

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-16-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA KAMARA
SANTIGIE KANU

MONDAY, 7 MARCH 2005
9.19 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Ms Caitlin Reiger
Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr David Crane
Mr Luc Cote
Ms Lesley Taylor
Ms Boi-Tia Stevens
Ms Melissa Pack
Mr Jim Johnson
Mr Christopher Santora
Ms Sharan Parmar
Mr Robert Braun
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Simone Monasebian

For the accused Alex Tamba Brima:

Mr Kevin Metzger
Ms Glenna Thompson
Mr Kojo Graham
Mr Osman K Kamara

For the accused Brima Kamara:

Mr Wilbert Harris
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Kanu:

Mr Geert-Jan Alexander Knoops
Ms Carry J Knoops-Hamburger
Mr Abibola Manley-Spaine
Ms Karlijn van der Voort (legal assistant)

1 Monday, 7 March 2005

2 [Open session]

3 [The accused entered court]

4 [On commencing at 9.19 a.m.]

09:18:52 5 PRESIDING JUDGE: I'm addressing my official colleagues. Counsel for
6 the Defence and the Prosecution, ladies and gentlemen, before I call this
7 case on for hearing, I wish to say a few words on behalf of my learned
8 brother and sister. In doing so, I adopt some of the words and sentiments
9 of my learned brother, Justice Itoe, of Trial Chamber Number I on the
09:19:26 10 opening of this Special Court on the 3rd of June 2004 in which he said it
11 was for purposes of bringing before justice and bringing an end to impunity
12 perpetrated by those who bear the greatest responsibility for serious
13 violations of international and Sierra Leonean law that this Trial Chamber
14 is sitting today pursuant to Security Council resolution 1315/2000 on the
09:20:00 15 14th of August 2000, established by an agreement of the 16th of January
16 2002 between the United Nations organisation represented by his Excellency,
17 the Secretary-General Kofi Annan and the government of Sierra Leone. In
18 fact, the mission of this Court and the process we are about to continue
19 today is to contribute to the peace, reconciliation process within Sierra
09:20:32 20 Leone, and in the wording of the Security Council in its Resolution 1315 in
21 the particular circumstances of Sierra Leone, a credible system of justice
22 and accountability for the serious crimes committed there would end
23 impunity and would contribute to the process of national reconciliation and
24 restoration of peace.

09:20:59 25 I add that we on this Bench are well aware that the three accused
26 before this Trial Chamber have been waiting for a considerable time for
27 their trial to commence. We know the representations they have made. We
28 three come from different jurisdictions, but we share a common experiences
29 on the Bench and a common wish and determination to ensure the accused have

1 a fair and expeditious trial and that the integrity of the justice system
2 is upheld and respected in this Trial Chamber.

3 To this end, we call upon all the parties involved in the trial
4 process to avoid delay and unnecessary obfuscation. We assure all parties
09:21:52 5 and the international community that this Bench will likewise dedicate
6 itself to achieving the objectives of the Special Court and fulfilling the
7 expectations upon us. In so doing, we in turn hope to contribute to
8 restoring peace, stability, and the rule of law to Sierra Leone.

9 Madam Court officer, please call the matter.

09:22:22 10 THE REGISTRAR: The Prosecutor against Alex Tamba Brima, Brima Bazzy
11 Kamara, Santigie Borbor Kanu, and the case number is SCSL-2004-16 trial.

12 PRESIDING JUDGE: Thank you. We will first swear in the
13 interpreters. Please proceed.

14 THE REGISTRAR: Please take your declaration.

09:23:22 15 [Amadou-Gbongboh Serry sworn]

16 [Lansana Sorie Kamara sworn]

17 [Joseph Sahr Bundor sworn]

18 [Ibrahim KM Fornah sworn]

19 [Brima Turay sworn]

09:24:22 20 [Brima Kelson Sesay sworn]

21 [Samuel Sesay sworn]

22 [Sylvester Edwin Wright sworn]

23 [Alex Sorie Turay sworn]

24 [Samuel PK Vandi sworn]

09:25:45 25 [Edward L Foday sworn]

26 PRESIDING JUDGE: Thank you.

27 Appearances, please, counsel.

28 MR CRANE: For the Prosecution, Your Honour, David M Crane,

29 Prosecutor; Boi-Tia Stevens, trial counsel; Lesley Taylor, trial counsel.

1 PRESIDING JUDGE: Thank you, Mr Crane. There appears to be others
2 with you at the bar table. My learned sister has asked if the persons
3 you've named would please identify themselves for her benefit. Thank you.

4 MR CRANE: Most assuredly, Your Honour. I will give their names
09:27:10 5 again and they will rise. Boi-Tia Stevens, trial counsel; Lesley Taylor,
6 senior trial counsel.

7 PRESIDING JUDGE: For the Defence.

8 MR METZGER: May it please, Your Honour. I am Kevin Metzger. I
9 appear for the first accused, Brima, together with co-counsel, Ms Glenna
09:27:40 10 Thompson and Mr Kojo Graham. We have in Court with us today our legal
11 assistant who is also a member of the Sierra Leonean bar, Mr Osman Kamara.
12 He will rise so that you may see him.

13 PRESIDING JUDGE: Thank you.

14 MR KNOOPS: Your Honour, it is a pleasure to introduce myself as lead
09:28:02 15 counsel for the accused Mr Kanu. My name is Geert-Jan Alexander Knoop, s,
16 attorney from the Netherlands; first co-counsel, Ms Carry Knoop; second
17 co-counsel, Mr Manley-Spaine, he is currently not present in this
18 courtroom, Your Honour; and our legal assistant, Ms Karlijn van der Voort.
19 She is on the premises but not in this courtroom, Your Honour.

09:28:26 20 PRESIDING JUDGE: Thank you, Mr Knoop.

21 MR HARRIS: May it please you, Wilbert Harris, lead counsel for Buzzy
22 Kamara. Co-counsel, Mohamed Fofanah.

23 PRESIDING JUDGE: Thank you, Mr Harris. Before I can call on the
24 Prosecutor to make his opening address, we have one preliminary issue to
09:28:54 25 dispose of, and that issue relates to an application for a television
26 network to enter the Trial Chamber and make a video. From the wording of
27 the application, Mr Knoop, I understand that that application emanates
28 from yourself or from your side of the bar table. As the wording of the
29 application before me states, that the team is in Sierra Leone "to produce

1 a documentary profiling Professor Knoops, Defence counsel for Borbor
2 Santigie Kanu." Could you please address us on this issue.

3 MR KNOOPS: Thank you, Your Honour, for giving me this opportunity.
4 If the Court pleases, Ms Simone Monasebian, the Principal Defender, also
09:29:39 5 would like to address the Court shortly on this issue. It's correct, Your
6 Honour, what you summarised. The attention, though, of the documentary is
7 to be seen in a more broader perspective. The documentary is primarily
8 meant to focus on the defence work in general before the Special Court for
9 Sierra Leone in order to give the people in Europe, also at universities, a
09:30:21 10 better picture on problems and the practicalities of defence work before
11 this Special Court. We believe, as defence counsel, our work should not
12 only be restricted to our primary goal, that is the ensurance of a fair
13 trial to our defendant, but secondly, that we as Defence counsel feel that
14 we should also contribute to the legal legacy of the Special Court for
09:30:49 15 Sierra Leone. Therefore, we would seek leave from the Honourable Trial
16 Chamber to contribute to this documentary. And I believe that the
17 Principal Defender would like to add some words to it.

18 PRESIDING JUDGE: Just before I --

19 MR KNOOPS: Of course.

09:31:14 20 JUDGE LUSSICK: Yes, Mr Knoops, is that the correct pronunciation of
21 your name?

22 MR KNOOPS: Your Honour, I know it's a difficult name to pronounce.
23 It's Knoops.

24 JUDGE LUSSICK: Knoops.

09:31:28 25 MR KNOOPS: Knoops. But I'm really happy that you are able to
26 pronounce my name quite correct.

27 JUDGE LUSSICK: All right. We're a little astounded by this
28 application for photography today. As you remember, all three Defence
29 counsel have filed an application, and I'll quote the exact order you asked

1 for. "To prohibit photography, video, and audiorecordings of the accused
2 by third persons during the trial proceedings." Now, you were the first of
3 the Defence counsel to file that application.

4 MR KNOOPS: Yes.

09:32:17 5 JUDGE LUSSICK: And now you seem to be doing a 100-degree or
6 360-degree turnaround. And you are now advocating that we allow filming in
7 this Court. What -- just before you go on, I just thought -- I presume
8 that when you brought that application before the Court, you had your
9 client's instructions. Has your client now also changed his mind and now
09:32:46 10 wishes to be filmed?

11 MR KNOOPS: May I answer? Your Honour, I thank you for this
12 question. I think it's a very justified question. Of course, the Defence
13 is in no way seeking 180-degrees turn in their pursuance of the issue of
14 photography. The application which is put before this Honourable Trial
09:33:17 15 Chamber, actually on behalf of the Defence office, is not in no way meant
16 to film directly or indirectly the accused persons. It's only meant to
17 enable the people of the documentary to get a proper picture of the Court,
18 the parties of the Court without the accused persons. Those were also the
19 instructions of the accused person. So if that is practically possible for
09:33:50 20 the Court, that such a videotape is being created without showing the
21 accused persons, that is, of course, what we should ensure, then we believe
22 it is not a problem. But you should not interpret our request as a
23 deviation from our initial motion, indeed, we filed as first counsel in
24 this case.

09:34:21 25 JUDGE LUSSICK: So the filming, then, that you had in mind, would not
26 involve any filming of the accused at all?

27 MR KNOOPS: That's correct, Your Honour. That's correct.

28 JUDGE LUSSICK: I see.

29 MR KNOOPS: And Your Honour, the Court Management or the public or

1 press office is able to verify before the TV crew leaves the premises, they
2 can verify the tape if they like, that it is absolutely ensured that the
3 accused persons are not filmed in any way.

4 PRESIDING JUDGE: Mr Harris -- thank you, Mr Knoops. Mr Harris, you
09:35:01 5 made a similar application in February 2005 to have no filming. What do
6 you wish to say before us this morning.

7 MR HARRIS: The film relates to the filming of the accused. The
8 application as I understand it does not breach the motion we made because
9 it does not include the accused. Where there is --

09:35:28 10 PRESIDING JUDGE: That's not clear to me, Mr Harris. And
11 incidentally, Mr Harris, could I just say this is a Court of law. It's not
12 a Tribunal. And my learned sister and I seek equal opportunities with our
13 learned brother. We are addressed in the same way as he is.

14 MR HARRIS: Forgive me. I will start again, Your Honour. The
09:35:52 15 substance of the application as I understand it does not breach the motion
16 which was laid by those who represent the defendant Kamara. The position
17 is that there would be a filming of the court as it were, without filming
18 the accused. If that be right, then I do not see the breach, and I support
19 the application.

09:36:34 20 PRESIDING JUDGE: Correct me if I'm wrong, Mr Harris: Aren't the
21 accused sitting behind Defence counsel?

22 MR HARRIS: That could be easily -- yes, he is. But that could be
23 easily -- there could be barriers put up or screens as it were. In this
24 way, the accused could easily be asked to leave the courtroom. It's not
09:36:57 25 unusual.

26 PRESIDING JUDGE: Not in my Court, Mr Harris.

27 MR HARRIS: It's not unusual, ma'am, for a variety of reasons. It
28 has been done on many, many occasions in the past.

29 JUDGE LUSSICK: Mr Harris, just allow me to say one thing.

1 MR HARRIS: Of course.

2 JUDGE LUSSICK: Are you suggesting that we commence the trial, evict
3 the three accused so that Defence counsel can be filmed?

4 MR HARRIS: That's one way. There's another way of reaching the same
09:37:34 5 conclusion, which is that the -- if it be that the accused are present,
6 there's absolutely no reason why those accused could not be edited before
7 there is a showing of what is done or what has been achieved here. Editing
8 of electronic material is as easy as putting tape on something.

9 PRESIDING JUDGE: Thank you, Mr Harris.

09:38:12 10 Mr Metzger, you also made an application on behalf of your client to
11 prohibit --

12 MR METZGER: That is correct. The motion on behalf of Mr Brima was
13 filed on the 11th of February, I believe, this year. We were the second to
14 file the motion, having read and agreed with the motion filed by the team
09:38:32 15 for Mr Kanu. We've also taken the opportunity of discussing the proposal
16 by the TV documentary crew, and also with my learned friends from all teams
17 in relation to how it is proposed that this documentary should proceed.

18 Indeed, it was Friday when I spoke to the gentleman I believe who
19 will be, for want of a better word, wielding the camera itself, and asked
09:39:04 20 him a particular question that His Honour Judge Lussick raised at the first
21 opportunity: "How can you have a documentary or filming within the Trial
22 Chamber without actually having the accused portrayed thereon?" The
23 cameraman assured me that they have worked the angles out, and this could
24 be done effectively and efficiently without any danger whatsoever.

09:39:32 25 At this point, I should state that our motion, we hope, was
26 sufficiently specific and particular so that you would be in a position in
27 coming to an adjudication on it to see that what we were concerned about in
28 respect of the fairness of the trial was the image of certainly our lay
29 client being, as it were, broadcast outside these walls, and obviously the

1 concomitant fear that that could lead to an issue in relation to tainted
2 identification. So long as that's not breached, it seems to us that we
3 have no objection to this particular motion, and indeed, we echo the
4 sentiments expressed by my learned friend Mr Knoops, that this is something
09:40:34 5 which would seek to add to the historical record of what has been
6 transpired in this country, that which Your Honours are about to adjudicate
7 upon and in a manner that would present, let us say, another side that
8 maybe is not seen by the public, where Defence counsel, as it were, roll up
9 their shirt sleeves and start preparing the case. Well, only a part of it.
09:41:03 10 It will also show to the world in general, and as I understand it, some of
11 the sponsors of these particular proceedings, that we are given every
12 opportunity to represent our lay clients in a manner of which these -- this
13 Trial Chamber, and indeed, Sierra Leone can be extremely proud.

14 Unless I can assist you further, those are my submissions on this
09:41:31 15 matter.

16 PRESIDING JUDGE: No, thank you, Mr Metzger.

17 JUDGE LUSSICK: Mr Knoops, I'm just a little puzzled. I think these
18 documents probably don't do you justice, but the actual reason for the
19 filming is portrayed by the Principal Defender as "to produce a documentary
09:42:07 20 publicising the work of the Court in the Netherlands and other regions of
21 Europe." However, it was told to the Special Court Chief of Press and
22 Public Affairs that the reason for the filming is: "To produce a
23 documentary profiling Professor Geert-Jan Knoops, Defence counsel for
24 Borbor Santigie Kanu." As part of that, they would like to film a film
09:42:44 25 version of Professor Knoops role before the AFRC proceedings before Trial
26 Chamber II. That would seem to say that the filming is all about you,
27 rather than the Trial Chamber. Would that be correct?

28 MR KNOOPS: I have, of course, no influence on the composition of the
29 documentary, Your Honour. But I'm aware that the documentary will be much

1 broader than just filming my team. As far as I'm informed, the documentary
2 will be about 20 minutes, and the film crew also made several interviews
3 with other court officials on the premises of this court, have spoken to
4 several people in the country. But the focus, indeed, will be the position
09:43:37 5 of the Defence counsel before the Special Court, all the problems he must
6 encounter, he must overcome, to give people a better picture on the work as
7 Defence counsel before an internationalised criminal court.

8 JUDGE LUSSICK: What I'm going to ask you may well apply to the other
9 Defence counsel as well, but have you broached this subject with your
09:44:06 10 client and said that there will be filming in court?

11 MR KNOOPS: Yes, Your Honour.

12 JUDGE LUSSICK: Right. What about the other Defence counsel?

13 MR KNOOPS: I didn't say there will be filming in court.

14 JUDGE LUSSICK: Let's rephrase that.

09:44:20 15 MR KNOOPS: I said there's an application for it.

16 JUDGE LUSSICK: If you have your way, there will be filming in court.

17 MR KNOOPS: Correct. And Your Honour, that's just I think a more
18 alternative argument to give the court the idea on the way the documentary
19 could be produced and presented. I'm aware that in two universities in the
09:44:54 20 Netherlands, there are special masters courses on the Special Court for
21 Sierra Leone where students work on the Defence side, the Defence cases,
22 within the confines of the masters course. So it's not unlikely that this
23 documentary will also contribute to certain educational purposes. But that
24 is, of course, not the primary goal of the documentary. Because it's not
09:45:21 25 to be excluded that its purpose will be much more broader than we today may
26 think.

27 JUDGE LUSSICK: Yes, thank you, Mr Knoops.

28 Yes, Mr Metzger.

29 MR METZGER: I rise simply to respond to the question that

1 Your Honour raised as regards speaking with certainly our respective lay
2 client about this matter. Now, I do apologise if I didn't make it clear
3 earlier when I indicated to the Court that we had considered this matter
4 fully. But I wouldn't want the Court to think that we would be
09:46:00 5 unprofessional enough for me to rise and support an application without
6 first having explained it as thoroughly as possible to my lay client and
7 having got his approval for the matters that I was going to put before the
8 Court. So I hope that that answers the question that Your Honour asked.

9 JUDGE SEBUTINDE: Mr Metzger, you just addressed Court and said that
09:46:28 10 you spoke to one of the film crew, the man that will wield the camera.

11 MR METZGER: Yes, I did use that term.

12 JUDGE SEBUTINDE: And you said, in addition, that he convinced you
13 that it's possible to shoot this movie excluding the accused persons.

14 MR METZGER: That is correct.

09:46:50 15 JUDGE SEBUTINDE: Did he actually take you through the motions and
16 prove to you that this is possible?

17 MR METZGER: Well, we didn't actually come into the courtroom. But
18 we discussed the putative angles that were likely to be used. And I
19 assumed therefore, from that, as far as Defence counsel were concerned, we
09:47:11 20 were more likely to be presented in profile rather than face on because
21 that would create difficulties when the movie was being shot. That is my
22 understanding.

23 JUDGE SEBUTINDE: Because the reason I've pointed that out is I've
24 noted and I've smiled to myself on the screen right now as both yourself
09:47:31 25 and Mr Knoops were addressing us, that immediately behind each of you
26 appears the face of one or two of the accused persons.

27 MR METZGER: That is correct.

28 JUDGE SEBUTINDE: And this is, you know, just on the spur. And I'm
29 just wondering what kind of technology could ensure that this doesn't

1 happen. And when your clients actually -- you give the opinion that they
2 acquiesced to this application. Are they aware of this technology and all
3 its shortcomings? The reason I say this is because we wouldn't be so fussy
4 if there wasn't on the record an order prohibiting photography and filming,
09:48:20 5 an order that was pre-empted by Defence counsel who is now applying for
6 reversal. We wouldn't be so fussy if the accused persons did not mind
7 filming in the first place. And as far as certainly we are concerned, the
8 rights of the accused persons are paramount in this court, and they take
9 first place. And all other educational benefits take second place.

09:48:48 10 MR METZGER: Will Your Honour allow me just one moment to confer.

11 [Defence counsel confer]

12 MR METZGER: Your Honour, it may be my understanding of the decision
13 of the court which appeared that there was an order that there be no order
14 because the Rules appear to provide sufficiently for the eventuality that
09:49:20 15 we seemed to be concerned about. However, it is a matter that has caused
16 us great concern, to the extent that I spent some little time speaking with
17 the cameraman. If one looks at the fixed camera facilities that are
18 present in this building, one directly faces me, it has no option but to
19 portray the image of my lay client as it takes me. But there is another
09:49:48 20 fixed camera in the building, which is directly behind Your Honour
21 Judge Sebutinde, and that takes, as it were, the transverse view. And it
22 seems to me, of course, if Your Honour, the Trial Chamber, were to make an
23 order allowing this filming to take place, that order would undoubtedly
24 have at the forefront, if you like, of its -- of the manner in which it
09:50:17 25 approaches the subject, the interests of the accused, and would therefore
26 stipulate that the accused's image -- of course, I am making presumptions
27 here -- but would stipulate, if it were to be made, that the accused's
28 image may not be used in any documentary or footage that may be left on the
29 cutting-room floor, so to speak, in these particular proceedings. And to

1 that end, it may either be a situation, if the Trial Chamber wishes to
2 satisfy itself, to speak to the person who will actually be using the
3 camera, to see if they themselves are satisfied of this matter. Or if it
4 is considered that that is something that would be rather too dangerous,
09:51:06 5 then, of course, we understand that there's only one way that this Trial
6 Chamber can rule. We simply support the motion on the basis that we are
7 assured and we accept the professionalism of those who have given that
8 assurance, that they will not show the image of the accused. And we are
9 all, as I understand it, all Defence counsel at one, in relation to this
09:51:33 10 matter because none of us would like the image of our lay client to be
11 utilised in any public forum whilst these proceedings are taking place.

