

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

FRIDAY, 15 APRIL 2005
9.25 A.M.
TRIAL

TRIAL CHAMBER II

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 Lesley Taylor Mr Mohammed Bangura Mr Alain Werner 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 Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah Mr Abdul Rahman Mansaray
For the accused Santigie Borbor Kanu:	Mr Abibola Manley-Spaine

1 Friday, 15th April 2005
2 [Open session]
3 [The accused entered court]
4 [Upon commencing at 9.25 a.m.]
09:22:37 PRESIDING JUDGE: Good morning. Unless there is some
6 preliminary matter, I will remind the witness of his oath and we
7 will proceed to cross-examination. Mr Witness --
8 THE WITNESS: Yes.
9 PRESIDING JUDGE: -- you may remember yesterday you
09:22:48 10 promised to tell the truth and I want you to remember that
11 promise.
12 THE WITNESS: That is what I said.
13 PRESIDING JUDGE: That promise is still binding on you
14 today and you must answer the questions truthfully. The other
09:22:59 15 lawyers will have some questions for you. Do you understand?
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: Good. Please proceed.
18 MR METZGER: I am very much obliged.
19 WITNESS: TF1-256 [Continued]
09:23:12 20 CROSS-EXAMINED BY MR METZGER:
21 Q. Good morning, Your Honours. Good morning, Mr Witness. My
22 learned friends, good morning to you.
23 A. Good morning. How do you do?
24 Q. Mr Witness --
09:23:21 25 A. Yes.
26 Q. I am going to ask you some questions in about six areas of
27 the evidence you have given.
28 A. Yes.
29 Q. I will try not to take too much of your time.

1 A. Okay.

2 Q. And I want to say certainly that we sympathise with the
3 troubles that you found yourself in during the time that you have
4 told us about.

09:24:02 5 A. Yes.

6 Q. So, the questions I am going to ask you, Mr Witness --

7 A. Yes.

8 Q. -- are questions just to clarify some of the things that
9 you have told us.

09:24:31 10 A. Well, I am listening to you, sir.

11 Q. If the Court will bear with me, I think I have the wrong
12 connection on my -- Mr Witness, you told us about a time in April
13 of 1999 --

14 A. Yes.

09:25:01 15 Q. -- when you were in your village in ~~XXXXXXXXXX~~ --

16 A. Yes.

17 Q. -- and some rebels came and captured people.

18 A. That is how it happened.

19 Q. You have said or described those rebels as soldiers.

09:25:25 20 A. That is what I said.

21 Q. Now, would I be right in saying that you yourself have no
22 knowledge or experience of the military?

23 A. I?

24 Q. Yes, that you have no knowledge or experience, other than
09:26:08 25 this incident, of the military?

26 A. The time that I was captured that is the time that I knew
27 that these people are soldiers.

28 Q. Now, Mr Witness, when you say they were soldiers --

29 A. Yes.

1 Q. -- you were asked about what group they belonged to.
2 A. They -- where I belonged -- the group to which I belonged.
3 Q. No, Mr witness, the group to which the soldiers belonged
4 and you stated that they were SLA.
09:27:06 5 A. Yes, one of them told me that they were SLA. That is what
6 I said yesterday.
7 Q. Thank you very much, Mr witness. That is what I want to
8 ask you about.
9 A. welcome.
09:27:18 10 Q. The person who told you that these soldiers were SLA was
11 one Mr Lamin; is that correct?
12 A. That is what I said. He was the one that told me that they
13 were SLA; Mr Lamin.
14 Q. Can I ask you, please, Mr witness, if you know the first
09:27:40 15 name for Mr Lamin?
16 A. well, his other name by which he was known was RSM Lamin.
17 Q. Now, all the soldiers that you spoke to, were they RSMS?
18 A. Except the one who was in town who was called Captain
19 Richin, but all the others were called RSM and that was the first
09:28:25 20 name, then they complete it his own name.
21 Q. Thank you very much, Mr witness.
22 A. welcome.
23 Q. So that information, did you get it from the soldiers
24 themselves?
09:28:48 25 A. well, I heard it from them. whosoever was called, they
26 start calling him RSM and they ended with his name. what I heard
27 from them is what I have brought to this Court.
28 Q. Indeed, Mr witness. But other than that, you yourself have
29 no knowledge of rank within the military?

1 A. No, I couldn't distinguish between them because by then I
2 was in trouble.

3 Q. And just to make it absolutely clear, you accepted their
4 rank according to what they told you?

09:29:51 5 A. Well, that was how I saw them. And if somebody were to
6 tell you that, "This is my own position. This my own rank," how
7 would I have defied that? So I had to accept.

8 Q. Thank you very much, Mr witness.

9 A. Welcome.

09:30:06 10 Q. Now, I just want to ask you this about this Mr Lamin before
11 I move on. Were you ever told that his first name --

12 A. Okay.

13 Q. Sorry. I will repeat that. Were you ever told that his
14 first name was Mike, or something like that?

09:30:21 15 A. No.

16 Q. The second thing I want to ask you please --

17 A. Yes.

18 Q. -- it comes towards the end of the time when you were in
19 captivity --

09:31:02 20 A. Okay, let's move onto that.

21 Q. And when you were taken to Nonkoba --

22 A. Yes.

23 Q. -- there you were imprisoned, but later released on the
24 order of Superman?

09:31:35 25 A. Yes, we were free. We are freed because of some
26 information that is sent.

27 Q. Did you understand that Superman was in charge of the
28 people who were at the guard room in Nonkoba?

29 A. We are not able to understand that. The only thing that we

1 understood was that he sent a letter saying that we should be
2 released, but we are not able to know all the details.

3 Q. But what you do know is after they received the letter that
4 you should be released you were released?

09:32:34 5 A. Yes, we were released. But we were asked to continue
6 working for them. They started sending us to do household
7 chores.

8 Q. But they released you from, shall we call it, imprisonment
9 after the letter?

09:32:55 10 A. Certainly, yes, I was released. When the letter had been
11 read, I was released.

12 Q. Thank you, Mr witness.

13 A. Welcome.

14 Q. Now, Mr witness, let me take you just a little bit before
09:33:06 15 that. When you were in **XXXXXXXX**, you were taken there from
16 the guard room; that is correct, is it?

17 A. Okay.

18 Q. Those people who came and took you from **XXXXXXXX**, could
19 you tell whether they were the same group -- in the same group of
09:33:25 20 soldiers as those who had captured you in **Rochendekom**?

21 A. Well, how I came to know that they were the same, those at
22 Nonkoba sent a message and they said we were to be taken. And
23 when we taken to this other place, we still met soldiers. So I
24 took it for granted that they were the same.

09:33:57 25 Q. Thank you, Mr witness.

26 A. Welcome.

27 Q. Now, I want to take you to the time when happily you
28 managed to escape from captivity as you were being taken from
29 - is it Nonkoba to Lunsar?

1 A. So how I managed to escape, is that what you want to ask
2 about?

3 Q. That is correct.

4 A. You have still not asked the question. I am waiting for
09:34:40 5 the question.

6 Q. Yes. I just want you to understand that is what I want to
7 ask you about now.

8 A. Welcome. I am listening to you, sir.

9 Q. Thank you very much, Mr witness. You told us yesterday
09:34:54 10 that other soldiers came and attacked the people and that is how
11 you managed to escape. Is that correct?

12 MS TAYLOR: Your Honour, I don't wish to interrupt unnecessarily,
13 but that is not my recollection of what the witness said. My
14 recollection is --

09:35:11 15 MR METZGER: We should check the record and I would really
16 appreciate it if my learned friend would not interrupt, as it
17 were, unless she was absolutely sure. It does somewhat affect
18 the flow of the cross-examination. But I stand by my note in
19 that particular regard. If I may assist the Court, it was
09:35:54 20 probably not a long time before we rose yesterday. And my record
21 or my note of it is that in Nonkoba, "that was the time they were
22 ousted". They being the soldiers he was with in Nonkoba. "we
23 and them went to Lunsar and I escaped. Another group of soldiers
24 came and we saw them running. But the group that came and
09:36:18 25 attacked them, I don't know."

26 PRESIDING JUDGE: [Microphone not activated] another record
27 "we were asked if I had the chance to [inaudible] ousted."

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: [Microphone not activated] "the soldiers

1 came there. I saw them running. I do not know -- I do not know
2 the group who attacked. I do not know the group who attacked."

3 MS TAYLOR: Yes, Your Honour, my objection was to the
4 question, which seemed to indicate that he ran away from Nonkoba.
09:36:44 5 The note said that they ran away from Nonkoba to Lunsar, and it
6 was from Lunsar that he escaped. It was the implication that he
7 escaped from Nonkoba that I was objecting to.

8 JUDGE SEBUTINDE: Could we maybe say or point out at this
9 stage, when one counsel stands up to object, could we have
09:37:09 10 courtesy around the table in listening to what that person has to
11 say and let the Bench rule on whether the objection is worthy or
12 not. Because really Ms Taylor stood up and apologised that she
13 was constrained to stand up and object to what she thought was a
14 deviation from the evidence - and I think that was well within
09:37:33 15 her rights. Really, for matters of courtesy, I think it would
16 help if all around the table we showed courtesy to each other.

17 MR METZGER: I am very much obliged.

18 PRESIDING JUDGE: On a point of clarification on your
19 question, Mr Metzger, I have written down, "You escaped while
09:37:56 20 being taken to Lunsar." That is what I have written. Have I got
21 it incorrectly recorded?

22 JUDGE LUSSICK: No, no. I have got a similar note. I have
23 got that the question began, "When you managed to escape from
24 captivity, as were you being taken from Nonkoba to Lunsar," et
09:38:12 25 cetera.

26 MR METZGER: Yes, I apologise.

27 JUDGE SEBUTINDE: What I have is, "We all proceeded to
28 Lunsar where I had an opportunity to escape from Mesiger."

29 MR METZGER: Then I do apologise if I erroneously used the

1 word Nonkoba having been obviously recently ensconced in it. I
2 did mean when he escaped from captivity.

3 PRESIDING JUDGE: Perhaps we will refresh the witness's
4 memory by putting the question again, Mr Metzger, please.

09:38:44 5 MR METZGER:

6 Q. Mr witness, let me ask the question again. When you
7 managed to escape from captivity - and I make it clear that that
8 is when you escaped from Lunsar - is it correct that that was
9 because another group of soldiers came and attacked the people
10 you were with?

09:39:14

11 A. It was not at Lunsar, it was Nonkoba that they were
12 attacked and when they were attacked they moved on to Lunsar.

13 Q. Thank you, Mr witness --

14 A. Welcome.

09:39:43 15 Q. When you were attacked at Nonkoba, do you know what group
16 of soldiers or what group the soldiers who attacked belonged to?

17 A. I didn't know it. I only saw people running away and I
18 heard gunshots and all of us ran together. I did not know the
19 group that attacked.

09:40:13 20 Q. Mr witness --

21 A. Yes.

22 Q. Do you know or did you receive information that Superman
23 was a member of the RUF?

24 A. Yes. I have been hearing the name Superman, but I did not
09:40:56 25 know him. I did not see him. I did not know how the people were
26 fighting. I did not know him at all.

27 Q. Thank you, Mr witness.

28 A. Welcome.

29 Q. Would you agree with this, however: The soldiers who

1 attacked the people you were with at Nonkoba, they were not in
2 the same group as those soldiers that you were with?

3 A. Yes. They are not the same, because if they were the same
4 they shouldn't have attacked the others.

09:41:36 5 Q. Thank you, Mr witness.

6 A. Welcome.

7 Q. Now, there are two other things I want to ask you about, Mr
8 witness. First of all, there was a time yesterday when you said,
9 "This confusion, that is why I did not accept to come and explain
09:42:07 10 to these people". Do you remember saying that?

11 A. Yes, I said that. That is what I said yesterday.

12 MR METZGER: Mr witness, wait, I think there is an objection.

13 MS TAYLOR: Your Honour, might there be some context for
14 the question. The witness said many things yesterday and I am
09:42:36 15 not exactly sure what my learned friend is referring to.

