

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 29 SEPTEMBER 2004
9.48 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Chiara Galletti

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Leslie Murray (intern)
Ms Maxine Marcus

For the Principal Defender:

Mr Ibrahim Yillah
Mr Alpha Sesay (intern)

For the Accused Sam Hinga Norman:

Dr Bu-Bubakei Jabbi
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie.
Ms Phoebe Knowles

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Wednesday, 29 September 2004
2 [In the absence of the three accused]
3 [The witness entered court]
4 [Open session]
09:41:14 5 [Upon commencing at 9.48 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel, the session
7 is resumed and like we did indicate yesterday, we shall
8 be taking on the cross-examination --
9 JUDGE BOUTET: Of TF2-152 with Mr Bockarie for the second
09:42:59 10 accused.
11 PRESIDING JUDGE: So, Mr Bockarie, you can proceed with the
12 cross-examination of this witness.
13 MR BOCKARIE: Thank you, Your Honour.
14 WITNESS: TF2-152 [continued]
09:43:07 15 [The witness answered through interpretation]
16 CROSS-EXAMINED BY MR BOCKARIE:
17 Q. Mr Witness.
18 A. Yes, sir.
19 Q. Your father fled from Kenema before the arrival of the
09:43:26 20 Kamajor; am I correct?
21 A. No.
22 Q. So you're telling this Court that he stayed in Kenema
23 when the Kamajors arrived?
24 A. Yes.
09:43:48 25 Q. I am putting it to you that your father fled and went to
26 Buedu; do you agree with me?
27 A. No.
28 Q. I am further putting it to you that he fled because he
29 considered himself to be a target by the Kamajors; do you

1 agree further with me?

2 A. Yes, he ran away because they had wanted to kill him.

3 Q. Thank you. So you now agree with me that your father
4 fled?

09:44:43 5 JUDGE BOUTET: But the question was to a specific location.
6 He said "no", so he has not necessarily agreed with you.
7 He has agreed only to that portion that he fled.

8 JUDGE THOMPSON: And I thought I heard the answer, because
9 they wanted to kill him.

09:45:03 10 MR BOCKARIE:
11 Q. Where did he flee?
12 A. When the Kamajors were in Kenema town, it was the time he
13 left the town.
14 Q. Look at me please, here. Do you know where he went?

09:45:19 15 A. No.
16 Q. For how long was he in hiding?
17 A. Well, the time the Kamajors came to the town, it was the
18 very day he left.
19 Q. When he fled, how long was he in hiding before he finally
09:45:46 20 came to Kenema, if ever?
21 A. Well, I don't know. I cannot tell you now, because I
22 cannot understand the time -- the day or the time.
23 Q. I want you to get a rough estimate. Did he take a month
24 in hiding, two months in hiding, three months in hiding?
09:46:14 25 That's your father.
26 A. I am telling you in this Court I cannot tell you exactly
27 the date. Roughly, I cannot tell, because by then I was
28 worried.
29 Q. Do you reside in the same house as your father?

1 A. Yes.

2 Q. Now, Mr Witness, I want you to tell me roughly when your
3 father left Kenema? Did it take you a month, two months
4 before you saw him? This is what I want to know.

09:47:08 5 A. I cannot tell you exactly the time. It took a long time.
6 I cannot lie to you.

7 Q. My Lord, I'm not talking about date and time. I want to
8 know whether he stayed in hiding for more than a month,
9 two months, simple, if you know?

09:47:38 10 A. No.

11 Q. What is no?

12 A. I don't know the time he took in hiding.

13 PRESIDING JUDGE:

14 Q. Witness -- witness, you have indicated to the Court that
09:48:04 15 you live in the same house with your father. You said
16 your father fled, you know, when the Kamajors came. Did
17 he ever come back after that?

18 A. Yes, when he went, he came back.

19 Q. How long did it take him to come back? I'm not asking
09:48:33 20 you about the date. About how long did it take him to
21 come back after he left the town? About how long did it
22 take him to come back to the house?

23 A. It took a long time. I didn't check. It took a long
24 time before I saw him.

09:48:50 25 Q. It took a long time. I know you know what a week is, you
26 know what a day is, a month and so on. When you say "it
27 took a long time," about how long was that time? We're
28 not asking you to be very precise on the number of days
29 and so on. Counsel wants to know, and I think that is

- 1 the answer he wants from you.
- 2 A. I cannot tell you, because I didn't check.
- 3 MR BOCKARIE:
- 4 Q. Would I be correct to say that he remained in hiding for
09:49:45 5 almost three months?
- 6 A. Well, I don't know. I cannot tell you. I don't know the
7 particular time, the time -- the time he took in his
8 hiding place.
- 9 Q. Okay, Mr Witness. Now, Mr Witness, did you stay in
09:50:11 10 Kenema throughout the junta occupation?
- 11 A. Yes.
- 12 Q. Now, are you aware whether the junta burnt houses in
13 Kenema during the occupation, that is, before the arrival
14 of the Kamajors? Are you aware of that?
- 09:50:38 15 A. No. The only thing I know, when they were about to leave
16 out of the town, it is the only house I know about. When
17 fire was put on them -- when they set fire on the
18 ammunition. [Overlapping microphones]
- 19 Q. Do you that BS Massaquoi is now dead?
- 09:51:03 20 A. He was the town mayor. I knew him in Kenema. He was the
21 town mayor.
- 22 Q. [Overlapping microphones] house at Massaquoi street?
- 23 A. Yes.
- 24 Q. Do you know whether that house was burnt by the juntas;
09:51:27 25 yes or no?
- 26 A. Yes. Yes.
- 27 Q. Do you also know that BS Massaquoi had another house at
28 Jenah Street [phonetic]?
- 29 A. No, I never knew he had a house at Jenah Street. The

