

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, 6 APRIL 2005
9.17 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg
Mr Matthias Reuss

For the Registry:

Mr Neil Gibson

For the Prosecution:

Ms Lesley Taylor
Ms Melissa Pack
Ms Sharan Parmar
Mr Robert Braun
Ms Jennifer Beckley (intern)
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Claire Carlton-Hanciles
Mr Abdul Rahman Mansaray

For the accused Alex Tamba Brima:

Ms Glenna Thompson
Mr Osman K Kamara

For the accused Brima Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Kanu:

Mr Abibola Manley-Spaine
Ms Karlijn van der Voort

1 Wednesday, 6 April 2005

2 [The witness entered court]

3 [Open session]

4 [The accused Kamara and Kanu entered court]

5 [The accused Brima not present]

6 [On commencing at 9.17 a.m.]

7 PRESIDING JUDGE: Good morning counsel. Counsel, it would appear we
8 have two accused present in court; is that correct?

9 MS THOMPSON: Yes, Your Honour. My client is not here today.

10 PRESIDING JUDGE: For purposes of record I will note that Mr Kamara
11 and Mr Kanu are in court and that Mr Brima is not here. We have received a
12 notification which I will read into the record which states that:
13 "Mr Brima does not wish to attend as detention refused to supply him with
14 aftershave due to the alcohol content therein." Is that the correct
15 situation?

16 MS THOMPSON: Your Honour, I spoke to my client this morning and I am
17 unaware of anything to do with aftershave. I know nothing about that note
18 or issues with aftershave. That is not -- certainly that wasn't my
19 information this morning.

20 PRESIDING JUDGE: Ms Thompson, I do not, of course, wish to interfere
21 with professional relationships between yourself and your client, but it is
22 sufficient for me to record that this is the information given to the
23 Court, but you are not aware of it?

24 MS THOMPSON: Your Honour, may I ask where that information came
25 from?

26 PRESIDING JUDGE: It emanated from Court Management.

27 MS THOMPSON: I don't know where Court Management got it from.

28 PRESIDING JUDGE: From the Head of Detention.

29 MS THOMPSON: Yes, Your Honour. Your Honour can make that note. I'm

1 unaware of the contents of that letter or indeed the letter itself.

2 PRESIDING JUDGE: Thank you, Ms Thompson. I will record that
3 Mr Kamara and Mr Kanu are present in court today and that Mr Brima has
4 opted voluntarily not to attend court. Thank you.

5 Counsel we will proceed. Mr Braun, this was a witness that was sworn
6 in yesterday. Unless there are some other matters to raise, I will remind
7 the witness of his oath.

8 Mr Witness, you were in court yesterday. Do you recall that?

9 THE WITNESS: Yes.

10 PRESIDING JUDGE: And you remember that you swore to tell the truth
11 to the Court.

12 Mr Manley-Spaine, please do not walk in front of the bar and the
13 witness in that way. You should go behind.

14 Mr Witness, I was asking: Do you remember promising to tell the
15 truth?

16 THE WITNESS: Yes, sir.

17 PRESIDING JUDGE: Well, that promise is still binding on you today
18 and you must tell the truth, please proceed.

19 THE WITNESS: Yes, sir.

20 WITNESS: TF1-278 [Continued]

21 [The witness answered through interpretation]

22 EXAMINED BY MR BRAUN:

23 MR BRAUN:

24 Q. Mr Witness, we left yesterday when you were stopped by a group of
25 five persons on your way to Parsonage Street.

26 A. Yes, sir.

27 Q. You explained to us that four of them were wearing combat and one of
28 them was wearing civilian clothes.

29 A. Yes, sir.

1 Q. According to my record, they said that if you move they will shoot at
2 you; is that correct?

3 A. Yes, sir.

4 Q. Now, Mr Witness, do you recall what time it was when you met those
5 five persons?

6 A. If I can remember the time I met those five people?

7 Q. That's correct.

8 A. Can I continue?

9 Q. Sure.

10 A. Can I talk? Well, I can remember at that time, because the time we
11 met together it was on the 22nd of January.

12 Q. If you can't recall the time --

13 PRESIDING JUDGE: Just pause there for a second. I'm not getting a
14 translation and I'm on English. And we don't have any pictures on the
15 screen.

16 MS EHRET: Are you on the right channel?

17 PRESIDING JUDGE: I switched one. I think it is fine now. Sorry for
18 the interruption. Please proceed.

19 MR BRAUN:

20 Q. Mr Witness, if you can't recall the time, do you recall whether it
21 was in the morning, in the afternoon, or in the evening?

22 A. It was in the morning hours at 9.00.

23 Q. Now, with regard to those four persons in combat, do you know what
24 group those persons belonged to?

25 A. Well, I never knew until I saw their uniform. When I saw the
26 uniform, I knew they were SLA.

27 Q. What happened after you encountered those five persons?

28 A. As I saw these five people, they halted us and we stopped, and that
29 if we moved, they are going to shoot at us.

1 Q. So what happened next?

2 A. What happened, I told my friend, "Well, you don't have any child
3 here. Don't follow me. If you have a way to go, go. But I cannot run
4 because I cannot leave my children here. I cannot run away and leave my
5 children here. I will never do that."

6 Q. So what happened next, Mr Witness?

7 A. So my friend went away; he ran away. So one of my tenant he went and
8 answered his first call to them.

9 Q. Go on, Mr Witness.

10 A. When my tenant went and asked, and they asked him what he held on his
11 left hand. He answered and said it was the clothes of his children. And
12 they asked him: "What do you have in this cooler?" He said it was water
13 for his children. They asked him to put this down and the man said -- he
14 begged them for mercy. And when they said: "Do you know God? Have you
15 ever seen God?" The man was pressurised. And so they kicked one of his
16 children who was five years of age, and that was the soldier on the left,
17 and the child fell.

18 THE INTERPRETER: Mr Witness, go slowly please.

19 THE WITNESS: Okay.

20 MR BRAUN:

21 Q. You just said that one of his children was kicked by a soldier?

22 A. Yes.

23 Q. Do you know why the child was kicked by a soldier?

24 A. It was because he wanted to come near his father.

25 Q. Okay, move on, Mr Witness.

26 A. So they said: "Now, let the man put his hand on the ground."

27 Q. Who said that, Mr Witness?

28 A. It was one of the soldier who was on the right-hand side.

29 Q. What happened next, Mr Witness?

1 A. So the man was still pleading. He was begging him to have mercy on
2 him.

3 Q. Go on?

4 A. The other man who was next to him - that was the one making two - he
5 said: "Don't waste time with this man. Cut off his hand immediately."

6 Q. Who said that?

7 A. It was another soldier. One of the soldiers again.

8 Q. What happened next?

9 A. So the man said -- they still commanded him to lay his hand on the
10 ground and the man was -- the man was not ready to do it, so I think one of
11 them was smoking a cigarette and then they had to put out the cigarette on
12 him.

13 Q. What do you mean by put out the cigarette on him?

14 A. On his skin.

15 Q. Go on, Mr Witness.

16 A. When the cigarette was put on his skin, when he saw the man bearing
17 down, he placed his hand on the slab on the street.

18 Q. What happened after that?

19 A. The man who was in civilian dressing said: "Mister, do your job."

20 Q. Did the civilian do anything else beside that? Excuse me, can
21 I repeat that question, please?

22 A. Then he was told: "You do your own duty now."

23 Q. Who said that, Mr Witness?

24 A. One soldier who was Captain Two Hand, because he removed his T-shirt
25 and then he said: "Look at me, I am Captain Two Hand." So he gave
26 authority to the one in civilian dressing to cut his hand.

27 Q. Mr Witness, you just mentioned Captain Two Hand. Did Captain Two
28 Hand show something to you?

29 A. Yes. He showed me something like a stained polo, which was Captain

1 Two Hand. He said: "There should be no mercy."

2 Q. What happened next?

3 A. Well, the civilian removed the axe. The axe was behind him on his
4 back, so he removed the axe.

5 Q. What happened next?

6 A. And then they cut off my tenant's hand between the slabs.

7 Q. Do you recall which hand was cut off first?

8 A. It was the left.

9 Q. Do you know how many strokes the civilian needed to cut off your
10 tenant's hand?

11 A. It was two times. Twice.

12 Q. What happened after the civilian cut off the left hand of your
13 tenant?

14 A. And then he said, "Bring the right again."

15 Q. What happened after that?

16 A. Then he amputated the arm in the same way as he amputated the left
17 one.

18 Q. Can you describe the reaction of the amputated person?

19 A. Well, the man was just shouting. He was shouting and then they got
20 up. Then the two children he had, he left them there.

21 Q. Did the soldiers say anything to your tenant after they amputated
22 him?

23 A. Yes, sir.

24 Q. What did they tell him?

25 A. Well, after they had amputated his hand, he said, "Go and tell Tejan
26 Kabbah this is what we have done. Go and tell no more politics, no more
27 voting."

28 Q. What happened next, Mr Witness?

29 A. Well, I was called.

1 Q. Who called you?

2 A. The other soldier.

3 Q. Go on.

4 A. When I was called, I asked them: "What did I do?" And then they
5 said why should I ask. If I did not see how they amputated my friend, so
6 I did not do anything. I just went there and I put my -- they put my left
7 hand on the ground.

8 Q. What happened next?

9 A. When I put my left hand, they gave me one blow and the second time my
10 child shouted at the back of his mother. He said: "Hey, soldier, don't
11 cut my father's hand, please. He is working for us." Then he told him to
12 shut up, that he doesn't know what is happening.

13 Q. Go on, Mr Witness.

14 A. So another soldier gave command that they should remove this child
15 from his mother's back, that he was causing noise.

16 Q. Go on.

17 A. And I said -- I said: "You are going to remove this child from his
18 mother? What do you want to do with him?" And then one of them replied
19 that: "You're hard-hearted," and I said: "I don't know."

20 Q. What happened after that, Mr Witness?

21 A. Because the child started, they said they are going to cut off his
22 hand. And I said: "Instead of cutting the child's hand, please cut my two
23 hands."

24 Q. What happened next?

25 A. And the other soldier said: "Is that what you asked for?" I said:
26 "Yes, sir." So I put my hand down and in fact it was amputated.

27 Q. How many strokes did they need to cut off your right hand?

28 A. It was two blows.

29 Q. What happened after that, Mr Witness?

1 A. Then I got up. I took two steps to go, but I saw my wife's sister.

2 She was also held. They wanted to cut off her hand.

3 Q. What did you do then?

4 A. I said: "If you cut this one's hand again, then I will not have
5 anybody to attend to me. So instead of doing that, kill us together." And
6 I started using abusive force against them, because I wanted them to kill
7 us. And the other who was by the right, he said: "Leave them."

8 Q. Go on, Mr Witness.

9 A. When they were released, they made the remarks that -- one gave the
10 remarks that: "You are the messenger of Tejan Kabbah. Go and tell Tejan
11 Kabbah that we cut off your hand. Since you did not allow for peace, we
12 are saying good-bye to you."

13 Q. Where did you go after that?

14 A. We follow -- we followed along -- we went along Parsonage Street. We
15 were trying to find Shell Company [phon], the old road.

