

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
MOINI NA FOFANA
ALLIEU KONDEWA

TUESDAY, 8 MARCH 2005
10.14 a.m.
TRIAL (Redacted)

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 James C Johnson
Mr Joseph Kamara
Mr Raimund Sauter
Ms Adwoa Wiafe

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi

For the Accused Moini na Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Lanuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Ms Susan Wright

OPEN SESSION

1 [Tuesday, 8 March 2005]
2 [The accused Norman not present]
3 [The accused Fofana and Kondewa present]
4 [Open session]
5 [The witness entered court]
6 [Upon commencing at 10.14 a.m.]

7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming our session.

9 JUDGE BOUTET: Mr counsel for the Prosecution, are you
10 ready to proceed?

11 MR TAVENER: Thank you, Your Honour. With this particular
12 witness, TF2-057, I had access to the recent decision dealing
13 with his recall. And looking at the order, this witness is to be
14 called for further cross-examination by court-appointed counsel
15 for the third accused. So as far as the Prosecution is
16 concerned, this witness is available for cross-examination.
17 There may be subsequent re-examination. This witness relates to
18 whether there was a relationship or not. It is quite a narrow
19 issue, I understand.

20 JUDGE BOUTET: There are two issues: One is
21 cross-examination by the third accused, and the other issue was
22 the showing of some identity on a piece of paper by the counsel
23 for the second accused.

24 MR TAVENER: That's correct. So there's no --

25 JUDGE BOUTET: So it's cross-examination by counsel for
26 third accused and then second accused. Because my recollection
27 is that when that witness gave evidence --

28 MR TAVENER: The name was written on a piece of paper.

29 JUDGE BOUTET: The name, but it was never tabled as an

1 exhibit, so introduced as an exhibit. So that's -- these are the
2 two issues.

3 MR TAVENER: It doesn't directly concern the Prosecution as
4 far as initiating the proceedings.

5 JUDGE BOUTET: That's true. But the Court has ordered you
6 to recall that witness.

7 MR TAVENER: That's correct, so he's here now.

8 JUDGE BOUTET: Thank you.

9 Mr Margai, do you wish to proceed?

10 MR MARGAI: Yes, My Lord, I am prepared to proceed, but I
11 believe that in acting in accordance with the order of this Court
12 not to disclose the identity of this witness, I believe this is a
13 fitting case for us to move into closed session. And I so apply.
14 Albeit for a very brief period. I do not think the examination
15 will exceed ten minutes on the outside.

16 JUDGE BOUTET: Yeah, because it was, as was pointed out by
17 the Prosecution, the cross-examination of this witness was for a
18 very specific purpose.

19 MR MARGAI: It is for a specific purpose.

20 JUDGE BOUTET: At your request.

21 MR MARGAI: And that is the purpose I wish to address and
22 nothing more.

23 PRESIDING JUDGE: Mr Margai, you think we cannot proceed
24 normally with papers, with writings and so on, in order to avoid
25 the hassle of getting into closed session procedures and
26 formalities?

27 MR MARGAI: I wish we could, but Your Lordship will recall
28 that during the course of proceedings, the piece of paper was
29 shown to the witness by, I think, counsel for the first accused.

1 JUDGE BOUTET: Mr Margai, I just want to -- I don't want to
2 preclude you from arguing; the only concern I have is that the
3 witness is there. I don't know if it is translated or not to him
4 at this particular moment, but these are some of arguments we are
5 prepared to hear but not necessarily in the presence of the
6 witness.

7 MR MARGAI: No, I do not intend to advance any argument, I
8 was merely endeavouring to respond to the question posed by the
9 Presiding Judge.

10 JUDGE BOUTET: I am just cautioning you because the witness
11 is here. So maybe we can turn off the interpretation for the
12 witness for the time being or ask the witness to remove his
13 headphones.

14 MR MARGAI: Very well, My Lord.

15 JUDGE BOUTET: Mr Margai, now that the witness has no
16 headphones. Mr Witness, not yet.

17 MR MARGAI: Yes, as I was saying in response to the
18 question posed by the Presiding Judge, Your Lordship will recall
19 that a piece of paper was shown to the witness with a name
20 written on it and it was in consequence of the answer given by
21 the witness to the question as to whether he recognised that
22 name, which answer was in the negative that necessitated an
23 application for his recall.

24 JUDGE BOUTET: As you know, these applications for closed
25 session, according to the procedure we follow, are to be made in
26 closed session. To hear your application in some detail, because
27 I know I understand that you cannot go any further in your
28 comments of the past few moments given that we are in a public
29 session -- to hear the application we are going to go into closed

1 session and we will hear comments from the Prosecution on that to
2 make a determination.

3 MR MARGAI: As My Lords please.

4 PRESIDING JUDGE: Mr Tavener, what is your response to
5 this, please?

6 MR TAVENER: The Prosecution accepts Mr Margai's assessment
7 that his cross-examination will involve identifying the witness
8 to some extent, so we will not oppose a closed session.

9 PRESIDING JUDGE: I think we will hear the application in
10 closed session. For that purpose I do not know whether this
11 necessitates our rising.

12 JUDGE BOUTET: We will take a few minutes.

13 PRESIDING JUDGE: It does not. I think we can be here and
14 move into the closed session -- move technically -- and, of
15 course, inform the gallery that we will be moving into a closed
16 session. I think Mr Margai was saying he needs only about 10
17 minutes or so.

18 MR MARGAI: Yes, My Lord, not more than 10 minutes.

19 PRESIDING JUDGE: It is just for the gallery so that they
20 know that. Maybe they should come back in the next 20 minutes.
21 Just estimating it at that.

22 MR MARGAI: I apologise for their exit, but it is necessary
23 in terms of justice.

24 THE PRESIDING JUDGE: It is okay.

25 JUDGE BOUTET: This is the procedure that is available for
26 exactly that purpose.

27 MR MARGAI: May it please Your Lordships --

28 JUDGE BOUTET: No, we are still waiting.

29 MR MARGAI: I was just going to ask whether Your Lordships

1 might consider an application for the witness perhaps to be out
2 of hearing.

3 JUDGE BOUTET: I do not know if he understands English or
4 not.

5 MR MARGAI: Where we are not sure, we give the benefit of
6 the doubt.

7 PRESIDING JUDGE: He can be escorted out whilst you are
8 making an application, Mr Margai.

9 JUDGE BOUTET: We need not close the curtains as the public
10 gallery is empty.

11 [At this point in the proceedings, a portion of the
12 transcript, pages 6 to 16, was extracted and sealed under
13 separate cover, as the session was heard *in camera*.]
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1 [Open session]

2 [Ruling]

3 JUDGE BOUTET: Before we proceed to hear your comments, Mr
4 Tavener, let me just deliver the Court's decision in a public
5 session about the closed session. Having heard and given due
6 consideration to the arguments presented by Defence counsel for
7 the third accused and considering that the Prosecution has no
8 objection that it be proceeded in closed session, and having
9 considered that it appears that, based on the information
10 provided to the Court by the counsel for the third accused that
11 the totality of the evidence to be given by witness TF2-057 is
12 likely to reveal his identity, mindful of Article 17(2) of the
13 Statutes, which provides that the accused will be entitled to a
14 fair public hearing, subject to measures ordered by the Special
15 Court for the protection of victims and witnesses, and pursuant
16 to Rules 75 and 79 of the Rules of Procedure in Evidence of the
17 Special Court, the Trial Chamber ruled that the evidence to be
18 given by witness TF2-057 is to be given in closed session. Thank
19 you.

20 MR TAVENER: Thank you, Your Honour. What I wish to speak
21 about is the timetabling between here and the end of the session.
22 The Prosecution is in a position where a number of witnesses are
23 unavailable due to either illness or personal matters. We also
24 have the position where there are a number of witnesses who part
25 of their testimony will involve allegations of sexual assault and
26 obviously we will not be in position to call those witnesses
27 until the next session, depending on the result of the current
28 motions which are in place.

29 That being said, at this stage the Prosecution has four

1 witnesses of the substance available until the end of the
2 session. There are two witnesses listed today and one for
3 tomorrow. Then on Thursday, there is a witness, 014. That
4 witness is quite a substantial witness in terms of time. We
5 would expect his testimony and cross-examination to last three to
6 four days. That will see the Court until some time on Tuesday.
7 Also on Tuesday, it is expected that the second investigator, who
8 was requested to be brought back before the Court, will testify.

9 In the Prosecution's estimation, that means the session, as
10 far as the ability for the Prosecution to call witnesses, will
11 conclude on Tuesday, perhaps Wednesday, but most likely Tuesday.
12 That is a day or two earlier than anticipated. At the same time,
13 it is expected that in the next session -- the May/June
14 session -- the Prosecution case will finish well before the
15 listed six weeks. At that stage, without being bound to the
16 exact time, it is expected that the Prosecution case will require
17 four more weeks in the second session of this year. So, although
18 we lose a day or two in this session, we will certainly finish
19 before time in the next session -- before the listed time in the
20 next session. As I said, it is expected two further witnesses
21 today, one witness tomorrow, who should be completed, and then a
22 long witness commencing on Thursday.

23 JUDGE BOUTET: Tomorrow, as you know, is a half day.

24 MR TAVENER: Yes.

25 JUDGE BOUTET: So, the witness you have scheduled for
26 tomorrow will be, all inclusive, no more than half a day?

27 MR TAVENER: That is correct. That is what we anticipate.

28 JUDGE BOUTET: When you say the witness --

29 MR TAVENER: Witness 014.

1 JUDGE BOUTET: 014 will be three to four days?

2 MR TAVENER: Yes.

3 JUDGE BOUTET: That is inclusive of cross-examination in
4 your estimation?

5 MR TAVENER: As far as I can estimate. I have had brief
6 discussions and I estimate that he will not finish before Monday.
7 More than likely he will go to Tuesday. We then have our brief
8 recall witness. That is the position the Prosecution is in. We
9 may have to lose a day or two of this session, but we will not
10 take all of next session to complete. Thank you.

11 [Trial Chamber confers]

12 PRESIDING JUDGE: Mr Tavener -- I am speaking at the same
13 time to the Defence -- we thought that since the last session
14 this will now be the fifth. You say that you might close your
15 case even before the end of that session.

16 MR TAVENER: Yes, hopefully.

17 PRESIDING JUDGE: If it were possible we have nothing
18 against the timetable as you have put it across, as you have laid
19 it down, but could it not be possible for us to start with the
20 rather lengthy witness and be done with him? Again, this will
21 depend on the reaction of the Defence. We do that lengthy
22 witness, finish up with him and we take the less cumbersome
23 witnesses, so that even if we don't arrive at the end of their
24 testimony some time on Tuesday next week, we could send them
25 across to the last session where we have enough time space. The
26 time frame of the last session, as far as you are concerned,
27 would be enough to accommodate this witness. What is your
28 reaction to this? It is a suggestion from the Bench. If you
29 want to move the way you want to move, fine. But we thought we

1 should get out of the way the more important and lengthy witness
2 in this particular matter so that we move in a more organised
3 manner towards the end of this session. What we cannot get done
4 with this session can be carried forward to the other session.
5 We are not calling on this witness immediately. We will proceed
6 with the witness you have in hand now. You will think about that
7 and let us know. The Defence will also think about this and let
8 us know by the end of the day as to how we can proceed.

9 JUDGE THOMPSON: Just in support of what the learned
10 Presiding Judge is saying, I want it to be clear that this is not
11 a judicial imposition; it is merely an alternative option. Of
12 course, it is not an imposition because we are sensitive to the
13 flexibility you should have in presenting your case the way you
14 consider best.

15 MR TAVENER: Thank, Your Honour. I will certainly have to
16 consider it because it will require some juggling and I can't
17 answer immediately as to whether we can do it.

18 PRESIDING JUDGE: Please do. As I said, we have no
19 objection to the plan as you have put it across to us; absolutely
20 none. It is just a question of ensuring more expedience in the
21 process and getting out of the way the more serious matters
22 before we start getting to the close of the case for the
23 Prosecution. I would imagine that if a witness is going to be in
24 cross-examination for about three days it is the longest you have
25 before you close your case.

26 MR TAVENER: Certainly, yes.

27 PRESIDING JUDGE: Right.

28 MR KOPPE: I have already indicated that we have a high
29 preference to start with that long witness. We have already

1 indicated that to the Prosecution. So, we agree with your
2 proposal.

3 MR YILLAH: We accept that proposal as well -- to start
4 with the high-profile witness.

5 PRESIDING JUDGE: I agree. We have noted your acceptance,
6 but you should know that the Prosecution, like the Defence, has
7 its own strategy on how to proceed. So, Mr Tavener, we have
8 noted that the Defence is open to taking that long witness. But
9 give it some thought and let us see whether you will come on
10 board that proposal. It is not in the least our intention to
11 interfere with the prosecutorial strategy and how it will present
12 its case and its witnesses.

13 MR TAVENER: Thank you. We will certainly try.

14 PRESIDING JUDGE: But it would be a nice idea if we went
15 this way. We will leave that to you.

16 MR TAVENER: I should mention that the next witness will
17 testify in Krio for the benefit of the Court.

18 PRESIDING JUDGE: And this will be your 59th witness. What
19 do we call the other witness -- the recalled witness?

20 MR TAVENER: Perhaps CW2.

21 PRESIDING JUDGE: CW2, good.

22 MR MARGAI: My Lords, he is already a Prosecution witness
23 and I believe that the order was to recall him. So, giving him a
24 different nomenclature might just -- PW34 recalled.

25 JUDGE BOUTET: I think I lean heavily towards that.

26 MR TAVENER: I withdraw CW2.

27 PRESIDING JUDGE: I think so. PW37 recalled.

28 MR MARGAI: 34.

29 PRESIDING JUDGE: Yes, 34; I am sorry, yes. Can this

1 witness be brought in, please?

2 MR TAVENER: If I might be excused, Your Honour.

3 PRESIDING JUDGE: Yes. You are bowing out?

4 MR TAVENER: Yes, I am.

5 [The witness entered Court]

6 PRESIDING JUDGE: Ms Wiafe, this is TF --

7 MS WIAFE: TF2-167.

8 PRESIDING JUDGE: And he will be testifying in Krio.

9 MS WIAFE: In Krio and he will be sworn on the Koran.

10 WITNESS: TF2-167 [sworn]

11 [Witness answers through interpretation]

12 MS WIAFE: May I proceed, Your Honours?

13 PRESIDING JUDGE: Yes, please.

14 EXAMINED BY MS WIAFE:

15 MS WIAFE: Good morning, sir.

16 A. Yes, good morning.

17 Q. I will be asking you some questions. Please take your time
18 and listen to the questions and answer the questions as directly
19 as you can.

20 A. All right.

21 Q. Mr Witness, how old are you?

22 A. I am 50.

23 Q. Where were you born?

24 A. I born Bradford in Ribbi Chiefdom, Moyamba District.

25 Q. You are married?

26 A. Yes, I am married.

27 Q. Do you have children?

28 A. Yes.

29 Q. How many children do you have?

- 1 A. Presently I have eight.
- 2 Q. Mr Witness, did you ever go to school?
- 3 A. Yes, I went to school.
- 4 Q. How far did you go?
- 5 A. Form three.
- 6 Q. Secondary school form three?
- 7 A. Yes.
- 8 Q. What languages do you speak, Mr Witness?
- 9 A. I speak Krio.
- 10 Q. Apart from Krio, do you speak any other language?
- 11 A. Yes.
- 12 Q. What other language do you speak?
- 13 A. I speak Temne and Fullah.
- 14 Q. Mr Witness, do you speak any English at all?
- 15 A. Yes.
- 16 Q. Do you write any English?
- 17 A. Yes, I can write.
- 18 Q. Can you read English?
- 19 A. Yes, I can read.
- 20 Q. Can you read English very well?
- 21 A. Yes.
- 22 Q. Mr Witness, what work do you do?
- 23 A. I am a court clerk.
- 24 Q. Mr Witness, I would like to direct your attention to --
- 25 PRESIDING JUDGE: Besides being a court clerk -- maybe
- 26 unemployment besides being a court clerk.
- 27 MS WIAFE: Mr Witness, apart from being a court clerk, do
- 28 you do any other work?
- 29 A. Yes, I also do some gardening work.

