

THE SPECIAL COURT FOR SIERRA LEONE

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

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

MONDAY, 11 APRIL 2005  
9.20 A.M.  
TRIAL

Before the Judges:

Teresa Doherty, Presiding  
Julia Sebutinde  
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Neil Gibson

For the Prosecution:

Ms Lesley Taylor  
Mr Robert Braun  
Ms Jennifer Beckley (intern)  
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Claire Carlton-Hanciles

For the accused Alex Tamba Brima:

Mr Kevin Metzger  
Ms Glenna Thompson  
Mr Osman K Kamara

For the accused Brima Kamara:

Mr Mohamed Pa-Momo Fofanah  
Mr Abdul Rahman Mansaray

For the accused Santigie Kanu:

Mr Abibola Manley-Spaine  
Ms Karlijn van der Voort

1 Monday, 11 April 2005  
2 [The accused entered court]  
3 [The witness entered court]  
4 [Open session]  
09:15:52 5 [On commencing at 9.20 a.m.]  
6 PRESIDING JUDGE: Good morning. Unless there are some other matters,  
7 I will remind the witness of his oath and we will proceed. Good morning,  
8 Mr Witness.  
9 THE WITNESS: Good morning, My Lord.  
09:19:52 10 PRESIDING JUDGE: I want you to remember that you promised and swore  
11 to tell the truth and that promise is still binding on you and you must  
12 tell truth and answer the questions truthfully. Do you understand?  
13 THE WITNESS: Yes, My Lord.  
14 PRESIDING JUDGE: Thank you very much. Mr Braun, you may proceed.  
09:20:12 15 MR BRAUN: Thank you, Your Honour.  
16 WITNESS: TF1-227 [Continued]  
17 EXAMINED BY MR BRAUN: [Continued]  
18 Q. Good morning, Mr Witness. On Friday you told us that you were  
19 captured by soldiers in xxx and that you were forced to walk to their  
09:20:29 20 base.  
21 A. Yes.  
22 Q. You also started to describe what you saw at xxxx; is that  
23 correct?  
24 A. Yes.  
09:20:42 25 Q. Now, Mr Witness, is there a river near xxx?  
26 A. I can't get you clearly.  
27 Q. Is there a river near Kola Tree?  
28 A. Yes, there is a small stream at xx.  
29 Q. Did you ever go to that stream when you were at xxx?



1 A. Yes.

2 Q. Do you recall the date when you were going there?

3 A. It was on the 25th of January.

4 Q. What year?

09:21:30 5 A. On the 25th of January 1999.

6 Q. Why were you going to the river?

7 A. Well, after taking about three days when I was captured staying with

8 them, so I asked for permission that I want to take a bath and the

9 xxxx gave me an escort to go with me. So I went down the stream.

09:22:04 10 There I discovered that the house where I stayed had already been burned

11 down and a few houses around our locality.

12 Q. Mr Witness, what houses are you speaking of now?

13 A. The house where I was staying at xxx.

14 Q. Can you describe exactly what you saw?

09:22:32 15 A. Well, the house was nearly burnt down because I have not been seeing

16 any roof, and the windows, you see, nearly two -- the drain. You see, my

17 own houses where I was staying.

18 Q. So this was your own house that was burnt down; is that correct?

19 A. Yes and other houses.

09:22:58 20 Q. Do you recall how many houses you saw burnt down?

21 A. Well, we think that in the street at xxx, there were ten

22 houses I counted burnt down.

23 Q. Who burnt the houses?

24 A. Well, it is the rebels.

09:23:34 25 Q. How do you know that?

26 A. You see because they were all around in the area at that time.

27 Q. Did you see the rebels burning houses?

28 A. No, I did not see any rebel burning houses.

29 Q. Does the notion "put fire" say something do you?



1           PRESIDING JUDGE: Mr Braun, I didn't quite hear the question. Would  
2   you please repeat it.

3           MR BRAUN: Sure.

4   Q.    Does the notion "put fire" say something to you, Mr Witness?

09:24:34 5           MS THOMPSON: Your Honour, I'm sure my learned friend knows that that  
6   is leading the witness, and we don't know what that means.

7           PRESIDING JUDGE: It is leading. You'll need to lay a better  
8   foundation for such a question, Mr Braun.

9           MR BRAUN:

09:24:52 10          Q.    Mr Witness, you just told us that the rebels were burning the houses.  
11   So how do you know that?

12   A.    Well, at the time when I was staying with them you have -- rebels  
13   patrolling, Put Fire and other commanders where there, but these were the  
14   nicknames, so these are the people that I can remember.

09:25:25 15          Q.    Do you recall any of the nicknames?

16   A.    Well, you have like "Killer" is a nickname, and "Put Fire," "Burn  
17   Those". These are all the names they were using. "Burn Naked", these are  
18   some of the names these people were using.

19   Q.    Do you know why they were using nicknames like "Put Fire"?

09:26:10 20          A.    Well, it was because of their activities, because some would like to  
21   be in the front.

22           MS THOMPSON: Your Honour, this is speculating. I didn't object the  
23   first time and the question was: How do you know these people burnt the  
24   houses when you got to xxx? The rebels had burnt houses down. That  
09:26:28 25   was clearly speculation. We went over this on Friday. My learned friend  
26   is doing it again; this is the second time. If he wants to elicit an  
27   answer to that question, he needs to lay a proper foundation. He hasn't  
28   done so.

29           PRESIDING JUDGE: Mr Braun, I will repeat what I said on Friday. The



1 witness at the moment is giving both opinion evidence -- would someone  
2 check why the lady in the front row of the public galley is gesticulating  
3 and who she is gesticulating to? Mr Court Attendant, would you please look  
4 at that.

09:27:11 5 I will continue. Mr Braun, I mentioned on Friday that the witness  
6 was giving a combination of factual and opinion evidence. He should limit  
7 his evidence to matters that he saw and heard, and if there is a logical  
8 conclusion from what he saw and heard, then it can be reached in due  
9 course.

09:27:35 10 MR BRAUN: I accept your guidance, Your Honour.

11 Q. So, Mr Witness, did you hear the name Put Fire?

12 A. Yes, I heard the name.

13 Q. When did you hear that name?

14 A. At the time when I was at xxxx.

09:28:07 15 Q. Now, Mr Witness, do you recall for how long you stayed in xxxx?

16 A. Well, about five days.

17 Q. What happened next?

18 A. Well, on the 27th to the 28th of January I saw xxxx came to xxx  
19 and said they need to go up the hills towards Wilberforce, which is in

09:29:02 20 Freetown, and that the mission is going to be at night.

21 Q. Did you hear that?

22 A. Yes, yes.

23 Q. So what happened after that?

24 A. Well, after -- at the -- at night then we started to go.

09:29:38 25 Q. When you say "we started to go," who are you referring to?

26 A. I'm referring to those of us that were captured and the soldiers, the  
27 rebels who were at xxxx.

28 Q. So do you know how many persons that were -- that went?

29 A. Well, we were over 200.





1 Q. 200 what, Mr Witness?

2 A. Well, both civilians and including the rebels.

3 Q. Was it your freewill to go with the rebels?

4 A. It is not my freewill to go with them.

09:30:52 5 Q. So why did you go?

6 A. Well, since I was captured, then you are under -- I am under their

7 command and guns are around you, then you need to obey their order.

8 Q. Can you describe where you went from -- from xxx?

9 A. Well, from Kola Tree we were in cues, because you have the rebels -

09:31:45 10 those with the arms - in front, the civilians in the middle carrying loads

11 and also other fighting force at the back, you see, other military soldiers

12 at the back. Then we need to go on on road towards the hills, then you

13 climb towards Mile 38 and then to go back to Regent.

14 Q. Let me stop you here. When you say civilians carried loads, what

09:32:20 15 kind of loads did you carry?

16 A. Well, we carried small, like food and materials.

17 Q. So what happened next?

18 A. Well, next towards the 30th -- because we took about a day journey

19 and we stayed up the hills. The first batch must -- they arrived at

09:33:00 20 regent, the fighting force, but fortunately the ECOMOG trop were advancing

21 at that end and they started shooting, you see. So we were down the hill

22 and one of the ECOMOG soldiers said: "These as civilians. Don't shoot."

23 Q. Did you hear that?

24 A. Yes, I heard the voice.

09:33:34 25 Q. How do you know it was an ECOMOG?

26 A. Well, because he has a Nigerian accent.

27 Q. So what happened after that?

28 A. Well, after that incident, then everybody scattered, so we were

29 moving down -- I was moving down to go to Wellington.



1 Q. Why did you want to go to Wellington?

2 A. Well, I was heading towards going to town, to Freetown.

3 Q. You just mentioned that you wanted to go to Wellington. Is there a  
4 reason why you wanted to go to Wellington?

09:34:26 5 A. Well, my reason of going to Wellington is to meet the ECOMOG troop so  
6 that I can surrender myself because of security reasons.

7 Q. So what happened next?

8 A. You see, what happened in my -- I stand again judging myself, because  
9 the place was so terrified. You move -- because there was a great chaos of  
09:35:02 10 fear, you see, so I was thinking if I go to ECOMOG finally they will think  
11 I'm rebel. You see, that was my thought at that time, because I said, "Now  
12 my life will be in jeopardy." Then one xxx calls me.

13 Q. Who is xxxxx?

14 A. Well, he was one of xxxx fighting force member. So he calls me  
09:35:40 15 and said, "xxxx, if you go towards the ECOMOG, you are going to be killed  
16 because now it is not safe. You see, it is better let us go to Makeni, you  
17 see." Then I later changed my opinion because since I have been in Makeni,  
18 I thought it fit that if I go to Makeni, I will be safe until ceasefire or  
19 the peace, then I will return back.

09:36:11 20 Q. So where did you go?

21 A. Well, I -- we decided to go back to xxxxx and to go to Benguema  
22 and so on.

23 Q. What happened after you returned to xxxx?

24 A. Well, after we returned to xxxxx, we stayed there for few days  
09:36:44 25 and we moved to go to Benguema.

26 Q. When you say "we," who are you referring to?

27 A. Those who were captured and others -- rebels, so we decided to go to  
28 Benguema.

29 Q. Who decided to go to Benguema?



1 A. Because the people -- when I talk of "we," I'm talking of the  
2 civilian. Some civilians and the rebels decided to go to Benguema.  
3 Q. Can you explain to us where Benguema is located?  
4 A. Benguema is at xxxx about 20 -- 22 miles from xxxx to  
09:37:36 5 xxx -- to Benguema, sorry.  
6 Q. What happened next?  
7 A. Well, at Benguema we stayed there. I was still with xxxxx  
8 and he left us and he went to Makeni. Then he handed me over to xxxx.  
9 He said I stay with him.  
09:38:19 10 Q. What do you mean by "hand me over to xxxxx"?  
11 A. Because Gunboot he too is a leader and he said he can not go with us  
12 to Makeni at that time. And xxxx he said let xxx take care of  
13 us for the meantime.  
14 Q. So how many persons were at Benguema?  
09:38:47 15 A. At Benguema, there were over 200 people.  
16 Q. When you speak of people, who are you referring to?  
17 A. I'm referring to the civilians and the rebels.  
18 Q. Were there any commanders in Benguema?  
19 A. Well, the commanders I cannot remember at that time was -- you have  
09:39:31 20 Brigadier Five-Five was there; Tina, that is SAJ Musa's wife; CO Rambo was  
21 there; Gunboot was there too. Colonel Adamu. So these are the names I can  
22 remember.  
23 Q. Who is Brigadier Five-Five?  
24 A. I want you to ask the question again.  
09:40:21 25 Q. Who is Brigadier Five-Five?  
26 A. Well, Brigadier Five-Five is the High Commander, and he is member of  
27 the AFRC and he was the boss.  
28 Q. Do you know what group CO Rambo belonged to?  
29 A. Well, CO Rambo was in the RUF group.



1 Q. Did anything happen in Benguema?

2 A. Yes, many things happened at Benguema.

3 Q. Please tell us, Mr Witness?

4 A. At Benguema at one time Brigadier Five-Five called a muster parade.

09:42:06 5 Q. Mr Witness, can you describe to us what a muster parade is?

6 A. Well, it is a sort of an assembling of people to give a talk or  
7 address to the people, and they line up so that they can address -- what it  
8 is, a military term they use.

9 Q. When you say "to address people," who are you referring to?

09:42:43 10 A. Well, when he made that announcement that he need to call a muster  
11 parade, that we the civilians, he wants to talk to the civilians who were  
12 captured, so we came at that time and he addressed us.

13 Q. What did he tell you?

14 A. Well, what I gathered from his speech he first and foremost welcomed  
09:43:23 15 us, he said they have come to safe the civilians. There is not going to be  
16 any kind of ruthless behaviour on the civilians. He will try to contact  
17 Burkina and Liberia, you see. He said other words, but I cannot remember  
18 now, but these are the few things I gathered from what he said.

19 Q. Were any orders given at that muster parade?

09:44:06 20 A. Yes, the order he gave to be carried was the destruction of the  
21 bridge at MacDonald.

22 Q. Who had to destruct the bridge at Macdonald?

23 A. Well, we the civilians need to go and do that particular work.

24 Q. What happened after you and the other civilians were given the order  
09:44:50 25 to destruct the bridge?

26 A. Well, we were supervised by rebels. We went to the site of the  
27 bridge, then we started to do some work.

28 Q. Was it your free will to do this work?

29 A. It is not my --





1 MS THOMPSON: Your Honour, that is leading. That suggests an answer.

2 PRESIDING JUDGE: I do not think so. It is either a yes or no answer  
3 to that. The answer is not contained in the question. He could answer yes  
4 or he could answer no to the question.

09:45:22 5 MS THOMPSON: The word "free will" -- the word "free will," Your  
6 Honour, suggests an answer.

7 [Trial Chamber confer]

8 PRESIDING JUDGE: We consider it is not a leading question and the  
9 question is allowed. Please put the question.

09:45:55 10 MR BRAUN:

11 Q. Mr Witness, was it your free will to go and do this work you were  
12 order to?

13 A. It is not my free will.

14 Q. So why did you do it?

09:46:10 15 A. Because I was under force.

16 Q. What do you mean by force?

17 A. You see because you are pressurised with guns and if you don't do it,  
18 the results will be terrible.

19 Q. So what happened when you went to the bridge?

09:46:41 20 A. Well, we started the job, started digging, you see, but the jets was  
21 coming towards that end and we could not do half of the job and later we  
22 need to return again. But we took about two or three days doing that  
23 particular job.

24 Q. Was there anything else you were ordered to do?

09:47:25 25 A. No.

26 Q. Who did the domestic work?

27 A. Well, we the civilians are doing the domestic work.

28 MS THOMPSON: Your Honour, that question wasn't -- the previous  
29 question was: "Were you ordered to do anything else?" The answer to that



1 was no. Clearly my learned friend was looking for another answer and he  
2 then put his question again suggesting the answer that he wanted.

3 PRESIDING JUDGE: Ms Thompson, who did the domestic work was a  
4 question. The answer could have been: They employed people; the women did  
09:48:25 5 it; the civilians did it; it the soldiers did it; the children did it.  
6 There are a multitude of answers. I cannot find an answer contained within  
7 the question and therefore I do not consider it leading.

8 MR FOFANAH: Your Honour, may we seek clarification, because the  
9 witness has not mentioned anything about domestic work yet. That is the  
09:48:51 10 point. He has not mentioned anything about domestic work and my learned  
11 colleague is actually suggesting domestic work in his question.

12 [Trial Chamber confers]

13 PRESIDING JUDGE: I do not consider that this is a leading question.  
14 I consider there is some implication that certain work would have had to be  
09:49:43 15 done in the course of the days described by the witness and that included  
16 the need to eat, and such domestic work. However, Mr Braun, I do again say  
17 take care in the questions and take care to avoid any -- even an inkling of  
18 leading your witness. I will allow the question in its present form.

19 MR BRAUN: Your Honour, the question has already been answered by the  
09:50:24 20 witness. Should I repeat the question or --

21 PRESIDING JUDGE: The question is on record and as it has been  
22 allowed, it will remain on record. Please proceed.

23 MR BRAUN:

24 Q. Mr Witness, why did the civilians do domestic work?

09:50:52 25 MR METZGER: I rise to object. That leads to speculation.  
26 Groundwork required.

27 PRESIDING JUDGE: I agree. A little more work.

28 MR BRAUN:

29 Q. Mr Witness, what kind of domestic works did the civilians do?



1 A. Well, we the civilians used to laundry for the soldiers, cooking,  
2 fetching food, pounding of rice, et cetera.

3 Q. Did anything happen if civilians refused to do domestic work?

4 A. If civilians refused to do domestic work --

09:52:11 5 MR MANLEY-SPAINE: May it please, Your Honour. Clearly that is a  
6 leading question. It calls for speculation. The if -- if.

7 PRESIDING JUDGE: The question -- the answer -- excuse me, the  
8 question was: Did anything happen if you refused to do -- if civilians  
9 refused to do domestic work? I think possibly it would be better if you  
09:52:44 10 lay out more foundation and ask if there was refusal or agreement and then  
11 move on from there, Mr Braun.

12 MR BRAUN:

13 Q. Did the civilians agree to do the domestic work?

14 A. The civilians do not agree to do the domestic work, only -- we would  
09:53:14 15 only do the work when you are forced do it.

16 JUDGE SEBUTINDE: Counsel, could we guide you by requesting that you  
17 restrict your questions to what this witness did and heard and saw rather  
18 than presuming him to speak for all the other captives. That may be a  
19 better path to tread.

09:53:48 20 MR BRAUN:

21 Q. Mr Witness, did you do domestic work?

22 A. Yes, I did domestic work.

23 Q. Was it your freewill to do domestic work?

24 A. It was not my freewill to do domestic work.

09:54:11 25 Q. What kind of domestic work did you do?

26 A. I was washing, laundering clothes for my commander, cooking for him  
27 and also going to fetch wood, et cetera.

28 Q. Who ordered you to do domestic work?

29 A. I do domestic work for xxx, for xxxx, because they were



1 my immediate commanders.

2 Q. Did you ever refuse to do domestic work for the rebels?

3 A. Well, no.

4 Q. And why not?

09:55:09 5 A. You see, because if I refuse the punishment will be flogging or some  
6 other kind of thing they will do.

7 Q. Did anything else happen in Benguema?

8 A. Yes. Another certain thing that happened was that when xxxx raped  
9 a 17 -- 16- to 17-year-old school girl and later he killed the girl.

09:56:13 10 Q. Did you see that?

11 A. Well, I did not see the incident, but I heard the screaming of the  
12 girl when the axe was going.

13 Q. How do you know that she was killed?

14 A. Well, because the apartment where we were staying were so close if,  
09:57:02 15 you see, you talk in the next side, you will get what you're saying. You  
16 will hear all the discussion.

17 Q. So what did you hear?

18 A. Well, you see, because when the girl was crying -- she was crying,  
19 you see, I believe he forced the girl to a certain extent that the girl  
09:57:35 20 could not say a any word because he threaten --

21 MR MANLEY-SPAIN: May it please, Your Honour. Your Honour, he is  
22 saying "I believe." Is this evidence, Your Honour? This is something that  
23 we're taking against the accused persons? This is a serious thing we're  
24 going through. This witness is telling us: "I was not there, but I  
09:57:59 25 believe he forced her to such an extent." How can he give that evidence?

26 PRESIDING JUDGE: The witness said I heard. He could hear all the  
27 discussion that the girl was forced.

28 MR MANLEY-SPAIN: Yes, he said that. We're not quarreling with  
29 that. He has now gone further to say: "I believe he has forced her to a





1 such an extent." He is telling us about his belief. It cannot be  
2 evidence, Your Honour,

3 PRESIDING JUDGE: Mr Witness, you may recall on Friday I said the  
4 things you see or hear. Opinions are for submission.

09:58:36 5 MR BRAUN:

6 Q. Mr Witness, I asked you what did you hear with regard to this girl,  
7 not what you thought, but what you heard?

8 A. Well, the girl was crying and she said let him leave her alone, you  
9 see. Then from that I cannot hear anything what really transpired inside.

09:59:12 10 Q. You said that that girl was killed. How do you know that?

11 A. Well, one of the -- his boys, one confirmed it to me.

12 Q. What did he tell you?

13 A. He said well, xxx had already killed the girl.

14 Q. Did you ever see that girl again?

09:59:52 15 A. No.

16 MR MANLEY-SPAINE: Again, Your Honour. There is no evidence that he  
17 had seen the girl before. How can he ask: Did you ever see that girl  
18 again? We've not been -- we don't want to be getting up and objecting, but  
19 let him do it correctly. There is no evidence before that he saw the girl.

10:00:16 20 PRESIDING JUDGE: Mr Braun, omit the word "again".

21 MR BRAUN: Your Honour, I just want to indicate that the witness said  
22 that it was a 16th to 17th year old student, so I was assuming that he  
23 indeed saw the girl before.

24 PRESIDING JUDGE: Hence the need to lay that foundation. The record  
10:00:39 25 I have, and we have an official record, is I didn't see the incident, but  
26 I heard the screaming, so he did not see the incident.

27 MR BRAUN:

28 Q. So, Mr Witness, did you see that girl before the incident?

29 A. I saw the girl before the incident.



1 Q. And did you see the girl after the incident?

2 A. No, after the incident, I did not see her again.

3 JUDGE SEBUTINDE: Counsel, we would have been happy to know where he  
4 saw this girl, because that puts it in context. We cannot assume that he  
10:01:49 5 saw this girl in the room where the incident allegedly happened.