16 Q. Go on.

17 A. Okay. When we went to Shell Company at old road, because during that
18 time the new road there were again the soldiers there. My wife and my
19 children, I told them to go to the old road -- new road. They would have
20 assistance, so let me try and go to the hospital. So they went there and
21 I took the old road by Toyota garage. I was able to reach at PWD.
22 I saw -- I met a checkpoint there that was ECOMOG. They were checking for
23 ammunition and rebels who were escaping. So when I came there, they said:
24 "He's standing here." I said: "There are so many people who are
25 amputating people." And everybody went towards Ferry Junction and we met
26 some ECOMOG troop there. One ECOMOG gave me his chair and then he wrapped
27 my hand and waited for a vehicle. As soon as the vehicle came, I boarded
28 it and they took me away to Connaught Hospital.

29 MR BRAUN: Your Honour, I don't have any further questions for this

1 witness.

2 PRESIDING JUDGE: Thank you, Mr Braun. Cross-examination, counsel?
3 Mr Manley-Spaine, are you the most senior?

4 MS THOMPSON: Your Honour, before my learned friend goes. There's
5 something wrong with my monitor. It keeps flashing and it is affecting my
6 eyesight and I'd like something to be done about it.

7 PRESIDING JUDGE: The screen physically --

8 MS THOMPSON: The screen, yes.

9 PRESIDING JUDGE: Mr Court Attendant, could someone look at that,
10 please?

11 Yes, Mr Manley-Spaine.

12 MR MANLEY-SPAINE: Yes, just a few questions.

13 PRESIDING JUDGE: Thank you. Please proceed.

14 CROSS-EXAMINED BY MR MANLEY-SPAINE:

15 Q. Mr Witness, you spoke about rebels and SLAs?

16 A. Yes.

17 Q. You also said that you knew the four people were SLAs because they
18 were in uniform; is that so?

19 A. I don't know them specially, but I know they are because they
20 described themselves.

21 Q. Did they say they were SLAs or you concluded that they were SLAs
22 because they wore uniforms?

23 A. Yes, sir.

24 PRESIDING JUDGE: Mr Witness, I don't think that is a clear answer.

25 MR MANLEY-SPAINE: If Your Honour please. Can I put the question,
26 again?

27 PRESIDING JUDGE: Yes, perhaps if you put -- you actually put two
28 alternatives in one question, Mr Manley-Spaine. Maybe put them one at a
29 time.

1 MR MANLEY-SPAINE: Okay.

2 Q. Did you say you knew they were SLAs because they were wearing
3 uniforms?

4 A. Well, because there is no uniform in the shop to sell. If you see
5 somebody with a uniform, you know it is an SLA.

6 Q. Do you remember making a statement to the Prosecution's office?

7 A. Yes, I could remember that.

8 Q. On the 10th of February -- on the 10th of March 2003?

9 MR MANLEY-SPAINE: Your Honour, referring to his statement at page
10 6359, I wish to read the first line of the second -- the third paragraph.

11 Q. Did you say: "A few days after the RUF left the others came. These
12 were rebels too, but these all had uniforms." Did you say that to the
13 Prosecution?

14 A. Well, what happened -- excuse me, sir, you understand, before the
15 rebels came, it was the soldiers that came with the rebels and they were
16 all included, because I saw that soldiers came and then they came together.
17 So you can never know the difference between the soldiers and the -- the
18 SLA and the RUF.

19 MR MANLEY-SPAINE: Your Honour, although I like the end bit of his
20 answer, but really my question was whether he made that statement to the
21 Prosecution and I will ask him to answer that question.

22 PRESIDING JUDGE: Yes. Mr Witness, counsel was asking you did you
23 say certain things to the Office of the Prosecutor?

24 THE INTERPRETER: Your Honours, your mike is not on.

25 PRESIDING JUDGE: I apologise. I'll start again. Mr Witness,
26 counsel is asking you if you said certain things to the Office of the
27 Prosecutor in March last year. Can you recall what you said?

28 MR MANLEY-SPAINE: I will read to him. Just hold on.

29 Q. Did you say: "A few days after the RUF left the others came. These

1 were rebels too, but these all had uniforms."

2 A. I didn't say that. That is not what I said.

3 Q. Yesterday you told this Court that you are illiterate, that you
4 cannot read; is that so?

5 A. Yes, sir.

6 Q. You have told this Court about what was written on the T-shirt of the
7 person you have referred to as Captain Two Hand. Did you read it yourself
8 what was written on his T-shirt?

9 A. I didn't read it for myself. He opened his T-shirt, then he said his
10 name is Captain Two Hand, No Mercy.

11 Q. That is all he said?

12 A. Yes.

13 Q. But you do not know what was written on the T-shirt, do you?

14 A. I do not know, but he spelled it for himself. He said "Captain Two
15 Hand, No Mercy."

16 Q. After you said your hands were cut off, were you conscious?

17 A. Yes, I was able to walk up to PWD. I was alone.

18 Q. You have told us again about a man amongst the five people, whom you
19 said cut off your hands, who wore a T-shirt?

20 A. Yes.

21 Q. Would I be right to say that, from what you've told this Court, that
22 you're saying that he was not SLA, because he was not wearing uniform?

23 A. He was not wearing a uniform. He was wearing a T-shirt, a black
24 T-shirt with a black muffler.

25 Q. My question is: Since you said that those in uniform you took to be
26 SLA; he was not in uniform. Are you saying that he was not SLA?

27 A. Well, I cannot say. When he was not in uniform -- when somebody is
28 not in a uniform, I can say he is an civilian. When somebody is in uniform
29 and has an arm, well, I know he's an officer.

1 Q. Are you saying that he was a civilian, because he was wearing a
2 civilian -- [Overlapping microphones]

3 A. Because he was wearing a civilian clothes, an ordinary T-shirt.

4 Q. Please say yes first or no first before you give a reason. Are you
5 saying he was a civilian?

6 A. Yes, I can say he was a civilian because he was wearing a plain
7 clothes.

8 MR MANLEY-SPAINE: That is all for this witness. Thank you.

9 PRESIDING JUDGE: Yes.

10 MS THOMPSON: Your Honour, I will cross-examine within the
11 limitations of the constraints I have.

12 PRESIDING JUDGE: I'm sorry, I don't quite understand that remark.

13 MS THOMPSON: No, the constraints -- I mean that have been explored
14 before this court in the days previously.

15 CROSS-EXAMINED BY MS THOMPSON:

16 Q. Mr Witness, you said you went to Connaught Hospital?

17 A. Yes, sir.

18 Q. Where did you go from Connaught Hospital? When you left Connaught
19 Hospital, where did you go?

20 A. MSF France took us to xxxx xxxx, xxxxx xxxxx.

21 Q. That is the xxxxx at xxxxx xxxx xxxxx?

22 A. Yes, sir, the xxxxx to go to xxxx xxxx. xxxxxxxx.

23 Q. Were you there with your family?

24 A. Yes.

25 Q. And it is right to say that whilst you were there everything was
26 provided for you: Food, shelter clothing?

27 A. Well, the council government -- [Ms Thompson interrupts]

28 Q. Whilst you were at the camp food, clothing, shelter was provided for
29 you?

1 A. Yes, they used to give us.

2 Q. And also rehabilitation in terms of finding employment?

3 A. No, sir.

4 Q. Who did you say was running this camp, MSF France? Did you say it
5 was MSF France that was running this camp?

6 A. Yes, but they had left by then.

7 Q. How long were you in the camp for?

8 A. We were there about five years.

9 Q. From 1999 to last year?

10 A. Yes. Then last year we were repatriated.

11 Q. To where?

12 A. xxxxx xxxxxx xxxxx.

13 Q. And that is accommodation provided for you?

14 PRESIDING JUDGE: Ms Thompson, I'm not quite sure of the relevance.

15 THE WITNESS: Yes.

16 MS THOMPSON: Your Honour, I think yesterday the evidence given was
17 that he survives purely by begging.

18 PRESIDING JUDGE: He did say that, but I'm still not sure what the
19 relevance of this line of questioning is.

20 MS THOMPSON: The relevance is that there is support enough -- I
21 don't really want to say whether there is support enough not for begging.
22 That's the relevance of it. It's purely on a credibility issue.

23 PRESIDING JUDGE: Credibility issue. I will note that. I will note
24 that.

25 MS THOMPSON:

26 Q. This is accommodation provided for you, that was my last question?

27 THE WITNESS: Yes.

28 Q. And you've been there since last year?

29 A. Yeah.

1 Q. There's also, apart from the accomodation, there is also other
2 support provided for you?

3 A. No support on food unless we go on begging on the street.

4 Q. I take it that you are not a registered amputee, then?

5 A. I'm a registered amputee, but they are not giving us anything.
6 Unless we bless the Muslims and the Christians who offer us something.
7 When they make charity, they give us.

8 Q. Now, when did you first make contact with the Special Court; do you
9 remember?

10 A. Well, because they went to my location and informed me. When
11 I filled the form from xxxxxx xxxxx, when they came, they find out -- they
12 find out me, located me and interviewed me for me to come and give evidence
13 here.

14 Q. The question really was when, but you've told us how. Moving on from
15 what you've just said. They went to xxxxxxxx xxxxxx and handed out a form;
16 is that what you said?

17 A. There I filled the form.

18 Q. No, no, they handed out a form for people to fill?

19 A. Yes, a white man went and interviewed me. Then he filled the form.

20 Q. Okay. Do you know how that man -- how you came to that man's
21 knowledge. Do you know how you came to that man's knowledge?

22 A. Which man.

23 Q. The man who went to interview you. You said one white man went to
24 interview you?

25 PRESIDING JUDGE: I think that line of questioning is asking the
26 witness to speculate. I don't think that is fair.

27 MS THOMPSON:

28 Q. Okay, that white man who went to interview you, did you see him
29 again?

1 A. No, I'm not seeing him any longer.

2 Q. After that first day, that is what I mean. After that first day, did
3 you see him again?

4 A. After he interviewed me?

5 Q. Yes.

6 A. No. From the time he interviewed me, I have not seen him again.

7 Q. Did you see any other person from the Special Court after that day?

8 A. Yes, I went to my location --

9 Q. Sorry. Please, answer the question, okay.

10 A. Yes.

11 Q. The question was did you see any other person after from the Special
12 Court after that day?

13 A. Well, that day I could not recognise if the person was working for
14 Special Court or not, but he didn't tell me he was working for Special
15 Court.

16 Q. Now, you've been asked if you made a statement on the 10th of March,
17 2003 and your answer was yes.

18 A. Well, those statements who -- we used to make statement, but since we
19 were not stable in one place, I cannot remember the date.

20 Q. You made a statement to the Special court. Let's put the dates to
21 one side for a minute. You made a statement to the Special Court; is that
22 correct?

23 A. Well, the statement I made is it not what you are interviewing me
24 from? That's what I said.

25 Q. I'll ask you again: Did you make a statement to the Special Court?
26 Don't ask me a question back; just answer the question.

27 A. It's the question I've come to answer. The statement I made is what
28 I've come to answer for Special Court.

29 MS THOMPSON: Your Honour, can the witness be asked to answer the

1 question, please?

2 JUDGE SEBUTINDE: Ms Thompson, really you are not asking fairly. The
3 witness has earlier stated that a white man came to interview him, that he
4 could not tell whether this white man came from the Special Court because
5 he was not wearing, or he didn't say he came from the Special Court. And
6 now you're asking him did the Special Court interview him. Is that fair?

7 MS THOMPSON: Your Honour, he did say that people from the Special
8 Court came and handed him --

9 JUDGE SEBUTINDE: You said.

10 MS THOMPSON: No, no, he said, the evidence was people came --

11 JUDGE SEBUTINDE: They sought him out but in specific --

12 MS THOMPSON: -- and handed out forms.

13 JUDGE SEBUTINDE: What we have on record, ma'am, is that a white man
14 came to interview me and after the interview I've never seen him again.
15 You then asked him whether this white man came from the Special Court and
16 he says he doesn't know.