1 PRESIDING JUDGE: Garden work, is it farming or what.

2 MS WIAFE:

3 Q. When you say garden work, what do you mean?

4 A. It is farming.

5 Q. Mr Witness, I would like to direct your attention to March
6 of 1998. Do you remember that time?

7 A. Yes.

8 Q. Where were you at that time?

9 A. I was in Bradford.

10 Q. Who were you with in Bradford?

11 A. I was with my family.

12 Q. Mr Witness, did anything happen in Bradford in March of
13 1998?

14 A. Yes.

15 Q. Could you tell this Court what happened?

16 A. Yes.

17 Q. Please go ahead?

18 A. In 1998 at night the Kamajors entered into my house.

19 Q. Do you remember the month?

20 A. March.

21 Q. Do you remember the day?

22 A. It was on the 19th.

23 Q. What time did the Kamajors enter your house?

24 A. It was at night they entered.

25 Q. Where were you when they entered your house?

26 PRESIDING JUDGE: About what time did they enter?

27 MS WIAFE:

28 Q. At about what time? When you say night, can you give us an
29 i ndicati on?

1

2 A. No, no. I wasn't having a watch back then.

3 PRESIDING JUDGE: Okay.

4 MS WIAFE:

5 Q. Mr Witness, were you in the house when the Kamajors
6 entered?

7 A. Yes.

8 Q. Could you please tell this Court what happened when the
9 Kamajors came to your house that night?

10 A. Yes.

11 Q. Please go ahead?

12 A. They knock at the door. And we asked who. Then they said,
13 "We the Kamajors, we're asking all of you to come out. We woke
14 up. As we open and we saw them, we all ran away, but one of my
15 child went under the bed. When we went into the bush --

16 Q. Mr Witness, you said the Kamajors knocked on the door and
17 then you opened the door?

18 A. Yes, yes.

19 Q. And you saw the Kamajors?

20 A. Yes.

21 Q. Did the Kamajors tell you anything when you opened the
22 door?

23 A. Yes.

24 Q. What did they say?

25 A. They said -- they asked all of us to come out.

26 Q. Did you go you out?

27 A. Yes.

28 Q. What happened when you went out?

29 A. We ran away. I went into the bush with my family.

1 Q. Why did you run away into the bush?

2 A. Because they were having guns, machetes, axes and knives.

3 Q. Did the Kamajors say anything to you before you ran away?

4 A. Yes.

5 Q. What did they say?

6 A. They said: Now the country belongs to them, so whatever
7 they want they will do.

8 Q. How many Kamajors came to your house that night?

9 A. I couldn't tell the number, because there were many. I
10 didn't count them.

11 Q. Mr Witness, you said you ran into the bush?

12 A. Yes.

13 Q. What bush are you referring to?

14 A. The bush nearby the town.

15 Q. Who did you go with?

16 A. Me and my family.

17 Q. How many were you, I mean you and your family of the people
18 that ran into the bush? Do you remember the number?

19 A. Yes, people went into the bush, we were nine in number.
20 The others went their own way.

21 Q. Which others are you referring to?

22 A. You want to know the ones that I'm referring to?

23 Q. No, you said you and your family, you were nine in number.
24 You went into the bush. The others went another way. I just
25 wanted to know of the others who went the other way, who were
26 they?

27 A. The other wives went and my child was left in the house
28 under the bed.

29 Q. Mr Witness, you said Kamajors came to your house at night.

1 How did you know that these people were Kamajors?

2 A. They said it. They told us, they said they were Kamajors.

3 Q. Mr Witness, you said you ran into the bush with your
4 family?

5 A. Yes.

6 Q. Did you stay in the bush?

7 A. That night, yes. That night.

8 Q. The next morning did you do anything?

9 A. Yes.

10 Q. What did you do?

11 A. I came and checked in my house.

12 Q. When you got to your house, what did you see?

13 A. I discovered that they have looted my house.

14 Q. Mr Witness, when you say that you discovered that your
15 house had been looted, what do you mean?

16 A. They took my property in the house.

17 Q. What kind of property had been taken?

18 A. They took my clothing, groundnut, rice, palm oil. They
19 were all taken away with other things, which I cannot call right
20 now.

21 Q. Mr Witness, did you ever come to know how those things were
22 taken away?

23 A. Yes, because my child was under the bed and he told me that
24 they collected all the things, they put them in the vehicle and
25 took them to Moyamba.

26 Q. This child who you said was under the bed, you said he told
27 you that they took the things away. Who did he refer to as they?

28 A. The Kamajors.

29 Q. When did your child tell you that these things were taken

1 away by the Kamajors?

2 A. When they came at night, the same night I left. In the
3 morning I came back to check.

4 Q. Mr Witness, when you said when you came back your things
5 had been taken away and your son told you that they had been
6 taken away by the Kamajors. At what time did your son tell you
7 that these things were taken away by the Kamajors?

8 A. It was in the morning when I came. It was on the 20th, the
9 20th of March when I came.

10 Q. And where did your son tell you that these things were
11 taken away by the Kamajors? Where?

12 A. We all met in the house.

13 Q. On the 20th you all met in the house?

14 A. Yes.

15 Q. Mr Witness, apart from your own house, do you know of any
16 other house that was looted?

17 A. Yes, because we all -- we all met and whoever you meet will
18 tell you my house was looted, the entire Bradford. Everybody was
19 crying.

20 Q. Did you come to know about this on this same day, that is,
21 the 20th of March?

22 A. Yes.

23 Q. Mr Witness, after you heard that your things or your
24 property had been taken away by the Kamajors what did you do?

25 A. I started passing around, talking and crying, saying that
26 they have brought misery on us, because they have looted all our
27 properties.

28 Q. Did you stay in the house that day?

29 A. Yes, yes, I stayed there.

1 Q. Did you sleep in the house that night?

2 A. No, no.

3 Q. Where did you go?

4 A. I went back to the same place where we were, because we
5 were all afraid. That is where we went.

6 Q. So you went back to the bush?

7 A. Yes.

8 Q. Mr Witness, after this incident happened, did anything
9 other incident happen in Bradford?

10 A. Yes.

11 Q. Could you tell this Court what happened?

12 A. Yes.

13 Q. Please go ahead.

14 A. So after the 19th, the 23rd again they came. That was in
15 March. They entered.

16 Q. When you say they came, who are you referring to?

17 A. The Kamajors came back on the 23rd.

18 Q. Where were you when they came back on the 23rd?

19 A. We were camped in the bush, but the bush is just nearby the
20 town.

21 Q. Did they come into the bush at that time?

22 A. Early in the morning, by then I was not there. They met my
23 children.

24 Q. Where did you go that early morning?

25 A. I went to attend to nature.

26 Q. How did you know the Kamajors came back that morning?

27 A. By the time I heard my children shouting, begging, "please
28 leave us, please leave us. "

29 Q. What did you do when you heard your children shouting and

1 pleading?

2 A. I tried to go. When I went I saw some were having guns,
3 some were having machetes and other were having knives so I went
4 close by and they were not able to see me but I was very close.
5 I was seeing them.

6 Q. Mr Witness, when you say "they", who do you refer to?

7 A. I'm talking about the Kamajors.

8 Q. So you're saying the Kamajors did not see you from where
9 you were standing?

10 A. Yes, because if they had seen me, they would have called
11 me, but they didn't see me.

12 Q. What did you see from your hiding place?

13 A. My grandson who was shouting, I saw one Kamajor as he was
14 shouting, he shot at him. He shot at him.

15 Q. What did you do when you saw the Kamajor shooting your
16 grandson?

17 A. I was afraid.

18 Q. How old was this grandson?

19 A. Three and a half years old.

20 Q. Did you ever try to go to the assistance of your children,
21 Mr Witness?

22 A. No.

23 Q. Why did you not?

24 A. Well, I was afraid. They were all having knives, machetes,
25 knives and I don't have anything.

26 Q. How many Kamajors did you see at that time?

27 A. By then they were four -- I saw four of them entering.

28 Q. Mr Witness, did anything else happen after your grandson
29 was shot at?

1 A. Yes.

2 Q. What happened?

3 A. My son he was also trying to escape and he was also shot
4 at. The Kamajors shot at him. By then the boy was in the bush.
5 That's my son.

6 Q. Did the Kamajors do anything else?

7 A. Yes.

8 Q. What did they do?

9 A. They said they are going kill all of them. They were there
10 pleading, pleading, then they all left, seven of them. Two
11 elders -- elderly ones.

12 Q. Mr Witness, when you say "them,", who are you referring to?

13 A. I'm talking about my children.

14 Q. And how many of your children were there at that time?

15 A. They were nine and they killed my grandson. They shot the
16 other, that is Ibrahim.

17 Q. What happened to the other seven?

18 A. They said -- they said they are going to kill all of them,
19 but they pleaded. They took them to the park, that is the
20 Bradford park.

21 Q. Mr Witness, all this while you were standing behind the
22 tree, as you say?

23 A. Yes, I was watching. In fact, they gathered all our
24 properties and they carried all of them.

25 Q. After the Kamajors had taken your children to the park,
26 what did you do?

27 A. After they've gone, that was the time I came, I met my
28 grandson, I took him. He had already died. He was shot at on
29 the leg at the back.

1 Q. What did you do when you -- Mr Witness, are you all right?

2 A. Yes.

3 Q. Are you ready to go ahead?

4 A. Okay.

5 Q. Mr Witness, what did you do when you found -- or when you
6 picked your grandson up?

7 A. I was shuttling, I was shuttling, because I was confused.
8 I wept for the first time, second time, and, the third time
9 I heard the one was crying in the bush.

10 Q. You heard a cry coming from the bush. What did you do when
11 you heard that cry?

12 A. I went there.

13 Q. What did you find when you went there?

14 A. I met my child who was shot at on his head.

15 Q. What did you do with him?

16 A. I took him and I brought him in the camp where we were,
17 I said, "Look, they've killed your son. "

18 Q. This other son was alive at the time that you found him?

19 A. Yes.

20 Q. Mr Witness, after you found these two children, what did
21 you do?

22 A. I left there and he went to shut for one month. We took
23 Aluseini, I took my grandchild and we buried him. Nearby the
24 town.

25 Q. Mr Witness, you said you went to find another person; is
26 that what you're saying?

27 A. Yes.

28 Q. Where did you go to find this person?

29 A. We were all together in the camp, but when they were

1 scattered I started shouting for him and finally I saw him and
2 then I called him and we came.

3 Q. And you said you buried your grandson?

4 A. Yes.

5 Q. Where did you bury your grandson?

6 A. Bush, but it was very close to the town.

7 Q. So what happened to the other son, the one who was shot in
8 the head?

9 A. After the Kamajors had gone to the park, I took him and --
10 took him to the town, because the town is long, the other part
11 where they've left, that was where I took him. We sat there.

12 Q. So you took your son into the town, some part of the town?

13 A. Yes.

14 Q. Did anything?

15 PRESIDING JUDGE: Which of the sons, the one that was shot
16 on the head.

17 A.

18 MS WIAFE: The one who was shot on the head, yes. The
19 other one was buried, .

20 PRESIDING JUDGE: Buried near the town, yes.

21 MS WIAFE:

22 Q. Did you do anything else to the second son that was shot in
23 the head?

24 A. Yes.

25 Q. What did you do?

26 A. We went around and shout for somebody who could do some
27 first aid and he drew the blood from his head because his head
28 was swelling.

29 Q. Where did you go do find this person to administer the

1 first aid.

2 A. The town is long, and we know where we were hiding, so
3 where they were hiding, that is where I went and I met him.

4 Q. Mr Witness, what about the other seven children, what
5 happened to them?

6 A. They pleaded and they were released because the other --
7 only two were high, the others were smaller.

8 Q. So you're saying the Kamajors released these children?

9 A. Yes.

10 Q. Where did you find them?

11 A. They released them at night and we saw them in the morning,
12 in the bush. That was where I saw them.

13 Q. Mr Witness, after this incident, did you stay in Bradford?

14 A. No.

15 Q. Where did you go?

16 A. Then I came to Freetown. We came and saw a doctor and the
17 doctor took us to the Defence, the Defence office was closed and
18 we were taken to the Connaught hospital.

19 Q. Who did you come to Freetown with, Mr Witness?

20 A. All with my family.

21 Q. And why did you go to Connaught Hospital?

22 A. So that my son will be treated. He was admitted and they
23 X-rayed him.

24 Q. So he was given treatment?

25 A. Yes.

26 Q. Did you go back to Bradford after that?

27 A. Yes, later, after everything has subsided.

28 Q. When was in?

29 A. It was around the year 2000 and 2001. It was around that.

1 Q. Mr Witness, what is the present condition of your son
2 today?

3 A. At times he behaves normal and sometimes he behave
4 abnormal. That is it.

5 MS WIAFE: Thank you very much, Mr Witness.

6 THE WITNESS: Yes.

7 MS WIAFE: Your Honours, I have no further questions for
8 this witness.

9 JUDGE BOUTET: Thank you. Cross-examination, second
10 accused? Yes, Mr Koppe.

11 CROSS-EXAMINED BY MR KOPPE:

12 MR. KOPPE: Good morning, Mr Witness.

13 THE WITNESS: Good morning.

14 Q. Would you be able to tell us who has been responsible for
15 these incidents that you have told us today about?

16 A. The Kamajors.

17 Q. Have you seen which Kamajor it was who shot your grandson?

18 A. Yes.

19 Q. Do you know his name?

20 A. Yes, later, I knew his name.

21 Q. Would you tell this Court what his name is?

22 A. Patrick -- Patrick John.

23 Q. Mr Witness, have you known this Patrick John before the
24 events in March 1998?

25 A. No, it was later.

26 Q. When did you find out his name?

27 A. It was in 1998 when they captured my children then later he
28 told me that he was -- later --

29 THE INTERPRETER: Sorry, the interpreter cannot get the

1 witness audibly, could the Court order the witness to repeat his
2 answer.

3 JUDGE BOUTET: Mr Witness, can you repeat your last answer,
4 please, and try to speak in the mic.

5 THE WITNESS: Okay. Um-hum. Um-hum, yes.

6 JUDGE BOUTET: Maybe you can repeat your question, Mr
7 Koppe.

8 MR. KOPPE:

9 Q. Mr Witness, when did you learn about the name of Mr Patrick
10 John. When did you find out that was the man responsible for
11 these events? When did you find out?

12 A. It was my children who told me his name. The one that they
13 captured and they took to the park. They came and tell me that
14 -- told me that his name was Patrick.

15 Q. Have you also been able to find out why this Mr Patrick
16 John killed your grandson and shot at your son?

17 A. No, because during that time they have left, I had no gun,
18 I had no machete, so I was not interested in finding out,
19 otherwise they would have killed me.

20 Q. Were you able to find out later the reasons why this
21 Patrick John killed your grandson and shot at your son?

22 A. Where I was, he said he should finish with him at once.
23 That is the only thing that I knew. Where I was hiding, what
24 I heard him say. Then from that time we never had a talk.

25 Q. So am I correct in understanding that you say you don't
26 know any reason why this Patrick John shot your grandson and your
27 son?

28 A. Yes, because he said he was a Kamajor. They were in
29 control of the country now so they decided to do any bad they

1 want to do. That is the only reason that I can tell you.

2 Q. Mr Witness, have you heard about any other children being
3 shot or killed in Bradford?

4 A. Yes, yes.

5 Q. And was this same Patrick John involved in the shooting?
6 Do you know?

7 A. No, I don't know.

8 Q. Mr Witness, you agree with me that it was the 10th of March
9 1998 that the government of President Kabbah was reinstalled.

