

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

TUESDAY, 22 FEBRUARY 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Chiara Galletti
Ms Sharelle Aitchison

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Mohamed Bangura
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Crispina Fynn (intern)

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana

1 [HN220205A - SGH]
2 Tuesday, 22nd February 2005
3 [Open session]
4 [Accused Kondewa present]
5 [Upon commencing at 9.45 a.m.]
6 PRESIDING JUDGE: Good morning learned counsel. We hope you
7 have had a restful weekend and we think we are now set to
8 continue the proceedings after a slight interruption.
9 So, Mr Bangura, you may continue with your
10 examination-in-chief of this witness.
11 MR BANGURA: Thank you, Your Honour.
12 WITNESS: TF2-027
13 EXAMINED BY MR BANGURA: [Continued]
14 Q. Good morning, Mr Witness.
15 PRESIDING JUDGE: Mr Witness, I hope you had a nice weekend.
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: Have you had a nice weekend?
18 THE WITNESS: Yes.
19 MR BANGURA:
20 Q. Mr Witness, before the break on Friday you were
21 telling this Court about your movement to
22 Kenema; you were coming from Tongo and you were
23 going to Kenema. Do you recall that?
24 A. Yes.
25 Q. You were at a village called Konia; is that right?
26 THE INTERPRETER: My Lord, the witness's mic is off.
27 PRESIDING JUDGE: Mic, the mic. Mr Witness, can you press
28 your microphone?
29 MR BANGURA:

- 1 Q. You were at a village called Konia; is that right,
2 Mr Witness?
- 3 A. Yes.
- 4 Q. And you had told this Court that you heard one Kamajor
5 saying to another that a boy had been killed and he was
6 not even a rebel; is that right?
- 7 A. Yes.
- 8 Q. Did you hear anything else while you were in Konia?
- 9 A. Yes.
- 10 Q. What did you hear?
- 11 A. When some -- when two Kamajor boys came from the bush, by
12 then I was on the road. They said, "Even that boy that
13 was killed was not a rebel. He was not a rebel; he was a
14 civilian."
- 15 Q. I believe we already have that, Mr Witness. The question
16 is, did you, while you were still there in Konia, did you
17 hear anything else about anything else?
- 18 A. Yes.
- 19 Q. What was it?
- 20 A. Some of the Kamajors came from the bush, they came from
21 the bush.
- 22 Q. Slowly, please, Mr Witness.
- 23 A. Some Kamajors came from the bush. I think there were
24 about two or three. They came and one of them told the
25 other Kamajors that they should go and bury the corpses
26 under the coffee tree.
- 27 Q. You said some commanders came out of the bush and ordered
28 some other Kamajors to go and bury some corpses. What
29 was their response?

- 1 A. The boy said, "Only three of us," they said it in Mende.
2 "The three of us can't bury corpses that are over 30."
3 Q. Mr Witness, do you know who was in control of the point
4 there at Konia where you were -- when you got all this
5 information?
6 A. Yes. He was my friend, CO Kamabote.
7 MR BANGURA: Your Honours, Kamabote is K-A-M-A-B-O-T-E.
8 PRESIDING JUDGE: K-A.
9 MR BANGURA: M-A-B-O-T-E.
10 Q. Did you see these corpses that they talked
11 about?
12 A. No.
13 Q. Did you eventually leave Konia?
14 A. I was afraid and I told CO Kamabote that I wanted to go
15 and he said let me go.
16 Q. Where did you go to next from Konia?
17 A. I went to Foindu.
18 MR BANGURA: Your Honours, Foindu is F-O-I-N-D-U. Can you
19 describe to this Court the situation as you found it in
20 Foindu?
21 A. Yes.
22 Q. Can you describe what you observed when you got there?
23 A. Yes, there again, when I went there, I went -- I saw --
24 the commander there was CO Momoh. I saw them harassing
25 some civilians. The civilians were about 50. Before a
26 broken house.
27 Q. You said they were harassing civilians. How were they
28 doing it? How were they harassing the civilians?
29 PRESIDING JUDGE: He saw a commander who he knew. What was

- 1 his name?
- 2 MR BANGURA: He said Momoh, M-O-M-O-H.
- 3 PRESIDING JUDGE: And who was harassing the civilians?
- 4 MR BANGURA: He said Kamajors from --
- 5 THE WITNESS: It was the Kamajors that were there.
- 6 MR BANGURA:
- 7 Q. When you say they were harassing civilians,
8 what exactly were they doing?
- 9 A. Well, that was the road coming from Tongo, if you take
10 footpath you must have to go through that, that road.
11 And so the civilians had escaped from the fight, I saw
12 them arresting them. They arrested about 50 of them.
- 13 Q. You are saying you found that they had arrested about 50
14 civilians there; is that right?
- 15 A. Yes.
- 16 Q. And what was happening to these civilians?
- 17 A. Well, I didn't -- I didn't leave them doing anything. I
18 just passed there, I greeted -- I talked to CO Momoh and
19 I asked him to allow me to pass and he allowed me to go.
- 20 Q. How were you able to tell there were about 50 civilians
21 there?
- 22 A. Well, when I came I found they were all gathered together
23 and they were counting them and one -- one of the
24 Kamajors told me that there are about 50.
- 25 Q. Mr Witness, you have to be a bit slow so that your
26 answers are recorded. From Foindu you eventually went to
27 Kenema; is that right?
- 28 A. Yes. I passed through Mano junction on my way to Kenema.
- 29 MR BANGURA: Your Honours, this is the end of the

1 testimony-in-chief, but there are two issues I want to
2 go back to clarify.

3 Q. Mr Witness, you have said earlier on that there
4 was a field next to the NDMC, the football
5 field; is that right?

6 A. Yes.

7 Q. You have told us about your experiences in the
8 headquarter, the field -- the headquarter area where you
9 were; is that right?

10 A. Yes.

11 Q. What was happening as far as you knew -- what was
12 happening in the other field next to the headquarters?

13 A. Well, I didn't know anything because I was seeing there,
14 but I didn't know what was going on there.

15 Q. Were there any people in that field?

16 A. Yes, there were people in the football field.

17 Q. In the same numbers as you had in the headquarters field?

18 PRESIDING JUDGE: I am troubled by this evidence.

19 Mr Bangura, I am troubled. This is a man who said he
20 knew nothing about what was going on in that field. He
21 said it, you know. I am a bit troubled.

22 MR BANGURA: Your Honour, perhaps nothing as in specifically
23 what individuals were doing there, but, Your Honour, as
24 to his knowledge of whether there were people there, I
25 think, given the description and the proximity he has
26 explained between -- described between the two fields, I
27 think it is within his competence to --

28 PRESIDING JUDGE: He said he didn't know what was going on in
29 that field.

1 JUDGE THOMPSON: I share my learned brother's concern. It
2 appears as if the witness has been prompted and if that
3 is the case then it will be clearly impermissible because
4 he has virtually said nothing. Unless you tell me -- the
5 way your question was phrased, it appears that there is a
6 prompting here, that is how I look it. I may be wrong,
7 but if it is correct that it is a prompting, then it is
8 clearly impermissible according to the rules.

9 MR BANGURA: I take the point. I will stop at whether he knew
10 there were people in the field. I think I will stop
11 there.

12 JUDGE BOUTET: Well, I would like to be able to understand a
13 little bit more clearly that part of the evidence because
14 you are talking about -- the witness is talking of a
15 football field. My understanding is that there are two
16 football fields, so that may be part of the confusion of
17 the witness. So you say while we talked about the field
18 next to, so I think there is a need to clarify a bit more
19 what it is you are trying to direct the mind of the
20 witness to. So we may be able to understand a bit more
21 clearly what it is all about.

22 MR BANGURA: Your Honour, if I recall rightly, the evidence
23 before this Court is that there is the headquarter area
24 where --

25 JUDGE BOUTET: There is a field by the headquarters.

26 MR BANGURA: Yes.

27 JUDGE BOUTET: And there is a field next to the DMC.

28 MR BANGURA: And my question, Your Honour, is --

29 JUDGE BOUTET: What it is not clear to me, given the answer of

1 the witness, that he has understood that specific
2 question.

3 MR BANGURA:

4 Q. Mr Witness, there was field next to the headquarters; is
5 that right?

6 A. Yes. The football field was near the headquarter. There
7 is a building between the headquarter and the football
8 field.

9 Q. And was anything going on in the football field?

10 A. People were there, but I didn't know what was going on
11 there.

12 MR BANGURA: Just another point, Your Honour.

13 Q. Mr Witness, you mentioned in your testimony
14 that at some point one Kamajor was speaking on
15 a wireless set and given a message to somebody
16 on the other side; is that right?

17 A. Yes.

18 Q. And in his report he called out, "Chief, chief"; is that
19 right?

20 A. Yes.

21 Q. Were you able to know who was the chief he was referring
22 to?

23 A. He called -- he called, "Chief, chief, I want to speak to
24 chief. I want to speak to Chief Hinga Norman."

25 MR BANGURA: Your Honours, to the best of my recollection the
26 evidence was just "Chief, chief".

27 JUDGE BOUTET: Does that conclude your examination-in-chief?

28 MR BANGURA: Yes, Your Honour. Thank you, Mr Witness.

29 JUDGE BOUTET: Counsel for the first accused, are you ready to

1 proceed with your cross-examination?

2 MR YILLAH: Very well, Your Honour.

3 JUDGE BOUTET: Thank you.

4 CROSS-EXAMINED BY MR YILLAH:

5 Q. Mr Witness --

6 A. Yes.

7 Q. -- I take it that from your evidence-in-chief you were in
8 Tongo; you were residing in Tongo between May 1997 and
9 January 1998; is that correct?

10 A. I did not get it clear.

11 Q. Were you staying in Tongo from the periods May 1997 up to
12 January 1998?

13 A. I did not still get it clear.

14 Q. Mr Witness, were you in Tongo during the junta period?

15 A. Yes.

16 Q. And you were residing there with your family; is that
17 correct?

18 A. No, I was alone there. My family used to stay at Kenema.

19 Q. Does your family permanently reside in Kenema or in
20 Tongo. Which is which?

21 JUDGE BOUTET: Do you mean at the time or now?

22 MR YILLAH: At the time. At the time. Thank you, My Lord.

23 THE WITNESS: I did not get that clear.

24 MR YILLAH:

25 Q. Did your family stay with you in Tongo? Before that
26 period did they stay with you in Tongo before junta
27 period?

28 A. Only one of my children stayed with me at Tongo, the rest
29 were in Kenema.

- 1 Q. Mr Witness --
- 2 A. Yes.
- 3 Q. -- during the junta period in Tongo, do you know, to the
4 best of your knowledge, whether the juntas forced
5 civilians to do mining for them?
- 6 A. Yes, they forced us to mine for them.
- 7 Q. Could you, Mr Witness, tell this Court how that forced
8 mining went about? How they went about that forced
9 mining; the juntas?
- 10 A. Yes.
- 11 Q. Yes, Mr Witness.
- 12 A. During the morning they sent from one house to the other
13 to gather us together under one point forcefully.
- 14 Q. When you say "gather us", Mr Witness, who do you mean by
15 "us"?
- 16 A. Well, the junta.
- 17 Q. You said "the juntas gathered us". Who do you mean by
18 "us" in this context?
- 19 A. We, the men, the young men. And the ageable men. All of
20 us were gathered together and go and mine for them.
- 21 Q. Mr Witness, do you mean you the civilians --
- 22 A. Yes.
- 23 Q. -- were forced by the junta to mine for them?
- 24 A. Yes.
- 25 JUDGE BOUTET: When you say you the civilians, do you mean
26 all civilians?
- 27 THE WITNESS: All the civilians residing in Tongo during that
28 period.
- 29 MR YILLAH:

- 1 Q. Mr Witness --
- 2 A. Yes.
- 3 Q. -- is it true that this period was known -- this junta
4 occupation period of Tongo, was known as the Cyborg
5 period?
- 6 JUDGE BOUTET: The Cyborg?
- 7 MR YILLAH: Cyborg, C-Y-B-O-R-G, My Lord.
- 8 THE WITNESS: Well, the mining area which they forced us to
9 mine there. It was the area they named Cyborg.
- 10 PRESIDING JUDGE: Mr Yillah, C-Y-B.
- 11 MR YILLAH: C-Y-B-O-R-G, My Lord. As we have in the
12 statement.
- 13 PRESIDING JUDGE: That you have in the?
- 14 MR YILLAH: In the statement that was disclosed to us.
- 15 JUDGE BOUTET: We do not have these statements in evidence,
16 Mr Yillah.
- 17 MR YILLAH: My Lord, I was just drawing Your Lordships'
18 attention to the fact that the spelling is quoted from
19 the Prosecution witness statement.
- 20 JUDGE BOUTET: I know, but you say you have that in the
21 statement, we don't have the statement in evidence.
- 22 MR YILLAH: That is true, My Lord.
- 23 Q. Mr Witness, is it also true that the junta
24 forces killed civilians who refused to
25 forcefully mine for them?
- 26 A. At that time, yes.
- 27 Q. Mr Witness, is it true that during this period the
28 Kamajors had sent about five warnings to civilians to
29 leave Tongo? Is it true?

- 1 A. I don't understand that.
- 2 Q. Did the Kamajors send warnings to Tongo to civilians for
3 them to leave?
- 4 A. I had never heard about it.
- 5 Q. Mr Witness --
- 6 A. Yes.
- 7 Q. -- did the junta forces -- did they have a military base
8 in Tongo?
- 9 A. Well, yes, they were at the headquarter. They are based
10 at the headquarters. The security headquarters.
- 11 Q. Mr Witness, apart from the fact that the junta forces
12 were based at the headquarters, were there military
13 activities by the junta in Tongo during this period?
- 14 A. No, I never heard about it.
- 15 Q. Mr Witness, did junta forces --
- 16 A. Yes.
- 17 Q. -- did they carry arms about them within the township of
18 Tongo?
- 19 A. Yes, they held weapons in the town during that period.
- 20 Q. Mr Witness --
- 21 A. Yes.
- 22 Q. -- were the junta forces many in number? Were they many
23 in Tongo at the time?
- 24 A. Well, I can't tell you the exact number, but there were
25 many.
- 26 Q. Would it be correct to estimate, Mr Witness, just a rough
27 estimate, to say that there were over 2,500 junta forces
28 occupying Tongo at the time?
- 29 A. I can't tell the exact number.

- 1 Q. Mr Witness --
- 2 A. Yes.
- 3 Q. -- is it correct to state that from the Tongola section
4 where you were the Kamajors entered Tongo peacefully? Is
5 it correct?
- 6 A. Yes. They came, they had guns in front of them waving,
7 waving, waving. They had white handkerchiefs waving.
- 8 Q. Mr Witness --
- 9 A. Yes?
- 10 Q. -- is it also true that it was the junta forces who first
11 fired at the Kamajors from the NDMC headquarters end?
- 12 A. Well, I can't tell. We only heard firing from the
13 headquarters after the Kamajors had past. We did not
14 know who started firing.
- 15 Q. But, Mr Witness --
- 16 A. Yes.
- 17 Q. -- the junta forces, is it true that the junta forces,
18 upon suspecting the entry of the Kamajors, called
19 civilians to join them at the NDMC headquarters?
- 20 A. When they heard the firing, the first mortar bomb, one
21 side, two, three areas they called upon the civilians to
22 report at the headquarters.
- 23 Q. You mean the junta forces? By "they" you mean the junta
24 forces?
- 25 A. Yes. They first called upon civilians to come to the
26 headquarters.
- 27 Q. Mr Witness, as a result of this call by the junta forces,
28 there was a stampede when everybody was trying to rush
29 towards the NDMC headquarters; is that correct?

- 1 A. Yes, everybody was running towards the headquarters.
- 2 Q. Mr Witness --
- 3 A. Yes.
- 4 Q. -- many civilians died in this stampede rushing to the
5 headquarters; is that correct?
- 6 A. Well, when I was going to the headquarters, the route
7 that leads to the headquarter it was there that I saw
8 civilians dead. I saw some marks on their bodies, some
9 were bullet wounds. I saw them on their backs.
- 10 Q. Mr Witness --
- 11 A. Yes.
- 12 Q. -- some of the bodies that you saw, they had no marks on
13 them; is that correct?
- 14 A. Yes.
- 15 Q. Some of the bodies that you saw?
- 16 A. Yes.
- 17 Q. By marks, Mr Witness, I mean they had no bullet wounds on
18 them.
- 19 A. Yes. Some had no bullet wounds on them.
- 20 Q. Would you, therefore, Mr Witness, from your own
21 observation, say that those people died in the stampede
22 whilst rushing to the headquarters?
- 23 A. Yes.
- 24 MR BANGURA: I object to that question.
- 25 JUDGE BOUTET: What is your objection?
- 26 MR BANGURA: The witness saw dead people, he would not know
27 whether they died from the stampede. It is, in my
28 opinion and my submission, sufficient for counsel to ask
29 the witness to describe the bodies as he saw them, but

1 whether they died specifically from particular causes, I
2 submit it is not for the witness to say.

3 JUDGE BOUTET: Mr Yillah.

4 MR YILLAH: My Lord, suffice it to say, My Lord, that the
5 witness has provided an answer to the question, My Lord.
6 My Lord, the witness observed clearly those bodies and he
7 is drawing his own conclusion from his own mouth, My
8 Lord, about the bodies that he observed. That would be
9 my response.

10 JUDGE BOUTET: I agree with you. Objection denied.

11 MR YILLAH: Thank you very much, My Lord. I will put the
12 question again, My Lord.

13 JUDGE BOUTET: You have the answer.

14 MR YILLAH: He has answered the question.

15 PRESIDING JUDGE: You want to put the question now, Mr Yillah.

16 MR YILLAH: I'm sorry, My Lord.

17 PRESIDING JUDGE: When you say have your answer ready.

18 MR YILLAH: Thank you.

19 PRESIDING JUDGE: The stampede, you know, was testified to
20 during the evidence-in-chief.

21 MR YILLAH: Yes, My Lord.

22 PRESIDING JUDGE: It is clearly on the records.

23 MR YILLAH: I thank you for the direction, My Lord.

24 PRESIDING JUDGE: Yes.

25 MR YILLAH:

26 Q. Mr Witness --

27 A. Yes.

28 Q. -- at the NDMC headquarters the junta forces used
29 civilians as human shields; is that correct?

- 1 A. Well I don't know about that. I only -- they only called
2 people at the headquarters during that time.
- 3 Q. Mr Witness --
- 4 A. Yes.
- 5 Q. -- you testified, according to your evidence a while ago,
6 you said when the junta forces heard one mortar bomb, two
7 mortar bomb, three mortar bomb, they called on civilians
8 to join them at the NDMC headquarters; is that correct?
- 9 A. They called civilians to come to their headquarters.
- 10 Q. Mr Witness --
- 11 A. Yes.
- 12 Q. -- is it also true that most of those civilians rushing
13 to the NDMC headquarters were killed in the cross-fire
14 between the junta forces and the Kamajors?
- 15 A. Well, I don't know about that. I only saw the corpses.
- 16 Q. Okay, let me ask you this question, please. Is it
17 correct to state that when the junta forces called on all
18 civilians to converge on the NDMC headquarters, you did
19 not go there; is it correct to state that?
- 20 A. Yes. At that time I did not go there. I was in Tongola.
- 21 Q. Was it out of fear not to be used as a human shield by
22 the junta forces?
- 23 A. Well not that -- where I live, Tongola, it was not far
24 from the headquarters, you see.
- 25 Q. Mr Witness --
- 26 A. Sir, yes.
- 27 Q. -- you testified in your evidence-in-chief that the
28 Kamajors had many, many commanders; is that correct, in
29 Tongo?

- 1 A. The time they took control of the area I saw a lot of
2 commanders. That was the time when they were there in
3 control.
- 4 Q. Mr Witness --
- 5 A. Yes.
- 6 Q. -- is it true to state that every group of Kamajors was
7 doing what they wanted. Every group?
- 8 A. Well, at the headquarters I only saw them. I never knew
9 actually what they were doing. I did not know what one
10 group would do or what the other would do.
- 11 Q. But, Mr Witness --
- 12 A. Yes.
- 13 Q. -- you testified in your evidence-in-chief that whilst
14 you were at the headquarters one Kamajor reported to the
15 boss that different groups of Kamajors were taking
16 civilians to different places; is that correct?
- 17 A. Well, two Kamajors made that report. One, Mr Baggay,
18 made the report that the Kamajors had taken people away.
19 The other one -- some Kamajors had taken some people
20 away. Sembe Jo.
- 21 Q. And, Mr Witness --
- 22 A. Yes.
- 23 Q. -- is it correct to state that these different groups of
24 Kamajors took these people away, notwithstanding the fact
25 that the commander, BJK Sei, had warned Kamajors not to
26 take civilians and captured rebels anywhere? Is it
27 correct?
- 28 PRESIDING JUDGE: Mr Yillah, was he aware of the one
29 [Microphone not activated]

- 1 MR YILLAH: As My Lord pleases.
- 2 Q. Mr Witness --
- 3 A. Yes.
- 4 Q. -- did BJK Sei tell you [inaudible] at the NDMC
5 headquarters instruct Kamajors not to take civilians and
6 captured rebels anywhere; did he?
- 7 A. It was not I that he told. When the report was made, he
8 said he has ordered that no Kamajors will take any
9 civilian anywhere. He talked about it. I heard it from
10 him.
- 11 Q. So, Mr Witness, you are confirming that Commander BJK Sei
12 said those words?
- 13 A. Yes.
- 14 Q. Now, Mr witness, my question is, notwithstanding these
15 instructions from BJK Sei, different groups of Kamajors
16 took different groups of civilians to different places?
- 17 A. I did not get it clearly.
- 18 Q. Notwithstanding the order of BJK Sei --
- 19 MR BANGURA: May it please Your Honours. I think counsel is
20 seeking to have the witness answer questions on a premise
21 which is not correct. He has asked a witness -- I think
22 some clarification was sought by the Bench as to whether
23 in fact those orders were given, and the witness said he
24 was not present when the orders were given, but he heard
25 BJK Sei saying he had previously ordered that civilians
26 be taken -- not taken away to any places. Now, if
27 counsel is seeking to ask a questions on the premise that
28 these orders had been given by BJK Sei and the witness
29 knows about it, I object to that line of questioning.

