

THE SPECIAL COURT FOR SIERRA LEONE

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

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

FRIDAY, 24 SEPTEMBER 2004  
10.45 A.M.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison  
Mr Clemens Daburon (intern)

For the Registry:

Ms Maureen Edmonds  
Mr Geoff Walker

For the Prosecution:

Mr Raimund Sauter  
Mr Kevin Tavener  
Ms Bianca Suciu (Case manager)  
Mr Alex El Jundi (intern)

For the Principal Defender:

Ms Haddijatou Kah-Jallow  
Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Bubakei Jabbi  
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie.  
Ms Phoebe Knowles

For the Accused Allieu Kondewa:

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana

1 Friday, 24 September 2004  
2 [The accused Kondewa entered court]  
3 [The accused Norman and Fofana not present]  
4 [Open session]  
10:40:18 5 [Upon commencing at 10.45 a.m.]  
6 JUDGE BOUTET: Good morning. We thought we might be able to  
7 deliver some decisions at this time this morning, but  
8 we're still working on the -- some of these decisions  
9 and, hopefully, it will be ready by today, but not at  
10:41:57 10 this time. And we have no indication, at this moment,  
11 that there is any motion to be dealt with other than  
12 those outstanding motions that we have under deliberation  
13 at this moment so, in those circumstances, we will  
14 proceed to hear a witness.  
10:42:16 15 So, Prosecution informed us last night -- or not  
16 last night, at the end of the day, that he had another  
17 witness ready.  
18 MR MARGAI: Sorry, My Lords. May it please, Your Lords, I  
19 honestly was not --  
10:42:36 20 PRESIDING JUDGE: Mr Margai, how are you feeling this morning?  
21 The voice re-assures us that --  
22 MR MARGAI: Yes, I think I'm on the way to recovery. I thank  
23 Your Lordships and --  
24 JUDGE BOUTET: Welcome back.  
10:42:50 25 PRESIDING JUDGE: We're having the effect of an in-built  
26 amplifier.  
27 MR MARGAI: My Lords, as I was saying I honestly was not of  
28 the understanding that advanced notice of motions should  
29 be given before Friday. I'm sorry for not having done



1 that. That, perhaps, was due to the fact that I was not  
2 quite of that view and, secondly, my absence. Now,  
3 before I left here, there was an issue which had been  
4 partially addressed by my colleague Whitaker on the  
10:43:33 5 re-visiting or, rather, variation of the protective order  
6 that was made by this Court on the 8th of June 2004.

7 I believe my learned friend Whitaker extensively  
8 dealt with the issue and, much as I have not got the  
9 transcript proper, but a draft of the transcript, Your  
10:44:12 10 Lordship's comments have also been noted. Subject to the  
11 convenience of this Court, I would ask that I be given  
12 leave to -- to move the motion orally, as has been told  
13 to us by the Bench that we could make oral  
14 applications -- because of the seriousness of the matter,  
10:44:37 15 having regard to the varying experiences we have had in  
16 the last couple of days from witnesses saying under oath  
17 that they would not mind testifying outside of the  
18 screen.

19 PRESIDING JUDGE: Yes, Mr Margai, you know, you should take a  
10:44:56 20 cue from your own expression, you know. Wouldn't you  
21 think, you know, that because of the seriousness of the  
22 matter, as you yourself, you know, have said, that it  
23 would be better for us to be seized of this motion in  
24 writing?

10:45:16 25 MR MARGAI: Well, if that's the view of the Bench -- in fact,  
26 I had anticipated that that would be the reaction. I was  
27 forewarned by Phoebe that, in fact, the judges would  
28 prefer that and we have already begun preparing one. It  
29 is in a skeletal form; we hope to beef it. But I was



1 just taking a chance, but I'm prepared to concede and I  
2 do concede. We shall file it, God willing, on Monday so  
3 that the other side will have an ample opportunity of  
4 knowing what the arguments are and they can also  
10:45:57 5 counter-force to be able to sway the Bench one way or the  
6 other in not only reviewing, but perhaps varying it in  
7 the interest of justice. Much obliged.

8 PRESIDING JUDGE: You're welcome.

9 MR MARGAI: Thank you. My Lord, sorry, because of the  
10:46:15 10 urgency, might I, at this stage, ask for an abridgement  
11 of time for responses?

12 JUDGE BOUTET: File your motion and we'll act accordingly.

13 MR MARGAI: As My Lords please. Thank you.

14 JUDGE BOUTET: Yes, Mr Prosecutor.

10:46:35 15 MR TAVENER: At this time I would like to provide the Court  
16 notice or make an application in respect to Witness  
17 TF2-223. That witness was going to be called later in  
18 the session; however, the way in which the matters are  
19 proceeding and upon a review of the witnesses, the  
10:46:57 20 Prosecution now proposes to call this witness earlier  
21 than anticipated, that is Witness TF2-223. He will be  
22 called slightly out of order. Application is made that  
23 TF2-223 testify in closed session. Now, obviously, there  
24 has been no notice given to Defence. They may well want  
10:47:20 25 some time to consider the position, but I can make the  
26 general application that that witness be allowed to  
27 testify in closed session, primarily because --

28 PRESIDING JUDGE: What is the witness number again?

29 MR TAVENER: 223.



1 PRESIDING JUDGE: TF?

2 MR TAVENER: TF2-223. I won't canvass the particular sections  
3 and the law, that has been provided by this Court, at  
4 this time until it is required, but the general  
10:47:49 5 submission is because this witness is an insider and the  
6 details that he will be required to give will explain why  
7 he is in possession of the evidence he is able to testify  
8 about and will inevitably lead to the disclosure of his  
9 identity. To provide details we would require a closed  
10:48:11 10 session in itself as to the nature of his evidence.

11 Consideration was given by the Prosecution as to  
12 whether or not part of this witness's testimony could be  
13 given in closed session. However, the nature of his  
14 evidence is such that it is so intertwined that that  
10:48:28 15 appears to be very difficult. We have not completely  
16 given away that prospect and we will be considering over  
17 the weekend whether a partial estimate could be given in  
18 closed session and the remainder in open session. At  
19 this stage, the application is that it will be a closed  
10:48:46 20 session simply because as to what this witness knows, he  
21 could only know what he knows because of the -- his  
22 connection to the various accused.

23 PRESIDING JUDGE: The problem is, I mean, when you start  
24 segmenting the evidence for you to determine which can be  
10:49:07 25 given in open session and which can be given in closed  
26 session, it is a matter for concern, you know, and given  
27 the fact that the rule is that the hearing should be  
28 public. This is the concern of the Chamber and we had --  
29 I think it was on the suggestion of the Defence,





1 establish a tradition that if we have to go into the  
2 merits of the application for a matter to be heard in  
3 closed session, the application should also be heard in  
4 closed session, you know, for us to determine whether we  
10:49:52 5 should again move into a closed session.

6 I don't know, these are my reservations, you know,  
7 on the testimony -- if some of the testimony has to be  
8 given in public, I mean, up to what stage and should we  
9 be moving in public -- in closed session or public  
10:50:11 10 session? You know, depending on what you decide, you  
11 know, as the Prosecution, you know, to present in public  
12 and what you decide to present in open session.

13 MR TAVENER: That's correct. And that's why I've raised the  
14 matter now. We've considered only leading evidence of  
10:50:33 15 identity in the closed session; however, the nature of  
16 his evidence is such that the intertwining of identity  
17 and his knowledge precludes us from, I'll submit, having  
18 a partial -- a closed session and partial open session.  
19 I've raised this matter now to give people an opportunity  
10:50:52 20 to consider and still give the Bench an opportunity to  
21 consider how best to proceed, bearing in mind the  
22 comments of Your Honour just now and before.

23 JUDGE BOUTET: Just for my own understanding, is this the  
24 witness you intend to call now?

10:51:08 25 MR TAVENER: No, it isn't.

26 JUDGE BOUTET: This is for a witness that you're likely to  
27 call in the coming week?

28 MR TAVENER: That's correct, Your Honour, and that's why I  
29 have raised the matter now.



1 JUDGE BOUTET: Just for timing, this is not the witness we're  
2 about to hear; is it the next one?

3 MR TAVENER: No. The other witness will be called on Monday.  
4 It is anticipated this witness will probably commence  
10:51:33 5 testifying on Tuesday, perhaps Wednesday, depending on  
6 timing.