16 PRESIDING JUDGE: Mr Metzger, it would assist me also if we
17 could. I do recall him, the witness, saying or using the word
18 confusion, but it would assist if I had --

19 JUDGE SEBUTINDE: I remember just before he broke down, and
09:42:58 20 just before we went for the break to allow him to compose
21 himself, he said those exact words that Mr Metzger has said.

22 MR METZGER: But the words were said, as it were, in
23 vacuum. And I am simply reminding him exactly of the words he
24 spoke and asking him to explain what he meant. Now, with the
09:43:15 25 greatest respect to my learned friend, I do not understand her
26 objection. But so that I can clarify what it is I am seeking to
27 do, I have explained what it is, and I shall wait for --

28 PRESIDING JUDGE: In the light of that I will allow the
29 question.

1 MR METZGER: I am very much obliged.

2 PRESIDING JUDGE: Could I have the quotation again, Mr
3 Metzger, please?

4 MR METZGER:

09:43:44 5 Q. Mr witness, let me just remind you of what I noted you
6 said yesterday, "This confusion..."

7 A. Yes. Okay.

8 Q. "...that is why I didn't accept to come and explain to
9 these people." First of all, Mr witness, do you remember saying
09:44:10 10 that yesterday?

11 A. Yes, that was what I said. I said so because I have some
12 reasons behind that.

13 Q. It is the reasons behind that, Mr witness, that I want to
14 ask you about. But before I do so, when you say that you did not
09:44:34 15 accept to come, who is it that you were not accepting to come to?

16 A. Those who went and met me and asked me to come to this
17 place and explain what happened to me.

18 Q. Thank you, Mr witness.

19 A. Welcome.

09:45:16 20 Q. I want to ask you if you can help us with who those people
21 were. How did they identify themselves to you?

22 A. They said they were people from the Special Court. They
23 said you should explain all that happened to us. To them.

24 Sorry, let me take it again. They said we should explain to them
09:45:58 25 all that happened to us.

26 Q. Do you know how it was that they came to meet you to ask
27 you about what happened?

28 A. Well, they said they understood that something happened to
29 us. That is why they went there in order to get the information

1 from us.

2 Q. Thank you, Mr witness.

3 A. welcome.

4 Q. Now just this, Mr witness, when you said those words, you
09:46:32 5 just told us there was a reason behind it. Now, I am going to
6 give you the opportunity to explain the reason what did you mean?

7 A. Yes, that was why I did not want to come.

8 Q. Why was it that you did not want to come?

9 A. Should I start?

09:46:57 10 Q. Yes, please.

11 A. why I did not want to come. when something happens to
12 you -- when something happens --

13 THE INTERPRETER: Your Honours, would the witness please go a
14 little bit slower?

09:47:20 15 PRESIDING JUDGE: Mr witness, could you go a little bit
16 slower so that we can hear?

17 THE WITNESS: welcome. The reasons why I did not want to
18 come here and explain. when something happens to you and they
19 start explaining, in fact you would feel the pain as though it
09:47:41 20 just happened to you anew. That is why, in fact, even a
21 discussion I have not even discussed it with people. That was
22 the reason I did not want to come. well today, I am feeling the
23 pain just like the time that I saw all these things happening,
24 but if you do not say anything to anybody, well, I mean, you will
09:48:00 25 start forgetting little by little.

26 MR METZGER:

27 Q. I understand, Mr witness, and again I sympathise with
28 you. I want to ask you just one other area and then I will be
29 finished with you.

1 A. Okay.

2 Q. You mentioned yesterday when you gave evidence, I think,
3 three ladies. Yebu, Rugie and I think it was Kadiatu or Kadija.

4 A. Yes.

09:48:40 5 Q. Those three young ladies, do you know whether they are
6 still around today?

7 A. One of them is there. The one that -- the one who was
8 raped is there, but I do not know the specific place, from the
9 time she was raped.

09:49:14 10 Q. Which one of them is that? Just give us the name.

11 A. She is called Kadi-Kadi. We do not know her whereabouts.

12 Q. But you have information that she is -- when you say there
13 or still there, what do you mean? In the village?

14 A. She is no longer there. We do not know her whereabouts.

09:49:42 15 Kadi-Kadi.

16 Q. Let me take the other two then individually. What about
17 Yebu; is she still around?

18 A. Yebu is there, but she's no longer with us. She is
19 married. She is married and she is no longer with us.

09:50:02 20 Q. But do you know where Yebu is?

21 A. Yes, I know where she lives.

22 Q. Were you ever asked to show where Yebu lives to the people
23 from the Special Court?

24 A. No, they did not ask me that question.

09:50:24 25 Q. Thank you. Can I ask you, please, the same question about
26 Rugie? Do you know where Rugie lives?

27 A. Rugie was there. I left her there she was a suckling
28 mother.

29 Q. So you know where she lives, in other words?

1 A. Yes, I know where she live.
2 Q. Were you asked by people from the Special Court to show
3 them where Rugie is?
4 A. Rugie?
09:50:57 5 Q. Yes, Rugie.
6 A. Yes, even she herself spoke to them.
7 Q. Thank you very much.
8 A. Welcome.
9 Q. Just one last question. As far as Kadiatu or Kadi-Kadi is
09:51:17 10 concerned, did people from the Special Court ask you to show them
11 when she lives?
12 A. They did not ask me about her.
13 Q. Thank you.
14 A. They did ask her about her, but I told them that she was
09:51:33 15 not there and she was not there at all.
16 Q. Thank you very much, Mr Witness. Just give me a moment,
17 please.
18 A. Welcome.
19 Q. Mr Witness, I know it does not make things easier for you,
09:51:52 20 but I do not have any more questions for you and once again I am
21 sorry about what happened to you.
22 A. Yes, it is very painful. It is painful, it hurt. It is
23 heart rending. Okay.
24 Q. Thank you.
09:52:00 25 A. Welcome.
26 PRESIDING JUDGE: Thank you, Mr Metzger. Mr Manley-Spaine.
27 CROSS-EXAMINED BY MR MANLEY-SPAINE:
28 Q. Good morning. Good morning, Mr Witness.
29 A. Good morning. How do you do?

1 Q. Fine. Mr Witness --
2 A. Yes.
3 Q. You mentioned Abu Kanu. Was he also called RSM Abu Kanu?
4 PRESIDING JUDGE: Please pause, Mr Manley-Spaine.
09:52:43 5 THE WITNESS: Yes, that was the name he was called.
6 PRESIDING JUDGE: Mrs Justice Sebutinde, we cannot hear.
7 Could the Court Attendant see if there is anything that can be
8 done? Mr Manley-Spaine, if you wish to have a seat.
9 MS EDMONDS: AV are just checking. AV have asked if you
09:55:00 10 could rise for ten minutes while they sort the problem out.
11 PRESIDING JUDGE: Mr Witness, there is a problem with
12 hearing.
13 THE WITNESS: Yes.
14 PRESIDING JUDGE: [Microphone not activated] to allow the
09:55:27 15 mechanics to fix it. Please adjourn, Madam Court Attendant.
16 [Break taken at 9.58 a.m.]
17 [Resuming at 10.10 a.m.]
18 PRESIDING JUDGE: We will try again, Mr Manley-Spaine.
19 MR MANLEY-SPAINE: Yes, Your Honour. Your Honour, the
10:08:33 20 question I asked is, was Abu Kanu also referred to as RSM, which
21 he said yes.
22 JUDGE SEBUTINDE: What was the answer?
23 JUDGE LUSSICK: Well, I would like the question again. I
24 missed what you said.
10:08:52 25 MR MANLEY-SPAINE:
26 Q. Witness, Mr Witness --
27 A. Yes.
28 Q. Was Abu Kanu also referred to as RSM?
29 A. Yes. We heard them call him the name RSM Abu.

1 Q. Witness --
2 A. Yes.
3 Q. Were you [Microphone not activated] Mr Lamin?
4 A. Well, among them there was my friend. He was the person
10:09:41 5 that helped me out. I never knew him before.
6 PRESIDING JUDGE: I think we are having some trouble.
7 MR MANLEY-SPAINE: Let me try the other mic.
8 PRESIDING JUDGE: Thank you, Mr Manley-Spaine.
9 Mr Manley-Spaine, I am going to ask the witness to repeat his
10:10:47 10 answer because we didn't hear it properly. Mr witness, would you
11 please repeat what you have just said?
12 THE WITNESS: Yes. What --
13 MR MANLEY-SPAINE:
14 Q. Lamin, your friend?
10:11:14 15 A. I never knew him before. But he helped me out the time
16 they captured me. He gave me some job -- some work to do, but he
17 never bothered me much.
18 Q. Have you seen Lamin before? Have you seen Lamin after
19 that?
10:11:47 20 A. We have never met since then.
21 Q. Where did you part with Lamin?
22 A. It was the time I was taken from the garden to Nonkoba.
23 Q. Mr witness, can you remember --
24 A. Yes, sir.
10:12:31 25 Q. -- how long you spent at Lunsar before you escaped from
26 Mesiger?
27 A. When we arrived in Lunsar, that was the time I escaped from
28 him. It was only one day. But from Nonkoba to Lunsar we spent
29 about seven days.

1 Q. After you had escaped from Mesiger, did you stay in Lunsar?
2 A. Yes. I spent there for some days.
3 Q. Did you know then who were in charge of Lunsar?
4 A. During that time I cannot precisely explain that, because
10:14:10 5 during that time I was hiding. During the period that I am
6 discussing now they were in control.
7 Q. Who do you mean by "they"?
8 A. I said all of them, the soldiers, were in control of
9 Lunsar. They were in uniform. We saw them in uniform. You
10:14:54 10 cannot talk to anybody, but I heard that they were -- we knew
11 that they were in charge of Lunsar.
12 Q. Did you know who the top commander was?
13 A. I don't know him.
14 Q. Do you know whether Superman was there at that time?
10:15:47 15 A. Yes, during that time they said he was there, but we had
16 never saw. I never saw him. The time we were there, I heard
17 that he was there.
18 Q. Did you hear that he was the top commander at Lunsar?
19 A. It is difficult for me to testify because I was not close
10:16:26 20 to them, so I never knew what was happening amongst them. During
21 that time I was not in good condition.
22 Q. Mr witness, when you were at Nonkoba you said that --
23 A. Yes.
24 Q. -- the letter came from Superman. Do you know where
10:16:58 25 Superman was when he sent that letter?
26 A. Well, they said it was from Lunsar. It came from Superman.
27 Q. Do you agree with me that when the letter was read the
28 people who had locked you up had carried out the instructions in
29 Superman's letter?

1 A. Well we that were captured that were under punishment.
2 There was a reduction in the punishment simply because of the
3 letter that he wrote.

4 Q. Mr witness, before you were captured, did you know the
10:18:28 5 words or the letters SLA?

6 A. Yes.

7 Q. Do you know what it meant?

8 A. Even now I don't know their meanings. Since then I don't
9 know what is meant by SLAs. I don't know anything. I am not
10:19:01 10 literate, I am a farmer.

11 Q. Did you know, Mr witness, that the government of Sierra
12 Leone had an army at that time?

13 A. Yes, I knew that. There were soldiers. They had a
14 government. If I saw people in uniform, I knew that they were
10:19:45 15 soldiers. That was the way I was able to distinguish them.

16 Q. No, please clarify the question for me. My question was:
17 Did you know that at the time he was captured the government or
18 Sierra Leone had its army?

19 A. Okay, ask me the question.

10:20:11 20 Q. Did you know at the time you were captured that the
21 government of Sierra Leone had its army?

22 A. I knew, yes, that there were soldiers in our country.

23 Q. Do you know how the government army was called?

24 A. We only heard they were called soldiers. We never knew the
10:20:46 25 difference. We are not literate, we only heard the name
26 soldiers.

