



Case No. SCSL-2004-14-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOINI NA FOFANA
ALLI EU KONDEWA

MONDAY, 30 MAY 2005
9.43 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:

Pierre Boutet, Presiding
Bankole Thompson
Benjamin Mutanga Itoe

For Chambers:

Mr Matteo Crippa
Ms Rhoda Kargbo

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Kevin Tavener
Ms Mohamed Stevens

For the Principal Defender:

No appearances

For the accused Sam Hinga
Norman:

Mr Ibrahim Yillah
Mr Kingsley Belle (Legal assistant)

For the accused Moini na Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the accused Allieu Kondewa:

Mr Yada Williams
Mr Ansu Lansana

1 [HN300505A - CR]

2 [Monday, 30 May 2005]

3 [Open session]

4 [The accused Fofana and Kondewa present]

09:36:52 5 [The accused Norman not present]

6 [The witness entered court]

7 [Upon commencing at 9.43 a.m.]

8 PRESIDING JUDGE: Good morning. Mr Prosecutor, you're
9 ready to proceed with your next witness?

09:45:34 10 MR KAMARA: Yes, Your Honours.

11 PRESIDING JUDGE: Would you please inform the Court as to
12 the identity or number of the witness?

13 MR KAMARA: The Prosecution calls Witness TF2-108.

14 PRESIDING JUDGE: TF2-108?

09:45:42 15 MR KAMARA: Yes, Your Honour.

16 PRESIDING JUDGE: What's the language that the witness will
17 testify in?

18 MR KAMARA: Mende.

09:46:23 19 PRESIDING JUDGE: This is witness number 63. Yes, please
20 go ahead.

21 WITNESS: TF2-108 [Sworn]

22 [The witness answered through interpreter]

23 EXAMINED BY MR KAMARA:

24 Q. Thank you, Ms Witness, for coming this morning.

09:47:20 25 A. Yes.

26 Q. I'm going to ask you a few questions. Please take your
27 time to answer as their Lordships will be taking down whatever
28 you say.

29 A. Yes.

1 Q. Where were you born, witness?

2 A. Bonthe.

3 Q. Are you married?

4 A. Well, well.

09:47:53 5 Q. Do you have children?

6 A. Well, well.

7 Q. How many children do you have?

8 A. One.

9 Q. Ms Witness, what do you do for a living?

09:48:18 10 A. I do cassava gardening.

11 Q. Where do you do this gardening?

12 A. Gelahun Sogbeni.

13 Q. Your Honours, that is spelt G-e-r-e-h-u-n and

14 S-o-g-b-e-w-e?

09:48:48 15 JUDGE ITOE: My mic was not fully tuned. I didn't get the
16 reply to the question whether she was married or not?

17 MR KAMARA: She said she was married, Your Honour.

18 JUDGE ITOE: She's married?

19 MR KAMARA: Yes, Your Honour.

09:48:59 20 JUDGE ITOE: Thank you.

21 MR KAMARA:

22 Q. Now, Ms Witness, do you know any Allieu Vandii?

23 A. Well, well.

24 Q. Who is this Allieu Vandii?

09:49:18 25 A. He's a Kamajor.

26 Q. Will you tell this Court how you've come to know that he is
27 a Kamajor?

28 A. Very well.

29 Q. Please tell the Court.

1 A. I'm telling the Court today that Allieu Vandi, the way I
2 knew him, I knew him to be a Kamajor. When they went to war on
3 Sogbeni, they went to loot us.

09:50:12 4 Q. My question, Ms Witness, is: you said Allieu Vandi is a
5 Kamajor. How do you know he's a Kamajor?

6 A. How I knew him to be a Kamajor? I mean, they had cotton
7 cloth on them.

8 Q. Would you describe the type of clothing?

9 A. Very well, I will tell you.

09:50:46 10 Q. Please tell the Court.

11 A. I'm telling the Court today that they had -- the cotton
12 cloth that he had on, he was a Kamajor. That cotton cloth, I
13 used to see it. That cotton cloth was made up of cowries. It
14 had cowry shells all over.

09:51:35 15 Q. Thank you, Ms Witness. Now, this Allieu Vandi you've
16 referred to, did you ever have direct contact with him?

17 A. We had nothing really common, but it came to a point that I
18 knew him, because at that time when he captured me.

09:52:19 19 Q. Now, you're telling this Court you were captured. Where
20 were you captured?

21 A. Gerehun Sogbewe.

22 Q. The same spelling, Your Honours.

23 Now, Ms Witness, would you tell this Court the
24 circumstances of your capture?

09:52:55 25 A. Very well.

26 Q. Would you explain to the Court.

27 A. I'm telling this Court today that the time Allieu Vandi
28 left Talia Yawbeko and they went to Gelahun Sogbeni, we were all
29 captured.

1 Q. Take your time. Take your time, Ms Witness. Now you said,
2 "We were all captured." Do you know any other persons who were
3 captured with you?

4 A. Very well. There's one that I don't know who that was
09:53:41 5 among, but there were three -- two ladies and three gentlemen
6 whom I know.

7 Q. Now, at the time of your capture, was Allieu Vandi or any
8 of them carrying anything?

9 A. Very well. They had arms with them. They had knives, guns
09:54:21 10 and whatever that is used to kill a person was with them.

11 Q. Now, during the time of your capture, did you observe any
12 activities of these people?

13 A. Very well.

14 Q. Yes, tell this Court what were these activities that you
09:55:01 15 observed?

16 A. I'm telling this Court today that on this very Monday those
17 that they went with from Talia Yawbeko, none of them survived;
18 they were all killed. I saw that happen; all that they did with
19 them. So that is why I'm telling the Court today on this very
09:55:31 20 Monday.

21 Q. Now, Ms Witness, you've just mentioned killing. How many
22 people did you see killed during this encounter?

23 A. How many people were killed?

24 Q. Yes, that's the question.

09:56:10 25 A. Three people were killed.

26 Q. Do you know these three people that you've just referred
27 to?

28 A. Very well.

29 Q. Do you know their names?

1 A. Very well.

2 Q. Could you tell this Court?

3 A. I'm telling this Court today that those that were held and
4 were taken to Talia Yawbeko, I knew that they killed them and I
09:56:52 5 saw what they did.

6 Q. Their names, just give me their names.

7 A. One is called Jusu Shalley.

8 Q. Your Honours, it is spelt J-U-S-U and S-H-A-L-L-E-Y.

9 Yes, the name of the second one?

09:57:18 10 A. Baggie Vai ey.

11 Q. B-A-G-G-I-E, Your Honours. What is the last name again?

12 A. Baggie Vai ey. Baggie Vai ey. Yes.

13 Q. V-A-I-E-Y, Your Honours. And the third one?

14 A. Lahai Lebbee.

09:57:55 15 Q. L-A-H-A-I L-E-B-B-I-E.

16 Now, Ms Witness, let's take one at a time. I'm going to
17 start with Jusu Shalley.

18 A. Let's go ahead.

19 Q. Do you know this Jusu Shalley?

09:58:21 20 A. Very well.

21 Q. Where is he now?

22 A. He's no longer alive.

23 Q. Do you know how he died?

24 A. Very well.

09:58:45 25 Q. Take your time to explain to this Court how Jusu Shalley
26 died.

27 A. Well, I am really taking my time. I will tell the Court
28 again and again; that is, I'm saying the truth. There are no
29 lies that I'm saying, that I'm saying the truth and that is what

1 I'm going to say what I saw.

2 Q. Thank you.

3 A. Very much.

4 Q. Now, tell the Court what happened to Jusu Shalley.

09:59:38 5 A. I'm telling the Court today that Jusu Shalley was killed.

6 Q. Do you know who killed Jusu Shalley?

7 A. Very well.

8 Q. Who killed Jusu Shalley?

9 A. Kamajors. It was the Kamajors.

10:00:05 10 Q. Where did this happen?

11 A. Talia Yawbeko.

12 Q. And you are telling this Court you saw that happen?

13 A. Very well. I'm telling you that what I saw is what I'm

14 telling you today. At this time on this very Monday, that is

10:00:30 15 what I'm telling them. I will not say what I didn't see, but I'm

16 only saying what I saw.

