

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

THURSDAY, 11 NOVEMBER 2004
9.42 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Chiara Galletti (intern)

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Raimund Sauter
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Bianca Suciu

For the Principal Defender:

Ms Simone Monasebian
Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Mr John Wesley Hall
Ms Quincy Whitaker
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Thursday, 11 November 2004
2 [The three accused not present]
3 [Open session]
4 [Upon commencing at 9.42 a.m.]
09:44:04 5 PRESIDING JUDGE: Good morning, learned counsel, we're
6 resuming our session. We did say that we would start
7 this morning with the cross-examination of this witness
8 this morning.
9 MR KAMARA: Yes, Your Honour.
09:44:32 10 PRESIDING JUDGE: Where is the witness -- we thought he was
11 ready. Is he here?
12 MR KAMARA: He's ready, but we were informed that Ms Whitaker
13 had something to say so that we should wait.
14 MS WHITAKER: Your Honour, I had asked that a message be
09:44:48 15 passed forward -- I wondered if it was possible just to
16 see you very briefly prior to the witness being --
17 PRESIDING JUDGE: Pardon me?
18 MS WHITAKER: I'd asked the message be passed back, which I am
19 sorry if it did not reach you, if it would be possible to
09:44:58 20 see you for a few minutes before the witness was brought
21 in, as I thought it only proper to inform you that, in
22 the light of the public filing of this report by the
23 Principal Defender, for reasons which I trust are
24 obvious, I can no longer continue to act in this case,
09:45:16 25 this being the most serious allegation of professional
26 misconduct against me and one which I can't in any way
27 defend myself against without revealing all sorts of
28 aspects of my case preparation and, indeed, for instance,
29 calling the Registrar as a witness and having the

1 unseemly task of the Court having to decide between the
2 credibility of the Registrar and the Principal Defender.
3 That is a spectacle I wouldn't wish to inflict on the
4 Court.

09:45:45 5 Clearly there is a breakdown in trust -- a breakdown
6 in professional relationship of the most serious kind,
7 certainly in the light of these allegations, her view of
8 me and, as such, I believe it would be improper for her
9 to contract me to continue in this case as a counsel who
09:46:01 10 is prepared to mislead the Court. And certainly, on my
11 part, I consider this the most grossly improper act on
12 the part of someone whose job is to protect the rights of
13 the defendants -- to endeavour to persuade the Court, as
14 part of the public record, that one of the counsel
09:46:20 15 appointed on behalf of the defendant has no credibility
16 and, indeed, is prepared to mislead the Court.

17 In those circumstances I just wish to inform you,
18 and it is with great regret, that I'm unable to see this
19 case through to its duration, which I had very much
09:46:33 20 wished to do so. I'd like to thank Your Honours for
21 giving me the opportunity to appear in this quite
22 extraordinary Court.

23 PRESIDING JUDGE: Thank you. May we have the Principal
24 Defender -- does she have anything to say in reply to the
09:47:03 25 statements made by Ms Whitaker?

26 MS MONASEBIEN: Yes, thank you, Your Honour. This morning,
27 just moments before Court, I was informed by Ms Whitaker
28 that she would seek to withdraw from the case. This
29 comes as a total surprise to me, and is not something

1 that I've asked for. I'd like the record to reflect that
2 it is of her own volition that she seeks to leave the
3 case again for the second time this year.

4 I would only say that it is unfortunate that I did
09:47:34 5 have to report as I did, but I was professionally
6 responsible to do so because of the record that was made
7 on 2 November, and to allow a record to stay in the
8 manner that it did would not have been professional. So
9 I'm not going to go further into what my report says; it
09:47:52 10 speaks for itself. I stand by it.

11 It is supported by several emails which Your Honours
12 can ask for if Your Honours have any doubt -- rather than
13 calling witnesses the emails speak for themselves -- and
14 I really don't see that Ms Whitaker's opinion on whether
09:48:09 15 to stay or go should be motivated by her concerns about
16 my presiding over a legal services contract with her.
17 I think they are two entirely different matters and can
18 be bifurcated from one another.

19 If her concern is that staying on will require me to
09:48:24 20 vet her hours, or something of that nature, I can assure
21 Your Honours that it is ordinarily not a reason to leave
22 a case or stay in a case because one person may be tasked
23 with overseeing their work, and I intend to be only fair
24 to Ms Whitaker, as I have, and I stand by every decision
09:48:45 25 I've made. I think if Your Honours look at the comments
26 of 2 November and look at my report, Your Honours will
27 see that the representations that were made and the
28 suggestions that were made on the 2nd that Ms Whitaker
29 was denied her contract are not correct and required that

1 they be corrected in that report.

2 I think the best way for us to proceed is for
3 Ms Whitaker to respond to the report, to inform the Court
4 that the allegations are contested by her, and if Your
09:49:12 5 Honours have any questions, rather than wasting more time
6 on this matter, for us to give Your Honours the emails.
7 I regret that this has had to take Court time, but we've
8 had no choice other than to inform Your Honours as we
9 have in our report based on Ms Whitaker's unfortunate
09:49:29 10 comments on 2 November. Thank you, Your Honours.

11 PRESIDING JUDGE: Ms Whitaker, we have heard you, but do you
12 have anything to add to what you have said in the light
13 of what the Principal Defender put across?

14 MS WHITAKER: My difficulty with her suggestion, which I would
09:50:24 15 have hoped any professional lawyer would realise, is that
16 for me to engage in a public discussion with the Trial
17 Chamber of what is required for my case would be quite
18 wrong and put me in a quite improper position. For that
19 reason, I really am left with no alternative but to
09:50:37 20 withdraw.

21 For the record, can I say I consider this to be a
22 thoroughly misleading and mendacious document and an
23 inaccurate account of the matters that have progressed.
24 But I don't consider it is appropriate to waste this
09:50:51 25 Court's precious time --

26 PRESIDING JUDGE: So you don't want to go into the merits?

27 MS WHITAKER: I can't.

28 PRESIDING JUDGE: You don't want to reply on the merits of
29 that report?

1 MS WHITAKER: No, I don't think I can in all conscience
2 without breaching all sorts of matters -- case
3 preparation -- which I feel have already been breached
4 improperly by even informing the Prosecution of, for
09:51:03 5 instance, the hours preparation -- I consider that an
6 improper act -- by the Defence -- to publicly notify
7 that. I can't engage in this discussion, meeting these
8 allegations with the Trial Chamber, who are also to deal
9 with the case. I trust the Trial Chamber will understand
09:51:19 10 my difficulty in that regard.

11 PRESIDING JUDGE: The Chamber will rise for a few minutes.
12 Ms Whitaker, you're on your feet --

13 MS WHITAKER: No, Your Honour, I only --

14 PRESIDING JUDGE: The Chamber will rise for a few minutes and
09:52:09 15 we'll resume sitting when we are ready. Thank you.

16 [Break taken at 9.52 a.m.
17 to enable Trial Chamber to confer]
18 [The witness entered the Court]
19 [On resuming at 10.52 a.m.]

10:52:36 20 PRESIDING JUDGE: Learned counsel, we're resuming our session.
21 Where is Ms Whitaker?

22 MS MONASEBIEN: Yes, Your Honour, if I may.

23 PRESIDING JUDGE: Do you want to answer my question as to
24 where Ms Whitaker is.

10:52:55 25 MS MONASEBIEN: Yes.

26 PRESIDING JUDGE: Yes, you may.

27 MS MONASEBIEN: Thank you, Your Honour. As Your Honours went
28 off for deliberations, Ms Whitaker said her goodbyes to
29 all of us and left. I'm sorry, Your Honours.

1 PRESIDING JUDGE: Right. Okay, thank you.
2 [Ruling]
3 This is the ruling of the Trial Chamber. The Trial
4 Chamber has heard Ms Whitaker's statement that she can no
10:53:28 5 longer serve as Court-appointed counsel for the first
6 accused on the grounds that a report dated
7 10 November 2004 from the Principal Defender on the issue
8 of her failure to sign a legal services contract has
9 accused her of professional misconduct. In the light of
10:53:54 10 such allegations she has stated that she cannot continue
11 to act as Court-appointed counsel for the first accused
12 and, therefore, seeks leave from the Court to withdraw
13 from the case.
14 The Principal Defender, who has filed that report at
10:54:16 15 the request of the Court on issues pertaining to the
16 signing of the legal services contract by Ms Whitaker,
17 responded with the observations that her decision to
18 withdraw from the case is regrettable but is of her own
19 making and that she affirms standing by her report
10:54:44 20 primarily to set the record straight in the light of
21 Ms Whitaker's representations to the Court on
22 2 November 2004 about the signing of her legal services
23 contract.
24 The Chamber regrets this unfortunate decision by
10:55:08 25 Ms Whitaker, but in the circumstances has no alternative
26 but to grant the leave sought and to accept that she can
27 withdraw from the case. That is the decision of the
28 Chamber.
29 We would draw the attention of the Norman Defence

1 Team to take particular note of this, and to organise
2 themselves accordingly. This said, we shall proceed with
3 the cross-examination of Reverend Father Garrick.
4 WITNESS: JOHN GARRICK [Continued]

10:55:49 5 PRESIDING JUDGE: Father Garrick, good morning.
6 THE WITNESS: Good morning.
7 PRESIDING JUDGE: How are you this morning.
8 THE WITNESS: Fine.
9 PRESIDING JUDGE: You're fine. Good. I hope you're ready to
10:55:56 10 move on on the train with us this morning. Thank you
11 very much for finding time to be with us. May we proceed
12 with the cross-examination of Father Garrick.
13 CROSS-EXAMINED BY MR HALL:
14 MR HALL:

10:56:18 15 Q. I only have a few questions and I'll be quite brief,
16 Father Garrick. When you went to Freetown to meet with
17 the Attorney-General, was the war still going on?
18 A. No.
19 Q. It was after the war?
10:56:40 20 A. Yes.
21 Q. Could you give us the name of the Attorney-General again,
22 please?
23 A. Mr Solomon Berewa.
24 Q. And his title is Attorney-General and Minister of Justice
10:56:58 25 of Sierra Leone?
26 A. Yes.
27 Q. He's the chief law enforcement officer of Sierra Leone?
28 A. Please go over that.
29 Q. He is the chief law enforcement officer of Sierra Leone?

1 A. Well, all I know, he was the Attorney-General.
2 Q. Okay, fair enough.
3 JUDGE BOUTET: Witness, if you don't know, you don't know.
4 That's all
10:57:28 5 MR HALL:
6 Q. And it's fair enough that you don't know. And this man
7 who was the Attorney-General then, what position does he
8 now hold?
9 A. Vice-President.
10:57:44 10 Q. Of Sierra Leone?
11 A. Yes.
12 Q. And you explained to him everything that happened at
13 Bonthe?
14 A. I explained to him some of the things that were
10:58:03 15 happening -- I couldn't remember now exactly what.
16 Q. And, of course, you didn't tell him the same detail that
17 you told here --
18 A. No.
19 Q. -- but you explained to him essentially everything that
10:58:12 20 happened over the entire -- what you testified to here,
21 you gave him a short version of that?
22 A. Yes.
23 MR HALL: Thank you. That's all I have, Your Honour.
24 JUDGE BOUTET: Thank you, Your Honour. Counsel for second
10:58:28 25 accused.
26 CROSS-EXAMINED BY MR BOCKARIE:
27 Q. Father Garrick, many people in Bonthe were opposed to the
28 military takeover in May 1997; am I correct?
29 A. Yes.

1 Q. Will I be correct to say that the Kamajors vowed to
2 restore the democratically-elected government of Tejan
3 Kabbah during that time?
4 A. Yes.

10:59:12 5 Q. Father Garrick --
6 PRESIDING JUDGE: Please, hold on, counsel.
7 JUDGE THOMPSON: Counsel.
8 PRESIDING JUDGE: The Kamajors vowed to restore the
9 democratically-elected government --

10:59:38 10 MR BOCKARIE: Of His Excellency Alhaji Tejan Kabbah.
11 Q. Father Garrick, you said Bonthe had another base;
12 correct?
13 A. Yes.
14 Q. Father Garrick, is it true that this naval wing based in
11:00:49 15 Bonthe were making incursions into the surrounding
16 chiefdoms around Bonthe, fighting against the Kamajors
17 during this time?
18 A. We were getting reports -- complaints of that sort.
19 Q. Thank you. So, Father, you were not surprised when you
11:01:43 20 heard rumours of Kamajors trying to attack the naval
21 base -- you were not surprised at all, were you?
22 A. Not surprised at all, yeah.
23 Q. Father Garrick, you said the soldiers withdrew from
24 Bonthe on 15 February 1998; that's correct?
11:02:37 25 A. Yes.
26 PRESIDING JUDGE: 15 February?
27 MR BOCKARIE: Yes, Your Honour, 1998.
28 Q. Now, Father, when the soldiers withdrew from Bonthe, how
29 long did it take for the arrival of the Kamajors -- a

1 day, two? Just tell us the time frame -- the interval.
2 A. They gun boat carrying the soldiers left about 1.00 a.m.
3 in the morning and at about 5.00 -- sorry, and at about,
4 yes, 5.00 in the morning we heard the sound of the Poro
11:03:50 5 Secret Society, which signified the coming of the
6 Kamajors.
7 JUDGE BOUTET: And this is on 15 February, so it's 1.00 a.m.,
8 15 February 1998?
9 THE WITNESS: Yes.
11:04:19 10 JUDGE BOUTET: Thank you, Father.
11 MR BOCKARIE:
12 Q. Now, what time of the day did the Kamajors eventually
13 arrive in Bonthe?
14 A. In the morning, about 5.00.
11:04:32 15 Q. About 5.00 in the morning?
16 A. Yes. May I say something?
17 PRESIDING JUDGE: Yes, yes, Reverend.
18 THE WITNESS: I'm sorry, I've just mixed up the two times of
19 the Kamajors, so I just want to correct that.
11:05:00 20 MR BOCKARIE:
21 Q. Go ahead.
22 A. Yes. When the soldiers left 1.00 a.m., the Kamajors
23 entered Bonthe at about 9.00 in the morning.
24 Q. Thank you.
11:05:15 25 JUDGE BOUTET: So when you said you heard the sound of the
26 society and so on at 5.00 a.m., it should have been
27 9.00 a.m.?
28 THE WITNESS: That's one is different -- it's a different
29 occasion.

1 JUDGE BOUTET: Can you explain that, please?

2 THE WITNESS: Yes, that was the first Kamajor invasion of
3 Bonthe.

4 MR BOCKARIE:

11:05:34 5 Q. That was in September?

6 A. Yes.

7 Q. No, I'm not concerned about that.

8 A. I just want to correct it.

9 JUDGE BOUTET: Okay. So 5.00 a.m. the sound of the Society
11:05:41 10 was a different occasion?

11 THE WITNESS: Yes, yes, that was different.

12 MR BOCKARIE:

13 Q. Now, Father, can you please tell this Court what was the
14 security situation like before the arrival of the
11:05:55 15 Kamajors at 9.00 o'clock?

16 A. Well, we were left naked -- there were no soldiers.
17 There was no form of security. Even the few policemen
18 that were around won't identify themselves as police.

19 Q. Thank you. Father, you told this Court that you and
11:06:44 20 other civilians went to the naval base that morning; am
21 I correct?

22 A. Yes.

23 Q. Can you please give us a rough estimate as to the number
24 of civilians who went to the naval base that morning?

11:07:05 25 A. Well, I can't really give -- what I know, there were some
26 police officers among and some prison officers.

27 Q. Can you say it exceeded 100?

28 A. Yes.

29 Q. Less than 100?

1 A. Yes.

2 Q. More than 50?

3 A. Less than that.

4 Q. Less than 50?

11:07:27 5 A. Yes.

6 Q. More than 25?

7 A. Less than that.

8 Q. Father, this naval wing at the naval base, was it
9 vandalised by civilians during this time?

11:08:04 10 A. Well, I couldn't really tell, because the soldiers packed
11 up and left -- the doors were open.

12 Q. Father, you told this Court that on that very morning you
13 went to retrieve your communication set which was seized
14 by the soldiers; am I correct?

11:08:39 15 A. Yes.

16 Q. Do you know whether other civilians, too, went to the
17 naval base with the hope of retrieving probably their
18 stolen property; do you know that?

19 A. Well, yes.

11:09:03 20 Q. Thank you.

21 PRESIDING JUDGE: What adjective did you use -- is it their
22 "stolen" property?

23 MR BOCKARIE: Yes, My Lord.

24 PRESIDING JUDGE: To retrieve their stolen property?

11:09:28 25 MR BOCKARIE: Yes.

26 Q. So, Father, you'll agree with me that at this time there
27 was a complete breakdown of law and order in Bonthe; am
28 I correct?

29 A. Well, I wouldn't say a complete breakdown of law and

1 order.

2 Q. Was law and order being maintained at this time?

3 A. Well, if you say -- I can't --

4 PRESIDING JUDGE: Take your time to frame your answer; I know

11:10:45 5 you're reflecting on what is --

6 THE WITNESS: I can't really say there was a complete

7 breakdown of law and order, because there were some

8 elders who were trying to talk to people and then there

9 was no problem as such that morning.

11:11:00 10 MR BOCKARIE:

11 Q. Thank you, Father. Now, Father, you said one of your

12 sources of income was so you had some money to

13 rehabilitate your home; am I correct?

14 A. Yes.

11:11:16 15 Q. Where is this home?

16 A. Bonthe.

17 Q. So, Father, would I be correct to say that, though you

18 were born in Freetown, you also hail from Bonthe?

19 A. Yes, Bonthe is my home.

11:11:50 20 Q. Bonthe is your home?

21 A. Yes.

22 PRESIDING JUDGE: Bonthe what?

23 MR BOCKARIE: "Bonthe is my home", sir.

24 Q. Father, on the 15th you saw -- would I be correct that

11:12:23 25 you saw so many Kamajors who just converged on Bonthe?

26 A. The 15th of?

27 Q. Sorry, 15 February.

28 A. Yes.

29 Q. Would I be correct to say that most of these Kamajors who

1 went to Bonthe were from the Riverine territories like
2 Sittia, Nongoba Bullom, et cetera?
3 A. Yes.
4 PRESIDING JUDGE: When you say most of them were, what do you
11:13:10 5 mean to say? Do you say they are natives --
6 MR BOCKARIE: Sorry, most of them --
7 PRESIDING JUDGE: -- or they were living there before they
8 came [overlapping microphones]
9 MR BOCKARIE: Except he wants clarification on those issues.
11:13:21 10 Q. Most of them are natives of these riverine territories
11 like Sittia, Nongoba Bullom, et cetera?
12 A. Yes.
13 PRESIDING JUDGE: Like what?
14 MR BOCKARIE: Sittia, S-I-T-T-I-A, Chiefdom and Nongoba Bullom
11:13:56 15 Chiefdom, N-O-N-G-O-B-A B-U-L-L-O-M Chiefdom.
16 Q. Father, when they got to Bonthe, you were able to
17 identify among them leaders like Julius Squire; am
18 I correct?
19 A. Yes.
11:14:36 20 Q. Father, before 15 February did you know Julius Squire
21 before?
22 A. Yes.
23 Q. Was he living in Bonthe?
24 A. Yes, some time back.
11:15:19 25 Q. Thank you. What about Morie Jusu Kamara, he also
26 identified himself as one of the leaders in Bonthe on
27 that day; am I correct -- Morie Jusu Kamara?
28 A. Not on that day, but he came later.
29 Q. He came later, and when he came there, he identified

1 himself as being one of the leaders of the Kamajors?
2 A. The battalion commander.
3 Q. Thank you, good. Father, did you know Morie Jusu Kamara
4 before?
11:16:23 5 A. No.
6 Q. Father, you also mentioned Baigeh.
7 A. Baigeh.
8 Q. Thank you, Baigeh, and he also identified himself as
9 being one of the Kamajor leaders?
11:16:54 10 A. Yes.
11 Q. Thank you.
12 PRESIDING JUDGE: Let's get the spelling of that name again.
13 MR BOCKARIE: I've got B-A-I-G-E-H; I stand to be corrected.
14 Q. Father, during this time did you see Kamajors from Momaya
11:17:38 15 in Bonthe?
16 A. Yes.
17 Q. Father, can you tell this Court what is the distance from
18 Momaya to Bonthe?
19 A. I can't really tell, but the type of boat we have there,
11:18:14 20 it is about a 45-minute sail by boat.
21 Q. Thank you, Father. Father, can you please give this
22 Court an estimate as to the number of Kamajors that
23 converged on Bonthe on that morning -- just a rough
24 estimate, if you can?
11:19:01 25 A. That, I can't.
26 Q. Father, was it a handful, or were there many?
27 A. There were many Kamajors.
28 Q. Father, would I be correct to say that when they got to
29 Bonthe there was complete confusion in Bonthe Town?