27 MR MANLEY-SPAINE: That is all, Your Honour.

28 PRESIDING JUDGE: Thank you, Mr Manley-Spaine.

29 THE WITNESS: welcome.

1 PRESIDING JUDGE: Mr Fofanah.
2 MR FOFANAH: Thank you.
3 CROSS-EXAMINED BY MR FOFANAH:
4 Q. Mr witness, good morning.
10:21:13 5 A. Good morning. How do you do?
6 Q. You have already been asked a lot of questions, so I will
7 try to be as brief as possible. Mr witness, do you know when you
8 were born?
9 A. Yes.
10:21:38 10 Q. When was that?
11 A. That was shown to me.
12 Q. When was that?
13 A. It was in 196X, my father told me that that was the time I
14 was born. That was the time that they introduced the new money.
10:21:59 15 Q. 196X. And did you say you are now 4X years old?
16 A. 4X years, this year.
17 Q. Are you sure about that, Mr witness?
18 A. Well, wherever I go, that is what I say.
19 Q. Mr witness, will you agree with that if I tell you that
10:22:40 20 from 196X to this year is 4X years?
21 MS TAYLOR: Your Honour, I do object. I wonder what is the
22 relevance of this line of question is?
23 PRESIDING JUDGE: So do I. What is the relevance?
24 THE WITNESS: well, except if I was not able to make the
10:22:56 25 correct calculation, but I want you people to help me out.
26 MR FOFANAH: With that answer, I will leave that. I will
27 move forward.
28 Q. Now, Mr witness, apart from the soldier uniforms you
29 said you saw the soldiers wearing, I mean those who captured

1 you, did they wear any other clothes at xxxxxxxx?
2 A. well, others used to wear civilian clothes, but they had
3 uniform.
4 Q. By others do you mean some of the soldiers?
10:23:45 5 A. well, sometimes they would wear civilian clothes.
6 Q. By "they", do you mean some of the soldiers?
7 A. Yes, some of them would wear civilian clothes.
8 Q. What about those at Nonkoba; were they always in soldier
9 uniforms?
10:24:03 10 A. Some had uniforms, some would not wear.
11 Q. And those who did not wear uniforms, what did they wear?
12 A. They used to wear civilian clothes.
13 Q. Those who wore civilian clothes, were they armed?
14 A. Some did not have guns.
10:24:58 15 Q. Now, just one last bit. The last counsel asked you a
16 question about Superman's letter. I just want a clarification
17 from you regarding that letter. You said in your testimony that
18 what you heard -- some of the bit of the letter that you heard
19 whilst you were in the box, was to the effect that Superman said
10:25:22 20 that the soldiers should stop killing people because they were
21 eating your food in the chieftom; correct?
22 A. That is how it was.
23 Q. Now, to the best of your knowledge, after that letter, are
24 you aware if any more people were killed?
10:25:40 25 A. I wasn't able to know.
26 MR FOFANAH: Your Honours, may I take just a moment? Your
27 Honours, that is all for the witness. Thank you very much, Mr witness.
28 PRESIDING JUDGE: Thank you, Mr Fofanah.
29 THE WITNESS: welcome.

1 PRESIDING JUDGE: Is there any re-examination, Mr Werner?

2 THE WITNESS: welcome.

3 MR WERNER: Your Honour, there is no re-examination for
4 this witness.

10:26:28 5 THE WITNESS: Please allow me to rest now because it is
6 really, really painful.

7 PRESIDING JUDGE: Thank you very much, Mr Witness. That is
8 all the questions you will have here.

9 THE WITNESS: You are welcome.

10:26:46 10 PRESIDING JUDGE: And we are sorry for your pain. The
11 witness should be released.

12 [The witness withdrew]

13 MS TAYLOR: Your Honours, the next witness is TF1-021. He
14 will give evidence in Krio and he will be led in evidence by
10:27:55 15 Ms Stevens.

16 MR METZGER: Before that happens there is an objection to
17 the adduction of this evidence. Might I put it very simply on
18 this basis --

19 PRESIDING JUDGE: Let us get the number again, Mr Metzger.
10:28:15 20 It was TF1?

21 MS TAYLOR: 021.

22 MR METZGER: 021.

23 PRESIDING JUDGE: Please proceed, Mr Metzger.

24 MR METZGER: It seems to me, Your Honour, that this is a
10:28:25 25 trial involving members of the AFRC. The evidence of this
26 witness is contained at pages 6378 or certainly the witness
27 statement through to 6381 and in the whole of that evidence, it
28 seems to me, there is no mention of the AFRC. Therefore, the
29 objection to the adduction of this evidence is based on

1 Rule 90(F) and pursuant to Rule 95. If required, I can explain
2 in so far as Rule 90(F) is concerned. It is based on judicial
3 economy, so that this Trial Chamber does not have to hear
4 evidence that does not pertain to the indictees in this case or
10:29:30 5 which the Crown certainly on paper -- I beg your pardon, the
6 Prosecution, certainly on paper, do not seem to be able to show
7 is pertinent.

8 MS TAYLOR: Your Honour, there is a very short answer to
9 that and it lies in the indictment. The indictment alleges a
10:29:48 10 joint criminal enterprise between the indictees in this trial,
11 the members of the AFRC and named members of the Revolutionary
12 United Front; the RUF, including the three indictees that are
13 currently being tried before Trial Chamber one. In those
14 circumstances, the Prosecution allege that each of those six
10:30:16 15 people are criminally responsible for the actions of the other
16 five and of the subordinates. And in those circumstances, the
17 Prosecution says that its case is that the crimes committed in
18 Freetown during the January 1999 invasion were committed in
19 furtherance of a joint criminal enterprise. And in those
10:30:40 20 circumstances, the evidence of this witness is both probative and
21 relevant and under no circumstances could it be said that
22 pursuant to 90(F), Rule 90(F), that it is a waste of time or that
23 it is not effective to the ascertainment of truth and certainly
24 not in relation to Rule 95 that the admission of this evidence
10:31:11 25 would bring the administration of justice into serious disrepute.

26 JUDGE SEBUTINDE: Mr Metzger, do you wish to reply to that.

27 MR METZGER: Yes, Your Honour, very briefly. It is simply
28 this; the Prosecution may allege whatever it wishes, but this is,
29 whichever way one looks at it, a court of law. The Prosecution

1 has a burden upon it to not just make allegations, but to call
2 evidence that supports the allegations that it makes. If this is
3 a joint criminal enterprise between the RUF and the AFRC at the
4 relevant time, then this evidence certainly does not show that
10:32:09 5 that joint enterprise exists. It is evidence that stands on its
6 own simply in relation to rebels of the RUF as it stands at this
7 point in time. And so far, the Prosecution has called no
8 evidence to support the, if you like, the conspiracy between the
9 parties. We did ask at an early stage in these proceedings - and
10:32:36 10 certainly I believe my predecessor in title did - for
11 clarification of the broad brush approach adopted by the
12 Prosecution in this case. The Prosecution chose not to further
13 clarify and in those circumstances we respectfully submit they
14 should not be permitted to use this all-consuming broad brush
10:32:56 15 approach. Let us call the evidence and see whether it fits in.

16 PRESIDING JUDGE: The Bench will require to consider the
17 objections and the reply. I am not quite sure how long it will
18 take us, because there is a fair bit of reading. We will give
19 you five minutes or so notice of when we are ready to come back.
10:34:34 20 So please adjourn the Court, Madam Court Attendant.

21 [Break taken at 10.38 a.m.]

22 [TB150405B-JM]

23 [On resuming at 11.20 a.m.]

24 MR HARRIS: Your Honour, before you start again, may I
11:20:25 25 first of all note my presence before you. May I begin by saying
26 it's not my fault why I wasn't here before 9.00. I arrived here
27 since 4.30 yesterday. Transport denied me access to this part of
28 Sierra Leone until late last night, and then this morning, they
29 forgot yet again.

1 PRESIDING JUDGE: welcome back, Mr Harris.

2 MR HARRIS: Thank you.

3 PRESIDING JUDGE: This is the Trial Chamber's ruling: The
4 Defence object to the next witness being called to give evidence
11:21:07 5 on the grounds that the evidence is not relevant to the
6 Prosecution case against the AFRC. In support of the objection,
7 Defence relies on Rules 90(F) and 95. The Prosecution, in
8 answer, submit the evidence is relevant to a joint criminal
9 enterprise as alleged in the indictment. We note it is alleged
11:21:33 10 in the indictment that the accused Alex Tamba Brima was a
11 commander of the AFRC/RUF -- excuse me, I will reword that -- was
12 in command of the AFRC/RUF forces and that Brima Bazzy Kamara was
13 a senior member of the AFRC junta and the AFRC/RUF forces.

14 Without hearing the evidence, the Trial Chamber is not in
11:22:02 15 any position to make a finding on its relevance. It may well be
16 that this evidence is connected to the evidence of other
17 witnesses. We are of the view that the Trial Chamber should hear
18 the evidence; further, we do not consider that Rules 90(F) or 95
19 have any bearing on the issue. Accordingly, we overrule the
11:22:28 20 objection.

21 Unless there's some issue, I will ask the Court attendant
22 to swear in the witness.

23 WITNESS: TF1-021 [Sworn]

24 [Witness answered through interpreter]

11:23:27 25 PRESIDING JUDGE: The interpreters have told us that the
26 channel is not correct. I'll start again.

27 The interpreters have informed us that the channel isn't
28 correct. Would you be so kind as to check the channel.

29 Ms Stevens, please proceed.

1 MS STEVENS: Thank you, Your Honour. Good morning,
2 Your Honours. Members of the Defence team, good morning.
3 EXAMINED BY MS STEVENS:
4 Q. Witness, good morning again.
11:24:15 5 A. Morning, sir.
6 Q. Witness, what year were you born?
7 A. 193X.
8 Q. And without giving me any address, where were you born? I
9 just need the name of the town or the city.
11:24:40 10 A. Freetown.
11 Q. Did you attend school?
12 A. Yes, I went halfway.
13 Q. Up to what level did you reach?
14 A. The third form.
11:25:03 15 Q. Is that up to secondary or primary school level?
16 A. Secondary.
17 Q. Witness, what is your religious affiliation?
18 A. Muslim.
19 Q. Do you attend mosque?
11:25:31 20 A. Yes, every day.
21 Q. In January of 1999, did you attend mosque?
22 A. Yes, My Lord.
23 Q. Which mosque?
24 A. Masjid Thauhaed Rogbalan, Windsor Street, Freetown.
11:26:05 25 Q. Witness, would you please spell for us Masjid.
26 A. Masjid, M-a-s-j-i-d; Thauhaed, T-h-a-u-h-a-e-d; Rogbalan,
27 R-o-g-b-a-l-a-n.
28 Q. Where is Rogbalan mosque located?
29 A. Windsor Street, Kissy.

1 Q. And where is Kissi in relation to Freetown?
2 A. Well, it's a part of the western area.
3 Q. Did anything significant happen at Rogbalan mosque in
4 January of 1999?
11:27:22 5 A. Yes, Your worship.
6 Q. And how do you know that something significant happened at
7 Rogbalan mosque in January of 1999?
8 A. We went in order to pray. When the congregation had sat
9 inside, the mosque was full to the brim, and outside also was
11:27:59 10 full. It was on a Friday. And we saw people jumping over the
11 fence, well armed, coming into the compound.
12 Q. Witness.
13 A. Yes.
14 Q. Where were you on that Friday when you saw people well
11:28:20 15 armed jump into the compound?
16 A. I was in the front of veranda, so I was able to see both
17 the gates.
18 Q. And how many people did you see who were armed that came to
19 the mosque?
11:29:00 20 A. I can recall those that had been jumping into the fence,
21 into the compound, were 15, but there were more than that.
22 Q. And with what were they armed?
23 A. They had guns and machetes.
24 Q. How were they dressed?
11:29:28 25 A. Well, they had mixed up dressings. They had some plastics
26 on their faces, and they rubbed blue all over their body,
27 charcoal, which was -- they had an adhesive that was called
28 Evostick. It was difficult to recognise them.
29 Q. What time of the day was this?

1 A. It was approaching 2.00 prayer. It was around half past
2 12.00 to 1.00.

3 Q. And were you alone at the mosque that day?

4 A. The mosque was packed full of people because some people
11:30:39 5 came to pray the Juma. There are some outside and some inside.

