

1 Thursday, 23rd September 2004

2 [The accused Kondewa entered court]

3 [The accused Norman and Fofana not present]

4 [The witness entered court].

09:41:25 5 [Open session]

6 [Upon commencing at 9.55 a.m.]

7 PRESIDING JUDGE: We're resuming the session. If we're

8 starting late, it is because the Court Management

9 informed the Chamber that the second accused and learned

09:51:29 10 counsel Mr Bockarie was not -- were not in court, so we

11 had to wait and I noticed, you know, that the second

12 accused, Mr Fofana, is not present. Do we have any

13 explanation for this just before we proceed?

14 MR BOCKARIE: Yes, Your Honour. First, I apologise for being

09:51:56 15 late in court. I was on my way to court when I had a

16 call from the Chief of Detention that I should go and see

17 Moinina Fofana. I called on him and -- I don't know what

18 to say, but it is the same old point that is being

19 reiterated, which is contrary to our advice. In short,

09:52:22 20 he is not in court, Your Honour.

21 JUDGE BOUTET: He is not in court not because he's sick?

22 MR BOCKARIE: Well --

23 JUDGE BOUTET: We don't want to put you in a difficult

24 scenario here. We are intending to call the Director of

09:52:50 25 the Detention Facility as well as the doctor to establish

26 what the situation is, as you know. We heard what he

27 said yesterday and we were prepared to listen to him when

28 he was saying he felt sick, but we needed to be given

29 some time to know what was happening. And the - unless

1 we have evidence from the doctor to tell us what his
2 medical status is or is not, well, we don't know exactly.
3 We'll do that this morning and then, if you want to make
4 representations, we'll let you do so.

09:53:17 5 MR BOCKARIE: That is the most appropriate, Your Honour.
6 Thank you.

7 JUDGE BOUTET: Can we call the Chief of Detention or the
8 responsible person from the detention? Court Management
9 is the doctor here as well?

09:53:38 10 MS EDMONDS: Yes.

11 JUDGE BOUTET: Call the doctor first.

12 [The witness entered court]

13 WITNESS: DR DONALD HARDING sworn

14 QUESTIONED BY THE COURT:

09:54:31 15 JUDGE BOUTET: Good morning.

16 Q. Could you please identify yourself for the record?

17 A. I'm Dr Donald Harding, medical officer for the Special
18 Court of Sierra Leone.

19 Q. Where do you work?

09:54:45 20 A. I work at the Detention Centre.

21 Q. Do you have access to the detainees at the Detention
22 Centre?

23 A. Yes, Your Honour, I do.

24 Q. Did you have occasion this morning to examine one

09:54:57 25 detainee by the name of Moinina Fofana?

26 A. Yes, Your Honour, I did examine Moinina Fofana.

27 Q. Can you inform the Court as to his medical condition or
28 status this morning and your opinion as to his capacity
29 and capability to attend the trial this morning?

1 A. Mr Moinina Fofana, after examination, I found out that he
2 is physically and mentally fit, in a good condition of
3 health, and that he is able -- he should be able to come
4 to court this morning.

09:55:29 5 JUDGE BOUTET: Thank you, doctor.

6 THE WITNESS: Thank you very much.

7 JUDGE BOUTET: Do counsel for the Defence wish to ask any
8 additional questions?

9 MR BOCKARIE: No, Your Honour.

09:55:4 10 JUDGE BOUTET: Thank you. Anybody from Prosecution wish to
11 ask questions?

12 MR BANGURA: No questions, Your Honour.

13 JUDGE BOUTET: We thank you very much, Dr Harding.

14 [The witness withdrew]

09:56:04 15 JUDGE BOUTET: Next we would like to hear from somebody from
16 the Detention Centre.

17 [The witness entered court]

18 WITNESS: BARRY WALLACE sworn

19 QUESTIONED BY THE COURT:

09:56:53 20 JUDGE BOUTET:

21 Q. Good morning, Mr Wallace.

22 A. Good morning, Your Honour,

23 Q. Would you please identify yourself for the record?

24 A. My name is Barry Wallace. I am the Chief of Detention
09:57:06 25 for the Special Court of Sierra Leone.

26 Q. Mr Wallace, do you have as one of the detainees under
27 your control at the Detention Facility, one by the name
28 of Moinina Fofana?

29 A. I do, Your Honour.

1 Q. Have you seen him this morning?

2 A. I have, Your Honour.

3 Q. Can you inform the Court as to what you know about his
4 attending the trial this morning or not?

09:57:22 5 A. He has indicated that he does not wish to attend the
6 trial this morning.

7 Q. Has he informed you as to why?

8 A. No, Your Honour, he did not give a reason. When he was
9 first approached this morning, he did not want to go. He
09:57:39 10 then reported sick and I had him seen immediately by the
11 medical officer who declared him fit. I also contacted
12 the Defence Office, because I wanted to be sure that
13 Mr Fofana was making the decision on his own accord and
14 I had his Defence counsel Mr Bockarie come to the clinic
09:58:01 15 to speak to Mr Fofana and, after that, Mr Fofana
16 indicated he did not wish to attend court.

17 JUDGE BOUTET: Thank you. Mr Bockarie, do you wish to ask
18 questions?

19 MR BOCKARIE: No, Your Honour.

09:58:18 20 JUDGE BOUTET: Prosecution?

21 MR BANGURA: No, Your Honour.

22 JUDGE BOUTET: Thank you very much, Mr Wallace.

23 THE WITNESS: Thank you, Your Honour.

24 [The witness withdrew]

09:59:22 25 JUDGE BOUTET: Based on the information available to the Court
26 at this particular moment, and certainly based on the
27 evidence that we have heard, it is obvious to this Court
28 that the second accused Mr Fofana is voluntarily refusing
29 to attend trial this morning and, therefore, pursuant to

1 Rule 60 and pursuant to our previous ruling, we'll
2 proceed in his absence.
3 Mr Bockarie, for your convenience, we wish to tell
4 you that as of today on, unless further advised, you are
09:59:59 5 becoming court-appointed counsel for the accused Fofana.
6 As we had indicated earlier in the week, there is a
7 written ruling in progress at this particular moment and
8 a further explanation will be provided in that written
9 ruling. So, from now on, you are court-appointed
10:00:14 10 counsel, you and the team assisting you - that is
11 yourself, Mr Koppe and Mr Pestman. Thank you.
12 JUDGE THOMPSON: As far as our [microphone not activated] this
13 is an order of the Court; it is not just an information.
14 MR BOCKARIE: Thank you, sir.
10:00:41 15 PRESIDING JUDGE: The order will be reduced in writing; it is
16 an oral order. It will be reduced in writing and
17 communicated to all the parties. And, of course,
18 Mr Bockarie, you're court-appointed counsel, but you
19 still have your liberty, as counsel, to communicate with
10:00:58 20 your client to receive instructions from him for purposes
21 of filing your objections as a court-appointed counsel in
22 the course of these proceedings.
23 MR BOCKARIE: I will, Your Honour. Thank you.
24 PRESIDING JUDGE: Thank you.
10:01:15 25 JUDGE BOUTET: So, we will continue with the trial where we
26 were. We were trying to complete the
27 examination-in-chief of witness TF2-151.
28 MR BANGURA: Yes, Your Honour.
29 JUDGE BOUTET: You may proceed.

1 WITNESS: TF2-151 [Continued]

2 [Witness answered through interpretation]

3 EXAMINED MR BANGURA: [Continued]

4 MR BANGURA: Good morning, Mr Witness. We shall continue with
10:01:40 5 your testimony this morning.

6 PRESIDING JUDGE: I think you got to a point where you were in
7 a place called Fonikor.

8 MR BANGURA: Yes, Your Honour.

9 PRESIDING JUDGE: That is where we stopped. "We drove in from
10:01:52 10 the headquarters, in that car, to a place called
11 Fonikor."

12 MR BANGURA: That's right.

13 JUDGE THOMPSON: You also said that concluded an episode; that
14 you're about to begin a new episode. But that's entirely
10:02:09 15 up to you. I just wanted to --

16 MR BANGURA: In a sense, Your Honour, it conveniently puts us
17 at the point where the same episode he was explaining
18 could have been stopped.

19 JUDGE THOMPSON: It is all right. Thank you.

10:02:22 20 MR BANGURA:

21 Q. Mr Witness, you were in this Mercedes -- this blue-black
22 Mercedes Benz car and you were driven to a place called
23 Fonikor; not so?

24 A. Yes, sir.

10:02:36 25 Q. Did anything happen there when you got there?

26 A. Yes, sir.

27 Q. Please say.

28 A. When we arrived there, the man stopped with the Mercedes
29 Benz and he alighted. We saw a lot of Kamajors and he

1 went to them and he did not ask me to alight. We went
2 and they talked and they came inside the Benz and they
3 started it and we moved. And they brought me back.

4 Q. Mr Witness, take note that the your evidence is being
10:03:27 5 recorded and so just be a bit slower than this. Go on,
6 please.

7 A. Yes, sir. They brought me back to the CDF office. When
8 they brought me to the CDF office, they stopped Benz.

9 Q. Now, the CDF office is it the same place that you've
10:03:56 10 spoken before in your testimony?

11 A. Yes, sir.

12 Q. Yes, sir, go on.

13 A. And they opened the door of the Benz and I alighted.
14 When I alighted from the Benz, he ordered that -- the
10:04:26 15 radio that was in my pocket be taken off.

16 Q. When you say "he", who are you referring to?

17 A. Mr Magona.

18 Q. Go on.

19 A. They took the radio from my pocket.

10:04:47 20 Q. Who were "they"?

21 A. The Kamajors.

22 Q. Go on, please.

23 A. They took the money that I had in my pocket. They took
24 off my jean jacket; they took off my trousers; they took
10:05:17 25 off my sandals from my feet and they told me that --

26 Q. Mr Witness, when you say "he", can you try to be very
27 precise. Can you name the person you're talking about,
28 please?

29 A. Mr Magona. He took off a paper and a pen and he asked me

1 to sign my death warrant. I told him that I couldn't do
2 anything with my hand. And Mr Magona took a pen and a
3 paper and he wrote something, but I did not know what he
4 wrote. And he said: Let me be beaten and put into the
10:06:25 5 cell and at 8.00 he will come to kill me. He said he
6 will come and kill me at 8.00 and nobody to ask him.
7 Q. And did anything happen next?
8 A. Yes, sir.
9 Q. Please, go on.
10:06:45 10 A. Yes, sir. They beat me. There were a lot of people
11 around and they took me up the building. When I was
12 taken up the building, I was put in the cell. They put
13 me in the cell and I was in the cell; I was there for
14 some hours. I was there when I started hearing some
10:07:22 15 shots outside. I heard two gun shots. I sat in a corner
16 and I started praying. It was not long afterwards I
17 started hearing people saying, "Catch him, catch him,
18 catch him." I was still in my cell. Just after that I
19 heard somebody standing by the cell -- the door of the
10:08:05 20 cell and he shouted my name. When he shouted my name, I
21 did not answer, because I was with the impression that
22 they had come for me so as to be executed. I was inside
23 there. When --
24 Q. Mr Witness, try to be a bit slower again, please.
10:08:29 25 A. Yes, sir.
26 Q. Somebody shouted your name.
27 A. Yes, sir. So when this person shouted my name, I did not
28 answer. This individual said in -- the individual had a
29 Nigerian accent. The person said, "I don't think this

1 person is here, because I had called his name and he did
2 not answer." And that was the time I answered, "Yes,
3 sir."

4 Q. And did anything happen after this?

10:09:22 5 A. Yes, sir.

6 Q. Yes, would you tell the Court.

7 A. Yes, sir. Then they opened the door -- when they opened
8 the door -- when I came out of the -- when I came
9 outside, I saw that it was a Nigerian soldier; it was an
10:09:50 10 ECOMOG soldier.

11 Q. Did he say anything to you?

12 A. Yes, sir. He said, "With orders from ECOMOG, you should
13 be released and tomorrow morning you should report to
14 ECOMOG high brigade." I was there released and I came
10:10:18 15 down with my empty briefs. I alighted down -- I came
16 down the building, and when I came down I met my wife, my
17 boys of the shop and some other relatives waiting for me.

18 Q. I see. After this did you eventually go home?

19 A. Yes, sir.

10:10:38 20 Q. Now, you were advised to report at ECOMOG headquarters;
21 is that right?

22 A. Yes, sir.

23 Q. Did you go there?

24 A. Excuse me, sir. The person that is interpreting in Krio
10:11:07 25 is not making the correct interpretation.

26 MR BANGURA: Okay, Mr Witness, I will -- Your Honour, it
27 arises from the fact that he understands English.

28 JUDGE BOUTET: Repeat your question.

29 MR BANGURA:

1 Q. Did you eventually go home after this?

2 A. Yes, sir.

3 Q. You were advised to report to the ECOMOG headquarters the
4 next day; not so?

10:11:38 5 A. Yes, sir.

6 Q. And did you go there?

7 A. Yes, sir.

8 Q. Can you say what happened when you went there the next
9 day?

10:11:51 10 A. Yes, sir.

11 Q. Please go on.

12 A. The following morning --

13 Q. Did you go to the ECOMOG headquarters?

14 A. Yes, sir.

10:12:13 15 Q. Tell what happened there.

16 A. When I went to the ECOMOG headquarters, I met the
17 soldiers and they gave me space to sit. I sat there and
18 one captain came. He called my name and he said whether
19 it was I and I said "Yes, sir." And they said Mr Magona

10:12:55 20 should be asked to come and I saw them bringing Mr Magona
21 in front of me.

