

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-4-2004-T THE PROSECUTOR
TRIAL CHAMBER OF THE SPECIAL COURT
v.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

Wednesday, 22 September 2004
9.16 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For the Registry:

Mr Geoff Walker

For Chambers:

Ms Sharelle Aitchison

For the Prosecution:

Mr Mohammed Bangura
Mr Kevin Tavener
Ms Bianca Suci
Mr Alex El Jundi [Intern]

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the Accused Norman:

Dr Bu-Bubakei Jabbi
Mr John Wesley Hall

For the Accused Fofana:

Mr Arrow Bockarie
Ms Phoebe Knowles

For the Accused Kondewa:

Mr Yada Williams
Mr Ansu Lansana

1 Wednesday, 22 September 2004

2 [Open session]

3 [Upon commencing at 9.16 a.m.]

4 [The accused entered court]

5 [The witness entered court]

6 PRESIDING JUDGE: We are resuming the session. Mr Fofana, how
7 are you doing this morning? How you are doing this
8 morning? How are you this morning?

9 THE INTERPRETER: It is likely he is not getting us.

10 JUDGE BOUTET: He might not be on the right channel.

11 THE ACCUSED FOFANA: I am not well.

12 PRESIDING JUDGE: You mean you are not well? You are still
13 not well?

14 THE ACCUSED FOFANA: I have seen the doctor this morning and
15 he told me to return in the afternoon, but I just came
16 because -- because I was not able to come yesterday, as I
17 was sick. But I told my lawyers yesterday and they see
18 me this morning and then I will return to see my doctor.

19 PRESIDING JUDGE: Thank you very much.

20 THE ACCUSED FOFANA: But I heard rumour that you, My Lords,
21 have returned these lawyers, your own lawyers - that is,
22 Court-appointed lawyers - but they are my own lawyers and
23 I trust them to do my work. I didn't say, "I do not
24 trust them." And I do not have any power to say I will
25 not appear before this Court. I know that, as you have
26 come here, you have come to see the truth and you have
27 come from other countries and those are very important
28 countries in the world. I have no ability to challenge

1 this Court in any way. On that Monday that you didn't
2 see me, it was not a question of pride. I told lawyers
3 something, that I have something in mind and we were in
4 Bonthé when we were caught and carried there.

5 PRESIDING JUDGE: [Microphone not activated] you try and be
6 brief, please, Mr Fofana. You will try and be brief; we
7 don't have much time.

8 THE ACCUSED FOFANA: Okay, sir.

9 PRESIDING JUDGE: Just round up, please.

10 THE ACCUSED FOFANA: Okay, sir. I told them that we have been
11 caught in the -- for some of other people's act -- that
12 we've been caught for some other people's act. Those
13 people who are coming do not know me and I do not know
14 them and now they are coming as witnesses. What I told
15 them is that you did not indict us; it was those people
16 who indicted us. You ask my lawyers, you should do
17 something so that the people, the public, should be
18 seeing the witnesses.

19 PRESIDING JUDGE: [Microphone not activated]

20 THE ACCUSED FOFANA: And that the motion, they should do a
21 motion --

22 PRESIDING JUDGE: [Microphone not activated] too long, please.
23 We would like to listen to the [inaudible] Can you round
24 up, please?

25 THE ACCUSED FOFANA: Okay. That they should file a motion
26 that -- which of the two indictments am I, you know, am I
27 here to answer to?

28 PRESIDING JUDGE: [Microphone not activated] You stop there,

1 please. You stop there; we have heard you. Okay? We
2 have heard you. We are happy --

3 THE ACCUSED FOFANA: You can't take my lawyers away from me.

4 PRESIDING JUDGE: You are saying this after consulting your
5 lawyer. You will sit down. We have taken note of the
6 fact that you will see your doctor. When the time comes,
7 we shall make it possible for you to see your doctor this
8 afternoon. And what you have said is reflected on the
9 records -- on the records. So. So, we have heard you --
10 we have heard you, and we repeat here, you know, that we
11 are conducting these trials, having in mind the concept
12 of judicial impartiality -- judicial impartiality. And I
13 said this when I was opening the trials, that we also are
14 conducting these trials on the basis of the doctrine of
15 presumption of innocence. All of you who are being tried
16 are presumed innocent until the Prosecution proves you
17 guilty. I would like to reiterate this as a position of
18 the Chamber, and this position has not changed.

19 JUDGE BOUTET: Thank you, Mr Fofana. To reassure you and your
20 counsel, your counsel had been designated as
21 Court-appointed counsel because you did not appear in
22 court, and at that time the information was that we did
23 not have information that you were sick, but you were
24 just refusing to come to court. Obviously, if you do
25 come to court and you appear to attend the proceedings as
26 such, there is no requirement to have Court-appointed
27 counsel and, therefore, the Court-appointed counsel is of
28 no requirement in those circumstances. Obviously, if

1 circumstances change, we will have to change that
2 direction, but as you are attending, you are present
3 today and there is no requirement at this moment to have
4 Court-appointed counsel, and your counsel remain your
5 selected own choice of counsel. Does that reassure you,
6 Mr Bockarie?

7 MR BOCKARIE: Yes, My Lord, thank you.

8 PRESIDING JUDGE: Yes, my learned colleague has something to
9 say. Yes.

10 JUDGE THOMPSON: Mr Fofana, let me assure you on behalf of my
11 learned brothers that we of the Bench cannot make up our
12 minds on guilt or innocence until we have heard all the
13 evidence, both by the Prosecution and by the Defence.
14 And so our commitment is to judge the case on the basis
15 of what we hear from the Prosecution and what we hear
16 from the Defence. So it is only at that point in time
17 that we will be in a position to evaluate the evidence.
18 And, as my learned friend brother the Presiding Judge
19 said, the three of you are presumed innocent until they
20 prove their case. But after they have presented their
21 evidence, your side will have to present your evidence,
22 and it is only when we take the two sets of evidence
23 together that this Bench will be in a position to be able
24 to determine the truth.

25 PRESIDING JUDGE: Yes. Okay. You can sit down. Mr Kondewa,
26 how you are this morning?

27 THE ACCUSED KONDEWA: I thank God now.

28 PRESIDING JUDGE: Okay, thank you for -- we are happy to see

1 you. We hope that your health will continue to be in a
2 good shape for the time which we shall spend together
3 here. Okay. Thank you very much. You may sit down.

4 Yes, the Prosecution, you want to go on with the
5 witness?

6 MR BANGURA: Yes, Your Honour. Your Honour, the Prosecution
7 calls witness TF2-151.

8 WITNESS: TF2-151 sworn

9 [The witness answered through interpreter]

10 MR BANGURA: MR Witness -- Your Honour, this witness will be
11 testifying in Krio.

12 PRESIDING JUDGE: This will be our 13th witness?

13 MR BANGURA: Yes, Your Honour.

14 EXAMINED BY MR BANGURA:

15 Q. Mr Witness, I will be asking you questions and you will
16 endeavour to answer those questions and I ask that you
17 try and speak not too fast so that the answers you give
18 will be properly recorded. How old are you, Mr Witness?

