

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 24 FEBRUARY 2005  
9.50 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  
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara  
Mr Raimund Sauter  
Mr Kevin Tavener  
Ms Adwoa Wiafe  
Mr Mohamed Stevens

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 Ansu Lansana

1 [HN240205A - CLR]  
2 Thursday, 24 February 2005  
3 [The accused Kondewa entered court]  
4 [The witness entered court]  
5 [Open session]  
6 [Upon reconvening at 9.50 a.m.]  
7 PRESIDING JUDGE: Good morning, learned Counsel. We're  
8 resuming the session.  
9 JUDGE BOUTET: Your new witness is TF2-013?  
10 MR KAMARA: Yes, Your Honour.  
11 JUDGE BOUTET: And the witness is giving evidence in which  
12 language?  
13 MR KAMARA: Mende.  
14 PRESIDING JUDGE: And is this your 50th witness?  
15 MR KAMARA: 50th witness.  
16 JUDGE BOUTET: So once the witness has been sworn, you're  
17 ready to proceed?  
18 MR KAMARA: Certainly, Your Honour.  
19 WITNESS: TF2-013 [sworn]  
20 [The witness answered through interpreter]  
21 PRESIDING JUDGE: Is this on the Bible or on the Koran?  
22 MR KAMARA: Koran.  
23 DR JABBI: Excuse me, My Lords, I'm sorry to interpose, but  
24 with your indulgence, I wish to make a brief personal  
25 statement before the witness commences evidence.  
26 JUDGE BOUTET: Do you want to do that in the presence of or  
27 the absence of the witness?  
28 DR JABBI: My Lord, I don't think it matters whether or not  
29 the witness is present. I don't want to disrupt the

1 proceedings any further.

2 My Lords, for the past few weeks, I have not been  
3 enjoying the best of health and this was aggravated by  
4 overwork during the vacation when I was the only counsel  
5 left around during the vacation for the first accused.  
6 As I say, that aggravated my health condition and it did  
7 not enable me to rest sufficiently. I'm quite sure the  
8 output of work by the normal defence team over the  
9 vacation period is well known to all and more or less I  
10 have had to carry that on my single shoulders. So, My  
11 Lords, I have discovered I am not fully rested and  
12 although I have tried to assure that I attend trials over  
13 the past two and a half weeks, I do discover that it is  
14 strenuous and it is beginning to tell on me slightly. I  
15 thought the best thing would be to bring this to the  
16 notice of Your Lordships so as to plead your indulgence  
17 for at least a week's personal optional attendance at the  
18 trials so that I can give myself enough rest.

19 My colleagues Hall and Yillah have borne the brunt  
20 of cross-examination during the past two and a half  
21 weeks, and this has been part of my effort to ensure I am  
22 getting some rest, but even that is proving a little bit  
23 telling and I thought I should ask for this respite.

24 My learned friend Mr Hall will be leaving on Monday.  
25 He will be here, I think, up to the afternoon on Monday.  
26 He will attend with Mr Yillah. I would like to ask for  
27 one week, including Wednesday next week, of what I may  
28 call personal optional attendance. I still find it  
29 possible to come and attend trials but, if not, I want to

1 take as much rest as possible during that one week. I  
2 really would like to plead your indulgence to give me  
3 that respite.

4 MR MARGAI: My Lords, before you respond as a rejoinder, I am  
5 speaking for this side. I am taking this opportunity. I  
6 believe my colleagues on the other side would also join  
7 us in such an appeal. We have done quite a lot, taking  
8 almost 50 witnesses. I believe we are ahead of our  
9 counterparts. We have worked assiduously and amicably,  
10 but the strain Dr Jabbi is talking about is not only  
11 confined to him alone; we, too, have experienced it. I  
12 have no doubt that judges, being human, you, too, are  
13 experiencing it.

14 So, not to labour the point, I am pleading Your  
15 Lordships' indulgence if we could be sitting up to 5.00,  
16 because sometimes when we are here up to 6.00 you go home  
17 - I mean, you are not fit for anything. I have this  
18 habit of getting up at 4.00, 4.30 to work up to about  
19 half past 6.00 every morning and I find it very, very  
20 difficult if I leave here at about 6.00 and, considering  
21 the nature of the traffic, leaving here at 6.00 you don't  
22 get home before 7.00, 7.30, sometimes quarter eight. So  
23 we are craving Your Lordships' indulgence, considering  
24 that we have made such progress, for us to be sitting up  
25 to about 5.00. Thank you.

26 [Judges confer]

27 PRESIDING JUDGE: Yes, learned counsel, we have heard a  
28 passionate appeal by learned counsel Jabbi and learned  
29 counsel Margai. We are all human beings, and if you

1 overwork the human frame with a lot of strain and a lot  
2 of evidence which, at times, can be so stressful to  
3 elicit, you're bound to have the experiences of Dr Jabbi.

4 As I said, like Mr Margai pointed out, what we are  
5 experiencing is normal. We have no difficulty in  
6 understanding Mr Jabbi and in granting his application.  
7 There is no problem at all about it. The important thing  
8 is for him to be able to rest sufficiently so that he  
9 continues with us up to the tail-end of these trials.  
10 We'll miss him when he is not present but we hope, like  
11 he has said, he will be able to find some time during  
12 that period to come and lend assistance to the defence  
13 team once in a while when he feels fit. We wish you the  
14 very best. We hope that this strategy you have put in  
15 place will make you recover fully, and to repossess your  
16 energies to continue with this trial to its logical  
17 conclusion.

18 As far as the application by learned counsel Margai  
19 is concerned, well, we'll look at that and see how it  
20 goes. As you very well know, we have published a  
21 calendar on these trials. We are not saying that the  
22 calendar cannot be amended. All we are saying is that we  
23 need some time to consult and know what we can do in  
24 order to meet the concerns, I'm sure, of both sides of  
25 the aisle so that we don't all break down at one time  
26 which would, of course, mean a breakdown of the  
27 proceedings itself; that would be disaster and I don't  
28 think we want to get to that level. I think with this  
29 said, we'll continue.

1           Dr Jabbi, we appreciate your plight. We're very  
2           sympathetic. We do wish you a very, very speedy  
3           recovery. We are not saying that you are really sick,  
4           you are looking strong, but we notice that you have not  
5           been very active for the past days. Now we know the  
6           reason why you have not been, so we want to have you here  
7           as fast as we can, that is why we have no hesitation in  
8           immediately granting your appeal. Thank you.

9   DR JABBI: Thank you very much, My Lords.

10   JUDGE BOUTET: That being done, Mr Kamara, you're ready to  
11           proceed?

12   MR KAMARA: Yes, Your Honour.

13   JUDGE BOUTET: Please do so.

14                           EXAMINED BY MR KAMARA:

15   MR KAMARA:

16   Q.   Good morning, Mr Witness.

17   A.   Yes, good morning to you.

18   Q.   I'll be asking you a few questions this morning.

19   A.   If you ask me, I'll answer.

20   Q.   I want you to take your time and answer as slowly and  
21           directly as you can.

22   A.   Yes, I've heard.

23   Q.   Bear in mind, also, whatever you say is being recorded.

24   A.   Okay.

25   Q.   Thank you. Now, Mr Witness, where were you born?

26   A.   I was born in Bambara.

27   Q.   You have to speak up, okay.

28   A.   Bambara, I was born in Bambara, Lower Bambara.

29   Q.   In what town were you born?

- 1 A. Nyawa.
- 2 JUDGE BOUTET: Can you spell that for us, please?
- 3 MR KAMARA: Your Honours, I believe it is K-N-I-W-Y-A. Is that  
4 it?
- 5 MR MARGAI: No, it is N-Y.
- 6 MR KAMARA: N-Y, sorry.
- 7 JUDGE BOUTET: N-Y?
- 8 MR KAMARA: N-Y-A-W-A. In the Lower Bambara Chiefdom?
- 9 A. Yes.
- 10 Q. Mr Witness, are you married?
- 11 A. Yes.
- 12 Q. Do you have children?
- 13 A. Yes.
- 14 Q. Mr Witness, do you know your age?
- 15 A. No.
- 16 Q. What do you do for a living?
- 17 A. I am a farmer.
- 18 Q. What kind of farming do you do?
- 19 A. I have a cacao garden and banana garden. It's one farm,  
20 and cassava garden, and coffee as well. I look after  
21 that garden very well and I get money from it.
- 22 Q. Mr Witness, did you go to school?
- 23 A. I started going to school but, in the process, this war  
24 came and I stopped going to school.
- 25 Q. Do you know what level you stopped?
- 26 A. Yes, I stopped at class 4.
- 27 Q. Class 4. So you're saying it was whilst you were at  
28 class 4 the war started? Is that what you're saying?
- 29 A. Yes, I stopped at class 4, then this war came.

- 1 Q. Mr Witness, let me take your mind back to that war. To  
2 be precise, I want to ask you do you remember the event  
3 of the overthrow of the President Tejan Kabbah?
- 4 A. Yes. Yes, I can remember.
- 5 Q. Do you know who overthrew the presidency of Tejan Kabbah?
- 6 A. It was the soldiers who carried out the overthrow.
- 7 PRESIDING JUDGE: I just wanted to ask a question on both  
8 sides. There are certain issues that are not contested.  
9 To gain time, do you not think that we've got to a stage  
10 where counsel can say Kabbah was overthrown by SLA on  
11 such and such a day. I think we'll move faster.
- 12 MR MARGAI: We have no objection to counsel leading on issues  
13 that are not contentious.
- 14 PRESIDING JUDGE: That are not contentious, yes. Those are  
15 established issues. [Inaudible] the evidence has  
16 efficiently established at this stage. Mr Kamara, please  
17 proceed that way.
- 18 MR KAMARA: Thank you.
- 19 Q. Mr Witness, where were you on that day when President  
20 Kabbah was overthrown?
- 21 A. On that day I was at Nyawa, my home town.
- 22 Q. And what were you doing at Nyawa?
- 23 A. When we heard about the overthrow, we were in town. We  
24 were not doing any work, we were right in town.
- 25 Q. Now, Mr Witness, you mentioned the war. During that war,  
26 did you belong to any fighting group?
- 27 A. Yes.
- 28 Q. And which group was that?
- 29 A. What did you say?



- 1 Q. I was asking you if you belonged to any fighting group  
2 during the war?
- 3 A. Yes.
- 4 Q. And which group was that?
- 5 A. I was a Kamajor.
- 6 Q. Do you know when you became a Kamajor?
- 7 A. Yes, I know the time I joined, I became a Kamajor.
- 8 Q. When was that?
- 9 A. When they started the Kamajor association.
- 10 Q. Were you yourself initiated?
- 11 A. Yes, I was initiated.
- 12 Q. Was it before the overthrow of the President, President  
13 Kabbah?
- 14 A. Repeat the question, I did not understand the question.
- 15 Q. You said you were initiated into the Kamajor society. My  
16 question to you now is: Was it before the overthrow of  
17 President Tejan Kabbah?
- 18 A. Yes. Yes, I was initiated before the overthrow.
- 19 Q. Thank you. Do you know who was your initiator?
- 20 A. Yes. Colonel Brima.
- 21 Q. Where were you initiated?
- 22 A. Yes, I was initiated in Kenema.
- 23 Q. Now, Mr Witness, during this war you refer to did you  
24 have cause to go to Bo Waterside?
- 25 A. Yes. Yes, there was a time that I went there.
- 26 PRESIDING JUDGE: To Waterside?
- 27 MR KAMARA: Bo Waterside, Your Honour.
- 28 Q. Why did you go to Bo Waterside?
- 29 PRESIDING JUDGE: Waterside?

- 1 MR KAMARA: Yes, Waterside - S-I-D-E.
- 2 THE WITNESS: What did you say, why I went to Bo Waterside?
- 3 MR KAMARA:
- 4 Q. Yes.
- 5 A. The Kamajors told us to go to Chief Norman to give us  
6 ammunition to come and fight.
- 7 Q. Do you know who are these Kamajors?
- 8 A. Who did what?
- 9 Q. Who asked you to go to Bo Waterside to meet Chief Norman  
10 to get some ammunition?
- 11 A. Those who went with us, I know them.
- 12 Q. Yes, could you tell this Court?
- 13 A. Those who went with us, if I can recall their names, are  
14 you talking about them?
- 15 Q. Yes, I am talking about the leaders.
- 16 A. The leaders who travelled with us, those who we went  
17 with?
- 18 Q. Yes.
- 19 A. Yes, I recall their names.
- 20 Q. Tell this Court.
- 21 A. Number 1, one of our leaders Chief Orinco was there.  
22 Number 2, Chief Lahai Kekura. Number 3, Chief Ishaka was  
23 there. We travelled together with them. There are other  
24 people, but those were the leaders.
- 25 JUDGE BOUTET: Can you spell these names for us?
- 26 MR KAMARA: Yes, Chief Orinco. Lahai Kekura, L-A-H-A-I  
27 K-E-K-U-R-A, and Ishaka, I-S-H-A-K-A.
- 28 JUDGE BOUTET: Thank you.
- 29 MR KAMARA:

- 1 Q. You just said to this Court there were others, who were  
2 these others?
- 3 A. Those with who we went, but they were Kamajors as well,  
4 but those were the leaders, but we went together with  
5 them.
- 6 Q. Now you went to Bo Waterside. Did anything happen at Bo  
7 Waterside?
- 8 A. If when we went there did anything happen there?
- 9 Q. Yes.
- 10 A. Yes, when we went there something happened.
- 11 Q. Tell this Court.
- 12 A. When we just reached Bo Waterside.
- 13 Q. Yes, Mr Witness.
- 14 A. When we reached there at first -- can I proceed?
- 15 Q. Yes.
- 16 A. When we reached there first at Bo Waterside, we met Eddie  
17 Massalay and they were happy to see us.
- 18 Q. Wait.
- 19 PRESIDING JUDGE: We met?
- 20 MR KAMARA:
- 21 Q. Who did you meet; what was the name?
- 22 A. Eddie Massalay, we met them there. We met them at Bo  
23 Waterside and they were happy to see us.
- 24 Q. Who was this Eddie Massalay?
- 25 A. Eddie Massalay was a leader, too. He was one of those  
26 who we met at Bo Waterside.
- 27 Q. Okay. In other words, you were received by Eddie  
28 Massalay?
- 29 A. Yes, we met them there, yes, and they were happy to see

- 1 us.
- 2 Q. So what happened once you met Eddie Massalay?
- 3 A. They gave us food and we ate. We had our bath and we
- 4 slept.
- 5 PRESIDING JUDGE: Very comfortably?
- 6 THE WITNESS: Yes.
- 7 MR KAMARA:
- 8 Q. Now, you had food and you rested. You told this Court
- 9 you went there to meet Chief Norman?
- 10 A. Yes.
- 11 Q. Did you meet him?
- 12 A. Where we slept, in the morning, he came.
- 13 Q. Who came in the morning?
- 14 A. Chief Norman came there.
- 15 Q. So when he came there, what happened?
- 16 A. When he came in the morning, there were a lot of
- 17 Kamajors. There was a large crowd and he gave a speech,
- 18 and I was standing from a distance. After he had spoken
- 19 -- he spoke a lot, and he said -- and my companion said
- 20 --
- 21 Q. Wait, wait. You are telling this Court that Chief Norman
- 22 came in the morning.
- 23 A. Okay.
- 24 Q. And there was a meeting; is that what you said?
- 25 A. Yes.
- 26 Q. Then did he address this meeting?
- 27 A. Yes, he spoke and he spoke from on top of a car and we
- 28 were all seeing him.
- 29 Q. How far away were you from him?

- 1 A. Where he was, the distance like where I am sitting here  
2 and where the judges are sitting, but, between us, there  
3 were so many Kamajors.
- 4 Q. Did you understand what he said?
- 5 A. What he said -- the only thing that I heard is only one  
6 -- one of those that he said.
- 7 Q. Tell this Court what you heard Chief Norman say.
- 8 A. Okay. I heard that Chief Norman said unless we captured  
9 the Zimmi --
- 10 Q. Yes.
- 11 A. Chief Norman said if anything is to happen, we should  
12 first capture Zimmi.
- 13 Q. Did you receive anything for that mission?
- 14 A. Yes. In the morning -- can I say what he gave to us?  
15 Yes, they gave us something.
- 16 Q. Yes, tell the court.
- 17 A. Can I explain now?
- 18 Q. Yes, please.
- 19 A. In the morning, we queued. We were standing in a line  
20 and bought bullets that were shared amongst us. Do you  
21 want me to speak about the bullets?
- 22 Q. Wait, Mr Witness, wait. You said you queued. Who made  
23 this line?
- 24 JUDGE BOUTET: Are we still on the same morning?
- 25 MR KAMARA: Yes. Your Honour, the meeting is over. I just  
26 don't want him to go --
- 27 JUDGE BOUTET: I'm just trying to understand that. He said,  
28 "In the morning we lined up," but is it the same morning?
- 29 MR KAMARA: I'll put the question to the witness.