7 JUDGE BOUTET: Thank you.

8 JUDGE THOMPSON: I would like to ask the question: How would  
9 you respond to an observation that the closed session  
10:51:52 10 requirement, if it becomes so frequent, has a very high  
11 potential of undermining the efficacy of judicial  
12 guarantees that accused persons are entitled to, in the  
13 context of a fair and public trial and also the interests  
14 of the international community, that those who are facing  
10:52:21 15 trials or being tried by international tribunals should,  
16 indeed, be able to have their trial in a setting which  
17 clearly does not reflect or is reminiscent of secret or  
18 in camera proceedings of past years. Having said that,  
19 I'll await your response.

10:52:58 20 MR TAVENER: Could I first say, Your Honour it is not a secret  
21 hearing in that the accused are present. They are aware  
22 of the identity of the person. The only issue, really,  
23 in dispute, which may impact on a fair trial, is whether  
24 or not the public are informed as to the nature of the  
10:53:15 25 evidence. That is the only issue.

26 JUDGE THOMPSON: Let me interject there that, there is a very  
27 strong inter-connection or inter-relationship between the  
28 right of an accused person to a fair trial, of course,  
29 which guarantees the fairness or the processes which we



1 put in place to determine his guilt or innocence of  
2 heinous crimes, as alleged and, also, the perception that  
3 justice is being done, the concept of transparency and  
4 open trials which are, in fact, essential ingredients of  
10:54:04 5 the right of an accused to a trial. I don't think we can  
6 rigidly segment them. The interests, clearly, are  
7 intertwined and it is that inter-relationship when  
8 scrupulously observed and given full efficacy that  
9 results in the end product which we succinctly call  
10:54:34 10 justice.

11 MR TAVENER: I accept what Your Honour is saying, however one  
12 of the unique features of the Special Court is the  
13 hearing takes place in the country where the events  
14 occurred and that's been noted a number of times; that  
10:54:47 15 then raises the issue of security of the particular  
16 witnesses.

17 One of the issues which certainly will be a concern  
18 to the witnesses, both before and after this Court is  
19 completed, is their safety. So, when there is a balance  
10:54:59 20 between the need for the public to know and a person's  
21 safety, not only now in the immediate time frame, but in  
22 the future, the Prosecution would submit that the balance  
23 must always go to the safety of the witnesses.

24 Secondly, as this Tribunal, the Special Court, is,  
10:55:19 25 in effect, providing a role model or template for future  
26 courts. One matter that must have a very high  
27 significance is the confidence of witnesses to testify,  
28 the ability for the Court to create a situation in which  
29 witnesses can testify without concern about their future



1 and, indeed, the public can be satisfied that the  
2 witnesses are being adequately protected.

3 JUDGE THOMPSON: Equally important, too, is the public  
4 perception of the transparency and openness of our  
10:55:57 5 proceedings. The difficulty, of course - and I recognise  
6 that it is not an easy matter to resolve - is at what  
7 point in time do we reconcile these various conflicting  
8 interests? I don't know whether this request is going to  
9 come over and over again, and that again, is one concern  
10:56:22 10 which I have.

11 MR TAVENER: As Your Honour will appreciate, there are degrees  
12 of protection asked for or requested in respect of  
13 witnesses. There are witnesses who are concerned about  
14 their safety generally and certain measures are put in  
10:56:37 15 place. As a matter of logic, a witness who is testifying  
16 from within the organisation must be at greater risk. As  
17 a matter of human nature the person with whom you are  
18 going to have the most animosity towards is someone who  
19 you've worked with, someone you know, someone who you  
10:56:54 20 trusted at one stage. Clearly, that is the position the  
21 insiders are placed in, because they are giving evidence  
22 against their fellow colleagues, hence the need to  
23 protect them must rise. That is why, when you anticipate  
24 a person testifying from within the organisation, needs a  
10:57:13 25 greater degree of protection. It simply is --

26 JUDGE THOMPSON: The protection is already given in terms of  
27 their identity, but the question of the testimony to the  
28 public, the right of the public to know. Well, I'll say  
29 no more at this point, but those are my concerns.





1 MR TAVENER: If I could just comment on that, Your Honour. If  
2 the testimony can be separated from the testimony that  
3 identifies a person, then that is why the Prosecution  
4 intends to, as much as possible, confine that evidence.  
10:57:44 5 The difficulty with this particular evidence is the  
6 position that the witness held and, therefore, without a  
7 great deal of analytical thought, one could work out who  
8 the witness is.

9 JUDGE BOUTET: We are just trying to determine how best to  
10:58:04 10 deal with your application.

11 [Trial Chamber confer]

12 MR MARGAI: My Lord, I'm not sure whether you're going to hear  
13 from our side before you give a ruling.

14 PRESIDING JUDGE: On the merits?

11:00:59 15 MR MARGAI: I think so.

16 PRESIDING JUDGE: We cannot swallow who plan and think, you  
17 know, without hearing from you.

18 MR MARGAI: It is a very serious application and I think we'll  
19 try not to talk for more than two minutes.

11:01:16 20 PRESIDING JUDGE: You will certainly be heard, but just be  
21 patient, Mr Margai.

22 JUDGE BOUTET: We are deliberating to see whether we would  
23 take this application now or later, because there is --  
24 and the obligation, obviously, is that if it is to be  
11:01:37 25 heard, it should be heard in closed session to know  
26 exactly what is happening. So, we'll hear the  
27 application later in the day, because we will proceed now  
28 with the witness who is waiting. There are members of  
29 the public that are attending at this particular moment,



1 and to save our moving into a closed session at this  
2 juncture, as such, I don't think would be appropriate.  
3 We'll do it later. But, Mr Margai, we will proceed to  
4 hear the witness who is waiting to be heard now. This is  
11:02:12 5 not a witness whose testimony is in closed session.

6 MR TAVENER: No, Your Honour. Thank you.

7 JUDGE BOUTET: Thank you. And, obviously, at the time when we  
8 get to that stage in the afternoon - I think it will be  
9 in the afternoon given the time of day we're at now -  
11:02:25 10 we'll hear, certainly, from the Defence. You'll be given  
11 full opportunity to argue.

12 MR MARGAI: I'm grateful. Thank you very much.

13 JUDGE BOUTET: So are you ready to proceed with your witness,  
14 please?

11:02:38 15 MR TAVENER: Yes, thank you. The next witness is TF2-041.

16 [The witness entered court]

17 THE INTERPRETER: My Lord, which language is the witness going  
18 to use?

19 JUDGE BOUTET: Mr Prosecutor, can you inform the Court as to  
11:05:21 20 the language the witness will be speaking for the  
21 interpreters?

22 MR SAUTER: He is giving his testimony in Mende.

23 JUDGE BOUTET: In Mende, thank you.

24 PRESIDING JUDGE: Mr Sauter, you think you will be on your  
11:07:25 25 examination for about how long?

26 MR SAUTER: At most, one hour, Your Honour.

27 PRESIDING JUDGE: At most, one hour. Yes, thank you.

28 JUDGE THOMPSON: And confirm, this is your 15th witness?

29 MR SAUTER: According to my note, it is the 15th witness, yes.



1 JUDGE BOUTET: Go ahead, please. Please proceed, Mr Prosecutor.  
2 WITNESS: TF2-041 sworn  
3 [The witness answered through interpretation]  
4 EXAMINED BY MR SAUTER:  
11:09:10 5 MR SAUTER: Thank you.  
6 Q. Mr Witness, some general remarks before you start with  
7 your testimony. Please speak slowly. The judges take  
8 notes of everything that you're saying. Your testimony  
9 has to be recorded and it has to be translated into the  
11:09:30 10 English language, so please speak slowly. Listen to  
11 thoroughly to the questions and answer only what you're  
12 asked. And we --  
13 PRESIDING JUDGE: And, Mr Witness, if you do not know the  
14 answer to a question, you say you do not know. If you  
11:09:59 15 know, give the answer as you know it. Do you understand?  
16 THE WITNESS: Yes.  
17 PRESIDING JUDGE: If you do not understand the question, you  
18 can ask for it to be repeated so that you can understand  
19 it, okay?  
11:10:19 20 THE WITNESS: Yes.  
21 MR SAUTER:  
22 Q. Please be careful what you're saying not to identify  
23 yourself by your answers. Do you understand this?  
24 A. Yes, yes.  
11:10:32 25 Q. Mr Witness, as you can see, there are protective measures  
26 in place in order to protect you and to keep your  
27 identity secret. Did you ask for these protective  
28 measures?  
29 A. Yes, yes.



