

THE SPECIAL COURT FOR SIERRA LEONE

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

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

TUESDAY, 12 APRIL 2005  
9.26 A.M.  
TRIAL

Before the Judges:

Teresa Doherty, Presiding  
Julia Sebutinde  
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Ms Boi-Tia Stevens  
Ms Melissa Pack  
Mr Robert Braun  
Ms Maja Dimitrova  
Ms Jennifer Beckley (intern)

For the Principal Defender:

Ms Claire Carlton-Hanciles

For the accused Alex Tamba Brima:

Mr Kevin Metzger  
Ms Glenna Thompson

For the accused Brima Kamara:

Mr Abdul Rahman Mansaray  
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Kanu:

Ms Karlijn van der Voort

1 [Tuesday, 12 April 2005]

2 [TB120405A - CR]

3 [Open Session]

4 [Upon commencing at 9.26 a.m.]

09:26:07 5 PRESIDING JUDGE: Unless there is -- oh, Mr Metzger, you're on your  
6 feet.

7 MR METZGER: I just wanted to say, Your Honours, as you know,  
8 Mr Manley-Spaine isn't here this morning, and having had discussions with  
9 the team, I'm quite content to look after his client's interest in his  
09:26:22 10 absence.

11 PRESIDING JUDGE: Thank you. I note that Mr Manley-Spaine indicated  
12 he may well have this commitment. Unless there are some other matters, I  
13 will remind the witness of his oath and we will continue with  
14 cross-examination. Good morning, Mr Witness.

09:27:15 15 THE WITNESS: Good morning, My Lord.

16 PRESIDING JUDGE: On Friday, you swore to tell the truth and, again  
17 yesterday, I reminded you you are bound by that promise; you understand?

18 THE WITNESS: Yes, My Lord.

19 PRESIDING JUDGE: Thank you. Ms Thompson, please proceed.

09:27:29 20 WITNESS: TF1-227 [Continued]

21 CROSS-EXAMINED BY MS THOMPSON: [Continued]

22 Q. Mr Witness, yesterday, I think we stopped at the point where you were  
23 telling us about the amputations which you witnessed.

24 JUDGE SEBUTINDE: Counsel, we're having a bit of a problem picking up  
09:27:47 25 your voice. Maybe it's because the microphone is this side and you're  
26 talking that side.

27 MS THOMPSON: Is it okay, now, Your Honour?

28 JUDGE SEBUTINDE: Yes, thank you.

29 MS THOMPSON:



1 Q. Mr Witness, I will start again. Yesterday you were telling us about  
2 the amputations that you witnessed at Mile 38. Do you remember that?  
3 A. Yes.  
4 Q. If I recall, you told us that they were all female who were  
09:28:18 5 amputated?  
6 A. Yes.  
7 Q. Correct me if I am wrong. You were not very far away from where this  
8 event took place, were you?  
9 A. Yes.  
09:28:33 10 Q. How close would you say you were?  
11 A. The distance between where I was standing, just from this point where  
12 I am sitting towards where the judges sit.  
13 MS THOMPSON: I'm not sure how many yards that would be.  
14 [Trial Chamber confers]  
09:29:17 15 JUDGE LUSSICK: I would say that's about 20 yards, probably 60 feet.  
16 MS THOMPSON: We'll take it as 20 yards.  
17 PRESIDING JUDGE: I'll note that on the record.  
18 MS THOMPSON:  
19 Q. When you were making your statement to the Office of the Prosecutor,  
09:29:38 20 did you tell them about these amputations? Do you remember telling them?  
21 A. I told them about the cutting.  
22 MS THOMPSON: Your Honours, I'm looking at pages 6486.  
23 Q. Can I read this to you and confirm if this is what you told them?  
24 Page 6486, Your Honours. "CO K4K amputated one hand of five female  
09:30:16 25 civilians." I'm reading from the last paragraph, Your Honours. It is  
26 about seven lines up from the bottom. "He did not actually amputate their  
27 hands, but he chopped off their fingers and damaged their hands. CO K4K  
28 told his boys to continue after these five women. I saw his boys," -- and  
29 that should be, "chop the hands off three male civilians. I witnessed



1 this, but left the scene." Did you say that?

2 A. Yes, I said that.

3 Q. Can I remind you of what you said earlier yesterday when you were  
4 being examined in chief by my learned friend opposite?

09:31:03 5 A. Yes.

6 Q. You said five people's hands were amputated.

7 A. I said five to seven.

8 Q. No, no.

9 PRESIDING JUDGE: I recall the witness saying five to seven as well.

09:31:28 10 MS THOMPSON: In chief, Your Honour, not in cross-examination.

11 Q. You said, "When ECOMOG was advancing, K4K ordered the people to the  
12 centre and they started to cut their hands. After that, Major Jackal came  
13 out of the house and said to him that it is not good to do that. K4K had  
14 commanded one of his soldiers for the chopping of hands of these whole

09:32:02 15 people. I saw the chopping of hands. There was an axe and a cutlass and a  
16 mortar used for pounding food or yam. The boys started cutting their hands  
17 and later K4K was also involved. I saw five hands cut down. He said when  
18 he had cut the hands of these people, let them go towards Freetown and  
19 report themselves to Tejan Kabbah." This is what you said yesterday

09:32:29 20 in-chief. Now, first of all, let me ask you this: how many people's hands  
21 did you say you saw cut off?

22 A. I said five to seven people's hand.

23 Q. Mr Witness, you have given us three different figures.

24 A. Mmm.

09:32:45 25 Q. In-chief you said five. In cross-examination you said five to seven.  
26 The statement I read to you which you confirmed you have given to the  
27 Office of the Prosecutor totals eight. Which is the right figure?

28 A. Well, the right number will be seven, really.

29 Q. Mr Witness, I'm not asking you to guess. I am asking you to tell us



1 what you can recall. If you cannot recall, say so. Do not guess.

2 A. Okay, I cannot remember the exact number, but it is within that  
3 range.

4 Q. Did you count them yourself?

09:33:35 5 A. Yes, I count them.

6 Q. But you cannot remember how many you counted?

7 A. Well, I counted up to seven, then because of this thing I decided to  
8 go back.

9 Q. You decided to go back where?

09:33:59 10 A. To stay back inside the place -- the house where I was staying.

11 Q. So the figure you gave when you were making your statement is wrong?  
12 The figures you gave then are wrong, and the one you gave in-chief is also  
13 wrong?

14 A. Well, I cannot -- because since -- after I saw these seven people,  
09:34:30 15 you see, then I move house. You see, I don't know what again happened.

16 Q. I put my question again to you: the figure of five, which you gave  
17 in evidence-in-chief, is wrong. Is that what you are asking us to accept  
18 now?

19 A. My figure, I saw seven.

09:34:59 20 Q. I know what you said you saw now. I know what you are now saying. I  
21 am asking you this: when you earlier said that you saw five people, that  
22 was not right.

23 A. You see, I said K4K cut the hands of these women. You see the boys  
24 also continued, so I saw up to seven people.

09:35:26 25 Q. Mr Witness --

26 A. You see, whatever transpired again, I don't know.

27 Q. Okay, if you're not going to answer that question, perhaps you will  
28 answer this: when you were making your statement and you gave a total of  
29 eight persons whose hands were amputated, that was also wrong?





1 A. The exact number is seven, I can say. Okay, if you say the number I  
2 gave in the statement is wrong, I'm sorry.

3 Q. You also said in-chief they sent the civilians on their way --  
4 towards the highway to Freetown to go and see Tejan Kabbah. You didn't  
09:36:14 5 tell the person who was interviewing you this, did you?

6 A. I told the person who was taking the statement.

7 Q. Shall I read the statement again to you?

8 A. Yes.

9 Q. "CO K4K amputated one hand of five female civilians. He did not  
09:36:42 10 actually amputate the hands, but he chopped off their fingers and damaged  
11 their hands. CO K4K told his boys to continue after these five women. I  
12 saw his boy chop the hands of three male civilians. I witnessed this but  
13 then left the scene." Did you tell the person who was interviewing you  
14 anything about Tejan Kabbah?

09:37:05 15 A. I tell the person about that. I told him.

16 Q. You told the person. Now, let me ask you this: when you were making  
17 your statement, after you had made this statement, it was read back to you;  
18 was it not?

19 A. Yes, they read it to me.

09:37:27 20 Q. In English?

21 A. Yes, in English.

22 Q. And you can understand English very well?

23 A. I understand English well.

24 Q. Did you say to the person that you have omitted certain things which  
09:37:42 25 I said to you?

26 A. [Speaks Krio].

27 Q. Are you now speaking Krio or in English?

28 A. I'm sorry.

29 Q. Can you repeat the sentence again in English, please?



1 A. Yes. I reminded the one who took the statement from me.  
2 Q. Of what?  
3 A. Of the things that I left behind, because it was not in the  
4 statement. It took about two or three weeks.  
09:38:28 5 Q. After you had reminded them, they read it back to you and you signed  
6 this statement, did you not?  
7 A. Yes, I did sign this statement.  
8 Q. Mr Witness, do you need an interpreter, because you are going into  
9 Krio now? Do you want the Court to use the benefit of an interpreter?  
09:38:49 10 A. No, I will still continue, because the other speaker is really  
11 disturbing me.  
12 Q. Perhaps you are on the wrong channel.  
13 A. I hear another voice from the back.  
14 PRESIDING JUDGE: Just pause, please. Ms Court Attendant, please  
09:39:16 15 check the microphone. Mr Witness, if you are not comfortable, please tell  
16 us.  
17 THE WITNESS: Okay.  
18 MS THOMPSON:  
19 Q. Let me repeat the question and perhaps you can give us the answer  
09:39:32 20 this time in English.  
21 A. Okay.  
22 Q. When the statement was read back to you, did you sign it to confirm  
23 the truth?  
24 A. I signed the statement; I confirm it was true.  
09:39:45 25 Q. Since you made your statement, you told us yesterday that you had  
26 several meetings with the Office of the Prosecutor to clarify certain  
27 things and to go over your original statement.  
28 A. Yes.  
29 Q. At any point during those meetings, did you tell the person that you



1 were speaking to that the civilians were sent on to the highway to go to  
2 Tejan Kabbah; did you tell them that?  
3 A. I told them that.  
4 Q. Are you sure?  
09:40:21 5 A. I'm sure.  
6 Q. At those clarification meetings, were notes taken?  
7 A. A note was taken.  
8 Q. Those notes, were they read back to you?  
9 A. Yes, it was read to me.  
09:40:45 10 Q. When those notes were read to you -- on each occasion I'm talking  
11 about --  
12 MS PACK: Your Honour, I hesitate to interrupt my learned friend, but  
13 I think it is clearly identified on the subsequent disclosure that that  
14 material isn't read back to the witness. It's not reviewed or read back to  
09:41:05 15 the witness. As I understand it, there are two sets of further disclosure.  
16 PRESIDING JUDGE: Are you referring to page 691 --  
17 MS THOMPSON: Your Honour, I'm asking the witness the question. If  
18 my learned friend wants to answer the question, that's fine, but the  
19 witness is the one who is answering the question whether it was read back  
09:41:28 20 to him or not.  
21 PRESIDING JUDGE: Yes.  
22 MS THOMPSON: It is a simple question whether it was read back to him  
23 or not.  
24 PRESIDING JUDGE: I will allow the witness to answer.  
09:41:35 25 MS THOMPSON:  
26 Q. Those clarifications, on each occasion, were the notes read back to  
27 you?  
28 A. It was read back to me.  
29 Q. Did you notice any omission from what you told them?



1 A. Yes, I noticed few omissions.  
2 Q. Did you notice this omission? The bit about Tejan Kabbah, about  
3 civilians being sent on their way?  
4 A. I noticed that.  
09:42:04 5 Q. Did you tell them to put it in your statement?  
6 A. No, I did not tell them to put it in the statement.  
7 Q. Mr Witness, I'm suggesting to you that, in fact, you didn't tell  
8 anybody that and that is something that you made up yesterday; is that not  
9 so?  
09:42:18 10 A. It's not so.  
11 Q. Now, you told us that you were sent to a bridge at MacDonald to  
12 destroy that bridge. Can you remember the route you took?  
13 A. Yes, I remember the route I took.  
14 Q. Can you tell us, please?  
09:42:52 15 A. From Benguema we go straight to MacDonald.  
16 Q. Did you pass any villages?  
17 A. Well, I can't remember -- yes, we pass a town, but I don't know the  
18 name of the town.  
19 Q. Did you pass any particular landmarks?  
09:43:21 20 A. We pass -- yes, I think we pass one particular landmark.  
21 Q. Can you remember which landmark?  
22 A. No, I can't remember the landmark.  
23 Q. The road that you used, was it a modern motor road?  
24 A. It's a modern motor road.  
09:43:52 25 Q. Was it a good motor road? I mean, was it a road that was full of  
26 potholes or not?  
27 A. Well, it was full of potholes.  
28 Q. May I just confirm this: yesterday you said the bridge was a modern  
29 bridge?





1 A. Yes, it is under construction.  
2 Q. It was under construction?  
3 A. Yes.  
4 Q. So it wasn't a completed bridge?  
09:44:22 5 A. Well, part of it was completed.  
6 Q. Which is it? Was the bridge completed or was it still under  
7 construction? Which is your answer?  
8 A. Well, it was under construction, but almost at the end of the  
9 finished end.  
09:44:46 10 Q. Can you help me with this, please? That bridge, do you know what  
11 town it takes you to?  
12 A. From the bridge from MacDonald, you go towards the road going to  
13 Tumbu.  
14 Q. I don't mean towards -- I know it takes you towards Tumbu, but the  
09:45:06 15 next town after that bridge. The next town you meet after that bridge, the  
16 first town?  
17 A. No, I can't remember the name of the town.  
18 Q. Do you know a place called Bramaya?  
19 A. Yes, I know the place.  
09:45:23 20 Q. Do you know where it is?  
21 A. Yes.  
22 Q. Can you tell us, please?  
23 A. From Newton, if you take from Newton, you go to the other villages  
24 before you get to Brama.  
09:45:39 25 Q. I asked you about Bramaya, not Blama, but Bramaya.  
26 A. That is the place I'm telling you now.  
27 PRESIDING JUDGE: Perhaps, Ms Thompson, to assist us all, we can get  
28 a spelling of the name you're putting now.  
29 MS THOMPSON: B-R-A-M-A-Y-A.



1 Q. Do you know that place?

2 A. Yes, I know the place.

3 Q. Can you tell us where it is, please?

4 A. I said about 28 miles to Freetown, from Freetown to that particular  
09:46:22 5 village.

6 Q. Did you say it was the same one as the place you told us yesterday,  
7 Briama?

8 A. Braima, yes, it's the same place.

9 Q. So why did you recognise it today as Bramaya?

09:46:56 10 A. Well, that is the name the villagers used to call. Maybe according  
11 to the geography and the maps they use, they spell it that way. But the  
12 villagers call it Braima.

13 Q. Where did you get your own pronunciation from?

14 A. It's from the villages.

09:47:24 15 JUDGE SEBUTINDE: For the record, we're trying to follow all these  
16 names. Is the witness actually saying that the name you just spelt is the  
17 place he was referring us to yesterday?

18 MS THOMPSON: Yes, Your Honour, that's what he said now.

19 JUDGE SEBUTINDE: Can we have that spelling again, the one you just  
09:47:40 20 named?

21 MS THOMPSON: B-R-A-M-A-Y-A.

22 Q. Can you tell us, please, how you recognise the name Bramaya. The  
23 pronunciation I have used is Bramaya. Because yesterday you told us that  
24 it was Braima?

09:48:05 25 A. Braima.

26 Q. Yes.

27 A. I said Braima.

28 Q. Braima, okay. Today I said Bramaya, and you have recognised it as  
29 the same place?



1 A. Maybe you have checked to the map, because I have never checked to  
2 the map of Sierra Leone, so that is why I cannot give you the correct name.  
3 But the villagers used to call that name Braima.

4 Q. Can you answer my question, please?

09:48:28 5 A. Yes.

6 Q. When I said Bramaya, you recognised this place as the place which you  
7 were referring us to yesterday. Can you tell us how that is so; how you  
8 came to recognise it as the same place?

9 A. Well, people make different pronunciation of towns and villages. The  
09:48:48 10 one who told me, he say Brama. If you are saying Bramaya, maybe you have  
11 checked to the map and other people can also call that name.

12 JUDGE SEBUTINDE: But Mr Witness, I asked you to spell the name of  
13 the place yesterday, and you said B-R-I-A-M-A. That is what you spelt  
14 yesterday.

09:49:15 15 THE WITNESS: Yes, it is Briama.

16 JUDGE SEBUTINDE: B-R-I-A-M-A.

17 THE WITNESS: M-A.

18 JUDGE SEBUTINDE: M-A, there was no Y anywhere. And you were  
19 vehement when you said it was different from Blama.

09:49:29 20 THE WITNESS: Blama, yes.

21 JUDGE SEBUTINDE: You were telling the Court it is different from  
22 Blama. Now are you telling the lawyer that the place you spelt as Briama  
23 is the same as Bramaya? Is that the same village?

24 THE WITNESS: It's the same village. Maybe the spelling is  
09:49:47 25 different, but it's the same village I am talking about.

26 MS THOMPSON:

27 Q. Mr Witness, how do you know it's the same village?

28 A. If the lawyer permits me, I can check to the map, then I will  
29 identify the correct spelling for that particular village.