17 JUDGE ITOE: Please, control your witness. I mean, let her

18 avoid -- we've understood her. She's saying she is telling the

19 truth and she is relating what she saw with her eyes.

10:00:49 20 THE WITNESS: Very well.

21 JUDGE ITOE: We have understood her. She doesn't need to

22 come back to that. Let her tell us her story, please.

23 MR KAMARA: Very well, Your Honour.

24 Q. Ms Witness, the Court has advised that you please restrict

10:01:02 25 to just the answer that you gave. The Court has appreciated your

26 point about speaking the truth.

27 A. Yes.

28 Q. So you need not re-emphasise that with every answer.

29 A. Very well.

1 Q. Thank you. Now, tell us how Jusu Shalley was killed.

2 A. I was there when his stomach was opened. From the split --

3 Q. Wait, wait, wait.

4 A. He was held in some villages around Nyandehun and when he
10:02:13 5 was held and he was taken away.

6 MR KAMARA: Mr Interpreter, please be careful the way
7 you're interpreting.

8 Q. Now, you're telling this Court that Jusu was held in a
9 village called Nyandehun?

10:02:42 10 A. No, Talia Yawbeko.

11 Q. You said you saw his chest being opened.

12 JUDGE THOMPSON: Counsel, she said stomach.

13 MR KAMARA: Stomach, sorry, Your Honour. Thank you.

14 THE WITNESS: Very well.

10:03:00 15 MR KAMARA:

16 Q. Now would you tell this Court what was used to do that?

17 A. Very well.

18 Q. Yes, tell this Court.

19 A. I'm telling this Court today that they used a machete to
10:03:25 20 open his belly, to split his stomach open. That is what I'm
21 telling the Court that that is what they did.

22 Q. Where were you when this was happening?

23 A. They were taking him away. I was behind them, following
24 them. There is a hospital there and there are two trees in that
10:04:04 25 hospital, mango trees.

26 Q. Now, I want to help you and you help this Court to reply
27 this incident. You have mentioned that you saw a stomach being
28 opened with a machete.

29 A. Yes.

1 Q. Now could you, by way of distance, tell this Court where
2 you were and to where he was being killed?

3 A. Very well, I will be able to tell the Court.

4 Q. So how far away were you to the scene?

10:04:53 5 A. I was very close to them. I was there when they surrounded
6 him. They surrounded him, but I was by their side.

7 Q. Are you able in this Court to point to any particular
8 location in the Court where you were to where the incident was
9 taking place?

10:05:23 10 A. Very well.

11 Q. From where you were seated, where was the incident taking
12 place? You were there. That is where you were standing.

13 A. Where I'm sitting there.

14 Q. Yes.

10:05:42 15 A. Very well.

16 Q. So point to the distance --

17 A. They were there surrounded by the hospital towards
18 Nyandehun. They were there by the hospital and they surrounded
19 him, but I was very close to them, by them watching them.

10:06:07 20 Q. Were you close to where Defence counsel is sitting, or were
21 you as close as to that desk?

22 A. They were standing. Like where I am sitting, I'm seated
23 here. I am seated here. Because there were three men, these
24 other than three. They were all gathered together, like I was
10:06:52 25 sitting here. Like I am here sitting here on this spot, but all
26 what they did, I was there and I saw everything that they did.

27 MR KAMARA: Your Honours, we will take it that she was
28 close.

29 Q. At what time of the day did this incident happen,

1 Ms Witness?

2 A. It happened in the night. It happened in the night.

3 Q. How is it you were able to see what was going on?

4 A. When he was being killed?

10:07:40 5 Q. Yes.

6 A. Very well. They were our people that were held. I mean,
7 whatever was happening to them, it was good that I was there.

8 Q. Yes. You mentioned to this Court it was at night, all
9 right.

10:08:00 10 A. Very well.

11 Q. And if it was night, how is it that you saw what was
12 happening?

13 A. I was able to see, because we were all captured and they
14 were not giving us anywhere to lodge. Even if people were being
10:08:25 15 killed, I was able to see with my own eyes.

16 Q. You saw those who killed Jusu Shalley?

17 A. Very well. It was Kamajors who killed him.

18 Q. Do you know why he was killed at all?

19 A. I don't know the reason why he was killed.

10:08:57 20 Q. Thank you, Ms Witness. Now, I'll proceed to the second one
21 you mentioned. You mentioned the killing of one Baggie Vai ey?

22 A. Very well.

23 Q. Where is that Baggie Vai ey now?

24 A. Baggie Vai ey is deceased.

10:09:31 25 Q. Do you know how he died?

26 A. Very well. I will be able to tell you how he was killed.

27 Q. Right. Do you know who killed him?

28 A. The Kamajors killed him.

29 Q. And where did this incident take place?

1 A. Talia Yawbeko.

2 Q. Were you present in the killing of this Baggie?

3 A. Very well.

4 Q. Tell this Court how he was killed.

10:10:18 5 A. I'm telling this Court today that the way Baggie Vai ey was
6 killed, that even where I am here, seated here today, I am very
7 sorry for him, but everything is attributed to God. Whatever God
8 destines happens, because the way he was killed --

9 Q. Now, take us to the incident of killing. You said he was
10:10:59 10 killed in Talia Yawbeko.

11 A. Very well. He was killed in Talia.

12 Q. How was he killed?

13 A. Where they took us, there was a large crowd there. Where
14 we were taken, there was a large crowd, and there were so many
10:11:21 15 Kamajors there. So, the night we were taken there, we were all
16 asked to sit down and they gathered all the men.

17 Q. Wait. Where were you gathered in Talia; what place?

18 A. There is a house there, but I don't know the house.
19 Because all those who were captured were put in that house. So
10:12:01 20 that was the place we were all gathered together.

21 Q. Thank you. Ms Witness, I know you are anxious to tell your
22 story. Could you please just listen to the questions and answer
23 them as direct as you can so you can be of more help to the
24 Court.

10:12:28 25 A. Very well. I will not say anything aside. Whatever the
26 truth is what I'm saying and whatever I saw is what I am saying
27 here, and that is what it should be.

28 Q. Ms Witness, that is the very thing I am talking about.

29 Wait for my question, okay. Now, you said you were all gathered

1 at this house.

2 A. Very well.

3 Q. Tell us what happened to Baggie.

4 A. What was done to Baggie Vai ey. Baggie Vai ey, I was there
10:13:09 5 when he was killed.

6 Q. How was he killed?

7 A. The way he was killed, I saw his chest -- his chest was
8 slit open with the machete and his body was dismembered.

9 Q. Now, who was this Baggie Vai ey?

10:13:54 10 A. He was a civilian.

11 Q. Will you tell this Court who did the slitting open of his
12 chest?

13 A. Very well.

14 Q. Tell us.

10:14:15 15 A. I would like to tell the Court that it was the Kamajors who
16 slit his chest open. It was not a civilian who killed him, it
17 was the Kamajors who killed him.

18 Q. Do you know any of the Kamajors involved in this?

19 A. I cannot really identify them, or whether they called a
10:14:53 20 name which I was able to remember.

21 Q. Again, in this instance, do you happen to know any reason
22 why Baggie Vai ey was killed?

23 A. I do not know the reason why he was killed.

24 Q. Now I will move you to the third person you mentioned, and
10:15:24 25 that is Lahai Lebbee. Who was this Lahai Lebbee?

26 A. Lahai Lebbee was a civilian.

27 Q. Do you know who killed Lahai Lebbee?

28 A. Very well.

29 Q. Who killed Lahai Lebbee?

1 A. He was killed by the Kamajors.

2 Q. And where did this incident take place?

3 A. Talia Yawbeko.

4 Q. Do you know how Lahai Lebbie was killed?

10:16:24 5 A. Very well.

