGE: 1998, you mean? From 19 what?
- 15 THE WITNESS: The relationship was in good order from
16 1967 [sic] -- the relationship between the Temne and the
17 Mendes was very cordial, but some times in 1998 there was
18 a split, there was no cordial relationship between them.
- 19 MR BOCKARIE:
- 20 Q. Mr Witness, I am putting it to you that the relationship
21 had always been harmonious?
- 22 A. It was not good at that time that I've stated.
- 23 Q. Thank you. Mr Witness, did you vote in the 1996 general
24 election?
- 25 A. Yes.
- 26 PRESIDING JUDGE: 1997 elections?
- 27 MR BOCKARIE: 1996 general election.
- 28 Q. A year after the government of Tejan Kabbah was
29 overthrown; isn't it? It's correct?

1 A. Yes.

2 Q. Mr Witness, were you happy when Tejan Kabbah's government
3 was overthrown in 1997?

4 A. I was not happy.

5 Q. Mr Witness, after the overthrow of Tejan Kabbah in 1997,
6 the Kamajors vowed that they'll resist the coup and
7 they'll ensure that Tejan Kabbah's government is
8 reinstated; do you agree with me?

9 A. Yes.

10 Q. Mr Witness, did you share the aspiration of the Kamajors
11 in ensuring that Tejan Kabbah is reinstated back to
12 power?

13 A. Well, I was happy, because Tejan Kabbah was brought back
14 to power by God. I was happy that God brought him back.

15 PRESIDING JUDGE: So what is his answer to your question? God
16 brought Tejan Kabbah back to power.

17 MR BOCKARIE: That he shared the aspiration of the Kamajors.

18 PRESIDING JUDGE: I'm not sure about that. God brought him
19 back. I mean --

20 MR BOCKARIE:

21 Q. Mr Witness, listen to my questions carefully before you
22 answer. Did you share that aspiration of the Kamajors in
23 ensuring that Tejan Kabbah's government is going to be
24 reinstated back to power?

25 A. On that side, I can't, but -- the ECOMOG, too, was on the
26 side of Tejan Kabbah that he should be reinstated, so the
27 head of ECOMOG and the Kamajors -- God brought Tejan
28 Kabbah back to power.

29 Q. Mr Witness, were you happy when Kamajors fought alongside

1 ECOMOG and had Tejan Kabbah reinstated?

2 A. Yes.

3 Q. Mr Witness, according to your testimony, you said the
4 juntas were kicked out of Bo in March 1998; am I correct?

5 A. Yes.

6 PRESIDING JUDGE: In what month, Mr Bockarie?

7 MR BOCKARIE: According to his testimony in March 1998.

8 PRESIDING JUDGE: Thank you.

9 MR BOCKARIE:

10 Q. Mr Witness, will I be correct to say that in the takeover
11 of Bo the Kamajors fought alongside ECOMOG?

12 A. Yes.

13 Q. Mr Witness, shortly after the take over of Bo, ECOMOG set
14 up a secretariat at J Matta's compound opposite the
15 police station; isn't it?

16 A. Yes.

17 PRESIDING JUDGE: At what place, Mr Bockarie?

18 MR BOCKARIE: J Matta compound, opposite the police station.

19 Q. Mr Witness, shortly after they set up that secretariat,
20 the search for arms and ammunition was routine and it was
21 undertaken jointly with ECOMOG and Kamajor in the various
22 houses; isn't it?

23 A. Yes, in the first place, but it was Kamajors who only
24 went in groups.

25 Q. Mr Witness, I am saying the search was conducted by
26 ECOMOG along --

27 PRESIDING JUDGE: But you are retaking the question. Split it
28 up, because it was more of a lengthy statement. Split it
29 up.

1 MR BOCKARIE:

2 Q. Mr Witness, shortly after the setting up of this
3 secretariat there was search for arms and ammunition in
4 Bo Town --

5 PRESIDING JUDGE: Stop there, yes.

6 MR BOCKARIE:

7 Q. -- isn't it?

8 A. Yes.

9 Q. Mr Witness, and this was a joint exercise by ECOMOG and
10 Kamajors; do you agree with me?

11 A. It was at the latter part when the Kamajors and the
12 ECOMOG joined together, but in the first instance it was
13 only done by Kamajors.

14 Q. Mr Witness, I'm sure you did go to secondary school; am I
15 correct?

16 A. Yes.

17 Q. Mr Witness, can you please tell this Court -- you said
18 the Kamajors and ECOMOG entered in Bo in March 1998. Can
19 you tell this Court when was the first search for arms
20 conducted by Kamajors alone?

21 A. Around this March time, when they went to my house.

22 PRESIDING JUDGE: That was March when again?

23 MR BOCKARIE:

24 Q. March 1998; isn't it?

25 A. Yes, sir, yes. Yes, sir.

26 Q. So in March 1998 what are you saying -- the Kamajors went
27 to your house alone; isn't it?

28 A. Yes.

29 PRESIDING JUDGE: That is only the Kamajors came?

- 1 THE WITNESS: Yes, sir, yes.
- 2 MR BOCKARIE:
- 3 Q. Mr Witness, isn't it true that whilst the exercise was
4 going on ECOMOG surfaced at your house?
- 5 A. I sent for ECOMOG when the Kamajors entered my house,
6 when they said they were looking for arms and ammunition.
- 7 Q. And they surfaced; isn't it?
- 8 A. Yes.
- 9 Q. Thank you.
- 10 A. Yes.
- 11 Q. Mr Witness, you spoke a lot about number 88 Mahei Boima
12 Road. That's a Kamajor office?
- 13 A. Yes.
- 14 Q. Isn't it?
- 15 A. Yes.
- 16 Q. Mr Witness, will I be correct to say that the commander
17 of 88 Mahei Boima Road was one CO Ngaujia?
- 18 A. No.
- 19 Q. Do you know who was the commander?
- 20 A. Yes.
- 21 Q. Who was the commander?
- 22 A. It was leader of the patrol or leader of the place where
23 the Kamajors were. Ngaujia was the 19th battalion
24 commander.
- 25 Q. Mr Witness, where was the office of the 19th battalion in
26 Bo?
- 27 A. Along Mahei Boima Road to go towards Makeni.
- 28 Q. And where was 88 Mahei Boima Road?
- 29 A. It was along the Kenema road, that's where Mahei Boima