6 Q. And these other people who were in the mosque with you --

7 PRESIDING JUDGE: Pause, Ms Stevens. I heard a word. I
8 think it was Juma. Could you spell it or could it be explained,
9 please.

11:31:05 10 MS STEVENS:

11 Q. Witness --

12 A. J-u-m-a.

13 PRESIDING JUDGE: Thank you.

14 MS STEVENS:

11:31:12 15 Q. Could you please explain for this Court what Juma means.

16 A. Friday prayers, just like how the Christians pray on
17 Sundays. We call it Juma prayers.

18 Q. And these other people who were in the mosque who had come
19 to pray, were they civilians or soldiers?

11:31:49 20 A. They were civilians that came to pray.

21 Q. And to the best of your knowledge, were any of them armed?

22 A. No. When you go to pray, you don't have weapons.

23 Q. And what part of the mosque were these people situated,
24 these people who had come to pray?

11:32:26 25 A. Some were sitting in the middle of the mosque, some at the
26 back of the mosque, some at the side of the mosque on the
27 verandas. Some were outside the mosque, spreading mats.

28 Q. What was the gender composition of this group, the group of
29 people who had come to pray?

1 A. They were separated. Women were behind, and the men were
2 behind -- men were in front.

3 Q. When the armed men came into the mosque, did they do
4 anything?

11:33:34 5 A. They met us -- they met us in the mosque by the pulpit, and
6 they said "are you people praying here?" And they said yes.

7 Q. Did they say anything else to you?

8 A. They said, well, we've come to kill all of you.

9 Q. And did they say anything else to you?

11:34:11 10 A. Yes.

11 Q. What did they say?

12 A. They said "As you are here now, you are people who voted
13 for Tejan Kabbah. We are going to kill all of you. And because
14 of that, we're not going to leave any sort of item. We're going
11:34:33 15 to kill all of you."

16 Q. So they told you they were going to kill you.

17 A. They said they are going to kill all of us. In fact, I
18 would have been the first individual to be killed.

19 Q. Apart from telling you that they were going to kill you
11:35:11 20 once you voted for Tejan Kabbah, did they say anything else to
21 you?

22 A. Yes. I begged them. I said we are going to contribute and
23 give them money so they would go away and leave us in peace. But
24 they did not accept the money, and they said they are not going
11:35:38 25 to leave us in peace. And they said, If you are not going to
26 leave us, by the power of God, well, they could kill us.

27 Q. Did these armed men belong to any particular group?

28 A. Well, at that time of this atrocity, I wasn't able to
29 distinguish a group. But they disguised themselves. It was

1 difficult for me to know who they were.

2 Q. Did they say anything to you to give you an indication of
3 where they were coming from or who they were?

4 A. No. I took money and give to them. And they said, Even if
11:36:46 5 you give us money, we will kill you. They said, Even if you give
6 us money or not, we will kill all of you.

7 Q. And did you give them some money?

8 A. Yes. Yes, we contributed. The whole mosque, everybody
9 contributed. They said, "Okay, let us give that so we could
11:37:14 10 live." When I give them the money, they said, "Even if you give
11 us all the money that's in your pocket, we must kill all of you."
12 And we said, "God willing." And they said, "We want to see the
13 God. Where is the God? We want to see the God."

14 Q. How much money did you give them, witness?

11:37:41 15 A. At first? At first, I collected 80.000 to give them. And
16 they said thanks to me, and they saluted me, and they said they
17 are going to kill me.

18 Q. After you gave them the 80.000 Leones, what did they do
19 next?

11:38:15 20 A. They fired rampantly. They fired everywhere. They spread
21 bullets. And people died. People died rampantly. So I was
22 panic-stricken. I wasn't able to do anything.

23 Q. How many people died as a result of the shooting?

24 A. Well, at the moment, they shot and shot and said we should
11:39:07 25 forgive them. It was not their fault, but it was the fault of
26 President Tejan Kabbah, because they came and said they wanted
27 peace because they did not want to go to the bush again. So he
28 said, No, he was president, and he did not recognise People's
29 Army rebels. So he said it wasn't good to talk to them.

1 Q. Witness, do you remember how many people died in the mosque
2 when the armed men opened fire?

3 A. I could remember, I checked within the mosque when the
4 people had gone out. About 36 were dead. Then at the back of
11:40:12 5 the mosque, 7. Near the school, there was another 7 in the
6 toilet. Almost 50. Then outside, summing up to 21 again, making
7 71 in all.

8 Q. Did the armed men leave the mosque that day, or did they
9 remain in the mosque?

11:40:59 10 A. They were still around when I had gone to the house because
11 they had shot at my eldest son on the chin, and it came right up
12 to the head and he died. So I went home. Then I went to the
13 mosque and said, "Well, let's I myself die in the mosque." So
14 finally, they went.

11:41:26 15 Q. Before they left, did they say anything?

16 A. They said we should forgive them. They said we should
17 forgive them. It was not their fault. They don't want to do
18 that. It was fault of -- they said they came in order to have
19 peace.

11:41:57 20 THE INTERPRETER: Your Honours, the witness is going too
21 fast, and let him speak louder.

22 MS STEVENS:

23 Q. Witness, slow down, please.

24 A. Okay, okay.

11:42:06 25 Q. And also try to speak a bit louder.

26 A. Okay. It's the cold.

27 Q. You were telling us what the armed men told you before they
28 left.

29 A. Yes.

1 Q. Was there anything else they said before they left?
2 JUDGE SEBUTINDE: Could the witness repeat what he said
3 when you asked him that last question as he was running fast
4 because we didn't get it.
11:42:54 5 MS STEVENS: I'll take the question again.
6 Q. Witness, and please answer slowly, what did the --
7 A. Okay.
8 Q. What did the armed men say to you, to the crowd, before
9 they left?
11:43:15 10 A. They said, "We are leaving the mosque. We are asking you
11 to pardon us. It wasn't our fault. It was the fault of the
12 President Tejan Kabbah because we met him and said we wanted
13 peace. We came for peace."
14 Q. Did they say anything else?
11:43:56 15 A. They said, well, the president said he wasn't going to make
16 any peace with them because they were People's Army and rebels.
17 He said he wasn't going to make any peace with them.
18 Q. Now, you have told this Court that about 71 people in total
19 died. Were you able to identify any of --
11:44:41 20 A. 71. Yes.
21 Q. My question to you, sir, is were you able to identify
22 anyone out of the 71 -- out of the 71?
23 A. There were many. There were many. Memuna Kalokoh,
24 Mammy Bangura, Pa Bangura, and Sawdatu from Kailahun, and
11:45:21 25 Mrs Farmer.
26 PRESIDING JUDGE: It would be helpful if the witness would
27 spell the names as he goes, as he mentions them, please.
28 MS STEVENS:
29 Q. Witness, you heard the Presiding Judge. Please, as you

1 mention a name, if you can spell it, spell out the name. I'm
2 going to take the question and ask you to --
3 A. Okay.
4 Q. -- to list the people whom you were able to identify.
11:45:53 5 A. Pa Alfred Bangura. Did you get that?
6 Q. Yes, I did.
7 A. Mammy Sawdatu from Kailahun. I don't know her surname.
8 JUDGE SEBUTINDE: Counsel, do help.
9 MS STEVENS: I will assist the court. Saldatau --
11:46:32 10 JUDGE SEBUTINDE: Start with Alfred what's-his-name.
11 MS STEVENS: Pa Alfred Bangura.
12 THE WITNESS: Pa Alfred. Pa Alfred Bangura.
13 MS STEVENS: Witness, just a moment. I will assist the
14 Court with the spellings. Bangura, Your Honours, would be
11:46:50 15 spelled --
16 THE WITNESS: Okay.
17 MS STEVENS: -- B-a-n-g-u-r-a. Sawdatu, S-o-w --
18 THE WITNESS: From Kailahun. I don't know her surname.
19 S-a-w-d-a-t-u.
11:47:23 20 MS STEVENS:
21 Q. Anyone else?
22 A. Mammy Bangura. We used to call her Mrs Bangura. She
23 stayed near the mosque.
24 Q. Is there anyone else you could remember?
11:47:53 25 A. Memuna Kalokoh.
26 MS STEVENS: Memuna would be M-e --
27 THE WITNESS: M-E-M-U-N-A. K-A-L-O-K-O-H.
28 MS STEVENS:
29 Q. Witness, you had also earlier mentioned your son. Was your

1 son killed during this incident -- just a moment. I don't want
2 you to mention any names. Just listen to the question carefully.
3 was your son killed during this incident or at some other time?
4 A. It was during the first incident when I went home and I
11:48:54 5 said I was going to look for the other children. I found out
6 that he had been killed. He was shot in the jaw, and the bullet
7 came from his head and he died. In fact, they had already broken
8 in the house.
9 Q. Where was your son killed?
11:49:16 10 A. Back of the mosque. There, my house is.
11 Q. How long did the bodies remain at the mosque?
12 A. I left the mosque on Friday. Saturday, Sunday, Monday,
13 when I found out that all the bodies were decomposed. Some bust
14 right inside the mosque.
11:50:12 15 Q. Witness, are you okay?
16 A. I'm okay.
17 Q. I only have a few more questions for you, Witness.
18 A. Go ahead.
19 Q. What happened to the bodies that were at the mosque?
11:50:59 20 A. Inside this mosque, we have the gravediggers for the
21 cemetery. They used to pray with us. So I told them that I
22 would give them something so as to clear them out of the mosque.
23 So there's a cemetery by. It is a Christian cemetery at
24 Parsonage Street. So we dragged some. We took some zincs that
11:51:24 25 were burned from the house, and we dragged them to the cemetery.
26 And we opened the tombs and put them in there, the rotten bodies,
27 the bodies that were decomposed.
28 Q. Witness, did the armed men do anything to you at all?
29 A. Yes.

1 Q. Please tell the Court what they did to you.
2 A. They put their hands in my pocket and they took the money.
3 And when I was thrown to the ground, they thought that I had
4 died. Somebody jumped on my stomach, and they said, well, I
11:52:47 5 should die by stepping on me, because they didn't have any
6 bullets in their magazines.
7 Q. And how much money was taken from you?
8 A. Just 15.000. when I had given them the 80 --
9 THE INTERPRETER: Your Honours, I couldn't get the witness
11:53:40 10 properly. Let him go a little bit slower.
11 MS STEVENS:
12 Q. Witness, go a little bit slower.
13 A. Okay.
14 Q. I'm going to ask you the question again. How much money
11:53:49 15 did the armed men take from you?
16 A. 15.000.
17 Q. And what was the currency? 15.000 what?
18 A. Leones.
19 MS STEVENS: I have no further questions of this witness,
11:54:21 20 Your Honours.
21 PRESIDING JUDGE: Thank you, Ms Stevens.
22 Mr Metzger, please proceed.
23 CROSS-EXAMINED BY MR METZGER:
24 Q. Good morning, Mr Witness.
11:54:44 25 A. Morning, Mr Metzger.
26 Q. I just want to ask you about one thing in relation to the
27 evidence that you've given us.
28 A. Okay.
29 Q. When Ms Stevens asked you about the people who came to the

1 mosque, you said they were disguised. Is that correct?
2 A. That is what I said.
3 Q. But they said certain things to you, and they asked you to
4 forgive them or the people to forgive them because it wasn't
11:55:38 5 their fault; it was the fault of President Kabbah. That's what
6 they said to you. Is that right?
7 A. That was what they said.
8 Q. And that they wanted peace and did not want to go to the
9 bush again. Is that also correct?
11:56:02 10 A. Yes.
11 Q. Mr witness, you will be pleased to know that I'm not going
12 to take a long time with you. I'm sorry to have to ask you
13 questions on this area and for all the pain that you have
14 suffered on that day and obviously ever since. But can you help
11:56:27 15 me for just a few minutes more.
16 A. Help you like how?
17 Q. Just answer these questions that I'm going to ask you now.
18 A. Go ahead.
19 Q. The day this occurred, I think you've told us it was a
11:56:50 20 Friday in January 1999. Is that correct?
21 A. Okay.
22 Q. Can you remember the date, by any chance? What was the
23 date on that particular Friday?
24 A. I cannot remember. But I know that it was in 1999, Friday.
11:57:14 25 It was during the Juma prayers when we went to pray.
26 Q. It is just, Mr witness, in case it helps us to pinpoint the
27 time. You're sure that this was in January of 1999?
28 A. Yes.
29 Q. And was it towards the beginning or the end of January, if

1 you can help us with that.