1 Q. Mr Witness, let me ask you some questions to your  
2 personal data. You're 40 years of age; is this correct?  
3 A. Yes.  
4 Q. You were born in Beudu?  
11:11:18 5 A. Yes.  
6 Q. You are married; that's correct?  
7 A. Yes.  
8 Q. You have three children?  
9 A. Yes.  
11:11:28 10 Q. You are able to read and write?  
11 A. Yes.  
12 Q. What is your profession, please?  
13 PRESIDING JUDGE: He is able to read and write what?  
14 MR SAUTER:  
11:11:50 15 Q. Which languages are you speaking and which languages can  
16 you read and write?  
17 A. English. I can read and write English.  
18 Q. Any other languages?  
19 A. Yes, Mende.  
11:12:16 20 Q. Thank you. Once again the question: What is your  
21 profession?  
22 A. I'm a policeman.  
23 Q. And when did you start to work as a police officer?  
24 A. 1990.  
11:12:42 25 Q. Thank you, Mr Witness. Now, we come to the year 1998.  
26 Can you recall where you have been in the year 1998?  
27 A. Yes.  
28 Q. Please tell us.  
29 A. In 1998 I was in Blama.





- 1 Q. And what did you do in Blama?
- 2 A. I was still doing my police job in Blama.
- 3 Q. Could you please tell the Court how the situation in  
4 Blama was in the year of 1998?
- 11:13:32 5 A. In 1998 there was no problem except in February 14th --  
6 15th, February 15th, on that day, on the 15th - that was  
7 on Sunday - when we had come from church, went to the  
8 barracks. When we went there, it was not long, then we  
9 heard the sound of gunshot in the whole town. It was not  
11:14:28 10 long again when we saw Kamajors coming into the barracks.  
11 They were shooting in the air.
- 12 Q. Sorry to interrupt you, let's go a step back. You said  
13 the "Kamajors came". Does that mean that the Kamajors  
14 on -- before this February 14th or 15th 1998 had not been  
11:14:55 15 in Blama?
- 16 A. No, they weren't there.
- 17 Q. Who controlled Blama at this time?
- 18 A. Nobody -- at that time nobody was there, because the  
19 juntas had gone.
- 11:15:17 20 Q. When you say juntas, who do you mean?
- 21 A. The soldiers and RUF.
- 22 Q. And when did they leave Blama?
- 23 A. They left Blama February -- February 11th, that's when  
24 they left Blama.
- 11:15:51 25 Q. Can you recall the workday, the day of the week when the  
26 juntas left Blama?
- 27 A. I said it was on the 11th.
- 28 Q. I mean the workday, was it a Monday, Tuesday, Wednesday  
29 and so on?



1 A. Wednesday, the 11th, Wednesday the 11th.

2 Q. Before they left Blama, did they control Blama?

3 A. Yes.

4 Q. Can you remember when they came to Blama and took over  
11:16:54 5 control?

6 A. Yes. It was in 1997.

7 Q. Did anything special happen in 1997 which, to your  
8 knowledge, made the soldiers or the juntas come to Blama?

9 A. Yes. That was when Kabbah was overthrown. That was the  
11:17:42 10 time.

11 Q. And you said junta is soldiers and I think you said RUF.  
12 Do you remember when junta -- when soldiers and RUF  
13 joined?

14 A. At the time when the juntas overthrew Kabbah, that's when  
11:18:17 15 they invite the RUF to come and join them.

16 Q. How was the relationship between the juntas and the  
17 citizens of Blama?

18 A. The soldiers and the rebels they were very cordial.  
19 There was no problem between them.

11:18:53 20 Q. Between who, the soldiers and rebels, or the juntas and  
21 the citizens of Blama? So, once again, how was the  
22 relationship between the juntas, which means soldiers and  
23 rebels, and the citizens of Blama?

24 PRESIDING JUDGE: Soldiers first, soldiers, first, please -  
11:19:18 25 whatever you're calling them, junta or whatever - before  
26 you come to the citizens or the civilians?

27 MR SAUTER: Well, the question --

28 JUDGE THOMPSON: Is it conjunctive, soldiers and rebels being  
29 characterised as junta? Is that what you are doing?



1 That is what I got as my answer.

2 MR SAUTER: You said before -- [overlapping microphones] --  
3 characterised and soldiers and rebels.

4 JUDGE THOMPSON: Yeah, and you're putting it to him that -- or  
11:19:47 5 you're asking him what?

6 MR SAUTER: My question was: How the relationship between  
7 juntas and the citizens were?

8 JUDGE THOMPSON: Of course, juntas meaning rebels and  
9 soldiers, right. All right.

11:20:02 10 MR SAUTER:

11 Q. Did you understand the question? Once again the  
12 relationship between juntas and the citizens of Blama?

13 A. What I saw with my eyes, there was no problem. They were  
14 living peacefully with one another.

11:20:32 15 Q. Did the soldiers and rebels have barracks in Blama?

16 A. No, there was no barracks. They were living in people's  
17 houses.

18 Q. So, now, how was the relationship between police and  
19 juntas in Blama at this time, starting 1997 after the  
11:21:04 20 government Kabbah has been overthrown? Do you understand  
21 my question? The relationship between police and juntas?

22 A. When they came, they were wielding power and we were they  
23 were forcing the policemen to do their work and our job  
24 was to protect people and property.

11:21:42 25 PRESIDING JUDGE: [microphone not activated] -- the  
26 relationship, does that answer your question?

27 MR SAUTER:

28 Q. Let me rephrase my question, please. Could you, as  
29 police officers, during this time, perform your police



1 duties properly?

2 A. Yes, we were working together. We were working together  
3 cordially.

4 Q. That was not really my question, but I take it that you  
11:22:19 5 worked together cordially. Could you, as police  
6 officers, do whatever was necessary to perform police  
7 duties?

8 A. No, we had no chance to do that. They didn't give us any  
9 chance. They would ask us out of our offices at times,  
11:22:44 10 so there was no way we could perform our duties properly.  
11 At some other times they forced us to do it.

12 Q. Did you, as a police force, have to obey the orders of  
13 the juntas?

14 A. Yes, we obeyed them, because if we didn't obey them, they  
11:23:17 15 will kill you.

16 Q. So coming to the point in time when the juntas left  
17 Blama, you said it was on a Wednesday, 11th of February  
18 and you said, furthermore, the Kamajors came on the 15th  
19 of February 1998. Can you remember the weekday when the  
11:23:52 20 Kamajors came, 15th of February?

21 A. Yes, it was on Sunday.

22 Q. So, am I right that the juntas left Blama four days  
23 before the Kamajors came?

24 A. Yes.

11:24:27 25 Q. Do you know anything about an operation "Operation Pay  
26 Yourself"?

27 A. Yes.

28 Q. What does that mean "Operation Pay Yourself"?

29 A. When the juntas were leaving Freetown, they were -- they





1 were looting people's property and taking them away.  
2 Q. Excuse me, you mean Freetown?  
3 A. They said it was their own things. When they were going  
4 from Blama, they were looting people's property. When  
11:25:09 5 they were going finally, as -- that was their pay.  
6 That's what I know about.  
7 Q. When they were leaving, did they only loot property or  
8 did other bad things?  
9 A. Yes, they looted people's property.  
11:25:35 10 Q. And did no other bad things; is that right?  
11 A. No, what I -- not  
12 JUDGE BOUTET: It is difficult, but I just want to remind you  
13 this is your witness and you are in examination-in-chief  
14 and although, these matters may not be very contentious,  
11:25:57 15 I submit to you this is the domain where the witness  
16 should provide the answer, not you.  
17 MR SAUTER:  
18 Q. Mr Witness, you said the Kamajors were coming on Sunday  
19 the 15th. How did you learn that the Kamajors were  
11:26:14 20 coming?  
21 JUDGE THOMPSON: Did he say they were "coming", or did he say  
22 they "came"? Let us get that grammatical sequence right.  
23 I thought -- my record says, "The Kamajors came on  
24 15/2/98. The juntas left Blama before the Kamajors  
11:26:37 25 came." So is it that they were coming, because there is  
26 a distinction there, or that they came?  
27 MR SAUTER: To be honest, this might be a language problem.  
28 JUDGE THOMPSON: It's critical. It's a legal problem.  
29 MR SAUTER: You said that they came.