6 MR BRAUN:

7 Q. Mr Witness, when you say that you saw that girl before the incident,  
8 where did you see her?

9 A. We stayed closer at the apartment we were at Benguema and she was  
10:02:13 10 going through our own line to fetch water.

11 MR BRAUN: May I move on, Your Honour.

12 PRESIDING JUDGE: Thank you.

13 MR BRAUN:

14 Q. Were there other female civilians at Benguema?

10:02:38 15 A. Yes, there are many female civilians at Benguema.

16 Q. Did anything happen to those female civilians?

17 A. No.

18 Q. Can you describe the behaviour of the rebels towards female civilians  
19 at Benguema?

10:03:41 20 A. Well, the female civilians at Benguema were protected because they --  
21 some of them who have been captured have been with them and there is  
22 cordiality among them.

23 Q. What do you mean by "cordiality between them"?

24 A. Since there is a good relationship.

10:05:03 25 Q. Mr Witness, to your knowledge, how old were the combatants at  
26 Benguema?

27 A. I want you to ask the question again.

28 Q. To your knowledge, how old were the combatants at Benguema?

29 MR FOFANAH: Objection, Your Honour, I really don't know if this



1 witness is competent enough to ascertain that. He has not told us that he  
2 used to work at the births and deaths registry before or anything like  
3 that. I don't know.

4 MR METZGER: I just wanted to add to the objection in these terms:  
10:05:53 5 It is a very open-ended question jumping on the back of something else that  
6 we have stumbled through. Perhaps again I would object on the basis that  
7 the question has not laid sufficient foundation for us to be able to  
8 ascertain -- for you to be able to ascertain whether this witness can  
9 properly answer that question. It is a generalised question, and perhaps  
10:06:16 10 could be taken in stages.

11 [Trial Chamber confers]

12 PRESIDING JUDGE: Mr Braun, this question is much too broad and does  
13 not indicate to us how the witness would be able to give expert opinion or  
14 any opinion. You must rephrase it and lay a proper foundation leading up  
10:07:22 15 to this question.

16 MR BRAUN:

17 Q. Mr Witness, can you describe the combatants that you saw at Benguema?

18 A. Well, the combatant that I saw at Benguema ranged from the age of ten  
19 to 14 years of age.

10:07:50 20 Q. How do you know they were combatants?

21 A. Well, in -- I'm going to take an example, the commander whom I was  
22 staying with, he has three combatants. They were between the age of ten to  
23 14 years of age.

24 Q. But how do you know they were combatants?

10:08:32 25 A. Well, they wore military uniform. Some of them held guns. See they  
26 acted as if they were trained soldiers.

27 Q. Do you recall how many combatants between ten to 14 you saw at  
28 Benguema?

29 MR MANLEY-SPAINE: May it please, Your Honour, I don't know if you



1 got the answer correct. According to the witness all the combatants were  
2 between ten and 14. "The combatants I saw were between ten and 14 years."  
3 That was his answer.

4 JUDGE SEBUTINDE: I think when counsel rephrased his question he  
10:09:40 5 said: Can you describe the combatants that you saw at Benguema, to which  
6 then the witness replied. "The combatants that I saw were between the ages  
7 ten to 14," and then he gave an example. I do not recall him using the  
8 word "all".

9 MR MANLEY-SPAIN: No, Your Honour. It is the implication of the  
10:10:05 10 sentence. I believe his actual words were: The combatants I saw ranged  
11 the age of ten and 14. That he was exclusive. He said the combatants that  
12 he saw at Benguema ranged between ten and 14 years. From my own  
13 understanding that was all. He didn't see any other combatants outside the  
14 ages of ten and 14. That was my understanding of what the witness said.

10:10:41 15 PRESIDING JUDGE: Yes, that is what the witness said.

16 MR BRAUN: Your Honour, may I clarify that?

17 PRESIDING JUDGE: Not to the extent that you start cross-examining  
18 your own witness.

19 MR BRAUN:

10:11:01 20 Q. Mr Witness, when you saw "all the combatants I saw were" --

21 MR METZGER: Objection. Asked and answered.

22 MR BRAUN: Your Honour, I don't see how I can clarify that point  
23 without referring to THE --

24 PRESIDING JUDGE: Mr Braun, the record speaks for itself.

10:11:26 25 MR BRAUN:

26 Q. Mr Witness -- Mr Witness, you mentioned that Brigadier Five-Five was  
27 at Benguema?

28 A. Yes.

29 Q. What was his age?





1 MR MANLEY-SPAINE: Again, Your Honour, can he tell the age of someone  
2 he just look at him and tell his age?

3 PRESIDING JUDGE: Mr Manley-Spaine, I will ask counsel to rephrase  
4 his question, but the fact remains. Mr Braun, can you rephrase this. If  
10:12:37 5 you're asking an exact, you're not going to get it.

6 MR BRAUN:

7 Q. Mr Witness --

8 A. Yes.

9 Q. -- Brigadier Five-Five was he between ten and 14 years old?

10:12:51 10 A. No.

11 Q. Thank you.

12 MS THOMPSON: Your Honour, that was a leading question. My I ask  
13 that that be struck off the record. That was leading.

14 PRESIDING JUDGE: The evidence is that the combatants were between  
10:13:10 15 ten and 14. The question was: Was this person between ten and 14? There  
16 is a yes and a no answer to it and you got a negative answer.

17 MR METZGER: I'm sorry. We're content with the answer and may the  
18 record show that the evidence of this witness thus far is that Brigadier  
19 Five-Five was not a combatant.

10:13:45 20 MR BRAUN:

21 Q. Mr Witness, can you describe how Brigadier Five-Five was dressed?

22 A. Well, the day he called the muster parade, he dressed in civilian  
23 clothes. He's a mature gentlemen when he was addressing us.

24 Q. Was that the only time you saw Brigadier Five-Five at Benguema?

10:14:32 25 A. No. I saw him twice before he left to Masiaka.

26 Q. How was he dressed on those occasions?

27 A. Well, he was with plain civilian clothes.

28 Q. Who was in charge of Benguema?

29 MR METZGER: Objection, foundation. There would be at least one more



1 question he would have to ask before that.

2 PRESIDING JUDGE: We've already had a note of some commanders. Let  
3 me check my note to see what area they belonged to. I think it was Kola  
4 Tree. Mr Metzger, it appears from the earlier record that Adamu went to  
10:15:59 5 Makeni. That's when the people had already arrived at Benguema.

6 MR METZGER: That's correct, Your Honour.

7 PRESIDING JUDGE: And the witness was asked: "Were there any  
8 commanders? I cannot recall them all," and then "Brigadier Five-Five was  
9 there." So it would appear he was already a commander at Benguema,  
10:16:19 10 according to the record and the evidence of this witness.

11 MR METZGER: The actual answer to that question, as I have it  
12 recorded is: "Brigadier Five-Five was there; Tina, SAJ Musa's wife; CO  
13 Rambo was there; Gunboot was there too, Colonel Adamu. These are the names  
14 I can remember." Although he did explain that Colonel Adamu went to  
10:16:38 15 Makeni.

16 PRESIDING JUDGE: Yes, that is my record also, and Gunboot was there  
17 I have on record. So it was established at that point, according to the  
18 evidence, that Brigadier Five-Five was a commander at Benguema.

19 MR METZGER: No, the question he then asked was: Who was in overall  
10:16:56 20 command at Benguema? Not: Was any particular person? My basis for  
21 objection, at the risk of teaching anyone -- yes, evidence of procedure, is  
22 the preceding question ought to have been in order to elicit the witness's  
23 knowledge as to whether or not there was someone in overall command.

24 PRESIDING JUDGE: Indeed, Mr Metzger, I will allow your objection on  
10:17:22 25 that basis.

26 MR METZGER: Thank you.

27 MR BRAUN:

28 Q. Mr Witness, was there an overall commander at Benguema?

29 A. Well, the overall commander at Benguema was Brigadier Five-Five.



1 Q. May I come back now to my original question, which was: How many  
2 child combatants between ten and 14 years of age did you approximately see  
3 at Benguema?

4 PRESIDING JUDGE: There is no objection to that question being  
10:18:43 5 raised, Mr Braun. It is permissible.

6 MR BRAUN:

7 Q. Did you understand my question, Mr Witness?

8 A. No, repeat it again, please.

9 Q. How many combatants between the age of 10 to 14 years did you  
10:18:57 10 approximately see at Benguema?

11 JUDGE SEBUTINDE: Sorry, counsel, do you mean approximately how many,  
12 or do you mean did he approximately see?

13 MR BRAUN: Your Honour, approximately how many.

14 JUDGE LUSSICK: I think also, Mr Braun, you'll have to get him to  
10:19:21 15 explain his previous answer that all the combatants that he saw were  
16 between 10 and 14 years of age. Now, apparently saying that he saw  
17 combatants of different -- of other ages, or at least that is what you're  
18 putting to him.

19 MR BRAUN: May Your Honour guide me because, actually I tried to  
10:19:44 20 elicit what the witness meant by "all the combatants were between 10 to  
21 14," but we went to Brigadier Five-Five and I think that is clarified now.

22 JUDGE LUSSICK: Well --

23 MR BRAUN: May I proceed with my questioning?

24 JUDGE LUSSICK: Yes, yes, go ahead. It is just that the evidence  
10:20:35 25 that I presume he is going to give does not sit alongside the evidence he  
26 has already given.

27 MR BRAUN: Your Honour, I will come back to that at a later stage.

28 Q. So, Mr Witness, approximately how many child combatants between the  
29 age of 10 to 14 years old did you see at Benguema?



1 A. I saw about 25.

2 Q. How many combatants in total did you see at Benguema?

3 MR METZGER: Objection, unless of course my learned friend is trying,  
4 as it were, to impeach the credibility of his own witness, in which case I  
10:21:52 5 shall sit down.

6 PRESIDING JUDGE: You're verging on both cross-examining and  
7 impeaching your own witness, Mr Braun. Please proceed.

8 MR BRAUN:

9 Q. Mr Witness, was anyone in charge of the child combatants?

10:22:48 10 A. Well, the -- there is no specific person in charge of those child  
11 combatants.

12 Q. Were the child combatants attached to anyone at Benguema?

13 A. Yes.

14 Q. Who were they attached to?

10:23:21 15 A. Well, they were attached to the leaders of the rebels.

16 Q. Who were the leaders, Mr Witness?

17 A. Well, with high command or high rank officers.

18 Q. So would you tell us which high commanders or leaders had child  
19 combatants the Benguema?

10:24:08 20 A. Well, Brigadier Five-Five he has a child combatant; Gunboot, he has;  
21 Tina also. She also had child combatants.

22 Q. Did you see that?

23 A. Yes, I saw that.

24 MR METZGER: I seek clarification. We've just been told that the --  
10:24:47 25 these people had child combatants. Did you see? That the question and the  
26 answer is: Yes, I did. But what? It is a little woolly and I'm sure it  
27 would assist you if you found out what exactly he saw.

28 PRESIDING JUDGE: Mr Braun, the witness has named three individuals,  
29 a combination of three. I think you need to be a little more specific to





1 specify what -- excuse me, which persons he's referring to.

2 MR BRAUN: Your Honour, I was just coming to that point.

3 PRESIDING JUDGE: Thank you, counsel.

4 MR BRAUN:

10:25:28 5 Q. How many child combatants did you see with Brigadier Five-Five?

6 A. Well, Five-Five he had from five to ten combatants.

7 Q. Mr Witness, I'm referring to child combatants, now.

8 MR METZGER: Is my learned friend now cross-examining his witness?

9 He has asked him a question and he's answered. My learned friend, not in  
10:25:58 10 the form of a question, said: "Mr Witness, I'm now referring to child  
11 combatants." Did you not get the answer you wanted?

12 PRESIDING JUDGE: Please don't address counsel.

13 MR METZGER: I'm sorry. I do object.

14 MR BRAUN: Your Honour, my question was clearly to child combatants  
10:26:16 15 and the witnesses answer was combatants. I want to clarify what the  
16 witness was speaking of.

17 PRESIDING JUDGE: I think you're entitled to clarify then.

18 MR BRAUN:

19 Q. Mr Witness, when you say ten to 14 combatants were with --

10:26:32 20 PRESIDING JUDGE: I have recorded five to ten. Have I got the  
21 incorrect record?

22 MR BRAUN:

23 Q. Mr Witness, when you say five to ten combatants with Brigadier  
24 Five-Five, are you referring to child combatants?

10:26:50 25 A. Yes, I am referring to child combatants.

26 Q. Thank you.

27 Q. Can you describe the behaviour of the child combatants at Benguema?

28 A. Well, they all followed their bosses' way. If a crime is

29 committed -- a civilian committed a crime, they are the boys they would



1 send to give you some floggings.

2 Q. Mr Witness, how long did you stay in Benguema?

3 A. Stayed in Benguema for two weeks.

4 Q. Where did you go after that?

10:28:29 5 A. After that we headed towards Braima.

6 Q. Who ordered you to leave Benguema for Blama?

7 A. Well, nobody ordered us to leave Benguema to Braima.

8 Q. When you say "We left for Blama," who are you referring to?

9 A. I'm referring to the civilians, even the soldiers.

10:29:40 10 Q. Why were you leaving for Blama?

11 A. Well, the ECOMOG was advancing towards xxxx and we need to secure  
12 our own lives and we decided to go forward, moving at that area to go to  
13 Makeni.

14 Q. When you say "we decided," who are you referring to?

10:30:16 15 A. Well, I'm talking specifically on the group -- we at the house were  
16 still with at that time.

17 Q. Mr Witness, what do you mean by "the one at the house"?

18 A. Well, since we were in the group of Gunboot, and we were just  
19 following him where he is going, so that is what I mean by at the household  
10:31:12 20 that I am at.

21 Q. Can you tell the Court where Blama is located?

22 A. Braima is located about 20 -- from Milton to -- 24 -- about 26 to 28  
23 miles from xxxx to Braima.

24 Q. How long did it take you to get to Blama?

10:31:59 25 A. I spent about three days on the road.

26 Q. When you arrived in Blama, who was with you?

27 A. Well, when I arrived at Braima, xxxx was with me. The other  
28 leader who was there we met is with Foday Bah.

29 Q. Who is Foday Bah?



1 A. Foday Bah was a commander.

2 Q. What group does Foday Bah belong to?

3 A. AFRC.

4 PRESIDING JUDGE: Unfortunately I did not hear properly. Could the  
10:33:14 5 witness please repeat.

6 MR BRAUN: Are you referring to the name or --

7 PRESIDING JUDGE: No, the last answer to the question which group.

8 MR BRAUN: The answer was AFRC.

9 PRESIDING JUDGE: Thank you, Mr Braun.

10:33:31 10 Mr Braun, it may be appropriate to ask will you have a lot more  
11 questions of the witness, because we're coming up to the time where it  
12 might be appropriate to have a break. If you have very few questions, we  
13 will finish with the examination-in-chief.

14 MR BRAUN: I have more questions of this witness, Your Honour.

10:33:53 15 PRESIDING JUDGE: Perhaps you could continue for a little bit and see  
16 if we can finish with this line of evidence. Thank you.

17 MR BRAUN: Your Honour, I actually think this would be a convenient  
18 time to stop the examination-in-chief.

19 PRESIDING JUDGE: Thank you. We will adjourn briefly. Before I do,  
10:34:12 20 Mr Braun and Ms Taylor, would it be easy to get some small maps to enable  
21 us to see the places that the witness is referring to? If it is going to  
22 take a long time or be very inconvenient, I will review that request.

23 MS TAYLOR: Your Honour, the quality of maps that are generally  
24 available of Sierra Leone are not particularly high. We do have maps that  
10:34:31 25 can be printed for you, but won't be something that will be able to be done  
26 in the short-term, but it is something the Prosecution is happy to do if it  
27 would assist Your Honours.

28 PRESIDING JUDGE: I think it would assist. Obviously the quality is  
29 more important than quantity or a rush job.



1 MS TAYLOR: The Prosecution will take that on board, Your Honour, and  
2 provide copies to my learned friends and to Your Honours.

3 PRESIDING JUDGE: That would be most helpful. Thank you, Ms Taylor.  
4 Mr Court attendant, please adjourn court for 15 minutes.

10:35:18 5 MR GIBSON: All rise.

6 [Recess taken at 10.33 a.m.]

7 [On resuming at 10.50 a.m.]

8 PRESIDING JUDGE: Mr Court Attendant, I think the witness's  
9 microphone has been switched off.

10:50:39 10 Yes, Mr Braun, please proceed.

11 MR BRAUN: Thank you, Your Honour.

12 Q. Mr Witness, how many people arrived in Blama in total?

13 A. About 150.

14 Q. Approximately how many of them were soldiers?

10:51:22 15 A. About 50 soldiers.

16 Q. And who were the others?

17 A. Were civilians.

18 Q. You mentioned Gunboot and Foday Bah as commanders before. Were there  
19 any other commanders in Blama?

10:52:15 20 A. Well, later on, Brigadier Five-Five came. These are the commanders  
21 that I could remember.

22 Q. Who was in charge of Blama?

23 A. Five-Five -- when Five-Five came, he took over.

24 Q. Who was in charge before Five-Five came?

10:53:07 25 A. Well, Foday Bah was in charge.

26 Q. Do you know who was second in command?

27 A. Gunboot. Gunboot.

28 Q. Do you recall any other names of soldiers in Blama?

29 A. Well, Gold Teeth was there. Gold Teeth.





1 Q. Who was Gold Teeth?

2 A. He's a member of the AFRC.

3 Q. Can you tell the Court more about Gold Teeth?

4 A. Well, Gold Teeth he was in charge of the communication set which they  
10:54:40 5 have at Braima.

6 Q. What do you mean by communication set?

7 A. Well, it is a type of machine they used to pass on message from one  
8 to their own rebel callings.

9 Q. How do you know that?

10:55:06 10 A. Well, since he stayed at the combats camp, I was asked to carry food  
11 along towards the combat area and I need to stop at the place where the  
12 communication set was.

13 Q. Who operated the communication set?

14 A. Well, Gold Teeth and other soldiers, but, I don't know his name.

10:56:06 15 Q. What did you see when you came -- when you brought food to the  
16 communication set?

17 A. Well, exchange of voices, say, between Gold Teeth relaying message  
18 towards Burkina, because he mentioned the name of Mosquito and other  
19 commanders which I cannot remember.

10:56:44 20 Q. Who mentioned the name of Mosquito?

21 A. Gold Teeth.

22 Q. Did anything happen to the civilians in Blama?

23 A. Yes, one incident happened at Braima.

24 Q. What incident are you referring to?

10:57:27 25 A. I'm referring to the incident where Foday Bah killed a dumb person.

26 Q. What did you see?

27 A. I heard a gunshot and later I went to the scene and saw the dead  
28 body.

29 Q. Did you know the person who was dead?



1 A. I do not know the person he killed.

2 Q. Did you see this person before he was killed?

3 A. I saw the person before he was killed.

4 Q. Can you describe this person to the Court?

10:58:43 5 A. Well, he was a tall person. He cannot speak, but we used to pass  
6 towards their own apartment, because we have been together for the -- about  
7 two weeks or three, so when I heard that shot, that gave me the zeal to go  
8 and see what really happened. And immediately among the SBUs they told me  
9 that Foday Bah had killed the gentleman.

10:59:36 10 Q. Did they tell you why -- what do you mean by "SBU," Mr Witness.

11 A. Small Boys Unit.

12 Q. What is Small boys Unit?

13 A. These are the names that they use for the ex-combatant -- for the  
14 combatant soldiers.

11:00:25 15 Q. Why are they called Small Boys Units?

16 A. Because they can use them by giving them a command and they carry it  
17 quickly, so they formed their own group.

18 Q. Do you know how old the members of the Small Boys Unit were?

19 A. I cannot give the specific age now, but ranging within -- you have  
11:01:08 20 nine years, 10, 11, 12, 13, 14, and 15 years.

21 Q. Did those SBUs tell you why Foday Bah shot the civilian?

22 MR METZGER: Objection. Calls for speculation.

23 PRESIDING JUDGE: Your reply to that objection.

24 MR BRAUN: Your Honour, he has already admitted in court, so I'm  
11:01:43 25 allowed to ask that question.

26 PRESIDING JUDGE: Well, the question you asked did not give us any  
27 indication if he heard anything.

28 MR BRAUN: Your Honour, the witness said before that the SBUs told  
29 him that Foday Bah killed this man.



1           PRESIDING JUDGE: Well, then I think it would be more appropriate if  
2   you ascertain more exactly what was said.

3           MR BRAUN:

4   Q.    Mr Witness, what exactly did the SBUs tell you with regard to the  
11:02:17 5   killing of that mute civilian?

6   A.    Well, one of the SBU told me he was killed because for a lump of  
7   sugar.

8   Q.    Did anything happen to Foday Bah after that?

9   A.    Well, after he did that particular crime, another commander came to  
11:03:04 10   him and said what he did, it was really wrong, but since he too was the  
11   commander, he was sent to the war front.

12   Q.    Who was sent to the war front?

13   A.    Foday Bah.

14   Q.    Did anything else happen in Blama?

11:03:40 15   A.    Yes. One -- another incident being I was inside the building that we  
16   occupied when one of Brigadier Five-Five men shot a lady. The soldier's  
17   name was called Snake and when he had shot the girl, he went to her own  
18   apartment and he headed towards Makeni.

19   Q.    When you say "a lady," what do you mean by that?

11:04:43 20   A.    Well, it was a young girl about the age of 18 -- 17 to 18 years of  
21   age.

