

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

WEDNESDAY, 9 MARCH 2005
9.20 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr James Tamba Kamara
Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

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

For the Principal Defender:

Ms Claire Carlton-Hanciles

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
Mr Abibola Manley-Spaine

1 [TB090305A-SGH]
2 Wednesday, 9 March 2005
3 [Open session]
4 [The accused present]
09:13:02 5 [Upon commencing at 9.20 a.m.]
PRESIDING JUDGE: Good morning, counsel. I will start by reminding
7 the witness of his oath. Mr Witness --
8 THE WITNESS: Yes.
9 PRESIDING JUDGE: Can you recall that yesterday you swore to tell the
09:20:53 10 truth? Do you remember that?
11 THE WITNESS: Yes.
12 PRESIDING JUDGE: That promise is still binding on you and today you
13 also have to answer all questions truthfully. Do you understand?
14 THE WITNESS: Yes.
09:21:12 15 PRESIDING JUDGE: Any questions? There appears to be no questions
16 from the witness. Therefore, Mr Harris, I think it is for to you start
17 your cross-examination. Please proceed.
18 MR HARRIS: [Microphone not activated]
19 THE INTERPRETER: Your Honours, the counsel's microphone is not on.
09:21:25 20 PRESIDING JUDGE: Mr Harris, may I interrupt to ask you to put on
21 your microphone.
22 MR HARRIS: Thank you, Your Honour. Thank you.
23 PRESIDING JUDGE: [Microphone not activated].
24 WITNESS: TF1-277 [Continued]
09:21:32 25 CROSS-EXAMINED BY MR HARRIS:
26 Q. You have been a magistrates' court clerk for a very long
27 time; is that right?
28 PRESIDING JUDGE: Mr Harris, he did not actually say magistrates
29 and there are other types of court, there is the barri and --

1 THE WITNESS: I am not a magistrate court clerk.

2 MR HARRIS: Thank you.

3 Q. You have been a court clerk for a very long time; is that right?

4 A. Yes, but it was not a court that was organised. It was just a court
09:22:17 5 that would settle matters in the community.

6 Q. [Microphone not activated] what it is to be accurate in the statement
7 that you made; is that right?

8 MR HARRIS: Your Honours, I am sorry, I was on the wrong channel,
9 but I am okay now.

09:22:59 10 THE INTERPRETER: Your Honours, the microphone is still not on.

11 PRESIDING JUDGE: Mr Harris, the interpreter informs me --
12 Mr Interpreter, is everything all right now?

13 THE INTERPRETER: Yes, Your Honours.

14 PRESIDING JUDGE: Please proceed, Mr Harris.

09:23:10 15 MR HARRIS: Thank you, Your Honour.

16 Q. And in your responsibility or your duty as court clerk you would make
17 notes.

18 A. Yes, I used to make notes, but not permanent notes. They would only
19 record me when there is a case and after which I go back between three and
09:23:40 20 four days. Then I would go to my garden.

21 JUDGE LUSSICK: I will interrupt you there. Mr Witness, will you
22 please confine yourself to answering the questions. You gave a lot of
23 information then that was not asked of you. If you keep answering
24 questions in that fashion you are going to prolong your stay in the
09:23:58 25 witness box unnecessarily. Do you understand what I am saying?

26 THE WITNESS: Yes, sir.

27 MR HARRIS: Thank you, Your Honour.

28 Q. So when you make notes it is important that the notes you make are
29 accurate; is that right?

1 A. Yes.

2 Q. And the notes are used for the purpose of determining truth from
3 lies; is that right?

4 A. That is not so. The notes that I make are only meant for people that
09:24:56 5 are summoned to court.

6 Q. When the people who are summoned to court to attend, do you make a
7 note of what they say?

8 A. No, I would not make note. There was a chairman that would make
9 these things between them.

09:25:30 10 Q. The notes you make are notes come from what witnesses or the persons
11 have said to you; is that right?

12 A. No.

13 Q. From where do you get the information to make notes?

14 A. From the authority or the chief who holds this court.

09:25:59 15 Q. It is important that you get down correctly what the chief who holds
16 his court say to you; is that right?

17 A. Yes.

18 Q. Well, now I shall come back to that. When you were making a
19 statement to the investigators in this case, it was important that you tell
09:26:46 20 them what you knew personally; is that right?

21 A. Yes, what I saw.

22 Q. And you knew you were to tell them what you saw when you made the
23 statement - Your Honour, it is your page 6298. I am sorry, Your Honour, I
24 was interrupted. Then may I just ask the question again, please.

09:27:46 25 PRESIDING JUDGE: Yes [microphone not activated]

26 MR HARRIS:

27 Q. When you made your statement of 4th September 2003, you knew you were
28 saying the things that you actually saw; is that right?

29 A. Well, what I saw was what I have told. From yesterday - when I gave

1 my statement yesterday I saw before I said what I saw --

2 Q. Yes. I haven't asked you about yesterday, I am asking about when you
3 made the statement to the persons you saw on 4th September 2003, when you
4 made a statement, you were telling that person or persons what you actually
09:28:58 5 saw. Is that right?

6 A. Well, I would not be able to remember again.

7 Q. I will have to refresh your memory. Your Honours, it is your page
8 6300, the very last paragraph of that page. I am going to "At Waterloo I
9 saw Brigadier Five-five." Do you see the words, "I saw
09:29:34 10 Brigadier Five-five" or "Brigadier Five-Five". When you told the person
11 taking the statement I saw you were there saying what you actually saw from
12 your own eyes.

13 JUDGE SEBUTINDE: Mr Harris, will you quote the entire paragraph.

14 MR HARRIS: I will do it my own way. Thank you.

09:30:03 15 JUDGE SEBUTINDE: No, it is not -- you are not going to do it your
16 own way, Mr Harris.

17 MR HARRIS: [Overlapping speakers]

18 JUDGE SEBUTINDE: Mr Harris, there is an established practice as of
19 yesterday as to how counsel will proceed. Please adhere.

09:30:17 20 MR HARRIS: Ma'am -- Your Honour, I am sorry, I withdraw that. This
21 exchange was wrong of me. I was just looking at my learned friend rising
22 at the time which I am sorry. I was wrong. I withdraw the observation
23 that was made. I withdraw it. I am just merely trying to get from the
24 witness what he meant when he said "I saw", and then I shall take the
09:30:40 25 whole --

26 JUDGE SEBUTINDE: Mr Harris, there is no need to explain. Just
27 adhere to the practice established yesterday by the presiding judge.

28 MR HARRIS: Yes.

29 JUDGE SEBUTINDE: Thank you.

1 MR HARRIS: I shall come back to that then.

2 Q. If you used the words "I saw" --

3 MS TAYLOR: Your Honour, I object to this. I object to this
4 because the evidence of the witness is that he saw Five-Five at Waterloo.
09:31:07 5 Unless there is a context to the phrase "I saw", as in "I saw Five-Five
6 killed", as opposed to "I saw Five-Five on that day," the question is
7 unfair to the witness.

8 PRESIDING JUDGE: Ms Taylor, the evidence yesterday showed that he
9 saw Five-Five after peeping through a window and he did not see the actual
09:31:32 10 killing. I am not quite sure what Mr Harris is leading up to. It could be
11 that he is going to put something. But I agree with my learned sister, if
12 he is going to put something concerning a prior inconsistent statement then
13 he should put the relevant portion of it and then challenge him.

14 MS TAYLOR: Your Honour, that is precisely my concern, that the
09:31:50 15 witness has said that at some stage on the day he saw Five-Five and the
16 context that is concerning me.

17 PRESIDING JUDGE: I suspect I know what Mr Harris is doing, but it is
18 neither my place nor any of our place to tell him what to say. As my
19 learned sister has said, he will adhere to the direction of the Court.
09:32:11 20 Mr Harris, you understand the --

21 MR HARRIS: Your Honour, yes, and I understand the anxiety of my
22 learned friend and I do sympathise with it.

23 Q. When you made the statement you are recorded as saying, "I saw
24 Brigadier Five-Five kill a 20 year old girl called xxxxxxxx." xxxxxxxx, I'm
09:32:47 25 sorry.

26 A. I did not say so yesterday.

27 Q. You did not say so yesterday, but when you made a statement in
28 September of 2003, you are recorded as saying you saw Brigadier Five-Five
29 kill a 20 year old girl.

1 A. No, no, no, no, no, I did not say so.

2 Q. Well --

3 A. What I saw happen before me, that is what I said yesterday.

4 Q. So when you have recorded, as you say, "At Waterloo, I saw Brigadier
09:33:37 5 Five-Five kill a 20 year old girl called xxxxxxx," that is not true. You
6 did not say it; is that right?

7 PRESIDING JUDGE: Are you referring to the statement in September
8 2003.

9 MR HARRIS: September 2003. Did I say two?

09:33:58 10 PRESIDING JUDGE: No, but I want to make sure that the witness
11 understands that, Mr Harris.

12 MR HARRIS: Your Honour, yes, it is your page 6300.

13 PRESIDING JUDGE: We have it before us.

14 MR HARRIS: Thank you.

09:34:13 15 Q. Would you help us?

16 A. About what?

17 Q. When it is recorded that you said, "At Waterloo I saw Brigadier
18 Five-Five kill a 20 year old girl called xxxxxx," that is not true; is it?

19 A. What I said yesterday in my statement was what I saw. That is
09:34:46 20 [inaudible] you are talking about. I did not have any idea, much idea.
21 That was why I swore yesterday in court to say the facts.

22 MR HARRIS: Your Honour, I think I've taken it far enough, I don't
23 think I will get an answer.

24 Q. Let me go on from there. In September 2003 when you made your
09:35:14 25 statement you are recorded as saying he killed her because he met the lady
26 seated by one rebel who had refused to fight against ECOMOG.

27 A. That is not to my knowledge.

28 Q. That is not to your knowledge? Let me ask you this question: Did
29 you say that to the person who was making the statement? I will rephrase

1 that, taking the statement from you?

2 A. I have no idea. I don't have any idea because they are taking a long
3 time.

4 Q. I want to pause for a while and ask you this question: The statement
09:36:16 5 which you gave in September 2003 was written down by the person who was
6 taking it; is that right?

7 A. Well, I will not be able to remember the time that they obtained
8 statements from me. I will not be able to remember the time.

9 Q. Well, let me put it another way. The person who was writing what you
09:36:49 10 were saying to him or her; is that right?

11 PRESIDING JUDGE: You are putting a statement to him.

12 THE WITNESS: No, no, no, I don't have any idea about that.

13 PRESIDING JUDGE: For all we know it could have been recorded. We
14 don't know that. Unless you are going to adduce evidence, you should put a
09:37:01 15 question.

16 MR HARRIS: Yes. Would you -- I will go on for a while --

17 PRESIDING JUDGE: Mr Harris, I am saying you put a statement, you are
18 entitled to put a question and I am not at all derogating from that
19 entitlement.

09:37:33 20 MR HARRIS: Yes.

21 Q. When you had -- Your Honour, I am now just looking at page 6501 --
22 6301. We have a blank then an affirmation. When you were finished with
23 the person or persons in September 2003, did you sign something saying that
24 what you have -- it says this, "I affirm that I have read or have had this
09:38:38 25 statement read to me in English language or had this statement read to me
26 in a language that I understand." Was that passage - I pause for a
27 while -- was that passage read to you?

