

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 2 DECEMBER 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
Ms Chiarra Galletti

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Mohamed Bangura
Mr Raimund Sauter
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Alison Reed (intern)
Mr Mohamed Stevens
Ms Sharan Parmar
Ms Marie-Helene Proulx

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi
Mr Victor Koppe

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 [Open session]

2 MR WALKER: Court is now in open session, Your Honour.

3 JUDGE BOUTET: Thank you.

4 PRESIDING JUDGE: Thank you.

5 JUDGE BOUTET: In our deliberation we have decided that we
6 will postpone a decision on this matter, and, given the
7 arguments that have been put forward, and as we have
8 suggested, we would like to see something in writing --
9 we would like to see a motion on it. We have decided to
10 ask both Defence and then Prosecution to submit something
11 in writing - a motion. We would like to see a motion no
12 later than tomorrow on this, in writing; a response by
13 the Prosecution no later than Monday; and we're prepared
14 to hear arguments on that issue on Tuesday. We feel it
15 is an important matter and we would like to hear that
16 certainly before the recess so that we can have the time
17 to look into this.

18 Which means that, in those circumstances, we will
19 not proceed with your application at this particular
20 moment, Mr Koppe, and we'll postpone the
21 cross-examination of this witness who is there now --
22 second accused's and third accused's cross-examination of
23 the witness to later on, after we have disposed of these
24 matters.

25 We would ask the Prosecution to now call their next
26 witness, whoever it is.

27 MR KOPPE: Your Honour, excuse me. The same goes for
28 admitting this piece of paper as evidence. I mean, we
29 were all in agreement on that.

1 PRESIDING JUDGE: We are not agreed on that as yet. They are
2 connected issues. We'll visit that issue later.

3 MR YILLAH: My Lords, before the next witness is called, just
4 a short submission. My Lord, may I seek leave on behalf
5 of the first accused, because the matter forming the
6 subject matter of this debate was raised during
7 cross-examination by the first accused. May I seek leave
8 on behalf of the first accused to join the application?

9 JUDGE BOUTET: Yes, it is not --

10 PRESIDING JUDGE: Yes.

11 JUDGE BOUTET: I don't know if you can do that as a joint
12 motion, but certainly you are not precluded from
13 participating in this discussion; absolutely not. In
14 fact, you are welcome, we hope you do take part in it.

15 MR YILLAH: Thank you very much, My Lords.

16 JUDGE BOUTET: Yes, Mr Margai?

17 MR MARGAI: In the light of the ruling of the Court, is there
18 any directive as to the position of TF2-057?

19 JUDGE BOUTET: Which is the previous witness.

20 MR MARGAI: The previous witness.

21 JUDGE BOUTET: We have made no directive in any way, shape or
22 form. The only directive we have given now is that we
23 would like to see the motion in writing and hear
24 arguments about that. So we have not decided either on
25 closed session or on the recalling of that particular
26 witness. That decision is postponed and that is why we
27 say we will now postpone the cross-examination and that
28 issue as well and we will proceed with another witness.

29 MR MARGAI: As My Lord pleases.

1 MR TAVENER: Thank you, Your Honour. In the light of
2 Your Honours' ruling, is it correct to say that the
3 current witness can be released? He goes to school and
4 has obviously been --

5 PRESIDING JUDGE: No, he cannot be released; he should remain
6 here.

7 MR TAVENER: In Freetown?

8 PRESIDING JUDGE: Yes, because we may need him any time, you
9 know. After all, he's lost a day of school today;
10 tomorrow is a weekend. We all have been to primary
11 school and we've lost days in school. So he should be
12 here, please, in Freetown.

13 MR TAVENER: The next witness will be --

14 PRESIDING JUDGE: We will, however, address the issue maybe
15 some time this afternoon.

16 JUDGE BOUTET: Mr Prosecutor, to follow-up on your request
17 about the witness being allowed to proceed to his school,
18 I will give some additional direction on that this
19 afternoon at a time when we will be giving the
20 cross-ruling on the application for closed session. So
21 we will do that when we come back after the lunch break,
22 so you should have a more definite indication this
23 afternoon.

24 MR TAVENER: Thank you. The Prosecution is in a position to
25 proceed in about five minutes. The witness is outside.

26 JUDGE BOUTET: I do have some special requests.

27 PRESIDING JUDGE: I don't want the Defence to be surprised by
28 the next witness that you are calling, please. I know it
29 has come as a surprise to you. You may wish to consult.

1 Do you want us to rise for about five minutes?

2 MR MARGAI: No, we have been given a document listing the
3 witnesses to follow and I believe they're not going to
4 deviate from that document that has been furnished to us.

5 JUDGE BOUTET: Is it TF2-007?

6 MR TAVENER: Yes, I understand that will be the next witness.

7 MR MARGAI: It's 007.

8 JUDGE BOUTET: Some of the concerns that we have as a Chamber,
9 at this particular time -- as you know, we are getting
10 closer to the recess next week. Certainly I can ask the
11 Prosecution how long do you expect this witness to
12 testify? Are we talking of an afternoon? Just to have
13 an indication. We would like, if at all possible, to
14 finish this witness before we pause for the Christmas
15 recess.

16 MR TAVENER: My understanding is this witness could be
17 completed today. His examination-in-chief is not
18 lengthy.

19 JUDGE BOUTET: But if it is completed today, do you have
20 another witness that could do Friday and Monday, for
21 example?

22 MR TAVENER: Yes, we do.

23 JUDGE BOUTET: When I say "do", by this I mean completeness of
24 the witness - not only examination-in-chief, but
25 cross-examination. You are not bound by that, because
26 you may expect he'll take half an hour and he takes two
27 hours.

28 MR TAVENER: We are certainly conscious of the nearness to the
29 end of the session and we have witnesses who are

1 relatively brief.

2 JUDGE BOUTET: Thank you, we appreciate that.

3 PRESIDING JUDGE: Our concern, and I am addressing myself to
4 both parties on the aisles, is that we would be rising on
5 the 7th. We are prepared to take as many witnesses as we
6 can, but on condition that by 5.30 we would have wrapped
7 up with whatever witness we are taking, because we are
8 not going to carry the taking of evidence to another
9 session. We would like to close with the last witness on
10 Tuesday.

11 When we shall be listening to argument, we will
12 first start with listening to arguments on the motion
13 which we've talked about, and then we'll take maybe the
14 cross-examination later in the day or so, because we
15 cannot start a new witness that morning and finish before
16 it is 5.30.

17 I am saying this so as to sensitise both the
18 Prosecution and the Defence on the necessity to see how
19 many we can call. I know that it is difficult at times
20 for the Defence to determine the length of their
21 cross-examination in advance because it will all depend
22 on the examination-in-chief of the witness. So please
23 assist the Defence to be able to choose the witnesses
24 which you think we should be able to finish by 5.30 on
25 Tuesday.

26 MR TAVENER: I think that's very possible, Your Honour, that
27 we can do that.

28 PRESIDING JUDGE: Okay. Please work it out in conjunction
29 with the Defence and make sure that things are sorted out

1 properly.

2 MR TAVENER: Certainly. If the Prosecution might have a short
3 break. There needs to be a slight changeover with
4 prosecutors.

5 PRESIDING JUDGE: You want us to rise?

6 MR TAVENER: Just briefly, please.

7 PRESIDING JUDGE: We shall rise for five minutes or so. When
8 you're ready, please call us in. The Court will rise.

9 [Break taken at 11.15 a.m.]

10 [The witness entered Court]

11 [Upon resuming at 11.40 a.m.]

12 PRESIDING JUDGE: We are resuming the session. This will be
13 the 36th witness?

14 MR BANGURA: Yes, Your Honour.

15 PRESIDING JUDGE: The 36th.

16 JUDGE BOUTET: And this is TF2-007?

17 MR BANGURA: That's right, Your Honour. Just prior to the
18 witness being sworn, Your Honours, the witness is
19 testifying in open session, but there are certain
20 portions of his evidence which may likely reveal
21 something about his identity. Like we have done before
22 with the Defence, I have endeavoured to point out those
23 portions - not much - of his testimony.

24 PRESIDING JUDGE: That wouldn't go into a closed session?

25 MR BANGURA: Exactly, Your Honour. But I don't seem to have
26 got the Defence to agree with me on that.

27 PRESIDING JUDGE: You convince the Defence. The Defence wants
28 an open session always.

29 MR BANGURA: That was my --

1 PRESIDING JUDGE: They wouldn't wrestle with you on that.

2 MR BANGURA: It doesn't seem like that now, though,

3 Your Honour. I don't know. I would like for us to
4 address that issue, because if I lead the witness and
5 avoid mentioning those portions, because they've got the
6 statement of the witness, they may very well wish to
7 cross-examine on those issues, and I obviously would like
8 to object to them going to those aspects of his evidence.

9 JUDGE BOUTET: So what is your application?

10 MR BANGURA: Your Honour, I thought I should bring to the
11 attention of the Bench that I have made some effort to
12 get Defence to agree with me on those aspects of the
13 witness's testimony.

14 JUDGE BOUTET: And they do not agree with you?

15 MR BANGURA: No.

16 JUDGE BOUTET: And, therefore, is it your position now that
17 because of that you may have to apply for closed session
18 for that part of the evidence of this witness?

19 MR BANGURA: Most probably, Your Honour. I will try in-chief
20 not to go into those aspects, but then I don't know what
21 it will be like when they cross-examine.

22 JUDGE BOUTET: Well, then if they need to move in that
23 direction, we have had another application this morning
24 on a different case, where the Defence has asked to go
25 into a closed session. We'll cross that bridge when we
26 get there if we need to cross that bridge.

27 MR BANGURA: As Your Honour pleases.

28 JUDGE BOUTET: If you don't need it for your
29 examination-in-chief, obviously we can only encourage you

1 to try to stay in open session as much as possible and
2 feasible.

3 MR BANGURA: I definitely need it for just two questions.

4 JUDGE THOMPSON: So you are inviting the Chamber to rule on an
5 application that you are trying to make?

6 MR BANGURA: Yes, Your Honour, but I would first of all invite
7 the Defence -- the Bench to --

8 JUDGE THOMPSON: But you've already told us that your
9 endeavours with the Defence to persuade them to come
10 along with you proved abortive.

11 MR BANGURA: Exactly.

12 JUDGE THOMPSON: So virtually you want us now to rule, and I
13 think, to save time, why not -- I'm sure the Presiding
14 Judge would like to hear your application -- or whether
15 he probably wants to, we can proceed with that. This is
16 a precondition for the testimony of this witness.

17 MR BANGURA: Yes, Your Honour.

18 PRESIDING JUDGE: I think we should proceed. If it comes to
19 cross-examination, you may object to this, and if it
20 becomes necessary at that stage, we may go into closed
21 session.

22 JUDGE THOMPSON: It seems as if, from what he is saying, that
23 he also needs that armoury -- he needs the protective
24 measure extended to him. So it is not just trying to
25 protect himself against the Defence, but also that he
26 needs to use it as a shield.

27 MR BANGURA: Exactly, Your Honour.

28 JUDGE THOMPSON: For his own examination-in-chief.

29 MR BANGURA: Just regards to about two questions.

1 PRESIDING JUDGE: Well, you know, you have your strategy. You
2 have put it across, the Defence is not with you. Let us
3 get there. You know, you'll use that strategy and then
4 we'll see how we move depending on what the reaction of
5 the Defence would be at that time.

6 MR BANGURA: As Your Honour pleases. In that case I --

7 PRESIDING JUDGE: The Defence may well change their mind
8 before you get there; you never know.

9 MR BANGURA: As Your Honour pleases.

10 WITNESS: TF2-007 [Sworn]

11 [Witness answered through interpretation]

12 PRESIDING JUDGE: The witness is testifying in what language?

13 MR BANGURA: In Mende, Your Honour.

14 PRESIDING JUDGE: Yes, Mr Bangura, you may proceed.

15 EXAMINED BY MR BANGURA:

16 Q. Good morning, Mr Witness?

17 A. Good morning.

18 Q. I'll be asking you questions and I expect you to answer
19 them.

20 A. Okay.

21 Q. You will give your answers exactly to the questions as I
22 ask them.

23 A. Okay.

24 Q. Try not to speak too fast because what you say is being
25 recorded.

26 A. Okay.

27 Q. Mr Witness, how old are you?

28 A. I am 26 years old.

29 Q. Mr Witness, do you --

1 MR BANGURA: Your Honours, my very next question is one that
2 borders on the issues that I was just concerned about.
3 It's got to do with his place of birth, it's got to do
4 with his present residence -- his address.

5 MR KOPPE: The Prosecutor doesn't have to ask those questions.
6 Why is it necessary?

7 MR BANGURA: Your Honours, I would say they're very necessary
8 because the incident in which the witness is going to
9 testify about occurred in this place where he was born.

10 JUDGE BOUTET: But is the place of residence such that it is a
11 small village presumably, and, therefore, if you talk
12 about the village in question that may lead to his
13 identification? Is that what you're saying?

14 MR BANGURA: Exactly, Your Honour. Not only that; there are
15 persons still living there, as his testimony will reveal,
16 who were involved in some of the atrocities alleged.

17 PRESIDING JUDGE: I'm looking at the Defence. Mr Yillah,
18 Mr Koppe, Mr Bockarie, Mr Margai, Mr Williams, is there
19 any difficulty passing a paper around? Let's move on.
20 Just passing a paper around and we take note of the
21 residence and that's it. I'm sure that is what he wants
22 to do. So that we just take note of the residence.

23 MR KOPPE: That's fine with us. The Prosecution presented to
24 us before this session started four points on which there
25 should be a closed session. Two of the four points we
26 have no objection and two of the four points are relating
27 to the place of birth and place of residence, and that's
28 fine.

29 PRESIDING JUDGE: Is there agreement on the Defence bench on

1 this?

2 JUDGE BOUTET: On the place of birth and place of residence
3 there is no dispute; you are prepared to concede that?

4 PRESIDING JUDGE: Mr Margai, Mr Williams?

5 MR WILLIAMS: I do not have any objections to them using the
6 entirety of the document that they have presented. They
7 were adequately disclosed in the witness's statement and
8 they're not fundamental, in my opinion.

9 JUDGE BOUTET: Well, at least you have some agreement on the
10 Defence as to two of the issues; the place of residence
11 and the place of birth. They agree to that, so please
12 let's move on out of that.

