

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, 12 NOVEMBER 2004  
9.45 a.m.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara  
Mr Raimund Sauter  
Ms Bianca Suciu

For the Principal Defender:

Mr Ibrahim Yillah  
Mr. Kingsley Belle

For the Accused Sam Hinga Norman:

Mr John Wesley Hall  
Ms Clair da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie  
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai  
Mr Yada Williams

1 Friday, 12 November 2004  
2 [Open session]  
3 [The witness entered court]  
4 [The three accused not present]  
09:35:51 5 [Upon commencing at 9.45 a.m.]  
6 PRESIDING JUDGE: Good morning, learned counsel. We're  
7 resuming our proceedings and I think we adjourned for the  
8 Defence team of the third accused to proceed with the  
9 cross-examination of this witness this morning. Is it  
09:42:40 10 Mr Williams? Is it Mr Margai?  
11 MR MARGAI: It is me, My Lord.  
12 PRESIDING JUDGE: Right. Okay, Mr Margai, you may proceed.  
13 MR MARGAI: Thank you, My Lords, I shall commence the  
14 cross-examination in open session, but then I will be  
09:42:58 15 seeking at a later stage in my cross-examination for me  
16 to continue in closed session, because I believe I will  
17 not do justice to my client's case if that particular  
18 procedure were not adopted.  
19 PRESIDING JUDGE: Well, when we get there, you will make the  
09:43:19 20 application at the appropriate time.  
21 MR MARGAI: As My Lords please.  
22 PRESIDING JUDGE: Right, very well.  
23 WITNESS: TF2-071 [Continued]  
24 CROSS-EXAMINED BY MR MARGAI:  
09:43:30 25 Q. Morning, Mr Witness?  
26 A. Morning.  
27 Q. Now, just to remind you, you told this Court that you  
28 went to Connaught Hospital and expressed concern to Dr TT  
29 Samba about leaving the hospital in Bonthe unattended?



1 A. Yes.

2 Q. And in answer to my colleague during cross-examination,  
3 you said you were the last person to be operated upon by  
4 Dr Samba before he abandoned Bonthe Hospital?

09:44:46 5 A. My Lord, I want to take and ask this permission -  
6 I thought I would be given the permission before the  
7 cross-examination - one member of the Defence counsel  
8 where at home is my personal lawyer and I was shocked to  
9 have found him here. I want, My Lord, that you reinforce  
09:45:07 10 securing confidentiality after this testimony for my  
11 security.

12 PRESIDING JUDGE: Who is the lawyer?

13 THE WITNESS: He is Mr Bockarie.

14 JUDGE BOUTET: Mr Bockarie, we would have liked that you had  
09:45:26 15 said so before you proceeded with your cross-examination  
16 of the witness.

17 MR BOCKARIE: Yes, Your Honour.

18 JUDGE BOUTET: I think it would have been just fair to you and  
19 to the witness that the court be informed of that.

09:45:36 20 MR BOCKARIE: In the first place, I want to say I am not his  
21 retained lawyer. Indeed, he met me and I worked for him  
22 on an issue and that is that.

23 JUDGE BOUTET: Not related to this trial at all?

24 MR BOCKARIE: No, no, no, completely unrelated.

09:46:03 25 JUDGE BOUTET: But, Mr Witness, we can certainly reassure you  
26 that the fact that you may be here --

27 PRESIDING JUDGE: What does the witness have to say to that?  
28 What do you have to say to that?

29 THE WITNESS: There is no problem with that, sir.



1 PRESIDING JUDGE: Do you confirm what Mr Bockarie said?  
2 THE WITNESS: Yes, sir.  
3 JUDGE BOUTET: But, Mr Bockarie, it is my understanding that  
4 he is from Bo and you are now residing in Bo; am I right?  
09:46:28 5 THE WITNESS: Yes, sir.  
6 MR BOCKARIE: Your Honour --  
7 JUDGE BOUTET: It is only -- Mr Bockarie, obviously because it  
8 is coming from the witness, for better transparency it  
9 would have been much better, I'm not saying there is  
09:46:43 10 anything improper with what is happening, but just for  
11 better transparency in the whole process, if you had said  
12 so. It would have put everybody at ease and we would not  
13 be faced with that representation this morning, but we  
14 accept what you have been saying and what the witness has  
09:46:57 15 saying.  
16 MR BOCKARIE: It is okay.  
17 JUDGE BOUTET: Just before you proceed -- I'm sorry,  
18 Mr Margai -- just to put the witness at ease with what he  
19 is raising. The fact that Mr Bockarie knows you  
09:47:11 20 personally will not detract from the fact of the  
21 protective measures that have been accorded to you, so he  
22 has agreed as part of his role of a Defence counsel for  
23 one of these accused not to divulge whatever identity of  
24 witnesses there might be. So he is still bound by this  
09:47:31 25 agreement, as such, and he must live up to that  
26 commitment. So in this respect, you need not worry and  
27 that will not change your status at all.  
28 PRESIDING JUDGE: And I would add to what my learned brother  
29 has said, you know, that if at any time you feel that



1 your security is threatened by whoever or by whatever  
2 procedures, I can report the matter to the Witness  
3 Protection Unit which will know how to handle the issues.  
4 Have you understood me?

09:48:07 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: All right.

7 MR MARGAI: Thank you, My Lords.

8 Q. Now, Mr Witness, did you in your testimony yesterday  
9 under cross-examination say that you were the last  
09:48:20 10 patient to be operated upon by Dr Samba in Bonthe?

11 A. Yes, sir.

12 Q. Before he left?

13 A. Yes, sir.

14 Q. When was this operation performed?

09:48:49 15 A. It was in the year 1997.

16 Q. What month?

17 A. I cannot precisely remember the month, but it was in the  
18 rainy season.

19 Q. What was the nature of the operation, if I might ask?

09:49:34 20 A. Appendix.