12 Can I assist Your Honour any further on that matter? I am very much
13 obliged.

14 PRESIDING JUDGE: I understood that the public defender wishes to
09:52:01 15 address the Court on this issue.

16 MS MONASEBIAN: Yes, very briefly, Your Honour. This has been well
17 gone over and so I will only speak for a moment. Your Honour, my name is
18 Simone Monasebian, I am the Special Court's Principal Defender. I just
19 would like to, in support of Professor Knoops' representations to this
09:52:17 20 Court, indicate that as Judge Lussick rightfully notes, the manner in which
21 I brought this to the Court's attention was to suggest it was an overall
22 documentary about the Court, and in fact the documentarian has spoken
23 with - or is to speak, if he has not already - the Prosecutor and with
24 various members of the Defence team. So I was a bit surprised when I saw
09:52:48 25 Ms Cooper's, the Chief of Public and Press Affairs, secondary letter
26 indicating it was just a documentary about Professor Knoops. It was never
27 represented to me as such, and perhaps that was a mistake made by the Press
28 and Public Affairs Office.

29 The only other thing I would like to say to Your Honours is that we

1 did speak to the Prosecution and the Chief of Prosecutions, Mr Luc Cote,
2 has indicated that they have no objection to this --

3 PRESIDING JUDGE: I will be asking the Prosecution to reply in due
4 course.

09:53:16 5 MS MONASEBIAN: Thank you, Your Honour.

6 PRESIDING JUDGE: Before I ask the Prosecution to reply to this, it
7 would appear, Ms Knoops, you appeared to be getting on your feet. Was
8 there something you needed to say?

9 MS KNOOPS-HAMBURGER: No. I already suggested it to Mr Metzger, and
09:53:35 10 he pointed slightly to that subject. I wanted to maybe bring to your
11 attention it may be wise to ask the members of the team themselves how they
12 think or how they can prove to you that if they make a film, they will not
13 in any way film the clients. But maybe that takes too much of your time.
14 It was just a suggestion that came up in my mind.

09:54:01 15 PRESIDING JUDGE: Mr Crane, who is replying on behalf of the
16 Prosecution?

17 MR CRANE: As to this particular application, Your Honour, the
18 Prosecution does not have any objection to the documentary filming. Thank
19 you.

09:54:20 20 PRESIDING JUDGE: Thank you, Mr Crane.

21 [Trial Chamber confers]

22 PRESIDING JUDGE: In light of the past motions and the previous
23 orders of the Court and the submissions before us this morning, we will
24 adjourn to consider and make an order regarding this application. We will
09:55:39 25 adjourn for 15 minutes. Please adjourn the Court, Madam Court attendant.

26 [Break taken at 9.55 a.m.]

27 [On resuming at 10.16 a.m.]

28 PRESIDING JUDGE: I will now read the unanimous decision of the
29 Court. Trial Chamber I, having considered the request for permission for a

1 press photographer representative of the national television channel 1 for
2 an order to film the proceedings on the 7th of March 2005, and having noted
3 the concerns of each of the accused in earlier motions before this Court
4 pursuant to Rule 81(D) of the Rules of Procedure and Evidence hereby orders
10:17:55 5 as follows: One, a photographer, Peter Greenwald [phon], a representative
6 of the national television channel 1, is authorised to be present in the
7 courtroom in order to film proceedings on the 7th of March 2005. Unless
8 specifically authorised, he may not under any circumstances film any of the
9 accused or any witnesses before the Court, nor may he be present in the
10:18:26 10 courtroom during closed session and must comply with all orders of the
11 Court regarding protective measures of witnesses. A copy of the entire
12 recorded video shall be deposited with the press and public affairs office.
13 A copy of the final edited version to be shown in public shall be deposited
14 with the press and public affairs office. The photographer may not move
10:19:00 15 around the courtroom, but must film from a fixed position. In considering
16 this, this Court notes the undertakings of counsel for the accused that
17 none of the accused will be photographed or filmed. That is the order.

18 I note the presence of Mr Manley-Spaine in the court.

19 Mr Knoop, your photographer better come in.

10:19:43 20 MR METZGER: I wonder, Your Honour, may I crave the Court's
21 indulgence to perhaps utilise the time while that is being done to deal
22 perhaps with matters of housekeeping that may be of assistance, certainly,
23 to counsel in this case, at this present point in time.

24 PRESIDING JUDGE: I'm running a Court, not a housekeeping exercise,
10:20:04 25 Mr Metzger.

26 MR METZGER: I'm sorry, I'm using the terminology we commonly use at
27 the bar. What I mean is court management.

28 PRESIDING JUDGE: Not any bar I've been at, and I've been at three.

29 MR METZGER: I haven't drunk at that particular bar yet. With the

1 greatest respect, Your Honour, what I'm hoping to do is to clarify for,
2 certainly, members of the present proceedings, what the sitting hours are
3 going to be. If they're going to be as per the commencement scheduling
4 order, and whether or not the Court is proposing during the course of the
10:20:41 5 sitting day to take any fixed or flexible breaks so that we may know how
6 to, as it were, adjust ourselves.

7 PRESIDING JUDGE: I will confer with my brother and sister.

8 [Trial Chamber confers]

9 PRESIDING JUDGE: The times will be as scheduled in the order of the
10:21:31 10 20th of January 2005. The Court will be flexible as to breaks in the
11 course of the day. They will be allowed. It will, as in most courts, be
12 dependent upon the progress of witnesses' examination or cross-examination,
13 and any counsel will be heard.

14 MR METZGER: We are certainly most obliged, Your Honour. There were
10:21:59 15 some six other points that I can raise fairly quickly, again, if the Court
16 allows us so to do whilst the camera equipment is being set up.

17 PRESIDING JUDGE: Yes, please proceed.

18 MR METZGER: I'm very much obliged. The Court will be aware, and I
19 think this was mentioned at the status conference, that there is at least
10:22:26 20 one motion outstanding. We were hoping to ask quite how we were likely to
21 proceed in respect of any outstanding motions. Will we be dealing with
22 those on Wednesdays? And if not, what other time would be appropriate so
23 that we can fit that into the smooth running of this court? That would be
24 point one. There would be five others. May I raise all the points
10:22:59 25 immediately?

26 Secondly, in respect of two that I wanted to mention outstanding
27 motions, in relation to the judicial notice motion, that remains
28 outstanding, but that may well be the matter that Your Honour, the
29 Presiding Judge, was referring to at the status conference. Secondly,

1 matter of preliminary issues which I raised at that particular time, in
2 particular, the preliminary motion on behalf of Brima, and the decision - I
3 believe that has already been given in respect of that - Your Honours will
4 already be aware that we sought to ask for a further consideration.

10:23:50 5 Orally, I might statement at this point in time that some of the matters
6 stated therein are actually contained in the pre-trial brief. And we hope
7 thereby that we haven't taken anyone by surprise and that there is
8 sufficient notice in that respect. That can properly be dealt with under
9 the first point that I outlined.

10:24:13 10 The next matter that I wanted to raise to ask the Court and all
11 parties to be particularly vigilant to the rolling disclosure provisions in
12 this case.

13 PRESIDING JUDGE: Are you taking over the running of this Court,
14 Mr Metzger, by telling me how to order disclosure?

10:24:37 15 MR METZGER: If that is the way that Your Honour takes the
16 submissions that I make, I am very apologetic. It is not meant in that
17 way. We simply wish to raise matters before the Court in terms of the
18 concerns that our lay clients may have so that we can have clarification at
19 an early stage. I note just in passing, for example, that whilst in

10:25:06 20 certain circumstances one couldn't call the final proofing in relation to
21 Prosecution witnesses statements, but there is information that is
22 contained in a document, some of which in respect of the first ten
23 witnesses in this case were filed as late as the 11th and 12th of February
24 this year. Now, on any view of the mathematics, that would be

10:25:33 25 significantly less than 42 days. We, of course, would not seek to delay
26 this trial in any way whatsoever, but we do ask the Court to note that we
27 are placed under increasingly difficult constraints, not having, of course,
28 had as much time to prepare this case as the Prosecution may have had in
29 the first place, through no fault of the Prosecution's, we might add. But

1 it would be helpful if we had as much time as possible between, let us say,
2 statements or additional information that is provided on us.

3 PRESIDING JUDGE: I'm not clear what application you're making.

4 MR METZGER: The application we make is for strict observance of the
10:26:23 5 rolling disclosure provisions.

6 The next matter that we would seek to put before the Court for
7 consideration, again, for the smooth running of this trial, we submit,
8 would relate to the issue of Rule 68 and exculpatory evidence. There is a
9 clearly a mass of evidence in this case, and there's a mass of evidence
10:27:02 10 that has been called in other cases before Trial Chamber I. We remind, as
11 I believe was done by the Kanu team on the 1st of March, the Prosecution of
12 their continuing obligation in respect of exculpatory evidence. I don't
13 think we've seen any documents marked strictly exculpatory evidence thus
14 far.

10:27:30 15 JUDGE LUSSICK: Mr Metzger.

16 MR METZGER: Your Honour.

17 JUDGE LUSSICK: Does any conversation ever take place between
18 counsel? Isn't this a matter you could broach with the Prosecution? Why
19 do you seek to convey through us what you wish the Prosecution to do?

10:27:47 20 MR METZGER: Sometimes, it helps to, as it were, soften the resolve
21 of all parties concerned if all parties were to have a gentle nudge from
22 the Trial Chamber. But this would assist --

23 JUDGE LUSSICK: We're not in the business of handing out gentle
24 nudges. If you can't come to some agreement with the Prosecution and you
10:28:14 25 feel you are aggrieved by something they have done or haven't done, then
26 you make an application to this Court for relief, and we will consider it
27 in the normal way. But we're certainly not going to work out little
28 hitches that you may have in obtaining the Prosecution's compliance with
29 one thing or another. I suggest you broach this with the Prosecution.

1 MR METZGER: So be it. The point is well noted, and we can certainly
2 assure this Trial Chamber that if there are any matters that we are
3 aggrieved about, and I like to think that we've already shown the Trial
4 Chamber that we are well capable of doing that, we will bring it before the
10:28:54 5 Court in the formal manner.

6 PRESIDING JUDGE: Mr Metzger, I would also remind you that on the
7 20th of January an order was made concerning a status conference and you
8 were given until the 18th of February to raise issues that you are now
9 bringin forward. You were asked on the 1st of March, and these issues were
10:29:17 10 not brought up. And I join with my learned brother in his observations.

11 MR METZGER: With respect --

12 PRESIDING JUDGE: That is the end of it, Mr Metzger.

13 MR METZGER: Your Honour has made, effectively, an accusation. My
14 client has a right to have his case put before the court. And with the
10:29:27 15 Court's leave, I would wish to respond to the last statement that Your
16 Honour has said in respect of being put to that issue on the 1st of March.
17 The record will show that I indicated on the 1st of March that there were
18 outstanding issues and that we were going to do our best to comply with the
19 Rule, and I think -- Your Honour will find perhaps that we sought to do
10:29:54 20 that.

21 PRESIDING JUDGE: You most certainly did, Mr Metzger. You sought at
22 least twice to do it. And you will recall, I am sure, as the record will
23 show, the Court's response.

24 MR METZGER: So be it. May I move on, Your Honour.

10:30:10 25 PRESIDING JUDGE: No. Mr Metzger, it is for the Prosecution to open.

26 MR METZGER: I had asked for the Court's indulgence, and I thought I
27 had it. But if that indulgences is now taken away, I shall sit down.

28 PRESIDING JUDGE: Thank you, Mr Metzger. My learned brother has made
29 the position of this Court quite clear.

1 MR METZGER: There is one further matter in relation to the
2 indictment, but of course I shall sit down because this Court does not
3 require to deal with anything in relation to the indictment at this stage,
4 it would appear.

10:30:45 5 PRESIDING JUDGE: Mr Crane, please proceed.

6 Are the film people in situ?

7 Mr Crane, please proceed.

8 MR CRANE: May it please this Court, this opening statement pursuant
9 to Rule 84 will, with this Court's indulgence, be in two parts. I will
10:31:28 10 outline the background, general crimes, and individual criminal
11 responsibility alleged against the indictees before you today. And then
12 Ms Boi-Tia Stevens, trial counsel, will highlight the specific
13 international criminal acts in the indictment, which we will prove beyond a
14 reasonable doubt that these accused committed.

10:31:50 15 The facts in this case, we allege, will show pain, agony, suffering,
16 sorrow, and grief far beyond human description, understanding, and reason.
17 Murder, rape, terror, maiming, mutilation, enslavement, sexual slavery,
18 forced marriage, looting, pillaging, and conscripting child soldiers are
19 mere legal terms by which the statute allows us to categorise war crimes
10:32:36 20 and crimes against humanity and other serious violations of international
21 humanitarian law committed by these persons in Sierra Leone, but reality
22 can only be captured by our witnesses, the victims of the egregious crimes
23 that we alleged were committed. Just such a witness is the young man who
24 will testify that during Operation No Living Thing, a cruel military
10:33:09 25 operation that was in effect as the AFRC/RUF forces were leaving Freetown
26 in January and February 1999. He and his two brothers were captured and
27 taken to a rebel base in front of a primary school in Kissy. These three
28 terrified civilians were told that they would be given a message for Tejan
29 Kabbah. Four other men were brought out as well, and one by one they were

1 ordered to extend their hands, and one by one their hands were severed with
2 an axe by a member of the AFRC/RUF forces there. The cuts were not clean,
3 he will testify, and it took four long blows before his hand fell to the
4 ground. The screaming and mutilated civilians were told that Tejan Kabbah
10:34:13 5 had new hands for them.

6 Who are these people, these men of responsibility and command of
7 rebel combatants? Sierra Leoneans who stunned a nation, the region, and
8 the international community with their brutal acts, part of a wider, joint
9 criminal enterprise, coldly calculated to gain control of this small and
10:34:43 10 hapless nation, cursed with mineral wealth and a victim of greed and
11 corruption.

12 In a decade of painful and horrific warfare, their intense criminal
13 actions over a relatively short period of time took the suffering of to a
14 new dimension and traumatised the entire nation from Bo, Kenema, Kono,
10:35:08 15 Kailahun, Koinadugu, Bombali, to Port Loko district and beyond. In
16 Bombali, for example, one of our witnesses will describe to this learned
17 Chamber that she was in Rosos when it was invaded by the AFRC and RUF. She
18 was taken into the bush and gang-raped by four of the invaders. They left
19 her there. This witness will give evidence that after a few hours, she
10:35:40 20 returned only to find her daughter, blood dripping from her clothes, a rape
21 victim. The witness also found out that her brother, a civilian, had been
22 murdered.

23 Who are these people with forces under them swept down from the hills
24 around Freetown and in a few weeks showed the world what this sad conflict
10:36:06 25 really had degenerated into. The rape, mutilation, maiming and murder of
26 innocent civilians, the burning of their homes, the enslavement of the
27 weak, women and children mostly, by cold-blooded combatants. A child
28 soldier will come before you and give evidence that when he was just 12
29 years old, he was captured by the AFRC/RUF in the bush and forced, along

1 with numerous other abducted Sierra Leoneans, to travel with them carrying
2 loads of weapons and ammunition. During the march, the witness will
3 declare that he had "AFRC" carved into his chest with a razor blade. This
4 child soldier will give evidence that during the advance on Freetown, he
10:37:07 5 saw many killings of civilians, rapes, amputations, and incinerations or
6 burnings. He heard the AFRC combatants declare that they should blame
7 Kabbah for what had happened. The witness saw women and girls taken into
8 the bush as so-called wives.

9 These people, the indictees sitting in the dock before you in this
10:37:36 10 now-peaceful nation are Alex Tamba Brima, also known as Gullit; Brima Bazzy
11 Kamara; and Santigie Borbor Kanu, also known as Five-five. These are the
12 people who led the AFRC/RUF forces that destroyed Freetown in January 1999,
13 among other crimes - war crimes and crimes against humanity - all in
14 violation of Articles 2, 3, and 4 of the Statute.

10:38:15 15 In the indictment, organised armed factions from about March of 1991
16 to around January of 2002 engaged in an internal armed conflict which
17 resulted in massive international crimes in all political districts. These
18 armed factions consisted of the Revolutionary United Front, RUF; the Armed
19 Forces Revolutionary Council, AFRC; and the Civil Defence Force, CDF.

10:38:53 20 These indictees, Brima, Kamara, and Kanu, were all members of the AFRC,
21 founded by members of the armed forces of Sierra Leone who unlawfully
22 seized power from the elected government of the Republic of Sierra Leone in
23 a coup d'etat on 25 May 1997. Soldiers of the Sierra Leone Army, SLA,
24 comprised the majority of the AFRC membership.

10:39:20 25 On 25 May 1997, Johnny Paul Koroma, a war crimes indictee himself
26 before this Court, became the leader and chairman of the AFRC. These
27 forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA".
28 During this time, Koroma invited the RUF to join forces with the junta; and
29 on orders of Foday Sankoh, a deceased war crimes indictee, the forces of

1 the RUF joined the AFRC, and thereafter acted jointly, politically, and
2 militarily for the rest of the conflict. Within the junta was a supreme
3 council which became the sole legislative and executive authority within
4 Sierra Leone until 14 February 1998 when it was ousted from Freetown by
10:40:18 5 West African forces led mainly by Nigeria. The supreme council included
6 leaders of both the AFRC and the RUF. After the junta was removed from
7 power, the AFRC/RUF alliance continued into the bush.

8 All of the factions, to include the AFRC/RUF, were required to abide
9 by the laws and customs governing the conduct of armed conflicts as well as
10:40:48 10 customary international law. The offences we alleged against Brima, Bazzy
11 Kamara, and Kanu were committed within the territory of Sierra Leone after
12 30 November 1996 during an international armed conflict and were part of a
13 widespread or systematic attack directed against the civilian population of
14 Sierra Leone, persons who most assuredly took no active part in the
10:41:15 15 hostilities or were no longer taking an active part in the hostilities.

16 Such attacks, a witness will describe, included the looting of Koidu
17 Town by the AFRC/RUF forces during Operation Pay Yourself. RPGs were fired
18 at the civilians to get them to run away into the bush, killing many. The
19 witness will testify that she fled into the bush. She was eight months
10:41:48 20 pregnant and gave birth to her child in Guinea and returned to Sierra Leone
21 with 15 others later. While returning home, in the Kono District, they
22 were ambushed by AFRC/RUF forces. Some of the men were killed; the others,
23 including children, had hands amputated which killed all but the witness
24 and one other. While they lay bleeding to death, the AFRC/RUF soldiers
10:42:20 25 fired weapons into the air yelling: "Your hands can no longer be used by
26 politicians." The witness will state that she staggered around the bush
27 for six days with her wounds before finding safety. However, there were no
28 medical supplies, as the AFRC/RUF forces had looted them all for their own
29 use. The witness had to wait another 26 days before the Red Cross could

1 treat her. This witness will also testify that civilians were forced to
2 mine for diamonds.

3 Alex Tamba Brima, Gullit, was a member of the AFRC, the junta, and
4 AFRC/RUF forces. Brima was a member of the group that staged the coup that
10:43:20 5 ousted the government of President Tejan Kabbah. Johnny Paul Koroma
6 appointed Brima as a public liaison officer. Brima was a member of the
7 junta's governing body, the supreme council.

8 Between mid-February 1998 and about 30 April 1998, Alex Tamba Brima
9 was in direct command of AFRC/RUF forces in the Kono District and conducted
10:43:44 10 operations throughout the north, east, and central areas of Sierra Leone,
11 to include the Bombali districts, between May 1998 and 31 July 1998.
12 Around 22 December 1998, Brima was in command of the AFRC/RUF forces that
13 attacked and largely destroyed Freetown in January of 1999.

14 Brima Bazy Kamara was also a member of the group that staged the
10:44:17 15 coup against the government of Sierra Leone in May of 1997. Johnny Paul
16 Koroma, the leader of the AFRC, also appointed Kamara a public liaison
17 officer. Kamara, too, was a member of the junta's governing body.

18 During February 1998 and 30 April 1998, Kamara commanded AFRC/RUF
19 forces based in the Kono District and also commanded forces throughout the
10:44:46 20 north, east, and central areas of Sierra Leone that carried out attacks on
21 civilians in the Koinadugu and Bombali Districts up to the end of 1998.
22 Kamara also entered Freetown in January 1999 in command of AFRC/RUF forces.

23 Santigie Borbor Kanu, or Five-five, was a member of a group of 17
24 soldiers which formed part of the coup that brought Johnny Paul Koroma and
10:45:19 25 his ruling AFRC/RUF junta to power. Kanu was also a member of the supreme
26 council, the junta's governing body. Kanu was a commander of AFRC forces
27 in the Kono District in February and April 1998. Up to December 1998, he
28 was operating with these forces in the north, east, and central areas of
29 Sierra Leone, including attacks on civilians in the Koinadugu and Bombali

1 Districts. Like Brima and Kamara, Kanu led AFRC/RUF forces during the rape
2 and destruction of Freetown that began on 6 January 1999.

3 In these positions of command responsibility, Brima, Bazzy Kamara,
4 and Kanu individually or in concert with each other, Johnny Paul Koroma,
10:46:17 5 Foday Sankoh, Sam Bockarie, as known as Mosquito, Issa Sesay, Morris
6 Kallon, Augustine Gbao and other superiors in the AFRC, junta, and AFRC/RUF
7 forces exercised authority, command, and control over all subordinate
8 members of the AFRC, junta, and AFRC/RUF forces.