13 MR BANGURA: Right.

14 JUDGE BOUTET: So you're going to produce a piece of paper
15 with that --

16 MR BANGURA: What I had on this piece of paper is place of
17 birth and place of residence and names of persons who
18 were present and who allegedly perpetrated these acts.
19 The witness informs us that those persons are presently
20 living in this town and there is a likelihood that, if
21 they get to hear his evidence, they will obviously know
22 that it is he who is testifying to this. So he has fears
23 for his security.

24 PRESIDING JUDGE: Let us move on two areas where there is
25 agreement; place of birth, place of residence. Can you
26 place that on a piece of paper? Not that one which
27 contains some other information; I don't know. We will
28 move step by step.

29 MR BANGURA: May we proceed while that is being done,

1 Your Honours?

2 PRESIDING JUDGE: No. The first two issues, please. Let's
3 have a document on the place of birth and the place of
4 residence for now.

5 MR BANGURA: Yes, Your Honour.

6 JUDGE BOUTET: And once you have that, we will mark that as an
7 exhibit, show it to your colleagues on the Defence and
8 we'll move on.

9 MR BANGURA: Thank you.

10 PRESIDING JUDGE: We presume, of course, that the witness is
11 literate and that he can read what you are writing for
12 him.

13 MR BANGURA: No, Your Honour, he is not.

14 MR KOPPE: The Prosecutor might whisper it in his ear and
15 that's fine with us.

16 PRESIDING JUDGE: In the presence of the Defence. There will
17 be a Defence delegate there. I see Mr Williams nodding
18 his head; he's the closest to the witness.

19 MR BANGURA: I believe we have proceeded along similar lines
20 before.

21 PRESIDING JUDGE: Yes, sure.

22 JUDGE BOUTET: Please, go ahead. Show it to the Defence first
23 and then --

24 MR WILLIAMS: No mention is made on this document of the place
25 of birth, nor of the place of residence of this witness.

26 JUDGE BOUTET: I thought that was the agreement.

27 MR WILLIAMS: No mention whatsoever. They're merely
28 committing us not to disclose his place of birth and
29 place of residence in open session, but they fail to

1 actually mention those places. I think they need to do
2 the document again.

3 JUDGE THOMPSON: Are you saying that that document tells a lie
4 about itself at this stage?

5 MR WILLIAMS: It's empty, My Lord; it does not say anything.

6 JUDGE THOMPSON: So it is telling a lie about itself.

7 MR WILLIAMS: As My Lord pleases.

8 PRESIDING JUDGE: Let's gain time, please.

9 MR WILLIAMS: It says, "To keep the identity of the witness
10 TF2-007 protected, it has been agreed between the Defence
11 and the Prosecution respectively that no mention will be
12 made of the witness in his testimony and during open
13 session of the following fact: Witness's place of
14 birth", nothing.

15 PRESIDING JUDGE: Please prepare another paper.

16 MR WILLIAMS: "Witness's place of address", blank.

17 PRESIDING JUDGE: Prepare another paper, please; we have to
18 move. Mr Bangura, can you prepare another paper, please,
19 to give this information fast?

20 MR BANGURA: I do have something printed out here.

21 PRESIDING JUDGE: No, it contains other information which the
22 Defence is not in agreement with so we have to separate
23 the operations.

24 MR BANGURA: [Microphone not activated]

25 PRESIDING JUDGE: No, we don't want that thing there. The
26 literature there is not acceptable.

27 MR WILLIAMS: Just if they were to put place of residence, the
28 name; place of birth, the name, that would be sufficient.

29 JUDGE BOUTET: I thought that is what we had agreed upon.

1 [Overlapping speakers]

2 MR WILLIAMS: Exactly.

3 JUDGE BOUTET: Whether they agree or not to disclose, we are
4 there to make sure that the witness's identity will not
5 be revealed. So they need not to be committed anymore
6 than that. I had written in my book "place of birth,
7 place of residence, Exhibit 37". I thought that is all
8 you would be seeing on that piece of paper.

9 [HN021204C 12.00 p.m.]

10 PRESIDING JUDGE: Mr Bangura, please indicate the pseudonym,
11 the pseudonym of that witness, and include the date
12 there.

13 MR YILLAH: My Lords, I observe that the date is still not
14 included. But at least it does make sense.

15 PRESIDING JUDGE: 2nd December. Any one of you can put it
16 there. 2nd December. Please.

17 JUDGE BOUTET: I hope it's not indicative of the difficulties.
18 We have to move ahead with this witness.

19 PRESIDING JUDGE: Both of you should go and confirm the name
20 with him, please. The name and the place of birth and --

21 MR YILLAH: My Lord, do we need the services of an interpreter
22 there?

23 JUDGE BOUTET: I guess not.

24 PRESIDING JUDGE: Mr Yillah, you are interested --

25 JUDGE THOMPSON: Are you volunteering?

26 PRESIDING JUDGE: Are you volunteering for that?

27 MR YILLAH: To the best of my knowledge, neither of the two
28 counsel speaks Mende.

29 JUDGE THOMPSON: With your expertise as a lawyer, it would

1 help if you went there, too.

2 MR YILLAH: Myself, I do not, My Lord.

3 PRESIDING JUDGE: I'm sure this gentleman will speak some

4 Krio. Is there any Sierra Leonean who does not speak

5 Krio?

6 MR MARGAI: [Microphone not activated].

7 PRESIDING JUDGE: That is why Judge Boutet was under fire

8 during the initial appearance. He's a very traditional

9 man. He doesn't care about anything outside his

10 language. Yes.

11 MR BANGURA: May it please, Your Honours, I have to say that

12 the Defence and Prosecution have agreed that the next two

13 questions which relate to the date of birth and -- place

14 of birth and place of residence of the witness should not

15 be disclosed orally, but have been agreed in writing.

16 JUDGE BOUTET: And that's the piece of paper you have?

17 MR BANGURA: Yes, Your Honour.

18 JUDGE BOUTET: We are prepared to mark it as Exhibit 37.

19 Please tender that. And that has been shown to the

20 witness and explained to him.

21 MR BANGURA: Yes, Your Honour.

22 JUDGE BOUTET: Court management, I was saying it's Exhibit 37.

23 Am I right? This is Exhibit 37. Thank you.

24 [Exhibit No. 37 was admitted]

25 JUDGE BOUTET: So now that we have marked this document as

26 Exhibit 37, can you proceed, please.

27 MR BANGURA: Yes, sir.

28 Q. Mr Witness, your address, how long have you been living

29 in that address, your present address?

1 THE INTERPRETER: His mic is not on. His mic is not on.
2 PRESIDING JUDGE: His mic is not on.
3 MR BANGURA:
4 Q. I repeat the question, Mr Witness. How long have you
5 been living at your present address?
6 A. I spent a long time there. It is the place of my birth,
7 and [inaudible] until -- unless when I leave a day or
8 two, and then return there again. I have not gone
9 anywhere where I have taken a year or so.
10 Q. Mr Witness, this town where you live, what's the
11 population of it? Can you tell?
12 A. 400 people. They are not up to 400 people.
13 Q. How are you able to tell that they're not up to 400
14 people?
15 PRESIDING JUDGE: You want him to answer that question? You
16 want him to answer that question? Please move ahead.
17 They are not up to 400 people.
18 MR BANGURA: As Your Honour pleases.
19 Q. Mr Witness, are you married?
20 A. Yes.
21 Q. And do you have children?
22 A. Yes. Two children.
23 Q. Mr Witness, are you able to read and write English?
24 A. No, I'm unable.
25 Q. What is your occupation?
26 A. I'm a farmer.
27 Q. What languages do you speak?
28 A. I do speak only Mende and Krio. I do speak Krio as well,
29 but I'm not very perfect in speaking Krio. Only my Mende

1 language.

2 Q. Mr Witness, I want to take your mind back to events that
3 happened in this country not so long ago. Do you
4 remember that there was a war in this country not so long
5 ago, very recently?

6 A. Yes. I do remember.

7 Q. Where were you during the course of this war? You don't
8 have to mention the name of the town, please, Mr Witness.

9 A. I was in my home.

10 Q. And do you have any idea when this war started?

11 A. No, I don't know.

12 Q. Mr Witness, during the course of the war, did you see any
13 armed groups that came to your town or your -- your town?

14 MR BOCKARIE: I'm objecting to that question, did he see any
15 armed groups. Did he see any people?

16 PRESIDING JUDGE: Sustained.

17 MR BANGURA: As Your Honour pleases.

18 Q. Mr Witness, during the course of the war, while in your
19 village did you see any people engaged in the war who
20 came to your village?

21 A. Yes.

22 Q. Which groups of people did you see?

23 A. I saw soldiers and rebels and Kamajors.

24 Q. Mr Witness, you've named three groups here. Which was
25 the first group you saw in your town?

26 A. The soldiers.

27 Q. Do you know when they came to your town?

28 A. I don't know the day.

29 Q. Do you know why they came to your town?

- 1 A. No, I didn't know. Unless when I saw them, they came to
2 our home and said they are soldiers. They were soldiers.
- 3 Q. [Previous translation continues] Mr Witness.
- 4 A. I saw them. They went there. We gave them a gift.
- 5 Q. Slow it down, please.
- 6 PRESIDING JUDGE: Mr Bangura's brakes have failed.
- 7 MR BANGURA: I believe it's not being translated back to him.
- 8 Q. Mr Witness, you have to slow --
- 9 PRESIDING JUDGE: Let them bleed your brakes so they can hold,
10 please.
- 11 MR BANGURA: Let this get back to the witness: Let him slow
12 down as he explains -- as he answers the questions.
- 13 Q. Mr Witness, we were talking about the soldiers who first
14 came. And you said you didn't know why they came or when
15 they came. But you remembered certain things. Can you
16 explain again, please, Mr Witness?
- 17 A. I said I saw them come to our home. They said they were
18 soldiers. They came. They got out all of us, but they
19 didn't do anything wrong to us. But we took some things
20 and gave it to them. We took a chicken --
- 21 Q. Slowly, please, Mr Witness.
- 22 A. We took a chicken and rice and give it to them.
- 23 Q. Did they stay in the town for long, Mr Witness?
- 24 A. Yes, but they didn't stay too long.
- 25 Q. Were they carrying anything, Mr Witness?
- 26 A. Yes.
- 27 Q. What were they carrying?
- 28 A. They had guns and knives.
- 29 Q. Mr Witness, after the soldiers, which other group came to

- 1 your town?
- 2 A. I saw rebels.
- 3 Q. Do you know when they came to your town?
- 4 A. The time, I don't know.
- 5 Q. And why did they come to your town?
- 6 A. I didn't know. Besides that, I saw them looting our
7 properties, removing the roofs of houses. They used to
8 come and go, but they never slept there.
- 9 Q. How did you know they were rebels?
- 10 A. They were rebels. They used to be -- they used to say
11 they are rebels. By their dress, the shoes they wore,
12 the footwear they wore, and the caps they wore on their
13 heads.
- 14 Q. Mr Witness, you said the other group that came to town
15 were the Kamajors. Is that right?
- 16 THE INTERPRETER: Please repeat the question again.
- 17 MR BANGURA:
- 18 Q. The other group that came to the town were the Kamajors.
19 Is that right, Mr Witness?
- 20 A. Yes.
- 21 Q. Can you remember when they came to town?
- 22 A. At the time they came, I could not remember the time, but
23 I used to see them there.
- 24 Q. And now these Kamajors, do you know where they came from?
- 25 A. Some of them were living in the same area because some of
26 them were born in that same area.
- 27 Q. Did any of them come from your town?
- 28 A. Yes. Some of them are born in villages around that area.
29 Some of them were born in that area, that town. When

1 they come, some of them would not sleep there. They
2 would go back.

3 PRESIDING JUDGE: When he's saying "that town," what does he
4 mean? Born in "that town?" Is it his town of residence?

5 MR BANGURA:

6 Q. Mr Witness, you said some of them were born in "that
7 town." Which town are you referring to?

8 PRESIDING JUDGE: Is he referring to the town of his
9 residence? But do not call the name. Is it your town of
10 residence?

11 MR BANGURA:

12 Q. Mr Witness, you mentioned that some of them came from
13 "that town." Is it your town of residence?

14 A. My hometown, where I was. They were there, they left,
15 the went, and then they came back. They said they were
16 Kamajors. Besides that, there were some other people
17 amongst them that I don't know at all.

18 PRESIDING JUDGE: [Previous translation continues]

19 MR BANGURA:

20 Q. The question is, when you say "that town," are you
21 referring to your town of residence?

22 A. If it is where I used to see them -- repeat the question.

23 PRESIDING JUDGE: Take him back. Take him back. The witness
24 has said -- the witness has said -- Mr Witness, listen to
25 me.

26 You have said that the next group which came after
27 the rebels was the Kamajors. That was the next group.
28 And that these Kamajors came from various villages, were
29 natives of the villages around. And you mentioned after

1 that that they came from that same area, something like
2 that; some of them came from that same area. Which area?
3 Which area are you referring to?

4 MR BANGURA: Your Honours, may I just rephrase.

5 THE WITNESS: There are some of them who stay in the same
6 village. Others come from the nearby villages.

7 MR BANGURA:

8 Q. Mr Witness, do you know why the Kamajors were in your
9 town, why were they present there?

10 A. I don't know anything. Nobody told me why they were in
11 my town.

12 Q. Mr Witness, during the course of the war, was there any
13 fighting -- or did any fighting take place in your town?

14 A. No, no fighting took place there.

15 Q. Was your town a safe place to be?

16 A. Soldiers used to come there. Rebels would come. But to
17 say there was fighting, shooting, no. Because those
18 three set of people were fighters. Some would come and
19 go. But they never stayed there and fight.

20 Q. Mr Witness, I will ask the question in a different way.
21 You said that the soldiers came, the Kamajors came, the
22 rebels came. Did the people in the town, yourselves, did
23 you feel safe in that situation where fighters were
24 coming and going?

25 A. Well, at that time, when they used to come, they were
26 fighters. We were afraid of them. We would go into the
27 bush. Every time we see them, we would go into the bush.

28 Q. Mr Witness, you have described the Kamajors. You have
29 mentioned the Kamajors. Can you describe how they

1 looked.