- 1 Q. This morning you're talking about receiving these  
2 bullets, is it the same morning that Hinga Norman  
3 addressed the Kamajors?
- 4 A. Yes. What did you say?
- 5 Q. Mr Witness, my question is now you're talking about you  
6 made a line in which you received bullets that were  
7 supplied to you. That morning, was it the same morning  
8 that Hinga Norman had spoken?
- 9 A. No, when we spoke and he went away, and we slept, the  
10 following morning, after he had gone, after he had made  
11 that speech that we should capture Zimmi. When he spoke  
12 and he went and we slept, the following morning, that's  
13 when we did that.
- 14 Q. Now, let's go to that following morning. You formed a  
15 line; right? Who formed this line?
- 16 A. It was our Kamajor leaders, they asked us to form the  
17 line and we formed the line. And the line was long. We  
18 were standing in that line.
- 19 Q. Having formed this line, you explained that you received  
20 certain things. What was it you received while you were  
21 in that line?
- 22 A. Weapons. They gave us weapons.
- 23 Q. Would you tell this Court which type of weapons that you  
24 received?
- 25 A. Can I pronounce the name of the weapons?
- 26 Q. Yes, tell the Court the name of the weapons?
- 27 A. At first when we attend the lines, they were bringing the  
28 weapons, they gave us a single-barreled gun; they gave us  
29 an AK-47 bullet; they give us an RPG bomb, a motor bomb.

- 1           They gave us all of those. They shared it amongst us.
- 2   Q.   You mentioned single barrels, RPG, motor bombs.
- 3   JUDGE BOUTET: And AK-47.
- 4   MR KAMARA: AK-47.
- 5   PRESIDING JUDGE: AK-47 bullets.
- 6   THE WITNESS: And G3.
- 7   MR KAMARA:
- 8   Q.   Okay. Now who was providing these supplies? Who was
- 9           giving you these supplies?
- 10  A.   It was a lot of Kamajors, they are bringing them to us.
- 11  Q.   Now, Mr Witness, having received these weapons, what did
- 12           you do?
- 13  A.   When we received them, what we did?
- 14  Q.   Yes.
- 15  A.   When it was shared amongst us, they asked us to go to
- 16           Zimmi.
- 17  Q.   Did you yourself go to Zimmi?
- 18  A.   Yes, I went there.
- 19  Q.   Now, tell this Court what happened at Zimmi.
- 20  A.   Yes, we launched an attack.
- 21  Q.   You launched an attack against whom?
- 22  A.   We launched an attack on the rebels.
- 23  Q.   What was the outcome of that attack?
- 24  A.   We fought with them for long, but we were not able to
- 25           overpower them. Then we pulled out.
- 26  Q.   Now, Mr Witness, I am taking you to another episode and
- 27           that is I'm taking you to the town of Lalehun.
- 28  A.   Okay. Yes, I've heard.
- 29  Q.   Mr Witness, do you know Chief Brima Conteh [phon] of

- 1 Lalehun?
- 2 A. Yes.
- 3 Q. And where he is now?
- 4 A. He's dead.
- 5 Q. Do you know how he died? Do you know how he died?
- 6 A. Yes.
- 7 Q. Now, take your time and explain to this Court the  
8 circumstances surrounding the death of Chief Brima  
9 Conteh.
- 10 A. Okay. Can I proceed?
- 11 Q. Yes, please.
- 12 A. So, at one time, we were at Lalehun. I was at the end of  
13 the Kenema Road. On that day --
- 14 Q. Witness, take your time. Slowly. You say, "We were at  
15 Lalehun." Who are "we"?
- 16 A. We and the Kamajors are there?
- 17 Q. Yes, you please proceed.
- 18 A. We were together with the Kamajors. On that day, I was  
19 on the way to Kenema. I was along Kenema Road. Can I  
20 proceed?
- 21 Q. Yes.
- 22 A. That day, that's where I was detained. On that same  
23 day --
- 24 Q. Wait, wait.
- 25 MR BOCKARIE: I'm sorry, the word is not detained.
- 26 THE INTERPRETER: Detailed, detailed, detailed.
- 27 JUDGE BOUTET: Detail, not detain?
- 28 THE INTERPRETER: Detailed.
- 29 MR BOCKARIE: Yes.



- 1 MR KAMARA:
- 2 Q. So while you were detailed along the Kenema Road; is that  
3 what you are saying?
- 4 A. Yes.
- 5 Q. What happened?
- 6 A. When I was detailed there, I was sitting, looking around  
7 the river for enemies. That is why I was sitting there.
- 8 Q. Now, Mr Witness, lest I forget, this town of Lalehun, do  
9 you know what chiefdom it is?
- 10 A. The which chiefdom Lalehun is, is that what you are  
11 asking?
- 12 Q. Yes.
- 13 A. I'm a small boy, I don't know.
- 14 Q. Now you were stationed at this place along the Kenema  
15 Road. What happened there with regards to Chief Brima  
16 Conteh.
- 17 PRESIDING JUDGE: Can you suggest to us the chiefdom?
- 18 MR KAMARA: Certainly.
- 19 PRESIDING JUDGE: That's a geographical feature that is not  
20 contested.
- 21 MR KAMARA: It is Lower Bambara Chiefdom.
- 22 JUDGE BOUTET: Which is the chiefdom where he was born?
- 23 MR KAMARA: Yes, Your Honour.
- 24 THE WITNESS: Yes.
- 25 MR KAMARA:
- 26 Q. Mr Witness, you were stationed along this Kenema Road.  
27 What happened there?
- 28 A. Yes, I was there. When I was sitting along that road,  
29 what happened there?

- 1 Q. Yes.
- 2 A. Like what?
- 3 Q. Mr Witness, you said you were along Kenema Road.
- 4 A. Yes.
- 5 PRESIDING JUDGE: Mr Witness, you sat there. You sat on  
6 Kenema Road. You were posted there, you were detailed  
7 there.
- 8 JUDGE BOUTET: Looking for enemies.
- 9 PRESIDING JUDGE: Looking for your enemies. Whilst you were  
10 there, what happened?
- 11 THE WITNESS: Yes. I was sitting along this road, keeping  
12 watch for any of our enemies.
- 13 PRESIDING JUDGE: Yes, as you were sitting and watching for  
14 enemies, what happened next? Did anything happen? You  
15 sat there and nothing happened?
- 16 THE WITNESS: Something happened there.
- 17 MR KAMARA:
- 18 Q. Mr Witness, take your time and tell this Court what  
19 happened.
- 20 A. What happened there?
- 21 Q. Yes. It's about Chief Brima Conteh you are explaining.
- 22 A. That's what I want to explain. Can I explain?
- 23 Q. Sure, sure.
- 24 A. Only what happened there?
- 25 Q. Yes, Mr Witness, tell us what happened while you were  
26 there.
- 27 A. As I was sitting along the Kenema Road on that day, Chief  
28 Brima -- BJK held a meeting in Tongo and he went there.  
29 When he went there, he captured Chief Brima and brought

1 him --

2 Q. Wait.

3 PRESIDING JUDGE: Mr Kamara, just remove him further from his  
4 sitting there. Let him proceed there. Don't take him  
5 back to his sitting there. You restart the story.

6 MR KAMARA: Yes, Your Honour.

7 Q. Now, there was a meeting in Tongo, you mentioned one BJK.

8 A. Yes.

9 Q. And you said Chief Brima went to this meeting.

10 A. Yes.

11 PRESIDING JUDGE: You said there was a meeting in Tonga.

12 MR KAMARA: With someone called BJK.

13 PRESIDING JUDGE: Called by?

14 MR KAMARA: One BJK, Your Honour.

15 PRESIDING JUDGE: Is it the same one we know, Sei?

16 MR KAMARA: Yes, Sei.

17 JUDGE BOUTET: Does he say that while he is sitting there,  
18 there is a meeting being called in Tongo, or does he go  
19 to Tongo?

20 MR KAMARA: While he was sitting there, there was this meeting  
21 in Tongo that BJK had called and this Chief Brima went to  
22 that meeting.

23 JUDGE BOUTET: Okay, but he is sitting, watching on the road.

24 MR KAMARA: Watching on the road, yes.

25 PRESIDING JUDGE: For his enemies.

26 MR KAMARA: For his enemies.

27 Q. After that meeting that was called by BJK, what happened?

28 A. We saw Chief Baimba. They arrested Chief Brima and there  
29 was a cement block on his head and he brought him there.

- 1 Q. Chief Baimba arrested Chief Brima.
- 2 PRESIDING JUDGE: Was he there?
- 3 THE WITNESS: Yes.
- 4 MR KAMARA:
- 5 Q. Where were you when this happened?
- 6 A. I was in Lalehun and he was arrested in Tongo.
- 7 Q. And how do you come to know about that arrest?
- 8 A. I was in Lalehun when he arrested him there and he
- 9 brought him to Lalehun. And he said it was Chief Baimba
- 10 who arrested Chief Brima and said he was the chief of
- 11 rebels. When he arrested him, he brought him to Lalehun.
- 12 There was this cement block on top of his head. I was in
- 13 Lalehun when he brought him.
- 14 Q. So you were at that station when Chief Brima was brought
- 15 into Lalehun with a block on his head?
- 16 A. I was there watching post when they brought him there,
- 17 yes.
- 18 PRESIDING JUDGE: What block is it?
- 19 MR KAMARA: A cement block, he mentioned a cement block.
- 20 THE WITNESS: Yes, it was a cement block on top of his head
- 21 and he brought him there and he said he was the chief of
- 22 rebels.
- 23 MR KAMARA:
- 24 Q. So what happened to Chief Brima Conteh?
- 25 A. When he brought him with that cement block on his head,
- 26 they went around the town with him.
- 27 Q. He was taken around the town?
- 28 A. Yes.
- 29 Q. Now, once he was taken around the town, did anything

- 1           happen after that?
- 2    A.    Yes.
- 3    Q.    What happened?
- 4    A.    After they had gone around the town with him, then he
- 5           said he should go and kill him.
- 6    Q.    Do you know who gave the orders for his death?
- 7    A.    Yes.
- 8    Q.    Who was it?
- 9    A.    It was chief hunter, the Baimba Aruna who passed the
- 10           command.
- 11   Q.    The chief hunter Baimba Aruna.
- 12   MR KAMARA: Your Honours, the spelling is B-A-I-M-B-A
- 13           A-R-U-N-A. When you say chief hunter, you are referring
- 14           to the same as a chief Kamajor?
- 15   A.    Yes.
- 16   Q.    Now we are at the point where Chief Brima Conteh has been
- 17           ordered to be killed.
- 18   A.    Yes.
- 19   Q.    Now, take it from there.
- 20   A.    They came there and met him at the post and they passed
- 21           by me. Can I proceed?
- 22   Q.    When you say they came, who came and passed by you at the
- 23           post?
- 24   A.    He was brought by the Kamajors.
- 25   Q.    So Chief Baimba and some Kamajors passed by you whilst
- 26           you were at your guard post?
- 27   A.    Chief Baimba --
- 28   THE INTERPRETER: My Lords, can the witness please slow down
- 29           his pace.

- 1 MR KAMARA:
- 2 Q. Slow down. I will put the question to you again slowly.
- 3 You said Kamajors passed by you while you were at your
- 4 guard post. Did they pass with Chief Brima Conteh?
- 5 A. Yes.
- 6 Q. Do you know where they went?
- 7 A. Yes.
- 8 Q. Where did they go?
- 9 A. When they passed by me, they went further to -- can I
- 10 proceed?
- 11 Q. Yes.
- 12 A. When they went further, they reached a point and they
- 13 entered among bananas and banana trees, that's where they
- 14 entered him.
- 15 Q. Wait. You say they took Chief Brima to a location where
- 16 there are banana trees?
- 17 A. Yes.
- 18 Q. How far were you to that location?
- 19 A. I mean, where I was sitting, it was on top of a hill. It
- 20 was the last house. I was on top of a hill. And it was
- 21 all brushed, and it was the dry season, it has been
- 22 burnt. You could see -- you are sitting there and you
- 23 could see from that point --
- 24 Q. You could see from that point. How far away were you?
- 25 Are you able to point a distance here?
- 26 A. It's like where I'm sitting here up to that point.
- 27 Q. Which point? Are you referring to the door?
- 28 A. The distance from here to that door. I was sitting on
- 29 top of a hill and they were below and that's where they

- 1           went into those banana trees.
- 2   Q.   Okay, Mr Witness.  Now what happened in that banana tree  
3           area?
- 4   A.   When they went there, after they had killed him, then he  
5           came out and stood on the street.  Then he asked me why  
6           am I sitting down there.
- 7   Q.   Wait.  Who came out to the street?
- 8   A.   One Kamajor called Fayah Yamato [phon].
- 9   PRESIDING JUDGE:  [Inaudible] it's a bit loose.  He's watching  
10          from a height.
- 11  MR KAMARA:  From the guard post.
- 12  PRESIDING JUDGE:  The banana plantation is down, the area is  
13          cleared, it was dry season, it was burned, so he could  
14          see very clearly.  Can he be very coherent?  After they  
15          had killed him?
- 16  MR KAMARA:
- 17  Q.   Now, you did say after they had killed him.  Did you see  
18          him being killed?
- 19  A.   I didn't see there, because it was among banana trees,  
20          that's where they took him.  I didn't see there.  After  
21          they had killed him, they called me.  After they had come  
22          out on to the streets, they called me.
- 23  Q.   So you were summoned by this Fayah Yamato?
- 24  A.   Yes.
- 25  Q.   Then what did you see when you came to Fayah Yamato?
- 26  A.   They called me and asked me and said, "Are you a  
27          Kamajor?"  [Inaudible] called me, "Why didn't you join  
28          us?"  Can I proceed?
- 29  Q.   Yes.

- 1 A. "Why didn't you join us here?" It was the rebel chief  
2 who had sent us to come and kill him.
- 3 Q. Slowly.
- 4 A. Okay. And the chief said we should come and kill this  
5 rebel chief. "And you didn't come there. Why did you  
6 come there?" So the commander, they have passed, "Are  
7 you not part of that command?"
- 8 Q. Did you reply to that?
- 9 A. The question that he asked me, yes, I answer it.
- 10 Q. What was your answer?
- 11 A. I just said no. It was Chief [inaudible]. He couldn't  
12 give me a command and I say, "I'm not going to do it."
- 13 Q. When you came to that point, did you see anything?
- 14 A. Yes, I saw something.
- 15 Q. What did you see?
- 16 A. I saw his head; it was cut off. They had brought him out  
17 in the streets, it was cut off.
- 18 Q. Whose head was cut off?
- 19 A. The Chief Brima, who has been killed. His head was cut  
20 off.
- 21 Q. Now, Mr Witness, this Chief Brima Conteh whose head you  
22 said had been cut off, who was he?
- 23 A. He was a chief. He was a chief.
- 24 Q. Chief of where?
- 25 A. He was a chief in Nyawa.
- 26 PRESIDING JUDGE: He was the chief of Nyawa or chief in Nyawa?
- 27 MR KAMARA: Of Nyawa, chief of Nyawa.
- 28 Q. Now, Mr Witness, take your time. I'm moving you to that  
29 scene again where Chief Braima's head has been cut off.