21 Q. And how long did it take you to recover from the  
22 operation?

23 A. Eight days. I went home after eight days.

24 PRESIDING JUDGE: That is, after eight days you were  
09:50:03 25 discharged from the hospital?

26 THE WITNESS: Yes, sir.

27 MR MARGAI:

28 Q. And when you were discharged, could you tell this Court  
29 how long it took you to resume normal duties?





- 1 A. One month.
- 2 Q. Thank you. Do you know when the military was first  
3 stationed in Bonthe?
- 4 A. It was around 1991.
- 09:50:58 5 Q. Which month?
- 6 A. I cannot remember, sir.
- 7 Q. Was it at the start, the middle or towards the end of  
8 1991?
- 9 A. I cannot actually remember, but it was in 1991 that the  
09:51:22 10 naval wing was installed in Bonthe.
- 11 Q. Thank you. And do I take it that only the naval wing of  
12 the military was stationed in Bonthe?
- 13 A. Yes, they had their mechanical wing which helped them to  
14 build structures for them, but the place was meant for  
09:51:51 15 the naval operations.
- 16 Q. Thank you. Did this naval wing of the military have  
17 gunboats?
- 18 A. Yes, sir.
- 19 Q. Do you know how many?
- 09:52:31 20 A. Well, there were three of them, but all were not  
21 stationed in Bonthe at the same time.
- 22 Q. When you say all were not stationed in Bonthe at the same  
23 time, do I take it that all three were assigned to Bonthe  
24 naval wing even though they were covering the outlying  
09:53:02 25 villages?
- 26 A. Well, I don't want to say they were assigned. We know  
27 the Sierra Leone Navy have three. They will come as the  
28 need arise, bring supplies and one will always be there.
- 29 Q. I see. Thank you. Now, before 1991 there was no



1 military present in Bonthe?

2 A. Not at all.

3 Q. Do you know why the military presence became necessary in  
4 Bonthe in 1991?

09:54:13 5 A. Yes, sir.

6 Q. Would you please tell Their Lordships?

7 A. The rebels were --

8 Q. Watch the pens of the Judges and keep pace, please.  
9 Thank you.

09:54:35 10 A. The rebels were then threatening to invade Bonthe. We  
11 heard about the assassination of the Paramount Chief Boni  
12 Fai --

13 PRESIDING JUDGE: What is the name?

14 THE WITNESS: That is the nickname, Boni Fai. His actual name  
09:55:20 15 is Farmah Mawuloh -- by the rebels.

16 MR MARGAI:

17 Q. From which chiefdom was he?

18 A. He was from Kormeh Bai Krim.

19 PRESIDING JUDGE: Where?

09:55:40 20 THE WITNESS: Krim Chiefdom.

21 JUDGE BOUTET: Can you spell that out, please?

22 THE WITNESS: K-R-I-M.

23 MR MARGAI:

24 Q. When did the Kamajors first appear in Bonthe, to your  
09:56:17 25 knowledge? The military was there in 1991, when was the  
26 first time the Kamajors went to Bonthe, as far as you  
27 know?

28 A. It was during 1994/1995.

29 Q. And what was the relationship between the Kamajors and



1 the military at that time?

2 A. It was cordial.

3 Q. Would I be right in saying that at that time the military  
4 and the Kamajors in Bonthe were fighting alongside  
09:57:13 5 against the rebels?

6 A. Yes, My Lord.

7 Q. And what was the relationship between the military and  
8 the inhabitants of Bonthe at that time?

9 A. It was also cordial.

09:57:48 10 Q. Cordial. And how would you --

11 PRESIDING JUDGE: Let me get the relationship between -- you  
12 see, we have two entities now. We have the Kamajors who  
13 were peacefully co-existing with the soldiers at that  
14 time, so when you talk of their relationship, with who?  
09:58:17 15 I mean, the relationship of who? I know it is with the  
16 civilian population, but is it -- are they the Kamajors  
17 and the --

18 MR MARGAI: I said the military and the inhabitants.

19 PRESIDING JUDGE: The military and the inhabitants, that is  
09:58:32 20 where you are now?

21 MR MARGAI: That is where I am.

22 Q. And what was your answer, the relationship between the  
23 military and the civilians?

24 A. I said it was cordial, sir.

09:58:42 25 Q. Cordial, thank you. And how would you describe the  
26 relationship between the civilians and the Kamajors at  
27 that time?

28 A. At that time it was also cordial, sir.

29 Q. Thank you. Now, did this cordial relationship between



1 the military and the civilians change at all at any time?

2 A. Yes, My Lord.

3 Q. Yes, please go on.

4 A. In 1997.

09:59:40 5 PRESIDING JUDGE: Now, we are in the relationship between the  
6 military and the civilians --

7 MR MARGAI: And the civilians took a different turn.

8 PRESIDING JUDGE: Yes, took a different turn.

9 MR MARGAI:

09:59:49 10 Q. Yes, when?

11 A. 1997.

12 Q. Just a minute. At precisely --

13 PRESIDING JUDGE: Are you saying that it took a turn different  
14 in 1997?

10:00:09 15 MR MARGAI: In 1997.

16 Q. At precisely what time in 1997? What month, if you can  
17 recall?

18 A. May, just after the coup.

19 Q. After the coup, to be precise. Would you tell Their  
10:00:35 20 Lordships what this relationship developed into after the  
21 coup?

22 A. Yes, on the side of the military officials, they saw  
23 certain civilians of Bonthe Town as being collaborators  
24 to the Kamajors.

10:00:51 25 Q. Slowly. Watch the pen of the Bench, please.

26 PRESIDING JUDGE: They considered -- the military considered  
27 some civilians as collaborators to the Kamajors?

28 MR MARGAI: To the Kamajors.

29 THE WITNESS: Yes, sir.





1 MR MARGAI: May I continue, My Lord?  
2 PRESIDING JUDGE: Yes, please.  
3 MR MARGAI:  
4 Q. Yes, please. Now, when you say "collaborators", can you  
10:01:31 5 expand on that a bit, if you will?  
6 A. They said they were sympathisers of the Kamajors.  
7 Q. I see. Thank you. Now, could you tell this Court what  
8 was the attitude of the civilians was after the coup. In  
9 other words, did they accept the coup? Did they resent  
10:02:09 10 the coup?  
11 A. Everybody resented the coup.  
12 Q. In Bonthe?  
13 A. Yes.  
14 Q. Thank you. Now, the cordial relationship between the  
10:02:30 15 military in Bonthe and the Kamajors, did it change after  
16 the coup?  
17 A. Immediately, sir.  
18 Q. Immediately. It did, thank you. And did it change for  
19 the better or for the worse?  
10:02:54 20 A. For the worse, My Lord.  
21 Q. Do you know why it changed?  
22 A. Well, I cannot tell, but I will tell you the soldiers and  
23 the Kamajors immediately fell apart after the coup. The  
24 Kamajors retreated into the surroundings villages.  
10:03:32 25 Q. All right. Before we get to that, let me help you. Now,  
26 did the Kamajors welcome the coup, to the best of your  
27 knowledge?  
28 A. No, no.  
29 Q. So according to you, the civilians were opposed to the



1 coup and likewise the Kamajors?

2 A. Yes, My Lord.

3 Q. And would I be right in saying that it was because of  
4 this resentment by the civilians and the Kamajors that  
10:04:14 5 brought about this antagonism between the Kamajors and  
6 the civilians on the one hand, and the military on the  
7 other?

8 A. Yes.

9 Q. Thank you. Now, with the change in relationship --

10:04:59 10 PRESIDING JUDGE: Mr Margai, just a minute.