19 A. I am 41 years old.

20 Q. Where were you born?

21 A. I was born in Mattru Jong.

22 Q. What chiefdom?

23 A. Jong chiefdom.

24 Q. That is in the Bonthe District?

25 A. Yes.

26 Q. Where do you presently reside?

27 A. In Kenema.

28 Q. How long have you been a resident of Kenema?

- 1 A. Over 20 years.
- 2 Q. Are you married?
- 3 A. Yes, sir.
- 4 Q. And do you have children?
- 5 A. Yes, sir.
- 6 Q. How many?
- 7 A. I have six children.
- 8 Q. Are you able to read and write?
- 9 A. Yes, sir.
- 10 Q. I mean in English; are you able to read and write
- 11 English?
- 12 A. Yes, sir.
- 13 Q. What languages do you speak?
- 14 A. I speak English, Krio and Mende.
- 15 Q. What do you do for a living?
- 16 A. I am a tailor.
- 17 Q. Where do you practice your trade?
- 18 A. In Kenema town.
- 19 Q. How long have you been practicing this trade?
- 20 A. About 15 years.
- 21 Q. Do you possess any other skills by which you earn a
- 22 living?
- 23 A. No, sir.
- 24 Q. Now, I want to take your mind back to events that
- 25 occurred in Kenema some time back. Do you remember the
- 26 time of the removal from power of the AFRC?
- 27 A. Yes, sir.
- 28 Q. Do you remember about what time this was?

- 1 A. Yes, I remember, sir.
- 2 Q. What year and month was this, if you remember?
- 3 A. It was in February 1998.
- 4 Q. Where were you living at this time?
- 5 A. You mean before AFRC was ousted from power?
- 6 Q. No, I am saying the time that we have just referred to,
7 the time that they removed AFRC. Just about that time.
- 8 A. Well, two days before AFRC was ousted from power, I left
9 Kenema. I left Kenema. I used the Kambui Hills, I and
10 my friend. We went as far as Kudoma. We were there when
11 AFRC was ousted from power and we came back.
- 12 Q. Yes, just pause a bit. Now, just before you go on to
13 tell us what happened next, I want to take your mind back
14 a bit. Before this time, before you left Kenema to go to
15 -- what is the name of the place you say you went to?
- 16 PRESIDING JUDGE: [Inaudible]
- 17 THE WITNESS: Kudoma.
- 18 JUDGE BOUTET: Can you spell it out?
- 19 MR BANGURA: Your Honour, we have spelled it K-U-D-O-M-A.
- 20 Q. Now, would you like to tell us what the situation was
21 like in Kenema just before you left?
- 22 A. Yes, sir.
- 23 Q. Now, who was in control of Kenema at this time?
- 24 A. It was the AFRC.
- 25 Q. And apart from the AFRC, was there any other forces in
26 town that you knew of?
- 27 A. [No interpretation]
- 28 Q. Do you know whether the AFRC was working in league with

1 any other group?

2 A. The AFRC -- the AFRC and the rebels who are the ones that
3 were working together.

4 Q. Now, you said, apart from the AFRC in town, there were no
5 other forces in Kenema, but did you know of any other
6 forces outside Kenema at that time?

7 A. Yes, sir.

8 Q. What [inaudible] forces were these?

9 A. The Kamajors.

10 Q. Can you describe the relationship between the AFRC and
11 the rebels on the one side, and the Kamajors on the other
12 side? Can you describe that relationship?

13 JUDGE THOMPSON: No, I think we had better take them singly.

14 PRESIDING JUDGE: [Microphone not activated]

15 JUDGE THOMPSON: Yes, stop entangling the questions.

16 MR BANGURA: Thank you, My Lord.

17 Q. Can you describe the relationship between the AFRC and
18 the Kamajors at this time?

19 A. Yes, sir.

20 Q. What was it like?

21 A. The relationship wasn't good; that is why they were not
22 together.

23 Q. When you say it was not good, can you state any specific
24 instance or reason for this?

25 A. Yes, sir.

26 Q. Yes, go on.

27 A. Because at any time they see each other, they would
28 fight.

1 Q. And do you know of any such situation that occurred in
2 Kenema?

3 A. Yes, sir.

4 Q. Can you tell the court?

5 A. Yes, sir. Most of the time when they see each other,
6 they would fight and, at times, I would not know where
7 the misunderstanding came from. There are times when I
8 would be in my shop and I would see people running and,
9 if I saw people running, I would try to lock my shop and
10 would start hearing gunfire. We start hearing gunfire,
11 we see Kamajors coming and we see soldiers coming and all
12 of them start firing each other.

13 Q. [Microphone not activated] please. Now, what would you
14 describe the relationship between the AFRC and the
15 civilians in town at that time? How would you describe
16 that relationship?

17 A. With some people the relationship was good; with some
18 people it wasn't good.

19 Q. And when you say "with some people it was good", what do
20 you mean?

21 A. There are some people who hailed them and for them the
22 relationship was good. There are some people who did not
23 hail them and, for them, the relationship was not good.

24 Q. Now, let us go back to your flight from Kenema two days
25 before the junta was removed. You said you went to
26 Kudoma.

27 JUDGE THOMPSON: He didn't say junta, he said AFRC.

28 MR BANGURA: AFRC. Sorry, My Lord.

1 Q. Two days before the AFRC was removed. Now let me ask
2 you, Mr Witness, was this AFRC -- was the AFRC known by
3 any other name in Kenema?

4 A. Yes, sir.

5 Q. What other name was this?

6 A. They are called junta.

7 Q. Now, you say two days before the AFRC was removed, you
8 flee -- you fled Kenema and went to Kudoma.

9 A. Yes, sir.

10 JUDGE THOMPSON: Did he say he fled? He left Kenema; "fled"
11 presupposes something else.

12 MR BANGURA: As Your Honour pleases.

13 Q. You left Kenema; not so?

14 A. Yes, sir.

15 Q. And why did you leave Kenema?

16 A. Because I love myself more than anybody else in the
17 world.

18 Q. That does not seem to -- we understand everybody would
19 like to preserve themselves first, but was there any
20 reason why you thought you should pay attention to
21 yourself?

22 PRESIDING JUDGE: We understand, you know, it is like a
23 Shakespearean saying, that self-love is not so vile a sin
24 as self-neglecting. That is Shakespeare. We understand
25 him. Self-love is not so vile a sin as self-neglecting,
26 but you can expound for purposes of the records.

27 MR BANGURA: As Your Honour pleases.

28 Q. Now, I take it when you say you love yourself very much,

1 there must probably have been something which -- which
2 was not good for you, or which you did not like and --

3 MR WILLIAMS: My Lord, I take an objection.

4 JUDGE THOMPSON: Yes, sustained. Let him just -- just answer
5 why did you say that?

6 MR BANGURA:

7 Q. Can you explain what you mean when you say you left --

8 PRESIDING JUDGE: [Microphone not activated] to love yourself.

9 MR BANGURA: -- because you love yourself. Thank you,
10 My Lord.

11 A. I did not like the situation in the town at that time
12 and, because of that, I did not want anything to happen
13 to me. I did not want to die. That is why I left the
14 town.

