



Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

WEDNESDAY, 11 OCTOBER 2006  
9.43 A.M  
TRIAL

TRIAL CHAMBER I

Before the Judges:

**Bankole Thompson, Presiding**  
**Pierre Boutet**  
**Benjamin Mutanga Itoe**

For Chambers:

**Ms Roza Salibekova**  
**Ms Lisa Schneiderman**

For the Registry:

**Ms Advera Kamuzora**

For the Prosecution:

**Mr Joseph Kamara**  
**Ms Miatta Samba**  
**Ms Lynn Hintz (Case manager)**

For the accused Sam Hinga Norman:

**Dr Bu-Buakei Jabbi**  
**Mr Alusine Sesay**  
**Mr Kingsley Belle (legal assistant)**

For the accused Moinina Fofana:

**Mr Arrow Bockarie**  
**Mr Steven Powles**

For the accused Allieu Kondewa:

**Mr Charles Margai**  
**Mr Yada Williams**  
**Mr Ansu Lansana**

1 [CDF110CT06A- CR]

2 Wednesday, 11 October 2006

3 [The accused present]

4 [The witness entered Court]

09:33:02 5 [Open session]

6 [Upon commencing at 9.44 a.m.]

7 WITNESS: YEAMA LEWIS [Sworn]

8 PRESIDING JUDGE: Good morning, counsel. Court Management,  
9 let's tidy one outstanding matter in respect of the exhibits that  
10 were to be received in evidence for the second accused defence.  
09:44:28 11 Has the order of the Court for redaction been complied with of  
12 the Seisay statement?

13 MS KAMUZORA: Yes, Your Honour.

14 PRESIDING JUDGE: So can we assume, therefore, that we can  
09:44:56 15 receive those documents in evidence and assign exhibit numbers  
16 now?

17 MS KAMUZORA: Yes, Your Honour.

18 PRESIDING JUDGE: There are two documents. The email  
19 communication from Mr Alfred Samforay, can we give that an  
09:45:18 20 exhibit number? That would be exhibit what?

21 MS KAMUZORA: 167.

22 [Exhibit No. 167 was admitted]

23 MS KAMUZORA: The email is 168.

24 PRESIDING JUDGE: That's the email --

09:45:46 25 JUDGE ITOE: Which comes first?

26 PRESIDING JUDGE: According to our decision, it's the email  
27 document. Let's make that 167. That's the Samforay document,  
28 right, 167?

29 MS KAMUZORA: Yes, Your Honour.

1           PRESIDING JUDGE: And then other one is the Ambassador  
2 Seisay document, the redacted document. That would be 168, is  
3 that okay?

4           MS KAMUZORA: Yes, Your Honour.

09:46:23 5                           [Exhibit No. 168 was admitted]

6           PRESIDING JUDGE: Counsel, are we on track, 167, 168?

7           MR POWLES: Yes, I'm grateful for that.

8           PRESIDING JUDGE: That being concluded, we'll continue with  
9 the cross-examination by the Prosecution of the third witness for  
09:46:42 10 the third accused.

11                           CROSS-EXAMINED BY MR BANGURA: [Continued]

12 Q.       Good morning, Madam Witness.

13 A.       Good morning.

14 Q.       Madam Witness, I'm going to ask you some questions this  
09:47:18 15 morning relating to your testimony yesterday in Court. Do you  
16 get me?

17 A.       Yes.

18 Q.       You are the wife of Joe Kpana Lewis, who was the chieftom  
19 speaker for Jong chieftom; not so?

09:47:53 20 A.       Yes.

21           MR BANGURA: Your Honours, I do not seem to be getting  
22 responses from the witness, other than mmm.

23           THE WITNESS: Yes.

24           PRESIDING JUDGE: Interpreters, would you try and relate to  
09:48:15 25 us what exactly --

26           THE INTERPRETER: She said yes. Your Honours, I think  
27 counsel has a problem with his channeling.

28           MR BANGURA: Sorry, I was switched on one channel and  
29 speaking from the other side.

1 PRESIDING JUDGE: Very well.

2 MR BANGURA:

3 Q. Let me take that again, Madam Witness, you are the wife of  
4 Joe Kpana Lewis, who was a former chiefdom speaker for Jong  
09:48:44 5 Chiefdom; not so?

6 A. Yes.

7 Q. You live together with him in Gambia presently; not so?

8 A. Yes.

9 Q. How long have you been living together?

09:49:14 10 A. It's a very long period.

11 Q. And you say the house where you live is about -- just about  
12 five metres away from the court barri in Gambia; not so?

13 JUDGE ITOE: When she says she has lived with him for a  
14 very long time; what does that mean? Can she be --

09:49:30 15 MR BANGURA:

16 Q. Madam Witness, you have answered that you have lived with  
17 your husband for a very long time. How long -- can you give us  
18 an indication of how long you have been together, been living  
19 with him?

09:50:01 20 A. Many years. All of his children have now grown up and  
21 they, too, have given birth to children.

22 Q. Let us say that at the time that Kondewa came to Gambia,  
23 were you living together with your husband?

24 A. Yes.

09:50:29 25 Q. Thank you. And you said the house where you live is about  
26 25 yards from the court barri; not so?

27 A. No.

28 Q. It's not far away there the court barri. It's about the  
29 same distance from where you are sitting to where the judges are

1 sitting; not so?

2 A. Yes.

3 Q. Madam Witness, you are aware that your husband came here to  
4 testify; not so?

09:51:13 5 A. Yes. Yes.

6 Q. And you both knew that you were coming here to testify; he  
7 knew you were coming and you knew he was coming? Correct?

8 A. Yes.

9 Q. Now, before you left Gambia to come to testify, you  
09:51:55 10 obviously did some planning about how things would be run in your  
11 house when you were away; not so?

12 A. I did not prepare.

13 Q. Well, you and the husband, I believe, are the breadwinners  
14 in the family, the husband and yourself are the most senior  
09:52:36 15 people in your family; not so?

16 PRESIDING JUDGE: Would you like to clarify that? The  
17 first part was breadwinner. The second part was most senior.  
18 How do you harmonise the two?

19 MR BANGURA:

09:52:53 20 Q. Your husband and yourself, you are the breadwinners in the  
21 family; not so?

22 A. Yes.

23 Q. So when you agreed to come and testify, you must have made  
24 some arrangements as to what would happen in your absence, in the  
09:53:21 25 house, how the house would be run; not so?

26 A. That didn't happen.

27 Q. So you just got up and left the house, and the husband also  
28 just came here without any plans, any arrangements, any  
29 discussions between you?

1 A. I only left the house and came over here.

2 Q. It is true, Madam Witness, that before you came here, you  
3 both knew you were coming here? You must have discussed the  
4 purpose for coming here; not so?

09:54:36 5 A. Yes.

6 Q. You knew that he was coming to testify in this case, and he  
7 also knew you were coming to testify in this case on behalf of  
8 Kondewa; not so?

9 PRESIDING JUDGE: Keep your questions separate.

09:55:05 10 THE WITNESS: Yes.

11 MR BANGURA: So you knew what he was coming to say --

12 JUDGE ITOE: Please wait.

13 MR BANGURA: Sorry, Your Honour.

14 Q. You knew what your husband, Joe Lewis, was coming here to  
09:55:39 15 say in this case; not so?

16 A. Yes.

17 Q. And, also, you told him what you were coming to say in the  
18 case; not so?

19 A. No.

09:56:00 20 Q. So he told you what he was coming to say, but you did not  
21 tell him what you were coming to say; is that what you're saying?

22 A. He said he was coming to testify, that we were coming to  
23 testify.

24 Q. Was he the one who told you to come and testify?

09:56:44 25 A. He said we were coming to testify.

26 Q. Yes, but was he the one who told you to come and testify,  
27 Madam Witness?

28 A. He did not tell me.

29 Q. How did you get to come here to testify?

1 A. He said that we were coming to testify for Kondewa.

2 Q. And what else did he say?

3 A. He said that Kondewa has selected us to be his witness to  
4 testify for him and, so, we were coming. Well, I asked him  
09:57:46 5 whether he was to come here. He said, yes, if you are selected  
6 to be a witness, you are to go there and testify.

7 Q. Did you not ask him what you were going to say when you  
8 came to testify?

9 A. No.

09:58:13 10 Q. Now, what did he tell you that he was coming to testify  
11 about? You said he told you what he was going to say.

12 MR WILLIAMS: My Lord, I take an objection, My Lord. The  
13 question has been asked and answered, My Lord. I don't know  
14 whether my learned friend is -- what he's seeking to do, My Lord.  
09:58:33 15 The question has been asked and answered several times, My Lord.  
16 The exchanges that took place between this witness and Joe Kpana  
17 Lewis has been narrated to this Honourable Court. There should  
18 be finality, My Lord.

19 PRESIDING JUDGE: Counsel, did she say that the husband  
09:58:50 20 told her what to come and say here?

21 MR BANGURA: She merely has answered that the husband told  
22 her that he was coming but not the content.

23 PRESIDING JUDGE: Yes.

24 MR BANGURA: The question here is -- the content is what  
09:59:08 25 I'm seeking to get from her, if he told her the content of his  
26 testimony. I don't think that has been put to the witness before  
27 and has not been --

28 PRESIDING JUDGE: Why not put it to the witness? Why  
29 assume that he told her what to come and say?

1 MR BANGURA: Your Honours, I previously asked the witness  
2 whether they had discussed what they were coming to testify,  
3 whether he had told her what he was coming to say.

4 PRESIDING JUDGE: Yes.

09:59:33 5 MR BANGURA: And she said, yes, generally. But she said,  
6 no, she had not told him what she was coming to say. The  
7 question now is: Did he tell you the things, the matters he was  
8 coming to testify --

9 PRESIDING JUDGE: I thought I heard what did he tell you to  
09:59:50 10 come and say.

11 MR BANGURA: Basically, that's the purpose of the question.

12 PRESIDING JUDGE: Is that the same as: Did he tell you  
13 what to come and say? Are those two questions synonymous?

14 MR BANGURA: They are not exactly, Your Honour.

10:00:00 15 [Overlapping speakers] --

16 PRESIDING JUDGE: Well, why not put your first question?  
17 Perhaps that's why the objection was raised.

18 MR BANGURA: I can rephrase.

19 Q. Madam Witness, you've said that your husband did tell you  
10:00:18 20 what he was coming to say. What did he say that he was coming to  
21 testify about?