9 Additionally, Alex Tamba Brima, Brima Bazzy Kamara, and Santigie
10:46:51 10 Borbor Kanu, through their direct involvement with the RUF, acted in
11 concert with Charles Taylor, himself indicted for 17 counts of war crimes
12 and crimes against humanity. The AFRC, including Brima, Kamara, and Kanu,
13 and the RUF, to include Bockarie, Sesay, Kallon, and Gbao, shared a common
14 plan, purpose, or design, a joint criminal enterprise, which was to take
10:47:24 15 any actions necessary to gain an exercise, political power and control over
16 the territory of Sierra Leone, in particular, the diamond-mining areas.
17 The natural resources of Sierra Leone, in particular, the diamonds, were to
18 be provided to persons outside of Sierra Leone, to include Charles Taylor,
19 in return for assistance in carrying out the joint criminal enterprise.

10:47:52 20 This joint criminal enterprise included gaining and exercising control over
21 the population of Sierra Leone in order to prevent or minimise resistance
22 to their geographic control and to use members of the population to provide
23 support to the members of the joint criminal enterprise.

24 The crimes we allege in this joint indictment include unlawful
10:48:19 25 killings, abductions, forced labour, physical and sexual violence,
26 including forced marriages, use of child soldiers, looting and burning of
27 civilian structures. These were either actions within the joint criminal
28 enterprise or were a reasonably foreseeable consequence of the joint
29 criminal enterprise. By these criminal actions or omissions, Brima,

1 Kamara, and Kanu are individually, criminally responsible pursuant to
2 Article 6.1 of the Statute as these were crimes each of them planned,
3 instigated, ordered, committed or in whose planning, preparation, or
4 execution each indictee otherwise aided and abetted or which crimes were
10:49:07 5 within a joint criminal enterprise in which each indictee participated or
6 were a reasonably foreseeable consequence of the joint criminal enterprise
7 in which each indictee participated.

8 In addition, or alternatively, Brima, Kamara, and Kanu, while holding
9 positions of superior responsibility and exercising effective control over
10:49:33 10 their subordinates, are each individually criminally responsible for the
11 crimes referred to in the statute. Each of the indictees is responsible
12 for the criminal actions of their subordinates and that he knew or had
13 reason to know that the subordinate was to about to commit such acts or had
14 done so, and each indictee failed to take the necessary and reasonable
10:49:59 15 measures to prevent such acts or to punish the perpetrators.

16 At all times relative to the joint indictment, members of the RUF,
17 AFRC junta, and/or AFRC/RUF forces subordinate to and/or acting in concert
18 with Brima, Kamara, and Kanu conducted armed attacks throughout the
19 territory of Sierra Leone, including Bo, Kono, Kenema, Koinadugu, Bombali,
10:50:32 20 Kailahun, and Port Loko Districts as well as Freetown and the Western Area.

21 The targets of these attacks were civilians and were conducted to
22 terrorise that population, but were also used to punish the population for
23 failing to provide sufficient support to the AFRC/RUF, or for allegedly
24 providing support to the government or to pro-government forces. The
10:51:00 25 attack included unlawful killings; physical and sexual violence against
26 civilian men, women, and children; abductions; looting and destruction of
27 civilian property. Many civilians saw these crimes committed. Others
28 returned to their homes or places of refuge to find the results of these
29 crimes: Dead bodies, mutilated victims, and looted and burnt property. As

1 part of this incredible campaign of terror and punishment of their own
2 citizens, the AFRC/RUF routinely captured and abducted members of the
3 civilian population. Captured women and girls were raped, and many of them
4 were abducted and used as sex slaves and in forced marriage. Men and boys
10:51:51 5 who were abducted were also used as forced labour. Some of them were held
6 captive for years. Many abducted boys and girls were given combat training
7 and used in active fighting. The AFRC/RUF also physically mutilated men,
8 women, and children, including amputating their hands or feet and carving
9 A-F-R-C and/or R-U-F on their bodies.

10:52:27 10 For all of this agony inflicted on the people of Sierra Leone, among
11 others, Alex Tamba Brima, Gullit; Bazzy Kamara; and Santigie Borbor Kanu,
12 Five-five; are charged with terrorising the civilian population and
13 collective punishments: Count 1, acts of terrorism, a war crime; count 2,
14 collective punishments, a war crime.

10:52:59 15 Unlawful killings: Count 3, extermination, a crime against humanity;
16 count 4, murder, a crime against humanity; count 5, violence to life,
17 health, and physical or mental well-being of persons, in particular,
18 murder, a war crime.

19 Sexual violence: Count 6, rape, crime against humanity; count 7,
10:53:41 20 sexual slavery and other forms of sexual violence, a crime against
21 humanity; count 8, other inhumane acts, a crime against humanity; count 9,
22 outrages upon personal dignity, a war crime.

23 Another witness will testify that she was captured by AFRC/RUF forces
24 in Kumala. Here and elsewhere, many women were forced into a type of
10:54:15 25 marriage with rebels and were subjected to sexual slavery, she alleges.
26 Many women were raped by the rebels. The rebel that she was given to
27 stabbed her in the buttocks with a bayonet. Throughout this period, the
28 witness saw many abducted children trained as soldiers and domestics.
29 After being moved toward Makeni, this witness will testify that she saw

1 over 130 children being kept by Brima, Kanu, and another indictee,
2 Issa Sesay of the RUF, among others.

3 Physical violence: Count 10, violence to life, health, and physical
4 or mental well-being of persons, in particular, mutilation, a war crime;
10:55:19 5 count 11, other inhumane acts, a crime against humanity.

6 Use of child soldiers: Count 12, conscripting or enlisting children
7 under the age of 15 years into armed forces or groups or using them to
8 participate actively in hostilities and other serious violations of
9 international humanitarian law.

10:55:52 10 Abductions and forced labour: Count 13, enslavement, a crime against
11 humanity.

12 Looting and burning: Count 14, pillage, a war crime.

13 This case will be centred on the crime bases throughout Sierra Leone
14 and will not be presented chronologically. Indeed, we will open our
10:56:16 15 evidence with the invasion and destruction of Freetown in January of 1999,
16 a particularly brutal event that was led by these three in front of you
17 this morning. We will then follow their retreat along a trail of the
18 murdered, the raped, the maimed and the mutilated towards Port Loko. After
19 we have presented evidence-in-chief about these crime bases, we will go
10:56:39 20 back in time to that fateful day in May of 1997 when the lawfully elected
21 government was ousted and the conflict intensified. We will then go by
22 district as crime bases through to the oozing grave of Freetown again in
23 1999 where we began our case in chief.

24 Broken in body or mind but not in spirit, the brave and courageous
10:57:09 25 citizens of Sierra Leone by the dozens will come forward in this chamber
26 over the next few months to tell you events in their lives or the lives of
27 murdered friends or relatives that were unimaginable in their brutality,
28 unspeakable and beyond description. The Prosecution submits that if you
29 listen closely during their testimony, you can almost hear the screaming,

1 the rattle of gunfire, and the crying of infants being thrown into fires.
2 By the truth of the witnesses, the past will unfold before you. We must go
3 back in time before Sierra Leone can move forward into the light of a
4 brighter tomorrow.

10:57:58 5 By your leave, I will turn the remainder of this opening over to
6 Ms Boi-Tia Stevens of Sierra Leone.

7 PRESIDING JUDGE: Thank you, Mr Crane.

8 Ms Stevens, please proceed.

9 MS STEVENS: May it please Court, the three accused persons, Alex
10:58:22 10 Tamba Brima, Gullit; Brima Bazzy Kamara, Bazzy; and Santigie Kanu,
11 Five-five were once soldiers in the Army of the Republic of Sierra Leone.
12 They were entrusted with the highest duty of protecting this country and
13 her citizens. The evidence that will be presented to this Chamber will
14 show how these three men abdicated their responsibility to the people of
10:58:55 15 Sierra Leone and made violence against this nation and her people their
16 policy. The crimes in the indictment against the accused span seven
17 districts: Bo, Kenema, Kono, Koinadugu, Bombali, Kailahun, Port Loko, and
18 also Freetown and the Western Area.

19 The RUF commenced armed attacks in Sierra Leone in March of 1991.
10:59:39 20 When the AFRC and RUF joined forces in May 1997, Sierra Leone's nightmare
21 was far from over. The regime of the AFRC/RUF was characterised by
22 complete breakdown of law and order. The waves of atrocities committed by
23 the AFRC/RUF from 1997 onwards culminated in the January 1999 invasion of
24 Freetown and the ignoble retreat to Port Loko a few weeks thereafter.

11:00:08 25 [TB070305B 11.00 a.m. SGH]

26 It is these crimes that the first set of witnesses in this Court will
27 testify. For the AFRC/RUF, Freetown was the jewel in the Crown. The
28 capital city meant power and the AFRC/RUF reign of violence was directed
29 towards its seizure and control. The evidence will show that by

1 December 1998 AFRC/RUF forces had made their way into the Western Area in
2 preparation for an attack on Freetown. At about the same time another
3 group of RUF forces, sent by Mosquito from the Kailahun axis, attacked and
4 captured Kono and then they advanced towards Makeni. They also
11:00:47 5 successfully captured Makeni. On the fateful morning of January 6th, 1999,
6 AFRC/RUF forces, armed with RPGs, AK-47s, hand-grenades and an assortment
7 of weapons, arms and ammunition stormed the capital city of Freetown. The
8 evidence will clearly show that the attack on Freetown was directed by the
9 three accused: Gullit, Bazzy and Five-five, in coordination with the
11:01:25 10 senior leadership of the RUF. The troops comprised mostly AFRC members and
11 some members of the RUF.

12 The first accused, Tamba Brima, was the overall commander of the
13 operation and through him Mosquito gave instructions. Throughout the
14 invasion of Freetown and the retreat of the troops, Brima communicated with
11:01:59 15 the AFRC/RUF leadership in Kailahun and he took instructions from Mosquito.
16 The first witness before this Chamber will tell of seeing Tamba Brima at
17 State House giving orders for abducted civilians to join the rebels or risk
18 death. And indeed, in his presence, the civilians who refused to join were
19 killed.

11:02:25 20 AFRC/RUF rebels entered Freetown in waves, shooting and abducting
21 civilian men, women and children whom they used as human shields. Within a
22 short time they took control of a large portion of Freetown from the
23 eastern area to the central part. Immediately they took control of State
24 House, the presidential office and seat of power. Prior to entering
11:03:00 25 Freetown, Brima had ordered the troops to break open the prison at Pademba
26 Road and release AFRC and RUF prisoners as well as other political
27 prisoners. He ordered the troops to kill collaborators of Tejan Kabbah's
28 party, ie the Sierra Leone People's Party. He also ordered them to kill
29 police officers and surrendering soldiers and he ordered them to burn down

1 police stations.

2 The evidence will demonstrate that Brima made requests to Mosquito to
3 send reinforcements. An RUF contingent had been advancing from the rear,
4 but only some of them were able to break through ECOMOG lines and join
11:03:50 5 their brothers in Freetown.

6 At State House, Brima was in charge. Bazzy and Five-five were also
7 present. ECOMOG soldiers were dragged into State House and, on the orders
8 of Brima, killed. At State House the rebels also raped women and girls
9 whom they had abducted from various areas in Freetown. Brima, Bazzy and
11:04:29 10 Five-five did nothing to stop these rapes.

11 The desecration of State House finally came to an end when ECOMOG
12 soldiers drove up the AFRC/RUF out of State House. As the rebels left
13 State House they vowed that Freetown would burn and indeed, Freetown did
14 burn. Brima ordered that the city of Freetown should be burnt down. From
11:05:01 15 Kailahun, Mosquito instructed Brima to burn down buildings in Freetown.

16 The third accused, Five-five, was seen and heard instructing the
17 troops to burn down every thing in Freetown. The evidence will show that
18 countless houses were burnt down, even churches, such as Trinity church at
19 Kissy Road, which had been in existence since the 1800s, were all burnt
11:05:36 20 down. Public buildings, such as the law court building and the CID, the
21 Criminal Investigation Department building, were all burnt down.

22 During the Freetown attack, AFRC/RUF rebel forces killed civilians of
23 all ages, class and creed and the methods used were just as varied in their
24 viciousness. Witnesses will testify about how they were forced to watch as
11:06:10 25 AFRC/RUF rebels killed their family members and neighbours in front of
26 their eyes.

27 At Rogballah Mosque in Kissy, rebels massacred men, women and
28 children who had crammed into the mosque for safety. Paying no mind to the
29 people's cries for mercy, the rebels sprayed the crowd in the mosque with

1 bullets, firing several rounds until the last bullet had been used. They
2 killed nuns. They burnt people alive in houses. Ten people in a house in
3 Calaba Town, for example. Even babies were not spared. Around the Calaba
4 Town/Hastings area, the rebels killed 15 babies simply because the babies
11:07:20 5 were crying. They said the babies were making too much noise. Residents
6 of many neighbourhoods were lined up and killed with guns, machetes and
7 axes.

8 In Kissy, one rebel commander shot to death 15 civilians. After
9 killing the 15th victim, he decided he did not want to waste any more
11:07:50 10 bullets and so he ordered his men to finish off the remaining civilians
11 with an axe. On his orders, five more civilians were killed by axe blows
12 to the head. Witnesses will testify that rebels told them the killings
13 were part of Operation No Living Thing, an eerie echo of the operation
14 announced in 1998 by Mosquito, the RUF leader on the ground. As the name
11:08:33 15 crudely suggests, the AFRC/RUF declared their intention to clear every
16 living thing.

17 The rebels abducted hundreds of women and girls. School children
18 from the Annie Walsh Memorial School and others. Many of the women and
19 girls were raped. Sometimes they were raped by a single rebel, sometimes
11:09:05 20 they were gang-raped. Parents and siblings were often forced to watch as
21 their daughters and sisters were being raped.

22 Time without number, the rebels amputated the hands of civilians with
23 machetes and axes. The amputations were not random or directionless, they
24 were done to terrorise the population and punish civilians for supporting
11:09:29 25 the government of President Tejan Kabbah. As blood gushed from the severed
26 arms of the victims, the rebels left them with these chilling words, "Go to
27 Tejan Kabbah for new hands." Nor were the amputations carried out by rogue
28 actors. There was a group of rebels specially called "Cut hand" and the
29 second accused, Brima Bazzy Kamara, was heard giving orders to amputate

1 limbs.

2 As the rebels were forced to withdraw by ECOMOG, they intensified the
3 pace of their killings, amputations, looting and burning, particularly in
4 the Kissy area. When the AFRC/RUF rebel forces were finally driven out of
11:10:26 5 Freetown by ECOMOG, the devastation left behind was immense. About 3,000
6 to 5,000 people were estimated dead. The streets of Freetown, Pademba
7 Road, Siaka Stevens Street, Kissy Road and others, were littered with dead
8 bodies. Some decapitated, others charred beyond recognition. Bodies
9 remained on the streets for days and were feasted upon by vultures and
11:11:07 10 stray dogs. Houses in entire neighbourhoods in the east end of Freetown
11 had been razed to the ground and destroyed.

12 As the AFRC/RUF forces were driven from Freetown, they went through
13 Port Loko District taking with them thousands of civilians whom they had
14 abducted from Freetown. The civilians were forced to walk and carry goods
11:11:37 15 looted from Freetown. Those civilians too old or infirm were shot. Brima,
16 Bazy and Five-five were in command of the rebels and civilians during the
17 retreat. As the retreating rebels, commanders and captives broke into
18 smaller groups, the AFRC/RUF attacked the civilians at Port Loko District.

19 The evidence will demonstrate clearly that in the village of Tendakum
11:12:10 20 AFRC/RUF forces killed over 40 villagers, many were hacked to death. In
21 Manaarma, the AFRC/RUF burnt 73 people alive in a house. They crudely
22 amputated the limbs of several civilians and sent them off, callously
23 instructing them to go to Tejan Kabbah for him to give them new hands.
24 Acts of sexual violence against women and girls were particularly intense
11:12:51 25 during this time period in the Port Loko District. The evidence will
26 demonstrate that many of the girls abducted from Freetown were subjected to
27 repeated rapes. The girls were not released until months afterwards. Many
28 were coerced into forced marriages with the rebels and left with no choice
29 but to cater to the sexual and domestic needs of their rebel husbands.

1 Brima, Bazzy and Five-Five encouraged these practices amongst their men.
2 They did nothing to stop its occurrence.

3 The patterns of the offences of the AFRC/RUF forces, that were so
4 grotesquely realised in Freetown and Port Loko in 1999, were established
11:13:48 5 during the period of the junta government from May 1997 to February 1998.
6 From the time they came into power, the AFRC/and RUF brothers sought to
7 eliminate those that were perceived to be a threat to their regime, or
8 those perceived to be collaborators with the Tejan Kabbah government.
9 These included the pro-government militia groups, particularly the
11:14:22 10 Kamajors. And also civilians thought to be supportive of the Kamajors and
11 even residents or villagers thought to be harbouring Kamajors.

12 The evidence will show that around June of 1997 in Bo District,
13 AFRC/RUF forces attacked the villages of Tikonko, Telu, Sembehun, Gerihun
14 and Mamboma. The rebels were in search of Kamajors. Armed with guns, they
11:14:53 15 arrived in vehicles, brazenly opened fire and unlawfully killed people in
16 these villages. The victims included Paramount Chief Demby and other
17 civilian men, women and children whose only crime was that they happened to
18 be in these villages and were unable to escape the gunfire of the AFRC/RUF
19 forces. But the killing of perceived collaborator was not limited to Bo
11:15:23 20 District alone.

21 In Kenema District, AFRC/RUF forces routinely harassed persons deemed
22 to be supporters of the pro-government militia. Witnesses will testify
23 that between 25th May 1997 and 19th February 1998, in Kenema Town, the
24 AFRC/RUF rounded up prominent elders in the community including
11:16:04 25 Mr BS Massaquoi. They accused them of supporting the Kamajors and then
26 ruthlessly beat them, tortured them for days and finally killed them. The
27 AFRC/RUF forces seized advantage of their position and new-found power to
28 exploit the citizens of Sierra Leone.

29 Members of the junta were so anxious to get their hands on the rich

1 diamond mining fields in the country. At Cyborg pit, around the Tonga
2 Field area in Kenema District, the AFRC/RUF brothers forced civilians to
3 mine diamonds for them often under the barrel of the gun.

4 But the political power of the AFRC/RUF was short-lived. Around May
11:16:56 5 to February 1998, the AFRC/RUF were driven out of power by ECOMOG. As
6 AFRC/RUF forces fled from Freetown, the AFRC/RUF leadership announced
7 "Operation Pay Yourself." This officially sanctioned looting. As the
8 evidence will show, after the AFRC/RUF was driven out of Freetown they
9 regrouped in Makeni. The senior leadership including Johnny Paul Koroma
11:17:34 10 and the three accused, held meetings where they discussed plans for staying
11 together and fighting the enemy. The movement then re-organised into three
12 main groups. One group settled in Koinadugu District. Another settled in
13 Kono District. Kono, rich in diamonds, was not to be given up so easily
14 and Mosquito, from Kailahun, instructed the group to defend Kono.

11:18:12 15 Another group of AFRC/RUF went to Kailahun District where they
16 settled. AFRC/RUF forces based in Koinadugu, were under the leadership of
17 the commander SAJ Musa, commonly known as Saj Musa, who was the former
18 Secretary of State in the AFRC regime. These forces were later joined by
19 Denis Mingo, alias Superman, and his forces. Denis Mingo was a senior
11:18:51 20 commander in the RUF. The evidence will demonstrate that in Koinadugu
21 District, AFRC/RUF forces attacked various villages and towns. Kabala,
22 Koinadugu, Yiffin, Koneibaia, Katombo II, Fadugu, to name but a few.

23 In Yiffin, around April 1998, the rebels crammed over 40 civilians in
24 a house and whilst the men, women and children were screaming for dear
11:19:34 25 life, the rebels set the house on fire, killing the civilians. Women and
26 girls were routinely captured by AFRC/RUF troops and shared amongst
27 themselves for their use as wives. Those who were not abducted and given
28 off as wives, were raped. You will hear a witness who will come before
29 this Court and testify that she was captured by rebels while she was

1 walking from Serekolia to Benikoro. When they captured her, they first
2 chopped off her right hand with the cutlass. The rebels were pleased with
3 their deed. They gave her a letter instructing her to go to President
4 Kabbah for a new hand. But just before she could leave, the same rebel who
11:20:41 5 had chopped off her hand, took the butt of his gun and beat her mercilessly
6 on her back and her head. And as if he had not violated her enough, he
7 then raped her.

8 As AFRC/RUF forces were driven from Freetown by ECOMOG and Sierra
9 Leone government troops, they retaliated against those suspected of
11:21:11 10 collaborating with the government. The evidence will show that when
11 Mosquito arrived in Kailahun after fleeing ECOMOG, the AFRC/RUF killed
12 about 65 men who were suspected of being Kamajors and this happened around
13 late February, early March, 1998. The bodies of these men were dumped in a
14 mass grave behind the police station in Kailahun Town. Johnny Paul Koroma,
11:21:46 15 the AFRC leader and an indictee before this Court, also settled in
16 Kailahun.

17 As AFRC/RUF troops settled in Kailahun, they brought with them the
18 women whom they had abducted from various parts of the country and
19 continued to use these women as wives for their domestic and sexual
11:22:08 20 purposes. AFRC/RUF forces were determined in their resolution to maintain
21 Kono. With its rich diamond fields Kono was vital for getting arms and
22 ammunition. AFRC/RUF rebels traded diamonds for arms with Charles Taylor,
23 the former President of Liberia. Mosquito, the RUF leader on the ground,
24 gave instructions that Kono was to be defended at all cost.