15 Q. You say you did not want anything to happen to you - was
16 anything going on?

17 A. Yes, sir.

18 Q. [Microphone not activated]

19 A. Well, the AFRC, before they were ousted from power, they
20 have been fighting, almost every day they had been
21 fighting, they had been killing people. I did not like
22 the situation at all, that is why I left.

23 Q. Did you leave Kenema alone?

24 A. No, sir.

25 Q. Who did you leave with?

26 A. I left with one of my friends.

27 Q. Now, you say you left for two days. After two days did
28 you come back to Kenema?

1 A. Yes, sir.

2 Q. And when you came back, what was the situation like?

3 A. When I came back to Kenema, the situation was different
4 as compared to what it used to be.

5 Q. Now, what was it like when you came back?

6 A. When I came back, I saw a few civilians in town and I saw
7 a lot of Kamajors in town. The situation had changed --
8 the town was virtually empty.

9 Q. Now, did you continue to stay on in Kenema after this,
10 after you came back?

11 A. Yes, sir.

12 Q. Now, do you remember anything happening after you came
13 back that you would like to tell this court?

14 A. Yes, sir.

15 Q. Please say.

16 A. When I came back to Kenema, just a few days when I
17 entered Kenema, I came to town just by Wesley Street by
18 the side of SSAP office. I came there, and I met some
19 young men who were standing there and whom I knew. They
20 were playing Scrabble. I was there watching this game.
21 Then I saw one Kamajor with two other male, and one of
22 them -- and they came to me. And the man tapped me, and
23 he called my name and I said yes. And they said that
24 they wanted to see me at the CDF office and I said,
25 "Let's go." When I turned to go, everybody started
26 asking me, "What happened?" So we started walking slowly
27 across the street and we went to the office. At the
28 junction where the office was, I saw one boy coming

1 running towards -- towards us. He ran from the office
2 and they started shouting after him and shouting after
3 him, "Catch him, he's a junta. Catch him, he's a junta."
4 And when the fellow reached at the junction, there was
5 kiosk and when he reached behind his junction --

6 Q. Mr Witness, may I ask you to slow down a bit. As I said
7 earlier, your testimony is being recorded. Please
8 continue.

9 A. He was chopped with the machete.

10 Q. You said he was chopped; who chopped him?

11 A. It was Kamajor.

12 Q. Now, how did you know that this person that chopped him
13 was a Kamajor?

14 A. During that time, when you see Kamajor, you would know
15 that this is a Kamajor, because their own way of dressing
16 is different.

17 Q. And how did they dress?

18 A. Some Kamajors they wear ronko. They wear a cap. They
19 have amulets and karo shells on them. Some have guns.
20 Some have machetes. Then some have poplin and they would
21 sew these poplin shirts with some muscles. That also has
22 karo shells on them and some amulets on them. They
23 themselves also carry guns. Some also had machetes.

24 Q. So this person who you saw running and who was chopped
25 down, you say was chopped down by Kamajors? Were they
26 dressed in the way you have described?

27 MR WILLIAMS: I don't know. It appears that my learned friend
28 is misquoting the evidence a little bit. He said he was

1 chopped by a Kamajor and my learned friend is now
2 referring to the plural.

3 JUDGE THOMPSON: Yes, quite. Objection sustained. Thank you.

4 MR BANGURA:

5 Q. Now you say he was chopped by a Kamajor. The Kamajor who
6 chopped him, was he dressed in the way you have just
7 described?

8 A. Yes.

9 Q. Now, also you mentioned earlier that, where you were at
10 Wesley Street watching a game of Scrabble, a Kamajor came
11 and called you; not so?

12 A. Yes, sir.

13 Q. Now, was he also dressed in the way you have just
14 described?

15 MR JABBI: Objection, My Lord.

16 THE WITNESS: Yes, sir.

17 MR JABBI: He is leading the witness and can certainly ask
18 more objective questions.

19 PRESIDING JUDGE: Sustained. How was he dressed?

20 MR BANGURA: As My Lord pleases.

21 Q. How was he dressed, the Kamajor who called you?

22 PRESIDING JUDGE: [Microphone not activated] The person who
23 called you, how was he dressed? I prefer that --

24 MR BANGURA: My Lord, the evidence is that he called --

25 PRESIDING JUDGE: I prefer that version. Yes, go ahead.

26 MR BANGURA:

27 Q. The person who called you across Wesley Street where you
28 were watching a game of scrabble, how was he dressed?

1 A. He dressed like a Kamajor.

2 Q. Thank you, Mr Witness. Now, you were telling us about
3 this incident where somebody came running from somewhere
4 and he was chopped by a Kamajor. Can you continue,
5 please?

6 A. Yes. Yes, sir. The Kamajor chopped him, then the boy
7 fell. At that time, when I saw that the Kamajors stop
8 off -- when I saw the Kamajors talked to the man, the
9 Kama [sic] that called me said that, if I not talked,
10 this is how they will do me. It's at that time that they
11 started beating me up. They beat me up.

12 Q. Mr Witness, let us -- this Kamajor who was chopped, did
13 you notice anything happening after that?

14 JUDGE THOMPSON: I think I could -- shall we, because I got
15 the record so far that, "The Kamajor who called me said
16 that if I did not speak the truth --

17 PRESIDING JUDGE: [Microphone not activated]

18 JUDGE THOMPSON: -- that is the way he would be treated."

19 Shall we have that piece of evidence? I mean, that is
20 what he said.

21 MR BANGURA: Yes, Your Honour.

22 JUDGE THOMPSON: You are not revising that, wanting to --

23 MR BANGURA: No, no, My Lord, certainly not.

24 JUDGE THOMPSON: Well let's --

25 PRESIDING JUDGE: Yes, that is where we were. In fact my
26 notes are empty here [Overlapping microphones].

27 JUDGE THOMPSON: [Overlapping microphones] yes, "If I did not
28 speak the truth."

1 MR BANGURA: Your Honours, I was going to lead the witness on
2 the same incident.

3 JUDGE THOMPSON: But didn't you want us to have that on the
4 record as an answer?

5 PRESIDING JUDGE: I want to have it on record, yes.

6 JUDGE THOMPSON: That was the way --

7 PRESIDING JUDGE: "If I did not speak the truth." Yes,
8 proceed, Mr Bangura.

9 MR BANGURA:

10 Q. Mr Witness, this Kamajor -- this person who was chopped
11 by a Kamajor, was anything else done to him?

12 A. Yes, sir.

13 Q. Yes, can you tell the court?

14 A. He was burnt. He was burnt.

15 Q. How did they burn him?

16 A. They put tyres on him, petrol and scratch match and burnt
17 him.

18 Q. Now, you have mentioned that one Kamajor chopped him.
19 Was he the only one you saw involved in this act?

20 A. There were many.

21 Q. And when you say "many", can you give us an idea of the
22 number? You don't need to be exact.

23 A. There were about 40 or so. There were really many.

24 Q. Yes, Mr Witness. Now, you were being led away and you
25 had been told that this was the way you would be treated
26 if you did not speak the truth. Did anything happen
27 next?

28 A. Yes, sir.

1 Q. Go on, please answer.

2 A. They began by beating me up there. Until they entered in
3 the building with me, the building was a storey building.