1 only one I know is the one at Wamabu Road [phonetic].
2 Q. You know that he had a house at Wamabu Road?
3 A. Yes.
4 Q. Was that house burnt?
09:51:55 5 A. Yes.
6 Q. By the juntas?
7 A. Yes.
8 Q. Mr Witness, do you know Brima Parker. Ibrahim Parker or
9 they call him Brima Parker?
09:52:15 10 A. Yes.
11 Q. Do you know whether he had a house at the junction of
12 Duwawo Street and Suppui Street, the compound.
13 A. Yes.
14 Q. Was that house burnt by the juntas; are you aware?
09:52:32 15 A. Well, I met the house burnt. I don't know who burnt the
16 house. I met the house burnt. I didn't ask.
17 Q. That house was burnt by the juntas; you agree with me?
18 A. I cannot tell you and I cannot deny you. I met the house
19 burnt.
09:53:00 20 Q. Now, have you ever heard the name Sam Bockarie, alias
21 Mosquito?
22 A. Yes.
23 Q. Now, Sam Bockarie used to visit your house quite often;
24 am I correct?
09:53:35 25 A. No.
26 Q. Mr Witness, do you know the Temne mosque at Blama Road?
27 A. Yes,
28 Q. Now, to you know of any marriage ceremony that took place
29 at that Temne mosque during the junta era involving the

1 mother of Sam Bockarie?
2 A. No.
3 Q. Okay. I am putting it to you that Sam Bockarie was your
4 stepbrother?
09:54:17 5 A. No.
6 Q. Now, Mr Witness, I am further putting it to you that the
7 mother of Sam Bockarie got married to your father and the
8 marriage was celebrated at the Temne mosque along Blama
9 Road?
09:54:50 10 A. No, I don't know anything about that.
11 Q. Mr Witness, you've got so many brothers, don't you and
12 sisters?
13 A. Yes.
14 Q. Now, besides your name --
09:55:13 15 MR BOCKARIE: Your Honour, because of witness protection, I
16 will just pass a piece of paper to him and the
17 Prosecution to ascertain whether he is also known by this
18 name. I don't want to disclose the name.
19 JUDGE BOUTET: You would ask the witness if he, the witness,
09:55:39 20 is known by that name?
21 MR BOCKARIE: Yes, yes, Your Honour. I can just pass on the
22 paper to the Prosecution and that can be --
23 PRESIDING JUDGE: That paper would become a document in issue.
24 MR BOCKARIE: Well, you see --
09:55:55 25 PRESIDING JUDGE: We understand, you know, what you're talking
26 about.
27 [Trial Chamber confer]
28 MR BOCKARIE: Your Honour, the name can be put under seal and
29 it cannot be disclosed.

1 JUDGE BOUTET: I did not have my earphones when you made your
2 last remark.

3 MR BOCKARIE: I just want to ask the witness whether he is
4 known by this name. I don't want to call the name in
09:56:24 5 public, and the name would be under seal, Your Honour.

6 PRESIDING JUDGE: Besides that question, Mr Bockarie, do you
7 have any other questions, you know, that would have the
8 effect of revealing the identity of this witness?

9 MR BOCKARIE: No, no, Your Honour. No, Your Honour.

09:57:19 10 PRESIDING JUDGE: Well, I want to inform the gallery that
11 because of protective measures which we've granted and
12 which are intended to guarantee the safety of our
13 witnesses, the evidence which is being sought is likely
14 to reveal the identity of this witness and we would go
09:57:42 15 into a closed session, but it doesn't mean that the
16 gallery should leave. We will go into a closed session,
17 very, very shortly - I don't think it will take us five
18 minutes - thereafter, we will go into the open session.
19 So can the technicians close off the gallery so that we
09:58:06 20 can take the answer to this question, please.

21 Is that all right?

22 JUDGE BOUTET: Can we get a confirmation?

23 MR WALKER: They're not ready yet.

24 JUDGE BOUTET: We're just waiting on the confirmation,
09:58:55 25 Mr Bockarie.

26 MR BOCKARIE: Thank you.

27 [At this point in the proceedings, a portion of the
28 transcript, page 8 to 8, was extracted and sealed under
29 separate cover, as the session was heard *in camera*]

1 [Open session]

2 JUDGE BOUTET: Are we back in open now?

3 MR WALKER: Not yet, Your Honour. Now.

4 JUDGE BOUTET: Okay.

10:00:52 5 PRESIDING JUDGE: It is okay now.

6 MR BOCKARIE: Yes, Your Honour.

7 Q. How many brothers do you have?

8 PRESIDING JUDGE: Is the gallery on? Right, thank you.

9 MR BOCKARIE:

10:01:08 10 Q. How many bothers and sisters do you have?

11 JUDGE THOMPSON: One at a time.

12 THE WITNESS: We are many in our family. I have not been able

13 to check.

14 JUDGE THOMPSON: What is the answer? I have many brothers and

10:01:22 15 sisters.

16 THE WITNESS: Yes.

17 MR BOCKARIE:

18 Q. Would you say it is exceeds 10, 20?

19 A. We are 21 in number.

10:01:40 20 Q. Of the 21 children, you -- you were the only one arrested

21 twice by Kamajors, aren't you?

22 A. Yes.

23 Q. Now, Mr Witness, I am putting it to you that you used to

24 go to the warfront alongside the juntas to fight against

10:02:11 25 the Kamajors?

26 A. No.

27 Q. Mr Witness, I want to clarify this issue: I am putting

28 it to you that it was your father who got married to Sam

29 Bockarie's mother at the Temne mosque along Blama Road?

1 A. It is not true. It is a lie.

2 Q. Now, Mr Witness, you said you were arrested twice. On
3 your second arrest, can you tell us when you were
4 arrested, which month and which year?

10:03:24 5 A. No, I don't know the time.

