



Case No. SCSL-2004-14-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

TUESDAY, 17 OCTOBER 2006
2.39 P. M
TRIAL

TRIAL CHAMBER I

Before the Judges:

Bankole Thompson, Presiding
Pierre Boutet
Benjamin Mutanga Itoe

For Chambers:

Ms Roza Salibekova
Ms Lisa Schneiderman

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Ms Lynn Hintz (Case manager)

For the accused Sam Hinga
Norman:

Dr Bu-Buakei Jabbi
Mr Alusine Sesay
Mr Kingsley Belle (legal assistant)

For the accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi
Mr Steven Powles

For the accused Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana
Mr Martin Michael (legal
assistant)

1 [CDF17OCT06A - CR]

2 Tuesday, 17 October 2006

3 [The accused present]

4 [The witness entered Court]

14:37:27 5 [Open session]

6 [Upon commencing at 2.39 p.m.]

7 PRESIDING JUDGE: Good afternoon, counsel. Before we
8 continue with the defence of the third accused, let me inform you
9 that this morning the Bench received a letter from the defence
10 team of the third accused on the subject of the potential
11 disclosure of the identity of a particular protected witness.

14:42:21 12 Needless to mention that, from the perspective of this Chamber,
13 the issue of protected witnesses is a very sensitive one. It
14 goes to the root of the integrity of the judicial process, which
15 the Bench is committed, at all times, to preserve. Consistent
16 with such commitment, we have decided to refer the letter
17 Registrar, and direct that he conducts an investigation into the
18 subject matter and reports back to the Chamber his findings. We
19 do commend the defence team for the third accused for bringing
14:42:57 20 the matter to our attention. Mr Margai, please call your next
21 witness.

22 MR MARGAI: Thank you, My Lords.

23 PRESIDING JUDGE: Let the witness be sworn. In what
24 language is this witness going to testify?

14:44:02 25 MR MARGAI: Mende, My Lords.

26 WITNESS: MOSES BANGURA [Sworn]

27 [The witness answered through interpreter]

28 MR MARGAI: Good afternoons, My Lords.

29 EXAMINED BY MR MARGAI:

1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon. How do you do?

3 MR MARGAI: My Lords, this will be the eighth witness for
4 the third accused.

14:45:19 5 Q. Mr Witness, I shall be asking you questions.

6 A. I do agree.

7 Q. To which I expect replies, or answers.

8 A. I'm listening to you.

9 Q. Please make sure you wait until the questions are fully
14:45:44 10 interpreted to you and ensure you understand the questions.

11 A. Okay.

12 Q. And, as audibly as you possibly could --

13 A. Okay.

14 Q. -- answer the specific questions put to you.

14:46:26 15 A. Okay.

16 Q. Please do not attempt to volunteer what is not asked.

17 A. I do agree.

18 Q. And be informed that your answers are being recorded.

19 A. Okay.

14:47:00 20 Q. And you would therefore need to talk very slowly.

21 A. Okay.

22 Q. Is that understood?

23 A. Yes.

24 Q. Thank you very much. We shall now proceed.

14:47:19 25 PRESIDING JUDGE: After that embellished preface, let's
26 proceed.

27 MR MARGAI: Thank you, My Lords.

28 Q. Mr Witness, what are your names?

29 A. My name is Moses Bangura.

1 Q. And where do you live?

2 A. I live at Magbanonkoh.

3 Q. In what chiefdom?

4 A. Gbonkolenken Chiefdom.

14:48:11 5 Q. What district?

6 A. In the Tonkolili District.

7 Q. Thank you.

8 A. Welcome.

9 Q. What work do you do?

14:48:28 10 A. I'm a great farmer.

11 Q. Mr Witness, do you know your age, how old you are?

12 A. I am 40 years old.

13 Q. Mr Witness, do you recall the year 1996?

14 A. Yes, I can recall that year.

14:49:16 15 Q. Did you have cause to travel to Freetown?

16 A. Yes.

17 Q. How long did you stay in Freetown?

18 A. Well, I spent four months in Freetown, and I returned.

19 Q. You returned where?

14:49:50 20 A. To Magbanonkoh.

21 Q. Why did you return, may I ask?

22 A. Well, what made me to return, I was in Freetown here, and I

23 heard that my wife that I married, her father had been killed by

24 rebels because of his goat. Well, they wanted to take his goat

14:50:34 25 from him --

26 Q. Slowly, slowly, slowly.

27 A. Okay.

28 Q. Yes, because of his goats. Please continue.

29 A. Yes, because of his goats, when they wanted to seize them

1 from him and he refused, that was why they shot at him, and they
2 killed him. This was the information I received in Freetown, and
3 that was what made me to hurry and made me to return to Yele.

4 Q. Thank you, you returned to Yele.

14:51:16 5 A. Yes.

6 Q. Did you confirm what had been told to you about your
7 father-in-law?

8 A. Yes, and I found out it was true; he was killed.

9 Q. Did anything happen thereafter?

14:51:36 10 A. Something happened.

11 Q. Please tell the Court what happened.

12 A. Well, because of the rebels, when these rebels came to
13 Gbonkolenken, and they started doing what I've just spoken about,
14 that was the time the heads of the town, that's the chiefs, they
15 came together and they summoned a meeting. And they hung heads,
16 and they said that they were to find ways and means so as to
17 prevent the Gbonkolenken people being attacked by rebels. During
18 that time, they called on all the young men. So, during that
19 time, those who accepted, most of us who accepted to fight on

14:52:11 20 behalf of our people, they wrote down our names, so that showed
21 that if you are ready to serve your people. So they said that
22 they were to get somebody who could initiate people into this
23 society who would make them immune to the attacks of the enemies,
24 so as to defend the area. And the old people who were not able
14:52:45 25 to join the society --

26 Q. Were you eventually initiated?

27 A. Yes.

28 Q. After the initiation, did you, in the company of others,
29 leave Yele for anywhere?

1 A. Yes.

2 Q. How many of you left?

3 A. We left Yele to go to another village. We were 40, those
4 of us who left Yele.

14:54:12 5 Q. Thank you.

6 A. Welcome.

7 Q. Where did you leave for?

8 A. We told the people of Yele we were going to Gondama.

9 Q. And did you go to Gondama?

14:54:45 10 A. Yes.

11 Q. Thank you. Did you eventually leave Gondama for anywhere
12 else?

13 A. Yes.

14 Q. Where?

14:54:47 15 A. When we left Gondama, we went to a village that was called
16 Magbowama.

17 Q. Please continue.

18 A. When we left Gondama, we went to a village that was called
19 Magbowama.

14:55:22 20 JUDGE ITOE: Mr Margai, the name of that village?

21 MR MARGAI: Magbowama, M-A-G-B-O-W-A-M-A.

22 Q. Yes, Mr Witness. Did you get to Magbowama?

23 A. Yes.

24 Q. Did you proceed from there to anywhere else, or what
14:55:40 25 happened?

26 A. When we left there, there we were. The man who took us
27 there, he told us that we were to go to a place that was called
28 Base Zero.

29 Q. Base Zero. And did you leave for Base Zero?

1 A. What?

2 Q. Did you leave for Base Zero?

3 A. Yes, we said we would leave for Base Zero.

4 Q. Please tell the Court how you travelled to Base Zero, and
14:56:32 5 the occurrences on the way, if any.

6 PRESIDING JUDGE: Let him take it bit by bit.

7 MR MARGAI: Yes, My Lords.

8 Q. Now, you left Magbowama for Base Zero. Take it from there,
9 please.

14:56:57 10 PRESIDING JUDGE: The question was: How did you travel?

11 MR MARGAI:

12 Q. How did you travel? In other words, did you travel on
13 foot, in a vehicle, motorbike?

14 A. We walked.

14:57:17 15 Q. You walked. Tell us what occurrences you experienced, if
16 any, please.

17 A. Well, what happened to us, when we 40 men of us left
18 Magbowama, and the individual who took us said that we were to go
19 to Base Zero, so all of us went. But while we were going, two
14:57:55 20 people, two Mende people that we met at Magbowama, they were the
21 ones who showed us the way to go to Base Zero. But they did not
22 go that far. They returned. So it was only we, the 40, and the
23 man who was ahead of us, went. And when we went, we met --

24 Q. Slowly, slowly.

14:58:21 25 A. When we went, we arrived at another village. In this
26 village, we met it on fire. It had been burnt anew.

27 Q. What was the name of the village?

28 A. Well, I do not understand -- I did not understand that area
29 and I could not recall the name of the village.

1 Q. Thank you.

2 A. Because I did not find anybody through whom I would be able
3 to know the name of the village.

4 Q. Thank you. Please proceed.

14:59:00 5 A. When we went, we waited there and we started thinking:
6 What would we do so as to get another way, so as to go to the
7 place we wanted to go. But that village was by the main highway.
8 That is, it was on the left-hand side when we were going to Bo.

9 And, on the right-hand side, that's the way that will lead to
14:59:43 10 Kenema. We were there for 15 minutes, just pondering how we were
11 to make our way. We were pondering over that when we saw, on our
12 left-hand side, vehicles, big vehicles, two big vehicles

13 belonging to the soldiers. Well, I did not know whether they
14 were soldiers, but they wore soldier uniform. And we also saw
15:00:17 15 two vehicles, which were referred to as trucks. So, during that
16 time, we put the uniform on. We had already worn the uniform,

17 combat uniform. So, when they saw us, they shouted at us and
18 said, "Eh. Oh, Kamajors have come. Kamajors. Kamajors."
19 Before they continued to talk like that, before the vehicle could
15:00:47 20 stop, some of them alighted and they ran after us. When they ran

21 after us -- well, for those of us that went, we did not have
22 anything to fight with. So we tried. We had nothing to fight
23 with and we saw that they were many. So we returned, running.

24 Because, the man who led us, see, when he ran away, we also
15:01:15 25 followed him, running. Among the 40 that went, it was only one
26 individual who had a gun. These local guns, which were referred
27 to in local parlance as single barrel. He was the individual who

28 shot. When he shot, then we ran away, because we did not have
29 any guns on us. So we went again and we arrived at Magbowama.