22 MR MARGAI: My Lords, I'm sorry, but --

23 THE WITNESS: He said that we were coming here to testify,  
24 that Kondewa has selected us as witnesses to come and testify, so  
10:00:41 25 we were coming there.

26 PRESIDING JUDGE: What is your objection, counsel?

27 MR WILLIAMS: My Lord, my objection was that the content,  
28 My Lord, of the -- the content of their testimony, I mean has  
29 been -- whether they discussed it, has been answered by this



1 witness, My Lord. Whether they discussed the gist of what they  
2 were coming to say in Court; the witness has said no. She has  
3 answered several times, My Lord, that, I did not tell her, she  
4 did not -- he did not tell me. So the question is asked and  
10:01:14 5 answered.

6 JUDGE BOUTET: Before you proceed, perhaps it would be  
7 appropriate to ask that this not be interpreted to the witness.

8 MR WILLIAMS: As Your Honour pleases.

9 JUDGE BOUTET: Because I think it is --

10:01:24 10 MR WILLIAMS: I agree, My Lord.

11 JUDGE BOUTET: This is a matter that should be discussed in  
12 the absence of the witness, I suggest. I think if the microphone  
13 or earphone system is shut off, she need not be taken out of the  
14 courtroom. I'm just suggesting, Mr Williams, you wait a few  
10:01:43 15 seconds. We'll hear you fully.

16 MR WILLIAMS: I am grateful, My Lordship.

17 PRESIDING JUDGE: Right. Can we have the earphones taken  
18 off for the time being? I don't think we need to ask her to  
19 leave the courtroom. Could you formulate your objection again?

10:02:27 20 MR WILLIAMS: My Lord, my objection is that there should be  
21 finality in cross-examination, My Lord. The question that my  
22 learned friend is now putting has been asked and answered by this  
23 witness. My Lord, the witness clearly stated that my husband  
24 informed me that we were coming to testify on behalf of  
10:02:53 25 Mr Kondewa. She further went on to say that the content of the  
26 testimony was not discussed: I did not tell him what I was  
27 coming to say, and he did not tell me the gist of what he was  
28 coming to say.

29 JUDGE ITOE: I wonder whether that reflects the records.

1 MR BANGURA: Your Honours, that's not a true reflection  
2 of --

3 JUDGE ITOE: Is that a true reflection of the records,  
4 Mr Williams?

10:03:28 5 MR WILLIAMS: I'm not quoting, I'm paraphrasing.

6 JUDGE ITOE: Even if you are paraphrasing, is that a true  
7 reflection of the records?

8 MR WILLIAMS: Yes, that is my humble opinion of -- idea of  
9 what the witness has said this morning, My Lord.

10:03:37 10 JUDGE ITOE: I'm afraid we have to revisit the records.

11 MR WILLIAMS: As My Lord pleases. My Lord, the objection  
12 is that --

13 JUDGE ITOE: What I have is that both of them knew that  
14 they were coming to testify for Kondewa.

10:03:51 15 MR WILLIAMS: Yes.

16 JUDGE ITOE: He told her what he was coming to say, but she  
17 did not tell him what she was coming to say here.

18 MR WILLIAMS: I beg to differ, My Lord.

19 JUDGE ITOE: I see.

10:04:07 20 MR WILLIAMS: I beg to differ, My Lord.

21 PRESIDING JUDGE: What do you have? We'll have to go to  
22 the records, really. The records are the only authentic  
23 representation of what goes on in Court, not our notes.

24 MR WILLIAMS: Certainly, My Lord.

10:04:23 25 JUDGE BOUTET: What I have in my notes is that her husband  
26 told her that he was coming here to testify for Kondewa, and that  
27 he said that Kondewa had said to them -- said to us, "And you  
28 have to go to testify," because she asked if she had to come and  
29 that was what the husband told her. Then I have, "You did ask

1 him what to say?" And she said, "No." Then the next question  
2 that I have, "Did he say what to testify about?" And I don't  
3 have that answer; you objected at that moment.

4 PRESIDING JUDGE: Let's hear what -- can we have the  
10:05:03 5 transcript reproduction at this stage? Yes. Please, let us have  
6 it.

7 [Transcript at page 5 line 3 - page 6 line 12 read  
8 back]

9 PRESIDING JUDGE: Right. As the records stand --

10:05:05 10 MR BANGURA: I don't know whether counsel would wish to be  
11 heard further on his objection, but I [overlapping speakers] --

12 PRESIDING JUDGE: Counsel, that is the state of the  
13 records. What is your further position on that?

14 MR WILLIAMS: My Lord, I do not know -- I stand to be  
10:07:25 15 guided by the stenographers, My Lord -- whether anything came  
16 after.

17 JUDGE BOUTET: Yes.

18 MR WILLIAMS: Yes, I think something came after that, My  
19 Lord. I would be most grateful if the entire -- I mean, what  
10:07:36 20 transpired after Justice Itoe came in, My Lord, if that is --

21 PRESIDING JUDGE: Can the stenographer help us? Is there  
22 something else that was not read out?

23 STENOGRAPHER: Yes.

24 PRESIDING JUDGE: Let's hear it.

25 [Transcript at page 6 line 12 - page 7 line 12 read  
26 back]

27 JUDGE BOUTET: That's where we were.

28 PRESIDING JUDGE: That's the state of the records.  
29 Counsel, do you want to -- what's your further position on that?

1 MR WILLIAMS: My Lord, I still stand by my objection, My  
2 Lord. The records clearly show, My Lord, that the question has  
3 been asked whether she knew what -- whether she was told what the  
4 husband was coming to say, and she said "No."

10:09:34 5 PRESIDING JUDGE: What is your response to that,  
6 Mr Bangura?

7 MR BANGURA: I find counsel's appreciation of the facts or  
8 appreciation of these records here --

9 PRESIDING JUDGE: Different.

10:09:48 10 MR BANGURA: Completely.

11 PRESIDING JUDGE: I will allow the question to be put once  
12 more.

13 MR BANGURA: Thank you, Your Honour.

14 PRESIDING JUDGE: Let's proceed.

10:10:01 15 MR BANGURA:

16 Q. Madam Witness, you have said that your husband told you  
17 what he was coming to testify about in this Court; not so?

18 A. He said -- he told me that we were coming here. He told me  
19 that we were coming to testify here.

10:10:40 20 Q. I know you said that, but he did not tell you what he was  
21 going to talk about when he came here?

22 PRESIDING JUDGE: Could you put it in the affirmative?

23 MR BANGURA:

24 Q. Did he tell you?

10:11:01 25 A. What he had to explain, he did not tell me. He did not  
26 tell me that when I have to go to that Court, this is what I am  
27 going to explain or say, or that is what you have to say. He  
28 only said that we were coming here to testify.

29 Q. So all this -- how long had you been preparing to come to

1 this Court to testify; can you remember, how long he had informed  
2 you about --

3 PRESIDING JUDGE: Don't complicate your questions. That's  
4 why we get into difficult waters. Keep them simple and  
10:11:32 5 uncomplicated. Get back to what you said before.

6 MR BANGURA: I'm sorry, Your Honour.

7 PRESIDING JUDGE: It's when you try to paraphrase your  
8 questions, then they take on a different nuance.

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

10:11:47 10 PRESIDING JUDGE: Right.

11 MR BANGURA:

12 Q. Madam Witness, how long did it take to prepare to come and  
13 testify in this Court?

14 A. Yes. We were not long in preparing.

10:12:04 15 Q. So, from the time that your husband told you you were  
16 coming to testify to the time you came, was it up to one month?

17 A. No.

18 Q. And you --

19 PRESIDING JUDGE: Just a minute, counsel. Let me briefly,  
10:12:33 20 just for one minute, stand down this proceeding and take some  
21 quick action, and then we'll come back.

22 [Break taken at 10.10 a.m.]

23 [Upon resuming at 10.25 a.m.]

24 PRESIDING JUDGE: Mr Bangura, please continue.

10:28:13 25 MR BANGURA:

26 Q. Madam Witness, is this the first time you're testifying in  
27 the trial, in Court?

28 A. Yes, I have never been to a court.

29 Q. So when your husband told you that you were coming to

1 testify in the case at the Special Court, you must have been  
2 terrified; not so?

3 A. Yes. I asked him whether I should remain if there's no  
4 case, then he said, "As long as we have been selected as a  
10:28:59 5 witness, you have to go."

6 Q. You must have been confused about what you were coming to  
7 say in Court; not so?

8 A. Yes, because I didn't know. I didn't know the reason why I  
9 was selected as a witness.

10:29:31 10 Q. You didn't know the reason why you were selected as a  
11 witness, because you knew nothing that this case is about; not  
12 so?

13 A. Yes.

14 JUDGE ITOE: That she knew nothing about what?

10:30:07 15 MR BANGURA: Nothing about this case, nothing about the  
16 case -- that this case is about, that was the phrase.

17 PRESIDING JUDGE: Proceed, counsel.

18 MR BANGURA:

19 Q. So you would have preferred not to come, except that your  
10:30:33 20 husband asked you to do so.

21 PRESIDING JUDGE: Well, let her have the first part.

22 MR BANGURA:

23 Q. You would have preferred not to come, if you had your way;  
24 not so, Madam Witness?

10:30:49 25 A. Yes.

26 MR BANGURA: I have no more questions for this witness,  
27 Your Honours.

28 PRESIDING JUDGE: Thank you very much. End of  
29 cross-examination. Mr Williams, any questions in re-examination?

1 MR WILLIAMS: A couple, My Lord.

2 RE-EXAMINED BY MR WILLIAMS:

3 Q. Madam, how many wives does your husband have?

4 A. There are many.

10:31:29 5 MR BANGURA: Your Honours, I wonder whether this is a  
6 proper question for re-examination. I don't see any of the  
7 categories within which questions in re-examination can be asked  
8 at this point.

9 PRESIDING JUDGE: Yes, counsel, what is this, the purpose  
10 of this question, the context of --

11 MR WILLIAMS: Your Honour, the next question will put  
12 things into perspective, My Lord.

13 PRESIDING JUDGE: How is this a permissible question in  
14 re-examination --

10:32:02 15 MR WILLIAMS: My Lord, if --

16 PRESIDING JUDGE: -- having regard to the basic principles.

17 MR WILLIAMS: My Lords, again, if the headphones of the  
18 witness can be disconnected, then I can explain to the Court.

19 PRESIDING JUDGE: All right. Please do that first, Court  
10:32:18 20 Management. Yes, what is the purpose of this question?