22 Q. Now, this Magona, was it the same person who had got you
23 locked up in the cell the previous day?

24 A. Yes, sir.

10:13:14 25 Q. Yes, go on.

26 A. And the man asked me whether I knew him and I said "yes".
27 And he asked him whether he knew me and he himself
28 answered "yes", and they took me to the ECOMOG commander.
29 When I was taken to the ECOMOG commander and the ECOMOG

1 commander asked what happened, that was the time I
2 explained to him. The ECOMOG commander sympathised with
3 me and said -- and he said, "Let that captain obtain
4 statements from him," and that I should be taken to the
10:14:10 5 hospital, and they there obtained statements from me.

6 Q. What happened next?

7 A. They took me to the hospital.

8 Q. Did you continue to get treatment from ECOMOG for your
9 condition?

10:14:27 10 A. Yes, sir, they continued to treat me, but it was just for
11 a short while.

12 Q. As a result of this, the tying -- keeping you tied up at
13 the CDF headquarters, now can you describe what your
14 present state of health is as a result of that tying up?

10:14:54 15 A. Yes, sir.

16 Q. Can you say?

17 A. There are things I used to do with my hands which I
18 cannot do any more because, for instance, if water is put
19 into a 34-centimetre bucket -- if I were to take this
10:15:34 20 bucket from here up to that point there, I would not be
21 able to, except if I asked somebody to do it. As for
22 now, when the place is too cold, my hands -- my hands are
23 weak. I will not be able to work at all.

24 Q. Now, you say if water is brought in a bucket and you're
10:16:00 25 asked to move it -- a 34-centimetre bucket and you're
26 asked to move it a distance, you now cannot do it. What
27 was the position before? You could do that before --
28 before this incident?

29 A. Yes, sir.

1 Q. Apart from your hands, is there any other condition that
2 you suffered as a result of the treatment you had from --
3 in the hands of the Kamajors?

4 A. Yes, sir.

10:16:39 5 Q. What else?

6 A. That is -- I have problems with my eyes.

7 Q. What exactly?

8 A. With all that had happened with me, initially --
9 initially I would do everything. In fact, I could read
10:17:10 10 Bible at night, but now I cannot even read the Bibles
11 that have small prints [sic] and some books. And after
12 7.00 I cannot -- I cannot continue with my profession, no
13 matter how bright the light is. I would find it very
14 difficult, you know, to pass a thread and at any time --
10:17:33 15 and at any time when I sit for a long time, my eyes keep
16 on itching.

17 Q. Thank you, Mr Witness. Now, you remember in your
18 testimony earlier, you mentioned that during the time of
19 your second arrest; do you recall?

10:17:53 20 A. Yes, sir.

21 Q. You said you were -- you felt like easing yourself and
22 you were brought out of the building and you came out and
23 you eased yourself; not so? You urinated outside?

24 A. Yes, sir.

10:18:11 25 Q. Can you describe the situation outside the building at
26 the time?

27 A. Yes, sir.

28 Q. Now after -- after your release on that second arrest,
29 were you -- did you at any time learn about what was

1 going on in the building that day?

2 A. Yes, sir, they explained to me what happened in the
3 building during that time. It was my wife that explained
4 to me.

10:18:42 5 Q. What did she say to you?

6 A. My wife explained to me that, "Do you know that that day
7 when they tied your hands up there, when we were shouting
8 up there, in fact, they were having a meeting down here
9 and their chief was there in the meeting. I told him --

10:19:06 10 Q. Mr Witness, you have to slow down a bit. Go on, please.
11 Now, she said to you the chief was there at the meeting.
12 Who was this chief she referred to?

13 A. Mr Hinga Norman.

14 Q. Now, Mr Witness, apart from the incidents that you have
10:19:37 15 narrated to this Court that you experienced personally,
16 did you observe anything else in Kenema - at this time -
17 that you wish to inform this Court about?

18 A. Yes, sir.

19 Q. Please do.

10:19:55 20 A. When I returned -- when I returned to Kenema after the
21 intervention, after my first arrest I went to shop to go
22 and watch to know what was happening in the shop. When I
23 went to the shop, it was locked.

24 Q. Mr Witness, can you just give us a sense of time? When
10:20:42 25 was this? You said after your arrest. How long after
26 your arrest? Just let us know how long; was it a few
27 days, please say?

28 A. Just some days after my arrest.

29 Q. Okay, go on, please.

1 A. I was in front of my shop. When I saw that it was
2 sealed -- one man and they had been shouting after him,
3 "Catch him, catch him, he's junta."

4 Q. Who were "they"? You said "they".

10:21:23 5 A. Some Kamajors.

6 Q. Yes, go on.

7 A. A young man ran and went towards the Junction. As he was
8 approaching the Junction, that was the time they fired at
9 him and they chopped him. They placed tyres on him and
10:22:02 10 they burnt him. We all scattered from the scene.

11 Q. Now, you say he was shot, who -- did you notice who shot
12 him?

13 A. It was one Kamajor.

14 Q. Now, apart from this incident, is there anything else
10:22:26 15 that you noticed over this period of time -- that you
16 have narrated this incident. Is there anything else you
17 would like to inform this Court about?

18 A. Yes, sir.

19 Q. Yes, please.

10:22:44 20 A. With some time after that - the incident that I saw - I
21 saw another incident along Sumaila Street by KEDC field.

22 Q. Now, when you say "some time", can you give us a more
23 precise answer for what time you're referring to?

24 A. Just after -- just after the incident that I spoke about,
10:23:26 25 that I saw around my shop.

26 Q. Okay, go on, please.

27 A. I use that course in the morning as -- to go to my shop.

28 Q. That is Sumaila Street?

29 A. Sumaila, yes, sir.

1 Q. Yes.

2 A. So when I arrived, opposite the goal post at KEDC field
3 school, by the street I saw a lot of people standing and
4 watching. I saw some Kamajors, so I also became curious
10:24:25 5 and I stood over the street and I started watching and I
6 saw this Kamajor; he had a plastic bag, a transparent
7 plastic bag.

8 Q. Yes, did you notice anything in the plastic bag?

9 A. Yes, sir.

10:24:51 10 Q. What did you notice in the plastic bag?

11 A. There was meat in the plastic bag. So, when I saw this
12 plastic bag - the Kamajors holding it - I saw them
13 dragging one young man trying to put him in a hole just
14 at the back of the goal post. There was blood in the
10:25:21 15 Kamajor's hand and in the plastic bag.

16 Q. Now, what did you notice about this young man that they
17 were dragging into a hole?

18 A. They dragged --

19 Q. What did you notice about him?

10:25:40 20 A. The man was chopped.

21 Q. Was he alive?

22 A. He was dead.

23 Q. And did you learn anything about what had happened while
24 you were there?

10:25:55 25 A. Yes, sir.

26 Q. What did you learn?

27 A. From there I heard -- from there I heard that the
28 people -- the man was a Kamajor and that his heart had
29 been extracted and that his liver was what was in the

1 plastic.

2 Q. Now, did the Kamajors also dragging this body in the
3 hole, did they do anything further?

4 A. Yes, sir.

10:26:32 5 Q. Please say.

6 PRESIDING JUDGE: I'm sorry, I heard about "liver", "liver".
7 What is it, please? Let me get that clear.

8 MR BANGURA: Your Honours --

9 PRESIDING JUDGE: Let the questions -- let the witness, you
10:26:48 10 know, explain what he meant -- something in the plastic
11 bag.

12 MR BANGURA:

13 Q. Now, Mr Witness, you say you learned later --

14 THE INTERPRETER: Your Honours, would the witness please go a
10:26:59 15 little bit slower so as to give the interpreter the
16 opportunity to give the correct interpretation.

17 PRESIDING JUDGE: They say you should go slowly, please.

18 Don't talk too fast, so they can interpret you. Have you
19 heard, Mr Witness?

10:27:16 20 THE WITNESS: Yes, sir.

21 MR BANGURA:

22 Q. Now, you say that you learned at the scene that this
23 person who was lying there, that what was in the bag was
24 his liver and that his heart had been taken out of his
10:27:32 25 body. Can you be very clear about this, please?

26 A. Yes, sir.

27 PRESIDING JUDGE: I want him to say it, not you.

28 JUDGE BOUTET: Maybe you can just take him back in time to
29 that field.

1 PRESIDING JUDGE: Take him back. Let him give evidence. You
2 don't dictate to him what he has to say.

3 MR BANGURA: I am not, Your Honour.

4 JUDGE BOUTET: But if you would, please, just take him back to
10:27:56 5 when he saw the plastic bag and then let's move along.

6 MR BANGURA: As Your Honour pleases.

7 Q. Mr Witness, you came on the scene and you saw a Kamajor
8 holding a plastic bag; not so?

9 A. Yes, sir.

10:28:13 10 Q. And you saw something in that plastic bag which you said
11 was meat?

12 A. Yes, sir.

13 Q. Now, after this -- when you saw this, did you later learn
14 about what had happened to this person that you saw being
10:28:32 15 dragged?

16 A. Yes, sir.

17 Q. Now, very slowly, can you explain and state to the Court
18 what you learned about this person? What had happened to
19 him?

10:28:52 20 A. This person -- I later on came to know that the boy that
21 was killed, his heart and his liver were the things that
22 were in the plastic bag that was in the Kamajor's hands.

23 THE INTERPRETER: Your Honours, the witness says he wants to
24 ease himself.

10:29:26 25 PRESIDING JUDGE: Yes, if he wants to ease himself -- the
26 Court will rise for -- you want to ease yourself? Yes,
27 the Court will rise for ten minutes, please. The Court
28 rises, please, and the record should reflect that.

29 [Break taken at 10.35 a.m.]

1 [On resuming at 10.55 a.m.]

2 PRESIDING JUDGE: Mr Witness, are you now all right?

3 THE WITNESS: Yes, sir.

4 PRESIDING JUDGE: You are now ready to proceed.

10:50:59 5 THE WITNESS: Yes.

6 MR BANGURA: Your Honour, I was just about finishing up with

7 the witness when he indicated that he wished to ease

8 himself. Your Honours, there will be no further

9 questions for this witness.

10:51:15 10 PRESIDING JUDGE: All right. Thank you.

11 MR BANGURA: Thank you, Mr Witness.

12 JUDGE BOUTET: Are we ready to proceed with cross-examination?

13 Counsel for first accused? Again, Mr Counsel,

14 please ask, if you can, short questions and not too fast.

10:51:47 15 MR JABBI: I will, My Lord.

16 JUDGE BOUTET: Thank you.

17 CROSS-EXAMINED BY MR JABBI:

18 Q. Now, Mr Witness, according to you, you found cause to

19 leave Kenema two days before the AFRC was overthrown; is

10:52:13 20 that so?

21 A. Yes, sir.

22 Q. Can you explain to the Court why you had --

23 PRESIDING JUDGE: Mr Witness, follow the question very well.

24 Make sure you understand the question. Do you understand

10:52:32 25 me?

26 THE WITNESS: Yes, sir.

27 PRESIDING JUDGE: Make sure you understand the question before

28 you volunteer an answer. If you do not understand, you

29 can ask that they put the question again. Do you

1 understand me?

2 THE WITNESS: Yes, sir.

3 PRESIDING JUDGE: If you know the answer, you give the answer.

4 If you do not know, indicate that you do not know. Have

10:52:56 5 you understood?

6 THE WITNESS: Yes, sir.

7 MR JABBI:

8 Q. Now, can you explain to the Court why you left Kenema

9 just before the AFRC was overthrown?

10:53:13 10 A. Yes, sir. I left Kenema one, because I wanted to secure

11 my life. Secondly, every day and night there were

12 gunshots fired. There was looting going on - looting

13 people's shop and people had been killed and I became --

14 and that tormented me and that made me to decide to leave

10:54:15 15 the town.

16 JUDGE BOUTET: Go ahead.

17 MR JABBI:

18 Q. All this was before the Kamajors took over from AFRC, was

19 it?

10:54:39 20 A. Yes, sir.

21 Q. Do you know who was doing the killing, shooting and

22 looting?

23 A. I will not able to tell that.

24 Q. You said you left -- one of the reasons why you left was

10:55:28 25 in order to secure your life. Did you, in fact, fear for

26 your life during that period?

27 A. During which time, sir?

28 Q. The time just before you left Kenema, before the AFRC was

29 overthrown.

1 A. Yes, sir.

2 Q. Why did you fear for your life?

3 A. Every day that I went to town, I would hear gunshots; I
4 would see people being killed; I would see shops being
10:56:36 5 looted. That was why I sacrificed everything in my shop,
6 and I loved my life and my life was much better than what
7 I had in my shops, so I decided to leave.

8 PRESIDING JUDGE: Learned counsel, I was going to say outside
9 this question when you put it to him earlier on --
10:57:00 10 anyway, you can proceed.

11 MR JABBI: It was an answer to a different question earlier.
12 It could still apply to this question.

13 PRESIDING JUDGE: Okay, proceed, please.

14 MR JABBI:

10:57:14 15 Q. Now, had this condition that you have just explained been
16 existing during the AFRC takeover for a long time? I
17 mean, during the AFRC control of Kenema, had it been
18 going on for a long time?

19 A. Yes, sir.

10:57:39 20 Q. Do you remember?

21 JUDGE BOUTET: Go ahead.

22 MR JABBI:

23 Q. Do you remember how long the AFRC was in control in
24 Kenema?

10:58:14 25 A. I will not be able to tell you precisely the exact month,
26 but they were in control of Kenema for some time.