2 A. Well, I cannot remember because all I know is that we were
3 attacked on Friday inside the mosque during 1999, one Friday.

4 Q. Okay. Thank you, Mr Witness.

11:57:58 5 Now, simply this --

6 A. Thank you.

7 Q. -- prior to that time of the attack, who was controlling
8 Sierra Leone? Who was in charge of Sierra Leone?

9 A. President Tejan Kabbah.

11:58:20 10 Q. Thank you. And before President Tejan Kabbah came into
11 power, is it right that it was the NPRC who were ruling the
12 country before it was handed over to Kabbah after an election?

13 A. I can't remember. I don't know. When this happened to us,
14 we were confused.

11:58:47 15 Q. All right, Witness. I'm just asking you this because - I
16 think we all know, I'm just asking if you know - that from 1991
17 in this country, there was a war going on that some people call a
18 "rebel war." Are you aware of that?

19 A. I knew that there was some fighting.

11:59:10 20 Q. And at that time, certainly in the beginning, the fighting
21 was going on in what people called "the bush." Is that correct?

22 A. Yes, I used to hear that, that there was some fighting in
23 the bush, but it came and met us in the mosque.

24 Q. Now, it is -- as far as you are aware, who were the people
11:59:37 25 who were fighting against President Tejan Kabbah in the bush?

26 A. I cannot remember whether he had any enemy that was
27 fighting him, except the day that they went and met us in the
28 mosque. That is the day I knew.

29 Q. Okay, Mr Witness. Let me ask you this: Were you aware

1 that there were these people called rebels who were fighting
2 against the government in the provinces before that date?

3 A. We used to hear about that, but I never saw them. I had
4 never met with any one of them. And I knew that if you met them,
12:00:30 5 that would be a problem, to die. You will die.

6 Q. Thank you, Mr witness. For the moment, I'm just asking you
7 about what you heard about those rebels. Did you hear that they
8 were called "the RUF"? Do you know that term, the name, the RUF?

9 A. These ones, I did not know their names. Any name that they
12:00:57 10 give themselves, well...

11 Q. Mr witness, I'm not, for the moment, asking you about the
12 people who came to the mosque. I'm talking about what was going
13 on, as they put it, "in the bush," the people who were fighting
14 against Sierra Leone, against the government. Did you know

12:01:17 15 whether they were called the RUF?

16 A. I wouldn't be able to know. I wasn't with them, and I
17 didn't know anybody who was with them. I was in my house
18 peacefully. I went and prayed. I would go and pray and go back
19 to my house.

12:01:39 20 Q. All right, Mr witness. Then let me ask it to you like
21 this: Those people who said to you they didn't want to go to the
22 bush again, did they give you the impression that they had come
23 from the bush?

24 A. That was the first time that I heard that, that President
12:02:01 25 Kabbah said that he was not going to talk to them because they
26 are People's Army or rebels. But I don't know the name that they
27 give themselves in the bush.

28 MR METZGER: Your Honours, I shall now ask the witness
29 about a statement we have appearing at our page 6.378.

1 Q. Mr witness, do you remember being interviewed by someone
2 from the Special Court on the 25th of February 2003?

3 A. I cannot remember because it was taken a long time.

4 Q. Yes. Do you remember speaking to someone and making a
12:03:01 5 statement, telling them about what had happened to you on this
6 day in 1999, January 1999?

7 A. I talked to a lot of people, but I did not have any
8 specific one that is in my heart for that particular issue.

9 MR METZGER: I wonder in the circumstances if there is an
12:03:29 10 original document with an affirmed -- with an affirmation that
11 that witness has signed or appended a fingerprint to that can be
12 shown to him.

13 MS STEVENS: I do have the witness's statement. I do,
14 however, bring to Court's attention that the witness does have
12:03:52 15 problems with his eyesight. He doesn't see well.

16 MR METZGER: May I just have opportunity of looking at that
17 statement first.

18 PRESIDING JUDGE: Madam Court Attendant, please take the
19 statement to counsel.

12:04:20 20 Madam Court Attendant, counsel first. Please give the
21 statement, the paper, to counsel first, to Mr Metzger first, and
22 subsequently other counsel.

23 MR METZGER: Mr witness, we will just take a few minutes to
24 look at this document.

12:04:54 25 THE WITNESS: Mm-hmm. The place cold.

26 PRESIDING JUDGE: Madam Court Attendant, the witness has
27 mentioned twice that he's cold. Is there anything that can be
28 done to assist?

29 MR METZGER: I would ask now that the statement be

1 shown -- if the Bench wishes to see it, this might be
2 appropriate, and then pass it to the witness.

3 PRESIDING JUDGE: Madam Court Attendant, may I please have
4 a look at that document first, please.

12:05:53 5 MR METZGER: May I just take a seat while this is...

6 THE WITNESS: Okay, thank you. Much better.
7 Okay.

8 PRESIDING JUDGE: Madam Court Attendant, please return this
9 document to Mr Metzger.

12:07:31 10 MR METZGER: I'd be grateful if it could be shown to the
11 witness now.

12 PRESIDING JUDGE: Yes, please proceed to show it to the
13 witness.

14 MR METZGER:

12:07:45 15 Q. Mr witness, could you just look at that document. I
16 understand you have some difficulty with your eyes. Are you able
17 to see the document?

18 A. Yes, I do, but I do not see the place where I signed.

19 Q. Can you please turn it to the very last page, the back
12:08:09 20 page. Can you now see your signature, Mr witness? If there's a
21 difficulty --

22 A. Well, I don't know whether it was I that signed because I
23 cannot see properly with this eye.

24 Q. Do you remember signing a document which was made after you
12:08:48 25 had given your account to someone from the Prosecution?

26 Mr witness.

27 A. Yes. I don't know the contents of this document.

28 Q. Mr witness, the document that you signed with your
29 name - we're not using your name here to protect you --

1 A. Okay.

2 Q. -- the document that you signed with your name, was it read
3 to you before you signed it?

4 A. No, I don't know whether they read any documents to me. In
12:09:45 5 the mosque or in the house?

6 Q. No, this, Mr Witness, would have been when the Prosecution
7 came to you and asked you about what took place, in the year
8 2003. Do you now remember that?

9 A. It has taken a long time. I do not know who made it. Now,
12:10:14 10 I cannot see properly to prove that, yes. Because the people
11 that went to take my statement, if they call their names, I would
12 know that they were the people.

13 MR METZGER: Your Honour, might I try that line by asking
14 him whether he recalls the names of the investigator and the
12:10:33 15 other person present?

16 PRESIDING JUDGE: I don't think there's anything irregular
17 with that, Mr Metzger.

18 MR METZGER: I don't see any objection. I'm very much
19 obliged.

12:10:48 20 Q. Mr Witness.

21 A. Yes.

22 Q. Do you recall the name Joseph Saffa?

23 A. Joseph Saffa? Yes.

24 Q. And Thomas Lahume?

12:11:09 25 A. Yes. Yes.

26 Q. Are those the people that you made your statement to, your
27 first statement to the Prosecution?

28 A. Yes, Your worship. They went to my house. They met me in
29 the parlour.

1 Q. When they had written down what you said, did they read it
2 back to you to ask you if you agree with it?

3 A. Well, it is this that I don't understand whether they read
4 it to me and I signed, or whether they just wrote and went. In
12:11:53 5 fact, they came there more than two or three times.

6 Q. Okay, thank you. Were you asked to sign more than one
7 document in relation to your statement?

8 A. They made me sign one, but I cannot remember whether I
9 signed more than one.

12:12:19 10 Q. Okay. So at least you remember signing one. When you
11 signed that document, Mr Witness, did they read to you what is
12 called an affirmation?

13 A. Most of these documents, they did not read them to me.
14 They just said, okay, sign here. We want to go. And I signed in
12:12:59 15 the parlour.

16 Q. So, Mr Witness, are you saying that you were never asked
17 before you signed to make sure that the statement was true?

18 A. No.

19 Q. And that you had made that statement of your own free will?
12:13:25 20 They didn't say that to you to certify that you had made the
21 statement of your own free will?

22 A. Well, they did not read the statement to me. They just
23 take my statement.

24 MR METZGER: I don't think I can take the matter too much
12:13:47 25 further than that. I think I've exhausted all possibilities in
26 relation to that statement.

27 Q. Now, Mr Witness, you said that you were seen by people from
28 the Prosecution more than two or three times. Is that correct?

29 A. Yes, once up the street, at my house, and they saw me at

1 the back of my house. You see, I am not at home.

2 Q. Now, Mr Witness, on those other occasions, the two
3 occasions you mentioned, were you asked to make another statement
4 or not?

12:14:40 5 A. Each time when they came, they would ask me and they would
6 discuss. There are times when I signed, and there are times when
7 I did not sign.

8 Q. Now, Mr Witness, I'm in particular concerned about an
9 interview with the Prosecution that you had on the 10th of
12:14:57 10 December 2003.

11 MR METZGER: Your Honours, that's at page 6382, 6.382.

12 THE WITNESS: I can't remember that time.

13 MR METZGER:

14 Q. What I'm suggesting, Mr Witness, is that on that occasion,
12:15:19 15 the Prosecution went through your statement, which you had
16 already made, and asked you if you wanted to add or change
17 anything. Can you remember that happening?

18 A. I can't remember because it has taken so long.

19 Q. Mr Witness, I'm suggesting to you that when they went
12:15:51 20 through that procedure with you, you confirmed your statement and
21 said you did not wish to make any alterations. Can you remember
22 that?

23 A. I cannot remember whether I added or I deleted anything. I
24 do not remember anything like that.

12:16:12 25 Q. Now, Mr Witness, before coming to Court to give evidence
26 today, have you seen anybody from the Prosecution about this
27 case?

28 A. No, My Lord. Before I came to Court today, I did not see
29 anybody.

1 Q. Within the last few weeks before you came to court, have
2 you seen anybody from the Prosecution about your case?
3 A. No, My Lord.
4 Q. Are you sure about that?
12:17:02 5 A. I saw my lawyer, but I did not see anybody that came from
6 the Prosecution.
7 Q. Do you have a lawyer, Mr witness?
8 A. I saw a lawyer before I came.
9 Q. That lawyer, is that the lawyer that you referred to as
12:17:27 10 your lawyer?
11 A. The lawyer, within the court?
12 Q. Yes, the lawyer that you saw.
13 A. That's the lawyer, but that is not the time that they went
14 and obtained the statement.
12:17:53 15 Q. No, Mr witness. I'm not asking now about the statements
16 that were obtained. I'm asking about your preparing to come and
17 give evidence in this case. Okay, there's nothing sinister about
18 it, just about your preparation for giving evidence in this case.
19 Do you agree that you saw a lawyer from the Prosecution within
12:18:15 20 the last few weeks of coming to court to give evidence?
21 A. I saw him.
22 Q. How many times did you see this lawyer from the
23 Prosecution?
24 A. I saw him last week or the week before last. And I saw the
12:18:42 25 lawyer again yesterday because I was here yesterday. I even saw
26 the lawyer today.
27 Q. In view of the pending position, I shan't ask any further
28 questions about that. I've just established a number of
29 occasions.

1 Mr witness, I'm now going to put to you something that is
2 contained in a statement disclosed to us as being your statement
3 made on the 25th of February 2003. Will you listen to me,
4 please.

12:19:28 5 A. I'm listening.

6 Q. I will start --

7 MR METZGER: In fact, Your Honours, I will read the first
8 paragraph so that everything is in context, unless I hear any
9 objection.

12:19:42 10 JUDGE SEBUTINDE: Presumably, page --

11 MR METZGER: 6578, Your Honours.

12 MS TAYLOR: I believe it's 6378. The 3 is not clear.

13 MR METZGER: 6378, I'm very much obliged. Even with my
14 glasses, I'm having difficulty today.

12:20:09 15 Q. Mr witness.