10 A. I cannot remember. I cannot remember again.

11 Q. Mr Witness, do you remember when in 1998 the hostilities
12 and the violence ceased, when it stopped?

13 A. Those -- I don't understand.

14 Q. Well, the one point in time peace was restored; am
15 I correct?

16 A. Yes. It was only here, not to us there. Only here, not to
17 us inside Bradford Town.

18 Q. Are you able to tell us when finally peace was restored in
19 Bradford?

20 A. Yes.

21 Q. Please do.

22 A. The final peace came to Bradford that was the time when
23 President Kabbah was reinstated.

24 Q. Mr Witness, when peace was restored, did you report to
25 anybody these incidents that you have testified of today?

26 A. Yes.

27 Q. Could you tell this Court to whom you reported these
28 incidents?

29 A. It was those who met us to get statement from us that we

1 reported to.

2 Q. Mr Witness, are you referring to investigators of the
3 Special Court?

4 A. Before that. We made a report to other people like
5 paramount chief and others so when those ones went there, they
6 only called us to make the reports to them.

7 Q. Mr Witness, do you know when you made a report to the
8 paramount chief?

9 A. I don't know. It is a long time.

10 Q. Was it in the same year as these events have occurred?

11 A. No. That time -- no everybody was afraid. Everybody was
12 -- in fact everybody was in Freetown.

13 Q. The paramount chief also?

14 A. Yes, the paramount chief was in town.

15 Q. So you don't know exactly when in time you made that report
16 to the paramount chief?

17 A. Hmm, hmm.

18 Q. Did you tell the paramount chief that it was Patrick John?

19 A. I did not recall that.

20 Q. Did you report to the paramount chief that it was Patrick
21 John who was responsible for the death of your grandson?

22 A. The late paramount chief, he has died. The late paramount
23 chief.

24 Q. Do you know when the late paramount chief died?

25 A. Yes.

26 Q. Please do tell us.

27 A. If at all, I do not mistake, 19 -- 2000 -- 2001.

28 Q. So you told the paramount chief before he died that it was
29 Patrick John who was responsible?

1 A. Yes.

2 Q. Do you know if the paramount chief undertook any action
3 against Patrick John?

4 A. No, I don't know, because Patrick John was up there. Then
5 the paramount chief was in Freetown here.

6 Q. So you don't know whether the paramount chief has
7 investigated these incident that you have told us today?

8 A. I don't know, because from that time he never asked me to
9 see him. We never sat together and discussed. Patrick John was
10 upcountry when we were in Freetown here. It was in town here
11 that -- in Freetown here that I met the paramount chief and
12 informed him.

13 Q. Do you know, Mr Witness, where Patrick John was at the time
14 when you spoke to the paramount chief?

15 A. I did not know. I did not know. That time it was during
16 the war. I don't know.

17 Q. Have you ever seen Patrick John again?

18 A. I saw Patrick John the time he went to Moyamba. I went --
19 I went to Moyamba to give statement. That was the time that I
20 knew that he was the Patrick John.

21 Q. Mr Witness, is it correct to say that ECOMOG forces came to
22 Bradford in May/June 1998?

23 A. I cannot remember the dates. They came there, but the year
24 I cannot remember.

25 PRESIDING JUDGE: When they came to Bradford.

26 MR. KOPPE:

27 Q. Mr Witness, did you ever make a report about these
28 incidents to the ECOMOG forces?

29 A. Yes, we -- we talked about it, but no action was taken. We

1 had a talk.

2 Q. Do you remember with whom you spoke?

3 A. No, because I don't know their names.

4 Q. Mr Witness, did you speak about these incidents to the
5 police?

6 A. During that time policemen were not --

7 PRESIDING JUDGE: Mr Witness -- [Overlapping microphones]

8 THE WITNESS: Not at all. There were no police people.

9 PRESIDING JUDGE: When the police came, did you speak to
10 them? When finally the police came, did you speak to them?

11 THE WITNESS: No.

12 PRESIDING JUDGE: Or did you report to them? Report to
13 them?

14 THE WITNESS: Yes, I told them that they killed my grandson
15 and they wounded my son. I told them about that. I told them.

16 MR. KOPPE:

17 Q. So you did speak to the police eventually?

18 A. I talked -- I talked. That one, yeah, I talked to them
19 that they killed my grandson and wounded my child. The hospital
20 knew that my son was wounded. The hospital knows that they had
21 wounded my son.

22 Q. Mr Witness, could you know whether the police have
23 undertaken an investigation about these incidents?

24 A. I don't know anything.

25 Q. Mr Witness, have you notified the death and birth registry
26 of your town about the death of your grandson?

27 A. No. During that time there was no way to move. During
28 that time there was nowhere for someone to move to make a
29 complaint anywhere else.

1 Q. I'm not speaking about a complaint but a notification,
2 written or orally that your grandson had died?

3 PRESIDING JUDGE: He said he did not because the people
4 were not there, .

5 MR KOPPE: Yes, but he was speaking about a complaint.

6 PRESIDING JUDGE: At the birth and death registry.

7 MR. KOPPE: Exactly, not a complaint but whether he
8 declared the death of his grandson.

9 THE WITNESS: I did not see anybody. Nobody was there.
10 There was nobody.

11 Q. So you didn't do that either in the later stage?

12 A. Hmm.

13 Q. My last question, Mr Witness, is your grandson buried in
14 Bradford?

15 A. Yes, I buried him.

16 MR. KOPPE: Thank you.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE: We'll rise for a few minutes and come
19 back for continuation of the cross-examination.

20 [Recess taken at 12.10 p.m.]

21 [On resuming at 12.20 p.m.]

22 PRESIDING JUDGE: Learned counsel, we're resuming the
23 session.

24 JUDGE BOUTET: Counsel for the third accused, you're ready
25 to proceed with your cross-examination of this witness?

26 MR LANSANA: By all means, Your Honour.

27 JUDGE BOUTET: Please do so.

28 CROSS-EXAMINED BY MR LANSANA:

29 Q. Mr Witness?

1 A. Yes.

2 Q. Were you in Bradford village --

3 A. Yes.

4 Q. Were you in Bradford village in the year 1997?

5 A. No, in 1997 I was in Freetown; part of 1997 I was in
6 Freetown, part I was in Bradford. He asked me for the whole
7 year.

8 Q. Thank you. Can you tell this Court when in 1997 that you
9 left Freetown for Bradford?

10 A. No, I can't tell.

11 Q. Was it mid 1997 or early 1997?

12 A. It was at the latter part.

13 Q. And can we take it then, Mr Witness, that you went to
14 Bradford after the May 1997 coup?

15 A. May 1997 coup?

16 Q. Yes.

17 A. No.

18 PRESIDING JUDGE: No, use the word "overthrown," when the
19 government was overthrown.

20 MR LANSANA: As Your Honour pleases.

21 Q. Were you in Freetown when the government of President
22 Al haji Tejan Kabbah was overthrown?

23 A. No, I was in Bumpah.

24 Q. And it was after that incident that you went to Bradford
25 village; not so? That same year?

26 A. Yes, I went to Freetown and after that I came back to
27 Bradford.

28 Q. Thank you very much. Now -- now, when you went to Bradford
29 village, were there any armed forces around that locality?

1 A. Yes.

2 Q. Who were there?

3 A. Defence -- they were called Kamajors, defence Kamajors.

4 They were there.

5 Q. Do you know whether the AFRC were around Bradford before
6 the Kamajors went there?

7 A. They were in Bradford. Rather they were not in Bradford,
8 they were at Mabang.

9 Q. The AFRC were at Mabang and the Kamajors were at Bradford?

10 A. The Kamajors were in Bumpeh. They only used to come and
11 go.

12 Q. Mr Witness, can you clarify to us what you mean when you
13 say "Bumpeh". Are you referring to Bumpeh Town or Bumpeh
14 Chieftdom?

15 A. Bumpeh Chieftdom.

16 Q. And Bumpeh Town is the headquarter town of Bumpeh chieftdom;
17 is that correct?

18 A. Rotifunk is the headquarter town.

19 Q. Now, you say the AFRC were at Mabang. Do you know whether
20 they had any clashes with the Kamajors in that locality?

21 A. I'm not aware.

22 Q. I'm putting it to you that in the year 1997 there were
23 several clashes between the AFRC and the Kamajors.

24 A. When that happened during that time, we were -- we were
25 running all about. We don't know. So -- I know mine personally.

26 Q. And you put it to you further that you are right to say you
27 were running around, you were running around because the
28 fighting.

29 A. If that is the situation, everybody was afraid of the

1 fight. If at all he had no gun, he must be afraid.

2 Q. So I'm right to say that you and other people were running
3 around, because there were several clashes between these two
4 forces, the AFRC and the Kamajors in your locality?

5 A. Except those people have to tell you that.

6 Q. Can you please tell us.

7 A. What I know is what I have explained to you.

8 JUDGE BOUTET: He has told you twice now that he doesn't
9 know. He doesn't know. You have put it to him, but his answer
10 was "I don't know".

11 MR LANSANA: Your Honour, I was following the lead of
12 running around. I want the witness to establish why they were
13 running around.

14 JUDGE BOUTET: He has told you it was because of war.
15 Anybody who didn't have a gun was running around.

16 THE WITNESS: I was afraid for my life, that is why I was
17 running away.

18 MR LANSANA:

19 Q. And your life was threatened by what?

20 A. They had guns; I don't have guns. Do you expect me to
21 stand until they come and kill me. That is why we were running
22 about.

23 Q. So everywhere you saw people with guns, whether they did
24 nothing to you, you just ran away; is that correct?

25 A. If you see your colleagues running, you too must run. That
26 was why, because you are not alone in the town.

27 Q. Now, when people were running around, did they tell you
28 that a particular force was coming to your locality, that you had
29 to leave as a result?

1 A. They did not tell me I saw them myself. I saw them twice.

2 Q. You saw who twice?

3 A. We saw the Kamajors coming. They came. They were coming
4 and going, coming and going, so whatever they say, you must give
5 way, you see.

6 JUDGE THOMPSON: Learned counsel, perhaps your
7 cross-examination of this witness would be less confrontational
8 if you simplified the questioning a little. You are trying to
9 establish, I reckon, a nexus between the running around, as he
10 alleges, and the existence of armed clashes of the forces.

11 MR LANSANA: Yes, Your Honour.

12 JUDGE THOMPSON: Why not try and see if you can, in your
13 own way, simplify this correlation that you're trying to
14 establish for him to understand because, quite frankly, I don't
15 see the disagreement in substance. What I see is probably use of
16 language in a slightly abstruse sense on your part and therefore
17 not getting across to the witness. Why not try again.

18 MR LANSANA: As you please, Your Honour.

19 Q. Mr Witness?

20 A. Yes?

21 Q. Apart from the Kamajors, did you see any other group of
22 fighters in your locality?

23 A. Yes.

24 Q. And can you tell this Court who they were?

25 A. The Ogas -- I don't know, it has escaped. They came and we
26 were all happy and we embraced them.

27 Q. Was it by any means ECOMOG?

28 A. ECOMOG.

29 Q. Apart from ECOMOG, did you see any other group?

1 A. That is the only one we saw and we received them. Apart
2 from that we didn't see any other group.

3 Q. In the year 1997 did you personally experience any
4 gunshots?

5 A. Yes, shooting was going rampantly in there.

6 Q. In your locality?

7 A. Yes, yes.

8 Q. Thank you. From these gunshots would I be right to say
9 that there was fighting in your locality?

10 A. Some come just to loot and run away, others come, and when
11 they go they will come back.

12 Q. Now I put it to you that --

13 THE INTERPRETER: Your Honour, the mic.

14 PRESIDING JUDGE: Your microphone.

15 MR LANSANA: Sorry about that.

16 Q. I put it to you that in 1997 there was fighting in your
17 locality.

18 A. If that is the case, all I know is what I have explained to
19 you.

20 Q. Mr Witness, you have told this Court that Kamajors went to
21 Bradford on the 19th of March 1999; not so -- 1998, sorry?

22 A. Yes.

23 Q. You made a statement to some people from the Office of the
24 Prosecution -- from the Special Court; not so?

25 A. Yes.

26 Q. And that was in Moyamba; not so?

27 A. Yes.

28 Q. On the 27th of November 2003?

29 A. Yes.

1 Q. Mr Witness, Mr What language did you make that statement?

2 A. It was in English.

3 Q. Was it recorded?

4 A. Yes.

5 Q. How was it recorded?

6 A. They were computerising it.

7 Q. At the end of that statement, was the statement read to
8 you?

9 A. Yes.

10 Q. Did you say that that statement was true and correct?

11 A. Yes.

12 Q. Did you sign your statement?

13 A. No.

14 Q. Now, did you tell the investigators that on the 19th of
15 March 1999 the Kamajors came to Bradford at night and looted the
16 whole town. Did you tell them it was on the 19th of March 1999?

17 A. Yes, that was what I said earlier, but later I discovered
18 that it was in 1998.

19 Q. You've just told this Court that when the Kamajors entered
20 that night, you ran into the bush; not so?

21 A. Yes, yes.

22 Q. And that you learnt about looting the next day; not so?

23 A. Yes.

24 Q. Now, when you were talking to the investigators did you
25 tell them that you witnessed the looting?

26 A. No, I said in the morning when I went my child was there.
27 I was not there.

28 Q. Thank you very much. I'll read a portion of your statement
29 to you on the 27th of November 2003. It is written: "Witness" -

1 that is you - "saw them looting." Did you tell the investigators
2 that you saw the looting, you saw them looting?

3 A. Even that. I said I didn't see them looting, because I and
4 the others have run away, but my child was there.

5 Q. Thank you very much.

6 A. Okay. Maybe it is a typographical error.

7 Q. Mr Witness, did you at any time report the looting of your
8 property to any superior Kamajor authority?

9 A. No.

10 Q. Did you at any time report the killing of your grandson to
11 any superior Kamajor authority?

12 A. No. There was no chance to meet them. There was no way to
13 meet them. Any one you meet.

14 Q. Now, did you report the shooting of your son to any
15 superior Kamajor authority?

16 A. Yes, the time I was in my house, I was trying to go and
17 I met them at the barri and I was afraid they that they kill me
18 then I said they have shot at my son and now I'm trying to take
19 him. They said, "let's go now, man". I said, "no, I'm going to
20 Freetown".

21 Q. Do you remember that person you made a report to?

22 A. Yes, the one I knew was Obai Bai Kanu [phon].

23 Q. Is it to your knowledge whether he took any action on that
24 report?

25 A. At the time he said I was going to give me a paper to go to
26 Moyemo [phon]. I said no I'm going to Freetown.

27 Q. Mr Witness, can I take it that you told him that your son
28 had been --

29 PRESIDING JUDGE: A paper to take to which place? To

1 Moyemo?

2 MR LANSANA: I heard Moyemo.

3 THE WITNESS: Moyemo hospital.

4 MR LANSANA:

5 Q. Now I take it from your answer, Mr Witness, that what you
6 actually did was to inform him of the purpose of your having to
7 leave Bradford?

8 A. I said I'm taking my child to Freetown for treatment.

9 PRESIDING JUDGE: He didn't say -- didn't he say earlier on
10 that he reported that they killed -- he was afraid so he told
11 them that they had shot his child and they were taking him for
12 treatment.

13 MR LANSANA: Your Honour, the circumstance as I understand
14 is more like asking for permission to leave, or explaining the
15 reason for his leaving rather than reporting for action to be
16 taken.

17 I'll put it to him, Your Honour.

18 PRESIDING JUDGE: Okay.

19 MR LANSANA:

20 Q. Mr Witness, I'm putting it to you that it wasn't actually a
21 report that you made to--

22 A. I only explain. When they said, "let's go to Moyemo, then
23 I said, "no, I'm going to Freetown. For my son to be treated."