17 MS THOMPSON: Yes, but I asked him, did you see any other person from
18 the Special Court.

19 JUDGE SEBUTINDE: Maybe you should put that question to him.

20 MS THOMPSON: That's the question I put to him.

21 JUDGE SEBUTINDE: You're not asking him that. You asked him whether
22 the Special Court interviewed him. What does the Special Court mean? Even
23 I would not know what you mean. So, please rephrase.

24 MS THOMPSON: I'm sorry, Your Honour, I thought I said people from --
25 But anyway, I will put it again to him.

26 Q. Did you see any other person from the Special Court?

27 A. Well, to me, I don't know, they've never told me, "I've come to take
28 a statement from the Special Court." Nobody told me that.

29 Q. So when this person who you spoke to, this person that you said you

1 spoke to, when he was writing down, you don't know whether he was writing
2 down something for the Special Court. Is that what you're saying?

3 A. I didn't get you clear.

4 Q. You told us that you spoke to a white man who was taking down your
5 statement. You don't know whether he was taking down a statement for use
6 by the Special Court. You don't know that.

7 A. Well, I don't know that because when he went to interview me, he
8 asked me when I got this problem. I said I got this problem January 1999.
9 So, so what happened actually, this and that, then I explained to him what
10 happened to me, but I never knew he is from Special Court.

11 Q. Okay. Now, did you at any time come to this complex, this
12 building -- this complex that you're in now, the Special Court complex.
13 Did you make any trips to this complex at all before coming to give your
14 evidence yesterday?

15 A. Yesterday?

16 Q. Before yesterday?

17 A. Well, Your Honour, I have been here once. They showed me how to come
18 and talk here. Because when they came and took my statement, they brought
19 me to show me the court. Unless yesterday when I came here to talk.

20 Q. Did you receive -- now apart from that day when you say this man came
21 to talk to you about what happened to you, did anybody else go to talk to
22 you with a paper and pen regarding that first statement?

23 A. What statement?

24 Q. The statement you made to this white man. Did anybody else go to
25 talk to you about that statement?

26 A. Yes, I saw some blacks went there. They too went. They went and
27 took my particulars again, some blacks.

28 Q. Regarding your appearance here yesterday and today, have you been
29 paid any money?

1 A. Well, because when they went to go to collect me, they give me some
2 small allowance for me and my own family, that is what I leave at the house
3 for my children to get food.

4 Q. They give you a small allowance for you and your family?

5 A. Yes.

6 Q. How often do they give you this allowance?

7 A. Well, in fact if I take a week here, sometimes they give me. If
8 I take week up to Friday, they give me 112,000.

9 Q. How many weeks have you had this 112,000?

10 A. When I would say about two weeks before the holiday.

11 Q. Now when you say you take a week here, what does here mean? Where is
12 here?

13 MS TAYLOR: I object to that, Your Honour. That may reveal a witness
14 location, a facility that would put protective measures for a number of
15 witnesses in jeopardy.

16 PRESIDING JUDGE: Ms Thompson, when you refer to here, do you mean
17 the court?

18 MS THOMPSON: The court, that's what I meant. I'll rephrase the
19 question.

20 PRESIDING JUDGE: Put it in that form, please.

21 MS THOMPSON:

22 Q. When you say here, do you mean this complex?

23 A. Not this house. Where I was located.

24 PRESIDING JUDGE: That is enough. We'll leave it at that,
25 Ms Thompson.

26 MS THOMPSON: I was going to leave it at that.

27 PRESIDING JUDGE: Thank you, Ms Thompson.

28 MS THOMPSON:

29 Q. Now, you say you were paid money for you and your family to live,

1 what about your transport from where you are to here?

2 A. It is included. They gave me 5,000.

3 Q. For each time you come you get 5,000 for transport?

4 A. Yes, to and from is 10,000 Leones.

5 Q. Have you been promised anything for being here?

6 A. No.

7 PRESIDING JUDGE: Ms Thompson, I think that question is too wide if
8 you're saying it's from the Prosecution or someone within the court, then I
9 think you should be more specific.

10 MS THOMPSON:

11 Q. Have you been promised anything by the Prosecution for coming here?

12 A. No.

13 Q. Anybody else from the court, have they promised you anything?

14 A. No, I don't know anybody in this court.

15 MS THOMPSON: That will be all for this witness, Your Honour.

16 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Fofanah.

17 MR FOFANAH:

18 Q. Mr. Witness, you've testified under cross-examination that you made a
19 statement at some time to some people; is that correct?

20 A. I did not get you.

21 Q. Have you ever made any statement regarding what you're telling this
22 court now?

23 PRESIDING JUDGE: I think he has been examined on that point
24 Mr. Fofanah.

25 THE WITNESS: If I wouldn't have made statement, I would be in the
26 Court.

27 MR FOFANAH: I was just trying to re-emphasise that.

28 PRESIDING JUDGE: It is on record.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Now, was that statement made on the 10th day of March 2003?

2 PRESIDING JUDGE: Mr. Fofanah, the witness has already stated
3 [Overlapping microphones]

4 THE WITNESS: Well, I cannot remember the date.

5 MR FOFANAH:

6 Q. The said statement, when it was made, was it read over to you?

7 A. What type of statement.

8 Q. The statement you just referred to as making which you cannot recall
9 the date?

10 A. Yes, one thing you are asking so many questions. Because the
11 statement I know which they collected me for, and it is what I have said.
12 I do not have any other statement.

13 Q. It is that statement which I'm referring to. You just told this
14 court that you cannot refer when that statement was made. I'm simply
15 asking if the statement was read over to you.

16 A. For the Special Court?

17 Q. Yes, about what you're testifying before-

18 PRESIDING JUDGE: Mr. Fofanah, could I suggest [Overlapping
19 microphones]

20 A. That's what I have said, I have spoken about it.

21 PRESIDING JUDGE: Mr. Witness, just wait a moment. May I suggest you
22 rephrase your question because you're using terminology that is familiar to
23 the counsel but may not be familiar to the witness. Put it in a more
24 simple form.

25 MR FOFANAH: May I be guided, Your Honour, what terminology?

26 PRESIDING JUDGE: Perhaps say to him did someone read what was
27 written down.

28 MR FOFANAH:

29 Q. Now the statement was it written in your presence? Were you present

1 when that statement was taken?

2 A. Which statement are you talking of.

3 MR FOFANAH: Your Honour, I stand to be guided but the witness has
4 confirmed that, in fact, when Mr. Manley-Spaine was cross-examining him, he
5 even affirmed that he made the statement which is dated the 10th of March
6 2003 and Mr. Manley-Spaine referred to the page which is 6358. So I'm
7 basically trying to let the witness understand that that is the statement
8 that I'm about to refer to.

9 JUDGE SEBUTINDE: Mr. Kamara, I think what the witness -- the witness
10 doesn't understand is the phrase "read over". If you could put that in
11 simple layman's understanding, English. At what stage are you referring
12 to?

13 MR FOFANAH: I just rephrased by asking an alternative question.

14 Q. Were you present when that statement was taken. You can start from
15 there.

16 PRESIDING JUDGE: Mr Fofanah, if it's his statement he must have been
17 present.

18 MR FOFANAH: Exactly, so I'm confused why he is not answering the
19 question.

20 PRESIDING JUDGE: There is a difference between a typed document of
21 this nature and what he said. If you mean was this typed document read to
22 him after he spoke to the person or do you mean was the statement read to
23 him -- handwritten form after he spoke to the person? I'm not sure which
24 one you're referring to. This is a typed document -- I will rephrase that.
25 This is a typed document that may not have been typed at the time he was
26 interviewed.

27 MR FOFANAH:

28 Q. Now, have you ever been to school?

29 A. No.

1 Q. So I take it you cannot read or write?

2 A. That is my statement. When they asked me I told them I have never
3 been to school.

4 Q. So when the statement which I have referred to and which you earlier
5 affirmed as making on the 10th day of March, 2003 was made did anyone read
6 out what he has written to you?

7 A. This statement, can you read statement to me? If that is my
8 statement, then I'll know.

9 Q. Certainly, I'll be referring you to contents of a statement that has
10 been disclosed to us, but I just want to be sure that that statement was
11 made. That is why I'm asking you these questions.

12 A. Well, I cannot answer this question until I know what is in the
13 statement. If I said this in the statement, then I'll answer.

14 Q. Okay. I'll move on from there. Now, this place where you said you
15 lived when events of January 6, 1999 occurred, was it in xxxxxxxx?

16 A. Yes, it was in xxxxxxxx.

17 Q. What specific address was it?

18 MR BRAUN: I object to this.

19 PRESIDING JUDGE: What is the grounds of your objection?

20 MR BRAUN: Your Honour, I think if he reveals the exact address where
21 he lived this could reveal his identity.

22 PRESIDING JUDGE: Yes, that is correct, Mr Fofanah.

23 MR FOFANAH:

24 Q. Are you living in the same place as you lived when the events of
25 January 6th occurred? Are you living in the same place now?

26 A. No, the house was burnt.

27 Q. But you know at least the street where the house was located?

28 A. Of course.

29 Q. Now who owns that house, the house that you're referring to, the

1 house that was burnt. Who owns the house?

2 A. We were tenants there. I was taking care.

3 Q. You were caretaker?

4 A. Yes.

5 Q. But can you recall that you've just told this court, as well as in
6 your testimony yesterday that you had tenants in respect of the said
7 premises?

8 A. Because I was in charge, I was renting there. Caretakers can even be
9 asked to rent houses and they hand over the money.

10 Q. Who owned the house then?

11 PRESIDING JUDGE: I object. I cannot allow that question,
12 Mr Fofanah, for reasons of the protected witness. Further, I would
13 question the relevance of this line of questioning. Why are you -- what is
14 the purpose of this line of questioning.

15 MR FOFANAH: It is basically on the question of credibility. I was
16 try to assert as to whether his reference to tenants being with him.
17 I mean actually meant that he owned the house.

18 PRESIDING JUDGE: I think he has adequately explained the situation.

19 MR FOFANAH: He has just done that now through my questions.

20 Q. When exactly did you say soldiers, the soldiers you mentioned visited
21 your house?

22 A. The time they went to my house, I cannot remember the date. I can
23 never remember the date because we were all confused, so if I say I know
24 the date they went there, I will be lying.

25 Q. Okay. On the statement I'm going to read out you made certain
26 comment on the date and the events of that day, my question will be whether
27 those comments were made by you. I'm referring to statement dated 10th of
28 March 2003 at page 6358, the second paragraph.

29 On that paragraph, if I can read out, you said that "on the 21st

1 January we were sitting down listening to the radio"; is that correct?

2 A. Yes, because during that time nothing had happened.

3 Q. That is the 21st of January?

4 A. Yeah, mm-hmm.

5 Q. And then - I'll just read it out because I don't want to take the
6 statements in isolation - you went further and said that, "Things were
7 really confusing on the 21st around 11.30 p.m., the rebels all wearing
8 combat clothes, all with guns and two with knit caps with only the eyes and
9 mouth showing came to our house." Is that is correct?

10 A. No.

11 Q. That is not correct?

12 A. No, that was not my statement.

13 Q. It was on that day that your house was burnt, the 21st of January?

14 A. Well, I can never tell you the date because the day they burnt the
15 house, the other day, that was the time they were sent out. That was how
16 they told us goodbye. They said goodbye to us.

