

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

THURSDAY, 7 APRIL 2005
9.18 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg
Mr Matthias Reuss

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Ms Lesley Taylor
Ms Melissa Pack
Ms Karen Abugaber (intern)
Ms Jennifer Beckley (intern)
Mr Mark Walbridge (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba Brima:

Ms Glenna Thompson
Mr Osman K Kamara

For the accused Brima Kamara:

Mr Abdul Rahman Mansaray
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Kanu:

Mr Abibola Manley-Spaine
Ms Karlijn van der Voort

1 Thursday, 7 April 2005

2 [The witness entered court]

3 [The accused Kamara and Kanu entered court]

4 [The accused Brima entered court]

09:16:27 5 [On commencing at 9.18 a.m.]

6 PRESIDING JUDGE: Good morning. Unless there is some other matters,
7 I will remind the witness of her oath and then we will proceed with
8 examination-in-chief.

9 MS THOMPSON: Before we start may I just clarify something that was
09:17:49 10 mentioned yesterday regarding the nonappearance of Tamba Brima in court
11 yesterday.

12 PRESIDING JUDGE: Yes.

13 MS THOMPSON: He was seen yesterday, and I have a note from him again
14 today that his refusal to come to court had nothing to do with any issue
09:18:06 15 regarding aftershave and that issue was not raised in any way in relation
16 to his coming to court or not. It had something to do entirely with the
17 issues that he we had exhausted before this Court. Nothing to do with an
18 aftershave.

19 PRESIDING JUDGE: Thank you, Ms Thompson. I will have that put on
09:18:29 20 the record. We have noted that all three accused are present in court.

21 Madam witness, do you remember yesterday you came to the Court and
22 you promised to tell the truth; do you remember?

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: That promise to tell the truth also applies to you
09:18:52 25 today and you must tell the truth when you're answering questions; do you
26 understand?

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: Thank you, please proceed.

29 WITNESS: TF1-085 [Continued]

1 EXAMINED BY MS PACK:

2 Q. Witness, I'm just going remind you what was the last thing you told
3 us yesterday. You were talking about a time when a Colonel Gold Teeth came
4 to your house, and when a rebel tried to rape you, but left.

09:19:36 5 I'm going to move on now and ask you this: Was there another
6 occasion when a rebel, whose name you remember, came to your house?

7 A. The day that Colonel Gold Teeth will came to our house he met us
8 sitting outside.

9 PRESIDING JUDGE: Unfortunately I didn't hear the name. Can the
09:20:13 10 witness please repeat it.

11 THE WITNESS: Colonel Gold Teeth.

12 PRESIDING JUDGE: Colonel Gold Teeth.

13 MS PACK:

14 Q. You've told us about that time. Was there a time after that, when
09:20:22 15 Colonel Gold Teeth left, that another rebel whose name you remember came to
16 your house?

17 A. Jabbi [phon].

18 Q. Can you remember his rank?

19 A. No.

09:20:38 20 Q. What happened when Jabbi came to your house?

21 A. The day Jabbi came we were sitting outside. They came and started
22 firing.

23 Q. What happened after that?

24 A. So when I saw him coming firing, I went and ran --

09:21:01 25 THE INTERPRETER: Your Honours, the witness is too fast.

26 PRESIDING JUDGE: Madam witness, if you could speak a little bit
27 slower, to allow the interpreters.

28 THE WITNESS: Okay.

29 MS PACK:

1 Q. Witness, we'll take it slowly, just tell us what happened when Jabbi
2 came to your house?

3 A. When Jabbi came he told us I should wait inside the house.

4 Q. Who was inside the house?

09:21:32 5 A. It was I, my mother, with other people who ran and came to us.

6 Q. Who were amongst those other people, men, women, children, who?

7 A. There were children, women were there.

8 Q. What happened after you went inside the house?

9 A. So when we went inside the house Jabbi sprinkled the petrol and told
09:22:09 10 us he was going to burn us in the house.

11 Q. What did you do?

12 A. So we started crying, begging him, telling that he should not burn
13 us.

14 Q. So what happened then?

09:22:19 15 A. So one man was passing, he heard us crying, he had full combats.

16 Q. What did he do?

17 A. So he asked Jabbi not to burn us in the house.

18 Q. Did Jabbi burn the house?

19 A. No, he didn't burn the house. The man talked to him and they took
09:22:49 20 him out of the house.

21 Q. Can you describe what Jabbi?

22 A. Yes, he had a Tupac polo with black trousers.

23 Q. Did he come to your house with anyone else?

24 A. No, he was alone.

09:23:26 25 Q. Did you find out later which group Jabbi was from?

26 A. At that time I didn't know the group that he belonged to.

27 Q. Did you find out later which group Jabbi was from?

28 A. Yes, because he came and talked to us and he explained to us the
29 group that he was from.

1 Q. What did he say?

2 A. He said he was RUF.

3 Q. What language did he speak?

4 A. He spoke Krio and Liberian. He spoke Liberian and he spoke Krio.

09:24:30 5 Q. Witness, did you move from your house at one point?

6 A. Yes.

7 Q. Where did you go?

8 A. Well, we went from our house and stayed in one panbody that was close
9 to us.

09:24:58 10 Q. Why did you move?

11 A. Well, at that time the rebels were giving us some tough time and my
12 mother went and met one rebel guard that was close to us and she spoke to
13 him so that he could find some rebel to stay with us.

14 Q. Witness, I think you're going to have to take it a little slower,
09:25:22 15 just talk a little slower, please, for the interpreters. Now, after your
16 mother had made this request, what happened?

17 A. So the rebel guy came with one commando to stayed with us.

18 Q. And what happened to your house? Who went there?

19 A. We left them there and we went and stayed in one panbody.

09:26:04 20 JUDGE SEBUTINDE: Excuse me, Mr Interpreter, could you use English
21 terminology. What is a panbody in English?

22 THE INTERPRETER: It's a zinc house, but she said panbody.

23 JUDGE SEBUTINDE: I know she may say that in Krio but we need to
24 record it in English. That's why you're there to interpret. So what is a
09:26:23 25 panbody?

26 THE INTERPRETER: A zinc house, a house made of zinc.

27 JUDGE SEBUTINDE: A tin house.

28 THE INTERPRETER: A house made of zinc. Corrugated zinc, corrugated
29 metal.

1 MR FOFANA: I think he means CI sheets. Corrugated iron sheets is
2 what he means.

3 JUDGE SEBUTINDE: Roofed with or the entire house --

4 MS THOMPSON: The entire house.

09:26:50 5 MR FOFANA: Everything.

6 MS PACK:

7 Q. The zinc house, that was near your house, was it?

8 A. Yes.

9 Q. How long did the rebel stay in your house?

09:27:04 10 A. Well, they spent three days there.

11 Q. Why did they leave?

12 A. Because at that time they knew that the Guinean soldiers were to
13 come. That is why they left.

14 Q. What did you do once they had left?

09:27:28 15 A. When they went, we went back to our house.

16 Q. Did the Guinean soldiers come?

17 A. Yes.

18 JUDGE SEBUTINDE: Sorry, counsel was that Ghanaian or Guinean?

19 MS PACK: Guinean.

09:28:09 20 JUDGE SEBUTINDE: Thank you.

21 Q. Do you remember the day upon which they came?

22 A. They came on Wednesday.

23 Q. Was there a time that the rebels came back?

09:28:35 24 A. After the Guinean soldiers had come, they all moved up to the hills,
25 they didn't come back.

26 Q. What did you do once the Guinean soldiers had come?

27 A. When they came, they came on Wednesday, on Thursday we came out, we
28 strolled around the area.

29 Q. What did you do the next day?

1 A. The other day my mother sent me to the market to go and buy things.

2 Q. What happened on this day, this Friday when you went to the market?

3 A. We went to the market together with my cousin and we heard people
4 crying that they are -- the rebels are coming along burning houses.

09:29:24 5 Q. What did you do?

6 A. We returned to our house and we didn't go to the market.

7 Q. Who was at your house?

8 A. Well, my mother was there together with some other people.

9 Q. What happened whilst you were at your house?

09:29:58 10 A. When we came from the market, we all entered the house and we closed
11 the door.

12 Q. What happened then?

13 A. At that time the rebels had entered Wellington and started burning
14 houses at Wellington.

09:30:20 15 Q. What happened at your house?

16 A. We were in the house and children were crying and the rebels heard
17 and they said, "So you are in here and you are enjoying while we are
18 suffering."

19 Q. What did they do?

09:30:42 20 A. They said if my mother didn't open the door they would burn the
21 house.

22 Q. So what happened?

23 A. Before my mother could open the door, they split the door open.

24 Q. After they split the door open, what was the first thing they did?

09:31:05 25 A. When they split the door open, the first child that came out, they
26 cut his or her hand.

27 Q. How old was this child, roughly?

28 A. Around four to five years.

29 Q. What happened to your mother?

1 A. They took my mother outside and they said that they were going to cut
2 my mother's hand. At that time my mother was reciting the Koran.

3 Q. What happened next?

09:31:58

4 A. They didn't cut my mother's hand. They took me outside and they said
5 they were going to take me along.

6 Q. Did you go along with them?

7 A. Well, when they first caught me, I started fighting and I said I
8 was not going with them.

9 Q. What did they do?

09:32:14

10 A. So, I said before they could cut my mother's hands let them kill me
11 and I said I was not going anywhere.

12 Q. Did they cut your mother's hand?

13 A. No, they didn't cut my mother's hand.

14 Q. What did they do? What happened next?

09:32:34

15 A. So, after they had beaten me and wounded me, the rebel put the pistol
16 close to my neck and my mother said let me go rather than -- before they
17 could kill me.

18 Q. Did you go?

19 A. Yes.

09:33:09

20 MS PACK: Your Honour, I wanted to ask the witness now who it was who
21 took her away. I'm not going to ask her this question quite yet. Before
22 I ask that question I want to make an application to Your Honours to go
23 into the closed session just for the purposes of asking that question and
24 for a description of the individual who she will name.

09:33:40

25 PRESIDING JUDGE: Any reply to that application, Mr Manley-Spaine.
26 Any reply to the application by the Prosecution?

27 MR MANLEY-SPAIN: I think we'll have to wait until we know what's
28 really going on.

29 PRESIDING JUDGE: Counsel has made clear that the application is for

1 purposes of security, that the questions that will be put to the witness
2 relate to the name of a person and a description of a person that counsel
3 has already told us yesterday that could lead to the identification of the
4 witness, so this is for protection of the witness. Have you any reply to
09:34:20 5 make to that application by counsel for the Prosecution?

6 MR MANLEY-SPAINE: We have no objection to this.

7 PRESIDING JUDGE: Thank you, in the light of this -- just a moment.

8 [Trial Chamber confers]

9 MR FOFANAH: Excuse me, Your Honour. There's just one point of
09:34:46 10 clarification. The practice before --

11 PRESIDING JUDGE: Just a minute, Mr Fofanah. Mr Fofanah, you were
12 addressing the Court.

13 MR FOFANAH: Yes, I was just inquiring whether we would be going in
14 and out of closed session. My idea was that probably we could do this
09:35:14 15 towards the tail end of the evidence.

16 PRESIDING JUDGE: I don't think it's proper for either the Bench or
17 the Defence to dictate how to proceed.

18 MR FOFANAH: As Your Honour please. On another note, does that mean
19 we can also apply that our cross-examination also be done in closed
09:35:30 20 session?

21 PRESIDING JUDGE: I will deal with those questions as they arise,
22 Mr Fofanah.

23 MR FOFANAH: Thank you.

24 PRESIDING JUDGE: We have been advised that the Prosecution want to
09:36:49 25 put questions to the witness that may lead to the identification of the
26 witness. It has already been explained to the Court that this witness is
27 unable to read and write and therefore must give only give oral evidence.
28 For the protection of the witness's identity, we will therefore allow a
29 closed session. International monitors and any national monitors are

1 entitled to remain. Do we need to adjourn briefly in order to allow that
2 to be done? I'm advised there is no need for an adjournment. We will
3 therefore pause for a moment for the curtains to be drawn.

4 [At this point in the proceedings, a portion of the transcript, pages
09:37:25 5 11 to 14, was extracted and sealed under separate cover, as the session was
6 heard in camera.]

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1 [Open session]

2 PRESIDING JUDGE: Ms Parmar, I note that the members of the public
3 are returning so would you please proceed with your examination.

4 MS PACK: Yes, Your Honour. It is Ms Pack.

09:48:47 5 PRESIDING JUDGE: I'm so sorry, Ms Pack. It's a family failing.

6 MS PACK:

7 Q. Witness, what did you see in Wellington before you left? What did
8 you see going on?

9 A. Well, I saw them burning houses, killing people and looting property.

09:49:23 10 Q. When you were led away, what were you asked to do?

11 A. Well, when they took me along they gave me some load to carry.

12 Q. Who gave you loads to carry? And don't name the name, just the rank?

13 A. Colonel.

14 Q. As you were led away, who was there with you?

09:50:00 15 A. Well, the colonel was with me, together with his boys and some other
16 civilians who had been captured.

17 Q. What were the other civilians doing?

18 A. They were given loads to carry as well.

19 Q. Who were the boys the colonel had with him?

09:50:36 20 A. They were his boys who had been with him for long.

21 Q. What were their ages?

22 A. Well, some were 19 years old and some were more than 19 years.

23 Q. Were they armed?

24 A. Yes, they all had weapons.

09:50:56 25 Q. What were these men wearing?

26 A. They all wore black t-shirt and some had plasters on their face so
27 that we couldn't recognise them.

28 Q. Were there women and girls with you as well?

29 A. Yeah.

1 Q. Who were they?

2 A. They were the ones who had been captured.

3 Q. The group you were in going from Wellington, who was leading the
4 group?

09:51:46 5 A. Well, at that time, we had no commanders, but there was one man whom
6 they were calling. He was the one who was leading us, he was with us and
7 we were all going together.

8 Q. What were they calling this man?

9 A. They were calling him Five-Five.

09:52:09 10 Q. Did you yourself see the man they were calling Five-Five at this
11 time?

12 A. Well, at that time he had bodyguards who were guarding him, so I
13 didn't see him properly.

14 Q. Did you see him later?

09:52:33 15 A. Yes.

16 Q. When you saw him, how did you know that the man you saw was
17 Five-Five?

18 A. Those who knew him, I asked those who knew him and they said he was
19 the Five-Five.

09:53:00 20 Q. What did they say about him?

21 A. They said he was a wicked man and he had no soul for people.

22 Q. I'm going to ask you where you were when you saw him a little later.
23 For now, will you describe the man you know as Five-Five when you saw him
24 then?

09:53:41 25 A. Yes, the day that I saw him he was huge, he was tall, he was fat and
26 he carried a walking stick that he was walking with.

27 Q. What was his complexion?

28 A. It was fair and he was black, he was huge.

29 Q. What was he wearing when you saw him?

1 A. I wore ronko clothes.

2 PRESIDING JUDGE: I didn't quite hear that word. Was it rumbled?

3 MS PACK: Ronko is what I heard.

4 JUDGE SEBUTINDE: Mr Interpreter, could you repeat that word.

09:54:32 5 THE INTERPRETER: It is called here "ronko". That's the
6 understanding we have. It is a kind of traditional clothing.

7 MS PACK:

8 Q. You've spoken about a walking stick. What was this walking stick
9 like?

09:55:00 10 A. The walking stick that he carried had bombs inside. If you see it
11 you wouldn't know. You wouldn't know there were bombs inside when he
12 opened it there were bombs inside.

13 Q. Did you ever see it being used?

14 A. Yes.

09:55:18 15 Q. Try and describe what it did?

16 A. He used it to kill people. He would just use it and point it and
17 anywhere he points it at bombs would come out to kill civilians and --

18 Q. Witness, where did you go from Wellington?

19 A. Allen Town.

09:56:07 20 Q. What did you see in Allen Town on your arrival there?

21 A. Well, when we were going up the hills, we saw them burning people,
22 burning people in their house, mutilating them. That is what we saw on our
23 way.

24 Q. Who did you see doing this?

09:56:38 25 A. The rebels.

26 Q. Where did you go in Allen Town?

27 A. In one Mammy Dumbuya's church at Allen Town.

28 Q. What were you told to do when you got to the church?

29 A. Well, when we were going we were carrying the ammunition and we told

1 them that we were tired.

2 Q. So what did you do?

3 A. So they put the ammunition down and they wanted to kill us and that
4 is when the jet appeared.

09:57:42 5 Q. Pause a moment. Were you inside or outside the church with the
6 ammunition?

7 A. We were outside.

8 Q. Did you go inside the church at one point?

9 A. No.

09:58:01 10 Q. Who was around the church? Who told you to put -- sorry, one
11 question. Who told you to put the ammunition down?

12 A. It was the rebels who had given us the ammunition to carry; they told
13 us to put them down.

14 Q. Who was in command in this area?

09:58:30 15 A. Five-Five was there.

16 Q. What happened next?

17 A. When they wanted to kill us and when the jet appeared, we ran away
18 and hid ourselves in one house.

19 Q. Who is we?

09:59:14 20 A. The civilians who had been captured.

21 Q. What happened to you then?

22 A. The colonel who had captured me was looking out for me and he saw me
23 in the house.

24 Q. What did he do?

09:59:36 25 A. He took me and he carried me into the church.

26 Q. What did you see going on inside the church?

27 A. I saw them rape, kill people, and those who refused to be raped were
28 killed.

29 Q. How many people did you see -- how many girls did you see killed

1 after they refused to be raped?

2 A. I can't tell the number of girls whom I saw.

3 Q. Did you see how they were killed?

4 A. Yes.

10:00:36 5 Q. How were they killed?

6 A. They stabbed them with the bayonets that they had.

7 Q. Who killed them?

8 A. It was the rebels who had captured them.

9 Q. Could you tell who was in charge of these rebels?

10:01:11 10 A. At that time I didn't know them, because I met them in the church.

11 Q. Can you tell roughly how old these girls were who were killed?

12 A. Some were 14 years old, 14 years and above.

13 Q. Witness what happened to you?

14 A. The commander who had captured me told me that he wanted to have sex
10:02:09 15 with me and I refused.

16 Q. What did he do?

17 A. So he forced me. He beat me and tied my hands.

18 Q. What did he do then?

19 A. Then he raped me.

10:02:43 20 Q. Witness, after you were raped, what was your physical condition?

21 A. The day that he raped me I was unconscious.

22 Q. Where did you go next?

23 A. At that time I was not aware of anything. I saw myself to one
24 herbalist, a woman.

10:03:21 25 Q. Did she give you treatment?

26 A. Yes, the woman she gave me some herbs to stop the bleeding.

27 Q. How long did you receive treatment with her?

28 A. Well, I can't tell the days and the month that it took for me to be
29 treated.

1 Q. Do you remember where this -- this woman, this herbalist was, which
2 village?

3 A. It was close to Allen Town.

4 Q. After you were treated what happened to this woman?

10:04:27 5 A. Well, the colonel who had captured me came and killed the woman.

6 Q. How did he kill her?

7 A. He shot her with his gun.

8 Q. What happened in the village where you were treated?

9 A. Well, at that time the colonel who had captured me was carrying some
10 mince that he had wrapped in a piece of cloth and he gave it to me.

11 JUDGE SEBUTINDE: Mr Interpreter, you must watch your language. He
12 was carrying some what?

13 THE INTERPRETER: That's what she said. I don't know She said mints,
14 mints.

10:05:24 15 JUDGE SEBUTINDE: Spell that.

16 THE INTERPRETER: I suppose it is M-I-N-T-S.

17 MS PACK: I'll think I'll ask the witness to repeat the answer if I
18 may, Your Honour.

19 Q. Just repeat, please, for the their honours, what did the man who
10:05:44 20 captured you, what did he give you?

21 A. He came with some mince that was wrapped and he gave it for me to
22 eat.

23 Q. By mince do you mean meat?

24 A. Beef, beef.

10:06:11 25 Q. Did he tell you what this was that he gave you to eat?

26 A. Well, he didn't tell me, because he was forcing me to eat it.

27 Q. After he forced you to eat it, did he tell you what it was that he
28 forced you to eat?

29 A. Yes.

1 Q. What did he tell you that he had forced you to eat?

2 A. He said it was a human heart.

3 Q. Did he force others to eat what he described as human heart?

4 A. Well, at that time he met me where the herbalist was treating me. I
10:07:15 5 was the only person there.

6 Q. Witness, I'm taking you back a few steps. When you were raped by the
7 man who captured you, was anything said to you by him?

8 A. Well, after he had raped me, he didn't say anything to me at that
9 time.

10:07:42 10 Q. Afterwards, what did he call you?

11 A. He said I was his wife.

12 Q. Now, as you were going from Allen Town, the group you were with,
13 where did you head towards?

14 A. Well, at that time we were going to Waterloo.

10:08:35 15 Q. As you were going to Waterloo, were you taking a road or were you
16 taking another route?

17 A. Well, at that time we were not using a road. We were going up the
18 hills.

19 Q. As you were up in the hills, was there a group ahead of the group you
10:09:04 20 were in clearing the way?

21 MR MANLEY-SPAIN: May it please, Your Honour. I think this is too
22 leading.

23 PRESIDING JUDGE: It is leading, Ms Pack. Could you rephrase it,
24 please.

10:09:22 25 MS PACK: Yes, Your Honour.

26 Q. As you were heading towards Waterloo, how many groups were you in?

27 A. The groups that -- the groups in which we were, they never showed us.
28 We heard the names that they were calling. Because at that time we had no
29 place to rest so we only heard the names that they were calling. That is

1 what he heard.

2 Q. The man who had captured you, what was he doing as you headed on your
3 way to Waterloo?

10:10:13

4 A. Well, the commander that captured me, he was a fighter commander. So
5 all of them went to clear up the road.

6 Q. Who went to clear up the road?

7 A. Well, the one that I heard about, Gold Teeth was there, Daramy. And
8 it was Five-Five that sent them to clear the road so we would have a way to
9 go through.

10:10:44

10 Q. How do you know it was Five-Five who sent them to do this?

11 A. Because it was his name that was so renowned in the entire area.

12 Q. When you were up in the hills, did you come across other civilians?

13 A. Yes.

14 Q. Do you remember coming across particular civilians?

10:11:46

15 A. Yes, as we were going up the hills, we met civilians there. They
16 were captured. They were given load to carry. Some were killed by the
17 road.

18 Q. Did you capture women?

19 A. Yes, they captured suckling mothers, pregnant women.

10:12:14

20 Q. What happened to one suckling mother that was captured?

21 MR FOFANAH: Your Honour -- oh, you take it.

22 MS THOMPSON: Your Honour, I think that is leading. We haven't
23 established whether anything happened to any suckling mother.

24 PRESIDING JUDGE: Rephrase.

10:12:33

25 MS PACK: Yes, Your Honour.

26 Q. Witness, you've told the Chamber that women were captured, including
27 suckling mothers. Did anything happen to any --

28 MR FOFANAH: Again, Your Honour, sorry. I have to interrupt. I
29 don't know if the records have it that the witness had stated that women

1 who were captured included suckling mothers.

2 PRESIDING JUDGE: The record shows that the witness said, "Some were
3 suckling mothers and some were pregnant women."

4 MS PACK:

10:13:14 5 Q. Witness, I'll repeat the question. You said that women were
6 captured, including suckling mothers. Did anything happen to any of these
7 women?

