



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

WEDNESDAY, 18 OCTOBER 2006  
12.07 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:

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 Yada Williams

1 [CDF18OCT06A - CR]

2 Wednesday, 18 October 2006

3 [The accused present]

4 [The witness entered Court]

5 [Open session]

6 [Upon commencing at 12.07 p.m.]

7 WITNESS: DORIS KELFELLA [Continued]

8 PRESIDING JUDGE: Good afternoon, counsel. We'll proceed  
9 with the cross-examination. Before we do that, we have a brief  
10 ruling to read in respect of Prosecution's motion for rebuttal  
11 evidence.

12 Having considered the Prosecution's motion for leave to  
13 call evidence in rebuttal and for immediate protective measures  
14 for the proposed rebuttal witness, filed on 13 October 2006, and  
15 the Prosecution's disclosure of the interview notes and  
16 unredacted statements of the proposed rebuttal witness and the  
17 Defence's response to the Prosecution's motion for leave, filed  
18 on 16 October 2006, and the Prosecution's reply thereto filed on  
19 17 October 2006, the Bench, by a unanimous decision, denies the  
20 motion as lacking in merit. A written reason decision will be  
21 published in due course.

22 We'll now proceed with the further cross-examination of  
23 this witness.

24 CROSS-EXAMINED BY MR BANGURA: [Continued]

25 Q. Good afternoon, Madam Witness.

26 A. Yes, Pa, good afternoon.

27 Q. We shall continue with your cross-examination this  
28 afternoon, Madam Witness. You mentioned yesterday in your  
29 evidence that you were moving from Tongo as a result of fighting

1 there. Now, am I correct to say that this was an attack by  
2 Kamajors on Tongo?

3 A. No, it is not so. They were not the ones.

12:13:40 4 MR BANGURA: Sorry, Your Honours, I was on the wrong  
5 channel. I missed the answer. Could I have the interpreter  
6 repeat the answer, please.

7 PRESIDING JUDGE: Interpreter, please help counsel.

8 THE INTERPRETER: Could counsel go over his questions again  
9 so I will do it afresh.

12:13:54 10 PRESIDING JUDGE: Counsel, will you repeat your question.

11 MR BANGURA: Very well.

12 Q. Madam Witness, this fighting you were fleeing from Tongo,  
13 was it as a result of an attack by Kamajors on Tongo?

14 A. No.

12:14:11 15 Q. Which group had attacked Tongo that brought about the  
16 fighting?

17 A. In the morning, the day break, we only saw people come out.  
18 They were rebels.

19 Q. Madam Witness, at the time that this incident took place,  
12:14:53 20 which forces were in control of Tongo; are you able to tell us?

21 A. Those that were in Tongo, rebels -- the rebels and the  
22 soldiers. They were the ones.

23 Q. So then this fighting erupted in the morning and you say it  
24 was rebels that were --

12:15:28 25 A. It was in the night.

26 Q. And you say it was rebels that were fighting. Who were  
27 they fighting against?

28 A. They were fighting against the Kamajors.

29 Q. Madam Witness, you will recall that there were several

1 attacks on Tongo during this period that we're talking about;  
2 correct?

3 A. I'm only talking about the first one, that one that I know  
4 of.

12:16:15 5 Q. Now, since after the coup, which you were able to recall  
6 yesterday, since after that period, Tongo was occupied by  
7 soldiers -- junta forces, soldiers and rebels; is that correct?

8 A. Yes.

9 Q. Up to the time you went to leave there, you moved from  
12:16:47 10 Sokoihun and came to Tongo to your husband, the town was  
11 controlled by soldiers; correct?

12 A. Yes, they were the ones who were there.

13 Q. And the Kamajors had been trying several times to dislodge  
14 the soldiers from the town; is that not so?

12:17:12 15 A. Yes.

16 Q. There were several of these attacks, it was not just the  
17 one attack that the Kamajors launched on Tongo; not so?

18 A. I only knew of the first one. I don't know whether they  
19 came back there, but that was the only one that I know of.

12:17:40 20 Q. Do you know whether any other fighting took place in Tongo  
21 after this attack?

22 A. When I left there, I never went there back.

23 Q. So you are not sure whether this was the first or the  
24 second or the third of the attacks on Tongo?

12:18:10 25 MR WILLIAMS: The question is asked and answered, My Lord:  
26 I only know of one attack that took place.