27 Q. Can you guess how many months?

28 A. I wouldn't like to guess and tell you and it is proved to
29 be lies. I have come to this Court to say the truth.

1 Q. Do you know when the AFRC took control of Kenema?

2 A. I wouldn't be able to tell you the exact date.

3 JUDGE BOUTET: Mr Witness, you've answered "some time". Is it

4 more than a year, less than a year, a few years? We're

10:59:19 5 not asking you the date, but just --

6 THE WITNESS: 1997.

7 MR JABBI:

8 Q. If I suggest to you a date or a month and say that it was

9 in May 1997, would your memory be jogged?

10:59:47 10 PRESIDING JUDGE: That is too technical "jogged" -- for the

11 translators, too, you know, it is important.

12 JUDGE THOMPSON: Refreshed.

13 MR JABBI:

14 Q. If I said it was in May 1997, would you remember it as

11:00:05 15 correct?

16 A. Yes, sir.

17 Q. So you would agree it was in May 1997?

18 A. Yes, sir.

19 Q. Now, do you know the month you left Kenema?

11:00:29 20 A. Yes, sir.

21 Q. When was it?

22 A. February.

23 Q. What year?

24 A. 1998.

11:01:10 25 Q. 1998. Would I be right to say that you were in Kenema

26 for the whole period from May 1997 to February 1998 - you

27 were continuously living in Kenema?

28 A. That is to say, I did not travel out of Kenema at all?

29 Q. Well, you can say.

1 A. I am a resident of Kenema and I've been travelling in and
2 out of Kenema.

3 Q. During that period, you mean?

4 A. Yes, sir.

11:02:10 5 Q. How long did you stay out of Kenema on your various
6 travels, at a time?

7 A. The longest that I spent out was about four days.

8 Q. Do you know how many times you went out of Kenema during
9 that period?

11:02:52 10 A. I can't remember rightly, but it is not much.

11 Q. Would you say three times, around that?

12 A. Just like I told you earlier, I wouldn't like to guess,
13 sir.

14 Q. Well, you would certainly know whether it was more or
11:03:21 15 less than a certain number like three, wouldn't you?

16 A. It's not much, but --

17 Q. We're still working around how many times. You don't
18 have to be very exact.

19 A. About five times.

11:03:54 20 Q. Now, can you tell this Court what your own relationship
21 with the AFRC was during that period?

22 A. I'm glad to tell you that I have no relationship with
23 them.

24 Q. I am putting it to you that you were very closely
11:04:24 25 operating with the AFRC during that time.

26 A. I'm also glad to tell you that it is a big mistake,
27 because I had no close ties with them.

28 Q. I am putting it to you that it was because of this close
29 relationship that you feared for your life and you had to

1 leave Kenema two days before they were overthrown?

2 A. I'm glad to tell you that I did not have any close
3 relationship with them other than the work that I was
4 doing that was in my life and that of my family.

11:05:17 5 Q. When did you return to Kenema after the overthrow of the
6 AFRC?

7 A. I was in Kenema when the overthrow took place. I was in
8 Kenema when they overthrew the AFRC, two days after.

9 Q. How long did you stay out of Kenema when you left --
11:05:52 10 before the AFRC was overthrown, how long did you stay out
11 of Kenema on that occasion?

12 A. About four or five days, about that.

13 Q. So would it be correct to say that you returned to Kenema
14 in February 1998?

11:06:28 15 A. Yes, sir.

16 Q. Can you say when - the month - that you say you went to
17 Wesley Street, found some young men playing scrabble and
18 you were watching it until some Kamajor called you? Can
19 you say when that was, what month?

11:07:01 20 A. It was in the same February.

21 Q. February 1998?

22 A. Yes, sir.

23 Q. But obviously after the AFRC had been overthrown; not so?

24 A. I don't understand what you say, sir.

11:07:25 25 Q. You said that incident was in February 1998 and I said it
26 was obviously after the AFRC had been overthrown; not so?

27 A. Yes, sir.

28 PRESIDING JUDGE: Mr Jabbi, is that after or before?

29 MR JABBI: It is after, My Lord

1 PRESIDING JUDGE: After.

2 MR JABBI: Yes, My Lord.

3 Q. Now, your alleged incident in the office with Fefegula,
4 did that also take place in February 1998?

11:08:42 5 A. Yes, sir.

6 Q. Do you know Fefegula?

7 A. If I see him, I will be able to identify him. I know
8 him, sir.

9 Q. Did you know him before that first incident?

11:09:28 10 A. No, sir.

11 Q. Have you seen him ever since these series of incidents
12 you have narrated to the Court? Have you seen him at
13 all?

14 A. That was the first day I saw him, sir.

11:10:03 15 Q. No, my question is whether you have since seen him after
16 all these incidents that you've explained? Have you set
17 eyes on him again since these incidents?

18 A. No, sir.

19 Q. Now, talking about that first incident when you were
11:10:42 20 taken to Fefegula's office, according to you, did you
21 make a report of it?

22 A. Make a report about that, sir?

23 Q. Did you report that incident, the first incident when you
24 were taken into Fefegula's office and you were ultimately
11:11:23 25 released, did you report it?

26 JUDGE THOMPSON: To whom? I want to know, because the
27 question is vague. He said -- the context in which he
28 has narrated this series of episodes, it would seem to me
29 if cross-examination is to be fair and, of course, we're

1 here to be fair to both sides, the question asked should
2 not really be that vague. Did he make a report to --

3 MR JABBI: Well, My Lord, I will concede that the question is
4 wide, but, My Lord, I believe it is quite specific to ask
11:12:09 5 if a report of that incident was made by him anywhere, My
6 Lord.

7 JUDGE THOMPSON: Well, you didn't say "anywhere". You said:
8 "Did he make a report?"

9 MR JABBI:
10 Q. Did you make any report of that incident anywhere at all?
11:12:21 10

11 JUDGE THOMPSON: There is need for absolute precision in these
12 matters.

13 MR JABBI: Thank you, My Lord.

14 Q. Did you make a report of that incident anywhere at all?

11:12:39 15 A. No, sir.

16 Q. Now, during that first incident, you mentioned one Pa who
17 came and inquired what they were doing to you? Do you
18 know him?

19 A. I didn't know the Pa personally.

11:13:37 20 Q. Did you get to know him from that occasion?

21 A. I used to see him, but I did not know him personally and
22 from that particular incident I became used to him.

23 Q. You were seeing him before that incident, or you didn't
24 know him personally before that incident; is that what
11:14:08 25 you're saying?

26 A. Yes, sir.

27 Q. And are you also saying that thereafter you continued to
28 see him?

29 A. From that time I used to see him.

1 Q. Often?

2 [11.20 a.m. HN230904B]

3 Q. Now, do you know his name.

4 A. Yes, sir.

11:19:06 5 Q. Would you mind giving his name to the Court?

6 A. Yes, sir.

7 Q. Go on, please?

8 A. Foday Kai-Samba.

9 PRESIDING JUDGE: Foday what Kai?

11:19:36 10 MR JABBI: Kai-Samba. K-A-I-S-A-M-B-A.

11 PRESIDING JUDGE: Foday Kai-Samba.

12 MR JABBI:

13 Q. Do you know his connection with the Kamajors?

14 A. Just like I told you, I did not know anything personal

11:20:18 15 about that man.

16 Q. But he was in the Kamajors office on that day; not so?

17 A. Yes, sir.

18 Q. Now, did you sense some authority in him towards the

19 Kamajors in the office?

11:21:00 20 A. I wouldn't be able to tell you anything about that, sir,

21 because I did not know his relationship with them, sir.

22 Q. But they certainly respected what he said and they

23 released you, didn't they?

24 A. What the man said, I heard them say, "Do you trust him?"

11:22:02 25 And they said, "Yes." "Do you trust him?" And they

26 said, "Yes." That was why they left me.

27 Q. They left you because of his intervention; is that true?

28 A. Yes, sir.

29 Q. Would you also say that it was because they respected him

1 or what he said?

2 A. Well, just like I told you earlier, I do not know the
3 relationship between him and them, and --

4 PRESIDING JUDGE:

11:22:48 5 Q. That is not the question. Can you now say that they
6 respected him? Because when he said -- when he told them
7 that he trusted you twice, isn't it? "Do you trust him?"
8 "Yes." "Do you trust him?" "Yes." They released you.
9 Do you now say that -- can you say that they respected
11:23:08 10 him? That is what counsel is asking you.

11 A. Yes, sir.

12 MR JABBI: Thank you.

13 Q. Now, you spoke about an incident when a jeep halted
14 before your shop, and you were invited into the shop -- I
11:23:42 15 mean, into the jeep by a Kamajor. Can you tell the court
16 -- My Lord, I will just give him a little bit of time to
17 attend to his eyes, so that his full attention is with me
18 when I'm posing the question, My Lord.

19 PRESIDING JUDGE: Mr Witness?

11:24:06 20 THE WITNESS: Yes, sir.

21 Q. I see you are attending to your eyes -- you are fidgeting
22 with your eyes. Are you comfortable; can you go on?

23 A. Yes, sir. My eyes are aching, but that doesn't have
24 anything to do with my speech.

11:24:34 25 PRESIDING JUDGE: [Microphones not activated] distract your
26 attention -- your attention, too.

27 A. I will carry on, sir.

28 MR JABBI:

29 Q. Now, I was just reminding you of the other incident when

1 a jeep halted before your shop, and you were invited to
2 the jeep. Can you tell the Court what month and the year
3 that incident took place?

4 A. Yes, sir.

11:25:06 5 Q. Yes, please go on.

6 A. December 1998.

7 Q. Thank you. That jeep, when you entered it, first took
8 you to a certain shop where you say there was a spare
9 parts man -- there was a spare parts man in that shop
10 according to you. Did you know the man that time?

11:25:38

11 MR BANGURA: Your Honour, I don't recollect the witness saying
12 a "spare parts man."

13 PRESIDING JUDGE: I mean, its a shop; isn't it? Spare parts
14 man is a spare parts shop. It's just a way of putting
15 it -- it's a shop. They took him to a shop - a spare
16 parts dealer shop, you know, and that is just what
17 counsel is putting to him. I don't see --

11:26:00

18 MR BANGURA: I agree, it may not turn on anything significant,
19 but the --

11:26:10

20 PRESIDING JUDGE: And in any event, there is no dispute, you
21 know, that somebody came out -- anyway, let's go on,
22 please. You can proceed with your cross-examination.

23 MR JABBI: As a matter of fact, My Lord, I'm using the
24 phraseology that the witness was using, "The spare parts
25 man."

11:26:26

26 PRESIDING JUDGE: I see nothing wrong -- I see nothing wrong
27 with that question. Please, go on.

28 MR JABBI: Thank you, My Lord.

29 Q. You were taken to a spare parts shop where, according to

1 you, there was a certain man. Did you know that man at
2 that time?

3 A. Excuse me, My Lord, the person that is interpreting said
4 I was talking to one spare parts man, and I wasn't
11:27:02 5 talking to one spare parts man.

6 PRESIDING JUDGE: May we draw the attention of the person
7 interpreting and translating into Krio to follow the
8 questions attentively, and to translate them faithfully
9 to the witness since it is very, very important. Please,
11:27:24 10 follow the question. If as an interpreter you do not
11 follow the question, ask that it be repeated, and if you
12 do not follow the reply given to this question, ask the
13 reply which is proffered, you know, is repeated. You
14 have to be very careful, because you are a very important
11:27:46 15 component of the credibility exercise that this Court is
16 to carry out to the best of its ability. Thank you.

17 MR JABBI:

18 Q. So I will just go over it. You were taken to a shop for
19 spare parts, and there was a certain man in that shop
11:28:12 20 according to your evidence.

21 A. Yes, sir.

22 Q. Did you know that man at that time?

23 A. I know him.

24 Q. Who was he?

11:28:30 25 A. He was the owner of the spare parts shop.

26 Q. Did you know his name?

27 A. Yes, sir.

28 Q. Can you tell the Court?

29 A. Yes, sir.

1 Q. Yes, please.

2 A. Brima Kpaka.

3 PRESIDING JUDGE: Brima?

4 MR JABBI: Brima Kpaka. K-P-A-K-A, My Lord -- K-P-A-K-A, the
11:29:06 5 surname.

6 PRESIDING JUDGE: Thank you. Proceed, please.

7 MR JABBI:

8 Q. Now, can you also say the address of that shop?

9 MR BANGURA: Your Honour, I'm afraid, the witness, by
11:29:32 10 revealing further details about this man, may be exposing
11 his identity in some ways, Your Honour. The incident
12 that he has narrated to this Court may be within the
13 knowledge, specifically, of certain persons who are
14 following the proceedings.

11:29:40 15 JUDGE THOMPSON: I don't know -- okay.

16 MR JABBI: My Lord, I would also reply that, in that case, the
17 very incident by itself on which he has led him in
18 evidence would also be able to reveal his identity, but I
19 don't think that would be the case, My Lord, of the
11:30:10 20 witness in question.

21 JUDGE THOMPSON: So I will ask learned counsel for the
22 Prosecution to restate that objection if it's an
23 objection.

24 MR BANGURA: Your Honour, it's an objection and --

11:30:18 25 JUDGE THOMPSON: Well, please formulate it legally.

26 MR BANGURA: Your Honour, the answer -- the question asked to
27 the witness, if answered, may reveal facts which could
28 disclose his identity.