8 A. Yes.

9 Q. Please describe what happened.

10:13:33 10 A. As we were going towards Waterloo, we reached at one hill. One
11 suckling mother who had her child sleeping, she laid her child. She went
12 to rest. The baby woke up and started crying and Five-Five asked that
13 whose person was that child that was crying. At that time the mother was
14 not there.

10:14:02 15 Q. Pause and allow Their Honours a moment to write this down. What
16 happened next?

17 A. Then Five-Five said -- he passed an order to Daramy so that the child
18 will be buried alive.

19 Q. What happened as a result of this order?

10:14:46 20 A. He said, because the child was crying. As the child was crying the
21 Kamajors will hear her voice and they will know that the rebels were around
22 there. That was why he passed the order that they should dig and bury the
23 child alive.

24 Q. And so what happened to the baby?

10:15:14 25 A. They dug and buried the baby alive and covered -- made the grave --
26 covered it with the bed.

27 Q. Do you recall anyone saying anything to the mother when this
28 happened?

29 A. Yes. Five-Five told the mother to laugh.

1 Q. How do you know that Five-Five said these things?

2 A. It was the man that can pass the last order for anything to be done.

3 Q. Where were you when this order was passed?

10:16:34 4 A. I was there. I was around. We stood watching. He was up on one
5 stone, so as he was speaking everybody was silent and we listened very well
6 to what he was going to say.

7 Q. You said he was up on one stone and you were listening, who?

8 A. We were listening to Five-Five as to what he was going to say.

9 Q. How did you know that this man you saw, this man you were listening
10:17:10 10 to was Five-Five?

11 A. Because I have asked about his name, because I have been hearing
12 about Five-Five everywhere, so I had to ask. And I was told that that man
13 was the man that had the last order. So everything -- it was he that
14 people meet, so that was why -- from where I knew it was he, the Five-Five.

10:17:40 15 Q. Who told you that he was Five-Five?

16 A. It was the rebel who had lived with him before.

17 Q. When you came down from the hills, where did you get to next?

18 A. When we came down, there was a village before Waterloo. That was
19 where we based and waited and they told us -- they told us that they have
10:18:38 20 captured Waterloo, so we went there.

21 Q. Who waited in the village?

22 A. All of us waited. The civilians and the rebels, all of us waited
23 there.

24 Q. How did you hear that they had captured Waterloo?

10:19:05 25 A. The rebel came. They met us and told us that they had captured
26 Waterloo.

27 Q. Where did you go then after this village?

28 A. We entered Waterloo.

29 JUDGE SEBUTINDE: Sorry, Madam Prosecutor. I think you also should

1 mind your language as you're carrying on. "The rebels came and told us
2 they had captured Waterloo." To me that means the rebels had captured
3 Waterloo. Is that the meaning?

4 MS PACK: Yes, that was my understanding.

10:19:52 5 JUDGE SEBUTINDE: These same rebels who came and gave this
6 information are the ones that had captured Waterloo?

7 MS PACK: Yes.

8 JUDGE SEBUTINDE: Please do not ask questions which elicit ambiguous
9 answers.

10:20:08 10 MS PACK: My apologies, Your Honour. I will clarify.

11 Q. Just go back a couple of steps. You were staying in a village. Tell
12 us, please, who were you in the village with?

13 A. All of us were in the village with the rebels.

14 Q. Which rebel commanders were in the village with you?

10:20:32 15 A. Daramy was with us with other rebels, commanders who was with us in
16 the village.

17 Q. Do you know who was in Waterloo at this time?

18 A. Yes, Colonel Cartel was in Waterloo. They went and captured
19 Waterloo.

10:21:11 20 Q. Who was Colonel cartel?

21 A. He was a rebel commander.

22 Q. Do you remember the names of any of the other commanders who were
23 with you in the village?

24 A. Except the ones we met at Waterloo, those are the ones that I can
10:21:32 25 remember.

26 Q. You've described learning what had happened in Waterloo. Who told
27 you what had happened in Waterloo?

28 A. Well, after we left the village as we were going towards Waterloo,
29 I saw people killed, mutilated, houses burning, people were in the houses

1 burni ng.

2 Q. Did you learn when you were in the village that Waterloo had been
3 captured?

4 A. Well, after they had captured Waterloo, they sent a person, one rebel
10:22:20 5 commander to meet us in the village to convey the message that they have
6 captured Waterloo. So during the night we left the village and went to
7 Waterloo.

8 Q. Did they say who had captured Waterloo?

9 MR FOFANA H: Again -- again --

10:22:39 10 THE WITNESS: Yes.

11 MR FOFANA H: Your Honour, I'm objecting on the ground that this
12 particular portion of the evidence has been covered, because I mean --
13 well, according to my records, the witness had earlier said that the rebels
14 told us that they had captured Waterloo.

10:23:00 15 PRESIDING JUDGE: That is the record. Her honour asked for some
16 clari fication and this is the clari fication.

17 MS PACK: I'm trying to clari fy. I'm probably not doing very well,
18 but if I may just try and finish.

19 PRESIDING JUDGE: Please proceed.

10:23:19 20 MS PACK: I'm grateful .

21 Q. Witness, did they say who had captured Waterloo?

22 A. Yes. We were told that it was Colonel Cartel that captured Waterloo.

23 Q. What did you, the people you were with, do after you received this
24 news?

10:23:53 25 A. When we were told that they've captured Waterloo, during the night we
26 walked from the village and went to Waterloo.

27 Q. On the way from the village to Waterloo, did anything happen to you?

28 A. I cannot remember that.

29 Q. How long did the journey take from the village to Waterloo?

1 A. That I cannot tell, because the distance was a little -- the place
2 was a little bit distant.

3 Q. Were you walking by day or by night?

4 A. It was during the night.

10:25:02 5 Q. Were you allowed to eat on the way?

6 THE INTERPRETER: Please, the interpreter cannot get the attorney
7 very well. Could the attorney pose the question again.

8 MS PACK: My apologies to the interpreter.

9 Q. Were you allowed to eat on the way?

10:25:34 10 A. No.

11 Q. Did you do any cooking?

12 A. As we were going I never knew that when they were in the jungle they
13 never cooked.

14 Q. Did you cook on the way?

10:25:54 15 A. Yes, I cooked.

16 Q. What happened as a result of you cooking on the way?

17 MS THOMPSON: Your Honour -- I think counsel has to establish whether
18 or not something did happen first. Proper foundation has not been laid.
19 They're assuming that something happened as a result of her cooking.

10:26:22 20 PRESIDING JUDGE: I think the question is quite fair. The witness
21 was asked: "Did you cook on the way?" The answer was yes, and she was
22 then asked what happened as a result. I think that is a quite a fair and
23 logical question, Ms Thompson. I'm overruling your objection. The
24 question is allowed.

10:26:41 25 MS PACK:

26 Q. Witness, what happened as a result of you cooking on the way?

27 A. Well, when I cooked, as I was cooking the smoke went up. I never
28 knew where Five-Five was from and he saw this smoke and he sent his boys to
29 ask.

1 Q. What did his boys say or do?

2 A. They went and asked who was cooking and I answered that I was -- it
3 was I. They said I should not cook as the cooking was going on they
4 realise that the smoke was going up, so if the jet was flying over there,
10:27:35 5 they would know that there were people there and they would drop a bomb
6 there. So they said I should not cook.

7 Q. What happened then?

8 A. Five-Five ordered that I should be beaten up. They should give me an
9 ideology.

10:27:56 10 Q. How do you know that Five-Five ordered this?

11 A. Because it was his boys. It was his boys and his boys said that it
12 was their commander who sent them.

13 Q. Did you get to Waterloo?

14 A. Yes.

10:28:34 15 Q. What time of day did you arrive in Waterloo?

16 A. It was during the evening, round about 6.00 when we reached Waterloo.

17 Q. What was going on in Waterloo when you arrived there?

18 A. When we reached Waterloo, I saw people killed, houses burned, some
19 people were mutilated. As we were passing by the road, we left by them the
10:29:18 20 way.

21 Q. Who was with you in your group when you got to Waterloo?

22 A. The rebel commanders were with us. I cannot call their names, but
23 they were with us.

24 Q. Where was the commander who had captured you at this time?

10:29:59 25 A. Well, all of them went and captured Waterloo, so when I went to
26 Waterloo, I met him there.

27 Q. Can you name other commanders who were in Waterloo when you got
28 there? If you can't remember, don't worry?

29 A. I cannot remember.

1 Q. How long were you in Waterloo for?

2 A. We spent two days there.

3 Q. Why did you leave?

4 A. Because we were chased out by the Guinean soldiers there.

10:31:18 5 Q. Who did you leave with?

6 A. The commander that captured me.

7 Q. Were there other commanders who you left with?

8 A. Yes.

9 Q. Please tell us their names.

10:31:48 10 A. Well, I don't know their names, because I was not with them. I only
11 stayed with the commander that captured me.

12 Q. Where did you go after Waterloo?

13 A. During that time when the Guinean soldiers were bombing, so one of
14 the fragments hit our commanders that was with us so we went to one village

10:32:32 15 near Waterloo.

16 Q. Do you remember the name of that village?

17 A. No, no.

18 Q. What happened at that village?

19 A. We were there for some time until --

10:32:57 20 THE INTERPRETER: Sorry, the interpreter cannot get the last segment
21 of the witness's testimony.

22 PRESIDING JUDGE: Please repeat the last part.

23 MS PACK: I'll just ask the question again.

24 Q. What happened whilst you were at that village? Just take it slowly.

10:33:17 25 A. Well, when we were in the village, the colonel that captured me, a
26 fragment hit his foot and he was there for some time.

27 Q. Who else was with you in that village?

28 A. Nobody was there again with us.

29 Q. Did the commander who captured you receive treatment in the village?

1 A. Yes, he was treated there.

2 Q. Where did you go next?

3 A. Well, we went to Masiaka.

4 Q. Who led the group going to Masiaka?

10:34:39 5 A. It was Five-Five who led the group that went to Masiaka.

6 Q. Was there any fighting on the way?

7 A. Yes.

8 Q. Describe an incident where there was fighting on the way?

9 A. Well, the Guinean soldiers and the rebels were fighting on the way as
10:35:24 10 we were going.

11 Q. Is there a particular occasion where there was fighting that you
12 remember?

13 A. No.

14 Q. Do you remember fighting other groups -- or do you remember the
10:35:57 15 rebels fighting other groups apart from the Guinean soldiers?

16 A. Well, as we were going towards Masiaka, we reached at a village where
17 the Kamajors used to reside.

18 Q. Pause a moment. What do you mean --

19 A. I want to ease myself. I want to ease myself.

10:36:31 20 PRESIDING JUDGE: Yes, I think we'll adjourn for 15 minutes.

21 Mr Attendant, please adjourn court for 15 minutes.

22 MR GIBSON: All rise.

23 [Recess taken at 10.38 a.m.]

24 [On resuming at 10.55 a.m.]

10:54:51 25 [TB070405B - SGH]

26 PRESIDING JUDGE: Please proceed, Ms Pack.

27 MS PACK:

28 Q. Witness, before we had a break, you told the Court that on the way to
29 Masiaka you went to a village where Kamajors resided. Do you remember

1 that?

2 A. Yes.

3 Q. Before I go on, can you explain to the Chamber, please, what you mean
4 by Kamajors?

10:56:44 5 A. Well, as you say Kamajors, these are enemies that used to arrest the
6 rebels. Rather, sorry, the interpreter is sorry. Rather this -- when they
7 say Kamajors these are enemies that were against the rebels.

8 Q. What happened when you got to this village?

9 A. When we reached at the village we heard the Kamajors singing. So the
10:57:25 10 rebels made an ambush for the Kamajors.

11 Q. What happened then?

12 A. They entrapped the Kamajors where they were, killed some and captured
13 some.

14 Q. What happened to the Kamajors? Did anything happen to the Kamajors
10:57:54 15 who were captured?

16 A. Well, they captured them so that they will lead them or show them the
17 way to pass.

18 Q. Did anything happen to the Kamajors who had been killed?

19 A. Well, they killed some, the others were captured.

10:58:33 20 Q. Did anything happen to the Kamajors who were killed?

21 PRESIDING JUDGE: You have asked that question already.

22 MS PACK: I apologise.

23 JUDGE LUSSICK: Did you mean to the bodies of the Kamajors that were
24 killed?

10:58:43 25 MS PACK: Yes, Your Honour. Perhaps I phrased it badly. Perhaps if
26 I could just ask that question.

27 Q. Witness, did anything happen to the bodies of the Kamajors who were
28 killed?

29 A. Yes.

1 Q. What happened?

2 A. They mutilated them, they cooked them and made them into soup.

3 Q. What happened next?

4 A. After they cooked the Kamajors, Five-Five passed an order to his

10:59:25 5 boys.

6 Q. What was the order?

7 A. He said the boys should tell us that all the civilians that were
8 captured should make one straight line.

9 Q. What happened next?

11:00:00 10 A. So, he told us that anybody who refuses to eat this meat, he will
11 kill him.

12 Q. Then what happened?

13 A. He called one after the other. He count three, four, the person if
14 you don't eat -- if you don't eat -- he is going to kill you, but if you
11:00:34 15 refuse to eat was -- if you eat you are not killed, but if you refuse to
16 eat you are going to be killed.

17 Q. What happened to you?

18 A. So I saw the ones he had already killed, those who refused to eat the
19 meat.

11:01:00 20 Q. What did you do?

21 A. So when my turn came, he said he was going to count three. I refused
22 to eat he was going to kill me.

23 Q. What did you do?

24 A. He started counting one, two -- until three I was about to refuse, as
11:01:29 25 he pointed his gun at me to kill me, so I took the meat and placed it in my
26 mouth.

27 Q. Who was pointing his gun at you?

28 A. Five-Five. He told us that that was the jungle life.

29 Q. Apart from you did anyone else eat this meat?

- 1 A. Yes.
- 2 Q. Who else?
- 3 A. The civilians that were together.
- 4 Q. Now, Witness, you were on your way to Masiaka. Did you reach
- 11:02:31 5 Masiaka?
- 6 A. Yes.
- 7 Q. When you reached Masiaka, where did you stay?
- 8 A. Well, when we reached Masiaka we did not stay in a single house
- 9 because during that time there was fighting. So we had nowhere to stay.
- 11:03:03 10 So we stayed in around -- one of the bushes around.
- 11 Q. After the fighting where did you stay?
- 12 A. We stayed in one of the houses.
- 13 Q. Where was that? Was that in Masiaka or outside?
- 14 A. In Masiaka. In Masiaka.
- 11:03:36 15 Q. Who did you stay with?
- 16 A. I stayed with the colonel that captured me.
- 17 Q. Who else was staying with the colonel that captured you?
- 18 A. His wives, with civilians and his boys that he had.
- 19 Q. How many wives did he have?
- 11:04:09 20 A. There were more than six.
- 21 Q. Where were they from?
- 22 A. He got some from Liberia. He had the ones that he captured from the
- 23 villages. All of them we stayed together in the same house in Masiaka.
- 24 Q. How did you fit in amongst them?
- 11:04:45 25 A. I was the youngest among them.
- 26 Q. Did the colonel who captured you make you do anything in Masiaka?
- 27 A. No.
- 28 Q. What happened to you in Masiaka?
- 29 A. During that time when I stayed with him I tormented him and told him

1 that I wanted to come back to Freetown.

2 Q. What did he do as a result of this?

3 A. He realised that I was tormenting him. He drugged me with cocaine
4 injection.

11:05:59 5 Q. What happened as a result of this injection to you?

6 A. I changed my mind.

7 Q. What do you mean by that?

8 A. I stopped tormenting him that I am ready to come back to Freetown. I
9 stopped tormenting him.

11:06:28 10 Q. Apart from the cocaine you have described, did the colonel who
11 captured you give you anything else when you were in Masiaka?

12 A. Yes.

13 Q. What did he give you?

14 A. He gave me jamba coffee to drink.

11:06:45 15 PRESIDING JUDGE: I didn't hear the word.

16 THE INTERPRETER: That is a coffee made from marijuana.

17 PRESIDING JUDGE: Thank you.

18 MS PACK:

19 Q. Apart from drugs, did he give you anything else?

11:07:15 20 A. He gave me.

21 Q. What did he give you?

22 A. He gave me a pistol.

23 Q. What type of pistol, do you remember?

24 A. I cannot remember the pistol's name.

11:07:43 25 Q. Any other weapon that he gave you?

26 A. Yes.

27 Q. What type of weapon?

28 A. AK-47.

29 Q. Did you know how to use these weapons?

1 A. During that time he did not teach me how to use them.

2 Q. What happened later?

3 A. After he had drugged me he taught me how to use the weapons he gave
4 me. He said that was for my security.

11:08:34 5 Q. Witness, I am going to take you back a few steps. As the youngest,
6 the smallest you said, of the wives of the colonel, what did you have to do
7 in Masiaka?

8 A. I have not understood.

9 Q. Why not?

11:09:07 10 A. Because during that time he did not allow me to do anything for him.

11 Q. Did he say why?

12 A. He said because I was his wife. So there was nothing I should do for
13 him.

14 Q. What about the other wives?

11:09:30 15 JUDGE SEBUTINDE: I am sorry, Madam Prosecutor, when you say "do",
16 are you referring to chores or activities, or what are you referring to?

17 MS PACK: Perhaps if I could just ask some specific questions, Your
18 Honour.

19 Q. Did you have sexual intercourse with the colonel who captured you?

11:10:00 20 A. Well, that first day we went to Masiaka, no.

21 Q. But after that, did you?

22 A. Well, he forced me to do it. Then I started bleeding.

23 Q. So what happened then?

24 A. He took me to a doctor and the doctor advised him to stop having sex
11:10:22 25 with me.

26 Q. Did he?

27 A. He stopped for some time until I became well.

28 Q. Did he have sexual intercourse with you after you became well?

29 A. Yes.

1 Q. Did you feel you could refuse to have sexual intercourse with him?

2 A. Yes.

3 JUDGE SEBUTINDE: Sorry, Madam Prosecutor. Listen to your
4 question: "Did you feel you could refuse." What kind of a question is
11:11:20 5 that?

6 MS PACK: Perhaps I --

7 JUDGE SEBUTINDE: I have not understood. I, for one, do not
8 understand, "Did you feel you could refuse?" Maybe you need to re-phrase
9 that.

11:11:30 10 MS PACK: I will do so, Your Honour.

11 JUDGE SEBUTINDE: I am not even sure what she has answered to.

12 MS PACK:

13 Q. Witness, did the colonel who captured you ask you for your consent to
14 have sexual intercourse with him?

11:11:42 15 A. Yes, he told me.

16 Q. Did you agree to have sexual intercourse with him?

17 A. No.

18 Q. Did you want to be in Masiaka with the colonel who captured you?

19 A. No.

11:12:43 20 Q. What happened to you as a result of having sexual intercourse with
21 this man, the colonel who captured you?

22 A. Well, when he forced me to have sex with him, I started bleeding.

23 Q. Did you become pregnant?

24 A. Yes.

11:13:11 25 Q. How many times?

26 A. Three times.

27 Q. What happened on these times when you became pregnant?

28 A. Miscarried.

29 Q. On the last time you were pregnant, what happened?

1 A. I miscarried again.

2 Q. Did you do any chores as a wife of the colonel who captured you?

3 A. No.

4 Q. Why not?

5 A. Because he said I had become his wife so I should not do anything for
6 him.

7 Q. Did the other wives do chores?

8 A. Yes.

9 Q. How did the other wives treat you?

11:14:51 10 A. They used to beat me up.

11 Q. Why did they beat you up?

12 A. They said because I had taken their husband away from them.

13 Q. Do you remember a ceremony taking place in Masiaka?

14 A. Yes.

11:15:25 15 Q. What ceremony?

16 A. Captain married me to Five-Five, he said because I was his wife.

17 MS THOMPSON: Your Honours, I didn't understand the answer to that.

18 So perhaps my learned friend might repeat the question.

19 PRESIDING JUDGE: The question was answered and we will ask -- I

11:15:55 20 think we should allow counsel to clarify it in the normal way.

21 MS PACK:

22 Q. Who did the colonel ask you to marry?

23 A. The colonel that captured me, he married me to Five-Five, he said
24 because I was his wife.

11:16:23 25 Q. Whose wife were you?

26 A. The colonel.

27 Q. Did you marry anyone else apart from the colonel?

28 A. No.

29 Q. So when you say he married you to Five-Five, what do you mean by

1 that?

2 A. Five-Five was the overall boss, so he went there as a father-in-law
3 with money.

4 Q. Who went where with money?

11:17:14 5 A. The colonel went with money to Five-Five.

6 Q. To do what?

7 A. Saying that he was going to marry me.

8 Q. Who was going to marry you? Who was going to be your husband?

9 A. The colonel himself.

11:18:01 10 Q. Witness, who was in charge in Masiaka?

11 A. When we reached Masiaka we met Issa Sesay at Masiaka.

12 Q. What other commanders were in Masiaka apart from Issa Sesay?

13 MR FOFANA: Objection. That is clearly leading, Your Honour. I
14 think the question ought to be phrased, "Were there any other

11:18:41 15 commanders?" I am afraid that counsel has been consistent with leading
16 this witness.

17 MS PACK: I will re-phrase the question, Your Honour.

18 PRESIDING JUDGE: In fact, the previous question you asked, Ms Pack,
19 was who was in charge in Masiaka. She didn't use the word commander and
11:19:01 20 neither was the word commander used in any prior questions. So the word
21 commander is leading.

22 MS PACK: I apologise.

23 Q. Were there commanders in Masiaka?

24 A. Yes, when we went there we met commanders there.

11:19:29 25 Q. Who were the commanders in Masiaka?

26 A. We met Five-Five there.

27 Q. Any others whose names you remember?

28 A. We met Issa Sesay there.

29 Q. Were there civilians in Masiaka?

1 A. Yes.

2 Q. Where were the civilians from?

3 A. Well, we met them there. We met civilians there. They were going
4 about their normal business.

11:20:30 5 Q. Was there a police station in Masiaka?

6 A. Yes.

7 Q. Where was it?

8 A. It was along Freetown Road.

9 Q. When was the police station formed?

11:20:43 10 PRESIDING JUDGE: I didn't quite hear, Ms Pack.

11 MS PACK: I am sorry.

12 Q. When was the police station formed?

13 PRESIDING JUDGE: What does that mean?

14 MS PACK: When was it created.

11:21:07 15 PRESIDING JUDGE: Do you mean built?

16 MS PACK: When was it set up. Perhaps that is better wording.

17 Q. Witness, I will ask you a different question. When was the police
18 station set up?

19 A. Well, the time we went to Masiaka we had met the police station
11:21:33 20 there.

21 Q. Who was in charge at the police station?

22 A. The colonel that captured me.

23 Q. Do you know who was in charge of him?

24 MR FOFANA: Your Honour, we will seek clarification to that
11:22:13 25 question, "Who was in charge of the colonel?" We would seek
26 clarification.

27 PRESIDING JUDGE: There is only one him, the person being referred to
28 in the previous question is the person referred as to the colonel who
29 captured her.

1 MS PACK:

2 Q. Can you answer the question, Witness?

3 A. I don't understand again.

4 Q. When the colonel who captured you was away --

11:23:00 5 PRESIDING JUDGE: We have no foundation or any evidence that he was
6 away.

7 MS PACK:

8 Q. Did you ever go to the police station.

9 A. Yes.

11:23:17 10 Q. What did you do there?