11:22:48 25 Upon arriving in Kono after the ECOMOG intervention in Freetown, the
26 AFRC/RUF set up a joint command structure to defend Kono. The accused,
27 Bazzy Kamara, was the most senior AFRC official in Kono until Tamba Brima
28 arrived, whilst Denis Mingo, alias Superman, of the RUF was the overall
29 commander.

1 In addition to Koidu, AFRC troops attacked civilians in several
2 villages and towns in Kono District: Tombodu, Foendor, Wodendu, Yomandu,
3 Tomandu, Koiduwuro and Kaiama. The accused, Bazzy Kamara, gave specific
4 instructions to burn down houses in Kono. He said no house should be left
11:23:56 5 standing save the houses occupied by AFRC/RUF troops. The evidence which
6 you will hear in this Court will show that Koidu, once a flourishing and
7 buoyant town, was burnt down by the AFRC/RUF and almost every house
8 virtually destroyed.

9 AFRC/RUF forces killed several civilians. At a mosque around
11:24:27 10 Kamachende Street in Koidu, AFRC/RUF troops rounded up over 200 civilians
11 and massacred all of them. Today, the remains of the bodies of these
12 civilians still lay behind the house not too far from where the massacre
13 took place. In Tombodu, the killing of civilians was the order of the day,
14 their bodies callously dumped into a pit which has come to be known as
11:25:03 15 Savage Pit. The man responsible for these killings was a direct
16 subordinate of the second accused, Bazzy Kamara, and the first accused,
17 Tamba Brima. Both of these accused were aware of the spate of killings in
18 Tombodu, but took no action to stop it. In Foendor, as the evidence will
19 show, AFRC/RUF troops captured a group of civilians comprised of family
11:25:28 20 members. They slaughtered every one of them by cutting off their heads
21 with a knife. Then they put the heads in a bag and gave it to a civilian
22 to carry all the way to Tombodu where they presented the bag of human heads
23 to their commander. Operation No Living Thing was indeed in full effect.

24 All throughout Kono District, AFRC/RUF looted from civilians the food
11:26:13 25 stock and worldly possessions: Gallons of palm oil, bags of rice, radios,
26 electrical appliances, clothes, and other domestic items. They then
27 abducted the very victims from whom they had looted and forced them to
28 carry the looted items to the rebel base. After being abducted, any
29 civilian who dared to attempt to escape risked his or her life. In Kaiama,

1 after capturing a group of civilians, AFRC/RUF troops used a razor blade
2 and carved the letters AFRC/RUF onto the bare flesh of the chests of the
3 men. This, they said, was to prevent the men from escaping as they would
4 easily be identified as belonging to the AFRC/RUF wherever they went.

11:27:20 5 The AFRC/RUF did not spare the female civilians of Kono rape and
6 other forms of sexual abuse. The evidence will show that around Sawoa
7 area, AFRC troops gang-raped a group of about seven women whom they had
8 captured. After raping those women in public, they inserted a stick into
9 the private organ of each of the women causing them to bleed profusely.

11:28:02 10 You will also hear from a witness who will testify that in his community
11 the AFRC/RUF rebels pit neighbours against each other when they forced a
12 group of men from the community to rape their female neighbours whilst
13 other neighbours looked on.

14 The evidence will also show that the AFRC/RUF continued to abduct
11:28:37 15 women and girls and forcibly make them their wives, using them to satisfy
16 their various needs, sexual, domestic and other. It mattered not whether
17 any of these women was a married woman or even a student. They did not
18 care.

19 Around April 1998, a group of AFRC/RUF forces, led by Tamba Brima and
11:29:08 20 Brima Bazzy Kamara, left Kono to join the AFRC/RUF brothers in the north.
21 They arrived first in Koinadugu where Saj Musa and other AFRC/RUF troops
22 were based and they eventually settled in Bombali District. The first
23 accused, Brima, was the field commander of this group that settled in
24 Bombali. The second accused, Bazzy Kamara, was the deputy field commander.

11:29:46 25 As the AFRC/RUF left Koidu for Koinadugu, the first accused, Brima, told
26 the AFRC/RUF troops that they were to take revenge on the civilian
27 population for supporting President Kabbah. He also announced to the
28 troops that they would make their mark in Bombali District for all the
29 world to know the AFRC. In Bombali, they attacked Karina, Daraya --

1 PRESIDING JUDGE: I am sorry, Ms Stevens. Mr Knoops, it is not
2 normal for counsel to interrupt the Prosecution in the course of address.

3 MR KNOOPS: I am terribly sorry, Your Honour, but the accused
4 indicates that he is pressed for going to the toilet.

11:30:36 5 PRESIDING JUDGE: I see. He is permitted to leave. Please escort
6 him out. Thank you, Mr Knoops, in those circumstances. Please escort the
7 accused out. Ms Stevens, please continue.

8 MS STEVENS: In Bombali, they attacked Karina, Daraya, Mayombo,
9 Mafabu, Mateboi and Gbendembu. They specifically targeted the village of
11:31:08 10 Karina because they thought Karina was the birthplace of President Kabbah.
11 The first accused, Brima, told the troops that the Madingo people of Karina
12 were the brothers and sisters of President Tejan Kabbah, a Madingo himself,
13 and so the people of Karina were to be dealt with.

14 Around May of 1998, these AFRC/RUF rebels, led by the three accused,
11:31:35 15 reached the village of Karina. One morning, when the people of Karina
16 village had assembled for five o'clock morning prayers in the mosque,
17 AFRC/RUF forces, led by the three accused, descended upon them with guns,
18 axes and machetes. Those whom they could catch were lined up and one after
19 the other the rebels hacked them to death with machetes and axes. As the
11:32:12 20 evidence will show, the rebels then went into the homes ransacking and
21 looting. They then abducted physically fit young men and children and
22 forced them to carry the very properties which they had looted from them.
23 The rebels also abducted about 30 women. They forced the women to strip
24 naked. They marched them off. And, like the pieces of property they had
11:32:50 25 looted, they distributed the women as wives amongst themselves.

26 Before arriving at Karina, the rebels, led by the three accused, had
27 attacked the neighbouring villages of Bornoya, Daraya and Mayombo that same
28 day. In Bornoya, they killed about 12 civilians, some of them young girls
29 who were burnt alive in a house when the second accused, Bazy Kamara,

1 instructed one of his men to set the house on fire. The rebels passed
2 through several villages: Mafabu, Mateboi, to name a few before they
3 finally settled in Rosos. En route to Rosos, they killed, maimed and
4 abducted civilians, raped women, looted homes and burnt villages.

11:33:55 5 The AFRC/RUF remained resolute in their campaign of terror against
6 the civilian population. At their base in Rosos, the first accused, Tamba
7 Brima, put into effect Operation Fearful the Area. This act of terrorism
8 was in essence an operation to kill any civilian seen in the vicinity of
9 their base in order to keep civilians away from the area. Brima also
11:34:27 10 ordered the troops to offer human sacrifice and on his orders young women
11 and children were buried alive.

12 The evidence will also show that when AFRC/RUF troops attacked
13 Gbendembu, Brima order his men to give an audio cassette to a civilian man
14 whose arm they had amputated. The cassette contained a threatening message
11:35:01 15 for the people of Makeni. The message was that if they supported ECOMOG
16 they also would suffer the same fate as the bearer of the message; the
17 amputee. For the period February to November 1998, AFRC/RUF forces
18 remained in Koinadugu, Kono, Bombali and Kailahun. They were not isolated
19 groups, but they worked together. Through radio communications they
11:35:45 20 maintained contact with one another. They shared information and resources
21 and they co-ordinated their efforts. Their determination to take political
22 control and to eliminate opposing forces cemented their alliance at all
23 times. And, as previously described, there was, in December of 1998, an
24 orchestrated move towards Freetown.

11:36:19 25 Sadly, the AFRC/RUF campaign included the abduction of children and
26 the recruitment of children into the rank and file of the AFRC/RUF. Often
27 times, the parents of these children were killed in the presence of the
28 children leaving them with nowhere to turn. You will hear evidence from
29 these very former child soldiers, children who at an age less than 15 years

1 old had been manufactured into rebels. They will tell this Chamber of how
2 the AFRC/RUF forced them to carry guns and to participate in attacks. Some
3 of them killed civilians, some raped women, women old enough to be their
4 mothers. They amputated hands and feet of civilians. They burnt houses
11:37:26 5 and they looted worldly possessions from civilians.

6 The AFRC/RUF trained many of these children in military operations
7 alongside adults at camps such as Rosos. At Camp Rosos alone, as witnesses
8 will testify, about 60 small boys were trained in military tactics and the
9 use of weapons. The evidence will show that the third accused, Five-Five,
11:37:55 10 was responsible for training at Camp Rosos. The first and second accused
11 were equally aware of such training at Rosos. The first accused, Tamba
12 Brima, was frequently seen at or nearby the training grounds. The attacks
13 and the crimes committed by the AFRC/RUF, did not happen by coincidence.
14 They are the result of deliberate attacks and or missions by the accused
11:38:34 15 persons.

16 As the evidence will demonstrate, the accused persons directly took
17 part in these attacks. They killed, they raped, they directed attacks in
18 which these atrocities were committed. They gave orders to rebel forces to
19 engage in hostilities against civilians. But the accused persons, because
11:39:00 20 of their station and rank, were not always the ones on the ground pulling
21 the trigger. The liability for these incredible events is based not only
22 on their own direct conduct, but also on the activities of their
23 subordinates and or the activities of those they associates with in a joint
24 criminal enterprise. In conclusion, Your Honours, many witnesses will give
11:39:37 25 evidence before this Court: Farmers, doctors, children, victims of sexual
26 violence, amputees, former AFRC/RUF members, some even with blood on their
27 own hands. But each witness to come before this Court will come with his
28 or her own unique story about what happened in Sierra Leone. The
29 Prosecution asks simply that justice be done. We ask for justice for the

1 victims, it has been said that the dead cannot cry out for justice, but it
2 is indeed the duty of those of us alive to do so for them. Today, in this
3 courtroom, we cry out loud; we cry out loud for justice; we ask for justice
4 for the families of the victims; and we ask for justice for the people of
11:40:41 5 Sierra Leone. Thank you.

6 PRESIDING JUDGE: Thank you, Ms Stevens. Mr Crane.

7 MR CRANE: Your Honours, that concludes the opening statement of the
8 Prosecution against the AFRC.

9 PRESIDING JUDGE: Thank you, Mr Crane. In the light of that, it may
11:41:09 10 be an appropriate time to adjourn and we will adjourn this Court until
11 2.15 p.m. Madam Court Attendant, please adjourn the Court until 2.15 p.m.

12 [Luncheon recess taken at 11.44 a.m.]

13 [TB070305C - CR]

14 [On resuming at 2.28 p.m.]

14:28:32 15 PRESIDING JUDGE: Before the witness is sworn in, I would like it to
16 be noted that this Court was scheduled to start at 2.15. The quorum was
17 ready, but I understand the Witness Protection Unit had not got the witness
18 in position. I would be grateful if they note the times for this Court for
19 future reference.

14:29:27 20 WITNESS: TF1-024 [Sworn]

21 PRESIDING JUDGE: Proper attention will be taken during the oath. No
22 one will talk or move.

23 MS TAYLOR: Your Honour, the first witness, TF1-024, who gives
24 evidence in English, will be led by my learned friend, Mr Santora. I have
14:29:48 25 not had the opportunity to introduce Mr Santora to the Bench beforehand. I
26 do so now. I also point out Mr Wallbridge sits with the Prosecution, too,
27 and he has not been introduced to the Bench either.

28 PRESIDING JUDGE: Proceed, Mr Santora.

29 MR SANTORA: Thank you, Your Honour.

1 EXAMINED BY MR SANTORA:

2 Q. Good afternoon, Mr Witness.

3 A. Good afternoon, sir.

4 Q. Mr Witness, can you tell the Court what city you were born in?

14:30:34 5 JUDGE LUSSICK: Just before you start, for the record, if this
6 witness has a number, I think you should identify him by a number, at
7 least.

8 MR SANTORA: This witness is TF1-024, Your Honour.

9 Q. Mr Witness, can you tell the Court what city you were born in?

14:31:07 10 A. I born in Freetown here.

11 Q. Can you tell the Court what city you live in now?

12 A. I live in Freetown. Mr Witness, what is your profession?

13 A. I'm a [inaudible] mechanic engineer.

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

14:31:30 15 A. Yes.

16 Q. Mr Witness, during the war in Sierra Leone, where were you living?

17 A. I was living in Freetown.

18 Q. Can you tell the Court what happened to you while you were living in
19 Freetown during the war in Sierra Leone?

14:32:01 20 A. Yes.

21 Q. Please go ahead and start explaining what happened to you.

22 A. I was in Freetown during 1998 when the rebels came in the centre of
23 Freetown. The rebel captured me. They took me to State House.

24 Q. Mr Witness, before you proceed, you were living in Freetown, and what
14:32:37 25 was the year you were captured?

26 A. I was captured 8 of January.

27 Q. What year was that?

28 A. That was 1998.

29 Q. Who captured you?

1 A. Three rebel boys.

2 Q. What were they wearing?

3 A. Don't understand.

4 Q. What kind of clothes were they wearing?

14:33:09 5 A. ECOMOG uniform.

6 Q. When you say three rebel boys, what do you mean by the word "rebel"?

7 A. Well, during that time, the rebel and the soldier, they all combine

8 together, so they are all rebel at night-time.

9 Q. Mr Witness, without telling me the exact address, can you tell me the

14:33:36 10 street you were living on when you were captured?

11 A. Yes. I was living Waterloo Street, 79 Waterloo Street in Freetown.

12 Q. You said three rebels captured you?

13 A. Yeah.

14 Q. Did these rebels have weapons?

14:33:57 15 A. Yes, have weapons - guns.

16 Q. Do you remember the type of guns that they had?

17 A. AK-47.

18 Q. When you encountered these rebels, what did they say to you?

19 A. They said I should join them, because they have lost more men, so I

14:34:24 20 should join them.

21 Q. What language were they speaking?

22 A. They were speaking Liberian English.

23 Q. After they asked you to join them, what did you do?

24 A. I refused but they forced me to go to State House.

14:34:46 25 Q. Please tell the Court what happened when you arrived at the State

26 house?

27 A. When I arrived at the State House, they beat me up. They forced me

28 to join them; I refused, so they locked me inside the kitchen of State

29 House.

1 Q. Mr Witness, when you arrived at the State House, can you tell the
2 Court what was happening there?

3 A. Yeah. In the night, they go out and find womens, little child --
4 raped, every night.

14:35:35 5 Q. Mr Witness, when you first arrived at the State House, from where you
6 were on Waterloo Street, what exactly did you see?

7 A. I saw they were burning people's houses, looting properties.

8 Q. When the three rebels took you to the State House, were there other
9 rebels at State House?

14:36:04 10 A. Yes, My Lord.

11 Q. Who were they?

12 A. Gullit was there. They were calling him Honorable Gullit, but I
13 didn't know him.

14 Q. Who was calling him Honorable Gullit?

14:36:25 15 A. Boys, the rebel boys.

16 Q. About how many rebel boys were at the State House when you got there?

17 A. There were many. There were many.

18 Q. After you arrived, you said you heard these boys calling him
19 Honorable Gullit; is that correct?

14:36:58 20 A. Yes.

21 Q. What else did you see?

22 A. Explain it again -- understand.

23 Q. When you arrived at State House?

24 A. Yes.

14:37:06 25 Q. You said that Gullit's boys were calling him Honorable Gullit?

26 A. Yeah.

27 Q. Can you tell the Court if you actually saw Gullit?

28 A. I saw Gullit through the window when I was inside the kitchen.

29 Q. Prior to that, did you see him when you arrived at State House?

1 A. I saw him.

2 Q. What was he doing when you arrived?

3 A. He was commanding his boys during that time.

4 Q. How do you know he was commanding his boys?

14:37:41 5 A. Because during that time, he was the only commander at State House

6 during that time. They were calling him Honorable Gullit.

7 Q. Were there other people with you who were captured and brought to

8 State House?

9 A. Yeah.

14:37:58 10 Q. Can you tell the Court what happened to those people?

11 A. They killed some people. They raped some women and children.

12 Q. You said "they killed some people"; who killed some people?

13 A. The rebel boys - Gullit's boys.

14 Q. And did you see this?

14:38:25 15 A. Yeah.

16 Q. Can you tell the Court exactly what you saw?

17 A. Yeah. When they were in State House, they go eat food for

18 themselves -- cow, sheep and goods and rice. Also, palm oil for themselves. I

19 saw that.

14:38:50 20 Q. Mr Witness, you said that they, Gullit's boys, killed people?

21 A. Yeah.

22 Q. I want to ask you again about that specific assertion. Explain

23 exactly what you saw with regards to Gullit's boys killing people.

24 A. Because people was -- people will be forced to join them. People

14:39:13 25 refuse; they kill them.

26 Q. You said people refused to join.

27 A. Yeah.

28 Q. How many people refused to join?

29 A. More than 30 people.

1 Q. How many people were killed?

2 A. I can't remember the number again, but there were many.

3 Q. Who exactly was asking them to join?

4 A. Gullit was telling his boys to force people to join them because they

14:39:51 5 have lost many boys -- many rebel boys -- those who were killed by ECOMOG,

6 so they wanted to regain more men to join them.

7 Q. So you said Gullit's boys were asking people to join them; is that

8 correct?

9 A. Gullit was forcing his boys to tell people to join.

14:40:18 10 Q. How do you know Gullit was forcing his boys to tell people to join?

11 A. I was there; I saw him commanding these boys.

12 Q. Do you remember exactly what he said to his boys?

13 A. Yeah. He told his boys that as far now we have lost more men, so all

14 civilians that we are capturing, we are going to force them to join and we

14:40:43 15 are going there at the provinces. That's what he was saying.

16 Q. You said some people refused to join?

17 A. Yeah.

18 Q. And some people were killed?

19 A. Yes.

14:40:57 20 Q. Did you actually see them being killed?

21 A. Yes.

22 Q. How were they killed?

23 A. They killed them through their chests, some their legs.

24 Q. Is that - did you say they got shot?

14:41:14 25 A. Yeah, they shot them down.

26 Q. When these people were shot down, was Gullit present?

27 A. Yes, Gullit was there during that time. He was standing by the side

28 of the window by the carpet grass at the State House.

29 Q. After these people were shot for refusing to join, what happened?

1 A. They threw them out of the back of the building, the State House, the
2 dead body.

3 Q. After these bodies were taken out, what happened to you?

4 A. They forced me to go with them. They chain me, put bomb on my head
14:42:06 5 to carry. I carried the bomb through Parliament Road?

6 Q. Mr Witness, you said before you were locked in a kitchen; is that
7 right?

8 A. Yes.

9 Q. Now, I just want to make sure that I understand exactly the sequence
14:42:28 10 of events. You said that you saw Gullit's boys killing people?

11 A. Yeah.

12 Q. You also said that you were locked in a kitchen?

13 A. Yeah.

14 Q. Were you locked in a kitchen after this shooting?

14:42:41 15 A. Yes, I was watching through the window. I was inside the kitchen,
16 but I was watching through the window.

17 Q. Okay. Who put you in the kitchen?

18 A. The three rebel boys who brought me to State House.

19 Q. Where exactly was this kitchen?

14:43:00 20 A. It's at the State House there.

21 Q. Were there other civilians --

22 A. Yes.

23 Q. -- in the kitchen?

24 A. Yes.

14:43:11 25 Q. Do you remember how many?

26 A. We are 50 in number.

27 Q. How long did you stay in the kitchen?

28 A. Four days.

29 Q. What did you eat?

1 A. Nothing - no food, no water.

2 Q. Now, you just stated that you were looking outside a window?

3 A. Yeah.

4 Q. Was this while you were in the kitchen?

14:43:36 5 A. Yes.

6 Q. Can you tell the Court what you observed from this window during your

7 detention in the kitchen for four days?

8 A. I was there in the kitchen. When night comes, they light this lamp

9 around the State House in the night, cook, eat, look out for girls.

14:44:07 10 Peoples go and collect girls in the night, rape them.

11 Q. Who would go and collect girls and rape them?

12 A. The rebel boys.

13 Q. How do you know that?

14 A. I was watching through the window during that time. I was seeing

14:44:23 15 them.

16 Q. So from the window, you observed women being raped?

17 A. Yeah.

18 Q. How do you know they were being raped?

19 A. Well, they are crying in the night. The women were crying. In Krio,

14:44:38 20 that's "A no de gri. Mi na small pikin."

21 Q. Can you tell the Court what "A no de gri. Mi na small pikin" means

22 in English.

23 A. Yeah, they were saying that "We not agree. We are small child. We

24 are school-going girls."

14:45:01 25 Q. You were held in the kitchen for how many days?

26 A. For four days.

27 Q. How many nights did you observe women on the State House lawn being

28 raped?

29 A. All the night.

1 Q. So each night you were there you observed this?

2 A. Yes.

3 Q. About how many women would you see approximately each night being
4 raped?

14:45:37 5 A. Many women, many women.

6 Q. And the rebels that were raping these women, were they the same
7 rebels that were there initially when you arrived at the State house?

8 A. No.

9 Q. Who were these rebels?

14:46:01 10 A. I don't understand the question.