29 JUDGE THOMPSON: Whose identity?

1 MR BANGURA: The witness's identity.

2 JUDGE THOMPSON: In what respect?

3 MR BANGURA: Your Honour, in the sense that the specific

4 address that is being asked for could easily link to an

11:30:46 5 incident --

6 JUDGE THOMPSON: Why are you saying "could"? That's

7 hypothesising.

8 MR BANGURA: My Lord, I --

9 JUDGE THOMPSON: You want to be very careful here. We've got

11:30:54 10 in place certain protective measures. You came for them;

11 we gave you a panoply of protective measures, and I think

12 the rationale behind those protective measures was that

13 we should give you measures that would protect this

14 witness's identity for all sorts of reasons; in other

11:31:16 15 words, shield this witness or witnesses from anonymity.

16 And I'm not sure whether we talked about identifying data

17 in respect of other persons with whom, or whose names

18 might come out during the course of the testimony,

19 because now I'm not yet convinced, unless you canvass

11:31:48 20 some more argument that if he mentions the address of the

21 spare parts shop, that would reveal his own identity --

22 MR BANGURA: Your Honour, the --

23 JUDGE THOMPSON: -- because that's the question; in other

24 words, "What is the address of that spare parts shop to

11:32:06 25 which you are taken?" I see a big -- a gap between the

26 two, but if you are able to persuade me that, by giving

27 that answer, his own identity becomes uncovered, then

28 perhaps I might be persuaded.

29 MR BANGURA: Your Honour, we have heard somebody named here,

1 and the witness is now being asked about the address of
2 that person, and Your Honour, the evidence before this
3 Court is that, I believe, on that occasion, this person
4 was also present at the CDF office when he, the witness,
11:32:48 5 was being punished, Your Honour. I believe that
6 evidence, if it comes out fully -- all that information
7 is enough to get that person concerned -- that person --

8 JUDGE THOMPSON: Uncover whose identity?

9 MR BANGURA: The witness, Your Honour.

11:33:10 10 JUDGE THOMPSON: This witness's identity?

11 MR BANGURA: Yes, Your Honour.

12 JUDGE THOMPSON: By giving the address or the name -- the
13 address of the spare parts shop?

14 MR BANGURA: Your Honour, that, put together with the name of
11:33:22 15 the person who was at this spare parts shop, whose name
16 has now been mentioned.

17 JUDGE BOUTET: Mr Defence Counsel, you wish to reply to this?

18 MR JABBI: Yes, My Lords. My Lords, I really cannot at all
19 see in what respect the address of the spare parts shop
11:35:22 20 can reveal the identity of this witness. No evidence has
21 been given as to his connection with that spare parts
22 shop -- as to whether he lived there, and the public knew
23 he lived there. It is just that when he was collected by
24 the Kamajors in the jeep, they went first to a spare
11:35:50 25 parts shop, according to him, owned by one man. So, My
26 Lord, I really cannot see how that can reveal the
27 identity of the witness if we were also to know the
28 address of that spare parts shop. And, My Lord, for the
29 Defence, we also need to do investigations in respect of

1 our defence, and some of the evidence elicited is
2 elicited for that purpose. So if such evidence does not
3 also prejudicially affect the identity situation of the
4 witness giving evidence, I think it is in the interest of
11:36:44 5 justice - all round justice - that that information
6 should be revealed. I don't see any connection with the
7 identity of the witness in question.

8 JUDGE BOUTET: I agree with you that the Defence has to be
9 given every possible latitude to do investigation. This
11:37:04 10 is not the issue, because if it is required -- and if it
11 required -- there are means to do it; you can go in
12 closed session. You can ask every possible question you
13 wish to explore. So it is not whether or not you should
14 be limited; the question is not to limit you. If we feel
11:37:22 15 it is appropriate and we could -- the question is whether
16 or not this line of question could lead to the identity
17 of this witness, as such. I take your question and your
18 objection to be -- your comments to be, pardon me, that
19 the mere fact of answering that question of the address
11:37:36 20 may not reveal the identity of this particular witness.
21 I agree with you to an extent. I am concerned that
22 already the identity of this shop owner -- I don't know
23 how many shops -- spare parts shops there might be in
24 Kenema. If there are two dozen shops, then I agree with
11:37:52 25 you. If there is only one shop, then we are getting into
26 some difficulty. You see, that is the kind of thing,
27 so -- but certainly, once we get the identity of the
28 owner of that shop, it is already placing this witness in
29 that shop, and if you want to know who is the witness,

1 all you have to do now is go and talk to the owner of
2 that shop, you are going to know who the witness is and,
3 therefore, from the public perspective, the owner of the
4 shop is a member of the public.

11:38:14 5 MR JABBI: Indeed, My Lord. My Lord, I --

6 JUDGE BOUTET: And that's the problem I have with this. So
7 again, Dr Jabbi, the purpose here is not to limit you in
8 any way. So if you feel it is important, I will caution
9 prudence, and I would rather go in a closed session and
10 allow you to ask all of these questions.

11 MR JABBI: My Lord, my simple question is just the address of
12 the shop.

13 JUDGE BOUTET: I know.

14 MR JABBI: If the Prosecution think --

11:38:48 15 JUDGE BOUTET: The address in itself, now that the name is
16 out, what have you -- if it is only the address you are
17 pursuing, I will allow that question obviously, because
18 the name of the owner of the shop is in the public domain
19 as we speak.

11:38:58 20 MR JABBI: It's just the address I'm asking for, My Lord.

21 JUDGE BOUTET: So please, go ahead with the address.

22 MR JABBI: Thank you very much, My Lord.

23 Q. Now, can you tell us the address of that spare parts
24 shop?

11:39:16 25 A. My Lord, I am glad to say to you inside this Court that
26 inside this Court I will say they truth, the whole truth
27 and nothing but the truth. What happened in Kenema to
28 me, every young man -- every youth in Kenema knows me.
29 So if this man says I should call all the names of

1 people, and all those that are in the Court's Chamber --
2 the gallery, who are listening, who came from that town
3 would know who exactly is giving the testimony, and you
4 had promised me that you would protect my life, or else
11:40:00 5 you would expose me to them, but I see that, if you ask
6 me all other questions that I have answered, then there
7 would be no security, but if you feel that there is
8 security, well, fine; I have no other alternative.

9 JUDGE BOUTET: Mr Witness, we are very much concerned about
11:40:16 10 your security, and we have -- we are trying to make sure
11 that we are protecting your security and your identity,
12 so -- but you can answer that question, and if it gets
13 into a scenario where we feel that your identity could be
14 revealed and therefore your security threatened, we will
11:40:32 15 move to a closed session. Thank you.

16 MR JABBI:

17 Q. So, can you tell the Court the address of the spare parts
18 shop?

19 A. I don't know the number, but I will be able to locate
11:41:02 20 where the shop is exactly.

21 Q. Where is it?

22 A. Opposite the bus station in Kenema.

23 Q. Where is the bus station in Kenema?

24 A. Main Hangha Road.

11:41:26 25 Q. Thank you.

26 A. Welcome.

27 Q. Now when you went to that shop, according to you, the man
28 in the shop said, pointing at you that, "You are a
29 junta." Can you say why he was calling you a junta?

1 A. I did not know what was in his heart, but if you ask my
2 own view, I will tell you.

3 Q. Yes, tell us your view.

4 A. I believe that one, it is because I sewed for Mosquito
11:42:34 5 and Colonel Issa.

6 Q. You said one. Anything more?

7 A. Yes. Secondly, it is because he did not want the
8 friendship between me and his son.

9 Q. Who was his son?

11:43:14 10 A. Mohamed Kpaka.

11 Q. And who was Mohamed Kpaka to you?

12 A. He was my best friend.

13 Q. I will come back to him, but you said one -- two.

14 Anything more?

11:44:12 15 A. Yes, sir. Thirdly, he knew that I was conscious of all
16 that he did during --

17 Q. Who is "he" in your last statement?

18 A. Brima Kpaka.

19 PRESIDING JUDGE: During?

11:44:56 20 MR JABBI:

21 Q. Yes, during what?

22 A. During the AFRC.

23 MR BANGURA: Your Honour -- may it please Your Honour. Your
24 Honour, I'm a bit concerned that we seem to be moving
11:45:14 25 more and more into situations where names have been
26 mentioned, and I believe that has the tendency of
27 exposing the witness's identity more and more. I would
28 wish to ask that if counsel for the Prosecution [sic] is
29 intending to go deeper into these issues, that perhaps we

1 have a closed session, Your Honour.

2 JUDGE BOUTET: Mr Counsel?

3 MR JABBI: Yes, My Lord. My Lord, I believe it is purely just

4 attendant circumstances of the evidence that has been

11:45:58 5 given that I'm trying to evoke. I do not particularly

6 intend to elicit a litany of names that might trace the

7 identity of this witness. I have no objection to going

8 into closed session, but I do not intend to bother upon

9 the discovery of the identity of this witness, and I am

11:46:28 10 only dealing with the things he has said and some

11 circumstantial and attendant factors to those things that

12 he has said in evidence. I do not think the questions

13 I'm asking are any more likely to reveal his identity

14 than the questions that elicited the evidence he has

11:46:54 15 already given, My Lord.

16 JUDGE BOUTET: You have heard the concerns expressed by the

17 witness himself in this Court about the knowledge he said

18 that the community in Kenema has of his existence, and

19 that he is concerned about his own security. Any

11:47:18 20 information that may come out of this Court that would

21 disclose his identity is of deep concern to this Court,

22 too. However, I have said to you - and I will not change

23 my position in this respect - it is not the intent to

24 restrict, in any way -- you should perform your

11:47:32 25 cross-examination and by -- as you intend to pursue this

26 line of questioning, we will rather move in a closed

27 session as you have no objection, and then you can pass

28 what ever question or identity you wish to ask.

29 MR JABBI: My Lord, I will urge Your Lordships to let me

1 proceed and I will avoid this so-called identities that
2 might be bothering, upon the discovery of the witness.

3 JUDGE BOUTET: Fine. Thank you.

4 MR JABBI: But he was giving a series of reasons why we
11:48:14 5 thought the man was calling him a junta, and he has given
6 three. I just want to ask if he has any more.

7 Q. Do you have any more reason why Brima Kpaka --

8 A. My Lord, I am so glad to explain everything absolutely to
9 this Court, but I am also glad to explain to this Court
11:48:42 10 that, finally, my identity has been exposed, and those in
11 Kenema know what is happening here, and people will open
12 the radio and they know. Circumstantial evidence are
13 there in Court, and the people who listen to you, too,
14 they know that it is this individual that has given this
11:49:02 15 evidence, and for me everybody in Kenema knows me - every
16 young man knows me, every middle-aged man knows me, and
17 even the big people in office knows me, because I have
18 work for almost all of them in Kenema.

19 MR JABBI: My Lords, if I may --

11:49:22 20 JUDGE BOUTET: Just a minute.

21 PRESIDING JUDGE: We've been having consultations. Yes,
22 Dr Jabbi, may we listen to you, please.

23 MR JABBI: Yes, My Lord. My Lord from what the witness said
24 just now, he is not objecting to my questions as such.
11:51:58 25 What he is saying is that the evidence he has already
26 given is enough to identify him. That is what he is
27 saying, My Lord. If, according to him, he is so well
28 known that whatever he said here the people in the
29 audience would know who was saying it, it can only be a

1 question of that factor not having been foreseen or
2 envisaged for any protective measures to be sought from
3 the Court. My Lord, if, according to him, his identity
4 is already known anyway, and he is not particularly
11:52:42 5 objecting to the questions that I am asking, in that case
6 I cannot see the need to even consider the possibility --
7 I cannot see why we should even consider going into
8 closed session with this witness. We, on the side of the
9 Defence, would urge that this evidence proceeds as is at
11:53:16 10 present going on, and it can only be prejudicial to the
11 Defence if the defence are not allowed to proceed with
12 this cross-examination in open session. The witness has
13 not at all objected that my questions elicit answers
14 identifying him. His explanation was that the evidence
11:53:46 15 he has given will let people know him, and that evidence
16 was led by the Prosecution itself.

17 JUDGE BOUTET: Mr Counsel, we've taken note of your comments,
18 and we are still concerned about the security of this
19 witness and any other witness that may come to testify in
11:54:18 20 this Court. This is, as you know, our major concern, and
21 before we give any decision in [inaudible] this matter,
22 we will suggest that we consult and we will come back on
23 this matter. And in this adjournment, we would like to
24 see both leading counsel for the first accused and the
11:54:56 25 leading counsel for the Prosecution in our Chamber.
26 Thank you.

27 PRESIDING JUDGE: The Court will rise, please.

28 [Recess taken at 11.54 a.m.]

29

1 [Upon resuming at 12.36 p.m.]

2 PRESIDING JUDGE: Mr Witness, are you all right?

3 A. Yes, sir.

4 PRESIDING JUDGE: We've been having a consultation with the
12:36:44 5 Prosecution, learned counsel for the Prosecution and the
6 counsel for the respective Defence teams, and the issue
7 is whether we should hear this witness as have been
8 suggested -- as was suggested before we rose in a closed
9 session, or that we should continue to hear him in an --
12:37:26 10 in the open session in which we are, and I think we would
11 like to be briefly addressed on this matter. Can the
12 Prosecution, you know, address us on this very briefly,
13 please, because I would like to have on record, you know,
14 the position of the various parties before we can come to
12:37:50 15 grips, as a court, with the issues that have been raised
16 or the issue that has been raised -- it's just one issue.
17 Should we move to closed session or remain in an open
18 session?