1 JUDGE THOMPSON: They came; that's what I heard. You were  
2 using, "They were coming," which there is clearly a  
3 difference.  
4 MR SAUTER: Thank you.  
11:27:06 5 Q. You said the Kamajors came on the 15th of February. How  
6 did you learn that the Kamajors came?  
7 A. Like I just said, when they came, they were shooting in  
8 the air and they entered into the barracks and I saw  
9 them. They were dressed; they had had guns in their  
11:27:28 10 hands. They were fearful. It was not even up to five  
11 minutes when they started firing, when they reached --  
12 entered the backs.  
13 [HN240904B 11.35 a.m.]  
14 Q. How did you know that the people who entered the barracks  
11:35:39 15 were Kamajors?  
16 MR MARGAI: My Lords, that question has been amply answered.  
17 Mr Witness, please. The witness has answered the  
18 question.  
19 PRESIDING JUDGE: Not "amply"; I wouldn't say "amply" --  
11:35:58 20 I wouldn't say "amply".  
21 MR MARGAI: As My Lords, please. Well, let's say he has  
22 answered the question.  
23 PRESIDING JUDGE: Mr Sauter, continue. They were dressed and  
24 so on, you know. I wouldn't think that that is --  
11:36:12 25 I don't know. It depends on --  
26 JUDGE THOMPSON: How he said they were dressed -- is it  
27 "dressed" or "dressed fearfully"? I heard the  
28 word "fearfully".  
29 MR SAUTER:



1 Q. So could you describe, please, how the persons who  
2 entered the barracks were dressed?  
3 A. Those that came into the barracks, some of them had  
4 cotton clothes around them with glasses on them. They  
11:36:46 5 had a ronko on and some of them had black suits on --  
6 some had different sort of uniforms. They had guns,  
7 machetes -- that is how I knew that they were Kamajors.  
8 They were -- there were some things -- Arabic was written  
9 on some of the things that they wore.

11:37:11 10 Q. What did you do when you observed the Kamajors enter the  
11 barracks?  
12 A. When they entered, they started asking for the policemen,  
13 "Where are the policemen? Where are the policemen?" So  
14 when I heard that, I told my wife to enter the bush --  
11:37:35 15 enter into the bush, myself and her, enter into the bush  
16 near the barracks.

17 Q. Do you know any reason why the persons who entered the  
18 barracks were asking for the policemen?  
19 A. No. At that time I didn't know why they were asking for  
11:38:00 20 police, but later I knew.

21 Q. Were you afraid of the Kamajors?  
22 A. Very, very much. I was afraid of them very much.

23 PRESIDING JUDGE: That's why he ran into the bush with the  
24 wife and hid.

11:38:24 25 MR SAUTER:  
26 Q. What did you observe when hiding in the bush?  
27 A. When we were in the bush, myself -- my wife and the  
28 others, my colleagues, they were firing in the bush where  
29 we were -- firing in the air. When they had shot for



1 some time, we were still lying on the ground till up to  
2 7.00 or 8.00 at night. Then I told my wife -- I said,  
3 "Go back to the town," [inaudible] for her here, and she  
4 went.

11:39:18 5 Q. Mr Witness, you said "they were firing"; who was firing?

6 A. The Kamajors that came to the barracks were those firing  
7 towards us in the bush. I was lying on the ground.

8 Q. You said you sent back, or you asked your wife to go back  
9 to the barracks. What did you do?

11:39:49 10 A. I went deep into the bush, because I was afraid that the  
11 bullets will reach me, so I went right into the bush. By  
12 then the moon was shining, and they followed us into the  
13 bush. While they were coming they were firing and then  
14 they pointed a torch at me -- they saw me, but I didn't

11:40:16 15 want to shake lest they fire me, so I came out. When  
16 they caught me, they took -- they took me to the street  
17 Koribundu Road. There was so much crowd there. When  
18 they took me to the road, then the CO asked me -- I don't  
19 know his name -- he said who am I. I said, "I'm a

11:40:47 20 policeman." He said, "Why are you here?"

21 Q. Mr Witness, once again, sorry for interrupting you. Have  
22 you been the only one -- the only policeman who was  
23 brought before the CO, as you said? If not so -- if  
24 others, please don't mention names at this point, not to  
11:41:11 25 identify yourself by the names of others. Did you  
26 understand my question? Have you been the only one who  
27 was brought before the CO?

28 A. I was not the only one. I have to reach there. When  
29 I was caught -- when they were coming, I was not alone,





1 but where I was caught, I was the only one that was  
2 caught.

3 JUDGE THOMPSON: Can he slow down a bit?

4 MR SAUTER:

11:41:42 5 Q. Please, speak slowly. So answer the question once again,  
6 please, but slow down -- okay? So you said you were  
7 arrested in the bush, brought to the road to Blama, and  
8 subsequently brought before the CO; that's correct?

9 A. They caught me. They brought me before the CO. There is  
11:42:22 10 a particular CO at Blama, the ground commander, that is  
11 not the one I'm talking. When they caught me -- before  
12 that, they had caught another policeman, but before  
13 then -- but where I was, I was the only one that was  
14 caught. They asked me who am I. I said, "I'm a  
11:42:38 15 policeman." He said, "Why are you not working?"

16 Q. When you say you were brought before the CO, which CO do  
17 you mean?

18 A. They had their own CO -- the CO that took the group to us  
19 when they met us in the barracks.

11:43:04 20 Q. They had their own CO. Whose CO was it?

21 A. I don't know his name.

22 Q. Not his name. To which group did this CO belong, or  
23 which group was this CO commanding?

24 A. Those that had a cotton cloth and with glasses pasted on  
11:43:28 25 them, he was leading that group.

26 Q. Am I correct that you are calling this group Kamajors?

27 A. Yes.

28 Q. So am I correct that you were brought before the Kamajor  
29 commander?



1 A. Yes.

2 Q. Okay. So did anything happen when you were brought  
3 before the Kamajor commander?

4 A. Okay. When they came -- when they asked me who I was and  
11:44:10 5 I said, "I'm a policeman." He said, "Why are you here  
6 instead of work?"

7 Q. Okay. "Why are you here?" Did he ask anything else?

8 A. He said why weren't we working. I said, "We are  
9 policemen. We're there to make peace and protect life  
11:44:40 10 and property." I said, "That's why we're here." Just  
11 after that, then he became angry. The stick he had, he  
12 hit me and one of my teeth broke.

13 Q. Mr Witness, you said "we" -- we had this question  
14 before -- "We were brought before the CO," and "he said  
11:45:09 15 to us". So who was with you -- don't tell the name; just  
16 how many persons were you, and in which capacity these  
17 persons were there. Do you understand my question?

18 A. The first, as I said, was the Kamajor. When they were  
19 beating me, they said, "We're taking you to the ground  
11:45:48 20 commander in Blama Town." He said -- Hinga Norman said,  
21 "When you come, that we should kill the police, their  
22 wives and their children, so we're taking you straight to  
23 the ground commander in Blama" and I said, "If God  
24 willing." Then I was put in front -- while we were  
11:46:08 25 going, they were pushing me.

26 Q. They were pushing you?

27 A. And beating me with sticks and the butts of guns. They  
28 said we should walk faster. While we were reaching  
29 Blama, they brought another colleague of mine,



1 a sergeant. They said, "He is also a policeman. Let's  
2 take the two of them."  
3 Q. Would you please repeat the last part of your sentence?  
4 What did he say, the commander?  
11:46:50 5 A. While we were going, when they were pushing me and  
6 beating me -- when we were reaching -- they brought one  
7 of my other colleagues, a policeman. They said, "We have  
8 also brought another police, so there are now two in  
9 number. Let's take them away."  
11:47:18 10 Q. Do you know what he meant with, "Let them take away" --  
11 I did not understand properly.  
12 A. He said they should take us to the ground commander --  
13 they were taking us to the ground commander -- to kill  
14 us. So both of us went. While we were going, they  
11:47:57 15 reached the ground commander first, the group that was  
16 leading us in front and they took bullets -- from the  
17 bullets. They said that was for us to be killed, because  
18 we were policemen. So when we reached the ground  
19 commander's place at Blama centre, he didn't say  
11:48:17 20 anything. He just waved his hand, that we should go away  
21 from -- that we should just leave his side.  
22 Q. So let's go further. Did anything happen to you after  
23 this -- after the commander had made his, you said,  
24 motion?  
11:48:48 25 A. Yes, they took us to the back of the house. Then they  
26 said they should fire -- they should shoot us and  
27 everyone said, "If you fire them, others will be afraid  
28 -- if you shoot a gun." They said, "We should kill them  
29 with a knife." Then I was afraid. I said when they took