11 Q. The people who were raping, were they rebels?

12 A. The rebels are raping civilian.

13 Q. Is this the same group of rebels?

14 A. No.

14:46:15 15 Q. Do you know this group of rebels?

16 A. I don't know them.

17 Q. After four days of being locked up in the kitchen, what happened?

18 A. Somebody came - somebody was there, helped the man, he broke down the
19 door of the kitchen. During that time, ECOMOG was down at the cotton tree.

14:46:53 20 At that time, ECOMOG was coming up to State House, so they broke the
21 kitchen, went outside. So they capture us to go, they forced us to go.

22 Q. Who forced you to go?

23 A. The rebels.

24 Q. You said that ECOMOG was down at the cotton tree; is that correct?

14:47:11 25 A. Yeah, they were down at the cotton tree.

26 Q. So people were leaving State House; is that correct?

27 A. Yeah.

28 Q. When you came out of the kitchen, what exactly did you see?

29 A. I saw people were running up and down. The rebels were running up

1 and down. They find their way to go back to the provinces.

2 Q. You said that when you arrived at State House and sometime
3 thereafter, you saw Gullit. When you came out of the kitchen, was Gullit
4 present?

14:47:47 5 A. Yes. He was telling his boys that - let them go. Let them go, they
6 have lost the battle. But before they are going, they would burn down --
7 they were going to burn down State House on the vice-president's office.

8 Q. Who said that?

9 A. Gullit will say that.

14:48:13 10 Q. And you heard this?

11 A. I heard that.

12 Q. Where exactly was Gullit when you came out of the kitchen?

13 A. I was inside a white Toyota Hilux van.

14 Q. You said a white Toyota Hilux van; is that correct?

14:48:36 15 A. Yeah.

16 Q. Did you observe him doing anything else?

17 A. I don't understand.

18 Q. Was he doing anything else aside from what you said?

19 A. Only that he was just commanding his boys to go.

14:48:50 20 Q. What happened to you at this moment then?

21 A. He forced me to go. He gave me bomb to carry.

22 Q. Who gave you a bomb to carry?

23 A. The two rebel boys gave me this bomb to carry.

24 Q. Do you know what type of bomb it was?

14:49:20 25 A. I cannot remember the name of the bomb.

26 Q. After they gave this bomb to you, what happened?

27 A. I carried the bomb as far as Calaba Town.

28 Q. I want to ask you your observations from leaving State House to the
29 time you reached Calaba Town. As you left State House, in which direction

1 were you moving?

2 A. I moved through Parliament Road, right up to Berry Street towards
3 College.

4 Q. Who was moving with you?

14:50:14 5 A. Gullit was moving with us. He was ahead of us at that time.

6 Q. Aside from Gullit, were there other people moving as well?

7 A. Yeah, all the rebel are moving together.

8 Q. What about civilians?

9 A. Civilian, too. Civilian too are moving together.

14:50:39 10 Q. As you were moving, what were the rebels doing?

11 A. They were burning people's houses, looting properties.

12 Q. Can you tell the Court any specific streets where they were burning
13 houses?

14 A. Yes, they were burning down each roadside and during that time, that
14:51:06 15 was the first day they burnt down the vice-president's office at Tower
16 Hill.

17 Q. You said they were looting?

18 A. Yeah.

19 Q. Do you remember where they were looting from?

14:51:20 20 A. Yeah. They loot from the vice-president's office. Even myself; loot
21 my trousers, loot my shoes.

22 Q. Aside from the vice-president's house and yourself, did you see them
23 looting anywhere else?

24 A. Yes.

14:51:39 25 Q. Where?

26 A. They loot somebody's car at Berry Street Junction, go over the car.
27 They loot my father's car, too.

28 Q. You said that they were burning houses along Kissi Road?

29 A. Yeah.

1 Q. Was there looting occurring at Kissi Road?

2 A. Looting and burning.

3 Q. About how long did it take you to walk with this bomb from State
4 house to Calaba Town?

14:52:24 5 A. Just 45 minutes.

6 Q. What happened when you arrived at Calaba Town?

7 A. I was carrying the bomb. They took the bomb from me and gave it to
8 another person to carry. From there, I find the way back to my father's
9 house.

14:52:56 10 Q. Mr Witness, when you started describing this story to us, you said
11 that the day you were captured was January 8th. How do you remember that
12 day?

13 A. Can't remember because it's too long time now.

14 Q. But you told this Court January 8th; is that correct?

14:53:17 15 A. Yeah.

16 Q. How do you know it was January 8th?

17 A. Because they came January 6, they were in Freetown; 7, they were in
18 Freetown; captured me 8th -- 8th of January.

19 Q. You said they came on January 6th; is that correct?

14:53:38 20 A. Yeah.

21 Q. Do you know where they actually came into on January 6th?

22 A. No.

23 Q. What year was that when they came in on January 6th?

24 PRESIDING JUDGE: Mr Santora, you've asked that question twice
14:54:02 25 already.

26 MR SANTORA: Your Honour, we have no further questions for this
27 witness. Thank you very much, Mr Witness.

28 PRESIDING JUDGE: Counsel, who is the more senior counsel? We'll
29 follow the usual procedure: most senior counsel cross-examines first.

1 MR METZGER: In terms of seniority, I would have thought Mr Harris
2 supersedes me. However, this witness does directly purport to name my
3 client and we had, at the Bar, agreed, that I may go first, if the Court
4 pleases.

14:54:49 5 PRESIDING JUDGE: Yes, please proceed, Mr Metzger.

6 MR METZGER: I'm very much obliged.

7 CROSS-EXAMINED BY MR METZGER:

8 Q. Mr Witness, can I ask you first some general questions. How did you
9 come to speak to the Office of the Prosecution in this case?

14:55:10 10 A. I don't understand.

11 Q. Okay. I will ask it in another way. Were you approached by the
12 Office of the Prosecution, or did you go to tell them that you had
13 something to tell them in relation to the January 8th incident? Do you
14 understand the question, Mr Witness?

14:55:43 15 A. No.

16 Q. I shall try again. Can you remember the first time you made a
17 statement to the Office of the Prosecutor?

18 A. I can't understand anything else you say.

19 MR METZGER: Your Honour, perhaps the witness might require the
14:56:12 20 services of an interpreter. I don't know if that would help.

21 PRESIDING JUDGE: Mr Witness, you said you didn't understand. Do you
22 want the question put in a different language? Would that help you?

23 THE WITNESS: Yeah.

24 PRESIDING JUDGE: Which language do you choose?

14:56:31 25 THE WITNESS: Krio.

26 PRESIDING JUDGE: Can we have a Krio interpretation. Please put the
27 question, Mr Metzger. Please have the question interpreted in Krio.
28 Please listen.

29 [The witness answered through interpreter]

1 MR METZGER:

2 Q. Can you recall when the first time you gave a statement to the Office
3 of the Prosecution?

4 PRESIDING JUDGE: I have just been advised there needs to be an
14:56:56 5 adjustment to the channel.

6 MR METZGER: Certainly.

7 PRESIDING JUDGE: Witness, do you hear the interpreter speaking to
8 you?

9 THE WITNESS: Yeah.

14:57:18 10 PRESIDING JUDGE: Mr Metzger, please proceed.

11 MR METZGER:

12 Q. Mr Witness, when was the first time you made a statement to the
13 Office of the Prosecution?

14 A. I no remember again.

14:57:41 15 Q. How many times have you made a statement to the Office of the
16 Prosecution?

17 A. I can't remember now. Because it's taken a long time since I made
18 this report.

19 Q. Mr Witness, one statement --

14:58:05 20 PRESIDING JUDGE: Mr Metzger, please allow the interpretation to
21 finish. Please repeat the answer, Mr Interpreter.

22 MR METZGER:

23 Q. Mr Witness, one statement, two statements, three statements - a rough
24 idea, please?

14:58:36 25 A. About five.

26 Q. You have made about five statements to the Office of the Prosecution?

27 A. Yeah.

28 Q. Thank you, Mr Witness. We have in our possession a statement dated
29 20 February 2003.

1 A. Okay.

2 Q. Can you say whether that was the first statement you made to the
3 Office of the Prosecution or not?

4 A. No.

14:59:24 5 Q. Is that it was not the first statement?

6 A. No.

7 Q. You had made one before 20 February 2003?

8 A. Yes, sir.

9 Q. Thank you, Mr Witness. On each occasion when you made a statement --
14:59:51 10 if the Court will allow me to call it the OTP, it might assist -- were you
11 given money?

12 A. No, sir.

13 Q. Were you given money on any occasion that you went to give a
14 statement?

15:00:12 15 A. I was not given money. I paid my own way except for one of these
16 days when they gave me money.

17 MR METZGER: Your Honour, there seems to be a technological hitch in
18 so far as the Bar is concerned. My learned friends are not in a position
19 to hear the English translation.

15:01:12 20 MS EDMONDS: You need to change your mic to English.

21 THE INTERPRETER: Can you hear me now? Can you hear me from the
22 English channel? Can you hear me from the English booth?

23 MR METZGER: I can hear, but I'm not particularly affected by the
24 lack of translation.

15:01:20 25 PRESIDING JUDGE: Are other counsel comfortable with the translation?

26 MR METZGER: I'm very much obliged.

27 PRESIDING JUDGE: Please proceed, please.

28 MR METZGER:

29 Q. Mr Witness, you said originally you had to pay your own fare to see

1 the OTP?

2 A. Yes, sir.

3 Q. And that it is only recently that you have been given money to cover
4 your transport.

15:01:56 5 PRESIDING JUDGE: That's not what the witness said, Mr Metzger. You
6 must put it as he said it.

7 MR METZGER: I'm sorry.

8 Q. It is only recently that you have been given money.

9 A. Yes, sir.

15:02:10 10 Q. To the best of your knowledge, why were you given money by the OTP?

11 A. Well, I believe it was for my transport. It was for my transport
12 that he gave me, because I have been coming and going.

13 Q. How recently did the OTP start giving you money, please?

14 A. Friday.

15:02:54 15 Q. Since this Friday just gone past?

16 A. Yes.

17 Q. Is that the only time you have been given money?

18 A. Yes, sir.

19 Q. How much money was it, please?

15:03:12 20 A. It was 25,000 for the five days that I've been coming, because they
21 asked me how many days I've been coming for, and they gave me 25 ,000.

22 Q. So you were given a lump sum of 25,000 Leones Friday just gone?

23 A. Yeah.

24 Q. And you're absolutely sure of that?

15:03:47 25 A. Yes, that's the money that they gave me.

26 Q. Prior to that date, you had not been given any money whatsoever?

27 A. I don't remember, no, since I've been coming here.

28 Q. What do you mean since you've been coming here? Since you've been
29 coming here, you've been given no other money than that?

1 A. No, sir.

2 Q. Were you ever visited at your home address by the OTP?

3 A. Yes, sir.

4 Q. On any occasion that you were visited by a member of the OTP, were
15:04:50 5 you given money?

6 A. No, they meet me working and they wouldn't give me money.

7 Q. I'm going to put it to you, Mr Witness, that on 10 September 2003 you
8 were paid 5,000 Leones by the OTP.

9 MS TAYLOR: I object to this. Your Honour, the date of 10 March 2003
15:05:23 10 -- was that the date that I heard?

11 PRESIDING JUDGE: I thought I heard September.

12 MR METZGER: Your Honour's right.

13 MS TAYLOR: I beg your pardon, it was my mishearing.

14 MR METZGER:

15:05:39 15 Q. So September 2003, you received 5,000 Leones from the OTP; is that
16 correct?

17 A. I don't remember, they didn't give me.

18 Q. That's two answers, Mr Witness. Either I don't remember or I wasn't
19 given the money.

15:06:03 20 A. They didn't give me money. They didn't give me money.

21 Q. Thank you, Mr Witness. I put it to you that on another occasion,
22 26 November 2003, you were given 10,000 Leones.

23 MS TAYLOR: Your Honour, I'm sorry, I do renew my objection at this
24 point. Your Honour, I am unclear upon the basis which my learned friend is
15:06:29 25 choosing these dates. The Prosecution has disclosed to my learned friend
26 certain dates on which the Prosecution either paid money directly to or on
27 behalf of this witness, but the dates mentioned by my learned friend are
28 not from the material disclosed by the OTP.

29 MR METZGER: I may have been looking at the wrong page. I shall

1 correct it. Let's start again.

2 Q. On 16 January 2004, you were given 10,000 Leones; is that correct?

3 A. No, sir, they didn't give me money.

4 Q. On a second occasion on 4 March 2005, you were given 15,000 Leones.

15:07:27 5 MS TAYLOR: Your Honour, I object to that also. The information
6 disclosed clearly shows that the money itself was not given, but the money
7 was used to buy a telephone top-up card and it was the top-up card that was
8 given to the witness.

9 MR METZGER: With the greatest respect --

15:07:43 10 PRESIDING JUDGE: It may be difficult for us to rule. I don't know
11 what rebuttal evidence the Defence is going to bring.

12 MR METZGER: I'm operating from a document provided to us this
13 morning by the Prosecution. It's perhaps a little new. I take it that
14 Your Honour and the Bench have a copy of the same document? It would be
15:08:07 15 unfair otherwise to the Bench, in my respectful submission.

16 MS TAYLOR: There is not a copy of this document before Your Honours.
17 It was a matter that has been disclosed to the Defence pursuant to Rule 68.
18 It's not a witness statement, therefore it was not filed with the Chamber.

19 MR METZGER: It is, of course, a matter for Your Honours. I simply
15:08:37 20 seek to help so you can follow. Of course, it does go to the credit of the
21 witness.

22 JUDGE LUSSICK: Mr Metzger, I suggest you ask your questions. There
23 is such a thing as re-examination if the Prosecution wants to clarify some
24 confusion in the witness's testimony or dates or anything else.

15:09:11 25 MR METZGER: Indeed. I'm very much obliged, Your Honour.

26 Q. Mr Witness, Friday, 4 March 2005, were you either given money or was
27 a telephone card purchased for you by the OTP?

28 A. They bought a telephone card for me and gave it to me in the office.

29 Q. On that same day you were given 25,000 Leones?

1 A. Yes, sir.

2 Q. The person who gave you that money, do you know who it was?

3 A. Yes, sir.

4 Q. Is that person, for the moment, just in Court today?

15:10:16 5 A. No, I've not seen him around.

6 Q. So your evidence as it stands at the moment, Mr Witness, you were

7 given a phone card and 25,000 Leones last Friday, but you have been given

8 no other money by the OTP?

9 A. No, sir.

15:10:54 10 Q. Well, let me ask one or two other things along those lines. Have you

11 ever had a meal bought for you by the OTP?

12 A. No, when I was there, that's when they were feeding - they were

13 giving me food.

14 Q. When you were there; at the office of the OTP?

15:11:18 15 A. No.

16 THE INTERPRETER: Can he speak louder? We can't get him here. Your

17 Honour, we can't get the witness. Let him speak through the microphone.

18 PRESIDING JUDGE: Mr Witness, would you bring the microphone closer

19 to you.

15:11:57 20 MR METZGER:

21 Q. Mr Witness, would you try again. The interpreter was unable to hear

22 your voice. Your last answer, please.

23 A. Okay, sir.

24 Q. Was food ever provided for you by the OTP I think was the question I

15:12:17 25 asked you.

26 A. No, sir.

27 Q. You then went on to say something along the lines wherever you were,

28 you were being fed; is that correct?

29 A. Where they placed me for now, that's where I am at the moment.

1 Q. So where you are at the moment, food is provided for you?
2 A. Yes, sir.
3 Q. And is it correct you are also living rent free?
4 A. Yes, for the moment I am at xxxx. I am not paying rent.
15:13:09 5 Q. How long have you not been paying rent, Mr Witness?
6 A. Three days now.
7 Q. Only for three days.
8 A. Yeah.
9 Q. Have there been any promises to you by anyone about payment once you
15:13:23 10 have given your evidence?
11 A. No, sir.
12 Q. So no one has suggested that you will be given housing or relocated?
13 A. No, sir.
14 Q. When you made your statements - you told us on five occasions,
15:13:57 15 Mr Witness - were the statements read back to you?
16 A. Yes, sir.
17 Q. And did you sign the statements?
18 A. Repeat the question.
19 Q. And did you sign the statements?
15:14:28 20 A. Yes. Yes, I signed them.
21 Q. When you signed the statements, Mr Witness, did you do so to confirm
22 that you had either read the statement yourself or had it read to you?
23 A. Yes, sir.
24 Q. And that you had made the statement voluntarily - of your own free
15:15:08 25 will?
26 A. No, sir.
27 Q. No in relation to what? You didn't make the statements of your own
28 free will?
29 A. Yes, sir.

1 Q. Yes what? What do you mean by yes in the circumstances?
2 A. I did it out of my own free will.
3 Q. And you understood that this was required?
4 A. Yes, sir.
15:15:43 5 Q. And that you could be called to court to give evidence about that
6 statement?
7 A. Yes, sir.
8 Q. And that if you were willfully and knowingly making a false
9 statement, that there could be proceedings against you for giving false
15:16:09 10 testimony?
11 A. Yes, sir.
12 Q. And did you confirm before you signed the statement that you
13 understood the importance of speaking the truth?
14 A. Yes, I'm saying the truth.
15:16:40 15 Q. And that the information contained in your statement was true and
16 correct to the best of your knowledge and belief?
17 A. Yes, sir.
18 Q. Now, you've told us that it was on January 8, 1998 that you were
19 taken by three rebel boys?
15:17:18 20 A. Yes, sir.
21 Q. That must have been a traumatic experience.
22 A. At all.
23 Q. Something that you won't forget in a hurry or perhaps even ever?
24 A. No, sir.
15:17:45 25 Q. And you can have no doubt about the date on which that occurred?
26 A. I can't remember some of the dates, because it has taken a long time.
27 Q. No, witness, in relation to the day that you were - I think the term
28 is abducted - you can't forget that date, can you?
29 A. No, I wouldn't forget that date.

1 Q. And you have categorically told us that that was on 8 January 1998.
2 A. 1998, no. 1999, that's when the rebels came in.
3 Q. Yes, I think it's a matter of record that the rebels came in 1999,
4 Mr Witness, but your evidence was that you were taken on 8 January 1998.
15:18:52 5 That is recorded. Do you wish to change that evidence now?
6 A. It's 1999 that I told people about - they put it 1998. I would never
7 forget that date I was captured. I would never forget.
8 Q. No, Mr Witness, this is evidence that came from your own mouth this
9 afternoon: 8 January 1998, when Mr Santora was asking you questions.
15:19:38 10 A. Well, the questions are too many for me. It was in 1999.
11 Q. Can you tell us why you made that mistake in relation to the day you
12 say you were abducted?
13 A. I was panic-stricken and this is the first time that I've been in
14 court.
15:20:05 15 Q. It was also about the third question that you were asked.
16 MS TAYLOR: Was that a question or a statement, Your Honours?
17 MR METZGER:
18 Q. Is that not the case?
19 A. Pardon me. I didn't understand.
15:20:26 20 Q. It was about the third question that you were asked when you first
21 came to this Court today.
22 A. Yes, sir.
23 Q. What was confusing about that, Mr Witness?
24 A. It was because the questions are too many and there are many people.
15:20:56 25 I'm scared of the people, that's what caused the panic.
26 Q. I shall move on, Mr Witness. Perhaps just this: is it correct that
27 when statements were taken from you by the OTP, you chose to give your
28 statements in the English language?
29 A. Yes, sir.

1 Q. So it is not a case of your inability to understand and speak
2 English?
3 A. Repeat it. I did not understand.
4 Q. So you are well able to speak English and to understand spoken
15:22:01 5 English?
6 A. Yes, sir. There are some bits of English I do not understand.
7 PRESIDING JUDGE: In fact, Mr Metzger, you have two questions there.
8 Are you able to speak English, one question; are you able to understand
9 English, second question. You should separate them.
15:22:22 10 MR METZGER: That is correct, Your Honour. Every so often one does
11 make mistakes. But I shall move on, in any event. I think the point is
12 made.
13 Q. You told us, Mr Witness, at the time you were living in Waterloo
14 Street and that you were captured by three rebels speaking Liberian
15:23:11 15 English.
16 A. Yes, sir.
17 Q. At that time did you know what group those rebels belonged to?
18 A. No, sir.
19 Q. Did they beat you up at the scene where you were captured or did they
15:23:27 20 beat you up later?
21 A. I was beaten later when they took me to the State House.
22 Q. Would it then be fair to say that you went willingly with them to
23 State House?
24 A. Before they could kill me at the earliest, I walked with them to the
15:24:00 25 State House, because I knew that I would escape.
26 Q. So you walked with them because you were afraid they were going to
27 kill you?
28 A. Yes, sir.
29 Q. Why had you come to that conclusion that if you didn't go with them

1 that they were going to kill you?

2 A. They told me that.

3 Q. And when you got to State House, you said that you were able to see
4 the commander who was in charge, and he was someone called Gullit; is that
15:24:52 5 right?

6 A. Yes, sir.

7 Q. Now this Gullit, it is correct that you didn't know him?

8 A. I didn't know him.

9 Q. Your evidence is that you believed him to be Gullit, because you
15:25:13 10 heard rebel boys calling him Gullit?

11 A. Yes, sir.

12 Q. When you told the Prosecution that this was the position, were you
13 shown any photographs and asked to identify this person Gullit?