19 MR BANGURA: Your Honour, the Prosecution wishes to ask this
12:38:08 20 Court that the Chamber goes into closed session, Your
21 Honour, for the reason that already counsel for the first
22 accused in his cross-examination has elicited certain
23 answers from the witness which, in our view, are very
24 much likely to expose his identity and, Your Honour, not
12:38:40 25 only that, the witness has himself on two occasions --
26 two times -- raised concerns about his identity being
27 exposed by the answers he gave to questions put to him by
28 counsel for the Defence -- first defendant. Your Honour,
29 in light of this, it is the Prosecution's view that the

1 concerns raised by the witness himself should not be
2 overlooked by this Court. We thus ask that this Chamber
3 moves into closed session. That is all I wish to say.

4 PRESIDING JUDGE: Yes. Can we have -- Dr Jabbi, may we have
12:39:50 5 briefly, please your --

6 MR JABBI: My Lord, I would first want to say that the request
7 that this witness's further evidence and
8 cross-examination move into closed session for the
9 reasons that have been outlined by the Prosecution has
12:40:18 10 been overtaken by events. All the evidence-in-chief has
11 been given, and the concern, as I understand it, of the
12 witness is not so much that his identity is going to be
13 disclosed, but that it has been disclosed, and I cannot
14 see how the objective of going into closed session is
12:40:54 15 going to be achieved when that is already the case.

16 Apart from that, My Lords, as Defence counsel, we put a
17 particular premium on the right of the accused, and the
18 character of this hearing as a public trial, which
19 also brings into focus the right of the public to hear
12:41:28 20 the evidence that is being given. And we would want this
21 Chamber to consider those two rights as pre-eminent and
22 overriding as put against the need to protect the witness
23 by way of closed session. I am quite sure Your Lordships
24 will weigh these factors accordingly, and avoid what I
12:42:04 25 would now call the futility of going into closed session
26 after the evidence-in-chief has already been given.

27 Thank you very much, My Lord.

28 PRESIDING JUDGE: Yes, Mr Bockarie.

29 MR BOCKARIE: Your Honour, inasmuch as I do appreciate the

1 sentiments raised by the witness regarding security, one
2 shouldn't lose site of the fact that that shouldn't take
3 precedence over the accused's right to a fair and
4 public - the word "public" underlined - to a fair and
12:43:14 5 public trial. In a situation where the accused's right
6 to a fair and public trial is being jeopardised, then one
7 has to tread cautiously, Your Honour. Your Honour, I am
8 an ardent believer of one of the maxims of equity which
9 says, "Justice should not only be done, but it should be
12:43:50 10 seen to be manifestly done." And this bring, to mind the
11 right of the public to be a party to these proceedings,
12 sir. Thank you.

13 PRESIDING JUDGE: Mr Williams, please.

14 MR WILLIAMS: Yes, My Lord. We do not have any objections to
12:44:30 15 the application made by the Prosecution, but we would
16 request, My Lord, that an edited version of the testimony
17 that would be given, if at all we went into closed
18 session, be made available to the public. That's all I
19 wish to say, My Lord.

12:45:40 20 PRESIDING JUDGE: Thank you. The Chamber has advised itself
21 on this application, and has given due consideration to
22 the arguments and submissions made by learned counsel for
23 the Defence. The Chamber is of the opinion that the rest
24 of the evidence of this witness will be taken in a closed
12:46:56 25 session. The application for the Prosecution is
26 accordingly upheld, and the reasons for this ruling will
27 be given in a written form in due course. This said, the
28 Court will rise and resume at 2.30 in closed session for
29 a continuation of the cross-examination of this witness

1 in closed session by Dr Jabbi. The Court will rise,
2 please. Court rises.

3 [Luncheon recess taken at 12.48 p.m.]

4 [At this point in the proceedings , a portion of the
5 transcript, pages 44 to 92, was extracted and sealed under
6 separate cover, as the session was heard in Camera]

1 [on resuming at 5.12 p.m.]

2 [HN230904E]

3 [Open session]

4 [The witness entered court]

17:11:38 5 PRESIDING JUDGE: Yes, you can go on, please.

6 MR KAMARA: Yes, Your Honour. It is the wish of the

7 Prosecution to call witness TF2-039.

8 PRESIDING JUDGE: May I remind learned counsel that we are now

9 in open session. We are taking this evidence in open

17:12:46 10 session, although the gallery is deserted, but we are in

11 an open session. And, technically, have things been put

12 in place for us to be in open session?

13 MR WALKER: They have, Your Honour.

14 PRESIDING JUDGE: Good. Okay, thank you.

17:13:12 15 WITNESS: TF2-039 sworn

16 [Witness answered through interpretation]

17 PRESIDING JUDGE: Yes, Mr Kamara.

18 EXAMINED BY MR KAMARA:

19 MR KAMARA:

17:13:54 20 Q. Mr Witness --

21 PRESIDING JUDGE: This would be your 14th witness.

22 MR KAMARA: Yes, Your Honour.

23 Q. Will you tell this Court your age?

24 PRESIDING JUDGE: And he is TF?

17:14:12 25 MR KAMARA: 2-039.

26 Q. Mr Witness, will you tell this Court your age?

27 A. I am 49 years old.

28 Q. Are you married?

29 A. I'm married.

1 Q. And do you have children?

2 A. I have children.

3 PRESIDING JUDGE: You are Mr Joseph Kamara?

4 MR KAMARA: Joseph Kamara, yes, Your Honour.

17:15:04 5 PRESIDING JUDGE: Good. Okay, thank you.

6 MR KAMARA:

7 Q. Mr Witness, will you tell this Court what you do for a
8 living?

9 A. Except I do police work, that is my livelihood.

17:15:30 10 Q. You are a police officer?

11 A. Yes, sir.

12 Q. For how long have you been in the service --

13 PRESIDING JUDGE: Counsel, please, you will try to be as

14 brief -- you know, lead this -- you will try to be as

17:15:44 15 brief in your examination-in-chief as possible. Limit

16 yourself to issues which are relevant, please.

17 MR KAMARA: Thank you, Your Honour.

18 Q. How long have you been in the service?

19 A. I have been in the police force for 29 years.

17:16:08 20 Q. And what are you functions?

21 A. The work that I do in the police force, I am a mechanic,

22 I am an auto electrician, I am a driver.

23 Q. Mr Witness, take it slowly so that the Court will take

24 record of what you are saying. Mr Witness, do you recall

17:16:44 25 the month of February 1998?

26 A. Yes, sir.

27 Q. Tell this Court where you were.

28 A. I was in Kenema.

29 Q. Where in Kenema?

1 A. I was at Kenema police barracks.

2 Q. Mr Witness, do you recall the -- you said you recall
3 February 1998. Did anything happen on that date?

4 A. Yes, sir.

17:17:26 5 Q. Would you wish to tell this Court?

6 A. Yes, sir.

7 Q. What happened?

8 A. I was in Kenema police station.

9 Q. And where is this police station located in Kenema?

17:17:54 10 A. The police station is at Hangha Road -- No. 1 Hangha
11 Road.

12 Q. Yes.

13 A. I was in the police station. Before the time that the
14 thing happened on the 15th of February, the commander and
17:18:22 15 the CPO told us that that --

16 Q. Do you know the name of the commander or the CPO?

17 A. The CPO's name is CO Issa.

18 Q. What did CPO Issa say to you?

19 A. CPO Issa called us all -- all the police officers and
17:18:58 20 said he had received the message that Kamajors and the
21 ECOMOG were coming here.

22 Q. CPO Issa was addressing you. Tell us what he said?

23 A. CPO Issa told us that -- he said when the ECOMOG and the
24 Kamajors are coming to us, we should have white pieces so
17:19:50 25 as to receive them on that particular day that they were
26 coming.

27 Q. Where did CPO Issa address you?

28 PRESIDING JUDGE: He said we should have what?

29 MR KAMARA: White piece of cloths tied in their arms.

1 A. CPO Issa addressed us at the police station assembly
2 hall.

3 Q. Were you present in that address?

4 A. Yes, sir.

17:20:38 5 Q. After the address, did you do anything?

6 A. Well, we did not do anything again, because we were in
7 the station now; we were working. From there I went to
8 my house.

9 Q. At what time of the day was this?

17:21:00 10 A. CPO Issa addressed us on Wednesday -- he told us this.

11 Q. Was it in the morning or in the afternoon?

12 A. It was in the morning hours.

13 Q. Did you observe anything on your way home?

14 A. When I was going to my quarter, I did not see anything
17:21:34 15 until I went to my house.

16 Q. Yes. What happened when you got home?

17 A. When I got home I told my people that the commander said
18 we will have to receive the Kamajors and the ECOMOG;
19 therefore, I wouldn't like anybody to go on walking too
17:22:16 20 much.

21 Q. So having advised your family, did you do anything else?

22 A. I was with them in the house. We were sitting waiting
23 expectantly.

24 Q. Did anything happen?

17:22:38 25 A. We were there Wednesday, Thursday. We did not see
26 anything. Friday we were expecting the people we did not
27 see anything.

28 Q. Who were you expecting?

29 A. We had been expecting the Kamajors and the ECOMOG.

1 Q. Yes. Tell us what happened while you waited?

2 A. Saturday we expected that the ECOMOG and the Kamajors
3 will come. We did not see them. We were there in our
4 quarters, we did not see them. Sunday --

17:23:46 5 Q. What happened on Sunday?

6 A. Sunday in the morning hours, between 9 and 10, because I
7 did not have any watch on me --

8 Q. Yes.

9 A. I went with this white rag on my hand and they told me
17:24:24 10 that they did not want this white rag or piece, but they
11 wanted palm leaves -- palm fronds.

12 Q. Where did you go?

13 A. I went to Capitol that is where I got the information.

14 Q. Did anything happen at the Capitol?

17:24:42 15 A. Capitol, when I went there, I met a lot of young men
16 dancing. They said that the ECOMOG were coming.

17 Q. Did you do anything as a result?

18 A. I stood there. We were not able to see the ECOMOG and
19 the Kamajors. I moved and went down to the police

17:25:22 20 station by Hangha Road.

21 Q. You went back to the police station?

22 A. Yes, sir, but I did not reach the police station.

23 Q. Did anything happen on your way?

24 A. Yes, sir. When I reached Kingsway Street and
17:25:52 25 Kombema road, the junction of Hangha Road --

26 Q. So what happened at that intersection you are referring
27 to?

28 A. That was where we stood looking. Therein, we saw
29 Kamajors coming - they were in a queue from Blama Road

1 coming to Hangha road.

2 Q. How were these Kamajors dressed?

3 A. They had black uniform like a ronko, they had caps on.

4 Q. Were they carrying anything with them?

17:26:50 5 A. When they were coming, they were in a long queue, and the
6 one that was right in front was referred to as the
7 controller and I asked who were these people and they
8 said it is the Kamajors coming.

9 Q. [Microphones not activated] carrying something called
17:27:14 10 control. Could you explain to us so we could benefit;
11 what is this control? Describe it for this Court.

12 A. It was called controller. It was a long stick with a
13 cross -- another stick crossed on the top, and it is
14 called the controller.

17:27:40 15 Q. Were they carrying anything else with them when you saw
16 them?

17 A. When they were coming, they had cutlasses in their hands,
18 they had guns, they had RPGs, and they were coming
19 towards us.

17:28:02 20 Q. Now, these Kamajors you referred to, were they heading
21 for any place in particular?

22 A. They were coming along Hangha Road and I ran away and
23 went to my quarter. When I came to my quarter --

24 Q. Yes, go on.

17:28:34 25 A. I stood up and told my people, I said -- and I told them
26 that, "The people that they said were coming are now
27 coming. I saw Kamajors, I did not see ECOMOG." In fact,
28 the line is so long -- in fact, I left them there and
29 came back to my house.

1 Q. Who were these people you were talking to?

2 A. It was my children. I was talking to my children.

3 Q. So having admonished them, did anything happen?

4 A. So, I went to the place and I saw some singing at Capitol
17:29:24 5 Park. So I went to the football field.

6 Q. You heard singing?

7 A. Yes, sir.

8 Q. Did you know who were singing?

9 A. The ones that were singing were young men. They were
17:29:42 10 singing right in front of the Capitol.

11 Q. Mr Witness, you said you went to the field; at that time
12 you heard singing. Did you see those who were singing?

13 A. Those ones that were singing were young men just like
14 youths.

17:30:02 15 Q. So while at this field did you observe any other thing?

16 A. Yes, sir. I saw Kamajors; they passed through the
17 Capitol going towards the brigade.

18 Q. Would you tell this Court where was this brigade?

19 A. Brigade is in the reservation area.

17:30:32 20 Q. Tell this Court -- you saw them pass to the brigade.

21 A. When I saw that they had gone to the brigade, I returned
22 to my family and told them that, "Hey! My children, let
23 nobody go out again." I said, "The Kamajors have -- a
24 lot of Kamajors have come." And we sat down in the
17:30:56 25 parlour.

26 Q. Mr Witness did you observe any other incident relating to
27 the Kamajors?

28 A. Well, what I saw from my parlour, I was there and about
29 15 minutes time I saw my girl child crying, and I went

1 outside. I saw a man with a sword -- a knife, a long
2 one.

3 Q. This man that you saw, how was he dressed?

4 A. He dressed just like a Kamajor, but the trousers that he
17:31:40 5 wore was black with black ronko shirts and a cap.

6 Q. You mentioned your daughter. How old is your daughter?

7 A. My daughter would be around seven years old.

8 Q. By that time?

9 A. Yes, at that time.

17:32:02 10 Q. Thank you. Now tell this court what happened when you
11 saw this man with the sword?