- 1 Road is.
- 2 Q. Mr Witness, I am putting it to you that 88 and
3 19th battalion were one and the same, situate at 88 Mahei
4 Boima Road?
- 5 A. No, it's not like that.
- 6 Q. Mr Witness, can you tell this Court when this office was
7 set up -- this 88 Mahei Boima Road?
- 8 A. Well, the time when the Kamajors came to power when they
9 returned to Bo, that was the office they set up.
- 10 Q. Will I be correct to say it was set up in March 1998, the
11 very month the Kamajors came to Bo?
- 12 A. Yes.
- 13 PRESIDING JUDGE: Mr Bockarie, let's have the spelling of that
14 Boima Road, 88.
- 15 MR BOCKARIE: Yes, sorry. M-A-H-E-I; Boima, B-O-I-M-A.
- 16 PRESIDING JUDGE: 88 Mahei Boima Road.
- 17 MR BOCKARIE: Meaning -- yes, My Lord.
- 18 PRESIDING JUDGE: Meaning?
- 19 MR BOCKARIE: That's chief.
- 20 PRESIDING JUDGE: Chief?
- 21 MR BOCKARIE: Yes, in Mende. Chief Boima.
- 22 PRESIDING JUDGE: Chief Boima.
- 23 MR BOCKARIE: Yes.
- 24 PRESIDING JUDGE: He's saying that that office was created --
- 25 MR BOCKARIE: In March 1998.
- 26 Q. Mr Witness, can you tell this Court the interval between
27 the creation of this office and your arrest? Did it take
28 a month, weeks, as the case may be?
- 29 A. No, it was about one week and the one going to two weeks,

- 1 about the second week.
- 2 Q. Mr Witness, are you telling this Court you were arrested
- 3 somewhere around mid-March 1998 and detained at number
- 4 88 Mahei Boima Road; am I correct?
- 5 A. Yeah, they arrested me around March.
- 6 Q. Mr Witness, you told this Court that when you were
- 7 arrested you met Moinina Fofana at number 88 Mahei Boima
- 8 Road during this time; am I correct?
- 9 A. Yes.
- 10 PRESIDING JUDGE: I will be calling it number 88.
- 11 MR BOCKARIE: Yes, number 88.
- 12 PRESIDING JUDGE: Not to say number 10. That appears to be
- 13 the headquarters of a very powerful organisation.
- 14 MR BOCKARIE:
- 15 Q. Mr Witness, I am putting it to you that at the time of
- 16 your alleged arrest, Moinina Fofana was not in Bo?
- 17 A. He was there.
- 18 Q. Mr Witness, you told this Court in your evidence-in-chief
- 19 that you had known Moinina from 1993, '94, '95, when he
- 20 was introduced by Chief Norman; am I correct?
- 21 A. Yes.
- 22 Q. And you said in 1993, when he was introduced by Chief
- 23 Norman, he was introduced as Director of War; am I
- 24 correct?
- 25 A. Yes.
- 26 PRESIDING JUDGE: The introduction was in 1993?
- 27 MR BOCKARIE: Yes, when he was introduced as Director of War
- 28 by Chief Norman.
- 29 Q. Mr Witness, this 88 Mahei Boima Road is situated in a

1 very busy area known as Shenge in Bo; am I correct?

2 A. Yes, it's far off from Shenge. That 88 Mahei Boima Road

3 is far away from Shenge.

4 PRESIDING JUDGE: When you say it is far off from Shenge, what

5 is Shenge? Is that the centre of the town?

6 MR BOCKARIE: Yes, yes, I've had clarification, Your Honour.

7 JUDGE BOUTET: Before you ask the question, can you spell it

8 out?

9 MR BOCKARIE: Which one?

10 JUDGE BOUTET: Shenge.

11 MR BOCKARIE: No, no, I am abandoning it now, sir.

12 JUDGE BOUTET: Okay.

13 MR BOCKARIE: Thank you.

14 PRESIDING JUDGE: But spell that Shenge.

15 MR BOCKARIE: Shenge, sorry. S-H-E-N-G-E, Shenge.

16 PRESIDING JUDGE: What is Shenge?

17 MR BOCKARIE: It is a particular location in Bo.

18 PRESIDING JUDGE: Very active?

19 MR BOCKARIE: Yes, a marketplace.

20 PRESIDING JUDGE: It's something like the centre of the town?

21 MR BOCKARIE: Yes, it's -- well, it's not in the heart of the

22 town, but it's a very busy place.

23 PRESIDING JUDGE: Very busy place, okay.

24 MR BOCKARIE: Yes.

25 Q. Mr Witness, do you know one Koseh Hindowa?

26 A. Yes, I did hear about him.

27 PRESIDING JUDGE: Let's have the name again.

28 MR BOCKARIE: Koseh Hindowa.

29 PRESIDING JUDGE: We've heard that name before.

1 MR BOCKARIE: K-O-S-S-E-H, Kosseh; Hindowa, H-I-N-D-O-W-A.
2 PRESIDING JUDGE: Does the witness say he has only heard of
3 him or he knows him?
4 MR BOCKARIE:
5 Q. Do you know him?
6 A. I am hearing about him.
7 Q. You've never met him, have you?
8 A. No, sir.
9 Q. Now, Mr Witness, this number 88 -- this office is also
10 situated in a very, very busy residential area; do you
11 agree with me?
12 A. That place is not a busy area that you're talking about.
13 Q. Mr Witness, in fact, it is a four road -- situated in the
14 middle of a four road -- one from new site; do you agree
15 with me?
16 A. Yes, yes. Yes, it's opposite to a garage.
82. 17 Q. And, Mr Witness place is almost always full of life
18 through all the day and night; do you agree with me?
19 A. No, sir.
20 Q. Mr Witness, you agree with me that next to 88 there is a
21 primary school called HRS primary school -- just next
22 door to 88?
23 A. No, it's not too near. It's far off to where HRS is --
24 from the place where Mahei Boima Road.
25 Q. I mean HRS, not KRS -- HRS?
26 A. I understand you said HRS, where the primary school is.
27 It's further a bit. It's not soon where the house is.
28 Q. Mr Witness, I am putting it to you that it is even
29 adjacent to this primary school?