14 A. No, sir.

15:25:50 15 Q. But you were asked to describe the person Gullit, isn't it?

16 A. I wasn't asked to describe him. I never know him any more.

17 Q. Mr Witness, on 20 February 2003, the statement we've had served on
18 us, you do describe a man you say was the Gullit that you saw. Do you
19 remember doing that?

15:26:33 20 A. Repeat it.

21 Q. When you made a statement dated 20 February 2003, you described the
22 man you are referring to as Gullit.

23 A. Yeah.

24 Q. You described him as a man of medium height with a fair complexion.

15:27:18 25 A. Fair complexion, but medium height.

26 MS TAYLOR: Your Honour --

27 MR METZGER: Would counsel please allow me to cross-examine the
28 witness. Her turn will come.

29 PRESIDING JUDGE: If counsel has an objection, I will hear it.

1 MS TAYLOR: Your Honour, I would ask that the matters in the
2 statement be put in a fair manner. The witness didn't say simply "had a
3 fair complexion."

4 MR METZGER: I do object to my learned friend's objection. There is
15:27:37 5 a manner and form of doing this. If we are going to launch into argument,
6 this Court should go into closed session or the witness should leave.

7 JUDGE LUSSICK: Mr Metzger, I think counsel is just pointing out she
8 considers your question unfair. We can't rule on that until we hear the
9 reason for that.

15:27:56 10 MR METZGER: You ought not to hear the reason for that in the
11 presence of the witness. Normally, that point can be taken at a point in
12 time after my cross-examination because I've just started a couple of
13 lines. With respect to the Prosecution, they didn't seek to elicit a
14 description, and perhaps one will find out why in due course. With the
15:28:17 15 greatest respect to my learned friend, I think she will find in due course
16 I am fair and professional in anything that I do in relation to this Court.

17 JUDGE LUSSICK: We don't have a copy of the statement, so it is very
18 difficult to understand where you are going on this, Mr Metzger.

19 MS TAYLOR: If I may finish my objection, Your Honours. My point --

15:28:38 20 MR METZGER: I object to the objection. Unless the witness is made
21 to leave the court, it will have the effect of refreshing the memory of the
22 witness and directing, as it were, the witness at this point in time. If
23 my learned friend wishes to refer - in order for Your Honours to rule on
24 this matter - to the statement, then it ought not be done in the presence
15:29:01 25 of the witness.

26 [Trial Chamber confers]

27 JUDGE LUSSICK: I am afraid, Mr Metzger, unless we hear the reason
28 why the objection was made, we are unable to rule. I don't understand the
29 objection; I don't understand where you're going because we don't have a

1 copy of the statement.

2 MR METZGER: I'm content, Your Honour, for you to hear the reason for
3 the objection. I'm simply making an application for that to be done in the
4 absence --

15:30:28 5 JUDGE LUSSICK: Well, we're not in any position to see whether it's
6 fair to the witness to do it in his absence or to do it in his presence.
7 We don't have the statement. If you would like to tender the statement,
8 perhaps we can make a ruling.

9 MR METZGER: I'm content for you to see the statement, if that's the
15:30:46 10 position. I do remind the Court, and my learned friend, that I'm in the
11 course of my cross-examination and respectfully suggest that her
12 intervention is precipitant.

13 JUDGE LUSSICK: Every counsel is entitled to object. We cannot rule
14 until we see what you're talking about.

15:31:06 15 MR METZGER: As Your Honour pleases.

16 MS TAYLOR: Your Honour, I can make the objection in a way that will
17 allay my learned friend's fears. My learned friend is putting matters to
18 this witness from his statement. In that statement, there is a description
19 of the person referred to as Gullit. My learned friend referred to one
15:31:30 20 sentence, he then missed out a sentence and he referred to the third
21 sentence. The second sentence precedes the third sentence and they are
22 necessarily connected. My objection is when my learned friend says, "You
23 said he is fair in complexion," that is not all the witness said about the
24 person called Gullit's complexion and, in the circumstances, that is unfair
15:31:56 25 and confusing to the witness.

26 JUDGE LUSSICK: What's difficult about that, Mr Metzger? Why don't
27 you put all of what the witness is alleged to have said.

28 MR METZGER: Had this not occurred, I would have done that about five
29 minutes ago. This is what I was trying to tell my learned friend.

1 JUDGE LUSSICK: Well, you are the one who has been causing the delay
2 by simply not allowing your learned friend in the Prosecution to voice her
3 objection without interrupting.

4 MR METZGER: Well, may I continue and do that which has been asked of
15:32:31 5 me, which I intended to do in the first place, and we can all move on.

6 JUDGE LUSSICK: Well, about time.

7 PRESIDING JUDGE: Are you putting in a prior inconsistent statement,
8 Mr Metzger?

9 MR METZGER: I am, Your Honour.

10 PRESIDING JUDGE: Well, go about it in the normal way.

11 MR METZGER: I am very much obliged to you.

12 Q. Mr Witness, your last answer, I think you agreed that you had
13 indicated that the man you described as Gullit was fair in complexion; is
14 that correct?

15:33:05 15 A. Not really.

16 Q. Not really, is that your answer now?

17 THE INTERPRETER: Your Honours, his microphone is not on.

18 PRESIDING JUDGE: Ms Edmonds, please put on his microphone. Please
19 proceed.

15:33:32 20 MR METZGER:

21 Q. Mr Witness, I was just recapping where we had reached. You had
22 agreed with me that you described in part of your statement the man you
23 knew as Gullit as being fair in complexion, amongst other things.

24 A. I want you to repeat that statement.

15:34:07 25 Q. I think we already have a transcription of what you said. I shall
26 put the exact words of your statement to you, Mr Witness, in relation to
27 this matter. For those that have a copy of this statement, it is the
28 second paragraph thereof. You say this: "Gullit was talking to the whole
29 group."

1 A. Yes.

2 Q. "I knew this man was Commander Gullit because the other rebels and
3 ex-soldiers were calling him Honorable Gullit."

4 A. Yes, sir.

15:34:52 5 Q. "Gullit is a medium-height man."

6 A. Yes, sir.

7 Q. "He is not too black."

8 A. No.

9 Q. "I can say he is fair in complexion."

15:35:13 10 A. Mmm-hmm.

11 Q. That is the description that you gave of Gullit in your statement,
12 Mr Witness.

13 A. Yes, sir.

14 Q. Can you tell us now what you mean by that description?

15:35:40 15 A. What I mean? Repeat that.

16 Q. What do you mean when you describe Gullit in that way? What are you
17 trying to say about that description -- that person?

18 A. At the time that I saw him, that was the way that he was.

19 Q. So you recall him being a person who was fair in complexion; is that
15:36:16 20 correct?

21 A. Yes, sir.

22 Q. And when you say "not too black" in the typical way that somebody
23 speaking Krio would say, that is really an emphasis that he was not a black
24 person, he was fair; is that correct?

15:36:39 25 A. He's not a white man.

26 Q. All right, let's put it in this way: would you call me fair or would
27 you call me a white man?

28 A. I would call you a white man.

29 Q. You'd call me a white man. I see. Now, there is a phrase, if you

1 like, that is used in Krio for somebody who is fair. You say yellow; is
2 that correct?
3 A. Yes, yellow. Yes, yellow is correct.
4 Q. Were you in fact describing this man Gullit - borrowing the
15:37:44 5 terminology from Krio - a yellow person?
6 A. He's not yellow, he is fair complexion.
7 Q. Would you describe yourself as fair in complexion?
8 A. I am black.
9 Q. You are black. So the man Gullit you were describing was fairer in
15:38:10 10 complexion than you, Mr Witness?
11 A. A little bit.
12 Q. Did you, in fact, see anybody called Gullit that day, Mr Witness?
13 A. The day that I was captured?
14 Q. Yes, Mr Witness.
15:38:33 15 A. Yes, I heard the boys calling him Gullit, Gullit.
16 Q. Is this not a case of you trying to fit the name Gullit into whatever
17 sad situation you found yourself in on that occasion, Mr Witness?
18 A. No. I heard people calling Gullit, and he was answering to the name.
19 Q. When you were taken to State House, Mr Witness, you say you were
15:39:02 20 eventually locked up in a kitchen.
21 A. Yes.
22 Q. Was that after you had been beaten up?
23 A. They locked me when I had been beaten up.
24 Q. This kitchen that you're referring to in the State House, can you
15:39:28 25 describe in relation to the building how you got into that kitchen? Where
26 is it situated in the building?
27 A. Yes.
28 Q. Do go ahead then, please.
29 A. The kitchen is in the compound. You turn to the right-hand side,

1 there the kitchen is, but the kitchen has a window through which you are
2 able to see out that. There I have been watching.

3 Q. Is the kitchen part of the State House building or not?

4 A. It's part of the State House building.

15:40:16 5 Q. Within the State House building, or is it an outhouse in the State
6 House compound?

7 A. It is within the building.

8 Q. What floor is it on?

9 A. In the basement.

15:40:37 10 Q. Do you have to go down some stairs to get into it?

11 A. No.

12 Q. Do you mean, then, the ground floor - you walk on the same level to
13 get into the property?

14 A. Yes.

15:40:55 15 Q. How many windows did the kitchen have?

16 A. It has about three windows.

17 Q. On one wall or more than one wall?

18 A. One wall.

19 Q. When you look out of that window, what is the view that you see
15:41:21 20 outside the State House?

21 A. You see grass.

22 Q. What about further down from the building? What view of Freetown can
23 you see?

24 A. You cannot see that far, you see Paramount Hotel's compound.

15:41:49 25 Q. So we have now some idea of the way that window faces, Mr Witness; is
26 that correct?

27 A. Yes, you will see inside the compound, the State House compound, and
28 hotel compound.

29 Q. And is that the only place from which you could look out?

1 A. Yes, sir.

2 Q. How could you tell that this room you were in was a kitchen?

3 A. Well, I see pots on the inside. These big pots, they were both in
4 there. They are washing basins.

15:42:50 5 Q. And when you looked out of the window, you say you could see the
6 grass of State House, the lawn?

7 A. Yes. Yes, you would see the grass inside there.

8 Q. You see, Mr Witness, I'm going to suggest to you that that cannot be
9 true, that if you looked out of the window, as you describe it, you should
15:43:23 10 see a parking lot and not grass -- where cars park.

11 A. Yes, there's grass. There's a car park. We have carpet grass around
12 it. But during that time, there was no motor car parking there.

13 Q. Mr Witness, I'm suggesting to you that what is out there is a car
14 parked area, not grass - no grass at all, Mr Witness.

15:44:02 15 A. There is carpet grass.

16 Q. We shall agree to disagree and I shall move on to ask you another
17 question. You told this Chamber you witnessed some people who were killed.

18 A. Yes.

19 Q. And you saw these people being thrown over the back window; is that
15:44:38 20 correct?

21 A. Yes, sir.

22 Q. In fact, in your original handwritten witness statement, you go
23 further to say, "They threw them over the back wall of State House into
24 Paramount Hotel"; is that correct?

15:45:07 25 A. They threw them over the wall, the State House wall, the dead bodies.

26 Q. Yes, I'm putting it to you, Mr Witness, that in your original
27 handwritten statement, you don't just end there over the back wall of State
28 House, you say "Into Paramount Hotel"?

29 A. They threw them there and they threw some over the State House

1 compound.

2 Q. So now your recollection, Mr Witness, is that some were thrown into
3 Paramount Hotel and some were thrown over the State House wall somewhere
4 else on separate occasions; is that your evidence?

15:45:58 5 A. They threw them over State House wall and they threw some over the
6 Paramount Hotel's compound, because during that distance, the bodies could
7 not be seen.

8 Q. Mr Witness, I'm simply asking you whether you're talking about one
9 incident when a number of bodies were thrown out at the same time, or a
15:46:27 10 number of incidents when some were thrown in one direction and some in
11 another thrown in another direction; that's what I am asking you.

12 A. They sent the bodies in two directions.

13 Q. Were these on two separate occasions, Mr Witness?

14 A. One day.

15:46:46 15 Q. It may have happened on one day, Mr Witness, but was it more or less
16 - we would say simultaneously - at the same time, or two different times?

17 A. At the same time.

18 Q. Are you making this up as you're going along, Mr Witness?

19 A. I don't understand.

15:47:17 20 Q. Are you lying, Mr Witness?

21 A. I'm saying the truth.

22 PRESIDING JUDGE: Mr Metzger, you cannot put such a question.

23 MR METZGER: I suggest that the witness is lying about certain
24 things; am I not to do that?

15:47:37 25 PRESIDING JUDGE: It's not the terminology that's usually allowed in
26 Court.

27 MR METZGER:

28 Q. Mr Witness, I'll ask you about something else, please.

29 A. Yes.

1 Q. You have told us you were forced to carry a bomb from State House as
2 you were withdrawing.
3 A. Mmm-hmm.
4 Q. Which you carried until you got to Calaba Town?
15:48:20 5 A. Yes.
6 Q. You say you carried the bomb on your head until you got to Calaba
7 Town?
8 A. Yes.
9 Q. I'll come back to that, Mr Witness, before I forget the other matter.
15:48:35 10 You indicated every night when you were in the kitchen, you could see women
11 and young girls being raped.
12 A. Yes.
13 Q. Do you actually mean, Mr Witness, that you witnessed the rapes
14 actually happening as you looked through the windows?
15:49:01 15 A. I heard a voice when the ladies are screaming.
16 MR METZGER: Mr Interpreter, he said the "pikin," which normally
17 means the child.
18 THE WITNESS: The little girls.
19 MR METZGER:
15:49:21 20 Q. Mr Witness, you do agree that on your previous answer, you said you
21 could hear the girl crying; is that not correct?
22 A. Yes, they were crying.
23 Q. Latterly, that is, after that, you said the girls were crying.
24 A. Yes.
15:49:44 25 Q. Did you hear one girl or lady crying or more than one on each
26 occasion that you are referring to?
27 A. They all had been crying.
28 Q. Which all, Mr Witness?
29 A. The women, the little girls and the girls were crying at night.

1 Q. Could you see them, Mr Witness?

2 A. I saw some. Some I did not see. Some, I only heard the voices.

3 Q. Let's talk first of all about the ones you did see. What did you
4 see?

15:50:27 5 A. I saw the girls being raped. These little girls who are schoolgirls,
6 they are being raped.

7 Q. Your evidence is that you actually saw them being raped and
8 intercourse taking place; is that your evidence?

9 A. Yes, sir.

15:50:48 10 Q. From your window in the kitchen where you were kept with 50 other
11 people or 49 other people?

12 A. Yes.

[TB070305D 3.50 p.m. - SGH]

14 Q. Now how many of these did you actually see?

15:50:59 15 PRESIDING JUDGE: I am not clear in the question, Mr Metzger, girls
16 or --

17 MR METZGER:

18 Q. How many these incidents of rape did he actually see? How many
19 incidents of rape did you actually see with your own two eyes?

15:51:22 20 A. All the four days that I stayed at the State House.

21 Q. You see, Mr Witness, you have said to us that you saw some rapes
22 taking place and others you heard. Is that your evidence?

23 A. I heard them and I saw them through the window?

24 Q. Is it your evidence now that you heard and saw it happening at the
15:51:50 25 same time? I am trying to understand your evidence, Mr Witness.

26 A. I heard them crying at night and I saw them. The voice used to come
27 to me and I saw them. I lighted the lamp and I saw. In fact, I lighted
28 the bottle light.

29 Q. I beg your pardon, what did you light?

1 A. It's a big lamp, it's called Kabu [phon] lights.
2 Q. Who provided that Kabu light?
3 A. It was the rebels.
4 Q. So they provided light for you, but no food?
15:52:28 5 A. It was for themselves. They were so many in the compound.
6 Q. Mr Witness, are we to understand that amongst the 50 of you that were
7 locked in the kitchen there were also rebels?
8 A. No, only civilians.
9 Q. Can you explain, if you can, of course, why providing you with a
15:52:52 10 light would be for themselves?
11 A. It was for themselves.
12 Q. What was for themselves, the fact that they provided you with a
13 light?
14 A. No, well we were locked in a dark room.
15:53:10 15 Q. You were locked in a dark room?
16 A. Yes, sir.
17 Q. And if you were locked in a dark room, how did you switch on the
18 light?
19 A. It was they that were outside they lighted, we saw them through the
15:53:25 20 window. We saw them in the compound.
21 Q. Your evidence is that they lit lamps, not you?
22 A. They lit the lamps it was they. It was they themselves that lit the
23 lamps, it wasn't us the civilians that were captured.
24 Q. Now let me again put another portion of your statement of the 20th
15:53:55 25 February 2003 to you, please. For those who are interested it is
26 the third paragraph, the second page of this witness's statement. You say,
27 Mr Witness, "while I was sitting by the window I heard women crying in the
28 night. I heard women saying [Krio words spoken]"
29 A. Yes.

1 Q. I saw girls --

2 A. Yes.

3 Q. -- being raped because because then I heard them crying.

4 A. Yes.

15:54:44 5 Q. Can you explain what you meant by that sequence of events?

6 A. I'm so sorry, anyway.

7 Q. No, can you explain what you meant, Mr Witness, when you say, "I saw

8 the girls being raped because then I heard them crying"?

9 A. To explain?

15:55:22 10 Q. Yes, that is what I am asking you to do.

11 A. When they were raping them the children had been crying at night.

12 They have been crying the whole of the night, you see.

13 Q. Yes, you see, normally, Mr Witness, one would say, "I saw them being

14 raped," or "I heard them being raped," or "I saw and heard them being

15:55:49 15 raped." What I am suggesting to you are saying here is --

16 A. Yes.

17 Q. -- "I saw the girls being raped because then I heard them cry." You

18 have made an assumption because of what you heard.

19 A. Yes.

15:56:01 20 Q. Is that in fact the true position? *****

21 A. I saw them being raped and I heard their voices through the window.

22 Q. We shall move on. Now you told us that when it came time for you to

23 leave somebody broke open the kitchen door. That is the evidence you gave

24 here today.

15:56:33 25 A. Yes. Yes.

26 Q. In your statement you say, "On the fifth day at about 11 o'clock a

27 small rebel boy opened the door for us and told us that we should go into

28 the bush. Go to the bush." I'm sorry [inaudible]

29 A. Before the man came and broke -- the door, this rebel had already

1 come and took us out but some were afraid to go.

2 Q. Normally, Mr Witness, when a door is opened there is no need to break
3 it. Can you explain what happened on this occasion?

4 A. If I would be able to to explain what happened in that time. Repeat
15:57:28 5 that.

6 Q. You say in your statement that a small boy opened the door and told
7 us that we should go in the bush. Is it correct that that happened?

8 A. No.

9 Q. Why did you say that in your statement that you made on the 20th
15:57:52 10 February 2003 to the Prosecution?

11 A. I did not say so.

12 Q. So the statement is wrong?

13 A. The one that was written was not correct. It was a very hefty fellow
14 that broke the door -- the door and all of us came out and they called us
15:58:10 15 to go.

16 MR METZGER: Your Honour, I have just received a note whereby it
17 would assist certainly people behind me if a comfort break -- if they
18 were allowed a comfort break. I don't know whether it would be
19 appropriate.

15:58:38 20 PRESIDING JUDGE: We were just thinking in those terms, Mr Metzger.
21 If this is a convenient time for all counsel and for the witness. An
22 indication of how long -- those behind.

23 MR METZGER: There are only two other areas that I want to ask this
24 witness about. One I have already , as it were, laid the groundwork for
15:59:10 25 in relation to their eventual evaluation.

26 PRESIDING JUDGE: Perhaps 15 minutes will be sufficient time for
27 the --

28 MR METZGER: May I just ask in terms of whether there is problem with
29 that. Well I am told that 15 minutes would suffice. It may be prudent to

1 perhaps have an extra five minutes, 20, just --

2 PRESIDING JUDGE: We will adjourn for 15 minutes.

3 [Break taken at 4.02 p.m.]

4 [On Resuming at 4.18 p.m.]

16:16:58 5 PRESIDING JUDGE: Before we recommence the cross-examination, I would
6 like to remind the witness that he has taken an oath to tell the truth and
7 that oath is still binding on him. Do you understand? Was that
8 interpreted?

9 THE INTERPRETER: Yes, it was.

16:17:31 10 PRESIDING JUDGE: Mr Witness, did you hear what I said? Did you
11 understand?

12 THE WITNESS: [No interpretation]

13 PRESIDING JUDGE: Yes, please proceed.

14 MR METZGER: I am much obliged.

16:17:43 15 THE INTERPRETER: Your Honours, the witness's microphone is off.

16 MR METZGER:

17 Q. Mr Witness --

18 A. Yes, sir.

19 Q. I was asking you about how you came to leave that kitchen before the
16:18:16 20 break, but I forgot to ask you one other thing and I will just ask you that
21 before we go on. The girls that you say you saw being raped, is it right
22 that they were paid for their services?

23 A. They did not pay them at all, but they used to give them 5,000 Leones
24 and I do not accept that is a pay.

16:18:55 25 Q. So it is your evidence, you say, that these girls who you say were
26 raped were given 5,000 Leones?

27 A. They gave them 5,000 Leones, but I would not consider that as a pay.

28 Q. I don't know what the going rate is, but we shall move on,

29 Mr witness. Now you say in relation to when you came out of the room for

1 the first time in four days that somebody broke the door down?