16 A. Yes, My Lord.

17 Q. I'm going to read.

18 A. Yes, My Lord.

19 Q. "On a Friday during January 6, 1999 invasion on Freetown,
12:20:22 20 at about 12.30 p.m., we were at Rogbalan mosque preparing for
21 Friday prayers when a group of armed men entered the compound of
22 the mosque." I will read the rest of it as we go along,
23 Mr witness. But just about that, can I ask you, do you remember
24 making that statement to the Prosecution?

12:20:53 25 A. Friday, 1999. I did not call a date, 6, 7, or 9.

26 Q. But other than that, you agree that that agrees with what
27 you told the Prosecution when you made your statement?

28 A. You say Friday, 1999. But I did not mention on 6th of
29 January.

1 Q. The next part of it is this: "By then, a lot of people
2 from various places like wellington, Brima Lane, Portee, Calaba
3 Town, Looking Town, to name but a few had come to the mosque
4 compound to seek refuge."
12:21:43 5 A. Yes, My Lord. Yes, they came to hide. Some came to pray.
6 And since they were there for the Friday prayers, so they had to
7 pray.
8 Q. The next sentence: "There were women, men, and children in
9 the compound." And I'll continue: "The men who entered the
12:22:11 10 compound were armed with various guns, some long and others
11 short, cutlasses and axes. Some of them were wearing long
12 trousers and black polo shirts, while others had shorts and black
13 polo shirts."
14 Do you recall saying that to the Prosecution, Mr Witness?
12:22:44 15 A. Yes, yes. They disguised themselves because they covered
16 themselves with plastic. They had chalk. They had shorts. They
17 had trousers. They had guns. I couldn't identify them.
18 Q. Mr Witness, I'm not taking issue with that. It's the next
19 thing I want to ask you about that appears in your statement.
12:23:03 20 You say, "They were rebels of the RUF. I know this because when
21 they were addressing us, they told us that they were RUF rebels
22 and that they were People's Army." Do you recall saying that --
23 A. Okay, yes, yes.
24 Q. And is that true, Mr Witness?
12:23:30 25 A. It's true.
26 Q. Thank you very much, Mr Witness.
27 MR METZGER: I have no further questions.
28 THE WITNESS: Thank you very much, sir.
29 PRESIDING JUDGE: Thank you, Mr Metzger.

1 MR METZGER: I don't know if there will be any further
2 questions. But I will in due course invite the Trial Chamber to
3 tender this, or the Prosecution to tender this as an exhibit in
4 this case. And perhaps in these circumstances, to prevent any
12:24:01 5 confusion whatsoever, both the witness statement of the 25th of
6 February 2003 and the interview notes of the 10th of December
7 2003.

8 PRESIDING JUDGE: I'm not sure which counsel is next.
9 [Trial Chamber confers]

12:24:57 10 PRESIDING JUDGE: Mr Manley-Spaine, is it yourself next?
11 MR MANLEY-SPAINE: Yes, Your Honour.
12 PRESIDING JUDGE: Very well, proceed.
13 MR MANLEY-SPAINE: I have no questions for this witness.
14 PRESIDING JUDGE: Thank you, Mr Manley-Spaine.

12:25:09 15 Mr Harris.
16 MR HARRIS: Your Honour, I have no questions.
17 PRESIDING JUDGE: Thank you.
18 Re-examination.
19 MS STEVENS: None.

12:25:37 20 PRESIDING JUDGE: Thank you.
21 [Trial Chamber confers]
22 PRESIDING JUDGE: Mr Metzger, I note you are on your feet.
23 MR METZGER: Sorry, I just rose so that we can make a note
24 of, if it's being exhibited, what number --

12:26:21 25 PRESIDING JUDGE: Are you seeking to tender the document as
26 a Defence document? Is that what you're seeking to tender?
27 MR METZGER: Indeed.
28 PRESIDING JUDGE: There was a little pause. Before I asked
29 the Prosecution if they had any re-examination, you hadn't

1 tendered. But let's see what Prosecution say to that application
2 to tender. Has the Prosecution any comment on that application
3 to tender the document?

4 MS STEVENS: No, Your Honour. We have no objections.

12:26:48 5 JUDGE SEBUTINDE: I just wish, you know, Mr Metzger to
6 clarify. You wish to tender this document in on what grounds, as
7 what, as proof of what?

8 MR METZGER: As proof of at the stage of 25th of February
9 2003, this witness consistent in terms of his last answer at the
12:27:10 10 end of the first paragraph states that his awareness of the
11 people attacking the mosque as being rebels of the RUF and his
12 knowledge or how he came to know that they were rebels of the
13 RUF.

14 JUDGE SEBUTINDE: And is this inconsistent with his viva
12:27:30 15 voce evidence?

16 MR METZGER: It seems to have been the position in relation
17 to the evidence he gave in chief and the early part of my
18 cross-examination, because he seems to shy away from saying that,
19 in fact, these people were the rebels of the RUF. He didn't know
12:27:44 20 where they came from. That was the note that I had. He simply
21 said, as I recall, that these were people who were saying that
22 they didn't want to go to the bush and that it wasn't their
23 fault; it was President Kabbah's fault.

24 But bearing in mind that the Prosecution have adduced this
12:28:05 25 evidence, in view of the application I made before this witness
26 was called on the basis that there is a link as between the two,
27 it was my understanding that that is why they were calling this
28 witness.

29 JUDGE SEBUTINDE: Mr Metzger, I only seek to get a

1 clarification from you as to whether you're tendering these
2 documents in proof of a prior inconsistency. That is all I'm
3 asking.

4 MR METZGER: Yes, Your Honour.

12:28:31 5 JUDGE SEBUTINDE: And that would be the whole statement,
6 you said?

7 MR METZGER: The part that I referred him to, so the first
8 paragraph. It's really the last sentence of that which was
9 inconsistent with his viva voce in-chief and in the early part of
12:28:49 10 my cross-examination certainly. Yes, the last two sentences of
11 the first paragraph.

12 JUDGE LUSSICK: Mr Metzger, just to clear this up, are you
13 only tendering the first paragraph? I understood before you were
14 tendering not only that statement, but the consequent interview
12:29:18 15 notes.

16 MR METZGER: Yes. But I am relying on the last two
17 sentences of the first paragraph and the fact that he confirms it
18 in the interview of the 10th of December 2003 where, unless we
19 have evidence to the contrary, the procedure, shall we say,
12:29:42 20 carried out by the Prosecution in confirming witness evidence
21 ought necessarily to have included him having his statement read
22 back to him or discussed in its entirety and seeing whether he
23 wished to alter or change anything in it.

24 [Trial Chamber deliberates]

12:30:21 25 PRESIDING JUDGE: That will be a Defence exhibit. I think
26 it's 4 or 5.

27 MS EDMONDS: I think it's number 5.

28 PRESIDING JUDGE: And there are two parts to it. So
29 therefore, the main statement, the several pages, will be D5-A.

1 And the one-part page affirmation will be D5-B.

2 MR METZGER: Again, just for clarification, I do understand
3 that this Court will be deciding matters in terms of the evidence
4 that it hears, and all these documents that are disclosed or
12:30:59 5 tendered are in order to assist in judging the weight of the
6 evidence and how to direct one's mind to what issues the evidence
7 goes to.

8 [Exhibit No. D5-A was admitted]

9 [Exhibit No. D5-B was admitted]

12:31:12 10 MS STEVENS: Your Honour, I was on my feet before you'd
11 asked for the exhibit number. But I simply want to state for the
12 record that although we have no objections to the Defence
13 tendering this statement into evidence, for the record, I do wish
14 to point out that it is our submission that the last sentence to
12:31:44 15 which my learned friend made reference to and as contained in the
16 witness statement, i.e., that they were rebels of the RUF, it is
17 our submission that that was not inconsistent with the testimony
18 of this witness.

19 PRESIDING JUDGE: I think that would be -- that type of
12:32:07 20 submission, Ms Stevens, would be appropriate when making
21 submissions on weight of evidence, et cetera, at the end.

22 Mr witness, that is the end of your evidence. And we thank
23 you for coming here to the Court today to tell your story. We
24 will now adjourn. It seems appropriate, since it's so close to
12:33:15 25 our usual time. We will adjourn to 2.15.

26 Madam Court Attendant, please adjourn the Court.

27 [The witness stands down]

28 [Luncheon recess taken at 12.33 p.m.]

29 [Tb150405C-CR]

1 [Witness entered Court]
2 [Upon resuming at 2.23 p.m.]
3 PRESIDING JUDGE: Ms Taylor, I see you have a witness in
4 the witness box?
14:22:08 5 MS TAYLOR: Yes, Your Honour.
6 PRESIDING JUDGE: If there are no other matters, I will ask
7 the Court attendant to please swear in the witness.
8 MS TAYLOR: Does Your Honour want me to announce the
9 witness number?
14:22:18 10 PRESIDING JUDGE: Yes, that would be very wise.
11 MS TAYLOR: The witness is witness TF1-253. The witness
12 will give evidence in the Temne language. The witness will be
13 led in chief by my learned friend Mr Bangura, who has not yet
14 appeared in this Chamber.
14:23:46 15 WITNESS: TF1-253 [Sworn]
16 EXAMINED BY MR BANGURA:
17 Q. Good afternoon, Mr Witness.
18 A. Good afternoon, how do you do?
19 Q. I am fine. Mr witness, I'm going to ask you questions to
14:23:58 20 which you will give answers.
21 A. Well, I will answer.
22 Q. I will ask you not to speak too fast when you give your
23 answers.
24 A. All right.
14:24:13 25 Q. I would also ask you to speak loud enough so you are heard
26 and recorded.
27 A. All right, no problem.
28 Q. Mr witness, can you tell this Court your age?
29 A. 3X years.

1 Q. Where were you born?
2 A. Port Loko.
3 Q. When you say Port Loko, are you referring to a town or some
4 other place bigger than a town?
14:25:05 5 A. In XXXXXX Chiefdom.
6 Q. XXXXXX Chiefdom, Port Loko. Am I right to say it's in
7 Port Loko District?
8 A. Yes.
9 MR BANGURA: Your Honours, XXXXXXX is X-X-X-X-X. And
14:25:35 10 Port Loko is in Port Loko.
11 Q. Mr witness, can you tell us the town actually in which you
12 were born?
13 A. Yes. Well, if you ask me to show the name, if there is no
14 problem about it, I will call the name.
14:26:03 15 PRESIDING JUDGE: Possibly the witness is hesitant as he is
16 a protected witness. Is that part of the protection measures?
17 MR BANGURA: I don't think there should be any problem with
18 him disclosing the town of his birth.
19 Q. You may proceed to answer that question, Mr Witness.
14:26:27 20 A. To call my town's name?
21 Q. That's right, yes.
22 A. XXXXXX.
23 MR BANGURA: Your Honours, it is X-X-X-X-X.
24 Q. Mr witness, where do you currently reside?
14:26:55 25 A. Now? Now, I live in XXXXX XXXXX.
26 MR BANGURA: Your Honours, XXXXX is X-X-X-X-X, and the same
27 spelling as XXXXXXXXXX.
28 Q. Are you married, Mr witness?
29 A. Yes.