2 A. Yes. The Kamajors, what I was able to -- what I used to
3 identify there, I used to see them with country cloths,
4 with amulets, horns attached to them, with a gun and a
5 knife. That's what we used to describe them.

6 Q. Mr Witness, do you remember the year 1998?

7 A. Oh, yes. If I lost sight of all the other years, but I
8 will not forget 1998.

9 Q. Mr Witness, you have said that you are not able to read
10 and write English. How are you able to remember the year
11 1998?

12 A. There are people there who are Christians. Every time
13 that year comes, they will have a celebration. They have
14 a big celebration. So whenever that occasion comes, the
15 Christians will gather and have that same celebration.

16 THE INTERPRETER: The witness is speaking so fast.

17 MR BANGURA:

18 Q. Mr Witness, will you, again, try to speak a bit slower so
19 that your answers are recorded.

20 A. Mm-hmm.

21 Q. You were saying that there is a church in your town, and
22 that there are Christians there who celebrate sometimes.
23 Is that right?

24 A. When the year is coming to an end, for us to get a new
25 year.

26 Q. And so when they celebrate that occasion, what happens?

27 A. When we are celebrating that occasion, they will be there
28 shouting and jubilating. Then they will tell us that we
29 are getting into a new year.

- 1 Q. Apart from that, Mr Witness -- so you knew because
2 there's a church. But apart from that, is there any
3 other reason why you're able to recall 1998?
- 4 A. Yes.
- 5 Q. And what is that reason?
- 6 A. It was that very year they killed my father.
- 7 Q. Mr Witness, in the course of 1998, did you have any
8 encounter with Kamajors in your town?
- 9 A. Yes.
- 10 Q. About what time of the year, 1998, did you have such an
11 encounter with them?
- 12 A. I could not remember the month, but it was in the dry
13 season.
- 14 Q. Mr Witness, can you explain this encounter that you had
15 with the Kamajors on this occasion.
- 16 A. Oh, yes, I can. Can I proceed?
- 17 Q. Yes, Mr Witness. But not too fast.
- 18 A. At one time, I was in my hometown, my village. The
19 Kamajors met me in the bush, that they have come there to
20 arrest me. And I asked him why.
- 21 PRESIDING JUDGE: Tell him to go slowly. He's going too fast.
- 22 MR BANGURA:
- 23 Q. Mr Witness, go slow.
- 24 PRESIDING JUDGE: He was in his village. The Kamajors came.
- 25 MR BANGURA:
- 26 Q. Mr Witness, you were in your village in the bush and the
27 Kamajors came. Is that right?
- 28 A. Yes.
- 29 Q. What were you doing in the bush?

- 1 A. In that bush --
- 2 PRESIDING JUDGE: [Previous translation continues]
- 3 MR BANGURA: Yes.
- 4 PRESIDING JUDGE: They met him in the bush?
- 5 MR BANGURA: Yes, Your Honour.
- 6 JUDGE THOMPSON: They said that they had said to him that they
- 7 had come to arrest him.
- 8 THE WITNESS: Yes, yes, I was brushing my garden.
- 9 MR BANGURA:
- 10 Q. Yes, Mr Witness, you said these Kamajors came to you and
- 11 said they had come to arrest you. How many of them came
- 12 to you?
- 13 A. About five of them.
- 14 Q. Mr Witness, without mentioning any names, did you
- 15 recognise any of the Kamajors that came to you?
- 16 A. I know one of them among them. Among the five of them.
- 17 Q. Again, without mentioning his name, how did you know him
- 18 before?
- 19 A. We were living in the same town.
- 20 Q. Mr Witness, did the Kamajors tell you why they had come
- 21 to arrest you?
- 22 A. Yes.
- 23 Q. What did they say?
- 24 A. They said they've brought my father. That's why they
- 25 have come for me, so I can meet with my father.
- 26 Q. Did they take you anywhere?
- 27 A. Yes.
- 28 Q. Where?
- 29 A. They took me to town.

- 1 Q. Where in the town did you go to, Mr Witness?
- 2 A. They brought me to town. There was a place where I saw
3 them parked. They were all together. That's where they
4 took me. I saw my father. I saw him --
- 5 Q. Go slowly, Mr Witness. Go slowly.
- 6 PRESIDING JUDGE: When he says the town, is that his town of
7 birth?
- 8 MR BANGURA: Yes, Your Honour. That's what I understand.
- 9 PRESIDING JUDGE: Ask him.
- 10 MR BANGURA:
- 11 Q. Mr Witness, the Kamajors came and they took me -- they
12 came and they told you they were going to arrest you.
13 They took you to town. Is this your town of residence
14 where they took you?
- 15 A. Yes, the same town. The town that I came from to the
16 bush, that's where they took me.
- 17 Q. Mr Witness, you were saying that you --
- 18 PRESIDING JUDGE: There he saw the father.
- 19 MR BANGURA: The father, yes.
- 20 PRESIDING JUDGE: Mm-hmm.
- 21 MR BANGURA: Yes.
- 22 Q. Mr Witness, can you explain how, what did you observe
23 about your father when you saw him?
- 24 A. I saw him with a rope tied in his waist.
- 25 Q. Is that all you observed about him?
- 26 A. And one part of his ear was chopped off.
- 27 JUDGE BOUTET: Is it --
- 28 MR BANGURA: Ear.
- 29 Q. Do you remember which ear? Was it right or left ear?

- 1 A. The right.
- 2 Q. Did you observe him wearing anything, Mr Witness?
- 3 A. Yes. He was wearing short trousers.
- 4 Q. Was he wearing anything else?
- 5 A. No, he was not wearing anything else. I just saw him
- 6 together with some other people dancing. They said he
- 7 should dance.
- 8 Q. Mr Witness, you say you saw him with other people
- 9 dancing. Who were these people?
- 10 A. The Kamajors.
- 11 Q. Mr Witness, you've said that a rope was tied around your
- 12 father's waist. Can you describe how this was done.
- 13 PRESIDING JUDGE: Do we need that detail? Are you very
- 14 convinced we need that detail? A rope was tied around
- 15 his waist. Let's move, please. A rope was tied around
- 16 his waist. Let's see. If it becomes relevant it will
- 17 come in.
- 18 MR BANGURA: As Your Honour pleases.
- 19 PRESIDING JUDGE: Please, yes.
- 20 MR BANGURA:
- 21 Q. Mr Witness, you have said they were Kamajors, these
- 22 people who were with your father were Kamajors. Are you
- 23 able to tell me how many Kamajors there were all
- 24 together?
- 25 A. At that place, I can't tell the amount, the number now.
- 26 But I saw them. They were about ten. There were about
- 27 ten at that place.
- 28 Q. Does that number include the others who went to call you
- 29 or to arrest you?

- 1 A. No.
- 2 Q. So all together, you had about 15 Kamajors there. Is
3 that right?
- 4 A. Yes, at that place. Yes, the ones that I saw, the one
5 that I saw at that particular time.
- 6 Q. Mr Witness, when you came to this point and you saw your
7 father, he was dancing, did anybody speak to you?
- 8 A. Yes.
- 9 Q. Who did?
- 10 A. Kamajor. Kamajors.
- 11 Q. What did they say to you?
- 12 A. They asked me if he was my father. Then I said yes. And
13 they asked my father if I was his son, and he said yes.
- 14 Q. Mr Witness, did you recognise any more of the Kamajors
15 that were there?
- 16 A. Yes. I knew one Kamajor. But where they took me, where
17 I met them, the other place that they took me to, that's
18 where I knew a Kamajor.
- 19 Q. Okay, Mr Witness. We shall come to that.
- 20 Mr Witness, you said they asked you, and you
21 answered that he was your father. Before this time,
22 where was your father before this occasion?
- 23 PRESIDING JUDGE: Would he know where the father was before
24 this occasion?
- 25 MR BANGURA: Yes, Your Honour.
- 26 PRESIDING JUDGE: Before that occasion. He was in the bush
27 brushing his garden. He had no contacts with the father.
28 You want him to say where the father was when he was in
29 the bush?

1 MR BANGURA: He had knowledge of where his father was before
2 that day.

3 PRESIDING JUDGE: Where?

4 MR BANGURA:

5 Q. Mr Witness, where did you know your father was before
6 this day?

7 A. Mm-hmm, where he was? When the war started, all of us
8 went to Bo.

9 Q. Slowly, please, Mr Witness. Just go on.

10 A. Can I go on?

11 Q. Go on, please, slowly.

12 PRESIDING JUDGE: Is it that before all this, all of them went
13 to Bo?

14 MR BANGURA: Yes, when the war started.

15 THE WITNESS: When the war started, all of us went together
16 went to Bo because we were afraid of these people. Then
17 we found out that we couldn't live in Bo, so we returned
18 to the village, but he stayed in Bo. When he stayed in
19 Bo --

20 MR BANGURA:

21 Q. Slow it, Mr Witness. Slow it.

22 Yes, go on, just slowly.

23 A. He was an elderly person. We went to the village fending
24 for food to feed ourselves. But it reached a time, we
25 didn't see each other because he was in Bo and we were in
26 the village because he was an old person. Things would
27 happen, he wouldn't be able to go away quickly. Some
28 things would happen and he wouldn't be able to go away
29 fast enough. So that's why he stayed in Bo.

1 Q. So Mr Witness, was this your first time of seeing your
2 father from the time you left, you parted company in Bo?

3 A. Yes.

4 Q. Mr Witness, did you move from where you had been brought
5 to see your father? Did you move from there to go
6 anywhere else within your town?

7 A. Yes.

8 Q. Where did you go to?

9 A. They took us to one house towards the bush.

10 Q. When you say "they," are you talking of the Kamajors?

11 A. The Kamajors.

12 Q. And what happened when you went to this house?

13 A. When we reached the house, they said --

14 PRESIDING JUDGE: He said "they took us." "Us." He and who?

15 MR BANGURA:

16 Q. Mr Witness, you said they took you, using us, they took
17 you and someone else. Who was that person they took you
18 to the house near the bush? Who is that person?

19 PRESIDING JUDGE: Did he say in the bush or near the bush?

20 MR BANGURA: Near the bush, rather.

21 THE WITNESS: Together with my father, who was tied to a rope.
22 The rope was tied around his waist, and they told me to
23 go after him as they were taking us along. Where they
24 are taking us, they took us there.

25 MR BANGURA:

26 Q. Mr Witness, apart from your father --

27 PRESIDING JUDGE: Can you wait, please.

28 MR BANGURA:

29 Q. Mr Witness, apart from yourself, your father, and the

- 1 Kamajors, were there any other persons present?
- 2 A. I didn't see any other person except the Kamajors. I
3 didn't see any civilian.
- 4 Q. Can you describe what happened when you got to the house
5 near the bush.
- 6 A. Yes.
- 7 Q. Please.
- 8 A. They said -- they asked my father to say good-bye to me.
9 The Kamajors did that.
- 10 Q. Did your father say anything to you?
- 11 A. Yes.
- 12 Q. What did he say?
- 13 A. He said: "You are my children. Your companions, all of
14 your companions, your brothers are not here. These
15 people who have caught me, they said they are going to
16 kill me."
- 17 Q. Yes, Mr Witness.
- 18 PRESIDING JUDGE: Wait, please.
- 19 MR BANGURA: Sorry, Your Honour.
- 20 Q. Yes, Mr Witness. Your father was speaking to you.
- 21 A. He said: "These people, they said they are going to kill
22 me. I know they are going to kill me because they've
23 said to me that I should come and say goodbye to you."
- 24 Then he told me: "These people, I have not done
25 anything to them. And they said they are going to kill
26 me and I don't have any strength."
- 27 Q. Slowly, please.
- 28 Yes, Mr Witness.
- 29 A. "That's why the prayers that I'm making, I'm making it

- 1 for you. I pray for us. Your companions are not here.
- 2 That's why these who are not here, that's why I'm praying
- 3 for you so that the blessing will follow you all because
- 4 these people have said they are going to kill me." Then
- 5 he spat in my palm, then I put it on my forehead.
- 6 Q. After this, Mr Witness, did anything happen?
- 7 A. Yes.
- 8 Q. Please explain.
- 9 A. I saw them, the Kamajor that took my father and me, he
- 10 was in front, and I was among them. We went to a school
- 11 compound.
- 12 Q. Yes.
- 13 A. We went to the school compound, and the Kamajors were
- 14 shooting. I was among them. But at that time, they had
- 15 taken my father away from me. I did see them shooting
- 16 throughout. Continuously. I didn't see anything else
- 17 except that I saw that they tied my father, and they
- 18 placed him in one hut in the school compound. That's
- 19 where they tied him.
- 20 Q. Slowly, please, Mr Witness. You said they tied him in a
- 21 hut inside the school compound. What happened next?
- 22 A. Yes, the hut was destroyed, and they set fire to it. The
- 23 Kamajors. And he was under the hut.
- 24 Q. Mr Witness, you said the hut was destroyed. Can you
- 25 explain what you mean?
- 26 A. It was broken, but it didn't reach the ground. It was
- 27 broken in half, but it didn't reach the ground. But it
- 28 was not standing like it used to be.
- 29 Q. Mr Witness, when you say it was destroyed, again, you say

1 it was broken, did anybody break it or did anybody
2 destroy it? Is that what you're saying?

3 A. That's the thing that I do not know.

4 Q. Was it an old hut?

5 A. Yes, it was an old hut where they cooked the food for the
6 school children.

7 Q. Mr Witness, you said they tied your father and they set
8 the hut alight. Did they do anything to your father
9 before they set the hut alight?

10 A. I just -- I heard shooting throughout when I was there.
11 But I was among them because they had not released me.
12 But I didn't know whether he died before they tied him,
13 but I just saw him tied, and I saw him from the back.
14 Then I saw them place him in the hut before they set fire
15 to it.

16 Q. Mr Witness, can you explain what happened next.

17 A. Secondly, I saw the fire until it finally went out. Then
18 they cut his head.

19 Q. How long would you say that the fire lasted?

20 A. I can't remember the hour because I didn't have any
21 watch. But as I saw it, there was about 30 minutes
22 because it's a hut made of palm fronds. Fire wouldn't
23 take long in it.