- 1 A. Okay.
- 2 Q. I'm going to put a question to you and do not give me any  
3 names, okay?
- 4 A. Okay.
- 5 Q. Was any instruction given to anyone at that time, right  
6 there while you were standing there?
- 7 A. Yes, somebody was giving an order. They gave an order to  
8 somebody there.
- 9 Q. What order was given to that person?
- 10 A. He was ordered to take the head.
- 11 Q. Yes, to do what with the head?
- 12 A. They should take the head and proceed to the town with  
13 celebration.
- 14 Q. Now, Mr Witness, do you know that person who was so  
15 ordered? Don't give me the name yet?
- 16 A. The order was given to a Kamajor.
- 17 Q. Okay.
- 18 MR KAMARA: Your Honours, I would like myself and the Defence  
19 to approach the witness to give us the name of that  
20 person. I wouldn't want him to mention it in open court  
21 and I didn't want to apply for a closed session just for  
22 that.
- 23 JUDGE BOUTET: I take it there is no objection by the Defence,  
24 but if you are to do that, rather than whispering in the  
25 ear of the witness and write the name down. That's the  
26 process we've followed with many other witnesses.
- 27 MR HALL: Your Honour, I already have it written down because  
28 I was going to cross on that.
- 29 MR KAMARA: Your Honour, the witness cannot read or write. We

1           were going to ask him and then he tells us and we write  
2           the name he has given us.

3 JUDGE BOUTET: Whichever way. So you're going to produce a  
4           piece of paper with that name on it?

5 MR KAMARA: Your Honour, having heard what the witness is  
6           telling us.

7 JUDGE BOUTET: Can we have somebody from the Defence team,  
8           Mr Lansana, Mr Hall.

9                                 [Counsel approach the witness.]

10 JUDGE BOUTET: For the record, this is a piece of paper and  
11           there is a name on it?

12 MR KAMARA: Yes, Your Honour.

13 JUDGE BOUTET: The name has been read to witness TF2-013?

14 MR KAMARA: Yes.

15 JUDGE BOUTET: And what has he done?

16 MR KAMARA: He has identified that person as the person who  
17           carried the head of Chief Brima Conteh.

18 JUDGE BOUTET: You were there, Mr Hall, for all intents and  
19           purposes.

20 MR HALL: I didn't understand the question because it was put  
21           to him in his native language, but that is the answer  
22           that was given and I trust the Prosecutor.

23 JUDGE BOUTET: So this piece of paper with the name of the  
24           person who would have carried the head is marked as  
25           exhibit 65.

26                                 [Exhibit No. 65 was admitted]

27 MR MARGAI: I don't see the relevance of this. I don't know.

28 JUDGE BOUTET: I just can't say. As you know, at this stage,  
29           we are in the hands of the Prosecution.

1 MR MARGAI: No, because that name is the name of the witness,  
2 so there really was -- I mean, we have been doing this  
3 where other names do feature.

4 PRESIDING JUDGE: We don't want his name to be pronounced.

5 MR MARGAI: No, he didn't need to pronounce the name. He  
6 could have easily said, "I carried the head." Anyway, be  
7 that as it may --

8 PRESIDING JUDGE: [Microphone not activated]

9 MR KAMARA: Mr Margai, you have left something out that we  
10 didn't want people to know. Here is an incident in a  
11 small village and everybody in that village knows the  
12 person who carried the head. If you were to say what  
13 you've just said, people hearing would understand and  
14 know who that person is, that is why I took pains in  
15 introducing this method. We tried to protect this  
16 witness. I take great exception to you really revealing  
17 that kind of evidence.

18 MR MARGAI: With the greatest respect, nothing has been  
19 revealed. In fact, this has been brought about by the  
20 method adopted by the Prosecution.

21 PRESIDING JUDGE: I think the Prosecution adopted a method  
22 which was intended to protect this witness.

23 JUDGE BOUTET: As we said, this document with a name on it,  
24 which has been given by witness TF2-013, which contains  
25 the name of the person who would have carried the head is  
26 marked as exhibit 65.

27 MR KAMARA: Thank you, Your Honour.

28 Q. Now, Mr Witness, you said this person was ordered to  
29 carry the head and going to reach the town with

- 1 celebration?
- 2 A. Yes.
- 3 Q. Did that individual do that?
- 4 A. Yes.
- 5 Q. Now, tell this Court exactly what the individual did.
- 6 A. He held it in his hand and he was standing before them.
- 7 Q. When you say "them", you're referring to the Kamajors?
- 8 A. The Kamajors, yes. Before we could go to the
- 9 celebration --
- 10 THE INTERPRETER: My Lords, can the witness take it again?
- 11 MR KAMARA:
- 12 Q. You were about to say something before you went with the
- 13 celebration.
- 14 A. Okay.
- 15 Q. What is it you wanted to say?
- 16 A. Before we could proceed with this celebration, there was
- 17 something else which somebody else took and put it on his
- 18 head and took it along.
- 19 Q. What was that?
- 20 A. On its top -- five gallon container cut on its top with
- 21 human parts and Vandi took it as we went to town.
- 22 Q. Okay, wait. Now, you just mentioned human parts. Whose
- 23 human parts were they, do you know?
- 24 A. The same individual who was killed.
- 25 Q. Now, what happened to those human parts?
- 26 A. They took it to town.
- 27 Q. Now, Mr Witness, finally on that issue, this person that
- 28 carried the head to town, tell us what happened when they
- 29 got to town?

1 A. When I reached the town, we would go from house to house.  
2 We would proceed from one house to the other. After  
3 we've done that, then we went to the headquarters at  
4 Chief Hunter's house, that's where we left it.

5 Q. So the head of Chief Brima Conteh was left at the house  
6 of the chief hunter?

7 A. Yes, at the headquarters, up the hill. Then I returned  
8 to my guard post. That's where I was sitting down.

9 Q. Thank you, Mr Witness.

10 MR KAMARA: That is all for this witness, Your Honours.

11 THE WITNESS: Thank you, too.

12 JUDGE BOUTET: Counsel for the first accused, are you ready to  
13 proceed with your cross-examination of this witness?

14 MR YILLAH: Yes, My Lord.

15 JUDGE BOUTET: Please do so.

16 CROSS-EXAMINED BY MR YILLAH:

17 Q. Mr Witness, when you were initiated into the Kamajor  
18 society, were you given rules or laws to guide your  
19 conduct in warfare?

20 A. Yes, they give us rules.

21 Q. Could you please tell this Court what those rules are?

22 A. Yes.

23 Q. Yes, Mr Witness.

24 A. Okay. Whatever crawls on its belly, you shouldn't eat  
25 it.

26 THE INTERPRETER: My Lord, can we take this again, please?

27 JUDGE BOUTET: One at a time, Mr Witness, one at a time.

28 THE WITNESS: Okay, okay. When we were initiated, anything  
29 that crawls on its belly, we shouldn't eat it. We

1 wouldn't eat it at all. There is a sauce that is called  
2 boi-boi [phon], we shouldn't eat it. May I proceed?

3 MR YILLAH:

4 Q. Proceed, Mr Witness.

5 A. There is a sauce that is called boi-boi, we wouldn't eat  
6 it. Can I proceed?

7 Q. Proceed, Mr Witness.

8 A. We wouldn't eat boi-boi. There is a fish that shocks  
9 somebody, electrocutes somebody. We wouldn't eat that as  
10 well.

11 Q. Is that all, Mr Witness?

12 A. There was a law, also, that the president for whom we  
13 voted -- there was a very strong law that says the  
14 president you voted for, no Kamajor should overthrow.

15 Q. Is that all that you recall, Mr Witness?

16 A. Okay, it's many, but let it stop there.

17 Q. Mr Witness, were you in fact told not to kill innocent  
18 civilians during combat?

19 A. If the civilian is not involved in combat, yes, but I  
20 said the laws are many, that's why I said I'll stop  
21 there.

22 Q. Mr Witness, I'm asking you now specific questions.

23 A. Yes.

24 Q. Were you told not to kill innocent civilians during  
25 combat?

26 A. Repeat your question, repeat your question. Repeat your  
27 question for me to understand.

28 Q. Mr Witness, was it a law given to you as a Kamajor that  
29 you should not kill innocent civilians during combat?

- 1 A. Yes, that law was there.
- 2 JUDGE BOUTET: I think for better clarity for the witness,  
3 because you were focusing on initiation, as such. I'm  
4 not sure that's what he has --
- 5 MR YILLAH: I will put it to you him.
- 6 JUDGE BOUTET: I think, for better clarity.
- 7 MR YILLAH: I thank you, My Lord, for the guidance. I  
8 appreciate it.
- 9 Q. Mr Witness, during combat, were you told as a Kamajor not  
10 to kill innocent civilians?
- 11 A. Some who were not involved in combat no -- yes.
- 12 Q. Mr Witness, were you also told not to loot properties?
- 13 A. Yes, they told us.
- 14 Q. Were you also told, Mr Witness, not to hit women?
- 15 A. Yes.
- 16 Q. Mr Witness, did you personally, as a Kamajor who was  
17 involved in combat, observe these laws or these rules?
- 18 A. Myself, yes. Yes, all those laws that we have spoken  
19 about, I did do according to the laws. If you follow the  
20 laws, you will not be caught by a bullet and I did follow  
21 the laws.
- 22 Q. Mr Witness, would I be correct to say that these laws  
23 guided you personally in your conduct of warfare  
24 throughout all your years of operations as a Kamajor?  
25 Would I be correct to say that?
- 26 A. Yes. When I followed the laws, I was shot by all sorts  
27 of bullets, but I was caught by none of them. We went to  
28 see those attacks, but nothing happened to me.
- 29 Q. Mr Witness, in other words, in effect, you agree with me

- 1 that these laws guided you throughout your conduct of  
2 warfare and your years of operation as a Kamajor?
- 3 A. These very laws guided me very well.
- 4 Q. Mr Witness, in your evidence-in-chief, you mentioned that  
5 you had one encounter with the first accused at Bo  
6 Waterside; is that correct?
- 7 A. Yes.
- 8 Q. As a result of that, an attack on Bo Waterside was  
9 organised; is that correct as well?
- 10 A. Yes.
- 11 Q. Now, you participated in that attack; is that correct?
- 12 A. Yes, when we queued up, we went to the -- we launched the  
13 attack, yes.
- 14 Q. Now, Mr Witness, the question is: In that attack that  
15 was as a result of your encounter with the first accused,  
16 did these laws that you have pointed out guide you in  
17 that attack as well?
- 18 A. They guided me very well. Most of my companions were  
19 affected, but, for me, nothing happened to me.
- 20 Q. Mr Witness, did the first accused, during that encounter  
21 -- you said there were many people in that meeting; is  
22 that correct? You mentioned some names?
- 23 A. Yes, there was a large crowd.
- 24 Q. Did the first accused tell you to kill innocent civilians  
25 during that attack?
- 26 A. No, he didn't tell us that.
- 27 PRESIDING JUDGE: Mr Yillah, don't you think that there are  
28 certain areas that you should try to -- why don't you  
29 confine yourself to the evidence which this witness has



1           given. You're getting into very slippery grounds.

2   MR YILLAH: My Lord, I --

3   PRESIDING JUDGE: Well, go ahead.

4   MR YILLAH: My Lord, I take the cue, but --

5   PRESIDING JUDGE: A stray bullet may land on you.

6   MR YILLAH: My Lord, I take the cue, but I assess every ground

7           before I put particular questions, My Lord.

8   PRESIDING JUDGE: Please proceed.

9   MR YILLAH:

10   Q. Mr Witness, were you told in that meeting by the first

11       accused to loot the properties of civilians?

12   JUDGE BOUTET: He hasn't answered your first question,

13       Mr Yillah.

14   MR YILLAH: Yes, My Lord, he has answered.

15   PRESIDING JUDGE: What did he say?

16   MR YILLAH: He said no, he wasn't told by the first accused.

17   PRESIDING JUDGE: I didn't hear the answer.

18   MR YILLAH: I will put it again for clarity.

19   Q. Mr Witness, did the first accused tell you during that

20       meeting to kill innocent civilians?

21   A. No.

22   Q. Mr Witness?

23   A. Yes.

24   PRESIDING JUDGE: What was the second question, Mr Yillah?

25       You talked of looting, is it looting: "Did he ask you to

26       loot?"

27   MR YILLAH: My Lord, I'm not pursuing that ground, because of

28       the line of his evidence, it's only about killing.

29   Q. Mr Witness, do you know this person?

1 MR YILLAH: My Lord, because of protective measures --  
2 JUDGE BOUTET: Is that name different to the one that was  
3 shown to him before?  
4 MR YILLAH: Yes.  
5 JUDGE BOUTET: Would you please show it to the Prosecution?  
6 MR YILLAH: My Lord, may we adopt the same procedure?  
7 JUDGE BOUTET: Yes. Please show the piece of paper to counsel  
8 for the second accused and third accused as well. So you  
9 will tell him --  
10 [HN240205B 11.17 a.m. - EKD]  
11 JUDGE BOUTET: Before you do I would like to ask you --  
12 MR YILLAH: Yes, My Lord.  
13 JUDGE BOUTET: I would like to ask you what it is you have  
14 shown to the witness.  
15 MR YILLAH: It is a name.  
16 JUDGE BOUTET: A name?  
17 MR YILLAH: Yes, a name of an individual.  
18 JUDGE BOUTET: What has the witness done with that name? So  
19 you read the name to him and asked him if he knew that  
20 person?  
21 MR YILLAH: Yes, My Lord.  
22 JUDGE BOUTET: And the person whose name is on that piece of  
23 paper?  
24 MR YILLAH: On this piece of paper.  
25 JUDGE BOUTET: And what has been the answer?  
26 MR YILLAH: My Lord, the witness says --  
27 JUDGE BOUTET: Says he knows that person?  
28 MR YILLAH: He knows the person, yes, My Lord.  
29 JUDGE BOUTET: And that is why you want to produce this piece

1 of paper?

2 MR YILLAH: That is why I am producing it.

3 JUDGE BOUTET: Mr Prosecutor, you were part of the questioning  
4 of the witness?

5 MR KAMARA: Yes, Your Honour, I was and I confirm what the  
6 Defence say.

7 JUDGE BOUTET: So we are now at Exhibit 66, so we will mark  
8 that as Exhibit 66.

9 [Exhibit No. 66 was admitted]

10 MR YILLAH: Thank you, My Lord.

11 JUDGE BOUTET: Exhibit 66 contains a name that the witness  
12 TF2-013 has identified as being a person he knows of.

13 MR YILLAH: As My Lord pleases.

14 THE INTERPRETER: My Lord, the witness's hand is up.

15 JUDGE BOUTET: Yes, Mr Witness, you had your hand up.

16 THE WITNESS: I want to ease myself.

17 PRESIDING JUDGE: The Court will rise. When the witness is  
18 ready, please, you call us in.

19 [Break taken at 11.20 a.m.]

20 [Upon resuming at 11.45 a.m.]