1 Q. And you have children?
2 A. Yes.
3 Q. Can you tell this Court how many wives you've got and then
4 your children?
14:27:35 5 A. Yes.
6 Q. How many wives?
7 A. Two.
8 Q. And children?
9 A. I have six.
14:28:06 10 Q. Mr witness, what do you do for a living?
11 A. I'm a farmer trader.
12 Q. Mr witness, did you go to school?
13 A. I went to school, but I stopped at class 2. From there, I
14 was taken and made to be a farmer. Now I'm a farmer.
14:28:44 15 Q. I take it you're not able to read and write English; is
16 that correct?
17 A. Yes, I cannot.
18 Q. What languages do you speak?
19 A. I only speak the Temne language.
14:29:14 20 Q. Mr witness, I want to take your mind to certain events that
21 occurred in this country not so long ago, okay.
22 A. All right.
23 Q. Do you recall that there was a war in this country not so
24 long ago?
14:29:35 25 A. Yes, I can recall.
26 Q. Where were you residing during the cause of this war?
27 A. I was in Manarrma.
28 Q. Mr witness, may I ask you to lift up your voice a little so
29 we're able to hear you. Mr witness, do you recall sometime in

1 April 1999?
2 A. Yes, that is April.
3 Q. 1999; do you recall that time?
4 A. Yes, I can recall.
14:30:51 5 Q. How are you able to recall this time?
6 A. What time are you referring to?
7 Q. I'm referring you to April 1999, which you say you recall.
8 How are you able to recall April 1999?
9 A. I knew what happened. I never forget anything.
14:31:28 10 Q. Where were you living at this time about April 1999,
11 Mr witness?
12 A. I was in Manarrma.
13 Q. At this time, Mr witness, do you recall whether there were
14 any strange persons in your town?
14:32:01 15 A. Yes.
16 Q. Who were these persons?
17 A. Well, they were fighters. They had guns.
18 Q. Do you know what names they called them, those fighters who
19 had guns who were in your town?
14:32:38 20 A. Yes.
21 Q. What name did they call them?
22 A. They were called the Gbethis.
23 MR BANGURA: Your Honours, Gbethi is G-B-E-T-H-I.
24 Q. These Gbethis, Mr witness, what were they doing in your
14:33:08 25 town?
26 A. Well, they were brought there to defend us, the civilians,
27 with regards to the war that was going on in the country.
28 Q. Mr witness, you have said that these Gbethis were armed,
29 were carrying arms. Apart from the Gbethis, were there any other

1 group that was in your town at that time that was doing the same
2 work as the Gbethis?

3 A. Yes. They came with other soldiers.

4 Q. Who were these soldiers? What do you know about them?

14:34:16 5 A. Well, they are ours.

6 Q. When you say "they are ours", can you explain? Who were
7 they there for? Who sent them there?

8 PRESIDING JUDGE: Mr Bangura, you have two questions in
9 that. Take them one at a time.

14:34:35 10 MR BANGURA: Yes. I was helping the witness.

11 Q. You said, "They were ours". Who were they there for?

12 A. Well, when they went there, they said they went there for
13 us, the civilians. So they were there to defend us in our own
14 area, the soldiers and the Gbethis.

14:35:06 15 Q. I was just coming to that. It was the soldiers and the
16 Gbethis who were protecting your town; is that correct?

17 A. Yes.

18 MR HARRIS: With respect, my learned friend is suggesting
19 the answer to the witness. He is leading the witness in-chief.

14:35:24 20 He needs to ask a question to elicit the answer, rather than
21 suggesting the answer.

22 PRESIDING JUDGE: It is leading, I agree, Mr Harris,
23 although I think to some extent he is paraphrasing the last
24 reply. Mr Bangura, you should avoid leading the witness. In
14:35:42 25 fact, you shouldn't do it at all.

26 MR BANGURA: I take the point, Your Honour, and I'm sorry.

27 Q. Mr witness, in effect, the soldiers whom you have just
28 talked about and the Gbethis were there to do the same job; is
29 that correct?

1 PRESIDING JUDGE: I am afraid you've done it again.

2 MR BANGURA: I will rephrase, Your Honour.

3 THE WITNESS: Yes. They came to do the same job, the same
4 job.

14:36:13 5 MR BANGURA: Your Honours, I may state, however, there is
6 evidence before the Court already that the Gbethis were there to
7 protect and defend the community. The question which I wanted
8 the witness to talk about the soldiers was whether there were
9 other forces there, other people there who were also doing the
14:36:31 10 same job as the Gbethis. So, in my submission, Your Honour, I
11 think it's a proper question to put to the witness.

12 PRESIDING JUDGE: I think the witness has already replied.

13 MR BANGURA: Thank you, Your Honour.

14 Q. Mr witness, while you were in your town, Manarrma and there
14:37:06 15 were these forces there to protect you, did anything happen at
16 some time?

17 A. You mean in our own town?

18 Q. Yes, Mr witness.

19 A. Well, the time when these people arrived in our town,
14:37:41 20 fighting was not in our town.

21 Q. At some point, did anything happen?

22 A. Yes, when they came, that was the time something happened.

23 Q. Would you like to tell the Court what happened?

24 A. Yes.

14:38:20 25 Q. Please do.

26 A. Okay, I want to begin my speech by calling the name of the
27 prophet Mohammed. On the morning, on Friday, during that
28 morning, we saw some of our people. They came from one village
29 known as Ro-Taron [as interpreted].

1 MR BANGURA: I will just spell that, T-A-R-O-N, Your
2 Honours. He said Ro and I believe it is hyphenated, and
3 T-A-R-O-N.

4 Q. Yes, Mr Witness.

14:39:15 5 A. They came because after the soldiers have lived with us
6 there, the Gbethis, all the people in the surrounded villages had
7 run away from their villages and gathered in our own village.

8 Q. Mr witness, that morning, you said people came from
9 Ro-Taron; is that correct?

14:39:45 10 A. Yes, that was exactly what I said. I'm coming there.

11 Q. I'm afraid Mr witness, I would need to lead you on so we
12 get on to the facts fast enough, okay.

13 A. All right.

14 Q. Mr witness, these people who came from Ro-Taron, why did
14:40:10 15 they come to your town that morning? You said they came from
16 Ro-Taron that morning. Why did they come to your town?

17 A. Well, they came and begged and made a complaint to the
18 Gbethis and the soldiers that their people at Ro-Taron had been
19 killed. They made a plea that they should help them to bury
14:40:41 20 them.

21 Q. Did they say who had killed the people at Ro-Taron?

22 A. They said that it was the rebels and the others had been
23 killed. They hacked some.

24 Q. Did they say when this incident happened, Mr witness?

14:41:24 25 A. Well, they said the day they were killed, the following
26 day, that was the time they came at Manarrma and made the
27 complaint.

28 Q. Did the people of your town do anything about this
29 complaint that was made?

1 A. Yes, because the Gbethis and the soldiers, they summoned
2 us. They called some young men so they go and dig so that the
3 people will be buried.

4 Q. Mr witness, were you among those who were selected to go?
14:42:23 5 A. Yes, I was given a shovel. They gave me a shovel; I held
6 it.

7 Q. Did you get to Ro-Taron? Did you go to Ro-Taron as you had
8 planned?

9 A. We were about to go. We went, but we never reached there.

14:42:48 10 Q. Why were you not able to get there?

11 A. Well, as we were going, the Gbethis were leading us. We,
12 the civilians, were behind.

13 Q. Mr witness, may I ask you to lift up your voice a bit so
14 you are audible enough.

14:43:23 15 A. All right.

16 Q. Please continue. As you were going?

17 A. As we were going, we are on our way. We heard a gunshot.
18 These gunshots, we heard sporadic firing. The ones that were
19 behind them, we heard them firing in front of us.

14:44:06 20 Q. You were going along. Mr witness, let me ask you, how were
21 you moving along? Were you walking?

22 A. We were going, we walked.

23 Q. Were you in a long line? How were you moving; can you
24 explain?

14:44:33 25 A. We were in a line. The Gbethis were in front. We, the
26 civilians were behind.

27 Q. So you heard firing; is that correct?

28 A. Yes, ahead of us, the place that we are moving towards.

29 Q. So when you heard the firing, did anything happen?

1 A. Yes, the Gbethis told us that we should run away, that we
2 have been targeted by the rebels on the way.
3 Q. So did you heed to the advice; did you run away?
4 A. Yes, indeed, we run away.
14:45:34 5 Q. Did they tell you anything else about the rebels?
6 A. Yes, they told us that these people that they've met, they
7 don't think they could resist them. They said they came in large
8 numbers.
9 Q. Mr witness, can I ask you this: who were the rebels, as
14:45:56 10 far as you know?
11 A. Well, according to me, I never knew them before, but when
12 they captured me, that was the time I understood them very well.
13 Q. You were captured. I will get to that. Before you were
14 captured, did you know anything about them?
14:46:29 15 A. Yes, our people that they used to capture and release, they
16 used to tell us stories about them.
17 Q. Generally, what had you gathered about the rebels from what
18 you had been learning from people who were released by them?
19 A. We knew about them, that they killed people; they burn
14:47:02 20 towns where they came -- the information that we heard.
21 Q. So you ran away when you heard the firing. Where did you
22 go to?
23 A. We returned to the village Manarrma where we came from,
24 that was where we returned.
14:47:29 25 Q. When you got back to Manarrma, Mr witness, did you do
26 anything?
27 A. When we arrived there, the Gbethis and the rebels, we
28 arrived there together and we were being pursued.
29 Q. Did you do anything?

1 A. When I arrived there, we left the Gbethis standing in the
2 field. They were shooting each other, so I passed. I went into
3 the bush and I took my wife and went away.

4 Q. You took your wife. Where did you take your wife from?

14:48:14 5 A. We went to the other village that is called Ro-Konta.

6 Q. How far was Konta away, Mr witness?

7 A. It's like two miles.

8 Q. So you took your wife to Konta. Was it just your wife you
9 took to Konta?

14:48:46 10 A. Well, at that time, she was the one who I was able to take
11 along with one of my children that she had.

12 Q. Is there any reason why you went to Konta?

13 A. Yes, because we had all the things that I was selling there
14 with my mum, and some of my children were there. All my business
14:49:19 15 was there with my mum.

16 Q. When you went to Konta, what was your intention? You had
17 your business there; you had your mother there. You were coming
18 to Konta with your wife and one of your children; what was your
19 intention?

14:49:37 20 A. When I arrived, I told my mother that we had to go because
21 there was a lot of shooting at Manarrma; the rebels had entered
22 there.

23 Q. And did your mother go away?

24 A. They went with my wife and my children. I showed them to
14:50:08 25 another town that was called Lungi.

26 Q. Yourself, what did you do?

27 A. Well, I went and I took my cigarettes and my diamonds that
28 we are selling and my brothers. I told them that we were to go,
29 follow a path, which is a shortcut that will lead us to another

1 village, which is Port Loko.

2 Q. Mr witness, you just mentioned your brothers. Were your
3 brothers also there at Konta where you went?

4 A. Yes, that is where I left them. They are the ones that
14:50:48 5 remained in the house with my mother, my younger brothers.

6 Q. Mr witness, can you please clarify for us. At the
7 beginning of your testimony, you said you live in the town of
8 Manarrma; is that correct?

9 A. Manarrma is my father's side, and Ro-Konta is my mother's
14:51:16 10 side, where my mother was. I worked with these towns together.
11 So if my wife is a nursing mother, I will take her to my mother,
12 and my father at Manarrma. It's not that far.

13 Q. So you say yourself and your brothers then went away from
14 Konta. You were heading for Port Loko; is that correct?

14:51:48 15 A. Yes, so I gave them the cigarettes to carry. They had that
16 on their heads in plastic, it's in big plastics.

17 Q. Now, these brothers you just mentioned, can you tell the
18 Court their names?

19 A. Well --

14:52:23 20 MR BANGURA: Your Honours, I withdraw that question, having
21 regard to the fact that the witness is protected and that may
22 reveal his identity.

23 Q. Mr witness, you took your brothers and you were heading for
24 Port Loko.

14:52:51 25 A. So it was.

26 Q. Did anything happen on the way?

27 A. So it was.

28 Q. Did anything happen on the way?

29 A. So it was.

1 Q. Tell us what happened.

2 A. Well, when we were going, when we wanted to reach the town,
3 a town that was called Ro-Makambisa.

4 Q. What happened there as you were going?

14:53:27 5 PRESIDING JUDGE: Just pause, Mr Bangura, and please spell
6 the name of that town.

7 MR BANGURA: Your Honours, it is Makambisa
8 M-A-K-A-M-B-I-S-A.

9 JUDGE SEBUTINDE: Please spell it again.

14:53:45 10 MR BANGURA: M-A-K-A-M-B-I-S-A.

11 Q. You say as you were approaching Makambisa something
12 happened? Please tell us what happened.

13 A. When we were approaching Ro-Makambisa, just by the forest
14 that was by the town, we did not know that we were drawn into the
14:54:21 15 rebels.