22   Q.    Did you see this killing?

23   A.    I did not see this killing.

24   Q.    So how do you know about it?

11:05:15 25   A.    I heard the shot and the fellow passed through our own house, then  
26   later I went there to find out what really goes on. Because we stayed  
27   opposite with Five-Five apartment was up in the main old road. We are down  
28   in the new road.

29   Q.    When you go out, what exactly did you see?



1 A. Well, I met the corpse. They have already covered the body.  
2 Q. Did you see that lady before this incident?  
3 A. No, I did not see her before the incident.  
4 Q. So how do you know about her age?  
11:06:16 5 A. Well, her sister told me.  
6 Q. Do you know where that lady was from?  
7 A. She was from xxxx.  
8 Q. Did anything happen to Snake after that?  
9 A. Well, I don't know if anything happened to him.  
11:07:13 10 Q. How long did you stay in Blama?  
11 A. I stayed in Braima three to four weeks.  
12 Q. Where did you go after that?  
13 A. From there we go to Mamamah. Mamamah to Mile 38.  
14 Q. Who gave the order to leave Blama?  
11:08:06 15 A. Well --  
16 MR METZGER: Objection, there was no evidence that there was an  
17 order.  
18 PRESIDING JUDGE: Your reply.  
19 MR BRAUN: I accept that objection.  
11:08:28 20 Q. Were you ordered to go -- to leave Blama?  
21 PRESIDING JUDGE: That is a leading question. Rephrase it, please.  
22 MR BRAUN:  
23 Q. Was there an order to leave Blama?  
24 MR METZGER: I'm afraid my learned friend is having difficulty with  
11:08:54 25 this. Perhaps, with the greatest respect, the question is, how did you  
26 come to leave Blama and then move on from there.  
27 PRESIDING JUDGE: Mr Braun, you must try to avoid leading questions.  
28 MR BRAUN:  
29 Q. Mr Witness, why did you leave Blama?





1 A. Well, I left Braima because the ECOMOG troop was advancing and we  
2 heard over the news that the main highway going to Masiaka and the shelling  
3 was coming towards Braima and we thought to just leave the area because the  
4 shelling was closer because of the heavy artilleries, guns they were using  
11:09:47 5 and so we need to go towards Mamamah to Mile 38.

6 Q. Was it your free will to leave Blama?

7 A. It was my free will to leave in Braima to go into Mile 38.

8 Q. On your way to Mile 38 at Mamamah, did you pass any other town?

9 A. Yes.

11:10:32 10 Q. What was the name of that town?

11 A. Songo.

12 Q. Did you see anything when you passed Songo?

13 A. Well, houses were destroyed when we passed Songo.

14 Q. Did anything happen in Songo?

11:11:26 15 A. Well, something happened, but at that time I was not around when the  
16 incident -- we've already left Songo to Mile 38 when the incident took  
17 place in my absence.

18 Q. What do you mean by incident?

19 A. Well, killing took place at Songo, which was headed by Snake.

11:11:52 20 Q. Who is Snake?

21 MR MANLEY-SPAINE: Maybe it please Your Honour. The witness had  
22 already said we had already passed Songo when something happened in my  
23 absence. Can counsel lead him to give evidence of something that did he  
24 not experience?

11:12:12 25 PRESIDING JUDGE: Mr Braun, hearsay is admissible under the rules but  
26 there is no indication of how or why or where or when this information was  
27 conveyed to the witness in order to ascertain whether it was in fact  
28 hearsay or merely a report much later.

29 MR BRAUN: Thank you, Your Honour.



1 Q. Mr Witness, where were you when you heard about this incident?  
2 A. I was at Mile 38.  
3 Q. And who told you about this incident?  
4 A. One of the soldiers and others -- a civilian really confirmed it.  
11:13:05 5 Q. What did they say to you?  
6 A. Well, they told me that Captain Snake had killed over 100 people at  
7 Songo.  
8 Q. Do you know what group Captain Snake belongs to?  
9 A. He is from the AFRC.  
11:13:30 10 Q. Mr Witness, just let me come back. How many people left Blama when  
11 you were heading for Mile 38?  
12 A. About 100 -- 100 people heading to Mile 38.  
13 Q. Approximately, how many of those people were soldiers?  
14 A. Well, approximately 30 soldiers.  
11:14:43 15 Q. After you passed Songo where did you go go next?  
16 A. After Songo, we stayed at Mamamah.  
17 Q. Was anyone in charge of Mamamah?  
18 A. Well, yes.  
19 Q. Who was in charge of Mamamah?  
11:15:11 20 A. Junior Lion was in charge of Mamamah.  
21 Q. Who is Junior Lion?  
22 A. Well, he too is a member of the AFRC.  
23 [TB110405 - CR]  
24 Q. Did you notice anything unusual in Mamamah?  
11:15:47 25 A. Well, before we left Mamamah to go to Mile 38 we came across two  
26 people whose hands were amputated.  
27 Q. Can you describe those people who were amputated?  
28 A. Ejet [phon] and ejeta somebody, a woman. I think two of them were  
29 women.



1 Q. How were they dressed?

2 A. Wearing their plain civilian clothes.

3 Q. Do you know who amputated the hands of the two civilians?

4 A. No, I don't know who amputated their hands.

11:17:20 5 Q. Do you recall the date when you arrived in Mile 38?

6 A. Well, sometime in April, but I cannot specifically give you the exact

7 date.

8 JUDGE SEBUTINDE: Counsel, April of which year are we talking about?

9 MR BRAUN:

11:18:02 10 Q. Mr Witness, what year?

11 A. 1999.

12 Q. Do you recall whether it was the beginning, the middle or the end of

13 April 1999?

14 A. It was the second week in April.

11:18:41 15 Q. How many people arrived in Mile 38?

16 A. Well, for us, that arrived at Mile 38, we are nearly 80 people.

17 Q. When you say "for us", what do you mean by that?

18 A. Those who left from Mamamah going to Mile 38 -- the civilians.

19 Q. When you came to Mile 38, where did you stay?

11:19:25 20 A. I stayed at one unfinished house at Mamamah, so we were at Mile 38.

21 Q. How many people stayed with you in that unfinished house?

22 A. We have about three -- we have about 14 of us at that particular

23 house.

24 Q. Where did the other civilians stay?

11:20:15 25 A. Well, others -- we met with a group of civilians in the community

26 centre and others in different buildings, so I cannot give you the number

27 at this time.

28 Q. Do you know how many civilians were at Mile 38 in total?

29 A. In total we are around 280.



1 JUDGE SEBUTINDE: Counsel, is that a question alluding to the total  
2 civilian population at Mile 38?

3 MR BRAUN: The total of civilians living in Mile 38 at that time,  
4 Your Honour. I didn't understand the answer, actually.

11:21:32 5 MR METZGER: Around 280.

6 MR BRAUN:

7 Q. Mr Witness, was anyone in charge of Mile 38?

8 A. Well, Bazzil was there.

9 Q. Who is Bazy?

11:22:24 10 A. He was a brigadier.

11 Q. What group does Bazy belong to?

12 A. To the AFRC.

13 Q. How do you know that he was in charge of Mile 38?

14 A. Because if Junior Lion had any problem, he reported to him. Also, he  
11:23:10 15 can send men to Masiaka and also he can talk with Junior Lion, so this is  
16 how I knew his boss.

17 Q. Do you recall the names of other commanders in Mile 38?

18 A. Well, we have Brigadier Bazzil, we have Jackal, K4K -- these are the  
19 names I can remember.

11:23:55 20 JUDGE SEBUTINDE: Counsel, I know that the witness is referring to a  
21 Brigadier, that is with an L at the end. You, on the other hand, are  
22 mentioning a Bazy. Can we just make sure we agree on the name of this  
23 person?

24 MR BRAUN:

11:24:15 25 Q. Mr Witness, you just mentioned the name of Bazzil. Do you know how  
26 this name is written?

27 A. It is B-A-Z-Z-I-L.

28 Q. You just mentioned K4K and Jackal. Do you know the rank of those  
29 persons?





1 A. Well, K4K, the rank was Lieutenant Colonel.  
2 Q. Lieutenant Colonel?  
3 A. Colonel.  
4 Q. And Jackal?  
11:25:31 5 A. Jackal, he was a Major.  
6 Q. Did anything happen in Mile 38?  
7 A. Yes, something happened at Mile 38.  
8 Q. What happened?  
9 A. Well, when ECOMOG was still advancing towards Mile 38 -- see, people  
11:26:09 10 were moving -- K4K ordered that the civilians who were at that barri or the  
11 community centre started to cut the hands of the people, the civilians.  
12 They were all mothers, they were all people.  
13 Q. Mr Witness, who ordered to cut the hands of civilians?  
14 A. K4K.  
11:26:52 15 Q. What happened after that?  
16 A. Well, after that Major Jackal came outside of the house and said to  
17 him that is not good to do that.  
18 Q. Before Jackal came outside, what exactly happened?  
19 A. He commanded his soldier, one of the boys.  
11:27:23 20 Q. Who commanded?  
21 A. Lieutenant Colonel and K4K for the chopping of the hands of these  
22 whole people.  
23 Q. Did you see the chopping of hands?  
24 A. Yes, I saw the chopping of hands.  
11:27:42 25 Q. Can you describe exactly what you saw?  
26 A. Well there was an axe. They have a cutlass and a mortar, the one  
27 they use to pound food or yam, and the boys started using the cutlass to  
28 amputate the hands of the whole people. And later on, K4K, he also  
29 involved cutting the hands of other people.



1 Q. How many people's hands were cut?  
2 A. About five hands I saw was cut down.  
3 Q. Did you hear K4K giving the order for the amputation?  
4 A. Yes, I heard the order he gave for the amputation.  
11:28:47 5 Q. What did he say?  
6 A. He said when he had cut the hands of these people, let them go  
7 towards Freetown and they can report themselves to Tejan Kabbah.  
8 Q. Did he give a reason why he ordered to cut the civilians' hands?  
9 A. Well, I did not hear the reasons why he mentioned that.  
11:29:44 10 Q. What happened to the civilians after their hands were cut?  
11 A. Well, they were sent back to go towards the highway going to  
12 Freetown.  
13 Q. Who sent them back?  
14 A. Immediately your hands have been cut off, they gave a direction by  
11:30:10 15 K4K and they are -- somebody is going to escort you to go towards Mamamah  
16 and Freetown area.  
17 Q. How long did you stay in Mile 38?  
18 A. We stayed at -- I stayed at Mile 38 about two weeks.  
19 Q. Where did you go next?  
11:30:56 20 A. From Mile 38, we go to Magbeni.  
21 Q. Why did you go to Magbeni?  
22 A. Well, the ECOMOG troop had already reached towards Mamamah when  
23 Brigadier Bazzil had already sent message that we need to go towards Gbere.  
24 Q. How many people left Mile 38 for Magbere?  
11:31:49 25 A. From Mile 38 to Magbere, we are over 150 people.  
26 Q. Approximately how many of those 150 people were soldiers?  
27 A. Fifty soldiers.  
28 Q. When you left Mile 38, where did you go next?  
29 A. I said we went to Magbeni. From Mile 38 we go towards Magbeni.



1 Q. How long did you stay in Magbeni?

2 A. I spent about three days at Magbeni.

3 Q. While you were at Magbeni, did anything happen?

4 A. Well, since the population was so large, and Brigadier Bazzil said  
11:33:23 5 because the ECOMOG group were still advancing to Mile 38, to Masiaka, then  
6 he talked to the people, and also his soldiers. One of the boy that we  
7 stay in the same -- he attended the meeting. He said, "Tonight, we need to  
8 cross over the river to go to Magbere."

9 Q. What happened next?

11:33:59 10 A. Well, we crossed the river then we go towards the small village.

11 Q. How did you cross the river?

12 A. Well, boats was there; we used boats.

13 Q. Who did those boats belong to?

14 A. To the civilians.

11:34:41 15 Q. So how many people in total crossed the river?

16 A. Oh, 75.

17 Q. How many of those people were soldiers?

18 A. These are the ones I'm talking, they were civilians.

19 Q. So 75 --

11:35:12 20 A. Civilians.

21 Q. And how many soldiers crossed the river?

22 A. The soldiers that crossed the river, 35.

23 Q. So how many people were left behind in Magbeni?

24 PRESIDING JUDGE: Mr Braun, I find that question a little vague. Are  
11:35:47 25 you referring to the group the witness was with or the large population?

26 MR BRAUN:

27 Q. Mr Witness, out of your group, how many people were left in Magbeni?

28 MR FOFANAH: Objection, Your Honour. Firstly, the witness has not  
29 indicated to this Court how many people were present at Magbeni. He's only



1 stated that 75 civilians and 35 soldiers crossed the river. I stand guided  
2 by your records.

3 PRESIDING JUDGE: The witness said that the population of Magbeni was  
4 large and then, as you say, 75 and 35. What I haven't ascertained is that  
11:36:38 5 question you asked, Mr Braun, how many were left. I'm not sure if you're  
6 talking about the civilian population of Magbeni or the group that he was  
7 with. I'm still not clear.

8 MR FOFANAH: I'm still sustaining my objection, Your Honour, on the  
9 grounds that the witness has not indicated to this Court how many people  
11:36:57 10 were in Magbeni and therefore it is improper for my colleague to impute  
11 that apart from the 75 civilians and 35 soldiers, there were people  
12 remaining.

13 PRESIDING JUDGE: Are you talking about the population of Magbeni, or  
14 are you talking about the group he was with?

11:37:14 15 MR FOFANAH: I'm talking about everything. As far as we are  
16 concerned, he's only mentioned 75 civilians and 35 soldiers.

17 PRESIDING JUDGE: Your reply, Mr Braun.

18 MR BRAUN: Your Honour, the witness indicated that he left Mile 38  
19 for Magbeni with 150 people in total, of which 50 were soldiers.

11:37:41 20 JUDGE SEBUTINDE: Are you presuming, counsel, that they all arrived  
21 at Magbeni?

22 MR BRAUN: I will clarify that, Your Honour.

23 Q. Mr Witness, when you arrived in Magbeni, how many persons were you  
24 with?

11:38:11 25 A. How -- repeat that question again.

26 Q. When you arrived in Magbeni, how many people were with you?

27 A. Reframe it a bit.

28 PRESIDING JUDGE: Mr Witness, it's not for you to ask the counsel to  
29 reframe. If you did not understand the question, you're entitled to say





1 you did not understand and a clearer question will be put to you.

2 Mr Witness, did you understand the question put by counsel?

3 THE WITNESS: No, I don't understand.

4 MR FOFANAH: Your Honour, may I seek leave for my client to ease  
11:39:22 5 himself?

6 PRESIDING JUDGE: Yes, you may, but I would point out he had a 15  
7 minute break not so long ago. The purpose of those breaks are exactly the  
8 matter in question. Yes, he may go.

9 MR FOFANAH: Thank you.

10 PRESIDING JUDGE: Mr Braun, it would appear the witness did not  
11 understand the question.

12 MR BRAUN:

13 Q. Mr Witness, when you arrived in Magbeni, how many people were with  
14 you arriving in Magbeni?

11:40:06 15 A. About 100 people.

16 Q. How many of them were soldiers?

17 A. Well 35 soldiers and 75 civilians.

18 Q. When you arrived in Magbeni, were there other people in Magbeni?

19 A. Yes.

11:40:50 20 Q. Approximately how many people did you meet at Magbeni?

21 A. About 200 people I met at Magbeni.

22 Q. Now, out of those 200 people you met at Magbeni, approximately how  
23 many of them were soldiers?

24 A. Well, hundreds --

11:41:16 25 MR FOFANAH: Objection, Your Honour. The witness has not indicated  
26 as to whether those who were present at Magbeni included soldiers.

27 PRESIDING JUDGE: He's been asked that question. I allow the  
28 question as put.

29 MR FOFANAH: As Your Honour pleases.



1 MR BRAUN:

2 Q. Did you understand the question, Mr Witness?

3 A. Yes.

4 MR BRAUN: Your Honour, I need your guidance, did we already have an  
11:41:49 5 answer from the witness?

6 PRESIDING JUDGE: I did not hear an answer. Is there an answer on  
7 the official record? No, no, answer has been heard. Please ask the  
8 question again to allow the witness to hear it.

9 MR BRAUN:

11:42:10 10 Q. Out of the 200 people you met at Magbeni, how many were soldiers?

11 A. Seventy-five were soldiers.

12 Q. And who were the others?

13 A. They were civilians.

14 Q. Now, you say that you crossed the river. Where did you go after you  
11:42:53 15 crossed the river?

16 A. We go to Magbere Village.

17 Q. Who was with you when you came to Magbere Village?

18 A. We met other commanders, other commanders there.

19 Q. Mr Witness, my question was who was with you when you went to  
11:43:24 20 Magbere -- when you arrived in Magbere?

21 A. I don't know -- I don't understand the question.

22 Q. Mr Witness, you said that you left Magbeni and crossed the river  
23 together with 75 civilians and a 35 soldiers.

24 A. Yes.

11:43:51 25 Q. Now, were they with you when you arrived in Magbere?

26 A. Well, the group I was -- about 10 of us, we enter one place, one  
27 house together.

28 Q. I will ask the question in another form. Did all the people who  
29 crossed the river with you arrive in Magbere?



1 A. Yes.

2 Q. When you came to Magbere, did you meet other people?

3 A. Yes, I met other people.

4 Q. About how many people did you meet at Magbere?

11:44:55 5 A. I met over 100 people.

6 Q. Were there any soldiers in Magbere?

7 A. Soldiers were there.

8 Q. About how many soldiers did you meet in Magbere?

9 A. Seventy soldiers.

11:45:25 10 Q. Was anyone in charge of those soldiers?

11 A. Yes.

12 Q. Who was in charge of the soldiers in Magbere?

13 A. Well, Brigadier Bazzil was the boss at Magbere.

14 Q. Were there other commanders at Magbere besides Bazzil?

11:46:06 15 A. Yes.

16 Q. Do you recall their names?

17 A. Bazzil was one; Sawaneh; Colonel Tito; Mbayoh was there.

18 Q. Can you spell the name Mbayoh for the Court, please?

19 A. M-B-A-Y-O-H; Mbayoh was there and Junior Lion was also there. Well,

11:46:55 20 these are the names I can remember.

21 Q. Did anything happen in Magbeni after you left?

22 JUDGE SEBUTINDE: I think the place is Magbere. This is where we're

23 at.

24 MR BRAUN: Your Honour, you're right, but my question is for Magbeni,

11:47:37 25 which they left for Magbere.

26 MR METZGER: In which case I object, on the basis that there's no

27 proper foundation. He's asking about something when he clearly, in the

28 question, accepts the fact that the witness was not there.

29 PRESIDING JUDGE: Your response to that objection, Mr Braun?



1 MR BRAUN: Again, I indicate that hearsay is permissible in that  
2 Court.

3 PRESIDING JUDGE: And I also indicate that whilst it is permissible,  
4 there has to be a foundation for it.

11:48:24 5 MR BRAUN:

6 Q. Mr Witness, while you were in Magbere, did you speak to the soldiers?

7 A. I don't understand the question.

8 Q. While you were at Magbere, did you speak with soldiers?

9 A. Yes.

11:48:57 10 Q. What did you speak about?

11 A. Well, I talked to xxxx at one time, that I'm fed up, tired of this  
12 kind of situation. If there are any way or means, I want to go back and  
13 see my family. That is the only time I speak with him.

14 Q. Did soldiers tell you anything while you were at Magbere?

11:49:33 15 MR METZGER: Objection. The basis for that question does not seem to  
16 have come from the last answer.

17 PRESIDING JUDGE: What is your reply to that objection?

18 MR BRAUN: Your Honour, my first question was whether he spoke to  
19 soldiers and my second -- the witness answered that question and my second  
11:49:56 20 question was: was he told anything by soldiers.

21 PRESIDING JUDGE: I have recorded, "What did you speak about?" Were  
22 you told anything? Have I got the record wrong?

23 JUDGE SEBUTINDE: My record shows that the answer indicates he spoke  
24 to one xxx -- one soldier, xxx -- and it's clear what he spoke  
11:50:19 25 about. He's just given -- in fact, the witness has given what he said to  
26 xxxx. That is what I have recorded. There is no other evidence as to  
27 him speaking to any other soldier, or speaking about any other thing.

28 MR FOFANAH: Excuse me, Your Honour, in addition to that, the witness  
29 went further to state that that was the only time I spoke to the soldiers.





1           PRESIDING JUDGE: No, I have a record that's the only thing I said to  
2 him." Can we have the official record of the last answer, please.

3                               [Answer at page 41 line 13-15 read]

4           MR BRAUN:

11:51:39 5       Q.     Mr Witness, did you have any other conversation with soldiers in  
6 Magbere?

7       A.     I don't understand the question, please.

8       Q.     Was there any other conversation between you and the soldiers in  
9 Magbere?

11:52:06 10     A.     No.

11     Q.     Did anything happen to the civilians at Magbere?

12     A.     Something happened with it -- some civilians.

13     Q.     Please tell us.

14     A.     Well, because we are still doing the domestic activities at Magbere,  
11:52:57 15     we need to go and fetch water, so some laundry and other activity, and also  
16     some people, we are recruiting, they attend some bit of training.

17     Q.     What kind of training are you speaking of?

18     A.     Well, military training was given to them.

19     Q.     What did you do while you were at Magbere?

11:53:36 20     A.     Well, since I was sick at the time, I was not doing anything, because  
21     we are still open for the ceasefire.

22     Q.     You just mentioned domestic work had to be done by civilians. What  
23     kind of work are you referring to?

24     A.     Laundering of clothes, cooking, fetching wood and even carrying  
11:54:28 25     loads.

26     Q.     What do you mean by carrying loads?

27     A.     Well, some -- the loads that they -- we were going with during the  
28     journey. Mostly they are food items or carrying arms.