1 So, when we had arrived at Magbowama, well, it took a little
2 time, having prepared food for us. So, we also sat there and
3 started counting the number that went, and we came to realise
4 that one individual was missing among us. We did not see him
15:02:20 5 amongst us. So we were grumbling about that. During the night,
6 two people came, they were Kamajors. They came and met us, and
7 they told us that -- they told us that the town, where we came
8 from, they met a Kamajor, but we that came from Gbonkolenken, the
9 uniform that we wore, at the back, they wrote there "Gbonkolenken
15:03:12 10 warrior." That was what was written at the back of the uniform.
11 So, those people who went, they saw this writing, "Gbonkonlenken
12 warrior." So they suspected us. We, that they met again, had
13 the same name on the uniform, and they found out that the man
14 that they found was already beheaded; he had no head on. He came
15:03:43 15 and told us that one amongst you, the one that you said you did
16 not see, had been killed. We met him on the highway. They put
17 him on his belly. Well, we were worried about this, for all of
18 us. So we grumbled and said that we would not go again. He
19 pleaded with us, said that we were going on a special mission,
15:04:24 20 and that we had come from afar and said that we were to continue
21 our journey. Well, most of the others, out the 39, most of them
22 said that they were not going any more, and that they were going
23 to return to Yele. So we accepted to go, because we were almost
24 ashamed to return, if we were to return to Yele, and we were not
15:05:00 25 able to achieve the objective of our journey.

26 Q. Thank you. Did you eventually get to Base Zero?

27 A. At Base Zero, some of us arrived there. Some returned.

28 PRESIDING JUDGE: Perhaps it's a long way. That's what
29 he's trying to explain. Remember he said he travelled by foot.

1 MR MARGAI: Yes, I know, My Lords. We only want him to
2 testify as to the main issues.

3 PRESIDING JUDGE: I understand. It's just that he's very
4 much --

15:05:37 5 MR MARGAI: It's all right. I will try to keep him on
6 track.

7 Q. You eventually got to Base Zero. How many of you got to
8 Base Zero?

9 A. We were 11. Eleven of us arrived at Base Zero.

15:06:00 10 Q. Eleven of you arrived at Base Zero. Now, the 11 of you,
11 did you belong to any warring faction? Did you have any name,
12 your group?

13 A. Well, our own group belonged to the hunters.

14 Q. Did it have any name, other than hunters?

15:06:27 15 A. Well, if we are in the Temne land, people called us Kapras.
16 We, in Temne, were called Kapras. That was our name.

17 Q. So would I be right to say that the group that left Yele
18 for Base Zero was known as Kapra?

19 A. Yes, this is the way we were called.

15:07:22 20 Q. Thank you. Now, you told Their Lordships somebody led you.
21 Was this individual also a Kapra?

22 A. The man who led us -- well, what we heard, he was initiated
23 into the Kamajor society, the individual who led us.

24 Q. Was he a Kapra or a Kamajor?

15:08:05 25 A. He was a Kamajor.

26 Q. Thank you.

27 A. You're welcome.

28 Q. You have told Their Lordships 40 of you left for Base Zero.
29 Did this number include this Kamajor who led the group?

1 A. He was the one who made 41.

2 Q. Now, with regard to the spot where you said you saw two
3 military vehicles and two trucks, could you tell Their Lordships
4 the name, if you can remember, of the place where you met -- or
15:08:56 5 these trucks met you, these vehicles?

6 A. These vehicles met us at a place that was called Fallah
7 Junction. There they met us.

8 Q. Thank you. Thank you very much.

9 A. Welcome.

15:09:29 10 Q. You told Their Lordships that one of your number got
11 killed. Where was he killed?

12 A. He was killed at Fallah Junction. There, he was killed.

13 Q. Thank you. And what was the name of this Kapra who was
14 killed at Fallah Junction?

15:10:05 15 A. He was called Sule Kanu.

16 Q. Sule Kanu.

17 A. Yes, sir.

18 Q. Now, you said 11 of you, excluding the man who led you, got
19 to Base Zero, meaning, 12 of you got to Base Zero: 11 Kapras and
15:10:26 20 one Kamajor; is that correct?

21 A. Yes, so it happened. It's true.

22 Q. Thank you.

23 A. Welcome.

24 Q. How long did you stay at Base Zero?

15:10:42 25 A. We spent three months there.

26 Q. All 12 of you?

27 A. Yes.

28 Q. And where were you --

29 JUDGE ITOE: How many months? Three?

1 MR MARGAI: Three months. A total of three months, all 12
2 of them

3 Q. And where were you sleeping at Base Zero, if I might ask?

4 A. When we arrived at Base Zero, the man who led us, he said
15:11:24 5 that we and those people that we met there were to sleep in the
6 mosque. There was a very big mosque and all of us slept there.

7 Q. Thank you. Did you eventually leave Base Zero for
8 anywhere?

9 A. Yes.

15:11:49 10 Q. How many of you left Base Zero?

11 A. It was the same number, 11, including the man who led us,
12 and that sum, up to 12 people.

13 Q. Very well. All right. So 12 of you left, 11 Kapras, and
14 the Kamajor who led you; is that correct?

15:12:19 15 A. Yes.

16 Q. Where did you leave for?

17 A. Well, he told us we were to go to Bo.

18 Q. Did he tell you why you were to go to Bo?

19 A. Yes, he explained to us.

15:12:58 20 Q. Why?

21 A. Well, what he explained to us, he said if we were to go to
22 Bo, and that if we went to Bo, we'd be able to get guns. Well,
23 we that went did not have any guns. He said, but, if we were to
24 go to Bo, we would be able to get guns. That was what he gave
15:13:27 25 us, the licence and the happiness, to go.

26 Q. And did he tell you what you were going to do in Bo?

27 A. Yes. He explained to me. He explained to us.

28 Q. Yes. What was the explanation, please?

29 A. He told us that he, with the leaders, they had decided that

1 they were going to attack the bad people at the brigade, the Bo
2 brigade. He said that, there, the guns were. And that, if we
3 went there, if we fought there, we that did not have guns,
4 perhaps we would be able to get guns.

15:14:30 5 Q. Thank you very much. Thank you. Did he tell you who these
6 bad people were, in Bo?

7 A. Well, he told us that it was the rebels that were in the
8 brigade, and we knew that these were the bad people for us.

9 Q. You said he and the leaders had decided that you should
15:15:08 10 proceed to Bo. Did he tell you who these leaders were?

11 A. Well, he showed me two.

12 Q. Yes, could you tell the Court the two he told you about, or
13 of?

14 A. He told me about one, and his name was Daramy Rogers. The
15:15:43 15 other was Mr Lumeh. He said they were the ones that hung heads
16 together, and they were big people, and I did not know. These
17 were the names that he showed me.

18 Q. Did you know Daramy Rogers?

19 A. Yes. I used to see him at Base Zero.

15:16:08 20 Q. Did you know Lumeh?

21 A. Yes, I also used to see him at Base Zero.

22 Q. Thank you. Did you proceed to Bo?

23 A. Yes, we used to go there.

24 Q. Not used to. Did you leave Base Zero for Bo?

15:16:37 25 A. Yes, we left Base Zero and went there. Yes, we left there
26 and went to Bo.

27 Q. And when you got to Bo, did you go to any specific place?

28 A. Well, we were told to go. Brigade, there we went.

29 Q. Did anything happen at the brigade, to your knowledge?

1 A. Something happened there.

2 Q. Would you tell My Lords what happened, please?

3 A. Well, when we went there, and they fought there, during
4 that time, our own group, our own Kapra group did not have any
15:17:41 5 guns. Well, we did not go directly -- we did not confront them
6 directly. And since we did not have guns, and the fighting
7 became intensified, there they killed one of our Kapras in our
8 own group. That is to say, 11 of us that went, they killed one
9 out of that number.

15:18:04 10 Q. Do you know the name of the one who got killed?

11 A. Yes. Yes, I knew his name.

12 Q. What was his name?

13 A. He was called Amadu Kanu.

14 Q. So this was the second Kanu you lost out of this group that
15:18:39 15 left Yele for Base Zero; is that correct?

16 A. Yes. He was the second out of those who were killed before
17 we arrived at Base Zero.

18 Q. Whilst at Base Zero, did any of the 11 Kapras who got to
19 Base Zero get killed?

15:19:13 20 A. No. Among the Kapras with whom I was at Base Zero, the 11
21 of us, none was killed.

22 Q. Thank you.

23 A. Yes.

24 Q. When you got to Base Zero, 11 of you, apart from Amadu
15:19:43 25 Kanu, was there any other Kanu among the 11?

26 MR KAMARA: Objection, My Lord. That is very leading, My
27 Lord.

28 PRESIDING JUDGE: Is it contentious?

29 MR KAMARA: Yes, My Lord, it is.

1 PRESIDING JUDGE: Sustained.

2 MR KAMARA: Obligated.

3 MR MARGAI: Certainly, My Lords. Very well.

4 Q. Now, when you got to Base Zero, amongst your number, 11

15:20:10 5 Kapras, did you have any Kapra by the name of Dauda Alpha Kanu?

6 MR KAMARA: Objection, My Lord. It's the same objection.

7 It's leading.

8 MR MARGAI: Very well, My Lord, I shall rephrase it.

9 JUDGE ITOE: How many Kanus were among the 11.

15:20:26 10 PRESIDING JUDGE: That's it.

11 MR MARGAI:

12 Q. How many Kanus arrived at Base Zero? I was just ensuring
13 that my learned friend was not asleep. How many Kanus arrived at
14 Base Zero.

15:20:49 15 JUDGE ITOE: Of course he cannot be asleep at this very
16 strategic moment.

17 MR MARGAI: I only wanted to assure myself, My Lord, now
18 that I know he's wide awake, I shall move on.

19 PRESIDING JUDGE: How ingenious of you.

15:20:57 20 THE WITNESS: Am I to answer?

21 MR MARGAI:

22 Q. Yes, please.

23 PRESIDING JUDGE: Oh, yes.

24 MR MARGAI:

15:21:01 25 Q. How many Kanus arrived at Base Zero?

26 A. It was only one Kanu that arrived at Base Zero. It was
27 only one Kanu.

28 Q. And what was the name of that Kanu?

29 A. He was called Amadu Kanu.

1 Q. Thank you.

2 A. Wel come.

3 Q. You told My Lords that, at Bo, at the brigade, you lost one
4 Amadu Kanu; is that correct?

15:21:45 5 A. Yes.