11 A. Well, I went to the colonel that captured me.

12 Q. Did you hear what happened there when you were there?

13 MR FOFANAHA: Objection. The witness has not stated that anything
14 happened at the police station. The foundation has not been laid, Your
11:23:44 15 Honour.

16 PRESIDING JUDGE: She didn't say that.

17 MS PACK:

18 Q. When you were there did anything happen?

19 A. Yes.

11:24:06 20 Q. What do you recall happening there?

21 A. Well, during that time Issa passed a law to the rebels that they
22 should not rape any civilian in that town.

23 Q. Did you hear why he made that law?

24 A. Because that is his own town.

11:24:54 25 Q. Do you know if the law was obeyed?

26 A. Well, the first day -- the first day Five-Five didn't obey that law.

27 Q. Then what happened?

28 A. So, the rebels went out -- went to the villages. They met the women
29 there, raped them and looted their properties.

1 Q. You mentioned Five-Five, what were you going to say about him?

2 A. Well, Issa Sesay passed an order, he did not accept. He said no.

3 Q. Do you know what happened later?

4 A. The rebels never considered the order serious. So they went to the
11:26:25 5 different villages, they raped the woman there and looted their property.

6 Q. How many captured women and girls did you see in Masiaka?

7 MR FOFANAH: Objection. Objection. I don't think the witness has
8 clearly stated that there were captured women at Masiaka [inaudible] but
9 that she saw the women. I am not sure.

11:27:13 10 JUDGE LUSSICK: I think you are right. In fact, you when you asked
11 her were there any women there in the town, she said they were already
12 there when they arrived in the town. You didn't mention captured. So I
13 will overrule that question.

14 MS PACK: Your Honour, the witness gave evidence in answer to a
11:27:40 15 different question that living with her with the commander -- with the man
16 who captured her were other captured women. So I will focus on that, if I
17 may.

18 JUDGE LUSSICK: Yes, certainly.

19 MS PACK: I am grateful.

11:28:03 20 Q. The other women who had been captured who were living with the
21 colonel, did you talk to them?

22 A. Well, yes. They told me that when they were captured they were
23 raped. So I told them to bear up.

24 Q. How many of them told you that they had been raped?

11:28:44 25 A. Well, I cannot give you the exact number because we can sit together
26 and we explain what happened to each other. So I cannot tell you the exact
27 number of people.

28 Q. Are you able to say roughly how old these women were who you were
29 speaking to. Please say if you can't, if you are not sure.

1 A. I cannot tell.

2 Q. You have just given evidence that these women complained that they
3 were raped. When you use that word, what do you mean?

4 A. To say what?

11:29:47 5 Q. The word rape. What do you mean to say by that?

6 A. When the rebels captured them, they forced them to have sex with
7 them.

8 Q. Did any of you who had been captured ever make a complaint about
9 being raped?

11:30:07 10 A. Well --

11 PRESIDING JUDGE: [Microphone not activated] where the complaint
12 will be laid. There is an ambiguity in that question.

13 MS PACK:

14 Q. You have described a law being passed by Issa Sesay telling rebels
11:30:53 15 not to rape. Did you or the captured women you know make a complaint to
16 anyone about being raped?

17 A. We didn't make any complaints. They didn't report to any police
18 station that they were raped. They only met me, we sat together and we
19 talked.

11:31:31 20 Q. Why didn't you report to any police station that you were raped?

21 A. Well, those whom the rebels had captured they didn't want their
22 complaint, but those who were not captured that Issa Sesay was talking
23 about who were in the villages.

24 Q. Why didn't they want you who were captured to complain?

11:32:19 25 A. Because they said -- because those of us who were captured from
26 Freetown were with them so there was no need to make a report.

27 Q. Did you ever try to leave Masiaka?

28 A. Yes.

29 Q. What happened? What did you do?

1 A. Well, three of us tried to escape from Masiaka to come to Freetown.

2 Q. Who were the others; boys or girls, men or women?

3 A. We were women.

4 Q. So what did you three do?

11:33:40 5 A. On our way we reached a village where we met one woman and we spoke
6 to her to show us the way to come to Freetown.

7 Q. And what happened next?

8 A. So we went for about two miles and we met some rebel boys who were
9 coming from finding food.

11:33:59 10 Q. What happened next?

11 A. They asked us where we were going and we too told them that we were
12 going to look for food.

13 Q. Did they believe you?

14 A. No, they said, "Look at how far you have come from the town, you want
11:34:30 15 to escape."

16 Q. So what happened next?

17 A. So they cut the two girls and marked on their bodies AFRC/RUF.

18 Q. Pause a moment. Who marked the two girls' bodies?

19 A. The boys, the rebel boys who we had met who were coming from finding
11:35:01 20 food.

21 Q. How did they mark the girls' bodies?

22 A. They used a blade.

23 Q. What happened to you?

24 A. I was not marked. They took me to the police station and locked me
11:35:35 25 up.

26 Q. What happened to you after that?

27 A. So when the colonel came and he caught me --

28 JUDGE SEBUTINDE: Sorry, we did not catch that last phrase by the
29 interpreter.

1 THE INTERPRETER: Caught me. Caught me. Caught, caught, caught.

2 MS PACK:

3 Q. I will ask the witness to repeat. What did the colonel do?

11:36:18

4 A. The colonel was not there. Then when he came and he was told that I
5 was in the guard room.

6 Q. You were in the guard room where?

7 A. At the police station.

8 Q. Who had taken you there?

9 A. The boys whom we had met on the way.

11:36:43

10 Q. So the colonel came, this is the colonel who had captured you. What
11 did he do?

12 A. He took me out of the guard room and took me to the house.

13 Q. Did he do anything else?

14 A. Yes.

11:37:05

15 Q. What did he do?

16 A. He beat me up and he said he was going to kill me.

17 Q. Did he say anything else?

18 A. He said I was trying to run away.

19 Q. When you were in Masiaka did you go out ever to find food?

11:37:38

20 A. Yes.

21 Q. Do you remember the first time you went to find food?

22 A. Yes.

23 Q. What happened on this occasion?

11:38:27

24 A. When we went out to find the food there was an attack from the
25 Kamajors.

26 Q. Who were you with on this occasion?

27 A. We were together with other people with whom we were going to find
28 food.

29 Q. Was there another occasion on which you went to find food?

1 A. Yes.

2 Q. Who did you go with?

3 A. Well, we went with one man, a rebel who was with us.

4 Q. How many of you were there?

11:39:27 5 A. There were many. I can't tell the number.

6 Q. Where did you go?

7 A. We went to the villages.

8 Q. What happened?

9 A. When we went we met one woman with two girls in the village.

11:39:30 10 Q. What happened?

11 A. So we held the two women whom we had met in the village.

12 Q. What happened next?

13 JUDGE SEBUTINDE: Did the witness say, "We held the two women"?

14 MS PACK: That is what I heard, but perhaps I misheard.

11:40:28 15 JUDGE SEBUTINDE: Meaning what, they helped them or what?

16 MS PACK:

17 Q. When you say you held the women, what do you mean?

18 A. We took them and brought them where we were in Masiaka.

19 Q. Did they want to come with you?

11:40:48 20 A. No.

21 Q. What happened to them?

22 A. So we gave them some loads to carry and they came with us.

23 Q. Now, you have talked about three women you met. Two you have

24 described bringing to Masiaka, what happened to the other one?

11:41:12 25 A. The other one was killed.

26 Q. How did that happen?

27 A. Well, they wanted to take away the two ladies the woman refused

28 because they were her children. So that is why they killed her and took

29 the two ladies.

1 Q. What did you do?

2 A. I didn't do anything. We looted the property and returned.

3 Q. How long were you in Masiaka for?

11:42:23

4 A. For long. I can't tell how long we took in Masiaka. Months spent in
5 Masiaka.

6 Q. Where did you go from Masiaka?

7 A. Well, at that time there was fighting in Masiaka, so we moved from
8 there to another village. It was Masiaka, but it was in the villages.

9 Q. Who was the fighting with?

11:43:09

10 A. ECOMOG came to Masiaka and were fighting against the rebels.

11 Q. After you had gone to the village, where did you go? Which place?

12 A. We were trying to go to Lunsar.

13 Q. Did you reach Lunsar?

14 A. Yes.

11:43:38

15 Q. Who did you go to Lunsar with?

16 A. The colonel -- we went together with the colonel who had captured me.

17 Q. When you got to Lunsar, did you see any commanders there?

18 A. Well, when we went there we met Issa there. He had come from Lunsar
19 to Masiaka, but there were other commanders as well.

11:44:23

20 Q. Can you name the other commanders that you remember?

21 A. I can't remember their names.

22 Q. By Issa, who do you mean?

23 A. He was the rebel commander.

24 Q. Who was in charge in Lunsar?

11:45:03

25 A. When we went to Lunsar we met -- everything was normal, we met people
26 there.

27 Q. I am going to re-put the question because I don't think the witness
28 heard or understood it. Who was in charge in Lunsar?

29 A. Issa Sesay was in charge together with other rebels. Other

1 commanders.

2 Q. Where were you staying in Lunsar?

3 A. At one Catholic church, that is where we were.

4 Q. Who were you staying with?

11:46:03 5 A. With the colonel who had captured me.

6 Q. Was anyone else staying with you?

7 A. Yes, there were other commanders with us at their own place.

8 Q. Do you remember who they were?

9 A. Daramy and other commanders were with us.

11:46:45 10 Q. When you were in Lunsar, did you leave the house where you were
11 staying whilst you were there?

12 JUDGE SEBUTINDE: Counsel, did the witness not say they were
13 staying at a church at Lunsar?

14 MS PACK: Perhaps I should clarify.

11:46:50 15 JUDGE SEBUTINDE: That is what I heard.

16 MS PACK:

17 Q. Were you staying at a church in Lunsar?

18 A. Yes. One Guadalupe, a place run by the Catholic. That's where we
19 were.

11:47:22 20 Q. Did you go out of the place where you were at Guadalupe when you were
21 in Lunsar?

22 A. No, we were there for a long time.

23 Q. How long did you stay in Lunsar for?

24 A. Well, I can't tell how long we were there.

11:47:54 25 Q. Where did you go next?

26 A. On that day I was there the colonel who had captured me they called
27 him to go and fight in Makeni.

28 Q. What did you do?

29 A. So, I stayed whilst he went.

1 Q. When did you leave Lunsar?

2 A. Well, when he came back they took us to Kono.

3 Q. Before you went to Kono did you go anywhere else?

4 A. Yes. We went to Makeni. It was from Makeni that we went.

11:48:57 5 Q. What did you do in Makeni?

6 A. Well, they sent for him and they told him, that is the colonel who
7 had captured me, and they told him that he should take -- he should take
8 some people to Port Loko to go and conduct some training.

9 MR FOFANAHA: I am sorry, Your Honour, one of our clients wants to
11:49:27 10 use the toilet.

11 PRESIDING JUDGE: Yes, he should be escorted out. Could you please
12 repeat the answer -- I believe it [inaudible]

13 MS PACK:

14 Q. You heard the learned judge, could you repeat the answer to the
11:49:53 15 question. You were asked something about training. You said something
16 about your colonel being asked to go to Port Loko for training. Perhaps
17 you could say that again.

18 A. The colonel who had captured me they sent for him to go to Makeni.

19 Q. And then you mentioned Port Loko.

11:50:28 20 MR FOFANAHA: Objection. I am not sure the witness mentioned Port
21 Loko. I stand guided by your records.

22 MS PACK: She did, Your Honour.

23 JUDGE LUSSICK: Yes, she mentioned Port Loko in the first reply and
24 now in the second reply she is omitting Port Loko and mentioning Makeni.

11:50:46 25 MS PACK: She was in Makeni and in the first reply she said he went
26 to Port Loko afterwards. So if I could just clarify that, Your Honour.

27 Q. From Makeni where did the colonel go?

28 A. We were in Makeni then he was told to take some civilians to Port
29 Loko for training. So he took us to Port Loko to go and conduct the

1 training.

2 Q. When you say us, who did he take with him to Port Loko for training.

3 Who do you mean?

4 A. He took me and the other civilians who were with him and others who

11:51:43 5 were civilians.

6 Q. Can you remember roughly how many there were of you?

7 A. No, I can't remember because there were many.

8 Q. Where did you stay in Port Loko?

9 A. At one hill called Kurbola Hill [phon] in Port Loko. That's where we

11:52:19 10 stayed.

11 Q. You were taken there for training; did you in fact receive training?

12 A. Yes.

13 Q. What sort of training?

14 A. Well, there was one woman there who was giving us the training how to

11:52:55 15 fight. You against the enemy with whom you will be fighting.

16 Q. How long were you trained for?

17 A. I can't tell how long they trained us.

18 Q. When they trained you how to fight, what in particular did they train

19 you to do?

11:53:29 20 A. How to cock and fire a gun. How to hide even enemies approaching and

21 how to attack the people to fight.

22 Q. Were there others who were trained with you?

23 A. Yes.

24 Q. Were they men, were they women, boys, girls?

11:54:03 25 A. One woman was training the women and the men had their own side. We

26 were being trained by one woman commander. The men had theirs where they

27 were being trained.

28 Q. The other women or girls who were being trained with you, do you

29 remember any of their ages roughly?

1 A. No, I can't tell their ages.

2 Q. After the training, where did you go?

3 A. The woman who trained us took us to Kono to go and attack.

4 Q. Who went up with the woman who trained you?

11:55:10 5 A. The woman was the rebel commander so she went with us to go launch an
6 attack on Kono.

7 Q. Did you launch an attack on Kono?

8 A. Yes, we tried to attack and some of us were killed.

9 Q. Did you later return to Port Loko?

11:55:46 10 A. Yes. Later we escaped to go to Port Loko because they had killed
11 some of the rebel women who had gone to attack.

12 Q. Just so we are clear, who had killed the rebel women who had gone to
13 attack?

14 PRESIDING JUDGE: [Inaudible]

11:56:14 15 MS PACK: Just coming out I think. I will just ask the witness to
16 repeat it.

17 Q. Who had killed the rebel women? Their Honours didn't hear your
18 answer. Neither did I.

19 A. The rebel women were killed by the ECOMOG.

11:56:38 20 Q. Now, you say you returned to Port Loko after that.

21 A. Yes.

22 Q. I am just going to give you a moment to take off your jacket because
23 you are obviously warm. After you returned to Port Loko, where did you go?

24 A. Well, when we went to Port Loko I told the colonel who had captured
11:57:15 25 me that I want to go to town because they had killed the rebel women with
26 whom we had gone.

27 Q. Where did you go next from Port Loko?

28 A. So the commander who had captured me, we went to Makeni.

29 Q. Did you go anywhere else before Makeni?

1 A. I can't tell.

2 Q. Do you remember around this time hearing any announcements on the
3 radio?

11:58:21

4 A. Yes, I heard that they should release the civilians whom they had
5 captured.

6 Q. Who should release the civilians?

7 A. The rebels. If the rebels had captured any civilians they should
8 release them.

9 Q. Did you hear who gave this instruction?

11:58:42

10 A. No.

11 Q. What happened when you were in Makeni?

12 A. That's where we were to get the colonel who had captured me, when the
13 jets came and secreted the two of us, when the jets came to bomb. That's
14 where we separated in Makeni.

11:59:29

15 Q. So where did you go when you were separated?

16 A. So because I had known some roads I tried to escape to come to
17 Masiaka.

18 Q. Where did you get to?

19 A. I went to the ECOMOG.

11:59:58

20 Q. What happened then when you got to the ECOMOG.

21 A. When the ECOMOG saw me, they said I was a rebel. So they told me
22 that I have come to spy on them to go and tell the rebels.

23 Q. What happened to you?

24 A. I told them that I was a civilian and that I had been -- I was
25 captured.

12:00:15

26 Q. So what happened next?

27 A. So, I was locked up in the guard room.

28 Q. Were you later released from the guard room?

29 A. That night they wanted to kill me when one ECOMOG soldier escaped

1 with me and brought me to Freetown.

2 Q. When you got to Freetown were you eventually reunited with your
3 mother?

4 A. Yes.

12:01:14 5 Q. After you were reunited with your mother, did you receive treatment
6 in Freetown?

7 A. Yes.

8 Q. What did you receive treatment for?

9 A. For the drugs which I had taken and the damage which had been
12:01:39 10 caused -- which they had caused me. So they treated me for those.

11 Q. Were you pregnant when you got to Freetown?

12 A. Yes.

13 Q. What happened to the pregnancy?

14 A. It was aborted.

12:02:16 15 Q. Witness, those are all the questions I have for you. If you would
16 wait there.

17 MS PACK: Your Honour, those are all the questions.

18 PRESIDING JUDGE: Thank you, Ms pack.

19 CROSS-EXAMINED BY MR MANLEY-SPAINNE :

12:02:33 20 Q. Madam Witness, how many statements did you make to the
21 Prosecution?

22 A. I can't tell the statements I made to the Prosecution.

23 Q. You mean the number of statements that you made. You can't tell the
24 number of statements you made?

12:03:08 25 A. No, I can't tell the number of statements that I made.

26 Q. Do you remember when you made the first statement? First of all, did
27 you make more than one statement to the Prosecution?

28 A. I can't tell.

29 PRESIDING JUDGE: Madam Witness, do you understand what is meant by

1 a statement?

2 THE WITNESS: Yes.

3 MR MANLEY-SPAINÉ:

4 Q. Are you somebody who can read and write?

12:03:48 5 A. No.

6 Q. No? Could you write or sign your name?

7 A. I can write my name, but I can't sign.

8 Q. Did you answer questions -- from people from the Special Court and
9 were you answers written down on pieces of paper?

12:04:33 10 A. I do not understand your question.

11 Q. Did you at any time answer questions from persons or people working
12 for the Special Court?

13 PRESIDING JUDGE: Perhaps, Mr Manley-Spainé, you need to go back
14 and do steps because we have not actually ascertained how or where or
12:05:00 15 what circumstances and if she met people from the Special Court.

16 MR MANLEY-SPAINÉ:

17 Q. Were you ever interviewed by people from the Special Court?

18 A. They had interviewed me.

19 Q. Did they at any time ask you questions?

12:05:23 20 A. What sort of questions?

21 Q. Questions about what you say happened to you?

22 A. Yes, I told them.

23 Q. Were your answers written down?

24 A. What I told them, they wrote them down.

12:05:50 25 Q. Did they explain what was written down to you?

26 A. Yes.

27 Q. Did you sign those papers or did you write your name on those papers?

28 A. I wrote my name, yes.

29 Q. And you will be able to recognise what you have written?

1 A. Where I wrote my name, if I could recognise it there?

2 Q. Yes.

3 A. If I see it, I will recognise it.

12:06:36

4 Q. Your Honour, we would be grateful if the Prosecution would be kind
5 enough to give us her statement or statements, original copy. The
6 handwritten statements.

7 MS PACK: Would the Defence and Your Honours be satisfied with a
8 photocopy of the original?

9 MR MANLEY-SPAINNE: Yes.

12:06:54

10 MS PACK: I am grateful.

11 PRESIDING JUDGE: Just before you show those to counsel for the
12 Prosecution, the best evidence rules are that the original should be
13 produced. What has happened to the originals?

12:07:24

14 MS PACK: The originals are available, but they are currently in an
15 evidence unit in the Prosecution premises. They could be brought to the
16 Court. They have not been brought for the purposes of admitting in
17 evidence thus far in case they are needed for other trials, and so that the
18 originals were retained in a unit held by the Prosecution.

19 PRESIDING JUDGE: [Microphone not activated]

12:09:44

20 MR MANLEY-SPAINNE: Please, I want to pass this to the witness.

21 PRESIDING JUDGE: Mr Court Attendant, please show the document to the
22 witness.

23 MR MANLEY-SPAINNE:

12:10:31

24 Q. Yes, Madam Witness, do you see your signature on all of the pages of
25 that statement?

26 A. Yes, I have seen it.

27 JUDGE SEBUTINDE: The witness clearly said she cannot sign, but she
28 can write her name. There is a difference between the two. So what is
29 the question?

1 MR MANLEY-SPAIN E: Your Honour, my question, do you see your
2 signature?

3 JUDGE SEBUTINDE: You want her to answer whether she sees her
4 signature or her handwriting?

12:10:58 5 MR MANLEY-SPAIN E: What I say see on the paper on the pages are what
6 I consider to be signatures.

7 JUDGE SEBUTINDE: I am just guiding you as to what she previously
8 said in the answers that you elicited before.

9 MR MANLEY-SPAIN E: I am very grateful, but I am aware of it and I am
12:11:15 10 deliberately asking that question.

11 Q. Do you see your signatures on each of the pages of that
12 statement?

13 A. Yes.

14 MR MANLEY-SPAIN E: I wish to tender that statement.

12:11:45 15 PRESIDING JUDGE: Ms Pack, there is an application to tender.

16 MS PACK: I am not sure what the basis of the application is to
17 tender a statement thus far in their cross-examination and its contents.

18 PRESIDING JUDGE: She has acknowledged her signature on this
19 document, on each page. Mr Manley-Spain e, what is the purpose of this?

12:12:13 20 MR MANLEY-SPAIN E: Your Honour, the reason at this stage [inaudible]
21 we are applying, I crave your indulgence as we go on you will see the
22 reason for it. We need to question her veracity.

23 PRESIDING JUDGE: If you are challenging on the basis of a prior
24 inconsistent statement, then those questions should be put to the witness
12:12:35 25 prior to the statement being put in evidence.

26 MR MANLEY-SPAIN E: As Your Honour please s.

27 MS PACK: Your Honour, I just make the further observation that there
28 are more than one statement, there is in fact a binder of I think it is
29 four or five statements. If one goes in after cross-examination, then I

1 would urge Your Honours to consider that the whole should go in.

2 PRESIDING JUDGE: That evidence is not before me, Ms Pack, the
3 witness was asked if she made more than one statement, she said, "I don't
4 know."

12:13:09 5 MR MANLEY-SPAINNE: Please can you pass this.

6 JUDGE LUSSICK: Mr Manley-Spainne, what was the date that that first
7 statement that the witness has acknowledged her signature being upon?

8 MR MANLEY-SPAINNE: I am obliged.

9 JUDGE LUSSICK: Just for the purpose of --

12:13:26 10 MR MANLEY-SPAINNE: It was 23rd February 2003. I am much obliged.

11 Q. Please have a look at that document. Do you see your signature on
12 each and every page that is before you?

13 A. Yes.

14 Q. Madam Witness, did you give -- That statement, Your Honour, is dated
12:14:26 15 26th February 2003.

16 PRESIDING JUDGE: Is that a different statement?

17 MR MANLEY-SPAINNE: Yes.

18 PRESIDING JUDGE: A second statement?

19 MR MANLEY-SPAINNE: Yes.

12:14:38 20 Q. Did you, in February and March 2005, give additional information to
21 the Prosecution?

22 PRESIDING JUDGE: Mr Manley-Spainne, which statement are we now
23 cross-examining the witness on?

24 MR MANLEY-SPAINNE: My Lord, I am not cross-examining on any of them.

12:15:02 25 I have not tendered them yet. I am trying to lay the foundation.

26 Q. Did you, in February and March this year, give additional information
27 to the Prosecution?

28 A. I don't understand the statement you are talking about.

29 Q. I want you to recall the 28th February this year. Do you recall the

1 28th February this year.