11 MR MARGAI: Sorry, My Lord.

12 Q. Now, with the change in relationship between the Kamajors  
13 and the soldiers, the Kamajors left Bonthe Town for the  
14 neighbouring villages?

10:05:36 15 A. Yes, My Lord.

16 Q. Now, with the change in the relationship between the  
17 military and the civilians, would I be correct in saying  
18 that the soldiers started harassing the civilians?

19 A. They did, My Lord.

10:06:41 20 Q. Were you part of the civilian population that was  
21 harassed by the military?

22 A. I was not a part, except my father.

23 Q. Yes. Now, could you give instances of such harassment  
24 without disclosing the identity of your father? Please,  
10:07:19 25 be careful.

26 A. I will, sir.

27 Q. Please, and keep pace with Their Lordship's pens?

28 A. There was a day when the soldiers arrested all the elders  
29 of Bonthe Town.



1 Q. Thank you. Would this include your father?  
2 A. Yes, My Lord.  
3 Q. Thank you. Please go on.  
4 A. They took them to the military base, the billet. They  
10:08:09 5 were locked up in a cell.  
6 JUDGE BOUTET: In a cell?  
7 THE WITNESS: In a cell, yes.  
8 JUDGE BOUTET: Are you talking of your father or of all of  
9 them?  
10:08:26 10 THE WITNESS: All the elders, including my father.  
11 JUDGE BOUTET: All the elders, including your father.  
12 THE WITNESS: Yeah. After some time they were released.  
13 MR MARGAI:  
14 Q. How long would you say it took them before they were  
10:08:42 15 released?  
16 A. They spent about three hours.  
17 Q. About three hours. And do you know why they were  
18 arrested and detained?  
19 A. Yes, they accused them of being collaborators of the  
10:09:04 20 Kamajors.  
21 Q. Now, during this period did the soldiers make use of the  
22 gunboat?  
23 A. Not at that time -- yes, they shot it, but -- they shot  
24 in the air.  
10:09:34 25 Q. The air.  
26 A. To frighten the Kamajors.  
27 Q. To frighten the Kamajors. Now, do you know whether the  
28 soldiers were, in fact, taking these gunboats in search  
29 of Kamajors in the outlining villages?



1 A. Yes, they did, My Lord.

2 Q. And would you say that the soldiers wanted, at all cost,  
3 to flush out the Kamajors from Bonthe?

4 A. They had not entered Bonthe. They were in the villages.

10:10:49 5 Q. When I say Bonthe, the surrounding villages, wherever  
6 they were in Bonthe?

7 A. Yes, My Lord.

8 Q. Now, you mentioned Victor Caulker yesterday?

9 A. Yes, My Lord.

10:11:20 10 Q. He is now deceased?

11 A. Yes, My Lord.

12 Q. Do you know how he died?

13 A. Yes, My Lord.

14 Q. Please tell the Court?

10:11:37 15 A. The soldiers captured him.

16 Q. Slowly.

17 PRESIDING JUDGE: Do you want him to repeat what he-- are you  
18 disputing the version he gave?

19 MR MARGAI: No, I am not going to allow him to repeat  
10:11:52 20 everything.

21 PRESIDING JUDGE: Because, you know --

22 MR MARGAI: Yes, I know.

23 Q. The soldiers captured him and killed him?

24 A. Yes, My Lord.

10:12:02 25 Q. Do you know whether parts of his body were removed and  
26 handed over to his mother?

27 A. Yes, I saw it.

28 Q. Slowly.

29 A. His head was cut off.





1 PRESIDING JUDGE: Just a minute. You said parts of his body  
2 were removed?  
3 THE WITNESS: Yes, My Lord.  
4 PRESIDING JUDGE: And handed over to his mother?  
10:12:30 5 THE WITNESS: Yes, My Lord.  
6 MR MARGAI:  
7 Q. Which part?  
8 A. The head.  
9 Q. The head was cut off?  
10:12:40 10 A. Yes.  
11 Q. And handed over to his mother?  
12 A. Yes.  
13 PRESIDING JUDGE: Only the head?  
14 THE WITNESS: Yes, to the mother, but the other entrails were  
10:12:52 15 removed.  
16 MR MARGAI:  
17 Q. Yes.  
18 A. The liver. They moved around town with it.  
19 Q. I suppose to serve as a warning to others?  
10:13:24 20 A. Yes.  
21 Q. Thank you. Now, what was the attitude towards the people  
22 of Bonthe of Victor Caulker's killing?  
23 A. Very much intimidated and frightened.  
24 Q. They were frightened. Would you say they felt insecure?  
10:13:58 25 A. Yes, sir.  
26 Q. And did the people of Bonthe fear that a similar fate  
27 might befall them?  
28 A. Any one of them, yes, My Lord.  
29 Q. At hands of the military?



1 A. Yes, My Lord.

2 Q. Thank you. And to you know why the military killed  
3 Victor Caulker?

4 A. Yes, My Lord.

10:14:45 5 Q. Why?

6 A. He had led a troop of Kamajors to come and invade Bonthe.

7 Q. Thank you. Now, would I be right in saying that because  
8 of this fear on the part of the people of Bonthe about  
9 their security, the Kamajors were determined to come to  
10:15:41 10 their rescue?

11 A. We did not see it that way, My Lord.

12 Q. You did not see it that way?

13 A. Not at all.

14 Q. The Kamajors were planning an invasion of Bonthe?

10:15:59 15 A. Yes, My Lord.

16 Q. Do you know why they wanted to invade Bonthe?

17 A. Anybody that was living with the soldiers in Bonthe was  
18 considered, again, a junta collaborator by the Kamajors.

19 Q. Would you not agree that the question of junta  
10:16:41 20 collaboration was secondary but the primary purpose of  
21 the Kamajors wanting to come to Bonthe was to get rid of  
22 soldiers from Bonthe?

23 JUDGE BOUTET: Aren't you getting a bit argumentative with the  
24 witness on this?

10:16:56 25 MR MARGAI: No, no, no, My Lord. I mean, he is quite  
26 intelligent, otherwise I would not have put that question  
27 to him. He is quite an intelligent witness.