1 A. Yes.

2 Q. Father, would I be correct to say that during this time
3 there were splinter groups of Kamajors doing things their
4 own way without any check?

11:20:37 5 MR KAMARA: Objection, Your Honour. That question, counsel is
6 assuming facts not yet in evidence.

7 PRESIDING JUDGE: Why do you say the facts are not yet in
8 evidence?

9 MR KAMARA: Answering that question, Your Honour, will lead
11:20:50 10 the witness to concede to an unproven assumption and that
11 is not yet before this Court, the unproven assumption
12 being that talking about splinter groups, each and every
13 splinter group doing what they were doing, it's assuming
14 a fact not in evidence and that is objectionable, Your
11:21:05 15 Honour.

16 PRESIDING JUDGE: I hope you followed the evidence of Reverend
17 Father Garrick very well.

18 MR KAMARA: I sure do, Your Honour.

19 JUDGE THOMPSON: Why is he not permitted to elicit it under
11:21:16 20 cross-examination -- under an open system of
21 cross-examination? Why is it not permissible if we are
22 not adopting a closed system of cross-examination,
23 meaning the system whereby he can only elicit what has
24 been laid down or elicited under examination-in-chief?

11:21:44 25 We are adopting the open system, which widens or enlarges
26 the scope of cross-examination. So on that score, why is
27 this an impermissible question?

28 MR KAMARA: I agree with Your Honour to the extent --

29 JUDGE THOMPSON: Where is the jurisprudence which says that in

1 an open system of cross-examination counsel cannot elicit
2 evidence of an issue that may not have been traversed or
3 covered under examination-in-chief?
4 MR KAMARA: Your Honour, I agree with you to the extent of
11:22:20 5 admissibility of the wide latitude in cross-examination.
6 JUDGE THOMPSON: Quite right.
7 MR KAMARA: The jurisprudence from this is through common law
8 practice and that is wherein there is an unproven
9 assertion or an unproven assumption on the part of
11:22:35 10 counsel, you cannot lead a question which has not been
11 established --
12 JUDGE THOMPSON: But that is on the basis of pleadings. It
13 would be the kind of rule that would prevail in the
14 context of civil law, but in criminal law, and
11:22:49 15 particularly in the context of international criminal
16 tribunals, we are not bound by the strict rules of common
17 law admissibility. I mean, I thought this is now
18 rudimentary knowledge.
19 MR KAMARA: I agree with Your Honour, but the facts --
11:23:07 20 JUDGE THOMPSON: What is it in this context an unproven
21 assumption.
22 MR KAMARA: A question of fact.
23 JUDGE THOMPSON: He is in fact saying -- suppose his
24 instructions are that there were splinter groups. How
11:23:18 25 can he not be allowed to present --
26 MR KAMARA: It could be properly rephrased, Your Honour.
27 PRESIDING JUDGE: If I may ask you, this witness testified to
28 the fact that he had people in his house.
29 MR KAMARA: Yes.

1 PRESIDING JUDGE: And that a group of Kamajors would come and
2 say he should pay money in order to rescue them.

3 MR KAMARA: Very well, sir.

4 PRESIDING JUDGE: As soon as he did this, another group came.
11:23:49 5 And that is the trend that we noticed in the evidence of
6 Father Garrick.

7 MR KAMARA: Yes.

8 PRESIDING JUDGE: Now, if there was this trend that they were
9 acting dispersedly and doing what they were doing, don't
11:24:05 10 you think that question is already an issue and that even
11 if it was not raised in examination-in-chief, which was
12 not the case, it could be raised now?

13 JUDGE THOMPSON: My brother has fortified me, but I am in fact
14 taking the law a step further to say that even if there
11:24:21 15 was not such foundation under examination-in-chief, there
16 is no rule making it impermissible for him to elicit
17 that, if that is his instruction and that is his case.

18 MR KAMARA: I take the ruling of the Bench, Your Honour.

19 PRESIDING JUDGE: Anyway, formally, the objection is
11:24:44 20 overruled. Mr Bockarie, you may proceed.

21 MR BOCKARIE:

22 Q. Yes, Father, can you answer that question? Father, do
23 you agree with me that there were splinter groups among
24 these Kamajors each doing its own thing without being
11:25:03 25 checked by any other body?

26 A. What do you mean by "splinter groups"?

27 Q. I mean one group would leave a particular location; they
28 would go and loot and kill, another group would also go
29 and loot and kill.

- 1 A. You're quite correct.
- 2 Q. Thank you. Father, you encountered one Morie Jusu
3 Kamara, didn't you?
- 4 A. Yes.
- 11:25:46 5 Q. When you encountered him, you perceived him to be the
6 leader the Kamajors?
- 7 A. Not only perceived; he was introduced to the committee.
- 8 Q. He was introduced to the committee as the leader?
- 9 A. Yes.
- 11:25:58 10 PRESIDING JUDGE: What was the name again?
- 11 MR BOCKARIE: Morie Jusu Kamara.
- 12 THE WITNESS: Morie Jusu.
- 13 MR BOCKARIE:
- 14 Q. And, further, you confronted him with what was going on
11:26:16 15 in the township?
- 16 A. Yes.
- 17 Q. Relating to the killing and the looting?
- 18 A. Yes.
- 19 Q. Father, his reply was in unequivocal terms that he was
11:26:32 20 not in control of the boys -- did he say that? He [sic]
21 said it in evidence?
- 22 A. Not in control of all the groups.
- 23 Q. Yes, but he told you that he was not in control, did he?
- 24 A. Yes.
- 11:26:44 25 Q. Thank you. Father, would I be correct to say that during
26 this time no leader emerged in Bonthe who happened to be
27 in effective control of the Kamajors -- during this time?
- 28 A. Yes.
- 29 MR BOCKARIE: And that will be all for him.

1 JUDGE BOUTET: Counsel for the third accused.
2 CROSS-EXAMINED BY MR WILLIAMS:
3 Q. Father Garrick, could you tell the Court how many times
4 Kondewa went to Bonthe in 1998?
11:28:43 5 A. I can only remember one time.
6 Q. Which month was that?
7 A. I cannot just remember the month, but he went there once.
8 Q. Could you say, with any certainty, that that was not in
9 February of 1998?
11:29:35 10 PRESIDING JUDGE: I don't like putting witnesses, you know,
11 under unnecessary pressure. He said it was 1998, he
12 cannot remember. If you want to put it to him, please
13 put it to him that it was in February so that we proceed,
14 because the Father is busy -- he is entangled in a
11:30:00 15 reflection as to what month. If you think it's February,
16 put it to him, and let's move. He has clearly said he
17 cannot remember the month, but if you think it's February
18 it's your right to put it to him.
19 MR WILLIAMS: I have specific instructions with regard to this
11:30:18 20 particular matter.
21 PRESIDING JUDGE: Okay, you may proceed, Mr Williams.
22 MR WILLIAMS: Thank you very much, My Lord.
23 Q. Could you say with any certainty that that visit did not
24 take place in February 1998?
11:30:39 25 A. I can't really tell that.
26 Q. Thank you very much. Could you tell the Court the reason
27 why Lahai Ndokoi Kamara was being harassed by Kamajors?
28 A. Get the name straight.
29 Q. Lahai Ndokoi -- what's the surname -- Koroma?

1 A. Koroma.

2 Q. Yes, I'm sorry.

3 A. The only thing I could get is that he was being accused
4 of being a junta collaborator.

11:31:37 5 Q. Was Ndokoi Koroma in Bonthe during the junta period?

6 A. Yes.

7 Q. And could you tell the Court how he collaborated with --
8 how it was alleged he collaborated with the junta?

9 A. Please rephrase the question.

11:32:41 10 Q. You said Lahai Ndokoi Koroma was accused of being a junta
11 collaborator. I want to know on what that accusation was
12 based.

13 A. Well, I can't --

14 JUDGE THOMPSON: Quite. I was going to add wouldn't you ask
11:33:03 15 him why he was being -- it would be unfair to say why was
16 that the case when he was not the one making the
17 accusation.

18 MR WILLIAMS: I didn't get Your Lordship.

19 JUDGE THOMPSON: I said it would be unfair to say why was he
11:33:16 20 being accused when he was not making the accusation.

21 MR WILLIAMS: Why was he being accused by those --

22 JUDGE THOMPSON: That's what I'm saying. The proper approach
23 would have been does he know why he was accused.

24 MR WILLIAMS: I'll take the cue.

11:33:28 25 Q. Do you know why Ndokoi Koroma was being harassed?

26 A. No.

27 Q. You don't.

28 JUDGE THOMPSON: Yes. I am sure the answer is that he does
29 not know why he was being accused of being a

1 collaborator.

2 MR WILLIAMS: Yes.

3 JUDGE THOMPSON: Not why he was being harassed.

4 MR WILLIAMS: Sorry, that is it, My Lord.

11:33:54 5 JUDGE THOMPSON: So we don't get the evidence mixed up.

6 MR WILLIAMS:

7 Q. Father, did you inquire from any of those that were

8 harassing him the reason for their conduct?

9 A. Yes.

11:34:22 10 Q. And I presume you made the inquiry from Kamajors?

11 A. Yes.

12 Q. And what did they tell you?

13 A. Simply that he was with a junta -- that he was with the

14 soldiers, yes.

11:34:51 15 Q. He was with the junta?

16 A. Soldiers, yes; he collaborated with the junta.

17 Q. And is it correct that when Kondewa went to Bonthe the

18 plight of Ndokoi Koroma was brought to his attention?

19 A. Yes.

11:35:25 20 Q. Was it you who personally told Kondewa the plight of

21 Ndokoi Koroma?

22 A. No.

23 Q. Who told him?

24 A. A letter was first sent -- a message, I don't know

11:36:24 25 whether a letter, but some form of message was sent to

26 him by the battalion commander, Morie Jusu Kamara,

27 explaining the general situation in Bonthe, including the

28 case of Chief Lahai Ndokoi Koroma.

29 PRESIDING JUDGE: A letter was sent to whom?

1 THE WITNESS: I can't tell whether it was a letter, but some
2 form of message was sent to Allieu Kondewa by the
3 battalion commander, Morie Jusu Kamara.
4 MR WILLIAMS:
11:37:26 5 Q. Did you personally re-echo the content of that message as
6 far as Ndokoi Koroma was concerned when Kondewa came to
7 Bonthe?
8 A. Yes.
9 Q. You re-echoed it to him?
11:37:57 10 A. Yes.
11 Q. And, Father Garrick, could you tell the Court what
12 exactly you said to Kondewa as far as Ndokoi Koroma is
13 concerned?
14 A. And as far as I can remember.
11:38:37 15 Q. Yes.
16 A. I explained to him that Chief Lahai Ndokoi was discovered
17 in the parish, specifically in one of the rooms in the
18 church, and since then groups of Kamajors have been
19 coming demanding -- asking me to release him to them, but
11:39:06 20 I have tried to talk with the Kamajor battalion
21 commander, Morie Jusu Kamara. We have tried to keep him,
22 but maybe we'll come to a point where I would be unable
23 to keep him again, so his case is very serious -- he
24 needs to talk to his men.
11:39:30 25 Q. Is that all you said to him as far as Ndokoi was
26 concerned?
27 A. Yes.
28 Q. Okay, that is fine, thank you. And was it Kondewa on his
29 own volition that offered to take Ndokoi Koroma out of

1 Bonthé?

2 A. Yes.

3 Q. And is it true that Kondewa did not only take Lahai
4 Ndokoi Koroma -- did not only take Ndokoi Koroma but he
11:40:59 5 also took the four daughters of that gentleman away?

6 A. With regards to that, I can't really tell, but I know of
7 another person that joined Chief Lahai Ndokoi Koroma.

8 Q. Who was that?

9 A. His son.

11:41:25 10 Q. His son.

11 PRESIDING JUDGE: Let's get the first reply first -- "I cannot
12 say..."

13 THE WITNESS: Yes, that I cannot say.

14 PRESIDING JUDGE: "...that" -- did you say four daughters,
11:41:40 15 Mr Williams?

16 MR WILLIAMS: Yes, My Lord.

17 Q. And --

18 PRESIDING JUDGE: We're at the level of --

19 MR WILLIAMS:

11:42:22 20 Q. According to you, you cannot confirm that he took Ndokoi
21 Koroma and his four daughters?

22 A. Yes.

23 Q. What you know is that he took Ndokoi Koroma and his son?

24 A. Umaru.

11:42:40 25 Q. And his son, Umaru?

26 A. Yes.

27 PRESIDING JUDGE: Umaru?

28 MR WILLIAMS: Yes, Umaru Koroma.

29 THE WITNESS: Umaru.

1 PRESIDING JUDGE: They travelled together out of Bonthe?
2 MR WILLIAMS: Yes, My Lord.
3 Q. Did you say in your evidence-in-chief that Kondewa told
4 you that he would have to wait for a time when the
11:43:24 5 Kamajors were not present at the seafront?
6 A. Yes, when their numbers were less around the area.
7 Q. Did he tell you the reason why he would have to wait
8 until the Kamajor presence at the seafront was reduced
9 before he would take these people away?
11:44:21 10 A. Well, to prevent some -- to prevent confrontation.
11 Q. Thank you very much. Basically, what Kondewa was seeking
12 to do was to smuggle Lahai Ndokoi Koroma and his family
13 out of Bonthe; would you agree with me?
14 A. No.
11:45:06 15 Q. No. Why wouldn't you agree with me?
16 A. Part of his family still remained with me when he left.
17 Q. No, those that he was taking away?
18 PRESIDING JUDGE: When you say "those he was taking away", how
19 many was he taking away, Mr Williams?
11:45:30 20 MR WILLIAMS: According to him, two, My Lord.
21 PRESIDING JUDGE: Yes, himself and when you say", and his
22 family", one person constitutes a family?
23 JUDGE BOUTET: If this is your question, Mr Williams, be fair
24 to the witness. He told you it was one son. Now you're
11:45:45 25 telling him the family.
26 MR WILLIAMS: I did not say his entire family.
27 JUDGE BOUTET: That's the question you asked him [overlapping
28 speakers].
29 MR WILLIAMS: I'll rephrase the question, My Lord.

1 Q. Would you say that Kondewa was basically smuggling Ndokoi
2 Koroma and his son out of Bonthe? I am sorry if I misled
3 you -- I'm sorry.
4 A. I may even need to add a note here.
11:46:19 5 Q. No, just answer the --
6 JUDGE THOMPSON: Before he adds the note, I'm troubled and
7 perhaps I need to be enlightened. Why "smuggle" -- is
8 that your instruction, or is it just a manner of
9 speaking? The word "smuggle", I can take issue with you
11:46:35 10 on it as being a very controversial word, but if you are
11 eliciting facts, how does a Court evaluate an answer to a
12 question like that? If he says, "Yes, smuggled", doesn't
13 that multiply the issues if we don't have any indication
14 of something in the indictment which suggests smuggle?
11:47:05 15 MR WILLIAMS: My Lord, we're not saying that to smuggle
16 somebody to his safety is --
17 JUDGE THOMPSON: I don't know. It's just because you are a
18 lawyer I am taking issue with you on the use of the word
19 "smuggle". Isn't it a technical word?
11:47:19 20 MR WILLIAMS: I don't think so, My Lord.
21 JUDGE THOMPSON: You don't think so?
22 MR WILLIAMS: Yes, but I can use the word "sneak" -- "sneak
23 out".
24 JUDGE THOMPSON: Before you continue, I'm asking you to give
11:47:29 25 me the ordinary meaning of the word "smuggle", which
26 I suggest to you would also have a technical meaning; in
27 other words, is it fair to ask this witness whether
28 Kondewa was trying to smuggle them out of Bonthe.
29 MR WILLIAMS: The ordinary meaning for "smuggle" I would say

1 is sneak out.

2 JUDGE BOUTET: What does "sneak out" mean?

3 MR WILLIAMS: I mean, you take away secretly.

4 JUDGE THOMPSON: Let me not pursue it further and let you go

11:48:06 5 ahead. Maybe the Reverend Father will be able to sneak

6 out of it.

7 MR WILLIAMS:

8 Q. Reverend Father, I'll rephrase my question. Would you

9 say that -- would you agree with me if I were to say that

11:48:22 10 what Kondewa was -- the manner in which he chose to take

11 Ndokoi Koroma and his son out was synonymous to him

12 sneaking out with them?

13 A. Not really.

14 Q. Not really?

11:48:43 15 A. Yes.

16 Q. Mr Witness, you don't recall the month, I suppose, when

17 Lahai Ndokoi Koroma was taken out of Bonthe?

18 A. Yes, I can't just recall the month now.

19 Q. I just want to refer to your statement so I can refresh

11:50:20 20 your memory, please.

21 JUDGE BOUTET: Maybe you can ask him first if he has read the

22 statement.

23 MR WILLIAMS:

24 Q. Yes, did you say you can recall the month?

11:50:45 25 A. As I sit now, it would be a bit difficult for me to just

26 recall that.

27 Q. All right, thank you. I cannot find the portion of your

28 statement, but at the time Kondewa came to Bonthe, would

29 you say that atrocities against civilians had totally

1 stopped?

2 A. I could say minimised.

3 Q. You say minimised?

4 A. Yes.

11:52:00 5 Q. Is Ndokoi Koroma still alive?

6 A. Yes.

7 Q. Together with his son, Umaru Koroma?

8 A. Yes.

9 PRESIDING JUDGE: What's his son's name again.

11:53:01 10 MR WILLIAMS: Umaru.

11 PRESIDING JUDGE: Yes, yes, Umaru Koroma.

12 MR WILLIAMS:

13 Q. Would you say, Father Garrick, that it was quite a
14 laudable thing that Kondewa did to take these people to
11:53:27 15 their safety?

16 A. Well, not so much the people, but --

17 Q. These two people?

18 A. Not so much the two, but the one.

19 Q. All right, thank you very much. I accept that. So it
11:53:40 20 was quite a laudable thing that he did to take Ndokoi
21 Koroma out to safety?

22 A. Yes.

23 Q. Thank you. And were you personally appreciative of that
24 particular gesture of Kondewa?

11:54:22 25 A. Yes.

26 Q. Talia Yobehko, you said that was where Kondewa was based?

27 A. Yes.

28 Q. Which district is that?

29 A. Bonthe District.

1 Q. Talia Yobehko is part of the Bonthe --
2 A. District.
3 Q. -- District. And where were you based?
4 A. Bonthe Town.
11:55:24 5 Q. How far is Bonthe Town from Talia Yobehko?
6 A. I can't tell the distance.
7 Q. I would appreciate an estimation, please.
8 A. That, I can't.
9 Q. All right. Thank you. How long did it take you and that
11:56:06 10 delegation to reach Talia Yobehko? You left Bonthe, you
11 were headed for Talia Yobehko. How long did it take you
12 and that delegation to reach --
13 A. Two days.
14 Q. Two days. So would you say --
11:56:51 15 PRESIDING JUDGE: Just out of curiosity, Father, you say you
16 left with this delegation and you stopped in certain
17 places. Supposing you went straight, how long do you
18 think it would have taken you to get to your destination?
19 THE WITNESS: Less than a day.
11:57:06 20 PRESIDING JUDGE: Less than a day?
21 THE WITNESS: Yes.
22 PRESIDING JUDGE: If you did not make those stops, it would
23 have taken you less than a day to get there?
24 THE WITNESS: Yes, if I even asked to pass the night in
11:57:17 25 Mattru, because of lack of transportation, we would have
26 been there the same day.
27 MR WILLIAMS:
28 Q. I would conclude from your last answer that there was a
29 transportation problem around that period from -- you

1 know, travelling out of Bonthe was quite a difficult
2 thing?
3 A. Yes.
4 Q. Father, are you au fait -- are you familiar with the
11:58:48 5 hierarchical structure of the CDF?
6 A. No.
7 PRESIDING JUDGE: May I have the benefit of your last
8 question, please? I was conspiring on the Bench here.
9 It was a very constructive conspiracy.
11:59:53 10 JUDGE BOUTET: If you knew the structure of the hierarchy of
11 the CDF, and the answer is no.
12 JUDGE THOMPSON: He said, "I'm not familiar with the
13 hierarchical structure of the CDF."
14 MR WILLIAMS: Yes, My Lord.
12:00:07 15 Q. Were you aware that there was a War Council of the CDF --
16 that the CDF had a War Council?
17 A. Yes.
18 Q. And do you know that Kondewa was never a member of that
19 body -- do you know that?
12:00:39 20 JUDGE BOUTET: I have missed your question, Mr Williams. You
21 speak to the witness and your mike is quite a way from
22 you.
23 MR WILLIAMS: I am sorry, My Lord. The last question was
24 whether he knows that Kondewa was never a member of that
12:00:54 25 War Council.
26 THE WITNESS: Well, I can't tell that.
27 MR WILLIAMS:
28 Q. Thank you very much. But you knew that a War Council
29 existed in 1997 and 1998; is that correct?