17 Q. So I take it that it may not have been on the 22nd of January either
18 since you cannot recall the date?

19 PRESIDING JUDGE: [Microphone not activated]

20 MR FOFANA: Say again, Your Honour?

21 PRESIDING JUDGE: What happened on the 22nd of January? What are you
22 putting to the witness.

23 MR FOFANA: The witness had said in his testimony both yesterday and
24 today that something happened on the 22nd of January, and in the statement
25 I just read to him -- I mean, he was referring to something which happened
26 on the 21st. I just want to ascertain, since he cannot recall -- I mean,
27 for a particularity, when the particular incident occurred, because he says
28 he cannot remember the date.

29 PRESIDING JUDGE: Then you better put the statement in its proper

1 form and the question in its proper context. Because you're challenging
2 the dates.

3 MR FOFANAH:

4 Q. Can we go further at page 6359 at that statement, the last paragraph.
5 You are quoted as saying that, "On the 9th to the 21st, myself, my wife, my
6 children and my friend Julius were inside. Then we noticed that the house
7 next door was on fire.

8 THE INTERPRETER: Your Honours, counsel is not giving we, the
9 interpreters, time to interpret for the witness.

10 MR FOFANAH: I'll go slowly.

11 Q. You are quoted as saying, at page 6359 of --

12 MR BRAUN: Your Honour, I just want to remind my learned friend to
13 avoid to call names when he reads out of the statement.

14 MR FOFANAH: I will.

15 Q. You're quoted at staying at paragraph 3, the last paragraph of that
16 statement that, "On the night of the 21st myself, my wife, two of our
17 children and my friend were inside. Then we noticed that the house next
18 door was on fire." Did you make that statement?

19 A. Yes, that statement I made it because that is how we found ourselves
20 behind the banana. When the house was burnt, for two days we went in the
21 banana trees. And then following the next morning, we were harassed there
22 and we moved from the banana trees and we were going when we had this
23 problem.

24 Q. Now, let's take it slowly. The 21st you said -- I mean, you noticed
25 this incident happened -- happening at the neighbour's house and then you
26 said you stayed there for two days, is it? Two days after the 21st?

27 A. No. I said in the banana tree, because when we saw fire, we had to
28 quit our own house. So we were stationed at the banana trees because there
29 was no way you could pass. There was no passage. Everywhere was blocked.

1 Q. So from what you just said you in fact went to the banana trees on
2 the 21st of January 1999; is that correct?

3 A. 1999.

4 Q. 21st of January that was when you went to the banana trees with your
5 family?

6 A. With my family and my other tenant, yes.

7 Q. Yes. And it was on that day that -- on that day, did anything happen
8 to your house?

9 A. Yes, my house was set on fire, that was why we found ourselves among
10 the banana trees.

11 Q. On the 21st?

12 A. Yes.

13 Q. So in fact you will agree with me that you were not saying the truth
14 when you told this court that it was on the 22nd of January that the
15 soldiers set fire on your house. You're not saying the truth.

16 MR BRAUN: Your Honour, I object.

17 THE WITNESS: Why are you saying I'm not saying the truth? I am
18 saying the truth. What I saw is what I'm saying. I might have missed the
19 date. If I correct the date, I will tell you the date.

20 PRESIDING JUDGE: Your objection.

21 MR BRAUN: Your Honour, this witness never said that his house was
22 put on fire on the 22nd of January. So I think the question how it was put
23 to him is not fair.

24 MR FOFANAH: Your Honour, probably I stand guided by the records,
25 but --

26 THE Interpreter: My lord -- Your Honours, the lawyer is not using
27 his mic.

28 MR FOFANAH: Your Honour, I'm guided by your records, but I think the
29 witness in fact started -- somewhere in the his testimony yesterday he

1 mentioned something to the effect that --

2 PRESIDING JUDGE: I have on record the question was asked on the 22nd
3 of January 1999 and the witness said: "I found myself among the banana
4 trees. Why I was there, when I saw they had set the house on fire, I ran
5 and hid in the banana trees. That's my recollection, however, there is an
6 official record which we can get.

7 JUDGE SEBUTINDE: Could I also add that the events that the judge has
8 just read, according to my record, is said to have taken place around
9 midnight to 1.00 a.m. of the 21st, which could mean the 22nd. Because the
10 witness -- I've got a time recorded. "1.00 a.m. my wife joined me in the
11 banana plantation," but the previous question was: "What happened on the
12 22nd?" So we're talking about this area of any time after midnight on the
13 21st, which is probably the 22nd. So do ask your questions with that kind
14 of testimony in mind.

15 MR FOFANAH: I will, Your Honour.

16 Q. Now, what particular time of the day did the rebels attack your
17 house? Was it in the morning, evening, at night?

18 A. When it was set on fire?

19 Q. Yes, yes.

20 A. It was at night. It was at night, because if it had been during the
21 day, I would not have gone to hid myself in the banana trees. I would have
22 found my way to go.

23 Q. Now, when this house was put on fire, did you at any time try to put
24 out the fire?

25 PRESIDING JUDGE: Mr Fofanah, two houses were put on fire which one
26 are you --

27 MR FOFANAH:

28 Q. Your house, your house. When your house was put on fire, did you at
29 any time try to put out the fire?

1 A. Yes, I threw two buckets of water, but I was unable.

2 Q. So, in fact, you had sufficient time to -- where did you get water
3 from? Where did you get the water from to put the fire out?

4 PRESIDING JUDGE: You put two questions in the one.

5 A. The time we were there, because we had some reserve drums where we
6 put water, you understand? Because we are doing all domestic work there
7 and there must have been water and there was water outside, because there
8 were some buckets within the compound.

9 MR FOFANAH:

10 Q. So what part of the house were you getting water from to put the fire
11 out? What part of the house?

12 A. No, I didn't go to get water, because it was all the reserve water in
13 the house. Maybe we have water to drink and we had some water in the
14 bucket.

15 Q. So are you saying that you, in fact, took water from inside the house
16 to put the fire out?

17 A. It was outside. There was a reserve drum which is outside where we
18 put water. For you to understand, we have something like tank. If you
19 don't have any tank, then you put a drum and put reserve water, so if there
20 is a shortage water, you can get water from that drum

21 Q. So you were getting water from outside where the drum was?

22 A. Yes.

23 MS TAYLOR: Your Honour, there has been a number of questions about
24 this witness attempting to put the fire out. I do wonder what the
25 relevance of this line of questioning is.

26 PRESIDING JUDGE: I was waiting for a revelation. Mr Fofanah, what
27 is the relevance of this line?

28 MR FOFANAH: As it is one of the offences with which my client stands
29 charged and I have to establish beyond reasonable doubt that an event which

1 the witness has alluded to either happened or did not, I'm basically trying
2 to see the veracity in his testimony by saying that he had time to come
3 fetch water and then go back to put the fire out. Your Honour might see
4 method in what I'm saying if you just bear with me a moment.

5 Q. So you've just said --

6 PRESIDING JUDGE: Mr Fofanah, I have not ruled on the objection yet.

7 MR FOFANAH: Oh, sorry, Your Honour.

8 PRESIDING JUDGE: It appears to me that you are very slowly coming to
9 a line of irrelevancy. I'll allow one more question on this and then I
10 will decide whether your line of questioning is relevant or not.

11 MR FOFANAH:

12 Q. How many times did you go to fetch water from the drum?

13 A. It was not a far distance: Look at the house, look at the drum. It
14 was reserve water, okay.

15 Q. How many times?

16 A. It was two times, because I took two times. What I threw, two times
17 and the fire was still ablaze.

18 Q. So you agree with me that when this house which was, according to
19 you, put on fire, you did not immediately run to the banana bush?

20 A. No. I went. It was only after the fire blazed. That was the time
21 we left and then went to the banana place.

22 Q. And it was around midnight?

23 A. Yes.

24 Q. Now, you said you ran to the banana bush with a number of people; is
25 that right?

26 A. Yes.

27 Q. And you said -- can you recall what number of people?

28 A. When -- because those that went together to the banana trees, we were
29 three, because my wife had already run away.

1 Q. Did your wife later join you at the banana bush?

2 A. Yes, it was later, because where they went to hid themselves, rebels
3 were there. When they were harassed there, they came back. It was only
4 the voice I recognised that when they said: "Let us go and hide somewhere
5 else," and then I called her name before he came, she came.

6 Q. Now, for how long were you in the banana bush?

7 A. Two days.

8 Q. Did you leave at any point in time? Were you there throughout the
9 two days?

10 A. We were there for two days, but the one making three days a child
11 starting crying that he has hungry and then they found out that we were
12 there. They started threatening us that we should get out from that place.

13 Q. Now, Mr witness, when events were happening, you said you were in
14 xxxxxxxx, I mean from January 6th onward, are you aware of any ECOMOG
15 presence during that time in Freetown?

16 A. [Overlapping microphones]

17 Q. That day in xxxxxxxx when you were there?

18 A. No, during that time, during the time of intervention there was no
19 ECOMOG there. They had all pulled out.

20 Q. So up until the time you left your house, you saw no ECOMOG soldiers?

21 A. Unless when I met them between PWD and Ferry Junction.

22 Q. Did you at that time see aircraft flying in the air when these
23 incidents were happening? Jets, to be precise.

24 A. During that time, because we were all seated, it was only God who had
25 our lives, because jets would come, go around, drop some bombs. The one
26 that is injured, was injured; the one that escaped, escaped.

27 Q. Okay, thank you. So, in fact, people got injured when the bomb shell
28 dropped; not to?

29 A. Of course, if a fragment meets you, you surely die.

1 Q. Did you see --

2 PRESIDING JUDGE: Mr Fofanah, this witness is not an expert.

3 [Overlapping microphones]

4 MR FOFANAH: He has answered the question.

5 PRESIDING JUDGE: This is not a fair line of questioning.

6 MR FOFANAH: As Your Honour pleases.

7 Q. Now I'll come back to this issue of your house burning. After your
8 house was burnt, did any soldier or rebel approach you to ask about the
9 state of your family?

10 PRESIDING JUDGE: Point of clarification, Mr Fofanah. You were
11 asking about ECOMOG. When you say "soldier," do you mean an ECOMOG
12 soldier, or what do you mean?

13 MR FOFANAH:

14 Q. You said -- I mean, you referred to SLAs, I mean Sierra Leonean
15 soldiers. Did any Sierra Leonean soldier or rebel approach you to ask you
16 about the state of your family after the house has been burned down?

17 A. Yes.

18 Q. Now, was that person armed?

19 A. Yes, he had gun and he had a cutlass.

20 Q. And you knew that person personally?

21 A. No.

22 Q. I'll refer you to page 6361, second paragraph. He said, "'Oh, they
23 burned your house.' He said he was sorry for what had happened and said it
24 had happened because he was on duty -- he wasn't on duty. He was in
25 civilian dress and had a gun. He brought some cooked rice for us and
26 I asked him to help us escape, but he said he couldn't. That if the others
27 saw him helping civilians escaping, then they would kill him. He advised
28 us to keep quiet so we wouldn't be discovered by the other rebels." Do you
29 recall making that statement?

1 A. Yes, I remember that one.

2 Q. So as a matter of fact, you even knew people from that statement who
3 were dressed in civilian clothes, but had guns?