28 PRESIDING JUDGE: You could be argumentative, you know, with  
29 an intelligent witness, Mr Margai. Even with and



1 intelligent witness you can be argumentative, Mr Margai.  
2 MR MARGAI: My Lord. Let us give him an opportunity.  
3 PRESIDING JUDGE: Without being argumentative, you may  
4 proceed, please.  
10:17:15 5 MR MARGAI: Thank you.  
6 Q. Now, the question of collaboration, we shall address,  
7 later, but I'm saying that would you agree me that the  
8 intention, the primary intention of the Kamajors wanting  
9 to invade Bonthe was to get rid of the soldiers from  
10:17:31 10 Bonthe?  
11 A. Yes.  
12 Q. Thank you?  
13 A. Primary.  
14 Q. Yes. That was their primary purpose. Now, when we talk  
10:18:05 15 of the junta, it is a combination of the military and the  
16 rebels; not so?  
17 A. Yes.  
18 Q. After the overthrow of the Tejan Kabbah government?  
19 A. Yes, My Lord.  
10:18:35 20 Q. That was the junta?  
21 A. Yes, My Lord.  
22 Q. After the overthrow of the Tejan Kabbah government, there  
23 was a suspicion of the loyalty of the soldiers to  
24 safeguard lives and property?  
10:18:51 25 A. Yes, My Lord.  
26 Q. Thank you. And it was generally believed that the  
27 soldiers and the rebels were now fighting against a  
28 common enemy, that is, the Kamajors?  
29 A. Yes, My Lord.



1 Q. And from that point of view, or that perspective, the  
2 Kamajors were looked upon as liberators, as opposed to  
3 the military and the rebels?

4 MR KAMARA: Objection to that, Your Honour. I wonder if it is  
10:20:00 5 a question or a statement that my learned friend is  
6 making, and if it is a question, then it invites the  
7 opinion of the witness, and I'm objecting on the grounds  
8 that it is opinionated.

9 JUDGE BOUTET: Mr Margai?

10:20:18 10 MR MARGAI: My Lord, I don't see it that way. I mean, the  
11 witness has been telling us about the behaviour of the  
12 soldiers, the Kamajors, and what the people of Bonthe  
13 thought about the Kamajors and the soldiers, their  
14 relationship, et cetera, et cetera. I don't think this  
10:20:44 15 is a viable objection, quite frankly.

16 JUDGE BOUTET: Given the line of questions you have been  
17 asking, many of them were of the opinion type and the  
18 other ones were acceptable. This one I don't see any  
19 difference with it, so carry on with it. You are at the  
10:21:03 20 limit of the acceptable, but I'm cautioning you.

21 MR MARGAI: I will keep within the limits.

22 JUDGE BOUTET: Thank you.

23 PRESIDING JUDGE: In fact, it is very generous for that  
24 question to pass, but you can ask it, you know.

10:21:17 25 MR MARGAI:

26 Q. Now, would you agree with me that because of this  
27 marriage between the military and the rebels threatening  
28 security, the Kamajors were regarded as liberators,  
29 notwithstanding the other conduct you talked about





1 yesterday?

2 A. Well, there is nothing that can qualify. What I saw in  
3 Bonthe, there is nothing that can qualify them to be  
4 liberators, in this context.

10:21:52 5 Q. I'm not talking about qualifying them in this context.  
6 Now, you have told this Court of the cordial relationship  
7 between the Kamajors and the military and this cordiality  
8 resulted subsequently into a discordial relationship  
9 putting the Kamajor and the people on one side, the  
10:22:14 10 military on the other side. And from your testimony the  
11 military, at a later staged, started to harass the  
12 civilian population and they felt threatened.

13 JUDGE BOUTET: Mr Margai, I just want to caution you. You're  
14 now getting very argumentative with the witness.

10:22:32 15 MR MARGAI: No, I'm just explaining. I'm not arguing with  
16 him, My lord.

17 JUDGE BOUTET: You're explaining because of the answer he has  
18 given to you. You're trying to --

19 MR MARGAI: He has not answered yet.

10:22:39 20 PRESIDING JUDGE: He answered. He said nothing qualified the  
21 Kamajors to be considered as liberators.

22 THE WITNESS: Whom are they liberating?

23 PRESIDING JUDGE: Oh, yes, it is on the record, here.

24 MR MARGAI: Very well, My Lord. I accept that.

10:22:52 25 Q. Now, you, the people of the Bonthe, felt threatened?  
26 A. Yes, My Lord.

27 Q. By the behaviour of the military?  
28 A. Yes.

29 Q. Sorry, the junta.



1 A. Yes.

2 Q. Now, were you, at that stage, expecting the Kamajors to  
3 come to your rescue?

4 A. We wouldn't have, no.

10:23:16 5 Q. You were not expecting the Kamajors to come your rescue?

6 A. No.

7 Q. Were you prepared to endure the threat?

8 A. Yes.

9 Q. Harassment?

10:23:31 10 A. Yes, because we knew the consequences of their invasion  
11 in Bonthe.

12 Q. I see. That's strange. I'm putting it to you,  
13 Mr Witness, that the people of Bonthe yearned for the  
14 presence of the Kamajors in their defence?

10:23:55 15 A. I am an individual. I am not talking about the people.  
16 I am here talking for what I, as an individual, saw and  
17 experienced.

18 Q. What is your answer to my question?

19 A. They saw it that way. I didn't see it that way, so many  
10:24:16 20 factors.

21 Q. Well, will you please answer my question now. The people  
22 of Bonthe, I'm putting it to you, were yearning for the  
23 Kamajors to come to their rescue?

24 A. I don't know that.

10:24:26 25 JUDGE THOMPSON: Learned counsel, how would he know that?

26 MR MARGAI: He said that --

27 JUDGE THOMPSON: He was not there with a barometer testing how  
28 the people felt. I mean, he can only answer for himself,  
29 and I think it is a little problematic for you to want to



1 press him and he has clearly made the distinction that he  
2 can only speak for himself.

3 MR MARGAI: But that has not been the case hitherto.

4 JUDGE THOMPSON: Well, yes, but the question of yearning to --  
10:25:00 5 I mean, for example, from his own perspective the  
6 Kamajors were not liberators, but that is his own  
7 opinion. It may be from different perspectives than  
8 that, so why do we want to go this far?

9 MR MARGAI: I accept that.

10:25:13 10 PRESIDING JUDGE: It can part of your submission in the long  
11 run. From the evidence which you are assembling, I mean,  
12 these are factors which you might wish to invest in an  
13 address at a particular time.

14 MR MARGAI: No, before we get to that stage, we're definitely  
10:25:26 15 going lead evidence, but I think in fairness to the  
16 witness, since he has testified, I think I shall be  
17 remising if I don't put such questions to him.

18 JUDGE THOMPSON: I do understand that, but the witness himself  
19 has been fair. He said: "That is my subjective  
10:25:40 20 perspective. I cannot speak for the collectivity."

21 MR MARGAI: I accept that, My Lord. Sorry, My Lord.

22 Q. Now, before I move onto the closed session, let's briefly  
23 deal with your meeting with the then Attorney General,  
24 Solomon Berewa. You said you were a member of that  
10:26:24 25 delegation?

26 A. Yes, My Lord.

27 Q. And just to recap, you said after you had made  
28 representation, Mr Berewa said to you people, "Anybody  
29 complaining about the behaviour of the Kamajors would be



1 considered an enemy"?