24 Q. Thank you very much.

25 Now you talked about Patrick John; not so?

26 A. Yes.

27 Q. Did you know Patrick John prior to the 19th of March 1998?

28 A. No.

29 PRESIDING JUDGE: I thought he had answered this question,

1 Mr Lansana. I thought had answered this question earlier on
2 during cross-examination.

3 JUDGE BOUTET: No, during examination-in-chief.

4 MR LANSANA: I take the cue.

5 PRESIDING JUDGE: Go ahead, go ahead.

6 MR LANSANA: No, Your Honour, I rest my case. That will be
7 all for this witness.

8 JUDGE BOUTET: To you're not pursuing the issue with
9 Patrick John.

10 MR LANSANA: Not at all.

11 JUDGE BOUTET: Counsel for the first accused.

12 CROSS-EXAMINED BY MR YILLAH:

13 Q. Mr Witness, did the Kamajors at any time before the March
14 1998 convene a meeting at Bradford for the residents; do you
15 know?

16 A. I was not there, but I learned that by then I was in Bumpe
17 Chieftdom.

18 Q. Mr Witness?

19 A. Yes.

20 Q. Did you also learn that at that meeting it was decided that
21 the Kamajors would work in partnership with the community for the
22 defence of Bradford?

23 A. I said that I was not there. I heard that a meeting was
24 convened. I did not know. I had no knowledge, but I heard that
25 they went there.

26 Q. Mr Witness?

27 A. Yes.

28 Q. Did you observe that the Kamajors who entered Bradford had
29 come from different parts from Ribbi Chieftdom and Moyamba as a

1 whole?

2 A. Yes, yes.

3 Q. Mr Witness?

4 A. Yes.

5 Q. Did you also observe that these Kamajors were in different
6 groups?

7 A. Yes, because they didn't come from the same chiefdom, they
8 were in different groups. They were not coming from the same
9 chiefdom.

10 JUDGE BOUTET: Mr Court officer, can you try and find out
11 what's this noise and if you can control it.

12 MR WALKER: Your Honour, I believe it is feedback on the
13 microphones, I don't know maybe you have your earphones close to
14 the microphone, Your Honour.

15 MR YILLAH:

16 Q. Mr Witness?

17 A. Yes.

18 Q. Did you also observe that there was no control among these
19 different groups of Kamajors? Did you?

20 A. Well, if at all they had a leader, I believe there should
21 be some control except if they don't have a leader, but if they
22 have a leader there should be control.

23 Q. Thank you, Mr Witness, but the question was: Did you
24 observe there was no control among these different groups of
25 Kamajors, did you observe that?

26 A. During the meeting at Bradford and the time I didn't see
27 any control, although they have a leader.

28 MR YILLAH: Thank you. My Lords, that will be all for this
29 witness.

1 JUDGE BOUTET: Thank you. Any re-examination?

2 MS WIAFE: None, Your Honours.

3 JUDGE BOUTET: Thank you.

4 PRESIDING JUDGE: Mr Witness, we have finished with you.

5 THE WITNESS: Okay sir.

6 PRESIDING JUDGE: We thank you for coming to assist the
7 Chamber with your evidence.

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: [Previous interpretation continues]
10 yourself at your own level, you can imagine of what importance
11 your evidence is to this court. We appreciate it very much. We
12 thank you very much for coming and if we have to ask you to come
13 here again for one reason or the other, please do not hesitate to
14 come and see us. Once more we thank you and we wish you a safe
15 journey back to your town. Thank you.

16 THE WITNESS: Okay. Thank you sir.

17 PRESIDING JUDGE: We shall rise and resume the session at
18 2.30 with the next witness. I suppose we have just one this
19 afternoon.

20 MR KAMARA: Yes, Your Honour.

21 PRESIDING JUDGE: We don't need a standby, do we?

22 MR KAMARA: No.

23 PRESIDING JUDGE: Learned counsel, we --

24 THE INTERPRETER: Your Honour, can we know the language the
25 next witness is in testifying in?

26 MR KAMARA: I think it is Krio.

27 PRESIDING JUDGE: We'll rise and resume at 2.30, please.

28 [The witness withdrew]

29 [Luncheon recess taken at 12.55]

1 p. m.] [The witness entered court]

2 [Upon resuming at 2.43 p.m.]

3 PRESIDING JUDGE: Good afternoon, learned counsel. We are
4 calling this session to order.

5 JUDGE BOUTET: Mr Prosecutor, you're ready to proceed with
6 your next witness.

7 MR SAUTER: Thank you. Prosecution calls witness TF2-166.
8 It is witness number 60. The witness will testify in Krio.

9 JUDGE BOUTET: Thank you. Yes, you may swear the witness,
10 please.

11 WITNESS: TF2-166 [sworn]

12 [Witness answered through interpretation]

13 JUDGE BOUTET: Yes, Mr Sauter, please proceed.

14 EXAMINED BY MR SAUTER:

15 MR SAUTER: Thank you.

16 Q. Madam Witness.

17 A. Yes, sir.

18 Q. I am about to ask you some questions. Please speak very
19 slowly when answering. Take your time and try to focus on my
20 questions. Did you understand me?

21 A. Yes, sir.

22 Q. I start with some questions concerning your personal data.
23 Madam Witness, how old are you?

24 A. I'm 30 years.

25 Q. Where were you born, Madam Witness?

26 A. I was born in Mabang.

27 Q. M-A-B-A-N-G. Which is in which district?

28 A. Moyamba District.

29 Q. Thank you.

- 1 A. Yes, sir.
- 2 Q. Where are you residing?
- 3 A. In Mabang.
- 4 Q. Madam Witness, are you married?
- 5 A. Yes, sir.
- 6 Q. Do you have children?
- 7 A. Yes, sir.
- 8 Q. How many children do you have, Madam Witness?
- 9 A. Four children.
- 10 Q. Did you attend school?
- 11 A. Yes, sir.
- 12 Q. And finally, Madam Witness, what is your profession?
- 13 A. I am doing farming and business.
- 14 Q. Thank you very much.
- 15 A. Yes, sir.
- 16 Q. Let me now take your mind back to the end of the year 1997.
- 17 Where did you live at this time, end of 1997?
- 18 A. I was in one village called Rokonta.
- 19 Q. The spelling is R-O-K-O-N-T-A. Could you please tell the
- 20 Court where Rokonta is located?
- 21 A. Yes, sir.
- 22 Q. Please do so.
- 23 A. Rokonta village is around the Mabang area.
- 24 Q. It means it is in Moyamba District; right?
- 25 PRESIDING JUDGE: Naturally.
- 26 THE WITNESS: Yes, sir.
- 27 MR SAUTER:
- 28 Q. How far away is Rokonta from Mabang, do you know?
- 29 A. About one mile.

1 Q. Who was in control of this area - Rokonta, Mabang - at this
2 time, can you remember?

3 A. It was the CDF.

4 Q. And Madam Witness, could you please tell the Court how was
5 the relationship between the CDF and the civil population?

6 A. Yes, sir.

7 Q. Please?

8 A. CDF and the people -- and the people, they had no close
9 relationship by the time I was in Rokonta village. So the CDF,
10 under the leadership of Obai, came and attacked Mabang -- came
11 and attacked Rokonta village, the time I was there.

12 PRESIDING JUDGE: First question was on the relationship.

13 MR SAUTER: I will repeat my question.

14 Q. May I ask my question again. The question was how was the
15 relationship between the CDF and the population? Was it a good
16 relationship or not?

17 JUDGE BOUTET: She had answered no close relationship.

18 JUDGE THOMPSON: She answered. She said no close
19 relationship.

20 MR SAUTER: But close relationships may be good or worse
21 relationships.

22 JUDGE THOMPSON: We don't want to engage you in an argument
23 -- [Overlapping speakers]

24 PRESIDING JUDGE: Maybe she can answer.

25 THE WITNESS: The relationship between them, it was not a
26 good relationship, because the CDF, they had weapons all the
27 time. So the relationship there was to disturb the civilians.

28 MR SAUTER:

29 Q. Did you yourself or your family suffer under the CDF in any

1 way at this time?

2 A. Yes, we suffered during that time. I suffered together
3 with my family.

4 Q. Could you please tell the Court what they did that made you
5 suffer?

6 A. Yes, sir.

7 Q. Please?

8 A. In 1997, December 23, the CDF in the Bumpe Chiefdom, they
9 came to the village Rokonta. They attacked my father's house and
10 that time they did not meet my father there. My father was in
11 another village.

12 Q. So you said they attacked your father's house?

13 A. Yes, sir.

14 Q. But they did not meet your father because he wasn't there?

15 A. Yes, sir.

16 Q. So when they did not meet your father --

17 JUDGE THOMPSON: Counsel, let's have that down first.

18 Moderate your pace.

19 MR SAUTER: Okay, thank you.

20 Q. So you said they did not meet your father. Did they do
21 anything to your family, the rest of your family?

22 A. Yes, sir.

23 Q. Please tell the Court.

24 A. When they could not meet my father they ask all the family
25 to sit down on the floor, so all my family sat on the floor. So
26 they remove all my father's property. From there they took the
27 property along. After that --

28 PRESIDING JUDGE: Wait, wait.

29 JUDGE BOUTET: Ask the witness to go slowly, please. We're

1 trying to follow the evidence.

2 MR SAUTER:

3 Q. Once again, please go slowly, make short sequences.

4 A. Okay, sir.

5 JUDGE BOUTET: So they asked all the family to sit down on
6 the floor.

7 MR SAUTER:

8 Q. We were at the point where you were asked with the rest of
9 your family to sit down on the floor.

10 A. Yes, sir.

11 Q. What happened next?

12 A. From there we went and met our father and told him that the
13 CDF have attacked our house.

14 Q. Madam Witness, the question was what did the CDF do after
15 they made you sit down on the floor?

16 A. They went into my father's house and remove all the
17 property there and went away with them.

18 Q. Stop here, please. What did you do after the CDF had left
19 your house?

20 A. We went to our father and explained to him that the CDF has
21 attacked our house and removed all the property.

22 Q. Stop here, please. Did you do anything else?

23 A. Yes, sir.

24 Q. Please tell the Court.

25 A. After that my father and myself went and met Mr Alex
26 Koroma, who is the honourable minister in that chiefdom.

27 Q. For what purpose you and your father went to Honourable
28 Alex Koroma?

29 A. Because of the CDF, because we used to see Alex Koroma who

1 was the honourable. He used to call meetings and each time they
2 made meetings Alex Koroma was there with them. And Alex Koroma
3 was friends of my father, so my father went there to him to put
4 the matter before him.

5 PRESIDING JUDGE: She talked of Koroma attending what
6 meetings or so? Which meetings?

7 MR SAUTER: He used to call meetings she said.

8 THE WITNESS: Alex Koroma called meetings in Waterloo Town
9 for a CDF meeting. So he invited my father to be present at the
10 meeting. My father refused to go to that meeting, so he send
11 some of his children.

12 MR SAUTER:

13 Q. Did I get you right that Mr Koroma, in response to your
14 complaint or whatever it was, called a meeting in Waterloo? Is
15 this right?

16 A. Yes, it was because of the attack -- the CDF attacked us.
17 So my father took the complaint to Alex Koroma, so he called a
18 meeting and invited my father to go to that meeting, but my
19 father didn't turn up.

20 Q. Did you, Madam Witness, attend this meeting?

21 A. Yes, sir.

22 Q. Who else, apart from you, was present at this meeting?

23 A. Myself and some of my family members, we went there.

24 Q. Who was chairing this meeting?

25 A. Alex Koroma and the paramount chief, Charles Caulker.

26 Q. Madam Witness, who was speaking at this meeting?

27 A. Alex Koroma.

28 Q. And what did he say?

29 A. Alex Koroma said at the meeting that he had come to talk to

1 the CDF members, that he had an information that you the people
2 have attacked his house at Mabang and removed all his property.

3 Q. Was there any response from any one of the CDF?

4 A. Yes, sir.

5 Q. Who was responding?

6 A. One CDF who is Obai from the Bumpe Chiefdom. He responded
7 after Charles [sic] Koroma has said so.

8 Q. Can you recall what Obai was saying in response?

9 A. Yes, sir.

10 Q. Please tell the Court.

11 A. He said, "You, you came to this meeting." Say, "You go and
12 tell your father that we suspect that he's a junta or he's a
13 collaborator, and we must make sure that we kill him." It was
14 Obai that said that.

15 PRESIDING JUDGE: Obai was talking to her? Or to whom?
16 You came to this meeting, go and tell your father. Was talking
17 to who?

18 THE WITNESS: He said, "If one of the Pa's children is
19 around here, let her go and tell the Pa." And I was there at the
20 meeting.

21 PRESIDING JUDGE: You go and tell the Pa that he's a junta.

22 MR SAUTER: Junta and what else? That he is a junta and --

23 JUDGE BOUTET: Junta or a collaborator?

24 MR SAUTER: That he's a junta/collaborator. So both.

25 JUDGE BOUTET: Well, it's not the same.

26 MR SAUTER:

27 Q. Madam Witness, would you please repeat what Obai was
28 saying?

29 A. Obai who was a CDF, he said that -- he said, "If any of the

1 Pa's children were here let her go and tell the father that by
2 the grace of God, In' sh Allah, if we suspect and if it is true
3 that your father is a junta or a collaborator we will see him
4 again." Obai said that.

5 Q. Was anything else said at this meeting by anyone?

6 A. Yes, sir.

7 Q. Please tell the Court.

8 A. PC Caulker, who is the paramount chief of Bumpe Chiefdom -
9 now, now, he is a paramount chief - he raise his hand and hit the
10 table and knock the table and say that --

11 Q. Go slowly.

12 A. Okay, okay. PC Caulker, who is a paramount chief, he
13 raises up his hands and say that he will make sure that the
14 Defence revisit my father, that he'll make sure that they'll kill
15 my father. PC Caulker of Bumpe Chiefdom, he said that.

16 PRESIDING JUDGE: Said what? They'll visit the father and
17 kill -- that's PC Caulker, the paramount chief?

18 THE WITNESS: PC Caulker. PC Caulker.

19 PRESIDING JUDGE: [Microphone not activated]

20 THE WITNESS: Yes, he raise his hands, he hit the table and
21 said that, "The Pa, if it is true that he is a junta or a
22 collaborator, we'll make sure that these people see him again,"
23 and they'll make sure that they kill him. It was PC Caulker of
24 Bumpe Chiefdom, the paramount chief there. He said so.

25 MR SAUTER:

26 Q. So Madam Witness, did the CDF come again to look after your
27 father?

28 A. Yes, they came back.

29 Q. Do you recall when they came back?

1 A. Yes, sir.

2 Q. Please tell the Court.

3 A. After that they came back in 1998. It was May the 11th.

4 That was on the Sunday they came back to the Pa.

5 Q. Stop there, please. Do you remember the time of the day
6 when they came - the morning, the evening, in between?

7 A. Yes, sir, I can remember.

8 Q. Please tell us.

9 A. It was 8.00 p.m. in the evening.

10 Q. Did they meet your father this time?

11 A. Yes, sir.

12 Q. Please tell the Court what happened?

13 A. Well, when they entered - it was on Sunday 8.00 - we saw a
14 boy, one boy who was a CDF. He came.

15 Q. You said when they entered. When who entered?

16 A. It was the CDF, they entered the town.

17 Q. So when the CDF entered the town, a boy came; right?

18 A. When they entered one boy came out and that was the first
19 person we saw.

20 Q. What did this boy do?

21 A. When the boy came then I ask him, "What have you come to do
22 here?" Said they've come to one boy, and that was all he said.

23 Q. I did not understand. Would you please repeat? What did
24 the boy do?

25 A. When the boy came at first - it's a small boy - he was the
26 first person that came out. He came and greeted and we asked him
27 what he had come to do that night, and the boy said he had only
28 come to one boy and that was all what he said.