1 JUDGE BOUTET: I did not understand your objection on this,
2 Mr Bangura --

3 MR BANGURA: Your Honours --

4 JUDGE BOUTET: -- because you yourself just said that indeed
5 BJK Sei did give such an order and the witness was not
6 there when the order was given. But he is saying --
7 repeated that he had previously given an order.

8 MR BANGURA: That is right.

9 JUDGE BOUTET: So there is no dispute that KC [sic] would have
10 given the order, that the witness was not there at the
11 outset when the order might have been given, but he heard
12 comments by KC saying, "I have previously given that
13 order."

14 MR BANGURA: Certainly, Your Honour. But the point is that
15 when counsel rephrases his question, he says
16 notwithstanding these orders that BJK had given - and
17 that presupposes the fact that the witness was there or
18 knew that these orders had been given. That is my
19 objection, Your Honour.

20 JUDGE BOUTET: I do not read that question the same way you
21 do, but I understand that. The witness has not testified
22 that he heard the order, I agree with you. So if that is
23 your understanding of the question maybe there is some
24 more clarity in your question, Mr Yillah.

25 MR YILLAH: Okay, My Lord, let me --

26 JUDGE THOMPSON: Mr Yillah, why is this witness being invited
27 to draw a logical conclusion?

28 MR YILLAH: Because, My Lord, there is evidence --

29 JUDGE THOMPSON: -- why is it not a matter of inference for

- 1 the Court?
- 2 MR YILLAH: As My Lord pleases.
- 3 JUDGE THOMPSON: If it is on record that several Kamajors went
4 to different places with different people. I mean, why
5 is it not a matter of logical inference? What does his
6 own opinion as to that --
- 7 MR YILLAH: As My Lord pleases.
- 8 JUDGE THOMPSON: -- do for the purposes of evaluation of the
9 evidence?
- 10 MR YILLAH: I take the cue, My Lord.
- 11 Q. Mr Witness, is it correct to state that the
12 Kamajors who entered Tongo -- okay, let me put
13 it this way, Mr Witness. Do you know whether
14 the Kamajors who entered Tongo came from
15 different parts of the country; do you know?
- 16 A. I don't know about that.
- 17 Q. Mr Witness, do you know whether some of the Kamajors had
18 come from the Republic of Guinea?
- 19 A. Well, we got that information that some Kamajors came
20 from Kolumba Camp from Guinea. That is what we heard
21 before the attack.
- 22 Q. Mr Witness, from your observations, from what you
23 observed, were the Kamajors -- were they a loose group of
24 people?
- 25 A. Well, the one I saw, I saw them in a single line coming.
- 26 Q. Let me put it this way, Mr Witness: From your
27 observations is it correct to state that their activities
28 in Tongo were not coordinated?
- 29 A. I didn't get that clearly.

1 Q. Mr Witness, at what time of the day did you go to the
2 NDMC headquarters?

3 A. Well, immediately when they attacked because it was about
4 four o'clock when they attacked. It was not complete 30
5 minute when the firing start. They started coming out,
6 pointing guns at individuals that everybody should go at
7 the headquarters.

8 PRESIDING JUDGE: Your question is not answered.

9 MR YILLAH: Yes, My Lord.

10 Q. Mr Witness --

11 A. Yes.

12 PRESIDING JUDGE: You mentioned four o'clock, firing and so on
13 so he himself -- you asked him when he himself went to
14 the headquarters.

15 MR YILLAH:

16 Q. Mr Witness, at what time of the day did you go to the
17 NDMC headquarters?

18 A. Well, I had no watch on me but it was over four o'clock.

19 Q. Was it dark already at the time?

20 A. No.

21 Q. Mr Witness, the Kamajors that you saw that entered Tongo,
22 did they enter with vehicles?

23 A. No, they walked and entered from Tongola part.

24 Q. Mr Witness, I put it to you that the Kamajors that
25 entered Tongo had no communication set?

26 A. I saw them with the machine. I saw them with the
27 communications set. I saw it. I saw it with my naked
28 eyes, nobody told me about it.

29 Q. Mr Witness, I also put it to you that there was no

1 conversation at the NDMC headquarters between the Kamajor
2 as you stated and the first accused?
3 PRESIDING JUDGE: Is that the evidence; that there was a
4 conversation?
5 MR YILLAH: Well, My Lord the --
6 PRESIDING JUDGE: I want to talk to -- I want to talk to Chief
7 Norman. I don't have it on record that there was a
8 conversation.
9 MR YILLAH: As My Lord pleases. I will take the cue, My Lord.
10 Q. Mr Witness, I put it to you further that the
11 use of the communication set was not a feature
12 of the Kamajor warfare. I am putting that to
13 you.
14 JUDGE BOUTET: Is not what?
15 MR YILLAH: A feature, or a characteristic, if you would like,
16 My Lord.
17 JUDGE BOUTET: How does he know that?
18 PRESIDING JUDGE: How does he know that?
19 JUDGE BOUTET: If you are asking him, you are asking him to
20 give his opinion because he would know of the Kamajor
21 organisation military structure as such. We have
22 absolutely no evidence of that. How can he express an
23 opinion on that? You are talking here of a feature of
24 Kamajors.
25 MR YILLAH: As My Lord pleases.
26 PRESIDING JUDGE: Mr Yillah, you can adduce that evidence, you
27 know.
28 MR YILLAH: By other means.
29 PRESIDING JUDGE: Yes, through other witnesses.

1 MR YILLAH: As My Lord pleases.

2 PRESIDING JUDGE: This is not an insider witness anyway.

3 MR YILLAH: As My Lord pleases.

4 Q. Mr Witness, in your evidence-in-chief and under
5 cross-examination you have stated some of the
6 names of the Kamajor commanders in Tongo at the
7 time; is that correct?

8 A. Yes.

9 Q. Did you at any time before testifying to this tribunal
10 make a report to the Kamajor office anywhere about the
11 activities in Tongo?

12 A. No.

13 MR YILLAH: Yes, My Lord, that will be all for this witness.

14 JUDGE BOUTET: Thank you, Mr Yillah. Counsel for the second
15 accused, are you ready to proceed?

16 MR BOCKARIE: Yes, Your Honour.

17 JUDGE BOUTET: Mr Bockarie, I will just remind you of your
18 tendency to go very quickly, so take your time so we can
19 take notes and the witness can understand what you're
20 saying.

21 MR BOCKARIE: Thank you, Your Honour.

22 CROSS-EXAMINED BY MR BOCKARIE:

23 Q. Mr Witness, did you inform that when President
24 Kabbah was overthrown he went to Guinea?

25 A. Well, we heard it in this country, but I never knew much
26 about it, but I heard it when I was in Tongo.

27 Q. Mr Witness, did you also hear that, from Guinea,
28 President Kabbah was giving instructions to the Kamajors
29 to have him reinstated?

- 1 A. I didn't hear that.
- 2 Q. Mr Witness, do you know Kailahun district very well?
- 3 A. No.
- 4 Q. Do you know Penguia in the Kailahun district, Penguia
5 Chiefdom? You have heard the name Penguia?
- 6 A. I heard about it but I don't know there.
- 7 Q. Have you been informed that Penguia is less than five
8 miles to Guinea, to the Guinean border? Do you know
9 that?
- 10 A. I don't know about that.
- 11 MR BANGURA: Your Honour, I would ask for the spelling of the
12 word Penguia, but I notice that the witness's hand is up.
- 13 PRESIDING JUDGE: Yes. Mr Witness, you raised your hand. Is
14 there anything?
- 15 THE WITNESS: I want to ease myself.
- 16 [Break taken at 10.40 a.m.]
- 17 [HN220205B - CLR]
- 18 [Upon resuming at 10.54am]
- 19 JUDGE BOUTET: Yes, please proceed.
- 20 MR BOCKARIE: No further questions, My Lord.
- 21 JUDGE BOUTET: Thank you, counsel for the third accused.
- 22 MR LANSANA: If it please Your Honour, I will be doing the
23 cross-examination.
- 24 CROSS-EXAMINED BY MR LANSANA:
- 25 Q. Mr Witness, when you were testifying in this Court, you
26 said that civilians were mining for the AFRC; is that
27 correct?
- 28 A. Yes.
- 29 Q. And this was an arrangement of convenience, is that so,

1 between the civilians and the AFRC?

2 A. No, we were forced to dig for them.

3 Q. Isn't it true --

4 PRESIDING JUDGE: Please wait. Yes, it was not an arrangement
5 of convenience they were forced to do the mining.

6 MR LANSANA: As it please, Your Honour.

7 Q. Isn't it true that it was an arrangement that there were
8 certain days that you would mine for the AFRC, and
9 certain days in the week you were allowed to mine for
10 yourselves -- the civilians?

11 A. It was not an arrangement. They were the only one who
12 could allow it. It was not an arrangement. We mined for
13 them some days. At times, they say, "You mine for us for
14 five hours and you mine for yourselves for two hours."
15 That was their will. It was not an arrangement.

16 Q. If you deny it was an arrangement, you would nonetheless
17 agree it was the practice that there are at times when
18 you mine for them and, in return for that service, you
19 were allowed by the AFRC to mine for yourselves; is that
20 so?

21 A. It was not an arrangement. When they are willing, they
22 will do it. It was not something we arranged together.
23 It was not an arrangement.

24 Q. I want to pursue that line. You agree with me that it
25 was the case that you had some benefit from the mining --
26 you, the civilians?

27 A. We are not getting any benefit from there. They said -
28 at times, they will say, "Mine for us five hours and you
29 mine for yourselves for two hours." When you go down

1 there, not even 10 minutes, and then they will open fire
2 on us.

3 Q. Mr Witness, you say at times you would mine for five
4 hours for the AFRC and they asked you to mine for
5 yourselves then sometimes, you say, sometimes, they
6 opened firing on you when you just started mining. Was
7 it the case that every time you started mining, they
8 opened fire upon you - every time?

9 A. That was why I said this in my first statement that, at
10 times, they allow us to mine for us five hours, and you
11 mine for ourselves two hours. As well, we go down to do
12 the mining, it will not even be 10 or 15 minutes and they
13 open firing on us. That has been happening every day.

14 Q. It is true, Mr Witness, that you went to these mining
15 pits from your houses, didn't you?

16

17 A. We have been forced from our houses.

18 Q. Was it the case that all able-bodied males in Tongo were
19 muscled or forced from all the houses in Tongo to go to
20 these pits?

21 A. Yes. All those that were in Tongo, all civilians that
22 were in Tongo.

23 Q. If it was that bad, why didn't you escape from Tongo, if
24 I may ask?

25 A. Those people were not even allowing us to go out.
26 Mostly, the elders, they are not allowing us to go. In
27 fact, they seized us.

28 Q. Mr Witness, I'm putting it to you that it is a fact that
29 during the time that the AFRC were in Tongo, people were

- 1 escaping from Tongo and coming to Kenema?
- 2 A. Well, we, the elders, especially me and the others, they
3 never allowed us to go out.
- 4 Q. I'm putting it to you that you stayed in Tongo because
5 you considered the diamond mining lucrative?
- 6 A. No. I've been there for over 30-something years. I
7 never became gentry. It could not be only between the
8 AFRC that will I be a gentry man.
- 9 Q. Mr Witness, at some point in time when you have been
10 relaying evidence, you said that the Kamajors asked
11 civilians to point out rebels from among them; is that
12 correct?
- 13 A. Yes. That was at the headquarters field.
- 14 Q. Thank you. When this exercise was going on, you told
15 this court that you were afraid; correct?
- 16
- 17 A. Yes.
- 18 Q. I'm putting it to you that you were afraid, because you
19 had a guilty conscience; correct?
- 20 A. No, that was not the reason I was afraid.
- 21 Q. Mr Witness, you know it's a fact that non-criminals are
22 normally not afraid of policemen; correct?
- 23 PRESIDING JUDGE: How do you know that?
- 24 JUDGE BOUTET: What's this fact? I'm not aware of that.
- 25 MR LANSANA: Your Honours, it's something that's logical. If
26 you have not committed a crime, you do not fear a
27 policeman. I am putting it to him.
- 28 PRESIDING JUDGE: I am sorry.
- 29 JUDGE BOUTET: I do not necessarily agree with you on this.

1 MR LANSANA: I will take another line.
2 JUDGE BOUTET: It depends where you are, I can tell you that.
3 PRESIDING JUDGE: Yes.
4 MR LANSANA: Unless it is a police state.
5 PRESIDING JUDGE: No, no, not even if it were --
6 MR LANSANA: I will take another line, Your Honours.
7 PRESIDING JUDGE: You better do, Mr Lansana.
8 MR LANSANA:
9 Q. I put to you, Mr Witness, you worked hand-in-gloves with
10 the AFRC, didn't you?
11 A. No, I was an ordinary civilian there who was trapped by
12 them.
13 Q. Now let's come to the day of the attack. On the day of
14 the attack, the AFRC were in control of Tongo, weren't
15 they?
16 A. Yes.
17 Q. And they were in control of the NDMC headquarters,
18 weren't they?
19 A. Yes, they were there.
20 Q. And that is why they asked civilians to go to the
21 headquarters, because they considered it a safe haven;
22 correct?
23 A. I am sure, yes. I am sure, yes.
24 Q. Whilst the civilians were tripping - running in their
25 droves to the headquarters - there was firing; not so?
26 A. No, the time the civilians were running towards the
27 headquarters, there was no firing. It was only when the
28 Kamajors passed us going towards the headquarter, that
29 was the time we heard firing.

1 Q. Mr Witness, at the time of this attack, you were at
2 Tongola; not so?

3 A. Yes.

4 Q. And when the crowd was running towards the headquarters,
5 upon the instructions of the AFRC, you weren't there --
6 you didn't go there?

7 A. Well, I heard that everybody should go to the
8 headquarters. But the last time I didn't go there
9 because I was near there. Tongola is near the
10 headquarters. If somebody is there and he speaks, if you
11 are in Tongola you are clear.

12 Q. Mr Witness, please answer my questions with a yes or no
13 answer: "You didn't go there, did you?" "I did not";
14 yes or no?

15 JUDGE BOUTET: He's entitled to give a full and complete
16 answer. He may explain his answer. We have said that
17 repeatedly, that the witness is certainly entitled to
18 give a full and complete answer.

19 MR LANSANA: As it please your Honours.

20 Q. Now, when you say the Kamajors had gone past you, that is
21 when the firing started; not so?

22 A. Yes.

23 Q. Were you with the crowd?

24 A. When the firing started, I run towards the Fullah Mosque.
25 It was after the firing had ceased when the Kamajors had
26 been in the headquarters, I joined the crowd in the
27 headquarters.

28 Q. I will come again. When the Kamajors had gone past, you
29 were at the mosque. I'm saying at that particular point

1 in time, you were not with the crowd.

2 A. I was not in the mosque. I was in Tongola when the
3 Kamajors passed. When the firing started at the
4 headquarters, then I run towards the Fullah Mosque at
5 Tongola. From there, when the firing had ceased, when
6 the Kamajors started coming closer to the headquarters,
7 that was the time I came out; I joined the crowd to go to
8 the headquarters.

9 Q. Now, I take it that you are saying that when the firing
10 started, that was when you joined the crowd?

11 JUDGE BOUTET: No, no that's not his evidence. His evidence
12 was he was in Tongola and the Kamajors entered as such
13 and there was no firing. It was after that there was
14 firing. At the time of firing, he went to the Fullah
15 Mosque. When the firing stopped, he came out of the
16 mosque to go with the people.

17 MR LANSANA: I take your cue, Your Honours.

18 Q. Now, when the firing stopped, that was when you came out
19 of the mosque and joined the crowd; not so?

20 A. I did not get it clearly.

21 Q. I will come again. You're saying that when the firing
22 started, you hid in the mosque. After the firing, that
23 was when you joined the crowd to go to the headquarters;
24 not so?

25 A. When the firing ceased it was -- the time the Kamajor
26 asked us to go to the headquarters, that was the time I
27 joined the group to go to the headquarters.

28 Q. Thank you very much. So, in a sense, you're saying that
29 whilst the firing was going on, you were hiding in the

- 1 mosque; correct?
- 2 A. Yes.
- 3 Q. At that time, you wouldn't have known whether there was a
4 crowd moving towards the headquarters?
- 5 A. Before I went into the mosque, before the firing, people
6 were moving towards the headquarters in groups.
- 7 Q. Thank you very much. What I am saying is whilst you were
8 hiding, the firing was going on. You were hiding in a
9 mosque, you wouldn't have known whether there was, first
10 of all, a crowd moving towards the headquarters?
- 11 A. That time, mmm, I was in the mosque. I don't know.
- 12 Q. Thank you very much. We'll take it to the second limb.
13 If there was a crowd moving towards the NDMC
14 headquarters, you wouldn't have known what may have
15 happened to that crowd?
16
- 17 A. I didn't know what happened to them, yes.
- 18 Q. May I ask if you knew whether there were two sets of
19 firing or only one set of firing?
- 20 A. Well, I can't tell the difference, because we only heard
21 -- when somebody heard firing, his life was in danger.
22 He cannot tell whether there were two sets, three sets -
23 he can't tell.
- 24 Q. Now, did you hear the firing from only one direction or
25 from two directions?
- 26 A. I heard firing. I didn't know the difference.
- 27 Q. I didn't talk about difference, I said direction.
- 28 A. When they started firing at the headquarters, all over
29 the town there was firing.

- 1 Q. Thank you.
- 2 A. But I live very close to the headquarters.
- 3 Q. Thank you very much. Would it be true to say that this
4 firing was as a result of a fight between the AFRC and
5 the Kamajors?
- 6 A. Well, I don't know about that. I only heard firing.
- 7 Q. Now you say you got to the headquarters after the firing
8 had ceased, after the fighting had ceased - or maybe
9 firing because you're not sure they were fighting. You
10 say you got to the headquarters after the firing had
11 ceased; not so?
- 12 A. Yes.
- 13 Q. And civilians were asked to stand according to their
14 tribes, according to you?
- 15 A. Yes. That didn't work.
- 16 Q. May I ask you what the main component - tribal component
17 of the AFRC was?
- 18 A. I don't know. I don't know. That was what I heard they
19 said, but it didn't happen.
- 20 Q. But did they -- what did you hear them say?
- 21 A. The Kamajor said -- when they entered, they said
22 everybody should stand according to tribes, but that did
23 not happen.
- 24 Q. Mr Witness, you got my question wrong. I asked you if
25 you know what the tribal composition of the AFRC was?
- 26 A. No.
- 27 Q. Mr Witness, you were with the AFRC for several months, if
28 not up to a year or more; not so?
- 29 A. No. It was the period that they captured Tongo, that was

- 1 the time they met us there.
- 2 Q. And what's the length of time there? What's the time
3 span?
- 4 A. Well, it was almost from August to January -- November
5 to December, towards December.
- 6 Q. You were with them for approximately five months; not so?
- 7 A. No.
- 8 Q. January to August is how many months?
- 9 A. Not January. August to November. August to November.
- 10 Q. Four months.
- 11 A. November towards December, yes. December, yes. November
12 towards December.
- 13 Q. You were with them for four months and you were at the
14 pit with them mining diamonds. Wasn't that enough time
15 period for you to have known their tribal composition as
16 a Sierra Leonean?
- 17 A. The people captured us. They caught us. I never
18 investigated about tribes, because all of us spoke Krio.
19 I never asked about tribal composition.
- 20 Q. Mr Witness, you agreed with me the AFRC comprised mainly
21 soldiers from the Sierra Leone Army; correct?
- 22 A. Well, I never knew the difference. I never knew the
23 difference so much.
- 24 Q. Would it be correct, Mr Witness, that the AFRC comprised
25 mainly soldiers from the Sierra Leone Army? Would that
26 be a fair assessment? The AFRC - Armed Forces of the
27 Revolutionary Council.
- 28 A. Well, I don't know about that.
- 29 Q. Now, at the headquarters, you say that BJK Sei gave

- 1 instructions that civilians were not to be killed; not
2 so?
- 3 A. He did not give instructions. He talked -- one man --
4 one Kamajor said, "All these civilians should be killed."
5 He said, "No, that should not happen." He did not give
6 instructions. He talked, he said, "No, that should not
7 happen."
- 8 Q. He said it, but you agree with me that he said that
9 civilians were not to be killed; not so?
- 10 A. Yes.
- 11 Q. And that was a very good statement, you agreed with me.
- 12 A. I don't understand.
- 13 Q. That was a good talk. That talk he talked, that was a
14 good talk?
- 15 A. Yes. At the time when he said it, it was a very good
16 talk.
- 17 Q. Thank you. Later on, you said he told his commanders or
18 subcommanders that civilians who were captured should be
19 brought to the headquarters; correct?
- 20 A. When Mr Baggay made a complaint that some Kamajors have
21 taken civilians away, he said that anybody who captured
22 rebels or civilians should bring them to the
23 headquarters, but I never heard him say that directly.
- 24 Q. But it is true that you heard that that is what he said?
- 25 A. Yes.
- 26 Q. And this, too, was a good talk, wasn't it?
- 27 A. Yes.
- 28 Q. And you agree with me that BJK Sei was a good commander;
29 not so?