6 Q. Where were you when Lahai Lebbie was killed?

7 A. Where I was when Lahai was killed, I was in Talia Yawbeko.

8 Q. Explain to this Court what you saw in the terms of the
9 killing of Lahai Lebbie.

10:17:05 10 A. That's what I want, because I wouldn't tell what is not my
11 business. I would tell the Court what I saw. I am today telling
12 the Court that --

13 Q. Ms Witness, [microphone not activated]. Okay.

14 A. Yes.

10:17:25 15 Q. I can understand your anxiety, but will you please just
16 limit yourself to the facts of the death of Lahai Lebbie.

17 A. He was tied up, and the way he was killed was very, very,
18 very fearful. Horrible, indeed.

19 Q. Yes, explain the horror to the Court.

10:18:00 20 A. I saw the Kamajors cut down a stick and they pinned them
21 down on the ground going towards Bauya Junction, and I was still
22 standing there when they took one of this stick and they laid
23 them -- and they took three men who went for Lahai Lebbie as he
24 was tied up and they brought him.

10:18:28 25 Q. What happened when he was brought?

26 A. He was laid on that rack.

27 Q. When you say laid on the rack, would you explain what you
28 mean by that?

29 A. What I mean was that the place that set fire underneath

1 him, it was like a platform and there was fire underneath. When
2 they set this fire, it continued burning. He started crying out
3 his mother's name until he burnt down completely. He was very
4 small like a little monkey, when a monkey has been roasted, and
10:19:29 5 that is how he was killed.

6 MR KAMARA: That is all for this witness, Your Honours. I
7 thank you, Ms Witness.

8 PRESIDING JUDGE: Thank you, Mr Prosecutor. Counsel for
9 the first accused, are you ready to proceed for
10:20:12 10 cross-examination?

11 MR YILLAH: Yes, Your Honour.

12 PRESIDING JUDGE: Please do so.

13 CROSS-EXAMINED BY MR YILLAH:

14 Q. Madam Witness, good morning.

10:20:27 15 A. How are you?

16 Q. Madam Witness, was there a military base in Gerehun
17 Village, your village; was there a military base there?

18 A. No, it's not Gerehun, it is Gelahun Sogbeni.

19 Q. Is that your village, Gelahun Sogbeni?

10:20:58 20 A. Very well. If that's my village, yes.

21 MR KAMARA: Your Honour, I wish my learned friend could be
22 very cautious in concentrating on those areas. This is a small
23 village and identifying the witness with the village, the
24 location of the residence may very well expose identity of the
10:21:20 25 witness.

26 JUDGE THOMPSON: But she mentioned the name of the village.

27 MR KAMARA: Yes, but not in the light of where she resided.

28 JUDGE THOMPSON: I see. Thanks.

29 MR YILLAH: I take the point. My question was not directed

1 as to determining the residence. I will try another method.

2 Q. Madam Witness, were there soldiers from the place where you
3 come from? Were there soldiers there?

4 A. Gelahun Sogbeni? Are you talking about Gelahun Sogbeni?

10:22:02 5 Q. Madam Witness, you don't need to state the name of the
6 place. The place where you come from, your town, your place
7 where you come from, I'm asking whether there were military
8 officers there at the time.

9 A. No, I didn't see any soldier.

10:22:33 10 Q. But did you see armed men dressed in civilian clothing in
11 and around your village during that time? In other words,
12 rebels; did you see rebels there?

13 A. Very well. I saw rebels.

14 Q. Before the Kamajors went into that village, the rebels were
10:23:19 15 in control of it; am I correct?

16 A. No, no rebels were based there.

17 Q. Madam Witness, do you recall telling the investigators from
18 the Prosecutor's office -- okay, let me first ask you this:
19 Madam Witness, for how long were you in Talia Yawbeko?

10:24:09 20 A. I spent three days there. When I was captured, I spent
21 three days there.

22 Q. Now, Madam Witness, do you recall telling the investigators
23 who took a statement from you that you never saw Chief Hinga
24 Norman in Talia during this period?

10:24:55 25 MR KAMARA: Your Honour, I would object to that line of
26 cross-examination. There is no evidence that he was even seen.

27 PRESIDING JUDGE: I take your point. I don't understand
28 your question, Mr Yillah. Have you put the question to the
29 witness first? Have you asked her, she has seen him? To my

1 knowledge, she has not testified to that at all.

2 MR YILLAH: Yes, My Lord. My understanding is that from
3 the material that is provided to the Defence, it is part of their
4 disclosure materials. There is --

10:25:27 5 PRESIDING JUDGE: Yes, but ask the witness. It may be
6 there. I'm not disputing this. I'm not saying it is or it
7 isn't. It's the way you've framed your question. All of a
8 sudden it's in the statement and the witness has never -- please,
9 ask the witness if she has or has not, whatever it is you want to
10:25:44 10 ask.

11 MR YILLAH: I apologise, My Lord. Thank you.

12 Q. Madam Witness, during this period, did you see Chief Hinga
13 Norman in Talia Yawbeko?

14 A. I do not know him. I've never known him.

10:26:02 15 Q. Did you see him, that's my question.

16 A. No, we didn't see each other at all.

17 Q. Madam Witness, during your stay, did you see other chiefs
18 in Talia Yawbeko, Paramount Chiefs and other chiefs who were
19 there; did you see them?

10:26:46 20 A. What Chief are you talking about? If you're talking about
21 the chiefs, you should make a distinction. What chiefs are you
22 talking about? Which chiefs?

23 Q. Did you see the Chief of Talia Yawbeko during this period?

24 A. Talia Yawbeko, whether the chief was there, I did not know
10:27:28 25 him. I was captured and taken there. I've never been there. If
26 there was a Chief there, I wouldn't have known.

27 Q. Madam Witness, the incidents that you have testified to in
28 this Court, the killings, did you, at any time, before now,
29 report them to anybody within the Kamajor hierarchy, or to any

1 Kamajor commander?

2 A. At that time, there was no Chief who was present when these
3 people were killed. There was nobody to have taken a decision on
4 that death. There was nobody at that time. Nothing could have
10:28:59 5 been said about those deaths at that time.

6 MR YILLAH: That would be all for this witness.

7 PRESIDING JUDGE: Thank you. Counsel for the second
8 accused?

9 CROSS-EXAMINED BY MR KOPPE:

10:29:46 10 Q. Good morning, Madam Witness.

11 A. Well, I greeted you too.

12 Q. Madam Witness, do you remember speaking to investigators of
13 the Prosecution's office?

14 A. What? What? I did not understand that properly. I did
10:30:25 15 not understand that properly. Please repeat.

16 Q. Do you remember about two years ago you spoke to
17 investigators of the Special Court?

18 A. Very well. They went and did in relation to this case, and
19 it was there that I made a statement relating to this case in
10:31:08 20 this Court.

21 Q. Do you remember where the statement took place, where you
22 gave that statement?

23 A. Bauya Junction.

24 Q. Madam Witness, do you remember whether the investigators
10:31:47 25 made notes when you gave your statement?

26 A. Very well. They did write on paper.

27 Q. Madam Witness, when you finished your statement, did
28 investigators read back their notes to you?

29 A. Very well. They told me that when we come, because they

1 were there for two weeks, but we wouldn't talk. For two weeks,
2 we wouldn't talk and they said when we come back, whatever
3 statement you have given, you would have to go over it to smooth
4 in some areas.

10:32:59 5 Q. Did this happen?

6 A. Very well. That's where we are now. That's where we are
7 now.

8 Q. When you made that statement two years ago and when the
9 investigators made notes regarding your conversation, did they
10:33:24 10 read back at that time their notes to you?

11 A. Very well. They said that -- what he said, that's what he
12 wrote. Those who came after that, that's what we have in the
13 statement today, and they picked us up and they brought us. When
14 they went to bring us, they told us again that the people are
10:34:10 15 ready so that we can talk. Yes, we heard them say that.

16 Q. Madam Witness, I'm still not quite sure if I understand you
17 correctly. Were the notes that were made by the investigators
18 read out to you? Did they tell you again what you have told
19 them?

10:35:06 20 A. Very well. At this time when they got ready, when they
21 were ready, they went back and read it to me. What I said is
22 what I'm going to say again today. That is to show that I was
23 not telling lies. I was telling the truth and that is what I am
24 saying here today. Yes. They told me that.