6 Q. Was this Amadu Kanu the same as the Kanu at Base Zero with
7 you?

8 A. It was the same Amadu Kanu.

9 Q. Thank you.

15:22:02 10 A. He was the one who was killed at the brigade. You're
11 wel come.

12 Q. Thank you.

13 A. You're wel come. But I want to drink a little.

14 PRESIDING JUDGE: Let him do that. Quite.

15:22:16 15 JUDGE ITOE: You can empty it, if you wish.

16 MR MARGAI: I'm sure he would prefer something else.

17 PRESIDING JUDGE: No, he wants a drink.

18 MR MARGAI: I'm about to ask my last question and then hand
19 him over to my colleague.

15:22:32 20 JUDGE ITOE: Mr Margai, I'm sure your witness would prefer
21 something else for a drink.

22 MR MARGAI: He's fasting. Oh, I'm so sorry. He's a
23 Muslim

24 THE WITNESS: I'm not fasting.

15:22:44 25 MR MARGAI: He's not fasting. [Overlapping speakers].

26 THE WITNESS: I'm a Christian.

27 PRESIDING JUDGE: I see.

28 MR MARGAI: You're Christian. Okay. I got it all wrong.

29 JUDGE ITOE: He was sworn on the Bible.

1 MR MARGAI: That was it, My Lords.

2 PRESIDING JUDGE: Please.

3 MR MARGAI:

4 Q. Now, Mr Witness, there is an allegation before this Court
15:23:03 5 that, amongst the Kapras who left Yele for Base Zero, one by the
6 name of Alpha Dauda Kanu [sic] was killed at Base Zero, to wit,
7 in an oil palm plantation; what is your comment on that?

8 A. Pa, I have sworn on the Bible I did not know about that.

9 And, at any time, all those with whom we went, nobody went

15:23:52 10 anywhere. We slept in the mosque. In the morning, we all
11 assembled together. So if they said somebody was killed there, I
12 did not know about that. From that number, I -- that did not
13 happen.

14 Q. Thank you.

15:24:10 15 MR MARGAI: My Lords, I'm referring to the testimony of
16 TF2-014 --

17 MR KAMARA: My Lord -- I'm sorry, Mr Margai -- I interpose
18 at this stage these were closed session proceedings. If my
19 learned friend would be very careful in disclosing the
15:24:27 20 information.

21 PRESIDING JUDGE: Yes, not go beyond the pseudonym
22 Counsel, be on guard.

23 MR MARGAI: My Lords, I want to ensure my learned friend,
24 that, with my experience, I would always keep it within the
15:24:36 25 confines of the Court's order.

26 PRESIDING JUDGE: We recognise that.

27 JUDGE ITOE: We recognise that, but at times we might be
28 asleep, even with our abundant experience.

29 MR MARGAI: Yes, I know that, My Lord, but I'm wide awake

1 to ensure there are no sleeps, as I wind up the case for the
2 third accused.

3 PRESIDING JUDGE: Hence the leading question strategy.

4 MR MARGAI: Indeed. TF2-014, My Lords. Testimonies was on
15:25:17 5 10 March 2005, at pages 54 to 59. I might here say he was not a
6 protected witness. I'm also referring to the testimony of
7 TF2-017.

8 PRESIDING JUDGE: Was that a protected witness?

9 MR MARGAI: Yes, My Lord, of 19 November 2004, at pages 58
15:26:00 10 to 67.

11 Q. Finally, Mr Witness, how many of these Kapras returned to
12 Yele?

13 A. We were ten in number who returned to Yele.

14 Q. Thank you very much, Mr Witness.

15:26:32 15 MR MARGAI: That will be all for the witness, My Lords.

16 PRESIDING JUDGE: Thank you.

17 THE WITNESS: Welcome.

18 PRESIDING JUDGE: Dr Jabbi, do you intend to cross-examine
19 this witness?

15:26:49 20 MR JABBI: No, My Lord.

21 PRESIDING JUDGE: What about you, Mr Powles, do you intend
22 to do that?

23 MR POWLES: No, thank you, My Lord.

24 PRESIDING JUDGE: Mr Kamara, your witness.

15:27:01 25 CROSS-EXAMINED BY MR BANGURA:

26 Q. Good afternoon, Mr Witness.

27 A. Good afternoon.

28 Q. Mr Witness, did you hold any position amongst your
29 colleagues?

1 A. I was having it.

2 Q. What position did you hold?

3 A. I was the leader of the Kapras in Gbonkolenken to make
4 arrangement for them, how we should protect the area.

15:28:07 5 Q. Mr Witness, this man whom you have mentioned that came to
6 Gbonkolenken, do you remember very well at the time he came to
7 Gbonkolenken?

8 A. Ask me again.

9 Q. The Kamajor who came to Gbonkolenken, do you remember when
15:28:32 10 he came there?

11 A. I can recall that a little.

12 Q. Just say when he came there.

13 A. In 1996 he came to Yele. He entered Gbonkolenken.

14 Q. Did he tell you why he had come to Gbonkolenken?

15:29:10 15 A. Yes, he told me. He told us about it.

16 Q. Why had he come there?

17 A. Well, during the time that we were crying to God to give us
18 an opportunity, so as first to have somebody who would initiate
19 us in order to first to protect our area, during that time, we
15:29:46 20 saw him. He came.

21 Q. Was he invited to come to Gbonkolenken, or did he just come
22 by himself?

23 A. We had an opportunity from one man, whose name was
24 Mr Mohamed Mansaray. He should go to Gbonkolenken and initiate
15:30:14 25 us, but --

26 Q. Mr Witness, if you try to be very direct to the questions.
27 The question was: Did he come there by himself or was he
28 invited? Just tell the Court.

29 A. Yes. He was not called upon. He was not the one that they

1 called upon.

2 Q. Mr Witness, we he came to Gbonkolenken, he became your
3 leader; correct?

4 A. Yes. He was the leader.

15:30:56 5 Q. So, as the leader, he took all the decisions on your
6 behalf; not so?

7 A. What concerned the society, he made a decision, because he
8 was the one who knew about the initiation.

9 Q. So when it came to fighting, who took decisions?

15:31:33 10 A. Well, he was the one that initiated us. He was the one
11 that was ahead in order for us to go and fight.

12 Q. All right. So, Mr Witness, how many of you were with this
13 Kamajor leader that came to Gbonkolenken?

14 A. Well, we were many, because all of us in Gbonkolenken, we
15:32:15 15 wanted to protect ourselves, so we were many. I cannot give the
16 number.

17 Q. When it came to moving from Gbonkolenken to go to Base
18 Zero, you said there were 40 of you left; correct?

19 A. That was so it happened.

15:32:38 20 Q. Now, who took the decision -- first of all, who took the
21 decision to go Base Zero? Whose decision was it?

22 A. The one who initiated us was the one that said that we
23 should go to Base Zero.

24 Q. How did you come by the number 40? Were you -- did you
15:33:09 25 just --

26 PRESIDING JUDGE: Let him answer. Don't tell him how he
27 arrived at it. You want an answer.

28 MR BANGURA: Thank you.

29 THE WITNESS: Ask me again.

1 MR BANGURA:

2 Q. How did you get to the number? How was this number made up
3 to 40?

4 A. Well, all wanted to protect the area, so if they asked us
15:33:39 5 to go to Base Zero, we were all happy. So, 40 of us gathered,
6 assembled, to go.

7 Q. So, Mr Witness, what particularly were you going to do at
8 Base Zero?

9 A. It was Bobby who told us, who was our leader. He was the
15:34:04 10 one who told us that he had initiated us. But when we wanted to
11 go and fight, we did not have things to fight with. As a result
12 of that -- see, assembled he, our parent, to tell us that -- to
13 tell them that we should go and try to get weapons to fight.
14 Because we wanted to protect our area, that was why we were happy
15:34:37 15 to go.

16 Q. Thank you, Mr Witness.

17 A. Welcome.

18 Q. I would appreciate it very much if you try not to mention
19 names here, unless I particularly ask you that mention them

15:34:50 20 A. Yes. Okay.

21 Q. If I want you to call a name, I will ask you to do so,
22 please.

23 A. Okay.

24 Q. So, Mr Witness, do you know a place called Baiima Songa?

15:35:10 25 A. I don't know there. I don't know there.

26 JUDGE ITOE: I hope you have your pronunciation right,
27 Mr Bangura?

28 MR BANGURA: Sorry?

29 JUDGE ITOE: I hope you have your pronunciation right.

1 That usually is a problem

2 MR BANGURA: I stand corrected.

3 MR MARGAI: Baiima Songa, B-A-I-I-M-A.

4 PRESIDING JUDGE: Perhaps we need a third opinion.

15:35:46 5 MR BANGURA: The records spell it with a GB. I stand
6 corrected.

7 PRESIDING JUDGE: Right.

8 MR BANGURA:

9 Q. Mr Witness, your pronunciation may be slightly different.

15:36:02 10 May I ask you again.

11 A. Yes.

12 Q. The place may be possibly Baiima Songa. Do you know that
13 place?

14 A. Except somebody took me along there. But I don't know that
15:36:24 15 town. I don't know there.

16 Q. Mr Witness, did you remember the names of all 40 of you
17 Kamajors who left Gbonkolenken?

18 A. Among the 40 of us that left Yele, I can't recall all the
19 names.

15:36:50 20 Q. How many names were you able to remember, at the time?

21 A. Well, the ones that I know, and those of us who went to
22 Base Zero, it was those names -- it is those names that I can
23 tell, I can recall. But those that returned, I do not know their
24 names.

15:37:16 25 Q. But when you say "after the problem," which problem are you
26 referring to?

27 A. Well, when they killed one of us when we were going, that
28 was an incident. That is the problem that I'm talking about.

29 Q. So you are saying now, after that incident, with certainty,

1 you remember the names of all of, as you say, 11 of you who
2 arrived at Base Zero; correct?

3 JUDGE ITOE: Is that what he said?

4 MR BANGURA: Your Honours, I --

15:37:59 5 THE WITNESS: That's what I said and I knew them

6 MR BANGURA: He said the names of those who arrived. I
7 stand corrected.

8 Q. And you're prepared to provide this Court with names of all
9 11 that arrived?

15:38:19 10 A. God willing. See, I am prepared to share these names.

