

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 23 FEBRUARY 2005
9.41 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Joseph Kamara
Ms Adwoa Wiafe
Ms Bianca Suciu

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 [HN230205A - JM]
2 Wednesday, 23 February 2005.
3 [Open session]
4 [The accused Norman and Fofana not
5 present]
6 [The witness entered court]
7 [On commencing at 9.41 a.m.]
8 PRESIDING JUDGE: Good morning, learned counsel. We're
9 resuming our session today. Yes, Ms Wiafe.
10 MS WIAFE: The Prosecution calls TF2-048. TF2-048 will be
11 sworn on the Koran and will testify in Limba.
12 WITNESS: TF2-048 [sworn]
13 [Witness answered through interpretation]
14 PRESIDING JUDGE: Ms Wiafe, is it correct to say this is your
15 49th witness?
16 MS WIAFE: Yes.
17 PRESIDING JUDGE: The 49th. And she'll be testifying in
18 Limba?
19 MS WIAFE: Limba.
20 EXAMINED BY MS WIAFE:
21 Q. Madam, good morning.
22 A. Good morning.
23 Q. I'll be asking you some questions this morning.
24 A. Okay.
25 Q. I would like you to endeavour to speak slowly as much as
26 possible because you are being recorded. Madam, how old
27 are you?
28 A. I am 36 years old. 36 years old.
29 Q. Are you married?

- 1 A. Yes.
- 2 Q. Do you have any children?
- 3 A. Yes.
- 4 Q. How many children do you have?
- 5 A. Eight.
- 6 Q. Are these eight children all yours?
- 7 A. No. Four are my children. The other four are from my
8 mate.
- 9 Q. Your mate? You mean your husband?
- 10 PRESIDING JUDGE: Her mate. Her mate.
- 11 THE WITNESS: They belong to my husband.
- 12 MS WIAFE: Okay.
- 13 MR MARGAI: She doesn't have a problem.
- 14 PRESIDING JUDGE: It's like I teased Mr Tavener yesterday when
15 we had a witness who said he had one wife. I said "like
16 Mr Tavener." We are not used to that culture. In the
17 course of evidence, it's usually 2 and 21 children and so
18 on and so forth. Anyway, please proceed.
- 19 MS WIAFE:
- 20 Q. Madam Witness, what work do you do?
- 21 A. I am a herbalist.
- 22 Q. Have you had any form of education?
- 23 A. I didn't go to school.
- 24 Q. What languages do you speak?
- 25 A. I speak Limba.
- 26 PRESIDING JUDGE: Limba only?
- 27 THE WITNESS: I try in Temne. I try to talk Temne.
- 28 MS WIAFE:
- 29 Q. Any other language?

- 1 A. These are the only ones I could speak.
- 2 Q. Madam Witness, I'd like you to cast your mind back to the
3 time when President Kabbah was overthrown. Do you
4 remember that time?
- 5 A. During that time, I was in the farm.
- 6 Q. Where was this farm? Which town or village was this
7 farm?
- 8 A. In Tongo Field.
- 9 Q. Do you remember what happened on that day?
- 10 A. Yes. I was there in my farm. We were working for me on
11 my farm.
- 12 PRESIDING JUDGE: Did she say they were working for her on her
13 farm?
- 14 MS WIAFE: Yes.
- 15 Q. Who was working for you on your farm?
- 16 A. My husband and -- my husband and his brothers, and also
17 with some other friends.
- 18 THE INTERPRETER: My Lord, let the witness speak louder. We
19 are not getting her too clearly.
- 20 MS WIAFE: Madam Witness --
- 21 PRESIDING JUDGE: Speak to her in Limba. Speak to her in
22 Limba. She will get you directly.
- 23 THE INTERPRETER: Okay.
- 24 MS WIAFE:
- 25 Q. Madam, you said you yourself was on that farm, too. Is
26 that right?
- 27 A. Yes.
- 28 Q. How did you come to know that President Kabbah had been
29 overthrown?

- 1 A. I was told that.
- 2 Q. Who told you that?
- 3 A. My husband's brother told me. He told me about it.
- 4 Q. Did you ever come to know who overthrew President Kabbah?
- 5 A. I didn't know. I didn't know. The only time, when I
6 came to town, all I saw there were soldiers in town.
- 7 Q. Do you know where these soldiers came from?
- 8 A. No, I don't know, because I was in the farm. I didn't
9 know where they came from because I was in the farm.
- 10 Q. How were these soldiers dressed, Madam Witness?
- 11 A. They had combats.
- 12 Q. Did anything happen in Tongo Field on the day that
13 President Kabbah was overthrown?
- 14 A. During that time, the Kamajors, they went to the field.
- 15 Q. On the day that President Kabbah was overthrown, the
16 Kamajors went to the field?
- 17 A. In the bush, in the bush. I did not get your question
18 clearly, but it was in the bush.
- 19 Q. Madam, are you saying that the Kamajors went to the bush?
- 20 A. Yes. They went to -- because during that time, the town
21 was quiet, except those that had -- except the soldiers
22 that were in town. But everybody else had gone to the
23 bush.
- 24 Q. Madam Witness, how long did the soldiers stay in Tongo
25 Field?
- 26 A. They stayed there for long.
- 27 THE INTERPRETER: My Lord, we are not getting the witness
28 clearly. Let the lawyer repeat the question.
- 29 MS WIAFE:

- 1 Q. How long did the soldiers stay in Tongo Field?
- 2 A. It was long.
- 3 Q. Did they ever leave Tongo Field, the soldiers I mean?
- 4 A. If they left there early? They stayed there for long.
- 5 Q. Madam Witness, you said after the overthrow of President
6 Kabbah, the Kamajors went into the bush. Did the
7 Kamajors ever come back to Tongo Field?
- 8 A. When they went, it was long. They came and collected
9 their wife. They send for their wives, and they took
10 them away.
- 11 Q. Did they ever enter Tongo Field?
- 12 A. Yes.
- 13 PRESIDING JUDGE: You mean, did they ever come back?
- 14 MS WIAFE: Yes.
- 15 Q. When did the Kamajors go back to Tongo Field?
- 16 A. It was on Wednesday. That was the time. That was the
17 time they came back to Tongo Field.
- 18 Q. Where were you on that day?
- 19 PRESIDING JUDGE: Should we say on Wednesday or on a
20 Wednesday? It should be on a Wednesday.
- 21 MS WIAFE: On a Wednesday.
- 22 THE WITNESS: It was on one Wednesday. That was the time they
23 came.
- 24 MS WIAFE:
- 25 Q. Where were you on that Wednesday?
- 26 A. I was cooking.
- 27 Q. Do you know how the Kamajors came into Tongo Field?
- 28 A. Yes.
- 29 Q. Could you please tell the Court.

- 1 A. Yes.
- 2 Q. Please tell the Court how the Kamajors came into Tongo
3 Field.
- 4 A. We were seated. I was cooking. When I was cooking.
- 5 Q. Yes, go on.
- 6 A. We heard gunshots.
- 7 Q. Go on, Madam Witness.
- 8 A. When we heard the gun, we heard that it was a convoy
9 coming bringing some food for us.
- 10 Q. What did you do when you heard these gunshots?
- 11 A. We took our things out. We were about to run.
- 12 Q. What did you do after this?
- 13 A. We heard the soldiers telling us to go to the
14 headquarters.
- 15 Q. Did you go to the headquarters?
- 16 A. Yes. We went to headquarters.
- 17 Q. Madam Witness, what do you refer to as "headquarters"?
- 18 A. It's just like here. There were some houses built there.
19 That was the place the NDMC was occupying. That's the
20 place they call headquarters.
- 21 Q. Did you go there with anybody?
- 22 A. Yes, I went there with my children.
- 23 Q. When you got to the headquarters, what did you see?
- 24 A. The soldiers told us to lie on the floor because of the
25 guns, because there was shooting coming out from both
26 sides. So they told us to lie on the floor so that we
27 may escape some of these cartridges that were coming from
28 both sides. The soldiers were shooting, and the shooting
29 was coming from the other side.