10:35:31 25 Q. Now, Madam Witness, the investigators who spoke to you have
26 made their notes which were read to you available to us. One of
27 the notes -- one of the things they wrote is the following --

28 PRESIDING JUDGE: Can I ask you what you are trying to
29 achieve and where you're going with this?

1 MR KOPPE: There's just one element from these notes. It's
2 not her statement.

3 PRESIDING JUDGE: Is it to refresh the memory of the
4 witness or to show some inconsistencies?

10:36:18 5 MR KOPPE: Inconsistency, yes.

6 PRESIDING JUDGE: Thank you.

7 MR KOPPE:

8 Q. These notes, the investigators have written the following:
9 you have told them that one Baggie Vai ey, the man that you

10:36:36 10 mentioned, was also killed --

11 A. What? What? What? Baggie Vai ey.

12 Q. Baggie Vai ey.

13 A. Yes, they killed him.

14 Q. And that this killing was done by his own brother Joe Koi .

10:37:00 15 This is what the investigators have --

16 A. Very well .

17 Q. So tell me, was this man killed by his own brother?

18 A. Very well , because he was in Talia Yawbeko sitting on the
19 ground and he said this relative is called Joe Koi and that Joe

10:37:38 20 Koi who came and looked at him, and he said he is not my

21 relative, and the Kamajors should kill him, and the Kamajors

22 killed him. When he said that he should be killed, I saw it with
23 my very own eyes.

24 Q. You're saying the investigators made wrong notes when they
10:38:05 25 said that this killing was done, the killing of Mr --

26 MR KAMARA: I object to that, Your Honour. It seems it is
27 a misconstruction of what is written in the statement and from
28 the explanation of the witness on the stand, it doesn't indicate
29 that the brother was not involved in the killing, and to suggest

1 that the investigators were, or they took wrong notes is not
2 correct from the state of the evidence, neither my construction
3 of the document, which has still not yet been tendered.
4 Explanation shows that the brother was involved in the killing
10:38:42 5 and if my learned friend wants to explore further, he is very
6 much at liberty to do so, to explore the circumstances of the
7 involvement of the brother in the killing, and that is what is in
8 the statement.

9 PRESIDING JUDGE: The evidence is not quite clear.
10:38:55 10 However, I didn't get that from the evidence what you're
11 suggesting. Anyhow, I will ask Mr Koppe how you respond to this
12 objection.

13 MR KOPPE: Would it be possible not to have my objection
14 translated to the witness?

10:39:11 15 PRESIDING JUDGE: Just ask the witness to remove her
16 earphones, please, for now.

17 MR KOPPE: Your Honour, as I understand the evidence to be
18 is that this person Baggie Vai ey was killed in a way that this
19 witness has described, but she doesn't know who are the ones who
10:39:41 20 actually killed this person. When I read the summary of her
21 statement it says literally the following: "One Baggie Vai ey was
22 also killed in her presence in Talia village and the said killing
23 was done by his own brother Joe Koi." I'm afraid I can only read
24 that in one way.

10:40:03 25 PRESIDING JUDGE: The witness does not deny saying this.
26 That is probably one of the difficulties. The witness from that
27 says yes, and then she carried on to say a lot of things. She's
28 not denied making that portion of the statement to the
29 investigators, if that's your position. But she has given an

1 explanation that is not necessarily of the same nature. She has
2 not denied making that statement. I would suggest to you the
3 best way is to go back to that. The witness has testified on the
4 issues more or less surrounding this fact, she has not clearly
10:40:43 5 answered your question.

6 MR KAMARA: Your Honour, the witness needs a break.

7 PRESIDING JUDGE: What was that? I was not listening.

8 MR KAMARA: I believe the witness wants to take a break.

9 PRESIDING JUDGE: That's fine. Court will adjourn for five
10:41:33 10 minutes. Thank you.

11 [Break taken 10.40 a.m.]

12 [HN300505B - AD]

13 [On resuming at 10.55 a.m.]

14 PRESIDING JUDGE: Yes, Mr Koppe, can we proceed ahead.

10:56:05 15 MR KOPPE: Yes.

16 Q. Madam Witness, I would like to get back again to the
17 killing of this Mr Baggie. This morning, earlier, you said you
18 didn't know who the persons were that killed this man. Then I
19 confronted you with notes from the investigator where it was
10:56:51 20 maybe related -- maybe written down that this killing was done by
21 his own brother and then you made a comment on that. Would you
22 repeat that comment, please?

23 A. I said Joe Koi.

24 Q. You said "Joe Koi", what do you mean with that?

10:57:38 25 A. It was his relative, because when they took him to Talia
26 Yawbeko, he did not know anybody. When they asked him for his
27 relative and he identified Joe Koi as one of his relatives and
28 they called Joe Koi and they asked him and Joe Koi denied it.
29 And when he said Joe Koi was his relative -- was not his

1 relative, he went away and I was there when they killed him,
2 Baggie Vai ey.

3 Q. So what you are saying is that this Baggie was not killed
4 by --

10:58:18 5 PRESIDING JUDGE: Joe Koi .

6 MR KOPPE:

7 Q. Brother Joe Koi .

8 A. I am still saying that he killed him because he disowned
9 him and because if they captured somebody who was a relative and
10:58:44 10 he was taken to Talia Yawbeko and he had no relative and you are
11 called to identify him and you say he is not your relative, you
12 would have been able to save him, but no, he didn't save him.
13 You denied him. You disowned him and you were there when they
14 killed him then that would show that it was you who gave evidence
10:59:02 15 for him to be killed.

16 PRESIDING JUDGE: Do you understand now?

17 MR KOPPE: No.

18 JUDGE ITOE: Perhaps that is an analysis.

19 JUDGE THOMPSON: That is a theory which this Court should
10:59:11 20 not -- [overlapping microphones].

21 JUST ITOE: It may or may not be valid.

22 JUDGE THOMPSON: I don't know whether this Court really
23 would benefit at all from such a very complex theoretical answer
24 in terms of evidence. I certainly will not write it down.

10:59:35 25 JUDGE ITOE: I will.

26 PRESIDING JUDGE: But it was the answer to your question
27 that he would have said to investigators that the killing was
28 done by his brother Joe Koi. So she is explaining what she meant
29 by that, so that is basically what she is explaining to the Court

1 now.

2 MR KOPPE: I am still not quite sure if I understand
3 correctly, but I rest.

4 PRESIDING JUDGE: Yes, but if you still want to tender this
11:00:13 5 document, we will assess it for whatever it is worth for that
6 purpose, as such, obviously.

7 MR KOPPE: The point is I am not quite sure if I understood
8 correctly that she did say at one point that he was killed by his
9 brother, but that it was not really his brother because he
11:00:35 10 disavowed him and said that it wasn't his brother.

11 PRESIDING JUDGE: And as a result of that he was killed and
12 therefore it is because his brother killed him. That is the kind
13 of connection.

14 JUDGE THOMPSON: And, of course, what we have is that what
11:00:45 15 you have read to her is what she accepted she told the
16 investigators, not so?

17 PRESIDING JUDGE: Yes.

18 JUDGE THOMPSON: So in other words, the question really
19 that would linger in our minds is whether what she told the
11:01:04 20 investigator was this theory and the investigator reduced it into
21 his own understanding. All the more while, there is clearly some
22 problem here and, speaking for myself, as my learned brother the
23 Presiding Judge said, it may be worthwhile putting this
24 document -- the statement in evidence and alleging some perceived
11:01:32 25 inconsistency here for us to attach whatever weight at the end of
26 the day, because clearly there is a theoretical problem here, or
27 a conceptual problem.

28 MR KOPPE: Would it be possible, Your Honour, just to give
29 this one page of the three pages and produce it as an exhibit?

1 [Overlapping microphones] the exact portion what it is about is
2 underlined.