- 1 A. Yes. At that time, according to what he said.
- 2 Q. When you were testifying in chief, you said that 200
3 people were identified as rebels at the headquarters; not
4 so?
- 5 A. Yes. That was what the Kamajor said, they said they've
6 got 200 rebels. That is what they told the commander.
- 7 Q. You agree with me that there were people among these 200
8 that you were sure had something to do with the AFRC; not
9 so?
- 10 A. Among the people that were gathered, I can only say that
11 I knew three people there. But the rest, I only knew
12 that they were civilians. I don't know.
- 13 PRESIDING JUDGE: Mr Witness, you say you only knew three. In
14 what sense?
- 15 THE WITNESS: Well, those three people, those were the ones I
16 knew - personally knew; two men, one woman.
- 17 JUDGE BOUTET: And you knew them to be AFRC or civilians?
- 18 THE WITNESS: They were civilians.
- 19 MR LANSANA:
- 20 Q. Mr Witness, at least you can say safely to this court
21 that you knew at least one person among the 200 who had
22 something to do with the AFRC?
- 23 A. Well, I knew one boy, Bobson [phon] he was forced to be
24 youth leader. He was forced to be youth leader. He was
25 born in Tongo.
- 26 Q. You say "forced".
- 27 A. Well, they used to appoint people, say, "You be that.
28 You be that." You get me.
- 29 Q. Are you telling this court that the AFRC appointments

- 1 were tantamount to forcing?
- 2 A. At that time that we are in Tongo, yes. That time that
3 we are in Tongo, yes.
- 4 Q. Now, let's come to life generally during those four
5 months of the AFRC occupation of Tongo.
- 6 A. I did not get that clearly.
- 7 Q. Let's turn our attention, Mr Witness, to those four
8 months when the AFRC were in occupation of Tongo.
- 9 A. We were in bad conditions, we are just like slaves, we
10 are forced. We are forced to do things. We are not free
11 by ourselves. We are not doing things by ourselves.
- 12 Q. Is it correct to say that it was like another hell on
13 earth?
- 14 A. Yes, at that time in Tongo.
- 15 PRESIDING JUDGE: Mr Lansana, you say "Like another hell on
16 earth"?
- 17 MR LANSANA: Yes.
- 18 MR BANGURA: Your Honour, I have a problem with the
19 expressions that counsel uses.
- 20 PRESIDING JUDGE: I have no problems with that expression. I
21 have no problems.
- 22 MR BANGURA: These are not the exact words.
- 23 PRESIDING JUDGE: It may be better translating what the
24 witness -- his evidence is more accurate than what the
25 witness is going to say.
- 26 MR BANGURA: As your Lordship pleases. The witness gave me
27 the cue.
- 28 PRESIDING JUDGE: That's right. They were slaves, they were
29 tortured, they suffered and so on and so he completed it

- 1 by saying that it was another --
- 2 MR BANGURA: As Your Honour pleases.
- 3 MR LANSANA:
- 4 Q. Now, Mr Witness, given the background of your experience
5 with the AFRC, how did you personally feel when you saw
6 the Kamajors take over Tongo from the AFRC?
- 7 A. Well, the fighting, I don't know about it. But the AFRC
8 believes you. You buy slippers, they will take it from
9 you, they say they own it. It was like hell.
- 10 Q. Thank you, Mr Witness. How did you feel when you
11 experience this under the AFRC? How did you feel when
12 the Kamajors came to route the AFRC out of Tongo?
- 13 A. Both of them, I did not favour.
- 14 Q. Mr Witness, you are misunderstanding my question. I'm
15 not asking you to answer my question out of hindsight.
16 Initially, when Kamajors came to route the AFRC out of
17 Tongo, how did you feel?
- 18 A. I don't understand. I don't understand that question.
- 19 Q. Mr Witness, the AFRC had stayed with you for four months
20 and you described it as another hell on earth; correct?
- 21 A. Yes.
- 22 Q. Now, you hadn't had any experience with the Kamajors on
23 that day they came to take the AFRC out of Tongo;
24 correct?
- 25 A. Yes.
- 26 Q. On that day, how did you feel? Not how you feel now, on
27 that day, how did you feel? I want you to be very
28 truthful with this court.
- 29 A. Well, I never felt anything. The only thing I was just

- 1 trying to get out of the place --
- 2 Q. You were not relieved at all? Your tormentors had --
- 3 another big boy was going to push them away from you?
- 4 JUDGE BOUTET: Counsel, you're being argumentative with the
- 5 witness. He's answering your questions. You may not
- 6 like the answer, but he's answering your question.
- 7 MR LANSANA: I'm not arguing with him. I'm suggesting to him.
- 8 JUDGE BOUTET: Well, your questions are getting argumentative.
- 9 MR LANSANA: I will take your key, Your Honour.
- 10 Q. Mr Witness, you had not known the Kamajors before that
- 11 day; correct?
- 12 A. Oh.
- 13 Q. And they were coming to fight people who were tormenting
- 14 you; correct?
- 15 A. Yes, they came and fought, yes.
- 16 Q. Were you pleased to see another group coming to fight
- 17 your tormentors?
- 18 A. Yes. When they arrive, they held us in custody, so we
- 19 had the opportunity -- I never knew [speaks Krio]. All
- 20 this opportunity that I had sitting here today, I
- 21 wouldn't have got it.
- 22 Q. If what? You wouldn't have got this opportunity if what?
- 23 A. Because sometimes I would have died. I don't know.
- 24 Q. Were you thankful that you did not die? You thank your
- 25 stars?
- 26 A. Yes, yes.
- 27 MR LANSANA: That will be all for this witness, your Honours.
- 28 JUDGE BOUTET: Thank you, any re-examination, Mr Bangura?
- 29 MR BANGURA: No re-examination, Your Honour.

1 JUDGE BOUTET: Thank you. Is the Prosecution ready to proceed
2 with another witness once we have terminated with this
3 witness?

4 MR TAVENER: Yes, Your Honour.

5 JUDGE BOUTET: Can we have some indication as to who the next
6 witness is?

7 MR TAVENER: The next witness is TF2-047.

8 JUDGE BOUTET: Thank you.

9 INTERPRETER: Can we please know which language the witness is
10 to testify in?

11 MR TAVENER: Krio.

12 PRESIDING JUDGE: He's testifying in Krio?

13 MR TAVENER: Yes, Krio.

14 PRESIDING JUDGE: Mr Witness. Thank you for coming to give
15 evidence in this tribunal. We thank you very much. We
16 notice that you did [inaudible] around the place. Like
17 you say yourself, you thank your stars that you did not
18 die. So we are happy that you are alive and you've come
19 to give us a story of what you lived through during this
20 experience. We have finished with you, so you can now go
21 when you leave this forum, but we may well call you back
22 here, should necessity arise. It hasn't arisen yet, but
23 it may well arise that we call you back. So, please,
24 when we do, do come back to see us again. We thank you
25 and wish you a safe journey back to your place of abode.
26 Goodbye to you.

27 The Court will rise to enable the Prosecution to
28 install their next witness.

29 [Break taken at 11.50am]

1 [HN220205C - EKD]
2 [Upon resuming at 12.00 p.m.]
3 PRESIDING JUDGE: We are resuming the session.
4 JUDGE BOUTET: Mr Tavener, are you ready to proceed with your
5 next witness?
6 MR TAVENER: Yes.
7 JUDGE BOUTET: If so, please do so.
8 MR TAVENER: Thank you. The witness needs to be sworn. This
9 is the witness TF2-047. He is our 48th witness.
10 PRESIDING JUDGE: TF2-047.
11 JUDGE BOUTET: And he's giving evidence in Krio?
12 MR TAVENER: Yes.
13 WITNESS: TF2-047 [sworn]
14 [Witness answered through interpretation]
15 EXAMINED BY MR TAVENER:
16 Q. Mr Witness, can you hear me?
17 A. Yes, I'm hearing you.
18 JUDGE BOUTET: Maybe the witness can pull down his microphone
19 because he seems to be stretching to get to the
20 microphone.
21 PRESIDING JUDGE: Mr Witness, sit at ease, feel at ease.
22 MR TAVENER: Thank you.
23 Q. I am going to ask you some questions and as much as
24 possible I will ask the questions slowly and I would ask
25 for you to answer the questions slowly.
26 A. Yes, sir.
27 Q. How old are you?
28 A. I am 63 years.
29 Q. Do you know where you were born?

- 1 A. Yes, I know where I was born.
- 2 Q. Where was that?
- 3 A. I was born in Bo, Kakua.
- 4 Q. At some stage did you move to Tongo Fields?
- 5 A. Yes, I live at Tongo Field.
- 6 Q. How long have you lived at Tongo Field?
- 7 A. About 20 years ago.
- 8 Q. I won't ask you to say what work you do there, but you do
- 9 have work in Tongo Field?
- 10 A. Yes, I was a sanitary under voluntary basis when I was
- 11 not even paid, but I decided to do it because I was a
- 12 very peaceful citizen in this country.
- 13 Q. Okay, thank you. What languages do you speak?
- 14 A. Well, I talk Mende, I talk Krio, I hear a little bit of
- 15 English.
- 16 Q. Can you read English?
- 17 A. Well, little bit, but I'm used to Krio.
- 18 Q. Are you married?
- 19 A. Yes, I'm married.
- 20 Q. Do you have one wife or more than one wife?
- 21 A. I have one wife.
- 22 PRESIDING JUDGE: Like Mr Tavener, I hope.
- 23 MR TAVENER:
- 24 Q. Do you have children?
- 25 A. Yes, I have children.
- 26 Q. How many children do you have?
- 27 A. I have six children.
- 28 Q. I'm now going to ask you about the time you spent in
- 29 Tongo Fields.

- 1 A. It's not bad. I'm ready to answer.
- 2 Q. Were you in Tongo -- I will call it Tongo. Were you in
3 Tongo on 25th of May 1997?
- 4 A. Yes, I was there.
- 5 Q. Did you become aware that the Kabbah government had been
6 overthrown?
- 7 A. Yes, I was in Tongo.
- 8 Q. Before that date, 25th of May 1997 -- before that date,
9 who was in control of Tongo?
- 10 A. Well, it was the AFRC junta and the RUF rebels.
- 11 Q. Was there a time in the period before the overthrow that
12 there were Sierra Leonese -- or the SLA was there -- the
13 Sierra Leonese army was there?
- 14 A. Before the overthrow take place? Yes.
- 15 Q. Before the overthrow of the Kabbah government did you
16 ever see any Kamajors in Tongo?
- 17 A. During that time? Well, no, they were there. Yes, they
18 were there.
- 19 Q. You spoke about the AFRC being in Tongo.
- 20 A. Yes, I said a little about them.
- 21 Q. Do you remember when the AFRC came to Tongo?
- 22 A. AFRC, yes.
- 23 Q. When did they come to Tongo?
- 24 A. They came inside Tongo on August the 11th.
- 25 Q. Was that the same year as the overthrow of the Kabbah
26 government?
- 27 A. Yes.
- 28 Q. How long were the AFRC in Tongo?
- 29 A. Well, they never leave there for more than one year,

- 1 inside Tongo.
- 2 Q. Were you in Tongo when the AFRC left?
- 3 A. Yes, sir, I was there, sir.
- 4 Q. Do you know what date that was?
- 5 A. Well, I have forgotten the date because it has been a
6 long time.
- 7 Q. Do you know what caused the AFRC to leave Tongo?
- 8 A. Yes, sir.
- 9 Q. Can you tell the Court, please?
- 10 A. Why AFRC left Tongo? Yes, sir.
- 11 Q. Yes, why did they leave?
- 12 A. When we are all in Tongo during that time, Kamajors were
13 giving warning that everybody should leave Tongo. At
14 times they send letters, they throw it at the pack,
15 people take it. We are there, we are still there, we
16 never went out. Every time they send report that
17 everybody should leave Tongo.
- 18 Q. Stop there for a minute. Stop, please. So, Mr Witness,
19 you're saying that the Kamajors would send letters
20 telling civilians to leave Tongo?
- 21 A. Yes.
- 22 Q. How were these letters distributed, how were they shown
23 to the people in Tongo?
- 24 A. They were not sharing them. They just come. At times
25 they drop it in the pack, at times they throw it down
26 just near the police station. At times they send message
27 by people.
- 28 Q. Did you read these letters sent by the Kamajors?
- 29 A. No. Those who took those letters and were reading it,

- 1 they were making announcement to everybody in the town.
- 2 Q. Did you leave Tongo?
- 3 A. If I left Tongo? I was still there.
- 4 Q. Did the Kamajors come to Tongo?
- 5 A. Yes, the Kamajors came.
- 6 Q. You may have mentioned this, but you don't remember the
7 date they came to Tongo?
- 8 A. The Kamajors?
- 9 Q. Yes.
- 10 A. Well, they came inside Tongo by November ending, towards
11 December.
- 12 Q. Where were you on the day the Kamajors came to Tongo?
- 13 A. I was right inside my place where I live, inside Tongo.
- 14 Q. Did you hear any unusual noises at that time?
- 15 A. Yes.
- 16 Q. What did you hear?
- 17 A. Voices like how?
- 18 Q. I will put it simply. Did you hear any sounds of guns
19 being fired?
- 20 MR BOCKARIE: Objection, Your Honour, that's leading.
- 21 MR TAVENER: Thank you. I'll start again.
- 22 THE WITNESS: Yes, I heard it.
- 23 MR TAVENER: I'll start again.
- 24 PRESIDING JUDGE: We would like counsel to be fair to
25 themselves and ensure that we don't ask questions that
26 breach the Rules. At times they come inadvertently, but
27 we should be very carefully.
- 28 MR TAVENER: I accept that, Your Honour. I didn't realise
29 that the fighting was in dispute, but it must be.

- 1 PRESIDING JUDGE: Because the reply -- the question was
2 already suggested.
- 3 JUDGE BOUTET: As we know leading questions are permissible
4 when it is not a matter that is being disputed. I didn't
5 feel that it was really disputed either, but if it is, it
6 was obviously a leading question, there is no doubt about
7 that. Leading, as we have constantly said, if it is not
8 a disputed matter it is perfectly acceptable. But I take
9 it, Mr Bockarie, that you are saying this is a disputed
10 issue?
- 11 JUDGE THOMPSON: Is that what you are saying?
- 12 MR BOCKARIE: Yes. I mean, the way it has been put can be
13 disputed, Your Honour.
- 14 JUDGE BOUTET: We are not disputing anything. I am just
15 asking you if you are suggesting that this is an issue
16 that is in dispute.
- 17 MR BOCKARIE: Yes, Your Honour.
- 18 MR TAVENER: Thank you.
- 19 Q. Mr Witness, you were in your house the day the Kamajors
20 came in to Tongo?
- 21 A. Yes, I was in my house.
- 22 Q. Did you hear anything at that time when the Kamajors came
23 into town?
- 24 A. Yes.
- 25 Q. What did you hear?
- 26 A. I heard four gunshots.
- 27 Q. What did you do when you heard the gunshots?
- 28 A. Okay. At first I heard a gunshot coming towards Pandebu,
29 a road leading to Tongo. Later on about five minutes, we

1 heard gun sound by Landoma, from Kono to Landoma Highway
2 to go to Tongo. Then we heard a gun sound from the
3 village close to us, Semwabu. Then we heard gunshot
4 Tongola old town leading to Tongo.

5 Q. Thank you. Stop there, please.

6 A. These are the four places I heard gunshots from.

7 JUDGE BOUTET: Mr Prosecutor, I take it you're going to go
8 over that slowly, please.

9 MR TAVENER:

10 Q. Mr Witness, you heard gunshots from - is it correct to
11 say - four directions -- four different directions?

12 A. Yes.

13 Q. Could you please tell the Court each of those directions
14 again, please?

15 JUDGE BOUTET: And slowly.

16 MR TAVENER:

17 Q. Slowly, one at a time.

18 A. Yes, I will be able to tell the Court.

19 Q. Please.

20 A. One, at Pandebu Road we heard one gunshot.

21 Q. Pandebu Road?

22 A. Yes.

23 Q. The second one, please?

24 A. Landoma Road.

25 Q. The third one, please?

26 A. Semwabu.

27 Q. And the fourth one, please?

28 A. Tongola Old Town Road.

29 Q. When you heard those gunshots what did you do?

- 1 A. Everybody was confused in the town, people were running
2 helter-skelter. Some of us thought it was a convoy
3 bringing rice to us, which of course it was not convoy.
4 It was the Kamajors that had entered.
- 5 Q. Thank you. Did you stay in your house?
- 6 A. No. When they entered they told everybody to go to
7 security headquarter.
- 8 Q. When you say they, who do you mean?
- 9 A. What?
- 10 Q. When you say they told everyone to go to security
11 headquarters, who do you mean by they?
- 12 A. It was the Kamajors who said we should all go to the
13 security headquarter.
- 14 Q. Did the security headquarters have another name?
- 15 A. If it has another name?
- 16 Q. Yes.
- 17 A. Well, that's all I know, security headquarter.
- 18 Q. Did you go there? Did you go to security headquarters?
- 19 A. Yes, they said everybody should go there. I went there.
- 20 Q. When you arrived at security headquarters what did you
21 see?
- 22 A. Well, I saw a lot of Kamajors with a lot of civilians -
23 men, women, children, were many, a lot of Kamajors, I saw
24 them.
- 25 Q. Is the security headquarters a building?
- 26 A. It was a building. Yes, there are a lot of houses.
- 27 Q. What is outside the building or buildings?
- 28 A. Well, there were cement blocks, they were roofed on top.
- 29 Q. And besides the buildings what else was there?

- 1 A. A lot of things. People were there. A lot of things
2 were there.
- 3 Q. When you were -- sorry, I'll start again. When you were
4 at the -- when you came to security headquarters, do you
5 know how many civilians were there?
- 6 A. I cannot tell how many civilians were there, but we are
7 many, we are many.
- 8 Q. Did you recognise any other people who were there?
- 9 A. Yes.
- 10 Q. And were they all civilians?
- 11 A. Yes, they were civilians. A lot of tribes were there.
- 12 Q. Were there any people who were there who were not
13 civilians?
- 14 A. Yes, they were the Kamajors and the juntas and the RUF.
15 They were many.
- 16 Q. Did you go into the building or the buildings?
- 17 A. We were outside. We are by the door side, a lot of us.
18 We were all outside.
- 19 Q. On that day did you know any AFRC soldiers by sight?
- 20 A. Yes, I saw him.
- 21 Q. Could you see any in the crowd?
- 22 A. Yes, I saw one. One was there who was called Dr Blood.
- 23 Q. Were there any other AFRC soldiers in the crowd outside
24 the security building?
- 25 A. They were there. But when we are told to go to
26 headquarters, before we entered the headquarters we saw a
27 lot of corpses. Some of them were AFRC, a lot of them.
- 28 Q. Okay. At that time when you were at the security area,
29 did anyone speak to you or speak to the crowd?

- 1 A. Yes, yes, somebody spoke to me who was a Kamajor.
- 2 Q. Do you know who that was, the name of that person?
- 3 A. Yes, sir.
- 4 Q. Who was that?
- 5 A. It was Keikula alias Kamabote.
- 6 PRESIDING JUDGE: K what?
- 7 MR TAVENER: Kamabote. I understand it's spelt
- 8 K-A-M-A-B-O-T-E.
- 9 THE WITNESS: Kamabote.
- 10 PRESIDING JUDGE: I thought I heard two names.
- 11 THE WITNESS: Keikula alias Kamabote.
- 12 MR TAVENER:
- 13 Q. His name is K-E-I-K-U-L-A and he's also known as
- 14 Kamabote. I will come back to him. Did you know any
- 15 other Kamajor commanders who were at the security area?
- 16 A. Yes.
- 17 Q. Who were they?
- 18 A. One was BJK Sei.
- 19 Q. S-E-I. Do you know any others?
- 20 A. Yes.
- 21 Q. What was the other name that you knew?
- 22 A. One was Michael Col.
- 23 Q. Col?
- 24 A. Michael Col.
- 25 Q. C-O-L. Did you know any other Kamajor commanders on that
- 26 day?
- 27 A. Yes.
- 28 Q. Could you say the name, please?
- 29 A. Yes, sir. Lahai Siaka, Lahai Siaka.

- 1 Q. L-A-H-A-I S-I-A-K-A. Did any of those commanders speak
2 to you or speak to the crowd?
- 3 A. Well, the chief Kamajor, who was BJK Sei, gave warning to
4 all the Kamajors.
- 5 Q. And what did Commander Sei -- what warning did he give
6 the Kamajors?
- 7 A. I was standing there, he told them, "Oh, my brothers, we
8 are all brothers here. We have brothers here, we have
9 sisters here. To stop killing people, stop the killing
10 of people. Anyone I catch killing people I will dismiss
11 you from now." BJK said it.
- 12 Q. Okay. After BJK Sei spoke to the Kamajors --
- 13 PRESIDING JUDGE: If I catch what?
- 14 MR TAVENER:
- 15 Q. Could you say it again, what would he do if he caught
16 anyone?
- 17 A. He said if he catches anybody he will dismiss him, so
18 anyone who has killed somebody.
- 19 Q. After he spoke did Commander Sei, or CO Sei -- did he
20 stay there?
- 21 A. He was there. He said goodbye and he said, "Do let us --
22 please be careful about the civilians, be careful with
23 civilians."
- 24 Q. You said he said goodbye. Did he go somewhere?
- 25 A. Yes, he went to his own place, Lebo Camp [phon].
- 26 Q. When Commander Sei went away was there another Kamajor
27 commander in charge?
- 28 A. Yes.
- 29 Q. Who was that?