11 Q. Can you read and write, Mr Witness?

12 A. Old man, I cannot write names. I can only call them, but I
13 cannot write them

14 Q. Mr Witness, when you arrived at Base Zero, you did not know
15:38:50 15 Base Zero before, you had never been there; not so?

16 A. Not at all. I did not know there before.

17 Q. So you were basically led by the Kamajor who took you
18 there, he was the person who led you around; not so?

19 A. Yes.

15:39:08 20 Q. And you stayed where he told you to stay; correct?

21 A. Yes.

22 Q. Now, the reason for going to Base Zero was to go and get
23 some weapons which you could use to come and fight at
24 Gbonkolenken; am I correct?

15:39:44 25 A. That's what he told us, and that was the purpose of us
26 going there.

27 Q. Now, did you get to meet any of his authorities at Base
28 Zero, this Kamajor who took you there? Did you get to meet any
29 of his authorities?

1 A. Ask the question again.

2 Q. The Kamajor who took you to Base Zero, he had his bosses
3 there; not so?

4 A. Yes.

15:40:20 5 Q. Did you get to meet any of his bosses?

6 A. Those that he showed me, I met them

7 Q. Do you remember the ones that he showed you?

8 A. Like Mr Lumeh, he showed him to me, and I met him there.

9 Q. Who else did he show you?

15:40:47 10 A. Then Daramy Rogers, he showed him to me and I met him
11 there.

12 Q. And who else?

13 A. Those were the people that I can recall. I saw some
14 others, but they did not introduce them to me, and I am a Temne.

15:41:12 15 Q. Mr Witness, you were at Base Zero for three months,
16 correct?

17 A. Yes.

18 Q. Apart from these two names that you have mentioned, did you
19 not get to know any other leaders at Base Zero?

15:41:32 20 A. I cannot recall them any more. I cannot recall them. I
21 used to see people passing up and down, but I did not know them

22 Q. Mr Witness, did you remember -- maybe you heard some
23 names -- did you remember hearing names of other leaders? Maybe
24 they were not introduced to you, but did you remember hearing
15:42:04 25 their names?

26 A. The names that I heard about, and those that were showed to
27 me, these were the names of these two people. These were the
28 ones that were shown to me. The others, I saw them, by did not
29 know them and I was not able to talk to them

1 Q. You did not ask what their names were?

2 A. Not at all. I did not ask about the name of any other
3 person.

4 Q. Did you know, Mr Witness, that there were paramount chiefs
15:42:44 5 at Base Zero?

6 A. Yes. I did not know that there were chiefs at Base Zero.
7 I did not know that.

8 Q. Did you hear the name War Council at Base Zero?

9 A. I did not know about it. I had not heard about it. I did
15:43:19 10 not hear about it, and I did not know it.

11 Q. Mr Witness, for three months at Base Zero, what were you
12 doing on a day-to-day basis?

13 A. The only time that we were at Base Zero, each day we would
14 go and sit down with my own group, and what had we been waiting
15:43:54 15 for, see, what the leader had told us, and he told us that we
16 should not walk about. Sit down in the morning. If there was
17 any dance, we'd go there. And if we wanted to play football, we
18 would play football. If we wanted to do some other things like
19 dancing, we would do that. And what -- we were not supposed to
15:44:19 20 interfere with anything that was not told to us. So that was how
21 we spent the three months there.

22 Q. Thank you, Mr Witness. So, basically, you sat there day in
23 and day out waiting for instructions from your boss, the Kamajor
24 who took you there; correct? Whatever he told you to do on a
15:44:40 25 daily basis is what you did; not so?

26 A. Well, the piece of order that he gave us, he said that we
27 were to sit down and wait for him. And that was what we did. We
28 did not do any other thing. We sat down and waited for him.

29 PRESIDING JUDGE: I thought he virtually wasn't saying they

1 were waiting for instructions, just sit down in happy idleness.

2 MR BANGURA: Yes, waiting for him

3 PRESIDING JUDGE: That's what I thought I gathered from the
4 evidence.

15:45:12 5 MR BANGURA:

6 Q. Mr Witness, was your boss telling you why you were not
7 getting the weapons? You were there for three months, sitting
8 and waiting every day. Did he tell you why you were not getting
9 the weapons?

15:45:25 10 A. I did not show us the reason why we did not get the guns.
11 He only told us that if we went there we'd be able to get guns.
12 But when we went and did not get the guns, he did not tell us the
13 reason why.

14 Q. Mr Witness, you are familiar with Base Zero; correct, the
15:45:54 15 physical environment?

16 A. I know Base Zero.

17 Q. There is a big field there; not so?

18 A. Yes, that field is there. We used to play football there.

19 Q. Apart from football, what else was that field used for?

15:46:16 20 A. I, since I was of a different tribe, if they did anything
21 that was different, see, I would not suspect that. I did not
22 know anything about that. I only knew about my own playing of
23 football. If they did anything that was different, I did not
24 know about it.

15:46:35 25 Q. Mr Witness, I suggest to you that there was some training
26 going on at Base Zero; do you agree with me?

27 A. Well, I cannot deny that, but I would not accept that. I
28 only saw the field, and I did not know whether, before I went
29 there, there had been training there, or they had not been

1 training there. I did not know.

2 Q. I am talking about while you were there, Mr Witness, the
3 three-month period you were there. I am suggesting to you there
4 was training going on at Base Zero very frequently.

15:47:21 5 A. I and my group, see, we were not trained there. They did
6 not train us there. Because, since we did not go there on a
7 training mission, we went there for the purpose for which we went
8 there.

9 Q. Mr Witness, Base Zero was a very much crowded place; not
15:47:44 10 so?

11 A. People are there.

12 Q. That's does not answer the question properly, Mr Witness.
13 It was a crowded place; correct or not?

14 A. The people -- the people are many there. There were many.

15:48:13 15 Q. Mr Witness, you had to sleep in a mosque because there was
16 not enough accommodation around the town; not so?

17 A. Not at all. That was not made us to sleep in the mosque.
18 The reason why we slept in the mosque, it was because the
19 Kamajors not to sleep in a house -- the Kamajors did not sleep on
15:48:46 20 a bed, and they told us that we were to sleep in the mosque,
21 because that was the guards' house and it was clean. It was not
22 because we did not have a place to sleep.

23 Q. Thank you, Mr Witness. But, Mr Witness, you will agree
24 with me there were many people in Base Zero, it was crowded. Are
15:49:04 25 you able to tell the Court what were those people doing at Base
26 Zero, that large number of people, Kamajors?

27 A. The town belonged to those people, the Mendes. See, I was
28 a stranger and, if a stranger went there, it was not my duty to
29 ask people why this and this was operating. See, I did not know

1 what had happened there.

2 Q. Mr Witness, do you remember the name MS Dumbuya?

3 A. At Base Zero?

4 Q. Yes.

15:49:52 5 A. I did not know him there.

6 Q. Do you know that name anywhere else?

7 A. I did not know that name. I did not know that name.

8 Q. I am putting it to you, Mr Witness, that MS Dumbuya was the
9 person in charge of training at Base Zero; do you agree?

15:50:15 10 A. Well, I had told you that I met that field clean. I did
11 not say that people are not trained there. But, during the time
12 I went there, I did not meet people being trained there. If they
13 had been training people there before I went, I did not know.

14 But when I was there, I was not trained there. That is what I
15 told you.

16 Q. Mr Witness, I also put it to you that the large number of
17 Kamajors that were at Base Zero were there for training.

18 A. Well, that particular one that you are talking about, I did
19 not know. See, they were Mendes, and I am a Temne. I did not
15:51:09 20 ask them, and they wouldn't explain to me their secret. As long
21 as I was of a different tribe, they would not explain to me, say
22 what their mission was.

23 Q. Thank you, Mr Witness. Mr Witness, you have testified to
24 this Court that you were initiated -- I hope I'm correct -- you
15:51:31 25 were initiated by the Kamajor who came to Gbonkolenken, your
26 boss; not so?

27 A. Yes.

28 Q. And so, of course, you know what the importance of
29 initiation is; not so?

1 A. Yes, well, I understand it a little. The purpose of going
2 was for me to understand it better, but I was not able to come up
3 to that level.

4 Q. So the purpose of coming to Base Zero was not just to come
15:52:04 5 for weapons? You were also going to understand more, or better,
6 the process of initiation; is that what you are saying?

7 A. Yes, so it was. See, I went there so as to be initiated
8 more and more.

9 Q. Did you get initiated there?

15:52:31 10 A. No, they did not initiate me any longer.

11 Q. Did any of your men get initiated there?

12 A. Well, given that I was not initiated, they were also not
13 initiated.

14 Q. Apart from initiations, did you get any form of training at
15:52:51 15 Base Zero?

16 MR MARGAI: My Lords, may I invoke the finality rule?

17 PRESIDING JUDGE: Well, I was just saying --

18 MR MARGAI: I so invoke it.

19 PRESIDING JUDGE: I was just saying he is entitled to press
15:53:04 20 him on that issue, but it would seem as if -- I would think he's
21 getting to the outer limits. You have pressed him sufficiently
22 on that.

23 MR BANGURA: I take the point on that, Your Honour.

24 PRESIDING JUDGE: You might end up probably flogging a dead
15:53:18 25 horse.

26 MR BANGURA: I might get around it in some other way.

27 PRESIDING JUDGE: All right.

28 MR BANGURA:

29 Q. Mr Witness, you are aware initiations were taking place at

1 Base Zero while you were there?

2 A. The one who took us there said so. He said people were
3 initiated there.

4 Q. And because you were not initiated into the Kamajor
15:53:47 5 society, he advised you not to go out at night; correct?

6 A. Me, he gave me a law. He said that we should not sit late
7 at night outside. He said because we were strangers.

8 Q. And do you know what was the reason behind that?

9 A. Well, I wouldn't tell.

10 Q. Mr Witness, do you know who was conducting initiations?
11 You knew from him that initiations were going on, but do you know
12 who were conducting initiations there?

13 A. Well, if I'd met people initiating, then I would have known
14 the person.

15 Q. Did you ever hear the title of the name the high priest at
16 Base Zero?

17 A. Yes.

18 Q. And do you know who the person was that carried that title?

19 A. See, I had heard about the name, but I did not know him.

15:55:26 20 See, I cannot explain to you much. I heard about the name.