24 Q. You say they cut your father's head. Do you know what
25 they did with it?

26 A. After his head has been cut off, then they told me to go
27 home. And I went. I was scared because when I was
28 going, I thought that if I turn around, they would kill
29 me, so I entered in one of the houses where we sleep. I

1 was in the house. Then the Kamajors -- the Kamajors
2 came. I heard the noise. And they came and called me.
3 Then I came out. When I came out --

4 Q. What did you observe?

5 A. When I came out, I saw -- I didn't see anything else
6 except his head on a stick, the half of his head on a
7 stick, that they were dancing with it.

8 Q. You mean your father's head?

9 A. Yes, my father's head. It was on a stick. They were
10 dancing with it, when they came to my house.

11 Q. Did they say anything to you?

12 A. Oh, yes. Yes.

13 Q. What did they say?

14 A. They said they had brought my father's head, that I
15 should give them something as a token. But I said I
16 didn't have anything, and they asked me that I should
17 dance with them. Then I said, no, I can't. Then they
18 passed by.

19 Q. Mr Witness, apart from the -- earlier in your evidence
20 you mentioned that you knew one of the Kamajors who went
21 to call you -- to arrest you in your farm. Apart from
22 that Kamajor, did you recognise any other Kamajors from
23 amongst those that you saw?

24 MR WILLIAMS: Your Honour, this question has been answered.

25 He said when I came back, I met ten more Kamajors, and I
26 was able to recognise one of them. That was his answer.

27 MR BANGURA: Your Honours will recall that the witness was
28 seeking to go in some ways ahead of the evidence, and he
29 was saying, "when we went to that place and to the other

1 place, that's where I recognised."

2 PRESIDING JUDGE: Examination-in-chief is still on, you can
3 continue.

4 MR BANGURA: As Your Honour pleases.

5

6 PRESIDING JUDGE: The objection is overruled, Mr Williams.
7 Mr Bangura, you are able to continue.

8 MR BANGURA: Thank you.

9 Q. Mr Witness, you mentioned that when the Kamajors went to
10 arrest you, you recognised one of them. Apart from that
11 one, did you recognise any other Kamajors later on?

12 A. Yes, when they came to town.

13 Q. Mr Witness, you don't have to name any names. But how
14 many did you recognise --

15 PRESIDING JUDGE: "When they came to town" means what? There,
16 it's becoming --

17 MR BANGURA:

18 Q. When you say, "when they came to town," who are you
19 referring to?

20 PRESIDING JUDGE: The recognition should only relate to those
21 who were on the scene.

22 MR BANGURA: Yes, Your Honour.

23 PRESIDING JUDGE: It should not be for those who came to town.

24 MR BANGURA: I don't understand, Your Honour.

25 PRESIDING JUDGE: No, what I'm saying is that the recognition,
26 I suppose you want to limit to those who were present at
27 the events.

28 MR BANGURA: Throughout this course of events.

29 PRESIDING JUDGE: Throughout -- yes, during this incident.

1 MR BANGURA: Yes, Your Honour.

2 PRESIDING JUDGE: And it's limited to the 15, like Mr Williams
3 says.

4 MR BANGURA: Yes, Your Honour, I'm not seeking to -- I
5 wouldn't introduce such evidence if I had not.

6 PRESIDING JUDGE: Yes, all right. Go ahead, with that 15,
7 that bunch of 15.

8 MR BANGURA:

9 Q. Yes, Mr Witness, you were saying that you did recognise
10 some other Kamajors. Can you say how many?

11 A. Where they called me, where they were dancing, I didn't
12 know anybody there, except for the place that they went
13 to, the last place where we went to. I recognised four
14 of them. Those I know.

15 PRESIDING JUDGE: [Previous translation continues] that is the
16 last place. Let's direct on "the last place."

17 MR BANGURA: Yes.

18 Presiding JUDGE: Let us say "in the last place I went to, I
19 recognised four of them."

20 MR BANGURA: Yes, sir.

21 Q. How did you recognise these four, Mr Witness?

22 PRESIDING JUDGE: Which is this last place?

23 MR BANGURA:

24 Q. When you say the last place where you went to, where are
25 you referring to?

26 A. The last place, when we came outside, where I met them,
27 where the rope was tied around his waist, that's what I'm
28 talking about. Where they took me to, where they told
29 him to bid me farewell, that's where I'm talking about.

1 MR BANGURA: Where his father was asked to bid him farewell,
2 that's what he's talking about.

3 Q. Mr Witness, how did you recognise these Kamajors?

4 A. We were all in the same town. Some of them were in the
5 surrounding villages.

6 I want to ease myself.

7 MR BANGURA: I just have two more questions, Your Honour.

8 JUDGE BOUTET: You have only two more questions? That's it
9 for examination-in-chief. Well, I don't know how urgent
10 it is for the witness.

11 PRESIDING JUDGE: The witness has to ease himself. I mean,
12 you can't keep him here; it's unfair. And it is 1.00.
13 So we shall -- and my ink is exhausted.

14 MR BANGURA: There is every indication --

15 PRESIDING JUDGE: There is every indication that we should
16 rise. We shall rise and resume at 2.30. The Court will
17 rise, please.

18 [Luncheon recess taken at 12.57 p.m.]

19 [On resuming at 3.12 p.m.]

20 [HN021204D]

21 [Open session]

22 [The three accused not present]

23 [The witness entered court]

24 PRESIDING JUDGE: The session is called to order. We have to
25 apologise for the lateness, it is because we were
26 deliberating on current issues that are springing up and
27 we wanted to determine how we will proceed. So I suppose
28 it is in the interest of all of us.

29 MR BANGURA: Certainly, Your Honour.

1 PRESIDING JUDGE: We're very sorry to both sides of the aisle
2 that we're starting a bit late. The time was very
3 usefully spent in deliberation.

4 MR BANGURA: Thank you, Your Honour.

5 JUDGE BOUTET: So you had a few questions to ask and that was
6 to be your conclusion of the your examination-in-chief.
7 Are we still in the same time, the same direction?

8 MR BANGURA: Yes, Your Honour.

9 Q. Mr Witness, you have told this Court that your father
10 spoke to you before he was killed; is that right?

11 THE WITNESS: Yes.

12 Q. You've also told this Court that he said to you that he
13 had been brought to -- back to this town to say goodbye
14 to you, before they killed him; is that right?

15 A. Yes.

16 Q. Did your father tell you why they were going to kill him?

17 PRESIDING JUDGE: Please just wait before we have... Yes.

18 MR BANGURA: Your Honours, I would repeat the last question.

19 PRESIDING JUDGE: Yes.

20 MR BANGURA:

21 Q. Mr Witness, did your father tell you why they were going
22 to kill him?

23 A. He didn't tell me anything.

24 Q. Mr Witness, did you at any time later learn why your
25 father was killed?

26 A. I heard it.

27 Q. What did you hear?

28 A. We were in some place when my friends -- the person who
29 said, they didn't even know me. He just said -- he was

1 speaking to his companions.

2 Q. Slowly, Mr Witness.

3 A. That my father -- my father has protected two people from
4 the Kamajors. That's what I heard that person say.

5 Q. Mr Witness, can you explain what you understood from
6 that, your father had protected two people from the
7 Kamajors? Can you explain that, please.

8 A. I said after this had happened, we were in some place,
9 the person who said this didn't know me. I didn't know
10 him either. He just said this person who has been
11 killed, this person who has been killed, that he
12 protected people from the Kamajors. That was why they
13 killed him.

14 JUDGE BOUTET: I know it is a bit difficult because you're
15 not -- the witness is not giving names because of the
16 protective measure, but can you ascertain when he says --
17 not to repeat the name but if the name that he mentioned
18 was the name of his father? How does the Court know that
19 whoever they were talking about was related to the
20 witness in some fashion?

21 MR BANGURA: Right.

22 Q. Mr Witness, this person who was speaking, you say did he
23 not know you. Who was he talking about?

24 A. He was talking English into my father.

25 MR BANGURA: That will be all for this witness, Your Honours.

26 JUDGE BOUTET: Thank you, Mr Bangura.

27 MR BANGURA: Thank you, Mr Witness.

28 JUDGE BOUTET: Yes, Mr Koppe. Before we ask counsel for the
29 first accused to proceed with the cross-examination of

1 this witness, I will just deliver a brief ruling on -- of
2 the Trial Chamber on your application for the hearing of
3 the cross-examination of witness TF2-067 in closed
4 session, the application you made this morning. Was that
5 why you were standing up or was that an unrelated matter?

6 MR. KOPPE: Unrelated matter.

7 JUDGE BOUTET: We'll deal with this decision first and after
8 that we'll see what you have to say.

9 Trial Chamber delivers its oral ruling on the
10 application of the hearing of the testimony of witness
11 TF2-067 as to his cross-examination by the second accused
12 in closed session. Mindful of Article 17(2) of the
13 Statute which provides that the accused shall be entitled
14 to a fair and public hearing subject to measures ordered
15 by the Special Court for the protection of victims and
16 witnesses and pursuant to Rules 75 and 79 of the Rules of
17 Procedure and Evidence of the Special Court, the Trial
18 Chamber rules that considering the information provided
19 to the Court in support of this application, the evidence
20 that the witness TF2-067 is to give in cross-examination
21 will be held in closed session. This exceptional measure
22 is required for this witness because of the nature of his
23 evidence. The nature of his evidence - pardon me - is
24 such that if it is heard publicly it will reveal his
25 identity. And the Trial Chamber -- and could expose him
26 and his family to threats and retaliation. The Trial
27 Chamber therefore believes that if any part of his
28 testimony is heard publicly it would lead to his
29 identification and could compromise his safety and

1 security and that of his family. And for the above
2 reasons, your application to hear the evidence of
3 cross-examination of that witness in closed session is
4 granted. So that concludes that part. So we're now back
5 to this witness here and this is cross-examination by the
6 first accused, but Mr Koppe, you were standing up.

7 MR. KOPPE: Yes, Your Honour, we agreed that counsel for the
8 second accused would start the cross-examination, if
9 that's all right with your Court.

10 JUDGE BOUTET: Does that mean that the first accused will not
11 doing any cross-examination or just the order of
12 questioning will be changing?

13 PRESIDING JUDGE: Why? For what reason, Mr Koppe?

14 MR. KOPPE: Because we have some --

15 PRESIDING JUDGE: Because we don't want to mess up our
16 records. You're not travelling, are you?

17 MR KOPPE: No, no, no.

18 PRESIDING JUDGE: I know we traditionally give priority to
19 counsel to cross-examine before others. We don't expect
20 the other if they have to travel. But if you are here,
21 we don't want to mess up our records.

22 MR. KOPPE: No, it's nothing to do with travelling. We have
23 additional information on this witness we would like to
24 start. But it was just for convenience sake, not to be
25 repetitive. It's just a practical argument.

26 JUDGE BOUTET: Mr Koppe, what's the reason you were stating
27 that you would like to change the order of
28 cross-examination? You made allusion to some -- to avoid
29 repetition of evidence or something along these lines.

1 I'm not sure I have fully understood what you were saying
2 or stating.

3 MR. KOPPE: Well, really, the argument is based upon the fact
4 that we, that is, the Defence of the second accused, have
5 done additional inquiries as to this related incident and
6 we have information on certain aspects of this alleged
7 incident. We just thought it was practical that we would
8 start. I remind your Court on the fact that on one of
9 the earlier sessions, it was decided that not necessarily
10 it was -- it was the order of questioning. It could be
11 changed if -- if it was asked by the Defence to do so.
12 It is not a fixed order and just -- we agreed.

13 PRESIDING JUDGE: It is to us a fixed order unless there are
14 very exceptional circumstances to reverse the order
15 because we don't want to mess up the record, you know,
16 here and there. It is a fixed order. Now we could, we
17 have done so, but where very valid reasons are given for
18 us to reverse the order.

19 MR. KOPPE: If it is a big problem --

20 PRESIDING JUDGE: No we're not saying it a big problem but we
21 want you could convince us on why you think that there
22 are exceptional circumstances which require that we
23 reverse the order of cross-examination.

24 MR. KOPPE: Because we have additional information based upon
25 our own investigation as to this incident, and because we
26 have this additional information and the first accused
27 doesn't have this information, we thought it would be
28 appropriate and practical to start.

29 JUDGE BOUTET: And it would be better for cross-examination

1 purposes that these questions be put forward first.

2 MR. KOPPE: Exactly, yes.

3 [Trial Chamber confers]

4 JUDGE BOUTET: Mr Koppe, you can proceed with the
5 cross-examination of this witness.

6 MR BANGURA: If it please Your Honour, I was wondering if
7 I could be heard on the application by the Defence.

8 JUDGE BOUTET: You can be heard as to what.

9 MR BANGURA: The application for a deviation from the order.

10 I believe I am part of the proceedings and this is an
11 application by the Defence seeking to change the order in
12 which they should cross-examine.

13 JUDGE BOUTET: We'll hear you.

14 MR BANGURA: Thank you, Your Honour. Your Honour, I was going
15 to say that I did not see any strong reason advanced by
16 counsel on the other side for the second accused for this
17 Court to deviate from the normal order. Your Lordships
18 have already stated the exceptional circumstances so far
19 in this Court in which that order has been deviated from
20 and I think the situation in which Mr Koppe is referring
21 to here is one which calls for the scale and
22 craftsmanship of counsel, and whatever new or additional
23 inquiries they have made and whatever new information
24 they have, they can conduct their cross-examination as to
25 incorporate that into it rather than changing the order,
26 as it is.

27 I don't particularly see any good reason why this
28 order should be changed, Your Honour. And besides, there
29 is the question of where do we draw the line. We

1 already -- this Court has already had a situation where
2 if, as stated by Your Lordships, counsel is travelling,
3 that exception can be made. Now this is -- apparently
4 this is to be a new circumstances, a new situation where
5 similarly that kind of exception is made. Where do we
6 draw the line? When next? Or what next? For this
7 reason I object to this application, Your Honour.

8 MR BOCKARIE: Yes, Your Honour, with your leave. It is not
9 within the competence of the Prosecutor to say whether
10 sound reason has been advanced or not.

11 PRESIDING JUDGE: It is for him to submit. He can submit.

12 MR BOCKARIE: Yes, yes. But I think it is within --

13 PRESIDING JUDGE: Counsel can state there is no sound reason.
14 It is for us to appreciate whether the reason is sound or
15 not.