28 A. I cannot remember again. I cannot remember again. Not to my
29 knowledge.

1 Q. Let me ask you one other question then before I move on. Did you
2 sign the statement?

3 A. I will never remember that I have signed the statement.

4 MR HARRIS: Your Honour, may he -- I have no copy, but may he be
09:39:25 5 refreshed by looking at the original if it is available?

6 MS TAYLOR: There is a photocopy of the handwritten statement in
7 court which has a signature if that will suffice for my learned friend.

8 PRESIDING JUDGE: Thank you, Ms Taylor. Please show it to the
9 defence counsel.

09:40:06 10 MR HARRIS: Thank you. Your Honour, I think you ought to see the
11 statement before I continue as a matter of practice and procedure so that
12 whatever I put to him in the statement you are indeed aware if it is on the
13 original document. Unless you are happy with me saying what is on the
14 document.

09:40:38 15 PRESIDING JUDGE: We will see it.

16 MS TAYLOR: Your Honour, I do have another copy if that would assist.

17 PRESIDING JUDGE: Is it a photocopy of the original?

18 MS TAYLOR: It is a photocopy of the original.

19 PRESIDING JUDGE: That would be most convenient, Ms Taylor. Thank
09:41:31 20 you. Mr Harris, if you wish to have a seat while we look at this briefly.
21 My learned brother and I have read the document and my learned sister is
22 reading it now. But as a point of clarification, I note that this
23 statement is recorded in the English language. It is apparent that the
24 witness is not fluent in the English language, he speaks Krio. I wish to
09:45:42 25 have clarified, was this simultaneously translated, or is that the
26 original, or was it given in English, or how did it go into that present
27 state?

28 MS TAYLOR: Your Honour, if you look at the top of the handwritten
29 statement, there is a heading on the initial information it says "language

1 during interview, Krio". I believe that the name of the investigator there
2 is fluent in Krio and in English. I would need to check obviously, but my
3 understanding is that the investigator would have spoken to the witness in
4 Krio and recorded the statement in English.

09:46:17 5 PRESIDING JUDGE: So that is in fact a simultaneous interpretation of
6 what was said at the time?

7 MS TAYLOR: Yes.

8 PRESIDING JUDGE: And they, in fact, are not the exact words of the
9 witness?

09:46:29 10 MS TAYLOR: Exactly, because it is a translation, yes.

11 PRESIDING JUDGE: The Bench has read that document. Mr Harris,
12 please proceed.

13 MR HARRIS: May it please Your Honour. Would you just look at the
14 document, please?

09:49:47 15 PRESIDING JUDGE: Am I now looking at the handwritten document?

16 MR HARRIS: Your Honour, yes.

17 PRESIDING JUDGE: Thank you, I will record that.

18 MR HARRIS:

19 Q. Would you please pick up the document and look at it?

09:50:01 20 A. I have looked at it. I have looked at it.

21 Q. I take it on page -- on the first page, do you see your signature on
22 that document?

23 A. Yes, my signature is there, but not all that I said that is there.
24 There are some things that were written which were not mine.

09:50:27 25 Q. The learned judge has asked you to confine yourself to my questions a
26 moment ago. Let us try and move on in that way. On the first page how
27 many times do you see your signature appearing?

28 A. At the top and the bottom, twice.

29 Q. And if you turn the first page, please, and look at the second page.

1 How many times do you see your signature appearing on page 2?
2 A. Once.
3 Q. Once. Is that at the top or the bottom?
4 A. The bottom.
09:51:35 5 Q. Would you turn to the third page, please?
6 A. Yes.
7 Q. And you see your signature there?
8 A. Yes.
9 Q. At the top or bottom?
09:51:38 10 A. At the bottom.
11 Q. And page 4.
12 A. Yes.
13 Q. Do you see your signature on that document?
14 A. Yes.
09:51:54 15 Q. Top or the bottom?
16 A. At the bottom.
17 Q. And turn to page 5, please. Do you see your signature there?
18 A. Yes.
19 Q. On the top or the bottom?
09:52:11 20 A. Top and bottom.
21 Q. Top and bottom. And is there another page?
22 A. There is no other page.
23 Q. Yes, may I just have a look at the document, please? Thank you. And
24 if you look at the document again, please. If you look at page 5, do you
09:53:20 25 see where it says "affirmation"?
26 A. Yes, I see it.
27 Q. Do you see it says "I" and then your name?
28 A. Yes.
29 Q. Is that your handwriting?

1 A. My handwriting.

2 Q. So your name?

3 A. It's my handwriting.

4 Q. Yes. So you were going to say "I", your name "affirm that I have
09:53:54 5 read or have had this statement read to me in English, in the English
6 language, or have had the statement read to me in a language that I
7 understand." Can I just pause you a moment. Was the statement read back
8 to you in a language that you understood?

9 A. Well, I don't understand English. They read the statement in
09:54:35 10 English, I don't understand English, that is why when I came to Court I
11 testify in Krio. You see, I am a country boy.

12 Q. I will just try to ask you the question again. Just try and answer
13 the question I asked. Was the statement read back to you in a language you
14 understood?

09:54:47 15 A. No, I don't understand English.

16 Q. If it was not read back to you in a language which you understood,
17 why then you signed this affirmation that "I have read or had..." May I
18 just ask another question first? I need to ask another question first.
19 Did you read the statement or was the statement read to you?

09:55:35 20 A. They read it to me.

21 Q. So you had the statement read to you?

22 A. Yes.

23 Q. Why then did you sign this document "read to me," you say it was read
24 to you in English? Is that what you are saying?

09:56:07 25 A. They read it English and the interviewer that was reading was the
26 same person speaking in Krio. So I thought that it was true, that was why
27 I signed it. But it is not all that was there came from me.

28 Q. Right. Then let me see if I understand it correctly. When the
29 person who had taken the statement was reading it in Krio, you understood;

1 is that right?

2 PRESIDING JUDGE: Do we understand the witness to have said it was
3 read in English, Mr Harris.

4 MR HARRIS: Maybe you didn't hear.

09:56:40 5 PRESIDING JUDGE: I heard it was the same person who had been
6 speaking in Krio. If necessary we will have the master record --

7 MR HARRIS: Ma'am, I will ask -- I am sorry, Your Honour, I will just
8 ask the question, it will save time.

9 PRESIDING JUDGE: Very well.

09:56:47 10 MR HARRIS:

11 Q. The person who you were speaking with and taking the statement, read
12 the statement to you in Krio?

13 A. He read in English and he translated in Krio. The same person.

14 Q. Thank you. When it was translated in Krio, did it say, "At Waterloo
09:57:35 15 I saw Brigadier Five-Five kill a 20 year old girl call xxxxx"?

16 A. No, I did not say so. I did not say so. I did not say so.

17 Q. That is an answer to a question I did not ask. Let me ask you the
18 question again. Just try and apply your mind to the question and I can
19 move on. When it was read in Krio to you, did it read -- was this said,
09:58:03 20 "At Waterloo I saw Brigadier Five-Five killing 20 year old girl called

21 xxxxxx"?

22 A. Well, I cannot remember. I cannot remember. That is why I said that
23 in this statement it is not all that is there that is taken from me. That
24 is why I reviewed my statement.

09:58:37 25 MR HARRIS: Well, Your Honour, I will move on. I think I have
26 tried.

27 Q. Let us go on from there. It is three lines from the bottom, Your
28 Honour, of 6300. I am still on 6300. "He said he killed the girl because
29 their fighting men was reluctant to go to the front because of women." Do

1 you remember that being read back to you in Krio?

2 A. I cannot remember that. That is why I reviewed my statement and I
3 found out that there were errors.

4 Q. Thank you. I shall come to that, trust me, Mr Witness. Is it right
09:59:33 5 that -- you say you can't remember. So help me about this, whatever was
6 said to you at that time was in Krio, was something just read from a
7 document that was written, that document you have in your hand; is that
8 right?

9 A. Yes, somebody said that this is what is in the paper. But later, you
10:00:09 10 who have spoken would find out that it was not true. Then you have to
11 review saying it is not true.

12 Q. Did Five-Five say to you that he had killed the girl because their
13 fighting men were reluctant to go to the front because of women?

14 A. Five-Five said that to me?

10:00:43 15 Q. Yes.

16 A. No, he did not say so to me. It was Saj Alieu who said that to me.

17 Q. I will come back to that in a moment. If he did not say that to you,
18 can you help the Court as to how this passage got into this statement?

19 A. I don't know.

10:02:01 20 MR HARRIS: Your Honour, would you give me one moment, please? I
21 just want to reduce the questions I have. Give me one moment. Yes,
22 thank you.

23 PRESIDING JUDGE: Mr Harris, just before you proceed --

24 MR HARRIS: Your Honour, yes.

10:02:32 25 PRESIDING JUDGE: You appear to be impugning the credibility of this
26 witness and we have already established he made a statement in Krio that
27 has been recorded in English therefore there is the questioned of
28 simultaneous translation. However, it appears, as I glance through my
29 notes, that we have traversed much of this yesterday through Mr Knoops and

1 Mr Metzger. Are we covering the same ground?

2 MR HARRIS: I am simply going on now to deal with something very
3 different.

4 PRESIDING JUDGE: Thank you, please do so.

10:03:03 5 MR HARRIS:

6 Q. So far as Freetown is concerned during this period of your statement,
7 there was very little electricity; is that right?

8 PRESIDING JUDGE: Mr Harris, I hesitate to interrupt, but I do so
9 because the evidence adduced by this witness indicated that he was not in
10:03:31 10 Freetown at the relevant period. Am I incorrect?

11 MR HARRIS: Your Honour, would you give me one moment, please? Your
12 Honour is so right. I have got it all wrong. I just thought Freetown
13 meant the whole. But Waterloo is different, I understand. Thank you.

14 Q. Waterloo, so far as Waterloo is concerned, there was
10:04:12 15 little or no electricity; is that right?

16 A. There was no light.

17 Q. There was no light. And during this period there was a breakdown of
18 law and order; do you agree?

19 A. Yes.

10:04:36 20 Q. And --

21 JUDGE SEBUTINDE: Excuse me, Mr Harris.

22 MR HARRIS: Sorry, My Lord.

23 JUDGE SEBUTINDE: I am not quite sure what period we are talking
24 about.

10:04:47 25 MR HARRIS: The period of his statement --

26 JUDGE SEBUTINDE: Could we be specific about the dates?

27 MR HARRIS:

28 Q. We are dealing here - thank you, Ma'am, I mean Your Honour - with
29 December and January of 1998. All right? And January 1999; do you

1 understand me?

2 A. Yes.

3 Q. All right?

4 A. I understand.

10:05:19 5 Q. Now during that period you said there was no electricity; am I right?

6 A. Yes, there was no electricity.

7 Q. And there was a breakdown of law and order during that period?

8 A. Yes.

9 Q. And you would find there was really a free-for-all, those who could
10:05:55 10 cause you pain do it under the name of rebels, and those who come would
11 group together and do it to you anyway; is that right? Am I describing it
12 correctly?

13 A. Yes. Yes. It used to happen.

14 JUDGE SEBUTINDE: [Inaudible] with your question. You are not
10:06:15 15 questioning the witness, you are making suggestions to him. Could you
16 kindly ask questions that elicit answers, please?

17 MR HARRIS: Your Honour, I --

18 JUDGE SEBUTINDE: Perhaps this is done in Krio, but the language of
19 the court is English and we are getting totally lost with this tete-a-tete.