29     Q.     Now, to your knowledge, was it the free will of those civilians to do



1 so?

2 MR METZGER: Objection. No foundation.

3 PRESIDING JUDGE: Your reply, Mr Braun?

4 MR BRAUN: Your Honour, the witness just mentioned that the civilians  
11:55:12 5 had to do work at Magbere, so I think the foundation was laid.

6 PRESIDING JUDGE: But you've asked a very general question, Mr Braun.  
7 My understanding of that question is that you're referring to all the  
8 civilians and to all the civilians' free will. His is within his own  
9 knowledge, but of that all civilians may not be. You should ascertain how  
11:55:36 10 he would know that.

11 MR BRAUN:

12 Q. Mr Witness, did you see civilians do the work you just described?

13 A. Yes.

14 Q. Can you describe what you saw?

11:56:00 15 A. Well, you can see them carrying bundles of wood; you can see them --  
16 I can see them going -- fetch water for their commanders and also cooking.  
17 And in case of any fighting situation you will see civilians carrying the  
18 ammunitions. This is what I saw.

19 Q. Do you know why those civilians were doing so?

11:56:48 20 A. Because they are called -- pavulul is the nickname they give us, the  
21 civilians. We are pavulul, so we are not soldiers, so we are supposed to  
22 do this kind of job.

23 Q. Who said this?

24 A. For instance, my commander xxxx.

11:57:24 25 JUDGE SEBUTINDE: Counsel, you will really have to help us here with  
26 the English version of these things. There is a word I can't even  
27 pronounce that the witness just said. We need to understand what he is  
28 talking about.

29 MR BRAUN:



1 Q. Mr Witness, you just mentioned a word pavulul. Can you spell that  
2 word?

3 A. P-A-V-U-L-U-L.

4 Q. Is this an English word?

11:58:02 5 A. No, it is not an English word.

6 Q. What does it mean?

7 A. It's the name they gave to civilians who have been captured.

8 JUDGE SEBUTINDE: Are you able to explain this meaning to us in  
9 English? Does it have an English equivalent or interpretation?

11:58:26 10 THE WITNESS: Well, I can try please. Well, when at the jungle, this  
11 is the language that they use for civilians who have been with them. So  
12 when you have been captured, they call you pavulul, that means you have no  
13 way to take part in any of the activities, especially because you are not  
14 allowed to go to the war front, unless an invitation. So these are the  
11:58:59 15 kind of people that were using us, and they give us that name.

16 JUDGE SEBUTINDE: So can we say pavulul means captive?

17 THE WITNESS: Yes.

18 MR BRAUN: Your Honour, I have no further questions of this witness  
19 at this stage.

11:59:39 20 PRESIDING JUDGE: Thank you, Mr Braun. Cross-examination. Thank  
21 you, Mr Manley-Spaine.

22 CROSS-EXAMINED BY MR MANLEY-SPAINE:

23 Q. Mr Witness, before the date you said you were captured, did you have  
24 any military training?

12:00:08 25 A. No.

26 Q. Before that date, were you conversant with military terms?

27 A. Yes.

28 Q. Were you also conversant with military ranks?

29 A. Yes.



1 Q. You told this Court that you sent your family up the hills on the day  
2 of the attack; is that so?  
3 A. Yes.  
4 Q. Where were they heading for?  
12:01:21 5 A. They were heading to Freetown.  
6 Q. When you left your house, where did you head for?  
7 A. I was heading towards xxx.  
8 Q. Do you agree with me that from the place where you lived, xxx and  
9 xxxxx were in opposite directions?  
12:02:07 10 A. I disagree.  
11 Q. From where you lived, are you saying that you took the same route to  
12 go to xx as you do to go to xxx?  
13 A. It's a different route.  
14 Q. Opposite routes?  
12:02:30 15 A. It's not opposite, My Lord.  
16 Q. Is it the case that xxx goes towards xxxx?  
17 A. Yes.  
18 Q. And xxxx goes the other direction?  
19 A. Yes.  
12:02:47 20 Q. They are opposite; isn't that so, Mr Witness?  
21 A. As you said, I accept.  
22 Q. No, I want you to tell this Court the truth.  
23 A. This is the truth because --  
24 Q. I don't want you to accept. I just want you to say -- is it the same  
12:03:20 25 direction, xxxx and xxxxx, from where you lived?  
26 A. Well, xxxx is going -- because xxx starts within the xxxx  
27 xxxx, towards -- that is xxxx. While in xxx, you are talking  
28 about is the xxxx and xxx [phon]. So I cannot justify whether it  
29 is opposite or at this end, but it is different direction that I am





1 thinking about.

2 Q. Okay. Is it the case that you went to a different area from where  
3 you have sent your family?

4 A. Yes, it is a different area.

12:04:07 5 Q. You did not go after them, did you?

6 A. No.

7 Q. Do you know, Mr Witness, when the AFRC was formed?

8 A. Well, in 19 - in May 1997.

9 Q. May 1997. At the time when this was formed, was there an army of  
12:05:05 10 Sierra Leone?

11 A. Yes, there was an army of Sierra Leone.

12 Q. Do you know who formed the AFRC?

13 MS TAYLOR: Sorry, Your Honour, I actually didn't hear the question?

14 MR MANLEY-SPAIN:

12:05:34 15 Q. Do you know who formed the AFRC?

16 A. They are a group of soldiers who invaded this country when they  
17 overthrew the legislated government, so they formed themselves with this kind  
18 of name. So this is my understanding of who formed the AFRC.

19 Q. You say they invaded this country; from where?

12:06:05 20 A. When they entered Freetown they overturned --

21 Q. From where is my question.

22 A. Well, they arrived at Freetown.

23 Q. You said they invaded this country; from where?

24 A. Well, I believe they start from the -- they came from the provinces.

12:06:30 25 Q. So they did not invade this country.

26 A. Okay, I am sorry for the language.

27 Q. How long did you spend with the people you refer to as rebels?

28 A. I spent xx months with them.

29 Q. Can you tell us the xx months?



1 A. Well, from January to October.

2 Q. Which year?

3 A. 1999.

4 Q. During those 10 months, Mr Witness, you have not told us that any  
12:07:28 5 rebel or any commander or SBU did anything bad to you personally?

6 A. In my own --

7 MS TAYLOR: Your Honour, I do object to that. That is a very broad  
8 definition of what might be bad. The witness has testified he was  
9 captured; that in itself is a bad thing.

12:07:48 10 PRESIDING JUDGE: I was in fact about to point that out to you,  
11 Mr Manley-Spaine. It was apparent that the witness was taken on this  
12 journey.

13 MR MANLEY-SPAINE: Yes, it is alleged at this stage, not apparent,  
14 Your Honour.

12:08:05 15 Q. Mr Witness, I'm putting it to you that during this period you say you  
16 were with the rebels, nobody punished you?

17 A. I was punished.

18 Q. Did you tell this Court?

19 A. Yes.

12:08:28 20 Q. Just now?

21 A. It's not just now. When I was captured on 23 January, then the  
22 person in - this fellow, ~~xxxxx~~, went into the house, took me  
23 along, gave me some beating. I think I stated that. Then going even to  
24 ~~xxx~~, I know what transpired there.

12:08:57 25 Q. Have you told this Court all that happened during this ~~xxx~~ months?

26 A. Yes.

27 Q. During the time you went to Jui, were there -- was there any  
28 fighting?

29 A. I want to clarify a certain issue, I did not reach Jui.



1 Q. On your way to Jui --  
2 A. Okay, thank you.  
3 Q. -- was there any fighting?  
4 A. There was no fighting.  
12:10:00 5 Q. Was there any fighting at any time before you got to xxx?  
6 A. Yes.  
7 Q. Who were fighting?  
8 A. Well, shooting was going on, see, because the rebels were patrolling  
9 the area and you can hear the gunshots the jets also was coming and also  
12:10:31 10 the other big machine guns that I had.  
11 Q. Who were fighting?  
12 A. Who were fighting?  
13 Q. Yes.  
14 A. The AF and the RUF were challenging the ECOMOG.  
12:10:56 15 Q. The RUF were challenging the ECOMOG.  
16 A. Mmm.  
17 PRESIDING JUDGE: I don't think that is exactly what the witness  
18 said. Could we have the official record of that reply, please?  
19 [Answer at page 48, line 14 read]  
12:11:20 20 PRESIDING JUDGE: Thank you. Please proceed, Mr Manley-Spaine.  
21 MR MANLEY-SPAINE:  
22 Q. You were not accommodated by the ECOMOG, were you, when you were  
23 going towards them?  
24 A. No.  
12:11:36 25 Q. They turned you back, did they?  
26 A. I did not reach the place, so I decided to return because of the  
27 heavy release of guns, so I needed to return back.  
28 Q. Who was doing this heavy release that you are talking about?  
29 A. Basically it is coming through the Jui end.



1 Q. It was coming from Jui?

2 A. Okay, from Jui.

3 Q. Who were at Jui?

4 A. The ECOMOG were at Jui.

12:12:09 5 Q. So you would agree with me that ECOMOG was doing the heavy firing

6 from Jui?

7 A. Yes, I will agree with you.

8 Q. You have mentioned xxxx; have you not?

9 A. Yes.

12:12:45 10 Q. When was the last time you saw xxxxx?

11 A. At the time when he was at Makeni, it was the last time, when he

12 ordered my release.

13 Q. So did you go to Makeni?

14 A. Yes, I came to Makeni.

12:13:24 15 Q. Did you tell that to this Court this morning?

16 A. I was not asked that question.

17 MR MANLEY-SPAINE: I thought there was an objection.

18 MS TAYLOR: The objection I was about to make was the point made by

19 the witness.

12:13:48 20 MR MANLEY-SPAINE:

21 Q. At Kola Tree, were the people you refer to as rebels dressed in

22 uniforms?

23 A. Some were with uniforms and others with plain clothes.

24 Q. Some with uniforms, some with plain clothes. You also mentioned one

12:14:37 25 Achampong; is it so?

26 A. Yes.

27 Q. When did you last see him?

28 A. It was at that place at Kola Tree that I saw him. Two or three days

29 then. Since that time, I did not see him.





1 Q. How was xxx dressed?

2 A. Well, at the time they handed xxx over to him, I met him with plasters

3 all over his body; he has a plain dress.

4 Q. He was dressed in civilian clothes?

12:15:24 5 A. Yes.

6 Q. How was Achampong dressed?

7 A. He too was with civilian clothes when I see him.

8 Q. Did you ever see xxx in military uniform?

9 A. Yes.

12:15:53 10 Q. Where was that?

11 A. At Makeni.

12 Q. Before you got to Makeni, did you, at any time, part with

13 xxxx?

14 A. Yes.

12:16:29 15 Q. Where was that?

16 A. We parted at Benguema.

17 Q. What was the date you said you were captured?

18 A. I was captured on 23 January 1999.

19 Q. What date did you get to Benguema?

12:17:04 20 A. It was in February. I cannot give you a specific date.

21 Q. Do you remember what date you left Benguema?

22 A. Well, I can give you the weeks, but the exact date I cannot tell you.

23 Q. Okay. How many weeks did you stay in Benguema?

24 A. I stayed about two -- two, three weeks.

12:18:07 25 Q. How long did you say you spent at xxx?

26 A. I spent about five days at xxx.

27 Q. So would I be right to say that by the time you are leaving Benguema,

28 you had been with your captors for about four weeks?

29 A. Yes.



1 Q. Would that take us to something like 20 February 1999?

2 A. Yes.

3 Q. You took how long to get to Mile 38? How long did it take?

4 PRESIDING JUDGE: I find a little vagueness in that question. How  
12:19:32 5 long to get to Mile 38; is that related to the previous Benguema, or all  
6 together in the total history?

7 MR MANLEY-SPAINE: Let me put it properly.

8 Q. When you left Benguema, how long did it take you to get to Mile 38?

9 MR BRAUN: Your Honour, the witness did not go to Mile 38 from  
12:19:59 10 Benguema directly. Maybe counsel should --

11 PRESIDING JUDGE: That is why I asked Mr Manley-Spaine that question.

12 MR MANLEY-SPAINE: Your Honour, I'm aware of that, but I think it is  
13 a legitimate question.

14 PRESIDING JUDGE: Well, as I said already, I find it vague because  
12:20:17 15 his evidence is that he stopped for various periods of times at other  
16 places. Are you asking him to calculate how long it took to walk between  
17 each of these places, or are you looking for an overall period?

18 MR MANLEY-SPAINE: I'm just looking for an overall answer from  
19 Benguema to Mile 38.

12:20:38 20 PRESIDING JUDGE: The total period of time between those two  
21 locations?

22 MR MANLEY-SPAINE: Yes.

23 PRESIDING JUDGE: Very well, I will record it as the total period of  
24 time between Benguema and Mile 38.

12:21:05 25 THE WITNESS: Well, I cannot give you the specific date, but from  
26 Benguema to Mile 38, it took me about two months some days.

27 MR MANLEY-SPAINE:

28 Q. Two months, some days. Okay, Mr Witness, I want you to tell this  
29 Court what route you took from Kola Tree to Benguema.



1 A. Well, from Kola Tree to Benguema -- the route from Kola Tree to  
2 Benguema. Kola Tree first, we decided to go up to Regent, then we turned  
3 back again, come pass through Kola Tree. We headed towards Grafton where  
4 the scouts camp is. We climbed up the hills, again back to Waterloo, then  
12:22:04 5 Waterloo -- those points, you see, we need to stay more than three or four  
6 days, so I did not include that. See, I'm just giving the direction of the  
7 route. We go to Waterloo. From Waterloo to Benguema, then Benguema, then  
8 Leigh Town. I moved back to Braima. From Braima, we go to Mamamah.  
9 Q. No, I want you to stop there.

12:22:35 10 A. Okay from --  
11 Q. Just the route from Kola Tree to Benguema.  
12 A. Okay.

13 Q. So you passed through where? What places did you pass through?  
14 PRESIDING JUDGE: I thought he had already answered that question,  
12:22:49 15 Mr Manley-Spaine.  
16 MR MANLEY-SPAINE: He's gone past Benguema, came back to Benguema,  
17 et cetera, et cetera.  
18 THE WITNESS: Okay.  
19 PRESIDING JUDGE: He appears to answer it; there was a zigzag route.

12:23:10 20 MR MANLEY-SPAINE: Let me be specific.  
21 Q. On your way to Benguema, did you pass through any particular  
22 villages?  
23 A. Yes.  
24 Q. Please tell the Court.

12:23:23 25 A. Kola Tree, we go up to Makeni, it's a village. From Makeni, we turn  
26 back to Kola Tree. From Kola Tree we go to Orugu. From Orugu, we go up to  
27 Grafton. From Grafton scouts camp there is a teak forest, I don't know the  
28 location, but if time permit or if these Courts need, I will show you the  
29 place. We go towards Waterloo. From Waterloo, we go to Benguema. These



1 are the routes we used.

2 Q. You have mentioned Orugu and Grafton.

3 A. Yes.

4 Q. Were there ECOMOG bases in those places?

12:24:20 5 A. Orugu, ECOMOG was there.

6 Q. What about Grafton?

7 A. Grafton, I did not see any ECOMOG base.

8 Q. So are you saying you went to this ECOMOG base at Orugu?

9 A. I said we just passed through, because we cannot see any ECOMOG

12:24:46 10 soldiers, so we just passed through these areas and we go up the hills

11 towards Waterloo.

12 Q. Do you know whether Orugu is near to Jui?

13 A. Yes, Orugu is near to Jui.

14 Q. About how far would you say towards?

12:25:23 15 A. Let me say it could be two and a half miles from Orugu to Jui.

16 Q. Do you know whether at the time you were passing through Orugu ECOMOG

17 were still at Jui?

18 A. Well, I can't tell at that time.

19 Q. You mentioned about one Brigadier Five-Five at Benguema?

12:26:26 20 A. Yes.

21 Q. When was the first time that you met this person you refer to as

22 Brigadier Five-Five?

23 A. It was at Benguema the first time. I saw him in person then. It was

24 a long time now.

12:26:42 25 Q. Did you say he wore civilian clothes?

26 A. Yes, I saw him with civilian clothes.

27 Q. How many times did you see him during your captivity?

28 A. Three times. It was a far distance, I just saw him passing.

29 Q. It was a far distance, you just say him passing. Okay. Was he





1 always dressed in civilian clothes on those three occasions?

2 A. Yes.

3 Q. You have referred to him as Brigadier Five-Five. Did you hear people  
4 calling him that?

12:27:57 5 A. Yes.

6 Q. Did you hear at any time people call him just Five-Five?

7 A. No, they called the title Brigadier Five-Five.

8 Q. They always called him Brigadier Five-Five?

9 A. Yes.

12:28:23 10 Q. You remember you made your statement to the Prosecution; is that so  
11 or you made several statements to the Prosecution?

12 A. Yes.

13 Q. Do you remember making a statement on 14 March 2003? Do you remember  
14 that?

12:29:33 15 A. Well, I remember on that date at Braima we met.

16 JUDGE SEBUTINDE: Witness, did you understand that question?

17 THE WITNESS: I don't understand what statements he's talking about.  
18 I don't understand.

19 MR MANLEY-SPAINE:

12:30:05 20 Q. Did you, at any time, make a statement to the Prosecution of the  
21 Special Court?

22 A. If I have made a statement to the Prosecution of the Special Court?

23 Q. Yes.

24 A. Yes.

12:30:29 25 Q. Do you remember making one on 14 March 2003?

26 A. I knew I make a statement, but I cannot remember the statement.

27 Q. Do you remember how many statements you made?

28 A. I think I encountered with a person who made a statement for the  
29 Special Court about -- my mind can serve me well, about two weeks we have



1     been meeting.

2     Q.     I am asking how many statements you made.

3     A.     I can't tell now.

4     Q.     You remember making a statement of 17 March 2003?

12:32:04 5     A.     I remember I made a statement on a specific date, but I cannot recall  
6     the details of the statement.

7     Q.     Can you remember the dates you made the statement?

8     A.     Well, for 23 March, yes, I can remember.

9     Q.     23 March?

12:32:41 10    A.     Yes.

11    Q.     2003.

12           JUDGE SEBUTINDE: Mr Witness, 23 March of which year are you  
13    referring to?

14           THE WITNESS: 1999.

12:33:11 15           JUDGE SEBUTINDE: Are you saying you made a statement then to the  
16    Prosecution?

17           THE WITNESS: In 1999 -- I only make a statement when we are in  
18    Braima when they released the first group of children.

19           MR MANLEY-SPAINE: I don't seem to understand the answer, Your  
12:33:51 20    Honour.

21    Q.     To whom did you make that statement?

22    A.     Because this year you are talking the year 2003 and I don't  
23    understand.

24    Q.     Okay, let me ask you this: did you make any statement to the Office  
12:34:16 25    of the Prosecution, Special Court, during the year 2003?

26    A.     In this site, no.

27    Q.     No. Where did you make your statement?

28    A.     Somebody would go to me and ask me for my statement.

29    Q.     Where; in your house?



1 A. No, it's not in my house.

2 Q. Where?

3 A. Well, he met me at the place where I was working.

4 Q. Okay, that's good enough. So how many times did you make a statement  
12:34:56 5 to this person?

6 A. Well, I made a statement with her -- five. We had five meetings.

7 Q. Would you agree with me, Mr Witness, that at the time you made a  
8 statement to this person in 2003, the events that you experienced were  
9 fresher in your mind than they are today?

12:35:51 10 A. Yes.

11 Q. You agree with me?

12 A. Yes.

13 Q. How many times were you captured in January 2003 -- January 1999.

14 Sorry. How many times were you captured in January 1999?

12:36:31 15 A. One.

16 Q. On 8 January 1999, did you come across soldiers in xxx.

17 A. Yes.

18 Q. I want you, Mr Witness, just to explain to the Court the proximity of  
19 xxx to xxx. I'm sorry, I mean to xxx.

12:37:30 20 A. From xxxx to xxxx?

21 Q. Yes.

22 A. About 20 kilometre.

23 Q. 20 kilometres. Mr Witness --

24 A. Anyway, it is a short distance from xxx to xxx.

12:37:56 25 Q. I want to ask you, is it the one and the same area?

26 A. It is not one and the same area; it's different. You have Kola Tree,  
27 you have Calaba Town. Kola Tree, if I will give you the description it  
28 goes Upper Allen Town. You have Lower and Upper.

29 Q. Isn't Kola Tree part of Calaba Town. The bigger area is Calaba Town.



1 Kola Tree, is it part of that area?

2 A. Since I don't have the map with me, Kola Tree, we'll say, is part of  
3 Allen Town.

4 Q. Okay. Apart from this base that you said you were taken to, do you  
12:38:50 5 know whether there were other rebel bases in Calaba Town?

6 A. No, there was no other rebel base at Calaba Town.

7 Q. There was no other rebel base.

8 MR MANLEY-SPAINE: Sorry, Your Honour, I'm just checking.

9 Q. Apart from Colonel Adamu and Achampong, were there other rebel  
12:39:59 10 commanders at Kola Tree?

11 A. Yes.

12 Q. Who were they?

13 A. xxxxxx was there. Gunboot was there is there. Mbayoh was  
14 there. I mentioned Achampong. So these are the few names that I can  
12:40:56 15 recollect.

16 Q. Did you come across any CO Daramy there?

17 A. At Kola Tree?

18 Q. Yes.

19 A. No.

12:41:11 20 Q. Did you come across any colonel that spoke with Liberian language, or  
21 spoke Liberian English. Did you come across him at Kola Tree?