1 us to the back of the house by Lumley [phonetic] Street  
2 going to Koribundu. Then one of them said they should  
3 kill us with a gun. Then they CO said, "Don't fire a  
4 gun. If you fire a gun, people will be afraid." They  
11:49:33 5 said they should use a knife to kill us. Then, when  
6 I heard that, I attempted to run, but they caught me.  
7 Q. When you say, Mr Witness, "We were brought to the back of  
8 the house," who do you mean "we"? It was you and who  
9 else?  
11:49:55 10 A. Myself and my colleague police who was also caught.  
11 Q. So two persons, including you?  
12 A. No, just one person -- just one person. One person and  
13 me, making two.  
14 Q. Okay, thank you. So what -- did anything happen after  
11:50:17 15 you were brought to the back of the house?  
16 A. Yes. I left my colleague and [overlapping  
17 microphones] and I was crying.  
18 PRESIDING JUDGE: [Microphone not activated] getting confused.  
19 This man said they were to kill him by shooting. Then  
11:50:39 20 the commander said, "No, let them use a knife," because  
21 if they shot, people would be afraid and so on. When he  
22 heard they should kill them with a knife, I thought  
23 I heard him say, he started -- he wanted to escape.  
24 MR MARGAI: [Microphone not activated]  
11:50:56 25 PRESIDING JUDGE: Yes, he tried to escape.  
26 MR SAUTER: I'm sorry, I didn't hear anything like that.  
27 PRESIDING JUDGE: But that's your witness.  
28 MR SAUTER: I know.  
29 PRESIDING JUDGE: It is your witness.





1 MR SAUTER: Yes.

2 PRESIDING JUDGE: You have to follow his evidence.

3 MR SAUTER: Unfortunately, this witness seems to be very  
4 nervous, and that makes it a little bit --

11:51:14 5 PRESIDING JUDGE: No, he isn't. He is giving evidence, you  
6 know. If he's guided, you know, he would --

7 MR SAUTER: This makes it a little bit difficult.

8 PRESIDING JUDGE: Proceed, please.

9 MR SAUTER:

11:51:30 10 Q. So, Mr Witness, you need not be nervous. Think  
11 thoroughly what you are saying upon my questions, speak  
12 slow, and be as clear as you can be. Let's start at the  
13 point when you and your colleague were brought to the  
14 back of the house, okay?

11:52:03 15 A. Okay.

16 PRESIDING JUDGE:

17 Q. Mr Witness, when you wanted to escape -- when you heard  
18 they were going to kill you with a knife and you wanted  
19 to escape, what happened thereafter? You were caught,  
11:52:19 20 were you?

21 A. I couldn't even run -- they were so much, that they  
22 caught me.

23 Q. And what happened after that?

24 A. I was standing crying and another one came and said they  
11:52:36 25 were wasting time with me. They said -- they said they  
26 had killed another person so they should not waste time  
27 on me; they should just kill me.

28 MR SAUTER:

29 Q. And what did they do to you?



1 A. Just after that they -- they dropped me on the ground,  
2 facewards.

3 JUDGE THOMPSON: Let me complain, too. "They" -- there's a  
4 ring of ambiguity. I mean, I don't -- the records seem a  
11:53:24 5 little ambiguous.

6 THE WITNESS: The Kamajors -- I'm talking about the Kamajors.  
7 The Kamajors, they dropped me on the ground, like  
8 I dropped facewards.

9 MR SAUTER:

11:53:34 10 Q. Did anything happen to you when lying on the ground?

11 A. Yes, while I was there, they took a knife and put it on  
12 my neck. Then the CO asked for my name and they called  
13 my name. Then I raised my head and they put -- he said,  
14 "Put a torch in my face."

11:54:02 15 THE INTERPRETER: My Lord, the witness is speaking so fast.

16 MR SAUTER:

17 Q. Mr Witness, this is the -- is this the same CO you  
18 were -- you spoke about previously, the one you have  
19 brought before?

11:54:30 20 A. No, these other COs were all together in Blama. It's  
21 another CO.

22 Q. And did you know this CO?

23 A. Yes, I knew him -- I even knew his name.

24 Q. So when you were lying on the ground, you could see his  
11:54:55 25 face and you recognised him?

26 A. Yes, while I was on the ground, he called me. He said  
27 I should look up at him. I looked up and he pointed a  
28 torch at my face and he said if I knew him, let me call  
29 his name. Then he said he should kill me.



1 Q. And did you know him?  
2 A. Yes.  
3 Q. Did you know him by name? Don't mention the name,  
4 please.  
11:55:30 5 A. Yes.  
6 Q. From -- well, why did you know him, or when did you meet  
7 him before?  
8 A. I first met him when they said he had stolen a  
9 cassette -- when he was taken to me, when he was brought  
11:56:05 10 to me.  
11 Q. Don't give too many details, otherwise I would have to  
12 apply to go to closed session. If this is in the  
13 interests of the Defence, I can do that.  
14 PRESIDING JUDGE: Leave closed session alone. Go ahead with  
11:56:29 15 this witness, please.  
16 THE WITNESS: Just after that --  
17 MR SAUTER:  
18 Q. So, witness, the question was: when did you meet this CO  
19 previously? Did you have to do anything with him before  
11:56:52 20 this incident when you were brought behind the house by  
21 the Kamajors in order to be killed? Do you understand my  
22 question?  
23 A. This CO that pointed a torch at my face, we hadn't  
24 anything.  
11:57:23 25 Q. Did you meet this CO before in your capacity as a police  
26 officer in Blama?  
27 A. Yes.  
28 Q. Did you ever conduct investigations against this  
29 person --



1 MR JABBI: Objection, My Lord. My Lord, the prosecuting  
2 counsel is asking very leading questions, which suggest  
3 the answer to the witness.  
4 JUDGE THOMPSON: But are those controversial issues?  
11:58:02 5 MR JABBI: My Lord --  
6 JUDGE THOMPSON: The scope of examination-in-chief, the law  
7 allows leading questions sometimes, as long as they are  
8 not contested. Of course, if they're contested, the rule  
9 of impermissibility prevails.  
11:58:21 10 MR JABBI: He's virtually giving evidence on behalf of the  
11 witness.  
12 JUDGE THOMPSON: I don't get that impression. A leading  
13 question is clearly impermissible, particularly if it's  
14 on a controversial issue, but leading questions on  
11:58:35 15 non-controversial issues are permissible, within the  
16 discretion of the Tribunal.  
17 MR JABBI: My Lord, the fact --  
18 JUDGE THOMPSON: I'll let you go on and make your point.  
19 MR JABBI: The fact that he's trying to elicit is obviously a  
11:58:49 20 fact that we, in the Defence, will contest, My Lord, and  
21 if he is volunteering that information on behalf of the  
22 witness, then he is, of course, giving evidence --  
23 JUDGE THOMPSON: If he can give me that assurance. I'm not  
24 interested in the aspect of whether he's giving evidence  
11:59:09 25 or not -- I don't think learned counsel is giving  
26 evidence. But if you assure me that the issue -- the  
27 answer may likely come out on an issue that is  
28 contestable, then it would be impermissible.  
29 MR JABBI: Exactly, My Lord. All the allegations he is making





1 are obviously issues that the Defence will contest.  
2 JUDGE THOMPSON: My position would be simply that learned  
3 counsel for the Prosecution should tread extremely  
4 cautiously, avoid leading questions that are likely to be  
11:59:44 5 controversial, and to be matters that are in contest.  
6 MR JABBI: Thank you very much, My Lord.  
7 MR SAUTER: Thank you. Very well.  
8 Q. So, Mr Witness, you said, if I understood you correctly,  
9 that you know this commander from before in your capacity  
12:00:10 10 as a policeman; am I correct?  
11 A. Yes.  
12 Q. Thank you. Did this commander give any orders with  
13 regard to you?  
14 A. Yes.  
12:00:38 15 Q. What did he order?  
16 A. He ordered that I should be killed. He said they were  
17 looking for me.  
18 PRESIDING JUDGE: Let me get this reply again. You say he was  
19 brought to him in his capacity as --  
12:00:58 20 MR SAUTER: No, he met him, this commander -- he met this  
21 commander before this incident in his capacity as a  
22 police officer.  
23 PRESIDING JUDGE: As a police officer?  
24 MR SAUTER: Yes.  
12:01:08 25 PRESIDING JUDGE: In what connection? I'm not asking you to  
26 re-tell the question. In what connection?  
27 MR SAUTER: This, I tried to clarify, but I was stopped.  
28 PRESIDING JUDGE: No, you sought to clarify it in a manner  
29 that was not procedurally right. Can you now, you know,



1 ask him in what connection?