1 A. Yes.

2 Q. And you knew that there was a CDF district administrator,
3 or you knew that a CDF district administrator was
4 appointed at some point in time?

12:02:23 5 PRESIDING JUDGE: Mr Williams, district administrator where --
6 where?

7 MR WILLIAMS: Thank you, My Lord.

8 Q. Bonthe -- district administrator for Bonthe -- for the
9 Bonthe District?

12:02:36 10 A. What I know of --

11 Q. No, answer the question first please and then you can
12 tell us what you know.

13 PRESIDING JUDGE: Yes, Father, we want to know whether you are
14 aware that a district administrator for the Kamajors was
12:02:51 15 appointed in Bonthe.

16 THE WITNESS: Yes.

17 MR WILLIAMS:

18 Q. And --

19 PRESIDING JUDGE: Please wait, Mr Williams.

12:03:14 20 MR WILLIAMS: I'm sorry, My Lord.

21 Q. Do you know, or did you know that Olum Baker held that
22 position -- did you know that, a gentleman called Olum
23 Baker occupied that position? Firstly, do you know Olum
24 Baker?

12:04:03 25 A. Yes, I do.

26 JUDGE THOMPSON: Can you spell the first name?

27 MR WILLIAMS: I think it's O-L-U-M --

28 PRESIDING JUDGE: Mr Williams is smiling. He himself is not
29 sure.

1 MR WILLIAMS: Certainly.

2 JUDGE THOMPSON: Give us an approximation.

3 MR WILLIAMS: O-L-U-M, and Baker is --

4 JUDGE THOMPSON: Yes, that's phonetic.

12:04:33 5 PRESIDING JUDGE: Baker.

6 MR WILLIAMS: Baker, B-A-K-E-R.

7 JUDGE THOMPSON: He says he knows him.

8 MR WILLIAMS: Yes, My Lord.

9 Q. And you knew that he held that position?

12:05:05 10 A. You know, I saw them as a team -- not he alone.

11 Q. We're talking about his specific office, please, Father.

12 You know or you don't.

13 A. I don't.

14 JUDGE THOMPSON: You don't know whether he was CDF

12:05:18 15 administrator for Bonthe.

16 MR WILLIAMS: He says he doesn't know.

17 JUDGE THOMPSON: Yeah, okay.

18 MR WILLIAMS:

19 Q. Do you know that that post existed -- the post of

12:05:51 20 district administrator for Bonthe, did you know that it

21 existed?

22 A. I never knew that.

23 PRESIDING JUDGE: Mr Williams, take your time and consult

24 properly.

12:06:33 25 MR WILLIAMS:

26 Q. Did you not say a short while ago that you knew a

27 district administrator was appointed for Bonthe? Did you

28 not say a couple of minutes ago that a district

29 administrator was appointed for Bonthe?

1 A. Yes, but I was understanding him to be the battalion
2 commander.
3 Q. So you were under some misapprehension.
4 A. Yes.
12:07:07 5 Q. Did you know of any position that was held by Olum Baker?
6 A. I only saw him as one of the elders -- as one of the
7 elders in the Kamajors -- one of the authorities of the
8 Kamajors that were involved in the Kamajor Society that
9 was in Bonthe, and in that initial stage he acted even as
12:07:43 10 a secretary.
11 Q. Thank you. Which initial stage?
12 A. When the battalion commander --
13 Q. I mean the period -- which period are you talking
14 about -- February 1998 or March 1998?
12:08:08 15 A. When the Kamajors occupied Bonthe.
16 Q. From February onwards?
17 A. Yes.
18 Q. Did you bring to the notice of Olum Baker what you'd
19 narrated was being done by the Kamajors in Bonthe?
12:08:51 20 A. We had meetings together -- it was brought to their
21 notice.
22 Q. Olum Baker?
23 A. Yes, we were all part of the meeting.
24 Q. Yes, you brought it to his notice?
12:09:00 25 [HN111104B 12.10 p.m.]
26 PRESIDING JUDGE: So, Father, what you're saying is that he
27 was in the meetings.
28 THE WITNESS: Yes.
29 PRESIDING JUDGE: And that there was no need for you to report

1 to him?

2 THE WITNESS: Yes.

3 MR WILLIAMS:

4 Q. Do you know that the CDF was a government militia? Do
12:06:50 5 you know that? Did you know that it was a pro-government
6 militia?

7 A. Yes, pro-government militia.

8 Q. Do you know when the Kabbah government was restored back
9 to power in this country in 1998 -- which month? Was it
12:07:34 10 in February?

11 A. I can't remember the month now.

12 Q. Can't remember the month?

13 PRESIDING JUDGE: Mr Williams, that doesn't appear to be
14 disputed fact. You can put it to him, why not.

12:07:54 15 MR WILLIAMS: Sorry, My Lord?

16 PRESIDING JUDGE: It doesn't appear to be disputed fact. You
17 can put it to him. What date was it? Give him the date.

18 MR WILLIAMS: Yes, My Lord. That's why I said was it in
19 February '98. He said he doesn't recall.

12:08:06 20 Q. Do you know who the Minister of Defence was -- the
21 Minister of Defence of Sierra Leone was in 1998? Do you
22 know?

23 A. Mr Hinga Norman.

24 Q. Mr Hinga Norman was Deputy Defence Minister. Do you know
12:08:50 25 who the Defence Minister was?

26 A. I can't remember now.

27 PRESIDING JUDGE: Put it to him.

28 MR WILLIAMS:

29 Q. All right. I'm putting to you --

1 PRESIDING JUDGE: I mean, suggest it to him. Those are not
2 things we want to waste time on.

3 MR WILLIAMS:

4 Q. -- that it was the President who was Minister of Defence
12:09:03 5 in 1998. Does that refresh your memory?

6 A. Yes.

7 Q. And you agree with me?

8 MR MARGAI: Is that too difficult to answer?

9 THE WITNESS: Too difficult.

12:09:25 10 JUDGE BOUTET: That was your answer, Mr Witness? If you don't
11 know, you don't know.

12 THE WITNESS: I don't know. [Overlapping speakers]

13 MR WILLIAMS: It sounded like a difficult question to answer,
14 they concur.

12:09:38 15 JUDGE BOUTET: Mr Witness, when you don't know, please say you
16 don't know.

17 THE WITNESS: I don't know.

18 MR WILLIAMS:

19 Q. And did you ever see a -- or do you know -- did you ever
12:09:50 20 meet a gentleman called Maxwell Khobe?

21 PRESIDING JUDGE: Father, what you're saying is you do not
22 know that Kabbah was the Minister of Defence, but you
23 know that Hinga Norman was the Deputy Minister of
24 Defence. Is that what you're saying?

12:10:06 25 THE WITNESS: Yes.

26 MR WILLIAMS:

27 Q. So do you know -- or did you know a gentleman called
28 Maxwell Khobe?

29 A. I can't say I know him. I can't say I know him, but I

1 heard of him.

2 Q. You've heard of him?

3 A. Yes.

4 Q. Did he ever go to Bonthe? Did Khobe ever go to Bonthe?

12:11:12 5 A. Well, I can't tell now -- I can't remember that now.

6 Q. Could you tell the Court what Maxwell Khobe was?

7 A. An authority in the ECOMOG.

8 Q. Senior -- very senior?

9 A. Yes?

12:12:11 10 PRESIDING JUDGE: Do you say very senior? Reverend Father, do
11 you say very senior?

12 MR WILLIAMS: He agreed with me, My Lord.

13 PRESIDING JUDGE: Counsel said very senior; do you agree with
14 that?

12:12:23 15 THE WITNESS: Well, all I could say is an authority --

16 PRESIDING JUDGE: In ECOMOG.

17 THE WITNESS: -- in ECOMOG.

18 PRESIDING JUDGE: You're not prepared to say that he was very
19 senior?

12:12:30 20 THE WITNESS: Yes.

21 MR WILLIAMS:

22 Q. He later became first commander of ECOMOG for
23 Sierra Leone; do you know that? He later became first
24 commander of the ECOMOG troops in Sierra Leone?

12:12:44 25 A. No.

26 Q. You don't know, okay. And then do you know that
27 ECOMOG -- sorry, the Kamajors or the CDF were, in
28 February and March of 1998, under the command of ECOMOG?

29 A. No.

1 Q. You don't. Why did you choose to go to Mr Solomon Berewa
2 when he was Attorney General and Minister of Justice to
3 report what was going on in Bonthe? Why did you choose
4 him?

12:14:27 5 A. Whilst we are in Bonthe, all we could get by then was the
6 news on merely the BBC. So we knew that he was heading a
7 task force -- he was coming --

8 Q. Take your time?

9 A. Yes.

12:14:49 10 Q. [Overlapping speakers] translating. Was heading a task
11 force; yes?

12 A. Yes. And by then he was the authority -- the Government
13 authority at that time that was around, and he was the
14 one dealing with the laws.

12:15:22 15 PRESIDING JUDGE: The Government authority dealing with the
16 laws?

17 THE WITNESS: The Government authority and also the -- he was
18 the Government authority present, Attorney General.

19 PRESIDING JUDGE: Maybe it's in the air there. Was the
12:15:47 20 Government authority in -- you mean as Minister of
21 Justice?

22 THE WITNESS: Minister of Justice.

23 PRESIDING JUDGE: And Attorney General?

24 THE WITNESS: Yes.

12:16:12 25 MR WILLIAMS:

26 Q. What was this task force all about?

27 A. Well, by then, all I understood was that he was here to
28 prepare or to -- to prepare the way for the coming of all
29 those that were in exile.

1 Q. Would I be right to say that you saw the Attorney General
2 on the 13th of March 1998?
3 A. Well, the date I cannot remember, but I did see him.
4 Q. The letter you wrote -- I mean, the date on that letter,
12:17:26 5 was it that date that you saw him?
6 A. I cannot recall the date.
7 Q. Look at this letter -- [Microphone not activated]
8 JUDGE BOUTET: Open your mike, please.
9 MR WILLIAMS: Maureen, could you give him --
12:18:51 10 PRESIDING JUDGE: You're very near him; you should give him.
11 You're very near him; give it to him.
12 MR WILLIAMS: Sorry.
13 Q. Look at that document. What is it? What is that
14 document, Father?
12:19:18 15 PRESIDING JUDGE: No, let the Father read it. Don't be in a
16 hurry.
17 MR WILLIAMS: No, it's not the first time he's seen it,
18 My Lord.
19 PRESIDING JUDGE: It's not the first. He's seen many
12:19:31 20 documents.
21 THE WITNESS: This was a document that was prepared by the
22 Attorney General.
23 MR WILLIAMS:
24 Q. The Minister of Justice?
12:19:55 25 A. Yes.
26 Q. What is the date on it?
27 A. 13th March 1998.
28 Q. Does it bear the signature of Mr Solomon Berewa?
29 A. Yes.

1 Q. And you want the Court -- would you like the Court to see
2 it? Would you like the Court to see that document?
3 JUDGE BOUTET: You're asking the question. If you want the
4 document to be put in evidence, put it in evidence.
12:20:22 5 PRESIDING JUDGE: Put it.
6 JUDGE BOUTET: Why would the witness desire one way or the
7 other?
8 MR WILLIAMS: Well, it has to be put, either through the Court
9 or through the witness. I mean--
12:20:32 10 JUDGE BOUTET: Yes, but Why would the witness ask the Court to
11 receive a document? I mean, you put the document to the
12 witness presumably for some purpose.
13 MR WILLIAMS: I took the cue, My Lord.
14 PRESIDING JUDGE: The document is dated the 13th of --
12:20:43 15 JUDGE BOUTET: 13th of March '98.
16 MR WILLIAMS: [Overlapping speakers] I wish to tender this
17 document.
18 PRESIDING JUDGE: The 13th of what --
19 MR WILLIAMS: March 1998.
12:20:51 20 JUDGE BOUTET: You want to --
21 MR WILLIAMS: Tender it as an exhibit.
22 MR KAMARA: Your Honours, we are not opposed to it, except I
23 would want to see this document.
24 JUDGE BOUTET: Obviously.
12:21:03 25 MR WILLIAMS: It's the document --
26 JUDGE BOUTET: Yes, but --
27 MR KAMARA: I'm not sure. I mean, what is it?
28 JUDGE BOUTET: -- you've not shown it to them at all.
29 MR WILLIAMS: No, that's why I wanted -- [Overlapping

1 speakers]

2 PRESIDING JUDGE: You two are very close, Mr Kamara. Please

3 move across there and pick the document from the witness.

4 MR KAMARA: No objections, Your Honour.

12:21:43 5 JUDGE BOUTET: I think we are at Exhibit 24 now. So this is a

6 document -- a letter of 13 March 1998.

7 MR WILLIAMS: Yes, My Lord.

8 JUDGE BOUTET: From then Attorney General, Mr Berewa.

9 MR WILLIAMS: Yes.

12:21:53 10 [Exhibit No. 24 was admitted]

11 MR WILLIAMS: My Lord, can the witness have the exhibit?

12 JUDGE BOUTET: Yes.

13 MR WILLIAMS:

14 Q. Could you kindly read that document for the Court?

12:22:14 15 A. "Law Officers Department, Freetown, Sierra Leone. 13th

16 March 1998. The officer in charge, Bonthe.

17 Present position relating to the collaborators of

18 the AFRC junta. Take note that all persons who have

19 evidence that any individual collaborated with the AFRC

12:22:49 20 junta should report that information to the nearest

21 police station or to any member of the ECOMOG forces,

22 whose responsibility is to take appropriate action,

23 including arresting such individuals.

24 Members of the public are requested to cooperate in

12:23:11 25 giving information relating to activities of the AFRC

26 collaborators in their area, but are warned, in the

27 interest of good governance, to desist from inflicting

28 any punishment on such suspected collaborators. This

29 should be left to the law enforcement agencies.

1 I wish you to bring the contents of this letter to
2 all members of the Civil Defence Forces in your area and
3 to ensure that they comply with what is stated therein."
4 Q. You mentioned that you made several copies of that letter
12:23:52 5 and circulated it amongst Kamajors?
6 A. Yes.
7 Q. Did the Kamajors comply with instructions of -- did they
8 follow the instructions of the Attorney General and
9 Minister of Justice after they received that document?
12:24:29 10 A. At some point -- at certain times they comply with it and
11 at certain times they did not.
12 Q. What does that mean?
13 A. Certain -- at certain times they --
14 Q. All right. Did they comply with the instructions in that
12:25:06 15 letter, by and large?
16 PRESIDING JUDGE: Father --
17 THE WITNESS: Yes.
18 PRESIDING JUDGE: -- the question is: Did the Kamajors comply
19 with the contents of that letter? You said sometimes
12:25:31 20 they did.
21 THE WITNESS: Yes.
22 PRESIDING JUDGE: And at other times they did not.
23 THE WITNESS: They did not.
24 PRESIDING JUDGE: What explanation can you give to beef up
12:25:44 25 this answer?
26 THE WITNESS: Yes. On my arrival in Bonthe, I was informed by
27 the battalion commander that the paramount chief, Chief
28 George Brandon III, has been discovered where I left him
29 in hiding.

1 PRESIDING JUDGE: Mr Williams, he's your witness, you know.
2 MR WILLIAMS: Yes, Your Honour, but it's a question from the
3 Court and the witness --
4 PRESIDING JUDGE: But it's a question which has come at your
12:26:08 5 time.
6 MR WILLIAMS: Yes, but the witness is not answering the
7 question. My question is after this letter was
8 circulated. What he's saying is -- [Overlapping
9 speakers]
12:26:18 10 PRESIDING JUDGE: I mean that you should keep standing when
11 the witness is talking.
12 MR WILLIAMS: Sorry, My Lord.
13 PRESIDING JUDGE: That's all; yes. Good.
14 MR WILLIAMS:
12:26:25 15 Q. My question is this --
16 PRESIDING JUDGE: Now he can continue answering the question,
17 whilst you're standing.
18 MR WILLIAMS: Yes. I'll comply with the order, My Lord.
19 PRESIDING JUDGE: That's all right. I know you're looking a
12:26:40 20 bit tired this morning.
21 MR WILLIAMS: Very tired, My Lord.
22 PRESIDING JUDGE: I'll ask Mr Margai to investigate your
23 activities and to come up with a report in Court as to
24 why you're tired this morning.
12:26:53 25 MR WILLIAMS: As Your Honour pleases.
26 MR MARGAI: [Microphone not activated]
27 PRESIDING JUDGE: Okay, all right. I understand.
28 MR WILLIAMS:
29 Q. Mr Witness, the letter is dated 13th March 1998, and my

1 question is after you returned to Bonthe and circulated
2 that letter to those you thought were in control, did
3 they follow the instructions of the Attorney General and
4 Minister of Justice -- not before, after?

12:27:23 5 A. At some times they adhere to this, at some times they
6 don't.

7 Q. Would you say by and large -- I mean, the answer's quite
8 ambiguous, with respect to you. But did they comply by
9 and large? Did the situation dramatically improve; that
12:27:44 10 is what I want?

11 A. Yes.

12 Q. Thank you very much.

13 PRESIDING JUDGE: At some times they complied and at other
14 times they did not, but I say, you know, that the
12:28:09 15 situation dramatically improved?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: After Exhibit 24 was received?

18 THE WITNESS: Yes.

19 MR WILLIAMS: I would like to confer with my learned friends.

12:28:36 20 PRESIDING JUDGE: Yes, go ahead.

21 THE WITNESS: Yes, Your Honour.

22 PRESIDING JUDGE: Yes, Father?

23 THE WITNESS: Yes, while they're conferring, may I just ease
24 myself?

12:29:04 25 PRESIDING JUDGE: Yes, you may, please. We'll break and when
26 the witness is ready, please call us in. The Court will
27 rise, please.

28 [Break taken at 12.33 p.m.]

29 [Upon resuming at 12.41 p.m.]

1 PRESIDING JUDGE: Mr Williams, I hope you allow us to have our
2 lunch.

3 MR WILLIAMS: I don't intend to deprive Your Lordship of that,
4 so I'll ask no further questions.

12:37:28 5 PRESIDING JUDGE: You took the cue from me.

6 MR WILLIAMS: Definitely, My Lord. That is all for him.

7 PRESIDING JUDGE: Good, thank you.

8 JUDGE BOUTET: Any re-examination by the Prosecution?

9 MR KAMARA: None, Your Honours.

12:37:40 10 JUDGE BOUTET: Thank you.

11 PRESIDING JUDGE: Well, Father Garrick, we've come to the end
12 of your testimony. The Tribunal would like to sound a
13 note of appreciation for you accepting to come and guide
14 it with your testimony in arriving at the decision we
12:38:47 15 have to arrive at in this matter. We would like to thank
16 you very much and particularly to highlight and
17 appreciate the courage you manifested in the transactions
18 which you brought before you enumerated before us, and
19 which I'm sure could even have cost your life at a
12:39:16 20 certain stage. You preach the message of peaceful
21 coexistence - peace and peace - and we are happy that,
22 as a man of God, you acted the way you did. We wish you
23 all the best and thank you again very much for what you
24 were able to do. Thank you.

12:39:35 25 THE WITNESS: Okay.