10:06:40 20 MR HARRIS: Sorry, Your Honour.

21 Q. So we had, for example, old scores between neighbours
22 being settled; is that right?

23 PRESIDING JUDGE: I am concerned --

24 THE WITNESS: During that time?

10:06:53 25 MR HARRIS: Yes.

26 PRESIDING JUDGE: -- that this is a very vague question. Really it
27 would be more proper to put some specific examples to the witness. I don't
28 know which neighbours you are talking about. I know the premise that you
29 are putting forward.

1 MR HARRIS: Yes. Thank you. Thank you, Your Honour, for that help.
2 That is the premise putting forward. I think he said to me that I said in
3 answer to a question from me that there was at that time a breakdown of law
4 and order. I merely tried to specify that at that time there was neighbour
10:07:37 5 against neighbour. I think that question he said yes.
6 A. No, no, no, no, I did not say so.
7 Q. All right. Okay. So he does understand English.
8 PRESIDING JUDGE: Be specific, Mr Harris, be specific.
9 MR HARRIS:
10:08:02 10 Q. Well now, you told the Court yesterday that there were soldiers
11 around Waterloo. SLA and RUF; is that right?
12 A. Yes.
13 Q. The SLA was wearing uniforms; is that right?
14 A. Yes.
10:08:28 15 Q. And the RUF were also wearing what, uniforms?
16 A. No, they did not wear uniform. They had civilian clothes on.
17 Q. I see. Now the SLA in uniform, were they hurting people, shooting at
18 them?
19 MS STEVENS: Your Honour, if counsel can please specify his time
10:08:57 20 period.
21 THE WITNESS: I can't tell, I can't tell.
22 PRESIDING JUDGE: It would appear that the answer has been given, Ms
23 Stevens.
24 THE WITNESS: I can't tell.
10:09:09 25 MR HARRIS:
26 Q. You have described to the Court yesterday about being injured. Was
27 it from shrapnel? From a bomb, from an explosion?
28 A. Yes.
29 Q. I want to refresh your mind. At that time that period of time which

1 we are referring to, in December 1998 and January 1999, ECOMOG was active
2 in the Waterloo area; is that right?

3 A. No, at that time ECOMOG was not active.

4 Q. Oh, I see. ECOMOG was active in what period of time?

10:10:19 5 A. Well, I cannot remember again, but from the 22. At that time ECOMOG
6 was not active, up to January 6th, 1999 throughout.

7 Q. But when they were active, they were dropping bombs from aircraft?

8 MS TAYLOR: Your Honour, my learned friend has not specified that
9 the witness was in fact in Waterloo at any other time during his
10:10:40 10 statement and the witness has said that ECOMOG were not active during the
11 time of the statement. So before the witness can answer whether ECOMOG
12 were active in Waterloo at any other time he does need to establish
13 whether ECOMOG was there.

14 MR METZGER: With respect to my learned friend --

10:10:56 15 PRESIDING JUDGE: Mr Metzger, are you on your feet?

16 MR METZGER: Yes, I am.

17 PRESIDING JUDGE: I think it is for Mr Harris to respond.

18 MR METZGER: I am giving him a rest, just as my learned friend is
19 giving Ms Stevens a rest.

10:11:07 20 JUDGE LUSSICK: The difference there, Mr Metzger, is that both these
21 counsel appear for the Prosecution.

22 MR METZGER: Yes.

23 JUDGE LUSSICK: You do not appear for Mr Harris' client.

24 MR METZGER: But we appear for the Defence.

10:11:16 25 JUDGE LUSSICK: Mr Harris -- sit down, Mr Metzger, Mr Harris is on his
26 feet.

27 MR METZGER: I will sit down, but perhaps Your Honour would be so
28 kind as simply to say the point and I will sit down. You do not have to
29 address me in that tone with respect.

1 JUDGE LUSSICK: Well you interrupted me, Mr Metzger, don't do that
2 again.

3 PRESIDING JUDGE: Mr Harris, your rely to the objection.

4 MR HARRIS: I asked the witness about that passage of time,
10:11:48 5 December 1998 to January 1999. His response was that they was not active
6 at that time, but they were active on another occasion. My summary of what
7 he said. Because I followed up with a question as to they were active on
8 another occasion. At another time.

9 JUDGE SEBUTINDE: But you did ask, Mr Harris, if ECOMOG was active in
10:12:09 10 Waterloo.

11 MR HARRIS: Yes.

12 JUDGE SEBUTINDE: And I think that is the objection. The objection
13 by the Prosecution counsel relates to whether the witness was actually in
14 Waterloo at the timeframe named or not, and you have not specified that.
10:12:23 15 You have not established that.

16 MR HARRIS: I understand -- Thank you, Your Honour. I understood his
17 evidence to cover that period of -- can we -- I will just ask the question.

18 PRESIDING JUDGE: Mr Harris, if you recall, the witness did say he
19 was away in the bush. So let us clarify, as my learned sister says, the
10:12:40 20 exact period.

21 MR HARRIS: Yes, Ma'am, Your Honour, I will just ask questions
22 quicker.

23 Q. Do you know what -- could you remember now what period
24 of time ECOMOG was active in Waterloo?

10:13:07 25 A. It is after they have declared a cease-fire. When we returned, that
26 was the time when ECOMOG were there.

27 Q. Now, what about the period before the cease-fire. Was ECOMOG in
28 Freetown at the time? Can you help us?

29 A. Yes, ECOMOG was in Freetown. But in Waterloo there was no ECOMOG.

1 Q. And during that time, can you recall seeing their jets over-flying
2 Freetown?

3 A. It was only once that I saw the jet flying over Waterloo. That was
4 January 1999. Once.

10:14:02 5 Q. And when the jet over-flew Waterloo in January 1999, did it drop
6 bombs?

7 A. No, the time that I saw them, they did not drop bombs.

8 Q. The Guinean soldiers were in Waterloo during this time of
9 December/January; is that right?

10:14:41 10 A. Yes. They were there. January 6th.

11 Q. And were they involved in the fighting?

12 A. They fought during January 6th. When the rebels invaded Waterloo,
13 they fought.

14 Q. And they were part of ECOMOG?

10:15:10 15 A. Well, I would not be able to specify, but I feel that they were
16 government troops.

17 Q. Yes. And they had these very large bombs; didn't they?

18 A. I don't know because I did not go to their camp.

19 Q. All right. But when you crossed the main road, the Freetown main
10:15:56 20 road, do you remember hearing that very large -- that very big explosion
21 behind you?

22 A. Yes, I remember that.

23 Q. Yes. That came from the Ghanaian soldiers?

24 PRESIDING JUDGE: Ghanaian, you said Guinean.

10:16:07 25 MR HARRIS:

26 Q. Guinean soldiers.

27 A. I cannot tell whether it was Guineans or whether it was them or not.

28 Q. Now, yesterday to the Court you described xxxxxxxx having a boyfriend;
29 is that right?

1 A. Yes.

2 Q. And it was her boyfriend who told you that she had died; is that
3 right?

4 A. No.

10:16:59 5 MS TAYLOR: That is not what the witness said yesterday.

6 MR HARRIS: Okay, he has answered the question.

7 Q. Who was SAJ Alieu or Saj Alieu?

8 A. Saj Alieu was a rebel soldier.

9 Q. With the RUF; is that right?

10:17:45 10 A. You mean whether he joined the RUF?

11 Q. He was a rebel soldier with the RUF. He had joint the RUF, that's
12 right.

13 A. He was SLA. SLA.

14 Q. And she [sic] was her husband, xxxxxxx's husband or just a boyfriend?

10:18:17 15 A. Just boyfriend and girlfriend.

16 Q. You don't know, do you, whether he was the one who shot xxxxxxx or
17 somebody else; that's right, isn't it?

18 A. Well when ECOMOG reported that they had fired a woman who was
19 xxxxxxx.

10:19:10 20 Q. Being a rebel soldier he carried a weapon; did he?

21 A. I used to see him with weapons, but not every time.

22 Q. But when he came to report the unfortunate death, he had a weapon;
23 did he?

24 A. No, he did not have any weapon with him.

10:19:59 25 Q. But it is right to say that other rebels of the SLA and RUF were
26 carrying weapons; is that right?

27 A. Most of them were rebels that I used to see. Most of them were
28 rebels. They used to have weapons.

29 Q. Your Honour, would you just give me one moment. I am almost

1 finished. Just give me one moment, please.

2 PRESIDING JUDGE: Perhaps it would be wise to --

3 MR HARRIS: Your Honour, thank you for that, I just have one or two
4 questions.

10:21:18 5 Q. You said to the court yesterday that when xxxxxxxx died
6 you were in the house - I am just summarising what you say; is
7 that right?

8 A. Yes, they brought her to our house. Yes, I was there when she died.

9 Q. So she was able to speak to you?

10:21:49 10 A. She wasn't talking to me directly, she was talking to my uncle who
11 was observing her. So I stood listening to what she was saying.

12 Q. But so far as the way she received her injuries is concerned, that
13 came from her boyfriend.

14 PRESIDING JUDGE: Are you putting that as a question?

10:22:14 15 MR HARRIS: Yes.

16 PRESIDING JUDGE: Well please put it directly because that is a whole
17 new line.

18 MR HARRIS: Thank you, Ma'am. Thank you, Your Honour.

19 Q. So far as the injuries she received is concerned, the explanation
10:22:33 20 came from her boyfriend, the rebel SLA?

21 A. Is that a question?

22 Q. Yes. Is that right?

23 A. That is not a question for me.

24 Q. I will ask it again.

10:22:57 25 A. Repeat the question.

26 Q. Yes. I will. Thank you. When she came into the house she had
27 injuries; is that right?

28 A. She did not come, she was brought. xxxxxxxx, she was brought.

29 Q. Thank you. When she was brought into the house she had injuries?

1 A. Yes.

2 Q. Her boyfriend told you how she came by the injuries; is that right?

3 A. The boyfriend did not tell me directly. The fellow came and I
4 reported to my uncle saying that they had fired his girlfriend.

10:23:53 5 Q. And the uncle told you that or did you hear him say that?

6 A. I was present when Saj Alieu was making the report.

7 Q. Yes. You see you cannot say whether what the report Saj Alieu was
8 making was true or not.

9 PRESIDING JUDGE: Mr Harris, I think this has been traversed by
10:24:48 10 other defence counsel at length yesterday, and to put it again might --

11 MR HARRIS: No, no, thank you. Thank you. That is all I wish to
12 ask.

13 PRESIDING JUDGE: Thank you, Mr Harris. Any re-examination by
14 Prosecution?

10:25:03 15 MS STEVENS: None for this witness, Your Honour.

16 PRESIDING JUDGE: Thank you. Unless there is some other application,
17 I will release the witness.

18 [TB090305B - CR]

19 PRESIDING JUDGE: Mr Witness, thank you very much for your evidence
10:25:21 20 in this Court yesterday and today. Your evidence is now finished and
21 you're free to leave the Court. We would ask you to sit where you are for
22 a few more moments, please. Just sit.

23 MR HARRIS: Your Honour, may I raise one -- I'm not sure -- I'm
24 relying on your guidance here. I'm asking you to make the original
10:25:45 25 statement an exhibit.

26 PRESIDING JUDGE: You're inviting me or you are tendering? Which is
27 it?

28 MR HARRIS: I do not have the original. I merely have a copy of the
29 original, so I'm tendering the original as an exhibit. It goes to the

1 credit of the witness.