2 MS PACK: Your Honours, I hesitate to interrupt my learned friend,
3 the question is a little confusing because there have been three further
4 documents served with additional information from this witness. The
12:15:57 5 third of those is compiled after proofing or interviews sessions dated
6 26th February, 28th February and 1st, 2nd and 7th March. Now the date my
7 learned friend has referred to is 28th February, I am just seeking to
8 make sure that the witness is not confused by dates and so on.

9 MR MANLEY-SPAIN: Thank you.

12:16:20 10 Q. Do you recall the 28th February this year?

11 A. I can't remember anything about that.

12 Q. Do you recall the 28th February this year?

13 A. No.

14 Q. Do you recall 1st March this year?

12:16:44 15 A. I can't remember.

16 Q. Do you recall 2nd March this year?

17 A. No.

18 Q. What about 7th March this year?

19 A. I don't understand.

12:17:26 20 Q. Do you remember 7th March this year?

21 JUDGE LUSSICK: I think she might be confused, Mr Manley-Spain.

22 You want her to say what happened on the 7th March or are you referring
23 her to something that particularly happened on 7th March, or do you just
24 want her to recall the day itself?

12:17:46 25 MR MANLEY-SPAIN: Your Honour, we have been served with an
26 additional information that is said to have been provided --

27 JUDGE LUSSICK: That was some time ago. I think you should bring the
28 question in the context. If you are asking if she recalls 7th March in
29 relation to what?

1 MR MANLEY-SPAIN E: Well, my problem first of all is that the
2 additional information is supposed to have been taken -- given on several
3 days rather than a single day.

4 JUDGE LUSSICK: I understand that. But there you have just answered
12:18:23 5 what I was putting to you that something did happen on 7th March that she
6 may recall.

7 MR MANLEY-SPAIN E: Well, let me put it this way.

8 Q. Do you remember at any time this year being interviewed by people
9 from the Prosecution Special Court?

12:18:38 10 A. I can remember, but I cannot remember the date it was done.

11 Q. Was it a single day or several days?

12 A. It was one day it went there.

13 Q. This year?

14 A. Yes.

12:19:16 15 Q. When you said there, do you mean your house?

16 A. In my house.

17 Q. Can you tell this Court what happened when you went there on that
18 day?

19 A. For what?

12:19:42 20 Q. People from the Special Court went to you; what happened?

21 A. Well, they went to me to know how I was getting on, if I had any
22 problem. They went and visited me and checked how I was getting on.

23 Q. Was that all?

24 A. Yes. Yes.

12:20:13 25 Q. Didn't they ask you to clarify your previous statements?

26 A. When they went to my house they didn't ask me for that.

27 Q. Have you ever made clarifications to your previous statements to the
28 Prosecution?

29 PRESIDING JUDGE: Madam Witness, do you understand that question?

1 THE WITNESS: No. No.

2 PRESIDING JUDGE: Please put it in another form. It was very
3 technical words.

4 MR MANLEY-SPAIN E: As Your Honour please s.

12:21:09 5 Q. Did you at any time tell the Prosecution that you wanted to clear
6 certain points in your previous statements?

7 A. Yes.

8 Q. When?

9 A. It has taken some time. I cannot remember the month, the date.

10 Q. Was it this year?

11 A. Yes.

12 Q. This year. Last month?

13 A. Uh-huh.

14 Q. You have mentioned, whilst giving evidence, somebody you said you
12:22:13 15 were told was called Five-Five; is that so?

16 A. Yes.

17 Q. In your statement, the first statement you made, you spoke about
18 somebody called Oh-Five; is that so?

19 MS PACK: That is actually not correct, Your Honour.

12:22:43 20 MR MANLEY-SPAIN E: In the second statement.

21 MS PACK: The second statement. The first statement mentions
22 Five-Five. The second statement mentions Oh-Five and Five-Five.

23 MR MANLEY-SPAIN E: Okay, thank you.

24 Q. Do you remember that in the second statement you spoke
12:22:59 25 about somebody called Oh-Five?

26 A. I cannot remember.

27 Q. You cannot remember. Can you describe the person you say you were
28 told was called Five-Five?

29 A. Where, right now?

1 Q. You said they showed it to you?

2 A. Well, the time I saw him he was huge, he was tall.

3 Q. He was huge and tall?

4 A. Yes.

12:23:52 5 Q. Yes. How many times did you see him during this period you have
6 described to the Court?

7 A. Well, during the war I saw him many times when we were in the bush.

8 Q. Yes. And he was always huge and tall.

9 JUDGE SEBUTINDE: Is that a question or a statement?

12:24:10 10 MR MANLEY-SPAINNE:

11 Q. Was he always huge and tall?

12 A. During that time, yes. He was huge.

13 Q. Was he tall?

14 A. Yeah.

12:24:44 15 Q. Are you familiar -- before you were captured as you allege, were you
16 familiar with military terms?

17 A. I don't understand.

18 Q. It should be interpreted.

19 JUDGE SEBUTINDE: Counsel, could you be a bit more specific. What
12:25:11 20 military terms are you referring to? Maybe you should put those to the
21 witness.

22 MR MANLEY-SPAINNE: I am grateful Your Honour. We have been going on
23 this morning and she has been talking about commandoes, commanders, COs.

24 JUDGE SEBUTINDE: Counsel, all I am saying is if a witness tells you
12:25:32 25 she does not understand you have a duty to make her understand your
26 question, and we are just helping you how you can do that.

27 MR MANLEY-SPAINNE: Yes, Your Honour.

28 JUDGE SEBUTINDE: It is not that we have not understood what you are
29 doing, we are just saying help her understand your question better.

1 MR MANLEY-SPAIN: As Your Honour please.

2 Q. Okay, do you know what CO means?

3 A. I don't know.

4 Q. Do you know what commander means?

12:26:35 5 A. Well, that was the name the rebels used to call their CO, commander,
6 commander. I don't know what it means.

7 Q. Do you know army ranks?

8 A. No, I don't know.

9 Q. So you don't know when somebody is a corporal, a major or a colonel?

12:27:00 10 A. I don't know.

11 Q. Do you remember the date you were captured?

12 A. I cannot recall the date that I was captured.

13 Q. Do you remember how long it took you to go to (inaudible) the people
14 who captured you?

12:28:01 15 A. No.

16 Q. Do you remember how long it took you to go up the hills and onto
17 Waterloo?

18 A. I cannot remember.

19 Q. From Waterloo to Masiaka, do you remember how long it took?

12:28:40 20 A. I cannot remember.

21 Q. When was the first time you came across this person that you say was
22 referred to as Five-Five?

23 A. Well, the time that we are going to Allen Town and the villages.

24 Q. When did you first come across the person that you refer to as

12:29:37 25 Oh-Five?

26 A. I have never met this somebody called Oh-Five. It was Five-Five I
27 saw the day we are going to Allen Town.

28 Q. When I [inaudible] can I now have the statements.

29 PRESIDING JUDGE: Yes, where is the statement? Which statement?

1 MR MANLEY-SPAIN E: The second one dated the 26th.
2 PRESIDING JUDGE: The second statement.
3 JUDGE SEBUTINDE: Sorry, counsel, what is the date on that statement?
4 MR MANLEY-SPAIN E: 26th February.
12:30:50 5 JUDGE SEBUTINDE: Of which year?
6 MR MANLEY-SPAIN E: 2003.
7 PRESIDING JUDGE: Did you say 2003, Mr Manley-Spain e?
8 MR MANLEY-SPAIN E: Yes, Your Honour.
9 Q. Please look at the statement again.
12:31:08 10 MS PACK: The witness can't read so she will not be assisted by it.
11 MR MANLEY-SPAIN E: I just want her to identify her signatures again
12 before I read what is on them.
13 Q. Yes, that is your statement, is it?
14 A. Yes.
12:31:44 15 JUDGE SEBUTINDE: You can't really ask the question you really want
16 to ask. You don't want to ask her if that is her statement because she
17 can't read. You want to ask her if that statement bears her signature or
18 better still, her name.
19 MR MANLEY-SPAIN E: I note your point.
12:32:06 20 Q. Does that statement have your signatures?
21 A. Yes.
22 MR MANLEY-SPAIN E: Your Honour, I just want to read from the first
23 page. "I do not remember the name of the ground commander..."
24 PRESIDING JUDGE: Which page are you referring to, Mr Manley-Spain e?
12:32:49 25 MR MANLEY-SPAIN E: It is the first page of the handwritten statement.
26 On the typewritten statement it is page 6462, it is just about the fourth
27 line. "I do not remember the name of the ground commander, but he spoke
28 Krio. Oh-Five was in Masi aka, as well as CO Daramy and Issa Sesay."
29 THE INTERPRETER: Counsel is going very fast, it needs to be

1 interpreted to the witness.

2 PRESIDING JUDGE: Go a little slower and repeat it, Mr Manley-Spain e.

3 MR MANLEY-SPAIN E:

4 Q. "I do not remember the name of the ground commander."

12:33:40 5 PRESIDING JUDGE: Just pause. There is a certain name on the third
6 line from the bottom -- the fourth line from the bottom and the
7 penultimate line. Those names should not be read out.

8 MR MANLEY-SPAIN E: [I naudi ble]

9 PRESIDING JUDGE: Very well.

12:33:50 10 MR MANLEY-SPAIN E:

11 Q. "I do not remember the name of the ground commander, but he spoke
12 Kri o. 05 was in Masi aka as was CO Daramy and Issa Sesay." Do you remember
13 saying that to the Prosecution?

14 A. I can't remember that.

12:34:38 15 MR MANLEY-SPAIN E: Your Honour, again at 6465, the first line.

16 First line. 6465. "In Lunsar we saw Superman, Issa Sesay, [i naudi ble]

17 Colonel Gold Teeth, [i naudi ble] Five-Fi ve, Oh-Fi ve, Gull it and Rambo."

18 Do you remember saying that to the Prosecution that you saw these people?

19 A. I cannot remember. No.

12:35:22 20 MR MANLEY-SPAIN E: Your Honour, I wish to tender the statement as a
21 previously inconsistent statement made by the witness.

22 JUDGE SEBUTINDE: Counsel, the witness has merely said she does not
23 remember. Don't you think you ought to lay a little bit more foundation
24 for inconsistency before you finally tender in this document? She hasn't

12:36:08 25 denied, she says she doesn't remember. I think you have got to probe a
26 little deeper before you lay the foundation for inconsistent statement.

27 MR MANLEY-SPAIN E: As Your Honour pleases.

28 Q. Are you saying that what you say now is what happened?

29 MS PACK: Your Honour, that is a terribly difficult question to

1 answer.

2 PRESIDING JUDGE: She has been giving evidence for one and half days,
3 there has been an awful lot of evidence and I don't know which bit it is
4 you are saying.

12:36:48 5 MR MANLEY-SPAIN: I am talking about the entire evidence that she
6 has given but has omitted, but has omitted mentioned the name Oh-Five.

7 PRESIDING JUDGE: She has already answered a question put by
8 yourself, Mr Manley-Spain, when you asked, "When did you first come across
9 05." She said, "I have never met Oh-Five, but I have met Five-Five." So
10 that question has been answered.

11 MS PACK: Then I believe I have laid the foundation for it to be
12 tendered.

13 PRESIDING JUDGE: Yes, counsel is tendering --

14 MS PACK: Your Honour, two points. The first point is that there has
12:37:27 15 not been any ground laid for admitting this statement. There has not been
16 any inconsistency in what the witness has said now or before on this issue
17 which is two sentences of her prior statement, what the witness has said
18 something about Oh-Five and my learned friend has asked her whether she
19 remembers saying that and she says she can't remember. That is all that
12:37:51 20 has happened. The second point is if that statement is to go in as a prior
21 inconsistent statement, then there ought be admitted, in addition to that,
22 a further statement of additional information taken from this witness where
23 she does make further reference to Oh-Five. In fairness to her that ought
24 to going as well and I can [inaudible] Your Honours on that if Your Honours
12:38:14 25 wish me to do so.

26 MR MANLEY-SPAIN: We would be grateful if we can consent or agree
27 for all of them to go instead of fighting about it.

28 PRESIDING JUDGE: So you say there are more statements?

29 MR MANLEY-SPAIN: Additional information which I have referred to.

1 We would be grateful if we agree to tender all of them.

2 JUDGE LUSSICK: Just to clarify that, Mr Manley-Spaine. The
3 statements you are seeking to tender are the original one, is that correct,
4 on the 23rd February 2003.

12:39:04 5 MR MANLEY-SPAIN E: Yes, 26th.

6 JUDGE LUSSICK: And then there is the one on the 26th that is the
7 second one. And what is the last one?

8 MR MANLEY-SPAIN E: The additional information the learned Prosecutor
9 is referring to.

12:39:25 10 JUDGE LUSSICK: It is headed up proofing on the 1st December 2004; is
11 that the one you are referring to?

12 MS PACK: If I can assist, Your Honour, it is page 6888 of the
13 binder. It is the last document under that tab. It is actually the fifth
14 of the same, it says two statements and then three further documents headed
15 additional information or confirmation.

12:39:39 16 MR MANLEY-SPAIN E: We are seeking to tender all of them if we can
17 agree.

18 PRESIDING JUDGE: Are we to understand that three documents are being
19 tendered by consent?

12:41:31 20 MR MANLEY-SPAIN E: Five.

21 PRESIDING JUDGE: Five documents are being tendered by consent.

22 MS PACK: Your Honour, I still stand by the objection on the first
23 basis, which is that there hasn't been any basis in fact made for putting
24 in --

12:41:49 25 PRESIDING JUDGE: So you are not consenting, is that it?

26 MS PACK: If Your Honours want -- are content for one of the
27 documents to going in, then yes, I would consent to all of them going in,
28 all five.

29 PRESIDING JUDGE: If they are being tendered by consent they can be

1 tendered. The probative value then will be the subject of submission and
2 rebuttal in re-examination, if there is an issue as to the probative value.
3 They will be entered.

4 MR MANLEY-SPAINNE: As Your Honour please.

12:42:30 5 PRESIDING JUDGE: It is now lunch time and I think this might be an
6 appropriate time to adjourn, it is 12.45 p.m. I think that would be Exhibit
7 D4, A, B, C, D, E. The A, B, C, D, will be chronological; order the first
8 being A, the second being B in chronological order and the third being C et
9 cetera in the order in which they were drafted and dated.

10 [Exhibit No D4A was admitted]

11 [Exhibit No D4B was admitted]

12 [Exhibit No D4C was admitted]

13 [Exhibit No D4D was admitted]

14 [Exhibit No D4E was admitted]

12:43:21 15 MS PACK: Your Honour, the Prosecution will bring clean copies after
16 the break, if we may, I don't know if my learned friend has clean copies,
17 but we will provide those.

18 MR MANLEY-SPAINNE: We are grateful.

12:43:37 19 PRESIDING JUDGE: Madam Witness, it is lunch time now and we want you
20 and everyone else to have a break. As I told you yesterday afternoon, you
21 have taken an oath and a promise to tell the truth. You should not be
22 discussing or talking about your story or evidence to anyone else. Do you
23 understand that?

24 THE WITNESS: Yes.

12:43:55 25 PRESIDING JUDGE: Mr Court Attendant, please adjourn the Court until
26 2.15 p.m.

27 [Luncheon Recess taken at 12.45 p.m.]

28 [TB070305 - CR]

29 [Upon resuming at 2.19 p.m.]

1 PRESIDING JUDGE: Before I remind the witness of her oath and we
2 proceed, it would appear that Mr Fofanah and Mr Mansaray are not in the
3 well of the Court. Very well. We did announce the time and it is on the
4 schedule. We've had no message. We have checked, therefore the matter
14:18:27 5 will proceed. Mr Manley-Spaine, I will remind the witness of her oath.
6 Madam Witness, you recall yesterday you promised to tell the truth. I
7 reminded you of that this morning and today, again, I'm going to remind you
8 that you have to tell the truth; you understand?

9 THE WITNESS: Yes.

14:18:52 10 PRESIDING JUDGE: Thank you, Mr Manley-Spaine, please proceed.

11 MR MANLEY-SPAINE:

12 Q. Madam Witness, you have told this Court that you do not know the
13 difference between ranks. What I want to ask you is whether during this
14 time that you are with those who abducted you, anybody called the man you
14:19:25 15 referred to as Five-Five by any rank?

16 PRESIDING JUDGE: Madam Witness, did you understand the question?

17 THE WITNESS: No.

18 PRESIDING JUDGE: Mr Manley-Spaine, I assume when you use the word
19 "rank" you're talking about military or army ranks? Perhaps if you explain
14:19:54 20 that to the witness.

21 MR MANLEY-SPAINE: I will use an example.

22 Q. For example, was he called C0 Five-Five or something like that?

23 A. I heard him being called Five-Five.

24 Q. Just plain Five-Five?

14:20:15 25 A. Yes.

26 PRESIDING JUDGE: Mr Fofanah, do you have any explanation for the
27 Court?

28 MR FOFANAH: I am extremely sorry for coming late. I was using the
29 gents when I just came back out.

1 PRESIDING JUDGE: Very well. You had an hour and a half, so bear
2 that in mind in future, please. Mr Manley-Spaine, please continue.

3 MR MANLEY-SPAINNE:

4 Q. Madam Witness, I just wanted to take you back. What you say was the
14:20:52 5 complexion of this man called Five-Five?

6 A. He's black in complexion.

7 Q. The colonel who abducted you, was he a ULIMO fighter?

8 A. He was SDF.

9 Q. Was he a ULIMO fighter from Liberia?

14:21:38 10 A. He told me that he was an SDF fighter from Liberia.

11 Q. He never used the word ULIMO?

12 A. No.

13 Q. And you have never used the word ULIMO?

14 A. No.

14:22:00 15 Q. At the time you were abducted, did you see this man you have referred
16 to as Five-Five -- at the time you were abducted?

17 A. When I was captured, at the time they captured me, I didn't see him
18 and I do not know him.

19 Q. Madam Witness, you refer to the person who captured you as colonel,
14:22:57 20 captain and major. In all these cases, are you referring to the same
21 person?

22 PRESIDING JUDGE: Mr Manley-Spaine, was this in evidence-in-chief?

23 MR MANLEY-SPAINNE: Yes. For example, when she said, "I was married
24 to captain" -- I don't want to call the name.

14:23:31 25 MS PACK: I don't know if it assists, but the note I have and my
26 I learned friend has is colonel and, on one instance, major.

27 JUDGE SEBUTINDE: I also remember she keeps referring to that person
28 as commander. It's also a title that the witness --

29 MR MANLEY-SPAINNE: I just wanted to clarify whether she was referring

1 to one and the same person.

2 Q. Were you referring to the same person?

3 A. The one who captured me, if he's the one I'm talking about --

14:24:06

4 Q. Yes, you called him by several different titles, let me put it that
5 way. Are you talking of the same person?

6 A. Well, the one who captured me was a colonel.

7 Q. But you have been referring to him as commander?

8 A. No.

9 Q. And you have not referred to him as major?

14:24:31

10 A. No.

11 Q. Not as captain.

12 A. No.

13 Q. You say that this person who told you he was Five-Five always had
14 bodyguards with him?

14:24:54

15 A. Yes.

16 Q. Can you tell this Court about how many of them, roughly?

17 A. Well, I can't tell the Court how many bodyguards he had, but there
18 were many.

19 Q. Was he easy to get close to?

14:25:28

20 A. No.

21 Q. You said that on your way to Waterloo you were cooking.

22 A. Yes.

23 Q. What time of the day were you cooking?

24 A. In the morning.

14:26:13

25 Q. As a result, you said that this man called Five-Five ordered his boys
26 to flog you; beat you up?

27 A. Yes.

28 Q. Were you present when he gave the order? Please, just answer my
29 question: were you present?

1 A. I was there, yes.

2 Q. He did not send his boys.

3 A. He sent his boys.

4 JUDGE SEBUTINDE: Mr Manley-Spaine, we're finding it difficult

14:27:00 5 whether you're asking questions or carrying out a conversation with the
6 witness. Can you rephrase your questions as questions, please?

7 MR MANLEY-SPAINNE: Yes, Your Honour.

8 Q. Did this man called Five-Five send his boys to you?

9 A. Yes.

14:27:32 10 Q. Did you say you were present when he was sending his boys?

11 A. I was there when he was sending his boys. I didn't go anywhere. I
12 was there.

13 Q. So he did not talk to you directly?

14 A. No.

14:28:04 15 Q. How far was he from you at the time?

16 A. It was in the same bush, but I was down and they were up.

17 Q. Did you hear him when he was telling his boys to beat you?

18 A. Yes, he told him that -- he told his boys that they should give me an
19 ideology because of the fire that I have set.

14:28:33 20 Q. And you were there; you were present?

21 A. Yes.

22 Q. Close to him?

23 A. Yes.

24 Q. Can you tell us how close you were?

14:28:43 25 A. It's like he was standing here and I was standing there and he told
26 his boys to beat me up.

27 Q. What I want to ask you --

28 JUDGE SEBUTINDE: Excuse me, Mr Interpreter, did the witness say
29 ideology or lesson?

1 THE INTERPRETER: Ideology, yes.

2 PRESIDING JUDGE: For the purposes of the record, could the witness
3 please give those indications she's given again so we can record the
4 distance? Madam Witness, you moved your hand and showed us where you stood
14:29:24 5 and where the other person stood. Could you do that again so we can guess
6 how far apart you were?

7 THE WITNESS: He was standing here. Five-Five was standing here, his
8 boys were standing there. He told his boys to beat me up, they should give
9 me ideology.

14:29:51 10 PRESIDING JUDGE: And you were how far away? Show us again, please.

11 THE WITNESS: Five-Five was standing there and his boys were standing
12 there and I was standing there.

13 MR MANLEY-SPAINNE: That would be more than two yards.

14 PRESIDING JUDGE: For the record, it would be two yards.

14:30:12 15 MR MANLEY-SPAINNE:

16 Q. So because you were so close, I'm asking you whether you had a good
17 look at him.

18 A. At the time he told his boys, but I was afraid of him, so I couldn't
19 look at him in his eyes.

14:30:41 20 Q. Did you ever look at him?

21 A. No.

22 Q. But you have been able - I'm asking you, have you been able to
23 describe him?

24 A. He's black and he's fat.

14:31:17 25 Q. He's black and he's fat.

26 JUDGE SEBUTINDE: Counsel, I'm a bit concerned about the
27 communication between yourself and the witness and the Chamber. In
28 vernacular, I don't know what "look at" means, but there are two ways of
29 seeing. You can see someone, you can also look at them in the face. I'm

1 not sure which interpretation was put to the witness. Did you see him; did
2 you look at him in the face. I'm not sure which interpretation has been
3 put to the witness, which she has then answered, "No, I did not."

14:32:08 4 MR MANLEY-SPAINNE: I was just using "look at it" in the normal sense
5 of the word, looking at somebody.

6 JUDGE SEBUTINDE: Why don't you clarify? I have raised the issue. I
7 think it is a valid one. I, for one, would like you to ask the question
8 that you wish to ask.

9 MR MANLEY-SPAINNE: Yes, Your Honour.

14:32:22 10 JUDGE SEBUTINDE: Not an ambiguous one, as I was telling counsel
11 opposite, so it elicits the kind of answer. I usually rely on Ms Thompson,
12 because she understands the translation. I know that, in vernacular,
13 there's a difference between "Did you look at him" and "Did you see him",
14 in English.

14:32:44 15 MR MANLEY-SPAINNE: I was using it in the English sense, to look at
16 somebody.