26 [The witness withdrew]

27 PRESIDING JUDGE: I do not think we are in a position to take
28 a witness now. It's getting to about a quarter to one.
29 This afternoon we will resume at 2.30 and at that time we

1 will take the next witness, whilst we have another one,
2 you know, standing by, because one never knows, we always
3 like a standby arrangement, so that if things go the way
4 we did not expect, we can always fall back on something.
12:40:25 5 So the Court will rise and we'll resume the session at
6 2.30. The Court rises, please.
7 [Luncheon recess taken at 12.44 p.m.]
8 [Upon resuming at 2.42 p.m.]
9 [The witness entered Court]
14:38:26 10 PRESIDING JUDGE: Good afternoon, learned counsel, we are
11 resuming the session, and we will be asking the
12 Prosecution to call its next witness. I think it's the
13 26th.
14 MR SAUTER: Yes.
14:39:47 15 PRESIDING JUDGE: The 26th witness.
16 MR SAUTER: Your Honours, before I go on with this witness,
17 may I raise one issue very briefly? The Prosecution has
18 seen a security concern with this witness. We have
19 spoken about this concern with the Defence counsels and
14:40:08 20 came to an agreement. I would not wish to discuss the
21 matter in open court. I have a written agreement, which
22 in my opinion is self explanatory. So if I may hand up
23 this agreement to you, we could go ahead with this
24 witness in open session.
14:40:32 25 JUDGE BOUTET: The agreement presumably deals with specific
26 issues that could reveal the identity of the witness.
27 MR SAUTER: The Defence and the Prosecution agreed on a
28 specific fact, so that there is no need to discuss this
29 fact within the testimony of this witness.

1 JUDGE BOUTET: And you want to tender that as evidence of this
2 particular witness on this agreed fact, presumably.

3 MR SAUTER: No, I just want to hand up this agreement to the
4 Bench and wait for guidance of the Bench, whether it
14:41:11 5 should be treated as an exhibit or if you just want to
6 take it to your records.

7 JUDGE BOUTET: Before we do that, let me ask your colleagues
8 from the Defence. Mr Hall, you have any comment on that?

9 MR HALL: It's in the form of a stipulation to a fact and it
14:41:30 10 could be an exhibit just so long as it does not become a
11 public exhibit.

12 JUDGE BOUTET: Yes. We could, if it is an exhibit, mark it as
13 an exhibit but not for public --

14 MR HALL: Correct.

14:41:45 15 JUDGE BOUTET: Could be protected in that sense, yes.
16 Mr Bockarie?

17 MR BOCKARIE: Yes, Your Honour, we've got no objection, he
18 discussed it with us. We are quite fine with it.

19 JUDGE BOUTET: Mr Margai or counsel for third accused?

14:41:54 20 MR MARGAI: We're in the same position.

21 JUDGE BOUTET: Thank you, Mr Margai. Well, let's see the
22 document and we'll advise from there. So I take it, Mr
23 Sauter, that by doing it this way, except for what is
24 contained in this particular document, that everything
14:42:26 25 will be done publicly. In other words, the witness will
26 testify publicly, without having to go in a closed
27 session? That's the purpose sought by this document?

28 MR SAUTER: That was the purpose of this agreement.

29 JUDGE BOUTET: Yes, thank you. I would suggest that we mark

1 this document as an exhibit. We were at Exhibit 25, so
2 that would become Exhibit 26 [sic], and being understood
3 that this is marked as an exhibit because of the
4 requirement that this information be protected, and this
14:44:22 5 Exhibit 25 will not be disclosed publicly because it
6 could reveal the identity of the witness. And,
7 therefore, in order to avoid going into a closed session,
8 the best course of action will be to mark this exhibit
9 and this will not form part of the public part of the
14:44:39 10 record.

11 MR SAUTER: Thank you.

12 JUDGE BOUTET: So this is Exhibit 25, as I said. And, just
13 for better understanding of the record on this, Exhibit
14 25 will deal with an agreement concerning a portion of
14:44:59 15 the evidence of witness TF2-071.

16 MR SAUTER: Yes.

17 JUDGE BOUTET: Thank you. Mr Walker, that's 25. So having
18 done that, we can proceed ahead now. Yes?

19 [Exhibit No. 25 was admitted]

14:45:43 20 THE INTERPRETER: What language, My Lords, is the witness
21 testifying in?

22 JUDGE BOUTET: It's my understanding that the witness is
23 giving evidence in Mende, but I stand to be corrected.
24 Is the witness giving evidence in Mende?

14:45:54 25 MR SAUTER: No, the witness will testify in English.

26 JUDGE BOUTET: In English, okay.

27 WITNESS: TF2-071 sworn

28 JUDGE BOUTET: Yes, Mr Prosecutor, you may proceed.

29 EXAMINED BY MR SAUTER:

1 MR SAUTER: Thank you.

2 Q. Good afternoon, Mr Witness.

3 A. Good afternoon.

4 Q. I would like to put to you at first some questions
14:46:39 5 concerning your personal data. When you answer, please
6 take your time, speak slow, try to answer the questions
7 precisely. How old are you, Mr Witness?

8 A. 35 years.

9 Q. Where were you born, in --
14:47:02 10 PRESIDING JUDGE: 25 or 35?

11 MR SAUTER: 35.

12 THE WITNESS: 35.

13 PRESIDING JUDGE: 35, yes.

14 MR SAUTER:

14:47:07 15 Q. In which district were you born?

16 A. Bonthe District.

17 Q. And in which district are you residing right now?

18 A. Bo District.

19 Q. Are you married?

14:47:34 20 A. I am married.

21 Q. Do you have children?

22 A. I have three children.

23 Q. Did you attend school, Mr Witness?

24 A. Yes, sir.

14:47:53 25 Q. For how many years?

26 A. About 12 years.

27 Q. Which languages do you speak?

28 A. I speak Sherbro, Mende, Krio and English.

29 Q. Thank you, Mr Witness, that's all to your personal data.

1 PRESIDING JUDGE: Which was the first language?

2 THE WITNESS: Sherbro.

3 MR SAUTER: Sherbro. It's S-H-E-R-B-R-O.

4 Q. Mr Witness, where did you live in the years 1997 and
14:48:52 5 1998?

6 A. I lived in Bonthe Town.

7 Q. Do you recall that there was a coup in Sierra Leone in
8 1997?

9 A. Yes, I do.

14:49:09 10 Q. Could you describe the situation in Bonthe after the
11 coup?

12 A. Immediately after the pronouncement of the coup, the
13 Kamajors who have been living in Bonthe had to retreat to
14 the surrounding villages.

14:49:32 15 Q. Slow, slow. You said the Kamajors had to retreat to the
16 surrounding villages. This means, logically, that they
17 have been before --

18 MR BOCKARIE: Objection, My Lord. I mean, he's drawing an
19 inference. He said the Kamajors had to retreat to the
14:50:09 20 surrounding villages. What's the point of making an
21 inference?

22 JUDGE THOMPSON: Sustained.

23 MR SAUTER:

24 Q. So had there been any other military forces in Bonthe
14:50:25 25 after the coup?

26 A. Yes.

27 Q. Could you explain which kind of military forces were in
28 Bonthe?

29 A. The Sierra Leone Navy Force.

1 Q. What was the relationship between the population of
2 Bonthe and the Sierra Leonean Armed Forces?
3 A. It couldn't be described as cordial. Sometimes it was
4 good, sometimes it wasn't.
14:51:02 5 Q. Could you give the Court any reasons why the relationship
6 between the population and the armed forces was tense?
7 A. Yes, because they sometimes mistreated people. They beat
8 people -- civilians, and the civilians did not actually
9 appreciate those things.
14:51:44 10 Q. You said the Kamajors retreated after the coup. Did they
11 ever try to come back to Bonthe?
12 A. Yes, they made several attempts - not only to come to
13 Bonthe, but to invade Bonthe.
14 Q. What about the population, did the people of Bonthe
14:52:43 15 support their endeavours?
16 MR BOCKARIE: Objection, Your Honour. Your Honour, this is
17 leading. Did the people of Bonthe support? It's
18 leading, Your Honour.
19 JUDGE BOUTET: Mr Sauter, I think there's a better way to ask
14:52:58 20 that question.
21 PRESIDING JUDGE: But if he asks, what is the obvious answer?
22 MR BOCKARIE: It will be a yes or a no, which is leading, sir.
23 MR SAUTER: I can't see a leading question.
24 JUDGE BOUTET: The objection is sustained.
14:53:15 25 MR SAUTER:
26 Q. Mr Witness, did the people of Bonthe do anything to
27 prevent the Kamajors from coming back to Bonthe?
28 A. Yes, they gathered money. After we heard that the one
29 time Victor Caulker, the Secretary General of the SLPP,

- 1 was recruiting Kamajors to come and attack Bonthe, the
2 elders of Bonthe Town collected certain amount of money
3 from household; it was voluntary. They take it to the
4 Kamajor base at Base Zero, to plead with Allieu Kondewa
14:54:15 5 not to allow his Kamajors to come and attack Bonthe. A
6 delegation --
7 Q. Go slow, please. Do you know whether this money
8 collected from the household - I think you said from
9 Bonthe - was really taken to Base Zero?
14:54:53 10 A. Yes, the Bonthe community chose a delegation to take that
11 money to go and plead with him as a high priest.
12 Q. You said "to plead with him." Who are you calling "him"?
13 A. Allieu Kondewa.
14 Q. Do you know whether or not Mr Kondewa agreed not to
14:55:37 15 attack Bonthe?
16 A. The delegation came back and reported to the Bonthe
17 community that the man has agreed on certain terms. The
18 terms were -- one or two of which I could remember --
19 JUDGE BOUTET: Slowly, please, slowly.
14:56:22 20 MR SAUTER:
21 Q. So please tell the Court which these terms were to your
22 knowledge?
23 A. That the navy force in Bonthe should now allow the
24 Kamajors free access to their own held territories - this
14:56:41 25 in Bonthe Town - to come and trade. Two, that the
26 commercial boats start plying the routes in the river to
27 bring food to Kamajor held territories.
28 Q. Mr Witness, did this agreement work?
29 MR BOCKARIE: Objection. Your Honour, I am objecting. I am

1 objecting to this line of examination-in-chief in the
2 sense that it is leading. Your Honour, leading questions
3 is simply that will suggest an answer, and it can be
4 either a yes or a no. And when you then start with "did
14:57:48 5 you", the obvious answer is either yes or no. What
6 happened may be appropriate, Your Honour.
7 JUDGE THOMPSON: Leading questions are permissible on
8 noncontentious issues.
9 MR BOCKARIE: I've got no objection on that, Your Honour.
14:58:02 10 JUDGE THOMPSON: I see.
11 JUDGE BOUTET: Is your objection based on the fact that it is
12 contentious?
13 MR BOCKARIE: No, Your Honour, but with a trend like this, at
14 the end of the day, the evidence as if he's giving the
14:58:09 15 evidence himself.
16 JUDGE THOMPSON: Yeah, he's not.
17 JUDGE BOUTET: But I know you have allowed a lot of leading
18 questions to pass as well, because matters that are not
19 disputed, as such, obviously it can only assist the Court
14:58:19 20 to speed up the process. If it is disputed, different
21 thing.
22 JUDGE THOMPSON: And counsel, we're appealing to you to
23 demonstrate a spirit of cooperation. If they're not
24 contentious issues, let us proceed and move on.
14:58:31 25 MR BOCKARIE: I will, Your Honour, yeah.
26 MR SAUTER:
27 Q. Mr Witness, did this agreement work?
28 A. It didn't --
29 PRESIDING JUDGE: But it doesn't mean that Mr Sauter will

1 persist on asking leading questions. He should avoid
2 asking leading questions.

3 JUDGE THOMPSON: I concur.

4 MR SAUTER: I will.

14:58:54 5 THE WITNESS: It didn't work. It was a rather surprising
6 issue. After the delegation had come back to Bonthe,
7 they reported to us that Chief Allieu Kondewa --
8 Dr Allieu Kondewa has agreed, and that we were now free
9 in Bonthe Town. But on a sad note --

14:59:29 10 JUDGE THOMPSON: Let's have that part again. And that who had
11 agreed?

12 THE WITNESS: Allieu Kondewa has agreed not to send troops.

13 JUDGE THOMPSON: Yes, not to send troops. Go ahead.

14 THE WITNESS: But, as I said, it was a surprise on the 15th of
14:59:55 15 September, one early Monday morning at about 5.00 o'clock
16 a.m., we saw Kamajors crossing into Bonthe Town.

17 MR SAUTER:

18 Q. You said, "We saw Kamajors coming to town." Did you
19 personally see?

15:00:21 20 A. I saw them.

21 Q. What exactly did you see?

22 A. I saw them dressed in their traditional ronkos. They had
23 arms, some had cutlasses. They came from all the
24 crossing points of Bonthe Town and they were shooting
15:00:50 25 indiscriminately. Some went straight to the military --
26 the military base to attack it.

27 Q. You said Kamajors were shooting indiscriminately. Did
28 they shoot at people or in the air?

29 A. Yes, they shot in the air, they shot at houses. I

1 actually saw them confronting the enemy -- their enemy -
2 the soldiers - at a bridge close to where I was living.
3 Q. Did they kill, at this opportunity, civilians?
4 [Overlapping speakers]
15:01:49 5 JUDGE BOUTET: Objection sustained.
6 PRESIDING JUDGE: Is sustained -- it is sustained.
7 JUDGE BOUTET: Mr Sauter, please, there are better ways to ask
8 these questions. It is objected now, and you're getting
9 into some contentious issues. Whether they shot at
15:02:04 10 civilians or not is a matter that could be contentious,
11 and, therefore, we sustain the objection.
12 MR SAUTER: Thank you, My Lord.
13 Q. So please describe exactly what you saw, on this day, the
14 Kamajors doing?
15:02:22 15 A. They came -- some of them, as I said earlier on, went
16 straight to the SLPNB wharf, where the gunboat was
17 stationed. They went, we saw them pass a compound, and
18 there was a heavy bombardment of the gunboat and the
19 mortar shells were being fired. The battle lasted for
15:02:52 20 about two hours that morning. After which again, I saw
21 the Kamajors retreating, early that morning. The
22 soldiers then came, shouting at us to get out and see for
23 ourselves what success they have got over the Kamajors.
24 Everybody was asked to go to the billet. Whilst going to
15:03:31 25 the billet, we cross so many corpses on the streets of
26 Bonthe. My eyes were able to count about 24 bodies from
27 my place to the billet. I heard that there were so many
28 others who died in the bushes by the aeroplane field,
29 going towards the villages.

1 JUDGE BOUTET: You said you counted 25 bodies?
2 THE WITNESS: 24.
3 JUDGE BOUTET: Between your place and when you were going to
4 the billet?
15:04:16 5 THE WITNESS: Yeah.
6 MR SAUTER:
7 Q. Could you identify the corpses or some of the corpses?
8 A. Yes, I saw some of my Sherbro brothers whom, as we
9 learned later on, were used as shields. They told them
15:04:43 10 they will give them something to robe. They were
11 actually not Kamajors, the few that they took from
12 Matombo.
13 Q. Could you --
14 JUDGE BOUTET: Who used them as shields? I'm a bit confused.
15:05:02 15 THE WITNESS: The Kamajors used some of the Sherbro brothers
16 that I was able to identify.
17 MR SAUTER:
18 Q. When you say "as shields" --
19 JUDGE THOMPSON: Did you see them use them as shields or you
15:05:20 20 say you were told?
21 THE WITNESS: They went to our village. I was told, yes.
22 JUDGE THOMPSON: That they were used as shields?
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: And then they robbed them with what?
15:05:47 25 THE WITNESS: There is a charm that they give them and they
26 give them something to tie around their neck -- a white
27 shetti [phon].
28 JUDGE BOUTET: Who did that, the Kamajors?
29 THE WITNESS: Yes, the Kamajors give it to the Sherbro

1 civilians that they ask to accompany them.

2 MR SAUTER:

3 Q. Apart from this battle, which took, according to you,
4 place on the 15th of September 1997, do you know of any
15:06:50 5 other acts of the Kamajors in this area during this time?

6 A. Yes, in fact, the ones that were captured alive in the
7 battle by the soldiers were held at the billet, and they
8 called us to go and see them. We saw there was one whose
9 leg was cut. The soldiers ask him to tell the public why
15:07:24 10 did he come to Bonthe. He said --

11 Q. Sorry for interrupting. Now you are telling about acts
12 of the soldiers; that's right?

13 A. The acts of the soldiers?

14 Q. Are you about to tell the Court about acts of the
15:07:42 15 soldiers or acts of the Kamajors?

16 A. Well, is what I saw.

17 Q. Yes, of course.

18 PRESIDING JUDGE: Yes, he's telling us about what he saw - the
19 soldiers. Can you let him continue?

15:07:54 20 MR SAUTER: My question was acts of the Kamajors, but I
21 certainly agree that he's telling about acts of the
22 soldiers.

23 PRESIDING JUDGE: Yes, he should give evidence about what he
24 knows about the soldiers, as well. Yes, proceed, please.

15:08:06 25 THE WITNESS: Except if the Court allows me, then I will go
26 ahead.

27 MR SAUTER: Yes.

28 THE WITNESS: So they ask him to tell the people why did the
29 Kamajors come to Bonthe. He said they were being trained

1 and prepared by Victor Caulker, the then Secretary
2 General of the SLPP, but that Victor Caulker has
3 sustained a serious injury. He, the captive, did not
4 know his whereabouts, whether he hasn't been able to go
15:08:36 5 back to the bush. So they were looking out for Victor
6 Caulker. But the two that were captured during that day
7 were burnt alive by the soldiers.

8 Q. And what about Mr Caulker, do you know whether the
9 soldiers succeeded in catching Mr Caulker?

15:09:08 10 A. Yes, the search continued for one month, and it was in
11 October that the soldiers captured him. He was hiding in
12 his mother's house, because he has sustained an injury on
13 the leg; he couldn't go back to the bush. When he was
14 caught, he was taken to the military cell - the billet,
15:09:44 15 together with his mother. Then his house was burnt. And
16 after one week of detention --

17 JUDGE BOUTET: Slowly, please, slowly.

18 THE WITNESS: He was taken to the cell by the soldiers. After
19 a week of detention, they carried him to the field, UMC
15:10:23 20 school -- there's a field there. They killed him there,
21 openly.

22 MR SAUTER:

23 Q. Let me come back to my initial question, which was
24 whether or not you know anything else about acts
15:10:54 25 committed by the Kamajors in this time in this area?

26 A. Yes. Some civilians went to the villages. Bonthe had
27 been besieged by Kamajors, nobody would go outside of
28 Bonthe, we will be termed as an enemy -- as a
29 collaborator. So many of them went one morning to fetch

1 cassava leaves and other food items. They were captured.
2 There were about 34 people who were held by the Kamajors.
3 Those who survived came back to the town that evening and
4 reported they were then taken to Mosandi, and three of
15:12:01 5 them were killed. According to the one that was held
6 with them, Joakin Bernette, told us that the three of
7 them that were killed - Bockarie Kpaka, somebody who was
8 staying with me at my house, Junisa, and one Pa Sam,
9 Samuel Kamara, a blacksmith --
15:12:34 10 JUDGE BOUTET: Bockarie Kpaka, you say?
11 THE WITNESS: Bockarie Kpaka.
12 JUDGE BOUTET: B-A-K-A?
13 MR SAUTER: K-P-A-K-A.
14 JUDGE BOUTET: K-P --
15:12:46 15 MR SAUTER: K-P-A-K-A.
16 THE WITNESS: These three were killed --
17 PRESIDING JUDGE: [Microphone not activated] and who?
18 THE WITNESS: Junisa and Samuel Kamara. They were killed and
19 their bodies were eaten.
15:13:19 20 MR SAUTER:
21 Q. Do you know what happened to the other captives?
22 A. Yes, they were being held in captivity. There was a
23 store at Mosandi where they took their --
24 JUDGE BOUTET: What's the name of the place - Mosandi?
15:13:33 25 THE WITNESS: Mosandi. It's a village in Sittia Chiefdom.
26 MR SAUTER: It is spelt M-O-S-A-N-D-I.
27 JUDGE BOUTET: Yes, Mr Witness, you were about to say
28 something about Mosandi.
29 THE WITNESS: Yes, as I said earlier, they were captured, put

1 in a store, and, according to Joakin, they were going to
2 be kept there, every day they will kill one. They had a
3 court. They will try them. If you are found guilty,
4 they will kill you.