6 Q. Would I be correct --

7 PRESIDING JUDGE: What is that mosque called again?

8 MR BOCKARIE: Temne mosque.

9 PRESIDING JUDGE: Temne.

10:03:40 10 MR BOCKARIE: Temne mosque along Blama Road in Kenema.

11 Q. So you don't recall the time?

12 A. No.

13 Q. But it was after the arrival of ECOMOG in Kenema when you
14 were arrested the second time?

10:03:55 15 A. No, I said the first time.

16 Q. [Overlapping microphones] -- Kenema. It was after the
17 arrival of ECOMOG in Kenema; am I correct?

18 A. That was the first arrest.

19 Q. [Overlapping microphones] -- arrival of ECOMOG in Kenema?

10:04:18 20 A. But you are talking about the second arrest.

21 Q. [Overlapping microphones]

22 A. Yes.

23 Q. And your release was secured through the intervention of
24 the ECOMOG commander, Colonel Buhari; am I correct?

10:04:32 25 A. It was not Colonel Buhari, Colonel Bubakar.

26 Q. Mr Witness, can you please tell us, what month, and year
27 this incident occurred?

28 A. I cannot tell you anything about the year and the month,
29 because by then I was worried and distressed.

1 Q. [Overlapping microphones]
2 A. No, I don't know.
3 Q. [Overlapping microphones] was it the rainy season?
4 A. No.
10:05:17 5 Q. [Overlapping microphones] were schools on holidays?
6 A. By then there was no school.
7 Q. [Overlapping microphones] holidays.
8 MS WIAFE: Objection.
9 THE WITNESS: Yes, because by then there was no schooling.
10:05:36 10 JUDGE BOUTET: What is your objection?
11 PRESIDING JUDGE: He said schools were not going on and the
12 time.
13 MS WIAFE: He said there were no schooling, not that the
14 schools were on the holidays.
10:05:46 15 PRESIDING JUDGE: He said schools were not going on.
16 MS WIAFE: Yes.
17 MR BOCKARIE:
18 Q. Okay, was it during the rainy season?
19 A. Well, I cannot tell you exactly the particular season.
10:05:59 20 Q. Will I be correct to say it was close to Christmas?
21 A. No, I cannot say you are correct. I can also not say I
22 am correct. I don't know the particular season. I
23 cannot just put something in my brain and work with it.
24 Q. Mr Witness, I'm putting it to you that you're making
10:06:32 25 conscious effort to be evasive.
26 A. How can I be evasive? The questions you put to me is
27 what I give back in answer. What I know is what I'm
28 saying in court.
29 Q. Now, after the arrival of ECOMOG was the security in the

1 hands of ECOMOG Kenema?

2 A. Well, it was in both hands. Kamajor was a security and
3 ECOMOG, too, was giving security; it was in both hands.

4 Q. Are you aware whether the Kamajors were taking orders
10:07:28 5 from ECOMOG?

6 A. Well, I don't know if they were taking orders from
7 ECOMOG, because when ECOMOG was in town, they used to do
8 certain things, but I don't know whether they were taking
9 orders from ECOMOG. I cannot tell you anything. I was
10:07:51 10 not with them in their offices in the way they were going
11 about their business.

12 Q. Mr Witness, you said you were arrested and ECOMOG
13 intervened and your release was secured; am I correct?

14 A. Yes. But then when my cousin went to the mosque and told
10:08:19 15 my grandfather -- they didn't just come and intervene.

16 Q. And your release was secured?

17 A. Yes.

18 Q. Thank you. Mr Witness, are you aware of fact that during
19 this time you were not the only one staying in Kenema?

10:08:38 20 PRESIDING JUDGE: What was the question?

21 MR BOCKARIE: Sorry. I said is he aware that during this
22 period you were not the only one staying in Kenema?

23 JUDGE BOUTET: The only one staying in Kenema?

24 MR BOCKARIE: Yes, yes, Your Honour.

10:08:51 25 PRESIDING JUDGE: The only one staying in Kenema?

26 MR BOCKARIE: He was not the only one staying in Kenema.

27 PRESIDING JUDGE: Isn't that strange? Isn't that a strange
28 question?

29 MR BOCKARIE: Yeah, I'll abandon that.

1 JUDGE BOUTET: Mr Bockarie, I just want to remind you that you
2 can ask questions in cross-examination, but you should
3 not attempt to ridicule the witness. It that question
4 was along these lines, I would caution you.

10:09:27 5 MR BOCKARIE: No, Your Honour.

6 JUDGE BOUTET: Please. Thank you.

7 MR BOCKARIE:

8 Q. Now, did you know the existence of this Yamorto base
9 before?

10:09:39 10 A. It was during this Kamajor period that I learnt about
11 Yamorto base.

12 Q. And you know what was going on at the base?

13 A. Well, when they took me there --

14 Q. [Counsel interrupts interpretation] did you know what was
10:09:57 15 going on there?

16 A. Yes, they used to call there Yamorto base. They used to
17 eat human beings.

18 Q. Did you ever bring it to the attention of ECOMOG of what
19 was going on at Yamorto base, when you knew?

10:10:17 20 A. No.