4 Q. When you say the building; what building?

5 A. It was the CDF office. It was inside that they took me.

6 Q. Where was this building?

7 A. The building was at the junction by Kai-Samba Terrace and
8 Bundu Street.

9 Q. Yes, Mr Witness.

10 A. They took me upstairs. When they took me upstairs, they
11 stripped me naked. I was only with slip. So they took
12 me to one of the offices. They said they had information
13 that I was a junta. I said, "I was not a junta."

14 Q. Can you try and speak up a bit louder, Mr Witness.

15 A. I said, "I was not a junta." But he said, "You are
16 sewing for rebels here." And they said, "Yes". When I
17 asked that question, they beat me up.

18 Q. Mr Witness, you were taken into this building and into an
19 office and you were being asked questions; not so?

20 A. Yes, sir.

21 Q. Now who --

22 PRESIDING JUDGE: They asked him -- they said they had
23 information that he was a junta.

24 MR BANGURA: Yes, Your Honour.

25 PRESIDING JUDGE: He said no, he is not a junta. From there,
26 you know, can you lead the witness?

27 MR BANGURA:

28 Q. Apart from that question, what other questions did they

1 put to you, Mr Witness?

2 A. They said I was sewing for Mosquito and Colonel Issa.

3 Q. And what was your response?

4 A. I said, "Yes, I sew for them. I am a tailor, I have
5 served for the community. I am sewing for the people."

6 Q. Were any other questions put to you?

7 A. Yes, sir. Yes, sir.

8 Q. Yes, please.

9 A. They said it was I who drove Kamoh Brima. I said no.

10 Q. Now, when they say Kamoh Brima, who was it they were
11 referring to? Did you know the person?

12 A. It was the Kamajor chief in Kenema.

13 Q. Now, following these questions --

14 JUDGE THOMPSON: Counsel, I think we need to be precise. They
15 were making allegation against him.

16 MR BANGURA: Yes, Your Honour.

17 JUDGE THOMPSON: They were not really putting questions.

18 I mean, it would seem to me -- I mean, as lawyers we need
19 to be very careful about these distinctions. I mean, it
20 wasn't an interrogation; it was clearly, according to his
21 record, making allegations against him.

22 MR BANGURA: I take the point, My Lord. Thank you.

23 Q. Now, after these allegations had been put to you and you
24 denied them, did anything happen next?

25 A. Yes, sir.

26 PRESIDING JUDGE: [Microphone not activated] there is -- look,
27 he said he drove -- they said he drove Kaima Brima.

28 MR BANGURA: Kamoh Brima.

1 PRESIDING JUDGE: Kamoh Brima?

2 MR BANGURA: Yes, Your Honour.

3 PRESIDING JUDGE: What did he say to that? And that Kamoh
4 Brima was a Kamajor chief in Kenema?

5 MR BANGURA: Yes, Your Honour.

6 PRESIDING JUDGE: What did he say to that? What was his reply
7 to that allegation?

8 MR BANGURA:

9 Q. Mr Witness, when that allegation was put to you about
10 Kamoh Brima, what did you say? What was your response to
11 them?

12 A. I said, "No, I am not a soldier."

13 PRESIDING JUDGE: [Microphone not activated] drove, what does
14 that mean? "Drove" - What does that mean? Driving -- he
15 was a driver, or he drove him, or what is it? We have to
16 be very precise about these legal terms, because they
17 will impact on our decision in this matter.

18 MR BANGURA: I take the point, Your Honour.

19 Q. Now, they said you drove, or you were one of those who
20 drove Kamoh Brima from Kenema. What did you understand
21 them to mean when they said that you drove Kamoh Brima?

22 PRESIDING JUDGE: [Microphone not activated] But go ahead.

23 THE INTERPRETER: My Lord, your microphone is not on.

24 PRESIDING JUDGE: Yes, I was telling him that he did not say
25 he drove him from Kenema; he said he drove. He didn't
26 precise -- that he drove him from Kenema. It is he who
27 is bringing in the Kenema element now, but you can
28 proceed.

1 MR BANGURA:

2 Q. Mr Witness, can you explain again the allegation which
3 was put to you about Kamoh Brima? What exactly did they
4 say to you?

5 A. Yes, sir. They said we drove Kamoh Brima from Kenema
6 away from Kenema.

7 Q. And when they say "drove", what did you understand?

8 PRESIDING JUDGE: [Microphone not activated]

9 MR BANGURA: As Your Honour pleases.

10 PRESIDING JUDGE: Proceed.

11 MR BANGURA: Thank you, Your Honour.

12 PRESIDING JUDGE: Yes, we now understand -- the
13 interpreters -- I was telling counsel that we now
14 understand the sense of driving. "We drove him from
15 Kenema," we understand. So you can proceed.

16 MR BANGURA: Thank you, Your Honour.

17 Q. Now, after these allegations had been put to you and you
18 had refuted -- you had denied them, did anything happen?

19 A. Yes, sir.

20 Q. Please say.

21 A. They continued to beat me up there. When they were
22 beating me up, one Pa came. When the Pa came, he called
23 my name and he said, "What happened?" They said, "This
24 was a junta. He was a collaborator."

25 Q. Did anything happen?

26 A. Yes, then the Pa said, "No." The Pa said, "No." He
27 said, "This, I knew him in this town. I have been here.
28 Where soldiers beat him up because he did not sew his

1 uniform." I turned and look at the Pa. Then they asked
2 him in Mende, "Do you believe him?" Then the Pa said,
3 "Yes." They asked the Pa three times and he said, "Yes."
4 He said, "Please don't kill him. I knew him. I have
5 seen where the soldiers beats him because he did not sew
6 his uniform."

7 Q. [Microphone not activated] after this person came and
8 intervened, did anything happen?

9 A. Yes, sir. Then they left me. They left me. They came
10 down the office, they escorted me down there.

11 Q. Okay, Mr Witness. Do you remember in whose office you
12 were taken to when they took you into that building?

13 A. Yes, sir.

14 Q. And who is that person?

15 A. I heard they call the man Kesware [as interpreted].

16 MR BANGURA: I believe that is not the name I heard the
17 witness say, Your Honour. The translator has said
18 something else.

19 Q. Can you tell us the name again, please, Mr Witness.

20 A. They took me to the office.

21 Q. The person in whose office you were taken to, just the
22 name.

23 PRESIDING JUDGE: Which office -- where he was being
24 interrogated?

25 MR BANGURA: Yes, Your Honour.

26 THE WITNESS: Fefegula.

27 MR BANGURA:

28 Q. Now this person called Fefegula, was he in the office at

1 the time?

2 PRESIDING JUDGE: [Microphone not activated].

3 MR BANGURA: I am sorry.

4 PRESIDING JUDGE: [Microphone not activated] Fefegula.

5 MR BANGURA: Fefegula. Your Honour, the spelling would be

6 F-E-F-E-G-U-L-A.

7 PRESIDING JUDGE: Is that a pseudonym, or one of his -- or is

8 that a real name?