1 Q. Trust me, if I had the map, I would have given it to you.

2 PRESIDING JUDGE: I understood the Prosecution did give you a map.

3 MS THOMPSON: I'm not sure we can find it. Your Honour, if you bear  
4 with me, perhaps we can check. Perhaps, Your Honour, the Prosecution can  
09:50:49 5 provide him with a map and he can tell us as close to -- it's not here, but  
6 he can tell you as close to as possible.

7 PRESIDING JUDGE: Can we have a map on the Bench as well?

8 MS PACK: Your Honour, we'll the same map we served on the Defence  
9 yesterday over to the witness.

09:52:11 10 MS THOMPSON:

11 Q. Mr Witness, are you able to pinpoint for us with a yellow pen the  
12 area of the place you described you were at on that map?

13 A. Yes.

14 Q. If you are able to, please do that. Then we'll have the map passed  
09:52:25 15 on to Defence counsel, then on to the Bench.

16 MR BRAUN: Your Honour, I think this place cannot be found on the  
17 map, at least the area we're speaking of.

18 PRESIDING JUDGE: It's really more important that the witness enters  
19 that into evidence if he can and find it, rather than counsel make the  
09:55:18 20 comment. We'll see if the witness does find it. At that point then, we'll  
21 enter the record.

22 MR BRAUN: As Your Honour pleases.

23 THE WITNESS: My Lord, I cannot find the place on the map.

24 PRESIDING JUDGE: Ms Thompson, before you question the witness  
09:56:42 25 further on that point, you, in fact, put a specific name to him and a  
26 specific place. Have you found it? The place you referred to, is it on  
27 the map?

28 MS THOMPSON: It is not on the map, Your Honour, but I did say to the  
29 witness find the nearest place to it or the area, that is what I said.





1 PRESIDING JUDGE: I haven't got that on record. Let us put that  
2 question to the witness and I will have it on the record.

3 MS THOMPSON: Okay.

4 Q. The name itself is not on the map, I think we agree on that. Can you  
09:57:14 5 tell us roughly what area on that map you can find the place you are  
6 referring us to?

7 THE WITNESS: It's supposed to be at this part, Grima Makolo.

8 PRESIDING JUDGE: Mr Witness, would you kindly spell out the name  
9 that you're reading?

09:59:14 10 THE WITNESS: The name of the town is supposed to be here, because it  
11 is the nearest, but the name is not on this map. Grima Makolo,  
12 G-R-I-M-A-M-A-K-O-L-O.

13 MS THOMPSON:

14 Q. You've mentioned two words Grima Makolo, are they one and the same  
09:59:45 15 place or two different places?

16 A. Well, it is the same place.

17 Q. One word?

18 A. One word. Because from there, you can take from Grima to Songo, it's  
19 not a far distance.

10:00:11 20 JUDGE SEBUTINDE: Could the Court clerk please show the area the  
21 witness has highlighted to counsel for her information and then to the  
22 Bench.

23 PRESIDING JUDGE: No, first to Prosecution.

24 MR BRAUN: Your Honour, I just wanted to indicate to this Court that  
10:00:30 25 the Prosecution is in possession of a map which contains those two names  
26 mentioned by the witness now, but we are not in a position to provide the  
27 Court and the parties with that map right now.

28 PRESIDING JUDGE: When can you do so, Mr Braun?

29 MR BRAUN: After the break, Your Honour.



1 MS THOMPSON: Your Honour, may I suggest we take a break now. I want  
2 to go forward with this. If there is a map that indicates this place, I  
3 would like to see it before going to my next question.

4 MR BRAUN: Your Honour, sorry for my interference, but I've just  
10:01:09 5 discovered those names are actually on this map.

6 MS THOMPSON: May I ask what names my learned friend is talking  
7 about?

8 JUDGE SEBUTINDE: Mr Braun, are you referring to the names Grima and  
9 Makolo?

10:01:30 10 MR BRAUN: That's correct, Your Honour.

11 MS THOMPSON: Can my learned friend clarify, because he mentioned a  
12 map which was not provided to us and we have maps here. Is there another  
13 map that they are using?

14 PRESIDING JUDGE: Do you have an ordinary map that we don't know  
10:01:45 15 about, Mr Braun?

16 MR BRAUN: Your Honour, it's actually the same map, it's just a small  
17 portion out of the whole map.

18 MS THOMPSON: Perhaps the Prosecution might allow us to have the  
19 smaller version of the map at some stage.

10:02:08 20 Q. Now, Mr Witness, in the statement you made to the Prosecution and  
21 which I have read out to you and which you have confirmed you signed, the  
22 name Blama appears, B-L-A-M-A. Yesterday, you corrected us and said it was  
23 not Blama, but Briama, or Brama. Today I put the name to you Bramaya, and  
24 you say it's the same place. Mr Witness, can you tell us the name of this  
10:03:04 25 place, please? What is the name? We have three different names. Just  
26 help us; what is the name of this place?

27 A. I said the Brama is the name of the villagers are calling it. But  
28 since it is not on the map, I have not seen it. If other people call it  
29 Bramaya, it is a local name, so, that is why I said the real name should be



1 Briama.

2 Q. How do you know that other people call it Bramaya?

3 A. Other people call it Bramaya. The villagers call it Braima. You

4 see, when we went there, other people are calling it another name, but it

10:03:57 5 is the same Bramaya and Brama, because it is a Temne-dominated area.

6 Q. Mr Witness, I ask you my question again. How do you know it is the

7 same place? How do you know it is the same place that is called Bramaya?

8 A. How do I know? Because people are calling the name of that village.

9 That is why I know about it, because it was my first time to be there.

10:04:31 10 Q. What name do you call it?

11 A. Braima.

12 Q. So you know it as Braima?

13 A. Yes.

14 Q. I have put another name to you called Bramaya, which you say is the

10:04:40 15 same place. I'm asking you, how do you know?

16 A. Maybe it is the same place, I get it from other villagers again.

17 Q. Other villagers told you to --

18 A. Yes, other members of the village.

19 Q. Now, when your statement was being read out to you, did you correct

10:05:02 20 that bit of your statement?

21 A. I did not correct that bit of my statement.

22 Q. Why?

23 A. Because the name I used is Braima.

24 Q. The name that was read out to you was Blama. Why did you not say to

10:05:23 25 the person that that is the wrong place?

26 A. See for specific reason, people call it Braima or Blama, you see. So

27 Blama was the actual name. Blama was the actual name. Because I was

28 thinking and talking, telling the Court that it was Blama. It was later I

29 knew about it it was called Braima.



1 Q. Are you now telling us that there are three different names for this  
2 place?

3 A. It is the same name. It's just because of the pronunciation. The  
4 villagers used to call it Brama.

10:06:10 5 JUDGE SEBUTINDE: Mr Witness, did you not tell Court yesterday that  
6 there is actually a different place called Blama? You insisted yesterday  
7 that there is a different place called Blama and that is not the place  
8 where you were at. Instead, you were at Briama?

9 THE WITNESS: Yes, that is what I said.

10:06:29 10 JUDGE SEBUTINDE: So Blama and Briama are two different places; is  
11 that correct?

12 THE WITNESS: Yes, My Lord.

13 MR BRAUN: Your Honour, may I correct that he said it is not Blama  
14 near Kenema. That is what his words were.

10:06:46 15 MS THOMPSON:

16 Q. Mr Witness, you have told us that you are a xxx. You're educated  
17 up to xx level?

18 A. Yes.

19 Q. When the word Blama was read out to you, did you tell them that it is  
10:07:00 20 not Blama, it is Braima? Did you tell them it is not L, but R?

21 A. No, I did not tell them.

22 Q. Why not?

23 A. Because it was now later I knew that the correct name is Blama.

24 Q. Later when?

10:07:23 25 A. About two weeks before -- a week before I came here.

26 Q. A week before you came here. Now, a week before you came here, did  
27 you not meet people from the Prosecution within that week?

28 A. No, I only met once before I'm asked to give my -- to face the Court.

29 Q. Once. When was that time?





1 A. When we met the last time, they read the statement to me.

2 Q. The question is when. You said you met once before you were asked to  
3 come to Court. When?

4 A. It was on Thursday.

10:08:22 5 Q. On Thursday. Now, on Thursday was within a week of you coming here  
6 last Friday, is it not?

7 A. It is about the -- because I met on Thursday and then Friday I was  
8 asked to come.

9 Q. On Thursday. You knew then that it was not Blama but Braima, or  
10:08:43 10 Briama?

11 A. You see, what is important is what really took place at that incident  
12 at that particular village. The names -- Blama is in Kenema, but people  
13 used to call it that particular name, but the original is Blama.

14 Q. Mr Witness, can you please answer the question. Leave the important  
10:09:04 15 bits for the Court to judge. Now, on Thursday, did you say to the person  
16 you met that the name -- "I made a mistake. It is not Blama, it is  
17 Braima"?

18 A. No, I did not say it to him.

19 Q. Why not?

10:09:16 20 A. My mind was not going to that perspective.

21 Q. When you met that Thursday, what exactly did you talk about?

22 A. We just go --

23 MR BRAUN: Your Honour, I object to this question. This  
24 cross-examination is an extension --

10:09:41 25 MS THOMPSON: Your Honour, I don't know on what basis my learned  
26 friend is objecting, but we didn't know about a meeting last Thursday. We  
27 were given dates and the Thursday before last Thursday was not one of those  
28 dates.

29 PRESIDING JUDGE: Your reply, Mr Braun?



1 MR BRAUN: As to my recollection, the witness indicated all sessions  
2 he had for preparation and apart from whether this was mentioned yesterday  
3 or not, I think it is a practice of the international Court not to allow  
4 questions according to preparation sessions which go over the number and  
10:10:21 5 the date of the sessions.

6 PRESIDING JUDGE: Thank you.

7 MS PACK: Your Honour, I should add, there was a recent decision at  
8 ICTR on this very issue, the extent to which questions could go to the  
9 nature of what was discussed during proofing sessions prior to a witness  
10:10:40 10 giving testimony. I can't remember the case at the moment. If my learned  
11 friend is going to be tending towards asking questions about the substance  
12 of those sessions, then I would object to that.

13 MR METZGER: May I rise to respond to a matter of law that my learned  
14 friend has raised. If you are going to be asked to decide this issue on a  
10:11:04 15 matter of law, then I would submit that we do this properly: bring the  
16 authorities to Court and deal with it. Because in our respectful  
17 submission, when the Prosecution is obliged by an order of Court and by a  
18 rule of Court to serve disclosure on the Defence within 42 days of a  
19 witness coming to Court and they seek, as it were, to go around the back  
10:11:28 20 door and seed that witness in preparation before the witness comes to give  
21 evidence, and then they get up to object to any questions being asked about  
22 that, it seems to me that it ill behooves the course of justice.

23 PRESIDING JUDGE: Mr Metzger, are you aware of the precedent?

24 MR METZGER: It's not at the top of my head. I'm not aware of the  
10:12:01 25 precedent and I would be grateful for an opportunity to have that precedent  
26 so we can make submissions on the point. If my learned friend insists on  
27 this objection, they should provide us all with the opportunity to read and  
28 make submissions before we move any further on this matter.

29 [Trial Chamber confers]



1 MS PACK: I can assist with a decision name, Your Honour, if that  
2 would assist? The case name is Bizimungu.

3 MS THOMPSON: Can my learned friend say that again, please?

4 MS PACK: BIZIMUNGU, which is B-I-Z-I-M-U-N-G-U, The Prosecutor v  
10:13:19 5 Bizimungu. I have a reference. 200541-TC2-D-ICTR-00-56.

6 PRESIDING JUDGE: It appears to us it could be far reaching issues of  
7 law of fact in this matter. Ms Pack, before we come to some form of  
8 decision, are you pressing this point of objection at this time? I'm not  
9 talking about the general law now, I'm talking about this witness and this  
10:14:43 10 line of questioning?

11 MS PACK: Not at this time, Your Honour, because I'm not in fact sure  
12 what my learned friend is going to ask. The point being on that authority  
13 is that questions as to communications between the Prosecution and a  
14 witness going to further than the issues of duration and timing and dates  
10:15:05 15 of those communications, going into the content of those communications, I  
16 would object to those sort of questions being asked. I don't know what my  
17 learned friend is going to be asking of the witness. It may not be what  
18 questions were asked, what did you discuss, it may be something else, so I  
19 would will adopt the wait-and-see approach, Your Honour.

10:15:29 20 PRESIDING JUDGE: It seems to me, at the end of the day, you will be  
21 continuing with the objection. There is a point of principle here. We  
22 have to decide now whether to invite fuller argument and what steps we  
23 should take. Just allow us to consult, please.

24 [Trial Chamber confers]

10:17:11 25 JUDGE LUSSICK: Ms Pack, just to make things perfectly clear, do I  
26 understand you to say you are not pressing your objection at the moment?

27 MS PACK: I say not pressing, because I don't know what my learned  
28 friend is going to ask. If she was proposing to go into the nature of  
29 discussions between the Prosecution and the witness, yes, the objection



1 stands. If she isn't going to pursue that line of questioning, then,  
2 clearly, we raised the objection too soon and I would leave it for the  
3 moment.

4 JUDGE SEBUTINDE: Ms Pack, the question that Defence counsel asked  
10:17:46 5 just before you stood up to object was, "So what did you talk about?" That  
6 was the question, to which you stood then and objected. I would understand  
7 that to go to content.

8 MS PACK: Yes, Your Honour. Then, in that case, the objection stands  
9 to a line of questioning that would run from that general question.

10:18:10 10 PRESIDING JUDGE: Ms Thompson, to clarify, are you continuing on this  
11 line of questioning?

12 MS THOMPSON: Yes, Your Honour, so far as it impacts on his statement  
13 and the evidence that he has given today.

14 PRESIDING JUDGE: So you will be continuing?

10:18:27 15 MS THOMPSON: Yes, Your Honour.

16 [Defence counsel confers]

17 MS THOMPSON: Your Honour, may I seek clarification from my learned  
18 friend. We were given interview notes and additional information which are  
19 taken outside of the statement dates. They're taken some time after during  
10:19:20 20 meetings with the Prosecution and the witnesses. Is the objection that  
21 we're not allowed to ask anything that comes out of these meetings?

22 PRESIDING JUDGE: I'm just about to make a ruling, Ms Thompson, if  
23 you could just sit down, please. This involves important issues that  
24 requires fuller submission and reply. We will require arguments before  
10:20:10 25 ruling on this issue and will allow Defence and Prosecution to make fuller  
26 submissions. I therefore will ask the Defence counsel if there is another  
27 line of cross-examination that counsel can start on with this witness to  
28 allow fuller argument and a more reasoned ruling.

29 MS THOMPSON: Yes, Your Honour, I will go on to my next line of





1 questions.

2 PRESIDING JUDGE: Thank you, Ms Thompson.

3 Incidentally, we will agree sometime for a fuller argument. I will  
4 seek indications from counsel about how much time they require.

10:20:56 5 MS THOMPSON:

6 Q. Mr Witness, yesterday you mentioned when you were escaping from  
7 Regent, your intention was to go to Makeni; is that right?

8 A. No, my intention was not to go to Makeni. My intention was to go to  
9 Freetown.

10:21:15 10 Q. Thank you, but you were persuaded to go to Makeni by somebody called  
11 xxx?

12 A. Yes.

13 Q. You mentioned that you had been to Makeni before. When was that?

14 A. Ten years ago.

10:21:34 15 Q. Ten years from today or ten years from that time?

16 A. Before that time, I have been in Makeni.

17 Q. So ten years before 1999?

18 A. Yes.

19 Q. So around about 1989?

10:21:54 20 A. Yes.

21 Q. Now, in January 1999, do you know which armed faction controlled  
22 Makeni?

23 A. In January 1999?

24 Q. Yes.

10:22:19 25 A. Because I was in xxx, I don't know the forces that were  
26 controlling Makeni.

27 Q. By the time you were trying to find your way to xxx, you had  
28 already been with the rebels for some days, had you not?

29 A. I don't understand that question.



1 Q. By the time you were leaving -- you were trying to escape from  
2 xxx, that was your evidence yesterday?

3 A. Yes.

4 Q. You say you were finding your way to xxx. You had already been  
10:22:58 5 with the rebels for a few days, had you not?

6 A. Yes.

7 Q. In fact, I think you said five days?

8 A. Yes.

9 Q. Did you not know that it was the RUF who was controlling Makeni?

10:23:16 10 A. I do not know.

11 Q. You do not know now or you did not know at the time?

12 A. I did not know at the time, because I was in xxx.

13 Q. Why did you decide to go with somebody who you said was a rebel to  
14 Makeni?

10:23:40 15 A. Well, when I was captured and we stayed together with xxx  
16 at xxx and the man xxx, we are all together. I do not know his  
17 motive, but he was with them. Since he tell us go to Makeni, because I  
18 have been to Makeni, then I think I will be safe, so that is the reason I  
19 decided to go with him.

10:24:14 20 Q. When someone who you say is a rebel tells you to go to Makeni, did  
21 that not indicate to you who was in control of Makeni?

22 A. Well, he was AFRC. He didn't tell me anything was controlling  
23 Makeni.

24 Q. Did you think ECOMOG was controlling Makeni?

10:24:36 25 A. I knew ECOMOG was at Makeni, but I did not know who was controlling  
26 Makeni at that time.

