

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

TUESDAY, 8 MARCH 2005
9.23 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Ms Lesley Taylor
Ms Boi-Tia Stevens
Mr Christopher Santora
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba Brima:

Mr Kevin Metzger
Ms Glenna Thompson
Mr Kojo Graham

For the accused Brima Kamara:

Mr Wilbert Harris
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Kanu:

Mr Geert-Jan Alexander Knoops

1 Tuesday, 8 March 2005
2 [Open session]
3 [The accused entered court]
4 [The witness entered court]
09:17:57 5 [On commencing at 9.23 a.m.]
6 PRESIDING JUDGE: Appearances are as yesterday, counsel?
7 MS TAYLOR: Yes.
8 PRESIDING JUDGE: Before I remind the witness of his oath, I have
9 some remarks concerning the procedure yesterday. We are of the view that a
09:22:27 10 considerable time had been wasted yesterday by not putting a prior
11 statement to the witness in its entirety. Counsel is reminded that if they
12 wish to cross-examine on a prior inconsistent statement, the exact portion
13 in issue should be put as is recorded in the statement. Putting part and
14 omitting part has led to unnecessary objections. This Bench trusts that
09:22:57 15 the adherence to this practice will save time in the future. Unless there
16 is some other matter, I will remind the witness of their oath. No?
17 Mr Witness, yesterday you swore an oath to tell the truth. Do you remember
18 that?
19 Madam attendant, please switch on the --
09:23:22 20 Do you remember that yesterday you swore to tell the truth?
21 THE WITNESS: Yes, sir.
22 PRESIDING JUDGE: That promise, that oath, is still binding on you
23 and you must tell the truth today also. Do you understand?
24 THE WITNESS: Yes.
09:23:43 25 PRESIDING JUDGE: Mr Knoops, you were in the course of
26 cross-examination. Please proceed.
27 MR KNOOPS: Your Honours, thank you.
28 WITNESS: TF1-024 [Continued]
29 CROSS-EXAMINED BY MR KNOOPS: [Continued]

1 Q. Mr witness, good morning.
2 A. Yes, sir.
3 Q. Perhaps you will recall we put some questions to you yesterday about
4 the situation prior to the kitchen and the situation when you were in the
09:24:19 5 kitchen.
6 A. Yes, sir.
7 Q. Yesterday you were asked to give a description of the kitchen, but I
8 don't recall that you were asked the question to describe the total amount
9 of square metres of the kitchen. Could you indicate the size of the
09:24:56 10 kitchen?
11 A. No, I don't know how the kitchen is.
12 MR KNOOPS: Sorry, I didn't get the interpretation, Your Honour.
13 PRESIDING JUDGE: Neither did I. What was the interpretation?
14 THE INTERPRETER: No, I didn't know this, the size of the kitchen.
09:25:35 15 PRESIDING JUDGE: I had it on the wrong language. Mr Interpreter,
16 can you please repeat the answer.
17 THE INTERPRETER: Your Honours, can you get me?
18 PRESIDING JUDGE: I can get you loud and clear.
19 THE INTERPRETER: "No, I didn't get the size of the kitchen".
09:26:01 20 MR KNOOPS: Thank you.
21 Q. Mr Witness, I recall that you stated yesterday in your evidence
22 before this Court that over 50 people stayed in the kitchen; is that
23 correct?
24 A. Yes, sir.
09:26:27 25 Q. Could you tell the Court whether you were able to sleep in the
26 kitchen?
27 A. I wasn't able to sleep.
28 Q. Mr Witness, is it your testimony that you were able to permanently
29 watch out of the window you described?

1 A. Yes, I was in the kitchen and I saw through the window.

2 Q. I will repeat my question. Is it your testimony that you looked
3 permanently through that window?

4 JUDGE LUSSICK: I think you will have to rephrase that. Permanently
09:27:35 5 means all day, all night without cessation.

6 MR KNOOPS: Quite, Your Honour. Thank you.

7 Q. Mr Witness, were you able to - were you actually looking through the
8 window every minute, every moment of the three days or four days you
9 described you were in the kitchen?

09:28:00 10 A. Yes, I had been watching through the window.

11 Q. Through your proofing of February 2005 --

12 MR KNOOPS: And Your Honours, we'll be tendering the proofing into
13 the evidence -- that proofing was already referred to yesterday and I
14 already observed that this material was not reviewed with the witness or
09:28:43 15 read back, but nonetheless --

16 Q. I'm putting it to you, Mr Witness, that additional or clarified
17 information you gave to the Prosecution on 11 February of this year --

18 THE INTERPRETER: Your Honours, the attorney is going too fast.

19 MR KNOOPS: I'm sorry.

09:29:03 20 Q. Mr Witness, in your additional information you gave to the
21 Prosecution on 11th February of this year, it is described in the fourth
22 paragraph, and I will quote --

23 PRESIDING JUDGE: Pause, Mr Knoops. Counsel, you are not to walk in
24 front of the Bench. Please take the long way around.

09:29:47 25 MR FOFANAH: Sorry.

26 MR KNOOPS: Thank you, Your Honour.

27 PRESIDING JUDGE: Please continue.

28 MR KNOOPS: Thank your, Your Honour.

29 Q. It's noted in the fourth paragraph: "There was a window with bars

1 that he" - referring to you, Mr Witness - "That he was able to often look
2 out the window."

3 A. Yes.

4 Q. So you recall making -- so you agree you made this addition to the
09:30:26 5 Prosecution?

6 A. Repeat so that I can understand properly.

7 JUDGE LUSSICK: Mr Knoops, I think you will have to be careful how
8 you tailor your questions. The statement you are referring to is not
9 actually a first-hand statement from this witness. It is an interpretation
09:30:54 10 by somebody else of what he said. I think you will have to tailor your
11 questions with that in mind.

12 MR KNOOPS: Thank you, Your Honour. Therefore I mentioned before I
13 put the question to the witness that this material has not been reviewed
14 with the witness and read back to him. So, I'm aware. I'll agree, I'll
09:31:14 15 rephrase my question again and I put the witness - I confront the witness
16 with this statement in another direction.

17 JUDGE SEBUTINDE: Mr Knoops, additionally, please do not forget the
18 opening remarks by the Presiding Judge, that when you want to quote
19 anything out of a statement or an additional statement, you quote it in its
09:31:39 20 entirety. You do not paraphrase the paraphrased statement. You're bound
21 to confuse everyone.

22 MR KNOOPS: Thank you, Your Honour, for reminding me to this. Of
23 course, this is indeed not an official statement, that we agree upon. If
24 Your Honours allow me to do so, I can paraphrase the whole linear from this
09:32:05 25 additional information. I put it differently.

26 Q. Mr Witness, do you recall that you were additionally interviewed,
27 say, about a month ago by the Prosecution?

28 A. Yes, they interviewed me.

29 Q. Do you recall, Mr Witness, that during that interview, you gave

1 additional or clarifying information to the Prosecution; is that correct?

2 A. No. No, I said the same thing that I had told him before.

3 JUDGE LUSSICK: I will have to interrupt you. I'm sorry, Mr Knoops.
4 Court officer, I'm not getting any of this translation at all.

09:33:20 5 THE INTERPRETER: Your Honours, can you get me?

6 PRESIDING JUDGE: I can hear.

7 THE INTERPRETER: Hello, Your Honours. Can you get me?

8 PRESIDING JUDGE: I can hear, but my learned brother cannot. My
9 learned sister can hear.

09:33:51 10 THE INTERPRETER: Can you get me now, Your Honour? Can you get me
11 now?

12 JUDGE LUSSICK: Yes, I can hear you now, thank you.

13 THE INTERPRETER: Yes, welcome.

14 JUDGE LUSSICK: I'm sorry for that interruption, Mr Knoops. Go
09:34:13 15 ahead.

16 MR KNOOPS:

17 Q. So you don't recall making any additional comments on your previous
18 statement during that interview?

19 A. I remember all that I had said to them.

09:34:36 20 Q. Mr Witness, I will paraphrase the whole fourth linear from that
21 additional information. The Prosecution summarised your proofing on
22 11 February 2005 in this respect as follows: "The witness said that while
23 he and others were locked in the kitchen in the State House he said the
24 kitchen was located on the downstairs floor of the State House; hence there
09:35:29 25 was a window with bars that he was able to often look out the window."

26 Mr Witness, do you recall making this additional or clarifying remark, or
27 giving this additional information to the Prosecution?

28 A. Yes, I said it yesterday. I've been saying it all along.

29 Q. What, Mr Witness, did you say all along?

1 A. I said it yesterday. He asked me the same question and I gave him
2 the same answer.

3 Q. Mr Witness, you testified that you were every moment of your time
4 spent in the kitchen watching through the window?

09:36:47 5 A. Yes.

6 Q. According to the information which was given by you on 11 February
7 2005, according to this document, you informed the Prosecution that you're
8 able to often look out the window. So my question is, which statement or
9 which information - that's probably more accurate - is correct?

09:37:38 10 A. I looked through the window.

11 Q. The question is, every second of your time spent in the kitchen, or
12 not every moment?

13 A. Yes, I continued watching through.

14 PRESIDING JUDGE: Mr Knoops, I think we've exhausted that line.

09:38:10 15 We're into a battle of semantics here.

16 MR KNOOPS: Yes.

17 Q. Mr Witness, after you left the kitchen with how many people were you?

18 PRESIDING JUDGE: Mr Knoops, I thought that was asked yesterday.

19 MR KNOOPS: Yes, Your Honour, that was asked, indeed, but I recall

09:38:41 20 that the witness provided us yesterday with several different numbers and I
21 didn't cross-examine the witness with respect to the moment he left the
22 kitchen. I only cross-examined until the moment he entered the kitchen.

23 PRESIDING JUDGE: What are you putting to him now? That it was a
24 different number that came in and a different number that came out?

09:39:22 25 MR KNOOPS: No, my question is simply, Your Honour, that I asked the
26 witness with how many people he recalls he left the kitchen.

27 PRESIDING JUDGE: I think he's answered that question. He said they
28 counted the people, Mr Knoops.

29 JUDGE LUSSICK: Mr Knoops, this witness was very capably

1 cross-examined yesterday on these exact points. There would be no purpose
2 at all in going over the same cross-examination again, but if you have some
3 aspects that weren't covered already in the cross-examination, then, by all
4 means, go ahead and ask those questions.

09:40:13 5 MR KNOOPS: Thank you.

6 Q. Mr Witness, you testified that after you left the kitchen several
7 people tried to run away; is that correct?

8 A. Yes, sir.

9 Q. Can you recall how many people tried to run away?

09:40:53 10 A. There are many who wanted to run away.

11 Q. My first question is can you describe what you mean "with plenty"?

12 A. There were a large number who wanted to go away.

13 Q. What is a large number?

14 A. I mean there were a lot of people.

09:41:36 15 Q. How many?

16 PRESIDING JUDGE: You have asked that twice, Mr Knoops.

17 MR KNOOPS: But I'm not getting any answer, Your Honour. I'm sorry.

18 JUDGE LUSSICK: Witness, when you say a lot of people, was it more
19 than five people?

09:41:48 20 THE WITNESS: Yes, there were more than five.

21 JUDGE LUSSICK: Was it more than ten people?

22 THE WITNESS: There are more than five to ten people that run away.

23 JUDGE LUSSICK: How many would you say ran away?

24 THE WITNESS: Some wanted to run away -- they wanted to go away, but
09:42:23 25 they were not able to go away because the rebels stopped them from going.

26 JUDGE LUSSICK: Yes, but I didn't ask you that. You said it was more
27 than five or ten people that ran away. How many would you say ran away?

28 THE WITNESS: I cannot tell the amount. There are many. I cannot
29 tell you a direct figure.

1 MR KNOOPS: Thank you, Your Honour.

2 Q. Mr Witness, do I understand you well? Correct me if I'm wrong, but
3 you used the words "ran away" and "tried to run away". Were there people
4 who actually ran away?

09:43:14 5 A. They tried to run away, but they were not able to go because the
6 rebels stopped them.

7 Q. Can you describe to the Trial Chamber how they stopped the people
8 trying to run away? How did they stop the people who, in your view, tried
9 to run away?

09:43:57 10 A. It was at the gates. They were trying to get out of the gates.

11 JUDGE LUSSICK: Witness, you're not answering the question. He
12 didn't ask you where they tried to escape from. He asked you how were they
13 stopped from running away; that's the question.

14 THE WITNESS: They stopped them with guns. They blocked them.

09:44:35 15 MR KNOOPS:

16 Q. Was physical force used?

17 A. Yes, they forced them.

18 Q. Can you describe how that force was used?

19 A. They used guns. They pointed guns at them.

09:45:09 20 Q. Can you give a description of that gun you saw?

21 A. It was AK-47 that they used to point at them.

22 Q. How do you know that it was an AK-47?

23 A. I saw people went with them and they told me that they are called
24 AK-47, so that was the word they used called them.

09:45:49 25 Q. Who told you that these weapons were AK-47?

26 A. It was they themselves, the rebels, that called them AK-47.

27 Q. Mr Witness, do you recall during your last interview -- were you
28 asked to give additional information if it existed on 11 February that you
29 gave a statement about the type of weapons?

1 MS TAYLOR: I object to this, Your Honour. The point of the
2 additional information during which the witness described the type of guns
3 was at the time of his capture with the three rebel boys. The time which
4 the witness is now testifying about is the rebels at the State House.
09:47:00 5 There is no prior statement for there to be an inconsistency with.
6 PRESIDING JUDGE: [Microphone not activated]
7 MS TAYLOR: Yes, it's paragraph 2 of the additional or clarifying
8 information. The page is 6296.
9 JUDGE LUSSICK: Yes, Mr Knoops, I agree with what Ms Taylor says
09:47:26 10 there. You'll have to make it clear what aspect of time you're referring
11 to. Your present question is not allowed.
12 MR KNOOPS:
13 Q. Mr Witness, yesterday you testified that you have no military
14 experience or knowledge; is that correct?
09:48:05 15 A. Yes, sir.
16 Q. At any point of the events you described, were able to identify a
17 weapon yourself?
18 PRESIDING JUDGE: Mr Knoops, I don't understand that question. He's
19 already told us that he heard people referring to them as AK-47s. Are you
09:48:43 20 referring to some other weapon?
21 MR KNOOPS: Yes, Your Honour.
22 PRESIDING JUDGE: Well, perhaps clarify that.
23 MR KNOOPS: Let me put it then directly to the witness.
24 Q. Mr Witness, in the proofing of the 11 February 2005, the second
09:49:08 25 paragraph, it is said, I quote: "When the witness was captured from his
26 home on Waterloo Street on 8 January 1999, there were three rebels that
27 captured him. They were wearing army uniforms and were young boys. They
28 spoke Liberian English. They were carrying guns. The witness believed
29 they were G3s. Mr Witness, can you recall giving this information to the

1 Prosecution a month ago?

2 A. Yes.

3 Q. If you agree that you gave this information to the Prosecution, could
4 you explain to the Court how you came to believe that the weapons at that
09:50:25 5 moment were G3s?

6 A. It was they that was calling them G3, the rebels. That was how I
7 came to know that they are G3.

8 Q. Mr Witness, prior to your interviews, were any pictures shown to you
9 about weapons by the investigators?

09:50:59 10 A. No, they did not show me anything.

11 Q. Your statement is that the rebels every time informed you about the
12 type of weapons they have with them; is that correct? Is that your
13 statement?

14 PRESIDING JUDGE: Mr Knoops I feel that is misleading. To use the
09:51:25 15 word "informed" directly, he didn't say that. He said they called them
16 G3s. To say you were informed is a direct misinformation. Please rephrase
17 that.

18 MR KNOOPS:

19 Q. Mr Witness, is it your statement that the type of weapons was deduced
09:52:00 20 by you from what you heard by the rebels or what they told you?

21 A. They used to say that amongst themselves. They used to call the
22 weapons among themselves, so that was why I came to know the names of the
23 weapons.

24 Q. Thank you. Mr Witness, I recall that you testified yesterday and it
09:52:29 25 was, I believe, a question of my learned colleague who examined you in
26 chief, that at a certain moment, you answered a question by saying that
27 there were different groups. Can you recall that remark yesterday?

28 MS TAYLOR: Your Honour, that is a very broad question. There is no
29 point in time that --

1 PRESIDING JUDGE: I was going to ask if he was talking about
2 different groups of weapons, or different groups of people, or different
3 times.

4 JUDGE LUSSICK: You'll have to rephrase that question, Mr Knoops.

09:53:11 5 MR KNOOPS: Your Honour, I'm not sure at which moment it was, but I
6 recall that the witness - I believe it was when Mr Santora examined him
7 about the seizure between the events at the State House building and going
8 to the kitchen, but I'm not sure. But I recall definitely that the witness
9 testified yesterday --

09:53:50 10 JUDGE LUSSICK: Perhaps if you could just put that question to him.
11 Did he say yesterday, et cetera, et cetera.

12 MR KNOOPS: Correct. That was actually my question, indeed.

13 Q. Mr Witness, do you recall yesterday during your examination-in-chief
14 making a distinction between groups of rebels; that you referred to
09:54:18 15 different groups of rebels in your statement yesterday?

16 A. The only thing that I know is that those that captured me, they were
17 speaking with a Liberian accent.

18 JUDGE SEBUTINDE: Mr Knoops, yesterday you, in cross-examination,
19 raised the issue of the ex-soldiers and the rebels and the distinction
09:54:49 20 between the two. This was not examination-in-chief and you, at length,
21 cross-examined the witness on the phenomenon of ex-soldiers and rebels, and
22 between the two. Maybe that is what you recall. If there's anything
23 additional, you may cross-examine in that line, but, otherwise, it appears
24 to me that you have exhausted the question.

09:55:11 25 MR KNOOPS: Thank you, Your Honour. I definitely recall that during
26 the examination-in-chief - I'm sorry, my microphone is not -- I definitely
27 recall that the witness, yesterday, during the examination-in-chief,
28 referred to - he phrased literally, I have it in my notes - different
29 groups of rebels, and that area was not cross-examined yet by the Defence.

1 JUDGE SEBUTINDE: Mr Knoops, what I have written down was with regard
2 to the rape of the women and the girls and the witness said something to
3 the effect that he heard the victims crying in Krio and he named the words.
4 He said, "I saw many women each night being raped. Different groups of
09:56:24 5 rebels were doing the raping." Now, as to the meaning of "different groups
6 of rebels" maybe you wish to cross-examine on that. I thought when the
7 questions were asked that that meant it was not the same individuals, but,
8 rather, different individuals doing the raping, not necessarily different
9 armies of rebels. Maybe you wish to seek clarification on that.

09:56:52 10 MR KNOOPS: Yes, Your Honour.

11 JUDGE SEBUTINDE: It was with regard to the raping of the women.
12 That's what I have on my regard.

13 MR KNOOPS: Correct. That's a fair interpretation, but that was
14 actually my question for the witness.

09:57:12 15 Q. Mr Witness, could you please clarify for the Court what you mean with
16 the term "different groups of rebels" you spoke about yesterday?

17 A. Yesterday, I said that the rebels and --

18 MR KNOOPS: I didn't get the full interpretation.

19 PRESIDING JUDGE: Mr Interpreter, please repeat the full answer.
09:57:51 20 None of us have got the full answer.

21 THE INTERPRETER: Your Honours, the witness has not given a full
22 answer, that's why I stopped.

23 PRESIDING JUDGE: Thank you, Mr Interpreter. That's clear now.
24 Mr Witness, did you understand the question?

09:58:03 25 THE WITNESS: No.

26 PRESIDING JUDGE: You did not understand the question? Mr Knoops,
27 the witness did not understand the question and therefore has not answered
28 it.

29 MR KNOOPS:

1 Q. Mr Witness, you remember saying yesterday that, at the moment, you
2 assert that women were raped. You used the term "different groups of
3 rebels". You recall referring to that term "different groups of rebels";
4 yes or no?

09:58:45 5 A. No, no. I just said rebels with the soldiers all came together. I
6 would call them rebels, because all of them have come together.

7 MS TAYLOR: Your Honours, perhaps the question would be more fairly
8 put if it was put in terms of the answer that the witness gave. The
9 witness said on different nights there were different groups of rebels, not
09:59:08 10 just that there were different rebels per se.

11 PRESIDING JUDGE: I am upholding Ms Taylor's objection. If you are
12 putting what he said, you should put it as he said it.

13 MR KNOOPS: Let me put it then more simply.

14 Q. Mr Witness, the groups of rebels and ex-soldiers you referred to
09:59:56 15 yesterday, you referred to them as one group or different groups?

16 A. They were one group, because all of them had come to one.

17 MR THOMPSON: Your Honours, I rise, because I'd like the interpreters
18 to be reminded that they need to interpret directly what the witness is
19 saying. For those of us who can understand both languages, we can get a
10:00:56 20 little bit of addition long after the witness has stopped talking.

21 PRESIDING JUDGE: How can you get an addition if he has stopped
22 talking?

23 MR THOMPSON: We know what the witness is saying in Krio and then we
24 get the English translation, which is not always accurate and sometimes
10:01:16 25 there are words added. I just want the interpreters to be reminded they
26 need to interpret exactly what the witness is saying. Even if the witness
27 says just one word, they have to stick to that one-word answer. We don't
28 seek clarification, all we need is the correct answer.

29 PRESIDING JUDGE: Thank you, I will repeat what I said yesterday.

1 Mr Interpreters, I repeat what I said yesterday: you interpret what the
2 witness said. You don't add, you don't subtract. The words coming out of
3 your mouth are the same as the words coming out of the witness's mouth,
4 exactly. Do you understand?

10:01:52 5 THE INTERPRETER: Yes, we do.

6 PRESIDING JUDGE: Thank you.

7 MR KNOOPS: Your Honour, I have one last question.

8 Q. Mr Witness, on questions of the Honourable Trial Chamber informs us
9 that, in your view, approximately between five and ten people of the group
10:02:30 10 tried to run away.

11 JUDGE LUSSICK: No, he didn't say that, Mr Knoops. He said it was
12 more than five or ten, but that he couldn't give an exact number.

13 MR KNOOPS: Okay. I'm sorry, I understood he meant between five and
14 ten. But it doesn't matter for my question. Thank you.

10:02:48 15 Q. Mr Witness, do you know of some of the civilians in that group sought
16 refugee or protection from the people you refer to as rebels?

17 A. No.

18 PRESIDING JUDGE: Mr Knoops, we on the Bench don't really understand
19 that question. Do you mean the people running away sought protection from
10:03:24 20 the rebels? Is that what you mean?

21 MR KNOOPS: My question is, and I refer to the time frame of the
22 moment the witness says that they left the kitchen. He is asserting that
23 some of the people tried to run away. My question is: in that context, if
24 the witness has direct knowledge on the question of some of the civilians
10:04:03 25 of that group --

26 PRESIDING JUDGE: The group running away?

27 MR KNOOPS: Correct - tried to run away.

28 JUDGE SEBUTINDE: Mr Knoops, why do you not ask the question directly
29 did he actually see these people trying to run away, rather than confuse

1 the witness by saying, "Did they seek protection from the rebels in
2 refuge?" What are you asking?

3 MR KNOOPS: Your Honour, that is my second question. I'm not
4 finishing yet my cross-examination on this point.

10:04:43 5 JUDGE SEBUTINDE: All the Bench really requires, Mr Knoops, is that
6 you ask simple, clear questions that we can understand, that the witness
7 can understand, please.

8 MR KNOOPS: Thank you. Perhaps we're still overestimating the
9 potential knowledge of witnesses. I will --

10:05:05 10 JUDGE SEBUTINDE: Mr Knoops, please.

11 MR KNOOPS: Yes.

12 Q. Mr Witness, did you see or hear that from that group of civilians who
13 tried to run away --

14 A. I saw them.

10:05:44 15 Q. I know. You're testifying whether some people of the group actually
16 wanted to stay with the group, with the rebels?

17 A. Nobody wanted to stay with them.

18 Q. How do you know that?

19 A. Because all of us were tired with them.

10:06:21 20 MR KNOOPS: I understood the word "tired".

21 THE WITNESS: Tired.

22 MR KNOOPS: Tired.

23 Q. Mr Witness, in this respect, were you able to communicate with these
24 people? Did you speak to them at that time?

10:06:57 25 A. Repeat. What people are you talking?

26 Q. I'm referring, Mr Witness, to the people, the group that left the
27 kitchen and were to go to the bush with the rebels.