- 1 A. It's not near it. It's a further distance a little.
- 2 Q. Mr Witness, I am further putting it to you that 88 Mahei
3 Boima Road and HRS primary school share a common
4 boundary?
- 5 A. No, the place where HRS is and 88 Mahei Boima Road, the
6 house had nobody living in it except the Kamajors who
7 came and occupied it, and that house belongs to Margai
8 family.
- 9 Q. Mr Witness, sorry, that's why I'm telling you that
10 that --
- 11 PRESIDING JUDGE: Wait, wait, wait, wait, we want to get this
12 note down, please. The house was not occupied?
- 13 MR BOCKARIE: Yes, that's what he says.
- 14 PRESIDING JUDGE: This number 88 --
- 15 MR BOCKARIE: Yes.
- 16 PRESIDING JUDGE: -- was not occupied. And that it was the
17 Kamajors who came and occupied it; is that right?
- 18 MR BOCKARIE: Yes, according to his statement.
- 19 THE WITNESS: Yes.
- 20 PRESIDING JUDGE: According to his statement, yes. And that
21 the house belongs to who?
- 22 THE WITNESS: Margai family.
- 23 PRESIDING JUDGE: Is it the Margai with us, yeah? I see him
24 smiling. I'm only asking a question out of curiosity.
25 The house belongs to the Margai family.
- 26 MR BOCKARIE:
- 27 Q. Mr Witness, isn't it true that by March children were
28 going to school in Bo after ECOMOG was in Bo?
- 29 A. Yes.

1 Q. Mr Witness, you've given a vivid account of some alleged
2 killings which occurred at number 88 Mahei Boima Road.
3 These alleged killings, did they occur during the day or
4 at night?

5 A. It was during the day, sir.

6 Q. Mr Witness, during the course of this so-called alleged
7 killings, did you see members of the public present?

8 A. Yes, people were there, around the place.

9 Q. So Mr Witness, you're telling this Court that these
10 alleged killings occurred in the view of the public;
11 isn't it?

12 A. Well, where they were, no civilian had a right to go
13 there except they take you there. But you don't even
14 have the guts to go there, except for the Kamajors who
15 were around.

16 Q. Mr Witness, you'll agree with me that this compound is
17 not properly secured -- number 88; am I correct?

18 A. Well, the Kamajors were there.

19 Q. I am putting it to you that the frontage is not secured
20 and the public has easy access to number 88 through the
21 frontage?

22 A. That's not correct, because the front house comes closer
23 to the street and the back house, there is an open place
24 there and that's where they do the killing. So when you
25 are going along the street, you would never know what is
26 going at the back of the house.

27 Q. Mr Witness, Aruna Massaquoi, do you know his tribe?

28 A. Yes.

29 Q. What's his tribe?

1 A. He's Mende.

2 Q. Mr Witness, you spoke of the last massacre; do you
3 recall?

4 A. Yes, I talked about it, yes.

5 Q. Can you tell this Court when it was planned? Do you know
6 when it was planned?

7 A. Yes, they planned it on Tuesday they were going to the
8 last massacre.

9 Q. On Tuesday what month?

10 A. On Tuesday the same March.

11 Q. On Tuesday the same March?

12 PRESIDING JUDGE: The same March 19 --

13 MR BOCKARIE:

14 Q. The same March -- the same year 1998?

15 A. Yes, sir.

16 [HN301104E 3.45p.m.]

17 Q. Mr Witness, this last massacre, was it executed? Was it
18 executed?

19 A. Well, it was not executed. That's when the rebels came,
20 on Tuesday, when they attacked.

21 Q. So, Mr Witness, are you telling this Court that the
22 rebels came on a Tuesday in March 1998 and attacked Bo.
23 Am I correct?

24 A. Yes.

25 [Defence counsel confer]

26 MR BOCKARIE: Thank you very much, Mr Witness. No further
27 questions.

28 JUDGE BOUTET: Thank you, Mr Bockarie. Mr Margai, are you
29 prepared to proceed for the third accused?

1 MR MARGAI: Yes, my Lord.

2 JUDGE BOUTET: Please do so.

3 CROSS-EXAMINED BY MR MARGAI:

4 Q. Now, Mr Witness, when was the first time the Kamajors
5 entered Bo? Which year? Which month, to the best of
6 your knowledge?

7 A. Well, the time they were removed in 1997 -- when they
8 left, they came back after nine months.

9 Q. My question is when was the very first time the Kamajors
10 entered Bo, to the best of your knowledge.

11 A. Well, I knew Kamajors in 1992, 1993. That's when I knew
12 Kamajors.

13 Q. I'm not sure whether you got my question properly. The
14 very first time the Kamajors entered Bo as a force, the
15 very first time, when was it? Do you know?

16 A. Yes, yes.

17 Q. Which year?

18 A. In 1992.

19 Q. Do you know the month?

20 A. No.

21 Q. Thank you. Now, in that same year, 1992, were the SLAs
22 in Bo, do you know?

23 A. SLA were in Bo.

24 Q. And the SLAs were the dominant force of the two, were
25 they not?

26 A. Which ones? Which ones?

27 Q. I'm talking about SLA and the Kamajors. The SLA were the
28 dominant force.

29 A. Well, I can't tell that because I was not seeing all the

- 1 Kamajors.
- 2 Q. Now, in 1992, the rebel war was on, was it not?
- 3 A. Yes, there were rebels.
- 4 Q. And the presence of the SLAs in Bo was to repel rebel
- 5 attack?
- 6 A. Yes.
- 7 Q. And the Kamajors were there to assist the SLAs repel any
- 8 rebel attack?
- 9 A. Yes.
- 10 Q. And the relationship between the SLAs and the Kamajor was
- 11 cordial up to that point?
- 12 A. Yes.
- 13 Q. Now, this relationship between the SLAs and the Kamajor
- 14 took a turn for the worse in 1997?
- 15 A. Yes.
- 16 Q. This was after the overthrow of the legitimate government
- 17 of Ahmad Tejan Kabbah.
- 18 A. Yes.
- 19 Q. In 1997 after the overthrow of the Tejan Kabbah
- 20 government -- that was on the 25th of May. Not so?
- 21 1997?
- 22 A. Yes, yes.
- 23 Q. In that same year, 1997, the Kamajors left Bo Town and
- 24 went to the surrounding villages of Bo?
- 25 A. Yes.
- 26 Q. Leaving the SLAs in control of Bo Town security-wise?
- 27 A. Yes.
- 28 Q. And according to your testimony, the only time the
- 29 Kamajors resurfaced in Bo as a fighting force was in

1 March of 1998?

2 A. Yes.

3 Q. Now, Mr Witness --

4 PRESIDING JUDGE: Is there a month attached to that year,

5 Mr Margai?

6 MR MARGAI: In March of 1998.

7 PRESIDING JUDGE: Thank you.

8 MR MARGAI:

9 Q. Mr Witness, I'm putting it to you that Bo was captured

10 from the juntas in February 1998.