- 1 A. It was the battalion commander Lahai Siaka.
- 2 Q. What happened next to the people?
- 3 A. Okay, before it happened the other CO in charge who was
4 Keikula alias Kamabote --
- 5 Q. You said Kamabote was there?
- 6 A. Keikula alias Kamabote was the deputy to the ground
7 commander.
- 8 Q. What did this Kamabote do or say?
- 9 PRESIDING JUDGE: Was the deputy of the ground commander; that
10 is Sei or who?
- 11 MR TAVENER: I'll ask that.
- 12 Q. Who was the ground commander to whom Kamabote was the
13 deputy?
- 14 A. Well, it was Lahai Siaka, he was the deputy.
- 15 Q. When Commander BJK Sei went away did Lahai Siaka stay
16 there?
- 17 A. Yes, sir, he stayed.
- 18 Q. Okay. What did Kamabote do at that time?
- 19 A. Kamabote announced that whosoever -- "If you know any
20 rebel that has done wrong to you bring him to us."
- 21 Q. Did he say anything else about that time?
- 22 A. Yes.
- 23 Q. What did he say?
- 24 A. After he has said that if anybody know any rebel that he
25 should point him out, then Fatmata Kamara said, "That
26 man, Dr Blood, he used to use my rice without paying. At
27 any time I talk to him he abuses me."
- 28 Q. So just slowly. Did someone point out a person called
29 Dr Blood?

- 1 A. Yes. Somebody point at him, who was Fatmata Kamara.
- 2 Q. Fatmata Kamara?
- 3 A. Yes.
- 4 Q. Did you know Dr Blood before that day?
- 5 PRESIDING JUDGE: He said Dr Blood --
- 6 THE WITNESS: Yes.
- 7 PRESIDING JUDGE: What was the content of that report against
- 8 Dr Blood?
- 9 MR TAVENER:
- 10 Q. What did Fatmata Kamara say about Dr Blood?
- 11 A. She said, "When I used to sell my cookery, he used to go
- 12 there to eat with his colleagues. He eat without paying
- 13 and they eat all the food, they never paid anything. If
- 14 I ask them, he abuses me."
- 15 Q. Did you know Dr Blood before that day?
- 16 A. Yes, I knew him.
- 17 Q. What did you know Dr Blood -- or how did you know
- 18 Dr Blood?
- 19 A. He was a rebel.
- 20 Q. After Dr Blood had been identified did something happen?
- 21 A. Yes.
- 22 Q. What happened?
- 23 A. As soon as Fatmata Bangura said, "This man was a rebel,
- 24 he used to eat my food without paying," Keikula Kamabote
- 25 called him to attention.
- 26 Q. Did anything happen to Dr Blood?
- 27 A. As he was called by Keikula, he ordered him to sit down.
- 28 Before he sat down he chopped him on the nape. The head
- 29 fall on the back, it dropped.

- 1 Q. How was Dr Blood dressed at that time? What clothing was
2 he wearing?
- 3 A. He wore civilian clothes, but he had a rebel shirt which
4 was red, but it was placed in his pocket.
- 5 Q. After that did Commander Lahai give any instructions or
6 speak to the people there?
- 7 A. Well, yes.
- 8 Q. What instructions did he give?
- 9 A. He said, "All you standing here, we said all of you
10 should leave this place. Why didn't you leave this
11 place? Why are all of you here?"
- 12 Q. In what language did he speak?
- 13 A. He spoke in Mende.
- 14 Q. Did he say anything else in Mende?
- 15 A. Yes.
- 16 Q. What did he say?
- 17 A. Well, Lahai Siaka said that why we did not leave the
18 town, then Kamabote said, "Don't ask them like that,
19 let's kill everybody. Don't you hear what he has said?"
- 20 Q. Where were all the people when these words were spoken?
21 Whereabouts were they?
- 22 A. We are seated on the ground. But before I sat on the
23 ground Kamabote called me. He said, "Hey, you, come over
24 here. You are a sanitary officer, I know you. Today you
25 are going to bury a lot of corpses until you become
26 tired."
- 27 Q. On that day --
- 28 A. Yes.
- 29 Q. -- did you bury a lot of corpses?

- 1 A. Yes.
- 2 Q. Did you see how those people became corpses?
- 3 A. Yes.
- 4 Q. Where were you when you saw people killed?
- 5 A. Well, I was within the crowd. I said as we are all
6 standing, Kamabote came and pointed out and said I should
7 go to a wheelbarrow and pick a wheelbarrow and go to a
8 pit. Sorry, gathered the corpses and put them in a pit.
- 9 Q. You were in with all the people at the security area?
- 10 A. Yes.
- 11 Q. Kamabote came and spoke to you?
- 12 A. Yes.
- 13 Q. Told you to get a wheelbarrow?
- 14 A. Yes.
- 15 Q. At that time had anyone been killed?
- 16 A. A lot, yes.
- 17 Q. Who had killed these people?
- 18 A. The Kamajors killed the people.
- 19 MR YILLAH: May it please you, My Lords. My Lord, I hate to
20 interrupt my learned friend but I am at a loss as to the
21 trend of the evidence, subject to your direction,
22 My Lord. My learned friend led evidence and the answer
23 elicited from the witness spoke about corpses. Now my
24 learned friend is putting the question as to who
25 killed -- I mean, the witness spoke about corpses
26 presupposing that if any killing had been done it had
27 been done before. That is my understanding, My Lord.
28 And now my learned friend is talking about killing at the
29 same time this witness is talking about corpses. I am

1 confused. I just want some clarity.

2 JUDGE BOUTET: Mr Prosecutor?

3 MR TAVENER: Thank you. The witness was asked at one stage to
4 get a wheelbarrow by Kamabote - he did that - to bury
5 corpses. In order to put it into chronological order, I
6 have gone back to when these people were killed who
7 became the corpses that he then buried. So I am simply
8 putting it in order.

9 MR YILLAH: My Lords, sorry to interrupt again. This is
10 exactly the problem. No evidence had been led, prior to
11 the witness talking about Kamabote telling him to get
12 corpses, as to any killings that had been done, My Lord.

13 JUDGE BOUTET: Well, I thought the question had been asked how
14 they became corpses. I thought that question was asked.
15 You see, the witness has said he has seen many corpses as
16 such, and he was asked a question do you know how these
17 became corpses? He says yes, they were killed.

18 MR YILLAH: I will take the cue from Your Lordships.

19 JUDGE BOUTET: Well, it's not the cue, it's the evidence as I
20 recall it.

21 MR YILLAH: Yes, My Lord. I am also looking at the trend of
22 the evidence, My Lord. That is why I'm drawing Your
23 Lordships' attention to that. I will take the cue.

24 MR TAVENER:

25 Q. Mr Witness, I am now asking you about where you were when
26 you saw people killed. Can you tell the Court where you
27 were when you saw people killed?

28 A. Yes, at first when -- [Translation interrupted]

29 JUDGE BOUTET: I don't recall the evidence to say the witness

1 has seen these people being killed. He has only said
2 that at that time many had been killed. Whether or not
3 they were just -- because you went from corpses to
4 killed. There is absolutely no evidence to my knowledge
5 that the witness has ever seen anybody getting killed.

6 MR TAVENER: I will ask that question now.

7 Q. Mr Witness, did you see anyone being killed?

8 A. Yes, I saw they killed somebody.

9 JUDGE BOUTET: Dr Blood he saw, we know this, but this is not
10 the one you are talking about.

11 MR TAVENER: Yes.

12 Q. Besides Dr Blood did you see anyone else killed on that
13 day?

14 A. Yes.

15 Q. Where were you when you saw these other people being
16 killed?

17 A. I was in the security headquarters.

18 Q. Does that mean you were in the building or you were
19 outside the building?

20 A. It was outside the building that we were.

21 Q. Where were the people who were being killed?

22 A. They were all lying on the ground. They were lying there
23 dead.

24 Q. How far away from these people were you when they were
25 being killed?

26 MR BOCKARIE: My Lordship --

27 JUDGE BOUTET: Yes, I agree with you. I mean, all the witness
28 has said is they were lying there dead. He has not said
29 he saw them being killed.

1 MR TAVENER: All right, I withdraw the question.
2 JUDGE BOUTET: That was your objection?
3 MR BOCKARIE: Yes, Your Honour.
4 JUDGE BOUTET: Sustained.
5 MR TAVENER:
6 Q. Were you able to see how those people died by looking at
7 them? Did you make any observations as to how those
8 people died?
9 A. Yes.
10 Q. What observations did you make as to how those people
11 died?
12 MR WILLIAMS: I will take an objection, My Lord.
13 JUDGE BOUTET: What is your objection?
14 MR WILLIAMS: Firstly, my learned friend is seeking to get
15 this witness to adduce medical evidence -- basically
16 medical evidence, My Lord, and furthermore --
17 JUDGE BOUTET: We'll allow that question to be asked. You
18 asked a question of the same nature in cross-examination
19 - your colleague - of a previous witness as such, about
20 how did he know about the cause of death of one
21 particular individual or individuals as such.
22 MR WILLIAMS: No, my learned friend Lansana?
23 JUDGE BOUTET: Yes, and we have allowed that question to be
24 asked -- [Overlapping speakers]
25 MR WILLIAMS: No, the latitude is extremely wide -- wider in
26 cross-examination and the Rules are not the same.
27 Leading questions are acceptable in cross-examination.
28 JUDGE BOUTET: Your objection has nothing to do with a leading
29 question. Your objection had to do with the fact that he

1 is asking the witness about medical evidence. He is not
2 asking medical evidence, he is just asking his opinion as
3 a lay person.

4 MR WILLIAMS: Yes, My Lord. Basically what I am saying is
5 that the Rules are different, My Lord, and the Rules are
6 different in this regard. My learned friend is seeking
7 to elicit medical evidence from this witness and also --
8 [Overlapping speakers]

9 JUDGE BOUTET: Your objection is denied.

10 MR WILLIAMS: As My Lord pleases.

11 MR TAVENER: Thank you.

12 Q. Mr Witness, did you make any observations as to how those
13 people died?

14 A. Yes.

15 Q. What observations did you make?

16 A. Well, I saw some of them they're heads chopped off, I
17 never saw the heads. Some they are disembowelled. Some
18 were chopped on the head but not completely. Some had
19 some wounds all over their bodies. Some corpses had no
20 head, you don't know where the head had gone.

21 Q. Do you know who killed those people?

22 A. It was the Kamajors.

23 Q. How do you know it was the Kamajors?

24 A. Because I was there when they killed three people.
25 That's why I concluded that they were killed by Kamajors,
26 and they were in Kamajor gear. So it was the Kamajor
27 that killed them.

28 Q. How many bodies did you see that had the injuries you
29 have just described?

- 1 A. Well, there were many; I cannot tell. The ones that I
2 place in the wheelbarrow and buried, I know the number.
3 The ones that I took and buried.
- 4 Q. Where did you bury these bodies?
- 5 A. There was a big pit at the back of the headquarters, so
6 it was there that I dumped them.
- 7 Q. Did you bury these people by yourself or did you have
8 assistance?
- 9 A. At the beginning I was alone, but when I became tired I
10 asked for help, so they gave me three people.
- 11 Q. On that day did you know a woman, Fatmata Kamara? You
12 may have mentioned her. Did you know a Fatmata Kamara
13 F-A-T-M-A-T-A?
- 14 A. Yes, I know Fatmata Kamara.
- 15 Q. Did you see her on the day the Kamajors came into town?
- 16 A. Yes, I saw her.
- 17 Q. Did anything happen to her?
- 18 A. Yes.
- 19 Q. What happened to her?
- 20 A. Kamabote killed her. He said she was cooking for the
21 rebels.
- 22 Q. How was she killed?
- 23 A. She was chopped with a cutlass.
- 24 Q. Where was she when she was killed?
- 25 A. Well, I had three corpses in the wheelbarrow, which I
26 went to bury. So when I came I met he has struck her
27 dead.
- 28 Q. Where was that that you found her body?
- 29 A. The corpse laid in the distance between where I am and

- 1 where you are standing.
- 2 Q. And where was that in relation to the security building?
- 3 A. It was close to the football field. Security
4 headquarters -- field, it was near there.
- 5 Q. How many fields were at the security headquarters?
- 6 A. How many fields?
- 7 Q. Yes.
- 8 A. It was one big one.
- 9 Q. In relation to the security headquarters, where did you
10 bury the bodies you have spoken about?
- 11 A. Well, the big pit was full so I went close to the swamp.
12 That was the area where there were pits. It was there I
13 dumped some of them.
- 14 Q. When you finished burying bodies that day what did you
15 do?
- 16 A. I was unable to complete my task that day, but I had a
17 number of all the ones that I buried. I counted and kept
18 the number in my memory.
- 19 Q. What number is that?
- 20 A. Well, I buried 75.
- 21 Q. You said you never finished the job on that day. What
22 did you do the next day?
- 23 A. The other day they called upon me again.
- 24 Q. Who called upon you?
- 25 A. It was BJK Sei that called. He gave a warning to all the
26 civilians and that moment he said I should continue my
27 task, and I took my wheelbarrow.
- 28 Q. Did you continue your task of burying bodies?
- 29 A. Yes, sir.

- 1 Q. Where did you bury those bodies?
- 2 A. Well, there was one pit by the road, but it was very big.
3 It was miners that dug it. It is like this whole area.
4 It is there that I used to bury some.
- 5 Q. Sorry, could you describe that area again, please?
- 6 A. It was under one big teak where I buried them. At the
7 state security headquarters it was there where you find a
8 very big tree. It was there I buried them.
- 9 Q. The next day you went back to headquarters, as you've
10 said, did you observe anything there when you went back?
- 11 A. Yes.
- 12 Q. What did you see?
- 13 A. Well, I saw a lot of corpses. I buried a lot of them and
14 I continued getting the number.
- 15 Q. Where were the corpses that you saw on that day?
- 16 A. At times some were in the playing field and the football
17 field. Some were along the road, some were in the
18 grasses near the security headquarters.
- 19 Q. How were those -- sorry, I'll start again. Do you recall
20 how those bodies were dressed?
- 21 A. Yes.
- 22 Q. How were they dressed?
- 23 A. Some were nicely dressed, they had very good clothing.
24 Some had short pair, some had guns, some had this kind of
25 clothes that I'm wearing. Some had docket and lappa, had
26 a lot of jewellery on their necks.
- 27 Q. The next day what did you do?
- 28 A. Well, the corpses I buried the first day to the second
29 day, they went up to 150 corpses.

1 Q. And the next day?

2 PRESIDING JUDGE: Let us get the count clearly. The first day

3 it was 70 --

4 THE WITNESS: Five.

5 PRESIDING JUDGE: Yes, the second day you buried how many?

6 THE WITNESS: Seventy-five.

7 MR TAVENER:

8 Q. The third day?

9 A. No, I did not touch any corpse. I hid myself.

10 Q. At that time was there a Methodist Primary School in

11 Tongo?

12 THE INTERPRETER: Sorry, the interpreter cannot get the

13 question posed by the attorney. Would the Court order

14 the attorney to post the question again?

15 PRESIDING JUDGE: I am sure the attorney is hearing you

16 directly.

17 MR TAVENER: I'll do it anyway.

18 Q. At that time was there a Methodist Primary School in

19 Tongo? Methodist, as in the religion.

20 A. Yes.

21 Q. Did you notice anything unusual about the Methodist

22 Primary School at that time?

23 A. Yes, in the school compound near the church --

24 Q. Yes, what did you notice?

25 A. Since they know me still as a sanitary -- [translation

26 interrupted]

27 PRESIDING JUDGE: [Overlapping speakers] convenient point to

28 stop.

29 MR TAVENER: Thank you.

1 PRESIDING JUDGE: We are at the level of the Methodist Primary
2 School in Tongo. We may break here and the witness will
3 continue from the methodist primary school in Tongo some
4 time in the afternoon. The Court will rise and will
5 resume sitting at 2.30.

6 [Luncheon recess taken at 1.00 p.m.]

7 [HN220205D - SV]

8 [Upon resuming at 2.40 p.m.]

9 PRESIDING JUDGE: Good afternoon, learned counsel. Mr
10 Tavener?

11 MR TAVENER: Thank you.

12 PRESIDING JUDGE: Yes. We stopped over at the Methodist
13 Primary School in Tongo.

14 MR MARGAI: I'm sorry, My Lords, I crave your indulgence.

15 Taking the cue from an observation made by the Presiding
16 Judge some time ago as to the necessity of the Bench
17 knowing who is here and who is not, may I take this
18 opportunity to introduce our legal assistant in the
19 Kondewa team in the person of my colleague Mr Martin
20 Michael. Mr Michael is not new to the profession. He is
21 just following into the footsteps of his late father who,
22 in my humble estimation, has been the best civil lawyer
23 in this country and I'm sure your brother on had right
24 will attest to that. Thank you.

25 PRESIDING JUDGE: Thank you. He is very welcome into the
26 Defence team and into this very intimate family and we do
27 wish him the best in the exercise of his duties, not only
28 to represent the accused Kondewa but also to assist the
29 Court, when it comes to it, to arrive at just solutions

1 when problems arise. So you are welcome. Right, Mr
2 Tavener.

3 MR TAVENER: Thank you.

4 Q. Mr Witness, before the break we were speaking about the
5 Methodist Primary School in Tongo Field.

6 A. [Microphone not activated].

7 Q. Sorry, you may have to say that again?

8 A. We stopped at the Methodist school compound. That was
9 the place we stopped before we went for lunch.

10 Q. That's right. Now, a few days after the -- we were
11 speaking about a few days after the Kamajors had come
12 into or came to Tongo Fields, did you go to the Methodist
13 Primary School?

14 A. It was inside Tongo I lived. Every day I do some
15 environmental inspection.

16 Q. Did you find anything at the Methodist Primary School?

17 A. Yes.

18 Q. What did you find there?

19 A. Well, during the war time when the Kamajors took over
20 Tongo, despite all the bodies -- the corpses that are
21 buried at headquarters, I buried up to 150. I was tired.
22 I hid myself. After that, the next time I went to town,
23 after three days when I hid myself, I found a good number
24 of men bringing some bodies near to the church. Then I
25 went there again myself and then you being the head
26 officer, come and see --

27 PRESIDING JUDGE: Too fast. Too fast.

28 THE WITNESS: Okay. Despite I buried the 150 corpse at
29 headquarters. The other time --

1 PRESIDING JUDGE: Wait, wait, wait.
2 THE WITNESS: Okay.
3 PRESIDING JUDGE: After you had buried the 150 corpses in the
4 headquarters.
5 THE WITNESS: And I came back, I returned to my house but not
6 long I was sent for and I went to town.
7 PRESIDING JUDGE: Who sent for you? You were sent for, who
8 sent for you?
9 THE WITNESS: Kamabote.
10 MR TAVENER:
11 Q. Did you see Kamabote?
12 A. Yes.
13 Q. What did he want of you?
14 A. He said I should go and assist the other people who have
15 come with a lot of corpses, to assist them in burying
16 them at the Methodist school. We buried them at the
17 Methodist Primary School.
18 Q. The people you buried at the Methodist Primary School,
19 did you make any observations about their bodies?
20 PRESIDING JUDGE: Was it in the compound?
21 MR TAVENER:
22 Q. Perhaps if you can answer first --
23 THE WITNESS: Inside the classroom. In one big classroom.
24 PRESIDING JUDGE: What? Buried inside the classroom.
25 THE WITNESS: Yes sir, yes.
26 MR TAVENER:
27 Q. Perhaps if I can ask a question about that. I'm not
28 clear, Mr Witness, are you saying the bodies were in the
29 classroom or you buried them in the classroom?

- 1 A. The corpses were not in the classroom but inside -- it
2 was dug inside the classroom and we dumped them all there
3 in the classroom.
- 4 Q. Is there a place near Tongo called Olumatic,
5 O-L-U-M-A-T-I-C? That may not be the right spelling but
6 do you know a place called Olumatic?
- 7 A. Yes.
- 8 Q. Did anything happen there?
- 9 PRESIDING JUDGE: What do you call the place again?
- 10 MR TAVENER: Olumatic.
- 11 THE WITNESS: Olumatic. It was owned by Olu Williams, that is
12 why it is called Olumatic.
- 13 MR TAVENER:.
- 14 Q. Did you notice anything about that particular place?
- 15 A. Yes sir. I saw 25 corpses.
- 16 Q. Did you notice anything about the corpses?
- 17 A. Yes, they were juntas.
- 18 Q. Did you bury those corpses?
- 19 A. I was not able to bury them. They placed some tyres on
20 this and burnt them.
- 21 Q. I just need to ask you some questions now about some
22 background. Mr Witness, did you attend school? Do you
23 have any schooling?
- 24 A. Me? Yes, I went to school.
- 25 Q. To what level did you go to school?
- 26 A. I went up to Form 5.
- 27 Q. So many years did you spend at school?
- 28 A. Well, I took 15 years. I failed a lot.
- 29 Q. What subjects did you fail?

1 A. I did science.

2 Q. Did you pass science?

3 A. Yes sir.

4 Q. You mentioned that when you buried bodies you sometimes
5 buried heads and sometimes bodies without heads; is that
6 right?

7 PRESIDING JUDGE: He's not like some people who, even if they
8 were dull, would say, "I was the most brilliant person".
9 At least I've come by one person who is bold to tell the
10 world that he was always failing.