28 A. Okay.

29 Q. My question is were you able to speak to each other?

1 PRESIDING JUDGE: Did you say, Mr Knoops, with the rebels?
2 THE WITNESS: Yes, we talked amongst ourselves.
3 MR KNOOPS:
4 Q. Did you speak with all members of that group at that time?
10:07:39 5 A. We talked amongst ourselves, we, the civilians.
6 Q. Did you speak to every individual of that group at the moment you
7 were asked to go to the bush; yes or no?
8 A. No, I did not talk to everybody.
9 MR KNOOPS: Thank you, Your Honour, I have no further questions.
10:08:15 10 PRESIDING JUDGE: Thank you, Mr Knoops. Mr Harris, do you have any
11 questions for the witness?
12 MR HARRIS: I have a couple of things.
13 CROSS-EXAMINED BY MR HARRIS:
14 Q. You went to the investigators and spoke in English; is that right?
10:08:35 15 A. Yes, I spoke English to them.
16 Q. You understood them and they understood you?
17 A. Yes, I understood the English that they spoke.
18 Q. Then you went again on 11 February of this year, just a couple of
19 weeks ago; is that right?
10:09:07 20 A. I do not understand what you said.
21 Q. I'll rephrase it. A couple of weeks ago you came to the Special
22 Court to speak to the Prosecution?
23 A. Yes, they called me.
24 Q. And you spoke to them in English.
10:09:32 25 A. Yes, it was English, but mine was not clear. Theirs and mine was
26 different.
27 Q. I will come to yours in a moment. You spoke to them in English; is
28 that right?
29 A. Yes.

1 Q. And they spoke to you in English?

2 A. Yes, but there was somebody who was interpreting it to me in bits.

3 Q. There was an interpreter, you say, two weeks ago when you came here;

4 is that right?

10:10:16 5 A. Yes, there was an interpreter who was giving it to me in full

6 English.

7 Q. Let me go on from there. You are a mechanic; is that right?

8 A. Yes, I am a mechanic.

9 Q. And you have been a mechanic now for a number of years.

10:10:41 10 A. Since I was a little boy as when I was growing up.

11 Q. And you have been a full-time mechanic from what year, would you say?

12 A. Since I was growing up when I was going to school.

13 Q. The question is badly put. I'll put it again.

14 A. Okay.

10:11:09 15 Q. You left school, what -- what year would you say you left school?

16 A. I left school in 1998.

17 Q. Yes. How old would you say you were at that time?

18 A. 1998 I was -- I cannot remember again, because I don't have a birth

19 certificate.

10:11:43 20 Q. Okay, never mind. Let me go on from there then. You have no

21 military training, have you?

22 A. No.

23 Q. So you do not know the difference between an AK-47 and a G3, do you?

24 A. No, I don't know at this moment. I don't know.

10:12:15 25 Q. Well, did you know the difference between an AK-47 and a G3 when you

26 gave your evidence yesterday?

27 A. Well, the reason why I gave that evidence is because the people were

28 calling the names to me, that's how I remember the names.

29 Q. Well, which people?

1 A. The rebels.

2 Q. I will come to them, trust me. I want to ask you about the evidence
3 you gave yesterday before this Court; do you follow me? Do you understand?

4 A. Yes.

10:13:08 5 Q. Yesterday you told the Court that you -- you described to the Court
6 an AK-47. I rephrase the word "described". You told the Court that the
7 rebels had AK-47. Do you understand that?

8 MS TAYLOR: Perhaps my learned friend can be specific about the time.
9 Which rebels?

10:13:37 10 MR HARRIS: Please don't help me cross-examine. You can re-examine.

11 MS TAYLOR: I'm making an objection.

12 MR HARRIS: Well, thank you for your objection. It must be of some
13 substance.

14 PRESIDING JUDGE: I will rule on --

10:13:48 15 JUDGE LUSSICK: The Court will rule on that, Mr Harris.

16 PRESIDING JUDGE: There was quite a bit of evidence concerning AK-47s
17 yesterday, Mr Harris. Please be precise exactly what evidence you refer
18 to.

19 MR HARRIS: The question I'm directing myself to is the words AK-47
10:14:13 20 which came from the witness as part of nothing else. I'm not trying to
21 direct my mind or the witness's mind to any of the counsels in the place,
22 including those who appear on my right, simply about his knowledge of
23 AK-47, nothing more.

24 PRESIDING JUDGE: I think they have established the point that he
10:14:36 25 only heard the use of those words and he adopted the use of those words.

26 MR HARRIS: Thank you. Then I'll move on from there.

27 Q. Today, you've described - well, you've answered or accepted from my
28 learned friend something about a G3. Do you know what a G3 is?

29 A. I don't know how it is.

1 Q. You have no idea, but when you went to the -- to those on my right --
2 when you went to the Prosecution on 11 February, you're recorded as saying
3 you believed the guns used were G3.

4 MS TAYLOR: Your Honours, I object to this. This is repetitive
10:15:32 5 cross-examination. The witness has said on numerous occasions that the
6 reason he could identify the various guns was because he heard the rebels
7 at different times talking about what type of guns they were.

8 JUDGE LUSSICK: Ms Taylor, I think that question is allowable. I'll
9 overrule you. He's going to a different point of the witness's knowledge.
10:16:02 10 You go ahead, Mr Harris.

11 MR HARRIS: Thank you, Your Honour.

12 Q. Would you describe to us a G3, please?

13 A. I can't describe it now.

14 Q. Where did you get the words G3 from?

10:16:27 15 A. From the rebels who captured me.

16 Q. I see. Well, just help me about this. When you made your statement
17 on 20 February 2003 -- Your Honours, if your bundle is the same as mine,
18 it's 6292. It's that statement to which I refer. There is no mention in
19 that statement about a G3. Do you follow me? Do you understand that?

10:17:34 20 A. No, I did not understand.

21 Q. I go a little further. There is no mention in that statement of an
22 AK-47, is there?

23 A. I cannot remember, because it has taken a long time.

24 Q. Before you came to give evidence yesterday, did someone refresh your
10:18:07 25 memory as to the contents of the statement you made on 20 February 2003?

26 A. Nobody --

27 THE INTERPRETER: That was not clear, My Lords, can he take it again,
28 the witness.

29 PRESIDING JUDGE: I'm sorry, I don't understand, Mr Interpreter. Do

1 you mean the witness did not --

2 THE INTERPRETER: The witness's answer is not audible enough for me
3 to interpret.

4 PRESIDING JUDGE: I see. Mr Witness, repeat your answer exactly as
10:18:43 5 you said it before.

6 THE WITNESS: Nobody reminded me. That's what I said.

7 PRESIDING JUDGE: Thank you.

8 MR HARRIS:

9 Q. When you came to the Prosecution on 11 February this year - that is
10:19:11 10 just about two weeks ago, either over or under - didn't then someone remind
11 you of the statement you made in February 2003?

12 A. Nobody reminded me.

13 Q. Let me move on quickly, if I may. Help me about one thing, then.
14 Where did you get the words G3 from two weeks ago?

10:20:07 15 A. Nobody told me. It was the rebels who were telling me. That's why I
16 could remember that name. They were saying it among themselves and we
17 heard it.

18 Q. I will just ask you one other question before I move on from there
19 then. If that be right, why it was then in 2003 when you made your
10:20:43 20 statement you didn't mention in that G3?

21 A. The first people who interviewed me, I said it to them. I cannot
22 remember them, they were white people.

23 Q. Are you saying to the Court that you were interviewed by someone to
24 whom you made a statement which has never been recorded?

10:21:28 25 A. They interviewed me at my house once and they wrote it. They asked
26 me if they caught me with a gun. If those who captured me had guns and I
27 said yes, and they asked me about the gun and I told them.

28 Q. You told them what?

29 A. They asked me the type of gun that they had when they caught me. I

1 told them that they had G3.

2 Q. That is what you told them you knew they had because what the rebels
3 had said?

4 A. Yes, they told us that it was a G3 gun.

10:22:17 5 Q. I made the point that yesterday in answer to many questions, you
6 mentioned just AK-47. Can I just go on from there. The bomb you were
7 carrying, you described as -- in fact, very large, very heavy; is that
8 right?

9 A. Yes, it was big and heavy.

10:23:12 10 MR HARRIS: Your Honours, just give me one moment, please. I just
11 want to be accurate.

12 Q. Would you tell me the width of it again?

13 A. It was heavy. I couldn't remember the weight any more. It was
14 heavy.

10:23:35 15 Q. Yes, about one yard; is that right?

16 A. Yes.

17 Q. Never mind. But you have never seen, have you, a bomb like that
18 before?

19 A. One day, no.

10:24:00 20 PRESIDING JUDGE:

21 JUDGE SEBUTINDE: I'm sorry, I didn't understand the question or the
22 answer.

23 MR HARRIS: He said he has never seen a bomb like the one he was
24 asked to carry before.

10:24:09 25 JUDGE SEBUTINDE: What is the relevance of the one day?

26 MR HARRIS: Well, please, like the --

27 MR METZGER: May I rise to be of some assistance, Your Honour?

28 PRESIDING JUDGE: It is not proper to interpret another counsel when
29 he's on his feet, Mr Metzger.

1 MR METZGER: I'm sorry. I was trying to assist in terms of what the
2 Krio one day means.

3 JUDGE SEBUTINDE: Mr Metzger, we do have an official interpreter.

4 MR METZGER: I'm very sorry. I shall not seek to assist in this
10:24:42 5 manner in the future.

6 MR HARRIS: Your Honour, were you addressing me about one day?

7 JUDGE SEBUTINDE: Yes, I was addressing you about the question that
8 you asked, but also the answer that it elicited. If you don't mind,
9 Mr Harris, could you ask your question again and could the witness answer
10:24:59 10 again.

11 MR HARRIS: Thank you, Ma'am.

12 Q. Can I just ask you this question: the bomb you were asked to carry,
13 you had not seen one like that before?

14 JUDGE SEBUTINDE: That is not a question, sir, that is a statement.

10:25:21 15 MR HARRIS: I will rephrase it.

16 Q. Have you seen a bomb like that before?

17 A. I've never seen it in my life, never in my life.

18 Q. You describe the bomb as a B15 in your statement. Sorry, Your
19 Honour, I shall tell you what page it is in your bundle. Page 6294 in your
10:26:00 20 bundle. It's the first line of that page. So in February 2003 you were
21 describing a bomb as a B15 in a statement. Do you understand that? Well,
22 if you had never seen one like that before, where did you get the words
23 B15?

24 A. It's a nickname to themselves. That's how they called the bomb. Its
10:26:46 25 a nickname. I didn't took it that way. That's how they were calling it
26 amongst themselves. That's how they call it.

27 Q. I understand, you got it from the rebels again?

28 A. Yes, sir, from them.

29 Q. Now, help me about ECONOG [sic]. I'll come back to ECONOG [sic].

1 Help me about something else. You described to the Court yesterday about
2 people being killed who had refused to join the rebels, as you called them.
3 Do you remember that?
4 A. Yes, people.
10:27:28 5 Q. You also told the Court that you also refused to join; correct?
6 A. Yes, I refused to join.
7 Q. But you were not killed?
8 A. They didn't kill me.
9 Q. You would simply be --
10:27:48 10 A. They beat me, yes.
11 Q. And when you said that the bomb you were carrying was too heavy, they
12 gave it to some other person to carry; is that right?
13 A. Yes, sir.
14 Q. And then you just walked home to your father's residence; correct?
10:28:10 15 A. Yes.
16 Q. I understand. I just want you to help me about something else. You
17 described to counsel a number of dead bodies and of course to the counsels
18 asking you questions yesterday from the Prosecution. Do you remember that?
19 A. I could remember the corpses, yes.
10:28:49 20 Q. All right. I'm just focusing your mind. Were you asked to assist in
21 the disposal of dead bodies?
22 A. No.
23 Q. All right. You were simply perched - I withdraw that. You simply
24 sat on a window in the kitchen looking out on the activities outside; is
10:29:27 25 that right?
26 MS TAYLOR: Your Honours, I'm not quite sure what the phrase "sat on
27 a window" means.
28 MR HARRIS: My learned friend clearly hasn't read the statement. I
29 will assist her by referring her to the - it is page 6293, I think.

1 PRESIDING JUDGE: My records show sitting by a window, not on a
2 window.

3 MR HARRIS: Thank you, Ma'am -- Your Honour, thank you.

4 PRESIDING JUDGE: I'm not the Queen.

10:30:07 5 MR HARRIS: Thank you. I made an error. I said "on" instead of
6 "by".

7 Q. You were sitting by a window observing what was going on outside; is
8 that right?

9 A. Yes, I was by.

10:30:23 10 Q. I just want you to help me about two other things. I think you
11 agreed with Mr Metzger yesterday that you didn't go to Kissi Road; am I
12 right?

13 A. Yeah.

14 Q. Because he described, quite accurately, the geographical location up
10:30:53 15 on the hill and Kissi Road is some distance on your right; am I correct?

16 A. Yeah.

17 Q. Are they right or left, but you were some distance away.

18 A. Yeah.

19 Q. And today that's what you think happened; is that right? Now, just
10:31:19 20 help me about one other matter. You also described to the Court about
21 rebels going in and out of houses on Kissi Road, in fact, raiding them; is
22 that right?

23 A. Yes.

24 Q. When you went to the Prosecution on 11 February -- Your Honour, it is
10:32:00 25 page 6296, it's four lines from the bottom -- did you say this to the
26 Prosecution: "The rebels were taking things from people and taking things
27 from the houses"; did you?

28 A. Yeah.

29 Q. And that's true, was it?

1 A. Yes, yes, yes.

2 Q. "Before they burnt them and carrying these items or loading them into
3 vehicles"; did you say that?

4 A. Yes, they were carrying them.

10:33:13 5 Q. Were they loading them on to vehicles?

6 A. Yes, they were carrying them.

7 Q. Well, would you describe to the Court the vehicles?

8 A. Toyota Hilux van, white.

9 Q. Yes, that's one. Any more?

10:33:34 10 A. No, only Toyota Hilux, that's what they had.

11 Q. Can I go on from there? "Or loaded them into vehicles as they moved
12 out on Kissi Road." Do you see that: "moved out on Kissi Road"?

13 A. Yes, they were moving out from Kissi Road - going.

14 Q. And you saw, no doubt, all this from Fourah Bay Road -- Fourah Hill;
10:34:35 15 correct?

16 A. Yes, I was up the hill, yes.

17 Q. Now, just help me about something else. ECONOG --

18 MS TAYLOR: Your Honours, I believe my learned friend means to say
19 ECOMOG.

10:34:58 20 MR HARRIS: All right. Sorry. Thank you, thank you. My learned
21 friend is so helpful.

22 PRESIDING JUDGE: I was going to help you, too, Mr Harris.

23 MR HARRIS: Thank you, Ma'am.

24 Q. Can I just ask you something else, too. They were discharging bombs,
10:35:15 25 weren't they?

26 MS TAYLOR: Can there be a time given to that question?

27 MR HARRIS:

28 Q. Yes. ECOMOG were dropping bombs, weren't they?

29 A. I didn't see --

1 MS TAYLOR: I still object to that question; it is not clear.

2 MR HARRIS: May the witness answer the question as he understands it,
3 then I shall no doubt assist.

4 PRESIDING JUDGE: No, Mr Harris, let us be precise about times.

10:35:48 5 There are too many vague questions with inconclusive answers.

6 Incidentally, I repeat what I said yesterday, Mr Harris. My learned sister
7 and I --

8 MR HARRIS: Yes, I am sorry. It's just, from my jurisdiction, whilst
9 you wear what you are wearing now, Their Lordships are referred to as Ma'
10 ams. That's why it is my mistake. It is no disrespect, Your Honour. It
11 is clearly no disrespect to you. I'll get over it in a day or two. Now
12 I've forgotten where I was when I was so ably assisted by my learned friend
13 from the other side.

14 PRESIDING JUDGE: You were being asked to be precise as to the
10:36:31 15 bombing.

16 MR HARRIS: Thank you.

17 Q. When you were being detained, as you say, with the rebels, ECONOG --
18 ECOMOG were actively trying, were they, to regain the lost ground. Do you
19 understand the question first?

10:36:51 20 MS TAYLOR: Your Honour, the witness cannot possibly answer that
21 question as to what ECOMOG was trying to do. If the question is to whether
22 ECOMOG were dropping bombs, that's a permissible question.

23 MR HARRIS: Then I will ask the question direct again.

24 Q. Was ECONOG dropping bombs on the -- dropping bombs?

10:37:13 25 A. I did not see ECOMOG dropping bombs when I was up the hill.

26 Q. Well, did you see them dropping bombs at any time?

27 A. No.

28 Q. Did you see the ECOMOG jets going overhead?

29 A. No.

1 Q. Did you see the gun boats offshore?

2 A. No, I didn't see it.

3 Q. You were living in Freetown all this time, were you?

4 A. I was in Freetown, yes.

10:38:04 5 PRESIDING JUDGE: Mr Harris, what is the relevance of this line of
6 questioning?

7 MR HARRIS: Ma'am -- Your Honour, put simply, the Prosecution's case
8 is that there was devastation, loss of life of civilians. That's the
9 substance of their case. They are saying that that was done by the rebels.

10:38:29 10 I seek to demonstrate that it may be in an attempt to perhaps bring
11 peace -- my words perhaps unfortunate -- that many others who are not
12 rebels died in that attack.

13 PRESIDING JUDGE: Very well, proceed, but please keep it to the
14 point. Do not stray into irrelevancies.

10:39:06 15 MR HARRIS: I would not do that, Your Honour.

16 Q. Let me go back to two weeks ago then when you came to speak to the
17 Prosecution.

18 PRESIDING JUDGE: Do not point at other counsel in that way,
19 Mr Harris.

10:39:24 20 MR HARRIS:

21 Q. When you came to speak to the Prosecution. The reason why you left
22 State House was because ECOMOG was coming; is that right?

23 A. Yes. ECOMOG was coming from the cotton tree.

24 Q. Were they?

10:39:51 25 JUDGE SEBUTINDE: Mr Harris, I believe you're referring to the
26 additional statement of 2 February?

27 MR HARRIS: 6296, Your Honour.

28 JUDGE SEBUTINDE: Yes, that is the one, 11 February 2005.

29 MR HARRIS: Yes, Ma'am.

1 JUDGE SEBUTINDE: And you might be referring to paragraph five.
2 MR HARRIS: Five down from the top, yes.
3 JUDGE SEBUTINDE: Where he also observed that Gullit was on the
4 radio, because ECOMOG was said to be coming; is that what you might be
10:40:27 5 referring to?
6 MR HARRIS: Yes.
7 JUDGE SEBUTINDE: Then please do refer to what is written, not your
8 interpretation.
9 MR HARRIS: No, I'm asking him whether he knew, he knew.
10:40:37 10 JUDGE SEBUTINDE: That is not what you said, Mr Harris. We are just
11 reminding you of the rules set forth this morning by the Honourable
12 Presiding Judge.
13 MR HARRIS: Thank you.
14 JUDGE SEBUTINDE: For all our sakes. Thank you.
10:40:49 15 MR HARRIS:
16 Q. Did you know ECONOG was coming?
17 A. I didn't know. The rebels knew they were coming; they told me.
18 Q. Did you a moment ago say in answer to a question so badly put that
19 ECONOG was by the cotton tree?
10:41:18 20 A. Yes.
21 Q. And the cotton tree is, what, 100 metres from the State House; would
22 you agree?
23 A. Yes.
24 Q. And from your position at the State House, you could see ECONOG or
10:41:51 25 persons wearing ECONOG uniforms coming in your direction; is that right?
26 JUDGE SEBUTINDE: Mr Harris, the word is ECOMOG - M - ECOMOG.
27 MR HARRIS: All right.
28 JUDGE SEBUTINDE: You're beginning to sound like egg nog.
29 MR HARRIS: Yes, well, perhaps. Perhaps because I missed breakfast

1 this morning in order to get here for 9 o'clock. ECOMOG, whatever.

2 Q. Did you see them, whatever they're called?

3 A. I didn't see ECOMOG. The rebels saw them and they told us they were
4 coming.

10:42:39 5 Q. I'm finished. The truth of the matter is this: you're not here to
6 tell the truth at all, are you?

7 A. Yeah.

8 Q. You're here to help the Court in the inquiry as to what happened; you
9 are? Or are you here just to get the money that you got from the

10:43:04 10 Prosecution?

11 PRESIDING JUDGE: That is an improper question. Also, Mr Harris,
12 Mr Metzger has indicated his knowledge of Krio, and I maybe would add mine.
13 There are difficulties in Krio when you use a negative in the way you've
14 done.

10:43:25 15 MR HARRIS: I see.

16 PRESIDING JUDGE: We must take care what type of answer we get.

17 MR HARRIS: Would you give me one moment, please?

18 PRESIDING JUDGE: Certainly.

19 MR HARRIS: There is just one question I forgot to ask.

10:43:51 20 PRESIDING JUDGE: Yes.

21 MR HARRIS:

22 Q. When you were leaving State House, and by that I mean the group,
23 including yourself, you were hurrying away from State House; is that right?

24 A. Yes, we were in a hurry to come out.

10:44:14 25 Q. Because bombs and bullets were coming in your direction?

26 A. Yes.

27 Q. From ECOMOG; is that right?

28 A. It was the rebels who were firing.

29 Q. Let me put it another way: it was coming from the cotton tree

1 direction towards State House?

2 A. It was the rebels who were afraid and they were firing towards
3 ECOMOG. At that time, they were trying to pull out.

4 MR HARRIS: Thank you.

10:45:17 5 [Trial Chamber confers]

6 PRESIDING JUDGE: [Microphone not activated]

7 MR SANTORA: Your Honours, the Prosecution has no re-examination for
8 this witness and we would kindly request that he be excused. Thank you.

9 PRESIDING JUDGE: [Microphone not activated]

10:45:48 10 MR METZGER: May I address Your Honours on the question of the
11 release of this witness?

12 PRESIDING JUDGE: I am just going to invite of my learned judicial
13 colleagues if they have any questions, Mr Metzger, before dealing with that
14 matter.

10:46:08 15 MR METZGER: I'm much obliged.

16 [Trial Chamber confers.]

17 QUESTIONED BY PRESIDING JUDGE:

18 PRESIDING JUDGE: I have one or two questions.

19 Q. Mr Witness, do you understand what a mile is?

10:46:39 20 A. Yes, I know what is a mile.

21 Q. How long does it take you to walk one mile?

22 A. I've never walked that mile, never. I don't know.

23 Q. If you walked out of the Special Court gate and walked towards the
24 cotton tree, how far would the mile be? Where would you reach after one
10:47:17 25 mile?

26 A. I don't know, really.

27 [Trial Chamber confers]

28 QUESTIONED BY JUDGE SEBUTINDE:

29 Q. Mr Witness, I want to ask a question which will help us understand

1 the size of the kitchen at State house where you were imprisoned, okay.

2 A. Yes.

3 Q. I appreciate that you cannot precisely say the size, but if you look
4 at the size of this courtroom, can you say that the kitchen was as big as
10:47:58 5 this courtroom?

6 A. No, it's long. It's not wide. It's longer than in here. It's
7 squared.

8 Q. You say that the kitchen was the same area, maybe half the size of
9 this courtroom?

10:48:21 10 A. This courtroom is bigger than the kitchen a little bit.

11 Q. How much smaller than this courtroom was the kitchen? Was it half as
12 big as this courtroom?

13 A. Half, just half.

14 Q. Was it a quarter of this courtroom?

10:48:50 15 A. About a quarter, yes.

16 Q. Was it smaller than a quarter of this courtroom?

17 A. This is round, and that one is long. This place is bigger than
18 there.

19 Q. I understand that. We are just trying to compare the size where 50
10:49:19 20 people can fit, and that is why I am asking was the kitchen smaller than
21 one quarter in area?

22 A. It is just like twice that waiting hole. The waiting hole outside,
23 twice that waiting hole, that's how big the kitchen was.

24 Q. From the kitchen window where you were standing up to the carpet
10:50:02 25 grass where the rebels you said were raping the women, can you estimate the
26 distance in terms of yards?

27 A. Mmm-hmm.

28 Q. Please do.

29 A. From where I am sitting here to the waiting hole outside, this

1 waiting hole.

2 PRESIDING JUDGE: Mr Metzger, you had a matter you wished to raise.

3 MR METZGER: Before any decision is taken as to the disposal of this
4 witness, there were two small points that arose, if you like, in his
10:51:05 5 evidence and I thought this might be a convenient moment to ask the Bench
6 to consider whether anything can be done about those.

7 First and foremost, the witness indicated that there were five
8 statements that he made to the Prosecution. As I understand it, Your
9 Honours would now have had the statements that are disclosed to us and
10:51:27 10 there aren't five. Secondly, the description he gives of the room in State
11 House and the vista, so to speak, perhaps might require the Court to
12 consider something of the view of the locus in quo. Those are the two
13 matters that I thought, perhaps, the Court could consider.

14 PRESIDING JUDGE: I will seek clarification of the point concerning
10:51:59 15 the statements. The other matter will be discussed by the Bench.