22 A. I did not come across him at Kola Tree.

23 Q. Are you certain that there were no other rebel bases in Calaba Town?

24 A. It was only at xxx I knew of.

12:42:11 25 Q. Mr Witness, so many things that you have told this Court, am I right  
26 to say were things that were told to you?

27 A. No.

28 PRESIDING JUDGE: That's a very vague question, Mr Manley-Spain.

29 MR MANLEY-SPAINE: If Your Honour please.





1 Q. Were you told many things during your time of captivity by soldiers?  
2 A. I saw with my own eyes many things and the only few things they told  
3 me, then when I prove it, this is correct.  
4 Q. You had time to prove things when you were in captivity?  
12:43:03 5 A. Yes.  
6 Q. You were free to go and ask questions?  
7 A. You are free to move after you have stayed with them for a long time.  
8 Q. All right. ~~xxxxx~~, were you and the rebel soldiers staying in  
9 the same place?  
12:43:25 10 A. Yes, we are staying in the same place.  
11 Q. Are you saying that you were not segregated; captives one part being  
12 guarded and the commanders in another place?  
13 A. We are segregated.  
14 Q. You were segregated?  
12:43:49 15 A. Yes.  
16 Q. Were you ever invited to any meeting at Kola Tree by the commanders?  
17 A. No.  
18 Q. At Benguema, were you ever invited to any meetings by commanders?  
19 A. The only meeting I attended --  
12:44:16 20 Q. Answer; say yes or no.  
21 A. No.  
22 Q. What about Mamamah? Were you ever invited to any meetings by the  
23 commanders?  
24 A. No.  
12:44:34 25 Q. At Blama, were you invited to meetings by any commanders?  
26 A. No.  
27 Q. At Mile 38, were you invited to meetings?  
28 A. No.  
29 Q. What about Magbeni?



1 A. No.

2 Q. Magbere?

3 A. No.

4 Q. So you were never invited to meetings?

12:45:10 5 A. Yes.

6 Q. But you always knew the orders given; is that so?

7 A. Well, I get information from --

8 Q. No, please answer my question. You always knew the orders given?

9 A. Yes.

12:45:30 10 Q. You are guessing; is that not so?

11 A. I'm not guessing. I'm saying the fact.

12 Q. Did you ever attend a muster parade?

13 A. Yes.

14 Q. Where?

12:45:49 15 A. At Benguema.

16 Q. Was that the only time you attended a muster parade?

17 A. Yes, this is the only time I attended a muster parade.

18 Q. At Benguema, you say that Brigadier Five-Five was the overall

19 commander; is that not so?

12:46:42 20 A. Yes.

21 Q. Was he there with you all the time you were at Benguema?

22 A. Yes.

23 Q. Was there all the time. And that would be between early February and

24 28 February; is that not so?

12:47:15 25 A. Yes.

26 Q. Was there all the time.

27 PRESIDING JUDGE: Is that a question, Mr Manley-Spaine, that you're

28 putting to the witness?

29 MR MANLEY-SPAINE: I'm peppering myself up. I was speaking to myself.



1 Sorry.

2 Q. These persons you referred to us, Brigadier Five-Five, did he have  
3 family with him at Benguema?

4 A. Well the people, when we talk of family, he had people with him.

12:47:55 5 Q. Did he have a wife with him at Benguema?

6 A. Yes.

7 Q. He had a wife with him at Benguema. Was the wife with you all the  
8 time at Benguema?

9 A. I want you to ask this question again.

12:48:28 10 Q. Okay, let me put it again. Did you see the person who was the wife  
11 of this Brigadier Five-Five?

12 A. They showed me one, but I don't know her name.

13 Q. Was that person with you all the time you were at Benguema?

14 A. Well, since we are not so close, I don't know what was her name.

12:48:58 15 Q. Mr Witness, please answer the question. Was she with you all the  
16 time? If it is yes, say yes.

17 A. No, no.

18 Q. Okay. Did you see this wife of Brigadier Five-Five at Blama?

19 A. Yes.

12:49:26 20 Q. Was she there with you all the time?

21 A. No.

22 Q. Who was the overall commander at Blama?

23 A. I said first it is Brigadier Five-Five.

24 PRESIDING JUDGE: Mr Manley-Spaine, if I could just ask you to pause  
12:50:11 25 there. Have you a lot more questions of the witness?

26 MR MANLEY-SPAIN: I might spend the rest of the day.

27 PRESIDING JUDGE: It seems you possibly might be moving on to a new  
28 topic. It might be appropriate to adjourn at this time for the lunch  
29 adjournment. We will resume at 2.15.



1 [Luncheon recess taken at 12.51 p.m.]

[TB110405C-SGH]

3 [On resuming at 2.22 p.m.]

14:19:51 5 PRESIDING JUDGE: Mr Manley-Spaine, you were cross-examining the  
witness.

6 MR MANLEY-SPAINE: Yes, Your Honour.

7 PRESIDING JUDGE: Please proceed.

8 MR MANLEY-SPAINE:

9 Q. Mr Witness, do you recall seeing this woman whom you were told was  
14:20:12 10 the wife of Brigadier Five-Five, did you see her in Blama?

11 A. Yes.

12 Q. Was she there all the time with you?

13 A. No.

14 Q. From Blama did you go to --

14:20:49 15 PRESIDING JUDGE: Mr Manley-Spaine, it is not my intention to  
16 really interrupt the flow of your questions, but if it is any possibility  
17 of a witness being called in relation to this evidence by the Defence and  
18 that witness is within the court precincts, it should be -- I just --

19 MR MANLEY-SPAINE: [Microphone not activated]

14:21:01 20 PRESIDING JUDGE: Thank you.

21 MR MANLEY-SPAINE:

22 Q. From Blama, did you go to Mamamah?

23 A. Yes.

24 Q. Was this lady there?

14:21:23 25 A. No, I did not see her.

26 Q. Did you see her at Mile 38?

27 A. No.

28 Q. Did you see her at Magbeni --

29 A. Magbere. Did you say there?





1 Q. Or Magbere, did you see her there?

2 A. No.

3 Q. Did you ever see her again?

4 A. No.

14:22:07 5 Q. You have told this Court that you saw the person that was referred to  
6 as Brigadier Five-Five only three times?

7 A. Yes.

8 Q. And you have told this Court that you saw him for the first time at  
9 Benguema?

14:22:21 10 A. Yes.

11 Q. Where did you see him the second time?

12 A. At the same Benguema.

13 Q. And what about the third time?

14 A. At Braima.

14:22:47 15 Q. At Blama?

16 A. Yes.

17 Q. Do you, Mr Witness, know what the letters AFRC stand for?

18 A. Yes.

19 Q. Please tell the Court.

14:23:10 20 A. Armed Force Revolutionary Council.

21 Q. Armed Force Revolutionary Council. You say that Colonel Adamu was  
22 AFRC; is that so?

23 A. Yes.

24 Q. You also say that he wasn't wearing any uniform, soldiers uniform.

14:23:47 25 A. Yes.

26 Q. Did he have anything on him designating a soldier's rank?

27 MS TAYLOR: Your Honour, pardon for me interrupting. I was just

28 actually checking my note. I believe the witness said that at the

29 beginning this colonel was in civilian clothes, but by the time he was in



1 Makeni he was wearing uniform.

2 MR MANLEY-SPAINE: I have no problem with that. I am just asking the  
3 witness whether Colonel Adamu had anything on him to designate a rank.

4 A. Well, I don't understand the question.

14:24:49 5 Q. Mr Witness, you told this Court when I started cross-examining you  
6 that you knew about military ranks.

7 A. Yes.

8 Q. Let me put it to you this way: If you see a soldier in uniform, will  
9 you be able to tell his rank?

14:25:06 10 A. Yes, I can tell, yes.

11 Q. So, we understand each other. Did Adamu have anything on him to tell  
12 his rank?

13 A. No.

14 Q. What about the person you allege was Brigadier Five-Five; did he have  
14:25:32 15 anything on him to show his rank?

16 A. He was not in military uniform, so I cannot tell the symbol to show  
17 that he was a brigadier of people there really under him --

18 Q. Will you please just answer my questions. Don't take so many words.  
19 Did he have anything on him to show rank?

14:26:00 20 A. When he is not in civilian I did not see him with any rank.

21 Q. You are refusing to answer my question. Did he have anything on him  
22 to show rank?

23 PRESIDING JUDGE: I think he has answered, Mr Manley-Spaine.

24 MR MANLEY-SPAINE: Your Honour, with respect, he has not. He is  
14:26:18 25 side-stepping my question. Did he? No, yes, that's all.

26 Q. Did he have anything on him to show rank?

27 A. No.

28 Q. You remember you have said to me that you remember making statements  
29 to the Prosecution; is that not so?



1 A. Yes.

2 Q. Do you remember telling the Prosecution that the commander in Blama  
3 was Gold Teeth?

4 A. Yes, I remember.

14:27:31 5 Q. Now today, you have told this Court that the commander was Foday Bah  
6 and that Five-Five took over from him; is that not so?

7 A. Yes.

8 Q. Is it not the truth that Gold Teeth was a commander, overall  
9 commander, in Benguema -- in Blama?

14:28:13 10 A. He was the commander at Braima.

11 Q. At Braima?

12 A. Yes.

13 Q. Was it not Foday Bah or Brigadier Five-Five?

14 A. When Five-Five came he was the overall because he is a big boss.

14:28:31 15 Q. Are you saying that Five-Five took over from Gold Teeth?

16 A. Yes, immediately when he arrived.

17 Q. Is that what you are saying?

18 A. Is what I am saying.

19 Q. Didn't you say that he took over from Foday Bah?

14:28:51 20 A. Well, because he was at Masiaka he came over --

21 Q. You answer my question, didn't you say that?

22 A. Well, he a big commander.

23 Q. Did you say that?

24 A. Yes, I said it.

14:29:01 25 Q. And you were not speaking the truth.

26 A. I am saying the truth.

27 Q. Then you were not speaking the truth. I am putting it to you you  
28 were not speaking the truth?

29 A. I am saying the truth because I was at the scene.



1 Q. Let me ask you this: When you say you took over from Foday Bah, is  
2 it the same as saying he took over from Gold Teeth?  
3 A. You see there is --  
4 Q. Is it the same?  
14:29:28 5 A. Yes.  
6 Q. Thank you. Mr Witness --  
7 A. Yes.  
8 Q. You have told us about various numbers of soldiers et cetera et  
9 cetera. How many soldiers were there from Blama to Mamamah et cetera. How  
14:30:02 10 were these soldiers dressed? The peopled you have referred to as soldiers?  
11 A. In uniform and some were in plain clothes.  
12 Q. Some were in uniform and some in plain clothes. Do you know for sure  
13 that they were all soldiers?  
14 A. Well, because they have guns. I have mentioned. They had guns.  
14:30:32 15 Q. Did you see any of them dressed in black t-shirts with writings on  
16 them?  
17 A. Yes.  
18 Q. How many of them were in black t-shirts?  
19 A. About five.  
14:31:03 20 Q. Five. When you got to Magbeni, were there any of them in black  
21 t-shirts?  
22 A. No.  
23 Q. Why did your group, all of them, soldiers and civilians, why did you  
24 leave Benguema?  
14:31:33 25 A. Because the fighting -- the ECOMOG were advancing towards Benguema  
26 and we need to save our lives. Then we go towards Masiaka -- Mile 38 to  
27 Magbeni.  
28 Q. When you say advancing, were they firing, shooting?  
29 A. They were shooting when they are coming.





1 Q. Were they also bombing with jets?

2 A. No, no.

3 Q. You did not see any jets?

4 A. No.

14:32:13 5 Q. From what direction did ECOMOG approach Benguema?

6 A. Well, you can hear the sound from Rokel moving down to Waterloo and  
7 you will hear there's been shooting.

8 MR MANLEY-SPAIN: I am not sure he got that, Your Honour.

9 Q. I am asking from what direction did ECOMOG approach  
14:32:45 10 Benguema?

11 A. Well, at that time we have already left Benguema.

12 Q. I thought you said you left because ECOMOG were approaching.

13 A. I did, they are approaching --

14 Q. Yes, from where?

14:33:04 15 A. That is why I said from Rokel.

16 Q. And which route did you leave Benguema by?

17 A. The route from Benguema to Waterloo, Waterloo to Newton, Newton and  
18 so on.

19 Q. All right. So it means you were going to the direction that ECOMOG  
14:33:27 20 were approaching?

21 A. No, it wasn't the direction where ECOMOG was approaching.

22 Q. Rokel, is Rokel along the road, the main road to Waterloo?

23 A. Yes.

24 Q. The road you took from Benguema, did it get to Waterloo?

14:33:59 25 A. It get to Waterloo, but the other side of Waterloo.

26 Q. The Benguema Road, does it at any time abort the main highway at  
27 Waterloo?

28 A. Yes.

29 Q. And the road from Rokel gets to that same junction; is it?



1 A. Yes, there is a certain point by Peninsular Secondary School, there  
2 is the old road, it stops there another road going towards Newton. So we  
3 did not enter direct to the main Waterloo Road.

4 Q. How far is this junction on the Peninsular Road --

14:34:45 5 A. -- Secondary School --

6 Q. -- to Benguema junction?

7 A. It would be about two and a half miles.

8 Q. I am putting it to you that that is completely incorrect. It is less  
9 than a mile away, I am putting it to you.

14:35:18 10 A. I am not convinced because I knew the place and I walked that  
11 distance.

12 Q. But you will agree with me that when you came from Benguema you were  
13 heading to the main road at Waterloo.

14 A. You are using another route to go to Newton or Braima area.

14:35:48 15 Q. All right. Let me ask you this: When you left Benguema, was this  
16 Brigadier Five-Five with you?

17 A. When I left Benguema?

18 Q. You all left together with a group?

19 A. No, no, no.

14:36:08 20 Q. I am asking was he with you?

21 A. He was not with me.

22 Q. He was not with the group, I am asking.

23 A. He was not with me, you see. He must have -- he has left already.

24 Q. Listen to my question. You said to this Court that you left in a  
14:36:27 25 group, civilians and soldiers. I am asking you whether because you were  
26 led to this Brigadier Five-Five was with you at the time?

27 A. Well since --

28 Q. With the group.

29 A. Since it is [inaudible] allowed -- it is a group, I cannot testify



1 whether he was among those. You see I was not thinking about my own way of  
2 moving.

3 Q. Thank you for that. You were thinking of yourself. Mr Witness --

4 A. Yes.

14:36:56 5 Q. At Benguema, were you segregated from the soldiers, the captives?  
6 Were you segregated from soldiers?

7 A. We are not segregated.

8 Q. You were all together?

9 A. Yes.

14:37:24 10 Q. I want you to describe Benguema. Benguema is a barracks; not so?

11 A. Yes.

12 Q. And there are several billets there?

13 A. Yes.

14 Q. Are you saying you were in the same place with the soldiers at  
14:37:38 15 Benguema?

16 A. Yes.

17 Q. Please explain to this Court where you were with the soldiers?

18 A. The billets at Benguema is according to ranks. You have the one for  
19 the big bosses; you have the one for the small soldiers. For I, where I  
14:38:08 20 was staying, I would stay in the one where -- as Colonel Adamu was the big  
21 boss, we had our own billet. See, we civilians who were with him, we all  
22 stayed together. Other commanders also had their own civilians, they all  
23 stayed together. That is why I said we all sleep together.

24 Q. Are you saying that you lived in groups according to the commanders  
14:38:34 25 that you were?

26 A. Yes, you live according to the commanders you are under.

27 Q. In groups?

28 A. I can't understand that type of question.

29 Q. You said you and others who were under xxxxx lived xxxx .



1 That is one group. You have named other commanders. Did they have their  
2 own people with them?

3 A. Yes.

4 Q. When you got to Mamamah -- no, sorry, before you got to Mamamah, you  
14:39:24 5 told us about one person called Snake; is that not so?

6 A. Yes.

7 Q. And later on you referred to another named one Captain Snake. Are  
8 you talking about the same person?

9 A. No, he is not the same person.

14:39:41 10 Q. He is not the same person. So you had one called Snake and another  
11 Captain Snake?

12 A. Yes.

13 Q. You allege that this one called Snake shot a lady, a woman; is that  
14 not so and killed her?

14:40:02 15 A. Yes.

16 Q. Did that person called Snake run away after doing so?

17 A. Yes.

18 Q. He ran away?

19 A. He ran away.

14:40:22 20 Q. You have told us about what you say you were told about Captain Snake  
21 killing over 100 people at that Songo. You do not know whether that is  
22 true or false; do you?

23 A. Yes.

24 Q. Do you know?

14:40:48 25 A. That is why I was told.

26 Q. No, I am saying you were told, but you do not know whether it is true  
27 or false. You did not see it yourself?

28 A. I did not see it myself, but it was confirmed.

29 Q. It was told to you. The person may have been telling lies; is that





1 not so?

2 A. If the person said that I believe it is true, because I know the type  
3 of people.

4 Q. I am putting the question to you, I said the person may have telling  
14:41:15 5 you a lie?

6 A. Well, I believe the person's statement. I know he is saying the  
7 truth.

8 Q. Did you know that person before?

9 A. We have stayed together.

14:41:29 10 Q. Did you know him before?

11 A. Yes, I knew the person before.

12 Q. What is his name?

13 A. I don't know if it --

14 PRESIDING JUDGE: Just -- Mr Witness. Could we possibly be  
14:41:45 15 wandering into a field of a protected witness here? I don't know - and I  
16 am sure --

17 MS TAYLOR: I don't know what the answer to the question will be or  
18 what it might or might not reveal, Your Honour.

19 MR MANLEY-SPAINE: I doubt whether it is, Your Honour. But the  
14:42:07 20 evidence we have so far is that a civilian and a soldier told me that  
21 Captain Snake had killed over 100 people at Songa. My question -- all I am  
22 trying to put to him is that as this was told to him, he cannot be sure  
23 that it is the truth. That is all I am putting to him.

24 PRESIDING JUDGE: I fully understand your question, Mr Manley-Spaine,  
14:42:32 25 and in normal circumstances I would have no problem with it, but it could  
26 lead to the revelation of a protected witness. However, Ms Taylor has  
27 given us an indication that she cannot be sure either.

28 MR MANLEY-SPAINE: Let me just ask a couple of questions.

29 Q. The civilian who told you, was he a man or a woman?



1 A. A man.

2 Q. A man. Have you seen that civilian since then?

3 A. No.

4 Q. Do you know whether he was a captive?

14:43:17 5 A. Yes.

6 Q. Okay. You have told us about the civilians that were in your group.

7 Do you know whether the soldiers you were going with had families with

8 them?

9 A. Yes.

14:43:53 10 Q. They had families with them. And some of the members of the families

11 were babies?

12 A. They had children with them.

13 Q. Children. Mr Witness, when ECOMOG was approaching Benguema, is it

14 the case that you and your group had to run to escape the firing?

14:44:16 15 A. Yes.

16 Q. Was the firing light?

17 A. No.

18 Q. How was it?

19 A. It was heavy.

14:44:53 20 Q. Heavy. Mr Witness, having got to Mamamah, how long did you spend

21 there?

22 A. Mamamah, I spent a day and a half.

23 Q. Did you go to Mile 38 then?

24 A. Yes.

14:45:26 25 Q. And did you leave Mile 38?

26 A. I spent a few weeks at Mile 38.

27 Q. A few weeks at Mile 38. So can you tell this Court about when in the

28 year 1999 you left Mile 38?

29 A. Within the last week in April, towards early May.



1 Q. Last week -- When you left Mile 38, was this Brigadier Five-Five with  
2 you?  
3 A. No.  
4 Q. On your way to Magbere, was there any fighting, Kamajors, between the  
14:46:56 5 rebels and the Kamajors?  
6 A. No.  
7 Q. You mentioned one Junior Lion?  
8 A. Yes.  
9 Q. How many times did you see him?  
14:47:36 10 A. Three times.  
11 Q. Three times. When was the first time that you saw him?  
12 A. The first time I saw him at Mamamah, I came back to Mile 38 and when  
13 we are at Gbere, Magbere.  
14 Q. What I want to ask you, Mr Witness, you have now told us the three  
14:48:36 15 places you saw him; is that not so?  
16 A. Yes.  
17 Q. Was it one time that you saw him Mamamah? Just once?  
18 A. Yes, just once I saw him at Mamamah.  
19 Q. And then once at Mile 38?  
14:48:52 20 A. Yes.  
21 Q. And also once at Magbere?  
22 A. Magbere, yes.  
23 Q. Three different places on three different occasions?  
24 A. Yes.  
14:49:09 25 Q. On the first occasion, for how long did you see him?  
26 A. Well, just about I glanced at him and about 20 minutes.  
27 Q. How long were you at Mamamah?  
28 A. A day and a half.  
29 Q. A day and a half. Was he wearing uniform? Soldiers or military



1 uniform?

2 A. Well, he had a military combat.

3 Q. He had a combat. Did it have rank on it?

4 A. Well, I did not see any rank.

14:50:12 5 Q. You did not see any rank?

6 A. In a soldier.

7 Q. Were there other soldiers there in military combats?

8 A. There must have. His bodyguards, they have military uniform.

9 Q. Did any of them have rank on their uniforms?

14:50:52 10 A. Well, you will see some with corporal, the V shape, and others plain

11 military.

12 Q. Some had ranks, is that what you are saying?

13 A. Yes, these are the ranks that I am telling you.

14 Q. Some had the ranks on their uniform?

14:51:03 15 A. Yes.