11 MR TAVENER: Thank you.

12 Q. Mr Witness --

13 PRESIDING JUDGE: That's very honest of you, Mr Witness. It
14 is very rare to find people like you.

15 MR TAVENER:

16 Q. This morning, Mr Witness, you mentioned you buried, using
17 your wheelbarrow, sometimes heads, sometimes bodies
18 without heads; is that correct?

19 MR YILLAH: Objection, My Lord. There is no evidence before
20 this Court that this witness sometimes buried bodies and
21 heads separately, not so far as we recollect, My Lord.

22 PRESIDING JUDGE: But there is at least somewhere -- there is
23 some evidence somewhere that some corpses did not have
24 heads.

25 MR YILLAH: There is evidence of some burial, I agree, My
26 Lord. But the manner in which the Prosecutor is doing it
27 is putting words into the mouth of the witness. It is
28 unfair.

29 JUDGE BOUTET: But the evidence was that there were bodies,

1 corpses without heads.

2 PRESIDING JUDGE: Without heads, yes.

3 MR TAVENER: Perhaps I'll clarify that then.

4 Q. Were there ever heads without bodies?

5 PRESIDING JUDGE: No.

6 THE WITNESS: Yes, I saw them.

7 MR TAVENER: I'm just getting to the point of my question

8 which will finalise my examination-in-chief.

9 PRESIDING JUDGE: He said the heads were heads without bodies.

10 MR TAVENER: That's right.

11 THE WITNESS: Mmm.

12 MR TAVENER:

13 Q. In keeping count of how many bodies you buried did you
14 keep a separate count of heads alone and bodies alone or
15 bodies without heads? How did you keep count?

16 A. No. Before this Court one should not tell a lie. What I
17 did not do, I will not answer that. I just gathered all
18 the corpses together.

19 Q. Did you count a head without a body as one body?

20 A. Those I know I buried with my bare hands. When I take
21 them one after the other was about 150. That was me
22 alone without the aid of anybody. The next one I'm
23 talking about which was Methodist, the men have gathered
24 all the corpse and they are already dug the hole. They
25 invited me, [inaudible] head, and we checked it, we
26 checked them, and when we were about to put them inside
27 the hole they were about 40.

28 Q. Just to clarify what you're saying, when you say you
29 buried 150, is that 150 or 115? I can't hear that

1 properly?

2 JUDGE BOUTET: It's twice 75.

3 PRESIDING JUDGE: Twice 75. 75 times two.

4 MR TAVENER: Thank you.

5 PRESIDING JUDGE: Day one, day two.

6 MR TAVENER: I just wanted to make sure, thank you. I have

7 nothing further for this witness.

8 PRESIDING JUDGE: At the Methodist school you say you buried

9 how many?

10 THE WITNESS: 40 and even one doctor went there and saw us. I

11 showed him all the mass graves and he asked if

12 [inaudible].

13 JUDGE BOUTET: What did he ask?

14 MR TAVENER: What did you ask the doctor?

15 THE WITNESS: I did not ask the doctor. I said a doctor went

16 there with three people. We showed them all the areas

17 where the corpses were buried and they televised.

18 MR TAVENER: Thank you. That is not part of the

19 examination-in-chief, thank you.

20 JUDGE BOUTET: Counsel for the first accused?

21 CROSS-EXAMINED BY MR YILLAH:

22 Q. Mr Witness, did you stay in Togo from May 1997 to

23 January 1998?

24 JUDGE BOUTET: I'm sorry, I missed the first part of your

25 question, I'm sorry.

26 MR YILLAH:

27 Q. Mr Witness, were you in Togo from the periods May 1997

28 to January 1998?

29 A. I have lived there over 20 years, sir.

- 1 Q. I know but were you there during that period?
- 2 A. I was right there, sir.
- 3 PRESIDING JUDGE: From May 1997 to?
- 4 MR YILLAH: January 1998.
- 5 Q. Mr Witness, was this the period during which the junta
6 forces occupied Tongo?
- 7 A. The AFRC, sir.
- 8 Q. The AFRC forces?
- 9 A. Well, I was there when they captured Tongo.
- 10 Q. When precisely did they enter Tongo, Mr Witness?
- 11 A. I cannot tell you the exact time but I was there when
12 they entered there.
- 13 Q. Mr Witness, did the junta forces during this period
14 introduce forced mining for civilians in Tongo?
- 15 A. Diamond mining?
- 16 Q. Yes.
- 17 A. Yes sir.
- 18 Q. Mr Witness, could you tell this Court, briefly, how the
19 junta forces forced civilians to mine for them in Tongo?
- 20 A. Well, yes sir.
- 21 Q. Yes, Mr Witness?
- 22 A. Well, when the junta entered Tongo, after two weeks they
23 went to a place called Cyborg.
- 24 PRESIDING JUDGE: Slowly, slowly.
- 25 THE WITNESS: Yes sir. Well, they entered Tongo, after two
26 weeks they open a site, a mining site known as Cyborg.
- 27 MR YILLAH:
- 28 Q. Yes, Mr Witness?
- 29 A. It was the area -- a big pit. It was like four times

- 1 this area.
- 2 Q. Do you mean the size of this room?
- 3 A. The size of this room, about four times the size of this
4 room.
- 5 Q. Yes, Mr Witness?
- 6 A. The junta coerced people, then a lot of them coerced
7 people to steal for them. Well, it was the civilians
8 that they forced to do that.
- 9 PRESIDING JUDGE: What did I hear? They force people, request
10 people to do what?
- 11 THE WITNESS: To mine. To mine the diamond.
- 12 MR YILLAH:
- 13 Q. Mr Witness, were you personally a victim of this forced
14 mining?
- 15 A. No. I am unable.
- 16 Q. Mr Witness, do you know whether junta forces killed
17 civilians who refused to mine for them?
- 18 A. Yes sir.
- 19 Q. Mr Witness, in your evidence-in-chief you said the
20 Kamajors had sent warnings to the civilians to leave
21 Tongo before the attack on Tongo; is that correct?
- 22 A. It was correct, sir. We are only stubborn in Tongo. You
23 are nearly correct, sir.
- 24 Q. Mr Witness, you said the people who read the letters sent
25 by the Kamajors and the people who received verbal
26 messages made announcements to everybody in Tongo about
27 the Kamajor warning; is that correct?
- 28 A. You are really correct. The junta instigated the
29 civilians that the Kamajor would not be able to evict

1 them from Tongo so let them don't go anywhere. That was
2 why they decided to stay.

3 Q. Mr Witness, is it true that a large number of civilians
4 left Tongo as a result of these several Kamajor warnings?
5 Is it true?

6 A. A lot of civilians left. I will not say lies before this
7 Court.

8 Q. Mr Witness, did those who made the announcements of the
9 Kamajor warnings also tell you that it was with a view to
10 minimising civilian casualty in the case of an attack?

11 A. I cannot tell. They sent letters out. People picked
12 them and read them, so that anyone who picks a letter and
13 give up this information -- so because of this the news
14 were disseminated. So a lot of civilians pulled out from
15 Tongo.

16 Q. Thank you, Mr Witness?

17 A. Yes sir.

18 Q. Mr Witness, on what day did you say the Kamajor forces
19 entered Tongo? Do you remember the date?

20 A. Well, they entered November -- November to December and
21 then in Tongo.

22 Q. Mr Witness, did you make statements, or did you make a
23 statement, to the investigators from the Prosecutor's
24 office?

25 PRESIDING JUDGE: I take it that when he says the Kamajors
26 entered Tongo in November/December it is 1997?

27 MR YILLAH: 1997, that is what he says.

28 Q. Mr Witness, were you interviewed by investigators from
29 the Office of the Prosecutor?

- 1 A. Many times, sir.
- 2 Q. Mr Witness, do you recall talking to them sometime -- do
3 you recall talking to them on the 24th day of October
4 2002?
- 5 A. Yes.
- 6 Q. In what language did you make the statement?
- 7 A. In Krio.
- 8 PRESIDING JUDGE: Is it 24th or 23rd?
- 9 MR YILLAH: 24th, My Lord.
- 10 PRESIDING JUDGE: Okay.
- 11 MR YILLAH:
- 12 Q. What you said to the investigators, was it recorded?
- 13 A. Well, they used to write that sir.
- 14 Q. And at the end of the recording did they read it over and
15 explain it to you?
- 16 A. Some read it out, some they didn't read it to me.
- 17 Q. And after that, Mr Witness, did you sign the statement as
18 true and correct?
- 19 A. What I told them, yes sir.
- 20 Q. Now do you, Mr Witness, recall telling them, contrary to
21 what you have said here, that the Kamajors entered at the
22 ending of November to the beginning of December, do you
23 recall telling the investigators that the Kamajors
24 entered on the 14th day of January 1998?
- 25 A. It was November 11. November 11. I'm sorry, sir.
26 November to December, that was the time they entered
27 Tongo. I still repeat sir.
- 28 JUDGE BOUTET: Repeat your question, I don't think he has
29 answered your question or he may not have understood.

1 MR YILLAH: As My Lord pleases.

2 Q. Mr Witness, in your statement of 24th of October 2002 at
3 page 3 you said: "The AFRC were in control of Tongo
4 Field up to 14th of January 1998 when the Kamajors
5 launched an offensive on their positions and finally
6 removed the AFRC from Tongo Field". Do you recall saying
7 those words to the -- do you recall making that statement
8 to the investigators?

9 A. Yes, I made that statement, sir, and that has taken a
10 long time now.

11 Q. Mr Witness, is it true that on the day of the -- on the
12 day the Kamajors entered Tongo the AFRC forces were
13 calling on civilians to converge on the NDMC security
14 headquarters?

15 A. When the Kamajor entered Tongo, November and into
16 December, they gave an announcement that every civilian
17 should go to the headquarters. So we went there.

18 Q. Mr Witness, my question is: Is it true that the junta
19 forces, the AFRC forces, on the day the Kamajors entered
20 --

21 A. By then, a good number of the juntas were in. They were
22 overpowered, sir.

23 Q. No, did they call on civilians to converge --

24 A. The same day the Kamajor entered Tongo Field they invited
25 everybody at their headquarters, that is the same day I'm
26 referring to.

27 [HN220205D 3.10 p.m. - EKD.]

28 Q. No, I'm not talking about the Kamajors here, Mr Witness.
29 I'm still talking about --

- 1 A. The juntas were inside. A lot of them were pulling out,
2 a lot of them left.
- 3 Q. Mr Witness.
- 4 A. Yes, sir.
- 5 Q. Where were you when the Kamajors entered Tongo? Where
6 were you?
- 7 A. Myself, I'm working as a voluntary health officer. I did
8 not go anywhere. I witnessed this happen.
- 9 Q. No, where were you? Were you in your house, were you
10 standing outside -- where?
- 11 A. I was in my house. Sometimes I stay at home, sometimes I
12 go round to see what was happening.
- 13 Q. So Mr Witness --
- 14 A. Yes, sir.
- 15 Q. -- when the Kamajors entered and were trying to take
16 control of Tongo, there was a heavy exchange of fire
17 between the Kamajor forces and the junta forces; is that
18 correct?
- 19 A. No, sir. I did not see junta. They were escaping. Good
20 number of junta and rebels were escaping. I saw them
21 escaping. Stripping their uniform from their bodies,
22 escaping.
- 23 Q. So Mr Witness, you just made the statement so on that day
24 the junta forces were taking off their uniforms and
25 dressing in civilian clothing; is that correct?
- 26 A. It is correct, sir. They took off their uniform, wear
27 uniform -- wear civilian clothing and they went into the
28 bush. A lot of them did it. A lot of them had civilian
29 clothing, so a lot of -- civilians prosecuted them to the

1 civilians. That is why a lot of them were killed.

2 JUDGE BOUTET: Mr Witness, what did you just say? A lot of
3 civilians -- what did he do to the junta that were
4 escaping?

5 THE WITNESS: What the civilian did to the junta, sir? I did
6 not hear, sir.

7 MR YILLAH: My question to the witness, My Lord, was -- let me
8 put the question again.

9 Q. Mr Witness.

10 A. Yes.

11 Q. On that day, the day Kamajors entered Tongo, the junta
12 forces were taking off their uniforms and stayed in the
13 civilian clothing; is that correct?

14 A. I saw some of them took off their uniform, throw them
15 away and wore civilian clothing. I saw that.

16 Q. Mr Witness.

17 A. Yes, sir.

18 Q. Did the junta forces have a military base in Tongo?

19 A. They did not have any military base in Tongo. They used
20 to stay in somebody's residence. That was where they had
21 their office. They called that G5.

22 Q. Mr Witness, what did the junta forces use the NDMC
23 security headquarters for?

24 A. A good number of them were there.

25 Q. What did they use them for?

26 A. Well, I cannot tell you why -- for what purpose they were
27 using it. They were there. Some of them stay in
28 upstairs -- they stayed in upstairs houses, two upstairs
29 houses in Tongo. Some of them were at the headquarters.

- 1 Q. Mr Witness.
- 2 A. Yes, sir.
- 3 Q. During this period did the junta forces who stayed at the
4 NDMC security headquarters, did they carry guns with them
5 about the township of Tongo?
- 6 A. They had a lot of guns. None of them are there who had
7 no gun. Only a few that had no guns, but a lot of them
8 had guns.
- 9 Q. Mr Witness.
- 10 A. Yes, sir.
- 11 Q. Is it also correct to state that they numbered in their
12 thousands, the junta forces in Tongo Town?
- 13 A. I cannot tell you that they were like a thousand because
14 I never counted them, but I saw a lot of them. There
15 were many, I saw them. But I did not get the exact
16 number that was in Tongo.
- 17 Q. Mr Witness, during the struggle to capture the -- to gain
18 control of the NDMC security headquarters, a lot of
19 people died in the exchange of fire between the Kamajor
20 forces and the junta forces; is that correct?
- 21 A. It is not correct, sir. I never saw an exchange of fire.
22 The day they entered Tongo, I did not see an exchange of
23 fire. Some threw their guns in the mud, some took off
24 their uniforms, took uniform clothing and ran into
25 hiding. I never saw them fire a gun. If I say that, I
26 have said a lie.
- 27 Q. Mr Witness.
- 28 A. Yes, sir.
- 29 Q. Is it also true that a lot of people died in the stampede

1 whilst rushing to the NDMC headquarters for safety? Is
2 it true?

3 A. Yes, it was children fall off their mother's back, people
4 trample on them, they died. I saw about four of them.

5 Q. Mr Witness.

6 A. Yes, sir.

7 Q. It is true that on that day some of the junta forces
8 took -- let me put it this way: Some of the junta forces
9 took off their uniforms and were fighting the Kamajors in
10 civilian clothing; is that correct?

11 A. They were not fighting, Kamajors that were in civilian
12 clothes. I told you that some took their uniforms, they
13 threw them away. I did not see them in the open,
14 fighting each other. I did not observe that. It was
15 only the Kamajors that had cutlasses and some guns. But
16 to say I saw one stood all by himself, well, it wasn't
17 possible, sir.

18 Q. No, you were only at your house on that day, were you
19 not?

20 A. I was not at my house. I still repeat, sir, I am a
21 public health voluntary officer in Tongo. I was there to
22 watch, observe what was happening so that I could not say
23 a lie at any time. I was still there as a peaceful
24 citizen.

25 Q. So, Mr Witness.

26 A. Yes, sir.

27 Q. You're telling this Court that on the day of that
28 struggle between the two groups to gain control of Tongo
29 you were moving all about Tongo as a civilian?

1 A. I was not roaming all over Tongo but from house to house.
2 I was within that road in order for me to save some
3 people.

4 Q. Mr Witness.

5 A. Yes.

6 Q. Is it true -- now, let us move to the NDMC headquarters.
7 Did some of the junta forces -- some of the junta forces
8 whom you found at the NDMC security headquarters, they
9 were dressed in civilian clothing; is that correct?

10 A. It is correct.

11 Q. And Mr Witness --

12 A. Yes, sir.

13 Q. -- what were your observations on that day? Did the
14 Kamajors -- did they have different commanders, many
15 commanders?

16 A. They had a lot of commanders. A lot of commanders, they
17 had them. If you want me to show you some of the names,
18 I'll do that.

19 Q. Thank you, Mr Witness.

20 A. Yes, sir.

21 Q. Mr Witness, did you also observe that there was no
22 control among these different groups of -- these
23 different commanders at the NDMC security headquarters?
24 Did you observe that as well?

25 A. Well, a good number of them, they showed themselves that
26 they had a lot of power, the Kamajor people. BJK, who
27 was the chief Kamajor, gave warning to these people, but
28 they never refrain from what they were doing. They never
29 did.

- 1 Q. Mr Witness.
- 2 A. Yes, sir.
- 3 Q. You said BJK gave warnings to these Kamajors?
- 4 A. Yes.
- 5 Q. Could you tell this Court what that warning was?
- 6 A. Yes, sir.
- 7 Q. Yes, Mr Witness?
- 8 A. He told some of the Kamajor that, "These ones our
9 brothers and sisters. Limba, Koranko, Fullah, Temne,
10 they all -- we are all Sierra Leoneans. Stop killing
11 people, stop harassing people." He said that over and
12 again, but some of them continued. This Keikula alias
13 Kamabote was very stubborn.
- 14 Q. So you're telling this Court that BJK, the chief Kamajor,
15 told Kamajors not to kill civilians? That's what you're
16 telling this Court?
- 17 A. Yes, sir. Yes, sir.
- 18 Q. Mr Witness, is it true that notwithstanding what BJK
19 said, different groups of Kamajors were doing what they
20 felt like at the NDMC security headquarters?
- 21 A. Not all of them, sir. Some.
- 22 Q. Some did what they felt like doing, just randomly?
- 23 MR TAVENER: Sorry --
- 24 THE WITNESS: Well, I saw some of them collected a lot of
25 civilians. They ask them to get out so that they will
26 not be killed.
- 27 JUDGE BOUTET: Yes, Mr Tavener, is it too late?
- 28 MR TAVENER: No, it's not too late, otherwise I would have sat
29 down. Perhaps if my friend could be a little bit more

1 specific than "they did what they like". It is put to
2 the witness other Kamajors were doing what they like. If
3 it could be put to the witness in more specificity as to
4 what he's talking about. Are the Kamajors doing what
5 they like? That could mean anything. I am trying to get
6 some sense from his question.

7 JUDGE BOUTET: The witness seemed to have understood something
8 from that question.

9 MR YILLAH: As My Lord pleases.

10 Q. Yes, Mr Witness, you were giving an answer to my
11 question.

12 A. Yes. What is the question, sir?

13 Q. You have told this Court what the orders from BJK Sei
14 were. Now, I am suggesting to you that notwithstanding
15 the order of BJK Sei, some Kamajors were just doing what
16 they felt like doing?

17 JUDGE BOUTET: With respect to civilians?

18 MR YILLAH: Yes, in respect of civilians, My Lord.

19 THE WITNESS: A lot used to guide civilians so that they will
20 not be killed. A lot, when they came across civilians,
21 they chop them off. We shall say the truth before God.
22 I will not say the lies. I will not say lies in this
23 Court. That's why I swore on the Koran.

24 MR YILLAH:

25 Q. Mr Witness, you also observed that there was [overlapping
26 speakers] over these Kamajors; is it correct?

27 A. Good number of them did not take control at all.

28 PRESIDING JUDGE: You mean a good number of them did not
29 adhere to instructions?

- 1 MR YILLAH: To instructions.
- 2 THE WITNESS: At all, sir. A good number of them, especially
3 Kamabote, did not adhere to orders.
- 4 MR YILLAH:
- 5 Q. Mr Witness.
- 6 A. Yes, sir.
- 7 Q. Is it correct that at the time you -- on your way to NDMC
8 security headquarters you passed by a lot of corpses? Is
9 that correct?
- 10 A. More so children, yes, sir.
- 11 Q. Mr Witness.
- 12 A. Yes, sir.
- 13 Q. Did you recall again in your statement of the 24th
14 October 2002 -- do you recall telling the investigators
15 that at the NDMC security headquarters BJK Sei gave a
16 warning to all Kamajors to bring all civilians and rebels
17 arrested to him for interrogation? Do you recall saying
18 that to the investigators?
- 19 A. Well, that question according to -- when Kamajor say when
20 rebels arrested to bring them, I don't know about that.
21 I only know of civilian people.
- 22 Q. No, no, no, Mr Witness. You have told this Court that
23 you spoke to the investigators from the Prosecutor's
24 office; is that correct?
- 25 A. Yes, I spoke to them.
- 26 Q. Do you recall telling these investigators that in
27 addition to what BJK said, he also said, and I quote from
28 your statement, he said that, "If any RUF rebel is caught
29 among us, let the Kamajors take the suspect before him.

- 1 (BJK Sei) for thorough investigation." Is that correct?
2 Do you recall saying that, Mr Witness?
- 3 A. BJK only said any civilian that was caught, let him be
4 investigated, let them do just, don't conclude that he's
5 a rebel. He should be taken to him for him to be
6 investigated properly. BJK said this.
- 7 Q. Mr Witness.
- 8 A. Yes, sir.
- 9 Q. In your statement you also mention that -- you've just
10 spoken about civilians. Now, did you also say that about
11 captured rebels? Did BJK Sei make that statement --
- 12 A. Well, maybe the one who was taking statement from me did
13 write that, but -- because a good number of civilians
14 were there, that was why he said, he gave the law that
15 any civilian that was caught, he has to be investigated
16 properly, nothing should be done to him. BJK said this.
- 17 Q. Okay, Mr Witness, you have spoken about civilians. Now,
18 reading out the portion of the statement that you have
19 said to this Court you made, which is dated the 24th
20 October 2002, in that statement you said, on page 5 first
21 paragraph, "He said" - that is BJK said - "that if any
22 RUF rebel is caught among us, let the Kamajors take the
23 suspect before him for thorough investigations." Do you
24 recall saying that?
- 25 A. I did not say that. If I said it I would answer. Maybe
26 the person who took this statement might have made a
27 mistake, but I never said it.
- 28 MR YILLAH: My Lord, at this stage - I have previously laid
29 sufficient foundation in respect of this statement and

1 the witness has accepted that he made this statement - I
2 am applying to the Court for this statement to be
3 shown to the witness.