27 Q. How did you know ECOMOG was at Makeni?

28 A. Well, the forces -- in fact, before 1999, ECOMOG was in a different  
29 part of the country.



1 Q. Different part of the country. I'm asking you about Makeni. How did  
2 you know ECOMOG was at Makeni?

3 A. Well, I was in Freetown when we had news that they were at Makeni.

4 Q. Can you repeat that answer again. I didn't quite get it.

10:25:26 5 A. I said I was at xxxx. Before the war, I knew that ECOMOG was at  
6 Makeni.

7 Q. How did you know that?

8 A. Because Nigerian soldiers were there.

9 Q. We know who ECOMOG was comprised of. I'm asking you, how did you  
10:25:41 10 know that?

11 A. Well, people travel from Makeni to xxx, so you can get  
12 information from them.

13 Q. So you spoke to those people?

14 A. For instance, my cousin he was in Makeni and he told me --

10:25:57 15 Q. Did you speak to those people?

16 A. I speak to my cousin.

17 Q. And your cousin told you ECOMOG --

18 A. Yes, ECOMOG was at Makeni.

19 Q. When exactly was ECOMOG at Makeni?

10:26:08 20 A. I cannot give the specific date, but they were in Makeni in 1989,  
21 199 -- towards the end of 1997, they were at Makeni.

22 Q. Do you know when the AFRC took over?

23 A. On 25 May 1997.

24 Q. Okay. Can I ask you the question again: when was ECOMOG at Makeni?

10:26:44 25 A. To my understanding, ECOMOG was at Makeni in 1997.

26 Q. When did you speak to your cousin?

27 A. I spoke to him 1999 when he came to xxx.

28 Q. When in 1999?

29 A. Well, it was one Saturday on 2 January.



1 Q. 2 January 1999? When you spoke to your cousin, did he tell you who  
2 was in control of Makeni as of that date?  
3 A. Well, I did not have much dialogue with him. He just said the war  
4 had been intense in Makeni, people are pulling out. I did not ask him who  
10:28:02 5 was in control of Makeni.  
6 Q. Okay.  
7 A. Because at that time, he was in the dead west, I was in the east.  
8 Q. Dead west of where?  
9 A. Towards xxxx.  
10:28:14 10 Q. Of where?  
11 A. Of xxx.  
12 Q. Now, you did not have much dialogue with him, but he told you enough  
13 information that the war had intensified in Makeni and people were pulling  
14 out.  
10:28:33 15 A. Yes.  
16 Q. But you still decided to go with the man you say was part of the  
17 rebels to Makeni?  
18 A. He said to go to Makeni. I passionately believed that peace will  
19 come and there will be ceasefire. That was my intention of going to  
10:28:51 20 Makeni, you see, so that I would reach to my village and be there with my  
21 people.  
22 Q. Is it not the case that you felt protected by these rebels, these  
23 people who you describe as rebels?  
24 A. Well, since I have not been part of them, I have just been safe, that  
10:29:13 25 is the reason.  
26 Q. You felt protected by them, did you not?  
27 A. Well, I didn't -- they did not do any much harm to me.  
28 JUDGE SEBUTINDE: Witness, it would help if you would answer yes or  
29 no?





1 THE WITNESS: Okay.

2 JUDGE SEBUTINDE: Please answer that question with yes or no?

3 THE WITNESS: Yes.

4 MS THOMPSON: Your Honour, subject to the point that was raised

10:29:43 5 before, that is the end of my cross-examination of this witness. Thank

6 you, Mr Witness -- for now.

7 PRESIDING JUDGE: Mr Fofanah.

8 MR FOFANAH: Thank you.

9 CROSS-EXAMINED BY MR FOFANAH:

10:30:10 10 Q. Good morning, Mr Witness.

11 A. Good morning.

12 Q. I will be taking you through a number of things. We'll start this

13 way: when did you say you were born?

14 A. On 10 xxxxx.

10:30:28 15 Q. The 10th? Can I get that clear: did you say you were born on

16 10 xxxx?

17 A. 'xxx.

18 Q. Mr Witness, the very first statement you made to this Court when you

19 were led in-chief was that you were born on 3 February xxx. I stand

10:30:55 20 guided by the records.

21 A. It's not on the 3rd, it's on 10 xxx.

22 Q. I stand guided by the records.

23 PRESIDING JUDGE: Mr Fofanah, I have 10 xxx in my notes.

24 MR FOFANAH: If Your Honour pleases.

10:31:19 25 PRESIDING JUDGE: We have an official record of this.

26 MR FOFANAH: May I be guided by the official record.

27 PRESIDING JUDGE: It will be Friday morning. We don't have Friday's

28 records immediately available here in Court.

29 JUDGE LUSSICK: I wrote down 10 xxx.



1 MR FOFANAH: As Your Honour pleases. I will move on from there.

2 Q. Now, you are a baptised Christian and you are wedded; not so?

3 A. Yes.

4 Q. Do you have children?

10:32:14 5 A. Yes.

6 Q. How many?

7 A. I have three children.

8 Q. Were your wife and children with you on January 6, 1999?

9 A. Yes.

10:32:32 10 Q. Were they also with you on 5 January 1999?

11 A. Yes.

12 Q. Were you all staying together?

13 A. Yes, we stayed together.

14 Q. So without specifically identifying the street, what part of xxx

10:32:55 15 were you staying together on January 6, 1999?

16 A. At [redaction].

17 MR BRAUN: Your Honour, I ask for a redaction of that part of the

18 statement of the witness.

19 PRESIDING JUDGE: Counsel did ask him not to mention it.

10:33:18 20 MR FOFANAH: As Your Honour pleases.

21 PRESIDING JUDGE: You did say not to mention the specific section.

22 MR FOFANAH: It was mentioned in-chief, anyway. It has been

23 mentioned before.

24 Q. Did you have cause to leave your house or your home where you were

10:33:38 25 staying with your family on 6 January 1999?

26 A. On 6 January, yes, we -- I moved with the family.

27 Q. You moved with them?

28 A. Yes.

29 Q. And that was the entire family; your wife and children?



1 A. Yes.

2 Q. Where did you go to?

3 A. We go towards Grassfield.

4 Q. You went towards Grassfield. When you left for Grassfield, did you  
10:34:29 5 go anywhere else?

6 A. Yes.

7 Q. Where did you go to?

8 A. We turned back to Kongo Water [phon].

9 Q. When?

10:34:39 10 A. Two days after we left Grassfield to Kongo Water.

11 Q. Two days after you left Grassfield. You told this Court that your  
12 wife and children were sent off somewhere; is that not so?

13 A. Yes.

14 Q. Where did you send them off to?

10:35:07 15 A. Finally, they go to xxx.

16 Q. You sent them off to xxxx. When was that?

17 A. Towards 18 January.

18 Q. So why did you go as far as Grassfield in Freetown on January 6 and  
19 then decided to return two days after?

10:35:39 20 A. Because when they entered -- because from Kola Tree to -- because  
21 they entered Freetown on January 6 with heavy shooting --

22 Q. I'll help you, Mr Witness. Grassfield, what part of Freetown is  
23 Grassfield found in?

24 A. It's in the eastern part of Freetown.

10:36:23 25 Q. It's in the east. By January 6, where were the rebels?

26 A. January 6, they were in Freetown already.

27 Q. What part of Freetown?

28 A. They were in Calaba Town, Kola Tree, Wellington. So far, they were  
29 moving towards the town.



1 Q. To the best of your knowledge we are based somewhere around Kissy?  
2 [TB120405B - RK]  
3 A. Yes.  
4 Q. What about Cline Town?  
10:37:00 5 A. They were at Cline Town.  
6 Q. And Grassfield is somewhere around Kissy, Wellington; not so? Or  
7 where is Grassfield?  
8 A. It is within Kissy.  
9 Q. Within Kissy. So I take it by January 6th the rebels were in control  
10:37:20 10 of Grass Field?  
11 A. Yes.  
12 Q. Did that continue until the 8th of January 1999?  
13 A. Yes, they continued.  
14 Q. So why did you on the 6th of January, having come as far as Grass  
10:37:46 15 Field, decided to return to your home?  
16 A. Well, I decided to return to my home because the ECOMOG -- we  
17 believed the ECOMOG troop will also move towards our aid.  
18 Q. [Redacted] Lane is somewhere -- what part of Freetown is [redacted]  
19 Lane? Is it xxx?  
10:38:12 20 PRESIDING JUDGE: Mr Fofanah, could you avoid mentioning the name of  
21 that street in future.  
22 MR FOFANAH: It was said in chief, Your Honour.  
23 PRESIDING JUDGE: I'm well aware of that.  
24 MR BRAUN: It was not mentioned by the Prosecution.  
10:38:26 25 PRESIDING JUDGE: I'm still saying this is a protected witness and  
26 don't lather it on.  
27 MR FOFANAH: I will.  
28 MS THOMPSON: Before my learned friend goes on, can I just indicate  
29 that one of the defendants would actually like a comfort break. Your





1 Honour --

2 PRESIDING JUDGE: Escorted.

3 I'll just get the last reply recorded, which was: "I decided to

4 return because I believed ECOMOG," and I didn't hear the rest. What did

10:39:07 5 you say, Mr Witness? "I decided to return. I believed ECOMOG" --

6 THE WITNESS: Was moving towards our aid.

7 PRESIDING JUDGE: Thank you.

8 MR FOFANAH:

9 Q. So what area of town was your home?

10:39:27 10 A. It was in xxx.

11 Q. What area? You mentioned Calaba Town, you mentioned Allen Town, so

12 what part of town?

13 A. xxx.

14 Q. It was at xxx. Now, roughly how long -- what was the distance

10:39:46 15 between Grassfield and xxx, roughly?

16 A. Three and a half miles.

17 Q. xxx and a half miles. And you've just said that from the 6th to

18 the 8th rebels were in that part of town. Now, my question is you left

19 your home at xxx and came as far as Grassfield - xx and a half miles

10:40:15 20 long - and two days after when the rebels were still in that part of town

21 you decided to return. Why did you return home?

22 A. Well, I decided to return back home because we have our property and

23 other documents, you see, so then the ECOMOG troop was advancing, coming

24 towards our end, so I decided to go. I believe that what happened in June,

10:40:43 25 maybe the rebels will just hit and return back, so with that conviction

26 I moved back with my family. I said, "So let us stay at home."

27 Q. And you left with your family to go home, your entire family?

28 A. Yes, I took my family. Entirely we come, but we did not arrive the

29 same day at the place where I stayed.



1 Q. Did you feel safe to return with your family at that time when ECOMOG  
2 was advancing, according to you?

3 A. Yes, I feel safe.

4 Q. Mr Witness, you have told this Court that you were going sometime  
10:41:28 5 later towards Jui and that there was shelling from ECOMOG from that end?

6 A. Yes.

7 Q. And as a result of that you did not go any further; am I right?

8 A. Yes.

9 Q. So why did you not go any further to ECOMOG?

10:41:46 10 A. I cannot put a bullet when it is coming, because it is just -- a  
11 stray bullet was moving and the shelling was so heavy then I need to  
12 protect my life then I decided to return back when -- because the firing  
13 was very, very intense.

14 PRESIDING JUDGE: Mr Fofanah, I presume you have more questions. I  
10:42:06 15 think this might be an appropriate time for a short adjournment. 15  
16 minutes, or maybe let us make it 11.00 and a round number. Please adjourn  
17 the Court until 11.00, Madam Court Attendant.

18 MS EDMONDS: Court rise.

19 [Recess taken at 10.44 a.m.]

10:46:17 20 [On resuming at 11.20 a.m.]

21 PRESIDING JUDGE: Mr Fofanah, you were in cross-examination.

22 MR FOFANAH: Yes, Your Honour.

23 Q. I think we left off at the point where you were describing the  
24 shelling and shooting from ECOMOG at Jui, when you attempted to go towards  
11:18:56 25 Jui; am I right?

26 A. Yes.

27 Q. Was that a very frightening moment? I mean, was that very  
28 frightening for you?

29 A. It was very frightening for me.



1 Q. So why was it that when I asked you about the question as to why you  
2 decided to leave with your family back to your home, you said it was  
3 because you said you wanted -- you were hoping that ECOMOG will come. Was  
4 that safe, I mean, in your estimation?

11:19:35 5 PRESIDING JUDGE: I don't really understand that question,  
6 Mr Fofanah. You seem to have three questions within the one.

7 MR FOFANAH: As Your Honour pleases. I will rephrase.

8 MR BRAUN: Your Honour, I also think that his question is very  
9 confusing, because it implicates to different instances. My learned friend  
11:19:55 10 was talking about Jui and about the decision to go back with the family,  
11 which happened between quite some time, so maybe my learned friend can  
12 clarify that.

13 MR FOFANAH: I just said I was going to rephrase.

14 Q. Did you feel safe returning home with your family on the 8th of  
11:20:15 15 January?

16 A. Yes.

17 Q. At that time was ECOMOG advancing from Jui?

18 A. No.

19 Q. So when did you say you sent your family off, your wife and children?

11:20:34 20 A. On the 18th of January.

21 Q. The 18th of January. Were you all together before they left?

22 A. No, I was not with them when they left.

23 Q. Where were you?

24 A. I was within the area trying to pack some of my property for  
11:20:56 25 safekeeping when I told them to go up the hills.

26 Q. Why did you decide that they should go without you?

27 A. I have to keep some of my documents and other things and other people  
28 were going with them whom I trust.

29 Q. Did you feel safe to stay without your family at that time?



1 A. After they have left, I was not feeling safe, so I was preparing  
2 myself to go with them.

3 Q. As a man who loves his family, was it really a wise decision to send  
4 them off?

11:21:54 5 PRESIDING JUDGE: You're seeking an opinion there in a vacuum.

6 MR FOFANAH: As Your Honour wishes. I'll come back to more germane  
7 issues.

8 Q. Now, let's take it from you mentioned a name, the name of somebody's  
9 house that you went to, as xxxx in your testimony, that when you  
11:22:19 10 left going towards Jui, yourself and approximately 70 people were inside  
11 this house. Am I right?

12 A. Yes.

13 Q. Now, what was that house like? Was it finished or unfinished?

14 A. Unfinished.

11:22:36 15 Q. It was an unfinished house?

16 A. Yes.

17 Q. And you said about 70 of you were -- approximately 70 of you were in  
18 this house?

19 A. Yes.

11:22:48 20 Q. And when you left that house, where did you go to?

21 A. I was heading towards Jui.

22 Q. Do you remember what time it was -- what date it was when you went to  
23 this house, xxxx house?

24 A. It would be between the 19th or the 20th of January.

11:23:26 25 Q. It was somewhere around the 19th or the 20th?

26 A. Yeah.

27 Q. Now, is this the same unfinished house you mentioned as staying in  
28 when you were approached three rebels?

29 A. No.





1 Q. It is a different unfinished house?

2 A. Yes.

3 Q. Now, you've told this Court that you've made statements before to  
4 officials of the Prosecution team. I mean, I'm going to refer you to  
11:24:07 5 certain statements and I just want you to confirm or deny them as we go on.

6 Your Honours, I want to refer to page 6474 of the statement made on the  
7 14th of March 2003, page 6474. I'll be reading from the second line, top  
8 second line down. It reads -- now, just listen and then I want you to  
9 confirm if you made this statement or not. "I knew the big commanders were

11:25:08 10 Mosquito, Eldred Collins, Colonel Adamu. Colonel Adamu was AFRC and was  
11 SAJ Musa's bodyguard. I met him when I was abducted in 1999.  
12 Colonel Adamu was corporal during the junta period." Did you make that  
13 statement?

14 A. Yes, I made that statement.

11:25:35 15 Q. That you knew the big commanders were Mosquito, Eldred Collins,  
16 Colonel Adamu?

17 A. Yes.

18 Q. So I will take you to something different now. When you made this  
19 statement - before I move on - when you made this statement, I mean, you  
11:25:56 20 were referring to an incident of 1999; not so?

21 A. Well, for call -- is not all. For Collins and Mosquito was at the  
22 time during the junta period. 1999 I was just talking about xxx,  
23 because he was the only person I met.

24 Q. Okay. You mentioned the name of a certain lady whom you said was  
11:26:32 25 your student called Justina. You said something happened to her. Now what  
26 did you say was the age of this woman?

27 A. I said about 13 years of age.

28 Q. 13.

29 MR FOFANAH: Your Honour, I want to refer to page 6475 of that same



1 statement, at lines 5 to 6, I guess.

2 Q. It reads, "I remember Justina [Redacted] was 14 years old at the time  
3 she was raped." "I remember Justina [Redacted] was 14 years old at the  
4 time she was raped." Did you make that statement?

11:27:30 5 A. Yes, I made that statement.

6 Q. So why are you now telling this Court that Justina was 13 at the  
7 time?

8 A. I remember I said at first it was about 13 to 14. If I said 13 years  
9 it was because -- at that time she was my student, then that was --

11:27:46 10 MR BRAUN: Your Honour, I just want to remind the witness to be very  
11 careful about the information he gives to this Court in order that he does  
12 not reveal the identity of himself.

13 MR FOFANAH: No, but the name "Justina" had been mentioned.

14 MR BRAUN: But it was only the name Justina and you read the second  
11:28:09 15 name.

16 PRESIDING JUDGE: You read the surname, Mr Fofanah, and it was not  
17 read in chief.

18 MR FOFANAH: Oh, as Your Honour pleases.

19 PRESIDING JUDGE: Or rather, it was not mentioned in chief.

11:28:22 20 MR FOFANAH: As Your Honour pleases.