21 Q. Was this a name you heard casually, or was it a very
22 popular name around Base Zero?

23 A. Well, I heard it casually.

24 Q. And you did not find out what this high priest was doing at
15:55:58 25 Base Zero?

26 A. I did not ask, because I couldn't understand Mende, so I
27 couldn't have tried to ask and jump into trouble.

28 Q. Did you hear the name Allieu Kondewa at Base Zero?

29 A. Yes, sir, I heard about his name.

1 Q. And what about him did you hear? You heard the name; what
2 was mentioned about that name?

3 A. They told me that he was the one who was initiating people
4 into the society.

15:56:52 5 Q. Mr Witness, why has it taken you so long to say that you
6 knew Allieu Kondewa was the initiator at Base Zero? Why?

7 A. Well, the one who initiated us at Gbonkolenken, he was the
8 one who showed us his name, that he was the one who was the
9 initiator. The one who initiated us at Gbonkolenken, he was the
10 one who initiated us.

15:57:31 11 Q. I'm not talking about that, Mr Witness. I'm talking about
12 what is going on in Court now. Why has it taken you so long to
13 answer to this Court that Allieu Kondewa was the initiator at
14 Base Zero?

15:57:46 15 MR MARGAI: My Lords, I object to that question.

16 PRESIDING JUDGE: Grounds?

17 MR MARGAI: I deem it to be unfair, because learned counsel
18 only came up with the direct question at the 11th hour.

19 PRESIDING JUDGE: Sustained.

15:57:59 20 MR MARGAI: He had been going around it in a rather
21 circuitous manner.

22 PRESIDING JUDGE: Actually, it is a relative concept. What
23 did you mean by -- I don't want to get into a debate on this.
24 What is long?

15:58:12 25 MR BANGURA: Your Honours, I'd asked this witness --

26 PRESIDING JUDGE: Continue, counsel. You can probe him as
27 much as you can, but, clearly, the question of long can be very
28 disputatious.

29 MR BANGURA: I take the point, Your Honour. I'll move on.

1 Q. Mr Witness, you know a place called Makossi?

2 A. Makossi, I do not know that place. I did not know that
3 place.

4 Q. Did you know where Allieu Kondewa was conducting his
15:58:53 5 initiations?

6 A. I did not know, because I was not initiated when I went.

7 Q. Did you not ever ask?

8 A. I asked the one who took me along, but he told me to wait,
9 and I waited.

15:59:15 10 Q. And waited and never got an answer?

11 A. I did not get any response.

12 Q. Did you know a place called Nyandehun?

13 A. I did not know that place, except if I passed by, but I did
14 not know it.

15:59:47 15 Q. Mr Witness, talking about the big men, the bosses at Base
16 Zero, did you ever hear the name of a person called Hinga Norman?

17 A. I used to hear about him.

18 Q. What did you hear about him?

19 MR SESAY: Well, may I -- objection.

16:00:13 20 PRESIDING JUDGE: Grounds?

21 MR SESAY: The grounds for the objection, My Lord, is that
22 it tends to go to the direction of incriminating the first
23 accused.

24 PRESIDING JUDGE: You mean the question of knowledge?

16:00:40 25 MR SESAY: No, the first question, My Lord. There was no
26 problem about the first question, whether he heard the name about
27 the first accused.

28 PRESIDING JUDGE: Yes.

29 MR SESAY: But, My Lord, it is the second ambit of his

1 cross-examination, My Lord. I foresee, My Lord, that it may go
2 towards that direction, My Lord.

3 PRESIDING JUDGE: Why not let counsel probe further and see
4 whether it gets there? Do you think the damage would have been
16:01:12 5 done? It wouldn't, because we don't have a jury trial here.
6 These judges have indicated from time to time that they are very
7 alert to any such exercise that may infringe on the basic
8 principles we reiterated here.

9 MR SESAY: Yes, My Lord. I merely thought that out of
16:01:34 10 abundance of caution, My Lord, I should not sit by and allow him
11 to go towards that direction, My Lord.

12 PRESIDING JUDGE: But we did say that because of the nature
13 of the charges and also that these accused persons are charged
14 jointly, there may be a permissible area where, even though it is
16:02:01 15 the defence of a particular accused that's being -- that's in
16 issue, and in respect of which cross-examination is progressing,
17 there would be that latitude, not what we call not uncontrolled
18 latitude, for counsel to ask questions, if they're legitimate,
19 but where counsel crosses the line, or attempts to cross the
16:02:33 20 line, the Court would be vigilant to --

21 MR SESAY: As Your Honour pleases.

22 PRESIDING JUDGE: -- to discount evidence which may well go
23 to that direction. I think we should be content with that.
24 We're in a very difficult kind of terrain where we're holding the
16:02:49 25 balance between accused persons who are supposed to have their
26 guarantees as if they're being tried separately, and accused
27 persons who are charged pursuant to some alleged common criminal
28 enterprise, or common design.

29 MR SESAY: I take the cue, My Lord.

1 PRESIDING JUDGE: We don't have a jury trial here where we
2 would fear that prejudicial evidence might prejudice the minds of
3 the jury. We are not going to slip up on this one. Let counsel
4 continue.

16:03:32 5 MR BANGURA: Thank you, Your Honour.

6 Q. Mr Witness, the question was -- you said you heard the name
7 Hinga Norman. What was it in relation to when you heard that
8 name?

9 A. Well, his name, I heard about it, that he was a big man.

16:04:00 10 Q. What kind of big man was he?

11 A. In defending the people who -- the disadvantaged people.

12 Q. Where, Mr Witness? Be more specific in your answer.

13 A. I heard that he was there to defend people that were
14 disadvantaged, and that was what I knew. I do not know.

16:04:39 15 Q. Did you see him at all, while you were at Base Zero?

16 A. I did not see him. I did not know him, and I did not see
17 him.

18 Q. Did you hear the name Moinina Fofana while you were at Base
19 Zero, Mr Witness?

16:05:02 20 A. Not at all. I did not hear that name, and he was not shown
21 to me.

22 Q. Did you hear the title director of war?

23 A. Not at all. I did not hear that. Well, I did not
24 understand English.

16:05:31 25 Q. Mr Witness, you said you held a position among the Kapras
26 in your chiefdom; correct?

27 A. Yes.

28 Q. Did you have a title for that position?

29 A. I had a title for that.

1 Q. What was that?

2 A. Amongst the hunters, they said that I was to be their
3 leader, and I would tell them to do this and this. That is to
4 say that I was their leader, referred to in English as their
16:06:23 5 commander. It was I.

6 Q. Were you called a battalion commander?

7 A. Yes, they used to call me by that name.

8 Q. Mr witness, when you came to Base Zero, did you have your
9 position confirmed by anybody, as a commander?

16:06:50 10 A. Yes, it was confirmed at Base Zero.

11 Q. Who confirmed your appointment at Base Zero?

12 A. It was Daramy Rogers and Mr Lumeh. They were the ones, and
13 the one that took me along, they were ones that said my position
14 had been confirmed. As far as the hunters were confirmed, I
16:07:28 15 should be their leader, their commander. They were the ones who
16 confirmed it to me.

17 Q. Did they tell you who had given them the authority to
18 confirm your position?

19 MR MARGAI: My Lords, that is a presupposition that someone
16:07:43 20 gave the authority. Did they tell you that? I mean, who gave
21 them the authority?

22 PRESIDING JUDGE: Sustained.

23 MR MARGAI: As My Lords please.

24 PRESIDING JUDGE: Rephrase.

16:07:59 25 MR BANGURA:

26 Q. Now, you say they confirmed your appointment. Did they
27 tell you they had the authority to confirm that appointment?

28 A. Yes. They are the ones that confirmed that.

29 Q. Mr Witness, you have told this Court that, at the end of

1 your -- after three months, you went to Bo; is that correct?

2 A. Yes, so it happened.

3 Q. And you were led by the same Kamajor who had taken you to
4 Base Zero?

16:09:12 5 A. Yes, it was he.

6 Q. Did he tell you who you got your instructions from to take
7 you to Bo?

8 A. He told me that it was these two people who told him that
9 we are to go to Bo. We are to go to Bo.

16:09:32 10 Q. So, Mr Witness, you want to let this Court believe that, in
11 all the three months you were at Base Zero, the only two persons,
12 Kamajor leaders that you knew were Lumeh and Daramy Rogers; is
13 that what you want the Court to believe?

14 A. They were the ones that were shown to me and these were the
16:10:04 15 ones I knew. No matter how many people were introduced to me,
16 these were the ones that I knew. These were the ones who were
17 introduced to me.

18 Q. Did you hear the name Nallo?

19 A. I did not see or hear about it.

16:10:25 20 Q. As a commander, did you hear, or did you learn the names of
21 other commanders at Base Zero?

22 A. Well, the others, I would know them. I heard about their
23 names. But for them, it was -- what makes it a little bit
24 difficult for me to call their names, it's because all their
16:10:50 25 names were Mende names. So, Mende names, I, that am a Temne,
26 it's a little bit difficult for me to call them.

27 Q. Mr Witness, you remember the name Alpha Dauda Kanu [sic]
28 very well; not so?

29 A. I cannot recall that name. I cannot recall it.

1 Q. Now, after you had gone back to Gbonkolenken after the war,
2 have you been meeting with any of your former colleagues in the
3 Kapra?

4 A. Yes, when we came from the battle, see, we went and settled
16:11:42 5 at Gbonkolenken. We were with our colleagues, up to the time
6 that the battle came to an end, and all of us dispersed.

7 Q. Were you able to find, at Gbonkolenken, all the others who
8 you had left their town with before?

9 A. Those that we left in town, who -- are you talking to me?
16:12:15 10 Are you asking me about those people who we left in town or those
11 people who went to Base Zero and returned.

12 Q. Those people who went with you to Base Zero. Have you been
13 able to meet with all of them?

14 A. All of us returned to Yele at the same time, except when
16:12:35 15 they -- this war came to an end, everybody went his own way, but
16 all of us went to Yele at the same time.

17 Q. And you would talk about the incidents that occurred while
18 you were at Base Zero occasionally; not so?

19 A. Like what?

16:13:01 20 Q. Like the incident where you lost one of your men at Fallah
21 Junction?