15:14:22 5 JUDGE BOUTET: So you were told about that or you saw that?

6 THE WITNESS: Yes, I was told about it.

7 JUDGE BOUTET: Joakin is the one who told you that?

8 THE WITNESS: Yes, he reported to me because my boy was
9 killed.

15:14:49 10 MR SAUTER:

11 Q. Do you know whether or not these captives were really
12 killed?

13 A. They were not, because the Bonthe community had to
14 mobilise themselves. They said it was now enough of the
15:15:07 15 killing of innocent civilians by the Kamajors. They took
16 cutlasses, spears, and got the support from the
17 soldiers that were in Bonthe. They went to Mosandi that
18 night and liberated the civilians. They brought them to
19 Bonthe Town.

15:15:37 20 Q. Any other acts committed by the Kamajors --

21 A. Yes.

22 Q. -- during this time?

23 A. Yes. On a Monday morning, again, some time after this
24 one at Mosandi, Brima, my brother; Konglebbie;
15:16:21 25 Konglebbie's wife; Mohamed Kamara, a Susu businessman --

26 PRESIDING JUDGE: On what day was this, you said?

27 THE WITNESS: Monday -- on a Monday, yes.

28 PRESIDING JUDGE: The --

29 THE WITNESS: I cannot remember the date, but it was after the

1 incident at Mosandi.

2 MR SAUTER: The witness said on a Monday in January in 1998.

3 MR MARGAI: My Lords, I am sure you did not hear the witness
4 say in January. He said on a Monday, not -- unless my
15:17:07 5 learned friend wishes to take the stand.

6 JUDGE BOUTET: I have to agree with you. I had not heard
7 January '98. All I heard was the witness to say on a
8 Monday following the incident in Mosandi, and when was
9 the incident in Mosandi, I don't know.

15:17:20 10 MR SAUTER: I apologise. Obviously, it was an error by me. I
11 apologise.

12 MR MARGAI: That's okay.

13 MR SAUTER:
14 Q. So what exactly happened?

15:17:35 15 A. These people were captured by the Kamajors.

16 PRESIDING JUDGE: You were mentioning their names. Let's have
17 their names, please.

18 THE WITNESS: Brima.

19 JUDGE BOUTET: Brima, that was your brother?

15:17:47 20 THE WITNESS: Yes.

21 JUDGE BOUTET: And the other ones?

22 THE WITNESS: Konglebbie.

23 JUDGE BOUTET: Can you spell that out?

24 THE WITNESS: K-O-N-G-L-E-B-B-I-E. Konglebbie's wife, Chokoh,
15:18:08 25 C-H-O-K-O-H.

26 PRESIDING JUDGE: Is that her name?

27 THE WITNESS: Yes.

28 JUDGE BOUTET: C-H-O --

29 THE WITNESS: K-O-H.

1 JUDGE BOUTET: Chokoh, yes.

2 THE WITNESS: And one other man -- one Susu businessman,
3 Mohamed Kamara. There was another man whose identity I
4 cannot recall, but there were five people.

15:18:36 5 PRESIDING JUDGE: What happened to them?

6 THE WITNESS: They crossed the bridge linking Gbongboma and
7 Molakaika. They met the Kamajors have made an ambush,
8 and so they captured them.

9 JUDGE BOUTET: And the place you've described?

15:19:06 10 THE WITNESS: A bridge between Gbongboma and Molakaika.

11 JUDGE BOUTET: Gbongboma?

12 THE WITNESS: Gbongboma, G-B-O-N-G-B-O-M-A. Molakaika,
13 M-O-L-A-L-I-K-A [sic].

14 JUDGE BOUTET: Thank you.

15:19:31 15 THE WITNESS: Brima had to swim in the river, but Konglebbie
16 was held.

17 MR MARGAI: My Lords, again I am objecting to this line of
18 evidence. I mean, the witness is testifying as though it
19 were of his personal knowledge, which is not the case.

15:19:55 20 JUDGE BOUTET: So what's your objection?

21 MR MARGAI: My objection is that, My Lord, I do not have any
22 objection as far as hearsay is concerned. I mean, there
23 are limitations, but the records should be made clearer.
24 Let us know when the witness is testifying of his own
15:20:13 25 knowledge, or -- as My Lord pleases.

26 JUDGE BOUTET: I agree.

27 MR MARGAI: That's all.

28 JUDGE BOUTET: That's why I was asking what's your objection?
29 You want to know if this is something that he has

1 directly witnessed or has been reported.

2 MR MARGAI: As My Lord pleases.

3 JUDGE THOMPSON: Because plainly that is true. Some of the
4 evidence will be direct evidence, some will be
15:20:33 5 circumstantial, some will be hearsay, and I think the
6 Court needs to --

7 MR MARGAI: For clarity.

8 JUDGE THOMPSON: -- to be alerted that here we are having --
9 yeah.

15:20:42 10 MR MARGAI: Otherwise it will be difficult for the Court to
11 decide on what weight, if any, to be attached.

12 JUDGE BOUTET: Absolutely.

13 JUDGE THOMPSON: No, I can assure you that there is great
14 judicial sensitivity here, in terms of the categories of
15:20:53 15 evidence that we are having led here.

16 JUDGE BOUTET: Mr Sauter, can you clarify that with your
17 witness, please.

18 MR SAUTER: I will certainly come to this point, but I thought
19 it's --

15:21:04 20 PRESIDING JUDGE: It's good for him to clarify the records
21 immediately. What you are saying, you were not there?
22 You were not there?

23 THE WITNESS: I was not there.

24 PRESIDING JUDGE: You were told?

15:21:16 25 THE WITNESS: I was told.

26 PRESIDING JUDGE: All what you're saying here is what you were
27 told?

28 THE WITNESS: Yes, but I saw the body. My brother was with
29 them.

1 PRESIDING JUDGE: You wait, never mind. There is no -- don't
2 get into any dispute. When they were captured, you were
3 not there. When they went to that bridge and were
4 captured, and your brother managed to escape by swimming,
15:21:36 5 you were not there? When Brima was swimming, you know,
6 to his safety, maybe, you were not there, were you?

7 THE WITNESS: No.

8 PRESIDING JUDGE: Good, okay. All right. That's why we are
9 saying that what you're saying here is what you have been
15:21:54 10 told. It does not mean that you did not witness certain
11 incidents. If you say you saw a corpse, that is fine, it
12 will come. It is good to get the records straight. Yes,
13 Mr Sauter?

14 MR SAUTER: To my understanding, the way of questioning is to
15:22:10 15 let the witness first narrate what he knows and then to
16 ask him where do you know this from.

17 MR MARGAI: [Overlapping speakers]

18 JUDGE THOMPSON: [Overlapping speakers]

19 MR MARGAI: Your Lordships have ruled.

15:22:20 20 JUDGE THOMPSON: Yeah, we're not -- counsel, we're not at
21 cross purposes with you. It is important that we have
22 clearly whether this is coming direct from him or this is
23 from somebody else.

24 MR SAUTER: I, of course, completely agree, and I assure you I
15:22:39 25 would have come to this point after --

26 PRESIDING JUDGE: In any event, if it was to come later there
27 is no problem, it is coming much earlier.

28 MR MARGAI: As My Lord pleases.

29 PRESIDING JUDGE: Yes, right.

1 MR SAUTER:
2 Q. Okay. So you were told about this incident at this
3 particular bridge. How many persons out of this group of
4 five were killed?
15:23:14 5 JUDGE BOUTET: Ask him what happened to this group of five.
6 PRESIDING JUDGE: No, what happened to these people -- these
7 five people?
8 Q. You say they went, they were captured. What do you know
9 happened to them? What were you told --
15:23:26 10 A. Some escaped.
11 Q. -- and what did you see?
12 A. Some escaped from their hands.
13 Q. Who were those escaped?
14 A. Brima.
15:23:34 15 Q. Brima escaped, yes?
16 A. Konglebbie's wife.
17 Q. Chokoh?
18 A. Chokoh, yes. And, finally, Konglebbie.
19 Q. They managed to escape?
15:23:51 20 A. Yes.
21 MR SAUTER:
22 Q. Do you know what happened to those ones who could not
23 escape?
24 A. Yes. When they came back, Brima had bruises on his body.
15:24:06 25 He told us that Mohamed Kamara had been held, but he has
26 managed to escape. And when Konglebbie also came back to
27 the town, he said Mohamed Kamara had been killed.
28 PRESIDING JUDGE:
29 Q. Who?

- 1 A. Konglebbie came and reported to us that Mohamed Kamara,
2 the Susu man, had been killed by the Kamajors. After the
3 Kamajors left the place, we went and found the body of
4 Mohamed.
- 15:24:58 5 Q. Just wait. Chokoh, Brima, Konglebbie managed to escape?
6 A. Yes.
7 Q. And yet they were able to see -- to confirm that Mohamed
8 Kamara was killed. Were they there?
9 A. Yes.
- 15:25:15 10 Q. They were there?
11 A. Yes.
12 Q. They were escaping?
13 A. No, they saw the act being done. That is what led them
14 to escape.
- 15:25:22 15 PRESIDING JUDGE: Okay, good, good. It's good to be precise
16 on this.
17 MR SAUTER:
18 Q. So, once again, what did you do after you had been
19 informed about this incident?
- 15:26:11 20 A. I went to the place, together with some other people from
21 Bonthe. We went and saw the body under a tree.
22 Q. Whose body?
23 A. After the bridge, going towards Molakaika -- Mohamed
24 Kamara's body. We saw his back split open. We buried
15:26:41 25 the remains. Marie Yayen, of the same chiefdom, was
26 captured by these Kamajors.
27 PRESIDING JUDGE:
28 Q. Where did you bury?
29 A. In the bush.

- 1 Q. In that same village?
- 2 A. No, it was not in the village. After the village.
- 3 Q. It was in the bushes?
- 4 A. Yes. Marie Yayen was captured by the Kamajors --
- 15:27:29 5 MR SAUTER:
- 6 Q. At the same opportunity or --
- 7 A. At the same time. After they have killed a man, Marie
- 8 Yayen was also captured some other time, and was made to
- 9 cook for them. They had left the bridge now. They have
- 15:27:44 10 gone to Baimbay.
- 11 PRESIDING JUDGE:
- 12 Q. You say Marie Yayen was captured?
- 13 A. Yes.
- 14 Q. Were you there?
- 15:27:56 15 A. No.
- 16 Q. You were told?
- 17 A. I was told, yes.
- 18 Q. Please, say you were told.
- 19 A. Yes, I was told.
- 15:28:14 20 MR SAUTER:
- 21 Q. Who told you?
- 22 A. Marie Yayen, after her escape.
- 23 Q. She herself?
- 24 A. Yes.
- 15:28:22 25 Q. Do you know for what time she was in captivity of the
- 26 Kamajors?
- 27 A. She was with them about two days. When they wanted to go
- 28 back -- when they wanted to leave Baimbay, let her go.
- 29 Q. Do you know whether the Kamajors, at this time in this

1 area, committed any other acts?

2 A. That same Monday they went, I said, to Baimbay. They
3 burnt the houses there.

4 MR SAUTER: May I spell Baimbay? It's B-A-I-M-B-A-Y.

15:29:23 5 PRESIDING JUDGE: You mean the Kamajors?

6 THE WITNESS: Yeah.

7 PRESIDING JUDGE: Went and settled in --

8 THE WITNESS: Baimbay.

9 PRESIDING JUDGE: Mr Sauter, you were spelling it?

15:29:39 10 MR SAUTER: B-A-I-M-B-A-Y.

11 Q. Did they do anything in Baimbay village?

12 A. Yes, they set through there, they burnt the houses that
13 were there, including my own house. They left for
14 Mobayei village. At Mobayei --

15:30:21 15 Q. Do you know how many houses -- [Overlapping speakers]

16 PRESIDING JUDGE: What village - Mobayei? What village?

17 THE WITNESS: Mobayei.

18 PRESIDING JUDGE: Mobayei.

19 THE WITNESS: Yes.

15:30:32 20 PRESIDING JUDGE: Mr Sauter, do you per chance have the
21 spelling?

22 MR SAUTER: This is the next incident. I would like to go
23 back to Baimbay village.

24 Q. Do you know how many houses they burnt in Baimbay
15:30:45 25 village?

26 A. Yes, I know of one Lahai Koroma, whose houses were burnt,
27 six in number; my own house. It's a village of about 30
28 houses. They only left three houses there.

29 Q. That means around 27; is that right?

1 A. 27, yes.

2 PRESIDING JUDGE: The village has how many houses?

3 MR SAUTER: 30.

4 THE WITNESS: About 30 houses.

15:31:15 5 PRESIDING JUDGE: They only left three?

6 THE WITNESS: Yeah.

7 MR SAUTER:

8 Q. How do you know about --

9 PRESIDING JUDGE: And which man do you say had six houses

15:31:41 10 of -- you said somebody lost six --

11 THE WITNESS: Lahai Ndokoi Koroma.

12 PRESIDING JUDGE: Who's this?

13 THE WITNESS: Lahai Ndokoi Koroma.

14 PRESIDING JUDGE: Lahai?

15:31:49 15 THE WITNESS: Ndokoi, N-D-O --

16 PRESIDING JUDGE: Okay.

17 MR SAUTER:

18 Q. How did you learn that this burning was committed by the

19 Kamajors?

15:32:13 20 A. Marie Yayen was --

21 Q. Did you see them burn the houses?

22 A. Marie Yayen was with them. Sei Mani, who has sent them,

23 came and apologised to me. He used to be my friend

24 before the war. He came and apologised to me.

15:32:31 25 JUDGE BOUTET: What's the name?

26 THE WITNESS: Sei Mani.

27 JUDGE BOUTET: How do you spell that?

28 MR SAUTER: S-E-I, new word M-A-N-I; Sei Mani.

29 Q. Who was Sei Mani?

1 A. He was not himself a Kamajor, he was one of the chiefdom
2 elders, but that he hired the Kamajors to commit those
3 atrocities against the chiefdom authorities. They
4 promise him they will let him be the paramount chief.

15:33:08 5 Q. You said "they promised him"?

6 A. The Kamajors promised --

7 Q. Who promised him?

8 A. The Kamajors promised him. It was after the whole thing
9 that he confessed to me, as an individual, that he was
10 sorry.

15:33:20 10

11 JUDGE BOUTET: So you learned that when he confessed to you
12 that he was sorry?

13 THE WITNESS: Yes.

14 JUDGE BOUTET: He told you about this promise?

15:33:29 15 THE WITNESS: He told me in public.

16 JUDGE BOUTET: In public?

17 THE WITNESS: Yeah.

18 MR SAUTER:

19 Q. And you were about to say that the Kamajors promised him
15:33:42 20 anything in case they win the war?

21 A. That's what I have said. They said they will make him
22 the chief if they succeed in eliminating the chiefdom
23 authorities.

24 Q. Earlier on you were about to say that this group of
15:34:21 25 Kamajors were proceeding from Baimbay village to another
26 place?

27 A. Yes.

28 Q. Which one was it?

29 A. Mobayei. They were led by Momoh Sitta. He's a descent

1 from that area. He took them to Mobayei village --

2 PRESIDING JUDGE: Spell Mobayei?

3 THE WITNESS: M-O-B-A-Y-E-I.

4 JUDGE BOUTET: And what's the name of the one that took them

15:34:58 5 to that place, you said?

6 THE WITNESS: Momoh Sitta.

7 JUDGE BOUTET: Can you spell that?

8 THE WITNESS: He was a Kamajor commander.

9 JUDGE BOUTET: Momoh?

15:35:05 10 THE WITNESS: Momoh Sitta.

11 MR SAUTER: M-O-M-O-H S-I-T -- I'm not sure; double "T" --

12 THE WITNESS: T-T-A.

13 MR SAUTER: -- or one? T-T-A?

14 THE WITNESS: Yeah.

15:35:20 15 MR SAUTER: S-I-T-T-A.

16 JUDGE BOUTET: And you say he was a commander?

17 THE WITNESS: Commander.

18 JUDGE BOUTET: Commander, Kamajor?

19 THE WITNESS: Yes.

15:35:38 20 MR SAUTER:

21 Q. Do you know -- please, go ahead.

22 A. Keinechawa, the town Chief of Mobayei, told me that when

23 the Kamajors went, they fled into the bush from the town,

24 except for an old woman, Musu Fai, and a pregnant woman,

15:36:09 25 Jebbeh Kpaka, weren't able to run. But the men that run

26 from the town, went and hid in a pineapple plantation.

27 MR SAUTER: May I spell the names once again? Musu Fai,

28 M-U-S-U F-A-I.

29 PRESIDING JUDGE: [Microphone not activated] Musu Fai?

1 MR SAUTER: Musu Fai.
2 THE WITNESS: She was an old woman at Mobayei.
3 PRESIDING JUDGE: This is the Chief of Mobayei telling you?
4 THE WITNESS: Yes, Keinechawa.
15:36:41 5 JUDGE BOUTET: Can you spell it again?
6 THE WITNESS: K-E-I-N-E-C-H-A-W-A.
7 JUDGE BOUTET: Thank you.
8 THE WITNESS: Keinechawa said he saw them setting fire on the
9 houses, and then, after that, they ask Jebbeh to help
15:37:13 10 them bring out the things -- the properties that were in
11 the houses. In the interim, they killed Mama Musu Fai,
12 the old woman. They ask Jebbeh to accompany them with
13 the looted properties. As she went some distance, Momoh
14 ask Jebbeh to go back. They took the load from her. She
15:37:46 15 was carrying her baby, then she was pregnant. They
16 stabbed her to death and she lay on the child --
17 MR BOCKARIE: I suppose, My Lords, again, we're in the same
18 position.
19 JUDGE BOUTET: Yes, but he has said that the town chief has
15:38:06 20 said, so what he is describing is what has been reported
21 to him by the town chief.
22 PRESIDING JUDGE: The town chief of Mobayei.
23 JUDGE BOUTET: Of Mobayei.
24 THE WITNESS: Keinechawa.
15:38:18 25 PRESIDING JUDGE: Keinechawa.
26 THE WITNESS: Keinechawa.
27 PRESIDING JUDGE: Told him -- Keinechawa.
28 JUDGE BOUTET: He has said --
29 MR MARGAI: All of what he's now narrating?

1 PRESIDING JUDGE: Yes.

2 JUDGE BOUTET: That's my understanding. That everything that
3 he is describing now, he hasn't seen, but he was told
4 about by the town chief.

15:38:30 5 PRESIDING JUDGE: Yes.

6 MR MARGAI: As My Lord pleases.

7 PRESIDING JUDGE: How everybody escaped, you know. Then two
8 who couldn't - and old woman and a pregnant woman, and so
9 on, you know, yes.

15:38:35 10 THE WITNESS: Can I proceed?

11 PRESIDING JUDGE: [Overlapping speakers] a good collection of
12 hearsay evidence. Yeah, that's, at least, the way we
13 have it.

14 MR MARGAI: [Microphone not activated]

15:38:53 15 THE WITNESS: Will I proceed?

16 MR SAUTER: So go ahead.

17 JUDGE BOUTET: You were describing the woman who had been
18 stabbed.

19 PRESIDING JUDGE: Mr Sauter, of course, knows that --

15:39:07 20 THE WITNESS: Keinechawa had to go to Bonthe Town --

21 PRESIDING JUDGE: Good.

22 THE WITNESS: -- by canoe and reported the issue. So the
23 Kamajors returned, and, after which, we went and buried
24 these two corpses.

15:39:29 25 MR SAUTER:

26 Q. So these were the incidents in Mobayei?

27 PRESIDING JUDGE: So you mean they killed the old woman and
28 the pregnant woman?

29 THE WITNESS: Yes.

1 MR SAUTER: Yes.

2 THE WITNESS: Musu Fai --

3 JUDGE BOUTET: When you say "we went," were you part of the
4 "we" -- does it include you?

15:39:44 5 THE WITNESS: Yes, we went by canoe to Mobayei to bury the
6 corpses.