- 1 Q. So did you lie on the floor?
- 2 A. Yes.
- 3 Q. Were there other people at the headquarters when you
4 arrived?
- 5 A. It was -- there were many people. It was a big
6 population. It was too big. It was a large, large
7 population.
- 8 Q. Madam Witness, around what time did you arrive at the
9 headquarters? Do you remember?
- 10 A. Around 2.00.
- 11 Q. 2.00 in the morning or 2.00 in the afternoon?
- 12 A. During the day, afternoon.
- 13 Q. Madam Witness, I'd also like to take you back to the time
14 when this happened, when you had to go to the
15 headquarters. Was this during the dry season or the
16 rainy season? Do you remember?
- 17 A. It was during the dry season.
- 18 Q. Was there any special event happening around that time?
- 19 A. During that time, we were fasting.
- 20 Q. Madam Witness, you are a Muslim, are you not?
- 21 A. Yes.
- 22 Q. So when you say you were fasting, was this Ramadan?
- 23 A. Yes. During that time, I was also fasting.
- 24 Q. Madam Witness, I'll take you back to the NDMC
25 headquarters. Can you give us a brief description of the
26 headquarters.
- 27 A. It's a big place.
- 28 Q. When you say "it's a big place," what do you mean?
- 29 A. It's a big place. This place was owned by NDMC workers.

- 1 It is a popular place. Everybody -- almost everybody
2 went to that place.
- 3 Q. Which part of the NDMC headquarters did you go on that
4 day?
- 5 A. The headquarters is a big place. Everybody went there.
6 There were many. Almost everybody in the town, we all
7 went there.
- 8 PRESIDING JUDGE: Put the question again.
- 9 MS WIAFE:
- 10 Q. Madam Witness, I'm talking about you. You have already
11 told this Court that it was a big place, and everybody
12 went there.
- 13 A. Yes.
- 14 Q. When you went there, which part did you go?
- 15 A. I was on the right-hand side. That was the place I
16 stood.
- 17 Q. Does the NDMC headquarters have any buildings?
- 18 A. There are so many houses. But it was -- it has some
19 distance between buildings.
- 20 Q. When you went to the NDMC headquarters, did you enter the
21 buildings?
- 22 A. I didn't go inside. We were outside. We were all
23 outside. We didn't go into any house. We were all
24 outside.
- 25 Q. Madam Witness, you have testified that when you got to
26 the NDMC headquarters, there was some firing going on.
- 27 A. Yes.
- 28 Q. Did this firing stop at any time?
- 29 A. Yes. When it stopped, when it stopped -- when we

- 1 stopped, we went on. By the time we came, we didn't find
2 the soldiers again. All we saw was Kamajors. They had
3 some cowries with them.
- 4 Q. Did you say you went around?
- 5 A. I went round -- I didn't go round the house. But we were
6 standing outside.
- 7 Q. And you realised that there were no soldiers at the
8 headquarters? Is that what you said?
- 9 A. Mm, we did not see any soldiers again. When we got up,
10 we only saw Kamajors. Up to evening, there was no
11 soldier; there were only Kamajors.
- 12 Q. On that day at the headquarters, did anything happen when
13 you saw these Kamajors at the headquarters?
- 14 A. Yes.
- 15 Q. Please tell this Court what happened.
- 16 A. During that time, it was people that were trampled upon
17 that died, and there were many.
- 18 Q. Apart from the people who were trampled upon who died,
19 did any other people die?
- 20 A. Yes. The Kamajors came dancing. When they were dancing,
21 they came and took one man, took him around the corner
22 there behind one house.
- 23 Q. Do you know what happened to that man?
- 24 A. When they were -- after a short while, they came. They
25 were dancing, and they saw some blood on the machete they
26 were having.
- 27 Q. Madam Witness, did you yourself see what happened to that
28 man?
- 29 A. I did not see, but I saw the blood. I saw the blood

- 1 because it was my husband's uncle. That was the man that
2 was taken. We never saw him since then.
- 3 Q. Madam Witness, apart from this man, did anything happen
4 to anybody else?
- 5 A. Yes. One other -- one other child was also taken away.
- 6 Q. Who took this child away?
- 7 A. It was the Kamajors. When they came back, they had some
8 machete on which there was blood all over the machete
9 again.
- 10 Q. Did you know this boy?
- 11 A. No, no, I didn't know him. Only that we are nearer, we
12 are nearer at the headquarters. But I didn't know him.
- 13 Q. Madam, apart from these two incidents that you have
14 narrated, did anything happen to anybody?
- 15 A. Yes. Yes, another lady also was captured and taken away.
16 When -- as they were coming back, they came the same way,
17 having their machete all covered with blood.
- 18 Q. Did you know that woman?
- 19 A. I didn't know her. We all met there. I didn't know her.
- 20 Q. Madam Witness, did you ever come to know why these people
21 were killed?
- 22 MR MARGAI: Objection, My Lord. There's no evidence that
23 those people were killed. All she said was when the
24 Kamajors disappeared with these people, they came back,
25 she observed blood.
- 26 PRESIDING JUDGE: The objection is sustained.
- 27 MR MARGAI: As My Lords please.
- 28 MS WIAFE:
- 29 Q. Madam Witness, did you ever come to know what happened to

- 1 these people?
- 2 A. Why they were killed?
- 3 Q. No, what happened to them?
- 4 A. When they were killed?
- 5 Q. When they were taken away.
- 6 A. We didn't know. We also were really fearing.
- 7 PRESIDING JUDGE: The nearest the witness has come to
- 8 approaching -- to creating a similarity between
- 9 appearance and death is with the taking of the husband's
- 10 uncle who was taken away. They came back with the
- 11 machetes stained with blood. And since then, they had
- 12 not seen them. That is the evidence she gave, about that
- 13 particular one.
- 14 MR MARGAI: That is a mere presumption, My Lord.
- 15 PRESIDING JUDGE: That's what I'm saying.
- 16 MR MARGAI: As My Lords pleases.
- 17 THE WITNESS: That was exactly what I said.
- 18 PRESIDING JUDGE: [Previous interpretation continues] was
- 19 trying to create a similarity between disappearance and
- 20 killing. That's a point which can be taken either way.
- 21 MS WIAFE:
- 22 Q. Madam Witness, how long did you stay at the NDMC
- 23 headquarters?
- 24 A. We were there for the whole day because we were captured.
- 25 Because when we were captured, we slept there because we
- 26 had nowhere to go. They told us to sit there until the
- 27 morning, and in the morning they would tell us what to
- 28 do.
- 29 Q. Who told you to sit there until morning?