21 PRESIDING JUDGE: We are resuming the session.

22 MR YILLAH: May I proceed, My Lord?

23 PRESIDING JUDGE: Yes, please.

24 MR YILLAH:

25 Q. Mr Witness --

26 THE INTERPRETER: My Lords, can the witness put on his  
27 microphone, please?

28 JUDGE BOUTET: Go ahead, Mr Yillah.

29 MR YILLAH:

- 1 Q. Mr Witness, I showed you a piece of paper a while ago in  
2 which you said you knew the individual whose name is  
3 written on that paper; is that correct?
- 4 A. Yes.
- 5 Q. Do you know whether that individual is from your  
6 chiefdom?
- 7 A. Yes.
- 8 Q. Do you know whether that individual is related to the  
9 chief whom you said in your evidence-in-chief was killed?
- 10 A. What kind of relationship?
- 11 Q. Blood relationship.
- 12 A. [No translation]
- 13 Q. Mr Witness, let me ask you this --
- 14 THE INTERPRETER: Question has been asked.
- 15 MR YILLAH:
- 16 Q. -- do you know whether that individual is the grandson of  
17 the chief whom you said was killed?
- 18 A. What are you asking about, if we are born in the same  
19 family -- if they were born in the same family? Is that  
20 what you are asking?
- 21 Q. Yes, if they were born in the same family, if you like.
- 22 A. I don't know.
- 23 MR YILLAH: My Lords, that will be all for this witness.
- 24 JUDGE BOUTET: Thank you. Mr Bockarie for the second accused,  
25 you're ready to proceed?
- 26 MR BOCKARIE: Thank you.
- 27 CROSS-EXAMINED BY MR BOCKARIE:
- 28 Q. Mr Witness, in answer to my colleague, Mr Yillah, you  
29 said you were given certain rules when you went to the

- 1 initiation rites. My question is: Will you agree with  
2 me that some Kamajors strictly adhered to those rules?
- 3 A. Yes, Kamajors were adhering to those rules. If  
4 [inaudible] could adhere to the rules God will help you.
- 5 Q. Thank you, Mr Witness. Do you agree with me that there  
6 were recalcitrant Kamajors who completely ignored those  
7 rules and did things quite independently without  
8 reference to their bosses?
- 9 A. What rules? What Kamajor rules or --
- 10 Q. Mr Witness, you highlighted certain rules that you were  
11 advised to adhere to, didn't you?
- 12 A. Yes.
- 13 Q. For instance, not to kill innocent civilians?
- 14 A. Yes.
- 15 Q. Not to loot civilians' property?
- 16 A. Yes.
- 17 Q. Not to rape?
- 18 A. Yes.
- 19 Q. Now, my question is -- and also you agree with me that  
20 some Kamajors strictly adhered to these rules. My  
21 question is --
- 22 A. Yes.
- 23 Q. -- there were some recalcitrant Kamajors who completely  
24 ignored these rules; isn't it?
- 25 A. There was some of them who'd never adhere to the rule.
- 26 Q. Thank you. And they ignored these rules without their  
27 bosses knowing?
- 28 A. If ever anybody did that I don't know.
- 29 Q. Do you agree with me that they must have ignored these

- 1 rules without their bosses knowing it?
- 2 A. What sort of rules?
- 3 Q. The rules you've just highlighted, Mr Witness.
- 4 A. Like the Kamajor rules?
- 5 Q. Mr Witness, I've been very specific.
- 6 A. If ever anybody went against those rules, I don't know.
- 7 Q. You don't know?
- 8 A. I don't know.
- 9 Q. Thank you, Mr Witness. Mr Witness, do you know BJK Sei?
- 10 A. Yes.
- 11 Q. He hailed from Lower Bambara Chiefdom; am I correct?
- 12 A. That is where I saw him. There is where he is, Lower
- 13 Bambara Chiefdom.
- 14 Q. Is he a native of Lower Bambara Chiefdom?
- 15 A. Yes, that's where I saw him. I don't know whether he's a
- 16 native of the place, but when I grew up I saw him there
- 17 -- when I grew up I met him there. I don't know whether
- 18 he was born and bred there, I can't say, I can't say, but
- 19 I saw him there.
- 20 Q. Thank you, Mr Witness. Mr Witness, in addition saying
- 21 that you know him being part of Lower Bambara Chiefdom,
- 22 at the time he was the overall commander -- overall
- 23 Kamajor commander in Lower Bambara Chiefdom; am I
- 24 correct?
- 25 A. Yes.
- 26 Q. Thank you, Mr Witness. Mr Witness, you said it was
- 27 Hunter who gave the order for the death of Chief Brima
- 28 Conteh; am I correct? Chief Hunter?
- 29 A. Yes.

- 1 Q. Do you know whether Chief Hunter is a native of  
2 Lalehun --
- 3 MR KAMARA: May I interpose there, Your Honours. It is the  
4 chief hunter, not Chief Hunter. The chief hunter.
- 5 MR BOCKARIE: Sorry, thank you, the chief hunter. Thank you,  
6 Mr Kamara.
- 7 Q. Mr Witness, do you know whether the chief hunter too  
8 hailed from Lalehun?
- 9 A. That chief hunter, yes.
- 10 Q. Mr Witness, you personally knew the late Chief Brima  
11 Conteh, am I correct, before his death? You personally  
12 knew him; am I correct?
- 13 A. Yes.
- 14 Q. Can you tell this Court for how long did you know him  
15 before the coup? Ten years, 20 years, 5 years?
- 16 A. No.
- 17 Q. What is no?
- 18 JUDGE BOUTET: It may be, Mr Bockarie, you --
- 19 THE WITNESS: When you say whether I could remember a number  
20 of years that I knew him before the coup, when I saw him  
21 I can't remember the number of years. I was small then.  
22 I know him, but I cannot remember the number of years  
23 now.
- 24 MR BOCKARIE:
- 25 Q. So you've known him as boy -- since you were a boy?
- 26 A. Yes, yes.
- 27 Q. Mr Witness, you'll agree do they mine diamonds in  
28 Lalehun -- generally?
- 29 A. Who are you referring to?

1 Q. Do people mine diamonds in Lalehun?  
2 THE INTERPRETER: My Lords, can counsel wait for the answers,  
3 please?  
4 JUDGE BOUTET: Yes, Mr Bockarie, you have that tendency to  
5 always carry on with your question.  
6 MR BOCKARIE: I apologise.  
7 JUDGE BOUTET: It has to be translated so we hear the answer.  
8 You speak Mende, I don't.  
9 MR BOCKARIE: I'm sorry.  
10 PRESIDING JUDGE: I don't either and I don't think my  
11 colleague on the right does.  
12 JUDGE BOUTET: So please go slowly. You can ask your question  
13 but wait for the translation, please. Would you repeat  
14 your last question again, please?  
15 MR BOCKARIE:  
16 Q. Mr Witness, do people mine diamonds in Lalehun?  
17 A. Yes. Yes, they mine diamonds in Lalehun.  
18 Q. Isn't it true that the late Chief Baimba -- the late  
19 Chief Conteh owned a diamond bush?  
20 A. Even if he had it, I never knew about it. I was small, I  
21 wasn't a grown up then, so I didn't know. Even if he had  
22 one, I never knew.  
23 Q. Mr Witness, do you know a Kamajor by the name of Baimba  
24 Aruna?  
25 A. Yes.  
26 Q. One Momoh Moriba alias Momoh Mandu?  
27 JUDGE BOUTET: Spell that out, please.  
28 MR BOCKARIE: Momoh Moriba, M-O-M-O-H for Momoh, Moriba  
29 M-O-R-I-B-A, alias Momoh Mandu.



1 THE WITNESS: If I know him?  
2 MR BOCKARIE:  
3 Q. Do you know them?  
4 A. Yes.  
5 Q. They, too, are natives of Lalehun; am I correct?  
6 A. Yes.  
7 Q. Mr Witness, isn't it true that Baimba Aruna, Momoh Moriba  
8 and you were the main Kamajor commanders in Lalehun?  
9 JUDGE BOUTET: Can you repeat that question for me? I missed  
10 it. These two names and --  
11 MR BOCKARIE: And himself were the main Kamajor commanders in  
12 Lalehun.  
13 THE WITNESS: No, I was not a commander, I was not a  
14 commander. Those that you've named were commanders. I'm  
15 a small boy, I was not a commander. Those that you've  
16 named were those -- they were sending me even. They  
17 could send me to go for -- to do anything. They were the  
18 elders, they were the authorities. I was never a  
19 commander.  
20 MR BOCKARIE:  
21 Q. Mr Witness, I am putting it to you that you were one of  
22 the commanders in Lalehun giving orders to other  
23 Kamajors?  
24 A. No, no, no, I never gave orders, I was never a commander.  
25 I was only a Kamajor. Except if someone was want to send  
26 me to go on a patrol, then I will go on a patrol, but I  
27 was never a commander. Except if they would ask us to go  
28 on a patrol, then I will go. If they said that you are  
29 going to lead the troops for this patrol, then I will

1 lead that troop. Whatever they will tell me I will do.  
2 They were giving orders, they will say do this, but I  
3 never was a commander.

4 Q. Mr Witness, were you ever sent on patrol?

5 A. To fight? What sort of patrol? To fight?

6 Q. Patrol generally.

7 MR KAMARA: Will counsel help the witness to understand what  
8 he means by "patrol". The witness had asked what kind of  
9 patrol and my learned friend is saying patrol generally.  
10 My objection to that is the question is very ambiguous.  
11 If he specifies to what type of patrol or what particular  
12 patrol he's referring to, I think it will help the  
13 witness.

14 JUDGE BOUTET: It may help the witness, but your objection is  
15 denied.

16 MR KAMARA: Thank you.

17 THE WITNESS: What sort of patrol?

18 MR BOCKARIE:

19 Q. Mr Witness, you mentioned the word patrol. Did you ever  
20 go on patrol?

21 A. No, the question you asked if we were commanders, I said  
22 no, we're not commanders.

23 PRESIDING JUDGE: [Overlapping speakers] on the road and was  
24 overseeing the enemies.

25 MR BOCKARIE: Well, My Lord --

26 PRESIDING JUDGE: I don't know how you would characterise  
27 that.

28 MR BOCKARIE: Well, my instructions are contrary to this  
29 assertion, My Lord.

1 PRESIDING JUDGE: I see, okay.

2 JUDGE BOUTET: But your question was -- the witness has  
3 answered to a previous question, "If I was sent on a  
4 patrol I would lead the patrol."

5 MR BOCKARIE: Yes.

6 JUDGE BOUTET: So presumably this question you're asking is  
7 related to that answer.

8 MR BOCKARIE: Yes, Your Honour.

9 JUDGE BOUTET: So take it back to him in that sense and we'll  
10 see where we get with it.

11 MR BOCKARIE:

12 Q. Mr Witness, you said that when sent on patrol you usually  
13 adhere to that order; isn't it?

14 A. Yes.

15 Q. The question now is did you ever go on such patrol?

16 A. There are various type of patrols. Is it a patrol to go  
17 and fight or what sort of patrol, just a patrol  
18 [inaudible] patrol? What sort of patrol do you mean?

19 Q. Like a patrol to go to fight.

20 A. Yes, they were sending us there. If ever they sent us  
21 then we'll go.

22 JUDGE BOUTET: I think, Mr Bockarie, that your question should  
23 have been and should be: Did you lead such a patrol?  
24 Not if he did go.

25 MR BOCKARIE: Well, that would be my next question.

26 Q. Mr Witness, did you lead such a patrol?

27 A. To go and fight in patrol?

28 Q. Yes.

29 A. Yes, yes, yes, if they give me a command that I shall

1 lead a troop, I'll do so.

2 Q. And as a leader of that patrol you give command to your  
3 boys, don't you?

4 A. If they ask me to go on a patrol to lead [inaudible],  
5 what sort of patrol? To fight against my enemy?

6 Q. Yes, Mr Witness.

7 A. Yes, yes, if I were to fight against my enemies then I  
8 will pass the command, I will lead the troop.

9 MR BOCKARIE: That will be all for him. Thank you very much,  
10 Mr Witness.

11 JUDGE BOUTET: Thank you, Mr Bockarie. Mr Margai, or third  
12 accused, are you ready to proceed?

13 MR MARGAI: Yes, I am, My Lord, thank you.

14 CROSS-EXAMINED BY MR MARGAI:

15 MR MARGAI:

16 Q. Now, Mr Witness, you said whilst you were at the  
17 checkpoint Chief Brima Conteh was arrested in Tongo by  
18 Chief Baimba?

19 A. Yes.

20 Q. How far was the patrol -- sorry, how far was the post  
21 where you were to Tongo Field? How far, what was the  
22 distance?

23 PRESIDING JUDGE: Brima was arrested by whom?

24 MR MARGAI: Brima Conteh was arrested by Chief Baimba in Tongo  
25 while he was at the post. My question is what was the  
26 distance between the post where he was and Tongo?

27 THE WITNESS: I can't tell the distance, because you could  
28 leave early in the morning and go to Kono, but I can't  
29 tell you the mileage. I noted [inaudible] but I can't

1 tell you the exact distance now. Because if I say that  
2 it will be wrong. I can't tell you now. Someone would  
3 leave -- even by now people might have left and gone  
4 there, but I can't tell you the distance.

5 MR MARGAI:

6 Q. Thank you. Now, if you left the checkpoint for Tongo how  
7 long would it take you? Thirty minutes, one hour, a day?

8 A. No, I can't tell the time, but I know if I go walk in the  
9 place I will reach the same day, but I don't know the  
10 time.

11 Q. I will put it in another way. Do you know where the  
12 cotton tree is here in Freetown by the law court  
13 building?

14 A. I've never walked around this town. In fact, it's my  
15 first time I've ever come in to Freetown. I ever was in  
16 my village. I have never come to this place. This is my  
17 very first time I have been here.

18 Q. Thank you, I will still try and help you. Have you  
19 walked the distance from the checkpoint where you were to  
20 Tongo?

21 A. Yes, you will leave the checkpoint, go to Tongo and  
22 return during -- within the same day.

23 Q. No, my question is you -- have you personally walked that  
24 distance?

25 A. What do you mean by "walk"?

26 Q. [Overlapping speakers]

27 A. Just going on a stroll ordinarily? What sort of walk do  
28 you mean? Explain.

29 Q. Whether stroll or otherwise, have you left that

- 1 checkpoint at any time to go to Tongo?
- 2 A. Yes, if I could go -- if I could leave the checkpoint and  
3 go to Tongo?
- 4 Q. Yes.
- 5 A. Yes, I could go there and return.
- 6 Q. How long would it take you approximately to get to Tongo  
7 from that checkpoint?
- 8 A. I told you I don't know time. That's a difficult  
9 question for me. I can't answer it because I don't know  
10 time.
- 11 Q. Would it take you the whole day?
- 12 A. No, no. I said if someone might have even left this  
13 morning, he would have been there now, he would have  
14 reached the place.
- 15 Q. Will it take you half a day?
- 16 A. No.
- 17 Q. So you are not able to assist this Court as to how long  
18 it will take you from the post to Tongo Field?
- 19 A. No, I can't say.
- 20 Q. But it is quite some distance?
- 21 A. Yes, it is.
- 22 Q. Thank you, I accept that, thank you. Now, you were not  
23 in Tongo when, according to you, Chief Brima Conteh was  
24 arrested by Chief Baimba. You were not there, you were  
25 at the checkpoint, were you not?
- 26 A. Yes, yes.
- 27 Q. And you told this Court that it was Baimba Aruna who  
28 ordered the execution of Chief Brima Conteh -- Baimba  
29 Aruna?

- 1 A. Yes.
- 2 Q. This Baimba Brima -- sorry, Baimba Aruna was the man you  
3 referred to as the chief hunter?
- 4 A. Yes.
- 5 Q. Could you explain to this Court what you mean by the  
6 chief hunter?
- 7 A. All that I know, they said -- they used to call him chief  
8 hunter. Where we were he was the commander. That's what  
9 I know. He was the chief hunter because he was the  
10 commander.
- 11 Q. Is Baimba Aruna the chief hunter the same as Chief Baimba  
12 you earlier referred to as having arrested Brima Conteh?
- 13 A. Yes, he arrested him. He himself went and arrested him.
- 14 Q. Was Chief Brima Conteh from Lalehun?
- 15 A. Yes.
- 16 Q. And was Baimba Brima the chief hunter from Lalehun?
- 17 JUDGE BOUTET: Baimba Brima?
- 18 MR MARGAI: Sorry, Baimba Aruna, the chief hunter.
- 19 PRESIDING JUDGE: The first question, please.
- 20 THE WITNESS: I don't know what you're talking about, Baimba  
21 Aruna.
- 22 MR MARGAI: Baimba Brima Conteh was from Lalehun, Chief Brima  
23 Conteh.
- 24 PRESIDING JUDGE: The late man.
- 25 MR MARGAI: The late man, according to him.
- 26 Q. He was from Lalehun, was he not?
- 27 A. Yes.
- 28 Q. Chief Brima Conteh?
- 29 A. Yes.

- 1 Q. Was Baimba Aruna, the chief hunter, from Lalehun?
- 2 A. Yes.
- 3 Q. Now, before the war do you know whether Chief Brima  
4 Conteh was mining for diamonds?
- 5 A. I said I was a little boy then. Even if he were mining  
6 diamond I never knew. Even if he used to do so I never  
7 knew. I was a small boy then. I was not a grown up  
8 then. Just as I said, I couldn't remember, I was just a  
9 small boy.
- 10 Q. Did you at any time hear that Chief Brima Conteh was  
11 mining for diamond?
- 12 A. Even if he used to do it I can't remember. I said I was  
13 a small boy. I was not sensible enough to tell what  
14 things were happening then. I was just babbling then, I  
15 couldn't speak even clearly then. So I can't remember, I  
16 can't remember that.
- 17 Q. Do you know whether Baimba Aruna, the chief hunter, was  
18 mining for diamond?
- 19 A. Baimba Aruna, yes, he used to mine diamonds.
- 20 Q. I'm putting it to you that Chief Brima Conteh was also  
21 mining for diamonds?
- 22 A. I can't tell you without telling a lie. Even if you say  
23 so I can't say it's a lie. Probably -- we're not staying  
24 in the same house. Probably used to he was mining.  
25 [Inaudible]. I can't remember and I can't say it's a lie  
26 or it's true, so I don't say anything about that.
- 27 Q. Thank you. And I'm putting it to you that Chief Brima  
28 Conteh and Baimba Aruna had had a long-standing feud  
29 between the two of them.