21 MR WILLIAMS: My Lord, the issue of whether the last  
22 witness, My Lord, was married, I believe, did not arise at all  
23 yesterday, My Lord, it arose --

24 PRESIDING JUDGE: During what, in particular?

10:32:49 25 MR WILLIAMS: Both examination-in-chief and  
26 cross-examination, My Lord; during his entire evidence. And,  
27 this morning, that has been brought into issue.

28 Furthermore, the issue of distances, My Lord, the last  
29 witness testified about a particular distance from his house to

1 the barri. This witness has also testified something along that  
2 line, My Lord. What I want to clarify, My Lord, is whether the  
3 last witness -- I mean, whether there were other wives, and  
4 whether -- all those other wives at their respective houses, My  
10:33:32 5 Lord.

6 PRESIDING JUDGE: Let's go to the first part. The first  
7 part is about whether this particular -- the witness who  
8 testified yesterday had a plurality of wives; is that the issue?

9 MR WILLIAMS: Yes, Your Honour.

10:33:44 10 PRESIDING JUDGE: Counsel says the issue of the plurality  
11 does not arise and is not a legitimate question in  
12 re-examination, in the sense that he doesn't see which category  
13 or rubric under re-examination this could fall into.

14 MR WILLIAMS: My Lord --

10:34:00 15 PRESIDING JUDGE: Where in cross-examination was this  
16 raised?

17 MR WILLIAMS: My Lord, the issue of --

18 PRESIDING JUDGE: Either, whether the witness yesterday --

19 MR WILLIAMS: No, what I'm saying is that it did not arise  
10:34:18 20 yesterday.

21 PRESIDING JUDGE: Now, in the testimony of this witness,  
22 that's what I'm talking about.

23 MR WILLIAMS: My Lord, it arose when the Prosecutor asked  
24 the witness whether she was married to Joe Kpana Lewis.

10:34:28 25 PRESIDING JUDGE: Yes, that's all.

26 MR WILLIAMS: Yes.

27 PRESIDING JUDGE: But not whether that particular witness  
28 yesterday was married to other women.

29 MR WILLIAMS: My Lord, that is something that I am pursuing



1 now in re-examination, to clarify --

2 PRESIDING JUDGE: What?

3 MR WILLIAMS: The ambiguity that the cross-examination has  
4 caused, My Lord. I believe Your Lordships would want the truth  
10:34:53 5 to be known.

6 PRESIDING JUDGE: Well, what I'm saying --

7 JUDGE ITOE: We're not against the truth, Mr Williams.  
8 [Overlapping speakers]. We want the whole truth to be known in  
9 this case.

10:35:03 10 MR WILLIAMS: Exactly.

11 JUDGE ITOE: But within the legal, permissible frame -- I  
12 mean, within the logic, you know, the rules that we apply here.  
13 Did the issue of plurality of wives arise in cross-examination.  
14 That's the issue.

10:35:22 15 MR WILLIAMS: Your Honour, that is a rider to what I'm  
16 driving at, My Lord. That is a rider to my -- I mean, to the  
17 fact in issue, My Lord.

18 PRESIDING JUDGE: What is the fact in issue? The  
19 difficulty here is what is the discrepancy that you seek now to  
10:35:39 20 eliminate, or to rectify between, one, examination-in-chief of  
21 this witness, and cross-examination in respect of the idea  
22 whether this was a monogamous or polygamous setting. What is the  
23 discrepancy here? Why is it a core issue?

24 MR WILLIAMS: It is a core issue because it puts into  
10:36:16 25 question the evidence that was led by the last witness, My Lord,  
26 as far as distance is concerned, and the issue of the number -- I  
27 mean, how many wives, the number of wives that the last witness  
28 has, My Lord, has been brought into issue by virtue of the  
29 cross-examination. And, furthermore, My Lord --

1 JUDGE ITOE: You mean the issue of the number of wives was  
2 brought in issue?

3 MR WILLIAMS: Yes, by --

4 JUDGE ITOE: Does the fact that the witness, I mean, the  
10:36:51 5 fact that this lady is married to Mr X immediately brings into  
6 question the issue of polygamy or monogamy, as the case may be?

7 MR WILLIAMS: My Lord, the witness, in cross-examination  
8 testified that she has lived with the last witness for a number  
9 of years.

10:37:14 10 JUDGE ITOE: [Indiscernible].

11 MR WILLIAMS: Yes, My Lord, and the issue of the evidence  
12 of the last witness was brought in in cross-examination. It  
13 mentioned what the last witness said in cross-examination, or in  
14 evidence yesterday, so I have to tidy things up, My Lord. As it  
10:37:29 15 is now, the tribunal would not know the true position.

16 PRESIDING JUDGE: The difficulty I have is this, and I  
17 don't know about my learned brothers: What is this that you're  
18 seeking to tidy up in the context of the evidence of this witness  
19 as a defence witness for the third accused? Remember, this  
10:37:56 20 witness has come here to proffer evidence, to, in fact, rebut any  
21 of the Prosecution's evidence, incriminating the third accused.  
22 How does the issue of the nature of the marriage which she, in  
23 fact -- or contracted with the former witness impact directly and  
24 significantly upon this? That's my difficulty.

10:38:25 25 MR WILLIAMS: My Lord, that is why --

26 JUDGE BOUTET: Mr Williams, I understand what you're trying  
27 to achieve. There is, I would suggest to you, no ambiguity in  
28 her answer. There might be some differences in scope between her  
29 evidence on the distance and the evidence of the previous

1 witness, but that's the normal course of events. That doesn't  
2 mean there is ambiguity in her evidence. There is none. I know  
3 what you are trying to achieve. You are trying to show that she  
4 may have misperceived whatever it is. But this is what the Court  
10:38:57 5 will appreciate, this is the normal course of events in the  
6 evidence of witnesses. One will say it's five yards, others will  
7 say it's 50 yards. Well, it's a question of estimate, and so on.  
8 It doesn't mean that there is any discrepancy of others within  
9 her own evidence, And there is nothing to clarify in her  
10:39:11 10 evidence. What you are trying to show is that when she is  
11 describing distance, it's different than the one that we had  
12 before. This is the whole question of testimony of eyewitnesses  
13 describing events.

14 MR WILLIAMS: My Lord, I will await a ruling.

10:39:39 15 PRESIDING JUDGE: What I fail to see is how the plurality  
16 of wives issue becomes central here for the purpose of  
17 re-examination.

18 MR WILLIAMS: That's why I say it is a rider to something  
19 else, My Lord. This is just like a preliminary question, I mean,  
10:39:54 20 which I believe --

21 PRESIDING JUDGE: That's what's been objected to. The  
22 preliminary question falls outside the nature and scope of  
23 cross-examination, as we know them, according to the Rules; that,  
24 clearly, any question put in re-examination should, in fact, aim  
10:40:14 25 at explaining inconsistencies or clarifying ambiguities or  
26 reconciling some discrepancy, and I'm not persuaded. In that  
27 regard --

28 JUDGE ITOE: I'm not persuaded either.

29 PRESIDING JUDGE: -- the question is an impermissible one.

1 MR WILLIAMS: Considering the Rules, My Lord, and the  
2 provision of extensive admissibility of evidence, My Lord -- My  
3 Lord, the Court seeks the truth, My Lord, and if the evidence is  
4 left in its current state, My Lord -- I mean, I would not see, My  
10:41:02 5 Lord, that the true facts have been presented to the Court. This  
6 can be an exception to the general rule, I'm prepared to go that  
7 far, My Lord, that the evidence led so far by virtue of the  
8 cross-examination does not give the Court the true picture of the  
9 state of her fears, and it's in the interest of justice that this  
10:41:29 10 question, or this line, be pursued.

11 PRESIDING JUDGE: I do not understand the philosophy of  
12 flexibility in admitting evidence in international tribunals to  
13 also require that the rules and principles governing the  
14 examination, cross-examination or examination-in-chief, should be  
10:41:50 15 abandoned, but I do understand that, indeed, there may be a need,  
16 at times, to be very flexible so as not to foreclose the truth.  
17 But this particular case, the issue really is a stretch why the  
18 plurality of wives issue becomes or assumes such a very important  
19 dimension.

10:42:25 20 MR WILLIAMS: My Lord, I will make another try, My Lord.

21 PRESIDING JUDGE: Probably in another way.

22 MR WILLIAMS: Yes, My Lord.

23 PRESIDING JUDGE: But we uphold the objection as  
24 formulated.

10:42:32 25 MR WILLIAMS: I must say, I mean, I accept the position of  
26 the Bench, My Lord --

27 PRESIDING JUDGE: If you don't like it, you could appeal.  
28 Somebody might tell us that we're wrong. In the state of  
29 judicial charity, we accept a higher tribunal in saying, "They

1 got it all wrong."

2 MR WILLIAMS: I accept Your Lordship's ruling, My Lord.

3 Q. Madam, do you know anybody by the name of --

4 JUDGE BOUTET: She doesn't have her earphones back on.

10:43:17 5 PRESIDING JUDGE: Let her have her earphones.

6 MR WILLIAMS:

7 Q. Madam, you said that -- when my learned friend was asking  
8 you questions, you said you and your husband have been married  
9 for quite a long time; is that correct?

10:43:28 10 A. Yes.

11 Q. Do you know whether your husband has other wives?

12 MR BANGURA: Your Honours, I object again to this question.  
13 My learned friend is seeking to get around the decision of the  
14 Bench.

10:43:52 15 THE WITNESS: Yes.

16 MR BANGURA: I believe he's trying to get -- put to the  
17 witness the very same question that was put to her before I took  
18 the objection. No issues arose that are in controversy, that are  
19 ambiguous that would require --

10:44:16 20 PRESIDING JUDGE: Does it follow from the answer that she  
21 said she's lived with him a very long time ago?

22 MR BANGURA: I fail to see an issue.

23 PRESIDING JUDGE: [Overlapping speakers].

10:44:35 24 MR BANGURA: I fail to see an issue arising from that  
25 answer, My Lord.

26 MR WILLIAMS: My Lord, again, I would state that my learned  
27 friend has not stated the exact -- extensively the scope of  
28 re-examination. This was a matter that arose in  
29 cross-examination and, My Lord, it leaves the picture incomplete.