2 PRESIDING JUDGE: That is this handwritten document?

3 MR HARRIS: I'm content with the handwritten document, yes.

4 PRESIDING JUDGE: You are now seeking to tender it?

10:26:17 5 MR HARRIS: Your Honour, yes.

6 [Trial Chamber confers]

7 PRESIDING JUDGE: Ms Stevens, counsel for the Defence has sought to
8 tender this document after you have closed your re-examination -- you
9 haven't given any re-examination. Have you any comment on the submission
10:28:52 10 on the tender of this document?

11 MS STEVENS: Your Honour, I have no objections. My learned colleague
12 apparently has.

13 MS TAYLOR: There is one matter, Your Honour. That statement is
14 being tendered for a specific purpose, obviously. The disclosure that was
10:29:08 15 made to the Defence of the changes that the witness indicated he wished to
16 make to that statement, I submit, should be tendered as part of the bundle,
17 because the witness has indicated a time prior to him giving evidence that
18 he was not content with that statement and wished to change it. My
19 submission would be that the typed-written document which indicates the
10:29:36 20 changes that the witness wanted to make to the statement, especially
21 considering the evidence that the witness has given that he didn't say
22 that, then that should be part of the exhibit.

23 PRESIDING JUDGE: Very well, Ms Taylor, I agree. He was
24 cross-examined at some length concerning that extra document and in-chief.
10:29:56 25 The handwritten document will be Exhibit 1. The interview notes dated
26 17 February 2005, which are handwritten and which are not signed, will be
27 Exhibit 1A.

28 [Exhibit No. D1 and Exhibit No. D1A admitted]

29 MR METZGER: May we address the Court in respect of the proposed

1 Exhibit 1A. We have an interest in the matter, if the Court allows.

2 PRESIDING JUDGE: I've just made a ruling.

3 MR METZGER: Without asking us on the matter.

4 PRESIDING JUDGE: Very well. What is it you have to say, Mr Metzger.

10:30:27 5 MR METZGER: We would wish to make a motion based on the case of The
6 Prosecution v Bagosora, in respect of what we would say is a will-say
7 statement, which is not signed.

8 PRESIDING JUDGE: A what statement?

9 MR METZGER: A will-say statement. That is to say, that the second
10:30:44 10 document the Prosecution have just relied on is not effectively, in our
11 respectful submission, a statement of the witness who has given evidence.
12 It is a statement by somebody -- it is actually headed "Interview Notes".
13 It is on that basis. Of course, if Your Honour and the Court would like us
14 to develop this argument and motion, we are fully prepared to do so and
10:31:15 15 will cite the authority of the case The Prosecution v Bagosora & Others.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: We have considered the objection by counsel. We
18 consider that the interview notes have been put to this witness. He has
19 been cross-examined on them. They are a clear corollary of the document,
10:34:17 20 Exhibit 1. In accordance with rule 89C, we consider that this document is
21 admissible and we admit it as Exhibit 1A. I will now release the witness.

22 Mr Witness, as I've already said to you, your evidence is finished
23 and I thank you. I have already said that. I again ask you to wait where
24 you are.

10:34:55 25 As this witness's evidence is finished -- he's a protective
26 witness -- we now propose to adjourn for 15 minutes to allow another
27 witness to be brought into the Court.

28 [Upon adjourning at 10.35 a.m.]

29 [Witness entered Court]

1 [Upon resuming at 10.55 a.m.]

2 MS TAYLOR: Your Honour, the next witness is TF1-023. The witness is
3 a protected witness, and I have asked for the voice distortion equipment to
4 be turned on. The witness will give evidence in Krio, and the witness will
10:53:46 5 be led by my learned friend Ms Stevens.

6 PRESIDING JUDGE: Thank you, Ms Taylor.

7 WITNESS: TF1-023 [Sworn]

8 PRESIDING JUDGE: Ms Stevens, please proceed.

9 EXAMINED BY MS STEVENS:

10:54:51 10 Q. Good morning, Madam Witness.

11 A. Good morning.

12 Q. Madam Witness, you were born in April 1982; is that correct?

13 PRESIDING JUDGE: Ms Stevens, I'm not going to interrupt, but I'm
14 just going to clarify in light of what happened yesterday. If you're
10:55:08 15 leading the witness, is by the consent of Defence?

16 MS STEVENS: No, I haven't sought the consent of Defence.

17 PRESIDING JUDGE: Is there any objection to counsel for the
18 Prosecution leading on preliminary matters as to the background of the
19 witness?

10:55:27 20 MR HARRIS: So far as we are concerned - I think I speak on behalf of
21 everyone -- we are really not interested in her date of birth; we are
22 interested in the substance of the case. Where she was born need not be
23 led.

24 PRESIDING JUDGE: We will allow it to go into evidence. We will
10:55:43 25 allow it to be led in the light of what you said, Mr Harris. Thank you.
26 Please proceed, Ms Stevens. It appears there is no objection to you
27 leading on these points.

28 MS STEVENS:

29 Q. Madam Witness, you were born in Freetown?

1 A. Yes.

2 Q. You do belong to the Mende ethnic group?

3 A. Yes.

4 Q. But you don't speak any Mende; is that correct?

10:56:13 5 A. Yes.

6 Q. You do speak English?

7 A. Yes.

8 Q. You understand English?

9 A. Yes.

10:56:23 10 Q. You are currently a student?

11 A. Yes.

12 Q. You are single?

13 A. Yes.

14 Q. When the war started in March of 1991, you were in Sierra Leone, were

10:56:48 15 you not?

16 A. Yes.

17 Q. During January of 1999, where were you?

18 A. I was in Freetown.

19 Q. Madam Witness, I would like to focus your attention now on 6 January

10:57:09 20 1999. Do you remember that day?

21 A. Yes, I can remember.

22 Q. What do you remember most about that day?

23 A. I can remember that day because it was that day that the AFRC invaded

24 Freetown.

10:57:46 25 MS STEVENS: Your Honours, I would like to pause at this moment to

26 verify that the voice distortion mechanism is in place.

27 PRESIDING JUDGE: Could the audio booth confirm that the voice

28 distortion is in place for this witness, please?

29 MS EDMONDS: It is in place. It is not distorted in the courtroom,

1 just in the public gallery.

2 PRESIDING JUDGE: Ms Stevens, you heard Madam Court Attendant's
3 explanation; are you satisfied with that?

4 MS STEVENS: Yes.

10:58:25 5 PRESIDING JUDGE: Thank you.

6 MS STEVENS:

7 Q. Madam Witness, as a result of this invasion of Freetown, did you and
8 your family members do anything?

9 MR HARRIS: Ma'am -- sorry, Your Honour, I rise. When I conceded the
10:58:45 10 point about leading, the question raised asked a while ago is a leading
11 question: "Did you or your family do anything?" "What did you do?" should
12 be the question, not what she and the family did.

13 PRESIDING JUDGE: I don't see that it is a leading question. In any
14 event, if it prevents prevarication we'll have it reworded.

10:59:13 15 MS STEVENS:

16 Q. Madam Witness, as a result of the invasion of Freetown, what did you
17 and your family do?

18 MR THOMPSON: Your Honour, we haven't heard evidence of a family in
19 existence, that's the issue here. Did she do anything? We don't know
10:59:34 20 about the family.

21 MS STEVENS: Point well taken.

22 Q. Madam Witness, as I started with you, as a result of the invasion of
23 Freetown, did you do anything?

24 A. Yes.

10:59:51 25 Q. At the time when Freetown was invaded in January of 1999, were you
26 living alone?

27 A. No, I was not alone.

28 Q. Who were you living with at that time?

29 A. I was with my family.

- 1 Q. Did your family members do anything as a result of this invasion of
2 Freetown?
- 3 A. Yes, they did something.
- 4 Q. Could you tell this Court what your family did?
- 11:00:30 5 A. Yes. They ran away with us to seek refuge for us.
- 6 Q. Now, you have indicated that Freetown was invaded by the AFRC. How
7 is it that you know that Freetown was invaded by the AFRC?
- 8 A. How I knew is that the people who are going to our place, they were
9 telling us that they were AFRC.
- 11:01:16 10 Q. Where did you go to hide when --
- 11 A. We hid at xxxxx xxxx.
- 12 Q. Did you remain in xxxxx xxxx, Madam Witness?
- 13 A. No.
- 14 Q. You left xxxxx xxxx; and where did you go?
- 11:01:50 15 A. We came back to Wellington.
- 16 Q. What was the atmosphere like when you came back to Wellington?
- 17 A. It was fearful because everybody had run away. The place was
18 burning. We saw soldiers moving up and down with guns and they were
19 shooting.
- 11:02:27 20 Q. Did you remain in xxxxxxxxx?
- 21 A. No.
- 22 Q. Where did you go?
- 23 A. We went back to xxxxx xxxx, that's where we hid.
- 24 Q. I'm sorry Madam Witness, I did not get your answer. You went back to
11:02:48 25 what lane?
- 26 A. xxxxx xxxx.
- 27 Q. Where is xxxxx xxxx?
- 28 A. xxxxxxxx.
- 29 Q. Where is xxxxxxxx in relation to Freetown?

1 A. xxxxxxx is in the xxxx xxx.

2 Q. And you were hiding in xxxxxx, Madam Witness?

3 A. Yes.

4 Q. Madam Witness, I would like to draw your attention now to 22 January
11:03:34 5 1999. Can you tell us where you were on that day?

6 A. I was in xxxxxxxx.

7 Q. Did you remain in xxxxxxxxx throughout the day?

8 A. No.

9 Q. Where did you go?

11:04:03 10 A. Well, in the afternoon there was an attack and that caused us to run
11 to go to xxxxxxx xxx [phon] at xxxxx xxx.

12 Q. What did you do at xxxxxxx xxx in xxxxx xxx?

13 A. We went to hide there.

14 Q. Did you find any safety there?

11:04:49 15 A. No.

16 Q. Why was xxxxxxxxxx xxx not safe for you, Madam Witness?

17 A. Because we were hiding there when the rebels captured us.

18 Q. Who captured you, Madam Witness?

19 A. A young boy captured me.

11:05:17 20 Q. How was he dressed?

21 A. He had combat trousers and a civil T-shirt and he held a gun.

22 Q. Was he by himself?

23 A. No. He was in a group, but he was the only one who captured me.

24 Q. About how many others were in a group with him?

11:05:51 25 A. There were about 200.

26 Q. How were they dressed?

27 A. Some had combat -- combat uniform -- some had civil attire and they
28 had head ties on -- on their head.

29 Q. Were they armed?

1 A. Some had guns.

2 Q. And the others? You said "some had guns". What about the others?

3 A. The others, some had cutlasses and some were just civilians who had
4 just been captured.

11:07:02 5 Q. What about you, Madam Witness, were you armed at this time?

6 A. No.

7 Q. Besides yourself, was anyone else captured on that day around
8 xxxxxxxx xxxx area?

9 A. Yes.

11:07:25 10 Q. About how many others were captured?

11 A. Where I was, they captured six of us.

12 Q. Can you tell me the gender composition of this group of six people
13 who were captured?

14 A. Yes, four were men; three women; and a young child about six years;
11:08:06 15 and two boys.

16 Q. What was the age range of the six people who were captured? There
17 was somebody who was six years old, what about the others?