17 Q. Was this man, Five-Five also with you -- your group, I mean, since
18 you met with him at Allen Town, as you say, until you got to Masiaka?

19 A. He was the overall boss. He was leading the group.

14:33:19 20 Q. Just answer my question. Was he always with you?

21 A. Yes.

22 Q. So you therefore saw him several times? Did you; did you see him
23 several times?

24 A. Yes.

14:33:41 25 Q. At one time, you have told this Court that he stood before you and
26 pointed a gun at you, telling you to eat the flesh of the cooked Kamajor;
27 is that not so?

28 A. Yes.

29 Q. Just demonstrate again how close he was to you.

1 A. Well, we were standing in a queue and he was standing, calling us to
2 him one after the other, to meet him where he was standing.

3 Q. How close did you get to him?

4 A. The distance was long.

14:34:31 5 Q. I do not understand that. Just show us, how close was he to you?

6 A. It was like he was standing there and we were down in the queue.

7 When someone goes and meets him, then the other would go and meet him where
8 he was standing, one after the other.

9 Q. What I'm asking you, if you would be patient, is when you went to
14:34:56 10 meet him, how close were you to him?

11 A. Well as he was standing, I came close to him. When he was standing,
12 I came close to him and he was -- he held the meat in his hand and he gave
13 it to me to take.

14 Q. Was it like one yard away from him?

14:35:20 15 A. Well, I wouldn't know that.

16 Q. I take it you were very close to him?

17 A. Well, I was nearer to him. He was standing there and I was nearer to
18 him.

19 Q. And it was this black fat man, huge black fat man; yes?

14:35:48 20 A. Yes.

21 Q. I want to ask you if you understand what a year means.

22 A. I do not understand.

23 Q. For example, the year 1999; do you remember it?

24 A. I don't remember.

14:36:24 25 Q. Do you remember the year this incident happened?

26 JUDGE SEBUTINDE: Counsel, what incident are we talking about?

27 MR MANLEY-SPAIN: The entire thing she is describing, My Lord, the
28 entire flow of events.

29 JUDGE SEBUTINDE: Then say that to her.

1 MR MANLEY-SPAIN E:

2 Q. Do you remember the year you were abducted and taken away?

3 A. I can't remember the year I was captured.

14:37:08

4 Q. Do you remember the year you made the first statement to the Special
5 Court?

6 A. I do not remember.

7 Q. Do you remember the year you made -- I don't want to say that,
8 because you've already said you made the additional thing this year. What
9 I want to ask you, at the time you made the first statement, it was closer
10 to the time that you were abducted than this year; is that so?

14:37:40

11 A. I do not understand that.

12 Q. You made the first statement two years ago; is that not so?

13 A. I don't know that. I do not remember.

14 Q. Okay, let me put it to you this other way: you made the first
15 statement to the Prosecution before you made clarifications this year; is
16 that not so?

14:38:15

17 A. I do not know that.

18 Q. You do not want to answer?

19 A. I do not remember that.

14:38:35

20 Q. Don't you remember anything?

21 A. I can't remember anything.

22 PRESIDING JUDGE: Madam Witness, do you understand what the learned
23 counsel is asking you?

24 THE WITNESS: Yes. I do understand.

14:38:59

25 MR MANLEY-SPAIN E:

26 Q. You made the statement which I have showed to you before you came
27 this year to make clarifications.

28 A. Yes.

29 Q. At that time, the time you made those statements it was closer to the

1 time that they abducted you than now.

2 JUDGE SEBUTINDE: Mr Manley-Spain e, what kind of a question is that?
3 Even I don't understand what you are asking.

14:39:51

4 MR MANLEY-SPAIN E: Your Honour, I am simply asking whether the time
5 she made the statement was closer to the events than today. She made the
6 statement in 2003. I'm simply putting to her that 2003 is closer to 1999
7 than 2005. That is all I am asking.

8 JUDGE SEBUTINDE: You see, she says she doesn't remember the year.
9 You are saying they were made in 2003. She has told you she doesn't
10 remember the year that they were made.

14:40:21

11 MR MANLEY-SPAIN E: Yes, Your Honour.

12 JUDGE SEBUTINDE: Now, what is the other question you are asking?

13 MR MANLEY-SPAIN E: She also agreed she has made those statements
14 before now. She has just said that. All I am asking is that at the time
15 she made those statements were closer to 1999 than today. That is all I am
16 asking.

14:40:37

17 JUDGE SEBUTINDE: I think what you are probably trying to ask is
18 whether at the time she made that statement is closer to the incident than
19 the time she made her latter statements.

14:41:00

20 MR MANLEY-SPAIN E: Yes, I can put it --

21 JUDGE SEBUTINDE: Not to today. Today meaning what?

22 MR MANLEY-SPAIN E: I can put it that way, Your Honour. I'm very
23 grateful. If that question can be put to her.

14:41:25

24 Q. Madam Witness, I put it to you that the time you made the first
25 statement is closer to the event than the time when the Prosecution went to
26 you to make clarifications this year.

27 A. I do not understand.

28 MR MANLEY-SPAIN E: She is refusing to understand.

29 PRESIDING JUDGE: I think it is rather unfair to say she is refusing

1 to understand. She says she does not understand.

2 MR MANLEY-SPAIN E: She does not want to answer the question. That is
3 my own opi ni on.

4 PRESIDING JUDGE: Opini on and fact, Mr Manley-Spai ne --

14:42:10 5 JUDGE SEBUTINDE: Mr Manley-Spai ne, do you want to questi on the
6 wi tness thi s way: do you want to ask her if her ini tial statement was made
7 before her cl ari fi ca ti ons? You can ask her that way.

8 MR MANLEY-SPAIN E:

9 Q. The offi cial statements that were made which were shown to you, were
14:42:27 10 they made before you came or the Prosecuti on went to you to make
11 cl ari fi ca ti ons?

12 A. Well, the first statement that I made has taken a long time. The
13 Prosecuti on didn't go -- for me to go over it.

14 Q. Madam Wi tness, I am putting it to you that the first time when
14:43:04 15 statements were taken from you, you told the Prosecutors that it was one
16 Daramy who gave you Kamaj or flesh to eat.

17 JUDGE THOMPSON: Did you have a page reference for that?

18 MR MANLEY-SPAIN E: Yes, I will give it to you. I will come to that.
19 Yes, it's page 6460.

14:44:36 20 PRESIDING JUDGE: Those statements are now exhi bi ts,
21 Mr Manley-Spai ne. We have given them a number and each one has --

22 MS PACK: It's D4A that my learned friend is referring to.

23 PRESIDING JUDGE: Much obliged, thank you.

24 MS PACK: Your Honours have a typed and a handwritten versi on of that
14:45:09 25 before you.

26 JUDGE SEBUTINDE: If counsel could put the exact part that you wish
27 to put to the wi tness?

28 MR MANLEY-SPAIN E: It's page 7 of the handwritten one. It is right
29 in the middle, I think line 17. "The C0 of my group was C0 Daramy, who is

1 Sierra Leonean. He was AFRC. He was short with a bushy beard with medium
2 built body. CO Daramy gave orders for those who refused to eat to be
3 killed."

14:46:13

4 THE INTERPRETER: Sorry, the interpreter cannot interpret, because he
5 is reading so fast.

6 MS PACK: Your Honour, I hesitate to interrupt, but may I ask for the
7 context to be read out to the witness. My learned friend has read out one
8 sentence. If one looks at the preceding paragraph, there are three lines
9 that touch upon the issue that my learned friend was trying to address.

14:46:40

10 PRESIDING JUDGE: I think counsel hasn't been able to finish his
11 question. I will allow counsel to finish his question. If that is the
12 point, then I will raise it with him. Mr Manley-Spaine, repeat the
13 question you were putting, please.

14:47:01

14 MR MANLEY-SPAIN: I was referring to the line which said, "The CO of
15 my group was CO Daramy, who is Sierra Leonean. He was AFRC. He was short
16 with a bushy beard with medium built body."

17 PRESIDING JUDGE: Are you going to continue?

18 MR MANLEY-SPAIN: I'm going to continue. I'm waiting for the
19 interpreter.

14:47:21

20 PRESIDING JUDGE: Because I should point out to you,
21 Mr Manley-Spaine, that the preceding paragraph states, "The rebels forced
22 me to eat the heart of a killed civilian." The question I understood you
23 to put to the witness was Daramy gave Kamajor flesh.

24 MR MANLEY-SPAIN: Let me rephrase it.

14:47:42

25 Q. In your first statement, the only person you mentioned who gave you
26 human flesh to eat was CO Daramy?

27 JUDGE SEBUTINDE: That is not accurate according to the statement we
28 have. Even the portion you have read, sir, does not say what they were
29 forced to eat. The small portion you've just read, does it tell you what

1 they were forced to eat?

2 MR MANLEY-SPAIN: Hearts.

3 JUDGE SEBUTINDE: No, no, that's not what you read. I'm referring to
4 the line that you read. What is it that they were forced to eat? Does it
14:48:25 5 say?

6 MR MANLEY-SPAIN: I will put the question to her.

7 JUDGE SEBUTINDE: That's why I started by questioning you, sir.
8 Quote the entire portion that you want to put to the witness.

9 MR MANLEY-SPAIN: I'm much obliged.

14:48:37 10 JUDGE SEBUTINDE: Then put it in the context in which you've taken
11 it.

12 MR MANLEY-SPAIN: I'm much obliged.

13 Q. Let me go back to the previous paragraph. "Along the way to
14 Waterloo, most civilians were abducted. The rebels forced me to eat heart
14:49:01 15 of a killed civilian. They forced me to eat heart three times on the way
16 to Waterloo. If you refused to eat, they will kill you. The civilians who
17 pulled a face while eating were taken away and not seen again." Then to
18 the next line, the next paragraph, "The CO of my group was CO Daramy, who
19 is Sierra Leonean. He was AFRC. He was short with a bushy beard with
14:49:35 20 medium built body. CO Daramy gave orders for those who refused to eat to
21 be killed; for suckling mothers with crying babies to be killed. CO Daramy
22 set an example with one mother whose baby was crying. CO Daramy had a
23 grave dug and placed the baby boy alive in the grave." So I can now pose
24 my question. I'm putting it to you that in your original statement the
14:50:09 25 only person you mentioned who gave you human flesh to eat -- first of all,
26 sorry, what kind of flesh, what kind of heart did they give you to eat?
27 A. I do not understand.
28 Q. You said they gave you heart to eat. I'm asking you what kind of
29 heart? Human heart, animal heart, or whatever?

1 A. Human.

2 Q. In that statement, you mention by name the person who gave you heart
3 to eat was CO Daramy.

4 JUDGE SEBUTINDE: Counsel, that's not what the statement says.

14:51:04 5 Daramy gave orders to shoot those who refused to eat. It was the rebels
6 who gave them the heart to eat.

7 MR MANLEY-SPAINNE: As Your Honour pleases.

8 Q. The only person who gave orders for heart to eat was Daramy?

9 A. No.

14:51:23 10 Q. You did not make that statement?

11 A. It was Five-Five that I know.

12 Q. No, no --

13 A. I do not understand that statement.

14 Q. Did you make a statement to say Daramy gave orders for people amongst
14:51:40 15 you to eat hearts of the killed?

16 A. I do not remember.

17 Q. You do not remember?

18 A. I do not remember.

19 JUDGE SEBUTINDE: Counsel, for the record, we have two instances of
14:51:52 20 cannibalism. One is where the witness stated in-chief that she was given a
21 heart to eat. She stated who gave her the heart. The other incident was
22 when she watched Kamajor flesh being cooked, a separate incident, and she,
23 along with others, were ordered to eat and she ate. So please put your
24 questions succinctly and distinctly, separating the two issues and not
14:52:19 25 confusing the witness.

26 MR MANLEY-SPAINNE: Your Worship, in evidence-in-chief, there is only
27 one incident of any human flesh being eaten -- there is only one. I stand
28 to be guided.

29 MS PACK: That isn't the case, Your Honour.

1 JUDGE THOMPSON: My notes -- I haven't checked them -- but I think
2 there was one instance where soup was made out of dead bodies. There was
3 another instance where there was actually human flesh forced on people to
4 eat. I don't think it was ever made clear whether that was all on the one
14:53:11 5 occasion or on separate occasions.

6 MR MANLEY-SPAIN E: Your Honour, I believe that the soup she said was
7 made out of Kamajor flesh. So I believe in-chief there was only one
8 incident referred to.

9 MS PACK: There was an earlier incident. Perhaps Your Honours' note
14:53:33 10 will accord with this. En route to Waterloo she described an incident in
11 the village where she was treated, where she was given meat. There was a
12 confusion about whether it was mince or meat and she describes that as
13 being human.

14 PRESIDING JUDGE: Yes, but I think the point that counsel is putting
14:53:56 15 this description in evidence-in-chief refers to two instances of human
16 flesh. Counsel is putting that there is one on the record.

17 MR MANLEY-SPAIN E: The first incident she mentioned, I don't touch,
18 because she clearly says it was this colonel who gave it to her. We're
19 talking now about the incident about Five-Five giving her soup made of
14:54:20 20 Kamajor flesh. What I'm putting to her is that in her original statement
21 she never mentioned anything about Five-Five, or who the person is she said
22 was Five-Five giving any Kamajor flesh to eat. This is what I'm putting to
23 her.

24 PRESIDING JUDGE: Thank you, Mr Manley-Spain e. Proceed with that.

14:54:42 25 MR MANLEY-SPAIN E:

26 Q. In your first statement, you did not tell the Prosecution that this
27 man called Five-Five gave you Kamajor flesh cooked as soup to eat.

28 A. I do not understand that.

29 MR MANLEY-SPAIN E: Your Honour, I don't wish to be particular, but

1 she is still insisting she does not understand when she does not want to
2 answer the question.

3 JUDGE SEBUTINDE: Mr Manley-Spain e, sometimes maybe you failed to put
4 across the question. You make a statement and you sort of leave it
14:55:35 5 hanging. Obviously the witness will tell you, "What do you want me to say
6 to you?" Maybe you need to phrase your questions as questions, and
7 especially questions relating to inconsistencies. Put the two
8 inconsistencies to her and then ask her which of the two is true.

9 MR MANLEY-SPAIN E: That is not what I want to ask her, Your Honour.
14:56:02 10 I want to ask her simply if she did not say that when she had the first
11 opportunity to tell her story. That is what I am intending to do.

12 PRESIDING JUDGE: Madam Witness, when you say "I don't understand",
13 do you mean you don't understand the question that Mr Manley-Spain e is
14 putting to you or do you not understand the statement that is written down
14:56:30 15 here?

16 THE WITNESS: It's the statement that he's saying that I do not
17 understand.

18 MR MANLEY-SPAIN E: I will try, Your Honour, to make it clear.

19 Q. Madam Witness, in your first statement to the Prosecution, did you
14:56:54 20 state that this man called Five-Five gave you the heart of Kamajor flesh to
21 eat? Did you state that in your first statement?

22 A. What I said, that Five-Five gave me Kamajor flesh to eat. He gave it
23 to me to eat.

24 Q. Did you say that in your statement, the first statement you made?

14:57:36 25 A. All that I put in my statement that Five-Five gave me Kamajor flesh
26 to eat. That's what I put.

27 Q. Did you, in that first statement, say who killed the baby who was
28 crying?

29 A. It was Five-Five that passed the order for the baby to be killed.

1 Q. Please answer my question. Answer the question.

2 MR MANLEY-SPAIN: Your Honour, I wish to read from the same page,
3 6460. She has been saying it was Five-Five who passed the order. I hope
4 we have that down. This is what she said, "CO Daramy gave orders for those
14:58:37 5 who refused to eat; for suckling mothers with crying babies to be killed.
6 CO Daramy set an example with one mother whose baby was crying. CO Daramy
7 had a grave dug".

8 THE INTERPRETER: Your Honours, the lawyer is going very fast and the
9 interpreter is finding it very difficult to do his job.

10 MR MANLEY-SPAIN: I'm sorry. Let me take it slowly.

11 Q. "CO Daramy gave orders for those who refused to eat to be killed; for
12 suckling mothers with crying babies to be killed. CO Daramy set an example
13 with one mother whose baby was crying. CO Daramy had a grave dug and
14 placed the baby boy alive in the grave. The mother was forced to throw the
14:59:41 15 first spade of earth on the grave. CO Daramy also forced the mother to
16 dance on the grave. This happened before Waterloo. I cannot remember the
17 location. We were the second group to reach Waterloo. Five-Five was in
18 the first group and his group cleared the way for the others." Madam
19 Witness, did you say that to the Prosecution?

15:00:20 20 A. I do not remember that statement.

21 Q. Can you remember anything that you said to the Prosecution?

22 A. No.

23 Q. Let us go now to Masiaka. When you go to Masiaka, do you know who
24 was the commander in Masiaka?

15:01:11 25 A. I do not know any commander in Masiaka.

26 Q. What I'm asking you, the time you got to Masiaka when you say you
27 were abducted by the colonel and you go to Masiaka, do you know who was the
28 commander in Masiaka?

29 A. It was Five-Five who was the commander in Masiaka.

1 Q. Who was Issa Sesay?

2 A. I just saw him.

3 Q. How many times did you see him in Masiaka?

4 A. Only once. I saw him once.

15:02:44 5 Q. You say you saw him only one time?

6 A. Yes.

7 Q. What happened? Did anything happen at the time you saw him?

8 A. Like what?

9 Q. Anything that you remember that happened when you saw him that one

15:03:05 10 time?

11 A. Nothing happened.

12 Q. Did you say anything to the rebels at Masiaka?

13 A. I don't remember that statement.

14 THE INTERPRETER: Can the lawyer please wait for the interpreter?

15:03:45 15 PRESIDING JUDGE: Mr Manley-Spaine, you're speaking over the witness.

16 Just let her finish her answer.

17 MR MANLEY-SPAIN E: Sorry.

18 PRESIDING JUDGE: The result of which I didn't hear either your

19 question or her answer.

15:03:56 20 MR MANLEY-SPAIN E: Let me put it again.

21 PRESIDING JUDGE: Yes, thank you.

22 MR MANLEY-SPAIN E:

23 Q. Did you not hear Issa Sesay say anything at Masiaka?

24 A. I just want to ask that if you're asking me what is written in my

15:04:17 25 statement or what has gone by?

26 Q. I'm asking you about what happened.

27 A. What Issa Sesay said was that he said that the rebels should not rape

28 any civilians in Masiaka.

29 Q. Didn't you say that Issa Sesay passed a law that no civilians should

1 be raped in Masiaka, that he passed a law?

2 A. I answered your statement that Issa Sesay passed an order to the
3 rebels that she shouldn't rape any civilians at Masiaka.

4 Q. You are using the word "order" now. Do you understand that he passed
15:05:17 5 an order? Do you understand that?

6 MS TAYLOR: Your Honours, it's not being made clear that the witness
7 actually understands the difference between an order and a law.

8 MR MANLEY-SPAINNE: Your Honours, the words didn't come from my mouth.
9 I only asked her if he said anything and she said he passed a law or made
15:05:44 10 an order.

11 PRESIDING JUDGE: My recollection is that the witness said in-chief
12 the word "law" was used.

13 MR MANLEY-SPAINNE: Yes.

14 PRESIDING JUDGE: Are you putting it to her now that she is being
15:05:54 15 inconsistent, because she is using the word "order". She is a layperson.
16 She may not be aware of the subtleties.

17 MR MANLEY-SPAINNE: Yes, Your Honour, I know. I will leave it until
18 later to address on that. All I am trying to say is that the words she is
19 using did not come from me. I asked her did Issa Sesay pass a law. She is
15:06:19 20 the one who said she made an order. Those are her words, so she must
21 understand them.

22 JUDGE SEBUTINDE: Perhaps, Counsellor, you should ask her the
23 difference between the two in her understanding, then we may be able to
24 discover the meaning that she attributes to each of those words.

15:06:38 25 MR MANLEY-SPAINNE: Yes, Your Honour, I did. I said to her, "Do you
26 understand what an order means?" That was my last question: do you
27 understand what an order is?

28 JUDGE SEBUTINDE: And what was her answer?

29 MR MANLEY-SPAINNE: She did not answer.

1 JUDGE SEBUTINDE: So please ask her again and let the witness answer.

2 MR MANLEY-SPAIN E:

3 Q. Do you understand what an order is?

4 A. I do not understand.

15:07:07 5 JUDGE SEBUTINDE: Counsellor, I thought you were going to ask her the
6 difference between a law and an order?

7 MR MANLEY-SPAIN E: I will do so, Your Honour. This is the trouble.
8 I don't want to appear to be pressing her. We are all concerned about what
9 happened to her. But we want to elicit the two. I don't want to press her
10 too much.

15:07:31

11 JUDGE SEBUTINDE: Let me assist you, Mr Manley-Spain e.

12 MR MANLEY-SPAIN E: Much obliged.

13 JUDGE SEBUTINDE: Madam Witness, you have used two words before the
14 Chamber when you're referring to the thing which Issa Sesay gave to the
15 rebels. The first time you said he gave a law to the rebels. When the
16 Madam from the Prosecution was asking you, you said he gave a law. Later
17 on you stated that Issa Sesay gave an order. Now, in your understanding,
18 what is the difference between the two, law and order, or is it the same
19 thing, or are they different? Can you explain to us the difference?

15:07:47

15:08:20 20 THE WITNESS: What I know is that Issa Sesay passed an order to the
21 rebels that they shouldn't rape any civilians.

22 JUDGE SEBUTINDE: I am asking you, ma'am, you have used two words
23 together. You used the word "law"; he issued a law. Now you are saying he
24 gave orders. Is there a difference? Do you mean us to understand that
25 there is a difference?

15:08:45

26 THE WITNESS: Well, they are the same, because I do not know what a
27 law is, so it's order.

28 MR MANLEY-SPAIN E:

29 Q. You said that after Issa had given the law, Five-Five -- this

1 Five-Five you refer to -- did not accept Issa's law.

2 A. Yes, that's what I said.

3 Q. Do you know what the word "command" means?

4 A. What I know is when the person says something, that is what should
15:09:44 5 happen. That's what I know.

6 Q. The person who says something is a person who is in a position to say
7 so, position of control to say so? Do you want me to help you?

8 JUDGE SEBUTINDE: Is that a question, or are you educating the
9 witness?

15:10:12 10 MR MANLEY-SPAINNE: Let me just help her, Your Honour.

11 JUDGE SEBUTINDE: Don't help her, ask questions.

12 MR MANLEY-SPAINNE: I will ask.

13 Q. You know, do you know, that Issa was a commander at Masiaka?

14 A. Well, I didn't know that Issa was the commander at Masiaka.

15:10:58 15 Q. Madam Witness, when you got to Lunsar, who did you meet there?

16 A. We meet rebel commanders there. We meet people there; civilians.

17 Q. Do you know any of the rebel commanders that you met?

18 A. We met Daramy there.

19 Q. Yes, anybody else that you know?

15:11:40 20 A. Gold Teeth was there.

21 Q. Who was this Gold Teeth? Was he the same as the colonel who abducted
22 you?

23 A. Well, no.

24 Q. He was a different person?

15:12:11 25 PRESIDING JUDGE: I didn't hear the question.

26 MR MANLEY-SPAINNE: My question was the person that she referred to as
27 Gold Teeth was the same as the person that abducted her, the colonel who
28 abducted her.