4 A. What?

5 Q. From the statement that I've just read out to you.

6 A. No, no, it was only one person, because he came at night. He was
7 harassing us where he asked us if we have any ECOMOG soldier here and
8 I said: "No, we don't have any ECOMOG soldier here." So we were put in
9 the house and then they said, "Who is in this house?" I said, "Nobody is
10 there." Another police who was upstairs, he also had left. He asked me to
11 lead him up there, and then he had a bright short light. He pointed the
12 short light and saw something, a black plastic between the corridor. And
13 he asked, "What is that?" I said, "I don't know." When they looked at the
14 plastic, it was opened and they saw a police uniform. Then he said, "Why
15 do you say you are not a police?" I said, "I am not a police. I am an
16 ordinary person," then I removed my ID card and they asked me what I have
17 for him. I said I have nothing for him and then they said, "If you don't
18 remove something from your pocket, you will die." So what I did was I
19 removed what that was in my pocket and I gave it to him. Then he said,
20 "Close the door and go to sleep." I closed the door and went to sleep.

21 Q. But did you ask him to help you escape?

22 A. Yes. When we were in the banana, he met us there in the morning
23 hours. He said, "Hey, Mr Man, why was your house burnt?" I said, "I don't
24 know." He said because he was not on duty. If he had been on duty, he
25 would have helped me. "But now what do you have here to eat?" I said, "We
26 have nothing to eat." I said, "We have nothing to eat." He said he will
27 find a way and I asked him whether -- I told him that if he had water to
28 wash our face. So he led my wife. They got water. They brought water and
29 then he left the water. He said he was going to find food for us. And,

1 indeed, he came with six cups rice. He said, "Let us manage that one." We
2 cooked it. We gave him. "And all this that you're doing for us it is
3 immaterial for us. Try and get us so that we can escape from here." He
4 said if they see him walking with a civilian, they will kill him. So I
5 said okay. But the only thing we should do is not to cause noise within
6 that area. We should keep indoors. If you cause noise and we have seen
7 you, but we're going to leave you.

8 Q. So in fact this man was helping to safeguard you, not so?

9 A. Yes.

10 Q. And whilst you were staying at the banana bush you cooked some rice;
11 not so?

12 A. Yes, yes.

13 Q. How many of you were involved in the cooking?

14 A. We were three. We were three. Three men cooked that rice, because
15 the women were crying.

16 Q. Was it in the day or at night?

17 A. It was in the morning hours. That was around 11.00 to 12.00.

18 Q. So if I put it to you that -- I mean, if indeed you were cooking,
19 I mean, three of you, it may have been possible that people were passing
20 by?

21 A. No.

22 Q. What is a no?

23 A. What no? What happened, we were inside the banana trees and nobody
24 could see us who was going along xxxxxxxx Road.

25 Q. Now, you said at xxxxxxxx Street you came cross four armed men and
26 one civilian. Did they tell you what faction they belonged to?

27 A. What?

28 Q. At xxxxxxxx Street -- junction, there about, you came across four
29 armed men and one civilian?

1 A. Yes, they are the people who harmed us.

2 Q. Yes. And you said that -- I mean, you could not identify the
3 difference between SLA soldiers and RUF rebels; is that right?

4 A. Yes, because they all have combat.

5 Q. So I take it that when you saw these four armed men and one civilian
6 who was also armed with an axe, you did not know what faction they belonged
7 to?

8 A. Well, I will never know them, because I only met them -- I met them
9 for the first time. I just met there.

10 Q. Now, before you left, before you finally escaped, after incurring the
11 injury, were you told about the presence of -- no, I will leave that. Just
12 one last question, Your Honour. Do you also recall making any interview
13 note on the 21st of January this year?

14 A. I have not got that clearly. Read it to me.

15 Q. Okay. It is on page 6364, Your Honour?

16 PRESIDING JUDGE: The date again?

17 MR FOFANAH: It is dated 21st of January 2005. In fact, I actually
18 meant to refer to the one dated 3rd February 2005. Sorry about that, Your
19 Honour. There are two interview notes. It is on page 6365.

20 Q. Now, did you recall making any statement of this nature that you were
21 lucky when the SLA told you to leave your house before they set it on fire
22 because a lot of people died due to the burnings in Freetown. "I didn't
23 see people die because of the fire."

24 THE INTERPRETER: Your Honour, let counsel go slowly so that we can
25 interpret to the witness.

26 MR FOFANAH:

27 Q. You were lucky when the SLA told you to leave your house before they
28 set it on fire, because a lot of people died due to the burnings in
29 Freetown in January 1999. "I didn't see people die because of the fire,

1 but I later heard about it. I don't know anybody who was killed as a
2 consequence of these burnings." Did you recall making that statement?

3 A. To say -- to make statement for what? I did not get you clearly.

4 Q. In particular, that you didn't see people die because of the fire
5 but, "I later heard about it. I don't know anybody who was killed as a
6 consequence of these burnings."

7 A. There is one thing -- what happened between [Mr Fofanah interrupts
8 translation].

9 Q. Did you recall making that statement that you didn't see people die
10 because of the fire, but you later heard about it and you don't know
11 anybody who was killed as a consequence of the burnings? Did you make that
12 statement?

13 A. Well, that statement, because they asked me whether -- they asked me
14 whether I was aware of any houses which was burnt and where peopled died.

15 Q. Did you make that statement?

16 A. Yes, I made that statement.

17 MR FOFANAH: That is all I have.

18 PRESIDING JUDGE: Re-examination?

19 MR BRAUN: There are no issues of re-examination for the Prosecution.

20 PRESIDING JUDGE: Thank you. Mr witness, that is the end of your
21 evidence here in the court today. You are free to leave the court now and
22 I what told you yesterday about not discussing any of your evidence, that
23 no longer applies. You can talk if you wish. Do understand?

24 THE WITNESS: Okay. Thank you, sir.

25 PRESIDING JUDGE: Thank you very much for coming.

26 THE WITNESS: Okay, sir.

27 PRESIDING JUDGE: I think, counsel, this may be an appropriate moment
28 to have a short adjournment. 15 minutes. Mr Court Attendant, please
29 adjourn court for 15 minutes. Thank you.

1 MR GIBSON: Court rise.

2 [The witness withdrew]

3 [Recess taken at 10.45 a.m.]

4 [On resuming at 11.00 a.m.]

5 MS TAYLOR: The next witness is TF1-084. He will testify in Krio and
6 he will be led in evidence by my learned friend, Ms Parmar, who has not yet
7 appeared in this Trial Chamber.

8 PRESIDING JUDGE: Please swear in the witness, Mr Court Attendant.

9 WITNESS: TF1-084 [Sworn]

10 [The witness answered through interpreter]

11 MS PARMAR: Before I begin, Your Honours, I would like to ask my
12 learned friend to turn his microphone off. Thank you.

13 EXAMINED BY MS PARMAR:

14 Q. Good morning, Mr Witness.

15 A. Good morning.

16 Q. How old are you?

17 A. Fifty-two.

18 Q. Are you married?

19 A. Yes.

20 Q. Do you have any children?

21 A. Yes, seven.

22 Q. Have you ever attended school?

23 A. No.

24 Q. Do you know how to read or write?

25 A. No.

26 Q. Before the war, what did you do as an occupation?

27 A. I'm a businessman.

28 Q. Mr Witness, where were you on January 6, 1999?

29 A. On 6 January 1999, I was in the eastern part of Sierra Leone, which

1 is xxxxx.

2 Q. Which street in xxxxx were you on?

3 A. The junction of xxxxxxxx Road and xxxxxxx Street.

4 Q. Who were you with in xxxxxxxx at this time?

5 A. The place I was, I was there with my family.

6 Q. What did you see happening in xxxxxx at this time?

7 A. What I saw? I saw the rebels came and raided the area.

8 Q. What happened in xxxxxxx later during the month of January in 1999?

9 A. What happened, the rebels came and raided the place. They started
10 beating people, burn houses, stole people's properties.

11 Q. Mr Witness, you have referred to rebels. How were these rebels
12 dressed?

13 A. The rebels were dressed in military trousers and military dress.

14 Q. You have also mentioned people were being beaten. How were they
15 being beaten?

16 A. They used to all hold them, fall on them and started beating them;
17 beating them with belts. Some were using sticks to beat the people.

18 Q. Who was beating the people?

19 A. It was the rebels.

20 Q. Why were the people being beaten?

21 A. Well, they didn't tell us why they were beating the people, they were
22 only falling on them, beating them.

23 Q. You also mentioned the burning of houses. Who was burning these
24 houses?

25 A. It was the rebels that were burning the houses.

26 Q. Which houses were they burning?

27 A. The houses that were in the area.

28 Q. How were these houses being burned?

29 A. Well, they had petrol. They sprinkled it on the houses and burnt

1 them.

2 Q. Where were you when you saw this happening in the area?

3 A. I was in the area when I used to see it with my two eyes.

4 Q. What else did you see happening in xxxxx at this time?

5 A. Well, the man, when they came to the junction, Akim came to the
6 junction threatening that they - one of this men was beating, called
7 Sergeant Nyuma, he will teach the xxxxx people a lesson. He will turn
8 xxxx into a desert place. Indeed, he threatened that he will turn xxxxx
9 into a desert and, indeed, he did it.

10 Q. Mr Witness, who was Akim?

11 A. He was a military man.

12 Q. How did you know he was a military man?

13 A. Because the trousers he had is the military trousers. The shirt he
14 has is a military shirt.

15 Q. Mr Witness, you also mentioned people's properties were being taken.
16 Who was taking these properties?

17 A. It was the rebels who are taking those properties. They were
18 entering people's houses, take televisions, radios, whatever is a valuable
19 thing, they will take it, put it in a vehicle and go with it.

20 Q. Mr Witness, what happened after Akim said he would turn Kissy into a
21 desert?

22 A. They started burning the houses rampantly. They burnt the houses.
23 All through the time they approached my own house when they lit the house
24 nearby. Then later they came to ours. When they set my house ablaze, I
25 jumped through the window.

26 Q. Where was your family at this time, Mr Witness?

27 A. My family are gone; they escaped.

28 Q. After you jumped through the window, where did you go?

29 A. I went to the banana plantation where I hid myself.

1 Q. Before you hid yourself, what else did you see happening in the Kissy
2 area?

3 A. Before jumping from my house, they were taking old people, putting
4 them in vehicles and going with them.

5 Q. Where were these people taken?

6 A. Well, I was only seeing them being put in vehicles. I don't know the
7 very place they took them.

8 Q. How old were the people who were being taken?

9 A. I was able to recognise a small girl that was 14 years of age.

10 Q. What happened to that small girl?

11 A. I saw her the first time in the vehicle when the vehicle started --
12 was moving. I don't know where they took her.

13 Q. Have you seen her since?

14 A. No, I have not seen her again. All of them that were placed in the
15 vehicle; I have not seen them yet.

16 Q. Where did you go after you were hiding in the banana plantation?

17 A. I walked through the banana plantation. At one time, I came down to
18 xxxxx Street where I met seven people who were running to hide themselves.
19 When we arrived at xxxx Street, we met -- the rebels arrested us. When
20 they arrested us, they placed us in one place and put us in a queue. When
21 they placed us in a queue, they started searching us. They took all we had
22 with us, then they placed us in the queue. When they placed us in the
23 queue, then they said that seven people were to be killed at a stretch.

24 Q. Mr Witness, I'm going to ask you to go slowly so that everyone can
25 follow your story and the interpreters can interpret you properly. Who did
26 you meet when you were with the other seven people on xxxx Street?