4 JUDGE BOUTET: He accepted he made a statement. Whether this
5 is the statement, I'm not sure.

6 MR YILLAH: Yes, My Lord, I am applying now to the Court to
7 show the Prosecution and show the witness to identify
8 this statement.

9 JUDGE BOUTET: Because the witness has testified that the
10 interview was done in Krio. That statement, is it
11 written down in Krio?

12 MR YILLAH: No, it was written in English. We have laid all
13 that foundation about 15, 20 minutes ago. I had wanted
14 to put the document in for purpose of --

15 JUDGE BOUTET: I know you had laid that down, that he had been
16 spoken to in Krio, but I don't recall that you had
17 established that it was written down in English, but
18 maybe you did.

19 MR YILLAH: My Lord, I had asked him whether the statement was
20 recorded and after that -- but I will put it again.

21 JUDGE BOUTET: Okay. How many pages are we talking about?

22 MR YILLAH: Nine pages.

23 Q. Mr Witness.

24 A. Yes, sir.

25 Q. The statement that you spoke about earlier that you made
26 on 24th day of October 2002, was it recorded in English?

27 A. I saw them writing on a paper. I was sitting like here
28 and they were writing on a paper.

29 Q. Mr Witness, at the end of that statement was it read over

- 1 and explained to you as true and correct?
- 2 A. The page that was here, where it is -- if it is there I
3 would have said I did not say so.
- 4 Q. No, Mr Witness, I'm talking about the whole statement
5 now. Was it read over and explained to you by the
6 takers?
- 7 A. Yes, a lot was read to me. Most of them wrote exactly
8 what I told them.
- 9 Q. And do you recall signing that statement?
- 10 A. Yes. Why I objected to this was because I never said it,
11 that Kamajor holding a rebel, taking him to BJK, I never
12 saw that, unless a good number of civilians were held and
13 they were taken to BJK and he --
- 14 JUDGE BOUTET: Mr Witness.
- 15 THE WITNESS: -- freedom.
- 16 JUDGE BOUTET: Mr Witness, would you please answer the
17 question?
- 18 THE WITNESS: I'm answering it, sir.
- 19 MR YILLAH:
- 20 Q. So you signed this statement, Mr Witness, after it was
21 read over and explained to you?
- 22 A. This next one that you are talking about, if it was read
23 to me and explained to me I would not have signed it, I
24 would have objected to it.
- 25 Q. No, Mr Witness, I'm not talking about that specific
26 paragraph. I'm talking about this statement dated the
27 24th day of October 2002. Do you recall signing this
28 statement? It's nine pages.
- 29 JUDGE BOUTET: Mr Yillah, I suggest you show it to him. It

1 will be easier to move ahead. Presumably there is a
2 signature on it.

3 MR YILLAH: It has a signature. I take the cue, My Lord.

4 JUDGE BOUTET: Is it on each page?

5 MR YILLAH: There is a signature on each page, My Lord.

6 JUDGE BOUTET: Would Court Management show the statement to
7 the Prosecution and then to the witness? Mr Witness,
8 please look at these documents in front of you.

9 THE WITNESS: Yes, sir, it is my signatures.

10 JUDGE BOUTET: There are many pages. Would you look at all of
11 these pages, please?

12 THE WITNESS: I will not be able to look at them all now, sir.

13 JUDGE BOUTET: Is your signature on all of the pages?

14 MR TAVENER: Sorry, Your Honour. It may be helpful if Court
15 Management just so him the signature -- point to the
16 signature on each page. I think the witness is having
17 some difficulty understanding what is required of him.

18 JUDGE BOUTET: So, Mr Witness, you had a look at all the pages
19 that were shown to you?

20 THE WITNESS: Yes, sir.

21 JUDGE BOUTET: Is it your signature that you see on these
22 pages?

23 THE WITNESS: Yes, sir, they have my signature.

24 JUDGE BOUTET: Thank you. Mr Yillah, what do you want to do
25 now?

26 MR YILLAH:

27 Q. Mr Witness, please turn to page 5 of that statement?

28 A. Yes.

29 MR YILLAH: May I ask Court Management --

1 JUDGE BOUTET: I'm not sure that he can read that but we'll
2 see.

3 MR YILLAH: No, I'll read it for him, My Lord.

4 JUDGE BOUTET: Yeah, but if he can't read it, even if you read
5 it for him he won't be able to say yes or no to what's in
6 there.

7 THE WITNESS: I'll not be able to read it now.

8 MR YILLAH: It's a paragraph that I earlier read.

9 JUDGE BOUTET: I know, but it's a useless exercise to ask him
10 to read it if he can't. That's all I'm saying. You may
11 read it, but if you ask the witness to read it, if he
12 can't, he can't.

13 MR YILLAH: No, My Lord, I'm reading it for the witness and my
14 question will follow from that.

15 JUDGE BOUTET: Haven't you already asked that question.

16 MR YILLAH: The witness's memory may have faded. I will take
17 the cue My Lord.

18 Q. Mr Witness, if you look at the last sentence of paragraph
19 1 of that statement. I will read it for you.

20 A. Okay, you can read it.

21 Q. "BJK Sei came and gave instructions to the other Kamajors
22 not to kill anyone of us. He said that if any RUF rebel
23 is caught among us, let the Kamajors take the suspect
24 before him (BJK Sei) for further investigation."

25 Do you recall saying those words to the
26 investigators?

27 A. Yes, it was true. Now I remember.

28 Q. So you now agree. Thank you, Mr Witness.

29 MR YILLAH: May I apply for recall of my statement, please.

1 PRESIDING JUDGE: So now you say you remember -- Mr Witness,
2 you say you remember saying those words read in that
3 statement?
4 THE WITNESS: Yes, sir.
5 PRESIDING JUDGE: So what is written here earlier on -- what
6 you said earlier on is not true?
7 THE WITNESS: It was true, sir.
8 JUDGE BOUTET: But he also said this? What is true, because
9 what you are saying now is what you said to the
10 investigators? What counsel has just read to you you say
11 now you recall that you did say so to the investigators
12 at the time?
13 PRESIDING JUDGE: Before that you were saying that you said
14 nothing like that and that if that part was read to you
15 you would have objected to it, you know. So where are we
16 now? Let us know where you are? Let us know, please.
17 JUDGE BOUTET: Mr Witness, we're only trying to understand
18 what are the facts.
19 THE WITNESS: Please sir, I have said the truth. I am saying
20 the truth.
21 JUDGE BOUTET: We're not saying you're not saying the truth.
22 We're just trying to understand what you are saying now
23 when you have said before that if you had said so to the
24 investigators you would recall. But now you say you do
25 recall.
26 THE WITNESS: It is true, that's how I said it, that's what I
27 said.
28 JUDGE BOUTET: Okay.
29 MR YILLAH:

- 1 Q. So you now say this one, Mr Witness, as His Lordship is
2 asking?
- 3 PRESIDING JUDGE: Let's get the records right. He's saying
4 that what he said in that statement is what is true.
- 5 MR YILLAH: As My Lord pleases.
- 6 JUDGE THOMPSON: That's what he's saying. That's what I
7 understand the witness to be saying.
- 8 PRESIDING JUDGE: [Overlapping speakers]
- 9 JUDGE THOMPSON: He's now saying that what I told the
10 investigators is the truth.
- 11 MR YILLAH: Very well, My Lords.
- 12 JUDGE THOMPSON: Not what I said here a while ago.
- 13 MR YILLAH: I'm grateful, My Lord.
- 14 Q. Mr Witness.
- 15 A. Yes, sir.
- 16 Q. Did you also recall telling the investigators that a
17 Kamajor by the name of Emmanuel Cole removed all women
18 from the crowd present at the NDMC headquarters and took
19 them to BJK Sei?
- 20 A. Yes, sir, Emmanuel Cole did it.
- 21 Q. And you followed Emmanuel Cole and the woman to BJK Sei's
22 office; is that correct?
- 23 A. Emmanuel Cole.
- 24 Q. No, you followed them. Whilst he was taking the women
25 away to BJK Sei's office, you followed them; is that
26 correct, Mr Witness?
- 27 A. So it happened.
- 28 Q. Mr Witness, do you also recall saying that BJK Sei
29 ordered that all these women be taken out of Tongo to

1 safety of Kenema? Is that correct?

2 A. It's correct, sir.

3 Q. And do you also recall saying that he provided Kamajors
4 to move these women to safety? Is that correct?

5 A. It is correct, sir.

6 Q. Mr Witness.

7 A. Yes, sir.

8 Q. You have testified to this tribunal in your
9 evidence-in-chief that you buried personally a total of
10 150 corpses; is that correct, Mr Witness?

11 A. It is correct, sir. Even the mass graves are still
12 there.

13 Q. Mr Witness.

14 A. Yes, sir.

15 Q. I refer you to page 7 of the statement that you have just
16 identified as yours, which said statement bears your
17 signature. On page 7 the last paragraph you said, and I
18 quote,

19 "On the following day, the 17th of January 1998, I
20 went to the Kamajor base at the old NDMC security
21 headquarters, but I did not meet the people I left there
22 the previous day. The only thing I saw, the dead bodies
23 of more than 20 adult males at the back of the building.
24 Some people I saw were in military uniforms, some had
25 military identity cards placed on their chest.

26 Of all the dead bodies I saw that day I was only
27 able to identify one boy by the name of Junior, son of
28 Mammy Nyallay presently in Kenema. He was an RUF rebel.

29 Being a sanitary officer, I collected those bodies

1 and packed them at the back of the headquarters. Some of
2 the bones are still found there."

3 A. Yes.

4 Q. And finally you said,

5 "In another place called Olumatic I discovered the
6 bodies of 15 adult males who were all in military
7 uniforms. I dumped them in a pit at the back of the
8 building. The bones are still there."

9 Mr Witness, the statement I have just read is found
10 in the last paragraph of page 7 and it finishes at page 8
11 of your statement. Do you stand by that statement?

12 A. Yes, sir.

13 Q. Do you also agree that the number of corpses in your
14 statement is not synonymous with the number that you said
15 in your evidence --

16 MR TAVENER: Objection. There is another statement.

17 JUDGE BOUTET: There is another statement?

18 MR TAVENER: Yes, there's two statements by this witness. So
19 if it is going to be put to him in terms of how many
20 bodies he buried, entirety of his two statements should
21 be put to him.

22 MR YILLAH: My Lords, my learned friend can properly
23 re-examine on issues --

24 JUDGE BOUTET: No, no. If the witness has made another
25 statement to modify what he has said before, I think it
26 is only fair that -- [Overlapping speakers]

27 MR YILLAH: I'll continue with the other statement. I'll
28 continue, My Lord.

29 Q. Mr Witness.

1 A. Yes, sir.

2 Q. The number that I have just read -- the number of corpses
3 that you indicated you buried in the statement I have
4 just read, is it synonymous with 150 that you earlier
5 told this Court you buried?

6 A. Well, the ones I did was at headquarters. The first day
7 I buried 75, the second day I buried 75.

8 Q. No, Mr Witness, I've just read a portion of your
9 statement, right? I can, with the leave of the Bench,
10 read it again for you so that you would -- slowly so that
11 you would understand what I am trying to put across to
12 you.

13 JUDGE THOMPSON: Let me say one thing, Mr Yillah. My
14 understanding of the law is that when prior inconsistent
15 statements is triggered off in terms of as a means of
16 impeaching the credibility of a witness - and I am sure
17 unless you disagree with my own appreciation of the law -
18 such alleged inconsistencies should be material. So
19 perhaps in trying to persuade the Bench of the perceived
20 inconsistency you might want to take that into
21 consideration for my own perspective.

22 MR YILLAH: As My Lord pleases.

23 JUDGE THOMPSON: Right.

24 MR YILLAH: I appreciate Your Lordships statement of the law
25 which I agree with in entirety. My Lord, the reason
26 for -- I will submit that the number is a factor that is
27 material to the elements of the offences that our client
28 is facing - widespread and systematic - and would have to
29 submit that some of these factors might be determined by

1 the numbers, My Lord.

2 JUDGE THOMPSON: I may, in fact, concede as I hear your
3 exposition further.

4 MR YILLAH: Thank you, My Lord. Mr Witness -- without the
5 leave of the Bench I don't know whether I should put
6 again the portion of the statement I have just read to
7 the witness, because I think probably I was moving a bit
8 too fast. With the leave of the Chamber, My Lord.

9 PRESIDING JUDGE: Mr Yillah, go ahead, please.

10 MR YILLAH: As My Lord pleases.

11 PRESIDING JUDGE: You are cross-examining, go ahead.

12 MR YILLAH:

13 Q. Mr Witness, again slowly I will read from page 7 to page
14 8 -- last paragraph of page 7 to page 8 of the statement
15 that you have just identified as yours.

16 MR TAVENER: Again, I have to object, Your Honour. If my
17 friend is not going to put all the bodies that is
18 contained in both statements it is not a correct way to
19 go about it. It is improper to put an incomplete
20 scenario to a witness. If you are going to go about
21 numbers and challenge the witness on numbers, then all
22 the numbers must be put to the witness, not just numbers
23 from one statement.

24 JUDGE BOUTET: I agree you, Mr Tavener. I had sustained the
25 objection in this respect.

26 MR YILLAH: And I have given my word to the Chamber, while His
27 Lordship Judge Boutet sustained the objection, that I
28 will also move to the other statement.

29 JUDGE BOUTET: Okay, but you are now going back to the first

1 statement.

2 MR YILLAH: The first statement of the 24th.

3 Q. Mr Witness.

4 A. Yes.

5 Q. The last paragraph of page 7 reads as follows:

6 "On the following day, the 17th January 1998, I went
7 to the Kamajor base at the old NDMC security
8 headquarters, but I did not meet the people I left there
9 the previous day. The only thing I saw the dead bodies
10 of more than 20 adult males at the back of the building.
11 Some people I saw were in military uniforms, some had
12 military identity cards placed on their chests.

13 Of all the dead bodies I saw that day I was only
14 able to identify one boy by the name of Junior, son
15 of" -- [Overlapping speakers]

16 A. No, Junior.

17 Q. [Overlapping speakers] "presently in" [Overlapping
18 speakers]

19 A. Yes.

20 Q. [Overlapping speakers] "he was an RUF rebel.

21 Being a sanitary officer I collected these bodies
22 and packed them at the back of the headquarters. Some of
23 the bones are still found there.

24 In another place called Olumatic I discovered the
25 bodies of 15 adult males who were all in military
26 uniforms. I dumped them in a pit at the back of the
27 building. The bones are still there."

28 Mr Witness, do you stand by this portion that I have
29 just read from your statement? Do you still stand by

- 1 this portion?
- 2 A. Well, headquarter is true. Olumatic I said they were
3 burnt with tyres. It was only the bones that I gathered.
- 4 Q. I appreciate the point you are making, Mr Witness. Now,
5 this portion that I have just read from your statement
6 involving headquarters and Olumatic and the number of
7 corpses that you met you found in both places in military
8 uniforms, do you stand by this statement?
- 9 A. The 15 corpses of the juntas, sir?
- 10 Q. [Overlapping speakers] dead bodies of more than 20 adult
11 males at the back of the building at headquarters and
12 discovered the bodies of 15 adult males --
- 13 A. Yes.
- 14 Q. -- who were all in military uniforms at Olumatic. Do you
15 stand by this statement?
- 16 A. I still agree with that statement, yes.
- 17 Q. Mr Witness.
- 18 A. Yes, sir.
- 19 Q. You would agree with me that 20 bodies -- 20 corpses --
20 JUDGE BOUTET: Well, go to the other statement. If you split
21 it in two obviously you're going to get an answer that
22 probably makes no sense.
- 23 MR YILLAH: As My Lord pleases.
- 24 Q. Mr Witness.
- 25 A. Yes.
- 26 Q. Do you also recall previous statement on the 5th day of
27 November 2003?
- 28 A. Yes, this last one, yes, sir.
- 29 Q. Mr Witness.

- 1 A. Yes, sir.
- 2 Q. In that statement -- in what language did you make that
3 statement, Mr Witness?
- 4 A. It was in Krio.
- 5 Q. Was it recorded?
- 6 PRESIDING JUDGE: What's the date of that one?
- 7 MR YILLAH: The 5th November 2003, My Lord.
- 8 Q. Was that statement recorded?
- 9 A. Yes, sir, that was at [inaudible] Hotel. When we were
10 all collected from Tongo we went to Kenema. It was a
11 white lady.
- 12 Q. Mr Witness, at the end of that statement was it
13 [Overlapping speakers] explained to you?
- 14 A. Yes, the white woman read it.
- 15 MR YILLAH: My Lord, I ask this statement be shown to the
16 Prosecutor and [inaudible].
- 17 JUDGE BOUTET: Does he have a signature on this?
- 18 MR YILLAH: No, he doesn't.
- 19 Q. Is that the statement, Mr Witness?
- 20 A. Yes, sir.
- 21 Q. Mr Witness, at page 2 of that statement going on to page
22 3 you stated that you did some -- you did bury some
23 bodies; is that correct -- some corpses?
- 24 A. Yes, sir, that was Joski -- that was Joski Kallon.
- 25 Q. No, I am not talking about individuals.
- 26 A. Okay, okay.
- 27 Q. You pointed out three places - the Dogbor High School,
28 NDMC headquarter and the Methodist High School?
- 29 A. Methodist Primary School.

1 Q. Thank you very much, Mr Witness. You stated that you
2 buried some corpses in these different places; is that
3 correct?

4 A. It was correct, sir. Because I had buried so much I was
5 fed up with the odour of people. I was just burying.
6 But the actual people I touched with my hands, with my
7 own hands, 150. Even up to now the mass grave is still
8 there.

9 Q. Mr Witness.

10 A. Yes, sir.

11 Q. I have read through this statement, the one you have in
12 front of you.

13 MR TAVENER: Excuse me. The witness is still on the first
14 page. I don't think he realises that he needs to turn
15 over the page.

16 MR YILLAH: Mr Witness, please take your time [Overlapping
17 speakers] from page 2 to page 3, Mr Witness.

18 JUDGE BOUTET: Mr Witness, can you read these statements in
19 English? Are you capable of reading in English?

20 THE WITNESS: I cannot be able, sir.

21 MR YILLAH: Well, My Lord, with your leave I can read the
22 portions required for the witness.

23 JUDGE BOUTET: [Inaudible] because all the witness can do is
24 look at the page with something written on it.

25 MR YILLAH:

26 Q. Mr Witness, on page 2 of that statement: "Three graves
27 witness knows about". That is what is in your statement.

28 "Dogbor High School, 14 January 1998, same day
29 Kamajors entered. Burial done by witness and the four

1 listed above. Eleven bodies were later removed by GTZ
2 when witness informed them that they should not disturb
3 the grave of these eleven. GTZ dug and pulled out the
4 bones."

5 A. Yes [overlapping speakers]

6 Q. Dogbor High School in Torkpombu Gbwima?

7 A. Yes.

8 Q. And paragraph 2:

9 "NDMC headquarter burial was done on the 17th of
10 January. Witness buried five bodies and then he ran to
11 hide. There is a hole at NDMC headquarter where the
12 victims were buried. There was a big hole but witness
13 does not know who dug it. It was an old diamond pit on
14 the NDMC headquarter compound. Witness personally buried
15 five people there in that hole; one woman, four men.
16 Witness does that know their names."

17 A. Yes.

18 Q. "Witness does not know anyone who will know their names.
19 Saturday, three days after Kamajors took over Tongo,
20 witness took the bodies from within the compound. Three
21 civilians, the woman and two of the men and two accused
22 of being rebel collaborators. They were killed with a
23 knife. Witness saw gashes all over their bodies. All of
24 their guts spilling out. Witness says he saw the
25 Kamajors kill these people. After the killing the
26 Kamajors danced and sang (witness can sing the songs).
27 The ground is cold. They will not go underground. The
28 grave is cold. War has no friends. Don't fight the war
29 with someone you love. Meaning, only fight with someone

1 who is your enemy. After witness buried the five,
2 witness ran and hid of fear. The others who buried the
3 bodies, witness remembers two, one named Ibrahim.
4 Witness would be able to find them if he needed to. It
5 is a circular grave approximately 2 to 3 metres diameter
6 covered in grass. There is a big mound on top of it next
7 to one cotton tree. Witness put the bodies in a
8 wheelbarrow and took them to the hole. They had clothes
9 on. The woman had a gold chain and witness buried her
10 with it. Methodist High School" --

11 A. Yes.

12 Q. "Witness supervised but did not take place" -- I think it
13 is typographical -- "did not take place in the burial, it
14 was on. 40 bodies in the classroom of the Methodist
15 Primary School. All these people were killed by Kamajors
16 but these were not the ones killed at the NDMC
17 headquarters."

18 Now, Mr Witness, my question is: Having read to you
19 both statements that you have made to the Prosecutor, the
20 total number of corpses that you indicated in the two
21 statements that you buried and assisted in burying do not
22 amount to 150? Mr Witness, do you agree?