29 Q. Where did you meet this boy?

- 1 A. The boy came in front of my father's house.
- 2 Q. And who was at your father's house at this time?
- 3 A. All the family was there, together with my father.
- 4 Q. So this included you, you were at home as well; right?
- 5 A. Yes, I was there. I was seated by my father at that time.
- 6 Q. What happened after the boy came?
- 7 A. When the boy came he only came to spy, to survey. After
- 8 that the boy disappeared. When the boy went away, luckily we
- 9 heard shouts, alarm in the town, "Kamajor, Kamajor", we heard
- 10 firing.
- 11 Q. Did the Kamajors come to your father's house?
- 12 A. Yes, sir.
- 13 Q. Did they enter your father's house?
- 14 A. Yes, sir.
- 15 Q. Did they meet your father in the house?
- 16 A. Yes, sir.
- 17 Q. Did they do anything with your father?
- 18 A. Yes, sir.
- 19 Q. Please tell the Court?
- 20 A. So when the Kamajors entered, they opened fire and my
- 21 father ran away together with the family. We escaped and ran
- 22 away. We went to one village called Mabang. We ran from Rokonta
- 23 and went to Mabang.
- 24 Q. Stop there.
- 25 PRESIDING JUDGE: Ran away with the family to where?
- 26 MR SAUTER: Mabang.
- 27 THE WITNESS: Mabang.
- 28 MR SAUTER:
- 29 Q. So Madam Witness, you say all of your family managed to

1 escape to Mabang?

2 A. Most of us, we ran together with the father and went to
3 Mabang. Some were captured and went away with them and took our
4 property and went with them. We ran -- some of us ran away
5 together with the father and went to Mabang.

6 Q. What about yourself, Madam Witness, did you run to Mabang
7 together with your father?

8 A. Yes, sir.

9 Q. So what happened in Mabang?

10 A. So when we reached Mabang, together my father, there one
11 boy, one small boy. He came where I stood with my father and
12 told my father that his house -- the CDF have occupied his house,
13 well armed, and I have a lot of family, I have nowhere to go. As
14 my father was about to go, they halted him. So after that --

15 PRESIDING JUDGE: Let her wait.

16 MR SAUTER:

17 Q. So you were informed by a small boy that the CDF occupied
18 your house and this happened in Mabang; right?

19 A. Yes.

20 Q. Occupied the father's house where?

21 A. It was in Mabang. By then we have left Rokonta village and
22 came to Mabang, where his other house was.

23 Q. Madam Witness, to make it clear, your father had two houses
24 one in Rokonta and one in Mabang?

25 A. Yes, sir. Yes, sir.

26 Q. The CDF came to the house in Rokonta first?

27 A. Yes, sir. The attack was in Rokonta village. It was this
28 -- the war that took us to Rokonta village [inaudible]. So we
29 came back. After we are attacked at Rokonta we came back to

1 Mabang, where his bigger house was.

2 Q. And I understood when you reached Mabang you were informed
3 by a young boy that also your house in Mabang has been occupied
4 by the CDF. Did I understand you rightly?

5 A. Yes. I mean, after we run away from Rokonta and we're
6 trying to go to Mabang to the next house, so a small boy came and
7 informed us that in fact the Pa don't go to that house. He said,
8 "The CDF are there, they are there well armed in your house."

9 Q. The house in Mabang; right?

10 A. Yes.

11 Q. So what did you do --

12 PRESIDING JUDGE: Please wait.

13 MR SAUTER:

14 Q. So Madam Witness, what did you do instead of going to that
15 house in Mabang?

16 PRESIDING JUDGE: The small boy said they should not go
17 there?

18 MR SAUTER: Should not go to the house in Mabang because it
19 was occupied by the -- or the CDF were there, heavily armed.

20 Q. Madam Witness, what did you do instead of going to that
21 house in Mabang?

22 A. At that time my father -- we were trying to tell him to
23 escape. My father was trying to escape, so the CDF -- two CDF
24 saw him and asked him to halt, halt.

25 Q. Did he follow this order to halt?

26 A. My father did not take the order. He continued running
27 towards the water well.

28 Q. Am I right that you were still in Mabang when your father
29 was chased?

1 A. Yes, even me, myself, I was there. I was running after
2 him, I was with him.

3 Q. Did your father and you manage to run away?

4 A. My father was not able to run away. Where he went, it was
5 there they went, they hit him -- they captured him and hit him.
6 They opened fire in the town.

7 Q. So you say your father was captured by the CDF?

8 A. Yes, sir.

9 Q. And you said they opened fire. Did they shoot at him?

10 A. Where they caught him, he was not shot there. They were
11 shooting in the air.

12 Q. And what about you? Have you been captured as well?

13 A. I, too, was captured. But when my father was captured,
14 while they were going with him, with my father and his wives,
15 they were taking him to Masanki village. So I, too, was captured
16 by one CDF and they gave me my father's load -- to take some of
17 the load to take them along.

18 Q. Stop there.

19 JUDGE BOUTET: Her father and his wife were taken to which
20 village? I didn't get the name.

21 MR SAUTER: I come to this point.

22 THE WITNESS: Masanki.

23 MR SAUTER: M-A-S-A-N-K-E or I, I do not know for sure.

24 Q. So you say, Madam Witness, not only you and your father
25 were captured, but your mother as well; right?

26 A. Yes, sir.

27 Q. And they were taken to Masanki village; right?

28 A. Yes, sir.

29 Q. And you went to Masanki village as well, carrying looted

1 items; right?

2 A. Yes, sir.

3 MR SAUTER: This is what the witness has said before.

4 JUDGE BOUTET: Well, that's not what she said. She said
5 she was carrying the load. She didn't say which load it was.

6 PRESIDING JUDGE: It was looted.

7 MR SAUTER: Okay.

8 Q. Madam Witness.

9 A. Yes, sir.

10 Q. What kind of load did you carry?

11 A. My father's property that was looted. Each person, all
12 those who were captured, they were given this load to take to
13 Masanki. It was the looted property that they gave me to carry.

14 Q. Madam Witness, after arrival at Masanki what happened?

15 A. So when I reached there, because my father was taken away
16 in the vehicle together with some members of the family. So when
17 I turned my back I saw most of my family on the ground. Those
18 who took the property, I saw them on the ground. So luckily, as
19 I was returning I saw my father standing.

20 Q. Stop. Was your father still a captive when you met him in
21 Masanki village?

22 A. Yes. Yes, that time I met him standing in the tight
23 security, they were all around him.

24 Q. When you say they were around him, who do you mean?

25 A. It was the CDFs.

26 Q. At Masanki did they do anything to your father?

27 A. Yes, sir.

28 Q. Please tell the Court what happened next.

29 A. So when I arrived I found my family all sitting on the

1 ground. After that one CDF called Gibrille Kamara of Rokonta, he
2 came and tied my father's hands. So he asked my father to gather
3 his hands at the back and tied him. My father --

4 Q. Go slowly. So your father was tied?

5 A. Yes.

6 Q. Who did so? Would you please repeat the name?

7 A. One CDF. One CDF called Gibrille Kamara. He tied my
8 father's hands at the back.

9 MR SAUTER: Stop, please. I'm sorry, I'm not able to spell
10 the first name.

11 MR KAMARA: G-I-B-R-I-L-L-E.

12 MR SAUTER:

13 Q. Do you know who was commanding the Kamajors -- or the CDF
14 sorry, the Kamajors at this point in time at this place?

15 A. Yes.

16 Q. Please tell the Court.

17 A. [Inaudible] he was the commander for the CDF.

18 Q. Would you please repeat the name?

19 A. Amadou Mahoi was the commander. Amadou Mahoi.

20 MR SAUTER: Mahoi is M-A - I'm not sure whether W or H -
21 O-I -- H-O-I.

22 PRESIDING JUDGE: Or Y as the case may be. Is it I or Y,
23 Mr Kamara?

24 MR KAMARA: I.

25 MR SAUTER:

26 Q. So after your father was tied what happened to him?

27 A. After he had been tied, so I shouted, "Say do, leave my
28 father alone." He said, "Please, my children, don't kill me. I
29 have 500,000 leones in my pocket. Don't kill me, please, because

1 I have so many children."

2 PRESIDING JUDGE: Please, wait, wait. You shouted, she
3 shouted?

4 MR SAUTER:

5 Q. Who shouted, Madam Witness, your father or you?

6 A. After he had been tied -- my father had been tied, so my
7 father shouted. Said, "Do my children, don't kill me. I have
8 500,000 leones -- 500,000 in my pocket. Take it instead of
9 killing me so I cannot leave my children." So I shouted also
10 that, "Please don't kill my father."

11 Q. Did the CDF respond to your --

12 PRESIDING JUDGE: She also shouted. What did she say?

13 MR SAUTER: "Please don't kill my father."

14 Q. What did you say?

15 A. I said, "Oh, I beg you don't kill".

16 Q. Did the CDF respond to your father's offer to hand over
17 500,000 leones?

18 A. The other CDF who is Lami na Pupui l, he said, "We'll take
19 the 500,000 and then kill you again."

20 Q. Would you please repeat the name of that CDF who responded?

21 A. Lami na Pupui l.

22 Q. Pupui l is P-U-P-U-I-L. So what happened to the money?

23 A. They took the money from him. They took the money from his
24 pocket.

25 Q. And after that, Madam Witness?

26 PRESIDING JUDGE: Who took the money?

27 THE WITNESS: It was the CDF people that took the money
28 from my father, sir.

29 MR SAUTER:

1 Q. And after they had taken the money what did they do?

2 A. After they had taken the money, therein one CDF, he said,
3 "You see this child, she's very sharp. Who is this child? Let
4 us tie her. After we've tied her -- after we've finished the
5 father, we'll kill this child. Before killing her we are going
6 to rape her before killing her." So they tied --

7 THE INTERPRETER: Please, the witness is going too fast for
8 me.

9 MR SAUTER:

10 Q. Please, Madam Witness, slow down. It is very hard to
11 translate what you are saying. Okay. Try to speak very slowly.

12 A. Yes, sir.

13 Q. So please repeat what you were saying. What did the
14 Kamajors -- the CDF, sorry. What did these CDF do after the
15 money was taken from your father? Very slowly, please.

16 A. Yes, yes.

17 Q. Go ahead.

18 A. After they had taken the money from my father, one CDF man,
19 he was Mohamed Lingon, he tied my left foot to the tree -- to a
20 stick, that I was very sharp. What they are doing with my
21 father --

22 Q. Stop there. So you are saying you were tied as well. How
23 far away were you from your father at this moment?

24 A. Where they tied me together, it was not a long distance.
25 There is the place where I was tied and there was where my father
26 was tied.

27 Q. Could you give the distance in feet or metres or
28 whatsoever? Or could you describe it from where you are sitting?

29 A. Yes, sir, I can show it.

1 Q. Please.

2 A. Just like where I am seated here, where I was tied, like
3 where this man is sitting on my right is the place they tied my
4 father. That was the distance.

5 Q. You are speaking about the counsel to your right-hand side?

6 A. Yes, sir.

7 PRESIDING JUDGE: That's about two yards, isn't it? Two
8 yards, I think. Two yards would be a fair estimate of the
9 distance separating them.

10 MR SAUTER: I can't tell, but I would say it is two metres
11 fifty.

12 JUDGE BOUTET: Not much difference between that and two
13 yards.

14 MR SAUTER:

15 Q. So, Madam Witness, after you were tied -- let's go back a
16 step. Please describe in what way you were tied?

17 A. There was a stick nearby, there were so many banana trees
18 around there. So that was the place I was tied on my left foot.
19 My father was -- I saw my father where he was tied and where I
20 was. They tied my left foot to his stick.

21 Q. What happened next after you were tied?

22 A. After where I was tied, therein one CDF - he's Mohamed
23 Koroma from Mayenoh - he took something that is like a knife,
24 like a dagger, he stabbed my father in the eye.

25 PRESIDING JUDGE: One who? You called his name, Mohamed
26 Koroma?

27 MR SAUTER: Mohamed Koroma.

28 THE WITNESS: Mohamed Koroma of Mayenoh village.

29 PRESIDING JUDGE: Of?

1 THE WITNESS: Mayenoh village.

2 MR KAMARA: M-A-Y-E-N-O-H.

3 MR SAUTER:

4 Q. Please go ahead.

5 PRESIDING JUDGE: Pierced the father's eye or so?

6 MR SAUTER: Yes.

7 THE WITNESS: After he has stabbed my father's eye, my
8 father shouted, say, "Oh, my children, they are killing me, you
9 have burst my eye open." Where I was tied I was by my father.
10 Then one Defence came again --

11 PRESIDING JUDGE: Wait, wait.

12 MR SAUTER:

13 Q. So Madam Witness, you were saying one Defence came. Please
14 continue.

15 A. While my father was shouting --

16 PRESIDING JUDGE: Just a minute. This witness is under
17 some stress. She is sobbing, she is shedding tears. Is the
18 Witness Protection Unit here, please? Please take care of her.
19 Madam Witness.

20 THE WITNESS: Yes, sir.

21 PRESIDING JUDGE: Are you all right?

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: So we can continue?

24 THE WITNESS: Yes, sir.

25 MR SAUTER:

26 Q. Madam Witness, let us know if you want to have a break,
27 okay.

28 PRESIDING JUDGE: Madam Witness.

29 THE WITNESS: Yes, sir.

1 PRESIDING JUDGE: If you want to rest a bit and go and
2 regain your -- come back to yourself, we can rise for a few
3 minutes. But if you are ready to go on, fine.

4 THE WITNESS: I'll try. I'm ready sir. Yes, sir.

5 MR SAUTER:

6 Q. So, Madam Witness, you were about to tell the Court that
7 after your father was shouting somebody - this is what I
8 understood - was intervening; is that right?

9 A. Yes, sir. I said where they were punishing my father, so
10 when I shouted, a Kamajor came called Serry. He told them that,
11 "This Pa you are about to kill, I am not going to join you." So
12 this Serry, they held him up and beat him. After that --

13 Q. Please stop.

14 PRESIDING JUDGE: Called what?

15 THE WITNESS: Serry.

16 MR KAMARA: S-E-R-R-Y.

17 PRESIDING JUDGE: And said that?

18 MR SAUTER:

19 Q. Would you please repeat what this Kamajor was saying?

20 A. This Kamajor called Serry, he did not include. He told
21 them that, "This Pa you are about to kill, I will not join you."
22 So some Defence came and beat him up.

23 Q. Stop. Please continue to tell the Court what happened to
24 this man.

25 A. After this Defence said that he will not join them, they
26 cut him and beat him up. So after they've released him, so they
27 continued to punish my father. I was there looking at them.

28 Q. Please stop there. Please, Madam Witness, tell the Court
29 what further happened to your father?

1 A. From there, after -- from where I was tied, I sat down
2 there, the Defence said, "Now they are busy killing your father,
3 so I am finding a way for you to escape." So one of the
4 commander came, Amadou Mahoi. He held my father's mouth and
5 slayed my father. There he cut my father -- cut my father's
6 mouth and he fell on the ground and shouted.

7 Q. Please stop.

8 PRESIDING JUDGE: What's the name again?

9 THE WITNESS: The commander Amadou Mahoi.

10 MR SAUTER:

11 Q. Once again, Madam Witness, I'm sorry, but we must do so,
12 what did Amadou Mahoi do?

13 A. Amadou Mahoi was -- Amadou Mahoi cut my father's mouth
14 saying, "This is the mouth that used to eat sweet things."

15 Q. Stop, please. What else happened to your father?

16 A. From there, the father fell on the ground, they drew him
17 and took him at the back of the house. But still I was able to
18 see the father.

19 PRESIDING JUDGE: [Microphone not activated]

20 MR SAUTER: I'm sorry, Your Honour, your mic is not on.

21 PRESIDING JUDGE: Sorry, I was appealing to the witness to
22 go slowly. I understand her emotional disposition, but we have
23 to get you accurately on the records, Madam. So go slowly.

24 THE WITNESS: Yes, sir.

25 PRESIDING JUDGE: We ended up with the mouth which used to
26 eat sweet things. You say from there what happened?

27 THE WITNESS: When Amadou Mahoi came and cut my father's
28 mouth, my father fell on the ground.

29 MR SAUTER:

1 Q. Fell on the ground. Now he was laying on the ground, what
2 happened?

3 A. That time my father was just giving voice [sounds made],
4 that voice. That then was dragged on the ground, they dragged
5 him. They dragged him on the ground and took him at the back.
6 Therein one CDF --

7 Q. Madam Witness, took him at the back of what?

8 A. They were trying to take him at the back of the house but
9 by then they had not gone far. But by then I was still there
10 watching them.