27 A. It was the rebels I met at xxxx Street.

28 Q. Where did they take you and the others?

29 A. When they took us, they took us to where they were sitting, where

1 some of them were sitting. They gathered all of us in the one place where
2 the commando was.

3 Q. What was the name of the commando?

4 A. The commando was called Tafaiko. That was the way I heard them call
5 him, Tafaiko.

6 Q. Why did they capture you and the others?

7 A. Well, we don't know why they captured us, because they captured us
8 and placed us under gunpoint, so we stood and did what they told us; we
9 stood in front of them.

10 Q. What did they do after you were lined up in front of them?

11 A. When we were lined in front, they started searching us one after the
12 other and took what we had with us. Some of us had money, all what was in
13 our pockets, they took it.

14 Q. After they searched you, what did the rebels do next?

15 A. When they searched us, then they decided that the seven people I was
16 with, the commando said they should be killed.

17 Q. What happened to those seven people?

18 A. The seven people, where we were standing, I only saw they had been
19 shot. One of them fell on my feet. The others started falling down.
20 After they have been shot, all of them died.

21 Q. What then happened to you, Mr Witness?

22 A. After that, the commando asked me to straight my hand, then I
23 straight my hand, then he removed my wristwatch, which was a gold-plated
24 wristwatch. He said I'm not supposed to have such a wristwatch with me.

25 Q. How much was your wristwatch worth?

26 A. Well, the wristwatch cost me \$300.

27 Q. What happened then to the watch?

28 A. The commando took it and placed it on his own wrist, including the
29 money that was with me, which was \$200, and something which I don't know

1 that they took from my pocket. After he took it, then he said I've been
2 sentenced, that my hand should be amputated.

3 Q. Why did he sentence you to have your hand amputated?

4 A. Well, he said it's because of the government. I told him, to beg him
5 that my hand should not be amputated because we are all Sierra Leonean and
6 this should not be done to me. The first he said anything, he started
7 abusing my mother that gave birth to me.

8 Q. What then happened to you?

9 A. Before I wanted to do something, they have forced me to the ground.
10 By the time I fell down, one of them had his foot placed on my chest, then
11 my hands were put stretched -- put straight.

12 PRESIDING JUDGE: Is the witness feeling unwell?

13 MS PARMAR: I think he might need a moment right now.

14 PRESIDING JUDGE: Mr Witness, would you like to have a short break?
15 Please draw the curtains, Mr Court Attendant, in case the witness needs to
16 have a break. I think I've inadvertently switched off on the witness's
17 microphone. Mr Court Attendant, would you please switch it back on?
18 Mr Witness, if you're not feeling well, you should tell us. Please proceed.

19 THE WITNESS: No, it's okay.

20 PRESIDING JUDGE: Thank you.

21 MS PARMAR:

22 Q. What happened once your arms were stretched out?

23 A. When my hands were stretched out, all what I saw was the axe that the
24 man took hold of. When I wanted to beg him, the axe fell on my hand; it
25 was chopped off.

26 Q. Where did you go after your hand was amputated?

27 A. After he had amputated my hand, I struggled to stand up, and I stood
28 up. When I stood up, I took a bush path and I arrived at xxxxx. When I
29 arrived at xxxx I met two of my younger brothers. Then they told me

1 where ECOMOG was, they normally don't allow people to go there until nine
2 in the morning. I was bleeding until nine in the morning. Then a woman
3 lent us a wheelbarrow where my brothers placed me. Then ECOMOG said they
4 don't have a vehicle. So it was the wheelbarrow that my brothers took to
5 bring me down to the hospital. From there, I was brought in the
6 wheelbarrow to the Satellite Clinic at King Harman Road.

7 Q. Mr Witness, before you continue, please tell the Court, where is
8 xxxx?

9 A. xxx is in xxxx by the xxx.

10 Q. How long did it take you to go from xxxx to Satellite Clinic at King
11 Harman Road?

12 A. Well, we went to the ECOMOG base at nine. We didn't reach the
13 Satellite Clinic until around 12.30 going to one.

14 Q. What happened at Satellite Clinic?

15 A. When we arrived at the Satellite Clinic I was placed on a bed. So
16 they hung a drip on me. It was the time I started to realise that I am now
17 in the hospital.

18 Q. Who else did you see when you were at Satellite Clinic?

19 A. I saw some of my colleagues whose hands were amputated; some people
20 that had damages all over were in the hospital.

21 Q. Where did you go from Satellite Clinic?

22 A. From the Satellite Clinic, I was there up to the evening hours and
23 they said they would transfer us to the Connaught Hospital.

24 Q. Where did you go from Satellite Clinic?

25 A. Well, we were taken to the Connaught Hospital. The outpatient at the
26 Connaught Hospital.

27 Q. When you were at the outpatient at Connaught Hospital, what did you
28 see?

29 A. There I saw so many of my colleagues, some of them had their two

1 hands amputated. Some, like the way they did mine. Some of them, their
2 foot has been amputated. Some had damages on their head. So we are there,
3 so many.

4 Q. How long did you stay at the Connaught Hospital?

5 A. At Connaught Hospital, I was there for three months.

6 Q. Mr Witness, when you travelled from Satellite Clinic to Connaught
7 Hospital, what did you see in Freetown?

8 A. I saw so many corpses on the streets. They were lying on the
9 streets.

10 Q. After your stay at Connaught Hospital, where did you go?

11 A. When I left the Connaught Hospital when I was discharged, they took
12 me to the National Stadium. There I was for another four months.

13 Q. Where did you go from the National Stadium?

14 A. From the National Stadium, they took me to a camp.

15 Q. How do you provide for your family today?

16 A. It's only with the help of good friends; they are assisting me. When
17 I go on the streets, when I come across good friends, I talk with them
18 nicely. They give me help. From them, I get something to assist my
19 family.

20 MS PARMAR: May I have a moment, Your Honours?

21 Q. Thank you very much, Mr Witness.

22 MS PARMAR: Your Honours, that will be all from the Prosecution.

23 PRESIDING JUDGE: Now, cross-examination, Mr Manley-Spaine.

24 CROSS-EXAMINED BY MR MANLEY-SPAINE:

25 Q. Mr Witness, have you ever entered the military?

26 A. I have never been a fighter since my mother gave birth to me.

27 Q. Do you remember making a statement to the Prosecution on 22 February
28 2003?

29 A. If I remember when I made a statement? I remember I made a

1 statement, yes.

2 Q. In that statement, you referred several times to RUF or RUF rebels or
3 rebels; is that not so?

4 A. All what I explained to you is what I saw with my two eyes.

5 MR MANLEY-SPAINE: Your Honour, can I have your indulgence for the
6 witness to be warned to answer the question put to him?

7 PRESIDING JUDGE: What was the question again? Put the question
8 again, Mr Manley-Spaine.

9 MR MANLEY-SPAINE: I said to him, throughout that statement you
10 referred to RUF, RUF rebels and rebels.

11 PRESIDING JUDGE: Mr Manley-Spaine, you've actually made a statement.
12 You are saying to him --

13 MR MANLEY-SPAINE: I'm sorry.

14 Q. Did you, in that statement, refer to RUF rebels?

15 A. I spoke about RUF, but they were mixed, because some of them had
16 military uniform, others had plain-clothes where it was written "RUF". All
17 the clothes that they wore was written "RUF".

18 Q. Did you know them?

19 A. I have told you what they were wearing. If I know them, I should not
20 be speaking like that now.

21 Q. Do you know them?

22 A. I saw them with my eyes that they were RUF, because it was written on
23 their clothes.

24 Q. Did you know them?

25 A. Somebody has a gun with him; he's about to kill me, would you be able
26 to know that was his name?

27 PRESIDING JUDGE: Mr Witness, it's not a very difficult question:
28 did you know the people or did you not?

29 THE WITNESS: If I see them now, the 12 that cut my hand, if I see

1 them now, I would be able to recognise some of them.

2 MR MANLEY-SPAINE: If it please Your Honour, my question was always
3 did you know them. I'm talking about the time of the incident, did you
4 know --

5 THE WITNESS: I never knew them before.

6 MR MANLEY-SPAINE:

7 Q. You have mentioned one Akim. You said he was dressed in military
8 trousers and military top. Was he among the RUF rebels who you are
9 referring to?

10 [Mobile phone interruption]

11 PRESIDING JUDGE: Who has a mobile phone in the Court?

12 THE WITNESS: Akim came to the junction of xxxxxx Street and the
13 xxxxxxxx Road in a yellow Mercedes Benz, right, and so he was wearing a
14 military trousers and military vest and something written on it: RUF.

15 MR MANLEY-SPAINE:

16 Q. Yes, I'm asking you was he with the rebels?

17 A. The time when he was, when my hand was amputated, he was not there,
18 but he was with some inside the vehicle he came with.

19 Q. I'm asking you about the time you said you saw Akim in a yellow
20 Mercedes Benz, et cetera. Was he with the rebels you have referred to?

21 A. He was with some of them.

22 Q. Are you certain he was with the rebels?

23 A. What I saw written on his shirt, that's why I say he was, because I
24 saw he was -- there was RUF on his vest, therefore I say he was RUF.

25 Q. And you can read, can you?

26 A. I think if you see something, that one, I recognise that it was an
27 RUF symbol.

28 Q. Can you read?

29 A. Small.

1 Q. And you know definitely what an RUF symbol is?

2 A. If you write it now and I see it, I will tell you, yes, that is it.

3 Q. Okay. Mr Witness, from what you have answered to me, you are certain
4 that the people who took you and did this thing to you were RUF people?

5 A. These that did it to me, I told you how they were standing before me
6 and how I saw them.

7 Q. No, from what you have told us this Court, it means you are certain
8 they were RUF people? Just answer that question.

9 A. Yes.

10 MS THOMPSON: Your Honour, before I start, may I ask for the original
11 of this witness's statement?

12 MS TAYLOR: I don't know that the original is in court. There may
13 well be a photocopy. I will check with my case manager. Your Honour, I do
14 have a photocopy of the original if that will suffice my learned friend's
15 purposes?

16 CROSS-EXAMINED BY MS THOMPSON:

17 Q. You remember you made a statement to someone from the Special Court
18 on 22 February 2003; you remember?

19 A. I've answered this. I remember I made a statement, yes.

20 Q. From last year, 22 February 2003?

21 A. I remember this, yes.

22 Q. At the end of that statement, did you read it, or was it read back to
23 you?

24 A. It was read to me.

25 Q. And you agreed that the contents of that statement were true, as you
26 recalled them?

27 A. All that is in that statement is what I have explained before you
28 people here.

29 Q. I repeat my question: You agreed that the contents of that statement

1 were true as you recalled them at the time?

2 A. What is in that statement is all true. That is what I know and what
3 I saw with my eyes.

4 Q. And you signed it, did you? You signed the bottom - the last bit of
5 that statement?

6 A. Yes, I signed it.

7 Q. Can I just show it to you, please, so you can -- it's a copy.

8 A. It's cross-advantage. They have caused too much damage on me and you
9 are asking me a lot of things. Yes.

10 Q. Do you recall where that statement was taken?

11 A. That statement was taken in my house.

12 Q. At the time, were you living at a camp, or in your own private
13 dwelling?

14 A. It was taken at a camp. It was again taken to my house when I was
15 there.

16 Q. You've mentioned two occasions. I'm talking about when this time was
17 taken. Was this statement taken on one occasion?

18 A. This statement was taken when I went to camp, and when also I went
19 back to my house, they came back again with it.