1           PRESIDING JUDGE: Well, counsel, really, quite frankly, you  
2 may be stating the law too broadly of re-examination because I  
3 don't understand the law unless there's something that I'm  
4 missing here, and I stand to be enlightened, that is the whole  
10:45:05 5 exercise of the judicial process we learn from day to day. I've  
6 never understood the law governing re-examination to say that  
7 anything that arises under cross-examination is fair game in  
8 re-examination. That is not my understanding. My understanding,  
9 clearly, is that re-examination is a mechanism of a much narrower  
10:45:31 10 compass. It is merely meant to help the re-examining party to  
11 clarify ambiguities, inconsistencies, discrepancies, and probably  
12 issues that may well have arisen ex-improviso. If I'm wrong in  
13 my statement of the law, I certainly look forward to being  
14 enlightened on that, otherwise, re-examination becomes exactly  
10:45:59 15 the same as examination-in-chief.

16           MR WILLIAMS: My Lord, I believe that I've stated my  
17 understanding of the position as far as re-examination is  
18 concerned, and the fourth ambit mentioned by Your Lordship,  
19 things that rise ex-improviso, My Lord, I believe is almost  
10:46:23 20 synonymous to issues arising for the first time in  
21 cross-examination. I mean, it did not --

22           PRESIDING JUDGE: No, it doesn't. Ex-improviso really  
23 means that some kind of issue that human ingenuity could not have  
24 reasonably been foreseen. That is the accepted judicial  
10:46:40 25 formulation of the concept and I think I learnt this several,  
26 several years ago at law school.

27           MR WILLIAMS: My Lord, I don't have any authorities on me  
28 at the moment as far as the position that I own them --

29           PRESIDING JUDGE: Counsel, we'll sustain the objection.

1 MR WILLIAMS: Thank you, very much, My Lord.

2 Q. Madam Witness, do you know a lady called Haja Salaimatu  
3 Lewis?

4 MR BANGURA: Objection again, Your Honours. Counsel is  
10:47:14 5 trying to put questions to the witness afresh, as though he was  
6 now examining the witness in chief.

7 PRESIDING JUDGE: Objection sustained.

8 MR WILLIAMS:

9 Q. Madam Witness, in answer to my learned friend, you said you  
10:47:33 10 do not know what this case is about; is that what you said when  
11 my learned friend was asking you questions a short while ago?

12 A. Yes. That's what I said.

13 Q. I mean, did you know that this case was about or this case  
14 covers the incident that you testified to about in Court  
10:48:29 15 yesterday?

16 MR BANGURA: I'm constrained, Your Honours. I object. I  
17 do not see an issue that is in controversy in that answer which  
18 the witness gave, or that is ambiguous, nor is it even a new  
19 issue.

10:48:41 20 MR WILLIAMS: My Lord, the ambiguity is this, My Lord.  
21 This witness testified about two incidents that took place in the  
22 Gambia. They called witnesses to come and testify about those  
23 incidents. That came out in examination-in-chief and -- yes, in  
24 examination-in-chief. In cross-examination, this witness says,  
10:49:06 25 "I do not know what this case is about." The question itself was  
26 ambiguous: Do you know what this case is about?

27 My Lord, the case is about a thousand and one things, and  
28 for -- it is for a specific question now to clear that ambiguity,  
29 whether this witness, as a matter of fact, knows something about

1 this case.

2 PRESIDING JUDGE: Mr Bangura, are you persuaded by that  
3 response?

4 MR BANGURA: Certainly not, Your Honour. I believe by that  
10:49:36 5 answer, it is left with the Bench to evaluate the answer and for  
6 counsel from both sides to address Your Lordships at the  
7 appropriate time.

8 PRESIDING JUDGE: Counsel to both sides, the objection is  
9 sustained. Next question.

10:50:09 10 MR WILLIAMS:  
11 Q. Do you know that this Court is concerned about the incident  
12 that it is alleged happened in the Gambia during the period  
13 Kondewa was there?

14 MR BANGURA: I am still constrained, Your Honour. I  
10:50:37 15 object. Counsel is leading evidence more like in chief. This is  
16 re-examination, Your Honour. It is flouting all the rules in  
17 re-examination.

18 PRESIDING JUDGE: Counsel, what is so different from your  
19 previous line of re-examination in this regard?

10:50:59 20 MR WILLIAMS: My Lord, this --

21 PRESIDING JUDGE: You asked her whether she knows that this  
22 Court is concerned about --

23 MR WILLIAMS: My Lord, the previous question was  
24 open-ended.

10:51:12 25 PRESIDING JUDGE: This one --

26 MR WILLIAMS: Is now focused, My Lord.

27 PRESIDING JUDGE: Yes, that the Court is concerned about --

28 MR WILLIAMS: The incident that it was alleged took place  
29 in the Gambia during the period Kondewa was there.



1           PRESIDING JUDGE: Isn't that argumentive? I mean, first of  
2 all, why say this Court is concerned, or has there been an  
3 unfortunate choice of words, because I think this Court  
4 investigates or adjudicates --

10:51:46 5           MR WILLIAMS: My Lord, I --

6           PRESIDING JUDGE: Or am I being too meticulous here in  
7 terms of -- because when you say "this Court is concerned," if I  
8 give it its literal interpretation, it -- I'm not sure.

9           MR WILLIAMS: My Lord, I can replace it with the word  
10:52:04 10 "relevant," My Lord, that the incident took place is relevant to  
11 the Gambia.

12           PRESIDING JUDGE: Relevant for adjudication in this Court.

13           MR WILLIAMS: Yes.

14           PRESIDING JUDGE: Would that take care -- would that allay  
10:52:18 15 your fears in terms --

16           MR BANGURA: It certainly does not, Your Honour. My  
17 position is that the question counsel is seeking to put to the  
18 witness is a question which could have been put to the witness in  
19 examination-in-chief. He's trying to repair his case, through  
10:52:34 20 the back door, Your Honour, if I may say.

21           PRESIDING JUDGE: Counsel for the third accused, the  
22 objection is sustained.

23           MR WILLIAMS: No further questions, My Lord.

24           PRESIDING JUDGE: Thank you. Madam Witness.

10:52:59 25           THE WITNESS: Yes.

26           PRESIDING JUDGE: We thank you for your testimony. You are  
27 now released. Victims and Witnesses Unit, please escort the  
28 witness out of Court.

29   [The witness withdrew]

1           PRESIDING JUDGE: Mr Margai, I take it you have your next  
2 witness ready?

3           MR WILLIAMS: I do, My Lord.

4           PRESIDING JUDGE: We better proceed and see if we can  
10:53:29 5 complete that witness before the next -- before the usual tea  
6 break. The examination-in-chief is probably about half an hour,  
7 is it?

8           MR WILLIAMS: It should be.

9           PRESIDING JUDGE: Well, you have been proceeding so --

10:53:46 10           MR WILLIAMS: Expedi tiously, My Lord.

11           PRESIDING JUDGE: And so creatively too.

12           MR WILLIAMS: I'm flattered, My Lord.

13           PRESIDING JUDGE: Except for one or two excursions away  
14 from what your colleague on the other side would like to see  
10:54:08 15 done. Let us have the witness brought to Court.

16           MR WILLIAMS: The next witness is Joseph D Murana, and he  
17 will be testifying in the Mende language.

18           PRESIDING JUDGE: This is DW 4 for the third accused?

19           MR WILLIAMS: Yes, My Lord.

10:54:28 20           WITNESS: JOSEPH DICKSON MURANA [Sworn]

21           [The witness answered through interpreter]

22           PRESIDING JUDGE: Mr Williams, your witness.

23           MR WILLIAMS: Thank you very much My Lord. I wish to  
24 inform the Bench before I commence with this witness that we have  
10:56:48 25 decided to drop one of our witnesses. We have indicated that we  
26 shall be further reducing a number of witnesses and we'll have  
27 done so now, My Lord. The 11th witness --

28           JUDGE ITOE: By one only?

29           MR WILLIAMS: It would have been a very lengthy one, My

1 Lord. So we are saving the Court a number of days, My Lord.

2 PRESIDING JUDGE: And of course as a compensation to the  
3 Prosecution.

4 MR WILLIAMS: As My Lord please.

10:57:21 5 PRESIDING JUDGE: No, we note with a sense of relief.

6 MR WILLIAMS: My Lord, the witness we will be dropping is  
7 11 on the list.

8 JUDGE BOUTET: And the name is Morie Jusu Kamara?

9 MR WILLIAMS: Yes, My Lord.

10:57:40 10 PRESIDING JUDGE: Right. Let's proceed.

11 EXAMINED BY MR WILLIAMS:

12 Q. Good morning, Mr Witness.

13 A. God morning.

14 Q. I have a couple of questions for you.

10:57:49 15 A. Okay.

16 Q. Please listen carefully.

17 A. Okay. I'm listening carefully.

18 Q. And please talk very slowly, because what you say would be  
19 interpreted into other languages. What are your names?

10:58:09 20 A. My name is Joseph Dickson --

21 THE INTERPRETER: Your Honours, may the witness go over the  
22 last name, the surname.

23 MR WILLIAMS:

24 Q. Could you repeat your names, please?

10:58:26 25 A. My name is Joseph Dickson Murana.

26 Q. Where do you live?

27 A. Talia Yawbeko, Bonthe District.

28 Q. Can you tell the Court your place of birth?

29 A. I was born in Talia Yawbeko.

1 Q. Can you tell the Court your age?

2 A. I am 55 years old.

3 Q. Can you tell the Court what you presently do for a living?

4 A. At present, I'm a farmer.

10:59:41 5 Q. You said you are 55 years old and you were born at Talia  
6 Yawbeko. Have you ever lived out of Talia?

7 A. No, only Talia.

8 Q. Do you recall the date of the coup in 1997, 25 May -- do  
9 you recall 25 May 1997?

11:00:44 10 PRESIDING JUDGE: Did he get your question?

11 THE WITNESS: Yes, yes.

12 PRESIDING JUDGE: He was trying to recall.

13 MR WILLIAMS:

14 Q. Where were you on that date?

11:00:54 15 A. I was in Talia.

16 Q. Did you hold any position in Talia at that time?

17 A. I was the chiefdom speaker.

18 Q. When were you appointed chiefdom speaker?

19 A. 1976.

11:01:51 20 Q. Are you still chiefdom speaker of Talia Yawbeko Chiefdom?

21 A. No. Now the -- they have crowned the substantive paramount  
22 chief and he has appointed his speaker.

23 Q. When did you stop serving as chiefdom speaker?

24 A. That is -- it is recently, but I can't remember. I can't  
11:02:47 25 recall the time now.

26 Q. Thank you very much.

27 A. Okay.

28 Q. Can you kindly tell the Court some of the functions you  
29 performed as chiefdom speaker of Talia Yawbeko?

1 A. I was the liaison between the chieftom people and the  
2 paramount chief. I would speak to the paramount chief on behalf  
3 of the people.