- 1 A. The Kamajors. They were the ones holding us.
- 2 Q. So did you stay there until the next day?
- 3 A. In the morning, yes.
- 4 Q. And what happened that morning?
- 5 A. In the morning, the Limbas were placed in one room. They
- 6 Fullahs, the Mandingos, the Korankos, and the Susus.
- 7 They were all placed in separately. They were all lined
- 8 up separately.
- 9 Q. What happened after that?
- 10 A. They started -- they removed all the Mendes. They
- 11 removed the Fullahs. They removed the Susus. They
- 12 removed the Mandingos. They removed the Koranko. We,
- 13 the Limbas, the Lokos, the Temnes, we were left there.
- 14 PRESIDING JUDGE: Please, let her take -- they removed the
- 15 Mendes, the Fullahs --
- 16 MS WIAFE:
- 17 Q. Madam Witness, can you go over what you just said.
- 18 A. Okay.
- 19 PRESIDING JUDGE: She started with the --
- 20 MS WIAFE:
- 21 Q. Please repeat what you just said.
- 22 A. In the morning, they removed the Mendes, the men.
- 23 PRESIDING JUDGE: Wait, wait. Mendes, who?
- 24 THE WITNESS: The Fullahs. The Mandingos. The Korankos. The
- 25 Susus. These were the people who were removed. We, the
- 26 Limbas, the Temnes, and the Lokos, we were left there.
- 27 MS WIAFE:
- 28 Q. Madam Witness, when you say "they removed," who are you
- 29 referring to?

- 1 A. The Kamajors. The Kamajors separated us.
- 2 Q. What happened after you were separated?
- 3 A. That was -- during that time, the people --
- 4 Q. Madam Witness, take your time.
- 5 PRESIDING JUDGE: No, no, no, no. She cannot continue. Let
- 6 her --
- 7 MS WIAFE:
- 8 Q. Madam Witness, the question was what happened after you
- 9 were separated? And please, take your time when you're
- 10 answering the question.
- 11 A. That we are Limbas, so we should be killed.
- 12 Q. Who said that?
- 13 A. The Kamajors. They said it. The Kamajors said that we
- 14 should be killed.
- 15 Q. What happened after this was said by the Kamajors?
- 16 A. To say what?
- 17 Q. You said the Kamajors said that you should be killed
- 18 because you were Limbas. What happened after that?
- 19 A. We are responsible for spoiling this town, we that came.
- 20 Q. Who said --
- 21 PRESIDING JUDGE: We that came.
- 22 THE WITNESS: The Kamajors said this to us. The Kamajors said
- 23 it to us.
- 24 MS WIAFE:
- 25 Q. What did the Kamajors say?
- 26 A. They said they don't want the Temnes, the Limbas, the
- 27 Lokos, they don't want them in this town. For that
- 28 reason, they are going to kill us all, that we the Limbas
- 29 tap our wine for them so that the soldiers drink and

- 1 because of that, they are going to kill us, because we
2 are too proud.
- 3 Q. Madam, what happened after this?
- 4 A. And so, during that time, some people who were Liberians,
5 who speak Liberian language, they came.
- 6 Q. And how did you know that these people were Liberians?
- 7 A. The way they were talking. That's the way we knew that
8 they were Liberians.
- 9 Q. What did the Liberians do when they arrived?
- 10 A. They did not do anything to us. They came to save us.
- 11 Q. How did they save you?
- 12 A. They were the people who said we should all leave the
13 headquarters, all -- even the Temnes. They told us to go
14 back where we came from.
- 15 Q. Did they say anything else to your hearing?
- 16 A. That was how we left there, went out towards the
17 headquarter junction.
- 18 Q. Madam Witness, you said the Liberian people told you to
19 go away. Did they also say anything that you heard?
- 20 A. Yes.
- 21 Q. What did they say?
- 22 A. They said -- they said when they came, they said you
23 brought us here and said that we should come and take
24 over Tongo Field and that we should carry out the
25 operation of No Living Things.
- 26 Q. Who said this?
- 27 A. Those were the people who speak this Liberian language.
28 They said it.
- 29 Q. What else did they say?

- 1 A. During that time, we got up and went away. And they
2 said, you should not say you've come to kill all this.
3 You have removed your own people, and you left these
4 people. So therefore, because of that, these people
5 should also go. They should also return.
- 6 Q. Madam Witness, you have testified that you left the NDMC
7 headquarters. Who did you leave with?
- 8 A. Me and my husband, we went to the headquarter junction.
9 We passed through there in order to look for houses.
10 That was the place we stood for some time.
- 11 Q. Apart from your husband, was anybody else with you?
- 12 A. Yes.
- 13 Q. Who else was with you?
- 14 A. My elder brother was also there with us.
- 15 Q. Apart from your elder brother, who else was there?
- 16 A. Unless -- except our eldest brother, who was also there
17 with us.
- 18 Q. Did anything happen at the junction when you got there?
- 19 A. Yes.
- 20 Q. Please tell the Court what happened.
- 21 A. So we came to the headquarter junction. We were many.
22 And my elder brother, when we went there, one Kamajor
23 said he wanted a bag of my brother. There were some
24 things in his bag.
- 25 Q. How many Kamajors were at this junction when you got
26 there?
- 27 A. There were many.
- 28 Q. And you said they wanted the bag of your elder brother?
- 29 A. Yes.

1 Q. So what happened to the bag?

2 A. When they took this bag, and they said they wanted
3 -- they wanted this --

4 THE INTERPRETER: My Lord, let the witness go slowly. Let the
5 witness repeat the statement.

6 MS WIAFE:

7 Q. Madam Witness --

8 PRESIDING JUDGE: And tell her to speak aloud so that you can
9 hear her well. Speak to her directly in Limba. Let her
10 speak aloud and come closer to the microphone.

11 THE WITNESS: Okay.

12 MS WIAFE:

13 Q. Madam Witness, I'll take you back to the junction. What
14 happened when you got there?

15 PRESIDING JUDGE: Just wait, Madam. We'll stop there and
16 we'll rise for just a couple of minutes, please. The
17 Court will rise.

18 [Recess taken at 10.32 a.m.]

19 [On resuming at 10.57 a.m.]

20 PRESIDING JUDGE: We're resuming the session.

21 MS WIAFE: Just a moment, Your Honour.

22 PRESIDING JUDGE: It's okay. You can consult.

23 [Prosecution counsel confer]

24 PRESIDING JUDGE: Ms Wiafe, how far are you from the end of
25 your examination-in-chief?

26 MS WIAFE: Not more than 30 minutes.

27 PRESIDING JUDGE: Okay.

28 MS WIAFE: And Your Honours, during the break, we were
29 informed that there might be a slight interpretation

1 problem. The translators of the OTP informed us that
2 there's a word in Limba, wandan [phon], which could mean
3 one of two things. It could either mean "sister" or
4 "brother." But it's being translated as brother, so we
5 want a clarification from the translators in the booth
6 whether this is the position.

7 PRESIDING JUDGE: She has been talking of her brother all
8 along. Her brother who died.

9 MS WIAFE: Yes, that is the -- could the translators just stop
10 interpreting.

11 THE INTERPRETER: My Lord, the witness is saying that it is a
12 man. Wandan in Limba means husband. Malo is man, My
13 Lord.

14 PRESIDING JUDGE: Okay.

15 MS WIAFE:

16 Q. So Madam Witness, just before the break, you were telling
17 us about leaving the headquarters and getting to the
18 junction.

19 A. The headquarter junction.

20 Q. And you said you were with some people.

21 A. Yes.

22 Q. Who were you with?

23 PRESIDING JUDGE: I think we got up to where she said she was
24 with one of her brothers. He was --

25 THE WITNESS: My brother, my sister.

26 MS WIAFE:

27 Q. Madam Witness, can you go over that again. Who were you
28 with when you got to that junction?

29 A. I was with my sister, the sister -- my elder sister, and

1 the worker of his husband.

2 PRESIDING JUDGE: Whose bag was it?

3 MS WIAFE:

4 Q. Whose bag did you say was taken?

5 A. My brother, my elder brother. That was his bag. In that
6 bag contained all his things.

7 [230205 11.05 a.m. - CLR.]