2 MR SAUTER: I would prefer not to put this question -- not to  
3 expose this witness --

4 PRESIDING JUDGE: It is your case. You can proceed.

12:01:47 5 MR SAUTER: -- to the risk of being identified.

6 PRESIDING JUDGE: You can proceed.

7 MR SAUTER: Thank you.

8 Q. So after the commander has given the order to kill you,  
9 did anything happen to you?

12:02:02 10 A. Yes. They put a knife at the back of my neck again. My  
11 head was downwards. I didn't know where I was, and they  
12 cut it. I didn't know where I was.

13 Q. Could you observe what happened after you have been cut  
14 in the back of your neck?

12:02:41 15 A. Yes, they wounded me all over again with the knife and  
16 they left me there in the hands of God. I was only in  
17 the hands of God now.

18 Q. Did the persons who hurt you or cut you stay with you?

19 A. No, I didn't see them. They left me and I woke up --  
12:03:24 20 I got up.

21 Q. What did you do after you, as you say, woke up?

22 A. After I got up, I took my neck again, placed it in a  
23 [inaudible] position and took my shirt and tied it and  
24 I went to the place where they had caught me.

12:03:56 25 Q. Did you know what kind of injury or injuries you had?

26 A. Yes, they cut at the back of my neck and they wounded me  
27 all about it with knives.

28 Q. After you had gone to the place where you were caught,  
29 what did you do?



- 1 A. They were still chasing me. Then the moon was shining.  
2 They said if they caught me, they would kill me, and they  
3 would eat me. They chased me, but I was in the bush --  
4 they didn't see me.
- 12:04:49 5 Q. You said they did not see you?  
6 A. Yes.  
7 Q. Which means that they did not catch you?  
8 A. No.  
9 Q. How long did you stay in the bush?
- 12:05:14 10 A. It took about a week, because I was travelling at  
11 night -- I travelled about 12 miles until I reached the  
12 hospital.  
13 Q. Pardon?  
14 A. Until I reached the hospital.
- 12:05:38 15 Q. Did you go by yourself to a hospital?  
16 A. No. When I went to the village, that I met Kamajors in  
17 that village, they said they were to kill me. Others  
18 said, "We know this man. He is from Blama." They wrote  
19 a letter to the town chief at Blama.
- 12:06:05 20 Q. Mr Witness, you are always speaking of "they" and "us"  
21 and so on. Could you explain to us who sent the letter  
22 to the town chief?  
23 THE INTERPRETER: Please go by the question again.  
24 MR SAUTER:
- 12:06:29 25 Q. Mr Witness, you said they wrote a letter to the town  
26 chief. Who wrote a letter to the town chief?  
27 A. The town chiefs that were in the village that I went.  
28 Because I said that I came from Blama, so they wrote a  
29 letter to the town chief in Blama that I was there



1 [overlapping microphones]  
2 Q. [Microphone not activated] and the chief in the village  
3 you were caught wrote a letter to the town chief of  
4 Blama; is that correct?  
12:07:24 5 A. Yes.  
6 Q. And by whom were you were caught in this village -- by  
7 which group?  
8 A. It was the Kamajors who caught me in that village. They  
9 were dressed in their usual dressing.  
12:07:50 10 PRESIDING JUDGE: May we have the privilege of knowing the  
11 name of --  
12 THE WITNESS: -- they said they were going to kill me.  
13 PRESIDING JUDGE: That is also a privileged question.  
14 MR SAUTER: I would not like to ask this question, Your  
12:08:03 15 Lordship.  
16 PRESIDING JUDGE: Okay, thank you.  
17 MR SAUTER: Not to identify --  
18 PRESIDING JUDGE: Right, you may proceed, please.  
19 MR SAUTER:  
12:08:09 20 Q. Do you know whether the town chief of Blama has responded  
21 to the other letter?  
22 A. Yes. On that very day he wrote a letter to the other  
23 chief that I should be brought to Blama for me to be  
24 treated -- that I shouldn't sleep there that very night.  
12:08:43 25 Q. And did they bring you to Blama?  
26 A. Yes, the Kamajors brought me.  
27 Q. And what happened after you reached Blama?  
28 A. I went to the town chief who wrote the letter, and they  
29 took me to the hospital for me to be treated.





- 1 Q. Could you tell us, please, for how long time you have  
2 been admitted to a hospital?
- 3 A. Yes. I was there until July -- that's when I was  
4 discharged.
- 12:09:29 5 Q. Can you remember whether you have been admitted to the  
6 hospital in February, or was it already March?
- 7 A. It was in February after one week, that's when I was  
8 admitted.
- 9 Q. That means you had to stay in hospital from the end of  
12:10:00 10 February until July 1998; am I correct?
- 11 A. It was not the end of February. I went there on the  
12 15th, I spent one week there, and I came back, and I was  
13 there till July. I spent only one week. They brought me  
14 on the 21st -- February -- the 22nd -- February -- to the  
12:10:46 15 hospital. That's the time they brought me.
- 16 Q. 22nd of February?
- 17 A. Yes.
- 18 Q. Mr Witness, do you happen to know what happened to your  
19 colleague who, together with you, were brought before the  
12:11:06 20 commander in Blama?
- 21 A. Yes.
- 22 Q. Please tell us?
- 23 A. I said just now that, when they brought us, he was the  
24 first person that they killed. In my absence, they  
12:11:32 25 caught another one. He, too, was a police. He, too, was  
26 killed, but I was not there -- it was my wife that told  
27 me.
- 28 Q. Obviously, you are speaking about --
- 29 A. When I was admitted in the hospital.



1 Q. -- a different incident. Let's stay with the colleague  
2 who were brought together with you to the commander in  
3 Blama -- that colleague, who together with you was caught  
4 when hiding in the bushes; do you know whom I mean?

12:12:10 5 A. That's what I'm saying. He was killed -- he was the  
6 first person who was killed that very night by Kamajors.

7 Q. Did you personally see how he was killed?

8 A. No, I didn't see that. It was a very large crowd.  
9 I didn't even turn to see that.

12:12:35 10 Q. How did you learn that this person was killed?

11 MR MARGAI: Again, My Lords, this question has been answered.  
12 If my memory serves me correctly, this witness said that,  
13 after he had been tripped to the ground, face downwards,  
14 one Kamajor approached the scene and said they were  
12:12:55 15 wasting time, they should kill him, because they had  
16 killed the other officer. That's his testimony. He has  
17 answered this.

18 JUDGE THOMPSON: Speaking for myself, it sounds like  
19 cross-examination of his witness.

12:13:16 20 MR SAUTER: Well, sometimes the Prosecutor is committed to the  
21 truth.

22 MR WILLIAMS: Sometimes.

23 MR SAUTER: And I'm sorry, I did not hear your ruling about  
24 this objection.

12:13:34 25 JUDGE THOMPSON: Quite frankly, it is also a rule of  
26 examination-in-chief that one must not be unduly  
27 repetitive or repetitious.

28 MR SAUTER: Okay.

29 Q. So, Mr Witness, you said you heard about the killing of



1 another police officer. Could you tell us what you mean?  
2 A. Yes. That day that they were going to kill me, he too  
3 came -- that policeman, he came. He was caught, and they  
4 placed him on the ground and they gave him a musical  
12:14:45 5 instrument called kelen and he was asked to beat that and  
6 sing for the whole day. That's what my wife told me.  
7 MR SAUTER: One second, please.  
8 Q. You said you were cut in the back of your neck. Do you  
9 have any scars left from this cut?  
12:15:26 10 A. Yes, yes, it's right there -- right round, up to my  
11 ears -- it's there.  
12 Q. Could you please show to the judges where the scar is,  
13 but don't stand up, please -- don't stand up. Just turn  
14 around. Could you remove your jacket, please, and show  
12:15:52 15 with your fingers where the scar is? Could your put your  
16 fingers -- [Witness indicates].  
17 Okay, thank you very much.  
18 MR SAUTER: No more questions, thank you. Thank you,  
19 Mr Witness.  
12:16:21 20 JUDGE BOUTET: Thank you. Can we proceed with the  
21 cross-examination by the first accused and can you tell  
22 us how long you expect -- we're trying to determine what  
23 time we should be breaking for lunch.  
24 PRESIDING JUDGE: I'm sure Mr Jabbi will be done in  
12:17:09 25 10 minutes. Well, go ahead, and let's see how --  
26 MR JABBI: My Lord, I was actually going to ask whether  
27 perhaps at this stage in the proceedings we might not  
28 rise for the cross-examination to be started after lunch,  
29 even if we have to come earlier from lunch.