20 Q. Was this camp the Aberdeen camp?

21 A. Yes.

22 Q. You were where when this statement was taken? It was for proceedings
23 before this Special Court?

24 A. Yes, the statement that was taken in my house was for Special Court.
25 The other statement was for the TRC. I remember this.

26 Q. At least one at the camp was for the Special Court?

27 A. No, the one from my house was for the Special Court.

28 Q. So this is the one taken at your house?

29 A. Yes.

1 MS THOMPSON: Your Honour, may I ask that this statement be tendered
2 in evidence, please, if there is no objection.

3 MS TAYLOR: No objection.

4 PRESIDING JUDGE: I have inadvertently turned off the witness's
5 microphone again. Mr Court Attendant, would you be so kind as to switch it
6 back on. Defence exhibit 3.

7 [Exhibit No D3 was admitted]

8 MR THOMPSON:

9 Q. Can you remember how long you were at the camp for?

10 A. I was at the camp for five years.

11 MR THOMPSON: Your Honour, I will ask the question again. The
12 interpretation was not the answer, actually.

13 Q. Are you still in a camp?

14 A. Well, ask the question again, I did not hear it.

15 Q. Are you still living in a camp?

16 A. No. I have removed from that camp.

17 Q. Were you relocated or did you move out of your own free will?

18 A. Well, I have my own place where I am at present.

19 Q. Whilst you were at that camp, did you meet other amputees from your
20 own area, the xxxxx area?

21 PRESIDING JUDGE: Ms Thompson, what is the relevance of this line of
22 cross-examination?

23 MR THOMPSON: Your Honour, simply credibility, as it always is.

24 PRESIDING JUDGE: How is where he lives and who he met go to his
25 credibility now? It's five years later, he said.

26 MS THOMPSON: Your Honour, that's exactly why I tendered the
27 statement. It is to do with the evidence he's just given. It's nothing
28 more than that.

29 Q. Did you meet other amputees from your local area where you lived

1 before this happened?

2 A. The area where I stopped or where I was living? When I left the
3 camp, I left 230 amputees in the camp. From there, when I came back, I saw
4 my colleagues, they also have the same problem. They were walking along
5 the street begging.

6 Q. The question was whilst you were at the camp, did you meet other
7 people from your area, the area where you lived prior to January 6?

8 A. Mmm. I left my area in January 6. I did not return there until the
9 year 2003.

10 Q. You told this Court that in January 1999 you were living in xxxxx.
11 That's right, is it?

12 A. Yes. Why do you bring me back again?

13 Q. You've also said that when you left the Satellite Clinic, you went to
14 the camp.

15 A. When I left the Satellite Clinic, I went straight to Connaught
16 Hospital. I did not say that.

17 MR THOMPSON: I stand corrected.

18 THE WITNESS: Don't take me where -- what I did not say.

19 MR THOMPSON: Your Honour, it might be a good idea to explain to the
20 witness what I seek and what the Defence seeks is just clarity. That this
21 is nothing --

22 PRESIDING JUDGE: If you ask the questions, I am going to, at some
23 point, stop what I consider an irrelevant question, Ms Thompson. You said
24 you were going to credibility, and I still have not seen anything --

25 MR THOMPSON: I have not been able to get an answer to my question,
26 because the witness does not understand what I am saying.

27 PRESIDING JUDGE: Well if he doesn't understand, you must put it in a
28 better way.

29 MR THOMPSON: That's what I'm trying to do. I'm taking it step by

1 step, Your Honour.

2 Q. At some stage after all this happened, you went to the camp? Did you
3 live in the camp or not after your hand was amputated?

4 PRESIDING JUDGE: Ms Thompson, I'm going to ask --

5 THE WITNESS: I was there. I was there.

6 PRESIDING JUDGE: Just wait. We have not actually seen this
7 statement. It was put in as an exhibit, but the Bench has not been able to
8 read it. Mr Court Attendant, please pass up the exhibit. Ms Thompson,
9 please have a seat while we look at this.

10 THE WITNESS: You are asking me something which, if this had happened
11 to you, you would not ask me this type of question, or if it had been your
12 own relative.

13 [TB060405C-SGH]

14 PRESIDING JUDGE: Mr Witness, we know it is very, very hard for you,
15 it is bringing back bad memories, but just have a little patience. We are
16 not trying to catch you out. Please have a little patience.

17 THE WITNESS: It seems as if this lady is trying to provoke me. If
18 it had been his own relative he would have had some hatredness for that
19 person.

20 JUDGE SEBUTINDE: I think we to need explain something here.

21 MS THOMPSON: Yes, Your Honour, please.

22 JUDGE SEBUTINDE: We need to explain something here, we, the judges.
23 This is a trial of several accused persons seated in this Court. You are a
24 witness, you are not the one on trial. So, please this trial has two sides
25 to it: There is the Prosecution side and then there are the lawyers who
26 defend those accused persons. None of the two sides is your enemy. All
27 that the two sides are trying to do is to ask -- because nobody here was
28 there with you, we do sympathize with what happened to you, but the only
29 way we can get to the exact truth and make sure that you are not

1 misunderstood, is through questioning. So both sides will ask you
2 questions at one time or another. Nothing is intended to make you out to
3 be a liar. So please keep your temper down, keep your cool, and let us
4 each respect everybody. Do I make myself clear? Okay?

5 PRESIDING JUDGE: Ms Thompson, please put the question.

6 MS THOMPSON: Thank you, Your Honour.

7 Q. When you went to the camp, did you meet people from your locality,
8 from xxxx where you were staying in January 1999? Were there other people
9 there who lived in xxxx in January 1999?

10 A. I don't understand this question. Is this question before January or
11 it was in January 6th? The question is I did not get it clear.

12 MS THOMPSON: I will try one more time, Your Honour, and then I
13 don't think I can take it any further than this.

14 Q. When you were in the camp, were there people in that camp that had
15 lived -- did you meet people, let me put it that way, did you yourself meet
16 people in that camp who had lived in Kissy, January 1999?

17 A. I left xxxxx in January 6th, 1999. After this incident had happened
18 to me. From hospital, I went to stadium, from stadium to camp. From camp
19 then I returned back to xxxxx.

20 JUDGE SEBUTINDE: Mr Witness, please answer the question. I think
21 you do understand the question. The witness was saying that while you
22 were in the camp, did you recognise any other people in the camp who used
23 to live in xxxxx in 1999, in January 1999 while you were also living in
24 xxxxx. Do you understand that question? Did you earlier in the camp
25 recognise anybody from xxxxx? That is the question.

26 A. Yes, I have met people. Yes, I met people there with whom we are all
27 in xxxxx. Yes, it is a correct question. Yes, I met people there.

28 MS THOMPSON:

29 Q. And did you discuss your experiences with these people?

1 A. These people were all from the same area. We all come from the same
2 area. We discussed what happened. Some people were there whose two arms
3 were amputated.

4 Q. Your experiences were all the same as these people.

5 A. Yes.

6 Q. By people you recognise -- Sorry, I will re-phrase that. By men who
7 dressed the same as you have described them in your statement?

8 PRESIDING JUDGE: I did not understand your question, Ms Thompson.

9 MS THOMPSON:

10 Q. You say your experiences were the same as the people you met and you
11 discussed with.

12 A. The people with whom we met together -- we didn't all come from the
13 same area. We discussed -- everybody discussed the trouble that he had.
14 Some of them two hands were amputated.

15 Q. And those discussions, the experiences that you discussed, the
16 perpetrators were the same?

17 MS TAYLOR: Your Honour, I think the question might be put a little
18 more fairly to the witness.

19 MS THOMPSON: Was it the word?

20 JUDGE SEBUTINDE: Sustained. The question is too general.

21 MS THOMPSON:

22 Q. The people who you say did this to you, the ones you have described,
23 are they the same as the others described?

24 JUDGE SEBUTINDE: It is still too general. Are you referring to
25 the five individuals that he described earlier or the general group that
26 he described? Clarify.

27 MS THOMPSON: The individuals that he described. He gave a general
28 description of the individuals that he described. That is why I said the
29 people who did this to him. I will try again.

1 Q. The people who did this to you, the ones you described as the ones
2 who did this to you, were they the same, not necessarily the same people,
3 but the same description as the others you were discussing with?

4 PRESIDING JUDGE: I am still not clear. They were the same people
5 as the others you were discussing with.

6 MS THOMPSON: No.

7 Q. You say when you were discussing you had similar experiences with the
8 others -- with the other people in the camp.

9 A. When we are discussing the trouble we had -- the troubles we have
10 had, everybody was crying. We had tears in our eyes. For something you
11 don't know -- you don't know what you did. So if you remember what you
12 what was done to you, why actually, what crime did you commit? Somebody
13 just cut you and then he treated you as if you are animal. Even the animal
14 has some respect. So when we sit down to discuss about it, if I say I will
15 explain that to you, or we are talking to ourselves and crying at the same
16 time, so I don't need to talk about it again. Do I am asking you, my
17 sister.

18 Q. Yes, I understand that. Believe me, I understand that. The question
19 I am asking you --

20 A. Okay, fine.

21 Q. -- they did this to you. Who is the "they"?

22 A. That's why I say the people I saw in front of me, those they are the
23 people I have talked about, I have told you about. I have told you about
24 them. Thank you.

25 Q. Were they the same people, the same type of people, or same group of
26 people, the same group of people as the others were describing. Were they
27 the same group of people?

28 JUDGE SEBUTINDE: Counsel, really, that question I think -- Sorry,
29 excuse.

1 THE WITNESS: They also explained the same thing.

2 JUDGE SEBUTINDE: Excuse me. That is speculative, if you think about
3 it. You are asking this witness to confirm to you whether the people who
4 harmed him were the same people who harmed the others when he wasn't there.
5 And you are asking the others to confirm who weren't present when he was
6 harmed to confirm it. It is speculative. You have got to re-phrase your
7 question.

8 MS THOMPSON: Your Honour, I think, given that the rules of evidence
9 are pretty wide --

10 Q. Were they the same group of -- did they belong to the same group of
11 people that you were told about by these other people?

12 A. You are bringing me back. These people were in the same area. That
13 was the same area our house was. But it was not the same place that my arm
14 was amputated as where they amputated theirs.

15 Q. [Inaudible] about what they told you.

16 JUDGE SEBUTINDE: Counsel, I think we will just drop this
17 particular -- Excuse me.

18 THE WITNESS: Sorry.

19 JUDGE SEBUTINDE: We will just drop this particular line.

20 THE WITNESS: Sorry, Mama.

21 JUDGE SEBUTINDE: Because we don't even know who we are talking
22 about. We are generally talking about a camp with 250 amputees with
23 different experiences. And you are asking this witness to confirm to this
24 Court whether the people who harmed those amputees in their 250 experiences
25 are the same as his experience. That is not useful. That is not useful
26 and we will drop that line. Pick up another.

27 MS THOMPSON: Your Honour, the issue --

28 JUDGE SEBUTINDE: I have asked you to do that, let us not argue.

29 MS THOMPSON: Your Honour, I am not making myself clear. I will drop

1 that, but can I make myself clear that we have statements from people
2 saying they were told, they did you not see, but they are relying on things
3 they were told. That is the level of rules of evidence that we are
4 being -- to abide by.

5 JUDGE SEBUTINDE: Yes, and you know that that is not admissible.
6 This particular line you are towing, my dear, is not adding to the Defence
7 case. Not even subtracting from the Prosecution case. I am just trying to
8 be your friend in this, so to speak. Pick up another line.