22 A. Yes, the one that was killed at Fallah Junction. Yes, that
23 did happen.

24 Q. And also about what happened whilst you were at Base Zero?

16:13:21 25 A. Nothing happened to us at Base Zero that was bad.

26 Q. Mr Witness, at Base Zero, you were familiar with the
27 location of the houses; not so? Three months, you were not going
28 anywhere, you were in the one place. You would be familiar with
29 the location of the houses; correct?

1 A. Well, I saw the houses, but I did not go into somebody's
2 house, because I had my [indiscernible].

3 Q. What did this have to do with the instructions you had from
4 your boss not to go anywhere?

16:14:48 5 A. Yes. See, I abided by that, and I did not go to somebody
6 else's house. I, and the mosque, see, were rubbing shoulders.

7 Q. But you would know where meetings were held at Base Zero;
8 not so?

9 A. I did not go to meetings, because I cannot speak Mende.
16:15:23 10 See, I am of a different tribe. I'm a Temne. See, if they had a
11 meeting of the Mendes, I would not go there. They would not even
12 invite me and I did not go there.

13 Q. Mr Witness, you took little or no interest at all of what
14 was going on at Base Zero while you were there; is that what you
16:15:41 15 are telling this Court?

16 A. Not at all, because whatever my own boss told me, that was
17 what I did. So I did not mingle with some other people's
18 activities. So up to the time that I left, I had no problem with
19 anybody.

16:15:59 20 Q. So the only people you interacted with while you were at
21 Base Zero were your colleagues, the Kapras that you went with; is
22 that what you are saying?

23 A. Except them. Because Temne with Temne, they were friends,
24 and these were the people with whom I had been moving.

16:16:24 25 Q. And you never went to the field to take part in any
26 activity there?

27 JUDGE ITOE: He said he went there to play football.

28 MR BANGURA:

29 Q. Apart from football, Mr Witness.

1 A. If I went there, it was to play football. After that, I
2 would not go to do anything or to take part in anything.

3 Q. Mr Witness, you speak Krio; not so?

4 A. Well, yes, I do manage to speak it.

16:16:58 5 Q. So, apart from Temme, you are able to hold a conversation
6 with someone in Krio; not so?

7 A. Expressing myself in Krio, I do speak it, but I cannot
8 express myself well in it. So, because of that, you know, I am
9 at times ashamed to speak in Krio.

16:17:33 10 MR BANGURA: Your Honours, that will be all for this
11 witness.

12 PRESIDING JUDGE: Thank you, counsel. Mr Margai, any
13 re-examination?

14 MR MARGAI: None, My Lords.

16:17:52 15 PRESIDING JUDGE: Mr Margai, your next witness. Witness.

16 THE WITNESS: Yes, sir.

17 PRESIDING JUDGE: We thank you for your testimony, and you
18 are now released.

19 THE WITNESS: Welcome.

16:18:05 20 [The witness withdrew]

21 MR MARGAI: May it please you, My Lords, I'm about to call
22 the last witness for the third accused, seeing as I do not
23 propose leading in evidence the 10th and 12th witnesses on the
24 witness list, and I had earlier informed this Chamber that I
16:19:11 25 would not be calling the 11th. So my last witness will be Doris
26 Kelfella.

27 JUDGE BOUTET: So number 10 is Moisia Momoh and number 12
28 is?

29 MR MARGAI: And Karimu Musa.

1 PRESIDING JUDGE: Well, let's hear the witness.

2 MR MARGAI: She'll be testifying in Mende.

3 PRESIDING JUDGE: Thank you.

4 WITNESS: DORIS KELFELLA [Sworn]

16:20:01 5 [The witness answered through interpreter]

6 EXAMINED BY MR MARGAI:

7 Q. Good afternoon, Madam Witness.

8 A. Good afternoon.

9 Q. I'm going to put some questions to you.

16:21:52 10 A. Yes.

11 Q. And I would expect replies to the said questions.

12 A. Okay.

13 Q. Please be informed that you are being recorded.

14 A. Okay.

16:22:13 15 Q. As well as translation will be done for you to understand
16 the questions.

17 A. Okay.

18 Q. And your answers interpreted.

19 A. Okay.

16:22:36 20 Q. Wait for the completion of the interpretation before you
21 attempt to answer the questions posed.

22 A. Yes.

23 Q. And at least be audible enough in giving your answers.

24 A. Yes.

16:23:07 25 Q. Talk very slowly --

26 A. Yes.

27 Q. -- in order for your answers to be translated and recorded.

28 A. Yes.

29 Q. And finally, please confine your answers to the questions

1 posed.

2 A. Yes.

3 Q. Am I clearly understood?

4 A. Yes.

16:23:46 5 Q. Thank you very much. Now what are your names, please?

6 A. I am called Doris Kelfella.

7 Q. And where do you live?

8 A. I'm from Panguma.

9 Q. What work do you do?

16:24:06 10 A. I'm a farmer.

11 Q. Do you know your age, how old you are?

12 A. I do not know my age.

13 Q. Are you married?

14 A. Yes.

16:24:32 15 Q. What is the name of your husband?

16 A. He is called John Kelfella.

17 Q. Do you have children?

18 A. Yes.

19 Q. How many children?

16:24:52 20 A. Six.

21 Q. What's the name of the youngest?

22 A. He is called Swaray Kelfella.

23 Q. Now, Madam Witness, do you recall the war period in this
24 country?

16:25:34 25 A. Yes.

26 Q. Do you recall the overthrow of President Ahmad Tejan
27 Kabbah's government?

28 A. I know about it, but I don't know the time.

29 Q. I appreciate that. Thank you. Now, where you during the

1 time of the overthrow of President Kabbah's government?

2 A. I was in Panguma.

3 Q. Did you have cause to leave Panguma for a place called
4 Sokoi hun?

16:26:31 5 A. Yes.

6 Q. Did you go there alone?

7 A. Together with my children and my mother.

8 Q. Why did you go there?

9 A. We were driven out of the town.

16:26:52 10 Q. Who drove you?

11 A. Rebels.

12 Q. Whilst at Sokoi hun, where was your husband, John Kelfella?

13 A. At times he went to Tongoma in search of food so he could
14 bring it for us. He was in Tongo.

16:27:24 15 Q. Did you have cause to join your husband in Panguma from
16 Sokoi hun?

17 A. I went to Tongo. Something happened and I went to Tongo to
18 my husband.

19 Q. Why did you go to Tongo?

16:27:50 20 A. My last child got sick. I mean, he was -- he became pale,
21 anaemic, and I had a boil on my breast. That boil burst. I mean
22 there is a big hole in me. There was no medicine, then I told my
23 second child so that we could go to him that I was sick.

24 Q. Okay. Thank you. Did you and your family eventually join
16:28:28 25 your husband in Tongo?

26 A. Not all of us went. Only those of us who were sick. Three
27 of us went. The others I left in the hideout.

28 Q. You who and who went?

29 A. Myself, Swaray, and my daughter, Musu.

- 1 Q. Thank you. Did you eventually get to Tongo?
- 2 A. Yes.
- 3 Q. Did you stay there for a while?
- 4 A. Yes, when we went there to be cured.
- 16:29:25 5 Q. Did the health of Swaray improved whilst at Tongo?
- 6 A. Yes. We were at Kpandebu. He improved.
- 7 Q. And what about your own health?
- 8 A. Even mine. I thanked God.
- 9 Q. Is Kpandebu a section of Tongo?
- 16:29:59 10 A. It's in Tongo, but it's far from the town itself.
- 11 Q. Did you return to Panguma from Tongo Field?
- 12 A. We left there.
- 13 Q. After how many months?
- 14 A. We were there for three months.
- 16:30:27 15 Q. You left Tongo for where?
- 16 A. We left Tongo and we came to Bumpe.
- 17 Q. How many of you left Tongo for Bumpe?
- 18 A. We were many.
- 19 Q. Could you approximate, please?
- 16:30:55 20 A. Maybe it could be up to --
- 21 Q. How many?
- 22 A. Above 100.
- 23 Q. Above 100. Thank you. Now, when you left Kpandebu for
- 24 Bumpe, were you all civilians?
- 16:31:13 25 A. Yes. We were civilians. Kamajors accompanied us.
- 26 Q. Kamajors accompanied you. Accompanied you to where?
- 27 A. Bumpe.
- 28 Q. Did you know any of the Kamajors who accompanied you to
- 29 Bumpe?

1 A. All of those who accompanied us to the place, only one I
2 knew.

3 Q. And who was this Kamajor you knew?

4 A. His name was Kamabotie.

16:32:15 5 Q. Is there a relationship there between you and Kamabotie?

6 A. My eldest sister was given to him in marriage.

7 Q. And what is the name of your elder sister?

8 A. Her name was Louise, but she's dead now.

9 Q. Thank you.

16:32:45 10 PRESIDING JUDGE: We'll take a 30 minute break.

11 MR MARGAI: As My Lords please.

12 [Break taken at 4.30 p.m.]

13 [Upon resuming at 5.03 p.m.]

14 PRESIDING JUDGE: Mr Bangura. Your witness.

17:06:00 15 MR MARGAI: I'm still leading in chief, My Lords.

16 PRESIDING JUDGE: You're not finished.

17 MR MARGAI: I should be in the next ten minutes.

18 PRESIDING JUDGE: It wasn't a strategy at all.

19 MR MARGAI: I appreciate that, My Lords.

17:06:14 20 PRESIDING JUDGE: It was inadvertent. Let's proceed.

21 MR MARGAI:

22 Q. Now, Madam Witness, we left off where you said that,
23 amongst the Kamajors who accompanied the group from Kpandebu to
24 Bumpe, was one Kamabotie.

17:06:35 25 A. Yes.

26 Q. Now, would you please tell Their Lordships why you left
27 Kpandebu to go back to Panguma?

28 A. Well, we left Kpandebu, Tongo, we were in Kpandebu. They
29 said we were to go to Bumpe. They took us to Bumpe. After

1 Bumpe, we went to Jagbema.

2 Q. Before moving on, why did you leave Tongo for Panguma?

3 A. What?

4 Q. Why did you leave Tongo for Panguma?

17:07:19 5 MR BANGURA: Your Honour, I'm not too clear where counsel
6 is going.