21 Q. At this time was the police functioning in Kenema?

22 A. The time the Kamajors were in power.

23 Q. No [overlapping microphones]

24 A. No, police were not working by then.

10:10:45 25 Q. [Overlapping microphones]

26 A. No, I don't know him.

27 Q. I am putting it to you that at this time the police were
28 fulling functioning in Kenema.

29 A. No, police were not working by then in Kenema.

- 1 Q. Now, you said when you were about to be taken to this
2 base -- can you recall the time? Was it in the morning,
3 in the afternoon, or in the evening?
4 A. Well, it was around 12.30.
10:11:30 5 Q. P.m., I guess?
6 A. In the afternoon.
7 Q. You will agree with me --
8 PRESIDING JUDGE: What did he say? [Microphone not activated]
9 MR BOCKARIE: In the afternoon, Your Honour.
10:11:48 10 Q. Now, very close to the junction Maxwell Khobe Street
11 where this Nandeyma Road [phonetic] -- it is a very busy
12 place, isn't it? The Junction where you stopped by the
13 magistrate court is a very busy place?
14 A. Yes.
10:12:24 15 Q. And a short distance from there you find a very busy
16 market?
17 A. Yes, the big market.
18 Q. And during this time ECOMOG were already in town.
19 A. Yes.
10:12:50 20 Q. And the ECOMOG brigade headquarter is not far from this
21 particular junction at Maxwell Khobe Street.
22 A. The base was far away from there.
23 Q. You're telling -- okay, can you estimate a distance from
24 the magistrate court to the ECOMOG brigade headquarter?
10:13:26 25 Can you estimate a distance?
26 A. Well, they were -- they were behind Capitol; the distance
27 was far away from there.
28 Q. But it is less than 2 miles?
29 A. No.

1 Q. I am putting it to you that the story concerning Yamorto
2 is not true.

3 A. I'm telling you that it is true, because it happened in
4 front of me.

10:14:30 5 MR BOCKARIE: That will be all for this witness, Your Honour.

6 JUDGE BOUTET: Thank you, Mr Bockarie.

7 Mr Margai, for the third accused, I do remember you
8 that had indicated that we proceed in closed session. My
9 question to you and -- obviously, if you are to explore
10:14:54 10 some of these issues that may reveal the identity of the
11 witness, we will have to go into closed session, but my
12 question to you is: Can you give some indication to the
13 Court whether the vast majority or the totality of your
14 cross-examination will be in this respect or can we split
10:15:05 15 it up or -- that is the kind of information I am seeking
16 from you at this minute.

17 MR MARGAI: Thank you. In light of the marathon
18 examination-in-chief yesterday, I do not see the need now
19 to pursue the cross-examination behind closed doors. A
10:15:30 20 lot of the concerns I had were addressed my learned
21 friend.

22 JUDGE BOUTET: In the evidence of the other witness, you mean?

23 MR MARGAI: Yes, yes, yes, yes. And I'm grateful.

24 JUDGE BOUTET: So you're ready to proceed now in open session?

10:15:45 25 MR MARGAI: I am, yes, My Lord.

26 JUDGE BOUTET: Thank you very much. You may proceed.

27 MR MARGAI: Thank you.

28 CROSS-EXAMINED BY MARGAI:

29 Q. Now, Mr Witness, when did the junta move into Kenema?

1 A. When they came to Kenema? I don't know when the junta
2 came to Kenema.

3 Q. Was it in 1997?

4 A. I don't know -- I've forgotten the time. I have
10:16:35 5 forgotten the time and the date.

6 Q. Do you know when the Kabbah government was overthrown,
7 which year?

8 A. I don't know the year, but I know the time when he was
9 overthrown. I don't know the year.

10:16:50 10 Q. When was it? When?

11 A. Well, according to the radio report I got, it was on a
12 Sunday; that's what I knew. That's on Sunday that they
13 overthrew Pa Kabbah, on Sunday. I don't know the
14 particular date nor the time nor the month.

10:17:22 15 Q. Was it after the overthrow of the Kabbah regime that the
16 junta went to Kenema?

17 A. Yes.

18 Q. Thank you. Now, before the presence of junta in Kenema,
19 would you say that Kenema was peaceful and quiet?

10:18:06 20 A. Yes, when the junta came to Kenema, there was no chaos in
21 Kenema. We were going around smoothly and the juntas and
22 the soldiers were moving applicably.

23 Q. My question was before the arrival of the junta. Please
24 confine your answers to questions. Don't volunteer; wait
10:18:28 25 until I ask. Before the junta came to Kenema was there
26 peace and quiet in Kenema?

27 A. No. There was no peace, because at that time they were
28 in the bush. That was when they came out of the bush.
29 At that time there was no peace.

- 1 Q. Mr Witness, the question again is this: The junta came
2 to Kenema after Kabbah's overthrow. Was Kenema quiet
3 before the juntas came? Security-wise, I mean, that is
4 what I mean by quiet. Security-wise was there chaos in
10:19:23 5 Kenema before the junta came or wasn't there?
- 6 A. There was security in Kenema.
- 7 Q. There was security. Thank you. And when the junta came,
8 did that security continue in Kenema?
- 9 A. Yes, there was still security.
- 10:19:47 10 Q. Did the security continue right through the junta stay in
11 Kenema?
- 12 A. No.
- 13 Q. At what period in time did the security cease to prevail?
- 14 A. At the time when the soldiers and the Kamajors fought.
- 10:20:38 15 Q. When was that, what month, what year?
- 16 A. I can't recall.
- 17 Q. Please try.
- 18 A. I can't know the time nor the day.
- 19 Q. Let me help you. Now, when the junta came to Kenema,
10:20:55 20 were they arresting civilians indiscriminately because
21 they suspected them of collaboration with the Kamajors?
- 22 A. Yes.
- 23 Q. And this behaviour by the junta did not go down very well
24 in the Kenema community?
- 10:21:26 25 A. Yes.
- 26 Q. And on the arrest of these civilians by the junta, they
27 were kept at the Kenema police station?
- 28 A. I cannot tell anything, because it was not my concern,
29 but I know they were arresting them. It was not my

1 concern.

2 Q. Jog your memory, please. Try and assist us?

3 A. No, I can't recall, because in the morning I go about to
4 fend for my living, so I cannot remember now where they
10:22:10 5 were taking them. It was not my concern.

6 Q. Very well now, but did you hear that the juntas were
7 taking these civilians, who were arrested by them, to the
8 Kenema police station?

9 A. Yes, they did arrest the people, but I didn't know the
10:22:35 10 particular location where they took them. They were
11 arresting them.

12 Q. Thank you. My question was: Did you hear that they were
13 taking them to Kenema police station; yes or no?

14 A. No.

10:22:53 15 Q. You did not hear?