11 Q. What did you see?

12 A. From there one CDF -- the CDF Kamajor Serry who did not
13 join -- they were now about to kill my father, their attention
14 was not on me. So he came and released me and I went at the back
15 of the banana -- in the banana leaves. But I could still see
16 where my father was. The commander, Amadou Mahoi, called for
17 water.

18 Q. So what did you see from the place you were now?

19 A. Therein one Defence, who is a peace commander, he called,
20 "Bring that hot water," so that they can throw it on his body.
21 They brought hot water and threw it on his body. My father was
22 only giving voice, the voice [sounds made].

23 Q. Stop here, please. And after they have poured hot water on
24 your father's body, what did they do?

25 A. From there, after they've poured this water on his body, I
26 did not hear him say anything. He was now struggling. Defence
27 came and met me there and said, "What. I want you to escape,"
28 but --

29 PRESIDING JUDGE: Please, wait, wait, wait. Madam, just

1 wait.

2 THE WITNESS: Okay, sir, okay.

3 PRESIDING JUDGE: You say your father said nothing again,
4 he was only struggling?

5 THE WITNESS: He was only groaning, groaning [sounds made].

6 MR SAUTER:

7 Q. And Madam Witness, you were saying then the CDF who refused
8 to take part in the killing of your father - you call it Defence
9 - came to you?

10 A. When he came to me, he came to me and said -- and I told
11 him that I was going to escape and he said he was going to escape
12 with me. The boy put me on his back and took me to a junction.

13 Q. Stop. When you say the boy took you, do you mean the one
14 who refused to take part in the killing? Or the Defence.

15 A. Yes, the Defence who did not join, who did not take part in
16 the killing. His name is Serry.

17 Q. So now you were at the junction, what did you do?

18 A. From there I started moving. On my way I met Mr Kargbo and
19 explained to him. Then I asked him to escort me to Songo where
20 the ECOMOG could be found.

21 Q. Stop.

22 PRESIDING JUDGE: What is it again, the name of the
23 village?

24 MR SAUTER: Songo, S-O-N-G-O.

25 THE WITNESS: Mr Kargbo.

26 PRESIDING JUDGE: Yes, it's Mr Kargbo.

27 MR SAUTER:

28 Q. So did you go to Songo to ECOMOG?

29 A. Yes, Mr Kargbo and myself went there. He did not reach the

1 place.

2 Q. Who did not reach the place?

3 A. Mr Kargbo. As we got to Songo he said he was going back.

4 So I alone went to the place.

5 Q. You mean to ECOMOG?

6 A. Yes, sir.

7 Q. And what did you do at the ECOMOG base?

8 A. So when I reached Songo I asked for my father's friend,
9 Mr Alak. I met him and explained that -- I asked him to escort
10 me to the ECOMOG people, that they have killed my father.

11 Q. So Madam Witness, did you report to ECOMOG that the CDF has
12 killed your father?

13 A. Yes.

14 Q. And did you do so in the presence of Mr Alak, the friend of
15 your father?

16 A. Yes. So while I was going I asked my father's friend to
17 accompany me to ECOMOG to make my report.

18 Q. So what was the reaction of ECOMOG when you reported the
19 death of your father?

20 A. So the ECOMOG commander - he was a captain - he took some
21 of his men. They came with a vehicle, together with me, and came
22 to the village at Masanki where my father was killed.

23 Q. Did they meet any of the CDF people who killed your father
24 in Masanki?

25 A. Yes, sir.

26 PRESIDING JUDGE: What?

27 MR SAUTER: The question was: "Did they meet any of the
28 CDF people who killed your father in Masanki?" The answer was
29 yes.

1 PRESIDING JUDGE: What was this place called?

2 MR SAUTER: Masanki.

3 THE WITNESS: Masanki, M-A-N-S-A-N-K-I, yes.

4 MR SAUTER:

5 Q. So what happened in Masanki when ECOMOG arrived there?

6 A. So when the ECOMOG reached Masanki luckily we found the
7 commander Amadou Mahoi standing there. So the captain commander
8 of the ECOMOG asked, "Say where is the man, the Pa that you held
9 yesterday?"

10 Q. Stop.

11 PRESIDING JUDGE: Who was this CDF man they saw again? The
12 Kamajor or CDF man.

13 MR SAUTER: Mahoi.

14 THE WITNESS: Amadou Mahoi, the ground commander of the
15 CDF.

16 MR SAUTER:

17 Q. So what was the answer when they were asking -- ECOMOG were
18 asking for the whereabouts of your father?

19 A. Amadou Mahoi was trying to give the answer, but giving the
20 answer -- but putting his hands at his back. Therein he was
21 really -- he had my father's watch in his hand -- on his hand.
22 But said my father -- said that -- one of my father's sons had
23 taken him out last night.

24 Q. What else happened? Did the ECOMOG see that Mahoi was
25 having your father's wristwatch?

26 MR MARGAI: My Lords, I believe that is subjective.

27 THE WITNESS: I told ECOMOG that. Yes, I told the ECOMOG.

28 PRESIDING JUDGE: That what? What was the question?

29 THE WITNESS: I told ECOMOG that, say, "You are just

1 asking. There is my father's watch on his wrist." I said,
2 "They've killed my father."

3 JUDGE BOUTET: I'm sorry, Mr Margai, I was in the same
4 position as the Presiding Judge. I failed to follow really and
5 could not understand the objection at that time or your comment.

6 MR MARGAI: The question was: Did ECOMOG see that Mahoi
7 was wearing your father's watch? She cannot answer that. It is
8 only for the ECOMOG man who saw.

9 PRESIDING JUDGE: Anyway, she has identified the watch.

10 JUDGE BOUTET: Thank you, Mr Margai.

11 PRESIDING JUDGE: She said that -- [Overlapping speakers].

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: -- [Overlapping speakers] is wearing my
14 father's watch.

15 THE WITNESS: I saw the watch and I told ECOMOG, "That is
16 my father's watch on that man and he is trying to hide his hand
17 at his back." So therein the ECOMOG people arrested him.

18 MR SAUTER:

19 Q. Did they arrest only Mahoi or other [overlapping
20 microphones] CDF as well?

21 A. Yes, sir, they arrested Amadou Mahoi and so many CDF
22 people.

23 Q. Do you know what happened to those being arrested by
24 ECOMOG?

25 A. Yes, sir.

26 Q. Please tell the Court.

27 A. So after ECOMOG had arrested them, therein they said that
28 they don't have my father. Then I told ECOMOG people that, said,
29 "Don't waste your time, they have killed my father. Look at the

1 example. This man has my father's watch on him." So after that
2 one small boy came, about 12 years of age. He came and whispered
3 to somebody that my father was in the water well.

4 Q. So please continue.

5 A. So the woman to whom they whispered told the captain of the
6 ECOMOG man that they have killed that Pa and he is in that water
7 well. So by then they had all arrested -- they had arrested all
8 of them. ECOMOG, together with all my family, we all went in.
9 We went and looked at the water well and we found a body there.

10 Q. Stop, please. Madam Witness, have you been present when
11 the body of your father was found in the water well?

12 A. Yes, sir, I was with the ECOMOG officers.

13 Q. What happened to your father's body?

14 A. From there the ECOMOG loaded some of us, the children of
15 the old man, in their vehicle and brought us to the CID. By then
16 the water was -- the body was still in the water well. The CDF
17 who were arrested were brought to the Benguema Barracks.

18 Q. Stop there. Go on, please, Madam Witness.

19 A. After that, when we are brought to the CID, we were asked
20 to make statements. At that time I made a statement. After the
21 statement, the CID men took us back to go and remove the body
22 from the water well. After they have removed the body from the
23 water well --

24 PRESIDING JUDGE: Wait.

25 MR SAUTER:

26 Q. So go on, please.

27 PRESIDING JUDGE: You went to the well to remove the
28 remains of your father?

29 THE WITNESS: Yes, sir. The CID, they came to remove my

1 father's dead body.

2 MR SAUTER:

3 Q. Madam Witness, my final question. Do you know whether or
4 not ever a trial was opened against those ones who killed your
5 father or allegedly killed your father?

6 THE INTERPRETER: Could you please go over the question
7 again?

8 MR SAUTER:

9 Q. Madam Witness, do you know whether or not ever a trial was
10 opened against those ones who allegedly killed your father?

11 A. No, sir.

12 Q. What happened to those people having been arrested by
13 ECOMOG?

14 A. The people arrested by ECOMOG were brought to Benguema
15 Barracks. By then, my father's body was in the mortuary for
16 postmortem.

17 Q. What happened to the people having been arrested?

18 A. So the people were in the Benguema Barracks where the CID
19 have made the statement. They were trying to go for the people,
20 but they did not accept. But they went for them and for them to
21 come to the CID, but they did not come. They did not allow them
22 to take them to the CID.

23 Q. Do you know whether they were set free at any time?

24 A. Yes, sir.

25 Q. Did you see them again?

26 A. Yes, sir. They were freed. After they've been freed they
27 came back to our house, they came dancing, singing.

28 Q. Did they say anything when they came to your house?

29 A. Yes, they were singing and there they bow to us and we

1 looked at them while they were passing.

2 MR SAUTER: That is all for this witness. Thank you very
3 much, Madam Witness.

4 JUDGE BOUTET: Thank you, Mr Sauter.

5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: We will break for a while to let the
7 witness rest a bit before she is subjected to any
8 cross-examination. And will the Witness Protection Unit please
9 take particular care of her? The Chamber will rise, please.

10 [Break taken at 4.15 p.m.]

11 [Upon resuming at 4.40 p.m.]

12 PRESIDING JUDGE: I resume the session. Madam Witness.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: How are you?

15 A. Yes, sir.

16 JUDGE BOUTET: Cross-examination the second accused.

17 MR KOPPE: Good afternoon, Madam Witness.

18 A. Yes, sir.

19 Q. I just have a few questions for you.

20 A. Okay, sir.

21 Q. Madam Witness, you have given testimony earlier this
22 afternoon about the killing of your father?

23 A. Yes.

24 Q. And, more particular, the men who were present when this
25 happened; correct?

26 A. Yes, sir.

27 Q. Now, I have written down a few of the names that you have
28 mentioned and I would like to repeat them to you. I have written
29 down --

1 PRESIDING JUDGE: That is those who were present during the
2 alleged killing of the father.

3 MR KOPPE: Yes, Your Honour, that is correct.

4 Q. Okay, Madam Witness, maybe I will mispronounce but I have
5 written down first of all the name of Lamina Pupui.

6 A. Yes, sir.

7 Q. I have also written down the name: Amadou Mahoi.

8 A. Yes, sir.

9 Q. I further took down the name of Mohamed Lignon.

10 A. Yes, sir.

11 Q. Gibrille Kamara?

12 A. Yes, sir.

13 Q. And a man named Mohammed Koroma.

14 A. Yes, sir.

15 Q. Now do you recall the names of other men who were present?

16 A. Yes, sir.

17 Q. Could you please name those names?

18 A. Yes, sir.

19 Q. Please do.

20 A. Bob Marley.

21 PRESIDING JUDGE: Bob Marley?

22 THE WITNESS: Yes, Bob Marley of Bumpe Chiefdom.

23 MR KOPPE: Yes, and who else?

24 A. Hassana Atilo.

25 Q. Yes, who else?

26 A. Mohammed Lignon.

27 Q. I have mentioned that name. Who else?

28 A. Brima Kargbo.

29 Q. Who else, Madam Witness?

1 A. Sal fu.

2 Q. Any more, Madam Witness?

3 A. Abu Tupeni .

4 PRESIDING JUDGE: Mr Koppe, I am sure you are more than
5 served with names at least.

6 MR KOPPE: The not quite yet, Your Honour.

7 PRESIDING JUDGE: Okay. Madam you can continue.

8 MR KOPPE: Were there more men present, Madam Witness?

9 PRESIDING JUDGE: Madam, continue with the list. You
10 stopped with Abu Twopenny. Any other ones? Continue.

11 THE WITNESS: Abu Sesay of Masanki .

12 Q. Anybody else, Madam Witness?

13 A. Yes, sir. Ibrahim Lebanese of Roki .

14 Q. Anybody else, Madam Witness?

15 A. Moray.

16 Q. Anybody else?

17 A. Raymond Sesay. Raymond Sesay.

18 Q. Yes, anybody else, Madam Witness?

19 A. Moray of Small Masanki .

20 Q. Anybody else, Madam Witness?

21 A. Mr Clay.

22 PRESIDING JUDGE: Mr Koppe, we will not continue
23 indefinitely with the recital of names please. So please be
24 prepared to allow us to stop this recitation, because it is
25 getting too long. Mr Clay.

26 MR KOPPE: Why would that be too long?

27 PRESIDING JUDGE: I have said it is getting too long and we
28 have a right to control the proceedings.

29 MR KOPPE: How many more men were present, Madam Witness?

1 A. So, this one, these are the names I can remember.

2 Q. Madam Witness?

3 A. Yes, sir.

4 Q. Do you remember that you have spoken to investigators of
5 the Special Court -- people from the Special Court?

6 A. Repeat that again.

7 Q. Do you remember that you have spoken to people from the
8 Special Court about the events that you have told us today?

9 A. Yes, sir, except the people that went to Munda and obtained
10 the statement.

11 Q. Is it possible that this conversation took place on the
12 27th of November in 2003?

13 A. Yes, sir.

14 Q. And this interview took place in Moyamba Town; correct?

15 A. It was at Moyamba District -- Masanki District.

16 PRESIDING JUDGE: Moyamba District -- Masanki District.

17 Madam, what does that mean?

18 THE WITNESS: I said it was not in Moyamba.

19 PRESIDING JUDGE: It was where?

20 THE WITNESS: It was in Masanki.

21 MR KOPPE:

22 Q. Do you remember, Madam Witness, speaking in Krio or
23 English?

24 A. Krio.

25 Q. Madam Witness, did the people who interviewed you write
26 down what you have said to them; did they record it?

27 A. Who are those people?

28 Q. The people who spoke to you on the 27th of November 2003.

29 Did they write down what you have told them?

1 A. Yes. Yes, sir.

2 Q. And when they finished writing it down, did they read it
3 back to you -- what you have said to them?

4 A. Yes, sir.

5 Q. And what they have read back to you, that is what you have
6 said to them earlier?

7 A. Yes, sir.

8 Q. Now, Madam Witness, the names that you have just mentioned
9 answering my question, did you mention all these names as well to
10 the interviewers, the people from the Special Court?

11 PRESIDING JUDGE: Did she confirm the correctness of the
12 statement and did she sign it or complete it thereafter? You
13 have to complete that before you go to that stage, please.

14 MR KOPPE: Madam Witness, did you sign the statement?

15 A. Yes, sir.

16 Q. Madam Witness, do you remember telling these people who
17 interviewed you about the names that you have just given to us?

18 A. Yes, sir. I called some names.

19 Q. Now, Madam Witness, I have mentioned to you earlier five
20 names of people of whom you spoke earlier today. And you
21 yourself gave other names of men who were present.

22 A. Yes, sir.

23 Q. You have said to the people who interviewed you that all
24 these men -- that all these men -- owed money to your father.

25 A. Yes, sir.

26 Q. Can you please explain to me what you meant with that?

27 A. Yes, sir.

28 Q. Please do.

29 PRESIDING JUDGE: Mr Koppe, which are the men; it is five

1 or what?

2 MR KOPPE: No, all the men. The five.

3 PRESIDING JUDGE: In the statement?

4 MR KOPPE: Yes, they were all mentioned in the statement.

5 A. Most of the boys had to pay my father because my father did
6 used to do business. He loaned people money, rice and palm oil.
7 So, they had to pay my father. Some of them had to pay my father
8 money, palm oil and rice.