21 Q. When you first -- when you first -- when you were testifying, when  
22 you were led in chief, why did you -- you were very certain about the age.  
23 In fact, you said Justina was 13 years and now when I read that statement  
24 out to you, that bit, you said indeed you made that statement that Justina  
11:28:47 25 was 14 years.

26 PRESIDING JUDGE: Could you just pause, please. I want to check my  
27 notes.

28 MR FOFANAH: As Your Honour, pleases. I saw xxx at  
29 xxx. That is where.



1 JUDGE SEBUTINDE: Maybe can we have -- do we have the proceedings for  
2 the exam-in-chief? If we do, you can in the meantime also be looking for  
3 that reference to Justina. And tell us what --

4 PRESIDING JUDGE: The official record shows: "I saw three of xxx  
11:32:02 5 xxxxxxx at about the age of 12 or 13 years. The one the  
6 Court cannot allow me to mention, but one I remember as Justina. So I saw  
7 her. She also looked at me. At that moment we did not exchange any  
8 communication." So the reference we have and I've read does not refer  
9 specifically.

11:32:30 10 JUDGE LUSSICK: I have a note not long after that the witness was  
11 asked: "Did you speak to Justina later?" And the answer was: "I asked  
12 her what really happened. She said she was adopted and was molested  
13 sexually. I said you are a very young girl, about 13." And then the  
14 witness went on to say: "The one AFRC who captured her sexually abused  
11:33:04 15 her."

16 MR FOFANAH: If I just go a little --

17 PRESIDING JUDGE: Microphone.

18 MR FOFANAH: Sorry, just a little before what His Honour just  
19 referred because my records show that -- I mean, the witness indicated this  
11:33:23 20 age just after the statement. "They took me to xxx where there were  
21 many trees. Their leaders and big authorities were there. I saw my  
22 students at xxx, one Justina, aged 13. Colonel Adamu was the provost  
23 martial." I don't know if I'm getting it right.

24 PRESIDING JUDGE: I have read the record that has been handed up to  
11:33:50 25 me. Are you saying that there was something prior to the record that my  
26 learned brother and I read to you?

27 MR FOFANAH: I was just looking at the sequence. In any case, I will  
28 put that to the witness.

29 Q. Now, Mr Witness, you've just said that when you first -- when you



1 were first asked about the age of Justina, you said she was between the  
2 ages of 13 and 14.

3 A. Yes.

4 Q. When you were giving the statement about Justina, did you tell the  
11:34:33 5 statement taker that you were told about what happened to her and that you  
6 were not present?

7 A. She explained to me and I told the statement person that what she  
8 said to me. That is why I said she was a very young girl, because she was  
9 xxx at that time, so I knew her age.

11:35:00 10 Q. Did you tell the statement taker at that time that she was sexually  
11 abused?

12 A. Yes, I told the statement taker.

13 Q. Was that reflected in your statement?

14 A. It should reflect in the statement.

11:35:20 15 Q. So what -- what did you mean when you said -- I'm still referring to  
16 the 5th line at page 6475: "I remembered Justina [Redacted] who was 14  
17 years old" --

18 PRESIDING JUDGE: Mr Fofanah, you've been warned once already. In  
19 fact, you were warned several times yesterday.

11:35:47 20 MR FOFANAH: I'm sorry, Your Honour. Probably I'll just leave that  
21 line and go to another question, because --

22 PRESIDING JUDGE: You are entitled to put the question, but you must  
23 respect the rules relating to protection.

24 MR FOFANAH: Certainly, Your Honour, I was just -- probably I have to  
11:36:05 25 delete the surname so that I don't keep calling it.

26 Q. So what did you mean when you said in your statement --

27 PRESIDING JUDGE: Please complete the sentence.

28 MR FOFANAH:

29 Q. "That I remember Justina who was 14 years old at the time. She was





1 raped."

2 A. What I mean was the time when she spoke to me, that she was raped,  
3 sexually molested.

4 Q. So what did you really say? Did you say she was raped or she was  
11:36:46 5 sexually molested? What were you --

6 A. Well, by meaning "sexually molested," he must have raped her.

7 Q. That is your meaning?

8 A. Yes, because she was talking to me crying.

9 Q. Say that again?

11:36:59 10 A. She was talking to me crying, shedding her tears.

11 Q. Okay, we'll move forward, Mr Witness.

12 PRESIDING JUDGE: Just let me say something before you do,

13 Mr Fofanah. I wish to say, if there are any reporters or media people in  
14 the public gallery would they please ensure that the full name of this  
11:37:23 15 person is not recorded in any publication.

16 MR FOFANAH: Thank you, Your Honour.

17 Q. You indicated at some time that you discovered that your house was  
18 burnt; not so?

19 A. Yes.

11:37:38 20 Q. So when did you discover that your house was burnt? What date?

21 A. On the 25th.

22 Q. 25th. Your Honour, I'm going to refer to page 6480 of the witness's  
23 statement. That statement was made on the 17th of March 2003. No, it was  
24 made on the 21st, sorry, Your Honour, 21st of March 2003, 6480. And I'm  
11:38:33 25 referring to -- it seems like -- it should be the 3rd paragraph or the 4th  
26 paragraph, and it should be at line 6 to 7, I guess. Reading from line 6  
27 to 7. "On January 27th, I went to the stream to wash under escort of two  
28 rebels. I saw then that my house had been burnt." Did you make that  
29 statement to the statement taker?



1 A. Well, I made that statement that my house was burnt that I go down to  
2 the stream, maybe the dates --

3 Q. Did you make that statement?

4 A. Yes, I made that statement.

11:39:33 5 Q. So why are you only changing the date?

6 A. Well, you see sometimes you are under pressure at the time, you see.  
7 When the episode that is taking place, I cannot -- I know that between that  
8 range when I was captured on the 23rd I had been there three to four days,  
9 then I have to ask permission with escorts to go get a bath.

11:39:53 10 PRESIDING JUDGE: Just pause, Mr Witness.

11 MR BRAUN: Your Honour, this subject was examined yesterday  
12 extensively, so I think we already covered that part of the testimony.

13 MR FOFANAH: Firstly, Your Honour, I stand to be guided on this.  
14 When the witness is testifying -- I mean, I don't know -- I saw counsel  
11:40:17 15 right in the middle of his testimony stood up to interrupt -- because  
16 I wanted that flow of information, but in any case my colleague mentioned  
17 it, but then it was with regards to the bath, that the witness went to take  
18 bath under escort and I'm referring to -- I mean, the same incident, but  
19 this time extending it to the -- the fact that his house was also burnt on  
11:40:47 20 the same day or at least he saw his house burnt on the same date.

21 PRESIDING JUDGE: It is a question of the dates.

22 MR FOFANAH: Exactly.

23 PRESIDING JUDGE: We have never had, as far as I recall, an exact  
24 date when the house was burnt. I don't think that is the issue. [Counsel  
11:41:09 25 Fofanah interrupts Presiding Judge] ...has already been put to him.

26 MR FOFANAH: That is what I'm referring.

27 PRESIDING JUDGE: And that has been cross-examined.

28 MR FOFANAH: In any case he has answered. I'll move forward. Did  
29 you say, Your Honour, that he was cross-examined on when he knew --



1 PRESIDING JUDGE: There was a series of questions concerning him  
2 going to the stream. I'm just looking for the record.

3 MR FOFANAH:

4 Q. Mr Witness, I'm going to bring you back before I move forward to my  
11:41:47 5 other question. You were explaining this bit on rape and sexually  
6 molested -- I mean, what do you -- is there any difference between the two,  
7 to the best of your knowledge?

8 PRESIDING JUDGE: You are asking him a legal question, Mr Fofanah.

9 MR FOFANAH: He mentioned it, Your Honour.

11:42:06 10 PRESIDING JUDGE: Yes, and --

11 MR FOFANAH: He mentioned the word "sexually molested and raped."

12 PRESIDING JUDGE: And he has answered.

13 MR FOFANAH: As Your Honour pleases.

14 Q. Now, when you were testifying yesterday -- it's another different  
11:42:27 15 bit -- you said that -- I mean, xxx told you those of you who  
16 were present at Kola Tree to go to Wilberforce; am I right?

17 A. No.

18 Q. What did you say about that bit?

19 A. I said Colonel -- xx came to xx that we need to go to  
11:42:58 20 xxx.

21 Q. So how were you taken? Did anyone ask you to go or did you just go  
22 on your own?

23 A. Since you are under their custody, you have no objection to make, you  
24 are forced to go.

11:43:22 25 Q. So did anyone order you to go to xx, that is what I want to  
26 know?

27 A. Well, since I was handed over, then I need to follow xxx  
28 group.

29 Q. So when you saw them going, you followed them; is that what you did?



1 A. They gave me a load to carry, then they said I should go with them  
2 where they are going.

3 Q. I'm going to put a statement to you which you also made to the  
4 statement takers. It is dated the 27th -- 21st of March 2003, at the same  
11:44:05 5 page, 6480. Then just confirm if you made that statement or not. It  
6 should actually be 6 to 7 lines of paragraph 3, I guess -- no, 4 to 5 lines  
7 up from the bottom. It says: "The different rebels commanders talked to  
8 the civilians and told them to get ready to go up to the hills to  
9 xxx where the rebels wanted to capture the ammunition. At  
11:44:45 10 midnight we all left." Did you say that?

11 A. I said that.

12 Q. So what did you mean in your statement when you said "Different rebel  
13 groups talked to the civilians"?

14 MR BRAUN: Your Honours, it was commanders not groups.

11:45:05 15 MR FOFANAH:

16 Q. The different rebel commanders, yes, sorry.

17 A. Since we're in different groups, each civilian had his own commander,  
18 so they need to talk to us and then we need to follow them. That is what  
19 I mean by that.

11:45:22 20 Q. So they talked to you and then you followed them?

21 A. Yeah, they talked to the civilians and said: "We need to go."

22 Q. Hmm. You made several statements in the course of  
23 examination-in-chief as well as cross-examination. I'll just try to piece  
24 them together in relation to this idea as to whether you were forced to go  
11:45:50 25 to Wilberforce and other places or not. Do you recall testifying yesterday  
26 that: "We the civilians decided to go to Benguema."

27 A. I did not recall that.

28 Q. You did not recall saying that?

29 A. Hmm.





1 MR FOFANAH: Your Honour, I stand guided by your records.

2 PRESIDING JUDGE: Which counsel was asking, Mr Fofanah, so I can  
3 check my record?

4 MR FOFANAH: I think it was made -- it was made in chief. It was  
11:46:34 5 made in chief. It was made on Monday. Just after "A xxx, one of  
6 xxx, advised me not to go to ECOMOG. We then left to Kola  
7 Tree and then to Benguema. We the civilians decided to go to Benguema."

8 PRESIDING JUDGE: This was in cross-examination, Mr Fofanah?

9 MR FOFANAH: It was in chief, Your Honour.

11:47:28 10 PRESIDING JUDGE: It was in chief, I see.

11 MR FOFANAH: When he mentioned the name xx a little bit  
12 later.

13 JUDGE SEBUTINDE: Counsel, what I have -- you're referring to the  
14 incident when he says: "The ECOMOG forces fired and everyone scattered."  
11:48:11 15 Is that the part?

16 MR FOFANAH: Just after that.

17 JUDGE SEBUTINDE: Then thereafter the witness was speaking for  
18 himself when he says he met xx and xx persuaded him not to proceed to  
19 Freetown. He did not speak for the other civilians.

11:48:30 20 MR FOFANAH: No, just after that, Your Honour. I stand guided by the  
21 records. He said: "We then left for Kola Tree and then to Benguema. We,  
22 the civilians, decided to go to Benguema."

23 PRESIDING JUDGE: I have that recorded as a question. Who decided?  
24 The civilians. Who is we? Soldiers and civilians.

11:49:04 25 MR BRAUN: Your Honour, if I may assist that I also have in my notes  
26 as "soldiers and Civilians."

27 [TB120405C 11.50 a.m. - SGH]

28 MR FOFANAH: I have read what I have in my notebook, but again I  
29 will ask for the official record and I will read the official record in.



1 Incidentally, unfortunately now I notice that there appears to be no  
2 counsel at the place of Mr Manley-Spaine and no Mr Manley-Spaine.

3 MR METZGER: That is correct. I have expressed the position this  
4 morning that I would cover the interests of his lay client and the legal  
11:49:08 5 assistant Karlijn van der Voort, whose is normally here --

6 PRESIDING JUDGE: [Microphone not activated]

7 MR METZGER: Yes, is busy, as it were, carrying out research so that  
8 if we come to legal argument on the other point we don't delay the Court  
9 any further. We thought that we would divide the labour up in that way.

11:54:23 10 PRESIDING JUDGE: Mr Fofanah, we are having a little trouble locating  
11 the actual transcript. I have read you out my note and if you want to  
12 wait, we can get the official transcript. If you wish to take on another  
13 line of questioning in the meanwhile.

14 MR FOFANAH: Certainly, in the interests of progress, but I will come  
11:54:43 15 back to that.

16 PRESIDING JUDGE: As soon as it is to hand, I will read it into the  
17 record.

18 MR FOFANAH: As Your Honour pleases.

19 Q. Now, let us come to this bit on xxxx. You said one of the  
11:54:56 20 rebels, xxxx, talked to you about going to Makeni; is that right?

21 A. Yes.

22 Q. And this was shortly after you encountered ECOMOG at Regent?

23 A. Yes.

24 Q. Now, I am going to read a passage, well, a statement which you made  
11:55:34 25 on 21st March 2003. My reference, Your Honours, is to page 6481. I will  
26 start from the very first line. It says, "The CDF were at Regent and  
27 attacked us." Is that correct? Did you say that?

28 A. I said ECOMOG soldiers. At the Regent --

29 PRESIDING JUDGE: Pause, Mr Witness, pause, Mr Fofanah. If you are



1 reading you must put the whole part in context.

2 MR FOFANAH: As Your Honour pleases.

3 PRESIDING JUDGE: There are preceding and following sentences there.

4 MR FOFANAH: I will, Your Honour.

11:56:23 5 Q. "The CDF were at Regent and attacked us. We were shelled by ECOMOG.

6 I heard Gunboot going to Colonel Adamu and telling about going to

7 Wilberforce Barracks before we left Kola Tree. I heard one ECOMOG

8 soldier shouting 'Don't shout as there are children. Don't shoot.'"

9 You actually meant don't shoot as there are children, am I right?

11:56:51 10 A. Yes.

11 Q. "'Don't shoot as they are children.' I thought it was an ECOMOG

12 soldier because of his accent. We fled and we had to leave all the

13 rebels' stolen goods behind. Everyone scattered and I walked back to

14 xxx where I met xx. One of his men called xx

11:57:22 15 xx asked me if I was escaping. He said that I would be killed if

16 I was captured by ECOMOG and the CDF. He advised me to wait until

17 Makeni to escape by which time the fighting would be less intense."

18 Did you make that statement?

19 A. I remember I made that statement.

11:57:42 20 Q. Everything in that statement?

21 A. Yes.

22 Q. So, in fact, there was CDF and ECOMOG at Regent village?

23 A. Yes.

24 Q. And when you were shelled by ECOMOG, everybody scattered; not so?

11:58:09 25 A. We all scattered from the east where we are at that time. So --

26 PRESIDING JUDGE: Has the witness finished that?

27 MR FOFANAH: No, I thought Your Honour was busy. I am sorry.

28 PRESIDING JUDGE: Please continue, Mr Fofanah.

29 MR FOFANAH:



1 Q. So when you were shelled, according to you everyone scattered; not  
2 so?  
3 A. Yes.  
4 Q. Then you walked back to Calaba Town?  
11:58:43 5 A. Yes.  
6 Q. According to what you said?  
7 A. Yes.  
8 Q. So why did you choose at that time to come back to Calaba Town when  
9 everyone had scattered?  
11:58:58 10 A. Well, it is the same route. You just come down from the hill back to  
11 Calaba Town. Then it's the same route. You see, if you go up the hills,  
12 from Mine Kineh Hills [phon] you come down to Calaba Town before you  
13 proceed to town or you go to pick up [inaudible] et cetera.  
14 Q. Yes, the question is why?  
11:59:19 15 A. I said why, because the shedding was so heavy and we need to flee for  
16 our lives.  
17 Q. But you did hear an ECOMOG soldier say, "Don't shoot as there are  
18 children"; not so?  
19 A. Yes.  
11:59:34 20 Q. And you have indicated to this Court earlier that you had in fact at  
21 some point time gone to ECOMOG for your safety; not so?  
22 A. Yes.  
23 Q. So why didn't you go to ECOMOG at Regent?  
24 A. Exchange of fire, you cannot go to ECOMOG because the rebels were  
11:59:51 25 also going towards that end when the confronted them that is why they moved  
26 towards the place where we are staying. Then the shooting started. Then  
27 we need to come down to Calaba Town.  
28 Q. You have just admitted in the lines that I read out to you that you  
29 indeed made the following statement to the statement taker. That is the





1 last bit which I have just read. You were referring to xxx or  
2 xx. You said, "He advised me to wait to Makeni to escape by which time  
3 the fighting would be less intense." You made that statement; not so?  
4 A. He didn't advise me.  
12:00:32 5 Q. What did he do?  
6 A. He say, I was going toward ECOMOG, he said I want to escape. He only  
7 said, "You see, if you go towards the ECOMOG, you see, you are going to be  
8 killed. He said it is better let us go to Makeni. That will be safer."  
9 Q. And then you agreed; not so?  
12:00:58 10 A. Yes, I agreed to go with him.  
11 Q. Now, this man or this guard, xx; was he friendly?  
12 A. Yes, he was friendly.  
13 Q. He was friendly. And you followed him heading towards Makeni?  
14 A. Well, we stopped at certain points. Since after we left Kola Tree I  
12:01:24 15 didn't see him again until when I was at Makeni.  
16 Q. Before we move to Benguema.  
17 PRESIDING JUDGE: Mr Fofanah, if it would assist, I have now got  
18 the transcript in relation to the previous series of questions.  
19 MR FOFANAH: As Your Honour pleases.  
12:01:42 20 PRESIDING JUDGE: I will read this out, as this appears to be a  
21 convenient place. The line of questioning was:  
22 "Q. Who is xxx?" And then the next question is:  
23 "Q. So where did you go?  
24 A. Well, I -- we decided to go back to Kola Tree and to go to.  
12:02:01 25 Benguema," and so on.  
26 "Q. What happened after you returned to Kola Tree.  
27 A. Well, after we returned to Kola Tree we stayed there for a few.  
28 Days and we moved to Benguema.  
29 Q. When you say we, who are you referring to?