16 A. No, no.

17 Q. Were these civilians that were arrested ultimately
18 executed by the junta?

19 A. No, I can't tell. I don't know whether they killed them
10:23:15 20 or they did not kill them. I can't tell.

21 Q. In answer to a question by my learned friend Bockarie,
22 you said you knew BS Massaquoi?

23 A. He didn't ask me whether they killed BS Massaquoi. They
24 asked me whether -- if I know BS Massaquoi and I said
10:23:46 25 yes.

26 Q. The problem with you is you don't listen. My question
27 was in answer to a question from my learned friend
28 Bockarie. You said you knew BS Massaquoi.

29 A. Yes.

1 Q. He was a civilian in Kenema?
2 A. Yes, he was our town mayor.
3 Q. Was he a civilian? I have not asked you about mayor.
4 Was he a civilian?
10:24:22 5 A. Yes, he was a civilian.
6 Q. Thank you. And he was mayor of Kenema?
7 A. Yes, yes.
8 Q. And he is dead?
9 A. Yes, he's dead.
10:24:34 10 Q. Do you know how he died?
11 A. I can't tell anything to the Court because it is not my
12 concern.
13 Q. Mr witness, you have said so much here in so many days.
14 Please try and assist the Court so that we can get at the
10:24:57 15 truth. Now I shall pose the question again. Do you know
16 how BS Massaquoi died in Kenema?
17 A. Yes, he died by Mosquito. They said Mosquito killed him.
18 Q. And who was Mosquito, might I ask?
19 A. Mosquito was the junta boss in Kenema.
10:25:35 20 Q. Now, you were one of the young men in Kenema at that
21 time.
22 A. Yes, I was in Kenema. I was not the only young man,
23 young men were many.
24 PRESIDING JUDGE: He said one of.
10:25:56 25 MR MARGAI: I said you were one of - listen - you were one of.
26 PRESIDING JUDGE: Again, it depends on the translation, how it
27 is getting to him, you know. Maybe they didn't emphasise
28 the "one of" to him. I don't know, you know, it could
29 well be.

1 MR MARGAI: All right My Lord.

2 Q. You were a young man in Kenema -- let me help the
3 translator. You were a young man in Kenema at that time?

4 A. Yes, yes.

10:26:28 5 Q. Were you pleased with the conduct of the junta?

6 A. No.

7 Q. Were you annoyed at their behaviour?

8 PRESIDING JUDGE: If he was not pleased, what else could he
9 be, learned counsel?

10:26:51 10 MR MARGAI: My Lord, I have a reason for asking that question.
11 The follow-up question might explain why, if only Your
12 Lordship would exercise a bit of patience. Thank you.

13 PRESIDING JUDGE: Well, you know --

14 MR MARGAI: My Lord, I am not going to be as long as the
10:27:05 15 Prosecution. You can be assured of that.

16 PRESIDING JUDGE: Well, if you want to be, there is no problem

17 MR MARGAI: No, no, no. I have a focus in mind when I am
18 putting questions. As My Lord pleases.

19 PRESIDING JUDGE: The questions have to be scrutinised. They
10:27:17 20 have to come under the scrutiny of the bench. He was has
21 said, "I was not pleased with what the junta was doing in
22 Kenema." You said -- you asked him a question in which
23 is begging the answer which he has already given. Go
24 ahead.

10:27:31 25 MR MARGAI: Well, as long as Your Lordship is satisfied with
26 that --

27 PRESIDING JUDGE: Mr Margai, go ahead, please!

28 MR MARGAI: I shall proceed.

29 PRESIDING JUDGE: You can go ahead, please!

1 MR MARGAI:
2 Q. Now, was there a vigilante group formed in Kenema to
3 protect life and property in Kenema?
4 A. Yes.
10:28:02 5 Q. Were you a member of that vigilante group?
6 A. I didn't join any faction. I was not with any security.
7 I was afraid.
8 PRESIDING JUDGE: Were you a member of that vigilante group?
9 A. No, no.
10:28:19 10 PRESIDING JUDGE: Answer the question directly, Mr Witness.
11 MR MARGAI:
12 Q. Were you interested in the defence of Kenema?
13 A. Yes.
14 Q. And yet, still, you were not a member of the vigilante
10:28:34 15 group?
16 A. No. Thank you.
17 Q. Now, did the junta leave Kenema at all?
18 A. Yes, they left Kenema on Friday.
19 Q. Do you know the date?
10:29:01 20 A. On Friday. I don't know the dates, but I know the time.
21 Q. Do you know the month?
22 A. No.
23 Q. Do you know the year?
24 A. No.
10:29:17 25 Q. Now, when did the Kamajors enter Kenema?
26 A. On Sunday.
27 Q. Would that be the Sunday immediately following the Friday
28 the Kamajors left -- sorry, the juntas left?
29 A. Yes, when the juntas left, the Kamajors entered on

1 Sunday.

2 Q. And, of course, you are in no position to tell this Court
3 whether all of the junta left Kenema or part of the junta
4 left Kenema?

10:29:58 5 A. Well, juntas left, but there were some people who were
6 here, those who had been injured in the battle -- in the
7 war but were left in the hospitals.

8 Q. Apart from the injured ones, are you in a position to
9 tell this Court categorically that all of the junta left
10:30:30 10 Kenema?

11 A. Yes, juntas were not in Kenema at that time, because they
12 had pulled out.

13 PRESIDING JUDGE: Mr Witness -- Mr Witness, the junta had
14 pulled out. Yes, that is the reply to the question, but
10:30:57 15 you know whether all of them had pulled out. Do you know
16 whether all of the junta had pulled out?

17 MR TAVENER: Your Honour, with respect, the witness is
18 answering the question as much as he can within his level
19 of knowledge of what was going on.