1 A. If it might happen I don't know. I don't know that.

2 Q. And I further put it to you that this feud was centred  
3 around mining of diamonds?

4 MR KAMARA: Your Honour, if I may interpose here. I'm sorry,  
5 Mr Margai. The witness has answered that he does not  
6 know of any existing feud between the two. To go further  
7 to put it to this witness that it was as a result of  
8 diamond mining, I fail to see the relevance of that to--

9 PRESIDING JUDGE: No, Mr Kamara, Mr Kamara. I think counsel  
10 in practice can put -- I think it's for the witness to  
11 provide a reply. Counsel can put questions or suggest  
12 certain things, you know, to the witness. That is part  
13 of the -- it's part of the practice.

14 MR KAMARA: I agree to the first question.

15 PRESIDING JUDGE: No, no, you can't disagree to the second  
16 either. It is for the witness to say yes or no.

17 MR KAMARA: I take your point.

18 PRESIDING JUDGE: Yes, please. The objection is overruled.

19 JUDGE BOUTET: However, Mr Margai, there is a limit to these  
20 type of questions. If you ask 25 questions of the same  
21 nature we're not further advanced. If the witness does  
22 not know, he does not know.

23 MR MARGAI: My Lord, I am only following earlier decisions by  
24 sister tribunals. And when we come to address you at the  
25 end of the day I would not want it to be said that we  
26 have laxed or failed in our responsibility to put certain  
27 questions to the witness. As the Presiding Judge has  
28 said, it is up to him to accept or deny.

29 JUDGE BOUTET: I would like to know those decisions you are

1 making reference to.

2 MR MARGAI: For example, Akayesu and several other decisions  
3 which I could bring to you if Your Lordship wants me to  
4 do that.

5 JUDGE BOUTET: I would very much appreciate that.

6 MR MARGAI: Provided it will not be premature. But I am sure  
7 Your Lordships will be addressed on the law at the  
8 appropriate time.

9 JUDGE BOUTET: It is not a question of the law. You are  
10 quoting now Akayesu as supporting your position and you  
11 can ask all of these questions of this witness when he  
12 keeps saying, "I don't know, I don't know" relative to  
13 the same issue. You asked about diamonds, he says, "I  
14 don't know if Conteh was doing mining", he says, "I don't  
15 know." All the question you will be asking about that he  
16 will only say, "I don't know."

17 MR MARGAI: No, he has not said "I don't know" right through.  
18 In fact, in the case of Chief --

19 JUDGE BOUTET: Aruna he said yes.

20 MR MARGAI: No, Chief Brima Conteh mining for diamonds, he did  
21 say that he could not deny that. He said so.

22 PRESIDING JUDGE: He said he could not deny that nor could he  
23 confirm.

24 MR MARGAI: Precisely, as well as My Lord pleases. He said  
25 so.

26 JUDGE BOUTET: What's the difference between that and "I don't  
27 know"?

28 MR MARGAI: When I come to address you at the appropriate  
29 time, My Lords, you will see the difference; there is a

- 1 difference. Not even a subtle difference.
- 2 JUDGE BOUTET: I would like to be educated on the difference  
3 because -- [Overlapping speakers]
- 4 MR MARGAI: I'm sure Your Lordship is quite educated on that,  
5 but I shall endeavour to justify why I'm asking these  
6 questions.
- 7 JUDGE BOUTET: Very well.
- 8 MR MARGAI: Thank you, as My Lord pleases.
- 9 JUDGE BOUTET: But all I said to you is it is not unlimited,  
10 these type of questions.
- 11 MR MARGAI: I concede. I concede, My Lord, I concede. Thank  
12 you.
- 13 Q. Mr Witness, BJK Sei, he was the overall commander of  
14 where?
- 15 A. For the whole section. That's what I used to hear. That  
16 he was the overall commander. He was the overall  
17 commander for the whole section.
- 18 Q. Which section?
- 19 A. There are several sections, but I only heard that he was  
20 the head of that section. I can't tell now.
- 21 Q. No, you have told this tribunal that you heard that Sei  
22 was the overall commander for that section. Please  
23 assist us. Which section?
- 24 A. In that Nyawa, that's what I know.
- 25 Q. Nyawa Lenga?
- 26 A. Is it Nyawa Lenga? Yes, in that chiefdom -- okay, in  
27 that chiefdom, Lower Bambara Chiefdom.
- 28 Q. He was the overall commander for Lower Bambara Chiefdom?
- 29 A. Well, that is what I used to hear.

- 1 Q. Of which Lalehun is part, not so?
- 2 JUDGE BOUTET: Of which?
- 3 MR MARGAI:
- 4 Q. Lalehun is part of Lower Bambara Chiefdom or is it not?
- 5 A. Yes, it's one of the sections. But I can't tell you
- 6 now -- I can't tell you the geographical locations. I
- 7 don't know as much as that.
- 8 Q. Thank you. When you were at this checkpoint during the
- 9 time when chief Brima Conteh was brought in, where was
- 10 Commander Sei?
- 11 A. What sort of Commander Sei?
- 12 Q. BJK Sei, the overall commander. Where was he?
- 13 A. At that time he was at labour, Tongo.
- 14 Q. Do you mean labour camp in Tongo?
- 15 A. Yes.
- 16 Q. Where was BJK Sei, the overall commander, when according
- 17 to you Baimba Aruna gave the command for Chief Brima
- 18 Conteh to be killed? Where was Sei?
- 19 A. You've asked me that question. I said BJK Sei was in
- 20 labour. So Chief Baimba went there and brought him from
- 21 Tongo and brought him to Lalehun. That is the question
- 22 you asked and I answered.
- 23 Q. No, sorry, I have asked two question. One, where was Sei
- 24 when Chief Brima Conteh was brought to the checkpoint
- 25 where you were. You said he was at labour?
- 26 PRESIDING JUDGE: Labour camp.
- 27 MR MARGAI:
- 28 Q. The next question was: Where was Sei when Chief Brima --
- 29 sorry, when Baimba Aruna gave orders for Brima Conteh to

1 be killed? Those are two separate questions. Was he  
2 still at labour when the orders were given?

3 A. Yes, BJK was at labour, yes, he was there.

4 MR MARGAI: Thank you, that will be all for this witness.

5 THE WITNESS: He was resident there.

6 JUDGE BOUTET: Does that complete your cross-examination?

7 MR MARGAI: Yes.

8 JUDGE BOUTET: Thank you very much. Mr Kamara, any

9 re-examination?

10 MR KAMARA: No re-examination, Your Honour.

11 JUDGE BOUTET: Thank you.

12 PRESIDING JUDGE: Mr Witness, you used to be a small boy.

13 You're now a big boy, aren't you? You're now a big boy.

14 Good.

15 THE WITNESS: Oh, yes, for now I'm responsible for myself.

16 Before now my parents were responsible for me. But now I

17 am responsible for some other people.

18 PRESIDING JUDGE: We want to thank you for coming to testify

19 before us. This will let us have your version of the

20 experiences you went through during this war. We have

21 finished with you so you may go home and be taking care

22 of those who you are taking care of now, and also to be

23 taking care of your coffee farm, your cocoa farm, your

24 plantains, your cassava, your everything. But we need to

25 go back, we may ask you to come back here. Should that

26 arise I am sure you're going to come and see us here

27 again. So we wish you a safe journey back to your place

28 and I hope we will not have to go through the exercise of

29 seeing you here again.

1 THE WITNESS: Okay.

2 JUDGE BOUTET: Mr Presiding Judge, before we adjourn I would  
3 like to ask the Prosecution if they have another witness  
4 ready to proceed.

5 MR KAMARA: Yes, Your Honour, we do have a witness ready to  
6 proceed.

7 JUDGE BOUTET: Which one is it and are this witness and maybe  
8 the next one short witnesses of the same character?

9 MR KAMARA: TF2-144 will be next. That one may slightly be  
10 longer than this one.

11 JUDGE BOUTET: Okay.

12 THE INTERPRETER: My Lords, in what language will the witness  
13 be testifying?

14 MR KAMARA: In Krio.

15 JUDGE BOUTET: Krio?

16 MR KAMARA: Yes.

17 JUDGE BOUTET: So it's TF2-144?

18 MR KAMARA: Yes.

19 JUDGE BOUTET: Defence, you are ready to proceed with this  
20 witness? Next witness to be called is TF2-144.

21 MR MARGAI: Well, we are so informed. I was so informed by my  
22 learned friend this morning and I said to him that his  
23 colleague Mr Tavener had given us a list, which did not  
24 include TF2-144, of the five witnesses whose pseudonyms  
25 were furnished us the day before yesterday: 048, 013,  
26 016, 053 and 166. Those were the ones that were  
27 furnished us.

28 JUDGE BOUTET: I don't know what list you are talking about.  
29 The one I have has been filed, but I haven't seen that

1 one.

2 MR MARGAI: I have not even seen TF2-144. Those were the five  
3 that were furnished to us the day before yesterday by our  
4 colleague Mr Tavener.

5 JUDGE BOUTET: TF2-144 was listed as number 50 on the list.  
6 It was filed weeks ago. But that's --

7 MR MARGAI: We have no objection, he can go ahead.

8 JUDGE BOUTET: My question to you is do you have any  
9 objection -- any problem if they proceed?

10 MR MARGAI: No, no, let him proceed.

11 JUDGE BOUTET: Okay, thank you.

12 PRESIDING JUDGE: The day is far spent and we will rise and  
13 resume the session at 2.30. The Court will rise, please.

14 [Luncheon recess taken at 12.32 p.m.]  
15 [HN240205C 2.40 p.m. - SGH]

16 PRESIDING JUDGE: Learned counsel, good afternoon. We are  
17 resuming the session with the 51st witness.

18 JUDGE BOUTET: Mr Prosecutor, are you ready to proceed?

19 MR SAUTER: Yes, Your Honour. The Prosecution calls witness  
20 TF2-144.

21 JUDGE BOUTET: Has the witness been sworn?

22 THE INTERPRETER: My Lord, they should change the channel.  
23 Whatever the witness -- the channel bring to him now is  
24 Mende. I only speak Krio. He speaks Krio.

25 JUDGE BOUTET: Is he on the Krio now?

26 WITNESS TF2-144 [sworn]  
27 EXAMINED BY MR SAUTER:

28 JUDGE BOUTET: Please proceed.

29 MR SAUTER: Thank you.

- 1 Q. Good afternoon, Mr Witness?
- 2 A. Good afternoon.
- 3 Q. You are here to testify before this Court today. Please  
4 take your time, speak very slowly and give the Court  
5 recorders and the judges an opportunity to record  
6 whatever you are saying. Do you understand?
- 7 A. Yes, sir.
- 8 Q. Mr Witness, at first some questions concerning your  
9 personal data. How old are you?
- 10 A. I was born in 1955, to now is 50 years.
- 11 Q. And where were you born, Mr Witness?
- 12 A. I was born in Port Loko district in the Lokomasama  
13 Chiefdom.
- 14 Q. And where are you residing right now?
- 15 A. I reside in Tongo Field now.
- 16 Q. Are you married, Mr Witness?
- 17 A. Yes, sir.
- 18 Q. And do you have children?
- 19 A. Yes, sir.
- 20 Q. How many children do you have?
- 21 A. I have 13 children.
- 22 Q. Mr Witness, did you attend school?
- 23 A. No, sir.
- 24 Q. And please, what is your profession?
- 25 A. I do trading, I do mining, and I'm doing farming.
- 26 Q. Mr Witness, let me take back your mind now to the year  
27 1998. Where did you live in 1998?
- 28 A. I was in Tongo Field.
- 29 Q. Could you recall who, at the beginning of the year 1998,



1 was in control of Tongo Field?

2 A. They were soldiers.

3 Q. Do you know what Kamajors are?

4 A. Yes, I know what Kamajors are.

5 Q. Could you very briefly describe what Kamajors are or  
6 were?

7 A. Yes, sir.

8 MR MARGAI: May it please you, My Lord. My learned friend  
9 was not here when your Lordships suggested that matters  
10 that are not contentious, I mean, counsel could go ahead  
11 to lead so as to gain time. Perhaps if my learned  
12 friend could do the same I am sure we all know who  
13 Kamajors are here. There has been evidence here as to  
14 their description et cetera, et cetera. We don't  
15 believe that is contentious.

16 JUDGE BOUTET: Mr Sauter.

17 MR SAUTER: It is certainly not contentious, but the crucial  
18 question --

19 MR MARGAI: [Microphone not activated] this morning when the  
20 Bench addressed us.

21 JUDGE BOUTET: If you feel it is evidence you need to have,  
22 you can lead evidence. In other words, you need not to  
23 leave it aside. But what is suggested is you may be more  
24 leading in this area and when it is contentious, your  
25 colleagues on the other side will let you know about  
26 that. But, I mean, although there was the overthrow and  
27 so on, it is not disputed. That's what we said this  
28 morning. So in these matters --

29 PRESIDING JUDGE: I think what will happen is, you know, since

1 we gave that suggestion of a directive, I would not call  
2 it a directive really, since we gave it this morning.  
3 You should allow time -- I think it was Mr Kamara who was  
4 here for the Prosecution. He may pass the message  
5 through to the department, you know -- to the OTP, to  
6 inform them of what the general agreement here was with  
7 your colleagues of the defence.

8 MR SAUTER: We will certainly --

9 PRESIDING JUDGE: Mr Kamara will certainly brief the OTP on  
10 this and for those of his colleagues who will be coming  
11 from now in this Court.

12 MR SAUTER: Mr Kamara will certainly do so, but nevertheless  
13 for me the crucial question is to find out what, in the  
14 understanding of the witness, the Kamajors are.

15 JUDGE BOUTET: That's right. That's right.

16 PRESIDING JUDGE: Go ahead. Go ahead.

17 MR SAUTER: Thank you.

18 Q. So could you very briefly describe to the Court  
19 what in your understanding the Kamajors were?

20 A. Yes.

21 Q. Please go ahead.

22 A. Well, in 1998 --

23 Q. Yes, please?

24 A. -- there were soldiers in Tongo Field.

25 Q. Let me ask this question: Were Kamajors in Tongo Field  
26 at this time?

27 A. Yes, they were there surrounding the village of Tongo  
28 Field.

29 Q. Did they ever come to Tongo?

- 1 A. No.
- 2 Q. You say they never came to Tongo?
- 3 A. They never came into Tongo Field, they were only along  
4 the roads that led into Tongo Field to attack vehicles  
5 that brought food to Tongo Field.
- 6 Q. Do you remember the time of Ramadan in 1998?
- 7 A. At the time of Ramadan in 1998, yes.
- 8 Q. Did anything happen during the time of Ramadan in 1998 in  
9 Tongo Field?
- 10 A. Yes, sir.
- 11 Q. Please describe.
- 12 A. 1998 -- in 1998, the Ramadan time, it was about 14 days.
- 13 Q. Yes, please.
- 14 A. During that time they used to escort vehicles from Tongo  
15 Field to Kenema.
- 16 Q. Mr Witness, when you say, "they used to escort"; who do  
17 you mean?
- 18 A. It was soldiers that escorted vehicles from Tongo to  
19 Kenema to get food back into Tongo.
- 20 Q. Please go ahead?
- 21 A. I was there at one time and I heard a bomb explode.
- 22 Q. Mr Witness, where have you been when you heard a bomb  
23 explode?
- 24 A. I was in my house sitting in the veranda.
- 25 Q. Could you remember what time of the day it was when you  
26 heard a bomb explode?
- 27 A. Well, I could not -- I could not remember the time again,  
28 but it was during the fast -- fast month. I cannot  
29 remember the day.

1 Q. Mr Witness, I mean the time of the day when you heard the  
2 bomb explode, not the day when it happened, not the time  
3 of the day. Was it during the day or during night time?