1 A. Those who were captured and others, rebels. So we decided to go  
2 To Benguema.

3 Q. Who decided to go to Benguema?

4 A. Because the people when I talk of we I am talking of civilians.  
12:02:26 5 Some civilians and the rebels decided to go to Benguema."

6 And then the next series of questions relates to where the locations  
7 et cetera are. Benguema, but I think those are the questions -- the  
8 evidence relevant to your series of questions.

9 MR FOFANAH:

12:02:46 10 Q. So on that bit, Mr Witness, let us take it this way: The civilians  
11 decided go to Benguema; did they?

12 PRESIDING JUDGE: It says, "Some civilians and the rebels decided  
13 to go to Benguema."

14 BY MR FOFANAH:

12:03:06 15 Q. Did some civilians decide to go to Benguema?

16 A. Civilians and rebels.

17 Q. Let us take it one after the other. I will come to the soldiers,  
18 trust me. Did some civilians decide to go to Benguema?

19 A. We did not decide to go to Benguema.

12:03:24 20 Q. What do you mean we?

21 A. We, the civilians, we were asked to go to Benguema under their own  
22 control.

23 Q. So what did you mean when you said yesterday that some civilians and  
24 soldiers decided to come to Benguema?

12:03:40 25 A. We tried to follow them, you see, because our commanders were telling  
26 us to go this direction.

27 Q. Mr Witness, I have noticed that your reference to xxxx and  
28 xxx is often in this form, "My commander. My commander." Is that  
29 right? Is that true? You often refer to them as "my commander".



1 A. Because they -- I was --  
2 Q. Is that what you referred to them as; "my commander"?  
3 A. They call them commander, but he is not my own commander because xx  
4 xx under their auspices.  
12:04:17 5 Q. I stand guided by the records.  
6 A. They called them commanders, but to me --  
7 Q. Did you use the words, I mean, on a number of occasions in your  
8 examination-in-chief "my commander" when you were referring to  
9 xxxx?  
12:04:34 10 A. In many occasions?  
11 Q. When you were testifying yesterday.  
12 A. To the Court.  
13 Q. Yes, my commander.  
14 A. Yes, I mentioned that.  
12:04:51 15 Q. Did you also use it for xx? Did you say "my commander"?  
16 A. Yes.  
17 Q. xxx, sorry, you said "my commander"?  
18 A. Yes.  
19 MS THOMPSON: Your Honour, before my learned friend goes on, I  
12:05:15 20 wonder whether someone in that room can be told that our monitor is  
21 playing up again. It is flashing and, of course, it affects our  
22 eyesight.  
23 PRESIDING JUDGE: Madam Court Attendant, could you relay a message,  
24 please?  
12:05:25 25 MR FOFANAH:  
26 Q. Before we go to Benguema, I am going to refer you to refer you to a  
27 number of statements and I would like you to confirm or deny them as we go  
28 along.  
29 MR FOFANAH: Your Honours, I am referring to page 6477 of the



1 statement taken on the 17th day of March 2003. 6477. The third line --  
2 the third to the fourth line.  
3 Q. It reads: "There was fighting between the rebels who were up in the  
4 hills and ECOMOG who occupied the old road." Did you say that to the  
12:06:18 5 statement takers?  
6 A. Yes.  
7 Q. So when did ECOMOG occupy the old road?  
8 A. Well, I cannot give a specific date now.  
9 Q. Just the line before that, I mean, probably I should have started  
12:06:50 10 with that. I'm sorry. The first line reads: "On January 19th, I decided  
11 to go from my house to Jui. I started walking along the old road at Allen  
12 Town and stopped at Thomas Nyuma's house which was unfinished. There were  
13 about 70 civilians hiding there as the shooting was tense. There was  
14 fighting between the rebels who were up in the hills and ECOMOG who  
12:07:27 15 occupied the old road." This was on 19th January, ECOMOG actually present  
16 on the 19th January at old road?  
17 A. They were coming from [inaudible].  
18 Q. So, ECOMOG was at old road on 19th January?  
19 A. Yes.  
12:07:44 20 Q. And the rebels were up in the hills?  
21 A. Yes.  
22 Q. Where were you then?  
23 A. Well, I was within the Allen Town old road at that time. After I  
24 left Thomas Nyuma's place.  
12:08:02 25 Q. So, Mr Witness, why didn't you at that time join ECOMOG when you were  
26 at the old road and the rebels -- please, since you were at the old road  
27 and rebels were in the hills?  
28 A. When the shooting is coming, so I shall face the gun. You see, then  
29 shedding was advancing toward me, then I need to protect my life then I





1 need to stop and find an hiding place.

2 Q. Would you agree with me, if put it to you, that the reason why you  
3 didn't go to ECOMOG you were afraid of their shelling and gunning?

4 A. I was afraid of my own life. That is why. Because the shedding was  
12:08:46 5 so heavy.

6 Q. But was it okay with you to stay with the rebels at that time.

7 A. When they captured me it was not okay because I suffered a lot of --

8 Q. No, no, it was not when they captured you. According to you, you  
9 were captured on 23rd January. I am referring to 19th January --

12:09:03 10 A. 19th or 23rd January I was in hiding.

11 Q. But this was the period, according to you, I mean, this statement,  
12 which I have read to you, this was the period that ECOMOG was present at  
13 old road, according to you?

14 A. Yes, they were at old road, but I stayed at an unfinished house. You  
12:09:21 15 see, I was hiding.

16 Q. And the rebels were in the hills?

17 A. Yes. They were up the hills towards Orugu.

18 Q. So why were you hiding when the rebels were in the hills?

19 A. To protect my life.

12:09:36 20 Q. From whom?

21 A. From both the rebels and the ECOMOG soldiers.

22 Q. Mr Witness, is it not strange to stay away from ECOMOG when you had  
23 in fact made an attempt to go to them at Jui?

24 A. When exchanging fire you cannot risk your own life, you need to  
12:10:08 25 protect it. So that is the reason I protected myself. I went into hiding.

26 Q. For how long did you stay in hiding?

27 A. I stayed in hiding for -- up to five days before I was captured.

28 Q. And when was the first day you went into hiding?

29 A. Beginning from the 19th.



1 Q. And then five days after you were captured --

2 A. No, I did not say after. From the 19th I was in hiding. 19, 20, 21,  
3 22 and 23 I was finally captured. So you can check from those dates.

4 Q. So how long did ECOMOG and the rebels were involved in a fight? For  
12:10:51 5 how long were they fighting?

6 A. Well, you check the range, from the 19th upwards fighting was going  
7 on.

8 Q. Until when?

9 A. Because finally we -- I left Kola Tree from early February. Then I  
12:11:23 10 go back to Benguema. So then fighting was still carrying on.

11 Q. So, these five days that you said you were in hiding for, did you  
12 move about?

13 A. Yes, the only place I moved when going from Allen Town coming down  
14 when I passed to Thomas house, then I go to the final place where I was  
12:11:48 15 staying an unfinished house where I was captured.

16 Q. So when was it that you moved out?

17 MR BRAUN: [Inaudible] from there.

18 MR FOFANAH:

19 Q. You said that you moved out within -- you said you went into hiding  
12:12:08 20 for five days from 19th January, but then you moved out some time between  
21 the 19th and 23rd when you were captured. So what specific date did you  
22 move out; can you recall?

23 A. Move out to go where?

24 Q. You said you moved out. Where did you move out to?

12:12:35 25 A. Well, from the 19th -- let me explain my route, maybe you don't get  
26 me clearly. You see, my route from the 19th I was heading to Jui. Jui, I  
27 stopped at Thomas house for some time. You see, the population I said it  
28 was 70 --

29 Q. Let's get this clear.



1 PRESIDING JUDGE: Please allow the witness to finish his answer.

2 MR FOFANAH: As Your Honour pleases. I am sorry. I'm sorry.

3 Q. Go on.

4 A. You see from the 19th I need to move to go to Jui, that is my  
12:13:01 5 destination I was hoping to reach. You see, I stop at Tom Nyuma's place  
6 because the shedding was still coming. You see, because xxx --  
7 the area I knew what I am talking. You see, then I decided to leave the  
8 people. Then I further head going towards Allen Town. But because the  
9 shedding was so heavy during the old and the new road I need to withhold --  
12:13:27 10 I need to stay somewhere around that place for two days before I move back,  
11 past through Tom Naimah's place where I saw the corpse. Then I go up  
12 towards Kola Tree by the same [inaudible] area is also an unfinished house.  
13 Where I stayed there for three good days and then when xxx  
14 came in with the three soldiers and then captured me. So that was my  
12:13:50 15 route.

16 Q. Yes, thank you very much for explaining your route so now we take it  
17 one after the other --

18 A. Yes.

19 Q. -- from the 19th January. From the 19th January when you left for  
12:14:08 20 xxx, when you stayed at xxx. You said you went to  
21 xxx from the 19th. How long did you spend there?

22 A. Well, I spent there for a few hours because the place was so  
23 congested.

24 Q. Then you headed toward Jui?

12:14:34 25 A. Yes.

26 Q. When did you come back to xxx? Was it on the same day?

27 A. It was not on the same day.

28 Q. When?

29 A. Well, two days after.



1 Q. You came back to Kola Tree two days after?  
2 A. There is a place Upper Cicil Lane before you reach up Kola Tree. So  
3 there I stopped.  
4 Q. You stopped at Upper Cicil Lane.  
12:15:02 5 A. Yes, I will call that place.  
6 Q. And that was two days after January 19th?  
7 A. Yes.  
8 Q. So we take it that it was on 22nd, was it?  
9 MR BRAUN: Your Honour, I think that is not correct.  
12:15:26 10 MR FOFANAH: After January 19, two days after, Your Honour, can I --  
11 PRESIDING JUDGE: Yes. 19 and two makes 21.  
12 MR FOFANAH: So I am saying it was on the 22nd, two days after.  
13 PRESIDING JUDGE: If that is what you are putting to the witness,  
14 please put it.  
12:15:36 15 MR FOFANAH:  
16 Q. So was it on 22nd January?  
17 A. I said two days after, the 22nd -- the 21st.  
18 Q. Or the 21st. It was on the 21st when you came to Upper Sesay Lane.  
19 And is it at Upper Sesay Lane that we have this unfinished house?  
12:15:52 20 A. Yes.  
21 Q. That is where you went into hiding?  
22 A. Yes.  
23 Q. For how long?  
24 A. From the 21st, 22nd and 23rd.  
12:16:13 25 Q. We will go forward a little bit and see. I am also going to refer  
26 you to another statement which you made to the statement takers to be at  
27 page 6476 dated 17th March 2003. It is actually the second paragraph,  
28 starting from January 18th. "From January 18th onwards there was a lot of  
29 smoke from the centre of town. I believe it must have been the rebels





1 burning houses as they were retreating from town. The Guinean ECOMOG  
2 passed through Kola Tree to go to town around January 15th. On January  
3 15th, my wife, together with my son, step-daughter and adopted girl and my  
4 brother-in-law decided to go up the hills to reach Fourah Bay College. I  
12:17:16 5 wasn't at home when she left, but I was planning to meet up with my family  
6 later. She fled together with many others, civilians as the rebels were  
7 advancing from the centre of town." Did you make that statement to the  
8 statement taker?

9 A. It was on the 18th not the 15th.

12:17:27 10 Q. Did you make this statement to the statement taker?

11 A. I made that statement. Maybe the dates is my question.

12 Q. I will be coming to the dates. You made this statement?

13 A. Yes, I made this statement.

14 Q. Did you in that statement say that the Guinean ECOMOG passed through  
12:17:55 15 Kola Tree to go to town around 15th January?

16 A. Yes, I made that statement.

17 Q. You made that statement. So where were you when Guinean ECOMOG  
18 passed through? Where, first -- sorry, where did they come from, the  
19 Guinean ECOMOG?

12:18:20 20 A. They come from -- they passed through in Orugo down to Kola Tree.  
21 Then they passed through the bridge Calaba Town and Orugo.

22 Q. So they came from the Jui end, am I right? You mentioned Orugo, do  
23 you mean Orugo Bridge?

24 A. They passed through Orugo town, you see.

12:18:42 25 Q. Where is Orugo town?

26 A. At xxx.

27 Q. So did the Guinean ECOMOG come from the east end of Freetown into  
28 town?

29 A. Well, they come from -- I don't know what you mean by the east part



1 of Freetown. You see they come from the Waterloo area side coming down  
2 towards Calaba Town.

3 Q. Okay. And they came through the main road; not so?

4 A. They used the old road, not the main road.

12:19:21 5 Q. Or they used the old road?

6 A. They have three different road. You see, let me explain that, you  
7 maybe you don't know the place.

8 Q. What are the roads?

9 A. You have the new Waterloo Road, you have the old main road, you have  
12:19:42 10 the -- another second old road at Calaba Town.

11 Q. Now, all these three different roads that you have mentioned, did  
12 they come into Freetown? Did they pass through Freetown from the east?

13 A. Well, they passed through to us coming to Freetown.

14 Q. From the xx end?

12:20:01 15 A. From the xxx end.

16 Q. All the three roads?

17 A. No, well they used the one with the Guinean troops.

18 Q. Which road did they use?

19 A. The one at Orugo.

12:20:11 20 Q. Now, what road is that? Is that the new road or --

21 A. It is the old road. You have the old main road, you have that old  
22 road which was used a long time ago.

23 Q. Did the Guinean troops pass through Allen Town?

24 A. Well, I don't know because I was at xx at that time.

12:20:35 25 Q. Did they pass through xx?

26 A. They passed through xxxx.

27 Q. When you say you were at xx, is that where your xxx?

28 Is that where your xx?

29 A. xx.



1 Q. Didn't you just a while ago tell this Court that you are staying at  
2 xxx?  
3 A. The junction where I stay is at xxxxx just near.  
4 Only the stream that divide us. So they just pass near my place.  
12:21:13 5 Q. Where do you exactly stay? Is it xx or xxx?  
6 A. I stayed at xxx.  
7 Q. So in fact when you just said that you were staying at xx,  
8 that is not true; not so?  
9 A. When the incident took place I was at --  
12:21:36 10 Q. No, no, just answer yes or no. When you just said that you were  
11 staying at xxx, that statement is --  
12 A. Okay, yes.  
13 Q. Why did you make it?  
14 A. Why do I say yes?  
12:21:48 15 Q. Why did you say you were staying at xx when you knew you  
16 were in fact staying at xxx?  
17 A. Well, presently I am talking about now. I mean if you check my  
18 information.  
19 Q. No, I have been speaking in the past, Mr Witness. Where?  
12:21:59 20 A. Well, it was xx.  
21 Q. Was it?  
22 A. Then I can show you the street.  
23 Q. Okay, let's move forward. So did you actually say you saw the  
24 Guinean ECOMOG pass through Kola Tree.  
12:22:12 25 A. Yes, My Lord.  
26 Q. To go to town.  
27 A. Yes.  
28 Q. And this was around 15th January?  
29 A. Yes.



1 Q. Were the rebels present then?

2 A. Well, the rebels was at Calaba Town. So they just make it pass  
3 through.

4 Q. Who made a pass through?

12:22:36 5 A. The Guinean troop.

6 Q. And nobody shot at them?

7 A. They were shooting when they were going, so I did not --

8 Q. Who was shooting?

9 A. The ECOMOG -- the Guinean troop.

12:22:51 10 Q. They were shooting?

11 A. Yes, when they were pulling out.

12 Q. What kind of guns?

13 A. Well, they have machine guns. They have other guns, but I cannot  
14 tell the names of the guns.

12:23:03 15 Q. And the --

16 A. And they wore the military uniform, so that is my description about  
17 them.

18 Q. And they shot these guns when they were passing through Kola Tree.

19 A. Yes, when they were passing through.

12:23:21 20 Q. How long did they take when they were passing through?