2 A. Yes, sir.

3 Q. And you deny the correctness of your purported statement in which it
4 is suggested that a small rebel boy opened the door for you and told you

16:19:54 5 that you could go into the bush, all of you in that kitchen?

6 A. The rebel fellow told us to go to the bush. When they opened the
7 place he went into the kitchen and told us to go to the bush.

8 Q. So is it your evidence now that a small rebel boy came in and told
9 you to go to the bush?

16:20:34 10 A. He told us to go to the bush.

11 Q. And is it your evidence now that the door was broken open or opened
12 by the small rebel boy?

13 A. They broke the door and a small rebel boy came inside and told us to
14 go to the bush.

16:21:06 15 Q. What, then, do you say happened after the small rebel boy told you to
16 go to the bush?

17 A. All of us came out into the compound and they gave me the bomb and
18 they said I should take it on my head.

19 Q. So you were given a bomb to carry on your head?

16:21:27 20 A. Yes.

21 Q. You say you now no longer remember what that bomb was called or what
22 type of bomb it was?

23 A. I cannot remember again. I do not know those things.

24 Q. Can you describe what the bomb looked like?

16:21:54 25 A. It looked long and round. Long and round.

26 Q. Long and round in what sense? You mean cylindrical, spheroidal?

27 A. It's not that long. It's like -- it is a little bit long, but not
28 that long. It is green.

29 Q. Mr Witness, perhaps you can describe by extending your hands as to

1 how long you recall it being?

2 A. Like one yard.

3 Q. About a yard in length?

4 A. Yes.

16:22:50 5 Q. And what about the other part of it diameter wise?

6 A. To me it's just like this with -- how my hands are. That is the

7 roundness of the bomb. It is one yard long.

8 Q. About a yard long and I am not quite sure how that works out. It

9 looks like a metre-ish to me but -- And how heavy was this bomb,

16:23:21 10 Mr Witness?

11 A. It's heavy. It's heavy. In fact, I had pains in my neck when I was

12 taking it along.

13 Q. And you had to carry it some significant distance until Calaba Town

14 when you were able to get rid of it and make good your escape?

16:23:59 15 A. Yes, sir.

16 Q. After four days without any food that must have been very difficult.

17 A. It was difficult. It was only God that helped me that time.

18 Q. And he must have helped you very significantly, Mr Witness, for you

19 to be able to make it from State House to Calaba Town in 45 minutes.

16:24:21 20 A. Only God.

21 Q. In fact, Mr Witness, I would submit to you that it would be difficult

22 to make it from State House to Calaba Town by car in 45 minutes let alone

23 on foot.

24 A. They were running with us, they had been forcing us to run and we had

16:25:06 25 to run. So we were asked to walk faster.

26 Q. But it is a distance of something like 12 miles, Mr Witness; isn't

27 it? Something like 12 miles?

28 A. I cannot remember the kilometre, but it is far.

29 Q. That would be far in excess of the world record for that distance.

1 A. Really, yes.

2 Q. Please tell us what your route was. I mean, of course, including
3 bomb, you went up towards Berry Street by the bottom where Model School is;
4 is that right?

16:25:59 5 A. Yes, sir. We walked from State House up to Parliament, then we came
6 to Berry Street.

7 Q. So all the way up the hill and then, as it were, coming downhill
8 towards Berry street?

9 A. No, we took it up Berry Street and we went to College Road and we
16:26:18 10 came down the hill.

11 Q. You went all the way up to College Road then you came down the hill.
12 When you came down the hill, what area did you reach?

13 A. I cannot remember that route because I have never been to that place.
14 That was my first time of going.

16:26:45 15 Q. You see, Mr Witness, if you went that way it is highly unlikely. I
16 beg your pardon, it is impossible that you would have passed Kissy Road;
17 isn't it?

18 A. We were up the hill and we used to see Kissy Road.

19 Q. So your evidence now is that you weren't actually passing along Kissy
16:27:10 20 Road as the burning was taking place?

21 A. We used to see --

22 Q. Can you answer the question, please?

23 A. We used to see there.

24 Q. Can you answer the question, please. Is it your evidence that you
16:27:25 25 did not go along Kissy Road?

26 A. Yes, we didn't go by the Kissy Road, but we were off Kissy Road, up
27 the hill, but we used to see Kissy Road. We will see far the houses.

28 Q. And you were able to see exactly what was going on on Kissy Road from
29 as it were Mount Aureol?

1 A. Yes, sir.

2 Q. Were you able to look with binoculars down? It is some distance
3 away; isn't it?

4 A. It's not that far. We saw there. We saw Kissy Road clearly.

16:28:33 5 Q. So there you were, Mr Witness, with a very big, heavy bomb, a yard
6 long and about a metre wide, not having eaten for four days, running along
7 and looking down to your side, your left side, it would have been, seeing
8 what was going on on Kissy Road. Is that really your evidence?

9 A. Yes, we used to see there. I used to see there, sir.

16:29:23 10 Q. I shall move on, Mr Witness. You have told us that when you got to
11 Calaba Town, however and you did so, you managed to escape?

12 A. Yes, sir.

13 Q. At that time, where did you go?

14 A. I went to one Pa, it was one Pa that saw me. I explained my problems
16:29:51 15 to him and he escaped with me and kept me in his house.

16 Q. And was that in or around the Calaba Town area?

17 A. Yes, sir.

18 Q. When you managed to escape, was there anything that had happened to
19 you at the time of escaping or before you escaped that you can remember
16:30:12 20 significantly?

21 A. No, except my sister that died, that is what was paining me.

22 Q. But not as a result of your capture, was it?

23 A. When she died? No.

24 Q. Well let me then ask you this. You were able to escape with the
16:30:59 25 clothes you had on your back, but nothing else really. Would that be the
26 situation?

27 A. I did not have any clothes on. I did not have any shoes. That is
28 the way I escaped. I only had shorts on because they had taken everything
29 that I had.

1 Q. They had taken everything that you had, Mr Witness, other than your
2 shorts?

3 A. Yes, sir. Yes, sir.

4 Q. You see in your first -- Well, I beg your pardon. In the witness
16:31:34 5 statement that you made on 20th February 2003, you simply say they had
6 stolen your trousers.

7 A. Yes.

8 Q. The shorts that you were wearing, where did you get those from?

9 A. I bought them, sir.

16:32:03 10 Q. You bought them?

11 A. Yes.

12 Q. Where were your trousers stolen from you? Was it on your way to
13 Calaba Town or at any other time?

14 A. They stole my trousers when we were going to Calaba Town on the way.

16:32:35 15 Q. On the way. Clearly, Mr Witness, that is something that you could
16 not forget, you were in an abject state of fear carrying a bomb.

17 A. Yes, sir.

18 Q. And you clearly remember your trousers being taken on the way to
19 Calaba Town?

16:33:00 20 A. Yes, sir.

21 Q. Where had you reached on your journey at the time your trousers were
22 so rudely taken from you?

23 A. We were up this [inaudible] side up the hill. I don't know how that
24 area is called. So one man's trousers were torn and they took mine and
16:33:22 25 wore it.

26 Q. So this happened to you -- well, certainly once you had passed Mount
27 Oriel where [inaudible] college is, is that right?

28 A. Yes, right -- right -- right ahead. I have never been there. That
29 was my first time of going there.

1 Q. So it would be wrong to say that your trousers had been stolen from
2 you at State House?

3 A. I don't understand.

4 Q. It is fairly straight-forward, Mr Witness. If they stole your
16:34:11 5 trousers from you in that place on your way to Calaba Town, then they
6 couldn't have stolen your trousers from you at State House. Would you
7 agree with that?

8 A. No, they took one at State House because I had two trousers on. So
9 the boxers that I wore was the one that was taken at Calaba Town Road. I
16:34:45 10 had two trousers on. They took one at State House and one at Calaba Town
11 when we are going.

12 Q. All right, let's just confirm what it is you are now saying,
13 Mr Witness. You had on two pairs of trousers when you were at State House;
14 is that right?

16:35:03 15 A. That is what I wore, the trousers and the shorts called boxer.

16 Q. Right. And at State House one pair was taken from you?

17 A. Yes.

18 Q. And that was the boxer shorts?

19 A. The trousers.

16:35:26 20 Q. I beg your pardon, they took the trousers, and you were left with the
21 boxer shorts?

22 A. Yes.

23 Q. Right. And then when you got to the point that you have been
24 describing to us even the boxers were ignominiously ripped from you. Were
16:35:45 25 taken from you?

26 A. Yes, they took off the boxer.

27 Q. And by this stage would it be fair to say you had nothing on on your
28 bottom half?

29 A. Totally naked. What I had on was a small short trousers, sir,

1 resembling pants. That is what I wore.

2 Q. So you had a pair of short trousers under the boxers which you had
3 under the long trousers originally when you were in State House?

4 A. Yes, sir.

16:36:32 5 Q. And first the long trousers were taken from you, then the boxers and
6 that left you with your inner-most layer the very short trousers like
7 underpants?

8 A. Yes, that is what was left with me. It was that Pa that gave me
9 trousers to wear.

16:36:55 10 Q. And that is how you escaped?

11 A. Yes, sir.

12 Q. And the Pa, as you call him, that gave you trousers to wear, was he
13 able to do that when you got to his house?

14 A. Yes, I explained myself to him.

16:37:18 15 Q. Now, can you then please explain, Mr Witness, how it is that you said
16 when you escaped -- I shall read it to you, it is from your statement, yes?
17 After you have talked about carrying a bomb your statement says this, "I
18 carried it up to Calaba Town at which point I said I was tired. They gave
19 it," meaning the bomb, "to another person. I said I needed to use the

16:38:10 20 toilet and they allowed me. I escaped at this point. I went to my
21 brother's house who I did not find. I was wearing a pair of trousers I had
22 picked in the street because the rebel boys had taken my trousers at State
23 House." Mr Witness, that is what it says in your statement. Is that true?

24 A. Before that happened I went to the Pa because the trousers that I had
16:38:49 25 was not good, that is why I went to this Pa because this was a Pa that I
26 have known for so long.

27 Q. Mr Witness, before what happened?

28 A. Before what happened? Explain that again.

29 Q. Your evidence is, "Before that happened I went to the Pa and then he

1 gave me trousers."

2 A. Yes, because that trousers was not good enough for me because there
3 was blood on it. It was the one that I found in the street was not good.

4 Q. So are you saying that what you wrote in the statement about that is
16:39:39 5 true?

6 A. About the trousers that I said I found in the street?

7 Q. No, the whole passage in relation to wearing a pair of trousers that
8 you had picked up in the street because the rebel boys had taken your
9 trousers at the State House.

16:40:13 10 A. All is true.

11 Q. Did you not also just a short while ago, on 11th February, tell the
12 Prosecution that not only your trousers, but they took your shoes and your
13 shirt?

14 A. Yes, sir.

16:40:41 15 Q. You haven't mentioned those today.

16 A. I said so some minutes ago. I said they took my shoes.

17 Q. I see. Has anybody talked to you about compensation in relation to
18 what has happened to you in this thing? Did anybody mention compensation
19 to you?

16:41:03 20 A. Nobody.

21 Q. Mr Witness, I simply submit to you that you did not see my lay client
22 at State House.

23 MS TAYLOR: Your Honour, I am not sure that the witness would
24 understand what my learned friend means by his lay client.

16:41:42 25 MR METZGER: I don't propose to start having the dock
26 identification at this late day or stage in the game. I shall ask no
27 further questions. What I would seek to do, Your Honour, is to reserve
28 any further cross-examination after perhaps a matter in relation to
29 disclosure. But I shall explain that in due course. It may not be the

1 appropriate moment.

2 PRESIDING JUDGE: Do you mean the cross-examination of this witness?

3 MR METZGER: Indeed, Your Honour. The point being - I can explain it
4 now, I don't want to unnecessarily state something now because it arises,
16:42:23 5 it seems to me, only when the witness has completed his evidence.

6 JUDGE LUSSIC: Mr Metzger, would it get around your problem at the
7 moment, you described in your question, "Did you see my lay client," if you
8 referred instead to Gullit.

9 MR METZGER: Well no, because if Your Honour has had the opportunity,
16:42:54 10 I know there are a lot of papers in this case, but to look through our
11 pre-trial brief, you will see that we do accept the nonmenclature Gullit or
12 Gullit. So it makes it very difficult for me to put it in any other way.
13 I don't need to ask the question at this stage in any event. It does
14 become very difficult.

16:43:17 15 PRESIDING JUDGE: [Microphone not activated]

16 MR METZGER: I said I don't need to ask that particular question and
17 I can deal with any other matters at the conclusion of this witness's
18 evidence in relation to this witness's evidence.

19 PRESIDING JUDGE: [Microphone not activated]

16:43:50 20 MR METZGER: I cannot hear you, Your Honur, the microphone.

21 PRESIDING JUDGE: I apologise. Are you reserving some point to come
22 back?

23 MR METZGER: Not on anything that I have already asked him about,
24 save one small portion of his evidence, but it doesn't need to be aired at
16:44:10 25 this point in time. It simply gives rise to perhaps a motion or some
26 explanation once this witness has given his evidence as called by the
27 Prosecution on this motion.

28 JUDGE LUSSIC: What you are saying is you would seek leave to recall
29 this witness at some later time, subject to further evidence.

1 MR METZGER: Yes, further disclosure as regards this particular
2 witness as opposed to another one. I am very much obliged.

3 JUDGE LUSSIC: Yes.

4 PRESIDING JUDGE: Yes, Mr Harris, have you questions of the witness?

16:44:44 5 MR HARRIS: I think -- I am sorry, Your Honour, I think the Bar has
6 in fact agreed that we go along this way, without any disrespect to you,
7 that is what we in fact agreed.

8 PRESIDING JUDGE: Yes, indeed, that is acceptable. Mr Knoops, have
9 you questions of the witness?

16:45:08 10 MR KNOOPS: Thank you, Your Honour. Yes, indeed a few question for
11 this witness, Your Honour.

12 CROSS-EXAMINED BY MR KNOOPS:

13 Q. Mr Witness, were you ever in the military?

14 A. No.

16:45:21 15 Q. Do you have any military knowledge or experience outside the military
16 service?

17 A. No, not a day.

18 Q. In your previous statement you refer to the events at the State House
19 building and you mention the presence of rebels; is that correct?

16:45:48 20 A. Repeat that again.

21 Q. With respect to the events described by you at the State House, you
22 referred in your earlier evidence to the presence of rebels; is that
23 correct?

24 A. Yes, they were there.

16:46:10 25 Q. In addition to rebels, were any other individuals present there?

26 A. Only the civilians.

27 Q. Mr Witness, in your statement of the --

28 A. Yes.

29 Q. -- I think it is February 2003, you refer to the presence of rebels

1 and ex-soldiers. Now, I understand your evidence today that you only
2 recall the presence of rebels. However, I submit to you your previous
3 statement you gave to the OTP where you referred to rebels and ex-soldiers.
4 Now the question is what is your recollection? Were there only rebels or
16:47:10 5 rebels and ex-soldiers?

6 MS TAYLOR: Your Honours, I object to this question. My learned
7 friend is putting a part of the first statement to this witness. In
8 fairness to the witness I think it is right that in the subsequent
9 statement that was disclosed to the Defence on 11th February this year,
16:47:38 10 which is entitled "Additional or clarifying information provided by witness
11 TF1-024," the third paragraph of that talks about when the witness says
12 rebels he explained that he means certain things. And because that
13 information has been provided to my learned friends, I think the question
14 in its current form is unfair.

16:48:07 15 PRESIDING JUDGE: Mr Knoops, if you are putting a prior
16 inconsistent statement to the witness you should put it as it is
17 recorded.

18 MR KNOOPS: Yes, I will do so.

19 PRESIDING JUDGE: It has not been tendered in evidence, therefore I
16:48:18 20 do not have it before me.

21 MR KNOOPS: Your Honour, if may address my learned colleague from the
22 OTP. Wasn't that statement being referred to as mistakenly disclosed?

23 MS TAYLOR: No, if you will -- pardon me, Your Honours. There was a
24 statement dated 10th March 2004 that by letter you were informed belonged
16:48:45 25 to another witness who shares this witness's name. But you were also
26 served with a document dated 11th February 2005 entitled, "Additional or
27 clarifying information provided by witness TF1-024". And in that statement
28 the additional or clarifying information refers to what this witness means
29 when he uses the words "rebels".

1 MR KNOOPS: Well, yes, I put before this court that this material, as
2 this clarification mentions, is not being reviewed with the witness or
3 right read back to him, so I don't think it is correct to correct me in my
4 submission to the witness. And by the way, in that so-called additional
16:49:54 5 clarifying information in the third linear, the witness is supposed that it
6 is given by him. He refers to rebels and soldiers. So I don't see the
7 point.

8 JUDGE LUSSIC: Mr Knoops, what was your question again? I have
9 forgotten it.

16:50:05 10 MR KNOOPS: My question to this witness was, Your Honour, whether the
11 witness recalls only the presence of rebels or in addition to rebels other
12 individuals at the State House events on the -- or about the 8th
13 January 1999. And the witness just answered my question by saying that he
14 recalled the presence of rebels. He did not refer to soldier or
16:50:38 15 ex-soldiers. So I am now confronting him with his previous statement.

16 JUDGE LUSSIC: Miss --

17 MS TAYLOR: Taylor, Your Honour.

18 JUDGE LUSSIC: I beg your pardon. I will overrule your objection.
19 That question is allowed.

16:50:57 20 MR KNOOPS: So, Your Honour, could you please instruct the witness
21 to answer my question.

22 JUDGE LUSSIC: Perhaps if you could just ask it to him again.

23 MR KNOOPS: Thank you, Your Honour.

24 Q. Mr witness, I was resume my question. Do I have to
16:51:11 25 recall the question or you -- my question is, Mr witness, is
26 it correct that in your previous statement you refer to the
27 presence of rebels and ex-soldiers?

28 A. Yes.

29 Q. Could you explain the court why you now refer to the presence of only

1 rebels at the State House?

2 A. Because at that time the rebels and the soldiers had all come
3 together so we used to call them rebels.

4 Q. Are you in a position, Mr witness, to make a differentiation between
16:52:06 5 the rebel and an ex-soldier? You just testified before this Trial Chamber
6 that you have no military experience or background, could you please inform
7 the Trial Chamber on how you are able or were able to differentiate between
8 rebels and ex-soldiers?

9 A. During that time the rebels and the soldiers had come together. They
16:52:38 10 did everything together, so all of them are called rebels. So because of
11 that we called them rebels.

12 Q. But, Mr witness, is this your direct knowledge, or is this your
13 perception of certain events, or perhaps even information you heard from
14 third parties? My question is simply: Is this your direct knowledge and
16:53:11 15 if so, could you explain how you are able to come to that assertion that
16 soldiers and -- ex-soldiers and rebels were coming together and,
17 apparently, in your statement were forming one group?

18 A. At that time all of them were together. They came together.

19 Q. But, Mr witness, the question is: How can you come to that
16:53:41 20 conclusion? What are the facts which underlie this conclusion? How do you
21 know that these groups were mixed?

22 A. Well, at that time the rebels and the soldiers did the same thing.
23 They killed innocent civilians. They did the same thing. That is why I
24 said they were mixed together.

16:54:15 25 Q. Could you explain to the Honourable Trial Chamber what are the facts
26 which justify your conclusion that these two groups mixed and were
27 responsible for the killing of innocent persons? Is this an assumption
28 from you? Did you hear from other people, or did you see yourself that
29 groups were joined?

1 A. Yes, we used to see them. They were together.

2 Q. Could you then, please, clarify and assist the Trial Chamber on the
3 difference between a rebel and ex-soldier?

4 A. What do you mean? I don't understand what you are saying.

16:55:11 5 Q. Could you simply explain to the Honourable Trial Chamber whether the
6 distinction you are apparently able to make between a rebel and an
7 ex-soldier pertains, for instance, to the weaponry they were wearing, the
8 uniforms, expressions? Could you simply try to explain us how you were
9 able to differentiate between these two different groups?

16:55:46 10 A. The soldiers had uniforms and the rebels had uniforms and all of them
11 were together.

12 Q. What was in your view, then, the difference between the two groups?

13 A. There is no difference, because all of them are the same.

14 Q. So then you are actually not in a position to say that person was
16:56:08 15 rebel and that person was an ex-soldier, because if they wore all the same
16 uniforms, how making a difference? Isn't it correct, Mr witness, that
17 based on the fact that you have no military experience or knowledge that
18 you are actually not in a position, aren't you, to comment on the
19 difference between a rebel and ex-soldier? Is that correct?

16:56:42 20 A. All of them came to Freetown at the same time, so all of them worked
21 together as one body. We used to see them.

22 Q. Were you there when they entered Freetown?

23 A. I was in Freetown.

24 Q. Yes?

16:56:59 25 A. I was in Freetown, in my house.