2 A. To the SLPP.

3 Q. To the SLPP, thank you. That was the government day?

4 A. Yes.

10:27:00 5 Q. The SLPP was the government at that time?

6 A. Yes, My Lord.

7 Q. Thank you. Now, did you take that statement by

8 Mr Berewa, Attorney General and Minister of Justice then

9 as an endorsement of the behaviour you were complaining

10:27:43 10 about?

11 A. Very much.

12 MR KAMARA: Objection, Your Honour.

13 PRESIDING JUDGE: [Microphone not activated] the objection is

14 overruled. We accept the answer.

10:27:52 15 MR MARGAI: Thank you.

16 PRESIDING JUDGE: It is clear.

17 MR MARGAI: Oh, yes.

18 PRESIDING JUDGE: It means he was endorsing.

19 JUDGE BOUTET: Did we get the answer or not?

10:28:00 20 MR MARGAI: He said that he took it as an endorsement of the

21 behaviour of the Kamajors he was complaining about.

22 Q. Now on the rise issue --

23 PRESIDING JUDGE: Please wait.

24 MR MARGAI: Sorry, My Lord.

10:28:45 25 Q. Now, at the time that you were experiencing in Bonthe

26 this harassment by the Kamajors, life was very difficult

27 in Bonthe?

28 A. Yes, My Lord.

29 Q. Food was not easy to come by, including rice, the staple





1 food?

2 A. Yes, My Lord.

3 Q. And a delegation went to report to the president about

4 the harassment, alleged harassment of the people of

10:29:44 5 Bonthe by the Kamajors?

6 A. Yes, My Lord.

7 Q. Yes. And what have --

8 JUDGE BOUTET: Mr Margai, if you allow me, just for my own

9 clear understanding. I do understand from your evidence

10:30:12 10 that you reported to Mr Berewa about the harassment and

11 so on, was the purpose to meet and report to the

12 president to the same extent and for the same purpose?

13 In other words, to complain to the president in addition

14 to Mr Berewa about --

10:30:33 15 MR MARGAI: As I understood his testimony, there were two

16 delegations, because of time constraints. They were --

17 JUDGE BOUTET: Yes, they split.

18 MR MARGAI: [Microphone not activated]

19 JUDGE BOUTET: Please.

10:30:46 20 MR MARGAI: As My Lord pleases.

21 Q. Now, you said, because of time constraints, you had to

22 split the delegation into two. One, to Mr Berewa the

23 Attorney General and minister of justice then?

24 A. Yes, My Lord.

10:31:00 25 Q. The other to his excellency, the president?

26 A. Yes, My Lord.

27 Q. Now, could you tell the Court whether the mission was the

28 same of both delegations?

29 A. Yes, My Lord.



1 JUDGE BOUTET: Thank you, Mr Margai.  
2 MR MARGAI: Thank you, My Lord.  
3 Q. And when this delegation to the president went there and  
4 complained about the harassment, all they got was 100  
10:31:39 5 bags of rice from him to be delivered to the Kamajors in  
6 Bonthe?  
7 A. Yes, My Lord.  
8 Q. Now, do you know whether the president provided  
9 transportation to transport the rice to Bonthe?  
10:32:10 10 A. Yes, I think some money was given. We hired another  
11 boat. The elders of the delegation hired another boat.  
12 Q. No, whether the money came from the president to assist  
13 in conveying the rice, because I'm sure he did not expect  
14 you to carry the bags of rice on your head? If you do  
10:32:33 15 not know, it does not matter.  
16 A. Yes, yes, I don't know, but we had some money somewhere.  
17 I don't know the source, but we got some money and hired  
18 another boat.  
19 Q. But when you, as part of the delegation, went to Berewa,  
10:32:45 20 apart from the letter he gave and the statement he made,  
21 did money any cross between Berewa and your delegation?  
22 A. No, I did not see.  
23 Q. Okay. Thank you. And your delegation left Bonthe to see  
24 Mr Berewa as Attorney General and Minister of Justice and  
10:33:22 25 the President. Those were the two people you went to  
26 see?  
27 A. Yes, My Lord.  
28 Q. And did you regard the giving of this rice as an  
29 endorsement of the conduct you complained about?



1 A. Yes.

2 MR KAMARA: Again, Your Honours, for the records I take the  
3 same objection.

4 JUDGE THOMPSON: Yes, it's on record.

10:34:06 5 MR KAMARA: Thank you, Your Honours.

6 JUDGE THOMPSON: I have it exactly that way.

7 MR MARGAI: What My Lord.

8 JUDGE THOMPSON: It is on record that he saw the -- or he  
9 figured that giving 100 bags of rice to be delivered to  
10:34:23 10 be the Kamajors was an endorsement.

11 MR MARGAI: With respect, My Lord, that earlier answer was in  
12 [overlapping speakers] to the Attorney General.

13 JUDGE THOMPSON: I take the point.

14 MR MARGAI: As My Lord pleases.

10:34:36 15 MR KAMARA: And Your Honours --

16 [Overlapping speakers]

17 PRESIDING JUDGE: Even then. In his evidence yesterday when  
18 he was saying he was annoyed, angry, jealous, it was  
19 clearly an indication that he considered the 100 bags of  
10:34:58 20 rice as an endorsement.

21 MR MARGAI: My Lord, I don't want an inference. I want it to  
22 be specifically said by him for the records or else when  
23 we come to address it, it may create problems.

24 JUDGE THOMPSON: Let me just clarify what I know here.

10:35:14 25 I heard him this morning say that - and that is why  
26 I accepted your correction - "That I did say that  
27 Mr Berewa said that anyone complaining about the Kamajors  
28 was an enemy of the SLPP, the government of the day.  
29 I did take that statement of the AG as an endorsement of



1 the behaviour of the Kamajors I was complaining about."  
2 And that is why I yielded straight away to you. That, in  
3 fact, it didn't relate to the 100 bags of rice, as far as  
4 I can recollect.

10:35:53 5 PRESIDING JUDGE: He had not and that is where counsel for the  
6 Prosecution appears to be objecting, for the records. Is  
7 that not what you're saying?

8 MR KAMARA: Exactly so. I'm taking the same objection which  
9 I did when he was referring to the attorney general.

10:36:07 10 PRESIDING JUDGE: But we you say that the objection does not  
11 stand and it is on record. It is overruled, and the  
12 question could be put.

13 MR KAMARA: Thank you.

14 MR MARGAI: As My Lord please.

10:36:19 15 Q. Now, would you please answer the question, Mr Witness.  
16 Giving -- after your representation about the harassment  
17 by the Kamajors in Bonthe, the president gave the 100  
18 bags of rice, did you -- would you interpret that as an  
19 endorsement of the conduct of the Kamajors you complained  
10:36:44 20 about?