21 A. Since at that time when they passed I did not see them again.

22 Q. How long? I mean how long was it roughly for an hour, two hours, a  
23 day?

24 A. Well, from my place they passed there in, let us say, 20 minutes'  
12:23:36 25 time.

26 Q. Now, I am bringing you back, Mr Witness. I just read a statement in  
27 which you said, "On January 15th, my wife, together with my son,  
28 step-daughter and adopted girl and my brother-in-law, decided to go up the  
29 hills to reach Fourah Bay College." I just read that statement and you





1 said you made that statement to the statement taker; not so?

2 A. Yes.

3 Q. Did you not tell this Court a while ago that you sent your wife away  
4 on January 18th?

12:24:14 5 A. Yes, I sent my wife away on January 18th.

6 Q. So when you made the statement that it was on January 15th that they  
7 went to Fourah Bay College, were you saying the truth?

8 MR BRAUN: Your Honour, actually the wording is they decided.

9 MR FOFANAH: And it goes further, "I was not at home when she left,  
12:24:45 10 but I was planning to meet up with my family later." So I don't know if  
11 counsel can read that into --

12 PRESIDING JUDGE: The statement has [microphone not activated] on its  
13 own so allow him to clarify. The statement does say "decided", and then it  
14 goes on to say, "I was not at home". So allow the witness to answer the  
12:25:17 15 question and clarify what, if there is a difference, in the times of the  
16 decision for the --

17 MR FOFANAH: As Your Honour pleases.

18 Q. Now, Mr Witness, did you say, "I was not at home when  
19 she left, but I was planning to meet up with my family later"?

12:25:28 20 A. Yes.

21 Q. You said that. The mic is off. Did you say that?

22 A. I said that.

23 Q. So why did you tell this Court a while ago that they in fact left on  
24 January 18th?

12:25:44 25 A. I told the Court my wife and my children left on the 18th. My  
26 brother's wife also was there because since I am a native man, you see, you  
27 have to take care so they too left. You see, that is where you decided,  
28 but when they go they return back, my wife and children, so finally she  
29 decided to left on the 18th. That is why I decided to pack all the things



1 and I too agreed to move. And that -- I didn't tell the statement about  
2 these, my brother's, family.

3 Q. You said when they go they decided to come back. Who are you  
4 referring to when they go?

12:26:42 5 A. I am talking about my family.

6 Q. When was the first time they decided to go?

7 A. You see, the first time they decided to go was after we left Kongo  
8 Water.

9 Q. When? When?

12:27:06 10 A. Well, I cannot give the specific date now. I cannot remember.

11 Q. But did your family actually leave to go to Fourah Bay college on  
12 January 15th?

13 A. They attempt -- they attempt and they return again from Mine Kineh.  
14 Finally, it was on the 18th. You see they go with the other group of  
12:27:28 15 people and it was allowed.

16 Q. So, why didn't you make that clear to the statement taker, especially  
17 as you in the preceding line, I mean to that paragraph which I read out to  
18 you, you started with the date from January 18th? Why didn't you tell the  
19 statement taker that they first went on the 15th and then returned and then  
12:27:56 20 went again on the 18th?

21 A. Well, I didn't tell the statement taker all this, I was just --

22 Q. Why? Why?

23 A. -- specific. Nothing.

24 Q. No problem. We will move on.

12:28:18 25 MR FOFANAH: Your Honours, I wish to refer to page 6480, the  
26 statement I also want to put to the witness. I am reading from -- it  
27 should be from -- it's the third paragraph. It should be from the eighth  
28 line of the third paragraph.

29 PRESIDING JUDGE: Which page is that again, please?



1 MR FOFANAH: 6480.

2 PRESIDING JUDGE: Thank you.

3 MR FOFANAH: Which starts, "There must have been about 20 house burnt  
4 on the night of January 27th. The government troops who had been  
12:29:14 5 strengthened by the SSDs advanced towards xxxx and xxx."

6 MS PACK: Perhaps if the witness could also be read the preceding  
7 sentence just put what he is saying there in context, but obviously with  
8 the removal of anything that might identify him.

9 MR FOFANAH: Which sentence are you referring to? I am not  
12:29:38 10 particularly clear if counsel is trying to help me cross-examine because  
11 the witness can say if he said that or not.

12 PRESIDING JUDGE: I still have not found the relevant portion. You  
13 said page 6480.

14 MR FOFANAH: 6480 and it should be on the eighth line down.

12:29:47 15 PRESIDING JUDGE: Thank you.

16 MR FOFANAH: Of the third paragraph, sorry.

17 JUDGE SEBUTINDE: I think counsel opposite was correct when she put  
18 out the rider that you should read the whole thing in context because this  
19 sentence you have just read out refers to a particular context. So if you  
12:30:18 20 want to put it to the witness, the rules are that you put it in the context  
21 in which he is alleged to have stated it.

22 MR FOFANAH: Well, I will start from the sixth line which starts on  
23 January 27th.

24 MS PACK: Could my learned friend be cautioned that there is a name  
12:30:36 25 of a lane that ought not be read out in public.

26 PRESIDING JUDGE: We have already been through this thing about the  
27 lane and I remind you.

28 MR FOFANAH: I will take my time.

29 Q. It reads, "On January 27th I went to the stream to wash under escort



1 of two rebels. I saw then that my house had been burnt. Nearly all the  
2 house on that lane had been burnt. There must have been about 20 house  
3 burnt on the night of January 27th. Government troops who have been  
4 strengthened by the SSDs advanced towards xx and xx. The  
12:31:21 5 different rebel commanders talked to the civilians and told them to get  
6 ready to go up the hills to Wilberforce Barracks." Did you say that to the  
7 statement takers?  
8 A. I said that.  
9 Q. You said that. Now let us -- did you say the government troops who  
12:31:46 10 had been strengthened by the SSDs advanced towards Allen Town and Kola  
11 Tree?  
12 A. Towards -- from Calaba Town to Kola Tree. I did not say from Allen  
13 Town to Kola Tree.  
14 Q. You said the government troops --  
12:32:05 15 A. That place will be from Calaba Town coming to Kola Tree.  
16 Q. So in fact you said the government troops would have been  
17 strengthened by the SSDs advanced from Calaba Town to Kola Tree.  
18 A. Yes.  
19 Q. So where were they coming from?  
12:32:20 20 A. They are coming from the east of Freetown.  
21 Q. And where is Kola Tree?  
22 A. Kola Tree is towards old road.  
23 Q. And you said they were coming from the east of Freetown --  
24 A. Yes.  
12:32:32 25 Q. -- when they were going to Calaba Town?  
26 A. They were coming from town, you see, the west end part of Freetown.  
27 Q. So you now say they were coming from town?  
28 A. This is what I mean.  
29 JUDGE SEBUTINDE: Allow the witness to finish a sentence, even a





1 thought.

2 MR FOFANAH:

3 Q. So who were coming from town?

4 A. I said the government troop, they were coming from Calaba Town to  
12:33:04 5 Kola Tree.

6 Q. Did you see them?

7 A. Well since we are up I saw the troops.

8 Q. Did you see the SSDs you referred to?

9 A. Well, Since they are have their own uniform, I can identify them.

12:33:32 10 Q. This was about January -- the night of January 27th.

11 A. Yes.

12 Q. Where were you at that time?

13 A. At xx.

14 Q. Did anything happen when they were advancing towards that end?

12:33:55 15 A. No, I did not see anything.

16 Q. Nothing happened, it just went as far as Kola Tree, the government  
17 troops?

18 A. Maybe not which even the -- some part in Calaba Town, so they did not  
19 arrive at Kola Tree because the soldiers were also there and, you know,  
12:34:28 20 they need to move around.

21 Q. So, when these government troops were somewhere around Calaba Town,  
22 you were still at Kola Tree; not so?

23 A. Yes.

24 Q. That's in Allen Town; not so?

12:34:53 25 A. Yes.

26 Q. So how did you know that they stopped at Calaba Town?

27 A. I believe that's how they came down from the hills. You see we are  
28 moving out going to go to Benguema. The government troops were still  
29 occupying some part in Calaba Town before coming to Orugo.



1 Q. And this was round January 27th?

2 A. It was not around January 27th.

3 Q. When was it?

4 A. I cannot give you the specific date.

12:35:35 5 Q. Okay, let's go forward a bit. Now, did you go through when -- you

6 told this Court that you left -- some time in January you left with the

7 rebels, I mean, the civilians and -- some civilians and soldiers decided to

8 go to Benguema. Now on your way to Benguema did you go through Waterloo?

9 A. Yes, we passed through Waterloo.

12:36:20 10 Q. You went through Waterloo. How many of you arrived at Waterloo?

11 A. We just give an approximation about -- 200 people.

12 Q. Do you know the number of people when you arrived who were --

13 approximately a number of people who were at Waterloo?

14 A. When we arrived?

12:36:53 15 Q. Yes.

16 A. About -- an approximation about 200 to 250.

17 Q. So, that excluded your own group? Or does it include your group, the

18 total number of people at Waterloo approximately?

19 A. Approximately it is 250.

12:37:28 20 Q. Including your group?

21 A. Excluding.

22 Q. You said your group was about 150?

23 A. Say about 100 to 200.

24 Q. So can we therefore say there were approximately 400 to 500 people at

12:37:42 25 Waterloo?

26 A. There will be more because I have just given an approximation.

27 Q. Yes. I am just approximating. About 400 to 500?

28 A. Yes.

29 Q. Was it up to 800?



1 A. Well, I cannot give all the statistics now. The number I have just  
2 given, it can be more or below.  
3 Q. More or below what?  
4 A. But the range is between 400 to 500.  
12:38:09 5 Q. Okay. It ranges between 400 to 500.  
6 MR FOFANAH: Your Honours, I wish to refer to page 6483 of the  
7 statement.  
8 MS PACK: Your Honours, this is a different statement; 26th March.  
9 MR FOFANAH: Yes, 26th March. Sorry.  
12:38:42 10 Q. It is the first paragraph that I wish to read. "Further to my  
11 statement provided on 21st March 2003 I wish to add that it took us three  
12 days to reach Waterloo. At Waterloo there were about 1,000 abducted  
13 civilians including my own group. There were about 600 women and children  
14 and about 400 men of all ages. The rebels were mixed AFRC/RUF and there  
12:39:10 15 were about 800 of them in the Waterloo area." Did you say that to the  
16 statement takers?  
17 A. I say I said that.  
18 Q. You said that. Did you say that there were about 600 women and  
19 children?  
12:39:31 20 A. Well, the women were many, maybe that was an approximation. So I  
21 just say it, I did not count it.  
22 Q. Yes, I mean that --  
23 A. Yes, only an approximation.  
24 Q. Yes, about. About is an approximation.  
12:39:36 25 A. Mmm.  
26 Q. Did you also say there were about 400 men of all ages?  
27 A. Yes.  
28 Q. So what did you mean when you said there were about 1,000 abducted  
29 civilians? Because you have just said the range is 400 to 500?



1 A. At the time I made the -- I said that is all approximation. You see,  
2 because you can see many people at Waterloo, you see we are all mixed. So  
3 I cannot give a specific number at this stage.

4 Q. So why did you give that specific number? I mean, say about 1,000?  
12:40:28 5 Why did you use that?

6 A. I was asked a question to give an approximation of the people and  
7 they wanted really to see. So I gave their -- the estimate of their  
8 approximation.

9 Q. So at that time it was 1,000 that came to your mind.

12:40:44 10 A. Yes, it was 1,000 that came to my mind.

11 Q. And now it is 400 to 500 that has come to your mind?

12 A. No, it can be 1,000 because I cannot remember. It was about three to  
13 four years' time when the statement was taken. So, my mind was really  
14 [inaudible] because I was in trauma when I give these figures.

12:41:08 15 Q. So now you are actually saying the range is 400 to 500?

16 A. I am just giving an approximation.

17 Q. That is what I am saying; the range.

18 A. Even if you add it or you reduce the number.

19 Q. So how many armed men were there within this approximated number of  
12:41:35 20 1,000?

21 A. The armed men were many, so I cannot give you now the correct number.

22 Q. Now, you said that when arrived at Benguema, you spent some time  
23 there; not so?

24 A. Yes.

12:42:11 25 Q. And then from Benguema you decided to leave for Braima?

26 A. From Benguema you had to pass through Waterloo. I mean, Waterloo  
27 there is a journey. I explained the route to you.

28 Q. So you are now saying that from Benguema you went first to Waterloo  
29 before you went to Braima?





1 A. From Waterloo the other village is going to Braima.

2 Q. The question is: Are you now saying - because I recorded --

3 A. I would not recall about Waterloo, it is just a route because our

4 intention was going to Makeni. You see, so we just passed through this

12:42:45 5 route, but we had a stopping point because it was not easy to pass these

6 routes going directly.

7 Q. Did you go through Waterloo?

8 A. I go through Waterloo.

9 Q. From Benguema?

12:42:54 10 A. Yes.

11 Q. Why didn't you say that when you were testifying?

12 A. Well, you did not come to my mind.

13 Q. And it is only coming to your mind now?

14 A. I think that it is just -- we are just passing. It was a passing

12:43:14 15 route.

16 Q. Okay. But you finally arrive at Braima; not so?

17 A. We did not finally arrive at Braima, we took two to three days before

18 we reached there.

19 Q. Okay. Before you left for Benguema, do you recall saying that nobody

12:43:42 20 gave you orders to leave for Braima from Benguema? That ECOMOG was

21 advancing and nobody gave you orders, you just decided you, the civilians

22 and soldiers, to leave. Do you recall saying that?

23 A. Well, I recall that when the ECOMOG troop was from Rokei coming, so

24 xx who was in charge of us, asked us to move from this area to go

12:44:27 25 towards Masiaka. Because it's the same route you need to pass through

26 Waterloo and you go Newton and so on.

27 Q. But ECOMOG was advancing when you left Benguema; not so?

28 A. Yes.

29 Q. Did you hear them shelling?



1 A. Yes, I heard the sound of the guns.

2 Q. At that time did you feel safe to stay in Benguema when ECOMOG was  
3 advancing?

4 A. No, I was not safe.

12:45:03 5 Q. So, was that the reason why you left?

6 A. Yeah, that was the reason why I left.

7 Q. You left Benguema?

8 A. We were just ordered to go. We were just asked to go. And the place  
9 was not safe.

12:45:27 10 Q. Now, you said in your testimony that about 150 of you arrived in  
11 Braima; am I right?

12 A. Yes, these are all approximation. Yes.

13 Q. Since you were approximating that number was not up to 200; was it?

14 A. Yes.

12:45:52 15 Q. So, it was about 150?

16 MR FOFANAH: Your Honours, I am going to refer to page 60 --

17 PRESIDING JUDGE: Mr Fofanah, are you into a new line of questioning,  
18 as I note we approaching the lunch hour? Do you still have some more  
19 questions?

12:46:11 20 MR FOFANAH: I still have -- I still have a long way.

21 PRESIDING JUDGE: Perhaps if you are into a new line, now would be an  
22 appropriate time to adjourn for lunch time.

23 MR FOFANAH: As Your Honour pleases.

24 PRESIDING JUDGE: We will adjourn the court to 2.15 p.m. Madam Court  
12:46:25 25 Attendant, would you please adjourn court.

26 [Luncheon recess taken at 12.50 p.m.]

27 [TB120405D - jm]

28 [On resuming at 2.22 p.m.]

29 MR FOFANAH:



1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon.

3 Q. So we left off at the point where you indicated to this Court that  
4 approximately 150 of you went to Braima. Is that so?

14:23:09 5 A. Yes.

6 MR FOFANAH: Your Honours, I was going to refer you to page 6485 of  
7 the statement made on the 26th of March 2003. 6485. It should be the  
8 sixth line down. I will read from: "Both the AFRC and the RUF were in  
9 Braima as well as Masiaka and Lunsar. There were about 300 persons of  
14:24:02 10 which 100 were civilians in total in Braima, both rebels and civilians."

11 Q. Did you make that statement to the Prosecution?

12 A. I made that statement.

13 Q. When you made that statement, you said there were about 300 persons,  
14 of which 100 were civilians in total in Braima. Is that right?

14:24:41 15 A. Yes, at the time I made the statement.

16 Q. So why did your estimate yesterday drop to 150 approximately?

17 A. It was a long time when I took the statement.

18 Q. Would you agree that 300 is twice 150?

19 A. Yes, I agree.

14:25:01 20 Q. Now, can you recall when you -- when you said you arrived at Braima?

21 PRESIDING JUDGE: Just pause, Mr Fofanah, please. Are you putting to  
22 him part of that sentence that you quoted, part or extract? "Both AFRC and  
23 RUF are in Braima," are you putting that to him?

24 MR FOFANAH: Yes, I read that to him.

14:25:45 25 PRESIDING JUDGE: I say this because that particular sentence has  
26 already been put.

27 MR FOFANAH: I'm actually putting the sentence after that that  
28 says --

29 PRESIDING JUDGE: Yes, you have done so, and he has agreed with you.



1 Yes. Which part are you putting now?

2 MR FOFANAH: I'm just going back to his testimony.

3 Q. When did you say you arrived at Braima?

4 PRESIDING JUDGE: I think he has answered those questions to another  
14:26:19 5 counsel.

6 MR FOFANAH: As Your Honour pleases.

7 Q. Now, when you said you left Braima for Mile 38, you indicated to this  
8 Court that there were about 100 people, including 30 soldiers. Am I right?

9 A. Yes.

14:26:37 10 Q. And do you still stand by that, that there were about 100 people?