4 A. It was during the day, around four o'clock time.

5 Q. So, Mr Witness, what did you do after you heard the bomb  
6 explode?

7 A. [Inaudible] said that it was the escort people that were  
8 coming.

9 Q. My question, Mr Witness, was: What did you do after you  
10 heard this explosion?

11 PRESIDING JUDGE:

12 Q. That will be the escort people coming with food?

13 A. The bomb exploded two times. The bomb exploded twice.  
14 Yes, Your Worship.

15 Q. He said people thought that it was an escort coming, is  
16 it an escort for food?

17 A. The bomb exploded twice. And I am trying to -- and I  
18 will tell you now, after the second bomb has exploded.  
19 The first time the bomb exploded I was in my veranda.

20 MR SAUTER:

21 Q. Once again, what did you do? What did you do after you  
22 heard the explosion? Did you stay in your veranda?

23 A. After the second explosion that was the time they said it  
24 was not the escort vehicles that were coming, but it was  
25 the Kamajors that were now coming.

26 Q. Did you see the Kamajors coming from the place you were?

27 A. I entered my room and took my bag with my things.

28 Q. And after you have taken your bag, what did you do?

29 A. When I left my room and came out I found so many Kamajors

- 1 outside.
- 2 Q. Had there been many fights between the Kamajors and the  
3 soldiers?
- 4 A. No, Your Worship.
- 5 Q. Do you know what the soldiers did when the Kamajors came  
6 to Tongo Field at this date?
- 7 A. When I entered my room after collecting my bag and came  
8 out, I did not see any soldier again. I only found  
9 Kamajors and they took away my bag and asked me to join  
10 the line.
- 11 Q. Did you hear any gunfire at this point of time?
- 12 A. I did not hear any gunshots.
- 13 Q. You said "joined the line"; what do you mean when you say  
14 "I joined the line"?
- 15 A. Well they asked to me join them in order for us to go to  
16 the headquarter -- to the headquarter and there we found  
17 so many civilians.
- 18 Q. When you say, Mr Witness, "they asked to me join them to  
19 the headquarters", do you mean the Kamajors?
- 20 A. It was the Kamajors that said so.
- 21 Q. Did you go to the headquarters?
- 22 A. On the way to the headquarters where we were going --
- 23 Q. Yes?
- 24 A. -- I saw one man, he was called Alhaji Gerinco [phon].
- 25 Q. I will come to the spelling of this name later, but just  
26 one more question, please.
- 27 A. Alhaji Gerinco.
- 28 Q. What about this person, Alhaji Gerinco?
- 29 A. He was the leader of the Kamajor group that led me.

- 1 MR SAUTER: The writing is, J-E-R-E-C-O. J-E-R-E-C-O.
- 2 Q. What about your bag that took you from your house; did  
3 you carry it with you?
- 4 A. No, it was taken from me together with the clothes that I  
5 held in my hand.
- 6 Q. Who took the bag from you?
- 7 A. It was the Kamajors.
- 8 Q. Mr Witness, I understand that you were going to the  
9 headquarters; am I right?
- 10 A. Yes, Your Worship.
- 11 Q. When you say headquarters, which headquarters do you  
12 mean?
- 13 A. This headquarters, it was the securities that were there  
14 during the NDMC time.
- 15 Q. To your knowledge is NDMC standing for National Diamond  
16 Mining Corporation?
- 17 A. Well, I don't know. I don't know, but that was how --  
18 that is what I heard them call it. They said they used  
19 to mine for diamonds.
- 20 Q. Okay. On your way to the headquarters, NDMC  
21 headquarters, did you see anything special?
- 22 A. Yes, Your Worship.
- 23 Q. Please tell me what you saw?
- 24 A. I saw two corpses; a man and a woman.
- 25 Q. Did you know these persons?
- 26 A. I knew the man, but I didn't know the woman.
- 27 Q. Do you recall the name of this man?
- 28 A. This man that was lying down was called Joski. They  
29 hacked him from the neck.

- 1 Q. That is J-O-S-K-I-E. J-O-S-K-I-E.
- 2 JUDGE BOUTET: Would you have the witness repeat his last  
3 answer. His name was Joski and then he said something  
4 else then.
- 5 MR SAUTER:
- 6 Q. Did you see any injuries at the bodies?
- 7 A. Yes, Your Worship.
- 8 Q. [Inaudible]
- 9 A. He was hacked from the neck.
- 10 Q. Could you please repeat this?
- 11 A. He was hacked at the back of his neck. The neck. He was  
12 hacked at the back of his neck.
- 13 Q. You said he was hacked at the back of his neck. Did you  
14 see any injuries on the woman?
- 15 A. I did not really view the lady very well because by that  
16 time the Kamajors were really pushing -- pressing on us  
17 to move.
- 18 Q. Did you see who caused the injury on the man's body?
- 19 A. I did not view the lady very well because the Kamajors  
20 were impressing us and pushing us to go ahead to move.
- 21 Q. Mr Witness, my question was could you see who caused the  
22 injury at the man's body. Who hacked the man?
- 23 A. I found the person dead. I found them dead. I did not  
24 see the person who caused the injury.
- 25 Q. So you finally arrived at the NDMC headquarters compound?
- 26 A. On the way to the headquarters I met with a man called  
27 CO Jakuba.
- 28 MR SAUTER: It is J-A-K-U-B-A. J-A-K-U-B-A.
- 29 Q. Who was Mr Jakuba?

- 1 A. It was one of the Kamajors leaders; CO Jakuba.
- 2 Q. So what did CO Jakuba do when you met him?
- 3 A. They told the Kamajors to take us to the headquarter  
4 field.
- 5 Q. So did you arrive finally at the headquarters compound?
- 6 A. When we arrived at the headquarters field --
- 7 Q. Go on.
- 8 A. -- When we approached the field because before then you  
9 had a small ridge.
- 10 Q. Go ahead.
- 11 A. Met a lot of corpses; men, women, children. Over 100.  
12 The headquarter field.
- 13 Q. You say within the compound of the headquarters?
- 14 A. It was a field where we assembled. It was the  
15 headquarters field. It is a place where people pray  
16 during the Muslim in the month of fasting.
- 17 Q. Once again, Mr Witness, was it inside the compound or  
18 outside the compound of the NDMC headquarters?
- 19 A. It was inside the compound, but it was a field. It's a  
20 big field. It's a big field.
- 21 Q. And you said you saw about 100 corpses, children, men,  
22 women; is that right?
- 23 A. Yes, Your Worship.
- 24 Q. Did you see other civilians being there in the compound?
- 25 A. A lot of civilians were there. We were over 4,000  
26 people.
- 27 Q. So, Mr Witness, what happened while you were on the NDMC  
28 together with other civilians on the NDMC headquarters  
29 compound?



- 1 A. Well, during the night I saw some Kamajors asking whether  
2 they were a Temne, Loko, Koranko, Limba. They have been  
3 taking these people away.
- 4 Q. To which tribe you do you belong to, Mr Witness?
- 5 A. I am a Temne by tribe.
- 6 Q. Have you been asked for your tribe?
- 7 A. Well, God helped me they did not ask me.
- 8 PRESIDING JUDGE: God covered him. Translate it the way he  
9 wants it. He said God covered him.
- 10 THE WITNESS: God covered me, they did not ask me.
- 11 MR SAUTER:
- 12 Q. Could you see how many people approximately were  
13 separated for being Limba, Temne, Loko, Koranko?
- 14 A. Well, I would not be able to know the amount because they  
15 have been picking people at random. You that were  
16 unlucky, they will take you away.
- 17 Q. You said "they would take you away", what do you mean by  
18 "take you away"? Where did they take them?
- 19 A. Well, they knew where they were taking people. I did not  
20 know where they had been taking people to.
- 21 Q. Did you know any of those people being taken away?
- 22 A. Yes, I knew some of them. And for some of them that were  
23 taken I had not heard of them up to now.
- 24 Q. Did you see any of them after this point of time?
- 25 A. Up to now I have not been able to see anyone, Your  
26 Worship.
- 27 Q. So you, together with any villagers, spent the night at  
28 the NDMC compound?
- 29 A. Yes, Your Worship.

- 1 Q. Did anything happen in the morning?
- 2 A. Yes, Your Worship.
- 3 Q. Please describe to the Court what happened?
- 4 A. In the morning at nine o'clock, they told us that all  
5 civilians should leave Tongo Field.
- 6 Q. Did they tell the civilians where they have to go to?
- 7 A. They said we were to go to Kenema.
- 8 Q. So, Mr Witness, did you go to Kenema?
- 9 A. That they didn't just release us like that. Some were in  
10 front of us, some of us were on the left, some were on the  
11 right-hand side. Some were right at the back. We were  
12 frog-marched up to Kenema.
- 13 Q. Who was at your right-hand side, left-hand side, and the  
14 back and the front?
- 15 A. It was the Kamajors.
- 16 Q. So you say you were escorted?
- 17 A. When we arrived at Panguma junction --
- 18 Q. Mr Witness, the question was whether or not you were  
19 escorted by the Kamajors?
- 20 A. They escorted us.
- 21 Q. So, Mr Witness, you were mentioning, Panguma junction.  
22 It is P-E-N-G-U-M-A. P-E-N-G-U-M-A.
- 23 A. Yes, Your Worship.
- 24 Q. What happened at Panguma Junction?
- 25 A. I arrived at -- when we arrived at Panguma Junction --
- 26 THE INTERPRETER: Your Honours, would the witness please repeat  
27 what he said.
- 28 JUDGE BOUTET: Mr Witness, could you repeat your last answer,  
29 please?

- 1 THE WITNESS: When we arrived at Panguma Junction, they said  
2 we were to go to Dodo.
- 3 MR SAUTER:
- 4 Q. So did you go to Dodo? D-0-D-0.
- 5 A. On the way to Dodo --
- 6 Q. Yes, please.
- 7 A. We arrived at Panguma because you had to pass through  
8 Panguma before going to Dodo.
- 9 Q. Did anything happen at Panguma?
- 10 A. Yes, Your Worship.
- 11 Q. Please describe.
- 12 A. We came across one CO Junisa's troops.
- 13 Q. Could you please repeat the name?
- 14 A. We came across one CO Musa Junisa's group.
- 15 MR SAUTER: Musa, M-U-S-A. Junisa, J-U-N-I-S-A?
- 16 Q. Who was Musa Junisa; was he a Kamajor?
- 17 A. Yes, Your Worship.
- 18 Q. What did he do, Musa Junisa?
- 19 A. He said everybody should be checked for a pass and tax.
- 20 Q. So what happened when people presented their passes and  
21 other documents?
- 22 A. The one woman who was standing in front of me, she was  
23 carrying her child on the back and she was in the line.
- 24 Q. Did she present any document?
- 25 A. Well, I do not know. I don't know whether the woman gave  
26 them any picture or pass -- or pass. I did not know.
- 27 Q. Did anything happen to this woman?
- 28 A. Yes, Your Worship.
- 29 Q. Please describe to the Court.

1 A. I saw the woman standing. They had been checking her. I  
2 did not know whether she took out a picture of a soldier  
3 and I saw one Kamajor raising a cutlass and he chopped  
4 her at the back.

5 Q. Do you know whether or not the woman was killed by this  
6 strike?

7 A. Well, I saw the woman fell down and I was trying to pass  
8 and I cannot tell whether she died or she did not die.

9 Q. So could you pass [inaudible] and proceed?

10 A. I saw the woman fall down when she was chopped. I passed  
11 and I did not know whether she died or she -- whether she  
12 did not die.

13 Q. Mr Witness, the question was: What did you do after this  
14 incident? Did you proceed?

15 A. Yes, Your Worship.

16 Q. Where did you go to?

17 A. We went to Dodo.

18 Q. Did anything happen at Dodo?

19 A. When we were going we did not arrive at Dodo. I saw  
20 Kamajors.

21 Q. Continue, please.

22 A. They will just come and look at you and they will take  
23 you off.

24 Q. Please continue.

25 A. Some people that they have been taken off for the queue,  
26 I knew them. But up to this time I have not been able to  
27 see them again.

28 Q. What about you, did anything happen to you on your way to  
29 Dodo?

- 1 A. No. Nothing happened to me until we reached Dodo.
- 2 Q. When you reached Dodo what happened?
- 3 A. It was then that the Kamajors said everybody should take  
4 off their passes and -- their pass and their taxes.
- 5 Q. After that?
- 6 A. There was one man amongst us who was called --
- 7 Q. Anything happen to this man?
- 8 A. Yes, Your Worship.
- 9 Q. Please describe.
- 10 A. I do not know whether this man was using boots or socks  
11 and when they saw these things on his foot, they said he  
12 was soldier.
- 13 PRESIDING JUDGE: [Overlapping speakers] being I do not know  
14 whether -- I do not know whether. When he talked of --  
15 Mr Witness, when you talked of a photograph of a soldier  
16 do you say you do not know whether that woman had a  
17 photograph. Now you have come to boots, you say you do  
18 not know whether that man had boots or socks or whatever.  
19 You should be specific. You do not know -- I mean, did  
20 you or did you see those things or what? Don't say you  
21 do not know. If you do not know then don't say it.
- 22 MR SAUTER: I come to this point.
- 23 PRESIDING JUDGE: Yes, this is the second time, you know --  
24 that sort of evidence is --
- 25 MR SAUTER:
- 26 Q. So coming back to this man, Mr Witness, was he  
27 specifically checked by the Kamajors?
- 28 A. Yes, Your Worship. Why I normally say that I don't know,  
29 I did not know whether the man had been using shoes or

1 just socks, because when you look at the foot there are  
2 some marks on the foot. And when they saw that - in  
3 fact, there were big marks on the foot - they said that  
4 he was a soldier, because those are marks -- because  
5 these were marks that were being left by the shoes that  
6 he wore or by the socks that he wore.

7 Q. So, Mr Witness, to cut it short [overlapping speakers]  
8 claim to be a soldier; is that right?

9 A. Yes, Your Worship.

10 Q. What did they do to this man?

11 A. I saw they held the man's hands and they chopped them.

12 Q. What else happened?

13 A. Then we ran away and went into the bush, and they  
14 followed us and they started firing in the air.

15 Q. That means you did not see what else happened to this  
16 man?

17 A. Well, how would I saw if they saw me, because the  
18 population was too much.

19 Q. Okay, you did not see. You said you ran away; where did  
20 you go away to?

21 PRESIDING JUDGE: Did he say they chopped his hand or his  
22 hands?

23 MR SAUTER:

24 Q. Mr Witness, what exactly did they chop?

25 A. They chopped his hands.

26 PRESIDING JUDGE: Just one?

27 THE WITNESS: They chopped the right hand.

28 MR SAUTER:

29 Q. So you said you ran away; where did you go to?

- 1 A. I went to the bush. I went to Kenema.
- 2 Q. Where did you stay in Kenema?
- 3 A. Well, I was in Kahunla Street.
- 4 Q. Kahunla is K-A-H-U-N-L-A.
- 5 PRESIDING JUDGE: Road?
- 6 MR SAUTER: Street.
- 7 PRESIDING JUDGE: Street.
- 8 MR SAUTER:
- 9 Q. Have you been by yourself or accompanied by any  
10 of your family members?
- 11 A. I had a lot of family; they're with me in Kenema.
- 12 Q. Did all of them stay at Kahunla Street?
- 13 A. No, some were in Nyandeyama.
- 14 Q. What is Nyandeyama, is it part of Kenema?
- 15 A. It is right inside Kenema.
- 16 Q. Nyandeyama is N-Y-A-N-D-E-Y-A-M-A. So you say your  
17 family had two houses or were living in two houses in  
18 Kenema - part of the family at Kahunla Street, part of  
19 the family at Nyandeyama; that's right?
- 20 A. Yes, Your Worship.
- 21 Q. How long did you stay in Kenema approximately?
- 22 A. I took some time there.
- 23 Q. Would you please be a little more precise. What is some  
24 time?
- 25 A. Well, I stayed in Kenema up to about five -- two days  
26 time.
- 27 Q. What did you do after two days?
- 28 A. I had to take one CO who asked to take me to Tongo so  
29 that I can check what has become with my compound that I

- 1 left there.
- 2 Q. To check in which town?
- 3 A. Tongo Field.
- 4 Q. You said you went back with one CO to Tongo Field after  
5 two days; that's right?
- 6 A. Yes, Your Worship.
- 7 Q. [Inaudible] CO, who you mean as CO?
- 8 A. That was the name of the man, they used to call him CO.  
9 He was a Kamajor.
- 10 Q. A Kamajor?
- 11 A. They used to call him CO.
- 12 Q. And what did you find at Tongo?
- 13 A. I went to look for my compound.
- 14 Q. And in what condition was your compound when you arrived  
15 at Tongo?
- 16 A. I found out that they had taken all -- they had removed  
17 all the zinc.
- 18 Q. How many houses do you have in Tongo?
- 19 A. I have a compound. There are three houses in the  
20 compound.
- 21 Q. Were they damaged at all, the three houses?
- 22 A. All were destroyed.
- 23 Q. What did you do after you found out that your houses were  
24 completely destroyed?
- 25 A. I did not even take up to one hour and I asked the man  
26 that we should leave the place.
- 27 Q. To do what?
- 28 A. I did not take up to one hour and I asked the man that we  
29 should leave the place and we came back to Kenema.