4 Q. This function you mentioned, did you perform it during the  
11:03:47 5 period 25 May 1997 to February 1998?

6 A. I was performing that function, right up to that time.

7 Q. Do you know the third accused, Allieu Kondewa?

8 A. Yes, I know him. In fact, he's my brother.

9 Q. When you say he's your brother, what do you mean by that?

11:05:02 10 A. We were given birth to -- his mother gave birth to him, and  
11 that's why we're all brothers.

12 Q. Are you blood brothers?

13 PRESIDING JUDGE: Born of the same mothers?

14 MR WILLIAMS: No, no, My Lord. It's not clear, My Lord.

11:05:34 15 I'll pursue that.

16 Q. Are you blood brothers?

17 A. No, not of the same mother.

18 Q. Are you of the same father?

19 THE INTERPRETER: Your Honours, that answer is not clear.

11:05:52 20 PRESIDING JUDGE: Yes, they are not of the same mother.

21 MR WILLIAMS: Yes.

22 Q. Are you of the same father?

23 A. No.

24 PRESIDING JUDGE: Not of the same father.

11:06:01 25 MR WILLIAMS:

26 Q. So when you say he's a brother, what do you mean by that?

27 A. Two people may be born. One mother would give birth to a  
28 child and the other would give birth to her own child, and you'll  
29 be brothers.

1 Q. I mean, did you -- the two of you came from the same  
2 village or share similar -- same relatives?

3 A. The same chiefdom.

4 PRESIDING JUDGE: So they hail from the same chiefdom?

11:07:13 5 MR WILLIAMS: Yes, My Lord.

6 THE WITNESS: Oh, yes.

7 MR WILLIAMS:

8 Q. Did Mr Kondewa come to Talia after the coup of 25 May 1997?

9 A. He was there when the coup took place.

11:07:43 10 Q. Did he stay -- was he there between May 1997 and February  
11 1998?

12 JUDGE ITOE: I thought he had said yes. You had put that  
13 question earlier to him. Was he there between 25th May and  
14 February 1998.

11:08:21 15 MR WILLIAMS: I'm referring to Mr Kondewa now.

16 Your Honour, I believe that question was in relation to himself.

17 JUDGE ITOE: Okay. All right.

18 MR WILLIAMS:

19 Q. Was Mr Kondewa -- did Mr Kondewa stay at Talia between  
11:08:36 20 25 May 1997 and February 1998?

21 A. He was there.

22 Q. Can you tell the Court what he was doing at Talia during  
23 that period?

24 A. At that time, he used to initiate Kamajors into the  
11:09:29 25 society, and he was also the herbs man.

26 THE INTERPRETER: Herbalist, Your Honours.

27 MR WILLIAMS:

28 Q. Did you know -- I mean, did you yourself initiate into the  
29 Kamajor society?

1 A. I'm a Kamajor.

2 Q. Who was the paramount chief of Talia between -- I mean  
3 paramount chief of Talia Yawbeko Chiefdom, between 25 May 1997  
4 and February 1998; who was the paramount chief of Talia Yawbeko  
11:10:50 5 Chiefdom?

6 A. BC Joe Jangba.

7 MR WILLIAMS: My Lords, Jangba is J-A-N-G-B-A.

8 Q. Is he still alive?

9 A. No, he died some time ago.

11:11:29 10 Q. Did the chiefdom authority continue to function between  
11 25 May 1997 and February 1998?

12 A. Well, they were not working during the war.

13 Q. Did you, as chiefdom speaker, continue to meet with the  
14 paramount chief during that period?

11:12:24 15 A. We would meet at any time, because I was the liaison  
16 between the people and the paramount chief.

17 Q. How often did you meet?

18 A. We would meet at any time.

19 Q. Did you have weekly, monthly, quarterly meetings? I want  
11:13:10 20 you to be of more assistance.

21 A. Every week we would meet. If there's anything that we were  
22 to discuss, we would meet and discuss that.

23 Q. In terms of hierarchy, who was next to the paramount chief  
24 in Talia Yawbeko during that period?

11:13:45 25 A. I am. I was the person.

26 Q. The meetings you said you held periodically with the  
27 paramount chief, that was in relation to chiefdom matters; is  
28 that correct?

29 MR KAMARA: That is leading, My Lord. Objection.

1 PRESIDING JUDGE: Sustained.

2 MR WILLIAMS: I concede, My Lord. I thought I was  
3 merely --

4 PRESIDING JUDGE: I don't know, was it contentious?  
5 Anyway, it's still leading.

11:14:43

6 MR WILLIAMS: I thought I was paraphrasing what he had said  
7 earlier.

8 Q. These meetings that you said you held periodically with the  
9 paramount chief, what was it related to?

11:15:00

10 A. We talked about the chiefdom and when, at that time, the  
11 war was on.

12 Q. Did other people attend those meetings?

13 A. Seldom.

14 Q. Tell the Court who are the other people that would attend  
15 the meetings that you had with the chief.

11:15:32

16 A. Tribal authorities.

17 Q. Mr Witness, did you own a house at Talia?

18 A. I have a house.

19 Q. Do you know where Mr Kondewa stayed during the period I've  
20 referred you to?

11:16:32

21 A. He was at his house, and we used to meet most of the times.

22 Q. When Mr Kondewa went to Talia, did he build a house there,  
23 or did he rent a house?

24 A. He built a house in Nyandehun, but not in Talia.

11:17:24

25 Q. And where was he staying? Was he staying at Nyandehun or  
26 at Talia?

27 A. At Talia.

28 Q. And who owned the house that he stayed?

29 A. We, the chiefdom people, gave him the house to stay --



1 where he stayed.

2 Q. How far was your house from where Mr Kondewa stayed?

3 A. I think you walk about 15 minutes and then you get to his  
4 place.

11:18:21 5 Q. How often did you see Mr Kondewa during that period?

6 A. We would meet -- I used to see him at all times, because we  
7 were living in the same place, the same village.

8 Q. What do you mean by "at all times"?

9 A. We were in the same town. Whenever we were passing by,  
11:18:59 10 we'd see each other.

11 Q. Did the two of you exchange visits?

12 A. Yes, he used to visit me and I also reciprocated.

13 Q. The chiefdom authority that you have spoken about, did it  
14 keep a track of what was going on around Talia Yawbeko?

11:19:56 15 A. They used to tell me what happened.

16 Q. I'm not talking about you, Mr Witness. I'm talking about  
17 the chiefdom authority, for now. The chiefdom authority, you  
18 said, met twice a week. My question is: Did that authority keep  
19 track of what was going on around Talia Yawbeko?

11:20:25 20 A. Yes.

21 Q. Did Mr Kondewa have anything to do with combatants whilst  
22 he was at Talia?

23 A. No.

24 Q. Did Mr Kondewa command -- did he have command over troops  
11:21:21 25 whilst he was at Talia between February -- between May 1997  
26 and February 1998?

27 A. He was only there doing his initiation.

28 Q. Did he have command over troops?

29 A. No.

1 Q. Did Mr Kondewa have any control over troops between May  
2 1997 and February 1998 whilst he was at Talia?

3 MR KAMARA: My Lord, that's the same question my learned  
4 friend had just asked, and the witness has answered.

11:22:44 5 MR WILLIAMS: Control. I'm talking about control now. The  
6 first one was command.

7 PRESIDING JUDGE: Command.

8 MR WILLIAMS: Now it's control.

9 PRESIDING JUDGE: Continue.

11:22:55 10 MR WILLIAMS:

11 Q. Did Mr Kondewa have any control whatsoever of fighters or  
12 combatants whilst he was at Talia between May 1997 and February  
13 1998?

14 A. He did not control them, at all not.

11:23:22 15 Q. Can you please tell the Court what the relationship was  
16 between the people of Talia and the Kamajors during that period?

17 A. It was -- we were all happy together.

18 Q. What was your relationship -- no, just a second. I haven't  
19 finished the question yet. What was your relationship as  
11:24:25 20 chieftain speaker with the people of Talia?

21 A. That is why I was there for 20 -- for 30 years. I was  
22 there when I was made into a regent chief.

23 Q. Yes. Thank you for that information, but the question --

24 JUDGE ITOE: The relationship was good, otherwise he would  
11:25:03 25 not have been there for 25 years.

26 THE WITNESS: Thirty years, My Lord.

27 JUDGE ITOE: It has been confirmed that --

28 MR WILLIAMS: Some dictators rule indefinitely, My Lords.

29 JUDGE ITOE: We don't have evidence that he was one.

1           PRESIDING JUDGE: So the relationship lasted for 30 years.

2           MR WILLIAMS: Yes.

3           Q. Are you saying it was good?

4           A. It was good.

11:25:35 5           Q. How often did you talk to them about things that were  
6 happening in and around Talia? Just a second, I'll ask you this  
7 before that: Did you talk to your chiefdom people about what was  
8 going on in and around Talia during that period?

9           A. I used to talk to them. And I will talk together about  
11:26:22 10 Talia itself.

11          Q. How often did you do that, did you carry out that exercise?

12          A. At all times. At all times.

13          Q. Mr Witness, there is evidence before this Court about  
14 killings. I mean, of human beings that took place in and around  
11:27:23 15 Talia during the period May 1997 to February 1998. I'll refer  
16 you to those pieces of evidence and invite you comment on whether  
17 the -- I mean, the authenticity of what the different witnesses  
18 said.

19          A. Never, never. I never heard that.

11:28:05 20          Q. I've not asked the question yet.

21          PRESIDING JUDGE: He's being pre-emptive. Tell him to  
22 restrain himself.

23          MR WILLIAMS: My Lord, the evidence of TF2-096, 8 November  
24 2004.

11:28:37 25          JUDGE BOUTET: What's the witness number again?

26          MR WILLIAMS: TF2-096.

27          JUDGE BOUTET: And the date?

28          MR WILLIAMS: 8 November 2004. It is pages 25 through 35.

29          THE PRESIDING JUDGE: I reckon you'll be selecting key

1 episodes, not the entire ten pages, unless that is very relevant.