18 MR THOMPSON: Your Honour, before the witness answers that. My
19 understanding is that there should be voice distortion in the public

11:08:38 20 gallery, but we're getting signals that they can't actually hear anything.

21 PRESIDING JUDGE: I see. I was told that there was distortion in the
22 public gallery. Madam Court Attendant, would you please check the
23 situation for us, if it's being transmitted there or not.

24 MS EDMONDS: The microphone was switched off because the distortion
11:09:43 25 was not working, but it's now rectified.

26 PRESIDING JUDGE: I'm seeing some nods from the public so it must be
27 all right. Ms Stevens, please proceed.

28 MS STEVENS:

29 Q. Madam Witness, I was asking you about the ages of the other persons

1 who were captured with you. Could you tell us the age range as an
2 estimate?

3 A. For me, I was 16 years.

4 THE INTERPRETER: Her mic is not on, Your Honours.

11:10:19 5 PRESIDING JUDGE: Madam Court Attendant, please make sure the
6 witness's mic is on. I think that may have been my fault. I may have
7 inadvertently turned it off.

8 THE INTERPRETER: It's on now.

9 PRESIDING JUDGE: Please proceed.

11:10:34 10 MS STEVENS:

11 Q. Madam Witness, can you please respond to the question. You were 16
12 years old?

13 A. Yes. And the others were teenagers. I don't know their actual age.

14 Q. Were any of these others who were captured with you armed at all?

11:11:04 15 A. No.

16 Q. What time of the day were you captured?

17 A. It was in the afternoon.

18 Q. After you were captured, did the rebels take you anywhere, Madam
19 Witness?

11:11:19 20 A. Yes.

21 Q. Where did they take you?

22 A. They took us to one place, but I don't know the place. Later we were
23 brought to xxxxx xxxx.

24 Q. Did you leave for xxxxx xxxx the same day that you were captured?

11:12:00 25 When did you leave xxxxx xxxx?

26 A. The other day, the other morning.

27 Q. To the place you don't recall being taken, when did you leave for
28 that place?

29 A. We went there on the very 22nd when they captured us.

- 1 Q. Now, after they captured you as you were being led away, did the
2 rebels say anything to you?
- 3 A. Yes. They are saying to us that they have captured us to use us as
4 human shields, that they were not going to harm us, and that we shouldn't
11:13:04 5 be scared.
- 6 Q. Did they give anything to you at all?
- 7 A. No. They gave us food. They gave us food.
- 8 Q. Were you given anything to carry, Madam Witness?
- 9 A. Yes. When they captured us, the boy who captured me, they gave me a
11:13:50 10 small school bag to carry.
- 11 Q. Do you know what the contents of the school bag was, Madam Witness?
- 12 A. It was later that I knew, when he opened it, that is when I knew what
13 was in the bag.
- 14 Q. What was in the bag?
- 11:14:18 15 A. A mat and a long lady's dress.
- 16 Q. Do you know from where he obtained the lady's dress and the mat?
- 17 A. No, I don't know.
- 18 Q. When you were taken to xxxxx xxxx, did you find anyone at the place
19 where you were taken to?
- 11:14:53 20 A. Yes.
- 21 Q. Please tell this Court who was at xxxxx xxxx when you arrived there.
- 22 A. When we reached xxxxx xxxx, we met the very rebels.
- 23 Q. Are you able to tell us how many rebels you found at xxxxx xxxx?
- 24 A. There were about 300 to 400, about that.
- 11:15:43 25 Q. Were these rebels armed at all?
- 26 A. Yes.
- 27 Q. With what?
- 28 A. With guns. Some had daggers, cutlass.
- 29 Q. Apart from rebels, did you find anyone else at xxxxx xxxx at the

1 place where you had been taken?

2 A. Except those of us who were captured, we were the other people.

3 There were no other people there, except the rebels.

4 Q. Madam Witness, when you say except those of you who had been
11:16:39 5 captured, are you referring to the six of you who had been captured and
6 taken there? Were you referring to another group?

7 A. I'm talking about the other people, apart from the six of us, there
8 were other people who had been captured.

9 Q. Are you able to tell us roughly about how many people had been
11:17:06 10 captured?

11 A. Well, those whom I was able to identify that had been captured, there
12 were about 100.

13 Q. And these other civilians, apart from the six of you, these others
14 who had been captured, were they in your group as you moved towards xxxxx
11:17:41 15 xxxxx, or did you find them at xxxxx xxxxx?

16 A. Well, we met some there, and some were in our group when we were
17 going.

18 Q. Can you help us with the gender composition of this larger group of
19 people who had been abducted? Were there men, women --

11:18:24 20 PRESIDING JUDGE: Ms Stevens, I pause to say that we do not have
21 direct evidence of abduction. She said "were captured" but we don't know
22 if the whole 100 were. Be a little more careful with terminology.

23 MS STEVENS:

24 Q. Madam Witness, you indicated about 100 more people had been captured.
11:18:50 25 Can you assist this Court with the gender composition of this 100 or so
26 people who had been captured?

27 A. Well, the men were many. The women were more than the men, and there
28 were children amongst and elderly people.

29 Q. Were any of these people armed?

1 A. No.

2 Q. Were they civilians or soldiers?

3 A. They were civilians.

4 Q. Do you know why these civilians were at xxxxx xxxx?

11:20:04 5 A. Yes, because they had captured them, that's why they were there.

6 Q. Once you got to xxxxx xxxx, were you and the other civilians free to

7 move around?

8 A. No.

9 Q. How was your movement restricted?

11:20:37 10 A. Well, they had some boys that they placed around. They called them

11 SBUs. They had guns. They used them to prevent us from going anywhere.

12 Q. Madam Witness, you used the term SBU. Do you know what that means,

13 or what it was meant to mean?

14 A. Yes, yes. It meant Small Boys' Unit.

11:21:21 15 Q. Roughly, to the best of your knowledge, about how old were these

16 boys?

17 A. They were about 14 -- 13, 14, 15.

18 Q. Do you remember about how many of them there were?

19 A. With our own group, there were four of them who were around us to

11:21:58 20 prevent us from going away.

21 Q. Now you made a reference to your specific group. Were there SBUs

22 assigned to other groups as well?

23 A. Yes.

24 MR KNOOPS: Your Honour, excuse me. I must object. I didn't hear

11:22:28 25 evidence on the existence of any other groups yet.

26 PRESIDING JUDGE: The evidence is that there were six people that the

27 witness was in and about a total of 100; ie 94 people. Is it the use of

28 the word "group" you're objecting to?

29 MR KNOOPS: Yes, Your Honour, the terminology "other groups".

1 PRESIDING JUDGE: Ms Stevens, it's clear there were at least 94
2 people there. Rerword that question, if you don't mind, please.
3 MS STEVENS:
4 Q. Madam Witness, you made specific reference to your group. Were there
11:23:07 5 other groups as well?
6 A. Yes.
7 Q. These groups that we are referring to, are we referring to groups of
8 civilians or a group of soldiers?
9 A. Well, they were mixed, they were mixed.
11:23:29 10 Q. Mixed civilian and soldiers?
11 A. Yes.
12 Q. Were there SBUs assigned to these other groups?
13 A. Yes.
14 Q. About how long did you spend at xxxxx xxxx?
11:23:52 15 A. We were there for about three days.
16 Q. Whilst you were at xxxxx xxxx, did the rebels capture anyone?
17 A. Yes.
18 Q. Who did they capture?
19 A. Well, they captured one boy whom they called xxxxxx. He was a
11:24:40 20 civilian.
21 Q. Do you know why xxxxxx was captured?
22 A. Yes.
23 Q. Why was he captured?
24 A. When they captured him, they said he was a Kamajor.
11:25:09 25 Q. Do you know if the rebels did anything to xxxxxx?
26 A. Yes.
27 Q. Please tell this Court what the rebels did to xxxxxx.
28 A. They captured him and his two hands were chopped off and his tongue.
29 Q. Did you observe this yourself, Madam Witness; were you present?

- 1 A. Yes, I saw it.
- 2 Q. Was this terrifying for you to watch?
- 3 A. Yes, I was terrified to see, but I was forced to look on, saying, now
4 who am I not to see when they are chopping off somebody's hand.
- 11:26:25 5 Q. Who forced you to watch as the rebels cut off xxxxxx's hands and his
6 tongue?
- 7 A. One of the rebels.
- 8 Q. After xxxxxx's hands had been chopped off and his tongue cut up, did
9 the rebels do anything to him?
- 11:27:07 10 A. Yes, they wrote a note, but I didn't know what was written, and they
11 hung a bag on his neck and they placed the note in there and they told him
12 to go and tell ECOMOG that they would be returning, but they are not afar,
13 they are around.
- 14 Q. Was xxxxxx released after that?
- 11:27:41 15 A. Yes.
- 16 Q. Now, you have indicated that altogether you spent three days at xxxxx
17 xxxx. Where did you go after leaving xxxxx xxxx?
- 18 A. Well, the person with whom I was took me and took me to xxxxxx xxxx.
- 19 Q. Madam Witness, we'll come back later to your statement just now about
11:28:28 20 the person whom you were with. You were taken to xxxxxx xxxx; correct?
- 21 A. Yes.
- 22 Q. How long did you spend at xxxxxx xxxx?
- 23 A. About three days.
- 24 Q. About how many of you went to xxxxxx xxxx?
- 11:29:11 25 A. Three of us.
- 26 Q. Who were the other two?
- 27 A. My cousin and my niece.
- 28 Q. Who took you to xxxxxx xxxx?
- 29 A. One of the rebels who had captured my cousin, he took me to xxxxxx.

1 Q. Is it fair to say that there were four of you then, including --
2 A. Yes.
3 Q. Where were the other rebels at this time?
4 A. They were around xxxxx xxxx. We moved down to xxxxxx xxxx where the
11:30:12 5 other rebels were.
6 Q. Madam Witness, are you saying that once you got to xxxxxx xxxx you
7 found some more rebels; is that your statement?
8 A. Yes.
9 Q. And these rebels, were they armed?
11:30:48 10 A. Yes, they had.
11 Q. About how many of them were there, if you can recall?
12 A. There were about 50 to 100, about that range.
13 Q. Do you recall what they were wearing?
14 A. Some had combat uniform and some had jeans and T-shirt.
11:31:29 15 Q. At this time at xxxxxx xxxx, were you in the custody of the person
16 who had captured you?
17 A. No.
18 MS STEVENS: Your Honours, I would seek leave of the Court, if there
19 is no objection from the Defence, at this point to ask the witness to write
11:32:18 20 on a piece of paper the name of the person in whose custody she was at this
21 point in time.
22 PRESIDING JUDGE: Any objection?
23 MR THOMPSON: Your Honour, I don't have any objection to that per se,
24 but she hasn't said she was in custody. She said she was not in the
11:32:39 25 custody of the person who captured her, so what exactly are we talking
26 about?
27 MS STEVENS: My next question would be --
28 PRESIDING JUDGE: Ms Thompson, the record shows that she was with
29 "one of the rebels who captured my cousin" who had taken her to xxxxxx

1 xxxx.

2 MR THOMPSON: Her last sentence, Your Honour, was, "I not under the
3 custody of the person who captured me".

4 PRESIDING JUDGE: That is correct. I was referring to an earlier
11:33:12 5 question.

6 MS STEVENS: The question is going to be in whose custody she was and
7 I was seeking leave for her to write the name prior to me asking that
8 question.