21 A. Once more, My Lord, I am saying I am not legally minded.  
22 I saw it as a disappointment. The law will see or you  
23 people will see it to be an endorsement, whatever. I saw  
24 it as a disappoint. We went to complain and after we  
10:36:59 25 which we received a hundred bags to be take to the people  
26 whom we complained. You would put it the way it is  
27 legally, but I'm saying --

28 Q. [Counsel Margai interrupts answer] I'm putting it to you  
29 that way, whether you see it that way?





1 JUDGE BOUTET: You have his answer. Again, you've asked the  
2 question. You have his answer and his explanation as to  
3 how he saw it at that time, so you have to take it from  
4 there. I know it is not answer you might have been  
10:37:22 5 looking for, but that is the answer.

6 JUDGE THOMPSON: Learned counsel, I mean, what is the  
7 difficulty if he says he sees it as a disappointment?

8 MR MARGAI: As My Lord pleases.

9 JUDGE THOMPSON: I mean, if he doesn't want to apply the  
10:37:35 10 characterisation "endorsement" to it, I think the witness  
11 is entitled, if he doesn't want to use that  
12 characterisation --

13 MR MARGAI: He is entitled, My Lord.

14 JUDGE THOMPSON: Yes, he says "I see it as a disappointment."

10:37:50 15 MR MARGAI: I accept that.

16 PRESIDING JUDGE: If you see it as a disappointment, I may ask  
17 you this question, it means, like you said yesterday, you  
18 were not happy about it?

19 THE WITNESS: Not at all, sir.

10:38:10 20 MR MARGAI:

21 Q. Now, would you agree with me that the Kamajors were a  
22 pro-government fighting force?

23 A. They were.

24 Q. They were. Now, when this rice was presented to the  
10:38:48 25 Kamajors at this meeting, I'm sure -- sorry, when it was  
26 presented to them at this meeting, were they told who  
27 sent the rice?

28 A. Yes, My Lord.

29 Q. Was there any reaction from them on receipt of the rice?



- 1 A. They appreciated it very much.
- 2 Q. They appreciated it very much. Thank you very much.
- 3 Now, tell me, Mr Witness, to the best of your  
4 knowledge, was that the only time rice was sent to the  
10:39:35 5 Kamajors from the president?
- 6 A. That is what I know, but other rice had been coming. I  
7 don't know the source.
- 8 Q. You don't know the source, thank you. ^
- 9 [HN121104B 10.45 a.m.]
- 10:43:00 10 Q. Now, you told this Court yesterday that the civilians,  
11 together with the military, went to Mosandi to liberate  
12 an individual?
- 13 A. Individuals.
- 14 Q. Oh, individuals?
- 10:43:34 15 A. Yeah, people that were being held.
- 16 Q. Yes, individuals.
- 17 PRESIDING JUDGE: Was it the military and civilians from  
18 Bonthe?
- 19 MR MARGAI:
- 10:43:46 20 Q. From Bonthe -- from Bonthe Town?
- 21 A. Yes, My Lord.
- 22 Q. When was this, which year?
- 23 A. It was in 1997. I cannot remember the day -- the month,  
24 but it was in 1997.
- 10:43:59 25 Q. Was that before or after the coup?
- 26 A. After the coup.
- 27 Q. After the coup. Now, do you know Father Garrick?
- 28 A. Yes, My Lord.
- 29 Q. Very well?



1 A. Yes, My Lord.

2 Q. Apart from being a priest, do you know whether he has any  
3 other occupation?

4 A. He's a Catholic priest, that's all I know.

10:45:06 5 Q. That's all you know about it. Now, would I be right in  
6 saying that Father Garrick gave full cooperation to the  
7 military when they were in Bonthe?

8 A. Not to my knowledge.

9 Q. Not to your knowledge. What I mean is was the military  
10:45:55 10 seeking advice from him?

11 A. That, also, I cannot tell. Bonthe's quite a big town.

12 Q. I see. Are you close to --

13 JUDGE THOMPSON: Just a minute counsel, I'm writing that one.

14 MR MARGAI: I'm sorry.

10:46:28 15 Q. When the Kamajors eventually came to Bonthe Town, did  
16 they have commanders?

17 A. Yes, My Lord.

18 Q. Could you name the commanders, please -- slowly?

19 A. Baigeh.

10:46:46 20 PRESIDING JUDGE: Just a minute, please.

21 THE WITNESS: Baigeh, Julius Squire, Morie Jusu, Beah Boi.

22 JUDGE THOMPSON: Excuse me, that Morie Jusu, does he have  
23 another name -- is it Morie Jusu?

24 THE WITNESS: Kamara.

10:47:38 25 PRESIDING JUDGE: Morie Jusu Kamara. And the last name?

26 THE WITNESS: Beah Boi, B-E-A-H B-O-I.

27 PRESIDING JUDGE: So there were four of them?

28 THE WITNESS: There were many, but the four I can remember.

29 MR MARGAI:



1 Q. These were the top commanders?  
2 A. Yes, My Lord.  
3 Q. The four top commanders in Bonthe at that time?  
4 A. Yes, My Lord.  
10:48:12 5 Q. Now, of these four top commanders in Bonthe at that time,  
6 do you know which of them was the most senior? If you  
7 don't, it doesn't matter.  
8 A. Morie Jusu Kamara.  
9 Q. Morie Jusu Kamara was the most senior of the four. Now,  
10:48:45 10 did you at any time go to Talia, Yobehko Chiefdom?  
11 A. My Lord, I made a submission here yesterday --  
12 PRESIDING JUDGE: You should not answer that question, please,  
13 for reasons which we'll understand, please. You'll spare  
14 him the --  
10:49:06 15 THE WITNESS: Thank you, My Lord.  
16 MR MARGAI: My Lord, at this juncture, I'm applying for us to  
17 go into closed session so that I could continue my  
18 cross-examination.  
19 JUDGE BOUTET: Because you will be asking questions that are  
10:49:24 20 likely to reveal the identity of the witness -- this is  
21 the purpose, presumably, that you're seeking this closed  
22 session?  
23 MR MARGAI: That is correct, My Lord.  
24 JUDGE BOUTET: We will proceed in a closed session.  
10:49:42 25 Mr Walker, can you ensure that the proper steps are taken  
26 to close off the sound in the public gallery, please.  
27 PRESIDING JUDGE: I think the public may wish to leave now.  
28 We do not know for how long, so --  
29 JUDGE BOUTET: I was going to ask, Mr Margai, what's the





1 expectation of the closed session -- 15 minutes, half an  
2 hour, an hour, so that we --  
3 MR MARGAI: 30 minutes, My Lord.  
4 PRESIDING JUDGE: We have an indication that it will last  
10:50:35 5 about 30 minutes, but come back in about an hour maybe.  
6 JUDGE BOUTET: Thank you, Mr Margai.  
7 MR WALKER: Ready to continue in closed session now, Your  
8 Honour.  
9 [At this point in the proceedings, a portion of the  
10:52:33 10 transcript, pages 30 to 33, was extracted and sealed  
11 under separate cover, as the session was heard in camera]  
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1 [Open session]

2 PRESIDING JUDGE: The Honourable Judge Boutet will please  
3 present our ruling.

4 [Ruling]

11:47:53 5 JUDGE BOUTET: There appears to have been some confusion as to  
6 the procedure to be followed. As a result of our  
7 discussion, we will certainly make sure that in the  
8 future there is a standard procedure to be followed in  
9 these kinds of scenarios in order to avoid this  
11:48:12 10 confusion.