11 A. Well, when the juntas were overthrow, the SLA and the

12 junta were always in Bo. That's where they were.

13 Q. I know that. What I'm saying is that the SLAs who later

14 became known as the junta finally left Bo in February

15 1998.

16 A. Yes.

17 Q. And in March of 1998, the Tejan Kabbah government was

18 restored to power? March 1998.

19 A. Yes.

20 Q. Now, confining ourselves to Bo, Bo Town, schools had

21 resumed in March 1998?

22 A. Yes.

23 Q. And the police were back at work in March 1998?

24 A. Yes. They started working later.

25 Q. In March 1998, after the restoration of the government.

26 Not so?

27 A. Yes, yes.

28 Q. And ECOMOG was in overall control of security in Bo Town?

29 A. Yes.

1 Q. And ECOMOG had its brigade headquarter stationed opposite
2 the Bo Police Station at J. Matta's compound, Bo Town
3 Street?

4 A. Yes.

5 Q. Now, Mr Witness, these alleged killings you testified to
6 before this Tribunal, did you make a report of any of
7 these killings to the Kamajor hierarchy in Bo?

8 A. No, I didn't make any reports because we had made a
9 report once to the ECOMOG where ECOMOG arrested the
10 Kamajors and later released them. So even if I have a
11 problem and go and report to them, it would be the same
12 thing. That's why I didn't report.

13 PRESIDING JUDGE: The long and short of the question is that
14 you did not --

15 MR MARGAI:

16 Q. You did not report to the hierarchy of the Kamajors?

17 A. I did not report.

18 MR MARGAI: Thank you, my Lords. That will be all for this
19 witness, my Lords.

20 JUDGE BOUTET: Thank you, Mr. Margai.

21 Any re-examination?

22 MR SAUTER: No, my Lord.

23 JUDGE BOUTET: Thank you. So this ends the evidence of this
24 witness. We are moving now with the TF2-007, is it?

25 MS PARMAR: Your Honour, it's TF2-067.

26 JUDGE BOUTET: 067, yes. 007 is the one after.

27 MS PARMAR: Yes, that's correct.

28 JUDGE BOUTET: And you're ready to proceed after with 067?

29 MS PARMAR: That's correct, Your Honour, after appropriate

1 adjustments have been made to the courtroom.

2 JUDGE BOUTET: Yes, thank you.

3 THE INTERPRETER: My Lords, what language is the witness going
4 to be testifying in?

5 MS PARMAR: Witness TF2-067 will be testifying in Krio.

6 THE INTERPRETER: Thank you very much.

7 [The Trial Chamber confers]

8 PRESIDING JUDGE: Yes, Mr Witness, we've finished with you.

9 THE WITNESS: Okay.

10 PRESIDING JUDGE: We want to thank you for the willingness
11 you've shown to come and give evidence in this court and
12 to give the ends of the Tribunal. And we -- although we
13 say we are finished with you, we are not ruling out the
14 possibility of asking you to come back here. We are not
15 saying it would be so, but it could well be so. We never
16 know because that is how justice is at times. So if we
17 do, you will be contacted through the right channels. So
18 this said, I want to thank you again and wish you a very
19 safe journey back to your station and a happy stay with
20 your family.

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: Thank you very much for coming. This said,
23 learned counsel, I think we would rise and allow the next
24 witness to be prepared and the scenario to be set for us
25 to start with his testimony.

26 The Court will rise.

27 [The witness withdrew]

28 [Break taken at 4.02 p.m.]

29 [Upon resuming at 4.31 p.m.]

1 PRESIDING JUDGE: We are resuming the session for the next
2 witness.

3 JUDGE BOUTET: Madam Prosecutor, you're ready to proceed?

4 MS PARMAR: Yes, Your Honour, the Prosecution is ready. Since
5 Witness TF2-067 is a minor witness, the Prosecution will
6 wait and allow the Chamber to proceed under Rule 90(C).

7 PRESIDING JUDGE: I didn't have my phones, you know, on.

8 MS PARMAR: Perhaps I'll repeat that for you.

9 PRESIDING JUDGE: Yes, please.

10 MS PARMAR: Your Honour, since this witness is a minor
11 witness, the Prosecution, before we proceed with our
12 direct examination, will allow the Chamber to satisfy
13 themselves under Rule 90(C) whether this witness is, in
14 fact, capable of swearing under oath on the Koran as he
15 is a Muslim.

16 JUDGE BOUTET: Thank you.

17 PRESIDING JUDGE: This would be the 35th witness -- 34th or
18 35th? 35th.

19 JUDGE BOUTET: Can we see the witness on the screen?

20 PRESIDING JUDGE: Ms Parmar, what's your submission on this?
21 What are you -- what's your submission on this issue? Do
22 you think -- what's the submission of the Prosecution?

23 MS PARMAR: Well, Your Honour, the Prosecution submits that
24 the witness is indeed of capable of swearing on the Koran
25 to tell the truth as he is a Muslim.

26 PRESIDING JUDGE: How old is he now?

27 MS PARMAR: He is now 17 years of age.

28 PRESIDING JUDGE: 17 years old.

29 MS PARMAR: But as per Rule 90(C) the Chamber ought to satisfy

1 itself the witness, being a minor, is, in fact, capable
2 of swearing the oath.

3 PRESIDING JUDGE: That's why I was asking for your
4 submissions. So you think he could be sworn. He could
5 take the oath.