8 PRESIDING JUDGE: That's where we are now.

9 MS WIAFE:

10 Q. Who was carrying your older brother's bag?

11 A. It was the worker of my sister's husband.

12 Q. Madam Witness, I am a bit confused here. Whose bag was
13 taken?

14 PRESIDING JUDGE: Can we limit ourselves to it is the
15 brother's bag. The brother's bag, please. Let's move
16 from there.

17 MS WIAFE: Okay.

18 THE WITNESS: It was not the man that owned the bag, that was
19 my sister. They bag was owned by my sister. It was my
20 sister's bag.

21 MR KAMARA: Your Honours, if I may interpose. We definitely
22 seem to have interpretation problems here. It seems like
23 the witness is insisting the bag is her sister's and the
24 interpretation comes in as a brother. That is why we
25 inquired during the break from the independent - the
26 [inaudible] translators to give us the assurance that the
27 word could mean brother or sister, depending on the
28 context. That is why the witness has interposed that,
29 really, it is the sister's bag, but the translation keeps

1 on coming as the brother's.

2 JUDGE BOUTET: In the interpretation booth, can we have a
3 response to that, please?

4 INTERPRETER: The response is that the witness is saying the
5 bag belongs to his sister, but the bag was being carried
6 by his sister's husband's worker.

7 JUDGE BOUTET: But that's not the interpretation you gave.
8 You gave the interpretation that the bag belonged to her
9 brother. Twice you have repeated that. Is your
10 interpretation now that the bag belonged to her sister,
11 that this is her evidence?

12 INTERPRETER: Yes, that is her evidence, and that this bag was
13 not carried by her sister, but --

14 JUDGE BOUTET: No, we're not interested in who carried the
15 bag. Who did it belong to?

16 INTERPRETER: The bag belonged to her elder sister.

17 JUDGE BOUTET: You translated that to be the bag of her
18 brother, elder brother. So that's not the accurate
19 translation. So are you saying now that the witness has
20 testified that the bag was that of her sister?

21 INTERPRETER: Yes, My Lord.

22 JUDGE BOUTET: Okay.

23 MR YILLAH: My Lord, I'm sorry to intervene at this stage.
24 The evidence was flowing up until the break announced by
25 Your Honour, the Presiding Judge. The evidence, as we
26 have it, is "the bag of my elder brother".

27 PRESIDING JUDGE: That's what we have.

28 MR YILLAH: With respect, My Lord, as I said, the evidence was
29 flowing up to that stage. My own view is that the

1 confusion has been introduced, so the confusion has been
2 brought about by --

3 JUDGE BOUTET: There is no confusion. The interpretation is
4 not accurate. You or anybody has the right to stand up
5 and say it's not what the witness is saying. We are in
6 the hands of the interpreters on this.

7 THE WITNESS: It was a mistake but I am talking that it was my
8 elder sister, my elder sister were working together. It
9 was a lady - she was my sister - and the worker of her
10 husband.

11 JUDGE BOUTET: Let's take it from there. We have the bag
12 belonged to her elder sister. Please carry on.

13 MS WIAFE:

14 Q. Madam Witness, what happened to this bag?

15 A. We had our things and money in that bag.

16 Q. What happened to it when you got to the junction?

17 A. As soon as we got there, one of the men said he wanted
18 this bag, but I begged him that this bag - "Please, don't
19 take it. It is ours."

20 Q. Who was this man who said he wanted to take your bag?

21 A. It was a Kamajor.

22 Q. Was this bag taken?

23 A. Yes. He took it to Boomi Junction [phon].

24 Q. Madam Witness, from the junction, where did you go?

25 A. We stood there until -- when my sister's husband's worker
26 came back, we were standing there waiting for him.

27 Q. And when he came back, did you leave the junction?

28 A. Yes.

29 Q. Where did you go?

- 1 A. They went to their own house. I and my son went towards
2 the back.
- 3 Q. When you say, "They went to their own house," who are you
4 referring to?
- 5 A. My sister -- when the bag was taken, my sister and the
6 worker went to their own house. I and my own son went
7 towards the back.
- 8 Q. Did anything happen as you went towards the back?
- 9 A. Yes.
- 10 Q. Can you please tell this Court what happened?
- 11 A. When we went to the back, I was held there by another
12 Kamajor.
- 13 Q. Why did the Kamajor hold you there?
- 14 A. He held me and asked me why I was crying.
- 15 Q. What happened after that?
- 16 A. He hit me with the stick on my waist.
- 17 Q. What did you do?
- 18 A. I never did anything to him.
- 19 Q. Did anything else happen to you when you met this --
- 20 A. Yes.
- 21 Q. What happened?
- 22 A. As I turned around, I saw our elder brother who is a man
23 -- the elder brother, he was held, and MS -- they were
24 both held.
- 25 Q. This elder brother that you refer to, when you were
26 leaving the headquarters, did you leave with him?
- 27 A. The man?
- 28 Q. Your elder brother. Where was he when you were leaving
29 the headquarters, do you know?

- 1 A. The man?
- 2 MS WIAFE: Her elder brother that she is talking about now.
- 3 Q. At the time that you were leaving the headquarters, were
4 you with him?
- 5 A. No. He went towards Boima. There are many roads. He
6 went to towards Boima.
- 7 PRESIDING JUDGE: Okay, she turned around.
- 8 MS WIAFE: Yes.
- 9 PRESIDING JUDGE: So the elder brother was held, held by whom?
- 10 MS WIAFE:
- 11 Q. This elder brother, who was holding him?
- 12 A. The man?
- 13 Q. Yes, who had captured him? You said somebody was --
- 14 A. It was a Kamajor who held him. It was a Kamajor who held
15 two -- he and his friend.
- 16 Q. How many Kamajors did you see with your brother and his
17 friend?
- 18 A. There were about three, but they never did anything to
19 him. Those that held him, they never did anything to
20 him, only that they took the money from him.
- 21 Q. Madam Witness, how far were you from where your brother
22 and the Kamajors were standing?
- 23 A. I was sitting -- the place I am sitting here and, like,
24 over there where the judges are sitting. I never said he
25 was my brother, because they are looking for other
26 Limbas. I never said he was my brother.
- 27 MS WIAFE: Your Honours, we would like the record to reflect
28 that the distance from the witness's seat to where the
29 judges are sitting is about 15 feet - 15 yards.

- 1 THE WITNESS: It could be, yes. It could be about that.
- 2 MS WIAFE:
- 3 Q. Now, Madam Witness, you said the Kamajors that were with
4 your brother took money from him.
- 5 A. Yes.
- 6 Q. How do you know they took money from him?
- 7 A. As they were talking, we had them, but then we did not --
8 I did not say he's our brother, because everybody was
9 trying to fight for his life.
- 10 Q. After the money was taken from him, what happened?
- 11 A. Then they were left and went away. Not long from then,
12 the one who came to kill did not meet them there again.
- 13 Q. Madam Witness, who are you referring to? You said that
14 two Kamajors left your brother.
- 15 A. The one who took the money, they went away. The next one
16 who came to kill him came, and then they called the other
17 Kamajor who came to kill him said because he had worked
18 with this man, so he was going to kill him.
- 19 Q. Madam Witness, let me get you. You say another Kamajor
20 came after those other two Kamajors had left; is that
21 what you are saying?
- 22 A. Yes.
- 23 Q. When this man got to your brother, what happened?
- 24 A. He said, "We have come here for you. Look at this list.
25 All the Limbas' names are written here. We have come
26 here for you." That is what he said.
- 27 Q. Did you hear him saying that?
- 28 A. Yes. Because it was not a far distance, but we don't
29 talk.