11 Having said that, we have come to a decision on your  
12 application, Mr Margai, and considering that the giving  
13 of witness testimony in a closed session is an  
14 extraordinary protective measure that will only be  
11:48:25 15 granted in exceptional circumstances, the Trial Chamber  
16 will now move into closed session pursuant to  
17 Rules 75 and 79 of the Rules of Procedure and Evidence to  
18 ensure the security of the witness, more particularly  
19 here witness TF2-071.

11:48:41 20 The Chamber is mindful of the provisions of  
21 Article 7(2) of the Statute, which provides that the  
22 accused shall be entitled to a fair and public hearing,  
23 subject to measures ordered by the Special Court for the  
24 protection of victims and witnesses. The Trial Chamber  
11:48:58 25 has waived the right of the accused to a fair and public  
26 hearing with the mandated interest relied upon by the  
27 Trial Chamber in this ruling pursuant to Rule 75 and  
28 Rule 79 of the Rules. Thus, in this particular  
29 circumstance, a closed session is required for this



1 witness, because the witness's identity may be revealed  
2 if evidence is heard publicly, and the Trial Chamber  
3 considers that this additional protective measure of  
4 hearing the witness's testimony in closed session is  
11:49:28 5 necessary in these exceptional circumstances to ensure  
6 the security of the witness.

7 That ends the decision on this application and we  
8 are therefore now moving into closed session to pursue  
9 your cross-examination, Mr Margai.

11:49:43 10 MR MARGAI: Much obliged, My Lords.

11 PRESIDING JUDGE: Mr Margai, you'll wait for the transition to  
12 be made from an open to a closed session, please.

13 JUDGE BOUTET: Mr Walker?

14 [At this point in the proceedings, a portion of the  
11:50:23 15 transcript, pages 36 to 52, was extracted and sealed  
16 under separate cover, as the session was heard in camera]

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1 [Open session]

2 MR WALKER: We're ready now, Your Honour.

3 JUDGE BOUTET: Very well. We have been informed that we are  
4 ready to proceed in public session, so we're back in  
12:29:41 5 public session.

6 MR MARGAI: Sorry for the back and forth movement.

7 PRESIDING JUDGE: No, no, it's okay. It's part of the  
8 business -- it's part of the game.

9 MR MARGAI:

12:30:05 10 Q. Now, the 24 bodies you said you counted, you further told  
11 this Court you identified some as your brothers from  
12 Bonthe?

13 A. From the Sherbro Island.

14 Q. Who had been used as a human shield?

12:30:29 15 A. Yes, My Lord.

16 Q. I'm putting it to you, Mr Witness, that those bodies were  
17 all bodies of Kamajors who had been killed by the  
18 military.

19 A. Well, you're putting it to me -- okay.

12:30:48 20 Q. As per my instructions.

21 A. Okay.

22 Q. You can disagree with me.

23 A. No, they were not.

24 Q. They were not, thank you. These other killings you  
12:31:08 25 talked about, did you at any time identify these bodies  
26 to investigators from the Prosecution?

27 A. No.

28 Q. No. None at all?

29 A. You mean the corpses?





1 Q. The corpses.  
2 A. No.  
3 Q. None at all?  
4 A. None at all.  
12:31:37 5 Q. You were never called to identify any of these bodies at  
6 an autopsy -- no?  
7 A. No.  
8 Q. Thank you. I'm putting it to you, Mr Witness, that the  
9 reason why you never identified any of these bodies was  
12:32:01 10 because they did not exist as you want this Court to  
11 believe; in other words, no such killings took place as  
12 testified by you.  
13 A. Well, I am also saying that these graves are there, and  
14 there was no opportunity to exhume these bodies, but the  
12:32:28 15 graves are there.  
16 Q. The graves are there. We won't go into that.  
17 PRESIDING JUDGE: He didn't talk to you about graves. Listen  
18 to the question. Mr Margai, please put it to him again.  
19 MR MARGAI:  
12:32:41 20 Q. I'm putting it to you that the reason why you did not  
21 identify any of these bodies was because they did not  
22 exist.  
23 A. My Lord, I say they existed.  
24 JUDGE THOMPSON: Mr Margai, let me just see if I get the  
12:33:14 25 sequence of the evidence right, because I picked it up  
26 that when you suggested that there were bodies of  
27 Kamajors who had been killed --  
28 MR MARGAI: No, no, that question dealing with the  
29 24 bodies --



1 JUDGE THOMPSON: Let me just tell you what I got.  
2 MR MARGAI: -- is separate and distinct from the rest of the  
3 killings he testified to.  
4 JUDGE THOMPSON: You can correct my records for me so that  
12:33:42 5 I do not reflect this in a very inaccurate way, because  
6 I thought you put to him that some of the bodies that he  
7 said he saw --  
8 MR MARGAI: Of the 24 bodies.  
9 JUDGE THOMPSON: Yes -- were used as human shields.  
12:34:01 10 MR MARGAI: Human shield.  
11 JUDGE THOMPSON: These were his civilian brothers from Sherbro  
12 Island.  
13 MR MARGAI: From Sherbro Island.  
14 JUDGE THOMPSON: And then you put to him the bodies he saw --  
12:34:13 15 was it 24, the entire, or some of that -- the 24 bodies  
16 were bodies of Kamajors that had been killed.  
17 MR MARGAI: Yes, My Lord.  
18 JUDGE THOMPSON: And he disagreed with that.  
19 MR MARGAI: He disagreed with that.  
12:34:24 20 JUDGE THOMPSON: I'm trying to follow the logical sequence of  
21 that.  
22 MR MARGAI: Yes, he disagreed with that. After that, then  
23 I generalised --  
24 JUDGE THOMPSON: In other words, then he answered, "I never  
12:34:34 25 identified those bodies to the investigator."  
26 MR MARGAI: Yes, My Lord.  
27 JUDGE THOMPSON: "I was never called to identify any of them  
28 at an autopsy."  
29 MR MARGAI: Yes, My Lord.