7 THE WITNESS: They attacked us --

8 PRESIDING JUDGE: Wait, witness.

9 MR BANGURA: Just for clarification, the witness has
17:07:28 10 answered more than twice from Tongo they went to Bumpe, but
11 counsel keeps asking: Why did you leave? I don't know if it's a
12 strategy he wants to direct the witness's mind to Panguma. But
13 it's no so clear.

14 PRESIDING JUDGE: Maybe there is something unclear which
17:07:45 15 he's trying to -- remember, it's his witness and he knows what
16 evidence he's trying to lead.

17 MR BANGURA: I just wanted clarification.

18 PRESIDING JUDGE: Very well. Please help us.

19 MR MARGAI: I can assist. The witness said she left
17:07:56 20 Sokoihun for Tongo but still at Kpandebu, some distance from
21 Tongo. The husband was staying in Tongo.

22 PRESIDING JUDGE: Well, let's have the clarification from
23 the witness herself.

24 MR MARGAI: As My Lord pleases.

17:08:12 25 PRESIDING JUDGE: Go ahead, counsel.

26 MR MARGAI:

27 Q. Now, why did you have to go back to Tongo? Sorry, to
28 Panguma.

29 A. That was what I was explaining.

1 Q. Yes, please do.

2 A. We went there. When we left Bumpe, we went and got to
3 Talama, and we passed that location and went to Panguma.

4 Q. Sorry, sorry. I'm sure you've not understood the question.
17:08:48 5 You had left Sokoihun for Tongo.

6 A. Yes.

7 Q. But still at Kpandebu.

8 A. Yes. When we left Sokoihun, we were at Kpandebu. That was
9 where we had the house.

17:09:11 10 Q. Thank you. Now, after three months, you left to return to
11 Panguma.

12 A. Yes, we returned. We returned.

13 Q. Thank you. Now, the question is: Why did you decide to
14 return to Panguma?

17:09:30 15 A. At that time, my child had got better and I wanted to
16 return, but I didn't get any chance to go back. Within that
17 period, early in the morning, we were in bed when we heard
18 bombardment in the night and woke up. After we had woken up, we
19 came outside. There was a large crowd. So I got into the middle
17:10:07 20 of the other people and went out.

21 Q. Thank you. Now let's go back to Kpandebu. You had left
22 Kpandebu and arrived at Bumpe.

23 A. Yes.

24 Q. From Kpandebu, did you proceed to Talama?

17:10:38 25 A. Yes.

26 THE INTERPRETER: Your Honours, can the witness get closer
27 to the mic?

28 PRESIDING JUDGE: Can you adjust that, please, Mr George?
29 Is it possible to pull the mic towards her?

1 MR MARGAI:

2 Q. Now, from Kpandebu to Bumpe, did you encounter any attack?

3 A. When we were going?

4 Q. Yes.

17:11:26 5 A. When we were going to Bumpe, they did not attack us.

6 Q. Thank you. Now from Bumpe to Talama, was there any attack?

7 A. No.

8 Q. We are now at Talama.

9 A. Okay.

17:11:53 10 Q. Please tell Their Lordships what happened at Talama, if
11 anything.

12 A. Nothing happened in Talama that was bad. Nothing happened
13 in Talama.

14 Q. In other words, when you got to Talama, did you just pass
17:12:11 15 through?

16 A. When we got to Talama, we went -- the other hunters had
17 remained there. They went and introduced us to them, that we
18 were from Tongo.

19 Q. Thank you. Who introduced you to the hunters?

17:12:42 20 A. Kamabotie, who had brought us, did that.

21 Q. And who were these hunters? How are they known or called?
22 No, not by their individual names, their fighting groups.

23 A. No, I didn't know any name for a group that they had. I
24 don't know.

17:13:01 25 Q. Just hunters?

26 A. Yes, yes. I didn't know that was their name.

27 Q. Now, did the hunters do anything to the group that was
28 heading for Panguma, of which you were a member?

29 MR KAMARA: Objection, My Lord, that's [overlapping

1 speakers].

2 PRESIDING JUDGE: Sustained.

3 MR MARGAI:

4 Q. What did the hunters do? In other words, did you just pass
17:13:37 5 through Talama?

6 A. We didn't just pass through. They asked us to come so that
7 we -- they would check us, if we had anything like bullets on us
8 or anything, but they didn't say anything. And they told us that
9 we should go, and they took us along.

10 Q. Thank you. Now, when, according to you, they asked to
17:14:01 11 search your belongings, where exactly did this search take place?
12 Was there a checkpoint; in other words?

13 A. There was no checkpoint.

14 Q. Thank you. What is your understanding of a checkpoint,
17:14:34 15 please?

16 A. What I think, when something is crossed and there would be
17 police standing there. And if a vehicle comes, it would pass to
18 probably have the crossing over it. That is what I know.

19 Q. Now, was there a checkpoint, according to your
17:15:00 20 understanding, at Talama?

21 A. No.

22 Q. Now, you have told the Chamber that your number was
23 approximately over a hundred.

24 A. Yes, the way I think.

17:15:28 25 Q. Could you tell Their Lordships where you were in this
26 group, either at the start of the group, the middle of the group,
27 or at the end of the group?

28 A. We were not divided. We were in a group. We were in a
29 group going, on the street.

1 Q. What I mean --

2 PRESIDING JUDGE: You want to find out where she was
3 positioned in the group?

4 MR MARGAI: Yes, My Lord.

17:16:14 5 Q. Now, take these glasses to be one group moving, the entire
6 group. Now, where were you positioned; at the start, the
7 middle --

8 JUDGE BOUTET: Will you admit the glasses as evidence?

9 MR MARGAI: Sorry, My Lord.

17:16:30 10 PRESIDING JUDGE: Are you exhibiting them?

11 MR MARGAI: No, I'm just trying to get her position.

12 THE WITNESS: No, I can't say that because at times you'd
13 be walking, someone will just pass in front, and, at times, you'd
14 be at the back, at times you'd be in the middle. You can't say
17:16:39 15 you'd be at a permanent place constantly, that is the particular
16 place you would be for the rest of the journey.

17 PRESIDING JUDGE: She is virtually saying that the law of
18 motion doesn't allow that kind of static situation.

19 MR MARGAI: Yes, My Lords.

17:16:54 20 PRESIDING JUDGE: Very interesting insight.

21 MR MARGAI: Yes, indeed.

22 Q. Now, after -- were you searched?

23 A. Yes.

24 Q. After you had been searched, were others searched after
17:17:09 25 you?

26 A. Yes.

27 Q. Whilst the others behind you were being searched, where
28 were you standing in relation to those who were conducting the
29 search?

1 A. It was not just one person that was doing this search. All
2 of them were doing the search, searching our property.

3 Q. Okay, thank you. Was everybody in that group searched?

4 A. Yes.

17:18:00 5 Q. Was the search conducted according to tribal groupings?

6 MR KAMARA: Objection, My Lord. That is leading.

7 PRESIDING JUDGE: Sustained.

8 MR KAMARA: Thank you.

9 MR MARGAI: Very well.

17:18:17 10 PRESIDING JUDGE: How was.

11 MR MARGAI:

12 Q. How was the search conducted?

13 MR MARGAI: Thank you, My Lords.

14 THE WITNESS: There were no selections. They just did it,
17:18:30 15 they searched you randomly.

16 MR MARGAI: Thank you.

17 Q. Was this a mixed group of tribes?

18 A. We were mixed.

19 Q. Thank you. Madam Witness, there is evidence before this

17:18:52 20 Court that there was a checkpoint at Talama. What have you got
21 to say in response to that allegation? Was there, in fact, a
22 checkpoint?

23 A. I did not see any checkpoint. There was no checkpoint
24 there. I don't know. I didn't see it there.

17:19:15 25 Q. Thank you. There is also an allegation before this Court
26 that, at this checkpoint at Talama, people were separated
27 according to their tribal groupings; what is your response?

28 A. I did not see that. It did not happen.

29 Q. And there is also evidence before this Court that those

1 groupings, who were Temnes, Lokos and Limbas were taken somewhere
2 and killed; what is your response to such an allegation?

3 A. I did not witness that. It did not happen. I did not
4 witness that.

17:20:27 5 MR MARGAI: My Lords, I'm referring to the testimony of
6 TF2-035 of 14th February 2005, pages 11 to 25; the evidence of
7 TF2-048 of 23rd February 2005, pages 12 to 25; and lastly,
8 TF2-144 of 25th February 2005, pages 60 to 75.

9 Q. Now, finally, Madam Witness --

17:21:36 10 PRESIDING JUDGE: Just a minute, those citations or
11 references, are they relating to the same piece of evidence?

12 MR MARGAI: Yes, My Lords.

13 PRESIDING JUDGE: Not different pieces?

14 MR MARGAI: No, about the three issues I put to her.

17:21:55 15 PRESIDING JUDGE: Right. Thanks.

16 MR MARGAI: Based on the allegations.

17 PRESIDING JUDGE: All right.

18 MR MARGAI: Thank you, My Lords.

19 PRESIDING JUDGE: Let's proceed.

17:22:01 20 MR MARGAI:

21 Q. Now, Madam Witness, after the search, did you proceed?

22 A. Yes. We went, then, to Panguma, our home town.

23 Q. You alone?

24 A. No, we were many. Just as we came.

17:22:18 25 Q. Finally, Madam Witness, did any individual forming part of
26 that group stay behind after the search?

27 A. No. We did not leave anybody behind.

28 Q. Thank you very much, Madam Witness.

29 MR MARGAI: That will be all for the witness, My Lords.

1 PRESIDING JUDGE: Thank you, counsel. Dr Jabbi, any
2 cross-examination?

3 MR SESAY: No questions.

4 PRESIDING JUDGE: Thanks. Mr Powles?

17:23:06 5 MR POWLES: No, thank you, Your Honours.

6 PRESIDING JUDGE: Mr Kamara or Mr Bangura.

7 CROSS-EXAMINED BY MR BANGURA:

8 Q. Good afternoon, Madam Witness.

9 A. Yes, good afternoon, sir.

17:23:24 10 Q. Madam Witness, on this day you were coming from Bumpe
11 towards Panguma, when you passed through Talama, apart from your
12 group, do you know whether any other groups came through that
13 point?

14 A. No. I don't know.

17:23:54 15 Q. You would not know whether other groups came through Talama
16 on that day; not so?