9 MR THOMPSON: Perhaps my learned friend's question should be was she
11:33:25 10 now in custody. We cannot just assume she went into custody again.

11 JUDGE LUSSICK: I think you will have to get this evidence in
12 sequence, Ms Stevens.

13 MS STEVENS: Yes, Your Honours. I'm merely seeking leave for a piece
14 of paper to be given to the witness and a pen so that when she is asked to
11:33:45 15 write the name of whoever she was with at xxxxx xxxx, she can write the
16 name. It's as simple as that.

17 MR THOMPSON: Your Honours, again, my learned friend is making an
18 assumption she will get the answer she is seeking. She has to lay the
19 foundation first before asking for the piece of paper. As I say, I have no
11:34:03 20 objection to the piece of paper being given, but we need to lay the
21 foundation first. She does not know what answer she will get.

22 PRESIDING JUDGE: Ms Stevens, I reiterate my learned brother. Lay
23 your foundation and then we will give the piece of paper to the witness.

24 MS STEVENS:

11:34:36 25 Q. Madam Witness, you were taken to xxxxx xxxx by the rebel, as you
26 stated; correct?

27 A. Yes.

28 Q. Is this the same rebel who captured you?

29 A. No.

1 Q. Are you able to tell this Court the name of the rebel who took you to
2 xxxxx xxxx? Without telling me the name, just answer yes or no.

3 A. Yes.

4 Q. Whilst you were in xxxxx xxxx, were you in the custody of this rebel
11:35:31 5 who took you to xxxxx xxxx?

6 A. No.

7 MS STEVENS: Your Honours, at this point, if I could just ask leave
8 for the witness to indicate on the piece of paper the name of the rebel
9 whom she went to xxxxxx xxxx with.

11:36:20 10 PRESIDING JUDGE: Just before we proceed, Madam Witness, are you
11 feeling all right?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: If you don't feel all right, you should let us
14 know; you understand?

11:36:38 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: I haven't ascertained yet why the name has to be
17 written down. Is there a special reason?

18 MS STEVENS: Yes, Your Honour.

19 PRESIDING JUDGE: Is that reason known to the Defence?

11:36:52 20 MS STEVENS: I can articulate the reasons now.

21 PRESIDING JUDGE: Do you need to do it in private?

22 MS STEVENS: It's basically generally that this witness is a
23 protected witness.

24 PRESIDING JUDGE: In that case, I will not pursue that line of
11:37:07 25 questioning and I will direct that she may be permitted to write the name
26 down.

27 MR HARRIS: Your Honour, do forgive me. Do I understand that the
28 name is protected or the present witness is protected?

29 PRESIDING JUDGE: I understand her name is protected. Ms Stevens,

1 please --

2 MS STEVENS: The witness is protected, Your Honour, and the fear is
3 that her identifying names of rebels with whom she was associated with
4 during that period might indeed reveal her identity, specifically because
11:37:45 5 of the nature of her evidence: she is a victim of sexual violence.

6 MR HARRIS: I understand the concern. Would that name be disclosed
7 to the Defence?

8 MS STEVENS: Certainly. The Defence is a party --

9 PRESIDING JUDGE: That's why we're getting it written down, I
11:38:04 10 understand, Mr Harris.

11 MS STEVENS: The name is merely being protected from the public.

12 MR HARRIS: I understand that. Perhaps at some stage, Your Honour,
13 when we have a little time, a moment or two before you rise, we need to
14 return to this for the purposes of cross-examination so I know the length
11:38:33 15 and breadth of where I could travel in the cross-examination. I hope you
16 understand the observations I'm making.

17 PRESIDING JUDGE: We'll deal with that problem as it arises,
18 Mr Harris. Ms Stevens, proceed and instruct your witness.

19 MS STEVENS:
11:38:52 20 Q. Madam Witness, if you could please write on that piece of paper the
21 name of the rebel who took you to xxxxx xxxx.

22 A. I've written the name.

23 MS STEVENS: Could Court management assist me with getting the piece
24 of paper.

11:40:05 25 PRESIDING JUDGE: Thank you, Madam Court Attendant.

26 MS STEVENS: Your Honours, we would like to tender that piece of
27 paper as a Prosecution exhibit. Now, I seek guidance from the Court as to
28 whether or not that should be Exhibit 2 or do you want to classify it as
29 Prosecution Exhibit 1?

1 JUDGE LUSSICK: Well, are there any objections to the tender of that
2 document?

3 MR KNOOPS: Your Honour, if I may address the Court with just two
4 small observations. First of all, I should think that the document should
11:41:23 5 be signed by the witness and dated. Secondly, of course it's our
6 obligation as Defence counsel to share this information with the accused
7 persons. I think this is just an observation of the Defence, and if the
8 Prosecution has no further guidance on this, I just want to make clear that
9 this information should be shared with the accused.

11:42:14 10 PRESIDING JUDGE: For proper cross-examination, it will, of course,
11 have to be made known to the accused, but the accused are also bound by the
12 protected witness orders made in accordance with this. The definition of
13 Defence includes the accused in our Rules, and therefore they are subject
14 to the protected witness rules.

11:42:38 15 I note that the witness was seen to write this in the presence in the
16 Court. I think it should be dated, and we will therefore pass it back for
17 dating. I have not yet dealt with the question of the Prosecution.

18 Madam Court attendant, please have that document dated.

19 MR KNOOPS: Thank you, Your Honour.

11:43:27 20 MR FOFANAH: Your Honours, can the witness sign the note as well.

21 PRESIDING JUDGE: I did not direct that.

22 MR FOFANAH: We are simply asking that, Your Honour.

23 PRESIDING JUDGE: And I'm simply refusing. This is a protected
24 witness with a code. I will not have it signed.

11:44:06 25 To deal with your point, Ms Stevens, this exhibit will be marked P1.
26 The other exhibit I know is marked 1A and 1. I think perhaps I should
27 reclassify it as D1 and D1A. This will be P1. And Madam Court attendant,
28 will you please note that variation. I'm most grateful.

29 Please pass the document. Madam Court attendant, if you would please

1 pass it up to me first.

2 [Exhibit No. P1 was admitted]

3 PRESIDING JUDGE: Madam Court Attendant, if you would please mark up
4 the exhibits. Ms Stevens, please proceed.

11:45:20 5 MS STEVENS: Thank you.

6 Q. Madam Witness, could you tell us who this individual was, this person
7 whose name you have written down on what is now marked Prosecution
8 Exhibit 1. Could you tell us who he was, without stating his name.

9 A. Well, that person was one of the rebels.

11:46:08 10 Q. Okay. Now, did you remain with this individual during your three-day
11 stay at xxxxx xxxx?

12 A. No.

13 Q. Why not?

14 A. Because he handed me over to another rebel commander.

11:46:46 15 Q. Are you able to tell this Court the name of this rebel commander to
16 whom you were handed over? I just want a yes or no answer. Do you know
17 his name?

18 A. Yes. Yes.

19 MS STEVENS: I once again seek leave of the Court to have this
11:47:18 20 witness write down the name of the rebel commander to whom she was handed
21 over.

22 PRESIDING JUDGE: I again ask the Defence if they've any reply to
23 that application.

24 MS THOMPSON: No objections, Your Honour.

11:47:36 25 PRESIDING JUDGE: Thank you, Ms Thompson.

26 MR KNOOPS: No objections.

27 MR FOFANAH: No objection, Your Honour.

28 PRESIDING JUDGE: Thank you, Mr Fofanah.

29 Madam Court Attendant, please provide a paper.

1 THE WITNESS: The pen is not writing.

2 [Witness complies]

3 MS STEVENS: I note it's not dated. If the witness could be given
4 the piece of paper again so she could put a date.

11:49:42 5 THE WITNESS: [Witness complies]

6 MS STEVENS: Your Honours, the Prosecution seeks the admission of
7 that document into evidence as an exhibit for the Prosecution. That would
8 be Prosecution Exhibit P2.

9 PRESIDING JUDGE: Any objection from the Defence?

11:51:26 10 MS THOMPSON: None, Your Honour.

11 MR KNOOPS: None, Your Honour.

12 PRESIDING JUDGE: Mr Harris. Thank you. Madam Court Attendant, this
13 document will now be entered as an exhibit, P2. Please endorse it
14 accordingly.

11:51:50 15 [Exhibit No. P2 was admitted]

16 PRESIDING JUDGE: Proceed, Ms Stevens.

17 MS STEVENS: Yes, we would also ask that those exhibits be kept under
18 seal.

19 PRESIDING JUDGE: I will order that.

11:52:46 20 MS STEVENS: Now, Madam witness, when this rebel handed you over to
21 the rebel commander, did he tell you anything?

22 A. Yes.

23 Q. What did he tell you?

24 A. He told me that he wouldn't be able to take care of two women at the
11:52:46 25 same time, so he decided to hand me over to the person's name that I've
26 written down.

27 Q. Do you know what he meant by he would not be able to take care of two
28 women?

29 A. Well, he just told me that he can't because he has somebody he has

1 captured, so he would prefer that I stay with somebody else because that
2 would be comfortable for him.

3 Q. And this other person to whom he made reference, this other person
4 that he had captured, was this a man or woman?

11:53:31 5 A. She was a woman.

6 Q. Did you know this woman?

7 A. Yes.

8 Q. Without giving her name, was there any relation between you and this
9 woman at all?

11:53:52 10 A. Yes.

11 Q. What was the relation?

12 A. She was my cousin.

13 Q. Was this the same cousin that you referred to when you mentioned that
14 three of you -- or rather, four of you had gone to xxxxxx xxxx?

11:54:29 15 A. Yes.

16 Q. You were handed over to this rebel commander. In what capacity were
17 you given to him?

18 A. Well, they just handed me over to him, and they said I should be his
19 wife.

11:55:03 20 Q. And when this rebel handed you over to the commander to be his wife,
21 did he ask your consent?

22 A. No.

23 Q. What about the commander himself? Did he accept or did he take you
24 as his wife?

11:55:57 25 A. Yes.

26 Q. And did he ask for your consent before he took you on as his wife?

27 A. No, he didn't ask.

28 Q. Did you agree to be his wife? Did you give your consent?

29 A. Well, as such, I would accept because there was no option because

1 they had the say.

2 Q. Madam Witness, you have used the term "wife." Was there any marriage
3 ceremony at all that took place?

4 A. No.

11:57:02 5 Q. Then how was it that you became the wife of this rebel commander?

6 A. That is what they used to do. They would force people into forced
7 marriage, marriage that is not legal.

8 Q. You were handed over to this rebel commander, and that was it?

9 PRESIDING JUDGE: I don't understand the question, Ms Stevens. What
11:57:43 10 do you mean that was it?

11 MS STEVENS:

12 Q. And there were no ceremonies after that.

13 Now, that night in xxxxxx xxxx, after you had been handed over to
14 this commander, did you sleep alone?

11:58:15 15 A. No.

16 Q. Who did you sleep with?

17 A. I slept with the person to whom I was handed over.

18 Q. Did anyone tell you you had to sleep with him?

19 A. No.

11:58:44 20 Q. Can you tell us how you happened to sleep with him?

21 A. Well, they just showed me and said this would be the place you will
22 be sleeping. So at night, I had to go and sleep because I was afraid of
23 them. So I saw him come into the room, so that was what made me to sleep
24 with him.