9 Q. So each individual man owed money to your father?

10 A. Yes. I know some of them who had to pay my father money,
11 rice and palm oil.

12 Q. Do you maybe know what each man owes to your father?

13 A. Yes, because when my father died they saw the book, sir.

14 Q. What book is that, Madam Witness?

15 A. My father's debtor book wherein he wrote all the names of
16 the debtors in Arabic.

17 Q. Madam Witness, are you or other members from your family
18 still in possession of that book?

19 A. Well, the book was with my elder brother.

20 Q. Madam Witness, am I correct in understanding you when I say
21 that all these men that we just spoke about were instrumental
22 somehow in the death of your father?

23 A. All the people that are named, they were involved in
24 killing my father. I saw them with my naked eyes.

25 Q. Madam Witness, thank very much for answering my questions.

26 JUDGE BOUTET: Thank you.

27 THE WITNESS: Yes, sir.

28 JUDGE BOUTET: Mr Williams for the third accused, are you
29 ready to proceed?

1 CROSS-EXAMINED BY MR WILLIAMS:

2 MR WILLIAMS:

3 Q. Madam Witness, you mentioned somebody you have called
4 "Obai". Does he reside at Masanki?

5 A. He is in Bumpe Chiefdom.

6 Q. That is in the Moyamba District; is that correct?

7 A. Yes, sir.

8 Q. Had you known him before the incident you mentioned -- the
9 date of the incident you mentioned?

10 A. That boy I never knew him before, except during this
11 incident that I knew him.

12 Q. The group you said to attacked your father's house in
13 December 1997, was it a very small group?

14 A. They were many.

15 Q. Many?

16 A. Nearly 20 of them.

17 Q. The paramount chief Caulker, you referred to in your
18 evidence, is he now a member of Parliament?

19 A. No, I know him as --

20 [No microphone]

21 The PC Charles Caulker you referred to, is he now a member
22 of Parliament?

23 A. I know him to be a paramount chief of this Bumpe Chiefdom
24 in Moyamba District. He is the paramount chief player.

25 Q. He can be a paramount chief and a member of Parliament at
26 the same time. Is he a member of Parliament? Do you know
27 whether he is a member of Parliament?

28 A. I do not know. I know that he is the paramount chief now.

29 Q. The incident of December 1997 -- you said a meeting was

1 convened by Mr Alex Koroma. Did that meeting take place in
2 December 1997 or January 1998?

3 A. That meeting, I can not remember the date, but it was in
4 1997 that Alex Koroma called someone to meet him.

5 Q. That Alex Koroma --

6 PRESIDING JUDGE: Madam, was that in the beginning of 1997
7 or the end?

8 MR WILLIAMS: In December 1997, My Lord.

9 PRESIDING JUDGE: Is that what she said?

10 MR WILLIAMS: Yes. I asked her whether it was December
11 1997 or January 1998 and she said December 1997. The incident
12 took place in December 1997.

13 PRESIDING JUDGE: I got her when she said she can't
14 remember the date. Was it in December, Madam

15 THE WITNESS: I can only recall the date that they
16 attacked. It was December; it was December the 23rd that they
17 attacked the first attack.

18 Q. And this meeting that was summoned by Alex Koroma took
19 place a couple of days after the 23rd of December 1997?

20 A. Yes, after some days. That was the time Alex summoned the
21 meeting at Waterloo.

22 Q. This Mr Alex you referred to, is it the same Alex Koroma
23 who is married to the younger sister of the former Vice President
24 Mr Joe Demby?

25 A. I don't know.

26 Q. And did Alex Koroma -- did he hold any position in 1997?

27 A. All that I never knew. What I knew was he was a honourable
28 in Moyamba District.

29 Q. I'm putting it to you, Madam Witness, that Mr Alex Koroma

1 was not in Sierra Leonean in December 1997.

2 A. He was here. I saw him with my naked eyes.

3 Q. December 1997 -- in December 1997 the AFRC was still in
4 control of the government; is that correct?

5 A. During that time I cannot remember again. I only believe
6 that that area there were a lot of defence Kamajors that were in
7 control of the area.

8 Q. The rebels did they ever occupy your chiefdom during the
9 time of the AFRC?

10 A. Yes.

11 Q. And you said after your father was killed you went to Songo
12 to report the matter at an ECOMOG base; is that correct?

13 A. Yes, sir.

14 Q. Why did you have to go to ECOMOG?

15 A. I went to the ECOMOG because that the defence had killed my
16 father. I went to ECOMOG so that they can investigate the
17 matter. That was why I went to them, because they killed my
18 father. That was why I went to the ECOMOG.

19 Q. Did you go to ECOMOG because you felt you could get come
20 redress from them?

21 A. Yes, I went to the ECOMOG so that they fight for me.
22 During that time they took advantage of the situation. That is
23 why I went to them so that they could take care of the situation,
24 because there was no way. So I only had to bear.

25 Q. There was no ECOMOG presence at Masanki?

26 A. Yes, sir, they were not there. It was at Songo that the
27 ECOMOG were.

28 Q. Is it right to say that the ECOMOG troops that were based
29 at Songo were responsible for security at Masanki?

1 A. No, they were not the people responsible for security at
2 Masanki. It was the CDF that was in control of that area,
3 Masanki area. They weren't there.

4 Q. When ECOMOG went to investigate your father's debt -- I'm
5 sorry, your father's death they spoke with -- they interviewed a
6 number of CDF people; is that correct?

7 A. Repeat.

8 Q. You accompanied ECOMOG to Masanki; is that correct?

9 A. Yes, sir.

10 Q. And when ECOMOG went, they interviewed -- they spoke with a
11 number of CDF people; is that correct?

12 A. Yes, when the ECOMOG went there, they asked them: "Where
13 is the Pa? Have you killed him?"

14 Q. And ECOMOG were able to arrest three of those people that
15 were alleged to have killed your father; is that correct?

16 A. No, ECOMOG arrested more than three. It is more -- they
17 arrested most of them.

18 Q. How many people did they arrest?

19 A. Well, I cannot show the number, but I knew some that they
20 arrested.

21 Q. And apart from talking with you and the CDF people, ECOMOG
22 also talked with civilians about the death of your father?

23 A. What?

24 Q. Apart from talking or speaking with the CDF, the Kamajors,
25 these ECOMOG troops they also spoke with civilians about the
26 death of your father, the circumstances?

27 A. What I know, when the ECOMOG went there, after they
28 arrested the CDF there --

29 PRESIDING JUDGE: Madam, wait. ECOMOG arrested the people.

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: Did ECOMOG speak to civilians also about
3 the death of your father?

4 THE WITNESS: ECOMOG arrested -- except when they called --
5 they called us and concluded that it is true that they killed the
6 Pa.

7 JUDGE THOMPSON: Learned counsel, could you establish
8 whether she was part of the investigation. I mean, because from
9 the evidence it would seem that she made a report to them.

10 MR WILLIAMS: And accompanied them to Masanki, My Lord.

11 JUDGE THOMPSON: Yes. And unless it would be unfair to
12 find out if she in fact helped them with your investigation
13 before you spring that question. I think in fairness to her.

14 MR WILLIAMS:

15 Q. You were present when ECOMOG was doing the investigation;
16 is that correct?

17 A. Yes, sir.

18 Q. And you know what and what they did during the process?

19 A. Yes, sir.

20 Q. So apart from speaking to you, to the 12-year old boy, to
21 the CDF, did they speak with ordinary civilians about the
22 circumstances of the death of your father?

23 A. Repeat that. I don't understand.

24 Q. There were civilians residing at Masanki during and after
25 the death of your father; is that correct?

26 A. The time my father was killed, no civilian was around
27 except the CDF Kamajor and myself that they captured. No
28 civilian was around.

29 Q. When they went to do their investigations, civilians were

1 present?

2 A. Okay, yes, sir.

3 Q. And my question, did the ECOMOG troops talk to them about
4 the circumstances leading to your father's death?

5 A. Yes, the civilians were there, so the ECOMOG -- one ECOMOG
6 commander asked -- this Amadou man what was the main problem. So
7 one woman told ECOMOG commander that they killed this Pa because
8 of his money.

9 Q. Did ECOMOG tell or inform you and other civilians to report
10 future atrocities to them -- I mean, future atrocities committed
11 by the CDF to them?

12 A. Yes. ECOMOG -- ECOMOG told some of the civilians that any
13 CDF that causes problem, let them carry the matter to them at
14 Songo. From that time still they persisted.

15 Q. The head of the ECOMOG team that went was a Captain Abu
16 [phon]; is that correct?

17 A. Yes, sir, he was a captain.

18 Q. Did he reassure the civilians that ECOMOG was now
19 responsible for the discipline of the Kamajors and that future
20 atrocities would be dealt with by them?

21 A. No, during that time I was not myself. I was crying
22 bitterly during that period. The moment I saw my father's corpse
23 in the well, I was not myself.

24 Q. All right. Apart from that occasion, did Captain Abu
25 subsequently tell you that -- I mean, did he tell you that?

26 A. To say what?

27 Q. That the ECOMOG troops were now responsible for the
28 discipline of the CDF and that they were going to punish --

29 A. Yes, sir, after they had killed my father and they've taken

1 the corpse away, they deployed --

2 Q. Could you answer?

3 A. At Makang -- Mabang.

4 Q. Did Captain Abu tell you as you were heading for Songo that
5 ECOMOG was now responsible for the discipline of the Kamajors and
6 the CDF in general?

7 A. All that day I cannot tell. I was in a state of confusion.
8 I am unable to tell.

9 Q. Did you see Captain Abu subsequent to that day?

10 A. Yes, later I saw the man after that time.

11 Q. And he told you that your father's death was still under
12 investigation?

13 A. Yes, he only advised us that we should be patient, as they
14 are continuing their investigation about the father's death, but
15 they decided at Benguema barracks while the corpses was the
16 mortuary.

17 Q. And did he assure you that those responsible for your
18 father's death would be punished by them?

19 A. During that time, sir, the man only encouraged us because
20 we were at the CID making statement, because inside the CID
21 making statement they invited the men to come to the CID, but no
22 way they could be brought there, sir.

23 Q. In 1998 it was ECOMOG troops that were occupying Benguema
24 Barracks; is that right?

25 A. Yes, sir, 1998 it was the ECOMOG troop that was in the
26 Benguema barracks.

27 Q. Did you ever make a report at the CID? I mean, personally
28 did you go to the CID and make a report about your father's
29 death?

1 A. Yes, I made a report for my father's death at the CID.
2 That was the time when my father's corpse was in the mortuary,
3 sir.

4 PRESIDING JUDGE: What was it, that this witness,
5 Mr Williams, who went with the CID and retrieved the remains from
6 the well?

7 MR WILLIAMS: Yes, My Lord. The ECOMOG, My Lord.

8 THE WITNESS: Yes, sir. Yes, it was the CID men that came
9 with us. They snagged my father in the well until they retrieved
10 him from the well. They gave us the pictures. From there they
11 took the corpse to the mortuary.

12 MR WILLIAMS:

13 Q. You said these people owed your father -- I mean, that your
14 father gave money to as loan. They were civilians; right?

15 A. Well, these boys were civilians. When the war came, all of
16 them took arms. They said they were CDF.

17 Q. Were they organised by the paramount chiefs in the area,
18 the local leaders in the area organised by them?

19 A. Well, I was unable to know whether they organised them.
20 The only thing I know that at any time the CDF summoned a
21 meeting, the paramount chief was always inclusive. That is
22 Charles Caulker.

23 PRESIDING JUDGE: How is Caulker spelled?

24 THE WITNESS: C-A-U-L-K-E-R.

25 PRESIDING JUDGE: Charles?

26 THE WITNESS: Caulker.

27 PRESIDING JUDGE: CO.

28 MR WILLIAMS: C-A-U-L-K-E-R.

29 PRESIDING JUDGE: Caulker, I see.

1 MR WILLIAMS: Yes.

2 Q. Madam, did you say --

3 PRESIDING JUDGE: I've been writing Cooker. I'll change my
4 records.

5 MR WILLIAMS:

6 Q. Did you say it was Charles Caulker who gave -- did you say
7 Charles Caulker gave the go ahead for the CDF or the Kamajors to
8 go in search of your father?

9 A. When the Honourable Alex Koroma advised the men, it was
10 Charles Caulker who struck the table and said the CDF should go
11 in search of my father, yes.

12 Q. Did you ever see General Maxwell Khobe at Masanki? Did you
13 ever see him there?

14 A. No, I don't know him personally, except that I heard about
15 him.

16 Q. When did you first hear the name Maxwell Khobe? Early part
17 of 1998?

18 A. This Maxwell Khobe the first time I heard his name that was
19 the time when the AFRC were -- were removed from the city. That
20 was the time I heard the name Maxwell Khobe.

21 Q. That was in February 1998?

22 A. Well, I cannot remember the date.

23 Q. Do you know that he was later made head of the Sierra Leone
24 Armed Forces?

25 A. Yes, sir.

26 PRESIDING JUDGE: Was made what?

27 MR WILLIAMS: That General Maxwell Khobe was subsequently
28 made commander -- or chief of the Armed Forces of Sierra Leone,
29 My Lord.

1 PRESIDING JUDGE: She says she knows?

2 MR WILLIAMS: Yes, My Lord.

3 Q. And do you know that the CDF was put under the direct
4 control of General Maxwell Khobe?

5 A. No.

6 Q. May I ask you this question, Madam Witness, could you tell
7 the Court -- My Lord, she's indicating?

8 PRESIDING JUDGE: Hmm, Madam.

9 THE WITNESS: I want to drink.

10 PRESIDING JUDGE: Please give her some water. Madam, we
11 only have water here. We're sorry we can't offer you more. Is
12 water all right for you?

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: You can serve yourself, madam, Madam
15 Witness, if you need some more water, you can serve yourself.
16 We'll wait. We'll wait for you. If you want to drink more water
17 you can serve yourself. We'll wait for you. Are you all right?

18 THE WITNESS: Yes, sir.

19 MR WILLIAMS:

20 Q. Madam witness, are you in a position to tell this Court why
21 your father -- why the CDF was so desperate to get your father?
22 Why?

23 A. Um-hum. The CDF I know they killed my -- they killed my
24 dad because he was a man that had money. He was a farmer. He
25 was a businessman. He gave money to people.

26 PRESIDING JUDGE: Wait, wait, please. Because your father
27 was a rich man? He had money?

28 THE WITNESS: Yes, sir.

29 PRESIDING JUDGE: Yes, continue, madam.

1 THE WITNESS: He loaned people rice. He loaned them palm
2 oil. So even some of them the debt was -- if the time reached to
3 pay them, if they are unable to pay, they defer the payment.

4 MR WILLIAMS:

5 Q. Finally, Madam Witness, are those not benevolent gestures
6 that should have made people love your father?

7 A. My father, anyway people pretended that they loved him, but
8 because of his money, because he loaned people money, they never
9 loved him for that because he's man who worked hard.

10 Q. Madam Witness, kindly accept my sympathy for the loss of
11 your father?

12 MR WILLIAMS: There will be no further questions, My Lord.

13 JUDGE BOUTET: Thank you. Counsel for the first accused Mr
14 Jabbi.

15 CROSS-EXAMINED BY MR JABBI:

16 Q. Now, madam witness, allow me to join counsel who just
17 cross-examined you to express sympathy for loss of your father.

18 A. Yes, sir.

19 Q. I will just ask you a few questions. Now talking about the
20 1997 incident. According to you, the CDF attacked your father's
21 house on the 23rd of December 1997?

22 A. Yes, sir.

23 Q. A few days after that, the honourable member for the area
24 and the paramount chief of Bumpeh Chiefdom called a meeting to
25 deal with precisely that question; is that correct?

26 A. Not the honourable. It was not just Caulker, it was Alex
27 Koroma, the former honourable that summoned the meeting.

28 Q. Yes, my question is that the meeting was organised
29 precisely to deal with the report against the CDF; is that

1 correct?

2 A. Well, according to this honourable who summoned the
3 meeting, who summoned the CDF, in my presence he advised the CDF.

4 Q. Now, you are very sure that the meeting took place in
5 December 1997; not so, the meeting?

6 A. Yes, sir.

7 Q. But you were not sure of the exact date?

8 A. No, I only know that after -- after they had made the first
9 attack, which was December the 23rd, a few days later the
10 Honourable Alex Koroma summoned a meeting.