16 Q. And you said this Junior Lion was in charge at Mamamah?

17 A. Yes.

18 Q. Was the person you called Brigadier Five-Five at Mamamah?

19 A. I did not see him at Mamamah.

14:52:05 20 Q. You have answered, Mr Witness, that you made statements to the Office

21 of the Prosecution, but you cannot remember the dates. Is that so?

22 A. Yes.

23 Q. During your journey from Kola Tree up to Magbeni, did you come across

24 any RUF commanders?

14:52:45 25 A. Yes.

26 Q. Do you know their names? Did you know their names?

27 A. Well, CO Rambo was one I met at Benguema. The next person was -- he

28 was speaking in Liberian accent. A tall gentleman, but I can't know his

29 name.





1 Q. A tall gentleman speaking with a Liberian accent?  
2 A. Yes.  
3 Q. Did you ever meet with --  
4 A. Who?  
14:53:43 5 Q. Did you ever meet with a xxx who you say is xxxxx?  
6 A. A commander who is xxx?  
7 Q. Yes.  
8 A. No.  
9 Q. You refer to a name, I can't even pronounce, who you said the rebels  
14:54:25 10 used to call civilians. Can you tell me the name again?  
11 A. ^Pogul.  
12 Q. Pogul. I want you now, Mr Witness -- what was the position of the  
13 members of the families of the soldiers?  
14 A. The position of the families --  
14:55:07 15 MS TAYLOR: In relation to what Your Honour?  
16 PRESIDING JUDGE: Mr Manley-Spaine, I was going to say I am not quite  
17 sure what you mean by that.  
18 MR MANLEY-SPAINE: I will put it directly.  
19 Q. The members of the family of the rebels, did they carry  
14:55:23 20 out any chores?  
21 A. I don't understand that word "chores". Please.  
22 Q. Did they do any work?  
23 A. Yes, they did some work.  
24 Q. They did work. Do you know, Mr Witness, that -- first of all, do you  
14:55:34 25 know or have you heard the word Kamajor?  
26 A. Yes.  
27 Q. Do you know that Blama was a Kamajor controlled area?  
28 A. The town -- the name of that particular is Braima, it is not Blama at  
29 Kenema. I want to be very specific, it is Braima, B-R-A-I-M-A. So I mean



1 you can correct it.

2 Q. So we are not talking about Blama at all?

3 A. At Kenema, it's not the Blama at Kenema.

4 Q. You are talking about Braima.

14:56:53 5 A. Braima. Do you know what district of Braima is? Well, from Newton  
6 the district that is in the -- put around Kuya Wula area.

7 Q. Did you have to cross a bridge to get there?

8 A. Yes, you have to cross a bridge to get at that place.

9 Q. Was it an old metal bridge, iron bridge?

14:58:00 10 A. It is the main road, now it's been modernised by the Roads Authority.  
11 You use the main Masiaka Old Road, the new road you can go to Braima. It  
12 is just at the main Masiaka highway.

13 Q. I am asking about the bridge. Is it an old metal bridge?

14 A. No, it is modern bridge. It is not the old metal bridge.

14:58:25 15 Q. You have not crossed the old metal bridge?

16 A. Mmm.

17 Q. But you do know the old metal bridge?

18 A. Yes, I know from the old road.

19 Q. How many child combatants did you say Brigadier Five-Five had?

14:58:49 20 A. Ten.

21 Q. Ten. Whilst you were with him on these three occasions, did you see  
22 him carry a walking stick?

23 A. No.

24 Q. No. Did you see him firing a gun that looked like a walking stick?

14:59:28 25 A. I did not see him firing a gun.

26 Q. Am I right in saying that this period that you saw him in Benguema  
27 was between the 1st and the 25th February 1999?

28 A. Pardon, let me get that clear again.

29 Q. I am asking you whether it is the case that the period you saw him in



1 February 1999 was between the 1st and 28th of February?

2 A. Is not only that period. I saw him again in the month of March at  
3 Braima.

4 Q. Yes, okay. I am talking first of all about Benguema?

15:00:33 5 A. Okay. Yes.

6 Q. Do you know long he spent at Braima?

7 A. How long?

8 Q. No, this [inaudible] Brigadier Five-Five.

9 A. Well, I come across him at Braima just about three weeks before we  
15:01:01 10 left Braima.

11 Q. So he was there for three weeks?

12 A. Yes.

13 Q. Did you say that you saw him only once at Blama?

14 A. Yes, I saw him once at Blama.

15:01:43 15 Q. Am I right in saying that the one time you saw him was during those  
16 three weeks?

17 A. Yes.

18 Q. When you saw him that one time, did he talk to you?

19 A. He did not talk to me.

15:02:23 20 Q. Did you talk to him?

21 A. Well, I just pop in to his place when Snake did the act.  
22 Fortunately, he was called upon and I saw him -- and he said some prayers  
23 and then I just moved -- we talked, but no in the long dialogue.

24 Q. Mr Witness, you said you just popped into his house.

15:03:08 25 A. When the incident took place, then I go to his place because we are  
26 so close at that time.

27 Q. So I want to be certain now. Was that the only time you saw him at  
28 xxx when you went xxx xxx?

29 A. Yes.



1 Q. Therefore, I take it that you did not see him give any command at  
2 Blama?  
3 A. Well, since I am not moving, it might be correct.  
4 Q. No, no, no. Did you see him give any command at Blama?  
15:03:51 5 A. I did not see him giving any command.  
6 Q. Mr Witness, at Magbeni, Magbere, that was the first bit before  
7 Magbere; is that not so?  
8 A. It's Magbeni before Magbere.  
9 Q. At Magbeni, did you witness any fighting between the so-called rebels  
15:04:43 10 and ECOMOG?  
11 A. No.  
12 Q. Do you know whether ECOMOG was advancing towards Magbeni at the time  
13 you were there?  
14 A. No.  
15:05:09 15 Q. You do not know?  
16 A. No.  
17 Q. Do you know why he left Magbeni with the other group -- with the  
18 group you were with and the soldiers?  
19 A. Well, to cross the river for saver and for security reasons.  
15:05:38 20 Q. That is your conjecture, nobody told you that. Did anybody tell you  
21 that?  
22 A. Well, we are told to move out of Magbeni to cross to go to Gbere. We  
23 the civilians and the other group of soldiers - the other soldiers.  
24 Q. What I am putting to you is that nobody told you why you should move  
15:06:06 25 to cross the river.  
26 A. Well, Bazzil had a muster parade meeting with the people and that  
27 command came from him and we need to go over Gbere because the ECOMOG were  
28 still coming, you see, towards the main road and the shedding -- that the  
29 reason you moved crossing the river.





1 Q. You see, my question was: Nobody told you why you should cross the  
2 river.  
3 A. Well, the report from the meeting when xxxxx stayed at the  
4 xxxxx said we need to go over the river.  
15:07:09 5 Q. At that time with whom are you staying?  
6 A. Well, I was staying with xxxxx, because xxxx was away, so we  
7 need to cross -- xxxxxx that I was staying with.  
8 Q. And this boy went and told you. Do you know the name of the boy?  
9 A. If the Court can permit me, I can call the name of the boy.  
15:07:45 10 PRESIDING JUDGE: Ms Taylor, are you aware of any reason why it  
11 should not be?  
12 MS TAYLOR: I am not, Your Honour.  
13 PRESIDING JUDGE: It is permitted to name him.  
14 MR MANLEY-SPAINE:  
15:07:57 15 Q. What is the name of the boy?  
16 A. It's called xxxxx.  
17 Q. xxxxx. Since then have you seen this boy called xxxxx again?  
18 A. Since after I was released I did not --  
19 Q. Since Magbere or Magbeni, did you see xxxx again?  
15:08:26 20 A. Well, from Magbeni we all together at Magbeni. So after Magbere I  
21 left them then, I have never seen them.  
22 Q. You have never seen them from Magbere?  
23 A. Yes.  
24 Q. Mr Witness, you said that he took you three days to destroy the  
15:08:45 25 bridge at MacDonald.  
26 A. MacDonald.  
27 Q. And you did not complete it?  
28 A. We did not even go further with it.  
29 Q. What do you mean by you did not go further with I?



1 A. Because it was a strong bridge and there was no possibility of  
2 destroying it.

3 Q. What were you using?

4 A. Pickaxe and shovel.

15:09:25 5 Q. Pickaxe and shovel. I am putting it to you that nobody sent you to  
6 destroy the bridge with pickaxe and shovel.

7 A. I am not convinced, you see because I believe it was an order given  
8 and we need to carry the order and this was the truth produced. And even  
9 those who were escorting us, they give us a shovel and the pickaxe.

15:09:51 10 Q. They did not give you explosives --

11 MR FOFANAH: Your Honour, may I take your leave to be excused for a  
12 while, I just want to ease myself. Thank you.

13 MR MANLEY-SPAINE:

14 Q. Who actually said to you to destroy this bridge?

15:10:19 15 MS TAYLOR: Your Honour, I am sorry. I am not sure that there was  
16 an answer to the last question. If there was, I didn't hear it. I  
17 apologise for the interruption.

18 PRESIDING JUDGE: I do not have an answer. Mr Witness, did you  
19 answer the last question? Which was -- Mr Manley-Spaine, perhaps you could  
15:10:39 20 please put the question again to enable the record to be completed.

21 MR MANLEY-SPAINE: I accept that.

22 Q. I put it to you that no one sent you to destroy a bridge with pickaxe  
23 and shovel.

24 A. So I said after the command given by Brigadier Five-Five, need to  
15:11:06 25 move. We used -- they give us the shovel and the pickaxe and they are also  
26 people escorting us. So these are the tools we used when we are digging.

27 Q. Was it Brigadier Five-Five who gave that order?

28 A. Yes.

29 JUDGE SEBUTINDE: I am not sure I follow what order you are talking



1 about. The order to use the pickaxe or the order to destroy?

2 MR MANLEY-SPAINE: Well it is one.

3 JUDGE SEBUTINDE: No, it was not one and the same according to the  
4 witness.

15:11:44 5 MR MANLEY-SPAINE: What I put to him was that no-one gave you and  
6 order to destroy the bridge with pickaxe and shovel.

7 JUDGE SEBUTINDE: Counsel, there are two orders in one.

8 MR MANLEY-SPAINE: As Your Honour pleases.

9 JUDGE SEBUTINDE: You realise.

15:12:00 10 MR MANLEY-SPAINE: As Your Honour pleases. Let me just separate it.

11 Q. Who gave you the order to destroy the bridge?

12 A. Brigadier Five-Five.

13 Q. Who gave you the order to use pickaxe and shovel in doing so?

14 A. At the place at MacDonald another commander is there who give us the  
15:12:23 15 tools to use the -- to use for the destruction of the bridge.

16 Q. [Inaudible] I am putting it to you that the person called Brigadier  
17 Five-Five never gave you an order to destroy a bridge at MacDonald.

18 A. I am telling the Court that he addressed we, the civilians, and  
19 passed on this order that the bridge would be destroyed.

15:13:16 20 Q. Was it CO Rambo, RUF, who gave you that order?

21 A. CO Rambo was the commander at that MacDonald.

22 Q. Please answer my question. Was it not CO Rambo who gave you the  
23 order to go and destroy the bridge at MacDonald?

24 A. It did not give me the order to destroy the bridge at MacDonald. It  
15:13:40 25 is what I received from the muster parade, then we went there.

26 Q. Mr Witness, did you at any time make clarifications to your statement  
27 to the Prosecution?

28 A. Yes.

29 Q. And do you recall the 19th February 2005?



1 A. Yes, I recall 19 -- 2000 and -- 1999.

2 Q. No, I was asking about 19th February 2005. Whether you made  
3 clarifications to the Office of the Prosecution on that date.

4 A. I can't remember now.

15:14:57 5 MR MANLEY-SPAIN: Your Honour, I wish to refer to page 6908 the  
6 proofing on additional information provided by TF1-227. Proving on 19th  
7 February 2005. If I may read, "The witness corrected his previous  
8 statement as follows: With regard to the meeting held by Brigadier  
9 Five-Five in Benguema, it was not he, but CO Rambo, RUF, who gave the  
15:15:33 10 specific order to the civilians to go and destroy the bridge at  
11 MacDonald."

12 Q. Did you say this to the Prosecution in clarification of your  
13 statement? Your previous statement?

14 A. Well, that address was made during the muster parade.

15:15:55 15 Q. Please, just answer my question. Did you say this in clarification  
16 to a previous statement what I have just read?

17 A. I don't understand that.

18 Q. Okay. Listen and I will read the passage for you. This is what the  
19 Prosecution say that you told them in correcting your previous statement:

15:16:19 20 "With regard to the meeting held by Five-Five in Benguema, it wasn't him,  
21 but CO Rambo (RUF) who gave this specific order to the civilians to go and  
22 destroy the bridge at MacDonald." I am asking you, did you say this to the  
23 Prosecution?

24 A. Well, I said this to the Prosecution and what transpired at that was  
15:16:51 25 meeting, you see, because I believe that Brigadier Five-Five had  
26 communicated with CO Rambo and that is why we need to carry on the order.  
27 But it is really come from Brigadier Five-Five.

28 Q. I just want you to answer. Did you say this to the Prosecution, "It  
29 wasn't Five-Five, Brigadier Five-Five, but CO Rambo"?





1 A. Because Brigadier Five-Five was not CO Rambo.

2 Q. It was Brigadier Five-Five, not CO Rambo?

3 A. Yes.

4 Q. When you told the Prosecution that it was CO Rambo and not Brigadier  
15:17:41 5 Five-Five, were you speaking the truth. Were you telling the Prosecution  
6 the truth?

7 A. I was telling the truth.

8 Q. That it was CO Rambo not Brigadier Five-Five?

9 A. Was it Brigadier Five-Five.

15:17:54 10 Q. Please listen to my question now. You have accepted --

11 A. It was a statement taken from me and now that I have swear an oath,  
12 so this was my promise, I am telling now the court at this level it was  
13 Brigadier Five-Five who gave the order and not CO Rambo.

14 Q. That is exactly why I am asking you the question. Were you speaking  
15:18:14 15 the truth to the Prosecution that it was Rambo, CO Rambo, not Brigadier  
16 Five-Five?

17 A. Well, maybe I cannot get that statement clear. It was not CO Rambo,  
18 it was Brigadier Five-Five.

19 Q. Mr Witness, we will just move on. Will you just be courteous enough.  
15:18:31 20 Just answer my question.

21 A. I am really courteous because I know the case that really -- when I  
22 reflecting of what transpired in this period of time.

23 Q. Did you tell the Prosecution the truth when you said it was CO Rambo  
24 and not Brigadier Five-Five?

15:18:55 25 A. I stand to my word that it was Brigadier Five-Five it was not CO  
26 Rambo.

27 Q. That's what you are saying now, I am asking you then what you told  
28 the Prosecution. Did you speak the truth?

29 JUDGE SEBUTINDE: Counsel, maybe we need to establish first whether



1 he actually told the Prosecution the phrase you have just quoted or not  
2 before we decide if it was the truth or not.

3 MR MANLEY-SPAINE: Your Honour, I believe he has answered. I read it  
4 twice to the witness.

15:19:22 5 JUDGE SEBUTINDE: No, no, no. He hasn't answered yes or no. He  
6 hasn't. He has merely reiterating what he has told us in court. He is  
7 reiterating what he told us in court.

8 MR MANLEY-SPAINE: I am much obliged.

9 JUDGE SEBUTINDE: He has not yet answered you, "Yes, I told that to  
15:19:38 10 the Prosecution."

11 MR MANLEY-SPAINE: I am much obliged.

12 Q. Mr Witness, did you on the 19th February this year tell the  
13 Prosecution what I am going to read now - and I am reading: "With regard  
14 to the meeting held by Brigadier Five-Five in Benguema, it was not him, but  
15:20:02 15 CO Rambo, RUF, who gave the specific order to the civilians to go and  
16 destroy the bridge at MacDonald." Did you tell the Prosecution that --

17 A. No.

18 Q. You did not?

19 A. No.

15:20:23 20 Q. Before this date, had you told the Prosecution anything different?

21 PRESIDING JUDGE: Different from what?

22 MR MANLEY-SPAINE: What I have just read. From what I have just  
23 read.

24 Q. Did you tell the Prosecution anything different from what I have just  
15:20:31 25 read?

26 A. No.

27 Q. No. I stand to be guided by Your Honour to correct my records. To  
28 both questions, which I believe are in the alternative, he has said no.

29 JUDGE SEBUTINDE: I don't understand. What is your problem?



1 MR MANLEY-SPAIN: My problem is that the answers don't make any  
2 sense.

3 JUDGE SEBUTINDE: Which answer don't you understand?

4 MR MANLEY-SPAIN: Both of them, Your Honour. I said to him, "Did  
15:21:32 5 you tell the Prosecution anything different?" He said, "No."

6 PRESIDING JUDGE: You have not put anything different to him,  
7 Mr Manley-Spaine and therefore we are unable to give you an indication if  
8 there was an inconsistency.

9 MR MANLEY-SPAIN: I would wish Your Honour to refer to page 6484.  
15:22:19 10 May I read from the third line?

11 Q. "On February 6th, Brigadier Five-Five called a muster parade for  
12 about 100 abducted men including myself. He said that the fighting was  
13 very tough and they need to regroup themselves. He said that, 'you will be  
14 given military training,' and then he sent 20 men, including myself, to go  
15:23:21 15 and destroy the bridge at MacDonald to prevent ECOMOG from reaching  
16 Benguema." That is the alternative, Your Honour. "We went under armed  
17 escort under the command of CO Fada [phon]. At that time Brigadier  
18 Five-Five was the overall commander at Benguema."

19 PRESIDING JUDGE: Mr Manley-Spaine, if you are putting prior  
15:23:47 20 inconsistent statement to the witness, then there are certain foundations  
21 that have to be laid. We have been through this a couple of times. If  
22 you are putting that as a statement to him you must lay the foundation  
23 first.

24 MR MANLEY-SPAIN:  
15:23:58 25 Q. Did you make a statement on 26th March 2003 to the Office of the  
26 Prosecution?

27 PRESIDING JUDGE: Sorry, Mr Manley-Spaine, I did not hear the date.  
28 Could you please repeat it?

29 MR MANLEY-SPAIN:



1 Q. 26th March 2003.

2 A. Yes.

3 Q. In that statement did you tell the Prosecution that it was Five-Five  
4 who gave the order -- Brigadier Five-Five who gave the order for the bridge  
15:24:45 5 at MacDonald to be destroyed?

6 A. Yes.

7 Q. Yes. In that statement you have mentioned one CO Fada; is that not  
8 so?

9 A. Yes, I mentioned him.

15:25:17 10 MR MANLEY-SPAINE: Your Honour, to be fair to him, may I now read  
11 the passage at page 6484. Third line.

12 Q. I am reading what you said: "On February 6th, Brigadier Five-Five  
13 called a muster parade for about 100 abducted men including myself. He  
14 said the fighting was very tough and they need to regroup themselves. He  
15:25:45 15 said that, 'you will be given military training,' and then he sent 20 men  
16 including myself to go and destroy the bridge at MacDonald to prevent the  
17 ECOMOG from reaching Benguema. We went under armed escort and under the  
18 command of CO Fada. At this time Brigadier Five-Five was the overall  
19 commander at Benguema." You have answered that, you have said that; not  
15:26:12 20 so?

21 A. Yes.

22 Q. Okay. I want you to recall 19th February this year. Did you make  
23 any clarification on that point to the Office of the Prosecution?

24 A. I did not make any clarification.

15:26:44 25 Q. You did not make any clarification. If I read the clarification  
26 maybe you will be able to remember. I will read it again. "With regard to  
27 the meeting held by Brigadier Five-Five in Benguema it was not him but CO  
28 Rambo (RUF) who gave the specific order to the civilians to go and destroy  
29 the bridge at MacDonald."





1 MS TAYLOR: Your Honour, the witness has already said a number of  
2 times that he did not state that.

3 PRESIDING JUDGE: You have put the question at least once, possibly  
4 more. In fact, I have got it down here several times, Mr Manley-Spaine.  
15:27:23 5 You are verging on harassment.

6 MR MANLEY-SPAINE:  
7 Q. You mention that this took place on 6th February; in what year was  
8 that?

9 JUDGE SEBUTINDE: What took place, sir?

15:27:51 10 MR MANLEY-SPAINE: The order to go and destroy the bridge, Your  
11 Honour.  
12 A. It was 1999.

13 Q. 1999. When did you leave your group? When did you leave Benguema?  
14 A. About three weeks before we left Benguema.

15:28:29 15 Q. You mean three weeks later?  
16 A. I don't understand the question again. You say when do we leave  
17 Benguema to go where?

18 Q. You said you went to Mamamah?  
19 A. From Benguema we go to --

15:28:53 20 Q. No, I am asking you when you left Benguema.  
21 A. It was in February.

22 Q. Yes, how long?

23 PRESIDING JUDGE: Mr Manley-Spaine, you were talking about going  
24 from Benguema to do something in MacDonald on this bridge. Is that what  
15:29:05 25 you are still talking about, or are you on a different topic?

26 MR MANLEY-SPAINE: At the time for my understanding, when they went  
27 to do something at the bridge they were still at Benguema.

28 PRESIDING JUDGE: That is correct. That is what I understand.

29 MR MANLEY-SPAINE: I said when they left Benguema eventually. That



1 is what I am asking.

2 MS TAYLOR: Your Honour, on that point the witness has already been  
3 cross-examined by my learned friend on this point. He was asked before the  
4 lunch break on what date the witness left Benguema and he said he can give  
15:29:37 5 weeks, but not the exact date. And the witness went on to describe how  
6 many weeks he stayed in Benguema.