16 MR METZGER: I'm very much obliged, Your Honour.

17 PRESIDING JUDGE: Ms Taylor.

18 MS TAYLOR: Your Honour, there are only two statements relating to
19 this witness taken by the Prosecution, and they are the two that have been
10:52:12 20 disclosed and filed with the Court.

21 PRESIDING JUDGE: Thank you, Ms Taylor.

22 [Trial Chamber confers]

23 PRESIDING JUDGE: Mr Witness, that is all your evidence before this
24 Court today. We wish to thank you for coming to Court and telling your
10:53:06 25 story. There is a possibility you may be asked to come back.

26 THE WITNESS: Thanks to you, too.

27 PRESIDING JUDGE: Thank you very much. You are free to go now, but
28 you may possibly be asked to come back at some point. Do you understand?

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Please sit down and wait there until the Court
2 attendant tells you to leave. Just sit there. Counsel, we will adjourn
3 for 15 minutes and permit the next witness to be brought in. This witness
4 must remain sitting.

10:53:44 5 MS TAYLOR: Your Honour, there is just one brief matter I wish to
6 raise about the order of witnesses. I don't know whether you want to do
7 that before you rise or immediately when you return?

8 PRESIDING JUDGE: As my learned brother has indicated, there must be
9 some rapport between the two groups of counsel. If you haven't discussed
10:54:01 10 this with the Defence, please indicate to them and then we will deal with
11 it on our return.

12 MS TAYLOR: I had discussed with one of my learned friends this
13 morning. Even after I discussed it with them, there is something I need to
14 raise with the Bench about that issue, but I will discuss it with my
10:54:19 15 friends over the break and raise it with you after the break.

16 THE INTERPRETER: Your Honour, what language will be witness be
17 testifying in?

18 PRESIDING JUDGE: I don't know.

19 MS TAYLOR: The next witness is testifying in Krio.

10:54:30 20 THE INTERPRETER: Thank you.

21 [The witness withdrew]

22 [Break taken at 10.55 a.m.]

23 [On resuming at 11.11 a.m.]

24 PRESIDING JUDGE: Counsel, I notice there's a witness in the witness
11:11:40 25 box. I will have the witness sworn in.

26 Mr Court attendant, please swear in the witness. Mr Court attendant.

27 [Trial Chamber and Registrar confer]

28 PRESIDING JUDGE: Oh.

29 Proceed, Mr Court attendant.

1 WITNESS: TF1-277 [sworn]

2 PRESIDING JUDGE: Ms Taylor, would you indicate to us what language
3 this witness wishes to use.

4 MS. TAYLOR: Yes, this witness is Witness TF1-277, and the witness
11:12:59 5 will give evidence in Krio.

6 PRESIDING JUDGE: Thank you.

7 MS. TAYLOR: Your Honour, the witness will be led by my learned
8 friend, Ms Stevens. But I will just take this opportunity to indicate that
9 I have had discussion with my learned friends, and it concerns the time at
11:13:20 10 which Witness Number 4 and Witness Number 6 in current order will be
11 called. That is Witness TF1-081 and TF1-188. Both of those witnesses are
12 professional workers, and the Prosecution wishes to inconvenience those
13 witnesses as little as possible in terms of coming to the Court. And all
14 parties have agreed that if it's agreed to by Your Honours, that those
11:13:45 15 witnesses will both be called on Thursday of this week, the 10th. And if
16 necessary, will be interposed.

17 PRESIDING JUDGE: Yes. The Bench is amenable to that suggestion.

18 JUDGE LUSSICK: Ms Taylor, what were those witness numbers again?

19 MS. TAYLOR: TF1-081 and TF1-188.

11:14:28 20 PRESIDING JUDGE: Ms Stevens, please proceed.

21 MS STEVENS: Thank you. Good morning, Your Honours. Good morning,
22 members of the Defence team.

23 EXAMINED BY MS STEVENS:

24 Q. Mr Witness, good morning.

11:14:39 25 A. Good morning.

26 Q. Mr Witness, you were born on the xxxx xxxx 1961. Is that
27 correct?

28 A. Yes.

29 Q. You were born in Freetown?

1 A. Yes.

2 Q. You belong to the Susu ethnic group, don't you?

3 A. Yes.

4 Q. But you don't speak any Susu. Right?

11:14:57 5 A. Yes.

6 Q. You speak Krio very well.

7 A. Very well.

8 Q. Do you speak any other indigenous language?

9 A. No.

11:15:06 10 THE INTERPRETER: Your Honours, would the witness please listen to
11 the interpretation.

12 MR METZGER: [Previous interpretation continues] -- if my learned
13 friend is reading from a proof other than that which has been disclosed to
14 the Defence, I don't see any of this information in the document that we
11:15:24 15 have.

16 PRESIDING JUDGE: Is there some objection to the evidence that's
17 adduced? It appears to me to be an introduction to the witness and his
18 background only.

19 MR METZGER: I do understand that. But normally, if one is going to
11:15:45 20 rely on anything by way of introduction, that is reduced into the form of
21 disclosure to the Defence. In case anything turns on it. I certainly
22 would not have had the opportunity, in case anything turns on this
23 material, to have instructed our investigator or taken instructions on any
24 of the matters. I don't know how much further it goes. But I do note that
11:16:06 25 point is not just direct questions, as it were, but led evidence in a
26 matter that has not been disclosed.

27 PRESIDING JUDGE: Indeed, Ms Stevens, you are leading.

28 JUDGE SEBUTINDE: Ms Stevens, is this witness going speak English or
29 in another language?

1 MS STEVENS: He is going to testify in Krio.

2 JUDGE SEBUTINDE: Then let's keep it that way. Because I heard you
3 directly speaking to him in English and he responding with -- I didn't hear
4 any interpreters in between.

11:16:41 5 THE INTERPRETER: Your Honours, that is what we were going to say.
6 We were going to ask that the interpreter listen to the --

7 JUDGE SEBUTINDE: We are hearing his voice directly, not the
8 interpreters. That's what I'm saying. So that there's no confusion, let
9 him stick to the language he says he's going to use. And Mr Interpreter,
11:17:03 10 please do interject with your interpretation.

11 MS STEVENS: Your Honours, if I may respond to the objection
12 regarding the introductory matters, I don't think that I have an obligation
13 to disclose to the Defence the questions that I'm going to put to the
14 witness. The disclosure obligation to the Defence is to disclose the
11:17:26 15 statements which purport to represent what the witness will testify to in
16 relation to the case which the accused has to answer. Now, these were
17 preliminary questions that I was putting to the witness merely to put the
18 witness at ease. They're not issues of contention as far as I'm concerned.

19 JUDGE LUSSICK: Yes, I don't really see any objection to that,
11:17:55 20 Ms Stevens, so long as the questions are asked on that basis. But if they
21 are questions from which an issue might arise, then I don't agree with you
22 that you're not obliged to disclose to the Defence what questions you're
23 going to ask. Because your questions that you are going to ask must be
24 such as to elicit the information in the statement that the witness will
11:18:22 25 give. If, in fact, you ask a different set of questions, then there has
26 been no full disclosure, has there?

27 MS STEVENS: Your Honour, actually, on the witness statement, it
28 should indicate general background information as to -- about the witness.
29 And as I stated earlier, these were merely preliminary questions just to

1 put the witness at ease.

2 JUDGE LUSSICK: All right. Well, get on with it. If something that
3 is in real issue arises, no doubt we'll be hearing from the Defence
4 counsel.

11:18:59 5 MS STEVENS: And as to the second matter regarding leading the
6 witness, it is my understanding that the jurisprudence that has come from
7 this Tribunal that with such preliminary matters which are not in
8 contention that counsel can lead the witness. It's a matter of cutting to
9 the chase and getting these questions out of the way.

11:19:18 10 JUDGE LUSSICK: Yes, go ahead, Ms Stevens.

11 MS STEVENS:

12 Q. Mr Witness, you understand a fair amount of English, don't you?

13 A. Of course.

14 Q. You attended school?

11:19:36 15 A. Yes.

16 JUDGE SEBUTINDE: Could we have the interpretation, please?

17 Ms Stevens, at the risk of repeating myself, let us observe the language
18 that this witness will use.

19 MS STEVENS: I apologise.

11:19:56 20 PRESIDING JUDGE: Yes, Ms Stevens, please proceed.

21 MS STEVENS:

22 Q. And Mr Witness, you attained up to secondary school education, did
23 you not?

24 A. Yes.

11:20:10 25 MS STEVENS: Your Honours, I'm informed that we're not getting the
26 interpretation, but perhaps because the Krio interpretation for yes is
27 still the same yes. I don't know if that's why we're not getting any
28 interpretation.

29 JUDGE LUSSICK: We're not getting any sound from the interpreters.

1 THE INTERPRETER: Your Honours, the witness does not wait for the
2 interpreter.
3 JUDGE SEBUTINDE: I apologise.
4 THE INTERPRETER: Your Honours, can you hear me now?
11:21:14 5 JUDGE SEBUTINDE: Yes, I can.
6 MS STEVENS:
7 Q. Mr Witness, you are not currently employed. Correct?
8 THE INTERPRETER: Your Honours, the witness is still not waiting for
9 the interpretation.
11:21:32 10 MS STEVENS:
11 Q. Mr Witness, can you hear me?
12 A. Yes.
13 Q. Mr Witness, you had indicated that you will be speaking in Krio.
14 A. In Krio, yes.
11:21:44 15 Q. Are you still going to speak in Krio?
16 A. Yes.
17 Q. Then I advise you to give your responses in Krio.
18 A. Yeah.
19 Q. Okay. And before you respond to the next question, you wait until
11:21:56 20 the interpreters have interpreted your response. Do you understand me?
21 A. Yes.
22 THE INTERPRETER: Your Honours, would you please be permitted to test
23 his mic. It seems as if he does not get what is coming from the booth from
24 Krio.
11:22:18 25 PRESIDING JUDGE: Mr Attendant, could you please check. And maybe
26 the witness needs to sit a little closer.
27 THE INTERPRETER: Your Honours, the channel needs to be changed. He
28 does not get the Krio interpretation.
29 PRESIDING JUDGE: The interpreters say the channel should be changed

1 to the Krio channel.

2 THE REGISTRAR: That should be okay now.

3 PRESIDING JUDGE: Okay.

4 THE INTERPRETER: He's still not responding. He's still not

11:23:09 5 responding from the booth. Your Honours, the channel has to be changed.

6 He has still not got us.

7 JUDGE LUSSICK: He hasn't said anything yet, but ask him a question

8 and see if the interpreter can hear it. Ask him a question, Ms Stevens,

9 and then we'll see if it gets through to the interpreting booth.

11:23:44 10 MS STEVENS:

11 Q. Mr Witness, are you currently employed?

12 THE INTERPRETER: He doesn't get interpretation, Your Honours.

13 THE WITNESS: I don't hear from the interpreters.

14 MS STEVENS: The witness is saying he can't hear from the

11:24:02 15 interpreters.

16 PRESIDING JUDGE: Well, now, Mr Court attendant, could you see if you

17 can resolve this.

18 [Trial Chamber and Registrar confer]

19 MS STEVENS:

11:25:27 20 Q. Mr Witness, are you currently employed?

21 A. I am not employed right now.

22 Q. But you've worked before as a xxxx xxxx?

23 A. Yes.

24 Q. You worked before at the xxxx company as well?

11:25:47 25 A. Yes.

26 Q. Are you married?

27 A. Yes.

28 Q. You have only one wife?

29 A. Yes.

1 Q. You have five children?
2 A. Yes.
3 Q. Mr Witness, I'd like to shift your focus now to events which happened
4 around December 1998 and 1999. Could you tell this Court where you were on
11:26:32 5 22nd December 1998.
6 A. Yes.
7 Q. Please tell the Court.
8 A. December 22, 1998, Monday, I was in Lumpa.
9 Q. And where is Lumpa?
11:26:59 10 A. Lumpa is just after Waterloo.
11 Q. Is that in Sierra Leone?
12 A. Yes.
13 Q. And did you remain in Lumpa until the end of the day?
14 A. No, I was not there throughout the day. I came to town.
11:27:21 15 Q. What do you mean by town? Where did you go?
16 A. It was at Waterloo. There, I went.
17 Q. Could you tell this Court why you left Lumpa to go to Waterloo?
18 A. Yes.
19 Q. Please tell the Court why you left Lumpa and went to Waterloo.
11:27:54 20 A. Well, that particular day, we heard rumours that rebels were coming.
21 That was what forced me to leave and went to Waterloo.
22 Q. And please describe for the Court what the atmosphere was like in
23 Lumpa on that day.
24 A. The atmosphere was very tense. People had been moving. They were on
11:28:26 25 the run.
26 Q. And did you leave Lumpa alone?
27 A. No. Nearly everybody in Lumpa left that particular day.
28 Q. At about what time of day did you leave Lumpa for Waterloo?
29 A. Around 6.30 in the evening.

1 Q. About roughly how far is Lumpa from Waterloo, to the best of your
2 knowledge?
3 A. Where I was, it was just about one-fourth of a mile.
4 Q. Mr Witness, you heard rumours that rebels were going to invade Lumpa.
11:29:23 5 Do you -- do you know if rebels invaded Lumpa?
6 A. Yes.
7 Q. Yes, you know, or yes, they did?
8 A. Yes, they did. They invaded Lumpa.
9 Q. Now, how did you become aware that rebels invaded Lumpa?
11:30:01 10 A. Well, on the 23rd, Tuesday, when we returned to see our houses, we
11 found out that all the houses on the main highway had been burnt. They
12 took all our things outside and scattered them.
13 Q. Was there anything else that you saw or heard that gave you an
14 indication that rebels had invaded Lumpa?
11:30:33 15 A. Yes. The gunshots. The gunshots. There was heavy firing.
16 Q. When did you hear this heavy firing?
17 A. Around 2.30. Midnight. In the morning hours.
18 Q. Around 2.30 in the morning hours of which day?
19 A. Tuesday, the 23rd. Because I left Lumpa December 22, on Monday. So
11:31:14 20 after 12, the calendar changed. That was the 23rd, the Tuesday.
21 Q. And where were you when you heard these gunshots?
22 A. I was in Waterloo. Close to Benguema Junction.
23 Q. Which direction were the gunshots coming from?
24 A. They were coming from Lumpa, coming down to Waterloo.
11:31:45 25 Q. And what about Waterloo, Mr Witness? Did the rebels invade Waterloo
26 at all?
27 A. They invaded -- they invaded -- they invaded booths that were along
28 Benguema Road. They did not go into Waterloo.
29 Q. And did you see any of these rebels who invaded Waterloo?

1 A. Yes, I saw them. But it was during the night, so it was difficult
2 for me to specify --
3 PRESIDING JUDGE: Just a minute, Ms Stevens. Sorry, Mr Witness.
4 Ms Stevens, I understood the witness to say they did not go into Waterloo.
11:32:54 5 MR METZGER: Very much obliged.
6 MS STEVENS: I stand corrected.
7 Q. Mr Witness, did you see any of the rebels whom you said were along
8 the Benguema Road?
9 A. Yes.
11:33:06 10 Q. When did you see them?
11 A. It was during the night.
12 Q. Where were you when you saw them?
13 A. I was in the house, but I was looking through the window.
14 Q. Were you able to take a good look at them?
11:33:34 15 A. Yes, I was able to look.
16 Q. Are you able to tell the Court about how many of them you saw that
17 night?
18 A. There were many. I wouldn't be able to tell how many. There were
19 many.
11:33:59 20 Q. And did you hear them say anything at all?
21 A. Yes.
22 Q. What did you hear them say?
23 A. As I heard some say, 500 men to Benguema barracks advance. Go to
24 Benguema barracks.
11:34:23 25 Q. And about roughly how far is Benguema barracks from Waterloo?
26 A. It's almost about a mile and a half. Maybe.
27 Q. Mr Witness.
28 A. Yes.
29 Q. Did you get to know if these rebels belonged to any particular group?

1 A. Yes, that's on the 23rd, Tuesday, in the morning. That is the time I
2 came to know who they belonged to.

3 Q. And what group did they belong to?

4 A. SLA, Sierra Leone Army.

11:35:29 5 Q. How did you get to know that they belonged to the SLA?

6 A. Well, in the morning, the 23rd, when we were going to our houses, we
7 used to meet them. They were coming, trying to search where their
8 companies were. They were in full combat fatigue, and they had their
9 weapons. And people had been saying that these were the SLA that were
11:35:58 10 passing that night.

11 Q. And did the rebels remain in Lumpa, or did they move on?

12 A. They did not stay in Lumpa. They moved.

13 Q. Do you know where to?

14 A. No, I do not know.

11:36:21 15 Q. What about the rebels that you saw along Benguema Road? Do you know
16 if they remained there or if they moved on?

17 A. They themselves did not stay. They went ahead.

18 Q. Do you know where they went to?

19 A. No. I do not know.

11:36:47 20 Q. Mr Witness, about how far, to the best of your knowledge,
21 is -- strike that.

22 Mr Witness, can you tell this Court the relation -- where Lumpa is
23 located in relation to Freetown.

24 A. Well, Lumpa is on the western part of the Republic of Sierra Leone
11:37:27 25 and to the north of Freetown.

26 Q. Mr Witness, during the period of December 1998, January 1999, did you
27 continue to remain in Waterloo?

28 A. Not on the 23rd December 1998, when I left Waterloo, I went to
29 Mama Town. There I went and hid.

1 Q. Did you ever return back to Waterloo?
2 A. No. No.
3 Q. When did you leave your hiding area?
4 A. On the 6th of January 1999.
11:38:45 5 Q. And where did you go to when you left your hiding area?
6 A. I went to Lumpa.
7 Q. And did you remain in Lumpa throughout the month of January?
8 A. No.
9 Q. Where did you go after you left Lumpa?
11:39:09 10 A. I went to Waterloo.
11 Q. Mr Witness, do you know the accused Santigie Kanu?
12 A. Yes, I used to see him in the Benguema barracks during the AFRC
13 government.
14 MR KNOOPS: Objection, Your Honour.
11:39:56 15 PRESIDING JUDGE: There is an objection? Please stand up.
16 MR KNOOPS: Your Honour, we object to the questions which are
17 apparently to arise with the introduction of the question whether the
18 witness knows Santigie Kanu as being the accused. And in anticipation of
19 further questions, I object against any form of questioning which could
11:40:26 20 lead to asking the witness to make any identification within this courtroom
21 and making any qualification of the person mentioned in the statement as
22 one of the accused persons.
23 As Your Honours may have observed, the witness in question is asked
24 to give a description of a person --
11:41:00 25 JUDGE LUSSICK: Mr Knoops, I'm sorry to interrupt you. But the
26 question at the moment was do you know the accused Santigie Kanu? First,
27 we cannot take your objections as to potential evidence that may be given
28 later on. And secondly, what is there about that question that precludes
29 this witness from answering it?

1 MR KNOOPS: Because it would already indicate that Mr Santigie Kanu
2 is an accused person and available, potentially available in this
3 courtroom.

4 JUDGE LUSSICK: That's a matter of public record.

11:41:50 5 MR KNOOPS: But Your Honours must agree with the Defence that in the
6 absence of any proper identification --

7 JUDGE LUSSICK: Give the Prosecution a chance. The witness has only
8 been asked "do you know the accused Santigie Kanu." Isn't it a little
9 premature to say there's been no identification?

11:42:12 10 MR KNOOPS: Well, I think -- perhaps I'm a little bit in anticipation
11 of any questions. But I asked the Court to be aware that the Defence will
12 object to any questions which go to any identification.

13 JUDGE LUSSICK: We'll deal with those objections when they come.

14 MR KNOOPS: Thank you.

11:42:28 15 JUDGE LUSSICK: Your current objection is overruled. You go ahead,
16 Ms Stevens.

17 [Trial Chamber confers]

18 PRESIDING JUDGE: Proceed, Ms Stevens.

19 MS STEVENS:

11:42:49 20 Q. Mr Witness, you have indicated that you know Santigie Kanu. Did you
21 know or do you know him by any other names?

22 A. Well, the other name that I know, I know is Brigadier 55, during the
23 AFRC time.

24 Q. You also indicated that you knew him during the AFRC or junta period.

11:43:24 25 PRESIDING JUDGE: Ms Stevens, do take care, please. He didn't use
26 that word. He used the word "during AFRC times."

27 MS STEVENS: Yes, Your Honour. I stand corrected.

28 Q. You indicated that you knew him during the AFRC period. Could you
29 tell us how you got to know him.

1 A. Well, he used to go to Benguema barracks, and the people started
2 saying that this is Brigadier 55. That is how I came to know him.
3 Q. Now, Mr Witness, do you know a certain SAJ Alieu?
4 A. Yes.
11:44:16 5 Q. Please tell us who he was.
6 A. SAJ Alieu was a rebel soldier.
7 JUDGE LUSSICK: What's the spelling of that, Ms Stevens? S-A-J. And
8 what comes after that?
9 MR METZGER: Objection, Your Honour. This is not a document that we
11:44:46 10 have --
11 JUDGE LUSSICK: Just a minute. I'll get the spelling, and then I'll
12 deal with your objection.
13 I asked you a question, Ms Stevens.
14 MS STEVENS: I'm sorry, Your Honour. According to the witness, Your
11:44:57 15 Honour, he had indicated this would be spelled S-A-J A-L-I-E-U.
16 JUDGE LUSSICK: Yes, thank you.
17 MR METZGER: Objection, Your Honour. My objection is based on the
18 fact that I do not have disclosed to me - and I don't think any of my
19 learned friends do - any document in our possession which tends to suggest
11:45:23 20 that that information has been given. This is new material.
21 JUDGE LUSSICK: What do you say, Ms Stevens?
22 MS STEVENS: Your Honour, according to our records, we are showing
23 that this statement was disclosed to all three Defence teams on the 23rd of
24 February 2005.
11:45:57 25 MR HARRIS: Your Honour, I wonder if you can help me. Do you have
26 this statement in Your Honours' bundle? And if so, could you help me with
27 the page? Because the evidence given by this witness so far is not
28 consistent with my pages starting at page 6298 and onwards. I'm just
29 wondering whether you have --

1 JUDGE SEBUTINDE: If you look at page 6816, 6816, there's -- I think
2 in the second paragraph --

3 MR HARRIS: Give me a moment, please.

4 JUDGE SEBUTINDE: 6816.

11:46:46 5 MR METZGER: I'm afraid, Your Honour, we do not have that.

6 MR HARRIS: I'm afraid my bundle --

7 JUDGE SEBUTINDE: It is entitled -- you don't have a page 6816?

8 MR HARRIS: Your Honour, my bundle finishes at 6698.

9 JUDGE SEBUTINDE: Has anyone else seen that page? 6816, the title is
11:47:24 10 "Interview Notes."

11 MR HARRIS: Your Honour, we could overcome that if the Prosecution
12 have a spare copy. I'm quite content to share with my learned friends so
13 we don't spend a great deal of time worrying about it. If they do, we can
14 share.

11:47:57 15 JUDGE LUSSICK: Well, thank you, Mr Harris. Two of the Judges don't
16 have a copy as well. And Mr Metzger, if you're caught by surprise in any
17 way, you'll let us know.

18 MR METZGER: Not only, Your Honour, am I caught by surprise, but also
19 I rely on the document filed, it would seem, by the Prosecution, on the
11:48:22 20 21st of February this year in which the statement appears to be omitted.
21 It may be a mistake on the part of the Prosecution. But certainly in terms
22 of responding to this Chamber's order, they have filed a list of witnesses
23 together with the witnesses they propose to rely on, and the
24 witnesses -- sorry, the statements of those witnesses of which this doesn't
11:48:49 25 appear.

26 Now, respectfully, if the Prosecution do wish to continue with this
27 witness, it would be my respectful submission that the statement should now
28 be served on us and that we have a recess to read that material.

29 MS TAYLOR: If I can just clarify that matter, the Prosecution, of

1 course, has an obligation of ongoing disclosure pursuant to Rule 66(2).
2 Following the filing of those statements on the 21st of February with
3 Court, the Prosecution disclosed the statement on the 23rd of February
4 2005, and I have in my hand the signed receipt from all of the accused.
11:49:29 5 This statement has been disclosed to the Defence, in other words.
6 PRESIDING JUDGE: Am I to be clear, Ms Stevens -- sorry, Ms Taylor,
7 you said it was served on the accused. Do you mean on each accused
8 personally rather than on their counsel?
9 MS TAYLOR: On the counsel.
11:49:48 10 PRESIDING JUDGE: On the counsel.
11 MS TAYLOR: Yes, or whoever was signing on behalf of the counsel at
12 the time.
13 PRESIDING JUDGE: I think in the circumstances, since there's issues
14 concerning counsel, we will adjourn very briefly to allow counsel to
11:50:03 15 ascertain who exactly received these documents, and we'll return in a few
16 moments.
17 Mr Court Attendant, please adjourn and please advise us when they
18 have clarified. Please adjourn court.
19 [Break taken at 11.50 a.m.]
12:01:55 20 [On resuming at 12.02 p.m.]
21 PRESIDING JUDGE: Counsel, are we ready to proceed?
22 MS STEVENS: Your Honour, we certainly are.
23 MR METZGER: We're now in possession of a note. I'm very much
24 obliged. We can proceed.
12:02:07 25 PRESIDING JUDGE: Please proceed, Ms Stevens.
26 MS STEVENS:
27 Q. Mr Witness, before we went on break, you had indicated that you knew
28 a certain SAJ Alieu. From where did you know him?
29 A. At Waterloo. There I knew him.