11 A. Well, I cannot stand by that because I don't know what I mentioned  
12 during the statement taken because it was a long time ago and my mind  
13 cannot reflect now on the specific number.

14 Q. So you cannot stand by the words "about 100 people left for" --

14:27:10 15 A. Yes, I cannot stand by the number of people left, but I stand on the  
16 journey when we were going.

17 Q. Now, if I read this statement to you -- I'll be reading a statement  
18 to you. Tell me if you agree with it or not.

19 A. Okay.

14:27:25 20 MR FOFANAH: Your Honours, my reference is to page 6485, five lines  
21 from bottom of 6485. Actually, it begins from "Some left for Lunsar, and  
22 others for Masiaka. About 400 of us went to Mile 38." I will start by  
23 reading the entire sentence. It says: "We left Braima for Mile 38 on  
24 March 25 as ECOMOG was approaching. I took -- it took us two days to -- I  
14:28:18 25 took us two days to talk to Mile 38."

26 Q. Did you actually mean "it took us two days to walk to Mile 38"? I'm  
27 just trying to make sense out of that line.

28 MS PACK: The witness doesn't have the statement in front of him, so  
29 it's quite difficult in my submission for him to --





1 MR FOFANAH: I'll skip that sentence in any case.

2 Q. "Some left for Lunsar and others for Masiaka. About 400 of us went  
3 to Mile 38." Did you recall making that particular bit "about 400 of us  
4 went to Mile 38"?

14:28:53 5 A. I recall that statement.

6 Q. Would you agree with me that "about 400" is not the same as "about a  
7 hundred"?

8 A. Yes.

9 Q. Now, you also told this Court it was in the second week of April that  
14:29:24 10 you arrived at Mile 38. Correct?

11 A. Yes.

12 Q. Okay. Now, still on that bit, I'm going to read again the statement  
13 which I just read to you, the same statement. It says "we left Braima for  
14 Mile 38 on March 25 as ECOMOG was approaching. It took us two days  
14:30:03 15 to" -- I think it's actually "to walk to Mile 38." I don't know if the  
16 Prosecution want to clarify that because I need this --

17 PRESIDING JUDGE: It appears to be a typing error.

18 MR FOFANAH: Yes.

19 MR BRAUN: Your Honour, I think the only meaning can be "walk."

14:30:21 20 MR FOFANAH:

21 Q. So "it took us two days to walk to Mile 38. Some left for Lunsar and  
22 others for Masiaka. About 400 of us went to Mile 38." Now, did you say  
23 "we left Braima for Mile 38 on March 25 as ECOMOG was approaching"?

24 PRESIDING JUDGE: Do you mean in his statement or do you mean in oral  
14:30:44 25 evidence to the Court?

26 MR FOFANAH:

27 Q. In the statement that I just read to you, did you make that statement  
28 to the Prosecution?

29 A. I made the statement to the witness and to the one who was taking the



1 statement. But the dates for the 25th, we left during March to Mile 38.  
2 Maybe the dates -- I cannot remember the specific date.  
3 Q. So you are not sure --  
4 A. Of the date, but I know of the month.  
14:31:16 5 Q. Are you sure of March?  
6 A. Yes, I'm sure --  
7 Q. 1999?  
8 A. Yes, I'm sure of March.  
9 Q. And you're not sure of March 25.  
14:31:25 10 A. I am not sure of the date.  
11 Q. Are you also sure of the subsequent statement "it took us two days to  
12 walk to" --  
13 A. Yes, we took two days to go to Mile -- we stopped at Mamamah, Not  
14 Mile 38. From Mamamah to Mile 38, then we continued another journey.  
14:31:50 15 Q. If I put it to you you may have, in fact, arrived at Mile 38 at the  
16 tail end of March, will I be right?  
17 A. You might be correct.  
18 Q. Will I be right or might be right?  
19 A. Okay, yes.  
14:32:10 20 Q. I'll be right. I'll be correct?  
21 A. Yes.  
22 Q. So why did you tell this Court that you, in fact, arrived at Mile 38  
23 in the second week of April in your testimony?  
24 A. Well, I said we left in March. We reach Mile 38. So if I said on  
14:32:38 25 the second week in April, it is a mistake.  
26 Q. Let's come to Mile 38 itself for a minute. For how long did you say  
27 you stayed at Mile 38?  
28 A. We spent about two to three weeks at Mile 38.  
29 Q. Two to three weeks, okay.



1 Now, you've told this Court that you are familiar with military  
2 terms. Am I right?

3 PRESIDING JUDGE: If I recall correctly, Mr Fofanah, he said he was  
4 familiar with rank.

14:33:29 5 MR FOFANAH: Military ranks.

6 Q. Is that so?

7 A. Yes.

8 Q. Were you familiar with the ranks -- from Braima to Mile 38, were you  
9 familiar with the various ranks of the commanders whom you said were in

14:33:56 10 that area?

11 A. When they are calling their names, so I knew the names and ranks that  
12 they were calling them.

13 Q. What was the least rank that you knew?

14 A. Ordinary soldier.

14:34:12 15 Q. And then, from there, the other rank was?

16 A. You have corporal.

17 Q. Mm-hmm, go on.

18 A. From corporal, you go to lieutenant.

19 Q. Mm-hmm.

14:34:36 20 A. You have first and second lieutenant. And they have captains.

21 Q. Mm-hmm.

22 A. Major. From major, you go to lieutenant-colonel. Then you go to  
23 full colonel. From there you move to brigadier.

24 Q. Did you see all of these ranks at, first of all, Braima? Did you  
14:35:08 25 see --

26 A. I did not see all of these ranks.

27 Q. Did you see all of those ranks at Mile 38?

28 A. I did not see all of those ranks at Mile 38.

29 Q. Now, you referred to somebody whom you said was in charge at Mile 38,



1 Bazzil. Did you see him whilst at Mile 38?  
2 A. I did not see him in person. But we stayed closer.  
3 Q. You did not see him in person.  
4 A. But I hear his name.  
14:35:52 5 Q. Okay. From Mile 38 to Magbeni, did you see him in person?  
6 A. No.  
7 Q. Then to Magbere, did you see him in person?  
8 A. Yes. At Magbere, I saw him one time when I pass towards his place  
9 where he stay.  
14:36:47 10 Q. So how did you know that he was in charge at Mile 38?  
11 A. We stayed closer, and I was hearing his name and the other soldiers  
12 that we stayed together. That is Pappie. They call him Bazzil, so he is  
13 the boss.  
14 Q. You said they also called him Pappie?  
14:36:59 15 A. Well, this is the soldiers calling me and telling me that is Pappie.  
16 Q. Can you spell that Pappie.  
17 A. It's a nickname.  
18 Q. Just the spelling, sir.  
19 A. P-a-p-p-i-e.  
14:37:17 20 JUDGE SEBUTINDE: Excuse me, is this term supposed to have a special  
21 meaning that the Court should know about, Pappie? Is it a title --  
22 MR FOFANAH: The witness may be able to --  
23 JUDGE SEBUTINDE: -- or a name that we're supposed to know?  
24 MR FOFANAH:  
14:37:34 25 Q. What did you understand from the word "Pappie"?  
26 A. "Pappie," according to their terms is a boss, a big boss in charge of  
27 a place.  
28 Q. So -- and you did not attend any of the meetings. Was there any  
29 meeting at Mile 38, to the best of your knowledge?





1 A. No meeting.

2 Q. There was no meeting. And because you said you did not see all of

3 the command structure that you've outlined, from ordinary soldier to

4 brigadier, if I put it to you that because you did not see this man you

14:38:39 5 call Bazzil, you may not have known that he was overall commander. Would

6 you agree with me? Because you did not see him in person.

7 PRESIDING JUDGE: The witness said he saw him once.

8 MR FOFANAH: No, at Mile 38.

9 PRESIDING JUDGE: At Mile 38.

14:39:00 10 THE WITNESS: Your question again, please.

11 MR FOFANAH:

12 Q. Because you did not see him in person, you may not have known that he

13 was in charge at Mile 38.

14 A. I did not see him in person. But people, we stayed together, knew

14:39:16 15 him. And we pay respect to him because you cannot pass in this place

16 without giving a sign -- showing a gesture of adoration to him. So you

17 need to bow, to wait. They have their own gesture to show he is a leader.

18 Q. Did you ever pass through his place?

19 A. When I was at Magbeni, I passed through his place. He has a lot of

14:39:43 20 security, and you cannot -- you must know what you are doing when you are

21 passing his place.

22 Q. Did you know CO Jackal personally?

23 A. No.

24 Q. What about K4K?

14:39:57 25 A. No.

26 Q. But you saw these men --

27 A. Yes.

28 Q. -- at Mile 38. Not so?

29 A. Yes.



1 Q. So you said that ECOMOG was at some point advancing to Mile 38. Am I  
2 right?

3 A. Yes.

4 Q. Did they attack Mile 38 when you were there?

14:40:25 5 A. No.

6 Q. Did you hear them fire shells or were there any firing from ECOMOG,  
7 to the best of your knowledge?

8 A. Yes.

9 Q. Were there bombardments?

14:40:44 10 A. Yes.

11 Q. And you heard those?

12 A. Yes.

13 Q. Did you see any jet fly in the air to Mile 38?

14 A. No.

14:40:58 15 Q. You did not. So if I put it to you that it was because of the  
16 advancing firepower of ECOMOG that you left Mile 38, will I be right?

17 A. Yes, I said it. Yes.

18 Q. Okay, no problem. Now, we are moving to Magbeni. You said you were  
19 not present in the meeting called by this man you called as Bazzil at

14:41:34 20 Magbeni. You said there was a meeting in which he indicated to those who  
21 attended the meeting that they were to cross to Magbere.

22 A. Yes.

23 Q. But you are not present.

24 A. Yes.

14:41:50 25 Q. If I put it to you that because you were absent, you will not have  
26 known what transpired in the meeting, will I be right?

27 A. I reported to the Court that a member in the place where we were  
28 staying attended the meeting.

29 Q. And he told you?



1 A. Yes.

2 Q. Now, how many people did you meet in Magbeni when your group arrived?

3 A. There were many people. I cannot give you a specific number now.

4 Q. Do you know how many civilians crossed over from Magbeni to Magbere?

14:42:39 5 A. Many people crossed over from Magbeni to Magbere. So I cannot say

6 the specific figure.

7 Q. Do you also know how many soldiers crossed over?

8 A. There were many soldiers who crossed over.

9 Q. Now, if I refresh your memory that you told this Court yesterday that

14:43:00 10 you met over 100 people -- sorry.

11 MR FOFANAH: Excuse me, Your Honour, one moment.

12 Q. First of all, you said you spent three days at Magbeni. Am I right,

13 three days at Magbeni?

14 A. I believe it's more than that. But if that is the statement, go

14:43:42 15 ahead.

16 Q. I'm reading from your testimony. You also said that about a hundred

17 people arrived in Magbeni, including 35 soldiers and 75 civilians.

18 A. Mm-hmm. Yes, it's what I said.

19 Q. So I take it that about 110 civilians and soldiers arrived in your

14:44:09 20 group at Magbeni?

21 A. This is the approximate number, yes.

22 Q. About 110.

23 MR FOFANAH: Your Honours, just a moment. I want to refer

24 Your Honours to... I'll move on.

14:44:47 25 Q. Okay. Now you've said that you crossed a stream from -- between

26 Magbeni and Magbere, and then you finally arrived at Magbere. How many

27 people did you say you meet at -- you met at Magbere?

28 A. Many people were there. At least -- well, a hundred people. It's a

29 small village.



1 Q. Do you recall telling this Court that you met about 70 soldiers at  
2 Magbere? Magbere.

3 A. Soldiers were there.

4 Q. 70, about 70 soldiers.

14:45:31 5 A. It's an approximation, yes.

6 PRESIDING JUDGE: Pause, Mr Fofanah. If I recall, the witness has  
7 been cross-examined at some length on this point.

8 MR FOFANAH: As Your Honour pleases. I just want to confirm --

9 PRESIDING JUDGE: My recollection is this arose during  
14:45:47 10 cross-examination by another counsel. Can it be --

11 MR FOFANAH: I'm just trying to confirm the number. In that  
12 cross-examination --

13 PRESIDING JUDGE: Read your notes. If it has already been done, it  
14 has been done. It cannot be --

14:45:59 15 MR FOFANAH: The number was not confirmed, Your Honour. In fact, I  
16 was basically reading from his examination-in-chief where he said that  
17 about a hundred people -- they met a hundred people at Magbere, and  
18 70 soldiers were there. At Magbere.

19 PRESIDING JUDGE: Mr Fofanah, it's our recollection it was put  
14:49:47 20 before. I'm just trying to find it among the wealth of stuff I have here.  
21 Further I would ask you, what is the relevance of this line of questioning  
22 on calculations of this nature?

23 MR FOFANAH: It's just -- it's just to ascertain the number of people  
24 who were actually at that village. That was the last village that the  
14:50:10 25 witness mentioned before.

26 JUDGE SEBUTINDE: But counsel, when a witness consistently says he  
27 was giving approximations, what is the purpose? What are we achieving by  
28 this line of questioning, of taking him over and over through figures which  
29 are clearly approximations?





1 MR FOFANAH: The response to that, Your Honour, is that I think that  
2 approximations in themselves are not endless. And if the witness, for  
3 example, says that he approximately saw a hundred people, it will be a bit  
4 improper for one to learn that the same hundred people were about 600 at  
14:50:56 5 some other time.

6 PRESIDING JUDGE: Well, if you have evidence that he said there were  
7 600 at another time, put it in a proper manner, please.

8 MR FOFANAH: As Your Honour pleases. As Your Honour pleases.

9 Q. I'm going to read to you a portion of your statement dated 27th March  
14:51:16 10 2003 at page 6488. It's the fifth line, starts from the fifth line, when  
11 it says, "When we reached Magbere..."

12 MR FOFANAH: I wonder if Your Honours have seen it. "When we reached  
13 Magbere..."

14 PRESIDING JUDGE: Please.

14:51:43 15 MR FOFANAH: "When we reached Magbere, I saw about 600 persons.  
16 There were about 250 persons, and the rest were civilians. Of the about  
17 350 civilians, there were 150 women and children." So these are all  
18 figures, which though approximations as they may look, they are the figures  
19 quoted. So I just want the witness to ascertain whether those figures  
14:52:11 20 were, in fact, given.

21 Q. Did you say that to the Prosecution?

22 A. I say it to the Prosecution.

23 Q. That when you reached Magbere, you saw about 600 persons?

24 A. I did not say -- give the exact total. It was just an approximation  
14:52:32 25 of people.

26 Q. Did you say you saw about 250 rebels?

27 A. I said the rebels were there, yes.

28 Q. About 250?

29 A. Not 250, but within that range.



1 Q. Did you also say that of the 350 civilians, there were 150 women and  
2 children?

3 A. I did not go round and count the people, but just meeting them in  
4 different direction. Because Magbere, the extension of other villages  
14:53:07 5 around. So that's why I give that number.

6 Q. Okay. We're rounding up now. I'll just take you through one or two  
7 things, and then we'll round up. I'm going to -- these are specific  
8 questions from people you mentioned in your statement, people you've  
9 already referred to. I just want you to confirm the statement, confirm or  
14:53:37 10 deny the statement.

11 My first reference would be to xxx. Do you remember you  
12 mentioned Corporal Bastard in your examination-in-chief?

13 A. Yes.

14 MR FOFANAH: I'm referring Your Honours to page 6477. That is the  
14:54:12 15 statement dated 17th of March 2003. Yes, it's the second paragraph. I'll  
16 just begin from "on January 23rd". "On January 23rd, three rebels entered  
17 the room where I was hiding. They kicked down the door and said 'there  
18 must be a Kamajor here.' One wore a uniform, and he was the one who  
19 captured me. His nickname was xxx. He was AFRC, and he is  
14:55:00 20 now in the army."

21 Q. Did you say that?

22 A. Yes, I said it.

23 Q. Now, when you were testifying on the 17th of March 2003, did you say  
24 that that xxx is now in the army?

14:55:16 25 A. I was not asked that question.

26 Q. Did you say that, that xxx is now in the army?

27 MS PACK: Just to make clear, I think the witness might have  
28 misunderstood the question because my learned friend did say "testifying"  
29 on that date as opposed to indicating that he was referring to the



1 statement.

2 MR FOFANAH: I'm sorry if I did say that.

3 Q. When you were making statement to the Prosecution, did you say that  
4 the xxx to whom you've just referred to is now in the army?

14:55:52 5 A. I did not make that statement. It was during the time the statement  
6 taker was asking me this question.

7 Q. Yes, that was on the 17th of March 2003. Did you say  
8 "xxx is now in the army"?

9 A. Yes.

14:56:16 10 Q. Okay, no problem.

11 MR FOFANAH: I'll next refer Your Honours to page 6474. 6474, that's  
12 the first paragraph. It says "Captain Blood, who was AFRC, was in charge  
13 of the area. He was AFRC and, as a former SLA, was more educated than the  
14 RUF rebels. I never heard of him doing anything to the civilians. I knew  
14:56:46 15 the big commanders were Mosquito, Eldred Collins, Colonel Adamu.  
16 Colonel Adamu was AFRC and was SAJ Musa's bodyguard."