9 MS THOMPSON

10 Q. Now you say you cannot read or write.

11 A. So I said.

12 Q. You said you are 52 years of age. Do you know when you were born?

13 A. Yes, of course.

14 Q. I just need to know if you know when you were born.

15 A. I know when I was born.

16 Q. You know the year you were born?

17 A. Yes.

18 MS THOMPSON: Okay, thank you. That is all I wanted to know.

19 CROSS-EXAMINED BY MR FOFANAH:

20 Q. Mr Witness, you lived in xxxxxxx since -- throughout the period of
21 January 6th to the time this thing happened to you. From January 6th to
22 the time this thing happened to you, were you living in xxxxxxx?

23 A. Yes, I am in xxxxxxx because I have no way to escape.

24 Q. Are you aware of the presence of ECOMOG soldiers during that period
25 in xxxxxxx?

26 A. Yes.

27 Q. To the best of your knowledge were they armed, the ECOMOG soldiers?

28 A. The ECOMOG soldiers, yes.

29 Q. When you say they were armed, I mean, what forms of arms and

1 ammunition did you see with them?

2 A. I am not a military expert. I don't know about guns. I only saw
3 them carrying guns.

4 Q. Did you see tanks, for example?

5 A. I saw them with guns. That is what I saw them working with.

6 Q. Did any jet ever fly over the area where you were in Freetown?

7 A. Yes, jets used to fly around xxxxx.

8 Q. Was that jet doing anything whilst it was flying over the area where
9 you were during January 6th to the time you were amputated?

10 A. No, I didn't see them do anything. And I did not witness where the
11 jet was used to do something.

12 Q. Now, are you aware if there was any confrontation between ECOMOG and
13 the RUF soldiers that you mentioned? The RUF rebels that you mentioned,
14 sorry.

15 A. I never went to the site where there had been fighting -- I never
16 attempted to do that, in fact.

17 Q. So, to the best of your knowledge, there was no bombardment in
18 Freetown during January 6th?

19 A. The place as such where it was happening, I never went there and even
20 [inaudible] reached that sort of place.

21 Q. How did you know that it happened in that place? Let us start it
22 this way, what place are you talking about? What place?

23 A. You asked me about the area I have been residence. And the place
24 where I was residence I was not walking around, because during that time
25 everybody was afraid for his own life.

26 Q. You just mentioned that there was an area, I don't know what area,
27 where ECOMOG presence was. It is that area that I want you to help this
28 Court with.

29 A. That was xxxxx. That was 6th January when I was amputated when I

1 was trying to leave at the junction of xxxxx. To leave xxxxxx to come to
2 xxxxx Road by xxx. That was where they were.

3 Q. When you came around xxxxxx area, I mean, after you have been
4 amputated, did any incident occur in the form of a fight between ECOMOG and
5 the RUF, to the best of your knowledge?

6 A. No. The moment I was there I never saw that happen.

7 Q. Did it happen any time later, to the best of your knowledge?

8 A. Well, I don't know.

9 Q. Okay. You have stated that the people who did this to you were RUF.
10 Now, are you also -- can you also tell us if the people who did what you
11 saw, other than what happened to you, were also RUF? Other than what
12 happened to you, because you have said you saw a number of other things.

13 PRESIDING JUDGE: I don't understand that question.

14 MR FOFANAH: The witness said apart from what happened to him he saw
15 many things, I mean. So, I am basically asking if he can confirm to this
16 Court that it was RUF that also did that.

17 PRESIDING JUDGE: I think it would be more proper, if you are
18 challenging his prior evidence, to put the particulars of the evidence that
19 he gave.

20 MR FOFANAH: I am not challenging the portion relating to him,
21 because, I mean, under cross-examination he asserted that it was RUF that
22 did the amputation.

23 PRESIDING JUDGE: Yes, I am saying to you it would be proper to put
24 the specifics that the witness himself gave in evidence rather than a
25 generalised statement.

26 MR FOFANAH: I will.

27 Q. Now, the men who killed the seven men that you were with, they were
28 also RUF; not so?

29 A. They were the same people I told you about. They did it. They

1 amputated me. They killed the people.

2 MR FOFANAH: Okay. That is all for him.

PRESIDING JUDGE: Thank you, Mr Fofanah. Ms Parmar.

4 MS PARMAR: There are no questions for re-examination, Your Honour.

5 PRESIDING JUDGE: Thank you. Mr Witness, that is the end of your
6 story. Excuse me. Please wait, Mr Witness.

7 JUDGE SEBUTINDE: Mr Witness, you said something when the lady on the
8 Prosecution side was asking you some questions. And you said a statement
9 to this effect: That before jumping from your house you saw them putting
10 people in vehicles and taking them to a place that you don't know. Who are
11 these "them"?

12 THE WITNESS: Well, the people who placed these people in the vehicle
13 were the same RUF people that were holding people, putting them in vehicle
14 and taking them along.

15 PRESIDING JUDGE: Mr Witness, that is the end of all your evidence
16 and your story to the Court. Thank you for coming and giving us your
17 story to the Court. You are now free to leave the Court. Mr Court
18 Attendant, please pull the blinds so that this witness can leave the
19 court.

20 MS THOMPSON: Your Honour, before my learned friend calls the next
21 witness, may I just ask that - it is nothing out of the ordinary, but it
22 has been done before - but so that we do not encounter the problem we had
23 with this witness, that for each witness who comes -- and it is
24 understandable the public does not understand how the system works that
25 there is Prosecution and defence, but the Bench does advise each witness
26 that that is the way it happens, they put their case and their evidence is
27 tested by cross-examination. And it means nothing -- it means there is
28 nothing personal in it. I know it has been done before and perhaps if
29 witnesses, especially if when they say they are illiterate, the witnesses

1 are actually told that or warned that.

2 PRESIDING JUDGE: If the need arises, the Bench will intervene.
3 Ms Taylor.

4 MS TAYLOR: Your Honour, the next witness is TF1-085. That witness
5 will testify in Krio and will be led in evidence by Ms Pack.

6 MS PACK: Before the witness comes in, there was one matter which I
7 wanted to raise with you, if I may. It is about a quarter of the way
8 through her testimony I was intending to apply to Your Honours for a short
9 period in closed session. This witness is a protected witness category A,
10 but I would ask Your Honours to grant a short period in closed session for
11 a couple of minutes, under your inherent jurisdiction, because I will be
12 asking her to name a specific commander who will, I submit, if named
13 publicly, lead to her identification.

14 PRESIDING JUDGE: As with Ms Thompson, we will deal with these
15 problems as they arise. I will certainly entertain any application and
16 make a ruling on the basis of your submission.

17 MS PACK: I am grateful, Your Honour.

18 PRESIDING JUDGE: Ms Pack, I understand that it will take a few
19 minutes for the witness to be brought down. In the circumstances, since
20 the Court will be adjourning at a quarter to one, which is roughly 20
21 minutes or so, perhaps we will deal with those matters that are not in
22 contention or are not subject of a closed session application and deal with
23 any application you have to make when we next resume.

24 MS PACK: Yes, Your Honour. Your Honour, one other matter. This
25 witness will be testifying with voice distortion. I just want to make sure
26 that the facility has been put in place before she comes in.

27 PRESIDING JUDGE: Mr Court Attendant.

28 MS TAYLOR: He is not in Court, Your Honour, I don't think you can
29 see from your position.

1 PRESIDING JUDGE: Pause, Mr Court Attendant. No-one should be moving
2 during the oath. Just pause if you are leaving, please. Thank you. We
3 will have proper respect for the oath in this Court. There will be no
4 talking and no moving around. Please start again, Mr Attendant.

5 WITNESS: TF1-085 [Sworn]

6 EXAMINED BY MS PACK:

7 Q. Witness, how old are you now?

8 A. 19 years.

9 Q. Do you know what your date of birth is?

10 A. I was born in February.

11 Q. How do you know that?

12 A. I saw that in my birth certificate.

13 Q. Witness, in 1999, at the beginning of 1999, where were you living?

14 A. I was in xxxxx.

15 Q. Which part of xxxxxxxx were you living in?

16 A. I was at xxxxxxxx.

17 Q. Who were you living in xxxxxxxx with?

18 A. I was with my mother.

19 Q. What happened at the beginning of 1999 in Wellington?

20 A. Well, the day the rebels came I was at Wellington.

21 Q. Pause a moment. Do you remember the date the rebels came?

22 A. No, I could not remember.

23 Q. Do you remember the month?

24 A. It was in January that they came.

25 Q. By rebels, who do you mean?

26 A. Well, at that time we never knew the actual people, we only heard
27 rebels.

28 Q. When did the rebels first come to your house?

29 A. On the 5th. They came on the 5th, on Thursday.

1 Q. What did they do?

2 A. When they came they met us sitting and then they said -- they asked,
3 "Who owns this house?" Then my mother says, "He owns the house." Then they
4 said, "He is a girlfriend of Tejan Kabbah who owns the house."

5 Q. Why did they say that?

6 A. Because it was a new house that was just built. When they came, they
7 made the house a new house. When they saw the house so fine, they said,
8 "Kabbah's girlfriend owns the house."

9 Q. How many of them came?

10 A. Well at that time I could not remember exactly the number of them
11 that came.

12 Q. Can you remember what they were wearing?

13 A. Yes, all of them had Tupac t-shirts and had marks on their faces.

14 Q. After they had made these comments about Tejan Kabbah, what did they
15 do?

16 A. So they entered the house. Looked into the house, took some
17 properties and went.

18 Q. Did the rebels come to your house on another occasion?

19 A. Yes. Yes.

20 Q. What did they do on this occasion?

21 A. When they came, a colonel came to our house that they called Colonel
22 Gold Teeth.

23 Q. What did he do?

24 A. So when he came, he met us outside, then he told us to enter the
25 house.

26 Q. Who did he meet outside? Who was there with you?

27 A. My mother and other people and my sisters.

28 Q. So what did he ask you to do? What happened next?

29 A. He asked us to enter the house. So he looked in. He didn't see

1 the middle.

2 PRESIDING JUDGE: Miss Parmar [sic], your reply.

3 MS PACK: Your Honour, I simply asked the witness whether a second
4 colonel came to the house. I hardly think that is a leading question. But
5 if it is, I can re-phrase it.

6 PRESIDING JUDGE: Re-phrase the question, Miss Parmar, please.

7 MS PACK: Ms Pack, Your Honour.

8 PRESIDING JUDGE: I apologise. Ms Pack, I'm sorry. Counsel, we are
9 advised that there is some problem with the voice distortion mechanism and,
10 as a result, it is not working properly. They will require some time to
11 fix it, and as we are coming up to the time for an adjournment, I think it
12 would be more practical to just adjourn at this point and resume tomorrow
13 morning at 9.15. I will give the witness the usual warning. Madam
14 witness, there is a problem with our recording. So we are going to break
15 and stop your evidence at this time and we will start again tomorrow
16 morning at a quarter past nine. Because you have sworn to tell the truth
17 you are not allowed to discuss your evidence with anyone else until all
18 your story is finished. Do you understand this? Do you understand what I
19 said?

20 THE WITNESS: Yes.

21 PRESIDING JUDGE: Thank you very much. Mr Court Attendant, please
22 adjourn Court until tomorrow morning at 9.15 a.m.

23 [Whereupon the hearing adjourned at 12.34 p.m., to be reconvened on
24 Thursday, the 7th day of April, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No D3 49

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-278 3
EXAMINED BY MR BRAUN 3
CROSS-EXAMINED BY MR MANLEY-SPAIN 10
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