6 MS PARMAR: Indeed, Your Honour.

7 JUDGE BOUTET: But we still have to carry some investigation
8 to make that determination.

9 MS PARMAR: Precisely.

10 JUDGE BOUTET: Thank you.

11 [The witness entered Court]
12 [Witness answered through interpretation]

13 JUDGE BOUTET: Good afternoon, Mr Witness.

14 THE WITNESS: Good afternoon, sir.

15 JUDGE BOUTET: Do you hear me well?

16 THE WITNESS: Yes, sir.

17 JUDGE BOUTET: How old are you at this particular moment? Do
18 you know?

19 THE WITNESS: Yes.

20 JUDGE BOUTET: What is your age?

21 THE WITNESS: I'm 17 years old.

22 JUDGE BOUTET: So you'll be giving your evidence in Krio?

23 THE WITNESS: Yes, sir.

24 JUDGE BOUTET: When I speak to you, wait until it is
25 translated to you in Krio, and then you can answer.
26 Okay?

27 THE WITNESS: Okay.

28 JUDGE BOUTET: Do you know why you're here this afternoon?

29 THE WITNESS: Why I'm here this afternoon?

1 JUDGE BOUTET: Yes.

2 THE WITNESS: I'm here -- I'm here to serve as a witness.

3 JUDGE BOUTET: And do you know that as a witness, you have to

4 tell the truth?

5 THE WITNESS: Yes, sir.

6 JUDGE BOUTET: What does it mean to you to tell the truth?

7 THE WITNESS: That is to say you should not lie.

8 JUDGE BOUTET: What, if you lie?

9 THE WITNESS: I've got a sin from the person to whom I tell

10 the lies. And even to God.

11 JUDGE BOUTET: I'm satisfied that he knows what it's all about

12 and that he can, indeed, give evidence under oath, and he

13 can be sworn in this case on the Koran.

14 MS PARMAR: Thank you, Your Honour.

15 PRESIDING JUDGE: [Microphone not activated]

16 THE WITNESS: No problem.

17 JUDGE BOUTET: The monitors behind you, Mr Margai, they're

18 off, the ones behind you?

19 MR MARGAI: I believe they are.

20 JUDGE BOUTET: They are. Thank you.

21 WITNESS: TF2-067 SWORN

22 [Witness answered through interpretation]

23 EXAMINED BY MS PARMAR:

24 Q. Good afternoon, Witness.

25 A. Good afternoon, ma'am.

26 Q. Witness, before we begin, I'm going to remind you to talk

27 clearly and slowly for the interpreter.

28 You said you were 17 years of age. How do you know

29 your age?

1 A. Well, the time that I knew my age was a time -- was I
2 time when I was taking my NPS examination, and that was
3 the time my family showed me my age.

4 Q. What is a civilian?

5 A. Civilian? It is somebody who is innocent.

6 PRESIDING JUDGE: This NTS examination is what? He said it
7 was when he was taking his NTS examination. Is it --

8 THE WITNESS: NPSE.

9 JUDGE BOUTET: What does that mean?

10 PRESIDING JUDGE: National Primary School Examination.

11 THE WITNESS: National Primary School Examination.

12 MS PARMAR:

13 Q. Witness, I'll repeat my question. What is a civilian?

14 A. Civilian is somebody that is empty. He doesn't take part
15 in war.

16 MR MARGAI: My Lords, I would crave the indulgence of the
17 interpreter not to add or to subtract, just interpret
18 what was said. That last bit was never said by the
19 witness.

20 JUDGE THOMPSON: I thought --

21 PRESIDING JUDGE: I didn't hear the last one, too. And so I
22 didn't write it.

23 MR MARGAI: Thank you.

24 JUDGE THOMPSON: Perhaps you should put the question again,
25 learned counsel.

26 MS PARMAR: Precisely.

27 Q. Witness, why is a civilian an empty person?

28 A. Because he never, ever take parts in war.

29 Q. Where were you born?

- 1 A. Bo Kakua.
- 2 JUDGE BOUTET: Can you spell that out, please.
- 3 MS PARMAR:
- 4 Q. Witness, can you spell that for the Court.
- 5 JUDGE BOUTET: Or you spell it out for him.
- 6 THE WITNESS: B-O.
- 7 MR MARGAI: [Microphone not activated]. KAKUA, Bo K-a-k-u-a.
- 8 JUDGE BOUTET: Yes, please proceed.
- 9 MS PARMAR:
- 10 Q. Where were you grown up?
- 11 A. In Bo, sir
- 12 Q. Who did you live with in Bo?
- 13 A. When I was a young boy, I was with my two parents.
- 14 Q. Describe your house in Bo.
- 15 A. My house. First of all, my house is under cellar.
- 16 Q. And what are the other parts of your house?
- 17 A. My house, up is divided into two; and down, we have three
- 18 apartments in our house. Up is divided into two, and
- 19 down we had other people living there. And it is not
- 20 divided.
- 21 Q. Who were the other people living in your house?
- 22 A. Up the house, the other part, we had the Madingos. The
- 23 other part downwards, we had Temne people down.
- 24 Q. Describe what happened at your house in Bo during the
- 25 war.
- 26 A. During the time when the war was raging, I was sitting
- 27 our house comfortably. There, the Kamajors entered our
- 28 house.
- 29 Q. What happened when the Kamajors entered your house?

- 1 A. They said they were in search of ammunition, and they
2 were in search of Temne people.
- 3 Q. How did you know that these were the Kamajors?
- 4 A. Okay. We used to hear about them before. And the way I
5 saw them, they had a country cloth, and they had some
6 ammunitions -- some amulets that they put on their
7 clothes. That is how I knew they were Kamajors. And
8 they themselves said that they were Kamajors.
- 9 Q. What did they find in your house?
- 10 A. They searched the house. They said they were searching
11 for ammunition. They did not see any ammunition in our
12 house.
- 13 Q. What did these Kamajors do when they found there was no
14 ammunition in your house?
- 15 A. Well, they went right up -- they went searching for my
16 father, but my father was not there. So they captured
17 me. They said when they captured me, then my father
18 would certainly come out. And they said it was because I
19 was a Temne, and my father was a Temne.
- 20 Q. You say --
- 21 PRESIDING JUDGE: Just wait.
- 22 MS PARMAR:
- 23 Q. Witness, you said that the Kamajors were searching for
24 Temnes. Why were they searching for Temnes?
- 25 A. Because they said the Temnes were -- they said they were
26 soldiers and that they were bad people. That is the
27 reason why they were searching for them.
- 28 Q. How did you know that this was why they were searching
29 for Temnes?