7 MR MANLEY-SPAIN:

8 Q. Mr Witness, after this incident when you said you were sent to go and  
9 destroy this bridge, did you say was the reason because ECOMOG was reaching  
15:29:54 10 Benguema?

11 A. Yes.

12 Q. Did ECOMOG ever reach Benguema whilst you were there?

13 A. No.

14 Q. Would you agree with me that the bridge at MacDonald is away from  
15:30:38 15 where ECOMOG was approaching where you were living?

16 A. You are quite correct.

17 Q. Did ECOMOG ever approach from MacDonald end?

18 A. Yes.

19 Q. Was that the same approach as from Rokel?

15:31:23 20 A. No.

21 Q. Is Rokel on the opposite side of MacDonald for taking you to  
22 Benguema?

23 A. I am not geographer, but I can try.

24 Q. Please try.

15:31:52 25 JUDGE SEBUTINDE: Is there any point to this line of  
26 cross-examination, sir?

27 MR MANLEY-SPAIN: Yes, Your Honour.

28 JUDGE SEBUTINDE: Then please get to the point.

29 MR MANLEY-SPAIN:



1 Q. Will you please answer the question? Was Rokei on the opposite side?

2 A. I need to clarify a certain issue. Pertaining to the two routes the  
3 ECOMOG were using, the one at MacDonald they were coming towards Tumbu area  
4 down to MacDonald. There is another route the ECOMOG were using. Another  
15:32:21 5 route is from the main Waterloo highway, from Rokei down to Waterloo. So  
6 they used two. That is the reason why he made the order that the bridge  
7 must be destroyed. So that they would not enter Benguema. That is the  
8 [inaudible] used the Tumbu route.

9 Q. Remember, I just asked you did the ECOMOG ever attack from the  
15:32:55 10 MacDonald end and you said no.

11 JUDGE SEBUTINDE: Asked him while he was in Benguema. You added  
12 "While you were still in Benguema."

13 MR MANLEY-SPAIN: Your Honour, that is the only way he will know.

14 JUDGE SEBUTINDE: Don't assume. You don't assume. He answers the  
15:33:12 15 question that you ask.

16 MR MANLEY-SPAIN: As Your Honour pleases.

17 JUDGE SEBUTINDE: Not the one you imagine.

18 MR MANLEY-SPAIN:

19 Q. Did you see ECOMOG approach from MacDonald end?

15:33:26 20 A. I saw ECOMOG was moving from Tumbu to MacDonald.

21 Q. You saw it?

22 A. I hear the sound.

23 Q. Did you see it or hear it?

24 A. I hear.

15:33:37 25 Q. You heard it?

26 A. Yes.

27 Q. You did not see?

28 A. I did not see it.

29 Q. I am putting it to you that this episode you have described,



1 Mr Witness, is not true.

2 JUDGE SEBUTINDE: What episode?

3 MR MANLEY-SPAINE:

4 Q. The episode about an order to destroy the bridge. It is not true.

15:34:32 5 A. If the courts can allow me, there are various instances of places  
6 where they have destroyed bridges and I believe it is a fact - and I can  
7 testify -- that is why I am testifying in front of the court.

8 PRESIDING JUDGE: Mr Manley-Spaine, let us be clear. You are  
9 putting to the witness that the order given, was not given. Is that what  
15:34:58 10 you are saying?

11 MR MANLEY-SPAINE: I am putting it to him that the person he refers  
12 to as Five-Five did not give such an order.

13 PRESIDING JUDGE: Well, that is a more clearer way of putting it, so  
14 please put it in that clearer manner.

15:35:13 15 MR MANLEY-SPAINE:

16 Q. I am putting it to you that the person you referred to as Five-Five  
17 did not give an order for 20 men to go and destroy the bridge at MacDonald.

18 A. He gave the order for us to go and destroy the bridge.

19 Q. Mr Witness, were there any RUF at Blama -- Braima?

15:35:57 20 A. No.

21 Q. Were there RUF at Mamamah?

22 A. I did not see any RUF at Mamamah.

23 Q. Did you ever go to Masiaka?

24 A. No.

15:37:03 25 Q. Did you see any RUF before you got to Magbeni -- Magbere?

26 A. Well, the only RUF I saw was CO Rambo. That was at Benguema. And  
27 the Liberian fellow that I was talking about was the only one that I saw  
28 him on the road going to Braima. Since from that time I did not see him  
29 again.





1 Q. Again, were there any RUF at Waterloo? You want to Waterloo?

2 A. Yeah, RUF were at Waterloo.

3 Q. Again, I ask you, do you remember making a statement on 26th

4 March 2003? I refer you to the statement made on 26th March 2003 at page

15:38:30 5 6485.

6 JUDGE SEBUTINDE: Sir, could you please answer the question?

7 THE WITNESS: I want him to ask the question again.

8 MR MANLEY-SPAINE:

9 Q. Do you remember making a statement on 26th March 2003?

15:39:11 10 A. Well, I remember the statement, but I cannot recall now the detail of  
11 the statement.

12 Q. But I will read it to you.

13 A. Okay.

14 Q. Your Honour, it is at page 6485 and I will read from the first line.

15:39:29 15 "We stayed in Waterloo until February 28th and moved to Braima when ECOMOG  
16 was approaching from Hastings. Gunboot gave the order for us to leave  
17 toward Makeni. Colonel Adamu had given Gunboot the command over his group  
18 as the former had gone to Makeni on February 8th for treatment of his  
19 wounds. Brigadier Five-Five had gone to Masiaka, but came to Braima after  
15:39:59 20 we have been in Braima for three weeks. Both the AFRC and RUF were in  
21 Braima as well as in Masiaka and Rokei." Did you tell the Office of the  
22 Prosecution that both the AFRC and the RUF were at Blama?

23 A. Yes.

24 Q. Have you just said that there were no RUF at Blama just now?

15:40:28 25 A. Yes.

26 Q. In one of those statements I put it to you is wrong. Is that not so?

27 A. Ask the question again, please, I don't understand.

28 Q. In what I read to you, you said there were AFRC and RUF in Braima.

29 Speaking from where you are sitting you say that there were no RUF in



1 Braima. I am saying to you -- I am putting it to you that one of these two  
2 statements is wrong.

3 JUDGE SEBUTINDE: Counsel, I think before the witness answers, it  
4 is only fair to draw to his attention that the name of the place  
15:41:30 5 mentioned in the extract you have just read is spelled B-L-A-M-A and not  
6 B-R-A-I-M-A.

7 MR MANLEY-SPAIN: Yes, I believe he has clarified.

8 JUDGE SEBUTINDE: No, the way you are talking it is not certain. I  
9 am clarifying this. Now put your question to him.

15:41:47 10 MR MANLEY-SPAIN:

11 Q. I am putting the question to you about Blama or Braima as you call  
12 it. How do you call it?

13 A. It is Braima.

14 Q. Braima. Were there rebels that were there, both RUF and AFRC at  
15:42:00 15 Braima?

16 A. Only AFRC was at Braima. Only AFRC was at Braima.

17 JUDGE SEBUTINDE: Which, counsel, is not one of the places  
18 mentioned in this statement. I just want to get the record very clear.  
19 The answer that the witness has given refers to a place called Braima.  
15:42:30 20 That is B-R-A-I-M-A. Is that correct, Mr Witness?

21 THE WITNESS: Yes.

22 JUDGE SEBUTINDE: And that place is not mentioned at page 6485 for  
23 the record.

24 MR MANLEY-SPAIN: Your Lordship, I believe the witness of his own  
15:42:47 25 volition said something to the effect that we have been saying Blama,  
26 Blama. It is not Blama, but Braima and spelt it.

27 JUDGE SEBUTINDE: What is the argument about now? I am just  
28 correcting the record.

29 MR MANLEY-SPAIN: As Your Honour --



1 JUDGE SEBUTINDE: And I think I am entitled to do that.

2 MR MANLEY-SPAINE: Yes, Your Honour.

3 JUDGE SEBUTINDE: What is the problem after I have corrected the  
4 record?

15:43:12 5 MR MANLEY-SPAINE: No, I am worried that Your Honour might be saying  
6 that everything that has been said about Blama is a known fact.

7 JUDGE SEBUTINDE: I am not saying anything more than what the witness  
8 has just said.

9 MS THOMPSON: Your Honour, may I ask that my client be excused?

15:43:50 10 PRESIDING JUDGE: Just pause, Ms Thompson. I think this may be an  
11 appropriate time to have a 15 minutes adjournment. Mr Meisenberg, please  
12 adjourn court for 15 minutes. Thank you.

13 [Break taken at 3.46 p.m.]

14 [TB110405D - RK]

15:51:06 15 [On resuming at 4.00 p.m.]

16 PRESIDING JUDGE: Please proceed, Mr Manley-Spaine.

17 MR MANLEY-SPAINE: Yes, Your Honour.

18 Q. Mr Witness, I referred you to a passage in your statement in which  
19 you said: "Both AFRC and the RUF were in Blama as well as Masiaka and  
15:59:19 20 Lunsar." In the witness box you have told this Court that there were no  
21 RUF at Braima; is that so?

22 A. Yes.

23 Q. I'm putting it to you that what you have said in your statement is  
24 different from what you have said here in court.

15:59:50 25 A. Will the Court allow me to explain that --

26 Q. No, please answer my question.

27 A. It is different. If I make clarification --

28 JUDGE SEBUTINDE: Counsel, I'm not sure if you and the witness agreed  
29 that the extract you actually read is a true record of what he told the



1 Prosecution office. I don't think you have established that. You need to  
2 do a little bit more ground work, please.

3 MR MANLEY-SPAINE:

4 Q. Mr Witness, did you state -- or did you say in your statement the  
16:00:30 5 following: "Both the AFRC and the RUF were in Blama as well as in Masiaka  
6 and Lunsar."

7 A. Well, the statement that you mentioned about Masiaka, I did not go  
8 there, so I did not say it.

9 Q. Mr Witness, did you say that there were both AFRC and RUF in Braima?

16:01:19 10 A. If you said they were in Waterloo, that I will believe. These are  
11 the place I saw the RUF at Waterloo. That is the only side.

12 Q. So you are not answering my question. My question is very, very  
13 simple. Did you say that there were RUF -- both RUF and AFRC at Braima?

14 A. Okay, yes.

16:01:49 15 Q. Yes. Do you now say that there were no RUF in Braima?

16 A. I will say yes, there were.

17 Q. Do you agree with me that what you said in the statement and what  
18 you're saying now are different?

19 A. No.

16:02:14 20 Q. Are they the same?

21 A. They are the same.

22 Q. They are the same?

23 A. Yes.

24 Q. Mr Witness, you remember when you were giving evidence when you  
16:02:32 25 started, you explained to this Court about how you were going up the hill  
26 and there was an attack. Do you remember?

27 A. Where?

28 Q. The hill from Kola Tree to -- you mentioned you were going to Regent?

29 A. Yes.





1 Q. Who attacked your group?

2 A. The ECOMOG soldiers.

3 Q. ECOMOG soldiers. Was there a return of fire by the rebels you were

4 with?

16:03:19 5 A. Yes.

6 Q. Yes. And did you the civilians scatter about?

7 A. Yes.

8 Q. Did the exchange of firing take a long time?

9 A. About three to four hours.

16:03:58 10 Q. Three to four hours. Where were you during this exchange of firing?

11 A. Well, I was at -- within Calaba Town.

12 Q. You were within Calaba Town?

13 A. Um-hum.

14 Q. Did you mean that you had come down the hill?

16:04:33 15 A. Yes, come down the hill.

16 Q. Away from the fighting?

17 A. Yes.

18 Q. To Calaba Town?

19 A. Yes.

16:04:42 20 Q. You said that you heard --

21 A. A Nigerian.

22 Q. -- someone you recognised by the voice as an ECOMOG soldier saying:

23 "These are civilians. Don't shoot them"?

24 A. Yes.

16:05:00 25 Q. Where were you when you heard this?

26 A. I was you up the hills.

27 Q. Then you were up the hills?

28 A. Yes.

29 Q. Okay. When this firing was going on, what happened to the rebels?



1 A. It was the exchange of firing.

2 Q. Let me put it directly to you. Did the rebels also scatter like the  
3 civilians?

4 A. Yes.

16:05:39 5 Q. Yes. According to you, you said you met one xxxx?

6 A. Yes.

7 Q. Who was one of Colonel Adamu's men?

8 A. Yes.

9 Q. He convinced you not to go to ECOMOG, did he?

16:06:07 10 A. Yes.

11 Q. Did he do so by pointing a gun at you?

12 A. No.

13 Q. No. What did he actually tell you?

14 A. Well, he said to me, since I was thinking of going towards ECOMOG  
16:06:36 15 area, he said: "xxxx, if you go towards the ECOMOG, you are going to be  
16 killed, because everybody have been declared as a rebel, so it is better if  
17 we can go towards -- to go to Makeni." This is what he said. He told me,  
18 then I said: "Okay, let us go, because I have been in Makeni, so I think I  
19 will be in a safer side."

16:07:11 20 Q. Did you have anything on you which made you believe that you would be  
21 taken as a rebel by ECOMOG?

22 A. Well, my conviction --

23 Q. No, no, did you have anything with you?

24 A. Because it has been declared --

16:07:38 25 PRESIDING JUDGE: Mr Manley-Spaine, that question is rather vague. I  
26 think if you're putting a particular type of thing --

27 MR MANLEY-SPAINE:

28 Q. Were you wearing combats?

29 A. No.



1 Q. Were you dressed as soldier?

2 A. No.

3 Q. Were you carrying a gun?

4 A. No.

16:08:04 5 Q. I'm putting it to you that you had nothing that would make -- you had  
6 nothing on you that would make ECOMOG feel that you were a rebel?

7 MS TAYLOR: Your Honour, I don't know that the witness can answer  
8 what ECOMOG might have felt upon seeing the witness.

9 PRESIDING JUDGE: It is speculative, Mr Manley-Spaine.

16:08:23 10 MR MANLEY-SPAINE: My learned -- you see, we're shocked with these  
11 objections, because the Prosecution has been leading evidence on  
12 speculation throughout.

13 PRESIDING JUDGE: And you have been well on your feet objecting.

14 MR MANLEY-SPAINE: As Your Honour very well pleases.

16:08:42 15 Q. Mr Witness, this xxxx, he did not take you under gunpoint  
16 did he?

17 A. I said no.

18 Q. No. I want you to answer it again. You went of your own freewill to  
19 save your life?

16:08:56 20 A. Yes.

21 Q. Mr Witness, I want you to go back to Macdonald. Okay, just think.  
22 I'm putting it to you that there is no bridge at Macdonald. No bridge at  
23 Macdonald.

24 A. I'm telling the Court that there is a bridge at Macdonald.

16:09:31 25 Q. What is this bridge made of?

26 A. It was constructed by the CSD.

27 Q. You see, you do not answer questions. What was it made of?

28 A. It is a modern building made up of cement, stones, iron, et cetera.

29 Q. That is all I'm asking. I did not ask you who made it. Mr Witness,



1 since Benguema have you seen CO Rambo?

2 A. Yes.

3 Q. Where did you see him?

4 A. He was at Macdonald.

16:10:39 5 Q. Macdonald?

6 A. Yes.

7 Q. Have you seen him after Macdonald?

8 A. Yes.

9 Q. Where?

16:10:54 10 A. At Wellington.

11 Q. When?

12 A. Well, after my release.

13 Q. Did you at Braima come across anybody called CO 05?

14 A. Yes.

16:11:53 15 PRESIDING JUDGE: Is that the -- your cross-examination completed?

16 MR MANLEY-SPAIN: That is all, Your Honour.

17 PRESIDING JUDGE: Thank you.

18 Yes, Ms Thompson, please proceed.

19 CROSS-EXAMINED BY MS THOMPSON:

16:12:35 20 Q. Mr Witness, you told us that you have a --

21 A. I can't get you clearly, please.

22 Q. You were asked on Friday in examination-in-chief when you were being

23 put questions by my learned friend from the Prosecution and you said that

24 your were educated xxx?

16:12:57 25 A. Yes.

26 Q. Do I take that to mean you have your xx xxx?

27 A. Yes.

28 Q. So are you a professional xxx then?

29 A. I'm a professional xxxx.





1 Q. How long have you been xxxx for?

2 A. xx years.

3 Q. On what level do you xxx today?

4 MS TAYLOR: Your Honour, I am concerned that some of these questions

16:13:24 5 might inadvertently lead to the identification of this witness. I don't

6 know how far my learned friend intends to go down this line.

7 MS THOMPSON: They'll lead as far as I'm going.

8 THE WITNESS: xxx school student.

9 MS THOMPSON:

16:13:39 10 Q. xxxxx. So for xxxxx, you would agree with

11 me that you would need to have a number of skills, including recollection

12 of dates, that sort of thing?

13 A. Yes.

14 Q. And a good knowledge of xxxxx?

16:14:00 15 A. Yes.

16 Q. Now, can you tell me please -- can you remember your first contact

17 with the Special Court, or persons from the Special Court?

18 A. It was in 19 -- the year 2003.

19 Q. The year 2003?

16:14:30 20 A. Um-hum.

21 Q. Can you tell us who initiated that contact? Was it you or someone

22 from the Special Court?

23 A. It was someone from the Special Court.

24 Q. Were you surprised when that person came to you?

16:14:58 25 MS TAYLOR: Your Honour, what is the relevance of that question?

26 PRESIDING JUDGE: What is the relevance of that question?

27 MS THOMPSON: Your Honour, the witness made a statement to the

28 Special Court. I just need to know whether he approached the Special

29 Court.



1           PRESIDING JUDGE: He answered the question who approached -- who  
2           initiated the contact and he answered the Special Court initiated the  
3           contact.

4           MS THOMPSON: Well, I need to know how they came to know he existed.  
16:15:33 5           Was it by their independent investigation, did he go and meet them, did he  
6           hear about the Special Court and meet them?

7           PRESIDING JUDGE: Ms Thompson, what is the relevance of that line of  
8           questioning?

9           MS THOMPSON: Your Honour, he has given evidence of things that he  
16:15:42 10          alleges happened to him. It is for the Defence to test whether there is  
11          any motive behind his evidence or whether his evidence is to be taken -- in  
12          fact, to be taken as read -- taken as being written down.

13          PRESIDING JUDGE: If you have issues to challenge him with, please  
14          challenge him with them.

16:16:13 15          MS THOMPSON: Your Honour, I'm bit surprised that the objection is  
16          coming now. Since this trial started we've been going along -- when I get  
17          up, it doesn't take anyone to know where I'm coming from. We've been going  
18          along the same line of questioning from the beginning and no one has  
19          objected until now.

16:16:27 20          PRESIDING JUDGE: I do recall your line of questioning and you did  
21          put specific things to previous witnesses. Those specific things that you  
22          put to witnesses were allowed and they will -- if they are put in the form  
23          they were put before, we will deal with them.

24          MS THOMPSON:

16:16:50 25          Q.     I'll ask you the question again. Were you surprised when you were  
26          approached --

27          PRESIDING JUDGE: I'm not allowing that question.

28          MS THOMPSON: Your Honour will note that we are without an  
29          investigator and we are therefore unable to test him on these issues. The



1 only opportunity this team has to test him on these issues is when the  
2 witness is in the witness box. This is a question which, if I recall, was  
3 put to the first two witnesses who testified before this Chamber and no  
4 objection was raised. Nobody stopped us from putting those questions to  
16:17:27 5 the witnesses. May I just ask -- I don't know why we're being stopped from  
6 doing so now. I just seek -- I'm not seeking to disagree your order, but  
7 seek your guidance as to why that is so now?

8 PRESIDING JUDGE: I have ruled.

9 MS THOMPSON: So be it, Your Honour. Perhaps I'll be allowed to ask  
16:17:55 10 this question.

11 Q. Do you know how the Special Court came to know about you?

12 A. Yes.

13 Q. Were you told by the person who came to interview you?

14 A. Yes.

16:18:24 15 Q. And did the person tell you how?

16 A. Well, the person mentioned the name of the person who directed her to  
17 me.

18 Q. So it was a woman who came to interview you?

19 A. Yes.

16:18:48 20 Q. Do you know -- can you recall how many times you met this woman?

21 A. About five times.

22 Q. And on each of those five times, was it purely to take your  
23 statement?

24 A. The first one, no.

16:19:25 25 Q. Carry on.

26 A. The first time she just introduced herself to me that she has been  
27 working for the Special Court and that was the first meeting before we  
28 scheduled the time of meeting.

29 Q. Okay. These meetings, can you just tell me if -- you don't need to



1 give an exact location, just tell us this. Did the meetings take place at  
2 the Special Court or at some other place outside the Special Court?

3 MS TAYLOR: Your Honour, the witness has already answered this  
4 question in cross-examination by Mr Manley-Spaine. He said that the  
16:20:12 5 interviews took place at his place of work.

6 PRESIDING JUDGE: I do recall that.

7 MS THOMPSON: Your Honour, the Prosecution has served us with  
8 documents which indicated that there were meetings -- more meetings took  
9 place between them and the witness than we've been told. That is the  
16:20:30 10 reason for my question.

11 PRESIDING JUDGE: In that case, I will allow the question.

12 MS THOMPSON:

13 Q. These meetings, these five meetings with this lady, did they take  
14 place at the Special Court or a place outside the Special Court?

16:20:44 15 A. A place outside the Special Court.

16 Q. Now, those five occasions, were those meetings at the same place?

17 A. No, in different venue.

18 Q. Were those venues a place where -- sort your own locality, or was it  
19 a place suggested by this lady?

16:21:12 20 A. Well, the first place I suggested to her to have a quiet moment, a  
21 quiet place, only the two of us and the rest is outside the location where I'm  
22 staying.