10:31:11 20 PRESIDING JUDGE: [Microphone not activated] this is the Court
21 asking the question --

22 MR TAVENER: With respect, Your Honour, the witness is trying
23 to answer the question.

24 PRESIDING JUDGE: I say it is the Court that is asking --
10:31:22 25 putting the question to the witness.

26 Q. Are you able to say whether all members of the junta had
27 left the town, although you know that they had pulled
28 out.

29 A. At that particular time I didn't see any juntas except

1 those who had been injured in hospital, but that
2 particular Saturday I didn't see any junta.

3 MR MARGAI:

4 Q. Now do you know how many juntas went to Kenema, the
10:31:58 5 number?

6 A. No, I can't tell. They were many. I cannot tell the
7 particular number.

8 Q. Thank you. And therefore you cannot also tell the number
9 that left; isn't that correct?

10:32:15 10 A. No, I can't tell, because that was on Saturday; there was
11 no junta in Kenema.

12 Q. Are you saying there was no junta or you did not see a
13 junta. They are not synonymous?

14 A. I didn't see junta on Saturday.

10:32:37 15 Q. Thank you. Now, from the moment the juntas left up to
16 the moment the Kamajors came, were you still in Kenema?

17 A. Yes.

18 Q. Now, before that Sunday, were there Kamajors in Kenema?

19 A. No, I did not see Kamajor in Kenema. I only saw a
10:33:22 20 Kamajor in Kenema on Sunday.

21 Q. Was there a Kamajor office in Kenema before that Sunday?

22 A. Yes, we had CDF.

23 Q. Before that Sunday?

24 A. Yes.

10:33:46 25 Q. Before the Sunday?

26 A. Yes.

27 Q. So are you saying that, in fact, when the junta was
28 there, there was a CDF office in Kenema?

29 A. No. We hadn't CDF office in Kenema.

1 Q. I don't want to say that you are not speaking the truth.
2 Your problem is that you're trying to go preempt me.
3 Now, listen to my question. There are no traps. Okay,
4 let's take it again. The juntas have entered Kenema and
10:34:25 5 they left on Saturday, according to you -- on Friday?

6 A. Yes.

7 Q. Up to the time the juntas left Kenema, was there a CDF
8 office in Kenema?

9 A. Yes.

10:34:53 10 Q. So you're saying that there was a CDF office in Kenema
11 even when the junta was in Kenema? Is that what you're
12 saying?

13 A. Yes.

14 Q. Now, were there Kamajors in Kenema before the juntas left
10:35:22 15 on that Friday?

16 A. No, no Kamajor was in Kenema. They had removed them from
17 Kenema.

18 Q. Now, this office, this CDF office that was there when the
19 junta was in Kenema, were there people manning that
10:35:50 20 office?

21 A. Yes.

22 Q. And who were those people?

23 A. I saw people there, but I did not know who those people
24 were because I was in civilians. I didn't know whether
10:36:24 25 they were Kamajors or other people. I only knew that the
26 office was a CDF office.

27 Q. And do you know by what name those people who were
28 manning that office were called?

29 A. Yes, they were calling them Kamajors. They were

1 Kamajors.

2 Q. So in fact, there was a Kamajor presence in Kenema when
3 the junta was in Kenema?

4 A. Yes.

10:37:05 5 Q. Thank you. Thank you. Now, tell me, what was the
6 relationship like, if any, between the junta in Kenema
7 and the Kamajors in Kenema?

8 A. Well, the junta -- when you say junta, I want you to give
9 me a clear knowledge. There were SLAs and RUF were
10:37:51 10 there, so we used to call them junta, those two factions.

11 Q. That is my understanding of a junta, RUF cum AFRC?

12 A. But I'm trying to tell the Court that when you're talking
13 about junta - the time when soldiers were in power - they
14 were working in concert with Kamajors, but later they
10:38:18 15 called them junta. So I want to you define --

16 Q. My question is we have all the time been talking about
17 junta. I have not talked to you about the soldier, so
18 let us continue on that trend. Now, what was, if any,
19 the relationship between the junta in Kenema and the
10:38:38 20 Kamajors?

21 A. Well, they were going out to attack the rebels in the
22 bush. Yes, they were in peace in Kenema.

23 Q. So the relationship between the junta and the Kamajors,
24 according to you, was peaceful, they were fighting
10:39:11 25 together; is that it?

26 A. Yes, they were going out to fight together.

27 Q. Fighting who?

28 A. The rebels in the bush.

29 Q. Thank you. Now, up to what point did this relationship -- this

1 cordial relationship continue, up to what point? What
2 month, what year?
3 A. I can't tell you the month and the year.
4 Q. Do you know the year 1998?
10:39:46 5 A. Yes.
6 Q. Do you recall February of 1998?
7 A. Yes, I could recall, if I remember.
8 Q. Now, was Kenema ever liberated from the juntas?
9 A. Yes, when the Kamajors came into the town, they took over
10:40:27 10 the town on Sunday.
11 Q. My question is: Was Kenema ever liberated? When I want
12 to know who liberated, I will ask you who. Was Kenema
13 ever liberated from the juntas?
14 A. I do not understand the question properly. I didn't get
10:40:47 15 you properly.
16 Q. The junta was in charge of Kenema at one time after
17 overthrow of the Tejan Kabbah regime?
18 A. Yes.
19 Q. Was the junta removed from power at any time that caused
10:41:05 20 them to leave Kenema? That's what I'm saying.
21 A. Yes.
22 Q. When was that? Think, please.
23 A. I cannot recall. I cannot remember.
24 Q. Now, could it have been in February of 1998?
25 [HN290904B 10.48 a.m.]
26 A. I have forgotten. I don't know.
27 Q. [Microphone not activated] could it have been February
28 1998?
29 A. Well, I can't recall, because I can't remember any