1 MR BOCKARIE: My Lord, I want to take an objection to this
2 line of examination-in-chief. I mean, this issue was
3 dealt with in respect of Witness TF2-057. My Lord, none
4 of the accused has been charged with genocide. It's not
5 in the indictment at all. And my Lord, this line of
6 examination-in-chief, I consider it to be prejudicial to
7 our clients.

8 JUDGE BOUTET: Well, the evidence is from this witness. I
9 understand your objection, and I know it is a delicate
10 issue, and we are moving very cautiously with this. But
11 at this particular juncture here, the evidence from this
12 witness is that he has been captured and was captured by
13 the Kamajor because he was a Temne. So we will let it go
14 for the time being, but we'll observe the evolution of
15 that evidence carefully. So I overrule your objection,
16 but with caution.

17 You know the objection, so we have to move
18 cautiously in this domain because, as we agree, that
19 there is absolutely no charges of genocide and that there
20 is no charges involving problem between Kamajors and
21 Temnes per se. So please proceed.

22 MS PARMAR: Certainly, Your Honour. Thank you, Your Honour.

23 Your Honour, just for future reference, the
24 Prosecution would like to request that when there is any
25 oral argument that would happen to take place during this
26 witness's testimony, that given the witness's age and
27 vulnerability, that the Prosecution requests that he take
28 his headphones off and not hear oral argument that is
29 being undertaken between counsel.

1 JUDGE BOUTET: Any comment from the Defence on that issue?
2 First accused? We'll come to you, Mr Bockarie.
3 MR JABBI: We have no objection to that procedure.
4 JUDGE BOUTET: Second accused?
5 MR BOCKARIE: Sorry, can you please go over it.
6 JUDGE BOUTET: The objection -- the comment is if there is any
7 legal argument of that nature, that the witness be
8 directed to remove his headphones so he does not hear
9 these kind of arguments. That's the -- not the
10 objection. That's the request, the application made to
11 the Court.
12 MR BOCKARIE: We've got no objections, sir.
13 JUDGE BOUTET: Mr Margai.
14 MR MARGAI: If that is convenient to the Court, we have no
15 objection.
16 JUDGE BOUTET: I would agree to that as well, so we'll see and
17 try to move in due course when that happens.
18 MS PARMAR: Thank you, Your Honour.
19 Q. Witness, let's continue with your story.
20 A. Yes.
21 Q. What happened after the Kamajors captured you?
22 A. They caught me because "you are Temnes," they said. My
23 father will come out. Because I was a small boy when
24 they captured me, my father would come out, and they
25 would be able to capture him.
26 Q. So what happened then?
27 A. When they captured me, when they captured me, they
28 searched and searched. My father knew that they were
29 going to search for him. So at that time, he did not

- 1 come out. And they decided to leave me.
- 2 Q. Where did you see these Kamajors go?
- 3 A. Well, at that time, when they left our house, they
- 4 passed -- they went to the other houses searching for
- 5 Temne people. They were just within the town.
- 6 Q. Who else did you see at your house at this time?
- 7 A. In our house, I was on the veranda. I saw a Kamajor
- 8 coming towards the house, and I did not know whether it
- 9 was the same Kamajor. Before when they had come
- 10 searching our house, they saw that some other people had
- 11 property in the house. These Kamajors, they came back to
- 12 our house.
- 13 Q. What did these Kamajors do when they came back to your
- 14 house?
- 15 A. They entered directly into my uncle's room because they
- 16 knew that my uncle had a lot of property that were
- 17 valuable.
- 18 Q. What did they do when they entered the room?
- 19 A. They took the property, and they started looting the
- 20 property. In fact, the property was much, and they
- 21 started looting the property and taking it away.
- 22 Q. What type of property did they take away?
- 23 A. They took video, the freezer, and they also took away
- 24 tape recorders, a radio, and even my uncle's slippers.
- 25 One Kamajor took my uncle's slippers and wore them. And
- 26 even the bed, they wanted to take it. But because --
- 27 they were not able to take the bed because it was too
- 28 big. It was a double bed. So they left it. So because
- 29 the bed was too big, they were not able to take it away.

1 And some other things that I couldn't remember now.

2 Q. Where were you at this time?

3 A. When the Kamajors came, at that time when they came, when
4 they came, they're just insulting people. At that time,
5 I came down. I descended. I sat down. I sat down on
6 the veranda. And the Kamajors started looting the
7 property and taking it along.

8 Q. Where did these Kamajors go?

9 A. They went where they came from, in their village, behind
10 CKC area. Those parts, those were the areas they went
11 to.

12 Q. Where is CKC area?

13 A. CKC area is by Y junction . It is the last place. After
14 there, behind CKC, you'll meet villages. There's the
15 buried people, after the school, behind the school.

16 JUDGE THOMPSON: Learned counsel, is he giving us an
17 eyewitness account of something?

18 MS PARMAR: I'm about to clarify that, Your Honour.

19 JUDGE THOMPSON: Yes.

20 MS PARMAR:

21 Q. Witness, I'd like you to explain where you yourself saw
22 these Kamajors go, with your eyes.

23 [HN301104F 5.05 p.m.]

24 A. Well, what I saw -- the parts that they were going to,
25 they were going toward CKC end.

26 Q. Is that in Bo Town?

27 A. Yes, CKC is in Bo Town.

28 Q. Why were the Kamajors going towards this end of town?

29 A. Because they had been looting people's property, so they

1 were afraid of the ECOMOG in case the ECOMOG came.

2 JUDGE THOMPSON: Where is he this time?

3 MS PARMAR: Your Honour, I had previously asked the witness

4 where he was while these events were happening and he had

5 responded that he was sitting underneath the veranda.

6 JUDGE THOMPSON: Quite, and he saw them go in that direction.

7 MS PARMAR: That is my understanding.

8 JUDGE THOMPSON: As long as that's clear. In other words

9 having a long-range view. Them looting property, he

10 said.