9 MR BANGURA: I believe it's a real name.

10 PRESIDING JUDGE: Fefegula, it sounds French, Gula.

11 MR BANGURA: Gula, Your Honour.

12 PRESIDING JUDGE: Spell it. Let's see what it is.

13 BANGURA: F-E-F-E-G-U-L-A.

14 PRESIDING JUDGE: Fefegula, okay.

15 MR BANGURA:

16 Q. Was Fefegula himself present at this time?

17 A. Yes, sir.

18 Q. Now, what did you know about Fefegula?

19 PRESIDING JUDGE: Just a minute. Just a minute. The witness

20 appears to have problems with his eyes. What is

21 happening to him?

22 MR BANGURA: Your Honour, if I may say, he has before now

23 complained about having trouble with his eyes.

24 Occasionally he would have to rub the eyes for quite --

25 PRESIDING JUDGE: I think we had better give him some time to

26 -- witness, Mr Witness, you had better take care of your

27 eyes and let us know whether you are now at ease, because

28 I noticed him fidgeting with his eyes. Mr Witness, why

1 don't you use a tissue in front of you. You should use a
2 tissue instead of your fingers. Are You all right now?

3 Can you continue?

4 THE WITNESS: Yes, sir.

5 PRESIDING JUDGE: You can continue?

6 THE WITNESS: Yes, sir, but I think -- I'm appealing to the
7 court, my eyes has problems, they are itching,
8 scratching. That does not have anything with my speech.
9 Continue.

10 PRESIDING JUDGE: [Microphone not activated] the court to do.

11 THE WITNESS: I will still continue.

12 PRESIDING JUDGE: You will still continue?

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: All right [inaudible]. If you do have any
15 feeling of discomfort, you should let us know. Okay?

16 THE WITNESS: Okay, sir.

17 PRESIDING JUDGE: Yes, Mr Bangura, you can continue.

18 MR BANGURA:

19 Q. Mr Witness, my last question to you was whether you knew
20 anything about this Fefegula. Did you know him?

21 A. That was the first day for me to see that man.

22 Q. Did you learn anything about who he was after that?

23 A. Yes, sir.

24 Q. What did you get to know about him?

25 A. I learnt that he was a transport commander.

26 Q. For?

27 A. For CDF.

28 Q. Now, you were released, you have told this court, and you

1 were escorted out of the building. After this incident,
2 do you remember anything else happening to you again that
3 you would like to tell this court?

4 JUDGE THOMPSON: Did he say that?

5 MR BANGURA: Yes, Your Honour, if I recollect properly, he
6 said he was escorted. I stand to be corrected, Your
7 Honour.

8 JUDGE BOUTET: I thought he said, "They left me alone and
9 I went out of the office."

10 PRESIDING JUDGE: [Microphone not activated] I have it, you
11 know, that, "After that, I was released." After the
12 intervention of the Pa, the Pa intervened and said,
13 "Look, leave this man alone. This man had also been
14 beaten by soldiers, you know, because he refused to sew
15 their uniforms, so you should leave him." On that
16 intervention they said, "Do you believe him?" They asked
17 him, "Do you believe him?" He said yes, he believes him.
18 They released him and I think that is what --

19 JUDGE THOMPSON: [Microphone not activated]

20 MR BANGURA:

21 Q. Mr Witness, you were released and did anything happen
22 further that day when you -- after you were released?

23 A. Yes, sir. When they left me, I went to my house.

24 Q. Now, after this incident, do you remember anything
25 happening again which you would like to tell this court
26 about?

27 MR JABBI: My Lords, my learned friend is obviously leading to
28 give the witness the cue to say something more about

1 something.

2 PRESIDING JUDGE: He is narrating an incident; he is leading
3 him in evidence. Objection is overruled.

4 MR BANGURA: I am grateful, Your Honour.

5 Q. Yes, Mr Witness.

6 PRESIDING JUDGE: Repeat the question. Can you take the
7 question again, please?

8 MR BANGURA:

9 Q. After this incident which you have just narrated, do you
10 remember anything happening again which you would like to
11 tell this court about, Mr Witness?

12 A. Yes, sir.

13 Q. Please do.

14 A. The same year, 1998, in December.

15 Q. Yes.

16 A. I went to work.

17 Q. Where?

18 A. In my shop.

19 Q. Yes.

20 A. I was in my shop for the whole day.

21 Q. Yes.

22 A. So in the evening between 5.00 and 6.00.

23 Q. Yes.

24 A. I see a jeep that was stationed.

25 Q. Go on, Mr Witness.

26 PRESIDING JUDGE: Sorry, jeep. Sorry, jeep. What did the
27 jeep -- stationed where?

28 MR BANGURA:

1 Q. [Microphone not activated]

2 A. It parked -- it stopped before my shop. It stopped in
3 Kenema before my shop.

4 Q. Go on, please.

5 A. So this jeep stopped. I saw a Kamajor alighted from it.
6 He came to my shop. He asked for me. I said, "Here I
7 am."

8 Q. Yes.

9 A. He said the Pa wanted to see you. I went there.

10 Q. And where? You say you went there - where?

11 A. I went to the motor car. When I went to the motor car,
12 it was the same Mr Fefegula that was inside the motor
13 car.

14 PRESIDING JUDGE: [Microphone not activated] to the building,
15 is that what he is saying? He went to the motor car?
16 Did he trek to the place, or what happened?

17 MR BANGURA: Your Honour, the evidence is that the car came
18 and stopped in front of his shop.

19 PRESIDING JUDGE: Yes, we have it up to that.

20 MR BANGURA: And that somebody came down --

21 PRESIDING JUDGE: Yes, I have that, you know. How did he go
22 to the same Pa, and the Pa who is saying, you know?

23 MR BANGURA: Your Honour, he said he went to the motor car
24 which came and stopped in front of his shop.

25 PRESIDING JUDGE: When he went to the motor car, what
26 happened? You want me to presume that he entered in
27 order to get to see that Pa again? Please, lead your
28 witness properly, please.

1 MR BANGURA:

2 Q. Now when you got to the motor car, I presume the motor
3 car was the jeep which you saw; not so, Mr Witness?

4 A. When they called me from my shop, I went to the motor
5 car.

6 JUDGE THOMPSON: [Microphone not activate] this jeep stopped
7 before his shop.

8 MR BANGURA: Yes, Your Honour.

9 JUDGE THOMPSON: And a Kamajor alighted from it, and he came -
10 and not they, he came and asked for him.

11 MR BANGURA: Yes, sir.

12 JUDGE THOMPSON: And he said, "Here I am."

13 MR BANGURA: Yes, My Lord.

14 JUDGE THOMPSON: And then he said this Kamajor replied, "The
15 Pa wants to see you."

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

17 JUDGE THOMPSON: "And then I went to," what happened after
18 that?

19 MR BANGURA: He said he went to the motor car, that's where
20 we --

21 JUDGE THOMPSON: The motor car. Is there a variation between
22 motorcar and jeep. There might be a slight variation.
23 Well, that's okay. Go ahead. It's just that from then
24 on the evidence seems to be veering away from precision.

25 PRESIDING JUDGE: From going to the motor car, he now jumps
26 and said he got there and saw the same Pa -- what's his
27 name again?

28 MR BANGURA: I don't recall that portion -- that bit of the

1 evidence, Your Honour.