1 Q. And during which period of time did you get to know him?
2 A. During January 1999.
3 Q. Do you know a certain Zainaib Kamara?
4 A. Yes.
12:02:55 5 Q. Tell this Court who Zainaib Kamara was.
6 A. Zainaib Kamara was SAJ Alieu's girlfriend.
7 Q. Was she a civilian or a soldier?
8 A. She is a civilian.
9 Q. To the best of your knowledge, Mr Witness, is SAJ Alieu alive today?
12:03:36 10 A. No, I wouldn't know.
11 Q. What about Zainaib Kamara? Is she still alive, to the best of your
12 knowledge?
13 A. No, Zainaib has died.
14 Q. Do you know when she died?
12:03:57 15 A. It was -- it was in January. Towards the end of January.
16 Q. Of what year?
17 A. 1999. During the invasion.
18 Q. And where did she die?
19 A. In Waterloo.
12:04:15 20 Q. Do you know how she died?
21 A. Well, she died by gunshot.
22 Q. And who shot her?
23 A. It was one Brigadier Five-five.
24 Q. How do you know Brigadier Five-five shot her?
12:04:51 25 A. Well, SAJ Alieu came, and he came and told us that -- he told our
26 father that there he fired at a woman and my father came and collected the
27 lady and brought her to our house and said, "who shot this lady?" And he
28 said it was our boss. And he said it was because of this woman that we did
29 not go to fight.

1 Q. Mr Witness, just a moment. Slow down a minute. Slow down.
2 A. Yes.
3 Q. Now, you indicated that SAJ Alieu came to the house and said Zainaib
4 had been shot. What did SAJ Alieu say? What did you hear SAJ Alieu say?
12:05:40 5 A. He said, "our boss has killed my wife. He fired her."
6 Q. Did he say who he was referring to when he said "the boss" or "our
7 boss"?
8 A. Yes. The Pa asked him. And he said, "who is this boss?" And he
9 said, Brigadier Five-five. He said, "look at him going."
12:06:08 10 Q. Did SAJ Alieu give any indication as to why Brigadier Five-five shot
11 Zainaib?
12 A. Yes.
13 Q. What did he say?
14 A. He said it was because of this woman they would not go and fight.
12:06:39 15 That is why he fired the lady.
16 JUDGE LUSSICK: Ms Stevens, I'm not all that happy with that
17 translation. What did the witness mean by "that is why he fired the lady"?
18 MS STEVENS:
19 Q. Mr Witness, could you clarify for this Court what you meant when you
12:06:56 20 say "that was why he fired the lady"?
21 A. He said it is because -- he said it is because of this woman that you
22 people don't go to the war front to fight. You are always here, you know,
23 for this woman. That is why he fired the lady, Zainaib. According to SAJ
24 Alieu's statement, when he came and reported to us.
12:07:23 25 Q. Mr Witness, when you say "fire," what do you mean?
26 A. Shot at her.
27 MS STEVENS: Do Your Honours seek any further clarification?
28 JUDGE LUSSICK: I thought that was the meaning from the very
29 beginning, but I don't want to be reading the record in a couple of weeks'

1 time and wondering whether this person was her employer and fired her or
2 whether she had been shot. That's why I thought the record should be
3 cleared up.

4 JUDGE SEBUTINDE: Sorry, Ms Stevens, could I also get this correct.

12:08:11 5 Is the witness quoting what SAJ Alieu said Five-five said?

6 MS STEVENS: Yes, Your Honour.

7 Q. Mr Witness, were you present when SAJ Alieu was explaining to your
8 father what happened?

9 A. Yes, I was there, present.

12:08:43 10 Q. So you heard him directly explaining to your father what had
11 happened?

12 A. Yes, sir.

13 Q. And how soon after the shooting incident did SAJ Alieu come to your
14 house?

12:09:11 15 A. In less than 10 minutes' time.

16 MR KNOOPS: Your Honour.

17 PRESIDING JUDGE: Yes, Mr Knoops.

18 MR KNOOPS: I would like to raise a point of objection, also perhaps
19 for the future statements before this Court. I would like to raise the
12:09:47 20 objection in connection to this particular witness that as far as the
21 Defence understands, the witness is asserting that he heard Mr SAJ Alieu
22 explaining to her father what has happened. Well, this is actually a
23 double form of hearsay evidence. And it's really a question if your Court
24 should allow the witness to continue with his statement on this point. And
12:10:23 25 I will invoke Rule 95 of the Rules of Procedure and Evidence that no
26 evidence shall be admitted if it would bring the administration of justice
27 into serious disrepute.

28 I know, Your Honours, that according to the case law of both the ICTY
29 and the ICTR, hearsay evidence is, in principle, admissible before these

1 courts and therefore in principle admissible before your Court, but we are
2 actually dealing here with a special form of hearsay evidence. If we bear
3 in mind the note of the Prosecution of the 17 February 2005 in which the
4 witness is now changing his statement compared to the previous disclosed
12:11:25 5 statement of 4 September 2003, apparently he is confirming that second
6 statement today. But he is making an addition to that in that the
7 statement of Mr SAJ Alieu is apparently given to the third person.

8 PRESIDING JUDGE: Could I just clarify before we rule. You're
9 objecting first of all because it's hearsay; second, you're saying that it
12:12:03 10 was made to someone else; and thirdly, it's inconsistent with a statement.
11 Is that what you're saying, Mr Knoops?

12 MR KNOOPS: That's correct, Your Honour. And I think that based on
13 the criteria as set forth before the ICTY, which could be of assistance to
14 admit hearsay evidence, I don't think that the criteria are met in this
12:12:31 15 instant situation. So I humbly request the Honourable Trial Chamber to
16 consider not to admit this statement today into evidence.

17 PRESIDING JUDGE: I will invite Ms Stevens to reply before...

18 [Trial Chamber confers]

19 MS STEVENS: In relation to the first part of the objection, that it
12:13:09 20 is hearsay evidence, as counsel rightfully indicated, in international
21 criminal law, hearsay evidence is not, per se, inadmissible. The ICTY and
22 ICTR have jurisprudence that's replete on this matter in supporting our
23 proposition that hearsay evidence is not, per se, inadmissible. The
24 Special Court has also ruled on this matter in the RUF case. We could
12:13:42 25 provide the Chamber with the transcripts of the date of the hearing where
26 Trial Chamber I did pronounce on this matter, specifically stating the same
27 law as obtains in the other Tribunals that hearsay is not, per se,
28 inadmissible.

29 Now, the fact that this information was given to someone else, we

1 submit, does not prevent this witness from testifying on the matter. He
2 did indicate that he was present in the room when SAJ Alieu was explaining
3 what happened. And not only was he present, but he also heard directly
4 what SAJ Alieu was saying. So he does have direct knowledge as to what SAJ
12:14:35 5 Alieu was explaining.

6 The third point, that the witness has changed his story, that, again,
7 we submit should not prevent this witness from testifying about this matter
8 in Court. It's certainly up to the Defence to cross-examine the witness if
9 they feel that the witness has changed his story.

12:15:17 10 [Trial Chamber deliberates]

11 JUDGE LUSSICK: You want another bite of the cherry, Mr Knoops?

12 MR KNOOPS: Sorry, Your Honour.

13 JUDGE LUSSICK: You want another bite of the cherry? We've heard
14 your submissions. We've heard the reply. What more?

12:15:39 15 MR KNOOPS: Your Honours, I would respectfully draw the attention of
16 the Honourable Trial Chamber to the decision of the Appeals Chamber of the
17 ICTY in the Aleksovski case, decision on the admissibility of evidence,
18 16 February, 1999, where the Chamber indeed said "It is well settled in the
19 practice of the Tribunal that hearsay evidence is admissible." But that
12:16:01 20 the Court has discretionary power to indeed exclude it also during the
21 examination in the situations when the Court is convinced that the
22 statement may not be truthful or trustworthy.

23 Now, I object against the interpretation given by my learned
24 colleague that the accused person was in the same room and, therefore,
12:16:33 25 heard it from Mr Alieu. We just learned from this witness that the
26 information which was given to him on this particular point actually was
27 given by an intermediary, namely, as far as I understand, not by Mr Alieu
28 himself, but the particular father. And that makes it an even more
29 dangerous operation to admit this statement into evidence. And of course,

1 we can say that the Defence is able to cross-examine, but it's really a
2 question if this -- the trustworthiness of this statement can be verified.

3 PRESIDING JUDGE: Before we rule on that matter, Mr Knoop, my record
4 shows the following: I heard SAJ Alieu. He said my boss has killed my
12:17:23 5 wife.

6 [Trial Chamber deliberates]

7 JUDGE LUSSICK: Mr Knoop -- I'm talking to you, if you can stand up.

8 MR KNOOP: Sorry.

9 JUDGE LUSSICK: There's no question whatsoever that in this Tribunal,
12:19:31 10 hearsay evidence is admissible. Now, as with any other form of evidence,
11 it's a matter of the weight that this Tribunal will place on that evidence.
12 And of course, we don't overlook the fact that when assessing evidence, it
13 is hearsay rather than direct evidence.

14 Secondly, you've quoted a decision from the Appeals Tribunal at
12:20:03 15 Yugoslavia. But I think -- I don't think at this stage in your case you
16 can rely on that decision. We have at this point in the evidence-in-chief
17 no reason whatsoever to find that this witness has been untruthful. His
18 evidence has not been tested in any way. That's to come, of course. But
19 at this point, we don't have any reason to say that he's giving untruthful
12:20:33 20 evidence.

21 And thirdly, your third point was that he has contradicted himself on
22 his statements. Well, as far as we're concerned, you do not have a
23 foundation at this stage to say that. No doubt, you will get the
24 opportunity to lay a basis for that allegation, but at this stage it's
12:20:55 25 totally unsupported on the evidence. In other words, Mr Knoop, I'm
26 overruling your objection and allowing that question.

27 MR KNOOP: Thank you, Your Honour.

28 JUDGE LUSSICK: Yes, Ms Stevens, put the question again, please.

29 MS STEVENS:

1 Q. Mr Witness, where did this shooting take place?

2 A. At SAJ Alieu's house. xxxxxxxxxxxxxxxxxxxxxxxxx

3 Q. You said he was a close-door neighbour xxxxxxxx. Could you explain to
4 us where SAJ Alieu's house was -- where his house was situated
xxxxxxxxxxxxxxxxxxxxxx

12:21:43 5 xxxxxxxxxxxxxxxxxxxxx

6 A. Yes.

7 Q. Please explain.

8 A. My house, and SAJ Alieu's xxxxxxxxx. We're very close.

9 PRESIDING JUDGE: Before you proceed, my learned brother invited you
12:22:13 10 to put the question that was objected to. That has not been put.

11 JUDGE LUSSICK: You don't have to put it if you don't want,
12 Ms Stevens. You can move on.

13 MS STEVENS: Actually, before the objection, I was proceeding to this
14 next question, and then the objection came.

12:22:31 15 PRESIDING JUDGE: Thank you for that.

16 JUDGE LUSSICK: You're in conduct of the Prosecution case, so you
17 just keep going.

18 MS STEVENS: Thank you, Your Honour.

19 Q. And did you yourself hear any gunshots that day?

12:22:48 20 A. Yes.

21 Q. Now, how soon after you heard the gunshot did SAJ Alieu come to your
22 house to explain that Zainaib had been shot?

23 A. In less than 10 minutes.

24 Q. Was that the only gunshot you heard that day?

12:23:30 25 A. Yes. Within my own area.

26 Q. And did you yourself see Brigadier 55 that day?

27 A. Yes.

28 Q. When did you see him?

29 A. The very day he shot Zainaib, when SAJ Alieu came and made the report

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1 to us.

2 Q. Did you see him before SAJ Alieu made the report or after SAJ Alieu
3 made the report?

4 A. After SAJ Alieu has made the report, that's when I saw him going.

12:24:30 5 Q. How soon after SAJ Alieu made the report did you see Brigadier 55?

6 A. It took some time really. It took some time.

7 Q. When you say "took some time," could you assist us? It took 5
8 minutes? 10? 15? Could you assist us.

9 A. About 5 minutes.

12:25:05 10 Q. And where did you see him? Where specifically did you see him?

11 A. At Waterloo, he was going towards Lumpa.

12 Q. In relation to the house where the shooting took place, can you tell
13 us where you saw 55?

14 A. He was going upwards on the streets. At that time, he has left the
12:25:51 15 house, and he was going towards Lumpa.

16 Q. Do you recall how he was dressed that day?

17 A. Yes. I could remember.

18 Q. How was he dressed?

19 A. He was dressed in combat, military uniform, green combat.

12:26:20 20 Q. Was he carrying anything on his person?

21 A. Yes. He had something like a pistol, but I couldn't make sure what
22 it was. But he was turning it round his fingers like this. It was
23 silver-like.

24 Q. So you weren't able to observe whether or not he was carrying a
12:26:55 25 pistol?

26 A. Yes, I was not -- I was not able to observe, but he was turning
27 something around his finger which had the colour of silver.

28 Q. Now, did you at all see Zainaib after she was shot?

29 A. Yes.

1 Q. Where did you see her?

2 A. At her house. After our father had brought her.

3 Q. Was she dead or alive at that time?

4 A. When she was brought, she had not died.

12:27:47 5 Q. How soon after SAJ Alieu had made the report was Zainaib brought xxxx

6 xxxxxxxxx?

7 A. After 55 had gone, that's when they went and brought the lady to the

8 house. I can't specify the time.

9 Q. Did it happen after a long time? Short time? Could you just give us

12:28:34 10 an indication?

11 A. Not too long. Not too long.

12 JUDGE LUSSICK: I'm having trouble understanding that answer. "Not

13 too long" from what point of time? Bearing in mind that he wasn't present

14 at the shooting.

12:28:50 15 THE WITNESS: When they brought her.

16 MS STEVENS:

17 Q. Mr Witness, let's take it over again. Zainaib was brought to the

18 house after SAJ Alieu made his report.

19 A. Yes.

12:29:13 20 Q. How soon after --

21 A. Yes.

22 Q. How soon after SAJ Alieu had come to the house to announce that

23 Zainaib had died -- I mean, had been shot - excuse me - was Zainaib brought

24 xxxxxxxxx?

12:29:42 25 A. As soon as he made the report, that's when xxxxxxxx went and brought

26 Zainaib.

27 Q. And at that point in time, you stated that Zainaib was still alive.

28 A. Yes. She had not died instantly.

29 Q. How soon after she had been brought to the house did she die?

1 A. It took some time because they were interviewing her, where she had
2 come from, where she was born.

3 Q. What was Zainaib's condition when she was brought to the house? In
4 what condition was she in?

12:30:48 5 A. Her condition was bad.

6 Q. But your father was able to talk to her?

7 A. Yes.

8 Q. Did he talk to her for a long time?

9 A. No. He didn't talk to her for long. She just showed him his name,
12:31:18 10 where he was born, the class she was in. She said she was a Form 3 pupil,
11 Form 3 student.

12 Q. And then what happened to Zainaib?

13 A. She died later.

14 Q. Now, Mr Witness, at the time that Zainaib was shot, were there rebels
12:32:13 15 in Waterloo?

16 A. Yes, they were there.

17 Q. About how many rebels were in Waterloo at this time?

18 A. I didn't count them. There were many. I didn't count them.

19 Q. Could you just give us a rough estimate? I know you didn't count
12:32:39 20 them, but could you give us a rough estimate.

21 A. I can't give a rough estimate.

22 Q. Did these rebels belong to any particular group?

23 A. Yes.

24 Q. Please identify any such group.

12:33:05 25 A. Well, there were three rebel groups operating there. We had the SLA
26 rebels. We had the NPFL. Then we had the RUF.

27 Q. Mr Witness, do you know what NPFL stands for?

28 A. I've just forgotten the word really. But they're people from
29 Liberia.

1 Q. And how do you know that these three groups of rebels were operating
2 in Waterloo?

3 A. Well, the first group which was SLA, they were dressed in full
4 uniform. They had their headgear with the crown, and they themselves were
12:34:18 5 saying that they were SLA. They were government soldiers. Then we had the
6 RUF. They themselves were saying that they are RUF. And at the same time,
7 you would see someone wearing combat trousers and the shirt is a civilian
8 shirt. And the NPFL, I was told by one SLA that these people are NPFL from
9 Liberia.

12:34:58 10 Q. And apart from this day when you saw Brigadier 55 in Waterloo, did
11 you see him any other time in Waterloo?

12 A. Up to this time, I've not seen him.

13 Q. So that was the last day that you saw him?

14 A. Yes.

12:35:23 15 MS STEVENS: I have no further questions of this witness.

16 PRESIDING JUDGE: Thank you, Ms Stevens.

17 [Trial Chamber confers]

18 JUDGE LUSSICK: Mr Metzger, I presume you're going to be the first to
19 cross-examine?

12:35:53 20 MR METZGER: I make that assumption myself. I don't see any
21 dissension from my right.

22 JUDGE LUSSICK: Well, look, we're going to have a lunch break in
23 10 minutes. Would you rather an uninterrupted period to begin with, or
24 would you want to cross-examine for 10 minutes?

12:36:11 25 MR METZGER: I'm hearing murmurings to my right which accord with the
26 rumblings down below. I would like to have a clean start when we resume,
27 if, of course, that is something that meets with the Chamber's approval.

28 [Trial Chamber confers]

29 PRESIDING JUDGE: The Court will adjourn to 2.00. Mr Witness, you

1 have promised to tell the truth and sworn to tell the truth this morning.
2 During this break at lunchtime, you are not to talk to anyone else about
3 your evidence in Court today or your evidence about this case. Do you
4 understand what I said?

12:37:12 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: You should come back at 2.00.

7 Mr Court attendant, please adjourn the Court until 2.00.

8 [Luncheon recess taken at 12.37 p.m.]

[On resuming at 2.12 p.m.]

14:10:58 10 MR METZGER: In anticipation of cross-examination, might I preface my
11 cross-examination by just this short remark? The defence teams have had
12 the opportunity over lunch to confer on certainly general views in relation
13 to particularly that document which caused a little bit of a hub-bub this
14 morning and you have already heard the submissions from Professor Knoops.

14:11:30 15 Now, we do not want to obviously unduly delay the process, but might I ask
16 questions in cross-examination, subject to the caveat that we could well be
17 making submissions as to whether or not the entirety of this witness's
18 statement ought to be excluded per Rule 93.

19 PRESIDING JUDGE: Entirety or the basis of prior inconsistency or
14:11:55 20 under the hearsay rules?

21 MR METZGER: It would be in relation to the hearsay rules, as I
22 understand it, and particularly that interview which does not have the
23 benefit, shall we put it, of being put forward in the form of a statement.
24 It is, effectively, a hearsay document paraphrasing an interview with the
14:12:18 25 witness without the benefit of being placed before the witness and
26 authenticated in what one would consider to be the normal manner of
27 evidence.

28 PRESIDING JUDGE: As my learned brother has pointed out, there is a
29 question weight and weight is usually addressed in submission. So when do

1 you anticipate raising these issues, is it in the course of
2 cross-examination or in submission?

3 MR METZGER: It seems to me that will be in the course of submission
4 and further, from a legalistic standpoint, I would understand if the
14:12:53 5 Bench -- if Your Honours were to say to me that there may be an issue in
6 relation to locus standi. I do not anticipate that I will be making those
7 submissions. It will come from my right.

8 PRESIDING JUDGE: Yes.

9 MR METZGER: But I thought it best to indicate that caveat in order
14:13:06 10 to prevent, as it were, that submission being made at this stage or a delay
11 in the evidence for that purpose and we are all agreed that that is, of
12 course, a conduct that we can live with.

13 PRESIDING JUDGE: Very well, Mr Metzger, please proceed.

14 MS TAYLOR: Your Honour, I wonder if there is something that I might
14:13:26 15 be able to assist my learned friend with on this point and indeed the
16 Bench, which is to do with the second of the points raised by my learned
17 friend, which was the form of the disclosure. There is a decision in Trial
18 Chamber I of 16th July last year in the case of Prosecutor and Norman,
19 Fofana and Kondewa. And that decision in part touches on what amounts to a
14:13:54 20 witness statement and it was a decision of the --

21 PRESIDING JUDGE: Ms Taylor, at the moment we do not have the
22 submissions before us. What I understand is that there has been an
23 indication that a submission may be made and only when the submission is
24 made can we deal with it and then, of course, we will be most interested in
14:14:21 25 reading relevant precedent.

26 MS TAYLOR: If Your Honour pleases.

27 PRESIDING JUDGE: Please proceed, Mr Metzger.

28 MR METZGER: I am very much obliged.

29 CROSS-EXAMINED BY MR METZGER:

1 Q. Good afternoon, Mr Witness.

2 A. Yeah.

3 Q. Can I ask you, please, just few general questions, Mr Witness? Did
4 you make your first statement to the OTP on 4th September 2003?

14:15:01 5 A. Well, I will not be able to recollect because it has taken so long.
6 I said I cannot remember the date.

7 Q. As far as you can remember, Mr Witness, how many statements have you
8 made to the OTP?

9 PRESIDING JUDGE: Pause, Mr Metzger. Does the witness understand
14:15:23 10 the term OTP?

11 MR METZGER: The Office of the Prosecution.

12 THE WITNESS: No, I don't understand. Break it down for me.

13 MR METZGER: I am very much obliged.

14 Q. To the Prosecution in this case, Mr Witness.

14:15:35 15 A. I think it's almost two statements. The first one and the second
16 one.

17 Q. The first and second. Now, I will suggest to you, Mr Witness, that
18 the first statement we have been provided is dated 4th September 2003.
19 Does that ring any bells?

14:16:15 20 A. It's not any problem, no.

21 Q. Do you remember -- roughly would that be right that you made a
22 statement on 4th September 2003 for the first time to the Office of the
23 Prosecution?

24 A. I cannot remember again.

14:16:37 25 Q. Does that mean that you don't remember the second statement which was
26 on 25th November 2003?

27 A. I cannot remember.

28 Q. Do you then remember Mr Witness, the last time that you spoke to
29 somebody from the Prosecution in this case and told them about what had

1 happened? The most recent time.

2 A. Yes.

3 Q. And when was that please?

4 A. I say I cannot remember. I have forgotten the time.

14:17:28 5 Q. How about 17th February; does that seem about right?

6 PRESIDING JUDGE: The year, Mr Metzger.

7 MR METZGER:

8 Q. 17th February 2005, this year. Not so long ago.

9 A. Yes, I can remember.

14:17:56 10 Q. During all this time, Mr Witness, have you been given money from the

11 Special Court?

12 A. Well they used to give me transport, only transport.

13 Q. What was the transport for?

14 A. To leave my place and to come here.

14:18:25 15 Q. How much does it cost to travel from your place to here?

16 A. Almost 3,000 Leones, but I had to eat and I had to smoke so --

17 Q. So, Mr Witness, the money you were given for transport includes

18 bringing you here, feeding you and allowing you the luxury of smoking

19 cigarettes?

14:19:02 20 A. No, no, no, not here. To return to my house, that is the transport

21 that they gave me. This is what I am trying to say.

22 Q. So they gave you money to go back home, not to come here?

23 A. At all.

24 Q. That must have been an expensive business, Mr Witness. How many

14:19:21 25 times have you been to the Special Court?

26 A. Only twice.

27 Q. You have spoken to the people from the Office of the Prosecutor on at

28 least three occasions; haven't you?

29 A. Yes.

1 Q. Well, on one of those occasions, did they come to you?

2 A. I cannot remember. I cannot remember.

3 Q. You see, Mr Witness, if you remember seeing people from the
4 Prosecution, let us say -- you say twice?

14:20:02 5 A. Yes.

6 Q. But if you spoke to them on three occasions and you only came to the
7 Special Court on two of those occasions, you must have seen them somewhere
8 else on one occasion.

9 A. No, the first people they visited me. That was the time that they
14:20:29 10 went to obtain statement from me. It was a very long time.

11 Q. How long ago, Mr Witness, 1999, 2000?

12 A. No, I cannot remember, but one year ago, something like that.

13 Q. About a year ago, you said?

14 A. Yes.

14:20:54 15 Q. They came to visit you and took a statement?