29 JUDGE SEBUTINDE: Witness, what was your answer to that question?

1 THE WITNESS: No, he's not the one.

2 MR MANLEY-SPAINÉ: Can I have the rest of the statements that were
3 tendered?

15:12:51

4 PRESIDING JUDGE: Mr Manley-Spainé, before you go into the next line
5 of questioning, is there any likelihood of the protected witness being
6 breached?

7 MR MANLEY-SPAINÉ: Your Honour I will not knowingly do that.

8 PRESIDING JUDGE: Please warn us beforehand so appropriate measures
9 can be taken.

15:13:08

10 MR MANLEY-SPAINÉ: I will refrain from calling any names that will
11 put her in jeopardy.

12 JUDGE SEBUTINDE: We wish to know what you are passing to the
13 witness?

14 MR MANLEY-SPAINÉ: It's exhibit D4C, I believe.

15:13:57

15 JUDGE SEBUTINDE: Is that the handwritten version?

16 MR MANLEY-SPAINÉ: No, typewritten.

17 JUDGE SEBUTINDE: Exhibit what?

18 MR MANLEY-SPAINÉ: D4C.

15:14:12

19 JUDGE SEBUTINDE: That is not an exhibit. I do not recall us
20 submitting typed exhibits for anything. Am I wrong?

21 MS PACK: Actually, Your Honour, there were five documents admitted
22 in the end. The latter three are only typed versions. They are actually
23 titled "Additional Information" or, in this case - in fact, also
24 "Additional Information", but this document doesn't bear any writing of the
25 witness. So, given that she won't be able to read it, I fail to see why it
26 is being --

15:14:34

27 JUDGE SEBUTINDE: Go ahead.

28 MR MANLEY-SPAINÉ: Yes, thank you.

29 Q. Do you remember being questioned -- sorry, do you remember giving

1 additional information to the Office of the Prosecution on 21 November
2 2003?

3 A. I do not remember that.

4 Q. Do you remember signing any other document from the Office of the
15:15:39 5 Prosecutor apart from those two that I've shown to you this morning?

6 A. I do not remember.

7 Q. Do you remember anything else, apart from the two statements that I
8 showed to you being read over and explained to you?

9 A. I do not remember.

15:16:18 10 PRESIDING JUDGE: Madam Witness, do you understand what counsel is
11 asking you?

12 THE WITNESS: Yes.

13 MR MANLEY-SPAINNE:

14 Q. Madam Witness, I'm going back over again. I'm asking you, did you
15:16:45 15 ever tell the Prosecution that this person you referred to as major and
16 colonel was a ULIMO fighter?

17 PRESIDING JUDGE: Mr Manley-Spainne, I think you have --

18 THE WITNESS: I do not understand.

19 PRESIDING JUDGE: Unless there is a completely new line of evidence,
15:17:04 20 I would have to say you are harassing the witness by going over the same
21 statements again.

22 MR MANLEY-SPAINNE: Sorry, Your Honour, I don't want to do that.

23 Q. Can you remember when you escaped, what year that was?

24 A. I cannot remember.

15:17:52 25 Q. Have you ever heard the word "Fawei" [phon] --

26 A. No.

27 MS PACK: Your Honour, I'm little nervous that this evidence may lead
28 to revealing some sort of confidential information about this witness. I'm
29 nervous that that be --

1 PRESIDING JUDGE: I have reminded Mr Manley-Spaine and he has
2 undertaken to make sure it doesn't happen. If we are likely to go down a
3 road where the protection of further witnesses -- we must err on the side
4 of caution and close it. If you think that's likely, we'll do that.

15:18:30 5 MR MANLEY-SPAINE: She has said no. I'm not pressing that any more.

6 Q. Madam Witness, you have told this Court that one time colonel gave
7 you a pistol and AK-47.

8 A. Yes.

9 Q. Did you ever use them?

15:19:10 10 A. No.

11 Q. You also said that the other wives of the colonel were jealous of
12 you.

13 A. Yes.

14 Q. How many other wives did he have?

15:19:37 15 A. I can't tell the number of women he had.

16 Q. Six, seven, eight?

17 A. There are more than that.

18 Q. Did you say 21 at any time?

19 A. I do not remember giving the exact number of how many he had.

15:20:05 20 Q. Did you ever say six?

21 A. No.

22 MR MANLEY-SPAINE: Your Honour, I wish to refer to the proofing of
23 15 December. It is exhibit D4D, just the item number 14.

24 JUDGE SEBUTINDE: Sorry, can you state the date again?

15:20:56 25 MR MANLEY-SPAINE: It's D4D, additional information provided by
26 witness TF1-085.

27 JUDGE SEBUTINDE: Date?

28 MR MANLEY-SPAINE: Proofing on 15 December 2004.

29 PRESIDING JUDGE: Mr Manley-Spaine, if you intend to read the entire

1 sentence, I direct we go into closed session.

2 MR MANLEY-SPAIN: No, just the major had six wives. That's all I
3 want to point out. It's just a list of items.

4 PRESIDING JUDGE: Yes.

15:21:57 5 MR MANLEY-SPAIN: I'm much obliged.

6 Q. Madam Witness, when you were talking about this person you say they
7 told you was called Five-Five, you said he had a walking stick. Can you
8 describe it; what it looked like?

9 A. Well, it was an ordinary walking stick, but it had something on the
10 top which could be broken and there were weapons in the walking stick.
15:22:25

11 Q. Are you able to tell us the size of this walking stick, whether it
12 was fat or thin?

13 A. It is long, but it is not all that fat. It's long.

14 Q. Can you remember its colour?

15:23:04 15 A. No.

16 Q. You cannot remember its colour?

17 A. No.

18 Q. Can you remember whether it was made of metal?

19 A. Well, I don't know. I just saw him carrying a walking stick.

15:23:25 20 Q. Do you remember if it was made of wood?

21 A. I don't know.

22 Q. Are you sure you saw him firing with it?

23 A. Well, he would just break it and he will throw it and bullets would
24 come out of it, then afterwards he would join it again.

15:23:49 25 Q. Bullets?

26 A. Yes.

27 Q. By bullets you mean bombs also?

28 A. Bombs, yes, they were in there.

29 Q. Bombs. Okay, let us be certain now. The things that came out of it,

1 were they bombs or bullets?

2 A. They were bombs inside it.

3 Q. And you said you saw him use that to shoot people?

4 A. Yes. He said the people were many; they should be reduced.

15:24:32 5 Q. Madam Witness, do you remember at any time telling the Prosecution
6 that when you were going to Masiaka, Kamajors were killing the rebels?

7 A. Well, there was fighting.

8 Q. Did you say that at any time?

9 A. Yes.

15:25:05 10 Q. You have said that on your way from Waterloo to Masiaka, there was
11 fighting; you have said that, haven't you? You just said that?

12 A. Yes.

13 Q. Were you taking part in this fighting?

14 A. No.

15:25:55 15 Q. Were you ever near to where the fighting was taking place?

16 A. Yes.

17 Q. You were near to where the fighting was taking place?

18 A. Yes.

19 Q. Did you, at that time, have arms?

15:26:15 20 A. No.

21 Q. On your way to Masiaka, how long did the fighting last?

22 A. Well, I can't tell that, I don't know.

23 Q. Was it a day or two?

24 A. Well, I wouldn't know that.

15:27:11 25 Q. But you're telling this Court -- let me ask you how long was it after
26 the fighting on the way to Masiaka these Kamajors cooked?

27 A. Yes.

28 Q. So can you remember how long it took after this fighting for you to
29 get to Masiaka?

1 A. I can't tell.

2 Q. Do you remember how long you stayed in Masiaka?

3 A. We stayed for long, but I do not know the number of months we spent
4 in Masiaka.

15:28:36 5 Q. Was this person you refer to as Five-Five always at Masiaka when you
6 were there?

7 A. Well, he was at his own place, yes, at Masiaka --

8 Q. All the time, was he?

9 A. Yes.

15:29:05 10 Q. And you say he was the commander there?

11 A. Yes.

12 Q. Witness, I'm putting it to you that you said in your statement that
13 the commander in Masiaka was a Mende man and his deputy was Issa Sesay.
14 That is in your statement.

15:29:41 15 PRESIDING JUDGE: Which one, Mr Manley-Spaine?

16 MR MANLEY-SPAINNE: My Lord in the statement taken 26 February, which
17 is D4B, page 6462. Your Honours, at line 6, it says, "They were there the
18 whole time. Issa Sesay was the second in command to the ground commander,
19 who was a Mende man." Did you say that to the Prosecution?

15:31:21 20 A. I cannot remember that.

21 MS PACK: Your Honour, in fairness, I would ask my learned friend to
22 have in mind, or at least put to the witness in addition the two statements
23 in clarification, the first one being D4C, which is at 6466, of your
24 binder; the second one being D4E, which begins at 6888 of your binder. Now
15:32:01 25 both of those documents 6466 and at 689 -- I can read out what is said in
26 those documents regarding the command in Masiaka --

27 MR MANLEY-SPAINNE: Your Honour --

28 PRESIDING JUDGE: Mr Manley-Spaine, counsel is putting an objection,
29 she must be allowed to complete it. Please.

1 MR MANLEY-SPAIN E: She says, "I can read" --

2 PRESIDING JUDGE: She is putting an objection. I'm a little unsure
3 of the page numbers you've given, 6466 and 6888, and then you refer to
4 6898.

15:32:48 5 MS PACK: Sorry, 6466 is the first page of the first document and the
6 statement I was going to read is from that page. The second document
7 starts at page 6888, and the extract I was going to read is at page 6898.

8 JUDGE THOMPSON: You've got your microphone on, Mr Manley-Spain e.

9 PRESIDING JUDGE: Are you saying in the objection that counsel has
10 failed to put something?
15:33:25

11 MS PACK: What appeared to be suggested by my learned friend was that
12 the witness had been inconsistent with the testimony that she had given
13 today. What I wanted, in fairness, to be brought out was that on these two
14 occasions what the witness had said be brought out. I can read them
15 myself, or my learned friend might put those to the witness.
15:33:45

16 PRESIDING JUDGE: First I would look at these two you have referred
17 to and we'll decide whether it is more appropriate to be raised in reply.

18 MS PACK: Yes, Your Honour.

19 PRESIDING JUDGE: Could you refer me to a paragraph?

15:34:08 20 MS PACK: It's the fifth bullet point down at page 6466.

21 PRESIDING JUDGE: And the other?

22 MS PACK: And the other one at page 6898. It's the fifth paragraph
23 down on that page, beginning "Five-Five". In fact, the fifth and the
24 sixth.

15:35:08 25 PRESIDING JUDGE: Mr Manley-Spain e, before I rule, of course you're
26 entitled to a reply on the objection. What have you got to say to
27 counsel's objection?

28 MR MANLEY-SPAIN E: Your Worshi p, my reply will be by way of
29 explanation. The witness has said that she does not remember giving this

1 additional information, so I cannot really put to her that she said one
2 thing here and another thing there, that is why. I'm simply putting it to
3 her that despite her evidence today, she had said something else which I
4 have referred to. Remember, Your Worship, I referred to the proofing dated
15:35:51 5 15 December and she said, no, she could not, in effect, remember it.

6 PRESIDING JUDGE: Well, the whole point of putting a prior
7 inconsistent statement, Mr Manley-Spaine, is that the witness should be
8 given an opportunity to answer all aspects of a prior inconsistent
9 statement and, therefore, I think counsel for the Prosecution has a point.

15:36:12 10 If she made some other statement relevant to that issue, that should be put
11 to her.

12 MR MANLEY-SPAIN: I'm sorry.

13 PRESIDING JUDGE: Yes, let me please finish my ruling. I accept that
14 she made an answer to a statement that you put to her that she was alleged
15:36:26 15 to have made on a particular date. These two statements were made on
16 different dates, therefore, I consider that she should be given an
17 opportunity to answer those also.

18 MR MANLEY-SPAIN: Your Honour, once she has said she does not
19 remember making this additional statement, I thought it would be unkind of
15:36:53 20 me to be putting those statements to her.

21 PRESIDING JUDGE: I'm now directing you to put those to her.

22 MR MANLEY-SPAIN:

23 Q. Madam Witness I want to refer to -- Your Honours, I'm referring to
24 exhibit D4E.

15:38:01 25 JUDGE SEBUTINDE: What is the date of this statement?

26 MR MANLEY-SPAIN: It's not a statement, it's additional information,
27 Your Honour.

28 JUDGE SEBUTINDE: What is the date of it?

29 MR MANLEY-SPAIN: It was the one we had problems with. It was

1 proofed on 26 February, 28 February, and 1, 2 and 13 March. It's exhibit
2 D4E.

3 JUDGE SEBUTINDE: What page is printed on it?

4 MR MANLEY-SPAINNE: The one I'm referring to now.

15:38:50 5 JUDGE SEBUTINDE: What page?

6 MR MANLEY-SPAINNE: 6898. It's under "The other commanders at
7 Masiaka", all of the paragraphs. "Issa Sesay was never based in Masiaka.
8 He used to come to Masiaka because he was based in Lunsar. Five-Five was
9 second in command to Issa. Anything Issa said was supported by Five-Five.

15:39:54 10 Any orders were given in the name of both of them. Issa had his birthday
11 when we were in Masiaka. They announced his 27th birthday. Five-Five was
12 the overall commander in command at Masiaka and the whole surrounding area.
13 He was based near Masiaka on the way to Lunsar to Rogberi Bridge. Masiaka
14 was divided into sections, because it was a big town. CO Daramy was the
15 ground commander in Masiaka. CO Vandi was a ground commander in a village
16 nearby Masiaka. Colonel Cartel was based in another village with his own
17 group. I don't know anyone called Oh-Five."

18 Q. Do you remember making this additional statement to the Prosecution?

19 A. I cannot remember.

15:41:10 20 Q. May I refer to exhibit D4C, page 6466. Madam Witness, that
21 additional statement was made on 21 November 2003. Do you remember making
22 it?

23 A. I can't remember that.

24 MR MANLEY-SPAINNE: If she says she can't remember, how can I put
15:42:14 25 something to her? I have been limiting myself to put things to her
26 contrary to what she has said today. I don't think I can really put to her
27 what she cannot remember making.

28 PRESIDING JUDGE: Very well, Mr Manley-Spainne.

29 MR MANLEY-SPAINNE:

1 Q. Madam Witness, why did the other wives of this colonel become jealous
2 of you?

3 A. They said because I was in love with their husband when they came to
4 Freetown.

15:43:11 5 Q. Do you know whether these several other wives were captured women or
6 abducted women?

7 A. Yes.

8 Q. Were they abducted women?

9 A. Yes.

15:43:34 10 Q. Do you remember at any time saying to the Prosecution that Issa Sesay
11 flogged you at Allen Town? No, you don't remember?

12 JUDGE SEBUTINDE: We would prefer the answer to come from the witness
13 rather than Defence counsel. In this particular instance, she didn't
14 answer the question. Madam, can you please answer the question?

15:44:27 15 THE WITNESS: Yes.

16 MR MANLEY-SPAINNE:

17 Q. Is it the case, Madam Witness, Issa Sesay was at Allen Town with you?

18 A. No.

19 Q. Where did he flog you?

15:45:13 20 A. I cannot recollect that.

21 MR MANLEY-SPAINNE: I thought she was answering positively to my
22 question.

23 Q. You don't remember that?

24 A. At all.

15:45:34 25 Q. Can you describe this man you refer to as Issa Sesay?

26 A. Yes.

27 Q. Explain to the Court what he looked like?

28 A. He's a medium - he's black, he's not too much tall. His body is not
29 bulky.

1 Q. Remember, can you tell the difference between Issa Sesay and the
2 person you refer to as Five-Five? Who was taller?

3 A. Issa Sesay.

4 Q. Issa Sesay was taller than Five-Five?

15:46:30 5 A. Yes.

6 Q. Taller? You understand what I mean by taller?

7 A. Yes, a person that is tall.

8 Q. Five-Five was a huge man. Remember what you told us about Five-Five
9 today?

15:46:45 10 A. Yes.

11 Q. He was huge, he was tall?

12 A. Yes.

13 Q. Huge and tall?

14 A. Yes.

15:47:05 15 Q. And Issa is taller than him?

16 A. Yes.

17 Q. Yes, okay. That's very good. Again, when you were at Lumpa, did you
18 see this Five-Five there?

19 MS PACK: The witness didn't give evidence about being at Lumpa.

15:47:23 20 MR MANLEY-SPAIN: Sorry.

21 Q. When you were at this village at Waterloo, you said you could not
22 remember the name of the village. Did you see this man you refer to as
23 Five-Five there?

24 A. Yes. He was with us. We were all together.

15:47:56 25 Q. Tell me, Madam Witness, at the time you made the first statement, the
26 facts were fresh in your mind; is that not so?

27 A. I cannot remember. I don't understand.

28 Q. The question I ask is that at the time you made the statement, you
29 had more memory of the things that happened to you.

1 PRESIDING JUDGE: I think you have traversed that ground,
2 Mr Manley-Spaine, have you not?

3 MR MANLEY-SPAIN E: I couldn't get an answer, Your Honour.

4 [TB070405D-RK]

15:49:01 5 Q. Madam witness, I'm putting it to you that you have not told this
6 Court the truth about what happened to you?

7 A. What makes you to say that?

8 Q. Well, to give you a reason why --

9 PRESIDING JUDGE: Madam witness, you should not answer counsel's
15:49:58 10 questions with another question. You should just -- unless you don't
11 understand, you should answer them.

12 MR MANLEY-SPAIN E:

13 Q. Did you at any time tell the Prosecution that when this man wanted to
14 marry you, he put some cowries and kola nut in the calabash and gave it to
15:50:34 15 the elders?

16 A. When the colonel that captured had wanted to marry me as his wife --
17 [Mr Manley-Spaine interrupts translation]

18 Q. I want to be quick with this. All I'm asking is did you tell the
19 Prosecution that the cowries and the kola nuts that were put were given to
15:51:15 20 the elders? Yes, no?

21 A. Well, yes.

22 Q. You never told the Prosecution that he gave them to Five-Five?

23 A. I told him that it was from Five-five that he married me from, that
24 he gave him the kola nut and other things.

15:51:42 25 Q. You know why I am saying that you have not told this Court the truth,
26 because you say one thing now and something else at other time. You have
27 not told this court the truth. What you said before is not what you're
28 saying now?

29 A. Well, if I were not willing to say the truth, I wouldn't have been

1 here to say the truth. If I was unwilling to testify, I wouldn't have been
2 here to testify, so I'm here to say the truth so you cannot stop me.

3 [Mr Manley-Spaine interrupts translation]

4 JUDGE SEBUTINDE: Counsel, you must never speak over the witness.

15:52:21 5 You of all people should control your temper, sir.

6 MR MANLEY-SPAINNE: I'm much obliged, Your Honour.

7 Q. You have just answered to me that you once told the Prosecution that
8 the man who married you put some cowries and kola nuts in a calabash and
9 gave it to the elders?

15:52:53 10 JUDGE SEBUTINDE: What are you reading from, sir, if I may ask? What
11 is that? Is it one of the exhibits?

12 MR MANLEY-SPAINNE: Yes.

13 JUDGE SEBUTINDE: Then please cite it to us so that we record it
14 properly.

15:53:19 15 MR MANLEY-SPAINNE: It is Exhibit D4E, page 6897. It's under the
16 heading "Marriage Ceremony."

17 JUDGE SEBUTINDE: Which exactly? Could you read to us. You know
18 that that is the established practice. You refer to the document and
19 precisely quote before you put it to the witness.

15:54:00 20 MR MANLEY-SPAINNE: Yes, Your Honour. May I please ask for permission
21 to have the accused go and ease themselves.

22 PRESIDING JUDGE: I was going to ask you if you have many more
23 questions of the witness, Mr Manley-Spaine as it is really time to have a
24 break. Have you many more questions?

15:54:12 25 MR MANLEY-SPAINNE: Yes, Your Honour, I do, but my problem is that
26 tomorrow afternoon I would wish to be excused, so I want to try and see how
27 far I can go.

28 PRESIDING JUDGE: I think it might be appropriate to have a break at
29 this time as we've been in here for an hour and three quarters.

1 MR MANLEY-SPAIN E: Can I just complete this?

2 PRESIDING JUDGE: Just complete the question you're putting.

3 MR MANLEY-SPAIN E: Yes, since we're having a break, I believe they
4 will wait. It is at page 6897.

15:54:55 5 Q. "Major said he had not met a virgin during the whole of the war and
6 so he married me at Masiaka. Some time passed before he married me. When
7 major married me, the other wives became jealous. At any time that major
8 left they would beat me and assault me. We married in the house. CO
9 Daramy carried out the ceremony. Major had enough money to buy a marriage
15:55:30 10 ring. They put some -- it should be cowries I believe - and kola nuts in
11 the calabash and gave it to the elders." Did you say that? Did you say
12 that to the Prosecution?

13 A. No.

14 MR MANLEY-SPAIN E: I will stop here.

15:56:06 15 PRESIDING JUDGE: We will, have a short adjournment to ten past 4.00.
16 Mr Court Attendant, please adjourn court until ten past.

17 MR GIBSON: Court rise.

18 [Recess taken at 4.00 p.m.]

19 [On resuming at 4.12 p.m.]

16:11:59 20 PRESIDING JUDGE: Please, proceed.

21 MR MANLEY-SPAIN E:

22 Q. Madam witness, did you say that he gave these things to the elders to
23 marry you?

24 MS PACK: It might assist this witness if she knew who my learned
16:12:28 25 friend was talking.

26 MR MANLEY-SPAIN E:

27 Q. The colonel who married you, did you say to the Prosecution that he
28 gave the cowries and kola nuts to the elders?

29 A. Yes.

1 MR MANLEY-SPAIN E: May I refer, Your Honour, to Exhibit D4D, page
2 6469. It is the last item, number 27. May I read to the witness?

3 PRESIDING JUDGE: But take care because --

4 MR MANLEY-SPAIN E: Yes.

16:13:41 5 Q. "Major I liked me because I was his only wife who had been a virgin.
6 The others were jealous because I was the one major preferred. He
7 organised with me a wedding ceremony in the bush." Madam witness, did you
8 say that to the Prosecution?

9 A. Yes.

16:14:33 10 Q. I'm putting it to you, Madam Witness, that the first time you
11 mentioned that you were married -- [indiscernible] inverted commas -- to
12 Five-Five, was when you were giving your evidence in court today?

13 JUDGE SEBUTINDE: She didn't say she was married to Five-Five.

14 MR MANLEY-SPAIN E: When she was saying "Major or colonel married me
16:15:12 15 to Five-Five" and what the problem of interpreting that. That is why --
16 I understand that to mean that he married me with consent of Five-Five or
17 approval of Five-Five. I understand that, but just to help her. She was
18 using the word, so that is why I was using the word "to". I was using to
19 in --

16:15:36 20 JUDGE SEBUTINDE: You are not helping anyone. You are confusing all
21 of us.

22 MS PACK: I have a note which I could read out which may assist my
23 I earned friend with what was said.

24 PRESIDING JUDGE: Ms Pack, if we're reading any notes, it will have
16:15:55 25 to come from the official record. Let us first find out what is counsel's
26 questi on.

27 MR MANLEY-SPAIN E: My question, Your Honour is that the first time
28 she mentioned the name of Five-Five in relation to her marriage was when
29 she came to court today, when she was giving evidence in court today. That

1 is my question.

2 PRESIDING JUDGE: But the question now that is being put to the
3 witness -- is it the question being put to the witness that the first time
4 she married -- excuse me -- she mentioned Five-Five in relation to the
16:16:35 5 marriage was in court today? Was that the question you want to put.