2 JUDGE THOMPSON: Heard him say Pa.

3 MR BANGURA: My recollection is that he went to the motor car
4 and that's where --

5 PRESIDING JUDGE: Well, proceed from there, and let's get the
6 sequence, please.

7 MR BANGURA: As Your Honour pleases.

8 Q. Now, you say you were called and you went to the motor
9 car; not so?

10 A. [Inaudible]

11 Q. Let's not go far back. You were called by the Kamajor
12 and you told that the Pa wanted to see you; not so?

13 A. Yes, sir.

14 Q. You went to the motor car; not so?

15 A. Yes, sir.

16 Q. Which motor car was this?

17 A. It was the very jeep that was parking in front of my
18 house.

19 Q. Now, when you say you went to the motor car, are you
20 saying you went into the motor car, or can you say?

21 A. I went close to the motor car.

22 Q. Yes. And what -- did anything happen?

23 A. Yes, sir.

24 Q. Yes, please say.

25 A. To my surprise I saw -- I saw this Mr Fefegula sitting
26 right in front of the vehicle.

27 Q. Did anything happen?

28 A. Yes, sir. He told me that -- he said -- he asked to me

1 to get inside and I went inside the vehicle. Then they
2 started the vehicle and we drove off.

3 Q. Can you say where you went to?

4 A. When they started the vehicle and when we moved, we went
5 past Hangha Road and this shop where spare -- a shop
6 where spare parts were sold.

7 Q. Yes. Did anything happen there?

8 A. Yes, sir. One man came from the shop and said, "This is
9 the man. All that is in his shop is looted property. He
10 is a junta. Take him to the office, I will come very
11 soon."

12 Q. Can you take it slowly, please? You are being recorded,
13 Mr Witness. Would you like to go over what you have said
14 again, please, slowly?

15 A. We reached in front of this shop -- this shop where spare
16 parts are sold. They stopped -- the vehicle stopped and
17 one man came from the shop.

18 Q. Yes.

19 A. The man said, "Yes, this is the man."

20 PRESIDING JUDGE: [Microphone not activated]

21 THE WITNESS: The man who came from the shop, he pointed at me
22 and said, "Yes, this is the man. This is the junta."

23 MR BANGURA: Go on, Mr Witness.

24 PRESIDING JUDGE: You see, counsel, learned counsel.

25 MR BANGURA: Hold on. Hold on.

26 PRESIDING JUDGE: If you want to get certain facts, to get
27 details -- I mean, you see the sequence is important and
28 you have to endeavour, you know, to make sure that you

1 clarify our records and our minds on some of these
2 issues, because I was confused. Is it the man who was in
3 the car who said, "Now the man that," to the man who came
4 out of the shop or so? You see, it's --

10:21:14 5 [HN220904B 10.20 a.m.]

6 MR BANGURA: Your Honour, I shall endeavour, but my
7 understanding of the evidence is that, when the car came
8 to the shop, it was stopped --

9 PRESIDING JUDGE: You know, you have read the statements. You
10:22:04 10 have read the statements. We don't --

11 MR BANGURA: I try to make it as clear as possible.

12 PRESIDING JUDGE: Because we're not guided by the statements;
13 we are guided by the evidence before us. You can
14 continue, please.

10:22:22 15 MR BANGURA:

16 Q. The car came and stopped in front of a shop in which
17 spare parts were sold; is that not so, Mr Witness?

18 A. Yes, sir.

19 Q. You said a man came out of the shop; not so?

10:22:44 20 A. Yes, sir.

21 Q. And you said this man is the man who said all these words
22 that you have told the Court just now?

23 JUDGE THOMPSON: The man pointed at him -- that's very
24 important first, because that's the sequence -- pointed
10:23:02 25 at him saying - that is, in reference to him - "This is
26 the man. He's a junta," and then on and on. So that's
27 the sequence I have.

28 MR BANGURA: We take it from the point where he said, "He's a

1 junta."

2 JUDGE THOMPSON: [Microphone not activated]

3 MR BANGURA: Exactly, your Honour.

4 Q. After the words he said you are a junta, what else did he
10:23:37 5 say, Mr Witness. What else did this man say?

6 A. The man said all that's in my shop is looted property and
7 that I should be taken to the CDF office and that he
8 would follow later.

9 Q. Did anything happen after this?

10:24:01 10 A. Yes, sir. They took me to the office.

11 Q. When you say "them", who are "them" -- they?

12 A. Mr Fefegula and the Kamajors that were inside the jeep.

13 Q. How many Kamajors were inside the jeep?

14 A. There were two and Mr Fefegula.

10:24:44 15 Q. They said they took you to somewhere -- where?

16 A. They took me to the CDF office.

17 Q. Where is the CDF office?

18 A. At Kai-Samba Terrace junction.

19 Q. Yes, Mr Witness, go on. You got to the CDF office at
10:25:20 20 Kai-Samba Terrace junction?

21 A. When we reached there, the jeep was parked. They asked
22 me to alight from the jeep and they started beating me,
23 and they give me a thorough beating. They took off all
24 my clothes -- they stripped me off my clothes and they
10:26:00 25 took me up the building.

26 Q. Any particular place up the building?

27 A. Yes, sir. When they took me up the building, I started
28 hearing them shouting, "Lock up," and then the Kamajor

1 came and then Mr Fefegula said I should be put into the
2 cell. Then they put me into the cell. I slept in the
3 cell for the rest of the night till morning.

4 Q. Next day, did anything happen?

10:27:06 5 A. Yes, sir.

6 Q. Please, tell the Court.

7 A. The following day, in the morning hours, they came and
8 called my name. They opened the cell and I came out and
9 they took me into Mr Fefegula's office. They took me
10:27:45 10 into his office. I met him there. The man who drove me
11 to the spare parts shop, I met him there again, and
12 I met, sir, other Kamajors there. Inside that office
13 Mr Fefegula said he was going to ask me questions. He
14 said if I did not answer the questions and if I did not
10:28:48 15 say the truth, he would kill me, when there would be no
16 sound from his gun and nobody would ask him.

17 Q. Did he ask you those questions?

18 A. Yes, sir.

19 Q. Can you tell the Court what questions he asked you?

10:29:23 20 A. Yes, sir.

21 Q. Go on, please.

22 A. The first question that he asked me, he said the man that
23 we met in that spare parts shop, he said I was the one
24 that sign his death warrant.

10:30:01 25 Q. And did you understand what he was saying by that?

26 A. I don't even understand what that meant, because I've
27 never said such a thing.

28 Q. Yes. And did you -- what was your response? Did you

1 respond to the question -- to the allegation?

2 A. Yes, sir. When he asked me the question and all of them
3 inside that particular office, they shouted "Allahu
4 Akbar" and I told them that -- I told him that I -- that
10:30:46 5 particular man knows me very, very well. I did not join
6 any faction, so I did not have any power to sign
7 somebody's death warrant.

8 Q. Were any allegations put to you, Mr Witness?

9 A. Yes, sir. He said I saw Colonel Issa and Mosquito. Then
10:31:25 10 I answered, "Yes." I said I fought for them and the man
11 said I said it -- "He's a junta." And I said, "No."
12 I said, "My purpose of being there is to sew for
13 everybody, and it is through this job that I earn my
14 living." Then the man said, "Say the truth." Then
10:32:05 15 I said, "I will not say anything other than that," and
16 they said I should be beaten.