7 MR SAUTER:

8 Q. Any other acts committed by the Kamajors to your
9 knowledge?

15:40:06 10 A. Yes. At Bolloh village there was a man called Ndogbei --
11 he was a blind man, and somebody from Baimbay village,
12 Kong Sam. Kong Sam, of course, had a disease which we
13 call in -- I don't know whether it's in Krio -- it's
14 called bosin, when the scrotum gets swelled up. These
15:40:32 15 two people were killed at Bolloh village. Konglebbie
16 told us that the Kamajors raided the town and that he
17 also fled with his family members. Konglebbie, who
18 had --

19 PRESIDING JUDGE: The sooner we can move from this hearsay --
15:40:52 20 the story's getting too long now. The sooner we can move
21 from this hearsay, you know, to here, here, here --
22 killings I heard, I heard, I heard -- the sooner we can
23 get out of this scenario, the better. But you may
24 proceed, Mr Sauter.

15:41:02 25 MR SAUTER:

26 Q. So we are now in Bolloh village. Please tell the Court,
27 slowly, what to your knowledge happened in Bolloh
28 village? If there are different incidents please tell
29 one after the other.

1 A. Well, then I would say everything I want to say, and then
2 the Court will now pick out which is valid. Something
3 that I experience --

4 Q. No, no, this is not --

15:41:31 5 A. Something that I experience --

6 Q. This is not the way to do it. You have to tell the Court
7 your complete knowledge and then the Court will know what
8 to do with your knowledge. So you said two people were
9 killed, one Kong Sam and one Ndogbei. Let's start with
15:41:51 10 the killing of Kong Sam. What happened to Kong Sam?

11 PRESIDING JUDGE: What we must concede to him is that whenever
12 he's told about this, well, he goes and buries.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: At least he sees the bodies and he
15:42:07 15 identifies the bodies.

16 THE WITNESS: Yeah.

17 PRESIDING JUDGE: So that's at least something which is coming
18 from you first-hand?

19 THE WITNESS: Yes.

15:42:14 20 PRESIDING JUDGE: Mr Sauter, you may proceed. I just wanted
21 to put things right, just to admonish.

22 [HN111104C 3.45 p.m.]

23 MR SAUTER:

24 Q. Once again, please tell the Court what you know about the
15:45:34 25 killing of Kong Sam?

26 A. They killed him and that -- basically was caught --

27 Q. Who is "they"?

28 A. Konglebbie said he saw Adu Kai Ne Challey of Mosanda
29 Village, the commander, doing the act and then, after

1 that, one woman came to town. She had --

2 Q. Let's go back a step. You said you were told by Kong
3 Lebbie that Kong Sam was killed; is that right?

4 A. Yes.

15:46:15 5 Q. What did Kong Lebbie exactly tell you about the killing
6 of Kong Sam?

7 A. That the belly was split open, that thing was cut -- that
8 person was cut it was killed and the thing was rolled
9 over -- it was skinned and rolled over his face.

15:46:34 10 [Redaction].

11 Q. So you saw the corpse of Kong Sam?

12 A. Yes.

13 Q. And what about the killing of Ndogbei?

14 A. Ndogbei was a blind man, we only saw his dead body.

15:47:00 15 Q. How did you learn, or from whom did you learn that
16 Ndogbei was killed?

17 A. The survivor, Kong Lebbie, told me that, that both of
18 them were killed at the same day.

19 Q. So usual question, any other killings you know about, or
15:47:24 20 any other acts you know about?

21 A. Yes, somebody came to Bonthe -- she's my sister, she had
22 wounds all over her body.

23 Q. Please don't mention her name.

24 A. I'm not going to mention her name, but she came to Bonthe
15:47:39 25 Town. Then the doctors in the Bonthe hospital had fled.
26 She had wounds all over her body. She told her that they
27 were attacked at Motumbo Village in an open field. There
28 were two in number. One was killed, as she said, Jitta
29 Karimu, the fisherman's wife -- she was also a

1 fisherwoman -- and then Memuna also had serious wounds on
2 her body and she lay as if she was dead and when the boys
3 left, she crawled into the bush. Two days she spent in
4 the bush and she came to town now. I took her to the
15:48:25 5 hospital. The nurses patched her up and she survived.
6 She saw Jitta's head cut off and placed on a stick in an
7 open field.

8 Q. Did she tell you who the perpetrators of these acts were?

9 A. They were the Kamajors.

15:48:50 10 Q. Coming to another chapter, did the soldiers leave Bonthe
11 at any time?

12 A. Yes.

13 Q. When did this happen?

14 A. When the ECOMOG troops took over Freetown, some time in
15:49:22 15 February, on an early Sunday morning at about
16 1.00 o'clock, the soldiers also left Bonthe for Guinea in
17 their gun boat.

18 Q. Did you personally see the soldiers leave, or how did you
19 learn otherwise that the soldiers were leaving?

15:49:50 20 A. There was no semblance of them there. Their boat had
21 gone -- the boat that they were using -- their billet was
22 empty, we went there. Everybody on Bonthe Island at that
23 time went to see -- they were no place to be found.

24 Q. After the soldiers had left, did any other military force
15:50:16 25 come to Bonthe?

26 A. Except the Kamajors who entered on a Sunday morning,
27 whilst we were preparing for usual church services, we
28 saw a large number of them. They would have amounted up
29 to 300 to 500 of them. They came from three chiefdoms

1 from the district. They came into Bonthe shooting in the
2 air that morning.

3 Q. How long after the departure of the soldiers was this
4 that the Kamajors came?

15:50:50 5 A. The soldiers left 1.00 a.m. and the Kamajors came to
6 Bonthe around 9.00 to 10.00 in the morning.

7 Q. That means it was on the same Sunday?

8 A. Yes, on the same Sunday morning.

9 Q. Were there any fights in Bonthe when the Kamajors came?

15:51:16 10 A. No, there was no other opposing force -- that they were
11 only shooting in the air. They had to gather all the
12 civilians in Bonthe. Nobody attended church at that
13 time. At the billet I saw Kpana Manso, a Sherbro
14 fisherman also, called out by one Kamajor, Baigeh, and he
15:51:42 15 was shot in our presence. After that --

16 Q. Who was this man again?

17 A. Kpana Manso, the one that was killed.

18 Q. Could you spell it please?

19 JUDGE BOUTET: You said he was shot because he called the
15:51:57 20 other's name?

21 THE WITNESS: No, no.

22 JUDGE BOUTET: Can you repeat that portion, please?

23 THE WITNESS: I saw him -- we were all gathered at the billet,
24 because the Kamajors who have taken over Bonthe now have
15:52:10 25 called us to go and assemble at the Bonthe. Amongst us,
26 the civilians, Kpano Manso was picked out and he was
27 placed in a circle and was shot by Baigeh.

28 Q. Would you please spell the name of the person who was
29 shot, Kpana Manso?

1 A. K-P-A-N-A M-A-N-S-O.

2 PRESIDING JUDGE: You say he was killed by who?

3 THE WITNESS: Baigeh.

4 PRESIDING JUDGE: How?

15:52:53 5 THE WITNESS: He was shot with a gun.

6 PRESIDING JUDGE: And this was in your presence?

7 THE WITNESS: Yes.

8 MR SAUTER:

9 Q. So what did you do when the Kamajors came to Bonthe,

15:53:22 10 apart from going to the billet?

11 A. After going to the billet, when they asked us to go to

12 our different houses, I ran straight to the Catholic

13 mission and I gathered my family members with me, who

14 were all there, where I saw other people also seeking

15:53:45 15 refuge there at Father Garrick's place.

16 Q. Did anything happen at Father Garrick's place?

17 A. Yes, so many things happened. We were there and

18 sometimes the Kamajors would come to him --

19 Q. To him?

15:54:08 20 A. To Father Garrick to ask for food, and then they would

21 line us up, because they wanted somebody from us.

22 According to my consultations, I said I would not reveal

23 the person's identity. So they would line us up. If we

24 could not produce that person, they were going to kill

15:54:34 25 us, but Father went and give money on our behalf. He

26 would atone for us.

27 Q. So they were searching for a specific person?

28 A. Yeah.

29 Q. Would you please mention the name of this person?

1 A. Yes.

2 Q. Just the name, nothing else.

3 A. I also want to say if I mention the person's name now,
4 and I want to hide my identity, how could I hide my
15:55:02 5 identity when I have relation with the person? I don't
6 think I'm safe enough to do that.

7 PRESIDING JUDGE: Please don't answer that question.

8 Mr Witness, have you heard -- don't mention the person's
9 name.

15:55:18 10 THE WITNESS: Okay, sir.

11 MR SAUTER:

12 Q. So did you produce this person?

13 A. No.

14 Q. Do you know what happened to this person?

15:55:34 15 A. The person fled into the bush.

16 Q. Did he stay in the bush?

17 A. Yes, he stayed in the bush for one week. He came back to
18 the compound where other people -- where other chiefdom
19 authorities were hiding also at Father Garrick's
15:56:11 20 compound.

21 Q. What happened after this person came back or came to
22 Father Garrick's compound?

23 A. Well, we all stayed there, but there was another man who
24 was being hunted, which I know of apart from the person
15:56:36 25 that they were asking us to produce. This other person
26 was Lahai Ndokoi Koroma. He also was in that compound
27 and on the Sunday he was captured, because he had been
28 seen by a cleaner and the cleaner went and told the
29 Kamajors that, "One of the people whom you are looking

1 for has come, and he's hiding in the Catholic secret
2 confession room."
3 Q. You said this person was captured -- captured by whom?
4 A. The Kamajors.
15:57:15 5 Q. Do you know what happened to him after he was captured by
6 the Kamajors?
7 A. Yes. We saw him being taken out of the compound and
8 taken to his brother's house, JP Koroma's house, at
9 Medina Street and he stayed with them for a long time.
15:57:38 10 They caught him at around 5.00 o'clock in the evening and
11 he was there for up to about midnight and they brought
12 him back to the compound. I saw him being brought back
13 to the compound.
14 PRESIDING JUDGE: To which compound?
15:57:53 15 THE WITNESS: To Father Garrick's compound. Then the clothes
16 that he wore were all torn -- he was even stripped naked,
17 except the brief he was wearing at that time.
18 MR SAUTER:
19 Q. In which physical condition was he when he was brought
15:58:16 20 back?
21 A. He was tired, tattered, as I said earlier. They had torn
22 his clothes -- only the brief was with him now.
23 Q. Did anything else happen to this person after he was
24 brought back to Father Garrick's compound?
15:58:35 25 A. Yes. They left him there and I heard them say they were
26 going to send a letter to Chief Dr Allieu Kondewa to
27 inform him that the man has been captured. After some
28 time a delegation came from Talia Yobehko.
29 Q. Did you see this letter, or how did you learn about this

1 letter?

2 A. They told us they were going to write a letter to the
3 man. We were all held captive at the compound. Our fate
4 lay in the hands of what Chief Allieu Kondewa would say.
15:59:16 5 And so they told us the letter had been sent, and we did
6 see people coming as a delegation from Talia. It was led
7 by Imam Fuad. He came to investigate the issue,
8 particularly concerning the man that was captured.

9 Q. Do you know the reason why this man was searched for and
15:59:44 10 subsequently captured?

11 A. Yes, there were so many factors they alleged they were
12 looking out for him for. One was that he was a witch
13 doctor, he had fetishes in his house, and that he did not
14 compromise with the Kamajors, so anybody found him, they
16:00:10 15 were going to kill him. But at this time now,
16 King Dr Allieu Kondewa sent a delegation to come and
17 investigate the issue, so the delegation was led by Imam
18 Fuad. He was also tipped by Father Garrick with some
19 money.

16:00:31 20 Q. How do you know that they were given money by --
21 PRESIDING JUDGE: The delegation was led by?
22 THE WITNESS: Imam Fuad, F-U-A-D.
23 PRESIDING JUDGE: So who compromised him?
24 THE WITNESS: He did not compromise with them.

16:01:01 25 PRESIDING JUDGE: Who?
26 THE WITNESS: The man that they had captured did not
27 compromise with them. He was a witch doctor, that's why
28 they were going to kill him, but the delegation came to
29 investigate this issue.

1 PRESIDING JUDGE: And when Imam Fuad came with the delegation,
2 what happened?

3 THE WITNESS: Father Garrick left me in the compound. He
4 spoke with me. He went and tipped them and so they left
16:01:29 5 for Talia again. They said they have the final orders --
6 they will have the final orders from Kondewa, they are
7 going there again.

8 MR SAUTER:

9 Q. So what happened after this delegation left?

16:01:41 10 A. Another delegation came. This time it was led by
11 Commander Vanjawai.

12 Q. Who is Commander Vanjawai?

13 A. Kamajor commander. He was also sent by Dr Kondewa to
14 come and investigate the same issue.

16:02:01 15 Q. Do you happen to know the results of his investigations?

16 A. As I was working in close ally with Father in this issue
17 in particular, so he also tipped them, and he pretended
18 to the Bonthe people, the Bonthe Kamajors that, "We will
19 be coming back to kill this man, but let's go first and
16:02:31 20 confer with the War Council at Talia." So they also
21 went.

22 Q. What happened after this second delegation has left
23 Bonthe?

24 A. The harassment was too much. The Bonthe community made a
16:02:55 25 delegation to come to Freetown to report to the
26 authorities in this country. I was a member of that
27 delegation as an elderly person in the community. We
28 came by sea from Bonthe -- it was a two-day journey on
29 sea. Then our President was returning from --

1 PRESIDING JUDGE: How many days?
2 THE WITNESS: Two days journey on sea.
3 PRESIDING JUDGE: From Bonthe?
4 THE WITNESS: Yes, sir. Then our President and the Government
16:03:27 5 of the SLPP was returning from Guinea. We arrived here
6 Tuesday --
7 MR SAUTER:
8 Q. Slowly, slowly.
9 A. Okay. We arrived Tuesday in Freetown. Part of the
16:03:43 10 delegation went to see the president on this issue, that
11 the Kamajors have looted Bonthe Town, they have destroyed
12 properties, they have killed people. I did not attend
13 the meeting with the President, but when they came back
14 from the meeting they presented 100 bags of rice to us to
16:04:06 15 be taken to the Kamajors in Bonthe Town. They said it
16 was given by the President.
17 Q. Did members of this delegation see any other persons in
18 Freetown?
19 A. Yes. This time myself, Father Garrick --
16:04:37 20 PRESIDING JUDGE: Let me get it right. So you're saying that
21 members of the delegation that went to the President came
22 with 100 bags of rice?
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: And told you that the rice was given by the
16:04:50 25 President?
26 THE WITNESS: Yes.
27 PRESIDING JUDGE: To give to the Kamajors?
28 THE WITNESS: Yes, sir.
29 PRESIDING JUDGE: In Bonthe?

1 THE WITNESS: Yes, sir, in Bonthe Town. While still in
2 Freetown, the thing was a burning issue to me, so I was
3 working in close collaboration with Father Garrick
4 because of the specific interest I had --

16:05:21 5 PRESIDING JUDGE: Was Father Garrick part of that delegation?

6 THE WITNESS: That went to the President?

7 PRESIDING JUDGE: No, that delegation.

8 THE WITNESS: Yes, my own delegation now.

9 PRESIDING JUDGE: You people left Bonthe, when did you split
16:05:36 10 into two -- into a group of --

11 THE WITNESS: Because we had so many errands to run.

12 PRESIDING JUDGE: I see, okay.

13 THE WITNESS: But he, Father Garrick, was a member of this
14 delegation; Olum Baker was part of this delegation,
16:05:44 15 AA Musa was part of the delegation, Osmond Hanciles,
16 including myself.

17 JUDGE BOUTET: That delegation is the delegation that
18 travelled two days from Bonthe by sea?

19 THE WITNESS: Yes.

16:05:57 20 JUDGE BOUTET: We're talking the same group of people?

21 THE WITNESS: Yes.

22 JUDGE BOUTET: How many in total -- five, 10, 20?

23 THE WITNESS: We were about 11, the delegation, but we had
24 other people who were travelling in the same boat with
16:06:11 25 us, but the delegation was actually about 11 people --
26 talking about the authorities, religious leaders. While
27 still in Freetown myself, Father Garrick and my boss, one
28 Mrs Irene Davis, went to the then Attorney-General,
29 Solomon Berewa, at his office and we complained to him

1 that the Kamajors are intimidating us, they are killing
2 people. His response was anybody who complained the
3 Kamajors will be termed as an enemy to the Party, and
4 since they are just coming from Guinea he hasn't got much
16:07:07 5 to do [sic], but he will write to a letter. He gave --

6 MR SAUTER:

7 Q. Mr Witness, an enemy to which Party?

8 PRESIDING JUDGE: Please wait -- wait. SLPP, is it?

9 THE WITNESS: Yes, sir.

16:07:21 10 PRESIDING JUDGE: Just wait.

11 JUDGE BOUTET: Can you repeat that portion about SLPP again --
12 anybody who?

13 THE WITNESS: Who tend to complain, the Kamajors, considering
14 what they have done, will be termed as an enemy to the
16:07:39 15 SLP Party and that he has just come from Guinea, he
16 couldn't do much, but he will write a letter.

17 PRESIDING JUDGE: He told them that anybody who complains
18 against the Kamajors --

19 THE WITNESS: Would be considered --

16:08:19 20 PRESIDING JUDGE: -- will be considered as an enemy of the
21 SLPP?

22 THE WITNESS: Yeah.

23 PRESIDING JUDGE: That he had just come back from Guinea --

24 THE WITNESS: Yeah, he couldn't do much; he would rather write
16:08:46 25 a letter and give it to us.

26 MR SAUTER:

27 Q. To whom was this letter addressed?

28 A. To the Kamajors.

29 Q. In Bonthe?

1 A. Yes. There was so many copies.

2 Q. Did you have an opportunity to read the contents of this
3 letter?

4 A. Yes, I had my own copy, but I got it missing, but in the
16:09:33 5 content of that letter it was -- the letter was taken to
6 Bonthe together with the food item that the President
7 give. We called a meeting at the Bonthe Town Hall --

8 Q. Please tell us the contents of this letter --

9 PRESIDING JUDGE: Please wait, wait. The letter was taken to
16:09:53 10 Bonthe at the same time with the rice?

11 THE WITNESS: Yes, the 100 bags of rice. This time we hired a
12 bigger boat.

13 MR MARGAI: My Lord, I think there was something behind the
14 100 bags of rice. He spoke about who donated it.

16:10:19 15 PRESIDING JUDGE: Yes, he did.

16 JUDGE BOUTET: He has testified it was given to them by the
17 President to be given to the Kamajors.

18 MR MARGAI: Indeed, yes.

19 PRESIDING JUDGE: We have it on the record.

16:10:29 20 MR MARGAI: As My Lord pleases.

21 MR SAUTER:

22 Q. Once again, Mr Witness --

23 PRESIDING JUDGE: Please wait, Mr Sauter -- please wait.

24 MR SAUTER:

16:11:06 25 Q. Could you please tell the Court the contents of this
26 letter.

27 A. That any collaborator that was caught by the Kamajors
28 should be handed over to the police or the ECOMOG.

29 PRESIDING JUDGE: Where is Exhibit 25, or is it 26?

1 JUDGE BOUTET: Exhibit 24.
2 PRESIDING JUDGE: Is Exhibit 24 here? Show it to the witness,
3 please.
4 MR SAUTER:
16:11:51 5 Q. Mr Witness, you will be shown a letter. Could you please
6 read it and tell the Court whether this is a letter you
7 have seen while you were in Freetown?
8 A. Yes. Can I read it loud?
9 Q. Read it first.
16:12:05 10 PRESIDING JUDGE: No.
11 JUDGE BOUTET: Look at it for yourself.
12 PRESIDING JUDGE: Look at it, look at the contents.
13 MR SAUTER:
14 Q. Mr Witness, are the contents of this letter you have in
16:12:43 15 front of you identical with the contents of the letter
16 you have seen in Freetown?
17 A. Yes.
18 Q. It is?
19 A. Yes. I had my own copy.
16:12:54 20 MR BOCKARIE: Is it the same.
21 JUDGE BOUTET: You had a copy of the same thing?
22 THE WITNESS: Yes.
23 MR SAUTER:
24 Q. Before coming back to this letter, let's stay in Freetown
16:13:07 25 for some more time. Did the delegation, or members of
26 the delegation, see anybody else in Freetown?
27 A. Yes, we saw other people including the medical doctor,
28 Dr TT Samba, who was supposed to be in Bonthe at that
29 time. Myself, Father Garrick and Mrs Davis went to his

1 office at Connaught Hospital at that time. We went and
2 complained to the medical doctor, who was supposed to be
3 in Bonthe, that you have left Bonthe, the Kamajors have
4 gone into Bonthe, they have killed people, they have
16:13:44 5 wounded people, there's no doctor for them. But in his
6 office at that time we met one ECOMOG officer -- he was a
7 captain -- seated by him, and he alerted the ECOMOG to
8 listen to our complaint.