12 A. When I was in the parlour, my daughter cried. I came out
13 and I saw this man with the sword and he asked me -- and
14 he called me near my kitchen and he said, "Who are you?"

15 [5.35p.m. HN230904F]

16 Q. What was your response.

17 A. I told him that I was a police and I told him that -- I
18 told him that I was not here, you know, I was Levuma.

19 Q. Carry on, Mr Witness.

20 A. When he was asking me -- asking my name and I told him
21 that I was in Levuma. That was when he wanted to ask me
22 another question and I saw another group coming, but all
23 of them were dressed in the Kamajor uniform.

24 Q. [Microphone not activated] -- you saw another group.

25 A. Yes, sir.

26 Q. [Microphone not activated] -- continue.

27 A. They were singing Kamajor songs. They were singing
28 Kamajors songs. They had cutlasses in their hands. They
29 had guns in their hands.

1 Q. Do you know how many there were in that group?

2 A. There were many.

3 Q. Could you tell if there were ten or above ten?

4 A. Well, there were many, but I did not count them and, if I
5 had counted them, I would have known the number, but
6 there are many.

7 Q. All right, Mr Witness, you saw this other group come in.
8 Did anything happen?

9 A. When I saw they were coming into the compound where the
10 man was asking me questions --

11 Q. Yes.

12 A. They said, "Eh, we know this person. We know him; he is
13 not a bad person."

14 THE INTERPRETER: Excuse me, Your Honours. Your Honours, the
15 witness is going too fast.

16 Q. Take your time, Mr Witness. I would wish to remind you
17 that their Lordships are taking down notes and the
18 stenographer is taking down notes as well as the Defence.
19 Take your time, tell your story and we will get it at the
20 end of the day.

21 A. Yes, sir.

22 Q. Take it [inaudible] and recognised you.

23 A. At this -- they said that he knew me.

24 PRESIDING JUDGE: Which group?

25 THE WITNESS: They said they knew me -- they said they knew me
26 and they pushed me and I sat just by my daughter.

27 MR KAMARA:

28 Q. Who pushed you?

29 A. The CO who had that long knife - the CO who had that long

1 knife.

2 Q. What do you mean by "CO"?

3 A. They used to call him CO, that was how he was called.

4 Q. Yes, carry on, please.

5 A. I sat near my daughter and I took my daughter and put her
6 on my lap. That was where --

7 Q. Take your time. You went to your children. Where --
8 where did you go to sit?

9 A. I sat on the veranda. I sat at the veranda. I was sat
10 near them and I took my -- my daughter.

11 Q. Whilst you were sat there, did you observe anything?

12 A. That was the time when OC SSD they came -- OC SSD they
13 came.

14 Q. Who is this SSD, do you remember his name?

15 A. He was called -- he was called Turay - OC SS Turay.

16 Q. You said he came; came to where?

17 A. He came to the CO who had that -- who had that knife. I
18 had to surrender to him.

19 Q. Did you say "either"?

20 A. He said --

21 THE INTERPRETER: Please, Your Honours, let the witness
22 take -- sorry, the Prosecution -- Prosecutor take the
23 question back. There is some confusion here. I think
24 interpreter did not understand what the witness is
25 saying.

26 JUDGE BOUTET: You repeat it back again, please.

27 MR KAMARA: Thank you, Your Honour. I wish the interpreter to
28 take his time and interpret correctly. I heard the
29 interpreter say "either" and I did not hear the witness

- 1 say that. So I was asking the witness if he said that.
- 2 Q. Now, you say you saw this SSD, OC SSD called Mr Turay
- 3 came to this man with a sword?
- 4 A. Yes, sir.
- 5 Q. Why did he come to this man, do you know?
- 6 A. [Microphone not activated] -- and he said he should be
- 7 helped.
- 8 Q. Thank you. Did anything happen to this OC Turay?
- 9 A. When he came to him, one of the men who was dancing in
- 10 the group said -- he said -- he said, "The man -- the
- 11 people that you have been looking for, this is their
- 12 boss."
- 13 Q. Yes.
- 14 A. Then CO told him, "How do you know that you are a
- 15 police?"
- 16 Q. Who was this you were speaking to?
- 17 A. He was talking to OC SSD.
- 18 Q. What was the response of the OC SSD?
- 19 A. OC SSD said -- he said, "I am an officer. Here is my ID
- 20 card," and he raised it. By the time he raised it up
- 21 they chopped his hand.
- 22 Q. Do you know who chopped his hand?
- 23 A. It was the commander -- it was the commander that was
- 24 before them.
- 25 Q. Do you by any chance know the name of the CO?
- 26 A. Later I came to know his name and his name was Brima
- 27 Massaquoi.
- 28 Q. Did anything happen after his hand was chopped, the OC
- 29 SSD?

1 A. After the chopping his hand, blood was all oozing from
2 his hand and he said in Krio saying that, "Don't kill me.
3 Don't kill me," and he reversed.

4 Q. And where were you at this point in time?

5 A. He said I was on the floor with my children in the
6 veranda.

7 Q. Could you estimate to this court how far was your place
8 of lying down to where this incident took place?

9 A. It's like a -- it's like from that table to where I am
10 sitting, because they were just close to my kitchen and
11 to my kitchen at the house.

12 MR KAMARA: [Microphone not activated] -- good with
13 measurements, but it looks like 20 feet, if my learned
14 friends on the other side agree with my calculations.

15 JUDGE BOUTET: You said 20 feet?

16 MR KAMARA: 20 feet, I am suggesting, Your Honours. He said
17 from where he is sitting to the table in front of him.

18 JUDGE BOUTET: The table with the legal adviser?

19 MR KAMARA: The legal adviser, yes, Your Honour.

20 JUDGE BOUTET: Thank you.

21 MR KAMARA: Thank you, Your Honour.

22 Q. You were telling us he was reversing and pleading for his
23 life. What happened?

24 A. As he was reversing and begging and saying, "Don't kill
25 me," then the CO passed an order and said, "Fire!" He
26 was speaking with a Liberian accent -- speaking English
27 with a Liberian accent.

28 Q. [Microphone not activated] -- you are referring to, is it
29 the same Brima Massaquoi, is it, you mentioned?

- 1 A. That is his name.
- 2 Q. For the purposes of the record, could you continue to
3 refer to him as Brima Massaquoi?
- 4 A. Yes, sir.
- 5 Q. Okay. Carry on.
- 6 A. Then -- then Brima Massaquoi said, "Shoot! Kill him!
7 Fire!" And there was rapid firing at that time and I was
8 on the ground. I lay on the ground.
- 9 Q. Upon hearing the firing, did you notice anything?
- 10 A. As the OC was reversing after the flower I saw him. He
11 fell down to the ground. He did not get up again because
12 there was constant firing.
- 13 Q. And from the point where you were in your veranda, you
14 saw this happen?
- 15 A. I said -- I saw -- I saw -- I raised my hand -- my head.
16 I saw. I saw him.
- 17 Q. Did you do anything?
- 18 A. I was -- I was also hiding, you know, I couldn't have
19 done anything. I was in my veranda.
- 20 Q. You saw the OC SSD fall. Did anything else happen?
- 21 A. When OC SSD fell down, it took about ten minutes because
22 we feared -- we feared getting out of the house. A
23 little bit longer I went -- I ran and went to the next
24 block. I went to OC Kowa.
- 25 Q. Now, you said after ten minutes you ran out. Where was
26 this crowd of Kamajors at that time?
- 27 A. When they had passed an order to fire, the group of
28 Kamajors went to the police field.
- 29 Q. Why did you go to see OC Kowa?

- 1 A. What made me go to OC Kowa was Fofana. I told them that,
2 "Eh," I told them that they were firing OC Kowa, but I
3 saw that he had fallen down, but he has not got up.
- 4 Q. [Microphone not activated] -- who was it who had been
5 fired?
- 6 A. The one that was fired was OC SSD, he was the one that
7 was fired.
- 8 Q. Now, you have spoken to OC Kowa. Did you do anything
9 after that?
- 10 PRESIDING JUDGE: OC SSD, is that the man you called Turay?
- 11 THE WITNESS: Yes, sir.
- 12 MR KAMARA:
- 13 Q. And what --
- 14 PRESIDING JUDGE: Now we are on Kowa. Can you tell us
15 who Kowa -- what you did with Kowa, whatever it is?
- 16 MR KAMARA:
- 17 Q. Who is this OC Kowa?
- 18 A. OC Kowa was OC SB Fofana was in at CID. He himself was a
19 sergeant; Sergeant Fofana.
- 20 Q. [Microphone not activated] -- what you mean by OC SB?
- 21 A. OC SB is a Special Branch.
- 22 Q. [Microphone not activated] -- commander of Special
23 Branch?
- 24 A. Yes, sir.
- 25 Q. [Microphone not activated]
- 26 A. Yes, sir.
- 27 Q. You informed him about the death of OC SSD Turay?
- 28 A. Yes, sir.
- 29 Q. What was his response?

- 1 A. He said, "Officer, when that group went by your house I
2 thought they were going to kill you. So what you are
3 going to do, go back to your family."
- 4 Q. So, did anything else happen after your contact with
5 OC Kowa?
- 6 A. I came back to my quarter. I wanted to climb the stairs
7 and my wife -- and my wife told me that, "Do you know
8 that they have killed Sergeant Turay himself?"
- 9 Q. Is this another Turay different from the OC SSD Turay you
10 referred to earlier on?
- 11 A. Yes, sir. Yes, sir. This is Sergeant Turay. It is not
12 OC, this Sergeant Turay.
- 13 Q. Thank you. You were telling us what your wife said to
14 you.
- 15 A. She told me that -- she told me that in fact this
16 firing -- this firing that took place, you know,
17 somebody had been killed. Look at the tar, you know,
18 someone has been killed there. He went -- I went there
19 stealthily and found out whether there was anybody there.
- 20 Q. Did you find anything there?
- 21 A. I went by the tar. I met -- I met Turay -- I met Turay
22 lying down. They shot him.
- 23 Q. [Microphone not activated]
- 24 A. They shot him in the neck.
- 25 Q. You say they referred to Sergeant Turay.
- 26 A. Yes. Sergeant Turay - not OC SSD Turay - Sergeant Turay.
- 27 Q. Where was he shot?
- 28 A. They fired him by the pump in his neck.
- 29 Q. Did you see or observe anything else other than seeing

1 the corpse of Sergeant Turay?

2 A. After I had seen -- after I had --

3 THE INTERPRETER: Your Honours, please, let the witness go a
4 little bit slower.

5 Q. [Microphone not activated] -- who is this Desmond?

6 A. He also was a police officer.

7 Q. What did you notice about Desmond?

8 A. I met him also lying down under a mango tree. He also
9 was chopped and he was killed.

10 JUDGE BOUTET: Pardon me. Where did he see Desmond?

11 MR KAMARA:

12 Q. Where did you see Desmond lying?

13 A. Where -- where Turay's corpse was and where Desmond's
14 corpse was, was not that far at all. He was under a
15 mango tree.

16 Q. How far was the corpse of Desmond to that of Sergeant
17 Turay?

18 A. Sergeant Turay -- Sergeant Turay was lying down where I
19 am sitting here and Desmond was lying down by those
20 steps, right up there.

21 Q. [Microphone not activated] -- estimate, Your Honour,
22 would be something like 25 or 26 [inaudible].

23 JUDGE BOUTET: Very well.

24 MR KAMARA:

25 Q. Did you see any other corpse lying around?

26 A. After this had happened, we did not go out that day,
27 because I was afraid of going out because I, myself, I am
28 a policeman.

29 Q. Mr Witness, I asked you a question whether you saw any

- 1 other corpse other than Sergeant Turay and Desmond you
2 have identified.
- 3 A. Yes, sir.
- 4 Q. Was it on the same day?
- 5 A. Yes, sir.
- 6 Q. [Microphone not activated]
- 7 A. I see --
- 8 Q. Hold it. Hold it. Hold it.
- 9 A. [No interpretation]
- 10 Q. Now, tell us where you saw Momoh Tawol.
- 11 A. [No interpretation]
- 12 Q. And you mentioned another --
- 13 A. Fandai, Fandai and Momoh Tawol were in the same block.
14 They killed them in the same place.
- 15 Q. Yes, which one was the other one?
- 16 A. They killed -- they killed Sergeant Mason. He said close
17 by the Capitol, because this old block was close to the
18 Capitol.
- 19 Q. [Microphone not activated]
- 20 A. His corpse was at the back of his house, say -- which was
21 a path, you know, to go to town. It was a path to go to
22 town. There his body lay, inside the barracks.
- 23 Q. There was another one you mentioned; what is his name?
- 24 A. Mimor -- Mimor -- Mimor was by his -- the door of his
25 kitchen. That was why they killed him.
- 26 Q. So having seen these corpses, did you do anything?
- 27 A. When I seen these corpses, the next day we went to -- we
28 went to Mammy Batta Holist and I told her that they had
29 killed policemen. "What are we going to do?" And then

1 he said we had to talk to COs to see whether it would be
2 possible for us to bury them.

3 Q. Who did you have to talk to?

4 A. Batta should talk to one of the COs who is from Beudu. I
5 didn't know the CO's name, but Batta Holist knew the name
6 of this CO, so I begged her.