2 MR WILLIAMS: I'll just paraphrase, My Lord.

3 PRESIDING JUDGE: Okay.

4 MR WILLIAMS:

11:29:28

5 Q. This witness, Mr Murana, said -- listen carefully, please,  
6 and I'll ask you the question later on. She said on a particular  
7 day she saw a group of people, Mr Kondewa was amongst them, and  
8 two men were in front of the group and the group was dancing;  
9 they met her at a water well. She said Mr Kondewa was in front

11:30:26

10 of them. She said Mr Kondewa took a gun and shot one of the men  
11 dead; this was close to a water well. The next day she saw two  
12 recently dug graves, and she was told that the two people that  
13 were in front of the group had been killed and their corpses were  
14 in those two graves. My first question is this: Do you have

11:31:32

15 water wells at Talia?

16 A. There is a water well.

17 Q. How many?

18 A. Three.

19 Q. Can you tell the Court what part of Talia one could find  
20 these wells?

11:32:16

21 A. The first one is at my house, but it is covered. I alone  
22 provided the cover. Then Alhaji Sesay has one near his house,  
23 and also at the hospital.

24 Q. I mean, is it right to say -- I don't believe this is  
25 contentious. Is it right to say that these wells were in or at  
26 the heart of Talia, and not the outskirts?

11:33:00

27 A. Yes, the heart of Talia, along the street.

28 Q. Along the street, thank you.

29 PRESIDING JUDGE: Right. Counsel, we'll take the break now

1 and come back after 30 minutes.

2 [Break taken at 11.30 a.m.]

3 [Upon resuming at 12.04 p.m.]

4 PRESIDING JUDGE: Continue, counsel.

12:06:47 5 MR WILLIAMS:

6 Q. Mr Witness, before the break, you told this Court there  
7 were three water wells in Talia, and all three of them are in the  
8 centre of town, and one of those was in your compound; is that  
9 not so?

12:07:12 10 A. Okay.

11 Q. Is that what you said?

12 A. Yes. It's correct.

13 MR KAMARA: My Lord, excuse me. I'm sorry. One of the  
14 wells; is that what you say?

12:07:27 15 MR WILLIAMS: Yes.

16 PRESIDING JUDGE: Continue, counsel.

17 MR WILLIAMS:

18 Q. This witness had testified -- I quote his evidence --  
19 sorry, I'll quote her evidence, just a brief portion.

12:08:04 20 "A. There was a water well in the centre of the town, at  
21 the chief's house, the chief that is there at the moment.

22 "Q. Which town are you referring to?

23 "A. The same Talia."

24 My first question is, firstly, is there a well in the  
12:08:41 25 chief's house?

26 A. There is a water well there.

27 Q. And that is your house?

28 A. Yes. My house.

29 Q. The killings that I mentioned, did they occur -- did they

1 take place at your compound or at all?

2 A. Never, never. Nobody was killed there.

3 Q. Did anybody report to you that two graves were found  
4 anywhere in or around Talia between May 1997 and February 1998?

12:10:25 5 A. That did not happen.

6 PRESIDING JUDGE: What did not happen, because your  
7 question was: Did anybody report. It's a slightly ambiguous  
8 answer. Can you clarify that for us?

9 MR WILLIAMS:

12:10:49 10 Q. Mr Witness, please answer the question more directly. Did  
11 anybody report to you --

12 PRESIDING JUDGE: I think the emphasis was on report?

13 MR WILLIAMS: Yes.

14 Q. Did anybody report to you that two people had been shot  
12:11:04 15 dead at your compound or close to --

16 PRESIDING JUDGE: No, you're shifting ground. You said two  
17 graves were found in or around Talia. Let's get it, otherwise it  
18 complicates it.

19 MR WILLIAMS: I'm sorry, My Lord.

12:11:23 20 PRESIDING JUDGE: That's okay.

21 MR WILLIAMS:

22 Q. Did anybody report to you that two graves were found in or  
23 around Talia between May 1997 and February 1998?

24 A. That did not happen, and nobody ever reported to me. No  
12:11:47 25 grave was dug there, even.

26 Q. Did anybody report to you that two people had been shot  
27 dead by Kamajors?

28 A. They did not kill anybody there, and nothing was reported  
29 to me like that.

1 Q. Would you have known if killings of that nature had  
2 occurred in the Gambia -- sorry. Would you have known if  
3 killings of that nature had occurred in the Gambia -- sorry,  
4 sorry, My Lords -- at the Gambia -- at Talia around that time?

12:13:31 5 A. That did not happen there and nobody was killed there.

6 JUDGE ITOE: How would he have known it? Ask the question.

7 MR WILLIAMS:

8 Q. This is a direct and specific question, Mr Witness. Would  
9 you, as chiefdom speaker -- I mean, would you have known if an  
10 incident of that nature had occurred in the Gambia -- sorry, at  
11 Talia?

12 A. Yes, I would have known.

13 Q. Thank you very much. I also refer you to the evidence of  
14 TF2-079, 25th May 2005, page 43. This was a witness called by  
12:15:01 15 the Prosecutor, and he was asked this question:

16 "Q. You earlier mentioned that you were  
17 introduced to Allieu Kondewa as the high  
18 priest. What were his functions at Base Zero,  
19 as far as you knew?

12:15:20 20 "A. He was the high priest. That means he was  
21 the head of all the initiators in the CDF  
22 Sierra Leone organisation and he was initiating  
23 when we got to Base Zero. He also provided  
24 logistics. He requested for and provided  
12:15:40 25 logistics to commanders with fighting groups,  
26 commanders of fighting groups of his own  
27 choice. "

28 All throughout the period that Kondewa spent at Talia, did  
29 he ever provide logistics for fighting men?

1 A. Not a day did he do that.

2 Q. Mr Witness, the period May 1997 to February 1998, was a gun  
3 ever fired in Talia?

4 A. I did not know that, and no gun was ever fired.

12:17:05 5 Q. Mr Witness, between the period May 1997 to February 1998,  
6 did you see Kamajors moving about with guns in Talia?

7 A. In fact, there was no gun there.

8 JUDGE ITOE: Let him answer the question. Let him answer  
9 the question.

12:17:55 10 MR WILLIAMS:

11 Q. The Kamajors that went about, I mean roaming around Talia,  
12 did you ever see any one of them with a gun?

13 A. I did not see anyone with a gun.

14 MR WILLIAMS: My Lord, I refer the Court to TF2-108,  
12:18:51 15 testified on 30 May 2005. It's pages 7 through 17. Also, My  
16 Lord, the testimony of witness TF2-109, testified on 30 May 2005,  
17 pages 33 through 35.

18 Q. Mr Witness, these two witnesses, in brief, said three  
19 gentleman by the names of Lahai Lebbie, Baggie and Ngo Jusu were  
12:20:24 20 killed at Talia between May 1997 and February 1998. They say

21 these three people were killed by Kamajors; what do you have to  
22 say about that?

23 A. Me, I did not see that. And I did not see them

24 Q. Did any of your chiefdom people tell you or report to you  
12:21:35 25 that three people -- that these three people were killed at Talia  
26 during the period in question?

27 A. I did not hear that, and nobody told me.

28 Q. Would you have known if killings of that nature occurred in  
29 the Gambia -- sorry, at Talia, during that period?



1 A. I would have known, and I would have heard about it.

2 Q. Did you have anybody, or did you know anybody by the name  
3 of -- did you have anybody by the name of Jusu Shalley at Talia  
4 between May 1997 and February 1998?

12:23:20 5 A. I do not know that person at all.

6 Q. Did you have anybody at Talia called Baggie during that  
7 period?

8 A. The Baggie person, I did not know him.

9 Q. Did you have anybody by the name of Go Jusu at Talia?

12:24:22 10 A. Even the Jusu person, I did not know him at all.

11 Q. Mr Witness, apart from the people that were resident, apart  
12 from the locals of Talia before the coup, other people came to  
13 Talia between May 1997 and February 1998; is that correct?

14 A. People used to come there.

12:25:30 15 Q. As chiefdom speaker, would they report their arrival to  
16 you, or any of the chiefdom authorities?

17 A. Any stranger that came to that place, they would report of  
18 his arrival to me, and I would have known.

19 JUDGE ITOE: And he would have known what?

12:26:21 20 MR WILLIAMS:

21 Q. What would you have known?

22 A. When the person came, they would introduce him to me.

23 Q. So you would have known of their arrival?

24 JUDGE ITOE: Of the arrival of who, Mr Williams?

12:26:42 25 MR WILLIAMS: Strangers, My Lord.

26 THE WITNESS: Oh, yes.

27 MR WILLIAMS: The question was whether other people came  
28 from other places.

29 JUDGE ITOE: Yes.

1 MR WILLIAMS: Yes.

2 JUDGE ITOE: But were you referring to specific strangers  
3 or so, because --

4 PRESIDING JUDGE: There is some interfering noise here,  
12:27:06 5 high pitched. It's gone for a while. Sorry. Continue.

6 MR WILLIAMS: Yes, My Lord. It was a general question, My  
7 Lord, whether strangers generally would report their arrival.

8 JUDGE ITOE: He said, yes.

9 MR WILLIAMS: Yes, My Lord.

12:27:32 10 Q. These are three people Go Jusu, Lahai Lebbie and Baggie.  
11 Did any gentlemen by those names report to you during that  
12 period, that they had come to stay at Talia?

13 A. They did not come and I did not know about them. And I  
14 heard no news about them. And they were not introduced to me.

12:28:26 15 Q. I refer you to the evidence of another Prosecution witness,  
16 TF2-188, testified on 31 May 2005, pages 14 through 18. This  
17 witness said, Mr Murana, that she went to Talia with her mother.  
18 I mean, we do not know the name of the mother, that she was taken  
19 to Mr Kondewa, and that Mr Kondewa ordered that his [sic] mother  
12:30:10 20 be killed.

21 A. It's a lie. I do not see any person.

22 Q. She said the mother was hit with a stick on her head and  
23 then she died. Did any incident of that nature take place at  
24 Talia between May 1997 and February 1998?

12:30:48 25 A. It did not happen, and nobody was hit on the head that was  
26 reported to me.

27 Q. Would you have known if an incident of that nature had  
28 occurred in the Gambia during that period? Would you have known?

29 A. Gambia is very far off from us. If it happened --

1 MR WILLIAMS: I'm sorry.

2 PRESIDING JUDGE: Yes, quite. It's kind of an obsession  
3 you've got with Gambia.

4 MR WILLIAMS:

12:32:00

5 Q. An incident of that nature, if it had occurred at Talia  
6 around -- between May 1997 and February 1998, would you have  
7 known?