1 PRESIDING JUDGE: It's too early now for us. It's 12.15,  
2 Dr Jabbi. It's too early for us to rise now. We better  
3 take your cross-examination, and we will rise when the  
4 time comes.

12:17:49 5 MR JABBI: As Your Lordships please.

6 CROSS-EXAMINED BY MR JABBI:

7 Q. Now, Mr Witness, can you tell the Court how long you  
8 served as a policeman in Blama before 15th February 1998?

9 A. Nine years and more.

12:19:06 10 PRESIDING JUDGE: Dr Jabbi, can we get that answer from him  
11 again, please? He said how many years.

12 MR JABBI: He said he had been there for nine years before  
13 15th February.

14 PRESIDING JUDGE: In Blama?

12:19:18 15 MR JABBI: Yes, in Blama.

16 Q. And where did you live in Blama?

17 A. I was in the barracks.

18 Q. Now, for -- do you remember when the AFRC and the RUF  
19 first went to Blama -- soldiers of the AFRC and RUF, when  
12:20:31 20 they first went to Blama?

21 A. Yes, it was in 1997.

22 Q. Can you remember the month?

23 A. Yes, I can.

24 THE INTERPRETER: November, November -- sorry.

12:21:15 25 MR JABBI:

26 Q. And so from November 1997 to February 1998 you worked  
27 with the AFRC in Blama; is that so?

28 A. Yes, we didn't work, because they didn't even know that

29 I was a policeman, because they didn't know that I was --





1 I was not using a uniform at the time, but I saw them  
2 working with others.

3 Q. Let's get that clear. Since November 1997 till  
4 February 1998 are you telling this Court that you did not  
12:22:27 5 work together with the AFRC soldiers and the RUF in  
6 Blama?

7 A. The point where they were, we weren't working together.  
8 They didn't even know that I was a policeman. Those that  
9 were putting on uniform, they forced them to work.

12:23:05 10 Q. Now, again, are you saying that, for all that period, you  
11 were not in uniform -- from November 1997 to  
12 February 1998?

13 A. No, I never put on uniform -- I'm not a uniform police.

14 Q. What sort of police are you?

12:24:01 15 A. I'm a CID.

16 Q. Notwithstanding that -- notwithstanding that you were not  
17 in uniform during that period, were you, nevertheless,  
18 working with the AFRC soldiers and RUF in Blama during  
19 that period?

12:24:45 20 A. No. No, I was not going to that checkpoint, but I would  
21 go to the police station to my friends -- my colleagues  
22 at the police station.

23 Q. Did the RUF and AFRC also work in the police station  
24 during that time?

12:25:35 25 A. No, they were only at the checkpoints.

26 Q. During the period that the AFRC and the RUF were in  
27 control of Blama, what was the relationship between them  
28 and the people of Blama, so far as you knew?

29 A. I said there was no be problem, they were moving



1 together -- they were moving together, they did nothing  
2 to them.

3 Q. However, in your evidence, you did say that there was an  
4 operation Pay Yourself in Blama, which you explained in  
12:27:09 5 full. When did that occur in Blama?

6 A. That's when they were -- when they were going,  
7 February 11, they were looting people's property and  
8 carting them away.

9 Q. And do you want this Court to believe that the AFRC  
12:27:49 10 forces in Blama did looting only at the time they were  
11 leaving, and never before?

12 A. No, that's what I know.

13 Q. What about the relationship between the junta forces and  
14 the police in Blama during that period?

12:28:54 15 A. We were afraid of them. They would always come around  
16 and force us and we had no option but to obey them, so  
17 there was no problem.

18 Q. You did say in your evidence-in-chief that they had to  
19 beat the junta forces, because if you didn't, they would  
12:29:15 20 kill you. How do you know they would kill you if you  
21 didn't obey them?

22 A. For those who were wearing a uniform -- for those who  
23 were wearing uniforms, if they ask you to do something  
24 and you refuse, they will either beat you up or tie you.

12:29:58 25 Yes, I did see that, but I was nowhere in uniform. I had  
26 nothing to do with them.

27 Q. Now, even though you were not wearing a uniform, did the  
28 AFRC forces know that you were a policeman, nonetheless?

29 A. Yes, because when they went to the police station, they



- 1 would always meet me there.
- 2 Q. Did they ever ask you to do any particular duties in your  
3 line of duty?
- 4 A. No, they didn't ask me. Only that if there's a case --  
12:31:19 5 if there's a case involving civilians, I'll attend to it,  
6 but they never asked me to.
- 7 Q. Did they ever give you instructions in respect of cases  
8 involving civilians which you were attending to?
- 9 A. No, the cases that they brought, they would pass on to  
12:31:47 10 those people who were wearing uniforms, not me.
- 11 Q. My question was about the things that you were doing in  
12 respect of civilians. Did they ever give you  
13 instructions in respect of what you were doing?
- 14 A. No, no.
- 12:32:27 15 Q. And you have said that, for the policemen uniform, if  
16 they did not carry out such instructions, they would be  
17 beaten up or tied up. Do you have any specific examples  
18 of that that you can tell the Court?
- 19 A. Yes, yes. They did it in Kenema and Bandama -- one  
12:33:11 20 policewoman. Mosquito did it in Kenema and in Bandama.  
21 He instructed the woman to work and the woman said she  
22 was not going to work, so he passed orders that she  
23 should be tied.
- 24 Q. Any other example?
- 12:33:52 25 A. No, that was happening in Kenema and Bandama.
- 26 Q. Did anything like that happen in Blama itself?
- 27 A. No, they didn't do it in Blama, but they were harassing  
28 us, you know, asking us to work.
- 29 Q. How were they harassing you?



- 1 A. They were controlling people, so when they are at a  
2 checkpoint they would always ask people to do something  
3 by force.
- 4 Q. Now, according to you, when the Kamajors came on the 15th  
12:34:38 5 of February 1998 and were shooting in the air, according  
6 to you, you escaped into the bush. Why did you escape  
7 into the bush?
- 8 A. When they came and when they were shooting in the air,  
9 they were looking out for policemen, so I was scared,  
12:35:17 10 even by the way they were dressed. So I went away with  
11 my wife into the bush.
- 12 Q. Now, I put it to you that you escaped into the bush  
13 because of your past conduct and you felt you might get  
14 into trouble for that?
- 12:36:30 15 A. It was not for that -- there was nothing between us,  
16 myself and the Kamajors, but when they came, they were  
17 asking for policemen and they were shooting in the air.  
18 That's why I went away.
- 19 Q. I'm talking about your close collaboration with the AFRC  
12:36:48 20 and the RUF troops in Blama before the Kamajors came.  
21 That's the reason why you escaped immediately into the  
22 bush when the Kamajors came.
- 23 A. It was not for that. I told you that I was only going to  
24 the police station to visit my colleagues. We did  
12:37:30 25 nothing together. I was even afraid of them.
- 26 Q. At the time you escaped into the bush, was it in  
27 daylight, or at night?
- 28 A. When they came -- when they entered the barracks at 11.00  
29 after church, I ran away into the bush.