17 Q. Now, who was this that said you should be beaten?

18 A. It is this Mr Fefegula. Then they started beating me.
19 They beat me in the office and they said I should say the
10:32:32 20 truth and I told them that I couldn't say anything apart
21 from what I've said. That was the only thing that I had
22 to say - nothing more than that. And they said I should
23 be tied and I saw them. They brought something that was
24 called FM. It had a thick twine, so they threw me to the
10:33:04 25 ground, they took my -- both of my hands at the back and
26 then they tied both of them. They tied me and the twine
27 went right into my body. I was there shouting --

28 Q. Don't go so fast. You're being recorded -- I'm always

1 reminding you. You were at a point where they'd tied
2 your hands behind your back and you were shouting.

3 A. Yes, sir.

4 Q. Go on, please.

10:34:13 5 A. They put my hands in a loop and they tied them. I was on
6 the ground and I was shouting. When I was shouting, some
7 would come, and they step on my eyes [sic]. I was in
8 that office for about three hours, with my hands tied.
9 Then they said I should be loosed.

10:35:07 10 PRESIDING JUDGE: Who said?

11 MR BANGURA:

12 Q. Now, who ordered that they should untie your hands?

13 A. It is this very Fefegula man, because he was the boss.

14 Q. Now, talking about the rope which was tied around your
10:35:29 15 hands, do you have -- how -- how was it -- like, how did
16 you feel it when it was tied around your hands?

17 PRESIDING JUDGE: Sorry, I didn't get the question.

18 MR BANGURA: How did he feel with the rope tied around his
19 hands, Your Honour.

10:36:10 20 THE WITNESS: When they tied my hands, they loosed them.

21 I wasn't able to do anything with my hands. For seven
22 months I wasn't able to raise up my hands. I wasn't able
23 to do anything with my hands. If I wanted to eat, they
24 would feed me. If I went to ease myself, it was my wife
10:36:34 25 that would clean me up, and it was my wife that had been
26 doing everything for me during those seven months.

27 MR BANGURA:

28 Q. Witness, slow down, please.

1 Your Honour, the witness is attempting to show to
2 the Court marks which he bears from that time in which he
3 got --

4 PRESIDING JUDGE: Has he, first of all, said that he had marks
10:37:06 5 as a result of the tying?

6 MR BANGURA: I believe --

7 PRESIDING JUDGE: Has he said so?

8 JUDGE BOUTET: He said it went through his body.

9 PRESIDING JUDGE: He said it went through his body, but what
10:37:19 10 was the result?

11 MR BANGURA:

12 Q. Mr Witness, you said these ropes were tied around your
13 hands and you were lying there for three hours. Did
14 anything happen to your hands, apart from the fact that
10:37:29 15 you eventually lost the use of your hands for some time?
16 Did anything really happen to your hands?

17 A. When they tied my hands, the rope went right inside my
18 body. Here are the marks. When they loosed the ropes,
19 they put cold water and it was so painful. They loosed
10:37:54 20 the rope and blood was oozing --

21 Q. Please, Mr Witness, take your time. Now, before you were
22 going to show us marks which you said you bear from the
23 tying you had.

24 A. Yes, sir.

10:38:41 25 Q. Do you still bear those marks?

26 A. Yes, sir.

27 Q. Would you like the Court to see those marks on your
28 hands?

1 A. Yes, sir.

2 Q. The witness is attempting to show the Court marks -
3 scars - that he still bears from the incident he's
4 narrated to this Court -- the tying of his hands.

10:39:29 5 JUDGE BOUTET: Mr Witness, can you indicate with your left arm
6 where it is on your right arm and vice versa?

7 THE WITNESS: Both of my hands, sir, and here are the marks on
8 my elbow [indicates].

9 JUDGE BOUTET: Thank you.

10:40:08 10 MR BOCKARIE: Yes, Your Honour, I'm just wondering whether --
11 I'm just wondering whether it will be permitted to have a
12 closer look at the scars --

13 PRESIDING JUDGE: Oh, yes, you're free to --

14 MR BOCKARIE: Thank you.

10:40:31 15 JUDGE THOMPSON: Do you want to do that at this stage -- at
16 this stage?

17 MR BOCKARIE: Yes, I wouldn't mind just having a look.

18 JUDGE THOMPSON: Quickly, quickly.

19 MR BOCKARIE: Yes, Your Honour.

10:40:46 20 MR BANGURA: Your Honour, if I may ask that the Defence
21 counsel, who is seeking to verify these marks, do so in
22 the company of counsel for the Prosecution as well, in
23 fairness.

24 PRESIDING JUDGE: Go ahead.

10:41:04 25 MR BANGURA: Thank you, Your Honour.

26 JUDGE BOUTET: Mr Witness, can you again show these marks on
27 both of your arms.

28 [Defence counsel and Prosecution inspected witness's arms]

1 MR BANGURA:

2 Q. Mr Witness, we were at the point where Fefegula had just
3 ordered that your hands be untied; not so?

4 A. Yes, My Lord.

10:42:23 5 Q. And can you take it from there, please? Did anything
6 happen after this?

7 A. Yes, My Lord. Yes, My Lord.

8 Q. Please go on.

9 A. So later, I was loosened. After loosening me, they told
10:42:59 10 me to get up, but I was unable to get up. Then one
11 Kamajor hold my hand and lifted me up. Then I shouted.

12 Q. Why did you shout?

13 A. Because I was feeling the pain.

14 Q. Go on, please.

10:43:42 15 A. They took me back to the cell.

16 Q. Now, in this cell that you were in, were you the only one
17 in there?

18 A. No, My Lord.

19 Q. Were there other people in them?

10:44:08 20 A. Yes, My Lord.

21 Q. Yes, you were taken back into the cell. Did anything
22 happen after that?

23 A. Yes, My Lord.

24 Q. Please, go on.

10:44:34 25 PRESIDING JUDGE: The translating cabin, don't you bother
26 saying "My Lord", "My Lord"; just say, "Yes". Don't
27 bother; it's too much. You need your energies for other
28 things. Just give "yes", you know, that's all right.

1 MR BANGURA:

2 Q. Yes, Mr Witness.

3 A. They put me in the cell. Then I feel like urinating.

4 I told the lockup that I want to ease myself. By then,

10:45:35 5 the jerry can that was in the cell, they have taken it

6 outside to empty it. They brought me down. I was

7 guarded by Kamajors while descending down by the side of

8 the building. I was crying. I stood. One of the

9 Kamajors pulled down my brief, and then I urinated. By

10:46:31 10 then the office was jam-packed. There were many in the

11 office. On to the street there were people around.

12 Then --

13 PRESIDING JUDGE: Sorry, Mr Bangura, how long do you think you

14 will continue to -- about how many minutes?

10:47:08 15 MR BANGURA: Your Honour, probably another 20 minutes, or

16 30 minutes at the outside.

17 PRESIDING JUDGE: Okay, go ahead, let's see how it goes.

18 MR BANGURA:

19 Q. Yes, Mr Witness.

10:47:16 20 A. My wife, my wife's mother and my late daddy, we're

21 sitting in the verandah. When they saw me, they started

22 crying. They brought me back to the building upstairs.