7 Q. [Microphone not activated] -- in that police force or
8 some other [inaudible] are you referring to?

9 A. It was a CO from the Kamajor.

10 Q. Did you get permission from the CO Kamajors to do the
11 burial?

12 A. Yes, the CO gave permission to Mrs Batta so that the
13 burial could carry on.

14 Q. Did you yourself talk to the CO for the permission?

15 A. Yes, sir.

16 Q. Tell this Court what you did after you got the permission
17 to bury the other officers.

18 A. After the CO had given us the permission, I went to one
19 church -- I went to a church where all the families had
20 hidden.

21 JUDGE BOUTET: Mr Prosecutor, before you proceed further, I am
22 raising a concern that I have raised earlier with another
23 witness about some of the evidence of this witness when -
24 bearing in mind that this witness is giving evidence in
25 open session this time, I do appreciate there is nobody
26 in the audience, but this is still a public session - he
27 is describing locations, persons and so on, some of whom
28 have testified under protection and the one this witness
29 is describing events at this particular moment, all you

1 have to do is put one and one together and you will know
2 exactly who is who.

3 MR KAMARA: I take your cue, Your Honour.

4 JUDGE BOUTET: I am talking especially of this policewoman and
5 others, so in her evidence she did describe the burial,
6 who was there, what permission and so on. So I am
7 concerned, again, about identity of witnesses. So it is
8 either applicable and applied, or we lift the protection.
9 So, I mean, this is one of your witnesses and I
10 understand your difficulty. I know you are trying to get
11 to that evidence, but I am raising this matter, because I
12 will suggest that we strike out those names from the
13 record for public consumption. So the record is of a
14 public nature. I am concerned that this part will lead
15 to the identification of at least one, if not two,
16 witnesses.

17 MR KAMARA: I concede to that position, Your Honour.

18 JUDGE BOUTET: So I am cautioning you again about these
19 matters, because -- although a name in itself may not be
20 of importance, but a name in context, as such, is.

21 MR KAMARA: I concede to that position, Your Honour.

22 JUDGE BOUTET: Thank you.

23 MR KAMARA: Thank you.

24 Q. So, Mr Witness, I asked you about the -- what did you do
25 once you got permission to do the burial and if you
26 could, Mr Witness - don't worry to mention names of
27 persons - describe the incident for us.

28 A. After -- when they had given us permission, I went to the
29 church and the families came from the church and met me

1 and they said the CO has allowed us, you know, to bury
2 the dead. He said -- and I went and took a pickaxe and a
3 shovel and I dug a mass grave and buried my -- my -- I
4 and my colleagues.

5 Q. Did you do it all by yourself?

6 A. No, I and my colleagues; the policemen that were with me
7 all helped me.

8 PRESIDING JUDGE: [Microphone not activated]

9 MR KAMARA:

10 Q. Now, would you tell us the persons that were buried in
11 that mass grave?

12 A. Yes, sir.

13 Q. Tell this court.

14 A. The first person that we took was OC OSD Turay.

15 Q. Yes.

16 A. We brought Sergeant -- Sergeant Turay.

17 Q. Yes.

18 A. We took Momoh Tawol.

19 Q. Yes. We brought Fandai. We brought Mason. We brought
20 Mimor.

21 Q. We have heard five.

22 PRESIDING JUDGE: Six.

23 MR KAMARA: Six. Yes, Your Lordship, we have six.

24 Q. OC as is this sergeant -- Turay -- Sergeant Turay, Momoh
25 Tawol, Fandai, Mason and Mimor. We have got six.

26 A. There should be seven.

27 Q. Your Honour, Turay, Sergeant Turay, Momoh Tawol, Fandai,
28 Mason and Mimor. We have got six. There should be
29 seven.

1 Q. Okay, Mr Witness, now you dug this grave. Do you
2 remember putting seven or six of these people into that
3 mass grave?

4 A. We took Fandai -- we took Fandai. His wife said he was a
5 church member and that he should be buried separately.

6 [HN230904G 6.05 p.m.]

7 Q. So Fandai was buried separately?

8 A. Yes, sir.

9 Q. What happened to the rest?

18:05:53 10 A. The other ones were buried in the mass grave.

11 Q. Was there any other person that was buried there that is
12 not a police officer?

13 A. There was one that was buried who was not a police
14 officer.

18:06:14 15 Q. Tell this Court the circumstance of that.

16 A. At the time when -- when they attacked Kenema by Kombema
17 Road, when we ran -- when we came, we met that corpse
18 there, and he had soldier's uniform on him.

19 Q. And where was that soldier buried?

18:06:51 20 A. They were not taken anywhere else, so we buried them all
21 in this mass grave with the others.

22 Q. Now, Mr Witness, are you in a position to identify this
23 grave if asked to do so?

24 A. Yes, sir.

18:07:09 25 Q. Thank you, Your Honours. That is all for this witness.

26 JUDGE BOUTET: Although it's getting late a bit, we would like
27 to see if we could not complete the evidence of this
28 witness today, so Mr -- or a counsel for the first
29 accused? Mr Hall?

1 CROSS-EXAMINED BY MR HALL:

2 MR HALL: Thank you, Your Honour.

3 Q. Mr Witness, could you tell us how long the AFRC and the
4 RUF were in control of Kenema?

18:08:17 5 A. Well, I would not know the time now, but I know that they
6 controlled Kenema, but I wouldn't tell you the time.

7 Q. Could it have been six months, a year -- less, more, if
8 you know?

9 A. I wouldn't know, because I would not put the precise
18:08:45 10 time.

11 Q. And when the AFRC and then the RUF were in control there,
12 they also directed what the police would do, did they
13 not?

14 A. Oh, yes.

18:09:06 15 Q. And the police had to do what they wanted, or something
16 bad would happen to them; is that correct?

17 THE INTERPRETER: Would you please repeat the question?

18 MR HALL:

19 Q. The police would do what the AFRC and the RUF wanted, or
18:09:24 20 something bad might happen to them?

21 A. The only thing that they used to tell us to do was that
22 of cleaning the town. That is what they did not tell us
23 to do.

24 Q. And when the AFRC and the RUF were in power, they brought
18:10:04 25 people to the police station to be held in the gaol, did
26 they not?

27 A. Before me, I'm not aware of that.

28 Q. And when the AFRC and the RUF were telling the police
29 what to do, they were helping them enforce order in the

1 community?

2 A. Yes, at that -- I would not be able to tell that, because
3 in the morning I would go to my garage, because I'm a
4 mechanic, so I would not be able to tell you.

18:11:02 5 Q. So you were more a mechanic than a police officer?

6 PRESIDING JUDGE: That's what he said.

7 THE WITNESS: Yes, sir.

8 MR HALL:

9 Q. You did not enforce laws at all?

18:11:27 10 A. Well, if I was ordered to do that, I would do it.

11 Q. And the AFRC and the RUF ordered you to do things?

12 A. I can only do these orders if these orders were passed
13 through my boss. Then I would do them.

14 Q. And would your boss be Turay, or somebody else?

18:12:03 15 A. My boss was Issa, and he was the one that was passing
16 orders directly to me, and I would do them.

17 Q. Was Turay Issa's boss?

18 A. Issa was the CPO.

19 Q. Turay was head of the SSD?

18:12:38 20 A. Yes, sir.

21 Q. And the SSD would detain people -- question them?

22 A. Well, during that time, I cannot go into that, because
23 it's their own office.

24 Q. Did they operate in secret from you?

18:13:10 25 A. Well, it's police work. When they make details in the
26 office, normally I was not there.

27 Q. So you can't tell this Court whether SSD interrogated
28 people for the RUF?

29 A. Not at all, sir.

1 Q. But it's apparent when the Kamajors got to town they were
2 looking for Turay?

3 A. Well, I don't know that, you know. That was their own
4 way. I did not know what happened.

18:14:01 5 Q. You heard them say, when he identified himself, "They
6 were looking for you."

7 A. Well, that was what they said. They said the people that
8 we've been looking for, this is their boss.

9 Q. You heard the Kamajors say that to Turay?

18:14:37 10 A. Yes, sir.

11 Q. And in your examination-in-chief you used the
12 word "chop" -- that they "chopped" his hand; is that
13 correct?

14 A. That is cruel language, but what I meant was his hand was
18:15:14 15 chopped off.

16 Q. His hand was chopped off?

17 A. It was not taken off, but it was chopped.

18 Q. Do you remember giving a statement to the Office of the
19 Prosecutor? This would have been 10 January 2003.

18:16:00 20 A. I cannot remember now.

21 Q. You may not remember the date, but you remember giving a
22 statement; correct?

23 A. They went to me and, when they went to me, I gave a
24 statement concerning what happened when the Kamajors
18:16:30 25 entered the barracks.

26 Q. And you signed the statement that they took from you at
27 the end; do you remember that?

28 A. Yes, sir. I gave statements and I signed beneath.

29 Q. Can you read and write, sir?

1 A. No, sir.

2 Q. But you understand Krio?

3 A. Yes, sir.

4 Q. So somebody took the statement down for you in English
18:17:16 5 and then read it back to you and then you signed it; is
6 that how it happened?

7 A. Yes, sir.

8 Q. I'm going to ask you about page 5 now. I read from your
9 quote halfway down the page: "Kamajor with the long
18:17:36 10 knife slashed OC Turay's hand." Do you remember saying
11 that?

12 A. I said that when OC Turay came, he said, "This is the
13 boss man" and the Kamajor who had the long knife, you
14 know, he -- he chopped his hand but he did not -- it was
18:18:05 15 not removed.

16 Q. Cut it down to the bone?

17 A. No, his hand -- his hand. When he straightened his hand,
18 he chopped it, but he did not remove it.

19 Q. But did you use the word "slashed" to the investigator
18:18:36 20 and Prosecutor, or is that their word?

21 A. I did not get it properly, sir.

22 Q. Do you remember using the word "chopped" back in
23 January 2003, or the word "slashed"?

24 A. In the Krio language, you only say "cut" -- when you say
18:19:24 25 "cut", it will be taken off, but when you say "chopped"
26 -- when you say "chopped", that doesn't mean it's
27 removed. So when you say "cut" in Krio, it means you
28 take off, but when you say "chop" --

29 JUDGE THOMPSON: This witness has admitted not being able to

1 read and write. I reckon what he means is that he's not
2 literate in English, and he speaks and gives his evidence
3 in Krio. I think it would be fairer to this witness,
4 from your perspective, to put to him the word "slash",
18:20:07 5 which you're using from his note -- from the statement
6 there and ask him whether he understands that, whether
7 that is part of his vocabulary, because if you are
8 seeking to make this distinction, quite rightly,
9 between "slash", "chopped" -- because he's talking about
18:20:28 10 "cut", "chopped", "but not removed", and I'm sure that he
11 has that -- that distinction seems to be quite pertinent,
12 so perhaps you might want to test him on your own use of
13 the word "slashed".

14 MR HALL:

18:20:45 15 Q. I take it, Mr Witness, you heard that exchange between
16 the judge and I. Is there a word in Krio for "slashed"?

17 JUDGE THOMPSON: Does he know the concept of "slash", first of
18 all. Remember, the premise here is that he's not
19 literate in English -- that's the assumption. He speaks
18:21:08 20 Krio. Of course, I'm not making an assumption that every
21 concept in English has a rendition in Krio, so if you're
22 really trying to make the distinction for the purpose of
23 the record, why not put to him whether he's familiar with
24 the concept of "slash".

18:21:30 25 MR HALL:

26 Q. You used the word "cut" before and you also used the
27 word "chop".

28 A. When he asked me -- yes -- you know, it was cut a little
29 bit, but it was not removed.

1 Q. It was cut a little bit?

2 A. Yes, sir.

3 Q. The person that gave the order to shoot, you said was
4 Liberian, or had a Liberian accent -- that was the person
18:22:19 5 who ordered Turay shot?

6 A. He spoke Liberian-English -- he spoke English with some
7 Liberian accent saying, "Meh-meh", so that is why I was
8 able to know that he was a Liberian.

9 Q. And he was with the Kamajors?

18:22:55 10 A. The CO?

11 Q. The person who spoke Liberian.

12 A. Yes, sir.

13 Q. Did he act like he was in charge?

14 A. He was the one that was -- he was the one that was
18:23:14 15 leading the team. He was before them.

16 Q. Was he dressed like the others?

17 A. Yes, sir.

18 Q. After all this happened, did you find out who was in
19 charge of the Kamajors there -- any name at all?

18:23:50 20 A. I did not go to know who the head of the Kamajors in the
21 place, but my closest officer was the one that I went and
22 -- so that these people could be buried and he was the
23 one who told me that he knew the person.

24 Q. [Overlapping microphones] he was a Liberian?

18:24:12 25 JUDGE BOUTET: [Microphone not activated]

26 THE WITNESS: I'm not a Liberian -- you see, I'm a Sierra
27 Leonean, you know, and I speak Krio.

28 JUDGE BOUTET: Sorry, Mr Hall, I was trying to intervene or
29 intervene in your cross-examination. Please carry on.

1 MR HALL: I've completed, thank you, Your Honour.

2 JUDGE BOUTET: Thank you.

3 CROSS-EXAMINED BY MR BOCKARIE:

4 JUDGE BOUTET: Mr Bockarie, are you prepared to proceed.

18:24:57 5 MR BOCKARIE: If the Court is --

6 JUDGE BOUTET: Yes, yes.

7 MR BOCKARIE:

8 Q. Mr Witness, you said you heard rapid firing; am

9 I correct?

18:25:10 10 A. Yes, yes.

11 Q. For how long did it last?

12 A. I wouldn't tell you how long it lasted, because I did not

13 have a clock on me, but I mean, it took some time.