17 MR BRAUN: Your Honour, in my recollection, the witness already  
18 affirmed this statement.

19 MR FOFANAH: I'm still reading. I'm still reading.

14:57:10 20 PRESIDING JUDGE: Just a moment. My notes show that he affirmed the  
21 statement beginning "I knew the big commanders..." I don't have a note --

22 MR FOFANAH: In fact, I'm more interested in the last bit, but then  
23 Your Honours have told me to read the paragraphs wholesomely. That's what  
24 I'm doing. I'm more interested in that bit where he said Colonel Adamu is  
14:57:33 25 tall and has a beard. He's still with the army. That's what I'm just  
26 interested.

27 PRESIDING JUDGE: The bit going down -- the portion he's going down  
28 to "during the intervention with -- ECOMOG kicked out and the AFRC" has  
29 been put to the witness.



1 MR FOFANAH: I'll not be going that far. I'm just interested -- this  
2 has not been put before.

3 PRESIDING JUDGE: That entire portion was put to the witness.

4 MR FOFANAH: Your Honour, the portion that Colonel Adamu is still in  
14:58:02 5 the army? I stand guided by your records.

6 JUDGE SEBUTINDE: What I highlighted in my statement earlier is the  
7 bit which begins "I knew the big commanders were Mosquito, Eldred Collins,  
8 Colonel Adamu," all the way up to where the witness says "Colonel Adamu was  
9 a colonel during the junta period." That was the part I highlighted, but  
14:58:35 10 that's not the part you're referring to.

11 MR FOFANAH: No, Your Honour. I'm referring to the sentence just  
12 after that.

13 JUDGE SEBUTINDE: Yes. That one is not highlighted. It has not been  
14 covered before.

14:58:38 15 MR FOFANAH: As Your Honour pleases.

16 PRESIDING JUDGE: Please proceed.

17 MR FOFANAH:

18 Q. Did you say that Colonel Adamu is tall and has a beard; he's still  
19 with the army? Did you tell that to the Prosecution in March 2003?

14:58:57 20 A. Yes.

21 Q. To the best of your knowledge, is Colonel Adamu still in the army?

22 A. Well, presently no.

23 Q. Where is he?

24 A. Well, I don't know.

14:59:16 25 Q. How do you know he's no longer in the army?

26 PRESIDING JUDGE: What is the relevance of this line of questioning?

27 MR FOFANAH: Colonel Adamu has been alleged by the witness to be an  
28 AFRC big commander. We just want to know if he was in the army and if he's  
29 still there.





1 PRESIDING JUDGE: What is the relevance of his present position?

2 MR FOFANAH: Your Honour, may I confer with my colleagues.

3 PRESIDING JUDGE: You are putting the question, and I'm asking you  
4 the relevance. You are not conferring. It is your line of

14:59:48 5 cross-examination.

6 MR FOFANAH: As Your Honour pleases. Firstly, we seek to identify  
7 who this Colonel Adamu is and to know if that Colonel Adamu is still in the  
8 army. We will be interested in knowing that for purposes of --

9 PRESIDING JUDGE: I asked you the relevance, Mr Fofanah. Answer the  
15:00:05 10 question. Your interest in him is not the relevance. What is the  
11 relevance of the questioning?

12 MR FOFANAH: Your Honour, I indicated that firstly the witness has  
13 mentioned Colonel Adamu by name in his examination-in-chief. What I'm  
14 seeking to ascertain is, firstly, the current whereabouts of Colonel Adamu,  
15:00:29 15 and then to ascertain from him if this Colonel Adamu is tall and has a  
16 beard. He mentioned him in his examination-in-chief.

17 JUDGE SEBUTINDE: Mr Fofanah, if we look at the date of the statement  
18 where the witness stated, "Colonel Adamu is tall and has a beard, he's  
19 still with the army," that statement was made in 2003. Isn't that correct?

15:00:54 20 MR FOFANAH: Yes.

21 JUDGE SEBUTINDE: Now, if I remember, in the witness's statement in  
22 Court, his evidence in Court, he has not -- he did not repeat that  
23 statement, which means we do not have on record the current whereabouts of  
24 Colonel Adamu, which then leads me to the same question that the Presiding  
15:01:15 25 Judge asked. What is the relevance of the present whereabouts of  
26 Colonel Adamu, especially to this witness? Because he has not told Court  
27 in his evidence-in-chief or cross-examination of the current whereabouts.  
28 His reference at the time was in 2003; it's not currently.

29 MR FOFANAH: Exactly, Your Honour. What is dangerous is that the



1 witness has clearly mentioned Colonel Adamu as doing a number of things,  
2 amongst which is the fact that Colonel Adamu was mentioned as one of the  
3 AFRC commanders. I mean, my question is firstly to seek to ascertain who  
4 this Colonel Adamu was and to know if the said Colonel Adamu is still  
15:02:01 5 around.

6 JUDGE SEBUTINDE: But the witness has answered you and said he  
7 doesn't know his current whereabouts. He has answered that. Did you hear  
8 that? He has answered it and said he doesn't know his current whereabouts.  
9 And you are pressing him why he doesn't know and why he stated in 2003 that  
15:02:21 10 he's no longer in the army, which are two different opinions.

11 MR FOFANAH: I've not asked him about why he stated he is no longer  
12 in the army. I was just saying --

13 PRESIDING JUDGE: Mr Fofanah, we are dealing with events in 1999.  
14 The whereabouts of a particular person and his status in the army in 2005  
15:02:42 15 is not relevant. This line of questioning is not allowed.

16 MR FOFANAH: As Your Honour pleases.

17 Q. One last question, Mr Witness: When you were in xxx -- I mean,  
18 when the incidents of January 6th, 1999, were happening, to the best of  
19 your knowledge, was there a curfew imposed on xxx?

15:03:18 20 A. Yes.

21 Q. That was around when?

22 A. To be clear, 3.00, there would be a curfew.

23 Q. Three when?

24 A. 3.00 p.m.

15:03:33 25 Q. Until when?

26 A. Well, until in the morning hours. 6.00 p.m. -- 6.00 a.m., sorry.

27 Q. Do you know the date when that curfew started?

28 A. No, I cannot remember now.

29 Q. But by January 6th, was there a curfew in your area?



1 A. Yes, in my area, there was no curfew at that time.  
2 Q. Was there a curfew on January 7th?  
3 A. Yes.  
4 Q. Did it continue until the 27th of January 1999?  
15:04:39 5 A. It was a declaration from the state, so yes. Curfew was from the 7th  
6 upwards, up to the -- until the time we even left xx. Then we go  
7 back to Benguema.  
8 Q. Was that curfew, to the best of your knowledge, observed in xx  
9 xxand xx?  
15:05:03 10 PRESIDING JUDGE: Do you mean by the witness himself or by the  
11 population at large?  
12 MR FOFANAH:  
13 Q. Was that curfew observed by you?  
14 A. I observed the curfew.  
15:05:14 15 Q. Do you know if those who were around you observed it?  
16 A. Well, I don't know since I was indoors.  
17 Q. So were you indoors from the 7th until the time you left xx?  
18 A. No.  
19 Q. Where you were?  
15:05:37 20 A. Well, in the afternoon, I was at xxx before I was captured.  
21 When I went to Allen Town, returning back from hiding, then I was in  
22 captivity through xxx.  
23 Q. Finally, Mr Witness, how did you know that both xxxx and  
24 xx were in the army in 2003? How did you know?  
15:06:26 25 A. In 2003 -- in 2002, I met him at one time at the Yuri building.  
26 Q. You met whom?  
27 A. xx with full military uniform. Then, I also met  
28 xxx within the year 2003 with military uniform. That was the  
29 instant that I knew they were still in the army. Later on, I think they



1 left the army.

2 MR FOFANAH: Thank you very much, Mr Witness. That's all.

3 PRESIDING JUDGE: Before I move on to ask if there's any  
4 re-examination, prior to the adjournment, there was a question arising from  
15:07:24 5 some line of questioning by Ms Thompson, and some legal issues concerning  
6 that were raised. There was an objection. And it is my understanding that  
7 that matter has not been resolved. That issue still stands. And there is  
8 basically a legal point in relation to these.

9 I would like to have the objection -- I would like to have the  
15:07:57 10 objection formulated so that we are clear on the terms of the objection as  
11 it involves points of law. And in the light of the importance of this, we  
12 would ask for written submissions in order to give a proper decision on it.  
13 The Prosecution has referred us to case law. We will want authorities from  
14 both, that are being relied by both the Prosecution and the Defence, if  
15:08:34 15 case law is being relied on, or any other learned writing on the point.  
16 And we would ask for copies of those to be annexed to submissions.

17 MS PACK: Do Your Honours have a time frame within which you would  
18 like submissions to be filed?

19 PRESIDING JUDGE: We are very conscious of the position of this  
15:08:56 20 witness and the long time he has spent in court. On the other hand, we are  
21 also equally conscious for the need for counsel to research. Can you give  
22 us an indication of how quickly this could be researched on both sides to  
23 allow us to formulate a time.

24 MR METZGER: I rise because I assume the Prosecution has already  
15:09:19 25 conducted its research and is in a position once it has formulated the  
26 terms of its objection to say that the Defence feels that it would be in a  
27 position to meet any, shall we say, arguments put forward by the  
28 Prosecution practically immediately; either we are, therefore, being asked  
29 to present simultaneous submissions.





1 PRESIDING JUDGE: Yes, I have in mind simultaneous submissions  
2 because the issues have been traversed orally, and we are now looking at  
3 law and precedent.

4 MR METZGER: So be it.

15:09:59 5 PRESIDING JUDGE: But I restate that I would like the objection  
6 formulated properly to ensure there is a proper record of what it is.

7 JUDGE LUSSICK: Mr Metzger, you've mentioned simultaneous  
8 submissions. Are you quite clear on what you would have to answer, or  
9 would you like to see the Prosecution case made out first?

15:10:21 10 MR METZGER: I would first of all like to see the Prosecution case  
11 made out because we have done preliminary research, and we would certainly  
12 be orally in a position to meet the point that appears to us that has been  
13 raised by reference to the case of Bizimungu by tomorrow. However, we'll  
14 have to wait to see the proper formulation. And I think in terms, it  
15:10:54 15 should be a formulation in writing so everybody can see what it is. And  
16 then we would be happy within 24 hours to respond to that, perhaps sooner.

17 PRESIDING JUDGE: Thank you.

18 Ms Pack, are you able to give us an indication how long it will take  
19 your side to do a written submission and formulate the objection?

15:11:16 20 MS PACK: It's just a question of the writing, Your Honour. I would  
21 aim for tomorrow morning, but not necessarily be successful in tomorrow  
22 morning. Perhaps tomorrow close of business at the very outside. I would  
23 hope to try --

24 PRESIDING JUDGE: It's an important issue, and we would obviously  
15:11:36 25 like it done thoroughly.

26 [Trial Chamber confers]

27 PRESIDING JUDGE: The Bench is in a consensus that we should be  
28 liberal on the time. There are important legal issues here, and we do not  
29 wish to have a rushed submission. Likewise, I will not expect a rushed



1 reply. That does not mean, of course, that you can sit on your hands  
2 forever. We're thinking in terms of even early next week. Would that be  
3 sufficient time, say, by Thursday or Friday for the Prosecution to have its  
4 papers prepared and its submissions ready and allow time to the Defence to  
15:13:55 5 read, assimilate, and reply?

6 MS THOMPSON: Your Honour, before my learned friend replies, may I  
7 just say that there is a slight difficulty on our side in terms of -- the  
8 legal arguments, we can do. There's not a problem. But if as a result of  
9 any decision from this Chamber, I have to continue cross-examination, I  
15:14:16 10 will not be here until the early part of May starting from Monday. There's  
11 a good chance of me not being here until the early part of May. So I just  
12 bring that to the Court's attention.

13 Your Honour, of course, that need not be a problem. Mr Metzger can  
14 carrying on in cross-examining this witness.

15:14:48 15 PRESIDING JUDGE: If Mr Metzger is going to take over -- he has been  
16 here throughout the cross-examination anyway.

17 MR METZGER: I have been present throughout the cross-examination.  
18 And of course, we would use our best endeavours to make sure that time is  
19 well spent.

15:15:06 20 MS PACK: Your Honour, I understood it's a time frame whereby the  
21 Prosecution would file something Thursday, Friday this week. That is  
22 something the Prosecution could meet.

23 PRESIDING JUDGE: And how long would Defence need to reply?

24 MR METZGER: We will be ready by Thursday or Friday, but I would like  
15:15:25 25 time to assimilate the document that is there. We will not rest on our  
26 haunches. We will have legal submissions on the general principle looking  
27 at, if you like, the points that appear to have been raised this morning  
28 pursuant to the case of Bizimungu in readiness for Thursday or Friday. And  
29 thereafter, it's really only a question of a length of a piece of string.



1 JUDGE SEBUTINDE: Mr Metzger, the question was simply how long after  
2 Friday does the Defence require to put in their reply?

3 MR METZGER: Well, the difficulty is I don't know what the document  
4 the Prosecution is going to serve is going to be. I could say the Defence  
15:16:13 5 would ask similarly for a period of some four days or so 'til the following  
6 week. If that is something that the Court accepts, then of course we won't  
7 necessarily wait until the last day to do it.

8 [Trial Chamber confers]

9 PRESIDING JUDGE: In the circumstances, we will direct that the  
15:16:59 10 Prosecution formulate its question and its supporting legal submissions to  
11 be filed by 4.00 p.m. on Thursday of this week. And I don't have -- I do  
12 have a diary. 14th. And Defence reply by 4.00 p.m. on Tuesday, the 19th.  
13 And liberty to apply to both parties.

14 In light of that, does the Prosecution wish to indicate if they're  
15:18:02 15 re-examining the witness now or deferring that until this matter has been  
16 dealt with?

17 MS PACK: The Prosecution would prefer to defer the matter,  
18 Your Honour.

19 PRESIDING JUDGE: Yes, that's quite logical.

15:18:18 20 Mr Witness, your evidence has finished for today. However, you may  
21 remember this morning Ms Thompson was asking you some questions which she  
22 was not able to finish because there was some legal argument.

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: You may be asked to come back to this Court to  
15:18:40 25 answer those few questions and maybe some from the Prosecution. We do not  
26 know the date, but you will be given notice. Do you understand this?

27 THE WITNESS: Yes, My Lord.

28 PRESIDING JUDGE: Thank you.

29 MS PACK: Your Honour, I rise just to raise one matter which is a



1 question whether the Prosecution's witness management team, representatives  
2 from that, could contact the witness specifically for the purpose of  
3 arranging further dates. I know there are some personal matters that this  
4 witness has to attend to sometime in mid- to late-April that he has  
15:19:15 5 previously warned the Prosecution about. I would just want to ensure there  
6 was some level of contact on that issue alone, the timing and his return  
7 here to testify again if necessary.

8 PRESIDING JUDGE: I think the witness has been very generous with his  
9 time, and the Court should be equally courteous to him and allow him to  
15:19:30 10 ensure that he meets his personal commitments. So he may be contacted to  
11 clarify dates, et cetera, of his availability.

12 MS PACK: I'm grateful, Your Honour.

13 PRESIDING JUDGE: This may be an appropriate time to have a brief  
14 adjournment in order to allow the witness to leave the witness box,  
15:19:58 15 et cetera.

16 Madam Court Attendant, please adjourn Court for 15 minutes. Thank  
17 you.

18 [The witness stands down]

19 [Recess taken at 3.20 p.m.]

15:31:18 20 [On resuming at 3.31 p.m.]

21 PRESIDING JUDGE: Counsel, we may have adjourned on false pretenses.  
22 Unfortunately, we will have to adjourn early today as I have been  
23 unexpectedly obliged to go for a medical test. In the circumstances, it  
24 seems more sensible to adjourn rather than to adjourn for an indefinite  
15:31:44 25 period and then maybe not come back. So in the circumstances, we will  
26 adjourn to 9.15 tomorrow morning, unless there are other issues which  
27 either counsel for the Defence or Prosecution wish to raise at this point.

28 MS PACK: No other issues for the Prosecution.

29 MR METZGER: There was just the one matter. I don't know whether





1 you've had the opportunity to consider.

2 PRESIDING JUDGE: Yes, indeed, I have. I've researched the point,  
3 Mr Metzger. And having done so - let me just check with my notes, please -  
4 I'm of the opinion that this is a matter that -- you're talking now to your  
15:32:27 5 application yesterday.

6 Yes, this is a matter that is dealt with by the directive on the  
7 assignment of counsel, and that it would -- Articles 16(D), subarticle 2  
8 and Article 22 are applicable, and the matter should be referred to the  
9 Principal Defender and possibly the Registrar and is not within the  
15:32:58 10 jurisdiction of the Court. That's Article 22 I'm referring you to.

11 MR METZGER: I can take it, therefore, that whatever decision the  
12 Principal Defender and presumably the Registry take would not be in breach  
13 of any court order that has been made.

14 PRESIDING JUDGE: It would not be in breach of any court order.

15:33:19 15 MR METZGER: I'm very much obliged for that.

16 PRESIDING JUDGE: Any other issues? No.

17 Unless there's some other matter, Court will resume at 9.15 tomorrow  
18 morning. Madam Court Attendant, please adjourn Court to 9.15 tomorrow  
19 morning.

15:33:51 20 [Whereupon the hearing adjourned at 3.34 p.m., to be reconvened on  
21 Wednesday, the 13th day of April, 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-227	2
CROSS-EXAMINED BY MS THOMPSON	2
CROSS-EXAMINED BY MR FOFANAH	26