- 1 Q. Who was in control of Kenema at this time?
- 2 A. It was ECOMOG.
- 3 Q. Have Kamajors been in Kenema?
- 4 A. Yes.
- 5 Q. Have they controlled Kenema?
- 6 A. Well, they were in Kenema with ECOMOG.
- 7 Q. My question, Mr Witness, was whether the Kamajors had  
8 control over Kenema or not?
- 9 A. They controlled Kenema.
- 10 Q. Did you see any incidents happening at Kenema at this  
11 time?
- 12 A. Yes, Your Worship.
- 13 Q. Please describe.
- 14 A. I was in my house one day.
- 15 Q. What happened, Mr Witness?
- 16 A. I saw so many Kamajors arrive.
- 17 Q. Did they come to your house?
- 18 A. They came to my house armed with cutlasses, with guns and  
19 they were in Kamajor uniform.
- 20 Q. When you say Kamajor uniform, what do you mean?
- 21 A. Their dressings.
- 22 Q. Was it a military uniform or any other dress?
- 23 A. They had their own separate uniform which they had on.
- 24 Q. Do you know a name for this kind of uniform?
- 25 A. I describe its name?
- 26 Q. Whether you know any special name for this uniform. If  
27 not --
- 28 A. Well, they call it ronko, but it was -- it used to be  
29 country cloth.

- 1 Q. Mr Witness, when you say they came to your house, which  
2 house do you mean, that one in Kahunla Street or the  
3 other one in Nyandeyama?
- 4 A. The one in Kahunla Street.
- 5 Q. After they arrived what did they do?
- 6 A. Well, they said they were going to worship there; they  
7 came from Kailahun. They said they were going to lodge  
8 there, they were going to reside there. They were coming  
9 from Kailahun.
- 10 Q. Did they ask you to move out with your family?
- 11 A. Yes, Your Worship.
- 12 Q. Did you move from the house?
- 13 A. No, I met one CO Foday. I explained to him.
- 14 Q. Foday is F-O-D-A-Y. So what did you explain to him?
- 15 A. I told him that Kamajors have arrived at my home. They  
16 are all gathered there and they said I should move, that  
17 was the place they were going to put up.
- 18 Q. Did Foday take any action?
- 19 A. Yes, Your Worship
- 20 Q. What did he do?
- 21 A. Foday told me that, "Let us go to meet their leader,  
22 Kamoh Brima."
- 23 Q. Kamoh K-A-R-M-O-H, Brima B-R-I-M-A. So did you go and  
24 meet Kamoh Brima?
- 25 A. Yes, Your Worship, we went to Kamoh Brima.
- 26 Q. Did he give any orders to his Kamajors?
- 27 A. He gave -- he asked some Kamajors to go with Foday to  
28 meet these other Kamajors and remove them from the place.
- 29 Q. So you say they had to leave again?

- 1 A. Yes, Your Worship, they left the place.
- 2 Q. Did ever Kamajors come back to your house at Kahunla  
3 Street?
- 4 A. About five days time I saw several Kamajors. Many  
5 Kamajors came, surrounded my house.
- 6 Q. And what else did they do?
- 7 A. They entered my place and started removing my properties.  
8 And they removed one of my sponge where I used to save my  
9 money.
- 10 Q. Could you remember how much money you had in this sponge?
- 11 A. Yes, Your Worship.
- 12 Q. How much?
- 13 A. \$10,000.
- 14 Q. When you say dollars, you mean US dollars?
- 15 A. Yes, Your Worship.
- 16 Q. Did they take it away from you?
- 17 A. They took the mattress. The mattress had a zip on it and  
18 I used to unzip this zip and then put my money into the  
19 mattress.
- 20 Q. Am I right that it went away with the mattress which  
21 contained the US\$10,000?
- 22 A. Yes, Your Worship, they took the mattress and the man  
23 went away with it.
- 24 Q. While in Kenema did you witness any other incident?
- 25 A. I have not ended this yet.
- 26 Q. Okay, go ahead but cut it short, please.
- 27 PRESIDING JUDGE: You do not want your witness to testify,  
28 Mr Sauter?
- 29 MR SAUTER: In my view this incident is concluded.

- 1 PRESIDING JUDGE: Please, give him the chance to give the  
2 satisfaction of having told his story.
- 3 MR SAUTER: Pardon?
- 4 PRESIDING JUDGE: Give him the satisfaction of having told his  
5 story, please.
- 6 MR SAUTER: Yes.
- 7 Q. So?
- 8 A. As the man was about to go with the -- as the man was  
9 about to go with this mattress I asked him to bring it  
10 back so that I would give him 600,000 leones.
- 11 Q. Did he agree with your offer?
- 12 PRESIDING JUDGE: Please wait.
- 13 MR SAUTER:
- 14 Q. Did he agree with your offer?
- 15 A. No. He said no, that if I don't leave him he will kill  
16 me after all. On top of this, my property.
- 17 Q. So he went away with the mattress; am I right?
- 18 A. Yes, Your Worship.
- 19 Q. The previous question was whether or not you witnessed  
20 any other incident in Kenema while you were there.
- 21 A. Yes, Your Worship.
- 22 Q. Please describe to the Court.
- 23 A. I was in Nyandeyama and Kahunla Street and with my  
24 families at Nyandeyama and Kahunla.
- 25 Q. Go on, please.
- 26 A. If pass the night today in Kahunla Street, the next day  
27 early in the morning I will go to Nyandeyama.
- 28 Q. Go on, please.
- 29 A. If I had passed the night at Nyandeyama, then the next

- 1 day early in the morning I would go to Kahunla Street.
- 2 Q. Go on, please.
- 3 A. One day I pass the night at Kahunla Street. In the  
4 morning I went to Nyandeyama.
- 5 Q. Yes?
- 6 A. As I reached my house my daughter or my child -- one of  
7 my child gave me a citrus, sit in the veranda. One  
8 Mr Ojuku was also on the other side, he was also in the  
9 veranda. He took out his chair and said good morning to  
10 me.
- 11 Q. Just a moment, please. Ojuku is O-J-U-K-U. Yes, please?
- 12 A. So several Kamajors coming, being led by one Mr MO Foday.
- 13 Q. What did they do?
- 14 A. They came and passed by me.
- 15 Q. Where did they go to?
- 16 A. They reached where Mr Ojuku was sitting down. Mr Ojuku  
17 was saying greetings to Mr MO Foday, "buwa-ye,  
18 buwa-ye" -- saying greetings to Mr MO Foday "buwa-ye,  
19 buwa-ye" in the Mende language.
- 20 Q. What happened next?
- 21 A. He said greetings buwa-ye twice, but Mr MO did not  
22 respond. And the third time -- and after the third  
23 greeting then Mr MO Foday turned round and said, "This is  
24 one of the wanted people we are looking for."
- 25 Q. Go on, please.
- 26 A. Mr MO Foday was going closer to where Mr Ojuku was  
27 sitting.
- 28 Q. So did anything happen to Mr Ojuku?
- 29 A. All the Kamajors that were with him went to Mr Ojuku.

- 1 Q. Did they do anything to him?
- 2 A. I saw one Kamajor raise his gun and hit him in the chest  
3 -- on the chest.
- 4 Q. Go on.
- 5 A. The man fell down and they were stepping on him, they  
6 were trampling on him. I saw them drag him and took him  
7 at the back of the house.
- 8 Q. Did you see what happened at the back of Mr Ojuku's  
9 house?
- 10 A. I ran and entered the parlour.
- 11 Q. How far is your house away from Mr Ojuku's house?
- 12 A. It is just like from where I am seated here to where that  
13 lady is coming from.
- 14 Q. So you live from your place to the door?
- 15 A. Yes, Your Worship.
- 16 Q. So could you clearly see what happened on the veranda to  
17 Mr Ojuku?
- 18 A. Yes, that was what I explained.
- 19 Q. Coming back to the question whether or not you could see  
20 what happened at the back of the house of Mr Ojuku, your  
21 answer you went into your parlour, could you see anything  
22 from your parlour?
- 23 A. Well, when I entered my parlour I was not able to see  
24 what happened when they took him at the back of the  
25 house.
- 26 Q. Did you learn at any time what happened to Mr Ojuku?
- 27 A. When I came out I heard people say that they cut off his  
28 head and processed with him up to where his wife was  
29 doing business in the market.

- 1 [HN240205D - JM - 4.00 p.m.]
- 2 Q. To your knowledge, did they ask anything from Mr Ojuku's  
3 wife?
- 4 A. He asked his wife to give them money so they could buy  
5 pepper, salt, and Maggi cubes.
- 6 Q. Did you learn at any time for what purpose they were  
7 asking for Maggi, pepper and so on?
- 8 A. Well, I don't know. I was not there.
- 9 Q. Apart from this incident in which Mr Ojuku was involved,  
10 did you witness any other incidents?
- 11 A. Yes, Your Worship.
- 12 Q. Please, tell the Court.
- 13 A. I was very much afraid when I left Nyandeyama and went to  
14 Kahunla Street, I was afraid to come back to Nyandeyama.
- 15 Q. Go on, please.
- 16 A. I was in Kahunla Street for about two days' time before  
17 coming to Nyandeyama.
- 18 Q. Go on.
- 19 A. On the third day, I decided to check Nyandeyama because  
20 my child used to come to collect the feeding money, money  
21 for the feeding to me. So I'm afraid.
- 22 Q. Please.
- 23 A. One morning, I rose to go to Nyandeyama. I decided to  
24 take a bypass road, avoiding the main streets.
- 25 Q. Please.
- 26 A. We were three number going. We pass by the market road.
- 27 Q. Yes.
- 28 A. There's a bridge there. As soon as we cross the bridge,  
29 we found a gate. They were asking for passes and tax.

- 1 Q. Yes.
- 2 A. It's a small road. After you've presented your pass,  
3 they will show you another bypass road to go. There was  
4 a small -- the place -- the gate on the main road leaving  
5 the passage where in one would pass after presenting your  
6 pass. At that time, there were people coming from the  
7 market, and others went to the market, and the road was  
8 really narrow. The path was narrow. So we stood there.  
9 I saw two boys coming. They did not pass through the way  
10 we -- the routes we took. They went through the area  
11 where they passed -- they cross -- where the gate was.  
12 And I saw one Kamajor come out. He met them -- the man.  
13 Then hit him, hit him with his gun, and then the man fell  
14 down.
- 15 Q. Mr Witness, you said initially two boys were coming.
- 16 A. Yes, your worship. Two boys were coming.
- 17 Q. Could you estimate the age of these persons? When you  
18 say boys, what do you mean?
- 19 A. When I say "boys," they were mature people. I don't know  
20 whether they were 25 or 30 years.
- 21 Q. Okay. And I understood one was caught by the Kamajors.  
22 What happened to the other?
- 23 A. The other one followed the route where we went. As soon  
24 as they called -- as soon as they called the one, the  
25 other one joined the route, the route where we were  
26 going.
- 27 Q. And what happened to the one who was caught by the  
28 Kamajors and hit by a gun?
- 29 A. The one that was called, I heard them call for a Yamorto,



- 1 and they asked for the FM rope. They called the rope "FM  
2 rope."
- 3 Q. Yes, please.
- 4 A. They pass his hands at the back and tied him.
- 5 Q. And then after?
- 6 A. It was there at the gate, they laid him. I saw a man  
7 take up his foot and stepped on his chest.
- 8 Q. Did anything else happen to him?
- 9 A. The man shouted that, "hey, you are killing me."
- 10 Q. Go ahead.
- 11 A. Then I saw a soldier, Yamorto, took a gun.
- 12 Q. What did he do with the gun?
- 13 A. I saw him take out a knife, one white knife. It was by  
14 the gun. I saw him remove it from his clothes, and then  
15 he pierced him on his chest. The man shouted and said,  
16 "you are about killing me." So we moved away.
- 17 Q. So did you witness any other incident?
- 18 A. Yes, Your Worship. I was afraid to go to Nyandeyama  
19 because of these two incidents that I had seen. Now I'm  
20 in Kahunla Street.
- 21 Q. When you say two incidents, which ones do you mean?  
22 Mr Ojuku and --
- 23 A. Mr Ojuku and this man that they took by the gate, the one  
24 that was pierced on the chest by the gate. I'm now in  
25 Kahunla Street.
- 26 Q. What else?
- 27 A. In one flat house, I was up. We heard Kamajors there.
- 28 Q. Yes.
- 29 A. In the morning, when we were finished praying suba [phon]

1 prayers.

2 Q. Yes.

3 A. We sat down, praying to God.

4 Q. Yes.

5 A. I saw one child whose age was around 9 and 10.

6 Q. Yes.

7 A. He had the hand of somebody, so they cut off the person's  
8 hand, and the hand had -- they cut the hand like this,  
9 and it was just this that was left. It had one black  
10 bead, and he pointed it to me and said, "this is what we  
11 are eating today."

12 JUDGE BOUTET: Mr Prosecutor, can you go back over that a bit.  
13 I'm a little bit confused as to -- because he was talking  
14 about one child, 9, 10 year old. And I'm not sure if  
15 he's talking of the child or somebody else.

16 MR SAUTER:

17 Q. So you said a child was passing by, a child of the age of  
18 9 or 10? That's right?

19 A. That was what I thought, according to the way I saw her.

20 Q. And you said the child was keeping --

21 PRESIDING JUDGE: Was it a boy or a girl? Let's get it clear.  
22 Was the child a boy or a girl?

23 THE WITNESS: It was a boy.

24 MR SAUTER:

25 Q. And you said the boy was keeping anything in one of his  
26 hands? That's right?

27 A. He had the hand of a human being.

28 Q. Could you clearly recognise this, what he had in his hand  
29 was the hand of a human being?

1 A. I saw the hand clearly. There were black beads. There  
2 were black beads that women wear around their wrists, and  
3 this is what he took up and pointed it, telling us that  
4 this was what we ate at night.

5 Q. Do you know where this boy was going to with his human  
6 hand in his hand?

7 A. Well, I did not know where he was going. He was coming  
8 from -- he was coming from up Kahunla Street, coming down  
9 to the market, the part of the market. I did not know  
10 where exactly he came from or where he was going to.

11 Q. Okay.

12 MR SAUTER: This, Your Honours, is all for this witness.

13 Mr Witness, I thank you very much for your testimony.

14 JUDGE BOUTET: Thank you.

15 PRESIDING JUDGE: Learned counsel, we'll recess for a while  
16 and come back for cross-examination. The Court will  
17 rise, please.

18 [Recess taken at 4.16 p.m.]

19 [On resuming at 4.45 p.m.]