16 MR BOCKARIE: Yes, I do agree, but the question for
17 determination is: Will it have any prejudicial effect?
18 And Your Honour, I don't think a temporary change of
19 order of cross-examination will have any prejudicial
20 effect to the Prosecution's case. It is just an order,
21 which is a temporary order based on the information we
22 had.

23 JUDGE THOMPSON: Actually, I associate myself with the
24 observations of the Presiding Judge that we do have a
25 standard procedure and deviation from the norms should be
26 justified and there are times when perhaps a rigid
27 adherence to the laid-down standard is the right way to
28 go, but where there are good reasons advanced for some
29 change of flexibility, we shouldn't really shy away from

1 that. I'm of the same mindset. I haven't changed my
2 mind on that. Perhaps I would like to ask the
3 Prosecution one question, whether sometimes the
4 flexibility which the Bench shows towards you taking
5 witnesses out of turn, would that be -- is it in the
6 spirit of -- do you -- whenever the Defence concedes
7 that, are they doing something wrong, even though you've
8 given us an order saying that you will call your
9 witnesses A, B, C, D, E but some circumstance, some
10 supervening circumstance makes it difficult for you to
11 keep that strict order. Should we apply the same
12 exacting standard? Because sometimes the Defence
13 concedes that they don't have any objection.

14 MR BANGURA: I agree, Your Honour, that we have had
15 circumstances where we have had cause to ask that the
16 order of witnesses be changed, and Your Honour, in every
17 one of those situations we have canvassed good reasons
18 and the Bench has agreed with the those reasons. And I
19 believe where the Defence have had to object, they have
20 objected, and the objection has been considered by the
21 Bench before a decision is given.

22 JUDGE THOMPSON: Not to my recollection that in every case you
23 have canvassed good reasons. You may have in some cases
24 canvassed good reason but some may well have been just
25 the response might be because the Court wants to be
26 flexible. In other words, you are asking us not to show
27 that degree of flexibility in this instance.

28 MR BANGURA: Having particular regard to the reasons advanced.

29 JUDGE THOMPSON: All right. Thanks.

1 MR BANGURA: Thanks.

2 JUDGE BOUTET: Mr Koppe, we'll allow you to proceed with the
3 cross-examination. As my learned brother just also said
4 at times it is required that we show some flexibility and
5 the reasons you have advanced would justify under those
6 circumstances that you proceed now. However, the policy
7 remains that we will normally follow the order but given
8 that you are the one that has prepared this and you have
9 investigated this particular aspect for the good of the
10 Defence, we'll let you proceed first. So you're ready to
11 proceed.

12 MR. KOPPE: Thank you.

13 CROSS-EXAMINED BY MR KOPPE:

14 Q. Mr Witness, I would like you to go back to your earlier
15 evidence about the burning of your father in a hut near
16 the school. Do you recall giving that evidence?

17 A. Yes.

18 Q. You said that your father was first burned and then later
19 his head was cut off; am I correct?

20 A. I said.

21 Q. Could you tell the Court what was done afterwards with
22 the body of your father.

23 A. His body? His body? Repeat the question. Repeat the
24 question and direct me properly.

25 Q. Well, your father was burned and then burned to death and
26 then his head was cut off, obviously there was a body
27 remaining of your father and my question is: What has
28 been done with the body afterwards?

29 A. I didn't see the body. I didn't see the head. They

1 brought the head to my house, but after that I didn't see
2 his head, I didn't see his body.

3 Q. But haven't you tried to inquire what was done with
4 his --

5 PRESIDING JUDGE: Mr Koppe, can you just please wait a bit,
6 please.

7 MR. KOPPE: Sure.

8 Q. Have you inquired to anybody what was -- what has been
9 done with the body and with the head?

10 A. I can't ask.

11 Q. Why not?

12 A. Because it has been done. I am a small boy. I was
13 scared. Thank God that I survived, but they've done it
14 and it is over. When I go and ask about it, what if they
15 do something to me? Something bad to me? That's why
16 I wouldn't ask.

17 Q. Mr Witness, am I to understand that this body of your
18 father has been lying there for days or maybe weeks?

19 A. No.

20 Q. So when was the body picked up?

21 A. I don't know the time. I went in the morning, I didn't
22 see it. I didn't see it anywhere else. The time they
23 took it from there. I didn't know that. It was with
24 those who did the acts.

25 Q. Let me ask you another question, witness. Was there a
26 funeral -- was a funeral taking place after the killing
27 of your father?

28 A. No.

29 Q. Am I to understand that you nor anybody of your family

1 made any effort to collect the body and to organise a
2 funeral?

3 JUDGE THOMPSON: Learned counsel, this witness has said that
4 if he had -- at the time he was a small boy. He was
5 scared and suppose he had made any inquiry or done
6 anything and they would have done something bad to him,
7 so he virtually shied away from it all and in the state
8 of his -- of course it is perfectly legitimate to ask him
9 whether any other member of the family, but as far as he
10 was concerned, he's probably -- from the state of the
11 evidence he's giving, he's probably telling you that he
12 must have been traumatised, and considering the aspects
13 of how the killing was done he would not have the courage
14 or the temerity to go either asking for the body for
15 funeral purposes or otherwise. That is how I understand
16 the, sort of, sense of the evidence. But that does not
17 deprive you of the right to probe further.

18 MR. KOPPE: I understand perfectly well what you're saying.
19 That's why I was trying from another angle, whether a
20 funeral had taken place.

21 JUDGE THOMPSON: That's fine. Thank you.

22 MR. KOPPE:

23 Q. But you're saying that there was no funeral after the
24 death of your father?

25 PRESIDING JUDGE: That question is answered already.

26 MR. KOPPE: Okay.

27 Q. Was there some kind of memorial service for the death of
28 your father?

29 A. No.

- 1 Q. If somebody in your village dies, for instance of old
2 age, does a funeral, generally speaking, take place?
- 3 A. Yes, we do.
- 4 Q. And you have a memorial service?
- 5 A. Yes, we do all of that.
- 6 Q. And people get together to mourn with each other about
7 the death of this person?
- 8 A. Yes, people -- yes, people come together. They cook
9 food. They make wake-keeping and things like that till
10 the seven days, but they did that for a reason. We
11 didn't do ours for a reason.
- 12 Q. But are you saying now you had the memorial service or
13 you didn't have the memorial service?
- 14 PRESIDING JUDGE: He's explaining: He says we didn't do that
15 for a reason. Can we have the explanation.
- 16 MR. KOPPE:
- 17 Q. Can we have your reason, please.
- 18 A. Just like I said, just now. When that thing happened, my
19 brother, my siblings, they were not there. They were
20 scattered all over the place. I was the only person
21 there. So when they heard that that was how my father
22 was killed, everybody was even scared now to return to
23 that village, everybody is scared to return to that
24 village. They are all scared to go to that village.
25 That is the reason why we've not got the upper hand to
26 still do the memorial service. We are still scared
27 because of that thing that happened, because of what they
28 did.
- 29 Q. Witness, you've stated that the village that you're from,

- 1 around 400 people live there; is that correct?
- 2 A. Yes.
- 3 Q. Do you think you know all the people who live in your
- 4 village?
- 5 A. Yes, in my village, yes.
- 6 Q. Can I assume that all the people in the village also know
- 7 your father?
- 8 A. All of them, yes.
- 9 Q. Was your father a beloved man in the village or a -- was
- 10 your father a beloved man in the village?
- 11 A. Yes, I believe that he was beloved and I do believe again
- 12 that he was not beloved.
- 13 JUDGE BOUTET: What was the second part of the answer? "I
- 14 believe he was beloved and... "
- 15 MR. KOPPE: "Not beloved," I think.
- 16 PRESIDING JUDGE: I do believe... [microphone not activated].
- 17 MR. KOPPE:
- 18 Q. Your father was born and raised in this village?
- 19 A. We met him there. Our elder brothers -- our elder
- 20 siblings were there. We met him there. That's where
- 21 I -- even before he gave birth to us. We met him there.
- 22 Q. My question was whether your father was born and raised
- 23 in this village where he was killed?
- 24 A. Oh, yes.
- 25 Q. So is it fair to assume that he had many friends and
- 26 acquaintances in this village?
- 27 A. That one, yes.
- 28 Q. So is it possible that maybe his friends or acquaintances
- 29 arranged a funeral for him?

1 A. I didn't know that one.

2 Q. So what you're saying to us?

3 PRESIDING JUDGE: He has not answered the question. "I don't
4 know that one" means what? Was a funeral arranged by his
5 friends -- call them memorials, or not?

6 THE WITNESS: Whether they did it, I didn't know that one.

7 MR. KOPPE:

8 Q. So what you're saying is there might have been a funeral,
9 but you were not there?

10 MR BANGURA: I object to this line of questioning, Your
11 Honours. The witness has said he does not know whether
12 this happened in this village and for counsel to suggest
13 that the witness may not have known is a bit unfair, Your
14 Honours, having regard to the previous answer which the
15 witness has given to this question.

16 JUDGE BOUTET: Well, the witness has said he doesn't know.
17 You're saying that it's unfair that he's asked this
18 question. I'm trying to see what is the unfairness in
19 this question, given the previous answer the witness. He
20 says -- the question was whether he knew that friends had
21 arranged for a funeral for his father and the answer is I
22 don't know.

23 MR BANGURA: The question is speculative and seems to suggest
24 that in fact there was such a function and that the
25 witness did not know only, but there was such a function.
26 But the witness has said that he doesn't know.

27 JUDGE BOUTET: He doesn't know so that doesn't mean that none
28 has ever taken place. All it says is that the witness
29 doesn't know.

1 MR BANGURA: In any case, Your Honour.
2 JUDGE BOUTET: Your objection is overruled. Mr Koppe, please.
3 [HN021204E 3.55 p.m.]
4 MR KOPPE:
5 Q. My question was you don't know if the friends or
6 acquaintances of your father have organised a funeral?
7 JUDGE THOMPSON: Are you asking him to confirm what he's
8 already said?
9 MR KOPPE: Yes.
10 JUDGE THOMPSON: All right.
11 MR KOPPE: Just for clarification.
12 THE WITNESS: No, whether they did it or not, I didn't see it.
13 PRESIDING JUDGE: If you didn't see it, did you hear of it?
14 THE WITNESS: I didn't hear about it.
15 MR KOPPE:
16 Q. So no member of your family has ever said anything to you
17 about a funeral of your father?
18 A. Relating to his burial; what do you mean?
19 Q. Exactly, relating to his burial.
20 A. I've told you that it's no; I've told you. I've denied;
21 I said no. Nobody told me anything.
22 Q. Let me go back to the situation in general when somebody,
23 for instance, dies of old age. If somebody dies of old
24 age, isn't it so that his family will be present at the
25 funeral and memorial service?
26 A. Yes, it does happen.
27 PRESIDING JUDGE: Are you talking of the funeral or the
28 memorial service, Mr Koppe, or both?
29 MR KOPPE: Well, where I come from it's all in one. I'm not

1 sure how it is here.

2 PRESIDING JUDGE: You're saying that when an old man dies in
3 the village, the family members of his family are
4 present --

5 MR KOPPE: There is a service and then afterwards there is the
6 burial. I take it as one event. I think that is in most
7 cultures the case.

8 Q. Mr Witness, if you don't know of any funeral taking place
9 of your father, isn't it fair to conclude that there was
10 never any funeral or memorial service?

11 THE INTERPRETER: Would you, please, repeat the question?

12 MR KOPPE:

13 Q. If you, Mr Witness, have never heard of a funeral of your
14 father, isn't it fair to conclude that no such funeral
15 has ever taken place?

16 JUDGE THOMPSON: Is it the concept of fairness or the
17 possibility?

18 MR KOPPE: I could also put it --

19 JUDGE THOMPSON: Yes, because the concept of fairness is quite
20 a technical concept, and I would have thought it is the
21 possibility that would seem to be -- because if you make
22 it fair, then the question becomes argumentative.

23 MR KOPPE: I agree with, Your Honour; I apologise.

24 Q. I put it to you, Witness, that never a funeral has taken
25 place of your father; do you agree with me?

26 PRESIDING JUDGE: That's what he has been saying all along.
27 You don't need to put it to him; he's very clear from his
28 replies in cross-examination. He's very, very clear that
29 no such funeral ever took place. He heard of none, he

1 was present at none, his brothers only heard of it, they
2 stayed away because they were scared of the village, they
3 never came, there was none. He has been harping on that
4 note all along.

5 MR KOPPE: I will move on.

6 Q. When people die in your village, are they buried in a
7 cemetery?

8 A. Yes, they are buried in a cemetery.

9 Q. Is your father buried in a cemetery of the village?

10 MR BANGURA: May it please Your Honours, I stand to object
11 again. I think the answers which the witness has given
12 to previous questions, as to the question of whether his
13 father was buried or whether there was a funeral, make it
14 unnecessary for this question to be asked.

15 PRESIDING JUDGE: But let him answer this question.

16 JUDGE THOMPSON: I don't think so at all. I think he is
17 entitled to probe the specifics.

18 PRESIDING JUDGE: [Overlapping speakers]

19 JUDGE THOMPSON: [Overlapping speakers] level of generality he
20 is entitled to.

21 MR BANGURA: As Your Honour pleases.

22 PRESIDING JUDGE: 'Cause you never know what the Defence may
23 be driving at. I know where they're moving towards.

24 MR KOPPE:

25 Q. My question, Witness, is: Is your father buried at the
26 cemetery of the town?

27 A. I have told you just now that when he was killed, I
28 didn't know whether -- [Interpretation interrupted]

29 PRESIDING JUDGE: Answer the question. Was your father buried

1 in the cemetery in the village? Simple question. We
2 have heard your explanations, but answer that question.
3 It is very simple.

4 THE WITNESS: I didn't know whether he was buried there.

5 PRESIDING JUDGE: You don't know. I mean, stop answering
6 questions in a twisted manner. You have a cemetery in
7 your village which is what counsel is referring to. You
8 have said that when somebody dies in the village, he's
9 buried in the cemetery. Was your father buried in that
10 cemetery?

11 THE WITNESS: I didn't see him being buried there.

12 PRESIDING JUDGE: You didn't see him being buried there, but
13 was he buried there?

14 THE WITNESS: Whether they buried him there, I didn't see it
15 happen.

16 PRESIDING JUDGE: There's a traditional way of translating
17 Mende into English. I'm sure that's the way the Mende
18 people reply to questions. Dr Jabbi? Mr Bockarie?