- 1 Q. Now after the Kamajor said this, what happened?
- 2 A. Then he cut off the ear.
- 3 Q. Whose ear are you referring to?
- 4 A. My elder brother.
- 5 Q. Did he do anything else?
- 6 A. [Inaudible].
- 7 Q. Madam Witness, did the Kamajor, after cutting your
8 brother's ear, do anything else?
- 9 A. Yes.
- 10 Q. Could you please tell this Court what he did?
- 11 A. And my brother started asking, "Please, don't kill me."
12 He said, "I have all my wives and children. I am
13 controlling them." Then the Kamajor said, "I'm going to
14 kill you."
- 15 Q. Did he kill your brother?
- 16 A. My brother knelt down to beg him and then after a time,
17 he cut his -- they cut his throat with a machete and the
18 Kamajor said [Krio words spoken]. I was standing there
19 and I heard it all.
- 20 Q. What happened to your brother --
- 21 PRESIDING JUDGE: Please wait.
- 22 MS WIAFE:
- 23 Q. Madam Witness, did you see what happened to your brother
24 after his throat was cut?
- 25 A. Yes.
- 26 Q. Please tell the Court what you saw?
- 27 A. When he was killed, they cut the -- they mutilated his
28 body.
- 29 Q. Madam Witness, earlier on, you had said that the Kamajor

- 1 A. I was not there. I was in Makeni, but not long. I came
2 back. It was not long, I came back.
- 3 Q. Were you there when juntas were in control of Tongo?
- 4 A. Yes, I was there.
- 5 Q. Madam Witness?
- 6 A. I am answering.
- 7 Q. During this period, did the junta forces introduce forced
8 mining for the civilian residents of Tongo?
- 9 A. Yes, to mine diamonds, yes.
- 10 Q. Madam Witness, is it true that the junta forces killed
11 civilians who refused to cooperate with their forced
12 mining; is that correct?
- 13 A. I never saw it. I never saw it. Since I was there, I
14 have never seen a junta kill somebody because the
15 gentleman, he didn't go.
- 16 Q. Madam Witness, during this period, do you know whether
17 the Kamajor forces sent warnings to civilians by way of
18 letters, verbal messages for them to leave Tongo before
19 the attack? Do you know?
- 20 A. Yes.
- 21 Q. Madam Witness, is it also true that a large number of
22 civilians left Tongo as a result of this several Kamajor
23 warnings?
- 24 A. Yes, those that had the chance, they went away. Those of
25 us with the large family, we could not go because the
26 road was already closed. They had closed the road.
- 27 Q. Madam Witness, was the NDMC security headquarters also
28 the headquarters of the junta forces; do you know?
- 29 A. They were not there. Some were there, some were all

- 1 around the town; they are scattered.
- 2 Q. Madam Witness, during this period, did you observe
3 military activities on the part of the junta forces in
4 Tongo?
- 5 A. I never saw that, because I was going to the farm, so I
6 never saw anything like that.
- 7 Q. Let me ask you this: Did you see the junta forces
8 carrying guns within the township of Tongo during that
9 period?
- 10 A. Yes, they had guns.
- 11 Q. Would you tell this Court whether there were many junta
12 forces in Tongo as well during this period?
- 13 A. There were many. There were many, because that was the
14 place they were finding money.
- 15 Q. So you would agree with me, Madam Witness, that because
16 you have said that Tongo was the place that juntas were
17 finding money, it was heavily fortified? Would agree
18 with me, Madam Witness?
- 19 A. Yes, it was so.
- 20 Q. Madam Witness, where exactly were you on the day the
21 Kamajors entered Tongo? Were you on your farm, in your
22 house or wherever? Please tell the Court where you were.
- 23 A. I was in my house. I had not even gone -- from that day,
24 I didn't go to the farm at all.
- 25 Q. Madam Witness, did you observe on that day that the
26 Kamajors entered Tongo peacefully? Did you observe that?
- 27 A. It was not peaceful. If somebody's coming peacefully,
28 you will see the way he's coming. He will come slowly,
29 but wherever you turn, you will see a lot of glasses and

1 -- you see a lot of glasses and [inaudible]. They came
2 with a lot of guns. They came with a large number of
3 guns to fight people.

4 Q. Madam Witness, is it true that the junta forces, having
5 realised that the Kamajors had entered Tongo, called on
6 you, the civilians, to converge on the NDMC security
7 headquarters?

8 A. As for us, we don't know. Wherever we are told to go, we
9 will go there, because we never knew what fight is. That
10 was the reason. So we, the civilians, we don't know what
11 was happening.

12 Q. Okay, let me ask you this, Madam Witness: Who told you
13 to go to the NDMC headquarters from the day the Kamajors
14 entered? Was it the junta forces?

15 A. It was the soldiers. We didn't know how they were
16 called. They all had converged. They told us that every
17 civilian should go to the headquarters. That was why I
18 went there. That was the place I went. That was the
19 place I went. It was a big number. Almost everybody in
20 the town -- all went to the headquarters.

21 PRESIDING JUDGE: She has answered this question. The
22 question has been answered. Please, move to contested
23 grounds. There are some grounds in examination-in-chief
24 which establishes the case you want to establish. You
25 should know how to skip some examination, even if you are
26 in cross-examination, because we need to gain time.

27 MR YILLAH: As My Lord pleases.

28 PRESIDING JUDGE: Because this is a witness who goes back to
29 explanations again on the same issues. Yes, please

1 proceed.

2 MR YILLAH: As Your Honour pleases.

3 Q. Madam Witness, you would agree with me that so many
4 civilians died in this stampede whilst rushing to get to
5 this NDMC security headquarters after the call by the
6 AFRC?

7 A. Yes, most of them were killed through the stampede:
8 mothers, men, women. The place was big.

9 Q. Madam Witness, you told this Court in your
10 evidence-in-chief that whilst at the NDMC security
11 headquarters, you observed a heavy exchange of fire
12 between the junta forces who were in the headquarters and
13 the Kamajor forces who were outside; is that correct?

14 A. Yes.

15 PRESIDING JUDGE: I don't know if that is the state of the
16 evidence, really. There was firing from the soldiers and
17 firing on the other side. We didn't quite identify who
18 was firing from the other side. I don't have that on my
19 notes.

20 MR YILLAH: As My Lord pleases.

21 Q. Madam Witness, is it true that many civilians died within
22 the NDMC security headquarters as a result of this
23 crossfire?

24 A. From the guns? From the guns?

25 Q. Yes, from the bullets that were coming and going.

26 A. I only saw those that were killed by machete near the
27 park.

28 Q. No, I'm talking about the headquarters.

29 A. Those what were killed there, I never saw those by

1 bullets.

2 Q. Madam Witness, did you also observe at the NDMC security
3 headquarters that there were many Kamajor commanders,
4 including some from Liberia?

5 A. There were many. There were many. No one will even
6 dispute it; there were many. There were so many. There
7 are so many, the Kamajors. Wherever you turn, you will
8 see a Kamajor; there were many.

9 JUDGE BOUTET: I don't think she understood your question.

10 You are asking about commanders. Maybe you can repeat
11 your question.

12 MR YILLAH: As My Lord pleases.

13 Q. Madam Witness, I am talking about commanders. Did you
14 observe at the NDMC headquarters, whilst the Kamajors
15 were there, that there were many commanders?