3 PRESIDING JUDGE: But again, I just want to remind you
4 whatever statement we admit for that purposes is for a very, very
11:02:23 5 limited purpose. I mean, we do not accept and will take no
6 knowledge of whatever, even though it would be a statement of 25
7 pages, if it is a line and a half, that is what we are concerned
8 about. I mean, the remainder of the statement has absolutely no
9 bearing on our decision-making process. It is that portion for
11:02:40 10 the limited purposes that you are intending to use it.

11 MR KOPPE: Very well.

12 PRESIDING JUDGE: But at the same time, to be able to
13 assess we need to have -- I mean, you have established some facts
14 with the witness that it was done at this particular time and it
11:02:56 15 had been done in this particular way. You do this so we have the
16 statement in context.

17 MR KOPPE: Yes. It is -- I am referring now to page 12584
18 and the exact line which I am referring to is -- I will read it
19 again: "One Baggie Vai ey," as the name is mentioned here, "was
11:03:25 20 also killed in her presence in Talia village and the said killing
21 was done by his own brother Joe Koi." That's the sentence.

22 PRESIDING JUDGE: Mr Prosecutor.

23 MR KAMARA: Your Honours, I will object to that for the
24 records. And my learned friend intimated to this Court the
11:03:47 25 reasoning for wanting that document in; that it is for the
26 purposes of inconsistency. My understanding of the document and
27 the evidence before this Court hasn't shown any inconsistency.
28 The witness has agreed to the fact that she said to the
29 Prosecutors or the investigators that indeed it was the brother

1 of Joe Koi. And in the evidence here on cross-examination, she
2 offered an explanation of what she meant by that. My
3 understanding is that is not inconsistency. She agreed to what
4 is in the statement, yes. And she went on further to explain
11:04:23 5 what she meant by that. To me that is not inconsistency. And if
6 that is the ground for which my learned friend wants to tender
7 this document, I will object as that ground has been filled and
8 that is untenable.

9 MR KOPPE: Your Honour, I clearly wrote down that this
11:04:43 10 witness, in her examination-in-chief, said that she did not know
11 who killed that person and that later she came up with a theory
12 as to why she made that earlier testimony.

13 JUDGE THOMPSON: I wanted to reference that initially she
14 did indicate that she did not know who did so. And actually it
11:05:07 15 would be -- there will be some lack of candour here if we did
16 not, in the light of further evidence, recognise that there is
17 some difficulty here in terms of what the evidence is and what
18 she knows, because giving us that theory puts a different
19 complexion on the entire evidence and I think it is fair that in
11:05:35 20 our search to ascertain the truth, the Court must have the
21 benefit of the passage plus her evidence, you know. That would
22 be my own thinking.

23 JUDGE ITOE: I don't think I see any difficulty with
24 tendering this document, you know, because, like my learned
11:06:03 25 brother has just indicated, there is -- I mean, she went into a
26 thesis which the Court will have to revisit at the time when it
27 will be carrying out the analysis of the entire evidence. She
28 had said, you know, that she didn't know those who killed Baggie
29 and that in the statement it is the brother Joe Koi who killed

1 him. Let's leave that explanation aside. I think that there is,
2 for now, at least as far as the document is concerned, a
3 perceived inconsistency which does not render the document
4 inadmissible. In any event, we have always -- we have always
11:06:50 5 pointed out, erred on the side of the wider admissibility of
6 evidence and I think that this is one of the instances where we
7 think that we could exercise our discretion to admit this
8 document in evidence.

9 MR KOPPE: Thank you.

11:07:21 10 PRESIDING JUDGE: So you addressed, Mr Kamara, an issue
11 that was different than the purposes for which it was being
12 tendered. The purpose for which it is tendered is a perceived
13 inconsistency between evidence-in-chief and what is in the
14 statement, and you addressed another part which was not exactly
11:07:39 15 what the Defence was trying to demonstrate here. Anyhow, as my
16 brothers have said, we are prepared to admit this document, and
17 again, it is for the very limited purpose that I have stated and
18 we are concerned only with that line and a half on that part of
19 your page.

11:07:57 20 Mr Walker, that was exhibit?

21 MR WALKER: Exhibit 90, Your Honour.

22 PRESIDING JUDGE: 90, nine-zero?

23 MR WALKER: Yes.

24 PRESIDING JUDGE: Thank you. Mr Koppe, could you give
11:08:13 25 the --

26 MR KAMARA: I have not seen the underlined portion,
27 Mr Walker.

28 PRESIDING JUDGE: You have seen it, Mr Kamara, now?

29 MR KAMARA: Yes.

1 [Exhibit No. 91 was admitted]

2 PRESIDING JUDGE: So this is the blue underlining, not the green
3 on the first page. The green is not related to what you --

4 MR KOPPE: No, it is the blue on the second page.

11:09:42 5 PRESIDING JUDGE: And the second page being 12584.

6 So that concludes your cross-examination of the witness.

7 Thank you, Mr Koppe.

8 MR KOPPE: Yes, Your Honour.

9 PRESIDING JUDGE: Counsel for the third accused.

11:10:00 10 CROSS-EXAMINED BY MR WILLIAMS:

11 Q. Madam, can you tell the Court how many days after you went
12 to Talia was the first -- was Jusu killed? How days after you
13 went to Talia was Jusu killed?

14 THE INTERPRETER: The witness's mic is not on. She should
11:10:39 15 go over the last answer to the question.

16 MR WILLIAMS:

17 Q. What was your answer?

18 A. Whether I was there when -- how long was it when Jusu
19 Shalley was killed. How long was it when I went there.

11:10:58 20 Q. How long after you went to Talia was Jusu Shalley killed?

21 A. They killed him, because the very night he was killed --
22 the very night he was killed, after three days there was no body.
23 He was already dead.

24 Q. Could you tell the Court where exactly in Talia did you
11:11:45 25 stay?

26 A. In Nyndehun.

27 MR WILLIAMS: And Nyndehun, My Lords, is N-Y-N-D-E-H-U-N.

28 Q. Where did these killings take place?

29 A. Where they killed them, it was in Talia Yawbeko.

1 JUDGE ITOE: [Overlapping microphones] are you referring to
2 global killings or you want to take them one by one?

3 Mr WILLIAMS: No, these three killings, My Lord.

4 JUDGE ITOE: These three killings, okay.

11:12:51 5 Mr WILLIAMS:

6 Q. So you are saying that Jusu, Baggie and Lahai were killed.
7 Where were they killed?

8 A. Talia Yawbeko.

9 Q. And during your entire stay period at Talia you stayed at
11:13:31 10 Nyndehun?

11 A. Very well. I used to live Nyndehun and come to Talia
12 Yawbeko. It was only after they have killed the three people
13 that I was taken to Nyndehun.

14 Q. Was there restrictions on your movement from place to place
11:14:24 15 whilst you were at Talia?

16 A. I am used to walking about because no body will tell me to
17 come and sit down in the place because I would not be able
18 because is Talia is not my own station. It is not my station.
19 It is in Gelehun Sogbeni.

11:15:13 20 JUDGE ITOE: So her movements were not restricted. Would
21 that be -- Mr Prosecutor, would that be a fair reply to that
22 question?

23 MR KAMARA: No, Your Honour, I beg to differ. The
24 explanation does not seem to suggest just that yet. My learned
11:15:33 25 friend may need to prove further if that is exactly what he is
26 looking for.

27 MR WILLIAMS: Are you saying that you were free to go
28 wherever you chose to go?

29 A. Very well. The reason why I said I was free --

1 Q. So you were not a captive; is that what you are saying?

2 MR KAMARA: Sorry, Mr Williams, she was trying to offer an
3 explanation of what she meant by being free.

4 THE WITNESS: I was a captive.

11:16:38 5 MR WILLIAMS:

6 Q. You were a captive.

7 A. Very well, I was a captive. But my captivity was not -- I
8 was not really happy about it.

9 Q. Were you asked by the Kamajors to follow them when they
11:17:20 10 were taking Jusu away?

11 A. They did not allow me, but I made my way. I forced myself
12 to go with them because I would not like to say it as a hearsay.

13 PRESIDING JUDGE: Yes, Mr Williams, please.

14 MR WILLIAMS:

11:18:45 15 Q. Madam Witness, you mentioned that you were married. How
16 many times have you been married?