9 Q. What did he do?
16:14:01 10 A. He alerted the man. He called his attention to listen to
11 our complaint from Bonthe. Then it was risky for someone
12 to travel from Bonthe. I said this is where we have just
13 come from Bonthe, so we explained -- I explained
14 personally of what the Kamajors did in Bonthe Town --
16:14:19 15 they looted the government buildings, the houses,
16 including the hospital, they entered the operation
17 theatre. The ECOMOG officer seated at that office told
18 us that they have asked Chief Hinga Norman about the
19 situation in Bonthe, but that he has told them his boys
16:14:37 20 in Bonthe were under control. The doctor said, "Well,
21 look at these people, they are just coming from THE
22 place."

23 JUDGE BOUTET: Slowly, slowly, please.
24 PRESIDING JUDGE: Hold on, hold on.
16:15:03 25 JUDGE BOUTET: He said he has just talked to --

26 THE WITNESS: Yes, Hinga Norman -- he was the Deputy Defence
27 Minister.

28 JUDGE BOUTET: What did the captain say to you when you
29 reported that? He said, "I had..."?

1 THE WITNESS: Discussed the security situation of Bonthe, so
2 he said his boys are in control, so we were civilians who
3 came to complain. So we have been given 100 bags of
4 rice, a letter has been given, so we were left with no
16:15:49 5 alternative but to go, shamefully.

6 MR SAUTER:

7 Q. So the delegation returned to Bonthe --

8 PRESIDING JUDGE: Please, Mr Sauter, wait.

9 MR SAUTER:

16:16:22 10 Q. So the delegation returned to Bonthe. What happened with
11 the rice?

12 A. We went and called a meeting -- we, who came to complain
13 them, was again given something to go and compensate
14 them. We took it to the meeting -- we called a meeting
16:16:38 15 at the Town Hall. The elders spoke. They presented the
16 rice. It was received by Morie Jusu. The letter --

17 Q. Slowly.

18 JUDGE BOUTET: Slowly, slowly.

19 MR SAUTER:

16:16:50 20 Q. So you called a meeting at the town Barri?

21 A. Yes, town hall.

22 Q. Town hall. And this meeting was attended by who?

23 A. The Kamajors and the Bonthe community -- the civilian
24 population in Bonthe, including the delegation members
16:17:09 25 who returned.

26 Q. And what happened at this meeting?

27 A. This letter was distributed among the Kamajors.

28 Q. Let's stay with the rice.

29 A. Yes, with the rice -- together with the rice. The rice

- 1 was handed over to Commander Morie Jusu, and it was
2 presented --
- 3 Q. When you say Commander Morie Jusu, you mean Kamajor
4 Commander Morie Jusu?
- 16:17:47 5 A. Yes, yes. And when the letter was read --
- 6 Q. Slowly. So the letter was read?
- 7 A. -- they refused to listen to the letter. In fact, they
8 said if the letter must have come from Hinga Norman or
9 Kondewa, they would have listened. They left us in the
16:18:21 10 hall and they left -- nobody listened to the letter.
- 11 Q. By what means did they refuse? Was there any speaker, or
12 how did you notice that they refused?
- 13 A. The Kamajor commander, Morie Jusu, passed the letter to
14 their second in command, Julius Squire -- he's a dead man
16:18:42 15 now -- he said, "This is the letter that has come from
16 Attorney-General," but they don't know the authority of
17 the Attorney-General, so they said they are not going to
18 honour that letter.
- 19 Q. Who said they are not going to --
- 16:18:56 20 A. Julius Squire, and it was rumoured by all of them,
21 Mohamed -- they left us in the meeting. They only
22 carried the rice to the billet.
- 23 Q. Once again, did Julius Squire expressly say they would
24 not honour the letter?
- 16:19:14 25 A. At all not. If the letter had come from Hinga Norman or
26 Kondewa, they would have listened.
- 27 Q. Did I get it right that after this the Kamajors left the
28 meeting?
- 29 A. Yes, they went back to the village.

- 1 Q. I assume taking the rice with them?
- 2 A. Pardon?
- 3 Q. I assume taking the rice with them?
- 4 A. Yes, yes. [Redaction]
- 16:20:05 5 Q. So after this meeting, how was the further development in
6 Bonthe?
- 7 A. Kondewa finally came to Bonthe. This man had been long
8 awaited, so he came --
- 9 Q. Had been long awaited by who?
- 16:20:38 10 A. By the civilians, the Kamajors -- there were cases before
11 him to decide. They had sent delegations. They had not
12 been able to put the situation under control and now he
13 was there finally. I told you earlier on about --
- 14 Q. So what did you tell me earlier on?
- 16:21:08 15 A. I said there was a man whom they captured. His name was
16 Lahai Ndokoi. He was then taken to JP Koroma's place,
17 because that was the meeting place for the Kamajors. So
18 when they took him there, they spent some time there.
19 I saw Father coming back. He ran to me.
- 16:21:32 20 Q. It means you have not been present during this meeting.
- 21 A. I was not present, I was not present. Father just came
22 back from the meeting to me.
- 23 Q. Chief Lahai --
- 24 A. No, Father Garrick. Chief Lahai is not my father.
- 16:21:51 25 Father Garrick came back to me and said, "We are to get
26 1 million Leone cash now."
- 27 Q. For what purpose?
- 28 A. He wanted to save life.
- 29 Q. Whose life?

1 A. This man that I'm talking about.
2 JUDGE BOUTET: Father Garrick?
3 THE WITNESS: No, Father Garrick wanted to save somebody's
4 life.
16:22:28 5 JUDGE BOUTET: And to save that life Father Garrick said he
6 needed 1 million Leones?
7 THE WITNESS: 1 million Leones. I saw the money with him.
8 Because I was one of his confidantes working together
9 with him, he told me to wait for him. He took the money
16:23:05 10 and after some time Kondewa called me -- he called Father
11 Garrick that he was going to save somebody's life -- he
12 was going to take the man along.
13 MR SAUTER:
14 Q. Do you know whether or not this sum of 1 million
16:23:30 15 Leones --
16 PRESIDING JUDGE: Please wait. Will you wait, please.
17 Kondewa called you and Father Garrick and said what?
18 THE WITNESS: Count us -- he said he was going to save
19 somebody's life; he was going to take the man along.
16:24:20 20 MR SAUTER:
21 Q. This almost answered my next question. Do you know
22 whether or not this sum of 1 million Leones was given to
23 Kondewa?
24 A. The actual 1 million was not given to him per se.
16:24:32 25 I think 600,000 was given to him. 400,000 was used --
26 PRESIDING JUDGE: How did you get to know about this?
27 THE WITNESS: Father Garrick told me. We were working in
28 collaboration.
29 PRESIDING JUDGE: Father Garrick told you --

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: Father Garrick told you that what?

3 THE WITNESS: He has spent the money.

4 PRESIDING JUDGE: And how did he spend the money?

16:25:05 5 THE WITNESS: That he gave 600,000 to the man himself,
6 Kondewa, and the other 400 on the delegation to save
7 somebody's life.

8 MR SAUTER:

9 Q. After your meeting with Kondewa, what happened?

16:25:46 10 A. The next day the man was taken to Mattru Jong.

11 PRESIDING JUDGE: Say that name again. Mattru --

12 THE WITNESS: Mattru, M-A-T-T-R-U J-O-N-G.

13 PRESIDING JUDGE: Mattru Jong. The next day the man was taken
14 to Mattru Jong?

16:26:19 15 THE WITNESS: Yes. Then something has been presented there
16 that I stop so far for that issue, otherwise --

17 MR SAUTER:

18 Q. Just one question, did this man stay in Mattru Jong, or
19 did you proceed?

16:26:37 20 A. I later on learnt, when I went to Bo later on, that he
21 was taken to Mattru Jong, to Talia Yobehko, and then
22 subsequently to Bo Town, where he was taken by Kondewa so
23 that he will secure his life from those Kamajors in
24 Bonthe.

16:27:01 25 Q. Okay. Did you ever see any other of the Kamajor leaders
26 at the highest level in Bonthe?

27 A. Yes. Eight days after the incident occurred the soldiers
28 fled and the Kamajors took over Bonthe, Chief Sam Hinga
29 Norman came by helicopter with two ECOMOG officials on

1 board. A meeting also -- in fact, when the people saw
2 him, there was jubilation in Bonthe Town and now that the
3 Kamajors have been terrorising us, Hinga Norman has come,
4 we will find a solution. The meeting was called at the
16:27:54 5 Bonthe Town hall where he, Sam Hinga Norman, addressed so
6 many security issues. Amongst them was if anybody
7 complains Kamajor at that time was useless, because they
8 have fought and have saved this nation. He said working
9 with the Kamajors --

16:28:20 10 JUDGE BOUTET: Slowly, slowly, please.

11 THE WITNESS: He said working with the Kamajors was like
12 working with a cutlass -- it cuts you, you drop it and
13 you pick it up again. He spoke about several other
14 issues and the Bonthe people also were disappointed.

16:29:15 15 MR SAUTER:

16 Q. Did the people at this meeting complain about the doing
17 [sic] of the Kamajors?

18 A. Yes, that is what led to his response.

19 Q. Did you personally attend this meeting?

16:29:35 20 A. Yes. I've also attended another meeting at the Bo
21 Teachers College auditorium where Chief Sam Hinga Norman,
22 together with Moinina Fofana, went to address the student
23 population. That was in the 1998/1999 school year --
24 I do not remember precisely the exact day.

16:30:17 25 PRESIDING JUDGE: Where you went again, place?

26 THE WITNESS: At the Bo Teachers College auditorium between
27 the 1998/1999 school -- academic year.

28 PRESIDING JUDGE: At the Bo Teachers Training --

29 THE WITNESS: College.

1 MR SAUTER:
2 Q. Could you remember --
3 PRESIDING JUDGE: They came to address the students?
4 THE WITNESS: Yes, sir.
16:30:53 5 MR SAUTER:
6 Q. Could you remember what Hinga Norman said at this
7 opportunity?
8 A. Yes, he thanked the Kamajors that were now enrolled in
9 the college for what they have done in securing peace in
16:31:09 10 the country. He said he had got a revelation. He quoted
11 the Book of Jeremiah - I can't precisely remember the
12 chapters - the Book of Jeremiah. He said that's the
13 revelation he had got and that revelation has helped him
14 to accomplish his mission as a Kamajor. He said, "It's
16:31:34 15 in the scripture."
16 MR SAUTER: My Lords, this is all for this witness. Thank
17 you, Mr Witness.
18 JUDGE BOUTET: Thank you.
19 PRESIDING JUDGE: The Court will recess for a few minutes and
16:33:06 20 we shall resume thereafter for cross-examination by the
21 Defence team of the first accused person. The Court will
22 rise, please.
23 [Break taken at 4.34 p.m.]
24 [On resuming at 4.55 p.m.]
16:56:45 25 PRESIDING JUDGE: We're resuming the session, please.
26 JUDGE BOUTET: Counsel for the first accused.
27 CROSS-EXAMINED BY MR HALL:
28 Q. At the time your delegation came to Freetown to meet with
29 the President and the Attorney-General, had ECOMOG

1 already joined in the war?

2 A. Pardon?

3 Q. When you came to Freetown, ECOMOG had already joined the
4 war; correct?

16:57:16 5 A. Mmm.

6 Q. That's a "yes"?

7 A. Can I get you clearly, please?

8 JUDGE BOUTET: You say Freetown, you mean when he came with
9 the delegation to Freetown -- that's what you mean.

16:57:29 10 MR HALL: Correct.

11 JUDGE BOUTET: Because he may have been to Freetown for other
12 purposes.

13 MR HALL:

14 Q. The first question I put to you was, when you came with
16:57:36 15 the delegation and you met with the President and the
16 Attorney-General, at that time ECOMOG had already joined
17 this war.

18 A. Yes.

19 Q. And when ECOMOG joined the war --

16:57:49 20 PRESIDING JUDGE: No, please wait, Mr Hall; just wait. Yes,
21 Mr Hall, you may proceed.

22 MR HALL:

23 Q. When you were visiting with the Attorney-General, did
24 ECOMOG come up in the discussion?

16:58:28 25 A. No.

26 Q. But he did tell you that to criticise the Kamajors was to
27 criticise the SLPP?

28 A. Yes, the Attorney-General.

29 JUDGE THOMPSON: Wait, we're not getting the evidence. What

1 was the question again, Mr Hall -- the second one, when
2 he met with the Attorney-General, did the issue of ECOMOG
3 come up?
4 MR HALL: Yes, that's the first question.
16:58:52 5 JUDGE THOMPSON: What was the answer then?
6 MR HALL: "No".
7 Q. Is that correct?
8 A. Yes, except from the letter -- he did not speak it loud
9 to us.
16:59:07 10 Q. The letter was written while you were waiting?
11 A. Yes.
12 Q. And who had the original?
13 A. Yes.
14 Q. Who?
16:59:15 15 A. It was handed to Father Garrick.
16 Q. He was the leader of your part of the delegation?
17 A. Yeah.
18 Q. And where were the copies made -- before you left
19 Freetown or in Bonthe?
16:59:29 20 A. We photocopied it in his office -- in the
21 Attorney-General's office.
22 Q. The Attorney-General told you that to criticise the
23 Kamajors was to criticise the SLPP?
24 A. I actually did not talk about criticism --
16:59:49 25 I said "complain".
26 Q. All right, to complain about the --
27 A. I'm not legally minded -- I only know "complain".
28 JUDGE BOUTET: [Inaudible] is always welcome.
29 PRESIDING JUDGE: Unfortunately you're in legal company this

1 time, so I'm sure you'll go out with some legal culture
2 which will taint you somehow wherever you are in your
3 professional life.
4 MR HALL:
17:00:20 5 Q. When ECOMOG joined into the war they were in charge of
6 all the forces, were they not?
7 A. I cannot tell -- I cannot tell.
8 Q. The Kamajors were in Bonthe --
9 PRESIDING JUDGE: Mr Hall, you say when ECOMOG joined the war,
17:00:40 10 what happened?
11 MR HALL: Were they in charge of all the forces. He said,
12 "I cannot tell" -- including the Kamajors, "I cannot
13 tell." I'll slow down, sorry.
14 Q. The Kamajors that were in Bonthe were fighting without
17:01:05 15 ECOMOG; correct?
16 A. Yes.
17 Q. And then later an ECOMOG helicopter showed up?
18 A. Yes.
19 Q. Was it a Nigerian helicopter?
17:01:20 20 A. It wasn't a Nigerian -- all I knew about it, it was a
21 combat colour helicopter and it carried two ECOMOG
22 soldiers on board, together with the first accused.
23 Q. Besides the pilot?
24 A. No, the pilot was there.
17:01:39 25 Q. Two soldiers?
26 A. Yes.
27 Q. Mr Norman and then the pilot?
28 A. Yes.
29 Q. The Kamajors didn't have their own helicopters?

1 A. Not at all.

2 Q. Could you tell the rank of the ECOMOG soldiers?

3 A. Also, in this case, I assumed they were lieutenants.

4 Q. Did they have --

17:02:15 5 A. Buttons, yes.

6 Q. -- insignia?

7 A. Yes.

8 Q. And this was the day of the meeting inside Bonthe?

9 A. Yes.

17:02:33 10 Q. Where Mr Norman talked about the cutlass?

11 A. Yes.

12 Q. Had you ever seen Mr Norman prior to that day?

13 A. Pardon?

14 Q. Had you ever seen Mr Norman prior to that day?

17:02:51 15 A. I've never seen him, but I've been hearing about him.

16 That was my first time of seeing him in person.

17 Q. And he was introduced to you, or he introduced himself --

18 to the group, I mean?

19 A. Yes, he even spoke to the people in Mende. He was

17:03:07 20 introduced by the people of Bonthe to the Bonthe

21 community and he introduced the ECOMOG officials.

22 Q. But did he give the rank of the ECOMOG officials?

23 A. All he told us is these are ECOMOG officials who are here

24 to help us with this war. I'm telling you I only saw

17:03:32 25 buttons with them. I say I assumed they were lieutenants

26 or whatever rank, but they had buttons.

27 Q. Mr Norman did not have a uniform on?

28 A. Not at all.

29 Q. How many people were at this meeting?

1 A. It comprised of almost half of the population in Bonthe
2 Town -- the whole town was summoned to the meeting. The
3 place was packed full of people.

4 Q. Father Garrick was there?

17:04:04 5 A. He was.

6 Q. And after Mr Norman spoke, the Kamajors left, or the
7 people left?

8 A. The delegation that came, Hinga Norman flew back and then
9 everybody had to go home. The meeting ended.

17:04:27 10 Q. It lasted just a matter of minutes then?

11 A. I mean I can't be precise, but they left the hall, the
12 meeting, the people went back to their homes.

13 Q. In the prior meeting when you came back with a letter
14 from the Attorney-General, how many days, weeks or months
17:04:55 15 was it until Mr Norman showed up?

16 A. This thing happened -- this -- he came to Bonthe earlier
17 than we came to Freetown. I say eight days after the
18 Kamajors took over Bonthe, then the soldiers have fled --
19 eight days after that Sunday, Hinga Norman flew into
17:05:20 20 Bonthe. That was the first time he met with the Bonthe
21 people on this issue.

22 Q. And after that --

23 A. We came to Freetown.

24 Q. You came to Freetown?

17:05:28 25 A. Yes.

26 Q. And you came to Freetown to complain about the Kamajors
27 and Hinga Norman?

28 A. We did not complain Hinga Norman per se. We complained
29 the acts of the Kamajors in Bonthe Town on the Bonthe

1 people.

2 Q. And were you told that ECOMOG was in charge?

3 A. Nobody told me that -- nobody told me that.

4 Q. Did you talk to ECOMOG about it?

17:06:04 5 A. Yes.

6 Q. And they said Mr Norman had it under control?

7 A. I talked to one ECOMOG officer who was in the office of

8 the doctor at the Connaught Hospital. He said he had

9 already discussed this issue with Hinga Norman.

17:06:28 10 Q. And that was after all these things happened?

11 A. Which things?

12 Q. All the things you testified to -- all the bad things?

13 A. Yes.

14 Q. And after it was discussed with Mr Norman, thereafter the

17:06:42 15 ECOMOG officer said he discussed it with Mr Norman?

16 A. Yes.

17 Q. Then the Kamajors became better citizens -- they stopped

18 doing all the bad things you accused them of?

19 A. No, I have never said that in any of my statements. We

17:06:59 20 came to complain what had happened.

21 Q. Yes.

22 A. He said -- he was in the office whilst we were

23 complaining to the doctor. The doctor cited his

24 attention to our complaints. He only responded that this

17:07:16 25 issue had been discussed with the man, Hinga Norman. "He

26 has told me his men are in control," but the doctor said,

27 "Look at the evidence. Look at the people that have

28 come. These are credible people. They have come from

29 that place. They cannot tell lie." So we did not go

1 further with the discussion -- we are disappointed.

2 Q. But you don't know how much earlier it was that ECOMOG
3 talked to Hinga Norman?

4 A. I don't know, I cannot tell.

17:07:47 5 Q. And you don't know whether the ECOMOG officer you talked
6 to was the one who talked to Hinga Norman?

7 A. He said he had spoken to him. I don't know whether he
8 was the actual person.

9 Q. He was not one of the people who was on the helicopter?

17:08:00 10 A. No.

11 Q. That was a different soldier?

12 A. Yes.

13 Q. What rank was that soldier?

14 A. He was a captain.

17:08:06 15 Q. A captain is higher than lieutenant?

16 A. Well, I see them -- I am not a military man, also, but
17 the buttons we see on there, they signify what rank they
18 are. They know their ratings, et cetera, and call them
19 by their names or their titles.

17:08:29 20 PRESIDING JUDGE: Those who know, before they address those
21 people, look at their shoulders first and then you say,
22 "Captain, how are you?" It's not even courteous to call
23 them by their names. You call him by his rank, even if
24 he's low as a sergeant or whatever -- they are very proud
17:08:50 25 of their officers -- very, very proud of their officers.