11 MS PARMAR: That's correct, Your Honour.

12 Q. Witness, besides the Kamajors who else was in Bo at this

13 time?

14 A. Well, the Kamajors -- besides the Kamajors, at that time

15 the soldiers that we expected to be around were not

16 around at all. It was the civilians. It was only us and

17 civilians that were in town whereas all the Kamajors were

18 scattered in town.

19 Q. Who were these soldiers that you say you were expecting

20 to be in town?

21 A. Well, the soldiers, the government soldiers.

22 Q. Who were the government soldiers fighting for?

23 A. They are not fighting for anybody. They had just been

24 stopping the Kamajors if they are in town and if ECOMOG

25 are in town at that time, and the soldiers, they feel

26 that they would have been able to stop the Kamajors from

27 doing what they had been doing.

28 JUDGE THOMPSON: If, if, if; would you try and get rid of all

29 that, because it is really not helping.

1 MS PARMAR: Certainly, Your Honour.

2 Q. Witness, let's carry on with your story. What happened
3 after the Kamajors left your house?

4 A. During that time they had not left yet. They were just
5 receiving property then we received information because
6 ECOMOG had entered Bo but they had not based.

7 JUDGE BOUTET: Is he -- it is not clear what his evidence is
8 all about. Is he still sitting under the veranda or
9 what? Could you clarify that.

10 MS PARMAR: Certainly.

11 Q. Witness, where were you sitting when the Kamajors --

12 A. I was sitting on the veranda downstairs. I was sitting
13 on the veranda downstairs, because the veranda was long.
14 I was sitting there far away from them but, whatever they
15 were doing, I saw them. But I was far away from them a
16 little, down a little.

17 Q. While you were sitting on the veranda how did you hear
18 that the ECOMOG was coming to Bo?

19 A. How I heard, we were receiving information. We had the
20 information that -- that ECOMOG had entered Bo. While
21 they were entering -- there was so much noise in the town
22 when they were entering, because we saw them with combat
23 fatigue. So that's when we got the information. The
24 house was a big house. Somebody might come and say
25 something and he wouldn't know and he would go back.

26 PRESIDING JUDGE: When ECOMOG entered there was noise or what
27 was it?

28 THE WITNESS: When ECOMOG entered Bo -- when ECOMOG entered
29 Bo, because they had entered, the Kamajors were all over

1 the town. Everybody was shouting. Everybody was happy
2 that they had entered the town. So straightaway one of
3 the elderly people in the house went and reported those
4 to them, the Kamajors to them. So they decided to come
5 to the house.

6 Q. Witness, how did you know that someone went to report to
7 ECOMOG?

8 A. How I knew? Yes, sir.

9 Q. Explain how you came to learn about this.

10 A. Somebody went and reported to ECOMOG the way they behaved
11 to us at our house.

12 Q. Who in your house reported to ECOMOG?

13 PRESIDING JUDGE: Why don't you leave that alone. You can
14 move to some other question. Move to some other
15 question.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: The report was made, that's okay.

18 MR MARGAI: My Lord, I wish the --

19 PRESIDING JUDGE: It is just because of the protection the
20 child, you see.

21 MR MARGAI: That is very crucial in the light of the previous
22 testimony. It is very crucial.

23 PRESIDING JUDGE: Well --

24 MR MARGAI: If she doesn't want to pursue it, we will seek
25 leave to pursue it in cross-examination.

26 JUDGE BOUTET: Well, you may as well. You've opened the door.
27 Try to clarify that, please.

28 MS PARMAR:

29 Q. Witness, you said that someone reported to ECOMOG the

1 incident at your house. Who reported to ECOMOG?

2 A. Yes. One of the elderly people in the house.

3 PRESIDING JUDGE: That he has said already. That he has said
4 already.

5 MS PARMAR:

6 Q. What happened after you heard about the elder reporting
7 to ECOMOG?

8 A. Then ECOMOG arrived.

9 Q. Where did they arrive?

10 A. They came to our house directly.

11 Q. And what did ECOMOG do at this time?

12 A. When ECOMOG entered, when they reached the house, when
13 the Kamajors saw them -- when the Kamajors saw them
14 approaching they all decided to run away. Some of them
15 left their sleepers, some of them jumped through the
16 water to run away, some of them left their machetes and
17 the ECOMOG arrived.

18 Q. Now, Witness, what did you see ECOMOG do when they
19 arrived at your house?

20 A. When ECOMOG reached the house they alighted and looked
21 around and didn't see any of them. So they said that we
22 should write up what they have done to us. If they had
23 cut anyone, it would have been a problem for them. But
24 because they didn't capture anyone, they talked to us and
25 they begged us that we should bear it up, that it has
26 happened. So they talked to us that we should be calm
27 and they decided to go away.

28 Q. What did you see happen at your house after ECOMOG left?

29 A. When ECOMOG had gone, they were not too far away, they

1 were just around the vicinity watching what was
2 happening. They returned. They returned to the house.

3 Q. Witness, who returned to your house?

4 A. The Kamajors.

5 Q. What happened when the Kamajors returned to your house?

6 A. When they returned to our house, some of them who had
7 left their machetes, they took them back, and the other
8 things that they this left behind, they took them up. At
9 that time there was one pastor who had come from Kenema
10 and who was staying with my uncle. My uncle's slipper,
11 which was worn by one of the Kamajors, the pastor wore it
12 thinking that the Kamajors had gone. The Kamajor who had
13 worn these slippers saw it on the pastor's feet.

14 Q. What happened when the Kamajor saw the pastor wearing
15 these slippers?

16 A. He started beating up the pastor. When the other
17 Kamajors saw the one Kamajor beating the pastor all of
18 them came around and started beating up the pastor. What
19 I saw, some kicking the pastor, beating the pastor up,
20 some of them beating him, hitting him with the gun butt
21 and they started beating him. The pastor couldn't do
22 anything. He was just crying. They beat him until blood
23 started oozing from his nose.

24 Q. Witness, where were you while this was happening?

25 A. I was downstairs.

26 Q. Exactly where were you in the house?

27 A. I was downstairs in the house. We were up there, but
28 like I told you initially, the time they came, when
29 I heard the noise, that's when I went downstairs. But

1 they didn't pay attention to me because I was a small
2 boy. I was a small boy. At least I had some
3 intelligence.