19 MR BOCKARIE: My Lord, not all of them.

20 PRESIDING JUDGE: He's a real traditional man. He was born
21 and raised in that village and he has lived through the
22 traditions. So you can see his answers, you know,
23 they're never direct. Yes, Mr Koppe, you can move along.

24 MR KOPPE:

25 Q. Last question on the matter of the cemetery. Is there,
26 Witness, maybe --

27 PRESIDING JUDGE: In fact, the sooner we can leave that
28 cemetery the better. Yes?

29 MR KOPPE:

1 Q. Witness, is there maybe on the cemetery a little
2 plaque -- little reminder of the death of your father?

3 PRESIDING JUDGE: Sorry, please, take the question again,
4 please.

5 MR KOPPE:

6 Q. Is there, in the cemetery, maybe a little sign of
7 remembrance of the death of your father?

8 JUDGE BOUTET: But how can he answer that question? He
9 doesn't know if he's buried, he's never seen that. How
10 can he answer that question?

11 MR KOPPE: I just want to have it established for the record.

12 PRESIDING JUDGE: Counsel is moving from a real physical
13 burial to a sign.

14 MR KOPPE: I'm just wondering, Your Honour. If a beloved one
15 of mine would die, we would have left something.

16 PRESIDING JUDGE: Mr Koppe, there's a proper -- you should
17 follow the evidence of this witness properly.

18 MR KOPPE: No, but I ask him general questions first.

19 PRESIDING JUDGE: You see the background -- the background
20 evidence he has given before us here, I think it is plain
21 somehow why certain things did not happen, but let him
22 answer your question. Let him answer your question. If
23 he had some memorial insignia -- a memorial insignia.

24 JUDGE BOUTET: Maybe you should repeat the question.

25 THE INTERPRETER: The question is going on. The question is
26 being asked.

27 THE WITNESS: No.

28 MR KOPPE:

29 Q. Witness, have you ever heard of a report in a local

1 newspaper regarding the death of your father?

2 A. Even in the newspaper I have not heard about it. I am
3 illiterate and you're asking me if I've read it in the
4 newspaper; no.

5 Q. Not if you read it, but whether you've heard of anything
6 about the death of your father in the local newspaper?

7 A. No, I've not heard of that.

8 Q. Mr Witness, recently we have gone to your village and
9 made some inquiries about this incident that you have
10 given evidence of to the Court. We have spoken to quite
11 a number of people in your town and no one has heard
12 about the death of your father.

13 PRESIDING JUDGE: So you are putting it to him that his father
14 was never killed or is not dead?

15 MR KOPPE:

16 Q. I'm putting it to you that your father was never killed
17 and --

18 PRESIDING JUDGE: No, is he dead?

19 MR KOPPE: He's not dead, no.

20 PRESIDING JUDGE: He's not dead?

21 MR KOPPE: No.

22 PRESIDING JUDGE: That is your -- yes, okay, answer the
23 question. First of all, that his father was not killed.
24 Let's start from there.

25 MR KOPPE:

26 Q. That's the information that people from your village gave
27 to us. I put that to you and I would like to have your
28 reaction?

29 PRESIDING JUDGE: First as to whether the father was killed.

1 THE WITNESS: Can I speak?

2 JUDGE BOUTET: Yes, the question was asked of you.

3 THE WITNESS: Uh-huh. The person who said that he's gone to
4 my village and made inquiries that they've not killed my
5 father, what I saw and what you didn't see, and now
6 you're telling me I'm telling lying, even that I have
7 shed tears. Between the two of us, who is telling lies?
8 You're telling lies, the person who said that. What I
9 saw that you didn't see and I was there when it all
10 happened.

11 PRESIDING JUDGE: Okay, stop there. It is not the counsel --
12 Mr Witness, are you listening to me? It is not the
13 counsel who you should be picking a quarrel with. He
14 says he has investigated in your village and they've told
15 them there that your father was not killed, and that is
16 what he's putting to you. You are saying that they are
17 lying -- those who told him that are lying; is that not
18 so?

19 THE WITNESS: It's a lie.

20 MR KOPPE:

21 Q. Witness, I'm putting it to you --

22 PRESIDING JUDGE: Please wait, Mr Koppe.

23 MR KOPPE: Sorry, Your Honour.

24 PRESIDING JUDGE: "Those who have told you that my father is
25 not killed are lying" -- "told in my village".

26 JUDGE BOUTET: Go ahead.

27 MR KOPPE:

28 Q. Mr Witness, those same people told us that your father
29 had left town together with the juntas. Are they lying

1 also on that matter?

2 PRESIDING JUDGE: No. You see, there is a second arm of the
3 question you put. It was a double-barreled question.
4 True enough, killing and death are virtually synonymous,
5 but maybe for purposes of the records you can ask him
6 that you were also told that his father was not dead;
7 because you're now moving to another ground where you
8 think he must have escaped with the junta. So why don't
9 you put that question.

10 MR KOPPE: I will put that question.

11 Q. Witness, those same people have informed us that your
12 father has moved out of the village together with the
13 juntas.

14 PRESIDING JUDGE: That his father is not dead. I know it is
15 repetitive, but let it go on the records.

16 MR KOPPE: Not necessarily he's not dead, because he might
17 also be --

18 PRESIDING JUDGE: You started the debate.

19 MR KOPPE: No, I was just saying that he wasn't killed there.

20 PRESIDING JUDGE: You say he was not killed, nor was he dead.

21 JUDGE BOUTET: He was not killed there.

22 PRESIDING JUDGE: Yes, nor was he dead. That is why we said
23 you should split the question into two.

24 MR KOPPE: I will rephrase the question, just for
25 clarification.

26 PRESIDING JUDGE: This is your case, Mr Koppe. Move ahead,
27 please.

28 MR KOPPE:

29 Q. The people of the village told us that your father had

1 fled together with the juntas out of town. Is that
2 correct?
3 A. No.
4 Q. People say --
5 PRESIDING JUDGE: Please wait. Yes, Mr Koppe?
6 MR KOPPE:
7 Q. People say that ever since, your father is missing. Is
8 that correct?
9 A. It's a lie. They are not saying the truth.
10 Q. People say that before your father fled from the town, he
11 was responsible for the death of three people from your
12 town. Is that correct?
13 A. It's a lie.
14 Q. Mr Witness, have you heard of a man called Brima von
15 Saspo?
16 A. Brima what?
17 MR BOCKARIE: Brima von Saspo.
18 THE WITNESS: No.
19 JUDGE BOUTET: Can we get the spelling of that, please?
20 MR KOPPE: B-R-I-M-A; von as in German von, V-O-N; Saspo,
21 S-A-S-P-O.
22 JUDGE BOUTET: Thank you.
23 MR KOPPE:
24 Q. Mr Witness, people tell us that your father, together
25 with this man, was responsible for the killing of three
26 men; not correct?
27 A. Which man?
28 Q. Your father together with Brima von Saspo?
29 A. It's a lie.

1 Q. I just have one or two questions about how the school you
2 referred to this morning is situated. Is it correct,
3 Mr Witness, that this school is about half a mile from
4 your village?

5 A. No, no.

6 Q. How far is it from the village then?

7 A. It is in between the town.

8 Q. My question was how far it is from the village?

9 A. It's not up to a mile.

10 Q. It's not up to a mile, so it's less than a mile?

11 A. Yes.

12 Q. Is it correct that you've stated earlier that when you
13 and your father were brought from this town to the school
14 by the Kamajors, that nobody saw you?

15 A. What sort of people?

16 Q. I'm sorry, I didn't hear the answer.

17 A. Like what sort of people?

18 Q. School children, people from the village, anybody.

19 A. I only saw Kamajors.

20 Q. But the killing of your father took place during the day,
21 didn't it?

22 A. During the day? It was not really during the day, but it
23 was in the evening.

24 Q. What time?

25 A. The time I could not remember, because I was not having a
26 watch with me.

27 Q. I'm going back to my earlier question. You're saying
28 that nobody saw you and your father and the Kamajors walk
29 to the school?

1 MR BANGURA: May it please Your Honours. I don't believe that
2 is the evidence. As far as I remember, it was not a case
3 of not seeing -- or anybody not seeing the witness and
4 his father and Kamajors walking. The question was was
5 there anybody else there, and the witness -- apart from
6 himself, his father and the Kamajors.

7 PRESIDING JUDGE: No, but they were leaving the place where
8 they were, and they were being led by the Kamajors. They
9 were inside the village. They were being led by the
10 Kamajors. Mr Koppe's question is: When you were being
11 led you mean you were not seen by any other person in the
12 village? Because he said he was only with the Kamajors.
13 That's the question. Is that not it?

14 JUDGE BOUTET: Yes, I have in my note, too, that isn't it true
15 that nobody saw you when you were brought by the
16 Kamajors? He did not understand and the question was
17 repeated and he said, "I only saw Kamajors."

18 MR BANGURA: As My Lord pleases.

19 PRESIDING JUDGE: Yes, he said he only saw Kamajors.

20 JUDGE BOUTET: Go ahead, Mr Koppe.

21 MR KOPPE:

22 Q. Mr Witness, did you in any form get paid by the
23 Prosecutor to give evidence to this Court?

24 PRESIDING JUDGE: Is he on a salary, Mr Koppe? Is he on a
25 salary? Please rephrase that question.

26 MR KOPPE: I wouldn't know how to rephrase the question.

27 JUDGE THOMPSON: Well, let me take the point up. When you
28 said "paid to give evidence", what's the function of that
29 question? From my own kind of perspective, that makes an

1 imputation on the integrity of the prosecutorial process,
2 and probably by some logical extension, would also
3 reflect on the integrity of the judicial process if that
4 statement is taken literally: Were you paid to come and
5 give evidence in Court? Unless you can satisfy me that
6 that interpretation is wrong, I may think that you may
7 well be raising some kind of question as to the integrity
8 of the prosecutorial process and, also, by logical
9 extension, the integrity of the judicial process. Paid,
10 paid. But I'm sure you can enlighten me on that.

11 MR KOPPE: I hope I can, Your Honour. I have tried to put it
12 as sharp and directly as I possibly could, because in our
13 opinion this witness has been lying from A to Z during
14 his --

15 JUDGE THOMPSON: Let's take that ex-arguendo for the sake of
16 argument.

17 MR KOPPE: Yes. And to reach that conclusion one must always
18 ask the question why somebody would be lying from A to Z.

19 JUDGE THOMPSON: Right, let's take that again -- do sit down.
20 We are, in fact, hypothesising. We're just taking this
21 for the sake of argument. In other words, that's all
22 we're doing. I'm not relating it to the concrete
23 situation. I just want to see what kind of arguments
24 will persuade me that a question whether somebody is
25 being paid to testify does not raise the imputation of
26 some -- in a sense does not raise some imputation of the
27 prosecutorial process being tainted and reflecting also
28 adversely on the judicial process. So I would like to be
29 satisfied about that before you come in with your own

1 contribution. Counsel was in the process of enlightening
2 me and I will ask you to be a little patient.

3 MR BANGURA: I will be patient.

4 JUDGE THOMPSON: Please.

5 MR KOPPE: Your Honour, it is my belief that we have reached
6 quite fundamental crossroads.

7 JUDGE THOMPSON: Yes.

8 MR KOPPE: We've been hearing evidence given by this witness
9 which does not even directly affect our client, but to
10 observe that - still, of course, arguendo -- [Overlapping
11 speakers]

12 JUDGE THOMPSON: Yes, arguendo, quite right.

13 MR KOPPE: -- this witness is lying to the Court on all --

14 JUDGE THOMPSON: Good point.

15 MR KOPPE: -- matters is so fundamental that we must establish
16 the reason or arguments or grounds why this witness is
17 lying. That is why I am putting it very sharply like
18 that.

19 JUDGE THOMPSON: In other words, that question is being put
20 advisedly having regard to the nature of your case.

21 MR KOPPE: Yes.

22 PRESIDING JUDGE: If you say that -- yes, Mr Koppe, you should
23 still keep on your feet, please. If you say the witness
24 has not mentioned your client, on what basis could you be
25 saying that he is lying, knowing fully well that being
26 jointly tried the provisions of Rule 82 are in play here
27 because they are treated as if they're being tried
28 separately. Is your conclusion that he is lying -- does
29 it mean, you know, that he is lying against your client?

1 Not having mentioned anything about your client, how
2 could you be concluding that he is lying - well, in
3 quotes - against about your client?

4 MR KOPPE: No, my point really was at no time during his
5 evidence this witness has given any reason to indicate
6 there is a nexus between whatever happened in that
7 village and position of my client, so I do not even have
8 a direct interest to contradict his evidence. But I am
9 just observing that although his evidence is only in a
10 very indirect way relevant to our client, I am just
11 observing that this witness is lying and this is very
12 disturbing to me.

13 PRESIDING JUDGE: I think it's too early for us to go down
14 that road.

15 MR KOPPE: It is all arguendo.

16 PRESIDING JUDGE: It is too early for us to go down that road,
17 because we are faced with so many issues that we don't
18 want to tread that path at this time. Maybe the option
19 you had, since he didn't mention your client, was to say
20 that you had no questions in cross-examination for him.
21 Wouldn't you think that that would have been more
22 logical?

23 MR KOPPE: Not necessarily, because if a witness such as this
24 witness, which is not even really materially relevant as
25 it comes to our client, or what his role was in the whole
26 conflict, if we conclude that this witness is so
27 blatantly not telling the truth, then this is something
28 which comes to the core of the whole process we are
29 presently facing. That is why I was asking the question.

1 I am just arguing why I was asking this question in these
2 words: Are you -- or how were you paid by the
3 Prosecutor? When we have established in the earlier
4 trial sessions that witnesses do get paid by the
5 Prosecution.

6 JUDGE BOUTET: They do receive money by the opposition to
7 being paid.

8 JUDGE THOMPSON: That was my query. My query was that when
9 you say a witness is paid to come and testify by the
10 Prosecution, you put the integrity of the prosecutorial
11 process, and by logical extension the judicial process,
12 in question.

13 MR KOPPE: Not necessarily.

14 JUDGE THOMPSON: Well, that's the way I look at it, because
15 virtually what you're saying is that someone knowingly
16 paid the witness to come and testify untruthfully.
17 Doesn't it follow by logical extension again?