14 Q. So you agree that the firing was sustained, isn't it?

18:25:42 15 A. Yes, sir.

16 Q. This firing was when?

17 A. It was Sunday, 15 February.

18 Q. And this firing was in the barracks -- the police

19 barracks -- isn't it?

18:26:02 20 A. Yes, in the barracks where I was living.

21 Q. Now, Mr Witness, you said you had white gloves on. Do

22 you know the meaning of wearing these white gloves?

23 A. Well, they told us that we should tie these white rags on

24 our wrists to show that we are in support of peace.

18:26:38 25 Q. Thank you. Now, did you work during the reign of the

26 AFRC in Kenema? Did you carry out duties as a police

27 officer?

28 A. Yes, sir.

29 Q. And ordered personnel to carry out their respective

1 duties, like officials of the Special Branch -- SB -- am

2 I correct?

3 A. Yes, sir.

4 Q. The CID personnel; is it correct?

18:27:18 5 A. Yes, sir.

6 Q. And, of course, the SSDs, isn't it?

7 A. Yes, sir.

8 Q. Now, during the reign of the AFRC, were the SSDs armed in

9 Kenema?

18:27:42 10 A. Yes, sir, they had guns.

11 Q. Mr Witness, during the reign of the AFRC, there were

12 intermittent clashes between the Kamajors and the AFRC in

13 Kenema; am I correct?

14 A. Yes, I used to see that.

18:28:14 15 Q. And the SSD participated in these clashes on the side of

16 the AFRC, isn't it?

17 A. I did not see that at all with my eyes.

18 Q. Mr Witness, I am putting it to you that the SSD fought

19 alongside the AFRC in Kenema.

18:28:44 20 A. Well, if that's what happened, I was not there. I was

21 there in Kenema, but I did not -- I was not there; I was

22 not present when this happened.

23 Q. Yes, Mr Witness. Now, did the Kamajors work with ECOMOG

24 in Kenema?

18:29:26 25 A. Yes, sir.

26 Q. And you'll agree with me that during this time law and

27 order was being maintained in the township?

28 A. Yes, sir.

29 Q. Thank you. Yes, Mr Witness, you said in your testimony

1 you heard [inaudible] the Kamajors to say to Sergeant
2 Turay, "The people we are looking for, this is their
3 boss," isn't it? You said, "The people we are looking
4 for, this is their boss."

18:30:09 5 A. Yes, that came right into my ear. That is why I said it.

6 Q. Do you remember if they were looking for any other
7 particular person?

8 A. I don't know, sir.

9 Q. You don't know? Now, did you stay in Kenema throughout
18:30:37 10 the reign of the AFRC?

11 A. Yes, sir.

12 Q. And during the reign of the AFRC you resided at the
13 police barracks?

14 A. Yes, sir.

18:30:53 15 Q. Now, I just wanted to have a flashback, if you know. If
16 you don't, just say so. Do you know about an incident
17 when the SSD fired at Kamajors when they were trying to
18 cross to Pujehun?

19 A. I've never gone there.

18:31:19 20 Q. No, do you know of an incident in Kenema where the SSDs
21 opened fire on Kamajors when they attempted to go to
22 Pujehun?

23 A. That was not to my knowledge. That was not to my
24 knowledge.

18:31:43 25 Q. You don't know. Now --

26 PRESIDING JUDGE: When they were going to where?

27 MR BOCKARIE: Pujehun, Your Honour.

28 PRESIDING JUDGE: Pujehun?

29 MR BOCKARIE: Yes, Your Honour.

1 Q. Mr Witness, before the coup, Kamajors were based in
2 Kenema, am I correct? Before the coup in 1997, Kamajors
3 were based in Kenema; am I correct?

4 A. Yes, yes, they were based there.

18:32:26 5 Q. After the coup, Kamajors were asked to surrender to the
6 AFRC soldiers; am I correct?

7 A. I wouldn't know, because in the morning I would go to my
8 garage, so I would remember all those things.

9 Q. Yes, okay. Mr Witness, you just informed us that during
18:33:06 10 the reign of the AFRC the personnel attached to Kenema
11 police station were working. Can you describe this
12 relationship as cordial with the AFRC? The police
13 personnel who worked, would you describe that
14 relationship as being very cordial with the AFRC soldiers
18:33:29 15 at Kenema?

16 A. Which ones?

17 Q. Between the police and the AFRC, could they be described
18 as very cordial at that time?

19 A. They used to work together, you see, and there was no
18:33:55 20 palaver as far as I saw, you know. There was some good
21 rapport between them.

22 Q. Thank you. So you executed your duties as a police
23 officer during that time, didn't you?

24 A. Yes, sir.

18:34:12 25 Q. So, more or less, you were taking orders from the AFRC,
26 weren't you?

27 A. If I took orders -- if I took orders from the AFRC, they
28 must have come through my boss, who is Issa, and not
29 directly from them.

1 Q. Thank you, thank you.

2 MR BOCKARIE: That will be all for him, sir. Thank you very
3 much.

4 JUDGE BOUTET: Thank you. Mr Williams.

18:34:41 5 CROSS-EXAMINED BY MR WILLIAMS:

6 Q. Mr Witness, was it the day that the Kamajors entered
7 Kenema that you went to Capitol Cinema?

8 A. Yes, I went there.

9 Q. And was it that day when the soldiers were killed?

18:35:18 10 A. Yes, sir.

11 Q. On that day there was fighting between the AFRC - that
12 is, the soldiers and the rebels - and the Kamajors on the
13 other; is that correct?

14 A. No, sir.

18:35:41 15 Q. So there was no fighting at all between the rebels and
16 the Kamajors?

17 A. The day that the Kamajors entered in Kenema, there was no
18 fight between the rebels and the Kamajors.

19 Q. Were the RUF -- when they were retreating, they did --
18:36:23 20 when the rebels were retreating, you would agree with me
21 that they carried out a lot of atrocities; is that
22 correct?

23 A. Yes, sir.

24 [6.35 p.m. HN230904H]

18:33:02 25 Q. They burnt houses?

26 A. When the rebels were retreating during that week, I did
27 not witness any burning of houses by them.

28 Q. They looted properties?

29 A. I did not see them taking people's property, but I saw

1 them taking people's vehicle and moving away from Kenema
2 town.

3 Q. Were firing --

4 PRESIDING JUDGE:

18:33:46 5 Q. Taking whose vehicles? Please, I want to get the answer.
6 People's vehicles you say.

7 A. I wouldn't know, but I saw them taking vehicles. Whether
8 these vehicles belonged to them or not, I wouldn't know,
9 but they went with vehicles out of Kenema.

18:34:08 10 MR WILLIAMS:

11 Q. But you know that the vehicles do not belong to them; you
12 know that as a matter of fact?

13 A. Well, I should think so, sir. I do not know whether they
14 were the owners, or their brothers were the owners, but I
18:34:30 15 saw them moving out with vehicles.

16 Q. And you saw and heard them firing indiscriminately --
17 firing their guns indiscriminately; is that correct?

18 A. Who?

19 Q. The RUF.

18:34:56 20 A. That was the day on the 15th, on Sunday. When they were
21 going I saw one of them shooting when they were going
22 towards brigade.

23 Q. So you saw one RUF soldier or one rebel shooting his gun
24 indiscriminately.

18:35:24 25 A. He was shooting in the air and was running at the same
26 time.

27 Q. And, they were -- I mean, there were lots of people
28 firing guns on that particular day.

29 PRESIDING JUDGE: Are you asking him a question? Is that a

1 question or a statement? You want him to adopt your
2 statement to say yes, there were a lot of people --

3 MR WILLIAMS: It is a question, My Lord.

4 PRESIDING JUDGE: Mr Williams, please frame the question
18:36:02 5 properly.

6 MR WILLIAMS:

7 Q. There were lots of people -- you would agree with me that
8 there were lots of people firing guns on that particular
9 day?

18:36:18 10 A. The only people that were being firing guns during that
11 particular day were the Kamajors.

12 Q. So no fighting took place -- you want to tell this Court
13 that no fighting took place between the rebels and the
14 Kamajors on that day?

18:36:40 15 A. No, not at all, sir.

16 Q. And it was only one RUF soldier you saw firing his gun
17 indiscriminately?

18 A. It was only one that I saw firing one after the other and
19 running towards brigade.

18:37:10 20 Q. And the following day there was also firing of weapons
21 between the soldiers and the Kamajors?

22 A. I wouldn't be able to know that particular day, because I
23 did not know where the firing took place.

24 Q. It was the following day that you went to the house of
18:37:40 25 Sergeant Fofana and OC Kora (phonetic) you recall that
26 vividly?

27 A. That had already passed. A few days later when we were
28 in the house, we heard firing at brigade in the morning
29 hours. In the morning hours there was firing that was

1 coming from the direction of Kombema, from the back of
2 the Hospital Kisco (phonetic) KSS. There was firing from
3 that particular end of the school. I saw people.

4 Q. And then you were told that the RUF had launched an
18:38:30 5 attack on the Kamajors?

6 A. They were coming towards Kenema Town, but unfortunately,
7 the ECOMOG went in order to attack them.

8 Q. To attack who?

9 A. To attack those that were coming. So I wouldn't know.

18:39:02 10 Q. But you were told that the RUF had launched an attack on
11 the township?

12 A. We heard that later. It was people that came and
13 informed us. The people --

14 Q. Go on.

18:39:28 15 A. The people told us that the ECOMOG had stopped those
16 people that were firing towards the town.

17 Q. But you will agree with me that fighting actually took
18 place after that Sunday -- fighting actually took place
19 between the AFRC and the Kamajors after the Sunday the
18:39:40 20 Kamajors entered?

21 A. No, sir; no sir.

22 PRESIDING JUDGE: The witness has answered this question. Try
23 to -- don't give the impression, you know, that you are
24 going forwards and coming backwards and so on, you know.

18:40:12 25 He has answered that question, Mr Williams.

26 MR WILLIAMS:

27 Q. You -- in your evidence-in-chief, you said when you were
28 approached by -- all right, let me ask you. During the
29 nine-month period of the AFRC, where were you based?

1 A. I was all the time in Kenema.

2 PRESIDING JUDGE: [Microphones not activated] all the time in
3 Kenema during the AFRC time.

4 MR WILLIAMS: No, My Lord, with respect, he did not say that.

18:40:44 5 PRESIDING JUDGE: He did.

6 MR WILLIAMS: No, My Lord, My Lord, My Lord, the records --

7 PRESIDING JUDGE: I say I have him on my record here.

8 MR WILLIAMS: My Lord, I also have him on record as saying
9 something different.

18:40:54 10 PRESIDING JUDGE: Well --

11 MR WILLIAMS: Yes, I will read what he said --

12 PRESIDING JUDGE: I say I have him on my record as saying that
13 he was in Kenema all along during the AFRC --

14 MR WILLIAMS: My Lord, my impression of the evidence is

18:41:06 15 different, that is why I'm pursuing it.

16 PRESIDING JUDGE: Well, I'm trying to put you on track as to
17 what I have on my records.

18 MR WILLIAMS:

19 Q. Did you say to this Court that you were at Laveuma -- you

18:41:22 20 told the Kamajors that you were at Levuma? Did you say
21 that to this Court?

22 A. Levuma?

23 Q. Yes. [Microphones not activated] asking me questions.

24 You said when the Kamajors approached you, you told them

18:41:28 25 that you were at Levuma during -- just a second, please.

26 Just hold on.

27 A. I was in Levuma. It was in Levuma that I stayed
28 initially.

29 Q. So you told this Court that during the AFRC period you

1 were at Levuma for part of the time; is that correct?

2 A. I was in Levuma for some time.

3 Q. For how long?

4 A. I cannot just remember the time -- how many months I
18:42:12 5 stayed there.

6 Q. And then Levuma is out of Kenema; is that correct?

7 A. Yes, sir.

8 Q. And, could you -- you also told the Court that when you
9 returned back to your family, you told them to stay
18:42:34 10 indoors?

11 A. Yes. When I left the station -- I am in Kenema now --
12 that was on Sunday. When I was in Kenema near the police
13 station towards Hangha Road, Kingsway Street,
14 Kombema Road junction, when I saw the movement of
18:43:04 15 Kamajors coming towards us, that was the time when I
16 returned to my house and admonished my family to stay
17 indoors.

18 MR WILLIAMS: No further question, My Lord.

19 JUDGE BOUTET: Prosecution?

18:43:44 20 MR KAMARA: No re-examination, Your Honour.

21 JUDGE BOUTET: Thank you.

22 PRESIDING JUDGE: Well, learned counsel, thank you. We've, I
23 think -- you said you have no re-examination?

24 MR KAMARA: Yes.

18:44:38 25 PRESIDING JUDGE: Right. We would be rising, and tomorrow we
26 are asking the Prosecution to have a witness, you know,
27 to stand by just in case, you know, we have some time to
28 take on this witness after listening to possible --
29 possible motions, if there are any. So we would rise now

1 and we will resume -- we have not yet risen, Mr Bockarie,
2 are you very tired? We are still sitting down.

3 Mr Bockarie is tired. You've closed a bit late today;
4 I'm sure you were waiting for Mr Williams to wrap it up

18:45:26 5 quickly before -- because you are becoming impatient.

6 Well, we shall rise and resume the session tomorrow at
7 10.30 -- at 10.30, please. The Court will rise.

8 [Whereupon the hearing adjourned at 6.45 p.m., to be
9 reconvened on Wednesday, the 22nd day of September 2004,
10 at 10.30 a.m.]

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