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

21 JUDGE BOUTET: Counsel for the first accused, you're ready to  
22 proceed with cross-examination?

23 MR HALL: Yes, Your Honour.

24 JUDGE BOUTET: Thank you.

25 CROSS-EXAMINED BY MR HALL:

26 Q. Mr Witness, did Kamajors give any warning to the  
27 civilians before they entered Tongo?

28 THE INTERPRETER: Your Honours, the witness's mic is not on.

29 MR HALL:

- 1 Q. Could you repeat your answer, please, sir.
- 2 JUDGE BOUTET: Mr Hall, maybe you better take your question  
3 back again, please.
- 4 MR HALL: Thank you, Your Honour.
- 5 Q. Mr Witness, did the Kamajors give warning to the  
6 civilians in Tongo before they entered town?
- 7 A. No.
- 8 Q. When the Kamajors entered Tongo, do you know the name of  
9 the person in charge?
- 10 A. Yes, Your Worship.
- 11 Q. What were their names?
- 12 A. Well, the one that I knew, I would call the name.
- 13 Q. Yes, please.
- 14 A. I knew one Mr CO Alhaji Orinko.
- 15 Q. And how long had you known this man?
- 16 A. He was a man that was in Tongo Field. All of us were in  
17 Tongo Field.
- 18 Q. Did you know him for a long time?
- 19 A. Yes, Your Worship.
- 20 Q. How many years had you known him?
- 21 A. Well, I would not be able to tell you the number of years  
22 again.
- 23 Q. And Mr Yukuba, Y-u-k-u-b-a, you knew him?
- 24 A. That was the first day that I knew him.
- 25 Q. And you knew these two men as being in control of the  
26 Kamajors in Tongo?
- 27 A. Yes, Your Worship.
- 28 Q. Since you knew Mr Orinko, did you take to him after he  
29 came to town?

- 1 A. Which town do you mean?
- 2 Q. Any town he came to where you were at. Did you talk to  
3 him?
- 4 JUDGE BOUTET: Maybe, Mr Hall, if you could be a bit more  
5 precise in time because he has told you he has known him  
6 for a long time. Are you talking of the time of the  
7 Kamajors in Tongo? I mean, that's all -- there might be  
8 some confusion.
- 9 MR HALL:
- 10 Q. Mr Witness, when --
- 11 A. I am a civilian. I didn't have any opportunity of  
12 talking to a Kamajor during that time.
- 13 Q. You noticed, did you not, that Kamajors had no  
14 communications equipment?
- 15 A. I saw that they had a very big machine which they used to  
16 carry on their backs, and they had a walkie-talkie  
17 through which they talked.
- 18 Q. Mr Witness, do you remember giving a statement to the  
19 Prosecutor, 5th of November 2003, in Kenema?
- 20 A. No, Your Worship. I can't remember that.
- 21 Q. You were interviewed how many times by the Prosecution or  
22 its investigators?
- 23 A. Well, I wouldn't be able to know the time, Your Worship.
- 24 Q. Did you talk to them more than three times?
- 25 A. I cannot remember the time.
- 26 Q. Mr Witness, do you speak English?
- 27 A. No, sir.
- 28 Q. Do you remember having a statement written out as you  
29 gave it in longhand?

1 A. I cannot remember the time again.

2 Q. Are you telling the Court you do not remember somebody  
3 writing down your statement?

4 A. I cannot remember the time again. But the people to whom  
5 I was talking were the ones I come to meet now and tell  
6 what I know.

7 JUDGE THOMPSON: Learned counsel, why not release it to him,  
8 the fact that he did leave the statement, and probably  
9 leave the time aspect for the time being since that seems  
10 to me to be causing the stumbling block here.

11 MR HALL:

12 Q. Do you remember putting your thumbprint on a piece of  
13 paper?

14 A. Where?

15 Q. On three sheets of paper that were put in front of you so  
16 you could acknowledge that it was your statement in  
17 Kenema, November 5, 2003.

18 A. They obtained statements from me in Tongo and not in  
19 Kenema.

20 JUDGE BOUTET: Which statement are you talking about, Mr Hall?  
21 He has given more than one statement.

22 MR HALL: He has, Your Honour. This would be the middle  
23 statement. The first was 7 April 2002.

24 JUDGE BOUTET: Try to direct his mind to the persons that are  
25 described in the document as such as being the  
26 investigator. See whether it gets to something.

27 MR HALL:

28 Q. Do you remember the name Alfred Sesay as interviewing  
29 you?

- 1 A. Where?
- 2 Q. Swarray Kunda, Kenema?
- 3 A. I cannot remember that again.
- 4 JUDGE BOUTET: Then ask him about the second statement -- or
- 5 at least the third one, but there's one in Tongo. So if
- 6 it's the one of the 7 April 2002.
- 7 MR HALL:
- 8 Q. 7 April 2002 was in Tongo - is that correct,
- 9 Mr Witness - the first time?
- 10 A. Yes, Your Worship.
- 11 Q. You did not sign that statement? Is that correct,
- 12 Mr Witness? You did not sign that statement?
- 13 A. Well, I cannot tell whether I signed or I did not sign.
- 14 Q. And you don't remember putting your thumbprint on
- 15 anything either?
- 16 A. In fact, I have thumbprinted on documents several times.
- 17 That's why when you're asking me, I cannot remember
- 18 anything.
- 19 MR HALL: Could I have Mr Walker to show the witness at least
- 20 the three pages to see if he remembers the thumbprint --
- 21 JUDGE BOUTET: The handwritten one?
- 22 MR HALL: The handwritten one only.
- 23 JUDGE BOUTET: That's the one of 5 November 2003?
- 24 MR HALL: Yes.
- 25 JUDGE BOUTET: Yes, he can see.
- 26 Mr Prosecutor, you want to look at this document?
- 27 Ask him, Mr Hall, again.
- 28 MR HALL:
- 29 Q. Mr Witness, you don't speak English. Correct?

1 A. Yes, Your Worship.  
2 PRESIDING JUDGE: He neither reads nor writes either.  
3 THE WITNESS: Neither read nor writes.  
4 MR HALL:  
5 Q. So you cannot read that statement to see if it is your  
6 statement.  
7 A. I look. I look at it for nothing because I cannot read  
8 it. I did not go to school.  
9 Q. Do you remember putting your thumbprint on pages like  
10 that?  
11 PRESIDING JUDGE: Mr Walker, show him some thumbprints.  
12 THE WITNESS: Well, I had thumbprinted a lot of documents.  
13 PRESIDING JUDGE: Mr Hall, are they thumbprinted?  
14 MR HALL: All three of them are, although it's less legible on  
15 page 1.  
16 Q. Now that you have been shown the thumbprints, do you  
17 recognise that document?  
18 A. Well, I cannot tell you because I am not somebody that is  
19 literate.  
20 MR HALL: Can I have that document back.  
21 PRESIDING JUDGE: Mr Hall, is it his name that on that  
22 statement?  
23 MR HALL: It is, Your Honour.  
24 JUDGE BOUTET: Can I ask the Prosecution if they could assist  
25 in this? Can the Prosecution assist in part on this  
26 because these documents were disclosed to the Defence  
27 presumably as being the statements of this particular  
28 witness. Can you confirm that indeed we're getting into  
29 a circle here without much progress trying to establish



1           that this is his statement? Presumably you have  
2           disclosed that as being his statement. Are you prepared  
3           to concede that?  
4 MR SAUTER: As to the knowledge of the Prosecution, this is  
5           his statement.  
6 JUDGE BOUTET: Presumably, not you personally but the OTP has  
7           taken that statement somewhere; otherwise you would not  
8           have given it to the Defence.  
9 MR SAUTER: This is the statement allocated to him.  
10 JUDGE BOUTET: On that basis we're going to take it because we  
11          don't want to spend days on this trying to --  
12 MR HALL: Thank you, Your Honour.  
13 JUDGE BOUTET: So that's a document of three pages --  
14 MR HALL: Your Honour, I'm only offering page 3 because of a  
15          direct -- what I contend is a direct inconsistency. It's  
16          marked in yellow.  
17 JUDGE BOUTET: Just for clarity of the record on the procedure  
18          here, this is a statement of what appears to be three  
19          pages of 5 November 2003.  
20 MR HALL: Yes, sir. Page 3.  
21 JUDGE BOUTET: Page 3. And the -- according to the record,  
22          page 3 is page 11659.  
23 MR HALL: My individual copy does not have that number on it.  
24 PRESIDING JUDGE: Again, Mr Hall, why are you seeking it in  
25          anyway? We are not saying we are going to -- the  
26          Prosecution has conceded that. Why are you seeking to  
27          use this statement?  
28 MR HALL: The next-to-last sentence of the statement.  
29 PRESIDING JUDGE: Pardon me?

1 MR HALL: The next-to-last sentence of that statement.  
2 JUDGE BOUTET: Ask him if he has any recollection of that,  
3 please.  
4 PRESIDING JUDGE: Read that portion and ask him if he has a  
5 recollection of that particular portion you are referring  
6 to.  
7 MR HALL:  
8 Q. Mr Witness, did you tell the Prosecutor, and I'm quoting:  
9 "I did not see any communications set with any Kamajor"?  
10 A. I can't remember that time again. I hope that all that I  
11 said was in my statement.  
12 MR HALL: Your Honour, I'm offering this document to  
13 contradict his testimony that there was a radio set  
14 available to the Kamajors.  
15 PRESIDING JUDGE: What is the witness saying? Is he saying  
16 that what he's saying today was what he said in his  
17 statement?  
18 Mr Witness.  
19 THE WITNESS: Yes, Your Worship.  
20 PRESIDING JUDGE: You've said here now that you saw them  
21 carrying certain things on their backs and that they had  
22 a machine and equipment from which they could talk. That  
23 is what you said.  
24 THE WITNESS: Yes, Your Worship.  
25 PRESIDING JUDGE: In your statement, in your statement there,  
26 you're saying that they did not have any working -- any  
27 talking sets, you know, with them. So where are we? Can  
28 you give us an explanation to this.  
29 THE WITNESS: What I knew was what I explained to you.

- 1 PRESIDING JUDGE: When? Now?
- 2 THE WITNESS: Yes, Your Worship.
- 3 JUDGE BOUTET: Fine. So we're going to be marking this  
4 document to the purpose it is intended for; that is, that  
5 on that statement at page 3 of 5 November, and there's a  
6 sentence in there that appears to be different than what  
7 the witness is testifying about. So I think we are at  
8 67, Mr Walker?
- 9 MR WALKER: That's correct, Your Honour.
- 10 JUDGE BOUTET: So you have underlined the portion, Mr Hall, of  
11 that statement?
- 12 MR HALL: Yes, Your Honour.
- 13 JUDGE BOUTET: Okay, thank you.
- 14 [Exhibit No. 67 was admitted]
- 15 MR HALL:
- 16 Q. Mr Witness, I believe you said you also knew a man named  
17 Foday?
- 18 A. Yes, Your Worship.
- 19 Q. Mr Foday was a Kamajor leader?
- 20 A. Well, I cannot tell if he was a Kamajor leader or he was  
21 not a Kamajor leader. But I saw him amongst the  
22 Kamajors.
- 23 Q. Did you not testify on direct that he gave orders to  
24 other Kamajors?
- 25 A. Yes, he gave orders. Yes, he gave the orders and said  
26 that this is one of the wanted men, Mr Ojuku."
- 27 Q. Prior to what you testified about Mr Ojuku, you  
28 complained to Mr Foday about things the Kamajors had  
29 done. Is that correct?

1 PRESIDING JUDGE: That name please, is it Oyuku or Ojuku?  
2 Ojuku. That is what I --  
3 MR HALL: He said Oyuku, I thought.  
4 PRESIDING JUDGE: He is saying --  
5 MR HALL: Spelled it with a J but it was pronounced as if it  
6 was a Y. Same person, I assume.  
7 PRESIDING JUDGE: I hope that that was not another rebel  
8 leader from the AFRC.  
9 MR HALL:  
10 Q. Mr Witness, you talked to Mr Foday, and he told you to  
11 meet him somewhere else when you explained about  
12 something?  
13 A. Well, I have two Mr Fodays that I mentioned when I was  
14 talking. One Foday who was leading the Kamajors when  
15 they were going to Mr Ojuku. One Foday that I invited,  
16 to whom I explained about the coming of the Kamajors to  
17 my house. So there are two Fodays. One MO Foday and one  
18 CO Foday. So you please explain to me about the type of  
19 Foday that you're talking about.  
20 PRESIDING JUDGE: It is for you to help the Court, counsel to  
21 let us know which Foday you are talking about. There is  
22 MO Foday.  
23 THE WITNESS: Yes, Your Worship.  
24 PRESIDING JUDGE: You said there are two Fodays.  
25 THE WITNESS: Yes, Your Worship.  
26 PRESIDING JUDGE: There is MO Foday.  
27 THE WITNESS: And CO Foday.  
28 PRESIDING JUDGE: And CO Foday. Which Foday did you go to  
29 report about your house?

1 THE WITNESS: It was CO Foday. Yes, Your Worship.  
2 PRESIDING JUDGE: Of the occupation of your house?  
3 THE WITNESS: Yes, Your Worship.  
4 PRESIDING JUDGE: And MO Foday?  
5 THE WITNESS: Yes, Your Worship.  
6 PRESIDING JUDGE: [Previous translation continues]...  
7 THE WITNESS: When I was in front of the Kamajors, he pointed  
8 to Mr Ojuku.  
9 PRESIDING JUDGE: Okay. CO Foday was the one who pointed to  
10 Mr Ojuku.  
11 THE WITNESS: No, no, MO, MO Foday.  
12 PRESIDING JUDGE: Sorry, sorry, MO.  
13 Mr Hall, is that all right?  
14 MR HALL: Thank you, Your Honour, for clearing that up.  
15 Q. Are these two men related, to your knowledge?  
16 A. What type of relation? What type of relation do you  
17 mean? Because I'm somebody who does not understand.  
18 PRESIDING JUDGE: Mr Witness.  
19 THE WITNESS: Yes, Your Worship.  
20 PRESIDING JUDGE: Can you say are they related? Okay, in the  
21 community, they are related to me, they are related to  
22 you. That is what he is asking. They have the same  
23 names, Foday, Foday. Were they related?  
24 THE WITNESS: No, Your Worship. No.  
25 MR HALL:  
26 Q. So after what happened with MO Foday, you didn't report  
27 that to CO Foday, did you?  
28 A. What Kamoh Foday do you mean? We don't have Kamoh Foday.  
29 PRESIDING JUDGE: He didn't say Kamoh Foday. He said MO. He

1           said MO Foday.

2   THE WITNESS:  Mm-hmm.

3   PRESIDING JUDGE:  Mr Hall, please put the question to him

4           again.

5   MR HALL:

6   Q.  After what happened with MO Foday and Mr Ojuku, you did

7           not report that to CO Foday, did you?

8   A.  Mm, I was not -- I did not have the trousers to go and

9           report.

10  PRESIDING JUDGE:  I did not have the trousers.

11  THE WITNESS:  Hmm.

12  JUDGE BOUTET:  [Previous translation continues]...

13  PRESIDING JUDGE:  The courage.  To report the Ojuku incident

14           to CO Foday.

15  MR HALL:

16  Q.  After ECOMOG came, did you report any of this to them?

17  A.  No, Your Worship.

18  Q.  Mr Witness, when your mattress was taken, the people who

19           took it didn't know there was money in it, did they?

20  A.  Well, I cannot tell whether they knew that there was

21           money or not.

22  Q.  They didn't say they knew there was money in it.

23           Correct?

24  PRESIDING JUDGE:  Mr Hall, you say what?

25  MR HALL:  They did not say they knew there was money in it.

26  Q.  Did they?

27  PRESIDING JUDGE:  Who did not say?

28  MR HALL:  The people who took it.

29  THE WITNESS:  They did not tell me.  They only told me if I

1           were to follow them concerning the mattress, they would  
2           kill me. That was the time I left them.

3 MR HALL:

4 Q. The money was hidden in a zippered compartment. Isn't  
5           that correct?

6 A. Would you please ask me again.

7 Q. The money was hidden inside behind a zipper. Isn't that  
8           correct?

9 A. Yes, Your Worship.

10 Q. And they didn't open that zipper before they took the  
11          mattress, did they?

12 A. At all.

13 MR HALL: Thank you. That's all I have for this witness.

14 JUDGE BOUTET: Thank you, Mr Hall.

15 PRESIDING JUDGE: Learned counsel, we'll take learned counsel,  
16          Mr Bockarie, tomorrow at 9.30. So it's -- it gives him  
17          and Mr Margai some breathing space. So come with a good  
18          stock of fresh oxygen in the lungs to wrap up the  
19          exercise. So learned counsel, we'll adjourn and resume  
20          the session tomorrow at 9.30. The Court will rise,  
21          please.

22          [Whereupon the hearing adjourned at 5.21 p.m., to be  
23          reconvened on Friday, the 25th day of February, 2005, at  
24          9.30 a.m.]

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EXHIBITS:

Exhibit No. 65	26
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WITNESSES FOR THE PROSECUTION:

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