16 A. Yes.

17 Q. Did you come to understand how they found out where you were living?

18 A. Well, I can't tell.

19 Q. Indeed, Mr Witness, it must have come as a surprise for you sitting
14:21:18 20 there probably one September day when somebody from the Prosecution came to
21 you and said, "Mr Witness, I want you to make a statement." Is that what
22 happened? You were very surprised to see them?

23 A. In my house, you mean?

24 Q. Indeed in your house, Mr Witness.

14:21:44 25 A. I will not be able to remember that [inaudible] I will not be able to
26 remember anything. I will not be able to remember that idea.

27 Q. All right, Mr Witness. Let us put to one side the month. Surely you
28 can remember the very first time they came to see you at your home, as you
29 have told us; can you not?

1 A. They first met me and they obtained statements from me, that is what
2 I know. But I cannot remember the month again, I have forgotten.

3 Q. All right, Mr Witness, let's approach it in this way. The person who
4 came to take a statement from you, you had never seen him or her before in
14:22:37 5 your life; is that right?

6 A. From that day I have not been able to say.

7 Q. Before that date had you ever seen that person?

8 A. No, no, no.

9 Q. Before that person came to ask you to make a statement, had anybody
14:22:58 10 said to you, "We are going to send somebody to you to take a statement from
11 you, Mr Witness"?

12 A. No, they did not tell me that.

13 Q. So it must have been a complete surprise to you that somebody turned
14 up to take a statement from you.

14:23:22 15 A. It might be so.

16 Q. It might be a surprise?

17 A. It would be a surprise really because they are the first person who
18 took statement from me. After that nobody went there again to me.

19 Q. And you must have been so surprised, Mr Witness, that you asked them,
14:23:44 20 "How did you find out about me?" Didn't you do that?

21 A. Well, I will not be able to answer that question.

22 Q. Why not, Mr Witness? Why not?

23 A. Because I don't understand. I don't have that understanding.

24 Q. Well, let us take it again more slowly. You were not expecting these
14:24:21 25 people and yet -- I beg your pardon. You weren't expecting these people,
26 you were surprised when these people or person came, but you didn't have
27 the understanding of how they came to you. Is that the position?

28 A. People that went to me and obtained statements from me, except those
29 people who came from the Special Court had the first statement and after

1 which, except when I was able to come here.

2 Q. Mr Witness, you see the Special Court would like to hear what you
3 have to say so that we can understand what happened. You have an important
4 story to tell, don't you, about things that you saw?

14:25:05 5 A. Yes. Yes.

6 Q. Things that are stuck in your mind because they had never happened to
7 you before; is that right?

8 A. Of course.

9 Q. But if these things had happened to you and somebody just came
14:25:27 10 walking to your door and said, "Mr Witness, we have heard that you have a
11 story to tell," you must have wondered, must you not, how it is they came
12 to know that you, the particular Mr Witness, had a story to tell. Didn't
13 you wonder that?

14 A. Well, it might have been some other people have informed them about
14:25:51 15 me.

16 Q. Indeed. Have you any reason to know which other people might have
17 told them about you?

18 A. No, no, no, no.

19 Q. Was this the sort of thing that you were talking about to all the
14:26:08 20 people in your area that you had witnessed?

21 A. No. You see I am a quiet man, I don't just talk to people. I always
22 keep within myself.

23 Q. So it would be even more of a surprise, somebody would have had to go
24 to a fortune-teller to know that you knew something about what happened.
14:26:32 25 You had not told anybody, had you?

26 A. Tell who?

27 Q. Well, anybody in general. "My God, this is what happened to me," on,
28 I think you said, 22nd December 1998 and so on.

29 A. Well, people are there that know what happened to me and I think they

1 [inaudible] it was who gave them permission about me. So they met me as a
2 peaceful citizen, I think I need to explain myself. Tell them what I knew.
3 Q. Well let us move on, please. Would you agree, Mr Witness, that you
4 have received some 30,000 Leones from the Office of the Prosecution since
14:27:20 5 you started helping them?
6 A. No, no. No, no, no.
7 Q. Not 30,000 Leones?
8 A. No, I have never received 30,000 Leones from anybody else.
9 Q. To make it clear, Mr Witness, I am not suggesting that they took a
14:27:38 10 wad of 30,000 Leones, a whole bunch of money and gave it to you at one
11 time. I am suggesting over a period of time, 5,000 Leones here, 10,000
12 Leones there. It came up to a total of 30,000 Leones; would you agree with
13 that?
14 A. Well I can't tell. I would not be able to remember.
14:28:07 15 Q. No. Can I just ask you this then, please? Over the last week or so
16 have you been staying in Freetown or outside Freetown?
17 A. I was outside Freetown.
18 Q. And you came to Freetown today to come and give your evidence?
19 A. Yes.
14:28:27 20 Q. Were you given money to come to Court today?
21 A. I paid for myself.
22 Q. You paid for yourself? How much did it cost you to get here today?
23 A. Almost 2,500 because I had to take up some breakfast.
24 Q. So 2,500 Leones including breakfast?
14:28:57 25 A. Yes, which is 1,000.
26 Q. So the breakfast was 1,000 Leones and your transport is --
27 A. Yes, 1,500.
28 Q. Would you agree with me that the price of transport has not changed
29 very much since 2003?

1 A. Well, as regards where I come from transportation is 1,500 to come up
2 to New England here.

3 Q. And would that have been the same amount of money you would have to
4 pay in 2003 or less?

14:29:36 5 A. Well, I can't tell.

6 Q. It certainly will not be more because prices go up, they don't come
7 down in this country. Would you agree with that?

8 A. Yes, it's true.

9 Q. What I want to suggest to you, Mr Witness, is on 10th September 2003,
14:29:59 10 you were given 5,000 Leones by the Office of the Prosecution; do you recall
11 that?

12 A. No, I cannot remember that.

13 Q. Were you working in 2003?

14 A. Yes. I had some work that I have managed my life [inaudible] to get
14:30:21 15 something to eat.

16 Q. So you were working in 2003. Are you able to assist us with what you
17 were working as?

18 A. They did not pay me by month when I was working. I had somewhere
19 that I was working where I used to get my living. I was a xxxx xxxx. I
14:30:44 20 used help and in the evening hours they would give me any little thing that
21 they had so as to eat in my house.

22 Q. So as a xxxx xxxx would it be right to say that you had -- you
23 didn't have regular work, but whenever they needed extra work they would
24 call you. Would that be the situation?

14:31:08 25 A. Repeat.

26 Q. The terms of the job that you had, would you be called when they
27 needed somebody to help or were you there all the time?

28 A. Yes, I was there all the time.

29 Q. But the money that you got was not constant, it depended on how much

1 was flowing over; would that be the situation?

2 A. Exactly.

3 MS STEVENS: Your Honours, I have an observation. I am not getting
4 a Krio interpretation. I don't know if it is being interpreted. I hear
14:31:46 5 Mr Metzger asking the question and the witness instantly responding. So
6 I am not sure if he is responding directly to the English question or to
7 a Krio translation.

8 PRESIDING JUDGE: Could I have clarification from the interpreters?
9 Yes, interpretation is being done. Your Honours, the point that we have is
14:32:09 10 that the witness does not listen to Krio interpretation.

11 Mr Witness, we understand you want to give your evidence in
12 Krio. You should allow the interpreter to say what the question and then
13 answer that question. Do you understand?

14 THE WITNESS: I always listen to the Krio interpretation before
14:32:33 15 answering. I get it directly.

16 PRESIDING JUDGE: Does that allay your concerns, Ms Stevens?

17 MS STEVENS: Yes, I will just caution the witness again to listen and
18 wait for the Krio translation before responding.

19 MR METZGER: Thank you.

14:32:58 20 Q. You see, I was suggesting to you, Mr Witness, that you were given
21 5,000 Leones on 10th September 2003 as payment for lost wages. Do you
22 recall that now?

23 A. I cannot remember. I cannot remember again.

24 Q. You don't -- do you ever remember being paid for lost wages by
14:33:31 25 someone from the Office of the Prosecution?

26 A. No, I cannot remember that, not today.

27 Q. Right, well let me then put another date to you, 26th of
28 November 2003. On that occasion I suggest you were given 10,000 Leones for
29 transport and lost wages. Do you recall that?

1 A. No, no, no, I cannot remember that. These are just by I cannot
2 remember that.

3 Q. Fair enough, Mr Witness. But, as you have already told us, if you
4 were paid any money for transport to the Special Court from where you were
14:34:25 5 living, the actual travel itself would not have cost you more than 1,500
6 Leones each way; do you agree that?

7 A. I won't agree because I have to feed myself. And I left my child for
8 the whole of the day. They will not give me a single transport. No, no,
9 no, I would not agree.

14:34:47 10 Q. Mr Witness, when I say transport, I mean -- or travel, I mean
11 actually taking a vehicle, or whatever form of transport, from your place
12 of abode until you get to the Special Court. Do you agree that you would
13 not have to pay more than 1,500 Leones each way?

14 A. I don't agree. I paid 1,500 from my destination to the Special
14:35:17 15 Court. I have to come to a certain point where I pay 1,000 Leones and I
16 would board a taxi to come here to the Special Court and in that case I
17 paid 500 all of which sums up to 1,500 Leones.

18 Q. So, Mr Witness, we agree. Now what you have gone on to say, in
19 fairness to you, is that even though you travelled to the Special Court and
14:35:44 20 back you needed money to eat for yourself and for your family.

21 A. Yes.

22 Q. And as far as your visits to the Special Court are concerned on those
23 days, did you ask for those things to be taken care of by the Office of the
24 Special Court or the Prosecutor?

14:36:09 25 A. No, no, no, no, no, because I provided enough for my child and my
26 wife if I came.

27 Q. How?

28 A. Through the help of God. I am a farmer. God now. And my wife used
29 to sell and get money and they would buy rice and put in the house and a

1 lot of other things. We put them in the house so that we could feed
2 ourselves so I know that all is well with our family.

3 Q. So you are a farmer and you manage to make a living out of farming to
4 this day?

14:36:34 5 A. Yes.

6 Q. Can you then explain, please, to this Chamber why it was, when you
7 were asked questions by Ms Stevens, that you told us that you were not
8 working?

9 A. Well, the work that I meant that I was not a worker [inaudible] like
14:37:00 10 working in the office that at the end of every month you go and sign a
11 voucher. You see, I am self-reliant for now. Since I don't have a job,
12 that's why I have decided to work on the garden. So it is out of this
13 garden that I get to support my family. So that is not a monthly job that
14 you have to sign a voucher, that you do that through God. So whether I get
14:37:17 15 a good crop or not it is one of the two.

16 Q. So in fairness to you, Mr Witness, that was just a misunderstanding
17 between yourself and the question that the Prosecutor asked you. Is that
18 the case?

19 A. No, that is not the case.

14:37:41 20 Q. You understood the question fully?

21 A. Yes, I understood the question.

22 Q. And you answered on the basis that if somebody is asking you whether
23 you are working or in employment, they mean do you collect a salary at the
24 end of the month?

14:38:01 25 A. She asked me if I was working by my month. I told that no, I was a
26 gardener, I was a gardener and I was a farmer.

27 Q. Mr Witness, the record will show that the question you were asked did
28 not include the by month extension that you have just used. And neither
29 did you tell this Court, before I started asking questions, that you were a

1 farmer. Do you want to reconsider your answer in respect of that?

2 A. No, consideration is the answer that I have given.

3 Q. Do you stand by your answer?

4 A. Yes. Yes, I don't work per month.

14:38:52 5 Q. Despite my having pointed out to you that you weren't asked whether

6 you work per month.

7 A. Asked by whom?

8 Q. By Prosecutor Ms Stevens, you see the lovely lady just sitting to

9 your right-hand side. You remember when she was asking you questions?

14:39:14 10 A. Yes, I can remember, yes.

11 Q. And indeed --

12 PRESIDING JUDGE: Mr Metzger, in fairness to the witness, the

13 terminology used by Ms Stevens was, as she was leading at that point, was

14 you were not employed at this time.

14:39:34 15 MR METZGER: Indeed.

16 PRESIDING JUDGE: And employed to me has quite a specific meaning and

17 to say this rather than not working.

18 MR METZGER: And my note is that he responded, "I have worked

19 before," I beg your pardon. "Presently, I am not employed, of course. I

14:39:54 20 have worked before as a court clerk and at the tobacco company. I am

21 married, I have only one wife and five children." At the time, of course,

22 the witness was speaking in English and the question was asked in English.

23 PRESIDING JUDGE: Yes. I think, in fairness, the word employment

24 does have a meaning.

14:40:20 25 MR METZGER: Well, I was about to move on, but in fairness --

26 PRESIDING JUDGE: Thank you.

27 MR METZGER: Should I ask him about employment?

28 PRESIDING JUDGE: No, please, move on.

29 MR METZGER: Right, I shall move on.

1 Q. I suggest again to you, Mr Witness, that on 14th February this year,
2 perhaps not so long ago that you would forget it, you were given 5,000
3 Leones for transport to the Special Court to see trial counsel; is that
4 correct?

14:40:38 5 A. When?

6 Q. On 14th February 2005. Last month.

7 A. No.

8 Q. You deny that?

9 A. I'm not aware of that.

14:41:07 10 Q. Did you, in fact, come last month, the 14th February, to see trial
11 counsel?

12 A. 14th of February?

13 Q. Yes.

14 A. I cannot remember. You see because I am a sickly man, I'm not well.

14:41:25 15 I can't remember.

16 Q. I will move on very quickly and ask you the same question in about on
17 17th February, so some three days later, when I say you were paid 10,000
18 Leones for payment for transportation to and from the Special Court. Do
19 you remember that?

14:41:55 20 A. I cannot remember that. February that you are talking about you see
21 I was in my sick bed. For the whole of February I was sick.

22 Q. Let me just get you straight on that, Mr Witness. Are you telling
23 this Trial Chamber that you were in your sick bed for the whole of February
24 and that you didn't come to this Special Court at all in February?

14:42:09 25 A. February?

26 Q. February this year?

27 A. Yes. I was here.

28 Q. Thank you. I shall move on. I was ill for the whole of February.

29 A. And even up to now I am not well.

1 Q. I do sympathise with you, Mr Witness, but at least you are here
2 today. I will not take too much more of your time, but can I ask you some
3 questions now, please, about December 1998? You have told us that these
4 events happened, if I recall correctly, you say it was on Monday, 22nd
14:43:06 5 December 1998. Is that correct? Is that your evidence?
6 A. Yes.
7 Q. The first thing you recalled is that you heard rebels were coming to
8 Lumpa on that day and therefore you left home at about 6.30 and went to
9 Waterloo; is that correct?
14:43:24 10 A. Yes, of course.
11 Q. Now, Mr Witness, you are very specific about the day and the date
12 being Monday, 22nd December 1998. Why are you so specific about that date?
13 How does it stick in your memory?
14 A. Because the date that I will never forget.
14:43:53 15 Q. And you don't forget also --
16 A. I will never forget that date because the house in which we were
17 hiding -- when we came from the place where we were hiding, we met -- we
18 found out that they had burnt this house, so in fact I put that date into
19 my brain.
14:44:09 20 Q. And you also put the day of the week on which it occurred, a Monday.
21 A. Yes. Yes.
22 Q. Would it surprise you, Mr Witness, that if one were to look at the
23 calendar for the year 1998, the 22nd December was not a Monday? Would that
24 be a surprise to you?
14:44:35 25 A. What? It was a Monday, because Tuesday was the 23rd, that is the
26 time that we travelled and went back to Lumpa. So -- so if you say it is
27 not Monday well --
28 Q. You are saying Mr Witness --
29 A. It is left with you to decide.

1 Q. You are saying, Mr Witness, I must be wrong, you are correct, that is
2 your evidence; isn't it?

3 A. Yes.

4 Q. I would suggest to you - and the records will show, if required -
14:45:04 5 that the 22nd December 1998 was in fact a Tuesday. So that the 23rd
6 December, Mr Witness, was a Wednesday. What do you have to say about that?

7 A. The people who come around, they were intellectuals, so we sat
8 together. In fact we are together when the incident happened, it was on
9 the Monday that we left and we went and hid in Waterloo. On Tuesday
14:45:34 10 morning we returned to Lumpa.

11 Q. Mr Witness, would you agree with me that whether one is an
12 intellectual or not will not change the day of the week?

13 A. Yes, of course. There are some people that forget. The brain is not
14 always accurate, there are times when the brain fails.

14:46:00 15 Q. Mr Witness, we are talking about you and the accuracy of your
16 recollection. Is that correct? You stand by your recollection of it being
17 a Monday on the 22nd December 1998?

18 A. That was what I remembered. That is what I remembered.

19 Q. And is that what you still remember?

14:46:24 20 A. Yes, I still remember that it was a Monday, December 22, 1998.

21 Q. I shall move on, please, Mr Witness, because you made it from Lumpa
22 to somewhere in Waterloo where you were planning to hide away from the
23 incursion into the territory of Lumpa by the rebels; is that correct?

24 A. Yes.

14:46:57 25 Q. You went further to say that you were staying in Waterloo close to
26 Benguema junction?

27 A. Yes.

28 Q. Is it right that where you were staying was about a mile and a half
29 or so away from the Benguema training barracks or camp?

1 A. Where I hid? No, no, no, no. Where I hid that particular
2 [inaudible] Benguema Junction, that's in Waterloo. You look at the house
3 up the hill. Look at the -- look at Benguema Road, and look at Peninsula
4 School, it is between that area that I hid. Up the house.

14:47:40 5 Q. How far away was it from Benguema training camp?
6 A. It's about a mile.
7 Q. Now, for those that are not completely familiar with the interaction
8 between Lumpa and Waterloo, can you help us with one thing, please? Do
9 Lumpa and Waterloo share one bus station?

14:48:12 10 A. Yes.
11 Q. So effectively, Lumpa and Waterloo are very close together?
12 A. Very close. Yes.
13 Q. So at the time when you believed that the rebels were coming, was
14 there any reason for thinking that they were coming specifically to Lumpa
14:48:40 15 and not Waterloo?
16 A. It's not specifically for Lumpa. They are coming just to pass. And
17 when they are passing they had to pass through Lumpa, come to the Waterloo
18 junction, then they would find their way to wherever they were going to.
19 They did not come specifically to Lumpa.

14:49:02 20 Q. And you, of course, Mr Witness, were very concerned about being
21 anywhere near where the rebels were going to pass. Would that be a fair
22 assessment of the situation?
23 A. Yes.
24 Q. So instead of going to somewhere like Fogo, you went to Waterloo?

14:49:20 25 A. Yes, I went to Waterloo.
26 Q. Where you believe the rebels would also be passing. What was the
27 sense in that?
28 A. Well, that was the place that I first thought I should go and hide.
29 It was not I alone there were lots. In fact, almost the whole of Lumpa

1 moved and wherever I saw the large population going therein I also went.

2 Q. So be it, Mr Witness. And you say that the next thing you became
3 aware of it was about 2.30 in the morning, yes?

4 A. Yes.

14:50:03 5 Q. And you agree it was very dark outside and you couldn't see very
6 clearly what was happening.

7 MS STEVENS: Is that a question?

8 THE WITNESS: I used to see what was happening because when they have
9 been burning the houses I would see.

14:50:14 10 MR METZGER:

11 Q. You saw houses being burnt?

12 A. Yes.

13 Q. In Lumpa?

14 A. In Lumpa as well as Waterloo and Benguema village.

14:50:45 15 Q. I thought, Mr Witness, that your evidence was that you noticed the
16 burning that had taken place when you went back to Lumpa the following day.
17 Isn't that your evidence?

18 A. The following day I went to Lumpa. It was not I alone, we were many.

19 Q. But that was when, you told us this morning, that was when you
14:51:10 20 noticed that there had been this burning. Isn't that the case?

21 A. Repeat.

22 Q. It was when -- I will start again, strike that, as they say. You
23 told us this morning that it was when you went back to Lumpa the following
24 day that you saw what had happened there?

14:51:43 25 A. No, I said at night, when I woke up, I saw that they had been burning
26 houses from Lumpa right up to Waterloo. Up to Benguema village.

27 Q. You see, my note of the evidence, Mr Witness, you were talking about
28 waking up and hearing someone talking about "500 men to Benguema barracks.
29 Advance." That was the evidence you gave this morning.

1 A. Yes. Yes. When I woke up, I woke up, I saw that they were burning
2 houses and I heard somebody saying "500 men to Benguema barracks.
3 Advance". By then, houses have been burnt from Lumpa up to Waterloo
4 Junction. On the way to Benguema barracks --

14:52:34 5 THE INTERPRETER: Your Honours, the witness is going too fast.

6 PRESIDING JUDGE: Mr Witness, could you just pause for a moment to
7 let the interpreter -- Mr Interpreter, interpret that, please.

8 THE WITNESS: It is through the interpreter that I answer questions.

9 PRESIDING JUDGE: He is trying to interpret it for us, Mr Witness.

14:52:58 10 MR METZGER:

11 Q. In the circumstances, might I ask you, please, Mr Witness, to repeat
12 what you were saying about what you actually saw once you woke up in the
13 early hours of that morning?

14 A. Where?

14:53:21 15 Q. Where did you happen to be?

16 A. That very night, you mean?

17 Q. I thought that is what you were talking about Mr Witness. When you
18 woke up in the morning, having left Lumpa the previous day, you woke up in
19 the early hours of the morning at about 2.30, somewhere in Waterloo near

14:53:42 20 Benguema junction. What did you hear and see then?

21 A. In the morning -- the following morning, you mean?

22 Q. What is it about the question that I am asking you, Mr Witness, that
23 you don't understand? Then I can try and explain it. What is it that you
24 don't understand?

14:54:05 25 A. You tell me about what I saw.

26 JUDGE SEBUTINDE: You ask the question, the witness answers. Don't
27 encourage the witness to ask you questions. Let's keep the water flowing
28 the right way, not upstream.

29 MR METZGER: [Inaudible] that is, of course, right. I will try

1 again.

2 Q. Mr Witness, I have suggested to you that this morning, when you gave
3 evidence, you did not tell us about seeing houses being burnt by rebels or
4 anyone else, you simply told us about people -- someone who said "500 men
14:54:52 5 to Benguema barracks. Advance." Now that is the evidence you gave us this
6 morning; is that not correct?

7 A. It is not correct. I said this morning that they started burning
8 houses from Lumpa right down to Waterloo Old Road.

9 Q. I shall move on, Mr Witness, because the record will show what you
14:55:22 10 said this morning. But it doesn't end there because when you made the
11 statement to the Prosecution on 4th September 2003 - and for those who are
12 following the statement it will be at page 6,298, Your Honours, the second
13 paragraph thereof. You have this to say, Mr Witness. Can I just read this
14 passage and then I will ask you about it. "I was asleep at about 3.00 a.m.
14:55:55 15 on the following morning when I heard gunshots in Waterloo. The firing
16 became heavier and heavier. I heard people shouting saying, '500 men,
17 Advance to Benguema' in the midst of the firing. I peeped through the
18 window. I saw a lot of soldiers on the highway heading for Benguema
19 training camp." That is what your witness statement says, Mr Witness. And
14:56:30 20 that accords with what you told us this morning; isn't it?

21 A. It was not like that, I did not say soldiers, I said rebels. It was
22 not until the morning that I came to know that it was soldiers and a lot of
23 people proved that. But that particular night, I was not able to know
24 whether it was soldiers, but I said rebels and indeed at night when we do
14:57:03 25 not see what somebody wears you are not able to specify who that person is.
26 It was in the morning when I saw their companions going, that is the time
27 that I knew that it was soldiers and other people confirm that yes, it was
28 SLA.

29 Q. Thank you, Mr Witness, for answering three other questions I was

1 going to ask you. Can we stick, first of all, with the question of what
2 you are actually saying there. Are you saying that what is written in this
3 statement is not correct?

4 A. What? I can't say.

14:57:39 5 Q. It is your statement, Mr Witness; isn't it? Is it not your
6 statement?

7 A. Taken from when?

8 Q. 4th September 2003.

9 PRESIDING JUDGE: Mr Metzger, are you saying the entire statement
14:58:03 10 or just a specific bit -- put the specific bit if it is a specific part.

11 MR METZGER: Well, I have not gone through the rest of statement.
12 This specific part of the statement the witness is not, as it were, not
13 accepting.

14 Q. You are saying that you have never made that statement to the Office
14:58:18 15 of the Prosecution?

16 A. I did not mention. I didn't mention soldiers. Rebels. I ran away
17 from rebels from Lumpa to Waterloo that was the 23rd December 1998. In the
18 morning, Tuesday, that was the time that I knew that it was SLA and people
19 confirmed that it was SLA that came. I did not specify that it was
14:58:44 20 soldiers because it was during the night. I did not know the type of
21 uniform that they wore.

22 Q. Mr Witness, I am not actually quarrelling about who the people were.
23 I am simply asking you about whether you made that statement to the Office
24 of the Prosecution? Maybe you made a mistake, did you actually say that?