1 Q. When were you caught in the bush by the Kamajors  
2 according to you, in your hiding place -- when? Was it  
3 at night or in the day time?  
4 A. At night between 7.00 and 8.00 and the moon was shining  
12:38:24 5 at the time. That's when they caught me.  
6 Q. Did they do anything to you there?  
7 A. Yes.  
8 Q. What did they do?  
9 A. The CO slapped me with a stick that he had in his hand.  
12:38:48 10 Q. That is when you were brought before the CO according to  
11 your evidence. I'm talking about the moment when you  
12 were caught in the bush; did they do anything to you?  
13 A. They caught me by the roadside -- by Koribundu -- by the  
14 roadside. When they caught me, they dragged me in front  
12:39:18 15 of him. Then he slapped me in my mouth. It was then  
16 that he said we should go to town, they were going to  
17 kill me.  
18 Q. Now, do you know that CO?  
19 A. No, I couldn't know him. It was at night and there were  
12:39:39 20 many -- his own dress was separate -- he was dressed in a  
21 different way except for the cowrie shells that he had on  
22 his wrist.  
23 Q. How did you know he was the CO?  
24 A. When they brought me before him, that's how they called  
12:40:06 25 him. When they dropped me down, that's how they  
26 addressed him, "The CO cut this man. He's a policeman."  
27 Q. You also say you were taken to a ground commander in  
28 Blama. Was that at night, or in the day time?  
29 A. That same night when they caught me and hit me and blood



1 was oozing from my mouth. That's when they took me to  
2 that ground commander.

3 Q. It was the same night that he said -- or, according to  
4 you, waved his hand that you should be taken out of his  
12:40:54 5 sight. Was this also at night?

6 A. Yes, as soon as we reached there, he said, "This is a  
7 policeman." That's when he waved his hand, that I should  
8 be taken away out of his sight.

9 Q. And it was also at night when you were taken behind the  
12:41:37 10 house, according to you, along Koribundu Road, and  
11 someone said they should kill you with a knife. Was that  
12 also at night?

13 A. That same night when the ground commander passed that  
14 order -- it was that same night that they were going to  
12:42:16 15 kill us.

16 Q. Now, you spoke about the CO who put -- pointed a torch at  
17 you when you were on the ground. Do you remember that?

18 A. I didn't say so. I said, when I was lying down -- when  
19 I was lying down, he came with the torch and pointed at  
12:43:03 20 his own face and asked me if I know him, and I said,  
21 "Yes." I thought he had come to save me, but that was  
22 not it.

23 Q. Who was that CO, can you tell the Court?

24 MR SAUTER: Objection. The answer to this question would  
12:43:26 25 expose the witness to the risk to be identified.

26 MR JABBI: My Lord, I mean, this seems to be really a  
27 difficult situation. It is only the Prosecution that  
28 seems to know that particular identities of other people  
29 mentioned in their evidence-in-chief will expose the



1 identity of this witness. And one fails to see how --  
2 JUDGE BOUTET: No, Dr Jabbi, it is not of this witness -- it  
3 is of witnesses, so it may not be this witness, but other  
4 witnesses that have already given evidence, or may give  
12:44:16 5 evidence, whose identity is protected and, therefore, by  
6 this witness testifying as to some names that could lead  
7 to that. That's the issue.  
8 MR JABBI: My Lord --  
9 JUDGE BOUTET: We had that yesterday afternoon, as you may  
12:44:29 10 recall.  
11 MR JABBI: Yes, we did, My Lord.  
12 JUDGE BOUTET: That's the same type of scenario -- at least  
13 that's my understanding. Isn't that the purpose of this  
14 particular witness who is sitting here in Court?  
12:44:37 15 MR JABBI: In this particular case, My Lord, I think what the  
16 Prosecution has just said is that the mention of this  
17 name will reveal the identity of this witness. He did  
18 not relate it to the possibility of some coming or  
19 previous witness who might well be that person, and so  
12:44:58 20 that identity may be revealed. It was clearly -- both  
21 when they have been speaking before and now -- just  
22 now -- he has merely said the name of that person may  
23 reveal the identity of this witness as distinct from the  
24 identity of -- I mean, that name being a pointer to the  
12:45:20 25 identity of some witness -- some other witness, My Lord.  
26 JUDGE BOUTET: You may be right, I may be wrong in my  
27 assumption, but even if I'm wrong, the issue here is  
28 whether or not evidence that this witness is about to  
29 give -- if he does answer your question -- will reveal



1 the identity of anyone who had protective measures  
2 applied to him or her, including this witness, but  
3 I don't know the background. I mean --

4 JUDGE THOMPSON: My difficulty really is how long are we going  
12:45:57 5 to move along the path where certain questions, which are  
6 put in cross-examination, are going to be objected to on  
7 grounds of, at this point in time, a speculative  
8 exercise; in other words, the judges are being invited to  
9 accept the Prosecution's submission that the answer to  
12:46:30 10 the question may -- and I'm a little uncomfortable with  
11 this speculative exercise. Of course, I recognise the  
12 importance of our decision for protective measures, but  
13 at the same time, when those measures were agreed upon,  
14 the principle was that we were going to balance the  
12:46:56 15 interests of the victims and witnesses with the rights of  
16 the accused. And certain factual matters were presented  
17 to the Chamber and, upon the basis of those factual  
18 matters, we structured a carefully crafted decision. But  
19 at this juncture now there's a slight shift. It  
12:47:23 20 is "may", and I'm not sure whether judicially I'm very  
21 comfortable with the invitation to speculate. The  
22 Prosecution know their case. They should be very  
23 assertive and they should again treat the Chamber with  
24 some degree of candour.

12:47:45 25 JUDGE BOUTET: Can we hear from you, Mr Prosecutor?

26 MR SAUTER: If you allow me to give an additional explanation.  
27 The witness was involved in his capacity as a policeman  
28 with this person in a very specific incident. Telling  
29 anything about this incident would reveal the identity of





1 this witness, because this incident became widely known  
2 in this time -- widely known in Blama. Thank you.

3 MR JABBI: My Lord, just to say that, even in the explanation  
4 the prosecuting counsel has just given, his concern is  
12:48:31 5 the identity of this witness being revealed --

6 JUDGE BOUTET: You're right, you're right; I stand corrected  
7 on that one.

8 MR JABBI: Thank you very much, My Lord. My Lord, this  
9 question --

12:48:43 10 JUDGE BOUTET: But we're still concerned about the identity of  
11 this witness. If you are pursuing this question -- I'm  
12 not sure what you are attempting to do now. Are you  
13 pursuing the same question?

14 MR JABBI: Yes, My Lord.

12:48:55 15 JUDGE BOUTET: The objection is still there, that it will  
16 reveal the identity of this witness.

17 MR JABBI: However, My Lord, it is necessary for the Defence  
18 to elicit --

19 JUDGE BOUTET: [Overlapping microphones] means to do it, we'll  
12:49:09 20 go into a closed session. I mean, we are not here to  
21 preclude the Defence from exploring as far as they want  
22 and as deep as they want by cross-examining witnesses  
23 what they think they need to properly defend their  
24 client. I have no problem with that. There is a  
12:49:25 25 procedure for that, and the procedure is not to allow the  
26 question. The procedure is, if you feel you want to  
27 pursue that, we'll go into closed session and we'll do  
28 it.

29 MR JABBI: My Lord, I am informed that there is a motion



1 coming before Your Lordships on this question of going  
2 into closed session.

3 JUDGE BOUTET: But the motion is not on that; it's about a  
4 closed session for a particular witness that the  
12:49:54 5 Prosecution intends to call some time next week.

6 PRESIDING JUDGE: That is what we are taking this afternoon.  
7 That's the motion we are taking this afternoon.

8 MR JABBI: I believe that wider issues in relation to closed  
9 session are likely to be raised, and even possibly a  
12:50:17 10 motion on that particular aspect. My Lord, since the  
11 afternoon session is --

12 PRESIDING JUDGE: It is not for you to determine, Dr Jabbi.  
13 We have our finger on the clock. Are you -- I mean, how  
14 are you proceeding?

12:50:38 15 MR JABBI: Well, I intend to continue cross-examination in  
16 respect of this particular incident and this  
17 particular CO.

18 PRESIDING JUDGE: Dr Jabbi and learned counsel, the Chamber  
19 will adjourn and resume, first of all, in closed session,  
12:51:58 20 because we would like to save our dear members of the  
21 gallery and of the public the pain of coming and being  
22 sent back. We will resume in the afternoon in a closed  
23 session. So the session is adjourned to 2.30 after  
24 lunch. The Court will rise, please.

12:52:38 25 [Luncheon recess taken at 12.50 p.m.]  
26 [At this point in the proceedings, a portion of the  
27 transcript, pages 47 to 115, was extracted and sealed under  
28 separate cover, as the session was heard in camera]  
29

C E R T I F I C A T E

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

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

Roni Kerekes

Maureen P Dunn

Exhibit Nos. 14A and 14B 106

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