17 A. No. Apart from when we came, I don't know.

18 Q. And the men whom you met there, who you say searched you,
19 they were all Kamajors, were they?

17:24:24 20 A. Yes.

21 Q. Could you remember the number that you saw there?

22 A. No. I don't know their number.

23 Q. Were there many, or were they few?

24 A. They were not many.

17:24:51 25 Q. Could there have been up to ten?

26 A. No, I don't know now.

27 Q. As you left Bumpe that day, did you notice other people
28 leaving, apart from the group in which you were?

29 A. When we had gone, I didn't know if other people left the

1 place.

2 Q. Can you help me: How far away is Bumpé from Tongo?

3 A. I don't know the mileage, but it is a far distance.

4 Q. But you were all fleeing fighting that was going on in
17:25:49 5 Tongo; correct?

6 A. Yes, we were fleeing from the fighting.

7 Q. And Tongo is a very popular town -- was a popular town at
8 that time. There were many people living there; not so?

9 A. Yes.

17:26:16 10 Q. So there would not have been only a hundred people fleeing
11 from Tongo from the fighting; correct?

12 A. We who left, I'm referring to those of us who left. There
13 were people there who stayed.

14 Q. Now, from Talama, you moved on to Panguma. How far away is
17:26:45 15 that -- is the distance between those two points?

16 A. It's about one and a half miles.

17 Q. Now, not all of you got to Panguma at the same time; not
18 so?

19 A. All of us got there. We didn't even sleep on the way.

17:27:15 20 Q. You said you were led to Talama by Kamabotie; correct?

21 A. He took us right on to Panguma.

22 Q. Where did he take you from?

23 A. Where they took us, when they fought that fight and we left
24 that early in the morning, they were on the hills, the Kamajors.

17:27:57 25 We didn't know whether they were the people. They called us.

26 They said, "Come." They said, "We are the Kamajors, don't be
27 afraid of us." And we went. So that was when they took us.

28 Q. So he took you from Tongo; is that what you're saying?

29 A. He did not come from inside of the town, Tongo itself.

1 They were in -- they were by the school Tongo Agric.

2 Q. And he particularly showed an interest in you because you
3 were his in-law; not so?

4 A. No. I was not the only one that he did that to.

17:28:54 5 Q. He led the group of a hundred, but he was also interested
6 in your safety as well, not so?

7 A. No. All of us, he cared for all of us.

8 Q. Madam Witness, your husband is a Kamajor; not so?

9 A. No. He's a carpenter.

17:29:28 10 Q. Now, during the time that you were in Sokoihun, you were
11 hiding, he came to Tongo and was able to survive there. Do you
12 know how he survived from the fighting?

13 A. At that time when he went there, people were going to
14 Tongo, and people were going there to look for their living, and
17:29:59 15 that was when he said he had to go there. He went there to
16 search for food. He was a carpenter, and that was why he went
17 there.

18 Q. He never had anything to do with the Kamajor society?

19 A. No, he was not a Kamajor. He was just an ordinary
17:30:20 20 civilian.

21 Q. Was he a miner?

22 A. He was doing the work of a carpenter. He never did any
23 mining.

24 Q. You yourself, Madam Witness, before the war, you were
17:30:40 25 involved in mining business; correct?

26 A. No.

27 Q. During the war, you did some mining; correct?

28 A. No, I don't know how to mine for diamonds.

29 Q. You've never been involved in mining before?

1 A. No.

2 Q. Have you had people working for you? You don't have to go
3 and dig diamonds yourself, but did you have people who you pay to
4 work for you as miners?

17:31:26 5 A. No, even that did not happen. I had nobody mining for me.

6 Q. Thank you. Madam Witness, before you came to give your
7 testimony here, you were contacted by somebody from the Defence
8 office; am I right?

9 A. No.

17:32:04 10 Q. So how did you come here?

11 A. What sort of talk are you talking about? I didn't get you
12 clearly. Go over that again.

13 Q. Did somebody contact you who informed you that they would
14 like you to come and testify before this Court?

17:32:25 15 A. Yes.

16 Q. And the person asked you about your knowledge of what had
17 happened during the war; not so?

18 A. Yes.

19 Q. You, of course, told that person what you knew about the
17:32:56 20 war; correct?

21 A. Yes, what happened to me, I explained to that person.

22 Q. Madam Witness, you then had an opportunity to discuss your
23 evidence before you came here with your husband; not so?

24 MR MARGAI: My Lords, may we be guided as to where the

17:33:28 25 Prosecutor is leading us so that we will know, because I don't
26 understand this line of cross-examination.

27 JUDGE ITOE: Is it you're objecting to the question? He
28 can't guide you. Mr Margai, are you objecting?

29 PRESIDING JUDGE: Well, I will tell you where I'm leading

1 you now.

2 JUDGE ITOE: Yes. I, too, am prepared to support the
3 Presiding Judge.

4 PRESIDING JUDGE: We'll adjourn the trial to tomorrow, the
17:34:01 5 18th October, at 9.30 a.m.

6 MR MARGAI: My Lords, I was going to crave Your Lordships'
7 indulgence, depending on how long my learned friend --

8 PRESIDING JUDGE: No, Mr Margai, I actually do not even
9 want you to take much time, because we are -- we've granted so
17:34:22 10 many indulgences and, at this particular point in time, the Bench
11 insists that we now enjoy some indulgence from the Bar --

12 JUDGE ITOE: From Mr Margai.

13 PRESIDING JUDGE: And from the Prosecution, so the trial is
14 adjourned to tomorrow, Wednesday, 18th October 2006 at 9.30 a.m.

17:34:48 15 MR MARGAI: My Lords, I will be in a dilemma, if only Your
16 Lordships will grant me audience.

17 PRESIDING JUDGE: You have very able assistants.

18 MR MARGAI: The problem is this, My Lords, I'm really
19 sorry: Mr Yada Williams was involved in a road accident
17:35:02 20 yesterday on his way to Bo. Mr Ansu Lansana is not here because
21 he has toothache, and I believe he will be seeing the doctor

22 tomorrow. Mr Martin Michael is not co-counsel. He's legal
23 assistant, and, unfortunately, My Lords, I was thinking I would

24 wind up today. I had accepted an invitation from the British
17:35:33 25 government to accompany His Excellency the President, the
26 Vice-President Honourable Ernest Bai Koroma in his position as
27 the opposition leader and I will be there as leader of my own
28 party on board one of the warships for us to have a discussion,
29 which would soften the ground for the elections next year. I

1 really accepted the invitation believing that I would wind up
2 today, if not my colleagues could stand in my stead.

3 Unfortunately, as I said, Yada Williams cannot avail of --

4 JUDGE ITOE: Mr Margai, we cannot accommodate you after
17:36:18 5 your -- I don't know at what time --

6 MR MARGAI: We'll be back at 11.30.

7 PRESIDING JUDGE: In that regard, and we -- quite frankly,
8 I'm not --

9 MR MARGAI: I'm sorry about this, My Lords.

10 PRESIDING JUDGE: The disposition of the Bench is to be
17:36:30 11 quite charitable in matters of this nature.

12 MR MARGAI: And you have always been.

13 PRESIDING JUDGE: In this particular situation, I would
14 like to say, speaking for myself, if you had given us advanced
17:36:45 15 notice of this, I would have been so willing to say, yes, matters
16 of state are equally important as the process of justice, but
17 this kind of, what I will call pre-emptory notice, is something
18 that I take a dim view of. I couldn't see that nothing is more
19 important than the administration of justice.

20 MR MARGAI: I couldn't agree with you more, My Lords.

21 PRESIDING JUDGE: Because my brother has shown that kind of
22 charity and I think my other brother, too, would like to show the
23 same degree of charity, we'll adjourn the matter to 11.30 prompt
24 tomorrow morning.

25 MR MARGAI: We should be back here -- the helicopter lands
26 at 11.30.

27 PRESIDING JUDGE: Right, then we'll adjourn to midday.

28 MR MARGAI: Thank you, My Lords. I apologise, because I
29 never contemplated the dilemma of Mr Williams --

1 PRESIDING JUDGE: We're not quarrelling with the whole
2 idea.

3 MR MARGAI: It's the question of the pre-emptiveness.

4 PRESIDING JUDGE: Yes, that's the thing.

5 MR MARGAI: If I had known, the application would not be
6 necessary, because either of them could have just continued.

7 PRESIDING JUDGE: We've really accorded you, because of
8 your seniority a lot of indulgences, and, clearly, we also would
9 like to feel we're not being taken advantage of.

10 MR MARGAI: Definitely not, My Lords. We would never think
11 of that. We are grateful and, once more, I'm sorry.

12 JUDGE BOUTET: Mr Margai, why would it not be possible for
13 this situation to be assisted by the Principal Defender's office,
14 who was always volunteered for these kinds of situations? There
15 are representatives here in this Court from the Principal
16 Defender's office, and they have, on occasion, on behalf of the
17 second accused or the first accused, as such. I take it, at this
18 stage of the process -- but, it is only a suggestion, to assist
19 you.

20 MR MARGAI: I wish I had thought of that. I was in fact
21 going to ask for leave for my learned friend to be heard. That
22 would have taken care of the situation, Mr Michael. He's quite
23 able and willing if Your Lordships --

24 JUDGE ITOE: Mr Margai, we will wait for you. We would
25 prefer that scenario.

26 PRESIDING JUDGE: I think we would -- it would not be a
27 great inconvenience or hardship on this Court to adjourn to 12
28 noon tomorrow and to have the rest of the cross-examination and
29 hopefully see the close of the Defence case tomorrow.

1 MR MARGAI: Thank you, My Lords. Once more, I extend my
2 appreciation and thanks.

3 PRESIDING JUDGE: Again, I repeat, we're adjourned to 12
4 noon tomorrow.

5 [Whereupon the hearing adjourned at 5.37 p.m., to be
6 reconvened on Wednesday, the 18th day of October
7 2006, at 12 noon]

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WITNESSES FOR THE DEFENCE:

WITNESS: MOSES BANGURA	2
EXAMINED BY MR MARGAI	2
CROSS- EXAMINED BY MR BANGURA	18
WITNESS: DORIS KELFELLA	40
EXAMINED BY MR MARGAI	40
CROSS- EXAMINED BY MR BANGURA	52