17 A. Once, and it is the same husband that I am staying with.

18 Q. And whilst at Talia you had the freedom to move about at
19 night. Is that right; is that what you are saying?

11:19:45 20 A. I was not let alone to go freely, but I used to sneak at
21 the back of houses so that I could go home, because that time was
22 the Kamajor period. When I was there and I was made a captive I
23 was not really happy.

24 Q. Could you answer my question Madam Witness? Whilst you
11:20:15 25 were at Talia did you have the freedom to move about even at
26 night?

27 A. I did not move about in the night.

28 MR WILLIAMS: No further questions, My Lord.

29 PRESIDING JUDGE: Thank you. Re-examination?

1 MR KAMARA: No re-examination.

2 PRESIDING JUDGE: Thank you. We thank you Madam Witness.

3 That concludes your evidence and we thank you for having come to

4 Court to give your evidence this morning. Good luck to you.

11:21:06 5 Thank you. Have you any other witness ready to proceed as soon

6 as you have organised the coming in for the next witness?

7 MR KAMARA: Yes, My Lord we have.

8 PRESIDING JUDGE: We will break for 10 minutes to allow

9 this witness to leave the Court and bring in the next witness.

11:21:36 10 Thank you.

11 [Break taken at 11.20 a.m.]

12 [On resuming at 11.35 a.m.]

13 PRESIDING JUDGE: Mr Prosecutor, before you proceed

14 with your next witness, I have been given a note by Court

11:38:46 15 Management that I indicated that the document statement tendered

16 previously was Exhibit No. 90. It should read "91" and not "90".

17 So for the record to ensure there is no confusion, so that

18 statement is indeed 91 and not 90. Thank you. Are you ready

19 with your next witness? Please indicate the number and the

11:39:13 20 language the witness will testify in.

21 MR TAVENER: This is witness TF2-109. She will testify in

22 Mende.

23 WITNESS TF2-109: [Sworn]

24 EXAMINED BY MR TAVENER:

11:40:20 25 PRESIDING JUDGE: Yes, Mr Prosecutor, you may proceed.

26 MR TAVENER:

27 Q. Madam Witness, how old are you now?

28 A. I am 25 years old.

29 Q. And where were you born? Sorry, I will repeat that

1 question. Where were you born?

2 A. I was born in Sogbini.

3 Q. Are you married?

4 A. Yes.

11:41:08 5 Q. Do you have children?

6 A. Yes.

7 Q. In 1998, where were you living?

8 A. I did not get you clear.

9 Q. In 1998, where were you living?

11:41:42 10 A. I was living in Matru Jong.

11 Q. Did you live there for all that year?

12 A. I did not get you clear.

13 Q. In 1998, did you live in that village for the entire year?

14 A. I did not count the years.

11:42:22 15 Q. Do you recall the coup in Sierra Leone?

16 A. What war do you mean?

17 Q. The coup when the government was overthrown; do you recall
18 that at all?

19 A. Yes.

11:43:02 20 Q. Thank you. Following the coup, did any armed men attack
21 your village?

22 A. Yes.

23 Q. Do you know when they attacked your village?

24 A. I don't know really the date.

11:43:39 25 Q. Do you know who those men were?

26 A. Yes.

27 Q. Who were those men?

28 A. They were Kamajors.

29 Q. Did those Kamajors have a leader?

1 A. Their leaders were there, but by the time they went we did
2 not see them; it was only after we were taken to Talia.

3 Q. Do you know the name of the leader of the Kamajors who came
4 to your village?

11:44:44 5 A. Yes.

6 Q. And who was that?

7 A. Joe Tami dey.

8 Q. You mentioned Talia.

9 A. Yes.

11:45:05 10 Q. Were you taken to Talia?

11 A. Yes.

12 Q. Did you want to go to Talia?

13 JUDGE THOMPSON: Learned counsel, proceed more slowly.

14 MR TAVENER:

11:45:21 15 Q. You were taken to Talia.

16 A. Yes.

17 Q. Who took you to Talia?

18 A. The first time they went there, I saw Kamoh Bonnei when
19 they got there.

11:45:40 20 Q. But who took you from your village to Talia?

21 A. They were Kamajors.

22 Q. And who was in charge of those Kamajors who took you from
23 your village to Talia?

24 A. When I was taken to Talia the person I knew -- by the time
11:46:11 25 when we reach our village, when we were captured, the person I
26 saw was Kamoh Bonnie. But there were many, but there was only
27 one person whom I knew among them.

28 Q. When you were taken to Talia, were you taken by yourself or
29 were there others from the village with you?

1 A. We were many who were taken away -- women.

2 Q. Besides women, was there anyone else taken to Talia from
3 your village?

4 A. Yes, men were also there amongst us.

11:47:29 5 Q. Besides people being taken from your village, was anything
6 else taken from your village?

7 A. Yes.

8 Q. What else was taken from your village?

9 A. Apart from people, even we -- when the Kamajors asked us to
11:48:12 10 leave town they took our property and took them away.

11 Q. What type of property did the Kamajors take away?

12 A. They went with furniture from the house, our household
13 property, clothes and many other things were taken away from us.

14 Q. Were you told why you were being taken to Talia?

11:49:18 15 A. Yes.

16 Q. Who told you?

17 A. The Kamajors that went there, but Kamoh Bonnie who was
18 among them, he told me.

19 MR TAVERNER: I understand that name is spelt K-A-M-O-H
11:49:59 20 B-O-N-N-I-E.

21 Q. What did he tell you as to why you were being taken to
22 Talia?

23 A. They said that when the rebels came -- when rebels came
24 with the war, they went there to save us and that was why they
11:50:33 25 were taking us to Talia.

26 Q. Did you want to go to Talia?

27 A. I was not happy and it was hurting myself that they would
28 take me there.

29 Q. Had you been to Talia before that time you were taken by

1 the Kamajors?

2 A. In Talia?

3 Q. Yes, had you been there before?

4 A. I never knew; that was the first time I went there, when
11:51:40 5 they took me there.

6 Q. How long were you there at Talia?

7 A. When they took us there, I spent three days.

8 Q. Did you know what happened to the men who were taken to
9 Talia from your village?

11:52:37 10 A. Yes, I can explain very well.

11 Q. What happened to the men who were taken to Talia from your
12 village?

13 A. When we reached Talia my brother was the first -- Lahai
14 Lebبيه. The Kamajors captured him, they took him and he was
11:53:21 15 killed.

16 Q. How was Lahai Lebبيه killed?

17 A. Lahai, he was tied up. They took a tyre and they burnt the
18 tyre and dropped it on his bare skin.

19 Q. And what happened to him?

11:54:03 20 A. I was there when they killed him, and when they killed him
21 I got scared, I was frightened and I left him there.

22 Q. Do you know what happened to any other men from your
23 village?

24 A. Yes. There was my uncle who was captured with whom I went.
11:54:50 25 He was called Baggieh.

26 Q. And what happened to him?

27 A. He too was killed -- my Uncle Baggieh.

28 Q. Did you see him killed?

29 A. I saw it.

1 Q. Do you know what happened to any other men from your
2 village?

3 A. Yes. Those of us who went, the three men were killed:
4 Lahai Lebbye, Baggie and Ngo Jusu.

11:56:12 5 Q. Did you see the man you called Jusu killed?

6 A. Yes. I saw all three of them being killed.

7 Q. And where were these men killed?

8 A. In Talia going towards Mokose -- on the way to Mokose --
9 that is where he was killed.

11:57:16 10 JUDGE ITOE: That is where who was killed on the way to
11 Mokose?

12 MR TAVENER:

13 Q. Were all the men killed there or were they killed at
14 different places?

11:57:31 15 A. They were killed in the same place that same night that we
16 reached Talia.

17 Q. Do you know who was in charge of the village, in charge of
18 Talia at that time?

19 A. Yes.

11:58:26 20 Q. Who was in charge of Talia at that time?

21 A. At that night when we arrived the bosses that were there,
22 we didn't know them. We only knew them in the morning because
23 that night we were very frightened when they were killing our
24 relatives.