26 MR HALL:

27 Q. So you could tell a lieutenant by the bars on his
28 shoulder?

29 A. Yes, I think so, because I think a lieutenant would have

1 three, and then the captain would have three and some
2 other thing attached to it.
3 [HN111104D 5.10 p.m.]
4 Q. Who in your group went to visit with the President?
17:06:13 5 A. No.
6 Q. Who in the group?
7 A. Who were in the group?
8 Q. Yes.
9 A. Osmond Hanciles was one of them, Ndomina, Haja Isatu
17:06:25 10 Sheriff, Olum Baker, the then SLPP chairman - he's also
11 dead now - Mr AA Musa.
12 Q. And they reported to you --
13 PRESIDING JUDGE: Let us have --
14 THE WITNESS: Yes.
17:06:40 15 JUDGE BOUTET: We were going to say would you repeat that
16 slowly so we can have the names.
17 PRESIDING JUDGE: [Overlapping speakers] the delegation to the
18 president.
19 THE WITNESS: The names?
17:06:50 20 JUDGE BOUTET: Yes.
21 PRESIDING JUDGE: Yes.
22 THE WITNESS: Osmond Hanciles.
23 PRESIDING JUDGE: Osmond?
24 THE WITNESS: Osmond.
17:06:59 25 JUDGE BOUTET: Yes.
26 THE WITNESS: Haja Isatu Sheriff.
27 PRESIDING JUDGE: Haja --
28 THE WITNESS: Yes, Isatu Sheriff, Olum Baker, AA Musa.
29 MR HALL:

1 Q. And their purpose --

2 PRESIDING JUDGE: Is that the end of the list?

3 THE WITNESS: Yeah, that's what I can remember. It's a long
4 time now.

17:07:38 5 PRESIDING JUDGE: That's what you can remember.

6 MR HALL:

7 Q. And you knew their purpose to talk to the President was
8 the same as your purpose to talk to the Attorney General?

9 A. Yes. I've told you we have so many errands to run, so we
17:07:50 10 have to divide ourselves.

11 Q. Did they report back to you --

12 A. Yes.

13 Q. -- the President's comments?

14 A. Yes, before we go back to Bonthe now and report as a
17:07:59 15 whole.

16 Q. Was the President more affirmative than the Attorney
17 General?

18 A. What did you say? Can I get you clearly.

19 Q. Was the President more affirmative toward your cause or
17:08:12 20 your complaints than was the Attorney General?

21 A. I said we had to address issues before the situation in
22 Bonthe was desperate, and so we all couldn't get -- in
23 fact, the security couldn't allow all of us to go. We
24 needed to go back to Bonthe to report to the people -
17:08:29 25 they were in desperate situation, and so we divided
26 ourselves. We are going to do these things on the
27 Thursday after they return from Guinea. It was a busy
28 schedule.

29 Q. But my question is: Was the response from the President

1 better than the one from the Attorney General?

2 A. I cannot say it's better. I say it's all disappointment
3 to us -- those of us who went to complain. Getting
4 somebody to complain that people of his country are doing
17:08:59 5 evil things, and then the delegation that went came out
6 with a hundred bags of rice, when we in the community had
7 nothing to eat. How would I say it was better? I
8 couldn't.

9 Q. So the President and the Attorney General refused to act
17:09:15 10 on your complaints essentially?

11 A. Yes, we are neglected.

12 Q. Did ECOMOG refuse to act on your complaints?

13 A. I have not made any official complaint to ECOMOG. Please
14 get this thing clearly.

17:09:29 15 Q. But you did talk to an ECOMOG captain?

16 A. Officer in an office. This is different from getting to
17 the President, this is different from getting to the
18 Attorney General, because I know the President who was
19 the President of Sierra Leone, Attorney General was the
17:09:45 20 Attorney General of Sierra Leone. So if we have an issue
21 like that, we get to him. It was a coincidence that we
22 saw the ECOMOG official in the doctor's office.

23 Q. Was he the highest ranking ECOMOG official in Bonthe at
24 the time?

17:09:58 25 A. None of them had ever arrived there. Except for that --

26 JUDGE BOUTET: Mr Hall, that officer that he met was at the
27 Connaught Hospital in Freetown, not in Bonthe. The
28 evidence is not Bonthe, it's Freetown.

29 MR HALL: I misunderstood then. Sorry, Your Honour.

1 JUDGE BOUTET: Yes, because you're talking of the captain.
2 There were two officers involved, one Mr Norman. But the
3 captain in the doctor's office was in Connaught Hospital
4 in Freetown the same day that they are doing this running
17:10:26 5 around in Freetown.

6 MR HALL: I misunderstood that, thank you.

7 PRESIDING JUDGE: And this witness went to see the doctor to
8 complain about drugs and other medical conditions in
9 Bonthe. So whilst he went there -- you know, he was part
17:10:38 10 of the delegation that went there. So whilst he was
11 there, he, by accident, met this ECOMOG official he did
12 not know before, and, in the course of the conversation,
13 his attention was drawn to the atrocities in Bonthe.
14 That is where he said, "Look, I discussed this matter
17:10:58 15 with Mr Norman, but he told me that the situation -- his
16 men are under control in Bonthe. They sort of told him
17 that the situation was under control and that he didn't
18 need to worry." Then the doctor says, "But he told you
19 this; look at first-hand evidence. These people are just
17:11:17 20 from Bonthe and they are telling you this. So the
21 situation is not what you were made to believe it to be."
22 That's it.

23 MR HALL:

24 Q. The doctor was referring to you, the delegation, not
17:11:30 25 patients from Bonthe?

26 A. No patient came to the doctor. We went there. I've not
27 spoken of any patient coming to the doctor.

28 Q. So the doctor was re-affirming what you said to the
29 ECOMOG soldier?

- 1 A. Yeah.
- 2 Q. And the doctor had no personal knowledge himself, just
3 what he'd heard?
- 4 A. The man had fled Bonthe because of the Kamajor attack --
17:12:02 5 persistent Kamajor attacks in Bonthe.
- 6 Q. How long ago was that?
- 7 A. I was the last patient that he performed surgical
8 operation on. He left me in the hospital. The nurses
9 had to battle me out. He fled.
- 17:12:16 10 Q. He was now working in Freetown and you went to see him
11 there?
- 12 A. Yeah.
- 13 Q. You knew where to find him?
- 14 A. Hmm.
- 17:12:23 15 Q. How did you know where to find him?
- 16 A. He's a doctor. He has been working with us. So when
17 I -- Freetown is the capital city for Sierra Leoneans.
18 When I got here, we found out about him, because the
19 hospital had been looted of the drugs and the surgical
17:12:43 20 equipments.
- 21 Q. The Bonthe Hospital?
- 22 A. Yes. So we needed to find the doctor that was in charge
23 and to inform him and that his immediate arrival in
24 Bonthe was needed to salvage the situation.
- 17:12:57 25 Q. So other people knew where he was and told you?
- 26 A. What did you say?
- 27 Q. Other people knew where this doctor could be found and
28 they told you?
- 29 A. We went straight to the hospital, the Connaught Hospital.

1 We went there, not other people. We did not go on the
2 street looking out for people. We went to the hospital
3 straight and we found out about the man.

4 Q. But there is more than one hospital in Freetown?

17:13:21 5 A. I said Connaught Hospital.

6 Q. But you knew he fled to that hospital to work?

7 A. It's not a matter of knowing where he fled. We came to
8 Freetown, another delegation went to President. The
9 other delegation said, "Now, look, let's go to the
17:13:38 10 hospital and find out about Dr Samba." We went there, we
11 ask the nurses around at the Connaught Hospital. They
12 said, "Dr Samba is here working in this hospital."

13 Q. Let's go back to the letter, Exhibit 24, from the
14 Attorney General. When you brought that back, things did
17:13:57 15 not improve with the Kamajors?

16 A. Not at all.

17 Q. They declined to respect the Attorney General?

18 A. Yeah.

19 Q. This meeting at Bonthe where Hinga Norman appeared, I put
17:14:22 20 it to you that Mr Norman did not appear at Bonthe at that
21 time because nobody else saw him there?

22 A. Well, I saw him.

23 MR HALL: Thank you. That's the witness.

24 JUDGE BOUTET: Thank you. Mr Bockarie?

17:14:42 25 PRESIDING JUDGE: Mr Bockarie, you need how many minutes,
26 please?

27 MR BOCKARIE: I shall be within time, Your Honour.

28 PRESIDING JUDGE: Within time?

29 MR BOCKARIE: Yes, Your Honour.

1 PRESIDING JUDGE: Well, you know what the time is; not 6.00
2 o'clock.

3 CROSS-EXAMINED BY MR BOCKARIE:

4 MR BOCKARIE:

17:14:57 5 Q. Mr Witness, can you tell this Court what is the distance
6 between Bonthe and Mosandi?
7 A. I will approximate about 12 miles.
8 Q. About 12 miles?
9 A. Hmm.

17:15:22 10 PRESIDING JUDGE: Mr Bockarie, between Bonthe and?
11 MR BOCKARIE: Mosandi.
12 PRESIDING JUDGE: Mosandi, okay.
13 MR BOCKARIE:

14 Q. Mr Witness, you told this Court that civilians in Bonthe
17:15:44 15 fought alongside the soldiers against the Kamajor at
16 Mosandi; am I correct?
17 A. Yes.
18 Q. When was that?
19 A. After the capture of those 34 persons.

17:16:09 20 Q. Will I be correct to say that at this time the juntas
21 were in effective control of Bonthe?
22 A. They were. Bonthe Town.
23 Q. Bonthe Town, thank you.
24 A. Yeah.

17:16:42 25 Q. Mr Witness, do you hail from Sittia Chiefdom?
26 A. Yes, I do.
27 Q. Was Sittia Chiefdom ever occupied by the rebels?
28 A. No.
29 Q. It was never?

- 1 A. It was never.
- 2 Q. Mr Witness, do you know or did you know the late Patricia
3 Kabbah, wife of His Excellency Tejan Kabbah?
- 4 A. Yes.
- 17:17:27 5 Q. Am I correct to say that she too hailed from Bonthe
6 District?
- 7 A. Yes.
- 8 Q. Will I be correct to further say that the people of
9 Bonthe were sort of in-laws to His Excellency --
- 17:18:15 10 brother-in-law?
- 11 A. They were, including myself.
- 12 Q. Yes, including yourself?
- 13 JUDGE BOUTET: In-laws to the President?
- 14 MR BOCKARIE: Yes. Yes, they were in-laws to the President.
- 17:18:25 15 PRESIDING JUDGE: My colleague should know that when you marry
16 a woman in Africa, you marry the whole village.
17 Everybody in the village is your in-law.
- 18 JUDGE BOUTET: Thank you, Mr Presiding Judge.
- 19 PRESIDING JUDGE: That's how it is. So you have many in-laws
- 17:18:41 20 and you have to spend a lot of money, you know, on this
21 extended line of in-laws, you see.
- 22 MR BOCKARIE:
- 23 Q. Mr Witness, were you happy when His Excellency's
24 Government was overthrown in 1997?
- 17:18:54 25 A. No.
- 26 Q. And I am sure many people in Bonthe were not happy; am I
27 correct?
- 28 A. True.
- 29 Q. Mr Witness, as far as you are concerned, did the Kamajors

1 play any role in the restoration of Tejan Kabbah's
2 Government back to power?

3 A. Well, it's another trivial issue also. It depends on how
4 you see it.

17:19:39 5 Q. From whatever angle, did they play any role in the
6 restoration of Tejan Kabbah's Government back to power?

7 A. And maybe you need to know the position of Bonthe Town at
8 that time. The soldiers occupied Bonthe Town. We are
9 besieged. We are living under the control of the
17:19:57 10 soldiers. We heard that the Kamajors were fighting to
11 restore democracy, and they were, in fact, planning to
12 come and attack Bonthe Town, and that is why we sent a
13 delegation to them. We say, "Hey, gentlemen" --

14 Q. Mr Witness, can you please answer--

17:20:14 15 PRESIDING JUDGE: Let him explain.

16 MR BOCKARIE: Okay, sir.

17 PRESIDING JUDGE: Let him explain, please.

18 THE WITNESS: That was, in fact, the reason why we said coming
19 to attack Bonthe Town will leave the civilian population
17:20:26 20 suffering. If you have been to Bonthe, you will see
21 Bonthe had a sea face where the gunboat boat and all the
22 heavy artilleries were placed. And the Kamajors will
23 come from the rear, from the back of the civilians, and
24 when they fight, the civilians would be caught in the
17:20:42 25 middle of the crossfire. We said, "As far as you want to
26 fight to restore democracy, it will be better you go
27 straight to Freetown and unseat those boys, than you come
28 and attack Bonthe Town - for our sake, innocent
29 civilians." I'm not being political here. They were

1 fighting, but in our own case, I could not tell whether
2 they were fighting -- if they had killed everybody in
3 Bonthe, they were going to restore democracy. That is
4 not my own area.

17:21:16 5 MR BOCKARIE:

6 Q. Mr Witness, are you prepared to answer my question?
7 A. Yes.
8 Q. It's a very simple one.

9 PRESIDING JUDGE: Mr Bockarie, what did you ask him?

17:21:26 10 MR BOCKARIE: Mr Witness? If he's prepared to answer my
11 question.
12 PRESIDING JUDGE: Okay. All right.

13 MR BOCKARIE:

14 Q. Mr Witness, as far as you are concerned, did the Kamajors
17:21:37 15 generally play any role in the restoration of His
16 Excellency's Government back to power?
17 A. Yes, maybe I can affirm this now.
18 Q. Thank you.

19 PRESIDING JUDGE: Having said what you have said, you can now
17:21:55 20 affirm it?
21 THE WITNESS: Alleged by Chief Sam Hinga Norman that the
22 Kamajors were fighting to restore democracy.

23 MR BOCKARIE:

24 Q. Mr Witness, after 19 --

17:22:17 25 PRESIDING JUDGE: Mr Bockarie, wait.
26 MR BOCKARIE: Sorry, sir.
27 PRESIDING JUDGE: Yes, yes, please.
28 MR BOCKARIE:
29 Q. Mr Witness, are you aware that, in the course of

1 restoring President Kabbah back to power, so many young
2 and able Kamajors lost their life? Are you aware of
3 that?
4 A. Yes.
17:23:44 5 Q. Thank you. Do you have any sympathy for them, those who
6 died? Do you have any sympathy for them?
7 A. Anybody that dies, I will sympathise with that person.
8 Q. So you sympathise with them?
9 A. Anybody that dies.
17:24:36 10 Q. Thank you. Mr Witness, one final question. Were you
11 sympathetic to the cause of the juntas?
12 A. I couldn't.
13 Q. You couldn't. Well, I say you grew jealous when His
14 Excellency Tejan Kabbah sent 100 bags of rice to the
17:25:27 15 Kamajors involved. Did you grow jealous?
16 A. Humanly speaking.
17 Q. You grew jealous?
18 A. Yes. I have been robbed of my property.
19 MR BOCKARIE: That will be all for him Sir.
17:25:35 20 PRESIDING JUDGE: [Microphone not activated] such a dramatic
21 end.
22 JUDGE THOMPSON: I would say melodramatic.
23 PRESIDING JUDGE: [Microphone not activated] put the question
24 again and let us get it right.
17:25:51 25 MR BOCKARIE:
26 Q. Mr Witness, did you grow jealous when His Excellency
27 President Kabbah sent 100 bags of rice to the Kamajor?
28 A. As I said, I was disappointed. Humanly speaking, I grew
29 jealous, because I was disappointed and I'm a human

1 being.

2 PRESIDING JUDGE: You were disappointed and jealous?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: When he sent 100 bags?

17:26:24 5 THE WITNESS: Yes, when my people are dying --

6 PRESIDING JUDGE: Wait, wait, wait, wait. Just a minute.

7 Just a minute. Yes?

8 MR BOCKARIE:

9 Q. And of course annoyed?

17:26:53 10 A. Very much.

11 PRESIDING JUDGE: Just a minute. You were also annoyed?

12 THE WITNESS: Yes, sir.

13 JUDGE THOMPSON: So you're not using the word "jealous"

14 anymore?

17:27:04 15 THE WITNESS: No -- [Overlapping speakers]

16 PRESIDING JUDGE: No, in addition.

17 THE WITNESS: Yes. [Overlapping speakers] I'm a human being.

18 JUDGE THOMPSON: No, I'm asking whether you're using -- for

19 the purpose of my record, I'm asking whether you are

17:27:13 20 using the word "jealous" and the word "annoyed" there

21 also.

22 THE WITNESS: Everything is there.

23 JUDGE THOMPSON: I see.

24 MR BOCKARIE: And he used the word "very much". In response

17:27:22 25 to "And annoyed?" He said, "Very much".

26 PRESIDING JUDGE: Don't aggravate the situation, please.

27 Don't dramatise the situation, Mr Bockarie. Please, this

28 is a public hearing and we have to be very, very, very,

29 very careful.

1 MR BOCKARIE: But --

2 PRESIDING JUDGE: No. Please, don't get into any arguments.

3 I know what I'm talking about.

4 MR BOCKARIE: As My Lord pleases.

17:27:41 5 PRESIDING JUDGE: Please, don't be over-sentimental on the

6 replies. I want to know from this witness, you know.

7 JUDGE THOMPSON: But let me just clear this. I want to know

8 as a the matter of fact whether the replies that -- I'm

9 interested not in the emotionalism about it. Is your

17:27:58 10 answer, "I was disappointed when President Kabbah sent

11 100 bags of rice to the Kamajors and very much jealous

12 and annoyed"? Is that your answer?

13 THE WITNESS: I was not very much jealous. I was jealous but

14 very much annoyed.

17:28:13 15 JUDGE THOMPSON: I see, you were jealous. I just want to have

16 the evidence correctly recorded. "I was jealous and very

17 much annoyed."

18 JUDGE BOUTET: But you have qualified your jealousy as from a

19 human perspective. As a human being, you were jealous,

17:28:32 20 because the rice --

21 PRESIDING JUDGE: I want him to go further, to tell us --

22 [Overlapping speakers].

23 JUDGE THOMPSON: Yes, I just want to make sure, yeah.

24 PRESIDING JUDGE: [Overlapping speakers] explain this.

17:28:39 25 JUDGE BOUTET: Could you explain that -- [Overlapping

26 speakers]

27 THE WITNESS: That we have come to complain people who have

28 burnt our houses, taken our properties. I, as a young

29 man, built a house that was burnt. I sent somebody to

1 fetch food; he was killed. We have taken this train in a
2 small speedboat from Bonthe. We cross through the ocean.
3 We risk our lives to complain the issue to the
4 appropriate authorities and the response was, "Take this
17:29:16 5 hundred bags of rice to them." I cannot control my
6 emotions. It was disappointing.

7 MR BOCKARIE: And that will be all for him, sir.

8 PRESIDING JUDGE: Thank you.

9 JUDGE BOUTET: Thank you, Mr Bockarie. Mr Margai, given the
17:30:28 10 time of the day, we will not ask you if you're ready. We
11 will move tomorrow morning when we resume for your
12 cross-examination.

13 MR MARGAI: To start now?

14 JUDGE BOUTET: No, no. We said we will not ask you now to
17:30:46 15 start. We will take it tomorrow morning when we resume.

16 MR MARGAI: Very well.

17 PRESIDING JUDGE: I'm sure Mr Margai is very happy about that.
18 He'll sleep over his strategy and come back to us. Well,

19 learned counsel, we'll adjourn and resume tomorrow at
17:31:33 20 9.30 for Mr Margai and the legal team of the third
21 accused person to cross-examine this witness. So,
22 Mr Witness, good night. We'll see you tomorrow morning,
23 okay? Right. The Court will rise, please.
24 [Whereupon the hearing adjourned at 5.35 p.m., to be
25 reconvened on Friday, the 12th day of November 2004, at
26 9.30 a.m.]

27

28

29

EXHIBITS:

Exhibit No. 24	40
Exhibit No. 25	47

WITNESSES FOR THE PROSECUTION:

WITNESS: JOHN GARRICK [Continued]	7
CROSS-EXAMINED BY MR HALL	7
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C E R T I F I C A T E

We Maureen P Dunn and Ella K Drury, 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.

Maureen P Dunn

Ella K Drury