27 THE PRESIDING JUDGE: Counsel, please rephrase.

28 MR BANGURA: Your Honours, I have put it to the witness --  
29 I've suggested to the witness that there were several attacks and

1 I'm pursuing that line and suggesting to her that she may not be  
2 aware that there were other attacks that took place after this  
3 first attack.

4 PRESIDING JUDGE: Put it again.

12:18:44

5 MR BANGURA:

6 Q. Madam Witness, you are not able to tell this Court whether  
7 this attack is the first of several attacks, or the second, or  
8 the third?

12:19:13

9 A. I only knew of the first one when we were removed from  
10 that, and I did not go back there any more.

11 Q. Do you remember what month this attack took place?

12 A. I don't know the month. I didn't count.

13 Q. Now, you have told this Court that there were over a  
14 hundred of you fleeing Tongo; correct?

12:19:39

15 A. There were a lot of crowds there, but we left there.

16 Q. In your group, there were about a hundred, over a hundred  
17 of you; that's what I'm saying.

18 A. Yes, we were in the large crowd. I didn't count everybody,  
19 that is why I said so.

12:20:08

20 Q. Granted. You will agree with me, Madam Witness, that the  
21 composition of the group was mixed. It was not just women or  
22 just men or just children, it was mixed; correct?

23 A. Yes.

12:20:39

24 Q. So you were not moving along at the same pace; is that not  
25 so?

26 A. We were all walking along the road.

27 Q. What I'm suggesting to you is that some people who were  
28 able to move faster, to walk faster, were far ahead of others who  
29 could not move so fast, like, suckling mothers who had children;

1 correct? Do you understand the question?

2 A. Go back to it. I don't understand.

3 Q. I am suggesting to you, Madam Witness, that because the  
4 composition of the group was mixed, some people were able to move  
12:21:44 5 faster and were ahead, while others lagged behind.

6 A. Yes, that happened, because there are people who can't walk  
7 fast.

8 Q. And you were one of those who was able to walk very fast;  
9 correct?

12:22:13 10 A. Yes. I was walking together with my children.

11 Q. So you were ahead; not so?

12 A. No, I was not in front. I was not in front.

13 Q. Madam Witness, how many times did you stop on the way?

14 A. When we were going, it was only once that we rested.

12:22:53 15 Q. And am I correct to say that this one time that you rested  
16 was when you got to Talama?

17 A. When we got to Bumpe, that was the place where we rested,  
18 at once.

19 Q. Madam Witness, when you got to Talama, did you stop there  
12:23:36 20 at all?

21 A. Yes.

22 Q. And did you take some rest there?

23 A. I was not alone. We rested then. I was not alone.

24 Q. You rested more than once on the way, didn't you?

12:23:58 25 A. When we were walking, we rested. Even in Talama, when we  
26 got there, we rested.

27 Q. Madam Witness, all this while, you had Kamajors flanking  
28 you; correct, by your side, ushering you?

29 A. Yes.

1 Q. Now, these Kamajors, were they armed?

2 A. Yes.

3 Q. Now, the people in that group, the hundred or more people  
4 in that group, did you know all of them?

12:24:53 5 A. I didn't know them. I didn't know them. They were  
6 different tribes. I didn't know them.

7 Q. Do you know where they had all come from; what parts of  
8 Tongo they had all come from?

9 A. No.

12:25:20 10 Q. Now, you said you were heading for Panguma. Now, these  
11 people --

12 A. It's my home town. I was going there.

13 Q. You were heading for Panguma, Madam Witness, but were all  
14 of these people heading for Panguma as well?

12:25:50 15 A. When we got out of that place, we were taken, all of us, to  
16 Panguma.

17 Q. So you were taken to Panguma?

18 A. Yes.

19 Q. You did not go to Panguma all on your own, by your will?

12:26:15 20 A. Yes.

21 Q. You were led to Panguma by these Kamajors who were armed;  
22 correct?

23 A. Yes.

12:26:30 24 Q. It is just by coincidence that you came from Panguma, and  
25 so you were going back to your town; correct?

26 A. Everybody, whether you were from Panguma or not, you were  
27 going there. They did not select people that you were not from  
28 Panguma and this is from Panguma. They took us to Panguma. We  
29 got there.

1           PRESIDING JUDGE: What do you mean by coincidence?

2 Remember cross-examination is not to confuse a witness.

3           MR BANGURA: I could rephrase, Your Honour.

4           PRESIDING JUDGE: Yes. That's rather -- it might not have  
12:27:09 5 been captured by the interpreters. Go ahead.