6 MR MANLEY-SPAINE: Yes, Your Honour.

7 PRESIDING JUDGE: I will record that question. Put it to the
8 witness. Mr Manley-Spaine have you decided not to put the question?

9 MR MANLEY-SPAINE: I have put it to her. Oh, you want me to put it
16:17:09 10 to her?

11 PRESIDING JUDGE: Yes.

12 MR MANLEY-SPAINE:

13 Q. Madam Witness, I am putting it to you that the first time you
14 mentioned the name Five-Five in relation to your marriage was today when
16:17:17 15 you were giving evidence this morning.

16 A. It was --

17 Q. Answer the question.

18 JUDGE SEBUTINDE: No, really, Mr Manley-Spaine, you have just made a
19 statement. Can you accompany that statement with an appropriate question?
16:17:46 20 If I were her, I would sit and look at you. That is not a question.

21 MR MANLEY-SPAINE: I will put it again.

22 Q. Madam Witness, when you said this morning that Five-Five was the
23 person to whom the colonel went to marry you, that was the first time you
24 mentioned the name of Five-Five in relation to the marriage; is that not
16:18:38 25 so?

26 A. Yes.

27 Q. Were you speaking the truth when you told the Prosecution that you
28 and major -- you and the colonel arranged to get married in the bush? Were
29 you speaking the truth when you told the Prosecution that?

1 A. No.

2 Q. Were you speaking the truth when you said colonel gave the cowries
3 and the kola nuts in the calabash to the elders to marry you?

4 PRESIDING JUDGE: She didn't say that in court, Mr Manley-Spaine.

16:20:01 5 That is in the statement which she denied.

6 MR MANLEY-SPAIN E: Your Honour, now I think the point I was making
7 has come through. It will be difficult for me to put to her all the
8 inconsistencies as counsel for the Prosecution wants because she has denied
9 those statements.

16:20:21 10 PRESIDING JUDGE: [Microphone not activated]

11 MR MANLEY-SPAIN E: Much obliged.

12 Q. I want to ask you again whether on your way from Waterloo you stopped
13 at Lumpa. Did you stop at Lumpa?

14 A. Well, we stopped at one village after Waterloo. I don't know.

16:21:01 15 Q. Did you ever use the word "Lumpa" in your statements?

16 A. No.

17 MR MANLEY-SPAIN E: Your Honour, may I refer to Exhibit D4A. It is a
18 handwritten -- the handwritten statement.

19 PRESIDING JUDGE: We do not have the handwritten copy on the Bench.

16:23:07 20 MR MANLEY-SPAIN E: Okay. At page 6461 of the typewritten. I will
21 read from page -- the last line in page 6460.

22 Q. "Five-Five was in the first group and his group cleared the way for
23 the other groups." Page 6461. "We walked to Lumpa which was 2 miles past
24 Waterloo. We passed one village where I saw about ten dead bodies. Some
16:23:39 25 of the bodies were discomposing whilst others had been nearly killed.

26 I saw Five-Five in Lumpa. Five-Five was wearing ronko, which is a country
27 cloth -- which is country cloth made with kola dye. Five-Five was with ten
28 COs including one Colonel Cartel and Rambo who was AFRC. There was no RUF.
29 We stayed in Lumpa for one day?" I will stop there.

1 Madam Witness, do you remember making this statement to the
2 Prosecution?

3 A. I cannot remember that. I cannot remember that.

4 Q. Please let us go back now to the fighting between the people you
16:24:55 5 refer to as rebels and the Kamajor -- Kamajors. Did the Kamajors kill any
6 rebels?

7 A. Yes.

8 Q. Do you know whether the Kamajors captured any rebels?

9 A. I cannot remember that.

16:26:04 10 Q. Do you remember when -- how long this fighting lasted? Was it for
11 five days or --

12 A. I cannot remember?

13 Q. Do you know how many people were in your group moving towards Masiaka
14 before this fighting started?

16:26:51 15 A. Well, I wasn't in any group. I was --

16 Q. [Mr Manley-Spaine interrupts translation]

17 THE INTERPRETER: The interpreter is sorry. He cannot interpret
18 because the attorney cannot give him chance. He poses a questions. By the
19 time he would have interpreted he has posed another .

16:27:12 20 PRESIDING JUDGE: Mr Interpreter, did you get the answer.

21 THE INTERPRETER: I cannot get the answers clearly because by the
22 time the witness would have responded the attorney poses another question.

23 PRESIDING JUDGE: I will ask the witness to please repeat your answer
24 because we didn't hear it properly and Mr Manley-Spaine just pause. Madam
16:27:36 25 Witness, could you answer again, please.

26 THE WITNESS: Yes, yes.

27 PRESIDING JUDGE: The question that was asked was: Do you know how
28 many were in your group that was moving to Masiaka before the fighting
29 started?

1 THE WITNESS: Well, I cannot tell the number in the group.

2 PRESIDING JUDGE: Mr Manley-Spaine, please proceed.

3 MR MANLEY-SPAIN: Yes.

4 Q. Was it a small number of people?

16:28:15 5 A. No, because he captured some civilians and he had his boys, his
6 wives. All of us we were going together so --

7 Q. Was it this your group, colonel's group that you were with, was it
8 this group that fought with the Kamajors?

9 A. No.

16:29:01 10 Q. Was it another group that fought with the Kamajors?

11 A. Yes, it was the one that cleared the road for us. They fought the
12 Kamajors.

13 Q. Were you present when they fought the Kamajors?

14 A. Yes. All of us ran away to find somewhere to hide.

16:29:37 15 Q. Madam Witness, please help us. You've said that it was not your
16 group that fought with the Kamajors. It was the group that went ahead to
17 clear the road. Were you with that group that went ahead?

18 A. No, I wasn't with that group.

19 Q. So you were not there when the fighting was taking place?

16:30:10 20 A. Not at all.

21 Q. Okay. Madam Witness, when you went to Port Loko, were there any
22 commandos there?

23 A. Yes.

24 Q. Do you know their names?

16:31:33 25 A. No.

26 Q. Do you know the name of the woman whom you said gave you training in
27 Port Loko?

28 A. No, she did not show her name to us.

29 Q. Did you hear anybody call her by any name?

- 1 A. No.
- 2 Q. You said that you went to Kono to attack Kono after the training.
- 3 First of all, how long did the training last?
- 4 A. Well, I am unable to show the exact period we took to be trained.
- 16:33:18 5 Q. Was it a long time?
- 6 A. Yes.
- 7 Q. Did all of you -- the women who went for training, did you all do the
- 8 same period of time in training?
- 9 A. Yes.
- 16:34:04 10 Q. How long did you take to go from Port Loko to Kono? Sorry, sorry,
- 11 please have a drink. You cannot tell?
- 12 A. At all.
- 13 Q. Can you describe the route you took from Port Loko to Kono?
- 14 A. We travelled through the hills. We used bypass roads.
- 16:35:01 15 Q. Do you remember going through any towns?
- 16 A. Yes.
- 17 Q. Can you please tell us the name of such towns -- or names?
- 18 A. I don't know their names.
- 19 Q. Did you go through Lunsar?
- 16:35:43 20 A. No.
- 21 Q. Did you go through Makeni?
- 22 A. Well, we did not use the main road. We used the hills.
- 23 Q. Just answer my question. Did you go through Makeni?
- 24 A. No.
- 16:36:10 25 Q. Did you go through Magburaka?
- 26 A. No.
- 27 Q. What about Masingbi?
- 28 A. No.
- 29 Q. Madam Witness, to be fair to you, before that day had you ever been

- 1 to Kono?
- 2 A. I have never been to Kono.
- 3 Q. When you went on this attack, did you enter Kono?
- 4 A. At the markets, yes.
- 16:37:08 5 Q. Do you know from what end you entered Kono?
- 6 A. During that time it was at night, so I cannot remember.
- 7 Q. Okay. Were all of the people in your group women?
- 8 A. Yes.
- 9 Q. All women?
- 16:37:46 10 A. Yes, yes.
- 11 JUDGE SEBUTINDE: Counsel, which group are you referring to?
- 12 MR MANLEY-SPAINNE: The group she was with that attacked Kono.
- 13 JUDGE SEBUTINDE: Oh, I thought you were asking the training group.
- 14 MR MANLEY-SPAINNE: Yes, she said she went for training and that group
- 16:38:11 15 left to attack Kono.
- 16 JUDGE SEBUTINDE: So the question is: The group that attacked Kono,
- 17 were they all women?
- 18 MR MANLEY-SPAINNE: Yes, much obliged.
- 19 Q. You said you were bypassing the towns; is that not so?
- 16:38:32 20 A. Yes.
- 21 Q. In doing so did you come across any other group of rebels?
- 22 A. No.
- 23 Q. How many of you went on this attack?
- 24 A. Well, I cannot tell the number that went.
- 16:39:16 25 Q. You said that some of you were killed. Do you know the number?
- 26 A. No, I cannot remember.
- 27 Q. Did you ever go through Makeni?
- 28 A. Yes.
- 29 Q. When was that?

1 A. It was during the time when the commander captured me. That was the
2 time we went to Makeni.

3 Q. I understand that, but I'm asking you was it after you had come from
4 Kono that you went to Makeni?

16:40:11 5 PRESIDING JUDGE: Mr Manley-Spaine, could you be more precise about
6 the time because you have already asked her, "Did you go through Makeni?"
7 And she said no. Now are you referring to the time of the fighting or what
8 time were you referring to?

9 MR MANLEY-SPAINE: I'll try to resolve it, Your Honour.

16:40:35 10 Q. Did you at any time go to Makeni?

11 A. Yes.

12 Q. When was that?

13 A. Well, after the fight in Kono, that was the time we went to Makeni.

14 Q. When you got to Makeni that time, whom did you meet there?

16:41:16 15 A. I cannot -- I cannot tell you the commander that was there.

16 Q. Did you go to Makeni with anybody?

17 A. Yes.

18 Q. With whom did you go there?

19 A. The commander that captured me, both of us went there.

16:41:56 20 Q. Who -- did you meet people in Makeni, ordinary civilians?

21 A. Yes, we met them there.

22 Q. Apart from the civilians, were there any other people in Makeni?

23 A. Yes, the rebels were there.

24 Q. Madam Witness, you have answered to me that when you said you and
16:43:07 25 major arranged a marriage in the bush, that was a lie. Is that so? That
26 is so?

27 MS PACK: Your Honour --

28 THE INTERPRETER: I don't understand.

29 MS PACK: I'm not sure that was said by the witness before in any

1 event.

2 PRESIDING JUDGE: And there's also the problem of the protection.

3 MR MANLEY-SPAINNE: Sorry. I read to this Court at page 6469 when she
4 said: "Major liked me because I was his only wife who had been a virgin.

16:44:00 5 The others were jealous because I was the one that major preferred. He
6 organised me with me a wedding ceremony."

7 THE INTERPRETER: Sorry, the interpreter cannot interpret for you.
8 You are moving so fast.

9 MR MANLEY-SPAINNE: I'm referring to page 6469. That is item 27.

16:44:27 10 PRESIDING JUDGE: I will have the record checked, but I have an
11 answer yes when that was put.

12 MR MANLEY-SPAINNE: She answered, Your Honour, when I put to her was
13 she speaking the truth when she said no. I was --

14 PRESIDING JUDGE: Could we have the official record, please. There
16:45:29 15 is a question further on, Mr Manley-Spainne.

16 [Trial Chamber and legal officer confer]

17 PRESIDING JUDGE: In the official record she said yes. Could we have
18 the official record of the -- not the next question and answer, but the
19 following, so the second after that, please. Could it be read out.

16:47:40 20 I have a record "Were you speaking the truth?" Could we have that
21 question and answer, please.

22 [Reporter read back a portion of the transcript]

23 PRESIDING JUDGE: And the next one, please.

24 [Reporter read back a portion of the transcript]

16:48:21 25 PRESIDING JUDGE: And the question following that.

26 [Reporter read back a portion of the transcript]

27 PRESIDING JUDGE: I have a record "Were you speaking the truth."
28 Could we have that question and answer, please. I have a record of the
29 question immediately after the one you just kindly read out to us.

1 [Reporter read back a portion of the transcript]

2 PRESIDING JUDGE: Thank you.

3 MR MANLEY-SPAINNE:

4 Q. Madam Witness, why did you lie to the Prosecution about that?

16:49:37 5 A. I don't understand what you're saying.

6 Q. You answered to me that when you told the Prosecution that you and
7 colonel arranged a marriage in the bush, you were not speaking the truth.
8 Do you remember?

9 A. Well, he married me. It was not in the bush that he married me.

16:50:17 10 Q. My question is: Why did you tell the Prosecution something that was
11 not true?

12 A. Not true? Sorry, I told the Prosecution the truth.

13 Q. Let me remind you. We have three different things that you have said
14 about this marriage. In court you said colonel married you with the
16:51:01 15 blessing of Five-Five. In your other statements, one you said you and
16 colonel arranged to get married in the bush and in the other one you said
17 colonel took cowries and kola notes and gave to the elders for the
18 marriage. Three versions.

19 MS PACK: Your Honour, may I correct the second version, because it
16:51:35 20 certainly wasn't ever said say by this -- in any of the statements of the
21 witness that it was arranged with major to get married. What was said in
22 the statement that my learned friend just read from, page 6469, was that,
23 "He organised with me a wedding ceremony in the bush." It is a different
24 nuance, in my submission.

16:51:52 25 MR MANLEY-SPAINNE: Considered, Your Honour. I will use the word
26 "organised."

27 Q. All I'm saying is that you've given this Court three different
28 versions of your marriage to this colonel. Three versions, is that not so?
29 How many versions have you given?

1 A. One. Only one I gave in my statement.

2 Q. Madam, did colonel ever give you training as to how to use a gun?

3 A. Yes.

4 Q. Was that before or after you went to Port Loko?

16:53:14 5 A. He had trained me before.

6 Q. [Previous translation continues]

7 A. Yes.

8 Q. Am I right to say that at the time you said you went to Port Loko for
9 training you were already a trained person, a trained fighter?

16:53:46 10 PRESIDING JUDGE: I think that is rather unfair, Mr Manley-Spainne,
11 because there is some difference between being a trained fighter and being
12 able to use a gun.

13 MR MANLEY-SPAINNE: I'll rephrase it, Your Honour. I take the point.

14 Q. You were already trained in using guns?

16:54:11 15 PRESIDING JUDGE: You need to complete that. At what time?

16 MR MANLEY-SPAINNE:

17 Q. Is that so? Before you went to Port Loko, is that the case that you
18 were already trained in using guns?

19 A. Yes, he had taught me how to use it.

16:54:43 20 Q. Were you trained by colonel in Masiaka?

21 A. In Masiaka, yes. He showed me how to use a gun.

22 Q. Is it the case that from the time that you were at Masiaka you were
23 carrying guns?

24 A. No.

16:55:23 25 Q. Do you remember telling this Court that colonel gave you a pistol and
26 an AK-47?

27 A. Yes.

28 Q. Where were you when he gave it to you -- when he gave them to you?

29 A. I was in Masiaka.

1 Q. What did you do with them?

2 A. He gave them to me. He said it was for my security.

3 Q. What did you do with them?

4 A. I didn't do anything with them. He only gave them to me. I did not
16:56:48 5 use them.

6 Q. Did you carry the pistol?

7 A. Yes.

8 Q. Did you carry the AK-47?

9 A. No.

16:57:27 10 Q. Madam, at the time you were in Makeni, when you said -- I stand to be
11 corrected -- ECOMOG attacked, in what form was this attack?

12 A. I don't understand the question you've asked me.

13 Q. When you were in Makeni, did ECOMOG attack Makeni?

14 A. Well, it was the jets that bombarded in Makeni.

16:58:28 15 Q. Do you know for how long that took place, the bombing?

16 A. I cannot tell you the time, how long it took.

17 Q. Was it for a day?

18 A. No.

19 Q. Several days?

16:59:02 20 A. Every day, yes.

21 Q. Every day for how long?

22 A. Every day the jets came and bombed.

23 Q. I want you to help us, for how long?

24 A. I cannot tell you the time period, but every day the jet continuously
16:59:30 25 bombed Makeni.

26 Q. [Previous translation continues]

27 A. I cannot tell you whether it was one month or two months.

28 Q. Were any people killed as a result of those bombings?

29 A. Yes.

1 Q. Several people?

2 A. Yes.

3 MS PACK: Your Honour. I hesitate to interrupt my learned friend,
4 but I'm not sure that I see the relevance of this current line of
17:00:05 5 questioning. I would submit that it isn't relevant to this witness's
6 testimony or to the issues.

7 PRESIDING JUDGE: Ms Pack, Defence counsel has an obligation to put
8 his client's case. I will ask the relevance, but if he's putting his
9 client's case, he is under a duty to do so. Mr Manley-Spaine, there's been
17:00:32 10 an objection on the grounds of relevance.

11 MR MANLEY-SPAIN E: Well, Your Honour, except there is something that
12 I don't know about, I believe that this question is very, very relevant.

13 PRESIDING JUDGE: To what?

14 MR MANLEY-SPAIN E: To the case the accused persons are facing. I
17:00:53 15 think the preamble to the charges refer to massive damage and burning, et
16 cetera.

17 PRESIDING JUDGE: I will allow it on that basis.

18 MR MANLEY-SPAIN E: Much obliged.

19 Q. Were houses burnt as a result of that?

17:01:21 20 A. Repeat your question.

21 Q. Were houses burnt as a result of ECOMOG bombing of Makeni?

22 A. Yes, houses were burnt. Bombs dropped on houses, the market, the
23 people in the street, the bombs fell on them.

24 MR MANLEY-SPAIN E: May it please, Your Honour, that is all I wish to
17:02:18 25 ask.

26 PRESIDING JUDGE: Thank you, Mr Manley-Spaine. Counsel, we are
27 conscious both of the time and the fact that the witness has been in court
28 all day. However, I will ask for an indication from other counsel how long
29 their cross-examination is likely to last. Ms Thompson?

1 MS THOMPSON: Your Honour, I shouldn't be very long. It should be
2 quite short, but I'm also conscious of the fact that she has been in the
3 witness box since this morning.

17:02:56

4 PRESIDING JUDGE: Thank you Ms Thompson. Mr Fofanah, have you many
5 questions of this witness?

6 MR FOFANAH: No.

7 PRESIDING JUDGE: Have you --

8 MR FOFANAH: I will not be long with her.

9 [Trial Chamber confer]

17:03:15

10 PRESIDING JUDGE: I think maybe we will try and complete the
11 questions to this witness today. We are conscious, of course, if she's
12 tired and she can indicate to us. If I feel that we're overstraining her,
13 then we will adjourn. So, Ms Thompson, you can open your
14 cross-examination, but it may be necessary to --

17:03:54

15 CROSS-EXAMINED BY MS THOMPSON:

16 Q. Madam Witness, I just want you to clarify something for me. Have you
17 received any schooling at all?

18 A. No.

19 Q. None whatsoever?

17:04:10

20 A. No.

21 Q. Now do you remember -- you've been asked a lot of questions about the
22 statements you made to the people from the Prosecution of the Special
23 Court. Now, do you remember when you were making those statements?

24 MS THOMPSON: I'm sorry, Your Honour, the thing seems to be echoing.

17:04:44

25 It might be better if I change earphones. I think that's better.

26 Q. Do you remember when you were making your statement what language was
27 use?

28 A. Who?

29 Q. [Previous translation continues] ...was talking to you, did the

1 person talk to you in Krio or in English?

2 A. It was in English.

3 Q. And what language did you answer?

4 A. In Krio.

17:05:26 5 Q. [Previous translation continues] There was an interpreter present,
6 was there?

7 A. Yes.

8 Q. During those interviews were you shown pictures of anybody to
9 identify them?

17:05:44 10 A. No.

11 Q. Did you approach the Special Court to tell them about your
12 experiences or did somebody approach you?

13 A. Somebody went and met me in my house.

14 Q. Did you know anybody from the Special Court was going to visit you?

17:06:25 15 A. Yes.

16 Q. Okay. So you had known that someone -- that the Special Court knew
17 about you?

18 A. Yes.

19 Q. Do you know how they came to know about you? Were you told how they
17:06:45 20 came to know about you?

21 A. Well, they went to the hospital.

22 Q. So you were told that they found out about you from the hospital?

23 A. Yes.

24 Q. Is that -- is that the hospital you went to when you escaped? When
17:07:11 25 you came back to Freetown?

26 A. Yes.

27 Q. I just have a couple more questions for you. Now, when you were
28 giving your -- when you started off giving evidence this morning and you
29 were asked questions by the lady from the Prosecution, you mentioned that

1 the rebels came to your house on the 5th. But you recalled 1999, is that
2 right, isn't it?

3 A. Yes.

4 Q. You recall 1999?

17:07:57 5 A. Yes.

6 Q. And you said rebels came to your house on the 5th, on a Thursday and
7 the month was January. Do you remember that? Do you remember that?

8 A. Yes.

9 Q. Have you ever given the Prosecution a different date?

17:08:28 10 A. No.

11 Q. Have you ever told them that they came to your house on the 6th?

12 A. Yes.

13 Q. So which date is the correct date?

14 A. They went to our house on the 5th, and it was on the 6th that they

17:09:01 15 captured me.

16 Q. Okay. Are you sure the 5th of January was a Thursday?

17 A. Yes.

18 Q. Would you be surprised to learn that in fact it was a Tuesday?

19 A. Well, I know of a Thursday.

17:09:39 20 MS THOMPSON: Your Honour, I'm going to read a passage to her from
21 page 6456 in your bundle. That would be her first statement on the 23rd of
22 February 2003, and that's Exhibit D4A.

23 JUDGE SEBUTINDE: Could you repeat the page number, please.

24 MS THOMPSON: 6456.

17:10:10 25 Q. You stated to the Prosecution: "The rebels came to our house the
26 next morning on January 7th at 9.00 a.m. " Do you remember telling them
27 that?

28 MS PACK: Your Honour, apologies for interrupting my learned friend,
29 but at the very top of that page, there's also mention of the earlier date.

1 I think in fairness if both might be put.

2 MS THOMPSON: I was going to put it to her. I was just asking about
3 the 7th.

17:10:53

4 Q. Do you remember telling them that they came to your house on January
5 7th at 9.00 a.m.?

6 A. I cannot remember that.

7 Q. You don't remember whether they came to your house that day or you
8 don't remember telling the Prosecution that they came to your house that
9 day? Which is it?

17:11:16

10 A. I don't remember that I gave them an exact date that they came to my
11 house.

12 Q. Do you remember telling them that they came to your house on the 6th?

13 A. The only thing that I can recollect is the 5th that I can remember
14 that they came.

17:11:47

15 Q. Okay. Thank you. Sorry. Now, you told us that you received
16 military training from a lady whose name you do not know. That is right,
17 isn't it?

18 A. Yes.

17:12:34

19 Q. And also that the colonel gave you training in -- with a pistol and
20 an AK-47 or gave you a pistol and AK-47 for your own security?

21 A. [No audible response]

22 Q. Do you remember telling the Prosecution how long your training
23 lasted?

24 A. No.

17:13:05

25 MS THOMPSON: Your Honour, I'm putting --

26 PRESIDING JUDGE: Ms Thompson, you should put the --

27 MS THOMPSON: I am, Your Honour. I'm just about to tell you that I'm
28 putting page 6465 to her and I'm about to read it. It is the first
29 paragraph a little bit more than halfway down that paragraph, 6465, same

1 exhibit. "We then walked to Port Loko after living for two weeks in a
2 thatched hut. In Port Loko I was forced to undergo military training. I
3 was taught how to use a gun and load ammunition."