11:59:30 25 Q. Did you have sex with him that night, Madam Witness?

26 A. Yes.

27 Q. Did he ask you, seek your consent, before he had sex with you?

28 A. No.

29 Q. Did he say anything to you before having sex with you?

1 A. Yes.

2 Q. What did he say?

3 A. He just came inside and told me to undress. And he started
4 threatening me.

12:00:36 5 Q. What did he say as he threatened you?

6 A. He shouted at me, can't you undress? Can't you take off your
7 clothes? How do you feel? What do you feel about yourself? Something
8 like that.

9 Q. And how did you feel, Madam Witness?

12:01:08 10 A. I felt bad because I was not thinking about that.

11 Q. Prior to this time, Madam Witness -- strike that.
12 Had you ever had sex before, Madam Witness?

13 A. No.

14 Q. This was your first time?

12:01:49 15 A. Yes.

16 Q. Do you recall, Madam Witness, whether -- strike that.
17 Do you recall when exactly this incident happened? How much time had
18 elapsed since your arrival at xxxxxx xxxx?

19 A. It was the very day that I was taken to xxxxxx xxxx. It was during
12:02:30 20 that night that this happened.

21 Q. And after this night, did you continue to sleep with the commander?

22 A. Yes.

23 Q. When you left xxxxxx xxxx, after the third day --
24 PRESIDING JUDGE: Just pause, Ms Stevens.

12:03:24 25 Madam Witness, are you feeling all right? Are you all right?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Continue, Ms Stevens.

28 MS STEVENS:

29 Q. And after you left xxxxxx xxxx on the third day, did you

- 1 leave -- whom did you leave with?
- 2 A. I don't understand.
- 3 Q. When you left xxxxxx xxxx on the third day, did you leave by yourself
- 4 or were you with others?
- 12:04:03 5 A. Well, my cousin was with me at that moment, during those three days
- 6 together.
- 7 Q. And after you left xxxxxx xxxx, whom did you leave with?
- 8 A. We all went to the commanders. We walked up xxxxxx xxxx again.
- 9 Q. You went back to xxxxx xxxx. And from xxxxx xxxx, where did you go?
- 12:04:54 10 A. We went up the hills - I did not understand the place - until we
- 11 reached Waterloo.
- 12 Q. Were you still with the rebel commander who was your rebel husband?
- 13 A. No, he had left us. They went ahead, and we were behind with some
- 14 other rebels.
- 12:05:30 15 Q. And from Waterloo -- did you remain in Waterloo, or did you continue
- 16 on?
- 17 A. We continued going.
- 18 Q. Where did you go?
- 19 A. We went to xxxxxxxx.
- 12:05:51 20 Q. Did you remain in xxxxxxxx?
- 21 A. Yes.
- 22 Q. How long did you stay in xxxxxxxx for?
- 23 A. We were there for about four days.
- 24 Q. And after Benguema, where did you go?
- 12:06:17 25 A. We walked again and went to xxxxx, xxxx xxxx, and we stayed there for
- 26 some time.
- 27 Q. And about how long did you stay at xxxx xxxx?
- 28 A. We were there for about one month.
- 29 Q. Did you join up again with your rebel husband?

1 A. Yes.

2 Q. Where did you join up with him?

3 A. At xxxxxxxx.

4 Q. And when you went to xxxxx, did you go with him?

12:07:23 5 A. No.

6 Q. Where was he at that time?

7 A. Well, he only sent us to go ahead. So I did not know where he went.

8 I did not know whether he stayed at xxxxxxxx or whether he had gone before.

9 He only left a message that we should all go and meet him.

12:07:51 10 Q. And did you finally meet up with him again?

11 A. Yes.

12 Q. Where was that?

13 A. At xxxx xxxx.

14 Q. Madam Witness, let me ask you this question: There was a lot of

12:08:17 15 movement. You went from xxxxx xxxx, xxxxxxx, xxxxxxx, xxxxx, and then

16 xxxx xxxx. Why were you moving so much?

17 A. Because the place was not safe. The ECOMOG had been attacking.

18 Q. Now, you spent about a month at xxxx xxxx. Correct?

19 A. Yes.

12:08:56 20 Q. And during this time, Madam Witness, who did you live with?

21 A. I was with the commander.

22 Q. Did you continue to be his wife?

23 A. No.

24 Q. You were staying with him, but you were not his wife?

12:09:33 25 A. No. He left us and went to Makeni, so he left me with somebody to

26 take care of me.

27 Q. How long after you arrived in xxxxx did he leave to go to Makeni?

28 A. It was around about three weeks. We were together three weeks, and

29 then he left and went to Makeni.

1 Q. Now, during the three weeks that you were with him, what were
2 your -- what were your expectations as a wife?

3 A. Well, what he had been expecting or me?

4 Q. What were his expectations?

12:10:45 5 MR KNOOPS: Sorry, Your Honour. Objection. I think that's not a
6 proper question, to ask what he expected from the situation.

7 PRESIDING JUDGE: I think that objection's a little premature,
8 Mr Knoops. We might get -- the evidence might clarify what was said; and
9 if it does not, then I will reconsider your objection.

12:11:07 10 MR KNOOPS: Thank you, Your Honour.

11 PRESIDING JUDGE: Mr Metzger.

12 MR METZGER: I wanted to put forward our own objection on the basis
13 of foundation. The question calls for speculation; "what were his
14 expectations." In order to articulate what his expectations were, without
12:11:42 15 it being left, as it were, in the air, the witness would first have to be
16 taken through the foundation of telling us how she knew what his
17 expectation was. Those are our objections.

18 PRESIDING JUDGE: Thank you.

19 [Trial Chamber deliberates]

12:13:02 20 PRESIDING JUDGE: We've considered the objection, and we uphold the
21 objection.

22 Ms Stevens, the question is not allowed in its present form.

23 MS STEVENS:

24 Q. Madam Witness, during the three weeks that you stayed -- strike that.

12:13:25 25 During the three weeks that your rebel husband stayed in xxxxx, did
26 you live together?

27 A. Yes.

28 Q. Did he tell you or give you any instructions as to what he expected
29 of you?

1 A. Yes.

2 Q. What did he say?

3 A. He asked me to be cooking.

4 Q. And did you cook?

12:14:22 5 A. I told him that I did not know how to cook.

6 Q. So you didn't cook at all?

7 A. No.

8 Q. And during the time that you were together, did you continue sleeping

9 with him?

12:15:02 10 A. Yes.

11 Q. Why did you continue to sleep with him?

12 A. Because he had said that I was his wife. That is why I continued to

13 sleep with him.

14 Q. And did he continue having sex with you during this period?

12:15:50 15 A. Yes.

16 Q. How often?

17 A. Well, frequently.

18 Q. Did he ever ask your consent before he had sex with you?

19 A. No.

12:16:31 20 Q. Were you able to leave the marriage at all during this - "marriage",

21 in quotation marks - during this three-week period that you lived with the

22 rebel commander?

23 A. No.

24 Q. Why not?

12:17:17 25 A. Because I had no way to leave.

26 Q. Can you explain to this Court what you mean by you "had no way to

27 leave."

28 A. I wouldn't say I would escape because that was not possible because I

29 did not even know the place. There was no way for me to have done that.

1 Q. Madam Witness, when you say there was no way for you to have done
2 that, what prohibited you from leaving? Was there something that
3 prohibited you? You say there was no way.

4 A. Yes. Because if I have said I should leave, he would give me an
12:18:19 5 option. Perhaps he would say he would kill me.

6 MR METZGER: Objection, Your Honour. Ask to strike from the record.
7 Speculation; what she thinks he would have said had she said something.

8 MS STEVENS: Your Honours, perhaps a follow-up question to the
9 witness would be why she formulated that conclusion or why she drew that
12:18:46 10 conclusion.

11 [Trial Chamber deliberates]

12 PRESIDING JUDGE: The unanimous view of the Court is that the
13 objection should be upheld. The witness is giving a speculative answer,
14 and foundation will have to be laid for her reasons, et cetera, Ms Stevens.

12:20:03 15 MS STEVENS:

16 Q. Madam Witness, were you scared to leave?

17 MR METZGER: Leading. Thank you.

18 PRESIDING JUDGE: That's a leading question.

19 MS STEVENS:

12:20:15 20 Q. Madam Witness, were there other rebels in xxxx xxxx?

21 A. Yes.

22 Q. About how many rebels?

23 A. There were many. There were more than 400.

24 Q. Did you count them, or is this an estimated figure?

12:20:45 25 A. I just estimated. I was not able to count them.

26 Q. Were they armed?

27 A. Yes.

28 Q. Did anyone, whilst you were at xxxx xxxx, ever attempt to escape?

29 A. Yes.

1 Q. What was the reaction of the rebels when someone tried to escape?

2 A. Well, if somebody wanted to run away and if they saw him, they would
3 catch him and beat him. They would do bad things to him, and they would
4 wound his body.

12:21:41 5 Q. And how did that make you feel, Madam Witness?

6 A. That made me to be afraid. That made me not to run away.

7 Q. Now, this rebel commander to whom you had been given as a wife, did
8 he have men under him?

9 A. Yes.

12:22:26 10 Q. Did he take any measure to prevent you from escaping?

11 A. Yes.

12 Q. Tell this Court what he did.

13 A. He would send somebody after me wherever I went. He also had a gun,
14 so that I would not be able to escape. Anywhere that I went, he would
12:23:02 15 follow me.

16 Q. Apart from yourself, Madam Witness, were there other women at
17 xxxx xxxx who had been given off to rebels as wives?

18 A. Yes.

19 Q. Are you able to help us with the number of women?

12:23:44 20 MR METZGER: Objection, Your Honour. It's widespread. And again,
21 it's a question of foundation. There are other women. The path that then
22 we would suggest should be followed is "how did you come to know that" so
23 we can have the relevant foundation for the next question.

24 PRESIDING JUDGE: Yes, Ms Stevens, we'll uphold that.

12:24:16 25 MS STEVENS: I'll take the questions again.

26 Q. Madam Witness, were there other women who were given off to rebels as
27 wives?

28 A. Yes.

29 Q. And how did you come to know about this?

1 A. Well, I used to see them. I knew some of them that this happened to.
2 I knew them.

3 Q. In xxxxx, for example, are you able to help us with roughly about how
4 many women were given off as wives to rebels?

12:25:04 5 JUDGE SEBUTINDE: Excuse me. Counsel, could you be specific? Are
6 you asking this witness of the women that she knew of, or generally women
7 who were given off into marriage?

8 MS STEVENS: I'm asking of the women that she knew of.

9 Q. Madam Witness, the women that you knew about, about how many of them
12:25:24 10 were given off to rebels as wives?

11 A. The ones that I knew were ten.

12 Q. Let's talk about these ten that you knew. Do you know how they came
13 about -- if you don't know, you can say you don't know. Do you know how
14 they came about to being in xxxxx with the rebels?

12:26:18 15 A. Yes.

16 Q. How did they come about to be in xxxxx with the rebels,
17 Madam Witness?

18 A. They also were captured.

19 Q. And apart from these ten women whom you knew, did you see rebels in
12:26:54 20 xxxxx with wives at all?

21 A. Yes.

22 Q. Now, these ten women that you knew, do you know whether or not they
23 were given off to commanders or whether or not they were given off to
24 ordinary rebels?