23 A. I don't understand what you are talking.

24 Q. Mr Witness, in your oral testimony before this Court you
25 said on two separate days -- the first day you buried 75
26 corpses?

27 A. Yes.

28 Q. The second day you buried 75 corpses. Having read the
29 two statements that you made to the investigators, the

1 total number of corpses indicated in the two statements
2 do not amount to 150. That is my question?

3 A. It was. It was. I was counting.

4 Q. No, those I have just read from your statement, the last
5 statement that I've just read to you and the previous
6 one, the total number does not amount to 150. Do you
7 agree with me or not, Mr Witness?

8 A. I buried a lot, it was too much.

9 Q. Mr Witness, do you stand by this portion that I have just
10 read from your second statement? Do you stand by this
11 portion?

12 A. Yes, the people that were there, I buried them.

13 Q. No, this portion that I have just read. Do you stand by
14 it?

15 JUDGE THOMPSON: Learned counsel, is it the mathematical
16 computation you are complaining about? In other words,
17 are you suggesting that there is a gross or mathematical
18 discrepancy between what he has said in his testimony
19 here as to the number of corpses that he buried and what
20 he has said in those two statements aggregated? That's
21 what you're saying?

22 MR YILLAH: Very well, My Lord.

23 JUDGE THOMPSON: Why not leave all the nuances and get to the
24 heart of the matter and confront him with the
25 mathematical discrepancy as you allege?

26 MR YILLAH:

27 Q. Mr Witness in the second statement that I have just read
28 to you at page 2 at Dogbor High School you said eleven
29 bodies were buried there and later removed by GTZ. At

1 the NDMC headquarter burial, which is done on the 17th,
2 you buried five bodies and then ran to hide. Then at the
3 Methodist High School you claimed you supervised but did
4 not take part in the burial of 40 bodies. Mr Witness, my
5 question is, putting all these bodies together - 11, 5
6 and 40 --

7 MR TAVENER: Excuse me, there's two more. There's two more.
8 If you want to be accurate, put two more.

9 THE WITNESS: Those 11, 5 and 40, I did not bury them. The
10 ones I buried is what I am talking about.

11 [HN220205F 4.03 p.m. - JM]

12 MR YILLAH:

13 Q. Mr Witness, my question to you --

14 A. Yes, sir.

15 Q. -- if you add up all the numbers that you've indicated in
16 your statement, 11, 5, and 40 --

17 MR TAVENER: There are two other amounts. There are two other
18 numbers in the other statement, and that is, as has been
19 read, page 7 of 9, he saw the dead bodies of 20 adult
20 males -- more than 20 adult males, and the other one was,
21 the bodies of 15 adult males.

22 MR YILLAH: My Lords, my arithmetic is not too good, but I
23 would invite my friend to even add up all those numbers
24 and then come with the total and then I'll put it to the
25 witness that it does not still amount to 150. That's all
26 I'm trying to do.

27 JUDGE THOMPSON: I still need to be satisfied with whatever
28 you come out with as to the materiality of the alleged
29 inconsistency.

1 MR YILLAH: Yes, My Lord. My Lord, to satisfy Your Lordship
2 as I maintained earlier, My Lord, if we have to look at
3 an offence as being widespread, I submit with respect,
4 My Lords, that one of the criteria, one of the
5 ingredients that has been looked previously is the number
6 of victims involved, My Lord. That is why I'm pursuing
7 this point, My Lord. I submit that having regard to the
8 existing jurisprudence --

9 JUDGE BOUTET: But in one of the graves that he's describing
10 in the statement, he's mentioning 40 bodies. Is that not
11 a number that is sufficient enough to you to meet that
12 criteria?

13 MR YILLAH: Well, that's what I'm saying. The line of
14 cross-examination may serve two purposes; one, it may
15 affect the credibility and then, two, it will go to the
16 content of the ingredient -- satisfying one of the
17 elements of the offence, crime. So it serves dual
18 purpose, My Lord. I would submit that to the Chamber.

19 JUDGE THOMPSON: I certainly will not continue to engage you
20 on this. I would like to hear your further analysis.

21 MR YILLAH: As My Lord pleases.

22 JUDGE BOUTET: I still haven't heard that the witness has
23 spoken or not spoken about the one day, 75, and the other
24 day, 75. I haven't heard from what you have described in
25 the statement that his evidence in Court contradicts what
26 he has in the statement.

27 MR YILLAH: My Lord --

28 JUDGE BOUTET: We may be talking of two different issues. So
29 that's what I'm saying. The witness is not disputing

1 anything of what you've read. He agrees to that. But at
2 the same time, he says that it is true that I buried 75
3 and 75. Maybe, we are talking two different things.
4 MR YILLAH: My Lord, there may be an easy way out of this.
5 Since the witness has stood by both portions of his
6 statement, I will address Your Lordships subsequently.
7 JUDGE BOUTET: It's not the time now to argue [Overlapping
8 speakers].
9 MR YILLAH: As My Lord pleases.
10 JUDGE BOUTET: So do you ask Court to have these statements
11 marked as an exhibit?
12 MR YILLAH: Very well. Both portions, My Lord.
13 JUDGE BOUTET: So the statement of 5 November and the one of
14 24th -- 5 November 2003 and 24 October 2002, that's what
15 it is.
16 THE REGISTRAR: 64.
17 MR YILLAH: We have 24 October 2002, page 7 --
18 JUDGE BOUTET: That's what I've said. And 5 November 2003.
19 MR YILLAH: And then 5 November 2003.
20 JUDGE BOUTET: We are at 64, is it? 64. So the one of
21 -- what is it, the one of 24 October 2002 will be marked
22 as 64A, and the one of 5 November 2003, 64B.
23 MR YILLAH: As My Lord pleases.
24 [Exhibit No. 64A was admitted]
25 [Exhibit No. 64B was admitted]
26 JUDGE BOUTET: So Madam Court management, you have these
27 exhibits or are they still with the witness? Or do you
28 have them, Defence counsel?
29 Mr Prosecutor, I did not ask, but it is, again -- given

1 our previous decisions on these matters, it is admitted
2 for a specific purpose, not for the totality of their
3 content, but to show in this case not what appears to my
4 understanding not to be discrepancies between what the
5 witness is saying now and what he has said because he
6 admits having said that in his statement.

7 MR TAVENER: Certainly, and the Prosecution doesn't want to
8 spend any more time on this when it's quite obvious in
9 the statements and in the totality of the witness`
10 evidence. That should be sufficient for the Court to
11 make it`s assessment.

12 JUDGE BOUTET: It's a question of assessing the value to be
13 accorded, and assessing the weight to be attached to the
14 evidence of this witness.

15 MR TAVENER: Thank you.

16 JUDGE BOUTET: They are marked as exhibits. As I say, 64A and
17 64B.

18 MR YILLAH: As My Lord pleases. My Lords, may I proceed.

19 JUDGE BOUTET: Yes, please.

20 MR YILLAH:

21 Q. Mr Witness, is it true that apart from Kamajors in the
22 Lower Bambara Chiefdom, there were also different groups
23 of Kamajors from other areas that entered Tongo? Is that
24 correct?

25 A. Many, sir.

26 Q. Do you know or did you know or did you learn that some of
27 the Kamajors who went to Tongo came from as far as
28 Guinea?

29 A. Well, some came from Bo, some came from Nongowa. That is

- 1 Kenema. Some came from Pujehun. Some came from Tungay
2 Gulama [phon]. Some came from Bonthe. There were
3 different types of Kamajors, sir.
- 4 Q. And these different types of Kamajors had different
5 commanders. Is that correct?
- 6 A. Well, yes, sir.
- 7 Q. Mr Witness.
- 8 A. Yes, sir.
- 9 Q. Is it correct that you spent three days with the Kamajors
10 in Tongo? Is that correct?
- 11 A. Yes, sir.
- 12 Q. And they did not personally harm you, did they, as a
13 civilian?
- 14 A. They didn't do anything to me, sir.
- 15 Q. Is it also correct, Mr Witness, that you moved through
16 Kamajor-held territory on to safety in Kenema whilst you
17 were leaving Tongo?
- 18 A. Sir, repeat your question, sir.
- 19 Q. When you left Tongo, where did you head to?
- 20 A. When I left Tongo?
- 21 Q. Yes.
- 22 A. I went to Kangoma [phon], sir.
- 23 Q. Was that your final destination, or did you go any
24 further?
- 25 A. Well, I went ahead, but later I returned back to my
26 village, Kangoma.
- 27 Q. But all these areas you passed through were Kamajor-held
28 territories. Is that correct? The areas you passed
29 through before getting to your village, they were Kamajor

- 1 territories. Is that correct?
- 2 A. Yes, sir, you are correct, sir.
- 3 Q. And you were given safe passage on to your village. Is
4 that also correct?
- 5 A. You are correct, sir. A lot of them know me, sir.
- 6 Q. Mr Witness.
- 7 A. Yes, sir.
- 8 Q. In your evidence-in-chief and under cross-examination,
9 you have pointed out the names of Kamajor commanders
10 which you seem to know vividly. Now, did you at any time
11 thereafter, anywhere, make a report of this incident to a
12 Kamajor office anywhere or to a Kamajor boss anywhere?
- 13 A. All what the Kamajor did, if I reported?
- 14 Q. [Previous translation continues]
- 15 A. No.
- 16 Q. Mr Witness.
- 17 A. Yes, sir.
- 18 Q. The graves that you spoke about, are they still there in
19 Tongo?
- 20 A. Yes, sir.
- 21 Q. Did you take the investigators who took the statement
22 from you, did you take them to each of these sites that
23 you've spoken about? Each of these grave sites, did you
24 take them there, the investigators?
- 25 A. The first man who entered with the videocamera, we took
26 him and we showed him all the graves. And the second
27 time, a white woman came. We showed her all the areas,
28 and the last was a doctor who went. And we also showed
29 him all the areas where these bodies were buried.

- 1 Q. I'm talking about the people from the Prosecutor's Office
2 of the Special Court. Those who interviewed you, did you
3 take these people --
- 4 A. No, no. No, sir.
- 5 Q. Mr Witness.
- 6 A. Yes, sir.
- 7 Q. Do you recall the name of -- now you've spoken about two
8 sets of people. You said you did not take the
9 investigators to these grave sites, but you said that a
10 doctor had earlier gone there, that you took to the grave
11 site. Do you know the name of -- do you recall the name
12 of this doctor?
- 13 A. It was a young man that first came to meet us. He came
14 with a videocamera. So we took him and showed him the
15 places.
- 16 Q. Where did this young man say he was from? Did he tell
17 you where he was from?
- 18 A. He came from Freetown. He said he was from Freetown,
19 sir.
- 20 Q. Now, this group, Mr Witness, that went -- now, you have
21 said you did not take the investigators to the sites.
22 Right? Those who recorded -- those who interviewed you?
- 23 A. Those who interviewed us, Mustafa, we didn't take them
24 there. They didn't ask for that. We explained to them,
25 but they didn't ask us to take them to the place, sir.
- 26 Q. Okay. Now, you spoke about another set that came and
27 then subsequently followed by a doctor that televised or
28 filmed these sites. Is that correct?
- 29 A. It's correct, sir.

1 Q. Now, apart from the GTZ incident, right, that you spoke
2 about that's in your statement, that they have built a
3 school on top of the grave, did this doctor, did he
4 exhume, did he dig the grave? Did he take out the bones,
5 the bodies in these graves so far as you know?

6 A. No, no, no, no, he did not.

7 Q. He did not.

8 A. He did not, sir.

9 MR YILLAH: That will be all for this witness.

10 JUDGE BOUTET: Thank you.

11 PRESIDING JUDGE: The Chamber will recess for some time and
12 resume the cross-examination by the Defence team of the
13 second accused person. We will rise, please.

14 [Recess taken at 4.18 p.m.]

15 [On resuming at 4.47 p.m.]

16 PRESIDING JUDGE: We're resuming the session, learned counsel.

17 JUDGE BOUTET: Mr Bockarie, are you ready to proceed?

18 MR BOCKARIE: Yes, My Lord.

19 JUDGE BOUTET: Please do so.

20 MR BOCKARIE: Thank you.

21 CROSS-EXAMINED BY MR BOCKARIE:

22 Q. Mr Witness?

23 A. Yes, sir.

24 Q. In your examination-in-chief, you gave a vivid account of
25 the death of Dr Blood. You had this to say, just to
26 refresh your memory: "Fatmata Kamara pointed out a
27 person called Dr Blood, and accused him of taking out
28 food without paying. I knew Dr Blood as a rebel.
29 Kamagboty called Blood to attention, ordered him to sit

1 down, and chop him on the neck." Did you say so in
2 examination-in-chief?
3 A. Yes.
4 Q. Thank you.
5 A. That was what I said, sir.
6 Q. Mr Witness.
7 A. Yes, sir.
8 Q. I will now draw your attention to the -- to your
9 statement you made to the investigators on the 24th of
10 October 2002. Precisely at page 5 of page 9, Mr Witness
11 --
12 A. Yes, sir.
13 Q. -- in your statement to investigators, you did this to
14 say, and I'll read: "When BJK Sei left, after addressing
15 the Kamajors, and Emmanuel Cole altered the above
16 statements, he then sang a song in Mende which means
17 "Yumbu Yamba, eeh Ngillima Ndorwu you d'wu ng'leni"
18 meaning in English, "I'm not going underground as
19 underground is cold." As soon as he sang that song, he
20 pointed out one man in the group and called him to stand
21 up and go to him. The man went to him and Emmanuel Cole
22 asked him whether he was Dr Blood of RUF. The man
23 admitted to be Dr Blood. Dr Blood was ordered by
24 Emmanuel Cole to identify the other RUF members from the
25 group. Dr Blood was so arrogant to Emmanuel Cole and
26 tell him to leave him alone, and that he was the only RUF
27 in the group. He was then removed from the crowd and
28 told to walk ahead. As soon as he turned his back,
29 Emmanuel Cole used his machete he was having, hacked

1 Dr Blood at his back neck."

2 Mr Witness, did you tell the investigators this?

3 A. That was what exactly transpired.

4 MR BOCKARIE: My Lord, I will at this stage have this portion
5 tendered on the grounds that the statement to the
6 investigators relating to the death of Dr Blood seems to
7 be at complete variance with what was adduced in
8 examination-in-chief, and it goes towards impeaching his
9 credibility. So I'll ask to have this particular portion
10 tendered into evidence, Your Honour.

11 JUDGE BOUTET: This is page 5 and top of page 6?

12 MR BOCKARIE: Yes, Your Honour.

13 JUDGE BOUTET: Of the witness statement, this is 63A.

14 PRESIDING JUDGE: What's the date of that statement, please?

15 MR BOCKARIE: The 24th October 2002, sir.

16 PRESIDING JUDGE: That's A, 64A.

17 MR BOCKARIE: Beginning with the second paragraph on page 5
18 and stopping at where it says "at his back neck." The
19 statement is of the 24th October.

20 JUDGE BOUTET: Please proceed.

21 PRESIDING JUDGE: 24th October 2003?

22 MR BOCKARIE: 2002.

23 PRESIDING JUDGE: 2002, sorry.

24 MR BOCKARIE: My Lord, that will be all for this witness.

25 JUDGE BOUTET: Thank you.

26 Counsel for the third accused. Please proceed,

27 Mr Williams.

28 CROSS-EXAMINED BY MR WILLIAMS:

29 Q. Mr Witness, did you know BJK Sei before your encounter

- 1 with him in 1997?
- 2 A. Yes, sir.
- 3 Q. Could you tell the Court how you first came about -- came
4 across Mr Sei?
- 5 A. Yes.
- 6 Q. How did you get to know him?
- 7 A. BJK Sei, I knew him for a long time. Back then, he was a
8 hunter. Back then, there was not this Kamajor. That was
9 the time I knew him.
- 10 Q. Was he a very disciplined person?
- 11 A. Yes, sir.
- 12 Q. Would you say he was a good commander?
- 13 A. Yes, sir.
- 14 Q. Do you know of situations or occasions in which he
15 disciplined Kamajors that were under his control?
- 16 A. If I saw it, sir?
- 17 Q. Not necessarily see. Did you get to know, did you see, I
18 mean whatever, I'm not particular about your source of
19 information. I mean, did you get to know that he
20 disciplined his troops?
- 21 A. Yes, sir. Yes, sir.
- 22 Q. When was the last time you say BJK Sei? When was the
23 last time you saw him?
- 24 A. Well, it was after the RUF drove the Kamajors from Tongo.
25 We used to settle at his place at Panguma.
- 26 PRESIDING JUDGE: The question was not answered.
- 27 MR WILLIAMS:
- 28 Q. When was the last time you saw him? Did you see him
29 during the course of 2004? When was the last time you

1 saw him?

2 A. Well, I didn't see him this year. Even 2004, I didn't

3 see him. It was 2003 that I met him at Panguma.

4 Q. Thank you.

5 JUDGE BOUTET: What's the place, Mr Williams?

6 MR WILLIAMS: Panguma is P-A-N-G-U-M-A.

7 Q. Mr Witness, when you -- you did not -- when BJK Sei gave

8 his instructions to the Kamajors, he left immediately.

9 Is that correct? He left the NDMC quarters immediately?

10 A. Yes, sir.

11 Q. And did he go to a place called Lebo Camp?

12 A. Yes. When he gave the command, he went to his place, the

13 house that was given to him at the Lebo camp. That is

14 where he went directly, sir.

15 Q. You mentioned somebody called Dr Blood. Do you know him

16 by any other name?

17 PRESIDING JUDGE: Do I understand him to be saying --

18 A. No, sir.

19 PRESIDING JUDGE: -- he was in Tongo?

20 MR WILLIAMS: Lebo camp.

21 PRESIDING JUDGE: Lebo camp.

22 MR WILLIAMS: Yes.

23 Q. Is Lebo camp in Tongo?

24 A. Yes, sir, it is in Tongo, sir.

25 PRESIDING JUDGE: Yes, Mr Williams.

26 MR WILLIAMS:

27 Q. Do you know Dr Blood by any other name?

28 A. No, sir. I did not know any other name, sir. I knew him

29 to be Dr Blood, sir.

- 1 Q. Did you hold any positions during the period of the AFRC?
- 2 A. Well, I can't tell, sir.
- 3 Q. Could you tell the Court your profession?
- 4 A. I'm a sanitary volunteer, sir.
- 5 Q. Is that what you do for a living?
- 6 A. Yes, that is what I do to earn my daily living for my
7 children.
- 8 Q. Are you remunerated by anybody?
- 9 A. Well, no, sir. Unless if I find defaulters, I take them
10 to court. If they are fined, they give me some money.
- 11 Q. Do you know Chief Orinko?
- 12 A. Chief Orinko, yes, sir.
- 13 Q. What is he?
- 14 A. Well, I heard he was war director for Lower Bambara.
15 That is what I heard.
- 16 Q. Is he your friend?
- 17 A. His elder brother, Alpha Kojo, town chief, was my friend.
- 18 PRESIDING JUDGE: What is the name of the brother?
- 19 THE WITNESS: Alpha Kojo.
- 20 PRESIDING JUDGE: Kojo?
- 21 THE WITNESS: Yes, sir.
- 22 MR WILLIAMS:
- 23 Q. And Chief Orinko and Alpha Kojo were residents of Tongo.
24 Is that correct?
- 25 A. Yes, sir.
- 26 Q. Were they present at the NDMC quarters in 1997 when the
27 Kamajors took over? Did you see them?
- 28 A. Well, I didn't see Orinko. I didn't see him, sir.
- 29 Q. What about Alpha? Alpha Kojo?

- 1 A. Alpha was a Kamajor. He ran away, sir. He went.
- 2 Q. Is it correct that you saw a lot of dead corpses with
3 military fatigues on?
- 4 A. Yes, sir.
- 5 Q. Those soldiers and rebels that went to the NDMC quarters,
6 did they have military fatigues on?
- 7 A. Well, no, sir.
- 8 Q. Would you agree with me that those you found in military
9 fatigues were those who did not surrender?
- 10 A. Well, yes, sir.
- 11 Q. These were amongst the 20 people you said you saw at the
12 back of a building. Is that correct? These are some
13 -- a majority of the 20 bodies you said you saw at the
14 back of a building. Is that correct?
- 15 A. It's true, sir.
- 16 Q. And the 15 adult males you said you saw in military
17 uniforms also belonged to that class. Is that correct?
- 18 A. Yes, sir.
- 19 Q. You mentioned that on several occasions before the
20 Kamajors came, they wrote letters and sent messages
21 advising civilians to leave Tongo; is that correct?
- 22 A. It's true, sir.
- 23 Q. Would you agree with me that the rationale behind that
24 was to avoid civilian casualties when they would
25 eventually come?
- 26 A. Please repeat, sir.
- 27 Q. The rationale behind them wanting civilians to leave was
28 because they did not want to see civilian casualties when
29 they would eventually come.

1 A. Yes, sir.

2 Q. You mentioned in your -- when my learned friend
3 Mr Tavener was asking you questions, you said that you
4 saw Kamajors killed three people. That was how you
5 concluded that all the rest -- all the other people had
6 been killed by Kamajors. Is that so?

7 A. Yes, sir.

8 PRESIDING JUDGE: Mr Witness.

9 THE WITNESS: Yes, sir.

10 PRESIDING JUDGE: Are you following the proceedings properly?

11 You look tired, you know. You better stand up, you know,
12 more attentively. Before we went on break, I used to see
13 your face. Now it is drooping.

14 Yes, Mr Williams, you may proceed.

15 MR WILLIAMS: My Lord, I don't know whether I should repeat
16 the last question, but I think he has already answered.

17 PRESIDING JUDGE: The rationale was --

18 MR WILLIAMS: Did he arrive at the conclusion that a vast
19 number of people were killed by Kamajors because he saw
20 three being killed?