16 A. There were many. We don't know that -- we have only seen
17 them. We don't know the difference.

18 JUDGE THOMPSON: Is that a fair question for this witness?

19 Commanders?

20 JUDGE BOUTET: She just stated that she doesn't know the
21 difference.

22 JUDGE THOMPSON: Precisely.

23 MR YILLAH: My Lord, I will try another word.

24 JUDGE BOUTET: She just said she doesn't know the difference.

25 MR YILLAH:: I will try this time, My Lord.

26 THE WITNESS: I don't know the difference. During that time,
27 everybody was thinking about his life. Nobody cared to
28 know. The more you are asking me, that's the time I feel
29 so bad, because this reminds of the way my brother was

1 killed. This is what is disturbing me now. Today,
2 today, I am suffering. The children are many. I have
3 all my children with me. So if you continue asking me, I
4 feel so bad. I don't feel comfortable at all.

5 PRESIDING JUDGE: Madam Witness, we understand what you're
6 saying. Just try to pull yourself together and try to
7 answer these questions. If you cannot answer, you say
8 you do not know. If you can answer, you answer. We
9 understand what you are saying.

10 THE WITNESS: Okay.

11 PRESIDING JUDGE: Mr Yillah, please proceed.

12 MR YILLAH:

13 Q. Madam Witness, did you observe whilst at the NDMC
14 security headquarters that there were different groups of
15 Kamajors, some speaking in Liberian tongue, some speaking
16 in Mende? Did you observe that?

17 A. Yes, because there were many, those that came. Some were
18 speaking the Liberian language, others were speaking
19 Mende. We were only speaking Krio, because we don't
20 speak Limba. If you speak Limba, you will be killed.

21 Q. Madam Witness, did you also observe that each of this
22 group, those who were speaking in Liberian tongue, those
23 who were speaking in Mende tongue, each of them was doing
24 what that group wanted to do without any control. Did
25 you observe that?

26 A. Yes, that was exactly what happened.

27 Q. Madam Witness, you said in your evidence-in-chief that
28 people were separated along tribal lines and that you --
29 the group where you were was [inaudible] by one Kamajor

1 who spoke in Liberian tongue, was [inaudible] to safety
2 by one Kamajor who spoke in Liberian tongue; is that
3 correct?

4 A. Yes. Yes, they saved us. They told us to get out,
5 because they know that they have separated -- they have
6 selected their own people. We, the Temnes, the Limbas
7 and the locals, let us get out. That was the time we got
8 out and that is how we all scattered.

9 Q. Thank you.

10 A. Yeah.

11 Q. Madam Witness, I put it to you that no Kamajor stole your
12 sister's bag while you were at the NDMC headquarters.

13 A. They took the bag away. That is why when I came here, I
14 came to swear -- I have taken an oath. If I am lying,
15 don't let me get the benefit of my children. Her bag was
16 taken away. We only had a short period. My sister had
17 only had one lappa. I have not come here to lie, because
18 already my brother's life is gone. I have not come here
19 to tell a lie.

20 Q. Madam Witness, did you eventually reach Kenema when you
21 left Tongo?

22 A. We slept at Mano Junction. We were not able to go there,
23 because it was a long distance. We all slept at Mano
24 Junction. Some went at night, others went in the
25 morning. We never went to Kenema. We found transport in
26 order to go to Bo. That was the place our father lived.

27 Q. So did you eventually get to your destination?

28 A. In my house?

29 Q. No, when you left -- you've told this Court that you left

1 Tongo. Now, when you left Tongo, where did you go to?

2 A. We were at Mano Junction. We slept at Mano Junction,
3 when we walked, we were tired. It was early in the
4 morning we went to Kenema. We were in Kenema for two
5 weeks. That was the time we left there to go to Bo
6 because we are looking for transport. We never came with
7 anything. That was how we came. So, if you ask me, that
8 is how we -- how it happened.

9 Q. Now, Madam Witness, whilst at Kenema and in Bo, did you
10 make a report of these incidents that you have testified
11 to to any Kamajor boss at any time?

12 A. Would I have minded to go and report to them, I would not
13 want my life. I didn't have that mind to go and meet a
14 Kamajor leader and report to him. I am looking -- I am
15 taking care of my life, because they were looking for us,
16 so I cannot go to him.

17 MR YILLAH: That will be all.

18 JUDGE BOUTET: Thank you. Second accused.

19 CROSS-EXAMINED BY MR BOCKARIE:

20 Q. Madam Witness, in examination-in-chief, you said you
21 speak only Limba and Temne.

22 A. Yes.

23 Q. Beside Limba and Temne, do you speak any other language?

24 A. Only Krio.

25 Q. So you now say, in addition to Limba and Temne, you speak
26 Krio as well?

27 A. Yes.

28 Q. Madam Witness, could you speak Mende as well?

29 A. I don't speak Mende, but if they talk, I understand, only

- 1 that I cannot reply.
- 2 Q. Thank you Madam Witness. Now, Madam Witness, this firing
3 at the NDMC headquarters, for how long did it last, do
4 you know? One hour, two hours, three hours?
- 5 A. It took about two hours; the shooting took about two
6 hours. Two hours.
- 7 Q. Thank you. And the shooting was sustained for two hours?
- 8 A. Yes.
- 9 Q. And the shooting was very fierce; the battle was very
10 fierce, wasn't it?
- 11 A. Yes.
- 12 Q. Madam Witness, in Tongo do you know who the overall
13 Kamajor boss was?
- 14 A. I don't know.
- 15 Q. You didn't?
- 16 A. Mmm.
- 17 Q. Madam Witness, for how long have you lived in Tongo?
- 18 A. During the fight?
- 19 Q. No, overall.
- 20 A. I was taken there when I was a small -- that was -- I
21 went there when I was very small. So I was -- I stayed
22 there for long.
- 23 Q. From the time you were in Tongo, the relationship between
24 the Mendes and the non-Mendes had been very harmonious;
25 am I correct?
- 26 JUDGE THOMPSON: Is that a fair question?
- 27 THE WITNESS: Yes, because we never knew what was in their
28 mind, because, in fact, we were in a Mende man's house.
29 They held us fine and, also, I was holding them fine. It

1 is only when this fight came that they kill a lot of our
2 brothers.

3 JUDGE THOMPSON: She's answered. I thought the latter was too
4 broad, non-Mendes.

5 MR BOCKARIE: That will be all. Thank you very much, Madam
6 Witness, that will be all.

7 JUDGE BOUTET: Thank you, Mr Bockarie. Counsel for the third
8 accused, ready to proceed with your cross-examination?
9 Please do so.

10 THE WITNESS: [Krio words spoken].

11 JUDGE BOUTET: What is this, Mr Interpreter?

12 INTERPRETER: Okay, I am ready.

13 CROSS-EXAMINED BY MR MARGAI:

14 Q. Madam Witness, where exactly were you in Tongo when the
15 Kamajors attempted to take over NDMC headquarters from
16 the SLAs?

17 A. I was in the house of Kinie.

18 Q. How far was that house from the NDMC headquarters?

19 A. It's a long distance.

20 Q. About a mile, half a mile?

21 A. About one and a half miles.

22 Q. And where were you when the firing ceased?

23 A. We were in --

24 Q. In the same house?

25 A. In the headquarters, we were in the headquarters. We
26 were in the headquarters. We never entered any house,
27 but we were in headquarters.