- 1 longer.
- 2 Q. But was it 1998?
- 3 A. I can't recall.
- 4 Q. The Kabbah regime was overthrown in May 1997; isn't that
5 correct?
- 6 A. The only time I know is on Sunday when they overthrew
7 Pa Kabbah, but I can't remember the dates and the time.
- 8 Q. Isn't it true that President Kabbah returned to
9 Sierra Leone in March of 1998?
- 10 MR TAVENER: Objection, Your Honour. By this stage it must
11 be clear that this witness is not good on dates and
12 times. To continue asking these questions, it does not
13 assist the Court, in my submission. Whatever my friend
14 wants to put to this witness can simply be put to him in
15 terms of, "Did something happen?"
- 16 JUDGE BOUTET: Thank you.
- 17 MR MARGAI: With the greatest respect, the Court will be given
18 an opportunity to assess the credibility of this witness
19 based on his demeanour. Yes, My Lords --
- 20 JUDGE BOUTET: Mr Margai, please carry on.
- 21 MR MARGAI: Thank you.
- 22 Q. Now, Tejan Kabbah returned to this country in March 1998.
- 23 A. I don't know the time, because I didn't know the time
24 when Pa Kabbah returned to this country. I don't know
25 the time. I can't tell lies to you.
- 26 Q. Mr Witness, I am putting it to you that you are
27 deliberately refusing to answer these questions.
- 28 A. What I know is what I'm going to say in the Court. If I
29 don't know, I don't know.

- 1 Q. Now, do you know the months of the year?
- 2 A. Yes.
- 3 Q. Do you know [inaudible] month?
- 4 A. I know.
- 5 Q. You know [microphone not activated].
- 6 A. Yes.
- 7 Q. You know March?
- 8 A. Yes.
- 9 Q. And the rest of the months, I presume?
- 10 A. Yes.
- 11 Q. Now, let me put the question to you: Did the junta leave
12 Kenema in the month of February of 1998?
- 13 A. I only know that they left on Friday -- they left Kenema
14 on Friday. I don't know the time or the date, but they
15 left Kenema on Friday.
- 16 Q. Do you know why they left?
- 17 A. Yes, according to the report that Prince Brima gave was
18 that ECOMOG were not far away from Kenema. That gave
19 them cause to leave.
- 20 Q. Who was ECOMOG?
- 21 A. What -- they were to save us.
- 22 Q. On whose side was ECOMOG? The government side? The
23 junta side? The rebel side?
- 24 A. They were on the government side, according to what I
25 understand.
- 26 Q. You will agree with me that they were definitely not on
27 the same side as the junta?
- 28 A. I didn't get you properly.
- 29 Q. ECOMOG was not on the same side as the junta, they were

- 1 against the junta, in other words.
- 2 A. Yes.
- 3 Q. Thank you. Now, let us come to your father. Your father
- 4 was a very, very prominent man in Kenema?
- 5 A. Yes.
- 6 Q. And he was prominent before the junta got to Kenema?
- 7 A. Yes.
- 8 Q. [Microphone not activated]
- 9 A. Yes, how prominent?
- 10 Q. If you don't understand, don't just say "yes". He was a
- 11 very important man --
- 12 A. Yes.
- 13 Q. Let us put it that way, very important in Kenema --
- 14 A. Yes.
- 15 Q. -- one of the [inaudible] noted men in Kenema?
- 16 A. Yes.
- 17 Q. And this -- he continued to enjoy that position of
- 18 prominence even when the junta was in Kenema?
- 19 MS WIAFE: Your Honour, I just want to say that if the Defence
- 20 wants to continue with this line of examination, perhaps
- 21 we might consider going into closed session because we
- 22 are talking about a prominent --
- 23 JUDGE BOUTET: We will see, we will see.
- 24 MR MARGAI: I think I am sensible enough to know how to tread
- 25 and when to tread.
- 26 Q. Please continue, yes. This prominency continued that
- 27 prominence even when the junta went to Kenema?
- 28 A. Yeah, that's where he was.
- 29 Q. I am sure you did not understand the question.

- 1 A. That's where he is.
- 2 Q. [Microphone not activated] -- he was still popular.
- 3 A. Yes, he was popular. He is a big man.
- 4 Q. Yes, a big man, a very big man.
- 5 A. Yes, he is popular.
- 6 Q. And he was still popular when the Kamajors were there?
- 7 A. Yes.
- 8 Q. Thank you. Thank you.
- 9 PRESIDING JUDGE: He was still popular when the Kamajors were
10 there?
- 11 MR MARGAI: Yes, My Lord.
- 12 Q. Now this Yamorto base you talked about, where was it --
13 sorry, carry on. He is quenching his thirst. I might as
14 well.
- 15 PRESIDING JUDGE: I am sure you need it more than he does.
- 16 MR MARGAI: Thank you. Thank you. There is a microphone in
17 there; it has to be serviced.
- 18 PRESIDING JUDGE: That's what I was going to say.
- 19 MR MARGAI: Thank you, My Lord.
- 20 JUDGE BOUTET: You were at Yamorto base.
- 21 MR MARGAI: Yes, My Lord.
- 22 Q. Now, where was this base located. Where, in relation to
23 Kenema?
- 24 A. After the market when you are going to towards the
25 courts -- town council and the court, right down, that's
26 the Nyandiama Base. When you leave the police station
27 going down, right down. When you go across the water.
- 28 Q. Would that be before getting to the district office?
- 29 A. Yes. The district office is far away from the place.