8 A. I would have known. I would have known.

12:32:38

9 MS KAMUZORA: Excuse me, Your Honour, the technicians have  
10 said we should not put our headphones direct to the mics. The  
11 technical problem -- the feedback is arising from that problem

12 PRESIDING JUDGE: We'll take the advice. Continue,  
13 counsel.

14 MR WILLIAMS: No further questions, My Lord.

12:33:27

15 PRESIDING JUDGE: Thank you. Counsel for the first  
16 accused, do you have any --

17 MR SESAY: No questions.

18 PRESIDING JUDGE: None. Counsel for the second accused?

19 MR BOCKARIE: None, Your Honour.

12:33:27

20 PRESIDING JUDGE: Mr Prosecuting counsel.

21 MR KAMARA: Yes, My Lord.

22 PRESIDING JUDGE: Right. Let's proceed.

23 CROSS-EXAMINED BY MR KAMARA:

24 Q. Good afternoon, Mr Witness.

12:33:40

25 A. Good morning.

26 THE INTERPRETER: Good afternoon, sorry,

27 MR KAMARA:

28 Q. Thank you for the lunch you gave us in Talia. You  
29 remember?

1 A. Oh, yes.

2 Q. Thank you. You speak and write English, don't you,  
3 Chief Murana?

4 A. I could write and I will read it.

12:34:36 5 Q. Yes. You said this morning that you know Allieu Kondewa.

6 A. Yes.

7 Q. And that he's your brother.

8 A. Oh, yes.

9 Q. When was the first time you met Allieu Kondewa?

12:35:09 10 A. Allieu Kondewa, by then, he had not become an initiator.

11 It was during that time that I knew him

12 Q. In what year?

13 A. I wouldn't know the year because it's a long -- every day  
14 we used to see. At all times, we used to see.

12:35:50 15 Q. Kondewa was not ordinarily a resident in Talia before 1997;  
16 is that not so?

17 A. No.

18 JUDGE ITOE: A "no" signifies what; that he was or was not  
19 resident. I want to be very clear on this.

12:36:28 20 MR KAMARA: Yes, My Lord.

21 Q. He was not ordinarily resident in Talia; is that so?

22 A. Kondewa was not resident there. He was in the village.

23 Q. And it was while you were chiefdom speaker that he sought  
24 permission to establish a base at Talia?

12:37:12 25 A. It was a chiefdom matter. I alone did not grant that.

26 Q. That is not the question. I'll put it again, Chief Murana.  
27 It was while you were chiefdom speaker that Kondewa sought  
28 permission to establish a base at Talia?

29 A. Kondewa did not seek -- Kondewa is a native of Talia.

1 Q. Kondewa was given a place at Nyandehun; is that not  
2 correct?

3 A. He built the house in Nyandehun, but he built it there for  
4 his wife.

12:38:27 5 Q. And Nyandehun is about 15 miles from Talia; is that so?

6 A. No. It is very short.

7 Q. How many miles?

8 A. It was not up to a mile.

9 Q. And whilst Kondewa was at Nyandehun, he had a group of  
12:38:58 10 Kamajors with him; is that not so?

11 A. He was not in Nyandehun, he was in Talia.

12 Q. He never stayed in Nyandehun; is that what you are saying?

13 A. He did not settle in Nyandehun.

14 Q. I've moved from settlement. Is it usual for him to spend  
12:39:27 15 some time in Nyandehun?

16 A. He would go there and settle there, but, the town -- the  
17 distance between the town is very short.

18 Q. All right. Whilst he was at Talia, he had his own group of  
19 Kamajors; is that not so?

12:40:03 20 A. No. He hadn't any Kamajor group.

21 Q. But he had a group of people who would protect him?

22 A. The people, his people with whom he settled together were  
23 there together.

24 Q. Chief Murana, listen to the question carefully. I said, he  
12:40:40 25 had a group of people that would protect him, that are always  
26 around him to protect him; is that so or not?

27 A. There were people, his people with whom he settled.

28 Q. All right. Let me take your mind back to 1997. Do you  
29 remember the meeting at Tihun, close to Talia, the general

1 meeting at Tihun?

2 A. I don't know about that. I don't know about that.

3 Q. This was the meeting before the arrival of Chief Norman, at  
4 which it was agreed for Chief Norman to come to Talia; do you now  
12:41:40 5 remember that meeting?

6 A. No, I can't recall.

7 Q. Upon whose invitation did Chief Norman come to Talia?

8 A. When Chief Norman came to Talia, Kondewa invited him.

9 Q. Thank you very much. Now, Chief Murana, when Chief Norman  
12:42:50 10 came, was the second accused at Talia?

11 A. I don't know what you mean by second accused, so I can't  
12 say I know.

13 Q. Moinina Fofana, I'm sorry. Moinina Fofana, was he at Talia  
14 when Chief Norman came?

12:43:20 15 A. Moinina Fofana came together with him.

16 Q. Thank you. And it was you, Chief Murana, that received  
17 them on behalf of your chieftom; is that not so?

18 A. Yes.

19 Q. On that trip, did they bring anything along with them?

12:44:21 20 A. I did not see them bring things.

21 MR POWLES: Your Honours, I may just rise at this moment to  
22 draw to my learned friend's attention again the ruling of Your  
23 Honours last Friday. I don't put it any higher than that at this  
24 stage. My learned friend is, of course, aware of the decision  
12:44:43 25 and no doubt will follow it accordingly in his further  
26 cross-examination of the witness. I don't know where he's going,  
27 but I trust he does, and he's aware of the decision in the way  
28 that he puts his questions.

29 MR KAMARA: Yes, My Lord, I'm aware of that.

1 PRESIDING JUDGE: You're aware of that.

2 MR KAMARA: I'm aware of the decision and no questions have  
3 been put to infer the guilt of the first and second.

4 PRESIDING JUDGE: I'm not aware that he's stepping out of  
12:45:15 5 bounds.

6 MR POWLES: I just raise it as a cautionary note at this  
7 stage.

8 PRESIDING JUDGE: Right. Well, let's proceed.

9 MR KAMARA: Thank you, My Lords.

12:45:25 10 Q. Now, Chief Murana, between May 1997 and 1998, there were a  
11 lot of Kamajors coming in and out of Talia; that is your evidence  
12 this morning?

13 A. They came from Kono, they came from everywhere else.

14 Q. And after the arrival of Chief Norman and Moinina Fofana,  
12:46:09 15 that traffic increased?

16 A. When they came, just after, they would be initiated by  
17 Kondewa, then they would go back to their home towns.

18 Q. Yes. I'm talking about the movement of people. There were  
19 more people coming in and out of Talia after their arrival?

12:46:44 20 A. Yes.

21 Q. Thank you.

22 A. People were coming.

23 Q. And Talia became a crowded town; is that not so?

24 A. They came, they would be initiated into the Kamajor society  
12:47:10 25 and then they'll return.

26 Q. Now you mention about initiation. Where was the initiation  
27 being conducted?

28 A. Makossi.

29 Q. Makossi is about a mile or two to Talia; is that not so?

1 A. Two miles.

2 Q. How regular were these initiations?

3 A. The chiefdom authorities would sit together and call the --

4 THE INTERPRETER: Your Honours, may the witness go over his  
12:48:29 5 answer?

6 PRESIDING JUDGE: Witness, please repeat that last part of  
7 your answer.

8 THE WITNESS: I said, the chiefdom authorities will sit and  
9 decide -- they'd select brothers, for them to be initiated.

12:48:33 10 After their initiation, they'd go back to their chiefdoms to  
11 protect their people.

12 MR KAMARA:

13 Q. Chief Murana, the question is not about the selection. The  
14 question is how regularly were these initiations held? Was it  
12:48:48 15 once a month? Every other month? Was it a daily activity? Tell  
16 the Court.

17 A. Just ask, the people would come. It depended on the way  
18 the people would come.

19 Q. So it was a very frequent activity?

12:49:15 20 A. Yes.

21 Q. Thank you. It was on one such occasion that you yourself  
22 got initiated; is that not so?

23 A. I was initiated before them.

24 Q. When?

12:49:50 25 A. At the time of my initiation?

26 Q. Yes.

27 A. I was initiated in 1997.

28 Q. 1997?

29 A. Yes.



1 Q. Before the arrival of Chief Norman and Moinina Fofana?

2 A. Yes.

3 Q. And where was that initiation?

4 A. Makossi was the place I was initiated.

12:50:31 5 Q. After your initiation, did you attend any other initiation  
6 ceremony?

7 A. I went to Gambia.

8 Q. I'm referring to Makossi. Let us stay at Makossi for the  
9 time being. Did you attend any initiation after yours in 1997?

12:51:21 10 A. No, I was not initiated for any other time in Makossi.

11 JUDGE ITOE: Did you attend? Please clarify the question  
12 to him

13 MR KAMARA:

14 Q. Did you attend any other initiation apart from the one in  
12:51:36 15 which you were initiated, at Makossi?

16 A. Makossi? Makossi, we did two initiations there.

17 Q. You attended both?

18 A. Yes.

19 Q. You gave evidence a few minutes ago that the initiation was  
12:52:14 20 an ongoing process; is that not so?

21 A. I said, as when the chieftom people come, but I did not go  
22 to that initiation.

23 Q. Are you saying there were only two initiations at Makossi,  
24 or there were several of them? Help us to understand.

12:52:46 25 A. Initiations were going on there, frequently.

26 Q. You attended only two?

27 A. Yes.

28 Q. It is correct to state, then, that while you were in Talia,  
29 you knew nothing that was going on at Makossi?

1 A. Whenever there were initiations, we will be there.

2 Q. Chief, you said you only attended two. Now you're talking  
3 about being present whenever there are initiations. What do you  
4 want us to believe? Go back, take your time, rethink and tell us  
12:53:51 5 what is the correct position. I'll start again. You attended  
6 only two initiations at Makossi; is that correct?

7 A. I went there about two, or even three times.

8 Q. You are now adding numbers. Chief, I'll leave that. I'll  
9 leave that. Now, it was at Base Zero that the War Council was  
12:54:37 10 formed.

11 A. Yes. They were based there.

12 Q. You were the host chief of the War Council, weren't you?

13 A. At that time, the paramount chief was there. I was the  
14 speaker.

12:55:13 15 Q. Yes. The paramount chief was old, so you were more or less  
16 acting in his position; is that not so?

17 A. Yes.

18 Q. And you were also nominated a member of that War Council;  
19 were you not?

12:55:46 20 A. I was also a War Council member.