14:58:58 25 A. I cannot remember. I cannot remember.

26 Q. And would you agree with me, Mr Witness, that from where you were,
27 keeping your head low in Waterloo, you couldn't see Benguema barracks.

28 A. But I have told you earlier that I was not at Benguema barracks. It
29 was not in the barracks. I hid in Waterloo. When the rebels came from

1 Lumpa area, they burnt the houses on the main highway right up to the old
2 highway onto Benguema village, right onto the barracks itself, because I
3 was not in the barracks. The house in which I was hiding was right up and
4 we were only able to see peninsula through the [inaudible] of two houses
14:59:49 5 wherein -- which we were in Benguema village. The rest I was not able to
6 see. That is what I said.

7 Q. Thank you, Mr Witness. Now can you answer the question. From where
8 you were, could you see Benguema barracks? Yes, please, or no?

9 A. No, I wasn't able to see Benguema barracks because the place was so
15:00:16 10 far. It was about a mile and I was right down the junction here. How
11 would I be able to see?

12 Q. And not only could you not see Benguema barracks, but you couldn't
13 hear anything that was happening there because you were too far away.
14 Would you agree with that?

15:00:27 15 A. I wasn't able to know. I would not be able to know what happened
16 there. I was only able to know what had been happening by me.

17 Q. Around you -- Now, I just want to read to you another part of this
18 same statement because, you see, immediately after that you go onto say --
19 it's the last sentence of the same paragraph. "After a while I heard
15:01:00 20 people banging at the door of a house which I believed was at BTC," which
21 you have described before in the statement as being Benguema training camp.
22 "As I was not staying too far off from there." Can you explain, please, Mr
23 Witness, how you could have heard that?

24 A. Very good. First instance, the first instance when the rebels came
15:01:34 25 they trapped us in the house, after which they said, "Move 500 people to go
26 to [inaudible]" the house in which we were. That was when we had a relief
27 when the bonfire ceased a little. And we escaped and we went and hid in
28 the bush up -- right up the hill. That was the time that we heard them
29 banging the doors at Benguema barracks.

1 Q. Thank you, Mr Witness. So your evidence now is that when you woke up
2 at 3.00 o'clock in the morning you were actually in the bush, not in a
3 house in Waterloo? Is that your evidence now?

4 A. No, no, no, no, no. First of all I was in the house, then I was
15:02:18 5 trapped when the firing was heavy. So after I said that advance to
6 Benguema, when the firing ceased, that this time we escaped and went right
7 up the bush. And up to just close to Benguema barracks that's the place we
8 hid in the bushes.

9 Q. So, Mr Witness, that was something that just completely slipped your
15:02:39 10 mind when you were telling us about that this morning?

11 A. Yes, exactly.

12 Q. And not only did it slip your mind when you were telling us about it
13 this morning, but it slipped your mind when you were making your statement
14 to the Prosecution, we suggest, on 4th September 2003. Is that the case?

15:02:55 15 A. I can't remember any more.

16 Q. You see because you very clearly say in that statement that you saw
17 them coming, you heard the shouting, "500 men advance to Benguema," you
18 peeped through the window, there was gun firing going on and you saw a lot
19 of soldiers heading for Benguema training camp. Next you say, "After a
15:03:31 20 while I heard people banging at the door of the house." There is no
21 mention of you running out of the house in which you were hiding; is there?
22 It is completely missing.

23 A. No, no, no, no, no. No, no, the statement I gave, I ran from the
24 house with people and went and hid in the bush when this firing ceased a
15:03:54 25 little. Yes, I can remember that statement.

26 Q. So, Mr Witness, your evidence is you made a statement to the
27 Prosecution in which you told them that you had left that house and run
28 into the bush before the soldiers got to Benguema. Is that your evidence?

29 A. I can't remember. I can't remember any more.

1 Q. Now when you were giving evidence this morning you told us, as I
2 said, that you went back to Lumpa the following day. So on the 23rd; is
3 that right?

4 A. Yes.

15:04:47 5 Q. And after that you went to Yamba Town?

6 A. Yamba Town.

7 Q. Yamba, is it? Thank you. And there you stayed until 6th
8 January 1999.

9 A. Yes.

15:05:08 10 Q. I am going to ask you, please, take a moment and really search your
11 memory, please, Mr Witness, to see if you can remember anything. Is that
12 really your evidence? You stayed in hiding and saw nothing until 26th
13 December -- I beg your pardon, until 6th January 1999.

14 MS STEVENS: I have an observation to make, Your Honours. That
15:05:41 15 question is very broad. It asks the witness, did he see anything from a
16 certain period until another period is just too broad.

17 MR METZGER: I shall specify.

18 Q. That you did not leave Yamba Town from whenever you got there on the
19 23rd, until 6th January 1999. Is that your evidence?

15:06:11 20 A. Yes, yes. From the 23rd I ran and went to Yamba Town until 6th
21 January 1999. I was -- I was at Yamba Town.

22 Q. And just for the moment, please, the incident that you were talking
23 about in which SAJ Alieu came to tell you something; when did that happen,
24 please?

15:06:32 25 A. It was in January. It was in January 1999.

26 Q. During all that time you were of relatively good health; were you?

27 A. I was not, I wasn't well in health. I was not able to walk.

28 Q. Why couldn't you walk?

29 A. I had a fragment.

1 Q. You didn't tell us about that this morning. About the fragment. How
2 did you get the fragment?

3 A. It was in January 6th, the very January 6th, that was the time that I
4 had this fragment. I was running to go and save my life to the Guineans
15:07:37 5 until the rebels arrived in Lumpa to Waterloo. That was the time I had
6 this fragment.

7 Q. In fairness to you - and I am now looking at page 6,299, Your
8 Honours, the third paragraph - you say in this statement, "I ran to meet
9 the Guinean soldiers who were based at the Peninsula Secondary school along
15:08:07 10 Benguema Road. Immediately I crossed the main Freetown Road I heard a very
11 big explosion behind me. I felt sharp pain on my right hand and my right
12 foot. I laid flat on the ground. I later observed damages on my right
13 hand and foot," it says had, but I am sure it means hand. "I was
14 continuously bleeding for three hours at the same spot." Is that what you
15:08:37 15 were referring to, Mr Witness?

16 A. Yes.

17 Q. What was it that caused the fragments, so far as you could tell, to
18 lodge in your foot?

19 A. Well, I myself did not know what caused that. I think it was that
15:09:00 20 explosion that caused the fragments, but I don't know. I don't know about
21 weapons.

22 Q. This was occurring on, you say, 6 January; is that right, 1999?

23 A. That was January 6, 1999.

24 Q. As you said when you gave your evidence, the atmosphere was tense; is
15:09:23 25 that correct?

26 A. Yes, yes, it was tense, highly tense.

27 Q. Do you recall ECOMOG jets flying -- the Alpha Jets flying around?

28 A. Since the day of the incursion?

29 Q. Yes, on that day.

1 A. No, there was no Alpha Jets during that time.

2 Q. You do recall Alpha jets flying at a later date?

3 A. Later, yes.

4 Q. How much later?

15:09:54 5 A. It was within January, but as to the days, you know, there was no

6 Alpha Jet flying within the area, but after 6 January, throughout that

7 time, Alpha Jets have been flying.

8 Q. Bombing, as they flew, certain areas; were you able to witness that?

9 A. I did not witness that. I did not come out, because I was right

15:10:33 10 inside. I was not able to walk, but I used to hear it flying.

11 Q. You could hear the jets flying, but no explosions?

12 A. No, I did not hear any explosion.

13 Q. When you got the fragments, the time I was just asking you about, you

14 were running to meet the Guinean soldiers; is that true?

15:11:04 15 A. Yes.

16 Q. At that time, was there heavy gunfire going on?

17 A. Yes.

18 Q. Both towards and from the Guinean soldiers?

19 A. Yes.

15:11:14 20 Q. I think you fairly say that you cannot say exactly how it is you came

21 by your injury?

22 A. Yes.

23 Q. Now, you talked at one stage in your evidence about three different

24 groups coming through Waterloo; is that correct?

15:12:02 25 A. Which kind of groups do you mean?

26 Q. Three different groups of armed people, shall we put it that way.

27 MS STEVENS: The witness's testimony is rebels, not armed people.

28 MR METZGER:

29 Q. Three different groups of armed people came through Waterloo; is that

1 the position?

2 A. Do you mean that the base was in Waterloo, or they came through
3 Waterloo? Specify.

4 Q. Let us start, please from the night of the 22nd to the 23rd December
15:12:35 5 1998. From that time, the people that passed through Waterloo were, you
6 say, rebels; is that correct?

7 A. Yes, they forced this stance. First, the rebels passed. That
8 was December 22, 1998. On the 23rd, that was how we came to know that they
9 were SLA. So January 6, others too came inside. They themselves were
15:13:08 10 rebels with SLAs. That was January 6 in Waterloo.

11 Q. Can we take it slowly, Mr Witness. First of all, 22 December. Now
12 you said, it appears to me, two things. First of all, they were rebels,
13 but you later found out they were soldiers?

14 A. Yes.

15:13:31 15 Q. Is that your evidence?

16 A. Yes.

17 Q. Because when I put to you earlier in my cross-examination the portion
18 of the statement that you made to the Prosecution, you said, "I never said
19 there were soldiers who came through on the 22nd." Do you want, in the
15:13:57 20 light of that, think about what answer you want to give in relation to who
21 the first group of people were?

22 MS TAYLOR: Your Honour --

23 THE WITNESS: The first group --

24 MR METZGER: Please wait a minute , Mr Witness, I'm about to be told
15:14:12 25 off.

26 MS TAYLOR: I do believe that's a misstatement of what the witness
27 said. When my learned friend was cross-examining this witness about that
28 portion of his statement, the witness had said what he told the Prosecution
29 was that they were rebels that came through that night and it wasn't until

1 the following morning that he found out they were soldiers. It's not that
2 he denied ever saying soldiers, it was that he couldn't say they were
3 soldiers until he found out the following morning.

4 PRESIDING JUDGE: My record shows, yes, on the 23rd, Tuesday, "I came
15:14:45 5 to know they were SLA. They were in full fatigues."

6 MR METZGER: I'm sorry, Your Honour, would you give me the benefit of
7 your note again.

8 PRESIDING JUDGE: Well, it's my note-taking. We have a proper
9 transcript. My note shows, "Do you know where the rebels were from and
15:15:02 10 what group?" "On the 23rd, Tuesday, that I came to know they were SLA,
11 they were in full fatigues." That's what I've written down. "Other people
12 were saying they were SLA." That's what I've recorded this morning, but
13 there is a proper transcript available to us if it comes to the issue.

14 MR METZGER: I'm very much obliged and I'm sure that can be, as it
15:15:23 15 were, ironed out in due course.

16 Q. Mr Witness, in any event, on any view of that account, you say the
17 following morning other people were saying they were SLA, they were
18 soldiers; is that the position?

19 A. I saw them and other people confirmed that, yes, they were SLAs, so I
15:15:48 20 took that for granted.

21 Q. What, please, was the basis of you coming to the conclusion from your
22 personal observation that these were Sierra Leone Army soldiers?

23 A. Because the Tuesday, on the 23rd, we returned to Lumpa, when we used
24 to meet them along, coming to Waterloo -- well armed. They had their
15:16:20 25 weapons, dressed in full military fatigue. They had a beret, they had the
26 SLA crown on their forehead. They were dressed in full military fatigue
27 and people have been saying, "Oh, it's the SLA that are coming." That is
28 why I believed it was the SLA, because I saw them. They did not talk to
29 us. We did not talk to them either.

1 Q. What direction were they coming from, as you put it, on the Tuesday,
2 the 23rd? What direction were they coming from?

3 A. They were coming from up line, along Masiaka Road, they were coming
4 from Masiaka Road, coming down.

15:17:10 5 Q. Towards where?

6 A. Well, I don't know where they were going, actually, but I just saw
7 them coming towards Waterloo.

8 Q. So the people you saw coming towards Waterloo, they were not coming
9 from the area of Benguema Barracks?

15:17:30 10 A. They were not coming from - they were not coming from the barracks,
11 they were coming from up line. They were coming towards Masiaka, they were
12 going towards Waterloo.

13 Q. So they were completely different people to the people you had seen
14 advancing towards Benguema Barracks in the early hours of that morning?

15:17:50 15 A. I can't tell.

16 Q. Well, they weren't coming from the direction you had seen people go,
17 were they?

18 A. I don't understand.

19 Q. Mr Witness, if somebody walked out of this Court and went through
15:18:15 20 that door and somebody walked into the Court through this door 20 minutes
21 later, would you say they were the same people if you weren't able to see
22 the faces of any of them?

23 A. Well, that question is not my question, really. That question is not
24 my question.

15:18:41 25 Q. The point, Mr Witness, is, your evidence is that with your own eyes,
26 you saw people heading in the direction of Benguema in the early hours of
27 the morning, although you couldn't see them clearly, so you couldn't tell
28 whether they were in uniform or -- you know, who they were or from what
29 group they were; is that correct?

1 A. I said, when I peeped through the window, I heard them say 500 men to
2 Benguema. When they are going, that is the time that we dodged and went to
3 the house. In the morning, Tuesday, we decided to return to Lumpa to look
4 at our houses. When we met the SLA, we did not talk to them and they did
15:19:32 5 not talk to us. That was my statement.

6 Q. The point, Mr Witness, is, whatever the circumstances, you cannot say
7 that the men you saw on the morning - the early hours of the morning of the
8 23rd were the same as the people you saw when you went to Lumpa Village?

9 A. But one thing, one thing I understand is that during that time it was
15:20:01 10 an armed conflict. People would pass that are well armed and the others
11 would come behind, they kill, they did not talk to you, they not even care
12 about you. Just these people are the same as the ones that we met at
13 night, and I met some other people who were saying that these are SLA, and
14 they said that it was SLA that passed last night. These are their
15:20:28 15 companions, yes.

16 Q. Yes, Mr Witness, but we are here for the evidence you have to give,
17 not what other people say. I'm asking you a simple question: of yourself,
18 you cannot say that the people that you had seen advancing towards -- you
19 say Benguema in the early hours of the morning, were the people you saw
15:20:50 20 coming towards Waterloo when you went to Lumpa.

21 A. Well, I can't tell. I can't tell. I would not be able to tell.

22 Q. Thank you. We'll move on from that point.

23 A. It will be the same. It will be the same. They will be the same,
24 but I can't tell. I cannot specify, really.

15:21:19 25 Q. Now, Mr Witness, I'm not going to ask you a lot of questions about
26 the lady Zainaib you told us about, but I want to ask you one or two in
27 that area. Before I do that, however, I suggest to you that on 25 November
28 2003 you saw someone from the Office of the Prosecution -- page 6302, Your
29 Honours. I don't propose to read the name out in open Court. It doesn't

1 seem to me to be necessary, but if you would take notice of that. You saw
2 someone from the Office of the Prosecution who asked you if you could
3 confirm your witness statement; is that correct?

4 A. When?

15:22:25 5 Q. On 25 November 2003.

6 A. I cannot remember again.

7 Q. And at that stage, you stated that you had no further additions or
8 amendments, but sought to clarify circumstances relating to Zainaib. Do
9 you have a recollection of that? Do you remember that?

15:23:08 10 A. No, I cannot remember.

11 Q. Well, I shall move on then, please. What I want to ask you in
12 relation to what you've told us about what happened to Zainaib is this:
13 you told us on the day that occurred you were in - whose house were you in?
14 Just remind us, please. It may be my mistake. Let's get it right.

15:23:51 15 PRESIDING JUDGE: Mr Witness, did you hear the question?

16 THE WITNESS: Yes. The house in which I was? Repeat the question.

17 MR METZGER:

18 Q. Do you recall telling us about a young lady by the name of Zainaib
19 who you say died?

15:24:12 20 A. Yes, yes.

21 Q. And a gentleman by the name of SAJ Alieu who came to tell you about
22 it?

23 A. SAJ Alieu came to us and he talked to the Pa that had the house and
24 said that they had fired his wife, and I was there when he came.

15:24:36 25 Q. Now, you say SAJ Alieu was a neighbour xxxxxxxxxxxxxxxxxxxxxxxxxxxx
26 xxxxxxxxxxxxxxxxxxxxxxxxxxxx; is that correct?

27 A. Yes. xxxxxxxxxxxxxxxxxxxxxxxxxxxx.

28 Q. And you were in your house when he came in; is that correct?

29 A. Yes, I was in my house when SAJ Alieu came.

1 Q. And your evidence was that SAJ Alieu was a rebel soldier; is that
2 correct?

3 A. Yes.

4 Q. You also went on to say that his wife, or girlfriend, Zainaib, was
15:25:32 5 the one who was brought into the house later and died?

6 A. Yes, Zainaib died.

7 Q. You knew Zainaib very well?

8 A. Well, I did not know her very well, but I knew her through SAJ Alieu.

9 Q. Explain, please, why it was that when she was brought in, she was
15:25:59 10 asked questions about where she came from and how old she was?

11 A. Yes, the Pa interviewed her. When he brought her, he interviewed her
12 and she said she was called Zainaib Kamara and that she was 20 years of
13 age.

14 Q. She was 20 years of age and her name was Zainaib Kamara?

15:26:28 15 A. Mmm-hmm.

16 Q. And you also said she was in form 3; that was the evidence?

17 A. Yes, that is what Zainaib herself said.

18 Q. Now, this was a woman who -- it was clear to you she was dying; is
19 that the position? At that time when they brought her into town?

15:26:52 20 A. Mmm-hmm.

21 Q. It was clear to you she was badly injured?

22 A. Yes.

23 Q. Why would there be a need to ask her for her name and details if this
24 was somebody who you already knew?

15:27:11 25 A. It was not I that asked her. It was the Pa that asked her, the Pa
26 that brought her. Because he was the only old man who was within that
27 area.

28 Q. But you knew this woman.

29 A. Zainaib?

1 Q. Yes.

2 A. Zainaib, I did not know her but we had a relationship. In fact, I
3 knew her in January 1999, but not too long, then she died.

4 JUDGE SEBUTINDE: Excuse me, Mr Metzger, and the witness. The
15:27:50 5 interpreter keeps saying it was the Pa or the Ba, or some word like that.
6 Could the witness be clearer? What is he talking about in English? What
7 is the Pa or the Ba, or some word that I don't quite get. Does that mean
8 father?

9 MR METZGER: Not necessarily.

10 JUDGE SEBUTINDE: What is Pa or Ba, please, Mr Interpreter.

11 THE INTERPRETER: Please ask the witness --

12 MR HARRIS: Please forgive me for interrupting, I had a note from
13 those I represent who may wish to go to the bathroom. May he do so while I
14 protect his interests?

15 PRESIDING JUDGE: Yes, please. Will you ask the question?

16 THE INTERPRETER: Your Honours, would the attorney please ask the
17 witness to clarify that.

18 MR METZGER: I'll ask the question.

19 Q. Mr Witness, when you say the Pa, what do you mean?

15:28:54 20 A. xxxxxxxxxxxxxxxx. Because he's an aged man, that's why I call him Pa.

21 MR METZGER: Does that assist Your Honours?

22 PRESIDING JUDGE: Please proceed, Mr Metzger.

23 MR METZGER:

24 Q. I'm not going to name xxxxxxxxxx, but obviously you know his name; is
15:29:31 25 that correct?

26 A. Yes, yes.

27 Q. Is he still living?

28 A. He's alive, but he's gone in the jungle, but he will still come.

29 Q. Have you given his details to the Office of the Prosecution?

1 A. That?

2 Q. Have you given his details; that is to say, his name and where they
3 can find him if they want to go and speak to him?

4 A. My uncle?

15:30:04 5 Q. The very fellow?

6 A. You mean my uncle?

7 Q. Who ever you may have been referring to as the Pa; xxxxxxxxxx, by any
8 other name, have you given his details to the Office of the Prosecution?

9 A. No, no.

15:30:24 10 Q. Thank you. So far as SAJ Alieu is concerned, are you able to help us
11 as to his whereabouts?

12 A. No, I would not be able to tell where SAJ Alieu is now, because I
13 only knew him in January 1999. From that time, I was not able to see him
14 up to this time.

15:30:49 15 Q. When was the last time you saw SAJ Alieu?

16 A. Just after they had buried Zainaib that was the end of January, that
17 was the time that he left the area.

18 Q. And when was the first time that you met him?

19 A. That was the 7th day of January 1999.

15:31:17 20 Q. You met him the same day -- I'm sorry. I beg your pardon. You met
21 him when; on 7 January 1999?

22 A. Yes.

23 Q. Haven't you just given us evidence that it was on 6 January that
24 Zainaib was killed or that she died?

15:31:41 25 MS STEVENS: That is not the witness's evidence.

26 THE WITNESS: No, no, no. No, no.

27 MR METZGER:

28 Q. Did you say in evidence then that it was towards the end of January
29 that that happened?

1 A. Yes. It was the end of January, I can remember.

2 Q. So in fairness, you knew him from 7 January until sometime towards
3 the end of January; is that right?

4 A. Pardon.

15:32:17 5 Q. You knew him from 7 January until towards the end of January. That's
6 the only time you ever saw this SAJ Alieu?

7 A. Yes.

8 Q. But during that time, is it correct that you became friendly with
9 him?

15:32:30 10 A. Not personal friend. He was not a personal friend of mine. xxxxxxxxxx
11 xxxxxxxxxxxx. See, when I was not well, he would come to me, bring some
12 medicines. At times, he would give me medicine and food, and I would eat.
13 That is how we have become acquainted.

14 Q. But you were friendly enough for him to look after your interests.

15:32:55 15 You obviously had some illnesses to cope with during that time period. You
16 became friends to the extent that he would come to your house.

17 A. No, that was not so. He did not come to my house frequently.

18 Q. Can I just ask you this -- possibly my last question, you'll be
19 pleased to hear, or this area of questions. Were you permanently resident
15:33:46 20 in that place by the time you met SAJ Alieu?

21 A. No, I was not there. My uncle went and brought me when I had a
22 fragment. He took me to his house in there to cure me, that is how I came
23 to be in that place. That was not my permanent place of residence.

24 Q. You yourself went to this place sometime after 6 January - between 6
15:34:21 25 and 7 January 1999?

26 A. The 6 of January, that was the time that I was taken there. The very
27 day that the incident occurred to me. That is the time that he took me
28 from the junction to the house of my uncle.

29 Q. Do you know if SAJ Alieu was a resident in that place?

1 A. Former resident?

2 Q. Yes. Let us start from this point of view, if SAJ Alieu had been
3 there in that place before you went there on 6 January; do you know that?

4 A. No, I can't tell, because by then I was distressed. In the morning,
15:35:08 5 the 7th, he came to the house and he greeted the old man and he said, "Look
6 at this fellow," it was yesterday that he had this damage.

7 Q. Although you can't tell, were you able to see the way in which your
8 uncle, the Pa, greeted him back?

9 A. In the morning?

15:35:32 10 Q. Yes.

11 A. Yes, he went and greeted the old man and the old man greeted him.

12 Q. Could you tell from the old man's reaction whether he already knew
13 SAJ Alieu by that stage?

14 A. Well, I can't tell because we are not sitting together. I only went
15:35:54 15 there because of the fragments. At that time, there was nobody in the
16 family. It was only he who was in that area, so I would not be able to
17 know if they had known themselves before, no.

18 Q. Would you agree, Mr Witness, that you've known your uncle for a long
19 time.

15:36:13 20 A. You mean SAJ Alieu?

21 Q. No,xxxxxxxxxx, the Pa, you've known him for a long time now?

22 A. Yes, xxxxxxxxxxxx. I just have to know him.

23 Q. So you know how he reacts with people and the customs that he adopts,
24 don't you?

15:36:40 25 A. I don't know.

26 Q. Because traditionally, the way in which people greet people changes
27 depending on whether they know them; isn't that the position where you come
28 from?

29 A. Well, on that side, I don't know. I would not be able to know.

1 Q. Mr Witness, I'm suggesting to you that you would greet a stranger
2 differently from how you would treat a friend or somebody that you know
3 closely.

4 A. That question.

15:37:19 5 MR METZGER: I have nothing further.

6 PRESIDING JUDGE: Thank you.

7 [Chamber confers]

8 PRESIDING JUDGE: Counsel, we will adjourn now for ten minutes. This
9 seems a convenient place. Mr Witness, we are going to have a break and
10 allow you to catch your breath. Like I told you at lunchtime, between now
11 and the end of your evidence, you are not to talk to anyone else about your
12 evidence; do you understand?

13 THE WITNESS: Okay.

14 PRESIDING JUDGE: Mr Witness, did you hear me?

15:38:07 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Did you understand?

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: The Court will adjourn for ten minutes.

19 [Upon adjourning at 3.39 p.m.]

15:51:44 20 [Upon resuming at 3.53 p.m.]