11 Q. Was it perhaps after Christmas that the meeting was held?

12 A. Yes, Christmas has already passed.

13 Q. But definitely before the end of December; not so?

14 A. Well, it could be so.

15 Q. Now, your father was invited to that meeting; was he?

16 A. Yes, the honourable invited my father to the meeting, but
17 my father refused to go to the meeting. He asked his children to
18 be present.

19 Q. Was your father told what the purpose of the meeting would
20 be?

21 A. Yes, the honourable explained to the Pa. That's Alex
22 Koroma.

23 Q. What explanation did the honourable make to your father as
24 the purpose of the meeting?

25 A. Well, when my papa made the report about the attack and the
26 looting they did in his house in December 23rd, the honourable
27 told my father that he is going to summon a meeting in Waterloo
28 to advise the CDF so that they could stop what they are doing.
29 So that is why he wanted my father to be present at the meeting.

1 Q. Your father did not, however, attend the meeting?

2 A. No, my father didn't go. He said because they are planning
3 to kill him, maybe they will have means to.

4 Q. Did the honourable member at that meeting, Honourable Alex
5 Koroma, did he in fact carry out what he said he was going to do?

6 A. Well, he spoke -- he said exactly what he wanted to say
7 when he advised them to forget about the Pa.

8 Q. Now, the next incident you narrate, according to you, took
9 place on the 11th of May 1998; is that correct?

10 A. The incident that took place?

11 Q. Yes, the next -- after that meeting the next incident you
12 have narrated to the Court, according to you, took place on
13 Sunday, 11th May 1998?

14 A. Yes, sir.

15 Q. That is at least four months after that meeting; is that
16 correct?

17 A. Yes, sir. Yes, sir.

18 Q. Do you know --

19 PRESIDING JUDGE: [Microphone not activated]

20 MR JABBI: Pardon, My Lord?

21 PRESIDING JUDGE: [Microphone not activated]

22 MR JABBI: After the Koroma meeting. Four months after the
23 Koroma meeting, the next incident she narrated took place in May
24 1998.

25 THE WITNESS: Yes, sir.

26 MR JABBI:

27 Q. Do you know who was in control of the government of the
28 country by that time?

29 A. Yes, during that time Tejan Kabbah had returned.

1 Q. Do you know when Tejan Kabbah returned to power around that
2 time?

3 A. I am unable to tell the date or the time, but I knew he had
4 returned 1998.

5 PRESIDING JUDGE: Mr Jabbi, want to put the dates to her?

6 MR JABBI: Yes, indeed, My Lord.

7 PRESIDING JUDGE: Please.

8 MR JABBI:

9 Q. If suggested to you that he had returned to power in early
10 March would your memory be jogged? Early March 1998.

11 A. I can't remember exactly.

12 Q. Were you in a position by May 1998 to say whether Tejan
13 Kabbah had returned to power for a few months at least? By May
14 1998.

15 A. If what?

16 Q. By May 1998, when that incident took place, were you in a
17 position to say that Tejan Kabbah had returned to power at least
18 a few months earlier?

19 A. I know that during that 1998 I just know that Tejan Kabbah
20 had been returned to power. He told people to stop killing.

21 Q. In the actual incident that you narrated when your father,
22 according to you, ran away from the CDF attack, according to you
23 at Mabang, in your evidence you said that as your father was
24 running away he was being told to stop but he did not stop.

25 A. Yes.

26 Q. He continued running.

27 A. Yes, sir.

28 Q. Was that in daylight or at night?

29 A. At night. By then the moon was shining.

1 Q. You also said that he continued running towards a water
2 well.

3 A. Yes, sir.

4 Q. Is that correct?

5 A. Yes, sir.

6 Q. Is that the same well in which his body was ultimately
7 found?

8 A. No, sir.

9 Q. This was a different well?

10 A. Yes, sir.

11 Q. I put it to you that it was the very same well?

12 A. It was not the same well.

13 Q. According to you, the CDF were not united in wanting to
14 kill your father. Not all of them wanted to kill your father,
15 according to you; is that correct?

16 A. That was not what I said. I said only one person that was
17 not included.

18 JUDGE THOMPSON: Learned counsel, that is the state of the
19 evidence. There was no talk about disunity. That's precisely
20 the state of the evidence to the best of my recollection. But,
21 of course, I stand corrected.

22 JUDGE BOUTET: That was my recollection too. The one by
23 the name of Serry. That is the only evidence in this respect.

24 MR JABBI: My Lord, I agree entirely with that, but I
25 believe I was entitled to probe the possibility of disagreement
26 among them.

27 JUDGE THOMPSON: You're perfectly entitled, counsel.

28 MR JABBI: Thank you, My Lord.

29 Q. So, because of the behaviour Serry, as you have said, would

1 you agree that the CDF were not all of the same mind in wanting
2 to kill your father?

3 A. They all had the same mind to kill my father, except for
4 this Serry, who was not a party.

5 Q. And Serry was CDF himself, was he?

6 A. Yes, sir. Yes, sir.

7 Q. Serry took quite some risk to indicate that he did not
8 agree with his companions; not so?

9 A. Yes, sir.

10 Q. To the extent that he was happily beaten up, according to
11 you?

12 A. Yes, sir.

13 Q. And it was this same Serry, notwithstanding he had been
14 beaten up for not showing agreement with his companions, that
15 also found opportunity to release you on that occasion, according
16 to your evidence; is that correct?

17 A. Yes, sir.

18 PRESIDING JUDGE: Carried her to a road junction.

19 MR JABBI: Indeed, My Lord.

20 PRESIDING JUDGE: Yes.

21 MR JABBI:

22 Q. Serry also took you away from the scene to a road junction
23 to give you your freedom?

24 A. Yes, sir.

25 Q. No doubt you were grateful to Serry, weren't you?

26 A. Yes, sir.

27 Q. You were able to report to ECOMOG all that had happened?

28 A. Yes, sir.

29 Q. You have also in your evidence shown great detail in

1 knowing who did what on each occasion; not so?

2 A. What?

3 Q. You have given a lot of detail about persons who did
4 various things during the alleged killing of your father, haven't
5 you?

6 A. Well, I only spoke of the people who killed my father.

7 Q. Yes, what I mean is that you knew specifically who did what
8 particular action in the process of the alleged killing of your
9 father. Knowing them by name, knowing them individually, doing
10 this and that?

11 A. Yes, sir. Yes, sir, I know them, I saw them.

12 Q. And according to you, you made a statement to the CID of
13 the events of the previous day; is that correct?

14 A. Yes, I made a statement to the CID officers. The following
15 day the CID officers came along with me to rescue the body from
16 the water well -- to remove the body from the water well, rather.

17 Q. Just before that can you tell the Court if you repeated --
18 was the statement written down by the way?

19 A. Yes, sir, it was written, and in fact I was not alone in
20 that statement. I made statement and my brothers also made
21 statement.

22 Q. How many of your brothers made statement?

23 A. I made statement, two of my brothers also made statement,
24 and also one of my mothers. Four of us in all made statement at
25 the CID.

26 Q. And all those statements were written down, were they?

27 A. Well, yes, because when I was making my statement I saw
28 them writing.

29 Q. Was your own statement read over to you?

1 A. From since we made the statement?

2 PRESIDING JUDGE: Are you referring to the CID statement?

3 MR JABBI: The statement she made at CID, My Lord.

4 PRESIDING JUDGE: At the CID?

5 MR JABBI: Yes, My Lord.

6 PRESIDING JUDGE: Do you want to tender it?

7 MR JABBI: I have not formulated that intention yet.

8 PRESIDING JUDGE: Anyway, you may proceed.

9 MR JABBI:

10 Q. My last question was whether your statement to the CID,
11 which according to you was being written down, was read over to
12 you after you finished. Was it?

13 A. Since the time we made that statement, the following day
14 they ask us to go and remove the body --

15 Q. No.

16 PRESIDING JUDGE: Madam Witness, when the CID wrote the
17 statement, did they read it back to you after they had written
18 it?

19 THE WITNESS: Yes, after the CIDs have obtained the
20 statement from all of us, they read it. After which they tried
21 to go along with -- they tried to bring the CDF who did the act.

22 MR JABBI:

23 Q. Just hold it there, please. The CDF read your statement to
24 you?

25 PRESIDING JUDGE: CID.

26 MR JABBI: Sorry, My Lord.

27 JUDGE BOUTET: Mr Jabbi, do you have those statements and
28 now where are we going with this? If you don't have the
29 statements what is the purpose of this? I am just trying to

1 understand where you are going with this. Do you have these
2 statements? Are you intending to put this to the witness in
3 contradiction of some evidence?

4 MR JABBI: No, My Lord, that is not my intention.

5 JUDGE BOUTET: Then why are we going on this expedition?

6 MR JABBI: I have one more question on this which will
7 bring out why I am probing it, My Lord.

8 JUDGE BOUTET: Very well.

9 MR JABBI: Or two.

10 PRESIDING JUDGE: Take three.

11 MR JABBI: No, two.

12 PRESIDING JUDGE: Please, or four. We are here for that,
13 Mr Jabbi.

14 MR JABBI:

15 Q. Madam Witness, when the CID read your statement over to
16 you, did it reflect what you had told them? Did it accurately
17 reflect what you had told them?

18 A. When they obtained my statement -- what I saw when they
19 killed my father is what I told them, because by then I was in a
20 state of confusion. I was worried because my father's body was
21 still in the well and it has not been removed, you see. So I
22 just explain exactly what I saw.

23 Q. Yes, I understand your feeling. That's why I started by
24 sympathising with you. But the question I asked was whether what
25 they read over to you accurately reflected what you had told
26 them?

27 A. What they read back to me is exactly what I told them.

28 Q. Thank you. Last question on that. Did you recite in that
29 statement the detail of who had done what in the killing of your

1 father with regard to various people as you have done in this
2 Court?

3 A. All what I have said is what I said then.

4 Q. Thank you. Now you also said that your father's body was
5 taken to the mortuary; is that correct?

6 A. Yes, sir. Yes, sir.

7 Q. So far as you know, was there any post-mortem examination
8 held on his body?

9 A. Yes, sir.

10 Q. Do you by any chance know by whom?

11 A. I can't tell exactly the doctor, but it was done by one
12 doctor at the Connaught Hospital.

13 Q. To what extent did your family pursue the investigation by
14 the CID into your father's death after those events?

15 A. After what?

16 Q. After you had gone and retrieved the body from the well,
17 the body was taken to the mortuary, the report was fully made to
18 the CID and ECOMOG. Did your family pursue the matter after
19 that?

20 A. Yes, sir. Even went to the CID together with my elder
21 brothers. We tried and saw one of the men in parliament. In
22 fact, that time he was the chief speaker. We tried to see him.
23 But there was no chance for them to help us.

24 Q. What did the CID tell you at that stage?

25 A. The CID said this case, what they saw in this matter, they
26 can't say -- they are only allowed -- they don't have the
27 chance -- unless they are commanded to bring these people, but
28 they've tried several times to bring them, but, well, they
29 encourage us to sum [sic] up courage. We went there several

1 times at the CID.

2 PRESIDING JUDGE: Unless they were commanded to bring the
3 people they had no chance to bring them? Is that the state of
4 the evidence?

5 MR JABBI: That is what she said.

6 PRESIDING JUDGE: I will refer to those people as the
7 culprits.

8 MR JABBI:

9 Q. And that is the state of the investigation up to this
10 moment; is that correct?

11 A. That is how it's ended, up to this time when they obtained
12 statements from us. They made no moves.

13 MR JABBI: That is all for the witness, My Lord.

14 JUDGE BOUTET: Thank you, Mr Jabbi. Mr Sauter, do you have
15 any questions in re-examination.

16 MR SAUTER: No re-examination, thank you.

17 JUDGE BOUTET: Thank you, Mr Sauter.

18 PRESIDING JUDGE: Madam Witness.

19 THE WITNESS: Yes, sir.

20 PRESIDING JUDGE: We have finished with you for now. We
21 want to thank you very much for coming to testify before this
22 Chamber on your experiences during that period. Of course this
23 will assist us to see where the truth lies in relation to the
24 incidents you have testified to. Although we are finished with
25 you, like you yourself have said, the investigations have up to
26 this date produced no effects as yet. There is a possibility
27 that we may call you back here. We never know. We never know
28 whether we would, but if we do we expect that you will do us the
29 favour of coming again. So once more we thank you and we wish

1 you a safe journey to your place of abode, to your residence.

2 Just one housekeeping matter. I do not know if Mr Tavener
3 is in a position to update us, after a few hours of reflection,
4 on how we may proceed from tomorrow.

5 MR TAVENER: Thank you, Your Honour. Because tomorrow is a
6 half day and in light of a particular witness we intended to call
7 - that is a fairly young, vulnerable witness - we anticipate - I
8 did take into account what Your Honour had said today - that it
9 is probably best to remain with the order of TF2-080. He is a
10 young witness, he will be completed tomorrow. TF2-014 is quite a
11 long witness so we wouldn't finish his evidence-in-chief
12 tomorrow. In respect of TF2-080, he is a young person. We are
13 not quite sure of his age, somewhere between the age of 15 and
14 16. He is the subject of an order which entitles him to have his
15 evidence taken by way of closed circuit television.

16 PRESIDING JUDGE: So you are suggesting that we will take
17 the evidence of that witness tomorrow?

18 MR TAVENER: That would be most --

19 PRESIDING JUDGE: And we have chances that we may be done
20 with his testimony before the end of the day.

21 MR TAVENER: That's correct, before lunch time.

22 PRESIDING JUDGE: Has the Defence any comments on this?
23 You have the number of the witness -- of the young witness?

24 MR JABBI: 080 I think he said.

25 MR TAVENER: That's correct.

26 PRESIDING JUDGE: Yes. No objections that we take him
27 tomorrow. Right.

28 THE INTERPRETER: Your Honour, can I learned counsel tell us
29 the language in which the witness will testify in?

1 MR JOHNSON: We'll get that to you immediately. We'll call
2 you right after Court and confirm that.

3 Your Honour, if I can bring one more matter to your
4 attention. I just want to inform the Court that today is Mr
5 Sauter's last appearance before the Court. He has been seconded
6 to us by the German government for the last year and he will be
7 departing Sierra Leone between sessions. I just wanted to inform
8 the Court of that, thank you.

9 PRESIDING JUDGE: That's not a very pleasant surprise for
10 us. We would have loved to have Mr Sauter here until the end of
11 our proceedings. I think on behalf of the Chamber we would like
12 to express our regrets that he is leaving us so prematurely I
13 would say. I would have loved to have Mr Sauter here for a
14 longer period. How we wished we could get the German government
15 to renew his mandate here. I suppose this is not now possible
16 and even if it were, we are not properly placed to make such a
17 request, because we are neither of the Prosecution nor are we of
18 the Defence.

19 So, Mr Sauter, we want to thank you as a chamber for your
20 very positive contributions in handling the witnesses you have
21 had to handle during this trial. It has been a very trying
22 moment, indeed, but we are happy to note that you have lived up
23 to it and we thank you very much for what you have been able to
24 do. We look forward to seeing you here again if the German
25 government so decides. Thank you very much.

26 MR SAUTER: I thank you very much. I feel much honoured by
27 your friendly words. Not to keep the witness any longer here, I
28 appreciated the time I had here. I will be replaced by the
29 German government and I am very sure my replacement will do a

1 much better job than I did. Thank you very much.

2 PRESIDING JUDGE: Please transmit our extreme gratitude to
3 the German government for placing you at our disposal and for all
4 that they do for the survival of the Special Court.

5 MR SAUTER: I will do, thank you.

6 PRESIDING JUDGE: The Court will rise please.

7 [Whereupon the hearing adjourned at 6.17 p.m., to be reconvened
8 on Wednesday, the 9th day of March 2005, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-057	8
CROSS-EXAMINED BY MR MARGAI	10
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