21 Q. You represented the Bonthe District in that council.

22 A. There were other paramount chiefs who were representing  
23 Bonthe as well.

24 Q. You represented the Bonthe District. Leave the others for  
12:56:28 25 the time being. Let's talk about yourself.

26 A. The paramount chiefs returned before the War Council was  
27 reformed.

28 Q. Chief, leave the others. I am interested in you. You were  
29 representing Bonthe District; is that not so?

1 A. I was representing my chiefdom.

2 Q. Very well. That is Talia Yawbeko.

3 A. Yes.

4 Q. And Talia is in Bonthe District.

12:57:21 5 A. Yes.

6 Q. The War Council had several meetings held in Talia;  
7 correct?

8 A. They held a meeting there.

9 Q. I said several meetings.

12:57:51 10 A. They held meetings.

11 Q. And you attended those meetings?

12 A. Some of them, I was there.

13 Q. The important people at Base Zero attended those meetings  
14 as well?

12:58:16 15 A. Oh, yes.

16 Q. And that included Allieu Kondewa as well?

17 A. No, no. Allieu Kondewa was not there.

18 Q. He was not an important person?

19 A. But he was not a member of the War Council.

12:58:37 20 Q. The question is, was he not an important person?

21 A. I did not see him there at any time.

22 MR KAMARA: Can we have tissues for the chief, please?  
23 Tissues; he's sweating.

24 THE WITNESS: I'm not sweating. I'm not sweating.

12:59:13 25 MR MARGAI: My Lords, I wonder whether counsel will confine  
26 himself to cross-examining, please.

27 PRESIDING JUDGE: Yes, I thought he probably was -- he  
28 might have misperceived some perspiration or something.

29 MR KAMARA: Yes, My Lord.

1 MR MARGAI: I was wondering how, in fact, it was  
2 communicated to him he needed a tissue.

3 PRESIDING JUDGE: No, I just thought counsel did that out  
4 of a sense of charity.

12:59:40 5 MR KAMARA: Yes, My Lord. I may have missed his movement.  
6 I thought he was wiping his forehead.

7 PRESIDING JUDGE: Counsel is wrong.

8 MR MARGAI: As the Court pleases.

9 PRESIDING JUDGE: Go ahead, counsel.

12:59:53 10 MR KAMARA: Thank you, My Lord.

11 THE WITNESS: No.

12 MR KAMARA:

13 Q. Chief Murana, the question was, before we departed, was  
14 Allieu Kondewa not important enough to be at that meeting?

13:00:07 15 MR MARGAI: My Lord, the question -- the pivot of the  
16 question was Allieu Kondewa attending the meeting predicated on  
17 his importance. The question has been answered that he was not  
18 at that meeting.

13:00:24 19 PRESIDING JUDGE: Well, I don't think there's any problem  
20 here if counsel wants confirmation. I think it would seem as if  
21 this is an important area for counsel, and I'll grant him leave  
22 to ask the question once more.

23 MR MARGAI: Relevant to the importance of Kondewa.

24 PRESIDING JUDGE: Well, yes.

13:00:42 25 MR MARGAI: Because the question relating to his attending  
26 the meeting has been clearly answered.

27 PRESIDING JUDGE: Yes.

28 MR MARGAI: As My Lords please.

29 PRESIDING JUDGE: Counsel, if there is anything you need to

1 clarify, please, do it and do it with precision so we can move  
2 away from that area.

3 MR KAMARA: Yes, My Lord. I've established that meetings  
4 were held and important people attended, and he volunteered that  
13:01:07 5 Kondewa did not attend.

6 PRESIDING JUDGE: Yes.

7 MR KAMARA: Now I'm suggesting --

8 MR MARGAI: No, did he not volunteer; he responded to a  
9 question posed.

13:01:14 10 PRESIDING JUDGE: All right. All right. The point is  
11 taken. Let's proceed.

12 MR KAMARA: Point taken.

13 MR MARGAI: Thank you.

14 MR KAMARA:

13:01:17 15 Q. Is Allieu Kondewa important enough to be in that meeting?

16 PRESIDING JUDGE: That's a little --

17 MR MARGAI: As My Lord pleases, those are two questions in  
18 one.

19 PRESIDING JUDGE: Yes. Right. Counsel.

13:01:27 20 MR KAMARA: Yes, My Lord. I can break it down.

21 PRESIDING JUDGE: Break it down.

22 MR KAMARA: The witness will answer the question.

23 Q. Is Allieu Kondewa an important person in Talia -- at that  
24 time?

13:01:37 25 A. Yes.

26 Q. Why was he important?

27 PRESIDING JUDGE: Good, go ahead.

28 THE WITNESS: Because he was an initiator.

29 MR KAMARA:

1 Q. Why is an initiator important?

2 A. Because he was initiating people.

3 Q. What is the role of an initiator in the Kamajor movement --  
4 at that time?

13:02:18 5 MR MARGAI: My Lords, again, I'm sorry, but it cannot be:  
6 What is the role of the initiate, at that time. Either we  
7 confine ourselves to "at that time" or we talk about the present.

8 PRESIDING JUDGE: Well, I don't know whether the --

9 MR MARGAI: What was the role, so that we can understand  
13:02:35 10 each other.

11 PRESIDING JUDGE: All right. There is some slight  
12 inelegance, but we can have the question formulated. Counsel, do  
13 you take the point that you probably -- what was the role of an  
14 initiator at the time.

13:02:50 15 MR KAMARA: My Lord --

16 PRESIDING JUDGE: If you're talking about the past, it  
17 would seem to me that it's consistent to --

18 MR KAMARA: I'm talking about 1997. Counsel has to  
19 properly form his objection, My Lord. I'm asking about 1997.  
13:03:03 20 I'm asking the role of an initiator.

21 PRESIDING JUDGE: At that point in time?

22 MR KAMARA: Yes, My Lord.

23 PRESIDING JUDGE: Okay. That's what I understand it to  
24 mean. Isn't that clear, Mr Margai, at that point in time?

13:03:28 25 MR MARGAI: I was concerned with the tense.

26 PRESIDING JUDGE: That's all right.

27 MR MARGAI: Whether we are in the present or the past. As  
28 My Lord pleases.

29 PRESIDING JUDGE: It depends how you perceive it, whether

1 it was inelegance or in terms of style. Let's go ahead. But the  
2 meaning is clear, that time frame.

3 MR KAMARA: Yes, My Lord.

4 Q. Now, Chief Murana, what is the role of the initiator, as at  
13:03:50 5 that time, 1999.

6 JUDGE ITOE: Why don't you say what was?

7 PRESIDING JUDGE: That's the difficulty. Quite right.  
8 That's the point. [Overlapping speakers]

9 MR KAMARA: I will focus on the date than the --

13:03:58 10 PRESIDING JUDGE: Yes.

11 MR KAMARA:

12 Q. What was the role of the initiator as at that time?

13 JUDGE ITOE: Focus on the date and the tense as well.

14 MR KAMARA: 1997. Thank you, My Lords.

13:04:14 15 THE WITNESS: He was just doing his initiation.

16 MR KAMARA:

17 Q. Yes. What does that entail?

18 A. Well, I don't know what it entails.

19 Q. You are a Kamajor, aren't you?

13:04:44 20 A. Oh, yes.

21 Q. And you do not know what an initiator does?

22 A. I know that he's an initiator.

23 Q. All right, chief. Now, an initiator, in 1997, was  
24 considered an important person in the Kamajor movement; is that  
13:05:10 25 not so?

26 JUDGE ITOE: But he has said that.

27 PRESIDING JUDGE: He covered that ground.

28 JUDGE ITOE: He was an important person because he was an  
29 initiator.

1 MR KAMARA: Thank you, My Lord.

2 Q. Who was representing the Kamajors in the War Council?

3 MR MARGAI: Again, My Lords, it presupposes that the  
4 Kamajors were represented. Let us move away from this  
13:05:38 5 presupposition and establish the basis.

6 PRESIDING JUDGE: The objection is sustained.

7 MR MARGAI: As My Lords please.

8 MR KAMARA: Thank you, My Lord.

9 Q. Chief, was there anyone interested in the welfare or  
13:05:54 10 representing the welfare of the Kamajors, the War Council?

11 A. The chairman.

12 Q. The chairman represented the interests of the Kamajors; is  
13 that what you're saying?

14 JUDGE ITOE: Mr Kamara.

13:06:21 15 MR KAMARA: Yes.

16 JUDGE ITOE: Was there any member there who was against the  
17 interests of the Kamajors?

18 MR KAMARA: No, My Lord. What I'm trying to focus on is  
19 that there were --

13:06:33 20 JUDGE ITOE: I'm satisfied with that answer. Thank you.

21 MR KAMARA: Thank you. I appreciate it.

22 Q. And the chairman of the War Council was whom?

23 A. Chief Quee.

24 Q. Thank you.

13:06:56 25 PRESIDING JUDGE: Are you about to open a new episode or a  
26 new area?

27 MR KAMARA: My Lord --

28 PRESIDING JUDGE: Or are you still on this particular  
29 segment of your cross-examination? If you're coming to a new



1 area that you're exploring, we might as well bring the proceeding  
2 today to a close.

3 MR KAMARA: As My Lord pleases.

4 PRESIDING JUDGE: It's entirely up to you. Are you

13:07:24 5 satisfied with the questioning so far in that particular area?

6 MR KAMARA: I am, My Lord, but I was at a point in time to  
7 contradict this witness with a statement that we have, and that  
8 is the process. If it is a new area, I will wait till tomorrow.

9 PRESIDING JUDGE: All right, then. The trial will adjourn

13:07:47 10 to tomorrow.

11 [Whereupon the hearing adjourned at 1.05 p.m., to be  
12 reconvened on Thursday, the 12th day of October 2006,  
13 at 9.30 a.m.]

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**EXHIBITS:**

<b>Exhibit No. 167</b>	<b>2</b>
<b>Exhibit No. 168</b>	<b>3</b>

**WITNESSES FOR THE DEFENCE:**

<b>WITNESS: YEAMA LEWIS</b>	<b>2</b>
<b>CROSS- EXAMINED BY MR BANGURA</b>	<b>3</b>
<b>RE- EXAMINED BY MR WILLIAMS</b>	<b>15</b>
<b>WITNESS: JOSEPH DICKSON MURANA</b>	<b>26</b>
<b>EXAMINED BY MR WILLIAMS</b>	<b>27</b>
<b>CROSS- EXAMINED BY MR KAMARA</b>	<b>43</b>