23 Then I was taken back to the cell.

24 Q. Now, did you -- how long did you continue to stay in the

10:48:07 25 cell?

26 A. I was in the cell for four days. On the fifth day I was

27 released.

28 Q. Now, during those four days -- I mean, after the incident

1 which happened on the first day -- the second day, did
2 anything else happen during those other days?

3 A. Ask me the question again, sir. Repeat the question.

4 Q. After this incident which you've just explained - you
10:48:54 5 were taken to the cell after you were untied and you
6 continued to be in the cells for four days, you said -
7 did anything happen during that period?

8 A. Nothing happened to me, but after that, the other day --
9 that was on the fifth day, I was released.

10:49:33 10 Q. Now, how were you released?

11 A. After releasing me, they took me to my house and my late
12 dad told me he was asked to pay some money before I am
13 released.

14 Q. Did he tell you how much money he was asked to pay?

10:50:02 15 PRESIDING JUDGE: [Microphone not activated].

16 MR BANGURA:

17 Q. Mr Witness, before you answer that question, I just ask:
18 you said after you were released they took you home. Who
19 took you home?

10:50:22 20 A. My father took me home.

21 Q. You have said that he told you he had to pay money for
22 you to be released; not so?

23 A. Yes.

24 Q. Did he tell you how much money he had to pay?

10:50:55 25 A. Yes, he told me the amount.

26 Q. How much?

27 A. It was 430 -- I think it's 432 -- or 444,000 Leones.

28 Q. Did he tell you who asked him to pay that money?

1 A. He said he paid the money in the office to the particular
2 man.

3 Q. Who is the "particular man" you are talking about?

4 A. That is the Mr Fefegula who is dealing with my case.

10:52:04 5 Q. Mr Witness, after this incident, you went home; you were
6 taken home. Did anything else happen after that that you
7 would like to tell this Court?

8 A. Yes.

9 PRESIDING JUDGE: I just wanted to know, at this stage of your
10:52:29 10 examination-in-chief -- I'm not saying that you are
11 concluding the particular stage of the next set of
12 incidents -- you know, we want to have them described.
13 That will take about how long? Will it --

14 MR BANGURA: Probably ten, 15 minutes.

10:52:50 15 PRESIDING JUDGE: Ten minutes. Go ahead, please. We have
16 some time constraints, please. That's why we -- but
17 we're not asking you to wrap up your examination-in-chief
18 prematurely -- not at all.

19 MR BANGURA: I understand, Your Honour.

10:53:05 20 PRESIDING JUDGE: So get along then.

21 MR BANGURA: Your Honour, may I have a moment to confer?

22 [Prosecution confers]

23 MR BANGURA:

24 Q. Yes, Mr Witness, say what happened. You said something
10:53:29 25 happened; not so? After you had been released from
26 detention, from the lockup, you said something happened;
27 not so?

28 A. Yes, sir.

1 Q. Would you like to tell the Court, please?

2 A. Yes. When I returned home, I started taking treatment.

3 Q. You were taking treatment for what?

4 A. I was taking treatment for my hands.

10:54:13 5 Q. Yes, go on.

6 A. So the drugs that was prescribed for me, the injection
7 got finished. So I came to town. The one that was
8 dispensing the drugs to me asked me to come, so when
9 I came, I went to the pharmacy.

10:54:44 10 Q. When was this, Mr Witness -- how long after you had been
11 released?

12 A. Just two or three days after I was released.

13 Q. Yes.

14 A. I came to town. I took the treatment and then I saw a
10:55:16 15 friend, who is a police officer. So he was sympathising
16 with my cause. Both of us moved down.

17 Q. Whereabouts were you at this time?

18 A. It was at Hangha Road.

19 Q. Okay, go on.

10:55:52 20 A. We walked and approached the police station. We'd
21 completed our discussion. As I was ready to turn my
22 back, I saw one blue-black Benz. It alighted.

23 Q. Now, when you said "Benz" - Benz what?

24 A. Mercedes Benz car.

10:56:31 25 Q. Yes, go on, please.

26 A. The Benz came and alighted. The man looked at me, the
27 man who was driving the Benz and continued. Then he
28 turned. I was standing in front of the police station.

1 Then he alighted in front of me. He asked me to enter
2 the car. I told him I was unable to open the door.

3 Q. Did you know this man?

4 A. Yes.

10:57:24 5 Q. Who was he?

6 A. He was a Kamajor. His name is Magona.

7 Q. And he asked you to come into the car?

8 A. Yes.

9 Q. Go on, please.

10:57:55 10 A. I told him I'm unable to open the door. Then the man,
11 who was sitting next to him, opened the door. Then
12 I entered the car.

13 Q. Now, you have mentioned two people already in the car.
14 How many people were in the car?

10:58:37 15 A. They were four in number.

16 Q. You got into the car.

17 A. Yes, sir.

18 Q. And what happened?

19 A. He drove towards the CDF office. He turned in front of
10:58:59 20 the office and stopped and alighted.

21 Q. Now, when you say "the CDF office", is it the same one
22 that you have referred to previously?

23 A. Yes.

24 Q. Yes, so he stopped.

10:59:24 25 A. He stopped in front of the office and came down from the
26 car. He opened the car and I came down from the car. He
27 said I was arrested -- now I'm released and now he has
28 arrested me. He went ahead and discussed with the other

1 Kamajors that he met around. He came back and asked me
2 to enter the car. I entered the car. He started the car
3 and drove off. He took me to Fonikor.

4 Q. Your Honour. I'm not so sure about the spelling of that
11:00:40 5 name "Fonikor"?

6 JUDGE THOMPSON: We'll spell it phonetically.

7 MR BANGURA: Thank you.

8 Q. Yes, Mr Witness.

9 A. He stopped there.

11:01:01 10 PRESIDING JUDGE: And so shall we stop here.

11 MR BANGURA: I was just going to say, Your Honour, because
12 from that point I believe we may go into --

13 JUDGE THOMPSON: A new episode.

14 MR BANGURA: -- a new episode. Your Honour, I believe the
11:01:35 15 witness is indicating something. I'm not so sure what.

16 PRESIDING JUDGE: Yes.

17 MR BANGURA: The witness is trying to say something. I'm not
18 so sure what.

19 PRESIDING JUDGE:

11:01:49 20 Q. Yes, Mr Witness, did you -- were you wanting to say
21 something?

22 A. Yes.

23 Q. What was it?

24 A. I want to ease myself.

11:02:04 25 PRESIDING JUDGE: You'll do that very shortly. You'll do that
26 very shortly.

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: Well, learned counsel, the Tribunal will

1 rise at this point and at this stage for today, and we
2 will resume its sitting tomorrow at 9.30 -- tomorrow at
3 9.30. Mr Witness, thank you very much. We'll come back
4 here at 9.30 and I hope you have the time to ease
11:03:25 5 yourself, or to put yourself at ease. The Court will
6 rise, please.

7 [Whereupon the hearing adjourned at 11.02 a.m., to be
8 reconvened on Thursday, the 23rd day of September 2004,
9 at 9.30 a.m.]

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C E R T I F I C A T E

We Susan G Humphries and Maureen P Dunn, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Susan G Humphries

Maureen P Dunn.