1 The district office is right up. Nyandiana is in front,
2 just after the water by the roundabout there is the town
3 council and there is the court.
4 Q. Thank you. [Inaudible] you never went to that base.
5 A. I went there; they took me there.
6 Q. You said you went there on the instructions of Magona?
7 A. Yes.
8 Q. And that was the only time you went to that base?
9 A. Yes.
10 Q. Could you estimate how long you were at that base,
11 please?
12 A. I can't tell the -- I can't tell the time.
13 Q. [Overlapping microphones]
14 A. I don't know the time. I can't know the time.
15 Q. I will help you. Ten minutes, 15 minutes, 30?
16 A. I can't recall because I hadn't a watch [overlapping
17 microphones]
18 Q. [Overlapping microphones] -- I was there ten minutes, 15
19 minutes?
20 A. I can't give a rough estimate, because I was tied up and
21 where I was I was very distressed. I don't know the
22 time.
23 Q. [Overlapping microphones] -- okay, I accept that. Now
24 when the Kamajors entered Kenema, according to you, do
25 you know who their overall commander was in Kenema?
26 A. I know Kamoh Brima; he was the initiator.
27 Q. I am not talking of initiator. Who was the big boss of
28 the Kamajors in Kenema? Do you know? Either you know or
29 you don't know.

1 A. I know, I only knew Magona.
2 Q. As the overall boss?
3 A. Yes.
4 Q. Thank you.
5 A. Yes.
6 Q. And up to the time you were taken to this Yamorto base,
7 Magona was the overall boss of the Kamajors in Kenema?
8 A. Yes.
9 Q. Thank you. Now, let us come to the testimony you gave
10 about the killing of these police officers in the
11 barracks. Now --
12 MS WIAFE: Your Honour.
13 MR MARGAI: Sorry.
14 MS WIAFE: -- the witness never testified to the killing of
15 police officers.
16 PRESIDING JUDGE: Well, that's fine.
17 MR MARGAI: Thank you.
18 PRESIDING JUDGE: That's what she's saying.
19 MR MARGAI: My Lords, may I be guided, because I have
20 testimony of that, but if she says so, I shall accept.
21 JUDGE BOUTET: I cannot -- I will have to check my notes. I
22 don't have that recollection myself, but I can check in
23 my notes.
24 MR MARGAI: The court record is the authentic document.
25 PRESIDING JUDGE: This is TF2-152?
26 JUDGE BOUTET: I don't have that in my notes.
27 MR MARGAI: I accept that, My Lord. I am grateful.
28 JUDGE BOUTET: He did testify about people getting killed, but
29 not at the police station.

1 MR MARGAI: I accept that. I accept that.
2 PRESIDING JUDGE: Hang on, please, let's be --
3 MR MARGAI: I accept that. I think she is right, I have just
4 checked my record.
5 JUDGE BOUTET: I think my learned colleague is right --
6 MR MARGAI: Yes, My Lords.
7 PRESIDING JUDGE: -- from our records.
8 MR MARGAI: We are all right.
9 Q. Now, you said you were saved at this Yamorto base by the
10 friend called Mohammed; not so?
11 A. No, I said I was led by Mohammed. My friend who saved
12 me -- there is my friend who saved me, but I can't call
13 his name. If I call his name now, the public will know
14 who is talking.
15 Q. Now, this friend who saved your life, according to you,
16 was he a Kamajor?
17 A. Yes.
18 Q. He was a Kamajor.
19 MR MARGAI: My Lords, I am asking that we please return to
20 closed session just for that one question so that the
21 name could be revealed, and then I will just have one
22 more question. And --
23 JUDGE BOUTET: This is fine.
24 MR MARGAI: Thank you.
25 JUDGE BOUTET: This is in accordance with our established
26 procedure, we will do that. So --
27 MR MARGAI: Much obliged.
28 JUDGE BOUTET: Can the technicians turn off the sound in the
29 public gallery for the next minute, minute and a half?

1 PRESIDING JUDGE: The gallery can remain, please, for the next
2 one minute and --
3 JUDGE BOUTET: We'll come back.
4 PRESIDING JUDGE: -- or maybe in a few seconds, like it
5 happened a couple of minutes ago.
6 JUDGE BOUTET: Mr Walker, can you confirm that we are in a
7 closed session technically? Can we be informed if it is?
8 Do we have any technician in the technicians' booth.
9 MR WALKER: We do, Your Honour. We are ready now.
10 JUDGE BOUTET: We are ready? Okay. So we are in a closed
11 session, so the sound is off in the public gallery.
12 [At the point in the proceedings, a portion of the
13 transcript, pages 34 to34, was extracted and sealed under
14 separate cover, as the session was heard in camera]
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1 [Open Session]
2 [Extracted from page 36 onwards of the transcript]
3 JUDGE BOUTET: Thank you, you may proceed.
4 MR MARGAI: Thank you, My Lords. Thank you, Mr Witness, you
5 have been of tremendous help.
6 JUDGE BOUTET: So, that concludes your cross-examination,
7 Mr Margai?
8 MR MARGAI: Yes, My Lords.
9 JUDGE BOUTET: Thank you. Prosecution, do you have any
10 re-examination of this witness?
11 MS WIAFE: No, Your Honours, we don't have any re-examination.
12 JUDGE BOUTET: Yes, Mr Witness.
13 THE WITNESS: I want to ease myself.
14 JUDGE BOUTET: We are finished.
15 PRESIDING JUDGE: Mr Witness, yes, we have finished with you.
16 Thank you very much for coming to assist the Court. We
17 wish you all the best. Thank you for coming. If we need
18 you in future, we would call you back, but for now you
19 are released. Okay?
20 THE WITNESS: Okay.
21 PRESIDING JUDGE: The Court will rise for ten minutes to allow
22 this witness to put himself at ease.
23 [Break taken at 11.08 a.m.]
24 [At this point in the proceedings, a portion of the
25 transcript, pages 36 to 78, was extracted and sealed
26 under separate cover, as the session was heard in camera]
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C E R T I F I C A T E

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

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

Roni Kerekes

Susan G Humphries

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-152	1
CROSS-EXAMINED BY MR BOCKARIE	1
CROSS-EXAMINED BY MARGAI	15
WITNESS: TF2-223	37
CROSS-EXAMINED BY MR JABBI	37