12:27:37 25 MR METZGER: Objection. It seems to me that, one, there were two
26 questions; two, my learned friend has rather jumped ahead of the boat in
27 terms of asking the question of those people. Perhaps simply what she knew
28 of the circumstances in which they came to be with those rebel commanders.

29 MR KNOOPS: Your Honour, in addition to the objection of my learned

1 colleague, I object also against the phrase of "ordinary rebels." I don't
2 think it's without any foundation proper to put the witness with the
3 terminology of an "ordinary rebel" [sic].

4 PRESIDING JUDGE: Mr Metzger, I was just recording your objection.
12:28:47 5 You said there were two questions, which I noted. And the second ground?

6 MR METZGER: The second was the basic groundwork. I think the
7 witness had been asked about the ten women she knew. Initially, she said,
8 "I know how they came to be in Lumpa with the rebels." My objection was
9 the next logical question would be, well, how do you know that and what do
12:29:14 10 you know?

11 And whilst I'm on my feet, could the third accused be -- beg your
12 pardon, second accused be given leave to use the conveniences. It needn't,
13 I'm told, affect proceedings.

14 PRESIDING JUDGE: Ms Stevens, there were actually two questions in
12:30:08 15 there. And I think it would be proper to rephrase that question, please.

16 MR HARRIS: Your Honour, the accused I represent may wish to go to
17 the bathroom. May he leave? I'll protect his interest.

18 PRESIDING JUDGE: Yes, he may leave.

19 [Trial Chamber confers]

12:30:37 20 PRESIDING JUDGE: Sorry, Ms Stevens. Please proceed.

21 MS STEVENS:

22 Q. Madam Witness, of the ten women that you just referred to, were any
23 of them given to a commander?

24 A. No.

12:30:59 25 Q. Who were their husbands? Without naming names, can you tell us the
26 rank and file of their husbands?

27 A. Some were lieutenants. Some were just ordinary soldiers.

28 Q. Madam Witness, do you know - we're still on these ten women - do you
29 know if they also had to sleep with their rebel husbands?

1 MR METZGER: I rise again, hesitantly. It's probably the lateness of
2 the morning hour, so to speak; but again, it seems to me that it's an
3 objection based on foundation.

4 PRESIDING JUDGE: Explain yourself, Mr Metzger. I don't --

12:32:24 5 MR METZGER: In fairness, although I didn't rise when my learned
6 friend asked the last two questions, it seemed to me they weren't exactly
7 in keeping with the way in which Your Honour had ruled. But this question
8 is again calling without foundation for what this witness knows about other
9 people who have so far not been named, even in the manner that we have been
12:32:52 10 using to protect this witness, about their arrangements with people they're
11 allegedly -- they were allegedly given to for marriage. It becomes a
12 little wooly, confusing; and respectfully, it certainly doesn't assist us
13 in understanding the full nature of this witness's evidence. And we would
14 submit that it makes your job, Your Honours, much more difficult, too.

12:33:41 15 JUDGE LUSSICK: Ms Stevens, there's a way of asking these questions
16 that would put everybody in the picture as to how this witness is able to
17 answer in the way she does. So I'm going to allow that objection, and I'll
18 ask you to rephrase the question. You'll need to lay some groundwork for
19 the reason that your witness has such knowledge that you're asking of her.

12:34:09 20 MS STEVENS:

21 Q. Madam Witness, during the course of your stay at xxxxx, did you have
22 conversations at all with any of these ten women whom you knew?

23 A. Yes.

24 Q. Did they tell you of their experiences with their rebel husbands?

12:34:37 25 A. Yes.

26 Q. Do you know -- strike that.

27 Apart from these ten women whom you knew personally, did you have
28 conversations with any of the other women who were at xxxxx?

29 A. No.

1 Q. And from your conversations with these women, did you become aware of
2 whether or not they had to sleep with their rebel husbands?

3 MR METZGER: Objection, Your Honour, based on the well-known question
4 of "when did you last beat your wife?" It assumes an original premise.

12:35:38 5 And again, I object on the basis that these ten women who have been
6 specifically identified as ten individuals known to this witness have not
7 been named in a manner that will still protect this witness's identity so
8 that we know who exactly it is being alleged made allegations to this
9 particular witness.

12:36:27 10 [Trial Chamber deliberates]

11 PRESIDING JUDGE: Ms Stevens, the unanimous view of the Bench is that
12 that question is vague and predetermines an answer. So you will have to be
13 more precise.

14 MS STEVENS: I'll shift directions.

12:37:04 15 Q. Madam Witness, as a commander's wife, do you know if you were given
16 any special treatment?

17 A. Yes.

18 Q. What was that treatment?

19 A. Well, they used to give me respect. Then I would -- I did not do
12:37:46 20 anything because I told him that I did not know how to cook. So I was not
21 forced to do anything.

22 Q. You said they used to give you respect. Who do you refer to when you
23 say "they"?

24 A. Well, the other ones that had lower ranks, that were with them. They
12:38:13 25 used to give me respect because of him.

26 Q. Was there anything in particular that they did or say to show you
27 that they were treating you with respect?

28 A. Yes.

29 Q. Could you tell this Court what it was that they did to show you that

1 respect was being conferred on you?

2 A. They would not call me by my name. They had their own way of calling
3 me.

4 Q. And what was that?

12:39:11 5 A. They used to call me "xx xxxxx."

6 PRESIDING JUDGE: Ms Stevens, just before we go any further, I know
7 that that term is a very general term, but this is a protected witness.
8 And I have reservations as to whether that should be entered into the
9 record.

12:39:40 10 MS STEVENS: Your Honours, I really don't see any problems with it,
11 but we are happy to put it under seal.

12 PRESIDING JUDGE: I think in the circumstances, it might be best.

13 Madam Court Attendant, I think I've inadvertently switched off the
14 witness's microphone.

12:40:01 15 MS THOMPSON: Your Honour, may I just say that this witness's
16 evidence is about being the wife of a rebel husband. As you rightly know,
17 "xx xxxxx" is a very general term. For as long as you are in any position
18 of slight authority, you're referred to as "xx xxxxx." Certainly I'm
19 speaking for the Defence, it will not actually breach her protection

12:40:23 20 because her evidence is that she held that position in any event, whether
21 or not that term is in the records or not. In the circumstances,
22 Your Honour, it should remain in the records.

23 [Trial Chamber confers]

24 PRESIDING JUDGE: In the light of the fact that this is a general
12:41:47 25 term, perhaps known to some of us better than others, we'll just leave the
26 record as it stands.

27 MS STEVENS: We have no problems with that course of action,
28 Your Honour.

29 Q. Madam Witness, you indicated that after about three weeks, your rebel

1 husband left and went to Makeni. Did you stay behind in xxxxx, or did you
2 go elsewhere?

3 A. We were at xxxx xxxx when he left for Makeni.

4 Q. Sorry about that. My mistake. Did you stay at xxxx xxxx or did you
12:42:43 5 go elsewhere?

6 A. It was at xxxx xxxx that we were when he left and went.

7 Q. And when he left, did he make any arrangements for you?

8 A. Yes.

9 Q. What were those arrangements?

12:43:16 10 A. He left me under one captain who was taking care of me.

11 Q. And did you stay with that captain and remain with him?

12 A. Yes.

13 MS STEVENS: Your Honours, I seek leave for the witness to be given a
14 piece of paper and pen as I ask her for the name of the captain with whom
12:43:54 15 she stayed.

16 PRESIDING JUDGE: Any objection? Proceed on.

17 Madam Court Attendant, please arrange that.

18 Ms Stevens, whilst the witness is complying with the question, can
19 you give us an indication if you will have many more questions in-chief?

12:44:31 20 MS STEVENS: Your Honour, I still have about two or three more areas
21 to cover with this witness. So I estimate at least another 20 to 30
22 minutes maximum.

23 [Trial Chamber confers]

24 PRESIDING JUDGE: Any objection to this document being entered as an
12:46:40 25 exhibit?

26 MS THOMPSON: None, Your Honour.

27 MR KNOOPS: None, Your Honour.

28 PRESIDING JUDGE: This will become Exhibit P3. Madam Court
29 Attendant.

1 [Exhibit No. P3 was admitted]

2 PRESIDING JUDGE: Ms Stevens, just before you resume your
3 examination, you said two or three areas. Are you coming close to the end
4 of this particular line of questioning, before starting another?

12:47:09 5 MS STEVENS: Yes, Your Honour.

6 PRESIDING JUDGE: Perhaps you just finish, if there's only a few
7 questions, it may be neater for all concerned that you finish them. If
8 there are going to be many, we may adjourn at this time.

9 MS STEVENS: Your Honour, I think we can adjourn at this time.

12:47:27 10 PRESIDING JUDGE: Very well. This is the scheduled time, and I am
11 concerned that the witness is looking a little tired.

12 Two things before we adjourn: I will remind the witness. Madam
13 Witness, we are going to take a break now. Today is a Wednesday, and we
14 only sit in the morning. You will have to come back tomorrow to continue
12:47:49 15 your evidence here in the Court. The Rules of the Court are between now
16 and the time you finish all your evidence you should not talk about this
17 court case or your story to anyone else. Did you understand what I said?

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Thank you. I would also remind Defence that there
12:48:15 20 is now sealed evidence, and the definition of "Defence" in our Rules
21 includes both the counsel and the accused, and therefore the protective
22 measures for the witnesses extend to the accused as well as to counsel.

23 We will adjourn until tomorrow morning.

24 Mr Metzger, you're on your feet.

12:48:35 25 MR METZGER: There was just one matter. In fairness, the statements
26 revealing those names had been disclosed to us before this date. And it
27 was prudent in terms of those names that had been revealed to us for us to
28 try and make certain inquiries through investigators. We didn't believe at
29 the time that that would breach the protective measures. But I thought it

1 only right to say that certainly we have taken so many steps and no more.
2 There are certain complications which arise hereafter by virtue of the
3 sealing in that manner. But can we, as it were, have the Court's approval
4 for approaching it in that manner. We will bind our investigators and any
12:49:24 5 people they talk to in the same terms.

6 PRESIDING JUDGE: Well, if they have been told, they have been told.
7 I cannot retract the information they have in their minds. But they are
8 now bound by the protective measures. And if there's any element of doubt,
9 I now say clearly and categorically, investigators and all other staff,
12:49:50 10 personnel, or those associated with the Defence are bound by the protective
11 measures.

12 MR METZGER: May we have the liberty to make an application to the
13 Court if it becomes clear to us that we now need to go beyond the circle of
14 people --

12:50:09 15 PRESIDING JUDGE: We will deal with it as it arises, Mr Metzger, in
16 the normal way as applications are made.

17 MR METZGER: So be it.

18 PRESIDING JUDGE: If there's no other matters, we will adjourn the
19 Court until tomorrow morning.

12:50:35 20 Madam Court Attendant, please adjourn Court.

21 [Whereupon the hearing adjourned at 12.52 p.m., to be reconvened on
22 Thursday, the 10th day of March, 2005, at 9.15 a.m.]

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1	EXHIBITS:	
2	Exhibit No. D1	24
3	Exhibit No. D1A	24
4	Exhibit No. P1	43
5	Exhibit No. P2	44
6	Exhibit No. P3	60
7		
8	WITNESSES FOR THE PROSECUTION:	
9	WITNESS: TF1-277	2
10	CROSS-EXAMINED BY MR HARRIS	2
11	WITNESS: TF1-023	26
12	EXAMINED BY MS STEVENS:	26
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