4 JUDGE BOUTET: And when the pastor and the slippers, as such,
5 where are you in relation to the pastor -- is he upstairs
6 or downstairs?

7 MS PARMAR:

8 Q. Witness, where was the pastor while he was being beaten?

9 A. He was down side. The pastor was down side.

10 Q. Where was he in your house?

11 A. The pastor, he was downstairs to our uncle.

12 Q. Witness, you said you were downstairs in the house. Were
13 you still on the veranda?

14 A. Yes.

15 Q. Where was the pastor?

16 A. The pastor was downstairs.

17 JUDGE THOMPSON: Indeed.

18 PRESIDING JUDGE: Downstairs with the uncle.

19 JUDGE THOMPSON: In the company of the uncle and this was when
20 they beat him up?

21 MS PARMAR:

22 Q. Witness, was the pastor downstairs while he was being
23 beaten?

24 A. Yes, he was downstairs whilst he was being beaten.

25 Q. Witness, from where you were on the veranda, what did you
26 see --

27 PRESIDING JUDGE: There is something he mentioned. He said
28 that blood started oozing from his nose -- is it?

29 THE WITNESS: Yes, sir. Yes, sir.

1 PRESIDING JUDGE: Yes, continue.

2 MS PARMAR:

3 Q. Witness, from where you were sitting on the veranda, what
4 did you see --

5 A. I was close to them.

6 Q. How close were you to the Kamajors?

7 A. The veranda was long; I was not too far away. I was not
8 with them, because when they were beating the pastor, one
9 would mistakenly hit me or anything that he was carrying.
10 I was nearer to them and I was seeing everything that
11 they were doing to him and the other people. I was
12 nearer to them. I was hearing what they were saying,
13 except that Mendes, they are speaking some Mende that
14 I couldn't understand.

15 PRESIDING JUDGE: He was not close because he was afraid of --

16 THE WITNESS: Yes, I was not too close.

17 PRESIDING JUDGE: -- some stray blows and so on, and he was a
18 distance although he could see.

19 THE WITNESS: Yes, sir, yes, sir.

20 [Overlapping speakers]

21 MS PARMAR: Your Honours, the witness appears to be agreeing
22 with your summary.

23 Q. Witness, you said you could hear what the Kamajors were
24 saying. What were they saying?

25 A. When they were beating up the man, I heard them saying in
26 Mende -- the Mende that I heard, that - it was all of
27 them, the Kamajors at that moment - whoever they
28 captured, whoever is not any other tribe except Temne,
29 they'd ask you a question in Mende, which is difficult.

1 If you couldn't answer, they would either tie you with an
2 FM rope or they say in Mende "Wamu Bulatea". I heard
3 them saying all of that.

4 MS PARMAR: Would Your Honours like a spelling of Wamu
5 Bulatea.

6 PRESIDING JUDGE: Yes.

7 MS PARMAR: My understanding is it is W-A-M-U and the next
8 word B-U-L-A-T-E-A or T-E-H.

9 PRESIDING JUDGE: Which means what?

10 THE WITNESS: Wamu Bulatea, that means -- I'm not getting you
11 clearly. Ask the question again.

12 MS PARMAR:

13 Q. What does that expression Wamu Bulatea mean?

14 A. Okay. Wamu Bulatea means -- let me say he was calling
15 his companions that we've killed him -- "Oh, let's kill
16 him."

17 JUDGE BOUTET: I don't understand. Wamu Bulatea means "let's
18 kill him"?

19 THE WITNESS: Yes, sir, "let's kill him".

20 PRESIDING JUDGE: And Wamu Bulatea is what language?

21 THE WITNESS: It is Mende language.

22 MS PARMAR:

23 Q. Witness, from where you were sitting on the veranda in
24 your house, what did you see happening in Bo?

25 A. Well, in Bo at that time, it was not just the Kamajors
26 who were around. It was not just at our house; they were
27 scattered all over the place. There were so many people.
28 The Kamajors were breaking into people's shops, looting
29 property. The Kamajors were breaking into people's

1 shops, looting property. Any shop which they saw, they
2 would loot property from. I saw them because we were at
3 the main road in Bo, so when they were passing by, we
4 would see them with the property -- we would see them. I
5 was seeing them.

6 JUDGE BOUTET: You saw them from your veranda?

7 THE WITNESS: Well, from the veranda I was seeing them
8 clearly.

9 JUDGE BOUTET: It is 5.30. Before we move into that
10 direction, because we seem to be moving in a different
11 area at least, different type of evidence, it might be
12 the more appropriate time to break for the day and come
13 back tomorrow.

14 MS PARMAR: Yes, Your Honour.

15 JUDGE BOUTET: Am I right that we're moving somewhat in a
16 different area?

17 MS PARMAR: That's correct, we are.

18 JUDGE BOUTET: Thank you, Madam Prosecutor. Mr Witness, we
19 will be adjourning; just wait for a moment, we will let
20 you know.

21 THE WITNESS: Yes, sir.

22 JUDGE BOUTET: Thank you.

23 PRESIDING JUDGE: Well, tomorrow is Wednesday and, Ms Parmar,
24 you know that we only have half a day. I don't even want
25 to ask you the question as to how long you will be in the
26 morning so that we can be able to finish up even with the
27 cross-examination of this witness before it is 1.00
28 tomorrow. I hope -- I'm not saying that it is an order
29 or a prescription from the Chamber, no. If we cannot

1 finish with the cross-examination tomorrow, fine, but
2 I hope that the examination-in-chief will be through
3 within reasonable limits tomorrow.

4 MS PARMAR: Certainly, Your Honour, especially in light of the
5 vulnerability of this particular witness.

6 PRESIDING JUDGE: The Chamber will rise and resume sitting
7 tomorrow at 9.30. The Court will rise.

8 [Whereupon the hearing adjourned at 5.32 p.m., to be
9 reconvened on Wednesday, the 1st day of December 2004, at
10 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-057	1
CROSS-EXAMINED BY MR SAUTER [CONTINUED]	1
CROSS-EXAMINED BY MR YILLAH	45
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C E R T I F I C A T E

We Ella K Drury, Joanne Mankow and Roni Kerekes, 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.

Ella K Drury

Joanne Mankow

Roni Kerekes