11:58:50 25 Q. The next morning, did you find out who was in charge of
26 Talia?

27 A. Yes.

28 Q. How did you find out who was in charge of Talia?

29 A. In the morning, those of us who were there were summoned

1 and were taken to a parade and they introduced their boss to us.

2 Q. And who was the boss?

3 A. Mr Joe Tami dey and Kondewa.

4 Q. Had you met Kondewa before?

12:00:44 5 A. No, I never knew him. It was only that day that I knew him
6 in Talia.

7 Q. You said you were at Talia for three days; is that correct?

8 A. Yes, three days.

9 Q. Then you left Talia.

12:01:39 10 A. Yes.

11 Q. Did you report what had happened in Talia to anyone?

12 A. No, we didn't make any report. But if you ask me I will
13 tell you why.

14 [HN300505C - SV]

12:02:16 15 Q. Why didn't you make a report?

16 A. If it was our home town when those boys -- these boys went
17 and did that to us we would have made a report. But this thing
18 they did to us, it was done in his presence -- in their presence
19 they were together.

12:03:07 20 Q. Besides Joe Tami dey and Kondewa were there any other big
21 chiefs that you saw in -- or big people that you saw in Talia?

22 A. Yes.

23 Q. Who were they?

24 A. That was Mr Hinga Norman.

12:03:53 25 Q. When did you see Hinga Norman?

26 A. I did not understand that properly.

27 Q. I'll ask another question. How long were you at Talia
28 before you saw Hinga Norman?

29 A. When we arrived, when we slept I saw them in the morning,

1 the following morning. In the night that we arrived we did not
2 see them because at that time we were frightened.

3 Q. When you saw Kondewa at Talia do you recall what name he
4 was given?

12:05:27 5 A. Yes.

6 Q. And what name was that?

7 A. It was Dr Ahmed Kondewa. Dr Kondewa. That's the name we
8 knew.

9 MR TAVENER: Yes, thank you. There may be other questions.

12:06:11 10 PRESIDING JUDGE: Thank you. Counsel for first accused,
11 are you ready to proceed?

12 MR YILLAH: Yes, My Lord. My Lords, may I apply to the
13 Court for Court Management to put a document to the witness
14 because of your protective measures in place, My Lord.

12:06:35 15 PRESIDING JUDGE: Yes, but maybe before you do so you
16 should ascertain with the witness if she can read this.
17 Presumably you want to put that piece of paper to her and ask her
18 to read that and answer that question. That's presumably what
19 you intend to do.

12:06:51 20 MR YILLAH: Yes, My Lord. I'll take the cue from Your
21 Lordship.

22 CROSS-EXAMINED BY MR YILLAH:

23 Q. Madam Witness, can you read and write English?

24 A. No, I can't at all. Even if it's as large as my head I
12:07:08 25 wouldn't recognise it.

26 MR YILLAH: I would apply that we follow the normal
27 procedure where Court Management takes the document to the
28 witness and then myself and one of the Prosecutors will put the
29 question.

1 PRESIDING JUDGE: I think that's the only way we are going
2 to succeed with this piece of paper, yes.

3 MR YILLAH: Thank you, My Lord. Let me just first show the
4 Defence and the Prosecution.

12:07:44 5 PRESIDING JUDGE: Mr Walker. Make sure you close the mic.

6 [Document shown to witness]

7 PRESIDING JUDGE: Mr Prosecutor, you've seen the question
8 and the answer?

9 MR TAVENER: Yes, thank you.

12:10:16 10 PRESIDING JUDGE: So, Mr Yillah, you want this question and
11 answer to be marked as an exhibit.

12 MR YILLAH: Very well, My Lord.

13 PRESIDING JUDGE: So this is -- we are at exhibit 92.

14 MR YILLAH: 92, My Lord.

12:10:33 15 PRESIDING JUDGE: Yes.

16 [Exhibit No. 92 was admitted]

17 MR YILLAH:

18 Q. Madam Witness, you do not need to call out the name of that
19 person or the place in answer to this question that I will be
12:11:04 20 putting to you shortly. When was the last time you saw that
21 individual?

22 A. The last time I saw that person?

23 Q. Yes. You do not need to call the place where, just the
24 time?

12:11:42 25 A. Today.

26 Q. Again Madam Witness you do not need to call the place
27 where. Now, did you talk to that individual?

28 A. No.

29 Q. Now, Madam Witness, were you taken together with that

1 individual to Talia Yawbeko?

2 A. Yes. They went with us together to Talia but we didn't
3 arrive at the same time.

4 Q. What do you mean, Madam Witness, by saying you didn't
12:13:36 5 arrive at the same time? Is it time difference as in 1 o'clock,
6 2 o'clock or days? What do you mean?

7 A. We arrived wherever the same time in the night but I only
8 saw that individual in the morning.

9 Q. Madam Witness, you said in your evidence-in-chief that you
12:14:39 10 spent a total period of three days in Talia; is that correct?

11 A. Yes.

12 Q. Madam Witness, could you assist the Court. You said
13 earlier in answer to my question that you only saw that
14 individual, please don't name the individual -- you only saw that
12:15:23 15 individual in the morning; is that correct? In the morning after
16 your arrival?

17 PRESIDING JUDGE: She didn't say she only. She said the
18 first time she saw him.

19 MR YILLAH: The first time. Let me correct, My Lord.

12:15:38 20 Q. That the first time you saw that individual was in the
21 morning?

22 A. Yes.

23 Q. Madam Witness, the killings that you have testified to in
24 this Court, at what point in time did they take place? Was it in
12:16:14 25 the day of your arrival, the first day, in the morning of the day
26 that you saw that individual? Could you exactly tell -- could
27 you tell the day that it took place?

28 A. I can't -- I didn't memorise -- I didn't record the day.

29 Q. Okay, let me ask you was this before you saw this

1 individual or was it after you saw this individual?

2 A. Which person? This person with whom I was captured and I
3 went together with?

4 Q. The person that you said you knew very well. I mean, I
12:17:23 5 told you not to call the person's name. That's the person I'm
6 still referring to. So if I can put the question again to assist
7 you. Did these killings take place after you saw that individual
8 or before you saw that individual?

9 A. Those people who were killed, I went together with that
12:17:55 10 person but we didn't arrive at the same time. The Kamajors were
11 many amongst us. So where that person was, I didn't know where
12 the person was and where I was, the person didn't know where I
13 was until the following morning. Those people who were killed,
14 they were killed on that night that we arrived.

12:18:15 15 Q. So I would be correct to say that they were killed before
16 you saw that person?

17 A. Yes.

18 MR YILLAH: Now, Madam Witness, that will be all for you.

19 PRESIDING JUDGE: Thank you. Counsel for second accused.

12:18:51 20 MR KOPPE: We have no questions, Your Honour.

21 PRESIDING JUDGE: Thank you, Mr Koppe. Counsel for third
22 accused.

23 MR LANSANA: By all means, Your Honour.

24 CROSS-EXAMINED BY MR LANSANA:

12:19:07 25 Q. Miss Witness, you told this Court that the three people you
26 said were killed, they were killed on the same evening when you
27 got to Talia; is that correct?

28 A. Yes.

29 Q. And you witnessed all three killings?

1 A. Yes, yes.

2 Q. Can you assist this Court to know how many people witnessed
3 these killings like you did? Not their names, the number of
4 people. If you can you approximate?

12:20:31 5 A. There was a large crowd when those people were killed. I
6 wouldn't tell but they were many.

7 Q. Now, you were shown a piece of paper. You were asked
8 whether you recognised that person. You said yes. Did you see
9 her at the scene?

12:21:09 10 A. I'm still saying that that night that we arrived I did not
11 see her in person.

12 Q. Now, you say that Lahai Lebbie had melting tyre dropped on
13 his bare skin, not so?

14 A. Yes.

12:21:59 15 Q. Are you telling this Court that that was what killed him?

16 A. He was set ablaze. They were just dropping the melted tyre
17 on him and they set him ablaze and that was what killed him.