6           MR BANGURA:

7 Q. Madam Witness, my question to you was: It just happened  
8 you came from Panguma, that's the reason why you felt you were  
9 going home, but you didn't have a choice. Nobody had a choice;  
12:27:29 10 you were all being led to Panguma.

11 A. Yes.

12 Q. And all of these people, the hundred or more people, were  
13 civilians; correct?

14 A. Yes.

12:28:13 15 Q. Madam Witness, during the period that you took rest, were  
16 you provided with anything by the Kamajors?

17 A. They gave us water to drink.

18 PRESIDING JUDGE: Excuse me, did she have her headgear on?

19 MR BANGURA: Yes, it's just fallen.

12:28:37 20 PRESIDING JUDGE: Would a representative from the witness  
21 unit please assist her with her headgear. Continue, counsel.

22 MR BANGURA: Thank you, Your Honour.

23 Q. Madam Witness, was it just water that you were provided  
24 with?

12:29:14 25 A. They gave us water to drink. They gave us water to drink,  
26 and we drank and went away.

27 Q. The question was: Was it just water --

28 A. And oranges as well.

29 Q. All of you in the group?



1 A. All of us.

2 Q. Now, where was this that you got water and oranges?

3 A. When we got to Bumpe, as soon as we arrived at Bumpe, that  
4 was the time they gave us those things.

12:29:54 5 Q. How many Kamajors were there, at Bumpe?

6 A. There were many. There were many.

7 MR BANGURA: Your Honours, there will be no further  
8 questions for this witness.

9 PRESIDING JUDGE: Thank you, counsel. Re-examination,  
12:30:20 10 learned counsel?

11 MR WILLIAMS: None, My Lords.

12 PRESIDING JUDGE: Thank you. Mr Williams?

13 MR WILLIAMS: My Lord, that is the case for the third,  
14 My Lord.

12:31:12 15 PRESIDING JUDGE: Are there any outstanding issues any of  
16 the parties want to raise?

17 MR SESAY: Yes, Your Honours.

18 PRESIDING JUDGE: Yes, Mr Sesay.

19 MR SESAY: Your Honours, it's in relation to -- now that  
12:31:27 20 the case for the third accused has now been closed, it's in  
21 relation to the final trial briefs.

22 PRESIDING JUDGE: Yes. In other words, you want to know  
23 something about that?

24 MR SESAY: Yes, Your Honour. I believe there had been an  
12:31:44 25 order before as regards the time frame.

26 PRESIDING JUDGE: Before we go into that, let me release  
27 the witness. Madam Witness.

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: We thank you for your testimony.

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: You are now released.

3 THE WITNESS: Yes.

4 [The witness withdrew]

12:32:58 5 PRESIDING JUDGE: I take it that is a matter which is of  
6 interest to all members of the Defence team? I take it is also  
7 of interest to the Prosecution.

8 MR KAMARA: Yes, My Lord.

9 PRESIDING JUDGE: Well, then, this is the order of the  
10 Court. Dated the 18th day of October 2006, it is entitled  
11 "Scheduling Order for Final Trial Briefs and Presenting Closing  
12 Arguments," the orders are as follows: 1. The Prosecution and  
13 Court-appointed counsel for each accused shall file their  
14 respective final trial briefs simultaneously on 22 November 2006  
12:33:43 15 by 4 p.m.; 2. The Prosecution and Court-appointed counsel for  
16 each accused may present their respective closing arguments  
17 commencing on 28 November 2006 at 9.30 a.m. and continuing, if  
18 necessary, on 29 November 2006 in Courtroom I; 3. The parties  
19 shall inform the Chamber of the anticipated length of their  
12:34:25 20 closing arguments on 27 November 2006, by 1 p.m., which may  
21 thereafter be limited by the Chamber in the interests of justice.  
22 That is the order of the Court. Is there anything else?

23 MR WILLIAMS: Just to say we're most grateful, My Lord.

24 PRESIDING JUDGE: Acknowledged.

12:35:01 25 MR KAMARA: Thank you, My Lords.

26 PRESIDING JUDGE: Acknowledged.

27 MR POWLES: Thank you, Your Honours.

28 PRESIDING JUDGE: This trial is adjourned to 28 November  
29 2006 at 9.30 a.m., unless otherwise ordered and directed.

1                   [Whereupon the hearing adjourned at 12.37 p.m., to be  
2 reconvened on Monday, the 28th day of November 2006,  
3 at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DORIS KElfELLA

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CROSS- EXAMINED BY MR BANGURA

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