26 Q. Yes, that we know, Mr witness, but were you there when they entered
27 Freetown?

28 A. When they came, we used to see them.

29 Q. But were you actually able -- were you in a position to view the

1 so-called reunion of rebel groups and ex-soldiers? Were you there when
2 they renewed -- re-joined? Did you actually see that they were mixed up?
3 A. Yes.
4 Q. When did you see that?
16:57:38 5 A. When they came January 6th.
6 Q. How?
7 A. All of them had been liaising together.
8 Q. Were they dressing themselves at that moment or were they already
9 wearing uniforms by that time?
16:58:08 10 A. Soldiers had uniform, rebels had uniform.
11 Q. So when you saw them, they actually already wore uniforms, weren't
12 they?
13 A. Yes, all of them had uniform. Some would wear a T-shirt and wear a
14 combat trousers.
16:58:32 15 Q. Were you able to distinguish between ranks?
16 A. No.
17 Q. Why not?
18 A. Because I did not see ranks on them.
19 Q. Would you describe the uniforms?
16:58:58 20 MR KNOOPS: Your Honour, I just received a note from my learned
21 colleague that the interpreters are assisting the witness by responding
22 to questions by -- put by me.
23 PRESIDING JUDGE: I don't quite understand what you mean by that.
24 MR KNOOPS: Your Honour, if you will allow me one second, please.
16:59:51 25 Your Honour, I respectfully request the Trial Chamber to again instruct the
26 translators to strictly comply with the answers of the witness and not
27 adding anything to it.
28 PRESIDING JUDGE: Mr Knoops, is it the implication that the
29 interpreters are answering the questions?

1 MR KNOOPS: The defendants are putting a note to the Defence counsel
2 that they are concerned -- excuse me, Your Honour. Mr Spaine, you would
3 like to address the Court on this?

4 MR MANLEY-SPAINE: Your Honour, with your leave, what the accused
17:00:44 5 persons are saying is that when the interpreter interprets from Krio to
6 English, he adds a few words which the witness has not said. That is what
7 they are saying.

8 PRESIDING JUDGE: I understand. I will therefore direct the
9 interpreters. I will remind them of the declaration they made this morning
17:01:03 10 that they will truthfully and faithfully translate exactly what is said.
11 They neither add nor do they subtract from what is said.

12 MR KNOOPS: Thank you very much, Your Honour. Thank you. Sorry for
13 this interruption.

14 Q. Mr witness, I resume my examination and I believe we
17:01:33 15 were -- arrived at the moment that you informed the Honourable
16 Trial Chamber that you were not able to distinguish any ranks;
17 is that correct? That was your last answer.

18 A. I said I didn't know the ranks.

19 Q. And in believe the next question on my behalf was whether you could
17:02:04 20 give a brief description of the uniforms. Are you in a position to give a
21 description of the uniforms you recall?

22 A. Some had soldier uniforms, that's what they wore. They wore
23 soldiers' uniforms.

24 Q. And in your perception, Mr witness, what does a uniform of a soldier
17:02:37 25 look like? Could you --

26 A. They wore combat uniform. It's a military uniform, combat.

27 Q. Could you describe, for instance, the Colour?

28 A. It is green and it had grey something on it, Khaki, but they were
29 different and different colours on it.

1 Q. And did they wear anything on their heads?

2 A. They had helmets on their heads.

3 Q. What colour did the helmets have?

4 A. Green.

17:03:38 5 Q. Green helmets. Mr witness, in your statement you put into evidence
6 through the OTP, you mention rebels and ex-soldiers. Now, we understand
7 your statement as that in your view these two groups were mixed, but my
8 question now in this regard is: How are you able to distinguish between a
9 soldier and an ex-soldier? Could you assist us in this matter by

17:04:28 10 explaining to the Trial Chamber by what in your view is the distinction
11 between an ex-soldier and a soldier? That is my first question and the
12 second one I will save for a few seconds.

13 A. I am not able to to make a distinction, because I am not soldier nor
14 the child of a soldier.

17:04:55 15 Q. Right, Mr witness, but what is the reason that you state in your
16 previous statement, which is put to the Defence, why do you refer to
17 ex-soldier? If you are not in a position to comment on the difference
18 between a soldier and ex-soldier, is not it correct that you are not in a
19 position to qualify whether somebody is an ex-soldier or not, aren't you?

17:05:33 20 PRESIDING JUDGE: Let the witness answer.

21 THE INTERPRETER: Repeat it.

22 MR KNOOPS:

23 Q. Mr witness, if the court allows me, I will re-phrase the
24 question. Is it fair to say, Mr witness, that you are not
17:05:48 25 able to qualify somebody as an ex-soldier? Is that a fair
26 conclusion?

27 A. I'm a student. I don't know about soldiers. I can't distinguish
28 between a soldier and an ex-soldier. I don't know them.

29 Q. So, Mr witness, it is therefore fair to say before this Trial Chamber

1 that your reference to ex-soldiers in your statement is in correct, or I
2 will put it another way. It is a statement which you cannot substantiate?

3 A. To say ex-soldier, it means soldier -- a soldier that they do not
4 want any more. The soldier that they do not want any more.

17:06:53 5 Q. I think that is a fair definition of a soldier, Mr witness, but the
6 question is: Can you see from somebody's expression, or from a uniform, or
7 from other external factors whether somebody is an ex-soldier? Yes or no?

8 A. I don't know.

9 Q. Thank you. I will move onto my next topic. Mr witness, is it
17:07:28 10 correct that you previously stated that during the events at the State
11 House around January 8th, 1999, you have described, that you were with a
12 group of about 50 people; is that correct?

13 A. Yes, Civilians.

14 Q. Were you familiar with these people? Was there among these 50 people
17:08:00 15 somebody who was --

16 A. I don't know them.

17 Q. So these people were for you strangers; is that correct?

18 A. Most of them were strangers. Some were from afar. I don't know them.

19 Q. Right. When you describe, when you assert that you were requested or
17:08:33 20 ordered to join the rebels, were all these 50 people accepting to join the
21 rebels?

22 A. No, none of them agreed.

23 Q. Sorry, can you repeat that? None -- do I understand none of them
24 accepted that?

17:09:05 25 A. None of us agreed to join them.

26 Q. Thank you. Are you sure about that?

27 A. Yes.

28 Q. In your statement before the Prosecution you state that of the group
29 of 50 about 30 people didn't challenge the request or order to join the

1 rebels. Thirty people I recall did not challenge that request. Now, you
2 are telling the court that none of this -- none of the group of 50 opposed.
3 Could you please explain us, Mr witness?

4 A. I can't explain.

17:10:04 5 Q. Either, Mr witness, you telling today not the truth or you didn't
6 tell the truth to the Prosecution. It is either or.

7 A. All of us disagreed to join the rebels, all of us who were there.

8 Q. Sorry, do I understand you all agreed to join the rebels?

9 A. None of us agreed.

17:10:38 10 Q. Sorry. Again, Mr witness, could you explain why you told before in
11 your statement that 30 people didn't challenge that request. It is not
12 just one, it is not just two, it's not just five, that you spoke about 30
13 people. That is a big difference with your statement today, is not it?

14 A. I said all of us disagreed to join the rebels. None of us agreed.

17:11:19 15 Q. So I think, Mr Witness, it is fair to say that on this point you did
16 not inform the Prosecution correctly. Is that not so?

17 A. Nobody joined the rebels.

18 MR KNOOPS: Your Honour, I am sorry to direct myself to your
19 Chamber, but I get the impression even more and more that the witness is
17:11:45 20 not willing to answer any fair questions of the Defence. He is simply
21 evading questions which put him on his own evidence. And I ask --
22 respectfully ask the Trial Chamber to direct the witness to simply ask --
23 answer the questions of the Defence, yes or no.

24 PRESIDING JUDGE: Mr witness, do you understand the questions that
17:12:12 25 have been asked of you by counsel?

26 THE WITNESS: I want him to repeat the question.

27 PRESIDING JUDGE: Mr Knoops, please ask the question again and please
28 limit it to one question.

29 MR KNOOPS:

1 Q. Mr witness, is it correct that you gave a different statement to the
2 Prosecution as you are now giving to the Trial Chamber as far as it
3 concerns the number of people from the group who opposed to join the
4 rebels? Simply yes or no. Is your statement today different from that
17:13:01 5 statement given to the OTP? Yes or no?

6 A. No, none of us agreed. All of us opposed to join them.

7 PRESIDING JUDGE: Mr witness, that is not the question counsel has
8 asked. He has asked: Did you make one statement to the Prosecution and
9 did you make a different statement today?

17:13:36 10 THE WITNESS: You put it clear to me so that I can understand it
11 properly. I cannot understand the English he is speaking. Say for me to
12 understand.

13 MR KNOOPS: Your Honour, I think this point we should leave it
14 behind. Hopefully it is clear for the Trial Chamber that the Defence has
17:14:01 15 put a fair question which is not answered by this witness.

16 JUDGE SEBUTINDE: Mr Knoops, usually it helps when you quote from the
17 statement of the witness and you quote back to him that this is what he has
18 stated in his statement, and then ask him if it is true. For one thing, we
19 don't have a statement legally before us, So we don't even know what
17:14:27 20 quotation you are referring to, but it helps.

21 MR KNOOPS: Yes, sorry. If the Court pleases so, I can cite just the
22 two sentences from the specific paragraph of the witness statement of the
23 20th February.

24 Q. Mr witness, I read out your statement on this particular point you
17:14:56 25 gave to the Prosecution. "Of the group of 50, about 30 people did not
26 challenge the request or order to join the rebels." I hope now for you --
27 no, let me put it differently.

28 A. Yes.

29 Q. Can you recall making this statement to the Prosecution in 2003? Can

1 you recall these numbers?

2 A. Yes.

3 Q. What you then stated in 2003 was that according to the truth, that
4 you tell the truth at that time?

17:15:56 5 A. Yes, I said the truth.

6 Q. But, Mr witness, you must agree with me that what you have just told
7 the Court under oath that --

8 A. Yes.

9 Q. -- all of the group didn't want to join the rebels is it different
17:16:16 10 statement, isn't it?

11 A. No.

12 Q. Why not?

13 A. All that I said was true.

14 Q. I think it is -- so in your view, both statements, today and then ae
17:17:02 15 true?

16 A. Yes, because I have taken a long time when I gave those statements,
17 so I can't remember many things. Different people have been interviewing
18 me.

19 Q. Mr witness, let us move on to the next subject. Do you recall how --
17:17:26 20 you just, if I recall well, put to the Trial Chamber that some people of
21 the group were shot; isn't that?

22 A. Yes.

23 Q. Can you recall the number of individuals who were shot in your
24 recollection?

17:17:53 25 A. Over 30 people were killed.

26 Q. From that group of 50?

27 A. Yes, among the group of 50 some were killed.

28 Q. So to be perfectly clear, your statement today is that from the group
29 of 50, 30 people were shot? Is that correct?

1 A. Over 30 people were shot. Many of them, more than 30 people.

2 Q. Right. In keeping with the valuable suggestion of the honourable
3 member of the Bench, I would like to put -- submit to this witness the
4 following sentence from his previous statement. After the witness has
17:18:57 5 elaborated on the fact that of the group of 50, about 30 people did not
6 challenge, he goes on saying and I will quote. Mr witness, I encourage you
7 to listen well.

8 A. Yes, okay.

9 Q. This a quote from your statement. "However, five of the people who
17:19:19 10 openly refused to join were shot right there in front of us. The dead were
11 three women and two men."

12 A. Yes.

13 Q. Was that a correct statement at that time, In your view?

14 A. Five people refused to join. They were killed in my presence. I saw
17:19:57 15 them. They killed them in my presence; I saw them. And after that they
16 killed over 30 people.

17 Q. So that totals 35 then?

18 A. Yes, that gave a total for over 30 something, including the five
19 people.

17:20:22 20 Q. But, Mr witness, I'm sorry to say again but this seems quite a
21 discrepancy with your previous statement we just quoted from. Are you
22 telling the truth today?

23 A. I'm saying the truth. All that I have been saying this truth. I
24 couldn't tell lies to anybody.

17:20:52 25 Q. Mr witness, these 35 people who were shot, in your view, did this
26 happen before you were brought to the kitchen?

27 A. We were in the kitchen when we saw the five people Being killed.
28 Then those who were killed from the kitchen because they refused to join
29 them and they threw them over the wall.

1 Q. So you're actually saying to the Trial Chamber that from the kitchen
2 30 people were taken and subsequently shot to death?

3 A. All of them were in the kitchen. When they came out they killed
4 them.

17:22:05 5 Q. Can you perhaps give us an explanation why your statement today on
6 this particular point is -- let me phrase it otherwise. Why didn't you
7 speak about these numbers in your statement before the Prosecution?

8 A. I explained to them but it looks like they didn't listen clearly.
9 They were using deep English and I didn't understand the English they were
17:22:44 10 using.

11 Q. So Mr witness, you are saying to this Trial Chamber that you did tell
12 the Prosecution about these 35 people who were apparently shot to death and
13 they didn't record it into your statement. Is that correct?

14 A. I told them the 30 something anyway but that five is what makes it
17:23:11 15 rounds it up to 35. I can't recall. Because now I am beginning to
16 remember what was happening. I feel sorry anyway.

17 Q. Let us go back, let us go back to your statement. Let us divide the
18 time frame into two stages. The situation before the kitchen and after the
19 kitchen. In your statement before the OTP we just heard you assert that
17:24:04 20 from a group of 50 people, 30 people didn't challenge the request or the
21 order to join the rebels. And that five people who openly refused to join
22 were shot to death. According to that statement 20 individuals did
23 challenge the order or the request. Is that a correct estimation? I am
24 now basing myself on what you told the Prosecution in your statement. You
17:24:44 25 agree with me that at least 20 people didn't challenge the request is not
26 it? Are you able to count?

27 A. I can't count.

28 Q. Sorry?

29 A. I cannot count them. I cannot even remember.

1 Q. You have no ability to count?

2 A. I cannot count the number that has died.

3 Q. I mean are you able to count in general? 1-2-3-4-5 et cetera?

4 A. The people who died I have told you that they were about 30 something
17:25:41 5 people. That I could remember now.

6 Q. My question is, Mr witness, is: Are you able to count?

7 A. Yes.

8 Q. You agree with me that when we assume that there's a group of 50
9 people, 30 people are not challenging the request to join. At least 20
17:26:10 10 people who did challenge. Is that correct estimation? Fifty with -- we
11 deduct 30 that leaves 20, is that correct? You can follow me?

12 A. No.

13 Q. How were you able to make the estimation of 50 people. Did you count
14 them? Did you say in your memory 1-2-3?

17:26:45 15 A. They counted the people. They counted the people.

16 Q. Who are "they"?

17 A. The rebels counted them.

18 Q. So you did not count them yourself; isn't it,

19 A. No, we got it from them that was the amount of people who died. They
17:27:26 20 themselves said it.

21 Q. When was this counting being administered? At what moment the
22 counting took place?

23 A. Before we left the compound.

24 Q. Which compound?

17:27:52 25 A. The State House compound.

26 Q. You were present during the counting?

27 A. I was not there but that's what they told me, what I heard from them.
28 That is why the let us to follow them.

29 Q. But who specifically told you that this group totalled 50 persons?

1 A. It was one rebel boy.

2 Q. And why did he tell you? Or did you ask him?

3 A. I didn't ask him; he told us. He told us that we have killed those

4 people and if you are recalcitrant, we'll kill you too.

17:28:43 5 Q. You have any reason to indicate why the rebel told you that the group

6 totalled 50 persons?

7 A. If I have any proof? I don't have any proof. But because they told

8 us so we just concluded that that is it. We saw the corpses on the ground

9 but we were unable to count them.

17:29:15 10 Q. Mr witness?

11 A. Yes.

12 Q. I go back to the issue of the numbering. According to your statement

13 we just cited from, 20 people didn't challenge the request -- sorry, 20

14 people did challenge the request or the order to join the rebels and five

17:30:10 15 were shot who openly refused to join.?

16 A. Yes.

17 Q. You agree with that?

18 A. I agree. They killed five because they disagreed to join them.

19 Q. In my account that leaves 15 persons left who did challenge but were

17:30:36 20 not shot to death in your own statement; is that correct?

21 A. No.

22 Q. Why not?

23 A. They killed all the people. But summed up to that number.

24 Q. But Mr witness, I have to be frank to you and recall your earlier

17:31:09 25 statement a few seconds ago that you testified under oath before this Trial

26 Chamber that the other you mentioned 30 people were killed after the

27 kitchen. You are now speaking still about the situation before you

28 apparently went to the kitchen. You recall that statement. We can read it

29 back for you but you just testified?

1 A. Okay.

2 Q. You agree with me?

3 A. Yes.

4 Q. So I recall my question, Mr witness, that in this account these 15
17:31:50 5 people who did challenge the so-called order or request to join the rebels
6 but were not shot to death. My question is what happened to them?

7 A. Repeat it. I can't understand it.

8 Q. Okay, hopefully the last time I will go back to -- we just agreed,
9 you and me, Mr witness, that 20 people out of the group of 50 did
17:32:39 10 challenge, they opposed the request to join the rebels; correct? Yes or
11 no?

12 A. No.

13 Q. I recall that you just agreed with me. That from this group of 20
14 people who did challenge the request five persons were shot before the
17:33:21 15 kitchen, before you went into the kitchen. Before you went into the
16 kitchen only five people were shot to death. Is that correct?

17 A. Yes.

18 Q. So after the kitchen - that was your statement today - 30 additional
19 people were shot to death?

17:33:54 20 A. After the kitchen when we were going that's when they killed the 30
21 people. Because we are forcing them to go and they are refusing to go.

22 Q. Okay, then, it is fair to say that you agree with this number that
23 before you went with these people into the kitchen there were five people
24 shot to death and at least 15 people not shot to death out of the group who
17:34:25 25 challenged the request to join the rebels? So my question is what happened
26 to these 15 people?

27 A. The rest that remained in the kitchen, the 15 people went with them.
28 The rest of the people were killed.

29 Q. Okay, Mr witness, we move on to the next stage. You are in the

1 kitchen. How many people?

2 A. In the kitchen.

3 Q. In the kitchen.

4 A. We were many. Over 50 people were in the kitchen.

17:35:15 5 Q. Over 50 people. You just testified that --

6 A. Over 50, yes.

7 Q. You are absolutely sure about that?

8 A. Yeah.

9 Q. I recall that we started with a number of 50 people, the number which
17:35:38 10 was told to you, as you just stated, by a rebel boy. Five people were shot
11 to death before you went into the kitchen, that leaves 45. And you now are
12 now trying to believe the Trial Chamber that in the kitchen were over 50
13 people. Mr witness, I urge you, you're testifying here under oath. It is
14 a serious matter we are dealing with.

17:36:01 15 A. Yes.

16 Q. I give you once more the opportunity to think about your statement.

17 A. We were in the kitchen, 50 of us, then they shot five people. When
18 we came out of the kitchen and they killed 30 people. Because at that time
19 they are forcing us to go, and the others they say they are not going so
17:36:32 20 they killed them. The rest went together.

21 PRESIDING JUDGE: Mr Knoops, as you're aware, this court had a
22 schedule to finish at five. We had hoped you would come to the end of
23 your cross-examination. Could you indicate to us if you have many more
24 questions or should this be a convenient point to adjourn?

17:37:00 25 MR KNOOPS: Your Honour, thank you for reminding me to the schedule.
26 I think I, if with the court indulgence, I could finish within ten minutes
27 my cross-examination, but I leave it up to the court. It depends, of
28 course, how effective the witness will answer the questions.

29 MR KNOOPS: Okay, I have no problem continuing tomorrow.

1 JUDGE SEBUNTINDE: [Microphone not activated]

2 PRESIDING JUDGE: I didn't quite hear.

3 MR KNOOPS: Sorry, Your Honour. I am prepared to continue but I have
4 no objection when we continue tomorrow, if that is more convenient for the
17:37:39 5 Trial Chamber, my learned colleagues and my learned friends on this side.

6 PRESIDING JUDGE: Having consulted with my learned brother and
7 sister, I think perhaps, in fairness to all concerned, it would be prudent
8 to adjourn at this point. We propose to adjourn the case. Mr witness, you
9 are still being questioned by the counsel. We are going to break now and
17:38:30 10 you are to come back tomorrow to finish the questions. Do you understand
11 this?

12 THE WITNESS: Yeah.

13 PRESIDING JUDGE: This morning -- this afternoon you made an oath to
14 tell the truth.

17:38:49 15 THE WITNESS: Yeah.

16 PRESIDING JUDGE: That oath is still binding on you. Between now --

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: -- And the time you finish all your evidence, you
19 are not to talk about your evidence to anyone else. Do you understand
17:38:59 20 this?

21 THE WITNESS: Yeah.

22 MR KNOOPS: Your Honour, if I may have the patience of the Court
23 one second, I have great respect for my colleagues at the opposite but I
24 would ask the Court if your request would also extend to the OTP
17:39:29 25 investigators as well as any other OTP person.

26 PRESIDING JUDGE: Mr Knoops, I think the rules are well-known by all
27 concerned.

28 MR KNOOPS: Thank you. And of course we consider tendering the
29 statement of this witness into evidence.

1 PRESIDING JUDGE: Mr witness, did you understand all I have said?
2 You are to come back tomorrow to finish you evidence to this court. Did
3 you understand this?

4 THE WITNESS: Okay. Yes. I understand.

17:40:16 5 PRESIDING JUDGE: Thank you. Madam court attendant, please adjourn
6 court until tomorrow at 9.15. Thank you.

7 [Whereupon the hearing adjourned at 5.40 p.m. to be reconvened on
8 Tuesday, the 8th day of March, 2005, at 9.15 a.m.]

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