18 Q. You said they set fire on him. How did they set fire on
19 him?

12:22:29 20 A. Palm fronds. When they were dropping the melted tyre on
21 him he was crying out his mother's name and they brought palm
22 fronds and place it on him and his skin starting tearing apart.
23 He continued crying out his mother's name till he died.

24 Q. And whilst that was happening he was lying on the ground;
12:23:07 25 is that correct?

26 A. Yes. He was lying down on the ground, tied up.

27 Q. Now, Miss Witness, would it surprise you if you were told
28 that this Court has been informed that Lebbie was tied and placed
29 on a raised platform and fire set under him? Would you be

1 surprised?

2 A. I did not get you well.

3 Q. Would it surprise you if I tell you that this Court has
4 been informed that Lebbie was tied and placed on a raised
12:24:58 5 platform and fire set under him? Would that surprise you?

6 A. Myself, when I saw him tied down he was placed on the
7 ground, crying in the name of the mother, and they placed water
8 -- placed fire on him and his skin was tearing apart. We were
9 all terrified. We were only looking close -- at a very close
12:25:30 10 range.

11 Q. Miss Witness, in essence are you saying that he was not
12 placed on a raised platform and fire set under him?

13 A. He was lying on the ground when I saw him. What I saw is
14 what I'm saying. What I saw is what I'm saying.

12:25:57 15 Q. Thank you very much. And you say you also saw Baggie
16 killed, not so?

17 A. Yes.

18 Q. Can you tell this Court how he was killed?

19 A. What? I did not get you clear.

12:26:28 20 Q. Can you please tell this Court the way in which Baggie was
21 killed?

22 A. Baggie was beaten with a cutlass and he was beaten
23 continuously until he died.

24 Q. And Jusu?

12:27:05 25 A. He too was killed. The two of them. The two of them.
26 One's stomach was slit open.

27 Q. Can you please send your mind back and assist this Court --
28 you said one of the two. Can you send your mind back to see
29 exactly who had his stomach opened?

1 A. I said the two of them. Among the two of them one of them
2 was -- one of them had their stomach slit open the night they
3 were killed. Lahai Lebbie. Lahai Lebbie. I saw Lahai Lebbie
4 being burnt. Because we went -- it was night, it was not
12:27:59 5 possible for one to see very clearly but could see it. There was
6 no light, it is not like as if there was light somewhere,
7 somewhere where one could see.

8 Q. So what you're telling this Court is that because of poor
9 visibility you cannot say for sure as to whether it was Baggie
12:28:34 10 whose stomach was opened or Jusu whose stomach was opened?

11 A. Yes.

12 MR LANSANA: Thank you very much. Your Honours, that will
13 be all for this witness.

14 PRESIDING JUDGE: Thank you. Any re-examination?

12:29:03 15 MR TAVENER: No, thank you.

16 PRESIDING JUDGE: Madam Witness, we thank you for having
17 come to this Court to give your evidence and we wish you good
18 luck. Thank you.

19 THE WITNESS: Yes.

12:29:20 20 PRESIDING JUDGE: You have another witness ready?

21 MR TAVENER: I have an explanation ready, Your Honour. I
22 need to go over some housekeeping matters with the Court.
23 Perhaps if this witness could be excused briefly and I can go
24 through what the Prosecution intends for this week, or what I'd
12:29:40 25 like to do this week.

26 PRESIDING JUDGE: That's fine.

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: Probably we can just close the curtains
29 and let the witness go and then we'll hear what you have to say.

1 [The witness withdrew]

2 PRESIDING JUDGE: We are listening, Mr Prosecutor.

3 MR TAVENER: Thank you, Your Honour. The next set of
4 witnesses, mostly female witnesses, will be completed this week.

12:31:25 5 They will be testifying to less than what was anticipated,
6 therefore their evidence will be reduced. At the same time this
7 week the Prosecution will be seeking to call witness TF2-080.

8 That was a witness who was briefly called last session, a person
9 that might be described as a child soldier. There was some issue
10 about his actual age.

12:31:58

11 PRESIDING JUDGE: Yes.

12 MR TAVENER: So we intend to call him this week, complete
13 all the female witnesses. Tomorrow morning the Prosecution will
14 be call Tamba Gbekie, that's the investigator. So that will
15 complete him. That being so, that will leave only five more
16 witnesses until the end of the session.

12:32:15

17 PRESIDING JUDGE: Run that by me again.

18 MR TAVENER: Once we complete the female witnesses --

19 PRESIDING JUDGE: How many more? When you say we complete
12:32:30 20 the female witnesses, how many more? Because on my list we had
21 for this session, including Gbekie, 17 or 18. That's what we --
22 and we have now heard three witnesses.

23 MR TAVENER: Yes. We may be reducing the number of
24 witnesses again, I'll confirm that tomorrow. But that means, as
12:32:53 25 far as the female witnesses, they will be completed this week.

26 TF2-080 will be called this week, Mr Gbekie, tomorrow. That
27 would then leave outstanding TF2-011 who will take some time and
28 then there are four witnesses from outside the country who
29 unfortunately we cannot do too much with their scheduling. I

1 have advised the Defence as to the times those persons will be
2 available. The last witness will be available on the 20th of
3 June. So in all likelihood that will be the last witness. So
4 unfortunately, no matter what we do, we cannot speed up any more
12:33:46 5 than that because of the time tabling of the various witnesses.

6 So what I'm suggesting to you today, we only have the two
7 witnesses, we perhaps could call a witness this afternoon but
8 that would be rushing that witness. What we'd prefer to do is
9 call two witnesses today as we've done, two witnesses tomorrow
12:34:07 10 plus Tamba Gbekie, two more on Wednesday, the outstanding female
11 witnesses on Thursday and TF2-080 and that will complete the
12 week. That may well complete on Thursday, it may go over to
13 Friday.

14 But, as I say, then we move on to the following week which
12:34:25 15 more than likely will have one witness on the Tuesday, an
16 international witness, and possibly, though it hasn't been
17 confirmed yet, 011 for the rest of the week. That's yet to be
18 confirmed. The following week of the 13th we have two
19 international witnesses and then on the 20th we have our last
12:34:46 20 international witness.

21 PRESIDING JUDGE: So witness TF2-011 which you're planning
22 to call some time next week --

23 MR TAVENER: I can confirm that tomorrow.

24 PRESIDING JUDGE: But that witness, according to your
12:34:58 25 estimate, is likely to take the remainder of the week, that is
26 presumably in chief and in cross-examination.

27 MR TAVENER: I'd expect so, yes. So we'll still finish
28 this trial session, indeed the Prosecution case, within the time
29 allocated to us.

1 PRESIDING JUDGE: Thank you.

2 MR YILLAH: May it please you, My Lord.

3 PRESIDING JUDGE: Yes.

4 MR YILLAH: My Lord, we have been informed that the
12:36:08 5 investigator will be coming tomorrow. Only if the Prosecutor can
6 also inform us as to the date with TF2-080 will be coming, just
7 to assist us to prepare.

8 MR TAVENER: Most likely Thursday is the anticipated date
9 for that witness.

12:36:26 10 PRESIDING JUDGE: Thursday this week?

11 MR TAVENER: That's correct, yes.

12 PRESIDING JUDGE: That answers your question?

13 MR YILLAH: Very well, My Lord.

14 PRESIDING JUDGE: So in those circumstances we will adjourn
12:36:40 15 the proceedings until 0930 tomorrow morning to carry on with your
16 next witness.

17 MR TAVENER: Thank you.

18 [Whereupon the hearing adjourned at 12.35 p.m.,
19 to be reconvened on Tuesday, the 1st day of
12:37:44 20 June 2005, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 91	27
Exhibit No 92	38

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-108	2
EXAMINED BY MR KAMARA	2
CROSS-EXAMINED BY MR YILLAH	14
CROSS-EXAMINED BY MR KOPPE	17
CROSS-EXAMINED BY MR WILLIAMS	27
	.
WITNESS TF2-109	30
EXAMINED BY MR TAVENER	30
CROSS-EXAMINED BY MR YILLAH	37
CROSS-EXAMINED BY MR LANSANA	40