28 Q. Wait a minute, please. You were, according to your
29 testimony - I just want to be clear - one and a half

- 1 miles away from the NDMC headquarters when the Kamajors
2 attempted to dislodge the AFRC?
- 3 A. Well, I never understood what you were saying, that was
4 why I missed. What you asked was not clear. Your
5 question was not clear.
- 6 Q. I shall put the question again. Please, don't jump the
7 gun. Make sure you understand before you attempt to
8 answer, okay?
- 9 A. Okay.
- 10 Q. Now, the question is: Where exactly were you when the
11 Kamajors attempted to dislodge the SLAs from the NDMC
12 headquarters in Tongo Field?
- 13 A. I was in my house. I was there in my house. I was
14 cooking.
- 15 Q. You were in your house. How far away was your house from
16 the NDMC headquarters?
- 17 A. It is more than a mile and a half. It is far. It is
18 more than one and a half miles.
- 19 Q. And where were you when the firing between the SLAs and
20 the Kamajors ceased?
- 21 A. This was the time when -- when they started shooting, we
22 were all in the houses. They said let everybody go out
23 -- everybody should find where to go. Don't go into any
24 house, that was how it happened.
- 25 Q. Thank you very much. Now, would you answer the question.
26 Where were you when the firing stopped?
- 27 A. When the firing ceased I was where we were held because,
28 by that time, everybody had gone there. We all were
29 there.

- 1 Q. Were you still in your house -- wait, please.
- 2 JUDGE BOUTET: She just told you where she was at that time
3 when she was held with everybody.
- 4 PRESIDING JUDGE: [Inaudible]
- 5 MR MARGAI: She said --
- 6 JUDGE BOUTET: At the beginning, but your last question was
7 when it ceased. She just answered to you, at that time,
8 where everybody was being held.
- 9 MR MARGAI: And where was that?
- 10 JUDGE BOUTET: I think I know, but you may ask her the
11 question.
- 12 PRESIDING JUDGE: She said she was in her house, anyway.
- 13 JUDGE BOUTET: That's right.
- 14 MR MARGAI: That's what I'm trying to get at.
- 15 Q. Now, where were you precisely where everybody was held?
- 16 A. Where people were held, it was at the headquarters. We
17 were at the headquarters. We were all at the
18 headquarters.
- 19 Q. Now, you have told this Court that at the start of the
20 attempt by the Kamajors to dislodge the soldiers, you
21 were more than a mile and a half away from the
22 headquarters?
- 23 A. Yes.
- 24 Q. And at the time you left your house to go to the
25 headquarters, was firing still continuing?
- 26 A. The Kamajors were shooting and the soldiers were
27 shooting. When they were shooting, that was how we were
28 coming, slowly. We were crawling.
- 29 Q. Madam, do you seriously expect this tribunal to believe

1 that whilst in your house where you felt secured, you
2 left that house in the midst of firing?

3 MR KAMARA: Objection, Your Honour. That is an unfair way of
4 putting that question to the witness. The question could
5 be put to the witness without the intonations that my
6 learned friend is making, that if this witness seriously
7 wants this Court to believe. The question could be
8 simply put to the witness rather than draw insinuations
9 that might tend to connote something different for an
10 answer.

11 MR MARGAI: My Lords, I appreciate that the language is
12 equivocal. What my learned friend might understand as
13 being an insinuation may not be my own interpretation of
14 an insinuation. What is my learned friend's objection?

15 JUDGE THOMPSON: I think the question has been put in a very
16 abstruse way. Why not simplify it. There are better
17 ways of putting that question.

18 MR MARGAI: Very well.

19 JUDGE THOMPSON: The formulation is too sophisticated, too
20 abstruse.

21 PRESIDING JUDGE: It sounds like an observation and a
22 submission at the same time.

23 MR MARGAI: I shall simplify it.

24 PRESIDING JUDGE: Yes.

25 MR MARGAI:

26 Q. Madam, you left your house for the NDMC headquarters
27 whilst firing was still on?

28 A. That was how -- that was what we were told. We were told
29 that nobody should go into his house, we should all go to

- 1 headquarters. I was not alone, we were many. A lot of
2 us were walking towards NDMC.
- 3 Q. Thank you. Now, in answer to a question put to you by my
4 learned friend Mr Yillah you said you did not report the
5 incidents deposed to in this Court to any Kamajor
6 authority.
- 7 A. That's right. That's so.
- 8 Q. I'm putting it to you that you did not report to any
9 Kamajor authority because these incidents did not occur.
- 10 A. I have not come here to lie. Now we are suffering. I
11 have not come here to lie. As of now, if you don't have
12 anybody to help you, you will not be able. So, if my
13 brother had been killed, I would never go to any Kamajor
14 leader, because they are looking for us, Temnes, the
15 Limbas and locals; they are finding us. So I cannot
16 report to any Kamajor leader that my brother has been
17 killed. I am looking for a place to go somewhere where I
18 can get my children. So if you ask me, this is the
19 answer I have for you.
- 20 Q. Thank you very much. Now, would you please answer the
21 question. My question is: You did not report, because
22 these incidents did not occur?
- 23 A. As for me, I know it happened.
- 24 Q. Thank you.
- 25 A. Yes.
- 26 Q. Now, when the Kamajors entered Tongo Field and, according
27 to you, there was firing all over, were you afraid for
28 your life?
- 29 A. Yes.

1 Q. And because you were afraid for your life, you entered
2 your house; isn't that correct?

3 A. I was not able to go to my house. I cannot go to my
4 house alone. Even the owners of the house, they had
5 already run away. I, who do not own that house, you
6 expect me to stay there. I didn't go there.

7 Q. I'm not talking about you staying there, because you told
8 this Court when the Kamajors entered, you went when they
9 entered. You went to your house, except if I did not get
10 you correctly?

11 JUDGE BOUTET: She was at her house, she didn't went. She was
12 at her house.

13 MR MARGAI: And she remained there.

14 JUDGE BOUTET: No, she left to go to headquarters.

15 MR MARGAI: My first question to her was: When the Kamajors
16 attempted to dislodge the SLAs, where precisely were you?
17 She said she was in her house.

18 JUDGE BOUTET: That's true, yes.

19 MR MARGAI: Thank you. I'm taking it from there.

20 JUDGE BOUTET: She didn't go to her house, she was in her
21 house.

22 MR MARGAI: Very well.

[HN230205C 12.05 p.m. - SGH]

24 Q. Now, you were in your house when the Kamajors
25 entered Tongo Field; were you not?

26 A. Yes, I was cooking. When I was cooking we were -- that
27 was the time we are told that all civilians should go.
28 They should go to the headquarters. So when we are told
29 to go towards headquarters we went there because we as

- 1 civilians, we didn't know anything.
- 2 Q. Thank you. Now, whilst you were cooking in your house,
3 did you hear firing?
- 4 A. Yes.
- 5 Q. And did you know who was firing?
- 6 A. I only knew that it was the Kamajors when we saw the
7 glasses all over. We see a lot of cowries. That was the
8 only time I knew it was the Kamajors, because that is
9 their dressing.
- 10 Q. Thank you. Were you scared?
- 11 A. Yes.
- 12 Q. And did you enter the house because you were scared?
- 13 A. They didn't go into my house again because how the place
14 was -- that was the time we begin to see all this small
15 small glass around. Everybody was asked to go. Even the
16 rice and the sauce, I took the pot with me. In fact, it
17 was on the way it was eaten. I never entered to remove
18 anything.
- 19 Q. Now, when you heard this firing at no time did you enter
20 the house?
- 21 A. We didn't enter the house again.
- 22 Q. Now, when you heard the firing you were afraid for your
23 life; were you not?
- 24 A. Yes.
- 25 Q. And who told you to leave your house to go to where the
26 people had assembled? Who told you that?
- 27 A. It was the soldiers. They told the civilians and
28 everybody that we should all go to headquarters.
- 29 Q. Now, how did the message get to you? Did the soldiers

- 1 use a megaphone, or how did they communicate this to you
2 that you should go to the headquarters?
- 3 A. They went there, they told us -- all around they were
4 telling us. They told us all around and nobody else came
5 except they. They came and told us because there was an
6 exchange of firing. So they came us to that all
7 civilians should go to headquarters. That was how we
8 went there, we thought we were going to be safe there.
- 9 Q. Thank you. Please forget about the plural; talk about
10 yourself. What I want to know is: Did the soldiers go
11 to you at your house to tell you to move on to the
12 headquarters?
- 13 A. Well, it was not me alone, that was why I said we were
14 told that we should go to headquarters. It was not me
15 alone, we are many. We, the wives, the women in the
16 house, we are told.
- 17 Q. How many of you were at that house of yours? How many?
- 18 A. We, the women, were six. The husbands had already gone
19 to work.
- 20 Q. So there were only six of you. Any children there at
21 that time?
- 22 A. I never counted the children. I did not count the
23 children.
- 24 Q. Were there children?
- 25 A. Yes, they were there, there were children.
- 26 Q. And did you leave with these children when you were told
27 to go to the headquarters?
- 28 A. We all went with the children. We all went.
- 29 Q. And you went with your cooking pot, I take it?