1 JUDGE THOMPSON: Now we are --

2 MR MARGAI: And then I put it to him that the reason why he  
3 was never called to identify --

4 JUDGE THOMPSON: They did not exist.

12:34:53 5 MR MARGAI: -- any of those bodies was because those bodies  
6 did not exist.

7 JUDGE THOMPSON: When you put the whole thing in its logical  
8 sequence, there seems to be some problem here for me, but  
9 I will keep the record as you say it is.

12:35:07 10 PRESIDING JUDGE: And he says, "I disagree with you that I did  
11 not identify these bodies because they did not exist."  
12 MR MARGAI: That is correct.

13 JUDGE THOMPSON: "I disagree with you."

14 PRESIDING JUDGE: [Overlapping speakers] that they existed.

12:35:21 15 MR MARGAI: Yes, My Lord.

16 JUDGE THOMPSON: I'm just trying to get your theory whether  
17 there were bodies that existed at all, or they were  
18 bodies of Kamajors.

19 MR MARGAI: The bodies of Kamajors is relative to the 24 --

12:35:32 20 only the 24.

21 JUDGE THOMPSON: I see, quite.

22 MR MARGAI:

23 Q. Finally, Mr Witness, I'm putting it to you that your  
24 testimony before this Court is motivated by ill-will  
12:35:50 25 towards the Kamajors.

26 JUDGE BOUTET: What is your response, Mr Witness?

27 THE WITNESS: My Lord, I don't know how I feel about that  
28 statement. I am telling my experience -- bitter  
29 experience, and you are alleging of ill-will.



1 MR MARGAI:  
2 Q. The ill-will is based on the experience, that's what I'm  
3 saying.  
4 A. It's not a matter of ill-will. It is something that  
12:36:46 5 I have experienced. I want the world to know about it.  
6 Q. And you got [overlapping speakers]  
7 A. And I want justice to reign in the country. You are  
8 doing it for employment. I'm doing it to safeguard my  
9 nation.  
12:36:55 10 Q. Thank you very well.  
11 A. Thank you, too.  
12 Q. Thank you very much.  
13 A. Thank you, too.  
14 Q. Now, the question is --  
12:36:59 15 JUDGE THOMPSON: I'm trying to write that down. "I've  
16 testified not because of ill-will but because of the  
17 interests of justice"; is that it?  
18 THE WITNESS: Yes, My Lord.  
19 JUDGE THOMPSON: We must have it down. You put your theory to  
12:37:12 20 him.  
21 MR MARGAI: Very well, My Lord.  
22 JUDGE THOMPSON: Thank you.  
23 MR MARGAI:  
24 Q. Mr Witness, all I can say is, if you find that question  
12:37:45 25 agitating, please forgive me. I have a job to do. Thank  
26 you very much. That will be all for the witness.  
27 JUDGE BOUTET: Thank you, Mr Margai.  
28 THE WITNESS: Thank you.  
29 JUDGE BOUTET: Any re-examination?





1 MR SAUTER: No, My Lords.

2 PRESIDING JUDGE: My ears have never functioned this badly  
3 since I started using these earphones. It's a bad  
4 problem. Anyway, we will adjourn and resume at 2.30.

12:40:52 5 The next witness for the Prosecution?

6 MR KAMARA: Yes, My Lord.

7 PRESIDING JUDGE: With one standing by, as usual.

8 MR KAMARA: Yes.

9 PRESIDING JUDGE: If I forget to mention it, please don't  
12:41:01 10 forget to make provision for that --

11 MR KAMARA: We always do, Your Honour.

12 PRESIDING JUDGE: -- because it is a rule and not the  
13 exception. Yes, Mr Margai?

14 MR MARGAI: I was going to appeal to Your Lordships that,  
12:41:09 15 since we have worked so assiduously and Your Lordship is  
16 also complaining of the effect of these earphones, and we  
17 have amongst us colleagues who are fasting, and I believe  
18 Monday will be a holiday, it's very unlikely that if we  
19 take a witness now -- we might finish cross-examining --  
12:41:31 20 we might not even start cross-examining. So I was going  
21 to plead with the Bench for us to have a break and then  
22 we come fresh on Tuesday, because I understand Monday is  
23 a holiday.

24 PRESIDING JUDGE: Yes, Monday is a holiday -- it has been  
12:41:44 25 announced to us of the Special Court.

26 MR MARGAI: I'm sure that is the view of my colleagues on  
27 either side. It's a humble request from the Bar.

28 PRESIDING JUDGE: Well, Mr Witness, we have finished with you,  
29 but we may need you again in due course, should the cause



1 of justice which we are serving so demand. If we do, we  
2 shall get in touch with you through the normal channels.  
3 But before you go, we would like to thank you for the  
4 evidence you've given and for the assistance you've given  
12:44:07 5 to the Court to illuminate the facts that surround the  
6 incidents that occurred and which are the subject matter  
7 of the proceedings in this case.

8 We thank you very much, and we wish you all the best  
9 and a safe journey to your station in Bo and, above all,  
12:44:28 10 success in your professional life which you are leading  
11 normally. Again, we thank you very much. We centred a  
12 lot of irritation and anger in you. It's normal -- I'm  
13 sure that learned counsel concedes that -- they were good  
14 enough and straightforward enough to concede that it was  
12:44:50 15 normal for you to have these ill feelings, but I think  
16 that, since we are here, one of the missions of this  
17 Court is to ensure that peace reigns in this country  
18 after we have gone away with our valises.

19 We are here to contribute to that and I think that  
12:45:09 20 in the process you have to forget the past -- bury and  
21 forget the past and start off the journey to a new and a  
22 brighter future for Sierra Leone. Thank you very much.

23 We will rise and we're going to resume sitting on  
24 Tuesday at 9.30, but we will not have a free Wednesday,  
12:45:55 25 because we have to make up for the time we are losing  
26 today and on subsequent sessions we have to make up for  
27 the time we're going to lose on Monday. We will see how  
28 to adjust our calendar in order to meet that. Mr Margai,  
29 thank you for the suggestion.



1 MR MARGAI: Thank you, My Lords, and we wish you a happy  
2 parade day.  
3 PRESIDING JUDGE: We wish all those who are Muslims a very  
4 pleasant holiday and a wonderful prayer that we hope will  
12:46:28 5 contribute to the peace process in this country. Thank  
6 you very much.  
7 [The witness withdrew]  
8 [Whereupon the hearing adjourned at 12.46 p.m., to be  
9 reconvened on Tuesday, the 16th day of November 2004, at  
10 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-071	1
CROSS-EXAMINED BY MR MARGAI	1



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