4 JUDGE SEBUTINDE: I'm sorry, counsel, to interrupt. What page are
17:14:01 5 you reading?

6 MS THOMPSON: 6465, that's my pagination.

7 MS PACK: Exhibit D4B.

8 MS THOMPSON: Exhibit D4B. I'm somewhere past halfway in the first
9 paragraph. Does Your Honour have it now?

17:14:30 10 JUDGE SEBUTINDE: Yes.

11 MS THOMPSON:

12 Q. "I was forced to undergo military training. I was taught how to use
13 a gun and load ammunition. Major forced me to have military training.

14 Because I was sick I had military training for one week." Do you recall

17:14:47 15 telling the Prosecution that?

16 A. No.

17 Q. You have also given evidence of an attack on Kono which you took part
18 in.

19 A. Yes.

17:15:18 20 Q. And you've talked about rebels being killed. Did anyone from your
21 number kill anybody? Do you know?

22 A. I don't understand.

23 Q. Did anyone from your group kill anyone?

24 A. Repeat.

17:15:49 25 Q. The group that you were with when you attacked Kono, did anybody from
26 that group kill any other person -- the persons who were in Kono?

27 A. Well, it was the rebel that were killed.

28 Q. With the training that you had, did you kill anybody?

29 PRESIDING JUDGE: I think --

1 THE WITNESS: No.

2 PRESIDING JUDGE: Just a moment please. You're asking the witness a
3 question that could lead to her being charged with an offence, and I think
4 she should be cautioned that she is not obliged to answer that question.

17:16:39 5 You are, in fact, asking her that.

6 Madam Witness, you do not need to answer that question if you think
7 it could lead to you getting into any trouble.

8 MS THOMPSON: That is fair enough, Your Honour.

9 Q. Do you remember telling the Prosecution that you killed five persons
17:17:02 10 with a bayonet? Do you remember telling them that?

11 A. No.

12 Q. Okay. Now, when you were answering questions to my learned friend --
13 can I just make it clear, these questions are not to confuse you. They are
14 mainly to seek clarity. When you were answering questions from my learned
17:17:38 15 friend, you said you went to Makeni after you left Kono. Did I get that
16 right or was I wrong -- or am I wrong?

17 A. Yes.

18 THE INTERPRETER: Hold on, hold on. We cannot get the witness. The
19 interpreter cannot get the witness.

17:18:03 20 MS THOMPSON: I shall ask the question again.

21 Q. Did you say to this Court that you left -- that you went to Makeni
22 after you left Kono?

23 A. After we left Kono, we went to Port Loko, from there we went to
24 Makeni.

17:18:28 25 Q. And is it the case that you went to Kono -- to Makeni -- I beg your
26 pardon -- with the colonel?

27 A. Yes.

28 Q. Was the colonel with you in Kono?

29 A. No.

1 Q. Where was he whilst you were in Kono?

2 A. I left him in Port Loko.

3 Q. So can you just help me, if I may, because I'm slightly confused now.
4 Where exactly did you meet him before you went to Makeni?

17:19:17 5 A. Well, after we left Kono, we went to Port Loko. From there we went
6 to Makeni.

7 Q. You met him in Port Loko?

8 A. Yes.

9 Q. Was that the only time you went to Makeni?

17:19:41 10 A. Yes.

11 MS THOMPSON: Your Honour, I'm going to read from page 6904 now.

12 Q. Did you tell the Prosecution this? I'll read this to you. "After I
13 was told about this, major went from Lunsar to Makeni to seek refuge from
14 the bombs, because there were no hiding places in Lunsar. I went with
17:20:22 15 him." Were you in Lunsar or were you in Port Loko? Sorry, first thing I
16 have to ask you is did you say this to the Prosecution?

17 A. No.

18 Q. And your evidence is that you met the major in Port Loko?

19 A. Yes.

17:20:48 20 MS PACK: Your Honour, I'm just rising again simply because the
21 context might assist in reading out that sentence. "After I was told about
22 this" on its own really doesn't mean anything and might, of course, give
23 the witness difficulties.

24 PRESIDING JUDGE: In fairness and more properly you should have put
17:21:13 25 the preceding two paragraphs, because she does speak about another place
26 that has not been put to her.

27 MS THOMPSON: Your Honour, I was merely just trying to establish a
28 location. It wasn't to confuse her. I will do that.

29 Q. Did you say this to the Prosecution: "I was in Lunsar when I heard

1 that the rebels wanted to attack Freetown for the second time. I heard it
2 on the radio. Anything that was happening was announced on the radio. I'm
3 not talking about a communication set. Major had arranged for music, a
4 tape and solar system to get power from the sun. I was in Lunsar when the
17:21:57 5 jets bombed -- when the jets came to bomb the West Side Boys in Waterloo
6 and the Okra Hills. I heard about this. After I was told about this major
7 went from Lunsar to Makeni to seek refuge from the bombs because there was
8 no hiding places in Lunsar. I went with him." The question again from --
9 to Makeni, were you coming from Lunsar or Port Loko?

17:22:33 10 A. It was from Port Loko.

11 Q. Do you recall mentioning Lunsar to the person who interviewed you?

12 A. I don't think I can recall. No, I cannot.

13 Q. I'm not sure if this was put to you. If it was, I'm sure I'll be
14 stopped. You mentioned in -- I beg your pardon, Your Honour. I'll just
17:23:21 15 find the page. Page 6905, Your Honour. You mentioned earlier today whilst
16 giving evidence that the major beat you when you were captured while trying
17 to escape. Do you remember that?

18 A. Yes.

19 Q. Now, can you tell us how many times he beat you?

17:23:55 20 A. Twice.

21 Q. He beat you twice. Can I just read something to you -- I'm reading
22 from page 6905. "Major beat me the time I tried to escape, but no other
23 time." Do you recall telling the Prosecution that?

24 A. Yes.

17:24:22 25 Q. So which is the correct version? That he beat you twice or that he
26 only beat you once whilst trying to escape?

27 A. Twice, when I made an attempt to escape.

28 Q. On the two occasions he beat was when you made an attempt to escape,
29 is that it? Is that your evidence?

1 A. Yes.

2 MS THOMPSON: I have no further question, Your Honour.

3 MR FOFANAH: Your Honour, we only have five minutes or three minutes
4 left. Can I go on?

17:25:36 5 PRESIDING JUDGE: Please continue. We've already indicated
6 [Microphone not activated]

7 MR FOFANAH: I'll try to be as short as possible.

8 CROSS-EXAMINED BY MR FOFANAH:

9 Q. Madam Witness, when you started testifying this morning you said that
17:25:56 10 you were 19 years old; is that correct?

11 A. Yes.

12 Q. Have you ever told your age to anyone before? I mean, members of the
13 Prosecution team and the Special Court? Have you ever told your age before
14 to any members of the Prosecution team of the Special Court?

17:26:33 15 A. Yes.

16 Q. You've indicated that you testified to -- you made a statement to
17 members of the Prosecution team, or at least somebody from the Prosecution
18 office, on the 23rd of February, 2003. I'm referring to Exhibit D4A. Is
19 that correct? You've just said that you made a statement to somebody from
17:27:10 20 the Prosecution team of the Special Court on the 23rd of February 2003. Is
21 that correct?

22 A. I can't remember the date and the month.

23 Q. Okay. Now, I put it to you that on the 23rd of February 2003 you
24 made a the following statement. Your Honours, I'm referring to Exhibit
17:27:43 25 D4A, at page 6462 -- no that's D4B, I'm sorry. Sorry about that, 6462.

26 PRESIDING JUDGE: It is a different date, Mr Fofanah.

27 MR FOFANAH: Yes, I was referring to D4A. I'm sorry. I don't have
28 the exhibit. I merely marked them. It was actually made on the 26th of
29 February 2003.

1 Q. Do you recall making a statement to anyone from the Prosecution team
2 of the Special Court on the 26th day of February 2003 -- the 26th?

3 A. I don't remember the day -- the date and the month.

4 Q. Now, I'm going to put a statement you made in Exhibit D4B at page
17:28:45 5 6462 and please answer yes or no if you made that statement.

6 MR FOFANAHA: Your Honours, I'm referring to the first paragraph. The
7 statement is actually on the second to last line of that paragraph.

8 PRESIDING JUDGE: Yes. [Microphone not activated]

9 MR FOFANAHA: As Your Honour pleases.

17:29:09 10 Q. "I was major's youngest wife at 16. I was major's youngest wife at
11 16. The others were aged between 20 and 30. His oldest wife was a
12 30-year-old Liberian woman who was very dangerous." Did you make that
13 statement to anyone from the Prosecution team of the Special Court?

14 A. Yes.

17:29:36 15 [TB070405D 5.30 p.m. - SGH]

16 Q. Do you recall what year was that when you said you were
17 the youngest of major's wives?

18 PRESIDING JUDGE: Are you saying she is inconsistent? Because I am
19 trying to do some arithmetic here.

17:29:18 20 MR FOFANAHA: Exactly, that is what I am trying to impute. That is
21 what I am trying to impute. This statement was made in reference to
22 incidents that happened in 1999. I see my colleague is up and I have to
23 sit.

24 MS PACK: Your Honour, if my learned friend is putting inconsistency,
17:29:46 25 then perhaps also I might ask him or for Your Honours to also put to the
26 witness what is stated in the fifth document D4E, page 6888.

27 MR FOFANAHA: Certainly, I was coming to that, that was the first
28 paragraph. I am coming to it.

29 MS PACK: I am very grateful. I am sorry to interrupt.

1 MR FOFANAH:

2 Q. I was just saying that you said you recall making that statement and
3 I was asking if you recall what year that was. Was it in 1999 when you
4 said you were the youngest of major's wives at 16?

17:30:41 5 A. I made the statement, but I don't know the month or the year that I
6 made it.

7 Q. Okay. Now, I will take you up a bit that same paragraph at page 6462
8 and I will just start by reading the first three sentences. It says:

9 "Further to my statement given on 3rd February 2003, I want to explain
10 about the radio statements by Foday Sankoh. I heard Foday Sankoh speak
11 once on the radio. He spoke about three weeks after I arrived in Masiaka."
12 Now when did you arrive in Masiaka; was it in 1999?

13 A. I can't remember. I can't remember that.

14 Q. You have just told this Court that you remember making the statement
17:31:45 15 that you were 16 when you were the wife of major. Will you agree with me I
16 say that this was when the incidents that you have just mentioned or at
17 least testified to before this Honourable Court happened? When you were
18 16. In other words, at about the same time as what your experiences you
19 have now recalled happened or at least recalled.

17:32:19 20 A. I can't remember that.

21 Q. So you can't remember when you were 16?

22 A. I can't remember that statement.

23 Q. Okay.

24 MR FOFANAH: Your Honour, I will refer you to Exhibit D4E which my
17:32:42 25 I learned colleague just drew my attention to at page 6888. D4E, it is the
26 first paragraph under the rubric "date of birth". With your leave I
27 read: "My birth date is 28th February. I can't remember the year. I
28 know I am aged 19 now. I thought I was older, but from my birth
29 certificate after my first interview with the OTP. I no longer have it

1 as it was eaten by rats." Did you ever recall making that statement to
2 anyone from the Office of the Prosecution?

3 A. Yes.

4 Q. And this must have been in March 2005, in February or March 2005.

17:33:57 5 That is the date of the statement. It must have been in February or
6 March 2005. Am I correct?

7 A. Yes.

8 Q. So, Madam Witness, if by February/March 2005 you were 19, then I take
9 it that you must have been 16 in 2002. Sometime in 2002. True or false?

17:34:15 10 A. I don't know. I don't know.

11 Q. Okay, we will leave it at that. I have to move on. Madam Witness,
12 whilst moving from Freetown after incidents of January 6th, 1999, up until
13 you reached Masiaka, you must have gone through a lot of places; not so?
14 Like Waterloo, which you mentioned in your testimony, and other places.

17:35:01 15 A. Yes.

16 Q. Did you go through Mile 38 on your way to Masiaka?

17 A. Well I passed through those places but I have never known them. We
18 passed through those places.

19 Q. Has anyone ever mentioned the name Mile 38 to you before?

17:35:45 20 A. Yes, those who knew the place, the villages.

21 Q. So, was that on your way to Masiaka that they told you about Mile 38?

22 A. No. When we were going to Waterloo.

23 Q. So when you reached Mile 38 you must have known then that it was Mile
24 38, was it, because they told you about -- described --

17:36:18 25 PRESIDING JUDGE: What is the relevance of this line of
26 questioning, Mr Fofanah?

27 MR FOFANAH: I'm basically trying to establish -- I was going to draw
28 the witness's attention to a prior statement that she made indicating that
29 they went through Mile 38 and I just wanted to establish --

1 PRESIDING JUDGE: Very well.

2 MR FOFANAH:

3 Q. So when you said you must have gone -- you might have gone through
4 Mile 38, I am saying that when you finally went through this place called
17:36:49 5 Mile 38, you must have -- you might have known that this was Mile 38 from
6 the description given to you by various people you were referring to. Did
7 you know Mile 38 at all whilst moving between Waterloo and Masiaka? Did
8 you have cause to move at a place called Mile 38?

9 A. Yes.

17:37:31 10 Q. Did you stay there on your way to Masiaka?

11 A. No.

12 Q. Did the people that you were with have any cause to stay there to the
13 best of your knowledge?

14 A. No.

17:38:06 15 Q. But you went through Mile 38; am I right?

16 A. Yes.

17 Q. Now, how long did it take you to move from Waterloo to Mile 38; do
18 you know?

19 A. No.

17:38:39 20 Q. Do you also know how long you took from Mile 38 to Masiaka?

21 A. No.

22 Q. Do you know who was the commander then who was the head of the group
23 that you were with when you were moving from Mile 38 to Masiaka?

24 A. Yes. There were some commanders with us. Five-Five was with me,
17:39:17 25 with us, Jabbi, Colonel Gold Teeth and other commanders they were with us
26 when we were going.

27 Q. Okay. Let us move on to the last set of questions. Now, Madam
28 Witness, you have mentioned ECOMOG a lot in your testimony before this
29 Honourable Court. In Freetown, at Wellington, where you were living before

1 the rebels struck, now first of all, did you say the rebels came to
2 Freetown on 5th January 1999?

3 A. I said the rebels went to my house on the 5th.

4 Q. Of January and that is in 1999?

17:40:12 5 A. Yes.

6 Q. What time of the day was it? Was it in the morning, at night, in the
7 evening?

8 PRESIDING JUDGE: I think the witness has been cross-examined.

9 THE WITNESS: They went to my house in the evening.

17:40:34 10 MR FOFANAH: That is her answer, Your Honour, thank you.

11 Q. Now, when the Guinean soldiers, because you indicated in your
12 testimony that the rebels at some point had to flee the Wellington area
13 because Guinean soldiers were coming, were you still in the vicinity when
14 the Guinean soldiers came? The vicinity of Wellington, Freetown?

17:41:02 15 A. Yes.

16 Q. And did they come to Wellington firing guns?

17 A. Yes.

18 Q. It might have been very frightening I guess; is it?

19 A. Yes.

17:41:32 20 Q. Do you know if, in the course of the encounter that they had with the
21 rebels, people lost lives?

22 A. Yes.

23 Q. Okay. We move further at page --

24 MR FOFANAH: I will be referring the witness's attention to a
17:42:02 25 statement at D4A, page 6457. It is actually 6458, but then the paragraph
26 starts at 5457. Something that has to do with ECOMOG. Now, whilst at
27 Wellington, did ECOMOG ever advance to flush out the rebels at
28 Wellington?

29 A. No.

1 Q. Did ECOMOG ever go to Wellington during the January 6th incidents
2 that we have referred to?

3 A. No.

4 Q. Now, do you recall making the following statements.

17:43:09 5 MR FOFANAHA: Your Honours, I will start at page 6457, because I
6 want the entire statement to be read as a story. The last paragraph of
7 6457, that is Exhibit D4A. So it reads: "The rebels were about to light
8 a match when another rebel in full combat came and told Jabbi not to
9 light the fire. We were all begging them not to light the match. Jabbi
10 beat us with his gun butt and slapped a young man who was there. The
11 rebel in combat had a red headband. I do not know if he was Jabbi's
12 commander. He left with Jabbi. The same day Jabbi returned at about
13 6.00 p.m. He came in a vehicle and was wearing a hat that covered his
14 face except his eyes and his mouth. I recognised his voice and saw the
17:44:23 15 scar on his upper lip. Jabbi sent one rebel who was wearing civilian
16 inside the house to take us away. I had rubbed Chinese balm on me so the
17 rebels would think I was sick. I also had put on [inaudible] clothes and
18 a head wrap. The rebel grabbed me and took me outside. Jabbi said, "Let
19 go with her." I said to Jabbi, "Eh, you have come back again after
17:44:59 20 everything you have done." Jabbi fired a shot which missed me. I fled
21 into the latrines to hide. The rebels looked for me, but while they were
22 looking ECOMOG advanced. The rebels fled leaving the vehicle behind.
23 ECOMOG at first accused us of being rebels, but we explained what had
24 happened, so ECOMOG left us." Now, Madam Witness, did you at any time
17:45:32 25 make that statement to anyone from the Office of the Prosecution?

26 A. Yes.

27 Q. You did. Now, Madam Witness, you have explained, from what I have
28 read, a scenario that was very frightening, especially when Jabbi was
29 around; is that so?

1 A. Yes.

2 Q. So why did you choose to stay when ECOMOG came to meet you at
3 Wellington? When ECOMOG came, why did you choose to stay?

4 A. Well, I was not the only person who was there. The rebels said if we
17:46:23 5 move out of our house they would burn it. So when ECOMOG came we didn't
6 run away, we stayed at our house.

7 Q. Okay. We move on from there. You also said - my colleagues have
8 almost exhausted that, but I will just tie that in with what you have just
9 said about ECOMOG - that in a group with other women, women combatants who
17:46:51 10 have been trained to fight, you went to attack ECOMOG at Kono. Is that
11 correct?

12 A. No.

13 MS PACK: In fairness, I don't think the witness said that they
14 went to attack ECOMOG in Kono. That wasn't her evidence, in my
17:47:07 15 submission.

16 PRESIDING JUDGE: I don't recall that either [inaudible]

17 MR FOFANA: Your Honours, may I be guided, because the witness
18 actually said, I mean, that they went, especially when Mr Manley-Spaine was
19 cross-examining, they went as far as Kono and then ECOMOG was at Kono and
17:47:31 20 there was a fight and some rebel women were killed.

21 PRESIDING JUDGE: Well, there was a series of [microphone not
22 activated]. She did -- the witness did say that they had enter Kono and
23 during that time it was night, so she could not remember where. She was in
24 a group of women.

17:48:18 25 MR FOFANA: I will just ask her.

26 PRESIDING JUDGE: She said, "After the fight in Kono we went to
27 Makeni." And I don't recall ECOMOG was --

28 MR MANLEY-SPAIN: Excuse me, Your Honour, one of the accused persons
29 would like to use the bathroom.

1 PRESIDING JUDGE: Yes, let him go accompanied. If it is necessary,
2 we will look to the official record.

3 MR FOFANAH: In order to clarify I will just put the question to her
4 and we will move on.

17:48:47 5 PRESIDING JUDGE: Yes.

6 MR FOFANAH:

7 Q. Who were at Kono when you went with this group of trained women? Or
8 was ECOMOG at Kono when you went?

9 PRESIDING JUDGE: There are two questions.

17:49:10 10 MR FOFANAH: She is not answering.

11 THE INTERPRETER: Can the lawyer please ask the question again, the
12 interpreter was interrupted?

13 MR FOFANAH:

14 Q. Was ECOMOG at Kono when you went with this group of trained women to
17:49:25 15 Kono?

16 A. Yes.

17 Q. Now, was there an attack by your group at Kono on ECOMOG?

18 A. I do not understand.

19 Q. What did your group go to do at Kono?

17:50:06 20 A. Well, they went to attack the people who were there. The civilians
21 who were in Kono.

22 Q. And you were with them?

23 A. Yes.

24 Q. Was ECOMOG present in Kono at that material time?

17:50:15 25 A. Yes.

26 Q. And at some point in time you, as a combatant, because you have told
27 this Court you were now a trained fighter, you might have been all by
28 yourself when they attacked; not so? At some point in time.

29 PRESIDING JUDGE: Are you speculating or are you asking a question?

1 MR FOFANAH: I will re-phrase, Your Honour.

2 Q. Did you have the opportunity of giving yourself up to ECOMOG at Kono
3 during this attack?

4 A. No.

17:51:00 5 Q. Why?

6 A. Because they would kill me.

7 Q. Who would kill you?

8 A. The ECOMOG. The ECOMOG.

9 Q. Now, when you finally chose to surrender or at least to leave the
17:51:34 10 rebels, you came to ECOMOG; not so? According to your testimony you
11 said --

12 MS PACK: Your Honour, what may confuse the witness is the use of
13 the word "surrender" which I don't think is something the witness said.
14 I think it was escape.

17:51:52 15 PRESIDING JUDGE: I was going to pick you up, Mr Fofanah, the fact
16 that you have used two different words and two different expressions there.
17 You said when you decided to surrender and when you said left the rebels.
18 You must put one or other to the witness.

19 MR FOFANAH: Thank you, Your Honour. I will do that.

17:52:08 20 Q. Now, you said that, I mean, when jets were flying over Makeni there
21 was confusion and then everybody scattered about; not so?

22 A. Yes.

23 Q. And during that period you decided to escape; am I right?

24 A. Yes.

17:52:30 25 Q. When you escaped, where did you go to?

26 A. I went to the ECOMOG.

27 Q. Why did you decide this time around to go to ECOMOG? Why didn't you
28 do that at Kono?

29 A. Because that was during the war. We were fighting a war. At that --

1 at the other time the war was over. There was no fighting.

2 Q. When the jet bombed Makeni the war was over; is that what you are
3 saying?

4 A. Yes.

17:53:17 5 Q. So you chose not to give up to ECOMOG in Kono because the war was not
6 over; am I right?

7 A. Yes.

8 Q. If I put it to you that in fact you chose not to give up to ECOMOG at
9 Kono because you are wanted to stay with the rebels; will I be right?

17:53:36 10 A. No.

11 MR FOFANAH: No questions, thank you.

12 MS PACK: No re-examination, Your Honour.

13 PRESIDING JUDGE: Madam Witness, that is the end of your evidence

14 today. You do not have to come back to the court because there are no more

17:54:17 15 questions. You can also -- when I said you couldn't discuss your evidence,
16 that is no longer applying to you. Do you understand? Do you understand
17 me?

18 THE WITNESS: Yes ma'am.

19 PRESIDING JUDGE: Thank you very, very much for coming and giving

17:54:36 20 your story at the Court.

21 THE WITNESS: Yes, ma'am, thank you.

22 PRESIDING JUDGE: Mr Court Attendant, please adjourn court until 9.15
23 tomorrow morning.

24 [Whereupon the hearing adjourned at 5.58 p.m. to be reconvened on

17:55:45 25 Friday, the day of 8th April 2005 at 9.15 a.m.]

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EXHIBITS:

Exhibit No D4A	66
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