- 1 A. No, the pot remained on the road. I cannot -- I cannot
2 carry hot pot, run away with the hot pot. I left it on
3 the way.
- 4 Q. On the way?
- 5 A. I left it on the way. We just left them on the way
6 there. That was the place where -- because the rice had
7 already been cooked, so they ate it there and they left
8 the pot there and we ran away.
- 9 Q. Now, whilst you were moving from your house to NDMC
10 headquarters, firing was ongoing; was it?
- 11 A. When they shot -- when they shoot -- when the shooting
12 was going on for one hour, after one hour they ceased and
13 then after some time it starts again for another hour.
14 That was how we managed to get to the NDMC.
- 15 Q. I see. I am putting it to you, Madam Witness, that at no
16 time did you move from that house of yours.
- 17 A. God is there. If I didn't leave my house -- if I didn't
18 leave my house, what I have come to say here, let me
19 don't have any long life. I will not say something I did
20 not see. What I saw is what I'm telling. And my
21 children, Let me don't get the benefit of my children if
22 I have come here to lie. I only felt it. All my cases
23 within, I have left my case to God.
- 24 Q. Finally, I am putting to it you, Madam Witness, that at
25 no time were you at the NDMC headquarters.
- 26 A. That is what you are saying, but I know what I have gone
27 through. I know that death missed me there. If you say
28 I did not go there, but I have -- I know I went there.
29 That's why I have come here to talk what I saw. If you

1 say I didn't go there, well it's left with you, but I
2 know I went there. God is my saviour.

3 MR MARGAI: That will be all for her, My Lords.

4 JUDGE BOUTET: Thank you, Mr Margai. Any re-examination?

5 MS WIAFE: No re-examination, Your Honour.

6 JUDGE BOUTET: Thank you. So that concludes the evidence of
7 this witness.

8 THE WITNESS: Okay.

9 JUDGE BOUTET: Just wait, Madam. Just wait. Mr Prosecutor,
10 may I ask you -- not that we intend to hear another
11 witness today because this is Wednesday and, as you know,
12 we don't sit on Wednesday afternoon, but what is your
13 next witness so we can get informed?

14 MR KAMARA: Your Honour, the Prosecution would have loved to
15 have called TF2-144, but we discussed it with my learned
16 friends on the other side and Mr Margai seemed to
17 insist -- wants to go on with TF2-013 and we have been of
18 a good understanding with the Defence, we would still go
19 on with TF2-013 if they still insist on that position.

20 JUDGE BOUTET: So TF2-144 will be called later, that is what
21 you're saying?

22 MR KAMARA: He is available and we want to call him, but Mr
23 Margai intimated to the Prosecution that he was prepared
24 for TF2-013.

25 JUDGE BOUTET: That is fine.

26 MR MARGAI: My Lords, it is not that --

27 JUDGE BOUTET: You are not saying that 144 will not be called,
28 he will not be called now. So to accommodate Mr Margai's
29 concern you would go ahead with 013?

1 MR KAMARA: Exactly.

2 MR MARGAI: It's not that --

3 PRESIDING JUDGE: [Overlapping speakers] the witness he has
4 prepared to tackle. You are surprising him by bringing
5 in another one he is not very prepared to tackle.

6 MR MARGAI: It is not that Mr Margai is insisting on a
7 particular witness, as indicated by my learned friend.
8 What I am insisting on is for the Prosecution to abide by
9 rulings given here in this Court. And yesterday
10 Mr Tavener gave us a list of five witnesses serially;
11 TF2-048, TF2-013, TF2-053 and TF2-166. That was the
12 order he presented the list of witnesses to us. And I,
13 in particular, have prepared my focus based on that
14 order.

15 I believe Your Lordships have always said in this
16 Court that if there is going to be a change, for whatever
17 reason, notice thereof should be furnished to the Defence
18 so as to give us sufficient time to address the issues as
19 they do present themselves. It was only this morning
20 that my learned friend told me of the intended change and
21 I said I had already focused my mind on the order of the
22 witnesses and I would appreciate if we could go by that
23 order.

24 PRESIDING JUDGE: Just as I am sure, if necessity arises, you
25 may be prepared to accommodate some changes and not for
26 us to strictly follow the order.

27 MR MARGAI: No, no, no, I am not insisting here on stricture.
28 What I am saying is that, My Lords, we should be given
29 sufficient notice as indeed you have always highlighted.

1 PRESIDING JUDGE: You are right, you are right. You must be
2 given enough notice.
3 MR MARGAI: That's all.
4 PRESIDING JUDGE: Let the Prosecution take notice of this
5 because there might be necessity to adjust the list.
6 MR KAMARA: Certainly, My Lord.
7 PRESIDING JUDGE: There might be an inconvenience following
8 them, you know, strictly as they are presented.
9 MR KAMARA: Exactly.
10 PRESIDING JUDGE: So it is good -- the notice is very
11 important, because counsel have to read through a lot of
12 material, a lot of statements, you know, to prepare the
13 cases for their clients.
14 JUDGE BOUTET: So the short answer is you are ready to proceed
15 tomorrow morning with TF2-013.
16 MR KAMARA: Yes, Your Honour.
17 JUDGE BOUTET: Thank you.
18 PRESIDING JUDGE: And that is all right by all the defence
19 teams?
20 MR YILLAH: Very good, My Lord.
21 PRESIDING JUDGE: Right, well we are rising for today, we are
22 not sitting in the afternoon, as is always the case. We
23 will resume the session tomorrow at 9.30. Madam Witness,
24 we --
25 THE WITNESS: Yes.
26 PRESIDING JUDGE: -- will be rising soon and we want to thank
27 you for testifying. You do not have the experience of
28 coming to court. Let me say you are a good citizen,
29 maybe you are not used to court habits. But don't take

1 the questions which were asked of you too badly. That is
2 part of what legal practice is and what the courts are
3 all about. But, this said, we thank you very much for
4 coming and we would be releasing you, but the necessity
5 may arise for you to come here some other day, you never
6 know. We do not know. If this arises we would get back
7 to you for you to come and see us. So we thank you very
8 much for coming. We wish you a safe journey to your
9 place of abode. Thank you. The Court will rise, please.

10 THE WITNESS: Okay.

11 [Whereupon the hearing adjourned at 12.20 p.m., to be
12 reconvened on Thursday, the 24th day of February 2005, at
13 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-048	2
EXAMINED BY MS WIAFE	2
CROSS-EXAMINED BY MR YILLAH	26
CROSS-EXAMINED BY MR BOCKARIE	34
CROSS-EXAMINED BY MR MARGAI	36