21 PRESIDING JUDGE: Put the question to him again.

22 MR WILLIAMS:

23 Q. A short while ago, I asked you a question which you've
24 answered that you arrived at the conclusion that this
25 vast number of people were killed by Kamajors because you
26 saw three civilians being killed in your presence.

27 A. Yes, sir.

28 Q. Let me ask you this, Mr Witness: Could you tell the
29 Court -- let me ask another way. Did -- how did the AFRC

1 treat civilians whilst they were in power? I mean, at
2 Tongo.

3 A. Well, if you had a watch, if you meet the bad ones, they
4 will take it from you by force. If you are putting on
5 nice trousers and you met them between 6.00 to 7.00, they
6 will capture you and take it off you. If you had nice
7 shoes, they will take it. When the ladies went to the
8 bush to get palm oil, they will take it from them and say
9 "this is for the Pa." If you are carrying wood, they
10 will take it from you and divide it. They will take half
11 and give you the half. This was how they treated the
12 civilians.

13 Q. Did they burn houses at Tongo?

14 A. Yes, sir. They burnt houses and they removed doors.
15 They used the doors as firewood and dig the houses to dig
16 diamonds. They burnt houses where juntas and Kamajors
17 used to be. And the others, they dig in the rooms to
18 search for diamonds. Sometimes they continue digging
19 until a wall fell. And one of them died in the process.

20 PRESIDING JUDGE: One of them who? The juntas, or which one?

21 THE WITNESS: The juntas, sir. The question that the man
22 asked, that is the answer, sir.

23 MR WILLIAMS:

24 Q. Did they pick out civilians and -- did they pick out
25 civilians to -- for execution purposes, to have them
26 killed?

27 A. Well, they used to capture civilians forcefully. They
28 captured 10, 20, to 30, and used them to harvest rice,
29 they used them to harvest people's farms.

1 Q. [Microphone not activated]
2 PRESIDING JUDGE: Your microphone.
3 JUDGE BOUTET: Open your mic.
4 MR WILLIAMS: Sorry.
5 Q. Did they kill civilians if it was alleged that they were
6 --
7 MR TAVENER: Sorry. I object to this question, on this line
8 of questioning. It has already been put to the witness
9 and other witnesses. The reason for the objection is the
10 question of relevance. What the AFRC did is irrelevant
11 unless it somehow relates to the defence of the three
12 accused perhaps or provides some background. In the
13 Prosecution's submission, how the AFRC behaved does not
14 provide a defence. Therefore, the only other way in
15 which it would be relevant is somehow providing
16 background, and I object to that as well. So the
17 Prosecution would object to this type of questioning. It
18 doesn't take -- it doesn't assist the Court.
19 JUDGE BOUTET: Mr Williams.
20 MR WILLIAMS: My Lord, I patiently listened to my learned
21 friend when he was asking the witness how many times he
22 failed on exams. At the end of the day, we actually saw
23 a lot of --
24 PRESIDING JUDGE: He did not ask him how he failed exams. He
25 was not the one who asked.
26 MR WILLIAMS: No, My Lord --
27 PRESIDING JUDGE: It was the witness who volunteered that
28 answer. Let`s accurately reflect the records.
29 JUDGE BOUTET: Answer the objection. What is the relevancy of

1 these questions?

2 MR WILLIAMS: At the end of the day, I will tie things up,
3 My Lord. They might be loose at the moment. But I'm not
4 spending a lot of time on this. Shortly, I will reach a
5 conclusion.

6 JUDGE BOUTET: I would like to be convinced, too, of the
7 relevancy. I'm still to understand, even though AFRC
8 would be admitted, they may have killed so many people,
9 how is this a justification or a defence? I'm just
10 trying to follow the logic of that, if any.

11 MR WILLIAMS: I'm not saying it's a defence. What I'm saying
12 --

13 JUDGE BOUTET: How is it relevant?

14 MR WILLIAMS: It is relevant to our defence.

15 JUDGE BOUTET: How?

16 MR WILLIAMS: My Lord, there were killings. There were
17 killings.

18 JUDGE BOUTET: So?

19 MR WILLIAMS: My Lord, if I answer the question, that might be
20 of some -- you know, to the witness. If Your Lordship
21 will just bear with me, I just need to ask two or more
22 questions --

23 JUDGE BOUTET: The question, the objection here is how is this
24 relevant other than some background information? And it
25 has been considered, and I agree with that. Background
26 information, we need to know what's the larger picture.
27 Once you have this kind of a background, whether the AFRC
28 would have committed atrocities in this CDF trial, how is
29 this relevant to what the accused in this case are

1 facing? I'm just trying to see --

2 MR WILLIAMS: My Lord, the timing of particular atrocities is
3 very relevant to our case. It's very, very relevant to
4 our case, the timing, not what happened in --

5 JUDGE BOUTET: But my question is very simply, Mr Williams,
6 just for the sake of this discussion here, let's say the
7 AFRC would have killed 500 people in that little village
8 as such. How would that impact -- what would be the
9 relevancy of the charge of that -- of that to the charges
10 that these three accused are facing?

11 MR WILLIAMS: We, we, we -- we are saying, My Lord --

12 JUDGE BOUTET: Are you suggesting that because these accused,
13 CDF, was entitled to retaliation, and that's the line?

14 MR WILLIAMS: That is not a defence in any jurisdiction,
15 My Lord. What I'm saying, My Lord, is that certain
16 killings took place which are very controversial, I mean,
17 which we would want the Court or we would adduce evidence
18 to say it was not done by the Kamajors but by some other
19 people.

20 JUDGE THOMPSON: Yes. If that is the crux of it, I think it's
21 a perfectly legitimate line of cross-inquiry.

22 JUDGE BOUTET: If that is the purpose.

23 MR WILLIAMS: My Lord, I didn't want to say as much as that.

24 JUDGE BOUTET: We need to understand what is going on.

25 MR WILLIAMS: But basically, that is it.

26 JUDGE BOUTET: That's fine.

27 MR WILLIAMS:

28 Q. Mr Witness.

29 A. Yes, sir.

- 1 Q. My question was this: That -- would you agree with me
2 that -- I mean, the AFRC would pick out people whom they
3 thought were Kamajor sympathisers and execute them?
- 4 A. Well, where they started the digging at Cyborg, if they
5 suspect that you have enough diamonds, then they will
6 open fire and take the diamonds. Sometimes they will
7 open one's mouth and take out the diamond. That was what
8 they used to do. Or sometimes, they wait until you have
9 dug the well spot. Then if you have like five pieces,
10 they will wait until you have gathered the dust, then
11 they will use a gun.
- 12 Q. And Mr Witness.
- 13 A. Yes, sir.
- 14 Q. This method that you've just explained, it continued
15 right up to the time the AFRC were leaving town. Is that
16 correct?
- 17 A. Sir?
- 18 Q. I mean, these atrocities that the -- you said were
19 committed by the AFRC, it continued right up to the time
20 they left Tongo? Is that correct?
- 21 A. Well, it continued, sir. There was a commander in Bo
22 called Manawa. He opened an RPG on people and smashed
23 them all. Since then, the ground commander was not
24 happy. So they closed the place for two weeks. There
25 was nobody in the area.
- 26 Q. Did you -- Mr Witness?
- 27 A. Yes, sir.
- 28 Q. Did the AFRC continue the atrocities against civilians
29 right up to the day they left town?

- 1 A. The bad that they were doing, they removed the doors,
2 they will take your watch, they'll take off your
3 trousers. If you have food, they'll take it from you,
4 they'll give you half. This is what they used to do to
5 us.
- 6 Q. And this continued right up to the day they left Tongo?
- 7 A. Yes, sir.
- 8 Q. Mr Witness, which part of Tongo were you when the
9 Kamajors came?
- 10 A. I was at Palima, in my village.
- 11 Q. Can you spell that for the Court, please. Can you spell
12 the --
- 13 A. Palima. P-A-L-I-M-A, Palima.
- 14 Q. Is that in Tongo?
- 15 A. Yes, sir.
- 16 JUDGE BOUTET: Is this a part of the town of Tongo called
17 Palima?
- 18 MR WILLIAMS: Palima.
- 19 THE WITNESS: It is in Tongo. It is the central part of
20 Tongo.
- 21 JUDGE BOUTET: Thank you.
- 22 THE WITNESS: Yes, sir.
- 23 MR WILLIAMS:
- 24 Q. And then how far was this place from the NDMC quarters?
- 25 A. From Palima to NDMC quarters is half a mile. Half a
26 mile.
- 27 Q. If you were on foot, it would take about 45 minutes from
28 Palima to NDMC quarters. Is that correct? 45 minutes or
29 more?

- 1 A. If you are a fast walker, you will take about 30 minutes.
2 Like myself, I will spend only 30 minutes, depending on
3 your speed of walking. It's just within the same town.
4 It is in the township.
- 5 Q. Thank you very much.
- 6 A. Yes, sir.
- 7 Q. Do you know Chief Moigboi Quee or Maigboi Quee?
- 8 A. Moigboi Quee, he is our chief, sir. I know him, sir.
- 9 Q. M-O-I-G-B-O-I.
- 10 A. Yes, sir, Moigboi.
- 11 PRESIDING JUDGE: Quee is?
- 12 MR WILLIAMS: Q-U-E-E.
- 13 PRESIDING JUDGE: Q-U?
- 14 MR WILLIAMS: E-E.
- 15 Q. Is he still your chief?
- 16 A. Yes, sir. No, he is not the chief now, but he is a
17 chief. He is the chiefdom counsellor.
- 18 JUDGE BOUTET: He is still a chief, but he's not the chief of
19 a chiefdom any more.
- 20 MR WILLIAMS: Yes, he's a chiefdom counsellor, My Lord.
- 21 Q. Mr Witness.
- 22 A. Yes, sir.
- 23 Q. Was it a very tense -- I mean, Tongo - Palima to be
24 precise - was it very, very tense at Palima when the
25 Kamajors came in?
- 26 A. Yes, sir.
- 27 Q. What made it so tense?
- 28 A. Well, when they heard that the Kamajors were coming,
29 everybody was worried. Everybody was disturbed.

- 1 Q. What about the AFRC? What they were doing when they
2 heard this news?
- 3 A. Well, they were digging everywhere indiscriminately.
4 Everywhere, dig the streets. Everywhere.
- 5 PRESIDING JUDGE: Digging for what?
- 6 THE WITNESS: Diamonds, sir.
- 7 MR WILLIAMS:
- 8 Q. And what about the AFRC soldiers? Were they nervous that
9 the Kamajors were coming?
- 10 A. Yes, sir, they were afraid, sir.
- 11 Q. Did you see them putting battle plans in place?
- 12 A. The AFRC, you mean?
- 13 Q. Yes.
- 14 A. I saw them. They were preparing to fight, but they never
15 went. They just move around the town.
- 16 Q. And whilst they move around, they terrorise civilians.
17 Is that correct?
- 18 A. They were telling civilians, "Please don't go. We are
19 here. The Kamajors will never enter here. If the
20 Kamajors enter here, it means we are not men." That was
21 what gave courage to the civilians to stay.
- 22 Q. Basically, the AFRC were putting up things in place to
23 resist the entry of the Kamajors. Is that correct?
- 24 A. Yes, sir.
- 25 Q. You agree with me, Mr Witness, that -- did they have
26 vehicles that they moved about with? Did they have
27 vehicles that they moved about with?
- 28 A. Yes, sir. They had RPGs, sir.
- 29 Q. Mounted on vehicles?

- 1 A. Yes, sir.
- 2 PRESIDING JUDGE: [Previous translation continues]
- 3 THE WITNESS: They had one vehicle.
- 4 PRESIDING JUDGE: Did they have vehicles, and then RPGs?
- 5 MR WILLIAMS: I asked him if they had vehicles that they moved
6 about with.
- 7 PRESIDING JUDGE: Yes, let him answer that first.
- 8 THE WITNESS: Yes, yes.
- 9 MR WILLIAMS:
- 10 Q. And did they mount guns on these vehicles?
- 11 A. Yes, sir.
- 12 Q. I mean, whilst all this was going on, where were you?
- 13 A. I was still in Tongo.
- 14 Q. Specifically at Palima?
- 15 A. Yes, sir. I was in Palima, sir.
- 16 Q. These were soldiers that were moving about -- these
17 were -- I'm sorry, the AFRC troops that were moving
18 about, you would agree with me that they were very
19 desperate. Is that correct?
- 20 A. They were desperate, sir.
- 21 Q. Were they firing their weapons indiscriminately during
22 this --
- 23 A. They were firing in the air.
- 24 Q. Would it be correct to say -- when did the Kamajors
25 actually enter Tongo?
- 26 A. It was in November. To the end of December. That was
27 the time they entered Tongo.
- 28 Q. Would you be in a position to tell exact date?
- 29 A. Well, it was in November, sir, to December.

- 1 Q. Which day was it?
- 2 A. I couldn't tell. I've forgotten, sir.
- 3 PRESIDING JUDGE: He has never been precise on that date,
4 November and December. He has never been precise. And
5 he has never been precise on the date.
- 6 MR WILLIAMS:
- 7 Q. I mean, what time of the day was it? Daytime, nighttime?
8 What time of the day was it?
- 9 A. It was during the day.
- 10 PRESIDING JUDGE: What part of the day, Mr Witness? What part
11 of the day?
- 12 THE WITNESS: It was about 2.00, sir.
- 13 MR WILLIAMS:
- 14 Q. Did the Kamajors surround Tongo before they came in?
- 15 A. Yes, sir.
- 16 Q. Would it be more precise to say that they were entrapped?
17 I mean, that the AFRC was entrapped by the Kamajors?
- 18 A. Well, yes, sir.
- 19 Q. And the AFRC had to fight to free themselves? I mean, to
20 get themselves out of this entrapment?
- 21 A. Well, as they heard the gunshots from the Kamajor side, a
22 lot of them escaped. A lot -- a lot of them were from
23 there, so they know the terrain. They escaped. A lot
24 were unable to escape, but a lot escaped.
- 25 Q. My question is whether they fought their way out. Did
26 they fight to get themselves out? I agree with you that
27 they escaped --
- 28 A. They didn't fought, sir.
- 29 Q. Are you saying that the Kamajors saw them and allowed

- 1 them to go?
- 2 MR TAVENER: That's not what the witness said.
- 3 JUDGE BOUTET: Let the witness answer the question.
- 4 MR WILLIAMS: My Lord, this is cross-examination. I can put
- 5 my case to the witness.
- 6 JUDGE BOUTET: That's fine. I said let the witness answer.
- 7 MR WILLIAMS: Yes.
- 8 Q. Can you answer the question, please.
- 9 A. Repeat, sir.
- 10 Q. Did the Kamajors see the rebels --
- 11 A. The junta.
- 12 Q. The junta and allow them to escape?
- 13 A. No, sir. He never saw them. You hear from somebody, say
- 14 "let him don't see you at all." Would you allow him to
- 15 see you? They did it, but they were afraid of the
- 16 Kamajors. Because at times when they fire at them, the
- 17 bullet goes round and came back to you and hit you.
- 18 Q. During this episode, did you see dead Kamajors, Kamajors
- 19 that were killed by the AFRC?
- 20 A. No, sir.
- 21 Q. Finally, Mr Witness, you would agree with me that the
- 22 AFRC that were in Tongo fired as they left the town?
- 23 Fired their weapons as they escaped?
- 24 A. No, sir, Kamajors were right round. They were
- 25 everywhere. They did not fire. I did not -- I never
- 26 heard any junta fired at. I never heard that.
- 27 Q. Okay, sorry, Mr Witness. Let me just refer you to a bit
- 28 of your statement.
- 29 MR WILLIAMS: May I have the last two exhibits, please.

1 JUDGE BOUTET: Which ones?
2 MR WILLIAMS: The last two, My Lord.
3 JUDGE BOUTET: 63.
4 MR WILLIAMS: 63 and 64, My Lord.
5 PRESIDING JUDGE: A and B?
6 JUDGE BOUTET: A and B.
7 PRESIDING JUDGE: Is it 63 or 64?
8 JUDGE BOUTET: 64 A and B.
9 MR WILLIAMS: Could you show him this one and this one.
10 JUDGE BOUTET: But again, he can't read. I don't know why
11 you're showing him the statement. You better read the
12 portion you're asking him to read. He has already looked
13 at the statement, Mr Williams.
14 MR WILLIAMS: I'll read. It's the statement of the 24th of
15 October. You said, "There were gunshots" --
16 JUDGE BOUTET: What page?
17 THE WITNESS: It was during Akim's period, Akim. I was lying
18 in my sister's house verandah at the time. If you would
19 have asked me, I would have explained a little bit about
20 it.
21 MR WILLIAMS: You're absolutely right, Mr Witness. No further
22 questions, My Lord. I wanted --
23 JUDGE BOUTET: You're abandoning that line of questioning?
24 MR WILLIAMS: It refers to a different --
25 JUDGE BOUTET: A different period.
26 MR WILLIAMS: A different period, My Lord.
27 THE WITNESS: A different time.
28 MR WILLIAMS: Thank you very much, My Lord.
29 JUDGE BOUTET: Mr Prosecutor, any re-examination?

1 MR TAVENER: Very briefly, Your Honour.

2 RE-EXAMINED BY MR TAVENER:

3 Q. Mr Witness, it has been suggested to you that you have
4 provided the Court with two versions of how Dr Blood was
5 killed.

6 A. For me to explain how he was killed, sir?

7 Q. I just want to ask you one question: Did you see
8 Dr Blood killed?

9 A. Yes, sir.

10 MR BOCKARIE: I'm objecting on the grounds that the question
11 asked on re-examination is outside the ambit of
12 re-examination. The answer to my question in
13 cross-examination was very specific. It was very
14 specific, devoid of any ambiguity. Here lies the
15 ambiguity, Your Honour.

16 JUDGE THOMPSON: I haven't heard the question of learned
17 counsel. Rather premature, I think.

18 MR TAVENER: Perhaps I can explain the ambiguity. There are
19 two versions put by this witness suggesting how Dr Blood
20 died. What the Court doesn't know is the extent of the
21 inconsistency, whether it's simply to the effect of two
22 different circumstances by which he died, whether or not
23 he died; that is, whether or not Dr Blood died.

24 What I'm seeking to confirm in re-examination so the
25 Court is not left with the false impression is the extent
26 of the inconsistency. At the moment, we simply have two
27 stories and no idea where the inconsistency stops or
28 starts. That's what I'm trying to sort out by asking one
29 or two questions.

1 JUDGE BOUTET: I'm not sure we need this line of question to
2 sort out the inconsistency. We've heard the
3 evidence-in-chief of this witness, and we can certainly
4 read the statement, because the question by second
5 accused had to do with the statement. "Is it what you
6 said in the statement," and read that portion of the
7 statement, and that's all. These were all and the only
8 questions asked by Defence counsel for the second
9 accused.

10 So the Court will draw the inference that needs to
11 be drawn from that. We have the evidence-in-chief, and
12 the question by the second accused did not go into the
13 examination-in-chief. They only asked that question.

14 You've said this in your statement. Am I --

15 MR BOCKARIE: You're absolutely correct, Your Honour.

16 MR TAVENER: He's correct, Your Honour. I understand

17 Your Honour's position, and I'll withdraw the question.

18 JUDGE BOUTET: These were the only questions?

19 MR TAVENER: Indeed.

20 JUDGE BOUTET: Thank you very much.

21 PRESIDING JUDGE: Mr Witness.

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: We have finished with you.

24 THE WITNESS: Thank you, sir.

25 PRESIDING JUDGE: We would like to thank you for coming to
26 testify before this Tribunal.

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: And for assisting us to some extent in
29 getting more facts --

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: -- more facts on what happened in Tongo in
3 particular, which is your hometown.

4 THE WITNESS: Yes, sir.

5 PRESIDING JUDGE: Although we're finished with you, we may
6 have to call you back here again. We do not know.
7 Necessity may arise for us to call you back. We hope
8 that if we ever do call you back, you will come and give
9 us the benefit of your testimony once more or to clarify
10 it somewhere. Are you understanding me?

11 THE WITNESS: Yes, sir.

12 PRESIDING JUDGE: And I -- in our traditional village
13 communities, we know what sanitary inspectors, you know,
14 do, and how useful they are. So I think --

15 THE WITNESS: Yes, sir.

16 PRESIDING JUDGE: -- that job which contributes in making our
17 environment cleaner than it ought to be if you were not
18 there. I don't know whether you are still in that
19 business.

20 THE WITNESS: I'm still doing the job, sir.

21 PRESIDING JUDGE: So we wish you the very best. Have a safe
22 journey. And give our regards to your entire family.
23 Okay?

24 THE WITNESS: Yes, sir.

25 PRESIDING JUDGE: The Court will rise --

26 MR MARGAI: [Previous translation continues] some useful
27 service to Freetown.

28 PRESIDING JUDGE: To Freetown. Is that an attack on the mayor
29 of Freetown?

1 MR MARGAI: Far from it, My Lord.

2 PRESIDING JUDGE: Anyway, Mr Witness, have a safe journey.

3 Thanks again for coming.

4 We will rise and resume tomorrow at 9.30.

5 [Whereupon the hearing adjourned at 5.54 p.m., to be
6 reconvened on Wednesday, the 23rd day of February, 2005,
7 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 64A	103
Exhibit No. 64B	103

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-027	2
EXAMINED BY MR BANGURA	2
CROSS-EXAMINED BY MR YILLAH	9
CROSS-EXAMINED BY MR BOCKARIE	23
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