18 MR KOPPE: Not necessarily, Your Honour. It's all about
19 knowledge of the Prosecution themselves, and I have no
20 indication whatsoever --

21 JUDGE THOMPSON: But the concept of pay -- counsel. The
22 concept of pay, there is a payer and a payee: The person
23 who pays and the person to whom the money is given.
24 That's the kind of contention. I mean, my quarrel was
25 with pay. If we talk about witnesses allowances,
26 expenses, that's different. But the concept of pay
27 suggests some kind of quid pro quo. You come and testify
28 and here is money to come because we want your evidence.
29 That was why I held you up, whether the formulation was

1 right. And I was saying that that is my interpretation.
2 Unless you persuade me otherwise, you're casting some
3 aspersion on the prosecutorial process and also the very
4 judicial process. In other words, we judges here are
5 listening to false evidence because somebody has paid
6 someone to come and testify falsely.

7 JUDGE BOUTET: If I could add to that, your question was quite
8 specific: Did you get paid by the Prosecutor? You
9 should know --

10 PRESIDING JUDGE: And I raised objection to that. It was:
11 Was he on a salary? Without being specific, you know.

12 JUDGE BOUTET: But, as you know, witnesses to my knowledge,
13 according to the information that has been provided to
14 this Court, are being paid by the Witness and Victims
15 Unit, not by the Prosecution, with some exception from
16 what I understand. But essentially the pattern is
17 expenses for witnesses as such are paid for by the
18 Witness Unit, not the Prosecutor. So which, to use your
19 question again, "paid by the Prosecutor" goes very much
20 in line with what my brother and colleague has raised,
21 which is pledging ill-motive of the Prosecution and
22 probably the judicial process.

23 MR KOPPE: I understand. Maybe it's all about the word "pay".

24 JUDGE BOUTET: That's why I used the word when I asked you the
25 question. If you had asked the witness if he has
26 received money, it is quite different to have you been
27 paid to give evidence?

28 MR KOPPE: Maybe that's --

29 PRESIDING JUDGE: The debate should not have even gotten right

1 up to this point; I asked you to rephrase that question.
2 But it has been a very useful debate, Mr Koppe, because
3 certain issues maybe have been clarified. So may we move
4 on with the question in a rephrased form, please.

5 JUDGE BOUTET: Before we do, the Prosecution had stood up and
6 we told them to wait. Are you still making some
7 comments?

8 MR BANGURA: Yes, Your Honour. It was just to make the
9 comment that the Prosecution is a bit concerned about the
10 language counsel tends to be using about the witness.
11 The Prosecution has its case, which is as put through the
12 witness in-chief, and Defence also have their case, which
13 they put to the witness in cross. Merely not to agree
14 with Defence on the point on questions put to the
15 witness, will not amount to counsel coming to that
16 conclusion that the witness is lying. Your Honour, we
17 feel somewhat concerned with his use of language.

18 JUDGE BOUTET: Well, he is entitled to ask these questions of
19 the witness. The witness has answered the way he can,
20 and we'll give it the proper assessment. We are trying
21 to pinpoint what the question of counsel was with regard
22 to pay and so on, not to have any specific argument. We
23 don't want to have arguments as to whether the witness is
24 telling the truth or not. It is for a later time when
25 assessment will come to give the proper weight to the
26 evidence of these witnesses. We don't want arguments on
27 this and we did not take these arguments to be
28 essentially -- although it touched upon it, it was not
29 upon that.

- 1 MR BANGURA: Thank you, Your Honour.
- 2 JUDGE BOUTET: Thank you.
- 3 MR KOPPE: I think it was all about a technical meaning of the
4 word "pay". If I rephrase the question as follows:
- 5 Q. Witness, in order for you to give evidence to this Court
6 today, did you ever receive any --
- 7 PRESIDING JUDGE: I would like you to remove that phrase, "in
8 order for you to give evidence".
- 9 MR KOPPE: Okay.
- 10 PRESIDING JUDGE: Yes, yes, remove that "in order for you to
11 give evidence".
- 12 MR KOPPE:
- 13 Q. Witness, did you receive money from --
- 14 PRESIDING JUDGE: From whoever.
- 15 MR KOPPE:
- 16 Q. -- from whomever in relation to this Court?
- 17 A. In relation to the matter in this Court, if they gave me
18 money?
- 19 Q. Yes.
- 20 A. No.
- 21 JUDGE BOUTET: You can ask him if he has received -- if his
22 expenses have been paid.
- 23 MR KOPPE:
- 24 Q. Witness, have your expenses been --
- 25 JUDGE BOUTET: Have your expenses been paid?
- 26 MR KOPPE: Yes, I was looking for another word than "paid".
- 27 PRESIDING JUDGE: Mr Koppe is trapped somewhere.
- 28 MR KOPPE:
- 29 Q. Have your expenses been paid by anybody in relation to

1 this Court?

2 A. Yes.

3 Q. Could you tell this Court what amount?

4 A. The monies they have given to me, they are not given me
5 like as a pay. They give it to me because where I came
6 from, I left people behind and I have family. Besides,
7 here where I am, I do it, I do smoke cigarette or me want
8 to do some other thing. When I was there, I used to get
9 what I was to get; but they have brought me here, so they
10 have to take care of me.

11 Q. Witness, have you been paid a total of 546,000 leone?

12 JUDGE BOUTET: Have you received.

13 MR KOPPE: Well, it says here has been --

14 JUDGE BOUTET: Yes, but if --

15 MR KOPPE: Well, I'm just now --

16 JUDGE BOUTET: I know.

17 MR KOPPE:

18 Q. Have you received a witness attendance allowance, as it
19 is called, for the amount of 546,000 leone?

20 A. 546,000, I have not received that.

21 Q. What did you receive?

22 A. What I receive? When I come with my problems, I told
23 them that, "You brought me here, I may want to go out for
24 a walk, I may want to eat," but if it is in my home I
25 will not ask somebody to cater for me. But if they have
26 brought me here, they will have to cater for me. So
27 that's the reason why they did that for me.

28 Q. My question was what amount other than 546,000 leone did
29 you receive?

1 A. The money they give to me, they don't give it to me to
2 become a wealthy man. What they give to me is 112,000
3 leones.

4 Q. 112,000?

5 A. Yes.

6 Q. I'm putting it to you, Mr Witness, that you received not
7 only the earlier mentioned amount of 546,000 leone, but
8 also 150,000 leone for so-called farm help; is that
9 correct?

10 A. They did what? Repeat.

11 Q. Okay. They paid you 546,000 leone for witness attendance
12 allowance, plus 150,000 leone for farm help; is that
13 correct?

14 A. To assist me and my family in what way? The money you've
15 called is too much. I don't think I've received that.

16 Q. Well, you even received more than that, Witness.

17 PRESIDING JUDGE: Mr Koppe, wait. Mr Witness, you know, this
18 money, when it comes to you bit by bit -- small, small,
19 at times you never know when it grows to certain amounts,
20 and you take it bit by bit, bit by bit, over a period of
21 time, you'll be surprised at what you have taken. I am
22 not saying that you are not telling the truth when you
23 say the money is too big, but, again, if you calculate
24 properly, maybe counsel may be right. You never know.

25 There is nothing wrong. The arguments you have put
26 are very valid. In your village you will not ask anybody
27 to take care of you. You are a proud man in your
28 village, but now that you are here, it is they who
29 brought you here, so they have to take care of you. It

1 is normal. You left a family back home. There is nobody
2 taking care of that family. Somebody has to take care of
3 it. So these are all good reasons you have advanced;
4 they are very valid. And the amount, maybe, you know, it
5 may be near that or something around that. You never
6 know.

7 THE WITNESS: Yes, they give it to me. They've been giving me
8 that money, but to say they have given me that bulk sum,
9 when you ask me 500,000 leone -- they used to give me
10 money.

11 PRESIDING JUDGE: He's not saying that they moved 500,000 in
12 bulk and say "Mr Witness, take". No. You understand?
13 It is not an envelope. Bit by bit, then it came up to
14 200, 300, 500, you know, thereabouts. It's not a one
15 time giving.

16 THE WITNESS: No.

17 PRESIDING JUDGE: Mr Koppe, go ahead; that's your headache.

18 MR KOPPE:

19 Q. Mr Witness, do you remember the first time when you spoke
20 to people of the Prosecutor office regarding this
21 incident?

22 A. Yes.

23 Q. Do you remember who was present at this meeting?

24 A. No, I'm not seeing them now, but I'm still thinking of
25 it -- I still remember it.

26 Q. Do you remember how the contact was made between you and
27 those people who were asking questions?

28 A. Like what sort of people?

29 Q. The people that you spoke to first about the incident

- 1 with your father?
- 2 A. Where?
- 3 Q. In your town, I presume.
- 4 A. In my town? Nobody went there that I spoke with about
- 5 that incident. I spoke only once.
- 6 Q. Where did you speak only once?
- 7 A. I spoke with my lawyer once.
- 8 Q. With your lawyer?
- 9 A. Yes, I told him.
- 10 Q. I'm now referring to the first meeting you had when you
- 11 spoke about this incident with the people of the
- 12 Prosecutor office?
- 13 A. It is that office I'm in doubt of. Where is that office?
- 14 [HN021204F 4.43 p.m.]
- 15 JUDGE BOUTET: When he's talking of his lawyer, probably he's
- 16 talking of a lawyer from the Prosecution.
- 17 MR KOPPE: Yeah.
- 18 Q. You spoke to a lawyer from the Prosecutor, from the
- 19 Special Court people?
- 20 A. Yes.
- 21 Q. And was that approximately two years ago?
- 22 A. The first people that went to me, they asked me. I came
- 23 to them, and they asked me, and I explained to them.
- 24 Three years has passed before they brought me here. When
- 25 I came, that lawyer asked me the same thing, and I
- 26 explained. And he asked me whether that is what I said.
- 27 I said yes.
- 28 Q. Did those people who spoke to you tell you that you would
- 29 receive money for your testimony in court?

1 A. No. They didn't tell me that.

2 Q. Did they make any other promise to you if you would
3 testify?

4 A. They never promised me anything.

5 MR KOPPE: Thank you, Your Honour.

6 JUDGE BOUTET: Thank you, Mr Koppe.

7 [The Trial Chamber confers]

8 MR BANGURA: May it please, Your Honours. I see the witness's
9 hand up. I'm not so sure what he wants.

10 THE WITNESS: I want to ease myself.

11 PRESIDING JUDGE: We are breaking. You can put yourself at
12 ease, Mr Witness. The Court will rise.

13 [Break taken at 4.46 p.m.]

14 [Upon resuming at 4.59 p.m.]

15 PRESIDING JUDGE: We are resuming the session. Mr Koppe, we
16 are at the end of your cross-examination.

17 JUDGE BOUTET: Yes, Mr Yillah.

18 MR YILLAH: May I proceed, My Lord?

19 JUDGE BOUTET: Yes, you may.

20 CROSS-EXAMINED BY MR YILLAH:

21 Q. Mr Witness, are you a Kamajor?

22 A. No.

23 Q. Do you recall giving evidence-in-chief that at some point
24 in time, the rebels were attacking your village. Is that
25 correct?

26 PRESIDING JUDGE: Attacking?

27 MR YILLAH:

28 Q. The rebels invaded, if I could use that.

29 MR YILLAH: My Lord, he testified to say that the rebels

- 1 looted --
- 2 PRESIDING JUDGE: Yes, yes, they looted.
- 3 MR YILLAH: I'll put the question again, My Lord.
- 4 Q. Mr Witness, do you recall giving evidence that the rebels
- 5 came to your village and looted civilian properties?
- 6 A. Yes.
- 7 Q. Do you also recall saying that some of the Kamajors you
- 8 identified were natives of your village, were people from
- 9 your village?
- 10 A. Yes, the same village. That's where they were.
- 11 Q. Mr Witness, would it be correct to say that the people in
- 12 your village organised themselves into Kamajors to resist
- 13 the rebel invasions or the rebels stealing in your
- 14 chiefdom. Would it be correct to say that?
- 15 A. That they did what? Repeat the question so that I can
- 16 understand properly.
- 17 MR YILLAH: Let me lay the premise again so the witness will
- 18 understand the question.
- 19 Q. Mr Witness, you have stated in evidence in this court
- 20 that some of the Kamajors were people who hailed from
- 21 your chiefdom. My question is, would it be correct to
- 22 say that the people from your chiefdom organised
- 23 themselves into Kamajors --
- 24 JUDGE BOUTET: He has testified to his village. Chiefdom, I
- 25 don't recall that has been said at all as a description.
- 26 MR YILLAH: I'll stick to village, My Lord.
- 27 JUDGE BOUTET: Yes.
- 28 MR YILLAH: Thanks for correcting me.
- 29 Q. Would it be correct to say that people from your village

1 organised themselves into Kamajors to resist the rebel
2 threat or the rebels' invasion in your village? Would it
3 be correct?
4 A. Rebels, yes, but there is something else. I can explain.
5 MR YILLAH: With your leave, my Lords, may I admonish the
6 witness to confine himself to my questions.
7 PRESIDING JUDGE: Very well, Mr Yillah, but if he wants to
8 explain, he could be allowed to.
9 MR YILLAH: As My Lord pleases.
10 PRESIDING JUDGE: But you may admonish him.
11 MR YILLAH:
12 Q. Mr Witness, could you please confine yourself to the
13 questions put to you.
14 MR YILLAH: I don't know whether the witness fully understood
15 the question as put.
16 JUDGE BOUTET: I don't think he did.
17 MR YILLAH:
18 Q. Mr Witness, would it be correct to say that the people of
19 your village organised themselves into Kamajors in order
20 to resist the rebel invasion of your village?
21 PRESIDING JUDGE: You see, when you talk of an invasion, the
22 evidence I have on record is that they came. There was
23 no invasion as such. They were afraid as villagers, of
24 course. But there was no invasion. There was looting.
25 That is what he stated. There was looting by the rebels.
26 MR YILLAH: I'll confine myself to that, my Lords.
27 PRESIDING JUDGE: Yes.
28 MR YILLAH:
29 Q. Mr Witness, would it be correct to say that the people of

1 your village organised themselves into Kamajors in order
2 to resist the stealing of properties by rebels in your
3 village?