21 PRESIDING JUDGE: Is there further cross-examination of the witness?

22 Mr Knoops, you're on your feet, are you proceeding?

23 MR KNOOPS: Thank you.

24 CROSS-EXAMINED BY MR KNOOPS:

15:52:10 25 Q. GOOD AFTERNOON, WITNESS.

26 A. GOOD AFTERNOON.

27 Q. IS IT CORRECT YOU HAVE NEVER BEEN IN THE MILITARY SERVICE?

28 A. I'VE NEVER BEEN A SOLDIER. I'M A CIVILIAN.

29 Q. WERE YOU EVER IN BENGUEMA TRAINING CENTRE?

1 A. NO, I'VE NEVER LIVED THERE.

2 Q. YOU KNOW THE EXACT LOCATION OF THE BENGUEMA TRAINING CENTRE?

3 A. WELL, EXCEPT I GUESS, BECAUSE I PASS THROUGH THERE TO GO TO TONGO.

4 JUST AFTER YOU'VE CROSSED THE BRIDGE ON THE RIGHT-HAND SIDE, THAT'S WHERE

15:52:57 5 THE BARRACKS IS. THE VILLAGE IS ON THE LEFT-HAND SIDE, AND THAT'S WHAT I

6 KNOW.

7 Q. YOU JUST GAVE IN YOUR EVIDENCE AN ESTIMATION ABOUT THE DISTANCE

8 BETWEEN THE OLD ROUTE, WATERLOO, AND BENGUEMA TRAINING CENTRE. AND I

9 RECALL THAT YOU ESTIMATED THE DISTANCE AROUND ONE MILE; IS THAT CORRECT?

15:53:39 10 A. YES.

11 Q. MR WITNESS, YOU TESTIFIED THAT ON MONDAY, 22 DECEMBER 1998 YOU WERE

12 ASLEEP AND YOU WOKE. YOUR STATEMENT WAS THAT YOU LOOKED THROUGH A WINDOW;

13 IS THAT CORRECT?

14 A. WHEN THEY WOKE ME UP, THE REBELS HAVE COME, I WOKE UP AND I WATCHED

15:54:09 15 THROUGH THE WINDOW.

16 Q. MR WITNESS, IS IT YOUR EVIDENCE THAT YOU'RE ABLE TO LOOK FROM OLD

17 ROUTE, WATERLOO, TOWARDS THE HIGHWAY HEADING FOR BENGUEMA TRAINING CENTRE?

18 A. FROM WHERE I HID MYSELF TO THE TONGO PARKING LOT BACK TOWARDS

19 BENGUEMA ROAD, THAT'S WHERE I'M TALKING ABOUT. THAT'S WHAT I TALKED ABOUT

15:54:44 20 IN MY STATEMENT.

21 Q. IS IT YOUR STATEMENT THAT YOU WERE ABLE TO HEAR A DOOR BANGING IN THE

22 MIDDLE OF THE NIGHT FROM YOUR POSITION IN BENGUEMA TRAINING CENTRE?

23 A. THAT'S IN THE BUSH, IN THE BUSH WHERE I HID MYSELF, UP TO THE FIRING

24 HAS CEASED A LITTLE. NOT IN THE HOUSE WHERE I FIRST HID MYSELF. WE

15:55:18 25 ESCAPED FROM THE HOUSE AND HID OURSELVES IN THE BUSH, AND IT WAS FROM THAT

26 BUSH THAT I HEARD THAT THEY WERE BANGING AT DOORS.

27 Q. MR WITNESS, SPEAKING ABOUT THE BUSH, YOU INDICATED THAT YOU WENT TO

28 THE BUSH ON 26 DECEMBER 1998; IS THAT CORRECT?

29 A. DECEMBER 26TH? NO, NO, NO. NO, NO. NO. THAT'S NOT CORRECT. I

1 DIDN'T GO IN THE BUSH ON THE 26TH DECEMBER. THE 22ND OF DECEMBER, WHEN THE
2 REBELS CAME, AFTER THEY -- WHEN THEY HAD SAID, "500 MEN ADVANCE," WHEN THE
3 FIRING HAD CEASED, THAT'S WHEN I ESCAPED AND HID IN THE BUSH. THAT'S WHAT
4 I'M TRYING TO SAY.

15:56:21 5 Q. DID YOU GO TO THE BUSH ON YOUR OWN OR WITH OTHER PEOPLE?

6 A. MANY OF US WENT. I SAID SO.

7 Q. CAN YOU MENTION ANY NAMES?

8 A. FOR NOW?

9 PRESIDING JUDGE: Mr Knoops, can we just pause there and bear in mind
15:56:54 10 that there are protective witnesses. There are measures in place and I
11 have no idea whether this witness could be breaking those.

12 MR KNOOPS: Thank you, Your Honour. Let me rephrase the question in
13 that respect.

14 Q. Mr Witness, when you went into the bush, were there people with you
15:57:16 15 whom you knew; family, friends?

16 A. I was not there with family. I met with extra people where we went
17 in the bush.

18 Q. Right. Were you married at that time?

19 A. Yes, I was married.

15:57:41 20 Q. What happened with your wife? Because she just testified that you
21 did go into the bush.

22 A. Well, I was all alone. My wife was not there she was in Makeni.

23 Q. Right. So your statement is that you went into the bush without your
24 family; is that correct?

15:58:14 25 A. Yes, quite correct. I was all alone there.

26 Q. Furthermore, I believe it's your evidence that you returned from the
27 bush around 6 January 1999; is that correct?

28 A. No, wrong. I didn't come from the bush on January 6. It's a village
29 itself, that's where I came from, Yamba.

1 Q. Did you at that time contact your family?

2 A. Where I was in Yamba Town?

3 Q. Yes.

4 A. I was not able to contact them.

15:59:20 5 THE INTERPRETER: My Honours, the witness is speaking very fast and
6 the interpreter is finding it very difficult to interpret accurately.

7 PRESIDING JUDGE: Just pause a little bit. Let the interpreter
8 interpret it and then start again.

9 THE WITNESS: Okay.

15:59:41 10 PRESIDING JUDGE: Mr Interpreter, bring us up to that, please.

11 THE INTERPRETER: He has to take the answer again.

12 PRESIDING JUDGE: Mr Witness, could you repeat what you said a little
13 bit more slowly?

14 THE WITNESS: About my wife?

16:00:00 15 PRESIDING JUDGE: Yes.

16 THE WITNESS: He asked me if I was able to contact my wife during
17 that time. I said no.

18 MR KNOOPS:

19 Q. Mr Witness, it's your testimony that during that period you didn't
16:00:18 20 contact or did not have contact with your family; is that correct?

21 A. Yes, I was not able to contact them. Because I knew that they were
22 in a safe place.

23 Q. How were you able to establish that they were in a safe place?

24 A. My wife - I sent my wife and my children to her father, so I know
16:00:52 25 that - I knew that her father would never allow anything bad to happen to
26 her and the children, so my heart was at ease.

27 Q. I recall that you were confronted with questions of my learned
28 colleague, Mr Metzger, and indicated that at some moment you apparently
29 became injured; is that correct?

1 A. Yes, it's correct.

2 Q. Is it correct that this injury came about this period you returned
3 from the bush?

4 A. I didn't come from the bush. I came from Yamba Town and came to
16:01:53 5 Lumpa on January 6. That's when I got this injury.

6 Q. Could you describe what injury overcame you? What injury?

7 A. Well, I just felt something sharp in my hand and my foot are damaged.

8 Q. Were you able to walk at that time?

9 A. No, I couldn't walk.

16:02:27 10 Q. Were you able to see the injury?

11 A. Yes.

12 Q. Can you perhaps try to describe the injury?

13 A. At present, I couldn't describe the injury because of security
14 reasons.

16:03:00 15 Q. Mr Witness, were you medically treated for that injury?

16 A. No by then there was no medical treatment available.

17 Q. Mr Witness, do you recall that you bled at that time?

18 A. Yes.

19 Q. Could you perhaps indicate how much blood you lost? Was it a little
16:03:36 20 blood, substantial?

21 A. I can't tell, because it was over three-hour battle, so I was just
22 laying down there. I can't tell whether it was this or that, no.

23 Q. But could you perhaps give us an indication. Were you lying a pool
24 of blood or just some minor lots?

16:04:07 25 PRESIDING JUDGE: Mr Knoops, I'm not sure of the relevance of this
26 line of questioning.

27 MR KNOOPS: I will come to that in a second, Your Honour.

28 Q. You are not able to give an indication on this, I understand?

29 A. Which one?

1 Q. On the question to give the Court an indication of the amount of
2 blood you lost as you assert?

3 A. I can't indicate the amount of blood I lost, because that particular
4 day, I was -- I am not a doctor, so I couldn't tell how many pints of blood
16:04:59 5 I lost. I wouldn't know.

6 Q. Well, let me submit to you your statement you gave to the Prosecution
7 -- I quote from page 6299, the third paragraph, the last sentence - "I
8 later observed damages on my right hand and foot. I was continuously
9 bleeding for three hours at the same spot." Mr Witness, this is your
16:05:45 10 statement -- your first statement, by the way -- given to the Prosecution.
11 Do you recall making this statement?

12 A. Yes. I was bleeding for three hours, but I don't know the quantity
13 of blood that I lost. I bled - if it's the bleeding, I really bled.

14 Q. So apparently you were at that time in a position to estimate at
16:06:17 15 least the time of bleeding; is that correct?

16 A. I couldn't estimate, but it was about three hours I was lying down
17 when the fighting was going on, about three hours, non-stop firing.

18 Q. And the bleeding you refer to was continuous; is that correct?

19 A. Yes, at that moment. Not for the three hours, because I had picnic
16:06:53 20 in my bag and that helped me to sustain me.

21 Q. How did the bleeding stop, Mr Witness, after three hours?

22 A. I can't tell exactly. I can't tell exactly the time.

23 Q. After three hours of bleeding, you were continuously lying on the
24 ground, on the same spot?

16:07:21 25 A. No, they took me up.

26 Q. Who took you up?

27 A. My uncle.

28 Q. Why did your uncle put you up?

29 A. To take me to his house because of the damage that the house

1 sustained. By then the firing had ceased.

2 MR KNOOPS: Your Honour, the Defence observes and notes that this is
3 a statement of the witness which was not previously put into the evidence
4 of his statement, but that's just now my observation.

16:08:11 5 Q. Mr Witness, you just indicated to the Court that you did not
6 underwent medical treatment for your injuries; is that correct?

7 A. At that time, I didn't go for medical treatment, because there was no
8 hospital, there was nothing that was functioning in the medical building.
9 So they were using hats that they wrapped around my hand.

16:08:53 10 Q. Was there a moment when you were able to see a physician?

11 A. They took me up to March.

12 Q. I'm sorry, you're referring to the month March?

13 A. Yes, 1999, because in January ending, I was in Waterloo, and later
14 on, when the fighting had intensified between the Guineans and the rebels I
16:09:29 15 escaped, and I was in the bush in February and March, and I returned to
16 Lumpa. And the other day, I was able to go and see a doctor because they
17 had started functioning. ECOMOG had taken over at that time during March.

18 Q. So it is your evidence that in March you were medically treated for
19 that specific injury; is that correct?

16:10:01 20 A. Yes, March, from January.

21 Q. Mr Witness, you are just answering to the Defence and the Prosecution
22 and the rest of the Trial Chamber that you were not able to disclose your
23 injury out of security reasons. Could you perhaps specify the meaning of
24 the wording "security reasons"?

16:10:42 25 A. No.

26 Q. Are you able to show to the Trial Chamber your injury?

27 MS STEVENS: Your Honours, we have patiently and carefully listened
28 to the questions that the Defence counsel has put to the witness, but I'm
29 afraid we don't see the relevance of this line of questions.

1 THE WITNESS: At all, at all, at all.

2 MR KNOOPS: Your Honours, it seems to the Defence that this portion
3 of the witness's statement and the verification of that statement for that
4 specific portion may shed some light on the credibility of the witness.

16:11:44 5 PRESIDING JUDGE: Have you challenged him on the credibility? He has
6 said he was bleeding for three hours and he couldn't get medical treatment.
7 That's really all I've learned, or are you saying that the question of the
8 security is the credibility issue.

9 MR KNOOPS: No, Your Honour, the former issue. I would say that the
16:12:08 10 witness just confirmed that he was injured and he's apparently not able or
11 willing to reveal the specific injury. Now, considering the statement he
12 gave which can give rise to some surprise, because if somebody bleeds for
13 three hours, that would, indeed, lead to some substantial blood loss, but
14 in addition to that, the witness is apparently basing his authenticity of
16:12:49 15 the statement on the fact that he was there on the spot and injured by what
16 he asserts is a very big explosion. That means that this --

17 PRESIDING JUDGE: The word I heard him use was fragment.

18 MR KNOOPS: So how are we able to verify if the witness tells the
19 truth while asserting that he was there if we are not able to verify this
16:13:25 20 specific point?

21 PRESIDING JUDGE: Are you saying he was not injured? Are you putting
22 he was not injured?

23 MR KNOOPS: At this point, the Defence has reasons to believe he is
24 not injured and that his statements put into evidence is not according to
16:13:42 25 the reality.

26 PRESIDING JUDGE: Put that.

27 JUDGE LUSSICK: Mr Knoops, I think that last question you asked is
28 admissible. It goes to the witness's credibility. You can put it again.

29 MR KNOOPS:

1 Q. Mr Witness, I would encourage you to answer once more my question to
2 specifically state what injury did cause - was caused to your head and/or
3 foot and show it to the Court. You're sitting behind a screen --
4 A. I said a fragment.
16:14:34 5 Q. Where?
6 A. At Waterloo.
7 Q. I mean, which part of your body or part of your body?
8 A. My foot and my hand.
9 Q. Left or right hand?
16:14:50 10 A. Both on the right.
11 Q. Can you show us, please? Can you show us your right hand?
12 A. [Indicates]
13 JUDGE LUSSICK: Did you see that, Mr Knoops, or would you like to
14 approach?
16:15:19 15 MR KNOOPS: If the Court has no objection, and the Prosecution
16 neither, I would like to approach.
17 JUDGE LUSSICK: Interpreter, please interpret this. Witness, we're
18 not seeking to embarrass you at all. It's just that counsel have
19 questioned your allegation that you were injured. You've demonstrated some
16:15:36 20 injury that I must say I cannot see from the Bench. But Mr Knoops is
21 questioning the fact that you were injured, so I'm giving him leave to
22 approach you --
23 MR KNOOPS: Thank you, Your Honour.
24 JUDGE LUSSICK: -- to observe the injury. Do you understand?
16:15:55 25 THE WITNESS: Yes, sir.
26 JUDGE LUSSICK: This is not meant to embarrass you at all.
27 MR KNOOPS: Your Honour, I'm able to transmit to the Trial Chamber
28 what I see or not see, but of course I'm not a physical expert.
29 JUDGE LUSSICK: Someone from the Prosecution also approach, and you

1 can relate what you see.

2 MR KNOOPS: Will you allow my colleagues?

3 JUDGE LUSSICK: Yes.

4 MR KNOOPS: Only the lead counsel, please.

16:16:37 5 JUDGE LUSSICK: Are you listening, Witness? You demonstrated your

6 right hand before.

7 THE WITNESS: I'm listening.

8 JUDGE LUSSICK: Would you be good enough to show the right hand

9 again.

16:16:55 10 THE WITNESS: [Indicates]

11 PRESIDING JUDGE: Can counsel agree on a record to be taken by the

12 Court of what they've seen? Mr Knoops, I'm asking if counsel can agree on

13 what record should be made of what you have seen.

14 MR KNOOPS: Yes, Your Honour. As far as the Defence is concerned, I

16:18:15 15 look to my learned colleagues. There were two scars. One on the right

16 pulse.

17 PRESIDING JUDGE: Right?

18 JUDGE LUSSICK: The right wrist, was it? Right wrist?

19 MR METZGER: The outer aspect of the right wrist.

16:18:41 20 JUDGE LUSSICK: You do some personal injury work, Mr Metzger?

21 MR METZGER: No comment.

22 PRESIDING JUDGE: And the other, Ms Stevens, Mr Knoops?

23 MS STEVENS: And the foot.

24 MR KNOOPS: Yes, the right foot. Right. Below the calf. Below the

16:19:12 25 calf.

26 JUDGE SEBUTINDE: Mr Knoops, do you mean below the heel?

27 MR KNOOPS: Just above.

28 JUDGE SEBUTINDE: The calf is part of the leg.

29 MR KNOOPS: I know.

1 JUDGE SEBUTINDE: And you're saying the second injury is on the foot.
2 Where exactly on the foot?
3 MR KNOOPS: Between the ankle and the calf. I can show you if you
4 like.
16:19:43 5 JUDGE SEBUTINDE: That can't be on the foot then. It has to be part
6 of the leg.
7 MR KNOOPS: That's correct.
8 JUDGE SEBUTINDE: Just below the calf.
9 JUDGE LUSSICK: What do you say, Mr Metzger? You saw it as well.
16:19:55 10 MR METZGER: I was going to suggest the interior aspect of the right
11 leg about a third of the way up, just underneath the calf.
12 PRESIDING JUDGE: Is that record agreed by counsel for the
13 Prosecution?
14 MS STEVENS: Yes, Your Honour.
16:20:17 15 MR KNOOPS: The size of it for me was difficult to estimate. But for
16 that, we should perhaps consult the real expert.
17 PRESIDING JUDGE: We can bring a tape measure.
18 The record shows as follows: Two scars, one to the right wrist on
19 the outer aspect. The second, interior aspect of the right leg, one third
16:20:40 20 of the way up. Is that record agreed?
21 MS STEVENS: Agreed by the Prosecution, Your Honour.
22 MR KNOOPS: And to my learned colleagues, I think it's agreed from
23 the Defence side, Your Honour. Thank you.
24 PRESIDING JUDGE: Thank you. The record will stand.
16:20:55 25 JUDGE LUSSICK: It's noted there are no dimensions to those scars.
26 Did you want to put those in or not?
27 MR KNOOPS: My colleagues? Just one second.
28 [Defence counsel confer]
29 MS STEVENS: Your Honours, very small. I would say about a couple

1 centimetres. The scar on the wrist, I would say roughly about 3
2 centimetres.

3 JUDGE LUSSICK: That's in length?

4 MS STEVENS: In length, yes.

16:21:42 5 PRESIDING JUDGE: And on the leg?

6 MS STEVENS: On the leg, I'm not too sure. But I think I would
7 roughly say about 2, 2 centimetres?

8 MR KNOOPS: Yes. About that.

9 PRESIDING JUDGE: Thank you, counsel.

16:22:01 10 Mr Knoops, please proceed.

11 MR KNOOPS: Thank you, Your Honours, for your patience.

12 Q. Mr Witness, I'm sorry for the interruption. To continue with the
13 examination by the Defence, and I'll bring you to a period somewhere later
14 in your statement. We're now going to the period around or shortly after

16:22:35 15 the 6th of January 1999. My first question relating to this topic is,
16 Mr Witness, after 26 December 1998 and the moment you have stated that
17 Five-five -- person you refer to as Five-five shot Zainaib, did you -- were
18 you able to see this person in between? Do you understand my question?

19 So after --

16:23:28 20 PRESIDING JUDGE: Just pause, Mr Knoops. You should ask only one
21 question at a time. There should never be two questions in one. I
22 noted yesterday that you would ask a question and then you would paraphrase
23 it. It was beginning to confuse me. Stick to the first question. You've
24 asked him, were you able to see the person after the 26th of December 1998?

16:23:55 25 MR KNOOPS: Correct. Yes, okay. Thank you.

26 We should add, Your Honour, it's between the 26th of December and
27 prior to the alleged shooting incident. I'm referring to this specific
28 period.

29 Q. Mr Witness.

1 A. 26 December 1998, I was in Yamba Town.

2 PRESIDING JUDGE: That's not the question, Mr Witness. The question
3 was did you see the person you named as Five-five?

4 THE WITNESS: December 26, you mean?

16:24:57 5 MR KNOOPS:

6 Q. Mr Witness, I refer to the period between 26 December 1998 and the
7 moment you were sitting opposite the house of SAJ Alieu where you allegedly
8 heard that a person called Five-five shot Mrs Zainaib. That period.

9 THE INTERPRETER: Please repeat the question, counsel.

16:25:33 10 MR KNOOPS:

11 Q. The 26th December 1998, you left your house. Is that correct?

12 A. Not correct.

13 Q. Mr Witness, you have stated to the Prosecution on page 6299, and I'll
14 rephrase "on the 26th December 1998, I went to the bush to seek refuge."

16:26:19 15 A. On the 22nd of December 1998, that's the time when the rebels came
16 in. The 23rd, on Tuesday, that's when we returned to Lumpa. And from
17 there, I went to Yamba Town to hide. Since I went there, I only came back
18 on January the 6th. On the 28th December, I was not in Lumpa. I was not
19 in Lumpa any more. I was in hiding with my colleagues.

16:26:58 20 Q. Mr Witness, let me put it differently. Between the moment you just
21 referred to in Lumpa and the day that Zainaib was allegedly shot, did you
22 see the person you refer to as Five-five?

23 A. Yes.

24 Q. Where did you see him?

16:27:25 25 A. At Waterloo. I was going upwards. I was at the park.

26 Q. What did you see there? Explain what you saw in this regard.

27 A. In the morning, SAJ Alieu came to the house and met xxxxxx. And he
28 said, "My boss has shot my wife." And he said, "Which boss are you talking
29 about?" And then he said, "Brigadier Five-five, and look at him going over

1 there." And I peeped through the window and I saw him going. And I asked
2 why did he shoot him? And he said, it was for these men who are refusing
3 to go and fight, and that's why he shot the woman.

4 Q. Mr Witness, I thank you for your answer. But you're actually one
16:28:21 5 step ahead of the Defence right now. You're now referring to the period we
6 are coming to. I refer to the period before that. So the period between
7 Lumpa and the I want you just refer to, in that period, did you see the
8 person you refer to as Five-five? So I'm not speaking about --

9 A. Between what period?

16:28:59 10 Q. The period, again, of the 26th December -- or around the 26th of
11 December 1998, you spoke about in relation to Lumpa, that moment, and the
12 moment the incident took place. The period between these two moments, did
13 you see the person you refer to as Five-five?

14 A. I first saw him on the 6th of January. That's the first time I saw
16:29:47 15 him. While the invasion was going on, while the shooting was going on.

16 Q. Where exactly did you see him?

17 A. At the main highway. Waterloo-Masiaka Highway.

18 Q. In what capacity was he there? Can you describe what you saw.

19 A. I saw him dressed in full military uniform, combat.

16:30:22 20 Q. Was he on his own? Were there other people with him?

21 A. I saw him alone because at that moment I was in distress. I was not
22 able to look around. That's the time I had this injury, January 6th.
23 Where I hid, I was watching at the main highway.

24 Q. So is it your statement that you saw him passing by?

16:31:04 25 A. He was not passing by. He had come from Lumpa, and he had come to
26 the main highway.

27 Q. Mr Witness, in your statement given to the Prosecution, first
28 statement, it's page 6299, the last paragraph, I quote from that. I'll put
29 it to you. I quote: "Not too long, I saw Santigie Kanu, alias Five-five,

1 leading a group of other soldiers who were all dressed in military combat
2 in the vicinity."

3 Do you recall making this statement to the Prosecution?

4 A. No. I never remember that statement. The January 6th, I saw him
16:32:23 5 alone. I wouldn't tell lies. And I'm here to say the truth, and nothing
6 but the truth. That's my weapon.

7 Q. Thank you. We appreciate you doing so, Mr Witness.

8 Could you perhaps give an explanation on how this statement came
9 about.

16:32:50 10 A. I can't tell. I have no explanation about that.

11 Q. So, Mr Witness, it's your evidence now that this statement I just
12 quoted was never given by you? Is that correct?

13 A. Well, I can't tell. I can't tell.

14 Q. Why are you not -- why are you not able to tell?

16:33:21 15 A. I can't answer. I'm not able to answer that question.

16 Q. Mr Witness, perhaps I'm just a simple lawyer, and perhaps I am. But
17 you could in my view just say, "I made this statement at that time to the
18 Prosecution" or "I didn't make the statement." Yes or no.

19 A. I can't remember that I made that statement, that particular area. I
16:33:57 20 don't think I ever made that statement. I didn't have that idea. That's
21 why I said, here that I am, I have sworn on the Holy Koran that there is
22 nothing that I am going to say except the truth. What I saw is what I'm
23 going to talk about. And what I didn't see, I wouldn't talk about. It's
24 what I saw with my own very eyes, that's what I'm going to talk.

16:34:26 25 Q. Mr Witness, in your perception, would you ever sign a statement for
26 the Prosecution or Defence - in this event, the Prosecution - would you
27 ever sign a statement which in your view is not correct?