23 Q. Okay. Now, would I be right in saying that all these meetings --  
24 your statements were all taken in 2003? I know you in answer to my learned  
16:21:43 25 friend you said you couldn't remember exact dates, but 2003 is about right,  
26 is it?

27 A. Yes.

28 Q. Now, in answer to my learned friend you mentioned that you met  
29 someone on the 23rd of March 1999 in Braima?





1 A. I met some?

2 Q. You made a statement on the xxx xxxxx?

3 A. Yeah.

4 Q. To whom did you make that statement?

16:22:17 5 A. Well, I have forgotten the statement now.

6 Q. Could you tell us which organisation you made the statement to?

7 A. I can't tell you if I remember. If I know the statement, then I can

8 know the organisation.

9 Q. No, you mentioned it. This is not coming from me. This is something

16:23:03 10 you mentioned, that is why I'm asking you about it?

11 A. I can't remember now the specific statement or words that I uttered.

12 Q. You said you made a statement on the xxxx of March xxxxx. Do

13 you recall?

14 A. I cannot recall now the statement.

16:23:29 15 Q. But you can recall saying that?

16 A. If it is read to me, I can recall it.

17 Q. No, no, no, can you recall saying that today, that you made a

18 statement xxxx? Your exact words were: "I can remember the

19 xxxxx making a statement. I only made a statement when we

16:23:58 20 were at xxx when they released the first group of children." Can you

21 recall that now?

22 A. Yes, yes.

23 Q. Okay, so I will ask you the question again. Can you recall to whom

24 you made that statement?

16:24:15 25 A. To xxx xxx.

26 Q. What was the statement about?

27 A. Well, because of the releasement of -- it was over the news that they

28 want to release -- they should release the children and xxxx was there

29 and I asked him -- I said, "Please help me so that I can join the team,"



1 because at that time I was not feeling bright. I have a swollen foot, you  
2 see. So they make the first releasement of children. You see, so I joined  
3 the team, but I reached certain point. I was stopped. I said, "Well,  
4 I should not go."

16:25:24 5 Q. Thank you. Now I'm going to ask you about last year. Do you  
6 remember having meetings with personnel from the Special Court last year?

7 A. If I have meeting with personnel.

8 Q. Persons from the Office of the Prosecutor of the Special Court.

9 That's 2004. Okay, shall I put exact dates to you?

16:26:08 10 A. Yes.

11 Q. Okay. Monday, February 16th, 2004, can you recall that?

12 A. I believe it was 2005, not 2004.

13 Q. I'll get to 2005 in a minute. I'm asking you about 2004. Monday,  
14 February 16th, 2004.

16:26:49 15 A. Anyway I can't remember all my interview 2004 and the personnel in  
16 the Special Court.

17 Q. I'm not asking about the person, but I'm asking whether you recall  
18 having a meeting on that day?

19 A. February 16th. Please let me think for a moment.

16:27:17 20 Q. Take as much time as you need.

21 A. I can't remember.

22 Q. Okay. Can you remember Tuesday, February 24th, 2004?

23 A. I can't remember all the dates that you're giving unless you recall  
24 the statement.

16:28:09 25 Q. No, I was not there, so I can only ask you about dates. Now, let me  
26 ask you this. Can you recall any time in 2004 when you met someone from  
27 the Special Court?

28 A. Yes, I remember I met somebody from the Special Court.

29 Q. And on those occasions, did you meet at the special court or at a



1 place outside the Special Court?

2 A. At the Special Court.

3 Q. Now, who facilitated your transportation to the Special Court?

4 A. Well, the personnel from the Special Court.

16:29:03 5 Q. It was paid for by them?

6 A. Yes.

7 Q. Do you remember how much they give you on each occasion?

8 A. Well, the transportation they give 10,000 Leones.

9 Q. 10,000 Leones?

16:29:30 10 A. Um-hum.

11 Q. And that pays for your transport and what else?

12 A. No, that is all.

13 Q. Now, Mr Witness, I do not want you to give us your exact address, but

14 do you live where somewhere in Wellington?

16:29:51 15 A. No.

16 Q. Do you live outside of xxxx?

17 A. I still live at xxxx.

18 Q. You live at xxxx? 10,000 pounds, Mr Witness, will take you to xxxx

19 and back?

16:30:06 20 PRESIDING JUDGE: Leones.

21 MS THOMPSON: Leones, I beg your pardon.

22 Q. 10,000 Leones, Mr Witness, is quite a lot for a journey xxx

23 xxxxx, is it not?

24 A. It is to and fro.

16:30:25 25 Q. 5,000 to go and 5,000 to come?

26 A. Is what they gave me, is what I received.

27 Q. And you spent?

28 A. Yeah, that is what I spent.

29 Q. I see. How much does it cost?



1 A. Well, you can make the calculation from here to take it from here  
2 towards xxx, from xxx you go to -- well, it depends the kind of transport you  
3 are using.

4 Q. Stop. What mode of transport do you use?

16:31:05 5 A. Well, I used taxi and poda poda.

6 Q. What is the single fare for a taxi?

7 A. Well, you have xxx Leones.

8 Q. Exactly. So how many xxxxx does it take for you to go? Do  
9 you take xxx taxis each way?

16:31:36 10 A. No.

11 Q. So how many taxis do you take each way?

12 A. If you want to reach the place, you need to take -- if you're going  
13 to use taxi, you take about xxx ways.

14 Q. xxxx?

16:31:58 15 A. Yes.

16 Q. To get to your destination?

17 A. Yes, where I stay.

18 Q. Each way?

19 A. Well, when the -- it depends to the time you are leaving.

16:32:14 20 Q. Mr Witness, please answer the question. Four each way?

21 A. No, it is not each way. Sometime you use one way. For the other  
22 time you can use two or three ways.

23 Q. So I repeat my question to you, 10,000 pounds -- 10,000 Leones is a  
24 xxx from the Special Court to xxxxx, is it not?

16:32:44 25 A. To me it is not too much.

26 Q. So the money is not spent all on transportation then, is it?

27 A. Yes.

28 Q. It was or it wasn't?

29 A. It wasn't.





1 Q. 2003, when you met this lady in 2003, were you given any money?

2 PRESIDING JUDGE: Ms Thompson, I think the evidence is that he met  
3 her more than once. Do you mean on each occasion?

4 MS THOMPSON: On each occasion, yes.

16:33:30 5 Q. On each occasion when you met this lady, were you given any money?

6 A. No.

7 Q. None whatsoever?

8 A. Hmm.

9 Q. Were you given food to eat?

16:33:48 10 A. No.

11 Q. A drink?

12 A. Yes.

13 Q. On each occasion?

14 A. Yes.

16:34:00 15 Q. Was the drink bought or were you given money for the drink?

16 A. It was bought.

17 Q. I come to this year. February 11, 2005, that is not too long ago, do  
18 you recall that?

19 A. Yes.

16:34:28 20 Q. And did you meet someone from the Special Court?

21 A. Yes.

22 Q. Where did you meet?

23 A. Well, there's a room when coming --

24 Q. No. The rules apply now as they did before. At the Special Court or  
16:34:51 25 somewhere outside?

26 A. At the Special Court.

27 Q. And Thursday, February 17th, did you meet -- did the same thing  
28 happen?

29 A. Yes.



1 Q. February 18th, Friday, February 18th this year?

2 A. Yes.

3 Q. Okay. And again, was your transportation paid?

4 A. Yes.

16:35:13 5 Q. On February 18th, 2005 can you recall how much you were given?

6 A. I remember at one time they gave me about 30,000 Leones for three  
7 meetings.

8 Q. Okay. Now, after that date, February 18th, that was when you were  
9 given the 30,000 Leones?

16:36:05 10 A. Hmm.

11 Q. Did you meet anybody from the Special Court again?

12 A. Yes.

13 Q. Now, these meetings which you recall, can you recall what these  
14 meetings were for? First of all, I'll start with February 11th. Can you  
16:36:36 15 recall what that meeting was for?

16 A. Well, just to impress me that I have to be called upon by the Court,  
17 and also need to go over my statement.

18 Q. Okay. So you went over your statement. What about February 17th?

19 A. Well, it was a continuous issue. We stopped and then call it another  
16:37:11 20 day.

21 Q. And so that means February 18th was the same?

22 A. Yes.

23 Q. Now, earlier you said to this Court in answer to questions from my  
24 learned friend that you'd been seeing someone for almost two weeks. Was it  
16:37:30 25 two weeks prior to today -- to Friday?

26 MS TAYLOR: Your Honour, the answer to that statement was he saw  
27 someone over the course of two weeks in 2003.

28 MS THOMPSON: Perhaps the witness can clarify. I haven't got 2003.

29 Q. When were you seeing someone for almost two weeks?



1 A. In 2003.

2 Q. Thank you. Now, just one other question. I think I asked you, but  
3 I'm not sure what your answer was. After February the 18th, 2005, did you  
4 meet anybody from the Special Court?

16:38:37 5 A. After February 18th, 2005?

6 Q. Yes.

7 A. Yes, I met with somebody from the Special Court.

8 Q. How many times?

9 A. We met about three times.

16:39:06 10 Q. And what were those meetings about?

11 A. Still discussing about my statement.

12 Q. So you were discussing your statement. Now, if I take you back to  
13 the beginning of your evidence -- just a minute. Sorry, before I go on to  
14 that. Now, let me take you back to -- first of all, these last three

16:39:50 15 meetings that you had, can you recall who you had them with? The last  
16 three meetings that you just told us about, the meetings after February  
17 18th this year, can you recall who you had the meetings with?

18 A. With my lawyer.

19 Q. Your lawyer? You have a lawyer?

16:40:16 20 A. Well, with a member from the Special Court.

21 Q. Do you have a name? There's no point in looking over there. Your  
22 answers don't come from that side.

23 A. No, I'm looking directly to My Lord, please. I was meeting with  
24 Robert.

16:40:44 25 Q. Who is Robert?

26 A. He's a Prosecutor working for the Special Court.

27 Q. Do you know the last name of Robert?

28 A. Robert Braun.

29 Q. All right. Now, let me take you back to the time when you were



1 making your statement. It was conducted in what language?

2 A. It was in English.

3 Q. And were you just asked to give your story or were you asked  
4 questions and you had to give answers to those questions?

16:41:38 5 A. Well, I was asked to -- first in the year 2003 when I was giving the  
6 statement, I was asked questions which I have to answer.

7 Q. So it was a question and answer session?

8 A. Yes, and also a bit of discussion.

9 Q. Okay. Now, whilst that was being done, the person who was taking  
16:42:12 10 your statement was writing down what you were saying, was she?

11 A. Yes, she was writing what I was saying.

12 Q. During those question and answer sessions, were you asked about  
13 certain names? Were certain names put to you. For example, the names of  
14 commanders, were the names put to you?

16:42:35 15 A. No.

16 Q. All the names came from you?

17 A. Yes.

18 Q. When you mentioned those names, were you asked to describe those  
19 people?

16:42:51 20 A. Few he asked me to describe.

21 Q. Few?

22 A. Hmm.

23 Q. So the ones you did not describe is because you were not asked?

24 A. Yes.

16:43:16 25 Q. Were you shown photographs of certain people and asked to identify  
26 them?

27 A. I was not shown any photograph.

28 Q. Now, on Friday you told this Court that when you were captured you  
29 were hiding in an unfinished building. Can you describe for us what that





1 unfinished building looked like.

2 A. Well, the building is a concrete building with three rooms and a  
3 parlour, no window. You see, the windows were open and there was a store  
4 inside, not roof. No, I'm sorry, there is a roof on the building?

16:44:19 5 Q. Did I hear you say it had no windows?

6 A. No -- just the foundation of the window, but there was no specific  
7 window in the house.

8 Q. What about doors?

9 A. No doors.

16:44:39 10 Q. No doors. Did it look like -- when you went in there, did it look  
11 like a place where somebody had been living before?

12 A. Yes.

13 Q. You said that the military men who took you away looted this  
14 building. Can you tell the Court what was in this building to loot?

16:45:16 15 A. Well, foam and the bed where we were sleeping, clothing was there and  
16 they saw carton of drinks and these were some of the things they took.

17 Q. When you went there, was anybody living at that building?

18 A. No.

19 Q. Now, you've mentioned to this Court that there were commanders at  
16:46:01 20 Kola Tree. That is your evidence today?

21 A. Yes.

22 Q. That there were commanders at Kola Tree?

23 A. Yes.

24 Q. And you even named a few?

16:46:16 25 A. Yes.

26 Q. Do you recall telling the Prosecution that there were no commanders  
27 at Kola Tree?

28 A. There were commanders at Kola Tree.

29 Q. Do you recall -- I'm not asking whether there were or weren't. The



1 question is do you recall telling the Prosecution or the Prosecutor,  
2 whoever you were talking to you, before you came to court on Friday that  
3 there were no commanders at Kola Tree?

4 A. There were commanders at Kola Tree when I arrived.

16:46:57 5 PRESIDING JUDGE: Mr Witness --

6 MS THOMPSON:

7 Q. Mr Witness, that is not the question I asked you. I'm not asking  
8 whether they were or they were not. It is not a truth question. It is a  
9 simple question. It is a yes or no, answer, actually. Do you recall

16:47:08 10 telling the Prosecution that there were no commanders at Kola Tree. Do you  
11 recall that?

12 A. I did not recall that.

13 Q. You did not -- you cannot recall that today?

14 A. No, I can recall that there were commanders at Kola Tree.

16:47:36 15 MS THOMPSON: Your Honour, I'm looking at 6492.

16 Q. Now, Mr Witness, you've told us earlier that apart from your  
17 statement you had several meetings with the Prosecution to go over your  
18 statement, yeah?

19 A. Yes.

16:48:00 20 Q. Okay. Now, on one of these days did you say to the person who was  
21 interviewing you, and I will read to you: "Did not see any rebel  
22 commanders around Kola Tree"? Did you say that?

23 A. I did not say that.

24 Q. You didn't say that? Now, you've also been very specific. You say  
16:48:35 25 you were taken to xxx on the 25th -- 25th of January.

26 A. I said the 23rd of January.

27 Q. 23rd of January. Sorry, my mistake. 23rd of January; yeah?

28 A. Yes.

29 Q. Now, do you recall telling the Prosecution that you were taken on



1 the -- just a minute, sorry. Just a minute. This morning you said to --  
2 sorry, this morning you said to us that you went to the small stream on the  
3 25th of January to the rebels because you needed to have a wash; yes?

4 A. Yes.

16:50:22 5 Q. Do you recall telling the Prosecution that you went there on the 27th  
6 of January.

7 A. Well, I knew that I went to the stream to get bath.

8 Q. On what date did you go there?

9 A. 25, 26 -- well, the 27th.

16:51:12 10 Q. The 27th. So this morning's evidence is wrong, is it?

11 A. Which evidence that I said?

12 Q. Well, you told us this morning that you went to the stream on the  
13 25th of January. You're saying now that that is not correct.

14 A. Well, because I said in three days after I had been captured with  
16:51:39 15 them, then I need to go down the stream when I asked.

16 Q. I'm not quarreling with that bit of your evidence.

17 A. Oh, is the date.

18 Q. Yes. You told the Prosecution and Your Honours at page 6480 and I'll  
19 read it to you. This is the third paragraph, almost halfway down. "On  
16:52:03 20 January 27th I went to the stream to wash under escort of two rebels."

21 JUDGE SEBUTINDE: Sorry, what page?

22 MS THOMPSON: 6480, Your Honour.

23 Q. Do you recall saying that. Shall I read it to you again?

24 A. Yes, read it.

16:52:35 25 Q. "On January 27th, I went to the stream to wash under escort of two  
26 rebels." Which is the correct date, that date or what you said this  
27 morning?

28 A. I think the one I said this morning is the correct date.

29 Q. You'll agree with me that when you made this statement events were



1 fresher in your mind. It was closer to the time that things happened to  
2 you?

3 A. Well, it was three days when I was captured then I was allowed to go  
4 to get a bath. That is going to be on the 25th, about three days --  
16:53:29 5 25th -- 23rd, 24th, 25th, yes.

6 Q. Have you included your day of capture in that calculation?

7 A. Yes, I included at that day.

8 Q. Is mathematics amongst the subjects you teach?

9 A. Yes.

16:53:56 10 PRESIDING JUDGE: I think that is verging on the sarcastic,  
11 Ms Thompson, and not entirely relevant.

12 MS THOMPSON: Your Honour, the answer is yes. Dates are important  
13 for -- because people are being placed at certain -- at particular periods.  
14 So dates are very important.

16:54:10 15 PRESIDING JUDGE: I am not quarrelling with the date.

16 MS THOMPSON:

17 Q. Now, this morning, you told us about the amputations you witnessed.  
18 Can you recall that?

19 A. Which amputation are you talking about? All the amputation that  
16:54:36 20 I witnessed.

21 Q. The amputations of -- no, you've only told us about one incident of  
22 amputation, one with K4K?

23 A. Yes, yes.

24 Q. And your evidence was that K4K ordered that the hands of civilians be  
16:55:03 25 cut off?

26 A. Yes.

27 Q. Now, can you tell us how many people's hands he ordered to be cut  
28 off?

29 A. Well, I think five to seven.





1 Q. And you were there throughout for these amputations.  
2 A. Yeah, for the amputation.  
3 Q. And did he do them himself or did someone else do it on his behalf?  
4 A. One person did it and he followed suit.  
16:55:51 5 Q. So how many did he do?  
6 A. Well, he took the people himself, but I cannot remember how many he  
7 did, because there was a bit of panic in my own side.  
8 Q. So when you say between five to seven, which is the figure that you  
9 want us to accept today? Is it five or is it --  
16:56:14 10 A. No, it is seven.  
11 Q. Seven. So you don't know how many he did; is that your evidence?  
12 A. I do not know how many hands he chopped, but he was involved in the  
13 chopping of the hands.  
14 Q. Okay. Were these men or women?  
16:56:39 15 A. Women.  
16 PRESIDING JUDGE: Ms Thompson, it is just about 5.00. I think it  
17 might be appropriate to adjourn at this point.  
18 Mr Witness, you will recall I told you on Friday that you are bound  
19 by the promise to tell the truth and that you should not discuss your  
16:57:02 20 evidence until all your evidence is finished. You understand this.  
21 THE WITNESS: Yes, My Lord.  
22 PRESIDING JUDGE: Thank you. Mr Court Attendant, please --  
23 MR METZGER: Might I address the Court before the Bench rises just  
24 very briefly on one matter.  
16:57:23 25 PRESIDING JUDGE: Yes.  
26 MR METZGER: It is simply this: I note and have been fully informed  
27 about what transpired last week in relation to the outstanding matter  
28 concerning the investigator for Mr Brima. It appears we're no further  
29 forward. We are anxious, in the light of his suspension, as it is at this



1 moment without pay, which he would normally get, except that the Principal  
2 Defender is concerned that if she paid it would be breaching an order of  
3 the Court. If the matter is unresolved, then one doesn't quite know when  
4 it is going to be unresolved. Would the Court be -- um, um, content that  
16:58:07 5 um, he may be paid on the principle that he may possible be innocent until  
6 otherwise shown.

7 PRESIDING JUDGE: Mr Metzger, without the Rules, et cetera in front  
8 of me, I do not whether that is within our remit or the remit of the  
9 Registrar. I will, however, look at the rules and if I need further  
16:58:29 10 submission on them, I will invite it tomorrow morning.

11 MR METZGER: I'm very much obliged.

12 MR MANLEY-SPAINE: May it please, Your Honour -- sorry, after you.

13 MS TAYLOR: Your Honour, I was just going to say that earlier in the  
14 day Your Honour made a request whether the Prosecution could provide maps.  
16:58:46 15 I do now have copies of maps in court. They are rather large and rather  
16 unwieldy, but if it is convenient to Your Honours after you rise I will  
17 give copies to your legal officer. I can provide one copy for each of Your  
18 Honours and two copies for your legal officers. My learned friends have  
19 been provided these maps before because they actually appear on the  
16:59:10 20 Prosecution exhibit list that was filed on April the 26th last year, but  
21 for my friends' convenience I have also obtained copies for them.

22 PRESIDING JUDGE: Thank you, Ms Taylor, that's most kind.

23 MR METZGER: Just one brief suggestion. I noted that when the  
24 Prosecution were opening this case, we used some sophisticated equipment  
16:59:28 25 beaming material.

26 PRESIDING JUDGE: It was wonderful.

27 MR METZGER: It may be if these maps, as I know, are as unwieldy as  
28 they are, from time to time that we can use that same equipment to point  
29 out areas that would assist everybody.



1           PRESIDING JUDGE: Perhaps you could approach the Prosecution with  
2           that helpful suggestion. We did have in mind that particular map that was  
3           on the -- in the opening address.

4           MR MANLEY-SPAINE: May it please, Your Honour. I'm please asking  
17:00:02 5           your permission to be excused for the morning session tomorrow because of  
6           some personal matters I have to attend to. There will be somebody here to  
7           represent the accused person.

8           PRESIDING JUDGE: I do recall, Mr Manley-Spaine, that you had already  
9           given us this indication. We have no objection.

17:00:26 10          MR MANLEY-SPAINE: Thank you.

11          PRESIDING JUDGE: The witness has been reminded. Mr Court Attendant,  
12          please adjourn the Court until tomorrow at 9.15.

13          MR GIBSON: Court rise.

14          [Whereupon the hearing adjourned at 5.00 p.m. to be reconvened on  
17:01:17 15          Tuesday, the 12th day of April, 2005, at 9.15 a.m.]

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