4 A. Yes.

5 Q. Thank you. Mr Witness, just out of curiosity, why were
6 you not part of this community or village effort to
7 resist the rebels' stealing? Why were you not part of
8 this effort, this community effort?

9 A. If I didn't do what? Repeat that.

10 Q. Mr Witness, you just admitted in evidence that the people
11 of your village organised themselves into Kamajors in
12 order to resist the rebels coming to steal their
13 properties. My question is why were you as an individual
14 not part of this community effort?

15 A. I said I was not able. The way they were doing it, I
16 said I was not able. I was not able.

17 Q. Mr Witness, I put it to you that you were not part of
18 this community effort because you were a supporter of the
19 AFRC. I put it to you.

20 A. It's a lie.

21 JUDGE BOUTET: Go ahead.

22 MR YILLAH:

23 Q. Mr Witness, did you report the incidents you have
24 testified to in this court at any time to the police?

25 A. No, I didn't make any report to the police.

26 Q. Thank you.

27 JUDGE BOUTET: Yes.

28 MR YILLAH:

29 Q. Did you report to the Kamajor secretariat in Bo?

- 1 A. Which kind of reports?
- 2 Q. Did you report the incident you have testified to in this
3 court to the Kamajor secretariat in Bo? Yes or no,
4 Mr Witness.
- 5 A. I didn't make any reports.
- 6 Q. Do you know whether any member of your family -- do you
7 know whether any member of your family made any reports
8 to the Kamajor secretariat in Bo?
- 9 A. What I have said here? No, I didn't hear about that.
- 10 Q. Did you identify the corpse of your father who has
11 alleged to have been killed, according to you, to the
12 investigators for the Prosecutor at any time?
- 13 A. No. No.
- 14 MR YILLAH: My Lords, at this point I have a few questions for
15 the witness which may necessitate our going into closed
16 session. Otherwise, they may have opportunity of
17 revealing his identity, My Lord. About four questions,
18 My Lord. It should not take more than six minutes.
- 19 JUDGE BOUTET: Whether it's four questions or one question, if
20 you want to go into closed session, you have to make an
21 application to go in closed session, we need to hear the
22 application in closed session, and then we'll have to
23 make a determination, so that's the process.
- 24 MR YILLAH: I'll take the cue, My Lord.
- 25 PRESIDING JUDGE: Is there no other way? Can't you devise
26 some other way of circumventing --
- 27 JUDGE BOUTET: If these are names, maybe you can write down
28 the names and we move on. It's true that the witness has
29 said that he has illiterate, so a name, he may not be

1 able to read it, but maybe you or your friend Mr Williams
2 can read the name to the witness and ask him. So that's
3 one way without going into a closed session.

4 MR YILLAH: As My Lord pleases. What I would do at this
5 stage, I would just write -- I don't know whether it can
6 be interpreted for the witness, but just one question for
7 the witness on a piece of paper.

8 JUDGE BOUTET: You will write the question on a piece of
9 paper?

10 MR YILLAH: Just one question. The answer that I receive may
11 necessitate --

12 JUDGE BOUTET: If it can solve the issue, but we will have to
13 see the question at some given time. If we have an
14 answer, and we don't know the question, it's of not much
15 use to us.

16 MR YILLAH: My Lord, let me try another way.

17 Q. Mr Witness, do you recall the arrest of nine people from
18 your village in 1997 by soldiers from the Bo Brigade?

19 A. I didn't see that.

20 JUDGE BOUTET: But are you aware of it? You may not have seen
21 it, but do you know of it?

22 THE WITNESS: Bo? Oh yes, I heard of it. But I didn't see
23 it.

24 MR YILLAH:

25 Q. Did you also hear that some of those people were killed
26 eventually by the soldiers?

27 A. Yes.

28 PRESIDING JUDGE: Are you saying some or all?

29 MR YILLAH: Some of them, My Lord.

1 My Lords, with your leave, it's just one question that I
2 want to put to the witness. If Your Lordships can see
3 it, then the Prosecution.
4 JUDGE BOUTET: There's a portion of your handwriting that I
5 cannot decipher. I'll check. Maybe my --
6 [The Trial Chamber confers]
7 PRESIDING JUDGE: Who will volunteer to be the translator now?
8 How many Mende people do we have in this --
9 MR WILLIAMS: He does understand some Krio. We spoke to him a
10 short while ago.
11 PRESIDING JUDGE: Oh, he understands some Krio?
12 MR WILLIAMS: He does.
13 PRESIDING JUDGE: Okay, fine.
14 MR WILLIAMS: It's not his main language, but he does
15 understand Krio.
16 PRESIDING JUDGE: Mr Williams, special envoy. You should know
17 where to send your bill.
18 JUDGE BOUTET: Mr Bangura, can you please assist.
19 Mr Yillah, I know the term, but I didn't know the word,
20 how to decipher. I know what it is.
21 MR YILLAH: As My Lord pleases.
22 PRESIDING JUDGE: We finally made it.
23 MR YILLAH: Thank you, My Lord.
24 JUDGE BOUTET: Yes, put the name -- not the name, but the
25 pseudonym of the witness on that piece of paper together
26 with today's date, 2 December 2004. So Mr Williams --
27 Mr Yillah, you want the answer to be given orally, not on
28 a piece of paper?
29 MR YILLAH: My Lord. Either way. Either way suffices for me.

1 PRESIDING JUDGE: [Microphone not activated]
2 MR YILLAH: Yes, Your Honour.
3 JUDGE BOUTET: Or "I don't know." So, Mr Williams.
4 MR WILLIAMS: Yes, My Lord.
5 JUDGE BOUTET: You have written down the answer of the witness
6 on that piece of paper?
7 MR WILLIAMS: Yes.
8 PRESIDING JUDGE: We were saying it is either a yes or a no or
9 I don't know.
10 MR WILLIAMS: It's more than that. I think he even expounded.
11 JUDGE BOUTET: So, Mr Prosecutor, you've heard the response
12 and you've seen it?
13 MR BANGURA: Yes, Your Honour.
14 JUDGE BOUTET: Thank you. So Mr Yillah, you should look at
15 it. Because that was your question.
16 MR WILLIAMS: I have noted it, My Lord, and he has even
17 expounded.
18 JUDGE BOUTET: Exhibit 37? 38.
19 [Exhibit No. 38 was admitted]
20 JUDGE BOUTET: So this document will be marked as Exhibit 38.
21 MR YILLAH: As My Lord pleases.
22 JUDGE BOUTET: And I have written on it TF2-007, 2 December
23 2004.
24 MR YILLAH: Very well, My Lord.
25 JUDGE BOUTET: Yes.
26 PRESIDING JUDGE: Where is it?
27 JUDGE BOUTET: He's marking it now.
28 MR YILLAH:
29 Q. Mr Witness, would you agree with me if I suggested to you

1 that your father you alleged has been killed was a
2 well-known person in the village?

3 PRESIDING JUDGE: Mr Yillah, he has said so. It was very well
4 known.

5 MR YILLAH: As My Lord pleases.

6 PRESIDING JUDGE: He was loved just as he was hated.

7 MR YILLAH: As My Lord pleases.

8 PRESIDING JUDGE: Oh, yes, we have it on record.

9 MR YILLAH:

10 Q. Would you please surprised, Mr Witness, if someone from
11 your village testifies to the fact that your father was
12 not killed? Would you be surprised?

13 PRESIDING JUDGE: Mr Yillah, that question is not really
14 properly in its context. If you want to put it to him,
15 you know, that his father was not killed, put it to him,
16 because we have had a series of questions, you know, put
17 by Mr Koppe on this.

18 MR YILLAH: Yes, I'll take the cue.

19 PRESIDING JUDGE: You can just put it to him and see how we
20 move.

21 MR YILLAH: I'll take the cue, My Lord.

22 Q. Mr Witness, you testified in this Court that you did not
23 identify the corpse of your father to the investigators
24 of the Prosecution. I put it to you that you did not so
25 identify the corpse because your father was not killed.

26 A. I'm saying that it's true that they killed him. I was
27 there.

28 JUDGE BOUTET: Go ahead.

29 MR YILLAH:

1 Q. Mr Witness, would it be correct to say that your father
2 moved from your village to settle in Bo because he is
3 alleged to have reported the nine people arrested to the
4 soldiers?

5 A. It's a lie. I didn't see that. I didn't hear that.

6 JUDGE BOUTET: Yes.

7 MR YILLAH:

8 Q. Mr Witness, I finally put it to you that after
9 your -- you have not seen your father to this moment
10 after he settled in Bo.

11 A. If I have not seen him?

12 Q. Mr Witness, I'm putting it to you that since your father
13 settled in Bo, you have not seen him.

14 A. I saw him.

15 JUDGE BOUTET: Is that your last question?

16 MR YILLAH: Just one more, My Lord.

17 Q. Mr Witness, would you agree with me if I suggested to you
18 that under your custom, if a person of status dies in
19 your society, it is customary to have a traditional
20 memorial service for such a person? Would you agree with
21 me, having regard to the person a status?

22 PRESIDING JUDGE: He has said yes. He has said yes in an
23 earlier cross-examination.

24 MR YILLAH: As My Lord pleases.

25 PRESIDING JUDGE: He has said yes. It's normal.

26 MR YILLAH: As My Lord pleases.

27 Q. Mr Witness, I finally put it to you that a traditional
28 memorial service in respect of your father has not been
29 held because up to this time, you do not know his

1 whereabouts.

2 A. The reason why I didn't do that, it's fear. I didn't say
3 I was not going to have any ceremony for him. I saw it
4 with my own eyes when they killed him. I am scared. And
5 the others are not there. I cannot do it all alone.
6 They will say, oh we've got this around, too. They might
7 do something bad to me. They've done it. It will be
8 decided by the Almighty God.

9 JUDGE BOUTET: Yes.

10 MR YILLAH:

11 Q. And finally, Mr Witness, it is seven years --

12 JUDGE BOUTET: How many finals do you have?

13 MR YILLAH: This is the final of all finals, My Lord.

14 PRESIDING JUDGE: [Inaudible] in the right school.

15 MR YILLAH:

16 Q. And finally, Mr Witness, it is seven years after the
17 alleged incident. And to this day, you have not held a
18 customary memorial service in respect of your father,
19 seven years after the incident.

20 A. No.

21 MR YILLAH: That will be all for this witness.

22 JUDGE BOUTET: Thank you. Yes, Mr Tavener, you had something.

23 MR TAVENER: Not in relation to this matter. If this matter
24 is completed, I just had a --

25 JUDGE BOUTET: This matter is not completed.

26 MR TAVENER: Thank you.

27 JUDGE BOUTET: Mr Williams, do you have any questions in
28 cross-examination?

29 MR WILLIAMS: Yes, My Lord.

1 JUDGE BOUTET: Is it of a short duration or do you expect to
2 be -- I'm just trying to see if we'll just go for another
3 five minutes and finish or it will be more than that.
4 MR WILLIAMS: About an hour, My Lord.
5 PRESIDING JUDGE: I am sure it's about an hour. No, we cannot
6 take you.
7 MR WILLIAMS: About an hour.
8 PRESIDING JUDGE: Yes. Because we have a meeting at 6.00. So
9 I think we --
10 JUDGE BOUTET: Mr Tavener, you said if it was finished, is it
11 related to the next witness?
12 MR TAVENER: It's related to Witness 067 to whom a closed
13 session has been granted. I'm not expecting an answer
14 this evening about the application this evening. It's
15 simply that I've spoken to Defence counsel following on
16 the --
17 JUDGE BOUTET: 067. We have given the ruling.
18 MR TAVENER: The young witness who is not completed.
19 JUDGE BOUTET: We have given the ruling this afternoon.
20 MR TAVENER: Yes. What I was seeking is I have spoken to
21 Defence counsel, we had asked, if possible, it suits the
22 Court that the witness be recalled on Monday to enable
23 him to finish his cross-examination to avoid that
24 two-month gap between completing his testimony. I
25 understand Defence have no objection to that course of
26 action; it won't impede their other application. It
27 enables the child then to be released.
28 JUDGE BOUTET: Whatever we can do in this respect, if there's
29 any agreement from the Defence, I mean, on the Bench we

1 acted on an application made by the Defence in this
2 scenario. So to answer your first question, we have
3 granted the application for closed session; that's for
4 the second accused. And now there was the other
5 application that came from Mr. Margai, so I don't know
6 where he is on this or not.

7 Mr Williams, are you able to inform the Court in
8 this respect?

9 MR WILLIAMS: The suggestion to have this witness testify
10 before end of session came after Mr Margai left. But I
11 don't think he would have objected to the application.
12 But it would -- it might become necessary for us to
13 recall that witness as well. I just --

14 JUDGE BOUTET: Fine. I know this is part of the application
15 that Mr Margai has done. So at least if we can complete
16 the cross-examination, and if - if - this is necessary,
17 we will do that in due course. But if it is possible and
18 feasible to complete his cross-examination, subject to
19 this caveat sometime on Monday, Mr Presiding Judge.

20 PRESIDING JUDGE: Mm-hmm.

21 JUDGE BOUTET: We will certainly go along these lines.

22 MR TAVENER: Thank you.

23 JUDGE BOUTET: But we'll finish with this witness first.

24 PRESIDING JUDGE: The point is the child witness should be
25 prepared to be here until Tuesday.

26 MR TAVENER: Yes.

27 PRESIDING JUDGE: Until Tuesday. We know he's losing classes,
28 but because we have to end on Tuesday, he should be
29 prepared to be here until Tuesday. By Tuesday we should

1 be able to know. Monday, Tuesday, we should be able to
2 know how to proceed with him.

3 MR TAVENER: Thank you.

4 JUDGE BOUTET: So --

5 PRESIDING JUDGE: I think the session for today has ended, and
6 we shall be adjourning the session to tomorrow at 9.30
7 a.m. The Court will rise, please.

8 [Whereupon the hearing adjourned at 5.35 p.m., to be
9 reconvened on Friday, the 3rd day of December 2004, at
10 9.30 a.m.]

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EXHIBITS:

Exhibit No. 37	41
Exhibit No. 38	106

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-007	35
EXAMINED BY MR BANGURA	35
CROSS-EXAMINED BY MR KOPPE	71
CROSS-EXAMINED BY MR YILLAH:	99

C E R T I F I C A T E

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

Roni Kerekes

Ella K Drury

Joanne Mankow