28 A. I can't remember.

29 Q. Mr Witness, I just ask in general, would you yourself, bearing in

1 mind your note you just gave us, would ever sign a statement which --

2 JUDGE SEBUTINDE: Mr Knoops, please excuse me. You are quoting part
3 of a statement again.

4 MR KNOOPS: Yes.

16:35:15 5 JUDGE SEBUTINDE: I don't know if it would help if you would quote
6 the entire paragraph, or whether it would prejudice your case to do that,
7 because we went through this same modus operandi yesterday regarding
8 contradictions in statements. If you're to put a statement, a
9 contradiction, to a witness, it would help if you would actually quote the
16:35:36 10 whole paragraph and not just a bit of it.

11 MR KNOOPS: Thank you, Your Honour. I fully agree with you. I'm
12 aware about your instructions of this morning. But I respectfully submit
13 that I was about to quote the whole paragraph, but it's my feeling that
14 when quoting the whole paragraph, the paragraph pertains to several
16:35:58 15 sub-questions I may have to the witness. So if the Court allows me, I will
16 go through that paragraph, but per sentence, I have a question, a separate
17 question. And in that regard, it could confuse the witness. But I'm
18 respectfully giving this as a suggestion, I'm totally able and willing to
19 first cite the whole paragraph and then go from sentence to sentence.

16:36:32 20 PRESIDING JUDGE: That's what we're inviting you to do.

21 MR KNOOPS: Thank you.

22 Q. Mr Witness.

23 A. Yes.

24 Q. I will ask some patience of you. Excuse me for that. I will first
16:36:43 25 quote a portion of your statement given to the Prosecution earlier, and
26 then I will come back to you with some questions. The statement reads as
27 follows: "Not too long, I saw Santigie Kanu, alias Five-five, leading a
28 group of other soldiers who were all dressed in military combat in the
29 vicinity. They were all armed with guns, even though I did not know the

1 type of guns they were carrying as I'm not a military man. I saw Five-five
2 having a radio handset, and I heard him communicating in the set, giving
3 command to the men to concentrate on Ibo Town [phon] area. I was able to
4 see them from the spot I lay down, but I don't think they were seeing me.
16:38:11 5 I was able to know that the man having the radio handset was Santigie Kanu,
6 alias Five-five, because I have known him before. He's a tall and slim man
7 and fair in complexion. I knew him during the reign of the AFRC as he was
8 one of the big men, and he used to come to Lumpa to visit other AFRC men."

9 Mr Witness, this is your statement given to the Prosecution on the
16:38:55 10 4th of September 2003. And if the Court allows me to do so, I would like
11 to address you with some separate questions pertaining to this portion of
12 your statement. I believe that the first sentence we already addressed,
13 the first sentence, "not too long, I saw Santigie Kanu, alias Five-five,
14 leading a group of other soldiers who were all dressed in military combat
16:39:29 15 in the vicinity."

16 You just testified that this is not your -- or at least, that you
17 cannot recall making this statement.

18 MS TAYLOR: Your Honours, I wonder whether I might interrupt at this
19 point. There is, of course, the additional statement dated the 17th of
16:39:52 20 February 2005, which is page 6816. And that statement says that the
21 witness made the following changes to his statement of the 4th of September
22 2003. And the first of those changes is that "on the 6th of January 1999
23 when I saw Five-five, he was by himself. He was not leading troops.
24 Further, I could not hear what he was saying on the radio," et cetera. If
16:40:26 25 my learned friend is putting the original statement as a prior inconsistent
26 statement, it is important to remember the context that prior to the
27 witness taking an oath today, he indicated that he wished to change his
28 statement. And in fairness to the witness, I think that needs to be put.

29 MR KNOOPS: Your Honour, Defence has no objection against this note.

1 But we should be reminded that first of all the statement my honourable
2 opponent refers to was a statement which at that time was not signed. And
3 secondly, the Defence is simply asking questions about how the witness came
4 about to this particular statement which he indeed has changed. We're
16:41:32 5 simply asking the witness, if you're now changing your statement, and
6 it's -- the changes are indeed quite substantial, if I may say so,
7 Your Honour, then it's I think a fair question to be put to the witness how
8 he came about to in the first instance to this different statement. We
9 would simply like to know what made him change his statement.

16:42:03 10 PRESIDING JUDGE: Well, put that to him, Mr Knoops, if that is what
11 you so wish to put.

12 MR KNOOPS: Thank you.

13 Q. Mr Witness.

14 A. Yes.

16:42:13 15 Q. You just heard the reading out of your first statement. Today, you
16 testified under oath that you wish to change that statement --

17 MS TAYLOR: That's precisely the unfairness that I'm pointing out,
18 Your Honours. The witness indicated prior to --

19 MR METZGER: Respectfully, is there an objection?

16:42:38 20 MS TAYLOR: I'm on my feet.

21 MR METZGER: As am I.

22 PRESIDING JUDGE: Mr Metzger, it's Mr Knoops who is cross-examining,
23 and counsel for the Prosecution has raised an objection, I don't think it's
24 appropriate for you to be on your feet.

16:42:47 25 MR METZGER: And it was Ms Stevens who took the witness. I don't
26 know if we're allowed to mix and match. In the circumstances, I'm standing
27 up in the rearguard formation for the Defence because it seems to me that
28 these are all matters which can either be dealt with in re-examination or
29 proper objections should be taken. My learned friend, maybe English not

1 being his first language, is a little sometimes slow to react to some
2 situations. I hope I'm not doing a disservice by, as it were, pointing
3 this matter out.

4 MS TAYLOR: May I finish my objection, Your Honours. It was
16:43:30 5 precisely that unfairness that I'm talking about. If it was put to the
6 witness that he has changed his statement for the first time today that is
7 unfair because the Defence had been put on notice that, as of the 17th of
8 February, the witness indicated that he wished to change his statement, his
9 original statement. Now if they want to examine why it is that he wished
16:43:51 10 to change, that is very different from putting the fact that the witness
11 has changed his mind today.

12 JUDGE LUSSICK: Well, I did not understand Mr Knoops to be saying
13 that the witness just changed his mind today.

14 MR KNOOPS: No, Your Honour, we totally agree that the Prosecution
16:44:06 15 properly announced that the witness would change his statement. That's, of
16 course, not the issue. The issue is in our view, with all due respect, we
17 simply want the witness to answer the question what made him change the
18 statement. That's the only question.

19 JUDGE LUSSICK: You can ask that question.

16:44:26 20 MR KNOOPS:

21 Q. Mr Witness, what made you change your statement on this particular
22 issue?

23 A. Well, my first statement, like you said, like you said, when a man
24 recollects, you have phase one, you have phase two, maybe phase three will
16:44:50 25 be the final one.

26 Q. Mr Witness, does that count for the whole portion we just read out
27 from your first statement?

28 A. I want you to ask me a question pertaining to the statement I gave
29 this morning in court.

1 Q. Mr Witness.
2 A. Yes.
3 Q. I want to ask you once more the question.
4 A. Yes.
16:45:34 5 Q. You changed your statement. That's correct?
6 A. Well, what I know is what I said in my statement this morning. I
7 don't know whether, like you said.
8 Q. Can you give us a reason why you gave a different statement in
9 September 2003 than you - let's put it that way - confirmed today with
16:46:12 10 respect to the announcement of the 17 February 2005, I add for the
11 Prosecution, what -- you are not able to tell us? Is that correct?
12 JUDGE LUSSICK: Did you understand the question, Witness?
13 THE WITNESS: I did not understand what he means.
14 JUDGE LUSSICK: Mr Knoops is asking you, what was your reason for
16:46:46 15 changing your original statement?
16 THE WITNESS: Well, that statement that he's talking about, well,
17 there are some parts that I did not say. But this one is directly what I
18 knew, and that is why at the particular time I swore under oath and that
19 now that I have spoken today, I think it's the right thing that I have
16:47:19 20 said. That's why I have sworn on the Holy Koran, that I am coming to say
21 the truth.
22 MR KNOOPS: All right.
23 Q. Mr Witness, let's move on with the next subject. If I'm correct,
24 Mr Witness, you indeed stated that you heard that a person referred to as
16:48:10 25 Five-five shot Mrs Zainaib. Is that correct? That is today your
26 testimony?
27 A. Yes.
28 Q. Again, I ask your patience for the following sentence I draw from
29 your statement from September 2003. It's a statement which can be found on

1 page 6300, last paragraph. I will first quote the full portion, and then
2 come back to you with the relevant question.

3 To the Prosecution in September 2003, you stated, I quote: "At
4 Waterloo, I saw Brigadier Five-five killed a 20-year-old girl Zainaib. He
16:49:09 5 killed her because he met the lady seated by one rebel who had refused to
6 fight against ECOMOG. He said he killed the girl because their fighting
7 men are reluctant to go to the front because of women. After the incident
8 at Waterloo, Five-five went to Lumpa where I was told he killed eight
9 people, including xxxxxxxxxxxxxxxx, Mr Victor."

16:50:00 10 Now, today, Mr Witness, you testified that you confirmed your change
11 of statement which is to be found in the notes of the 17th February 2005,
12 and you testified that you heard that a person referred to as Five-five
13 killed your -- killed Mrs Zainaib. What made you change your statement on
14 this particular point?

16:50:50 15 A. That question, I give my final statement today.

16 Q. Was there a specific reason why you gave a different statement on
17 this topic in September --

18 A. I have no reason. I have no reason. I didn't mention in the
19 statement, but I say that he killed. I said it this morning. I was at the
16:51:22 20 house when SAJ Alieu came and said they've shot my woman. And that's when
21 the Pa went and collected her and brought her to the house and interviewed
22 her, and I've sworn.

23 Q. Mr Witness, was there a reason why you earlier stated that you saw a
24 person referred to as Brigadier Five-five killing a 20-year-old girl?

16:51:51 25 A. Yes, I saw him. I saw him. When SAJ Alieu came and made report to
26 xxxxxxxx, then my uncle said, "Who killed? Who is your boss?" And he
27 said, "Brigadier Five-five, look at him going there." And that's the time
28 when I peeped through the window and I saw Brigadier Five-five going up.
29 And that's when my uncle went and collected the lady and brought her to the

1 house, and that's when she died.

2 Q. Mr Witness, we should be fair to you, of course. But I mention again
3 that you earlier stated that you yourself saw that a person referred to as
4 Brigadier Five-five killed. Do you agree that when you say "I see somebody
16:52:41 5 killing," that that is different from saying, "I heard it, I heard from
6 somebody that Brigadier Five-five killed..."? I see that you --

7 A. No, no, no. SAJ Alieu came to the house and told the Pa, my uncle,
8 and told his wife. And then my uncle said, "Who is this? Who is the
9 wife?" And he says, "Zainaib." "And who is your boss?" "Brigadier
16:53:16 10 Five-five, look at him going." Then I peeped through the window, and I saw
11 him going. From there, my uncle went and took the lady and brought her to
12 the house. And I was standing there when Zainaib was interviewed. And
13 that's when I knew that it was Zainaib Kamara and [inaudible] that's when
14 she died.

16:53:40 15 Q. Your evidence today, Mr Witness, is that you did not see him killing.
16 Is that correct?

17 A. I heard the gunshot. And when the boy came, xxxxxxxxxxxxxxxxxxxxxxxx.
18 When he came, he said look at the man going --

19 JUDGE LUSSICK: Mr Witness, please, answer the question. All you're
16:54:01 20 being asked is simply, by Mr Knoops, did you say today that you did not
21 actually see Zainaib being shot? That's all you're being asked. No need
22 to go into the whole history of the episode again. What's your answer to
23 that question? Did you actually see --

24 THE WITNESS: Repeat the question.

16:54:28 25 JUDGE LUSSICK: Say it again, Mr Knoops.

26 MR KNOOPS: Yes.

27 Q. Mr Witness.

28 A. Yes.

29 Q. Is it your statement today that you did not actually see the killing

1 yourself? Yes or no.

2 A. I didn't see when she was shot. But when I heard the gunshot, SAJ
3 came to the house and made the report that they've shot his wife.

4 Q. Okay. Mr Witness.

16:55:08 5 A. Yes.

6 Q. In general, without speaking about the incident you've referred to
7 several times, in general, is there a difference between seeing that
8 somebody is killed or hearing it from somebody else?

9 PRESIDING JUDGE: Mr Knoops, is that a theoretical question? I don't
16:55:35 10 think it's appropriate. I think it's more appropriate for submission.

11 MR KNOOPS: Thank you.

12 Q. Mr Witness.

13 A. Yes.

14 Q. It is your testimony, isn't it, that Mr SAJ Alieu ran into your
16:56:01 15 house?

16 A. Repeat.

17 Q. Is it your testimony that after the shooting you refer to, Mr SAJ
18 Alieu ran into the house of your uncle? Is that correct?

19 A. Yes, he ran and came to our house.

16:56:30 20 Q. Did he come to the house of your uncle directly after the shooting?

21 A. Yes, yes.

22 Q. How fast? How many seconds, minutes after you heard the shot?

23 A. In less than 10 minutes. In less than 10 minutes.

24 Q. Wasn't it your testimony today, Mr Witness, that you saw at some
16:57:30 25 time -- that you at some time saw a person referred to as Five-five on the
26 street walking away?

27 A. This morning?

28 Q. No, no. I mean at that time. When SAJ Alieu came to the house of
29 your uncle.

1 A. After SAJ Alieu had made the report, he said "Who is this, your
2 boss?" And he said "Brigadier Five-five, and look at him going up there,
3 going towards Lumpa." Lumpa Park. And that's when I peeked through the
4 window and saw him going up on the streets.

16:58:27 5 Q. How much time was there between the shot and the seeing of that
6 person? How much time?

7 THE INTERPRETER: Counsel, please repeat your question.

8 THE WITNESS: Repeat the question. The interpreter has a problem.

9 MR KNOOPS:

16:58:56 10 Q. How much time was there between the shot you heard and you looking
11 through the door --

12 PRESIDING JUDGE: Window, Mr Knoops.

13 MR KNOOPS: Sorry.

14 Q. -- window, and seeing a person who was referred to by SAJ Alieu as
16:59:20 15 "the boss"? How many seconds? How many minutes?

16 A. I can't tell because I had no watch at that time.

17 Q. How are you able to tell us that Mr SAJ Alieu came into the house of
18 your uncle, within or about 10 minutes?

19 A. In less than 10 minutes. There at the back house - the big house is
17:00:02 20 in front - if something happens there, nobody would know it.

21 THE INTERPRETER: My Lords, the witness has to take that answer
22 again. It's not very clear. It's not specific on issues.

23 MR KNOOPS:

24 Q. How were you able to estimate the time frame of less than 10 minutes?

17:00:39 25 A. I just took it off head. It was not too specific really.

26 Q. Are you able to indicate or try to give an indication with respect to
27 the earlier question; namely, how much time was there between the shooting
28 and seeing the person who was referred to as "this is my boss"?

29 A. I can't tell the time really. I can't tell you that so-and-so is the

1 time.

2 Q. Mr Witness, did you actually see that person who was referred to as
3 "the boss," see him leaving the house of SAJ Alieu?

4 A. Yes, he was going up. And he said, Look at him going. And I peeked
17:01:50 5 through the window, and I saw him going.

6 Q. My question is did you see him physically come out of the door of
7 that house?

8 A. I didn't see him come through the door. When SAJ Alieu came and made
9 the report, I went to the parlour, and I watched through the window and I
17:02:11 10 saw him going up. And he said "Look at him going up."

11 Q. So you saw him just passing by, but you didn't see him coming out of
12 the door. Is that correct? Yes or no.

13 A. After the report, after SAJ Alieu made his report, that's when I saw
14 him going. He said "Look at him going."

17:02:38 15 Q. How much time was SAJ Alieu with your uncle and you when he came to
16 you?

17 A. The time that -- that he was with us?

18 Q. Yes.

19 A. You mean days? Months? Minutes? Seconds? Hours?

17:03:04 20 Q. I mean the time of his report. How much time took his report to your
21 uncle and you.

22 A. I had answered this question earlier.

23 PRESIDING JUDGE: [Previous interpretation continues] -- that
24 question.

17:03:29 25 MR KNOOPS: Sorry, I didn't understand.

26 PRESIDING JUDGE: We can't get to grips with that question. What
27 exactly are you asking?

28 MR KNOOPS:

29 Q. Mr Witness, you testified that SAJ Alieu came to the house of your

1 uncle to report. My question is how much time took him bringing over this
2 report? How long did he stay in your -- in the house of your uncle? Was
3 it a few seconds? A few minutes?

4 A. I can't exactly tell the time, exact minutes, exact minutes. I
17:04:09 5 hadn't a watch, and I didn't time it.

6 Q. But in your feeling, was it seconds or minutes?

7 A. Around minutes. Minutes. Not seconds. It's minutes, but I can't
8 tell if it is 5 or 10 or 15 minutes. But it's minutes.

9 Q. What was the reason that SAJ Alieu came to your house to report and
17:04:42 10 stayed there for several minutes while Mrs Zainaib was apparently lying in
11 the other house?

12 PRESIDING JUDGE: Mr Knoops, I'm not sure that that's a fair question
13 because you're asking him to go into the mind of SAJ Alieu.

14 MR KNOOPS: Perhaps I can rephrase it in this sense, Your Honour, to
17:05:05 15 the witness.

16 Q. Mr Witness, did SAJ Alieu tell you -- let me put it different. Did
17 you say to Mr SAJ Alieu at that time when he came to report where Zainaib
18 was?

19 A. SAJ Alieu said "Look at my wife at the house. She has been shot."
17:05:37 20 That is the report he came to make to the Pa, because Pa was the elder in
21 that area. When people had gone, he was the only person that stayed
22 behind.

23 Q. Did SAJ Alieu give a reason for the shooting to you or your uncle?

24 A. Yes. They gave a reason why the lady was shot.

17:06:13 25 Q. And what were his exact words?

26 A. You mean SAJ Alieu?

27 Q. Yes.

28 MS STEVENS: Your Honour, it seems to me this is already covered
29 ground. These questions have been asked before.

1 PRESIDING JUDGE: Twice, if not three times, Mr Knoops.
2 MR KNOOPS:
3 Q. Mr Witness, you testified that you never saw this person again. Is
4 that correct?
17:06:56 5 A. Which person?
6 Q. The person who was referred to as Brigadier Five-five.
7 A. Yes, I didn't see him again from that day.
8 Q. Did you know where he went to at that time?
9 A. I don't know. During that time, I had gone to the bush to hide.
17:07:24 10 Q. Mr Witness, you just testified that this person called Five-five wore
11 a silver object. Is that correct?
12 A. Yes. Yes, he had something like silver.
13 PRESIDING JUDGE: Mr Knoops, I didn't hear.
14 MR KNOOPS:
17:07:53 15 Q. Could you give a description of the things he wore. Uniform? The
16 clothes?
17 A. He had military uniform, green coloured, that particular day.
18 Q. Did he wear a helmet?
19 A. No, he did not wear any helmet. He wore a beret, black.
17:08:28 20 Q. Did he wear a rucksack?
21 A. No. I did not notice that.
22 Q. Did he have anything else with him aside from this silver object?
23 A. No, I did not see him with anything besides that.
24 Q. Mr Witness, a few last questions: You earlier stated that the rebels
17:09:15 25 never entered Waterloo, but that they merely came around the outskirts of
26 Waterloo. Is that correct?
27 MS TAYLOR: Perhaps my learned friend could specify whether he's
28 talking about December or January.
29 MR KNOOPS: Both.

1 Q. Let's start with December.

2 JUDGE LUSSICK: Mr Knoops, are you asking whether he said that or
3 whether the rebels actually came?

4 MR KNOOPS: He said it. And I'm asking the witness whether he
17:09:57 5 confirms having said that.

6 JUDGE LUSSICK: Well, ask him then.

7 MR KNOOPS:

8 Q. Mr Witness, is it correct that you stated that the rebels never
9 entered Waterloo in December 1998?

17:10:16 10 A. They entered Waterloo and the old road, towards Benguema barracks.
11 That was what I said this morning in my statement.

12 Q. I recall that you testified this morning that the rebels never
13 entered Waterloo.

14 A. No, no, no, no.

17:10:39 15 Q. So it's your statement that they did enter Waterloo? Is that
16 correct?

17 A. From Lumpa to Waterloo, from Waterloo to Benguema, that is how they
18 travelled. That was December 22, Monday.

19 Q. Waterloo or Waterloo Junction?

17:11:03 20 A. Yes.

21 Q. Which one?

22 A. When you're on the old road, it is part of Waterloo, at the junction.
23 So it is part of Waterloo. As you cross the bridge, it is Waterloo. Then
24 you take Benguema access. So it is part of Waterloo. They entered
17:11:20 25 Waterloo. As long as they entered that old road, it is Waterloo. They did
26 not enter the interior part of Waterloo, like Ibo Town, like Calmont Road
27 [phon]. But that junction, from the bridge, Campbell Town Bridge, to the
28 old road, to Benguema access, next to the secondary school. That is
29 Waterloo area. So of course, they entered Waterloo.

1 Q. Are you able to indicate whether the house where Zainaib was shot is
2 inside Waterloo town?

3 A. You want to bring a misunderstanding question. The first question
4 you asked me was did the rebels on December 22 entered -- if I said that
17:12:09 5 they entered, and I said no. I said they entered Waterloo, but not the
6 interior of Waterloo.

7 Now -- they invaded twice, January 6th and December 22. On January
8 6th, that's when they based there in Waterloo. Anywhere else, they were
9 all over the place, Campbell Town. They were there throughout. It was at
17:12:38 10 that time that they shot Zainaib. On December 22, the first time they
11 passed, they used Waterloo old road, and they went by Benguema, and they
12 took Benguema access. And January 6, that's when they based in Waterloo,
13 Waterloo-Lumpa, all these areas, Waterloo displaced camp. All those areas
14 were covered by rebels. They were based there at that time.

17:13:06 15 So I say there were two instances. In the first instance, they
16 passed through; and the second instance, they based there. When they came
17 from upcountry, they based there in Waterloo.

18 Q. Mr Witness, my question was simply, the location, the house where
19 Zainaib was, according to your statement, shot, was that inside Waterloo
17:13:29 20 Town?

21 A. Yes, it's in Waterloo Town.

22 Q. Are you able to indicate the address?

23 A. No, no.

24 Q. You're not in a position to give the address, or you don't know the
17:13:53 25 address?

26 A. I'm not in a position.

27 PRESIDING JUDGE: You asked him earlier if he could indicate the
28 address, and he said no. I don't understand what your next question is
29 about.

1 MR KNOOPS: He answered.

2 Q. But do you know the address, Mr Witness?

3 A. I don't know the address.

4 Q. Thank you.

17:14:25 5 MR KNOOPS: I have no further questions.

6 PRESIDING JUDGE: Thank you, Mr Knoops.

7 [Trial Chamber confers]

8 PRESIDING JUDGE: Mr Harris, could you indicate to us if you have a

9 lot of questions?

17:14:50 10 MR HARRIS: I'm sorry, Your Honour, I was without microphones [sic].

11 PRESIDING JUDGE: I see. Could you indicate to us, will you have a

12 lot of questions of this witness?

13 MR HARRIS: The answer to that is yes, Your Honour.

14 [Trial Chamber confers]

17:15:06 15 PRESIDING JUDGE: In the circumstances, Mr Harris, since the schedule

16 for this Court is to finish at 5.00, we'll adjourn until tomorrow, and you

17 can complete your cross-examination at 1.00.

18 Mr Witness, there is one more lawyer who has some questions of you.

19 Therefore, you will have to come back to the court tomorrow. You have

17:16:11 20 already promised to tell the truth. You promised that this morning.

21 Between now and the time that all your evidence is finished, you should not

22 discuss this court case or your story with anyone else. Do you understand

23 me?

24 THE WITNESS: Yes.

17:16:30 25 PRESIDING JUDGE: Thank you.

26 I should make it clear, Mr Witness, that you should come back

27 tomorrow morning. Do you understand that?

28 THE WITNESS: Yes.

29 JUDGE LUSSICK: Mr Harris, just to make things clearer, perhaps I've

1 made a mistake, but did you understand the Presiding Judge to say the
2 hearing was on at 1.00 tomorrow? Or was I hearing --

3 MR HARRIS: I understand that it would finish by 1.00. Do you want
4 me to start at 1.00?

17:17:20 5 JUDGE LUSSICK: No, no.

6 MR HARRIS: We start again at 9.15.

7 JUDGE LUSSICK: 9.15.

8 MR HARRIS: I understand that. Thank you.

9 PRESIDING JUDGE: Madam Court Attendant, please adjourn court to
17:17:56 10 tomorrow at 9.15.

11 [Whereupon the hearing adjourned at 5.18 p.m., to be reconvened on
12 Wednesday, the 9th day of March, 2005, at 9.15 a.m.]

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