16 Q. What happened?

17 A. Behind us, we saw some pointing their guns at us and they
18 told us to wait. Well, we waited. We wanted to run, but we
19 couldn't advance because some others came right in front of us.

14:54:49 20 Q. Were you able to tell their numbers, those that had stopped
21 you and were surrounding you?

22 A. Well, I know that where I was standing, those that went and
23 met us were two in number, so these were the ones that clash us
24 and the balance were just standing and they were pointing their
14:55:19 25 guns at us, so we were not able to count them.

26 Q. Did anything happen at this point?

27 A. So it was when they had captured us, so they took our
28 cigarette from us, so they stripped off my piece that I wore. I
29 had some money in my bag, it was 300,000; they took it from me.

1 So they asked us whether we are Gbethis. I told them that I was
2 not a Gbethi. So the two that captured me, one had a uniform,
3 combat uniform. The other, he had civilian clothes on. So the
4 other one that wore civilian clothes, he asked me -- he said if I
14:56:16 5 knew him. I told him that I did not know him. He said, well, he
6 was one of the rebels and he was part of Superman's group. So
7 the one who was wearing the combat was the one that told me -- he
8 buckled me. He buckled me on my hand. He brought us where they
9 had been sitting. There were some sticks that were made in the
14:56:55 10 form of a bench under a tree.

11 Q. Now, Mr Witness, you said they moved you from where they
12 captured you and brought you to where they were sitting. Was it
13 a long distance away from where they captured you?

14 A. It was not that long because they are in town. It was just
14:57:19 15 when we were approaching the town. It was not that far.

16 Q. So when they brought you there to where they were sitting,
17 did anything happen there?

18 A. Something happened there.

19 Q. Can you tell the Court, please?

14:57:37 20 A. Yes. When they took us there, they asked my younger
21 brother -- they asked him whether he was a Gbethi. The child
22 said he wasn't a Gbethi. One of the children -- they asked the
23 other child, another little boy. They asked him whether he was a
24 Gbethi. The fellow was a stammerer. He wasn't able to give a
14:58:17 25 quick response. They shot at him and they said he was a Gbethi,
26 he was just trying to be proud. The child fell, the other child.
27 So three of us that were together, they shot one of them -- one
28 of us. He fell. Then there I was -- one of my other friends who
29 used to bring a cigarette to me, I find out that they had already

1 captured him. They brought him while the others had been killed.
2 There he was killed also.

3 Q. So, Mr witness, at this point, as your testimony goes, they
4 had shot your brother, killed him, and they also killed somebody
14:59:24 5 whom you found when they brought you there; is that correct?

6 PRESIDING JUDGE: Mr Bangura, I understood the witness to
7 say another child, the child was a stammerer. I didn't think it
8 was established that that particular child was a relative of the
9 witness.

14:59:45 10 MR BANGURA: I will try to assist the Court to get to that.
11 I understood him to be referring to his brothers.

12 JUDGE SEBUTINDE: Also, if you could get your witness to
13 talk a little slowly. I think he is a little too fast and we all
14 are trying to write some kind of record of what he is saying.

15:00:00 15 MR BANGURA: I do apologise for that.

16 Q. Mr witness, while I will ask you to continue to lift up
17 your voice, you will try not to speak too fast. Whatever you say
18 here is being recorded, okay.

19 A. Okay.

15:00:27 20 Q. Mr witness, I want to take you back to one of the two
21 people you said that had been killed, who were shot at this
22 point. The first person who was shot was a child; is that
23 correct?

24 A. Yes, we was my younger brother.

15:00:43 25 Q. At this point, what happened? Did anything happen?

26 A. Yes, something happened, that's what I wanted to explain.

27 Q. Please continue.

28 A. I said they killed one of my friends. They took my hands
29 right at the back and they tied me.

1 Q. Hold on, Mr Witness.
2 MR BANGURA: Your Honours, I believe some part of the
3 testimony I did not get.
4 THE INTERPRETER: I am sorry, because I did not put the mic
15:01:36 5 on. I will take it again.
6 MR BANGURA:
7 Q. Mr witness, can you just go over the point about you being
8 tied. I believe you said you were tied.
9 A. They tied me. They took my hands right at the back and
15:01:57 10 they tied me.
11 Q. where else did they tie you?
12 A. They tied my legs.
13 Q. Anywhere else?
14 A. They passed the rope through my waist.
15:02:23 15 Q. when you said they tied your hands, at what point behind
16 your back? what areas of your hand did they tie the ropes?
17 A. on the elbows.
18 Q. And when you talk about your feet, where?
19 A. on the knees. The other one was passed right around my
15:02:57 20 waist.
21 Q. In that position, were you able to do anything?
22 A. when I was tied?
23 Q. Yes, in that position, being tied; your hands, your feet.
24 A. well, I wasn't able to do anything. In fact, I fell down.
15:03:20 25 I fell down on my shoulder. In fact, the head wasn't able to
26 touch the ground.
27 Q. Did anything else happen? You mentioned that they captured
28 yourself and your two brothers. You've said something about one
29 of them and yourself, what they did to you. Did anything happen

1 to the other brother?

2 A. Yes. On the same part, they brought some other person, one
3 other - one of my brothers and my mother -- my stepmother.

4 Q. Mr witness, before you get on to that, I am talking about
15:04:10 5 the three of you who were captured as you came towards Makambisa;
6 yourself and your two younger brothers. You have told this Court
7 what happened to one of them who was a stammerer and could not
8 respond quick enough to the question. Did anything happen to the
9 other one?

15:04:38 10 A. Yes, when they have killed the other one, they killed the
11 other. They said we are all rebels. They said we are all
12 Gbethis.

13 Q. How did they kill this other one?

14 A. He was also shot in the head and he fell down.

15:04:56 15 Q. Was he shot before they tied you up?

16 MR METZGER: I rise hesitantly, but that had all the
17 hallmarks of a leading question. My learned friend would do well
18 to say: can you tell us when he was shot.

19 MR BANGURA: I take the point. I do apologise. Can you
15:05:28 20 tell the Court at what point the other brother was killed?

21 A. Well, it was in the morning. It was the morning.

22 Q. I know, Mr witness, all of this happened in the morning; is
23 that correct?

24 A. In the morning.

15:05:57 25 Q. After they had killed your brothers and they tied you down,
26 did anything else happen?

27 A. Yes.

28 Q. What happened?

29 A. They brought my brothers again.

1 Q. Some other brothers of yours; is that correct?
2 MR METZGER: Objection.
3 THE WITNESS: Yes.
4 MR BANGURA:
15:06:29 5 Q. You said they brought your brothers, which brothers were
6 these? You have already told us of two of your brothers who had
7 been killed. which brothers were these?
8 A. Those are of the same as my father with me.
9 Q. who brought them?
15:06:59 10 A. well, the type of people who captured us, these were the
11 ones that brought them. They had uniform and civilian clothes.
12 Q. You said they brought them. where did they bring them?
13 A. where the others were killed and where I was tied, where I
14 was lying down, that was the area where they brought them.
15:07:24 15 Q. Did you know where they had been brought from?
16 A. well, there are so many roads. They brought them from the
17 road that led from Masorie, because we had passed. The other one
18 came from that -- from one side -- only from one side.
19 MR BANGURA: M-A-S-O-R-I-E. It's the name of a town.
15:07:50 20 Q. when they brought them, did anything -- how many of them
21 were brought, please?
22 A. They were three, but two were killed. And it summed up to
23 five, those that were killed.
24 Q. You said they brought three and you said they were your
15:08:14 25 brothers. All three of them were your brothers that they
26 brought?
27 A. Two were my brothers, the other one was my stepmother.
28 Q. Did anything else happen to them when they were brought?
29 A. Yes, something happened.

1 Q. Please tell the court.
2 A. One of them, when he was brought, he found out that our
3 younger brother was dead, so they held him up like that.
4 [Indicates] He was tormented and he saw that the younger brother
15:08:58 5 was dead. One of the rebels stood up and hacked the child on the
6 head. The child said, "Oh, brother, they are killing me."
7 Q. Mr witness, I will ask you again not to go too fast. Try
8 not to speak too fast, okay. Continue, please.
9 A. Okay. They hacked him and he said --
15:09:32 10 Q. who hacked your brother?
11 A. Those that brought him are the ones that hacked him.
12 Q. And what happened to him?
13 A. When they had hacked him, the blood was oozing from him and
14 they shot him and he fell down.
15:09:56 15 Q. Did anything else happen to the others?
16 A. The other one, they took him behind -- and they took her
17 behind and said -- well, they are trying -- they are going to
18 rape her. In fact, they were discussing amongst themselves. One
19 of them was saying, "I will take her," and the other one was
15:10:22 20 saying, "I will take her."
21 Q. who is this person that they were arguing amongst
22 themselves to take her somewhere. who is this person you've
23 mentioned? You just said the other one. who is the person? You
24 mentioned your brothers and your stepmother. who is this person?
15:10:46 25 A. Those that captured us.
26 Q. who were they arguing amongst themselves about to take
27 somewhere?
28 A. It was a woman.
29 Q. When you say a woman; who? You said you came with two of

1 your brothers and your stepmother. Is it your stepmother?

2 A. Yes.

3 Q. So what happened? They were arguing amongst themselves as
4 to what to do with her.

15:11:40 5 A. They took her behind one of the houses.

6 Q. Do you know what happened when they took her there?

7 A. They were the ones who decided what to go and do with her.

8 Q. Did you see her come back from behind the house?

9 A. No. I only heard a gunshot. They did not come with her.

15:12:13 10 when they took her there, before they came back, I heard a
11 gunshot, and they came back.

12 Q. So there were three of them who were brought. They had
13 killed one of them; that is the other one of your brothers, and
14 they've taken the lady, your stepmother, to the back of the

15:12:34 15 house. What about the third person?

16 A. Well, since it was a child, they started asking him,
17 because he was brought up in Freetown here. I only explained to
18 them that he was brought up in Freetown. They said they would
19 not kill him. They said he would be with them and the child sat
15:12:56 20 on their laps, by them.

21 Q. At this point, Mr witness, did anything else happen?

22 A. Yes, it happened there again.

23 Q. What happened?

24 A. Where I was sitting, I saw them bringing one of my sisters,
15:13:25 25 she and her children.

26 Q. How many children did she have, Mr witness, the sister that
27 they were bringing? How many children did she have?

28 A. She had two children. She had one at the back and she was
29 holding the other.

1 Q. How old would you say were those children?

2 A. Well, the other one would be about four years, the one that
3 she was holding in her hands.

4 Q. And what about the one she was carrying on her back?

15:14:16 5 A. The one on the back was more than three years.

6 Q. Your sister herself, can you describe her state at that
7 point in time? What state was she in?

8 A. She was pregnant.

[TB150405D-3.15 p.m. - SGH]

15:14:40 10 Q. And so you saw them bringing her. Can you describe her
11 condition as they brought her towards you?

12 A. I would explain that.

13 Q. Please do so.

14 A. Well, when she was brought, her mouth was split open unto
15:15:07 15 the jaw.

16 Q. And when they brought her, did anything happen?

17 A. When she was brought, I saw one rebel snatch the child and
18 then struck the baby with a stick on the neck.

19 Q. Which one of the children was struck?

15:15:47 20 A. The one that was held by a hand.

21 Q. Did anything happen to her?

22 A. The baby -- they shot the child on the mother's back. Both
23 the child and the mother fell together.

24 Q. Please, let us take it again, Mr Witness. First you said
15:16:22 25 they snatched one of the children from the mother and they struck
26 her with a stick; is that correct?

27 A. Yes.

28 Q. Did anything happen to that child.

29 A. They strucked him. He fell. He died there. Until later

1 when we collected the body there and buried it.

2 Q. And did you say something else happened to the mother and
3 the child she was carrying on her back?

4 A. She was shot and she fell. The baby she was carrying and
15:17:20 5 the mother herself both of them fell together and none of them
6 got up again.

7 Q. Mr witness, at this point did anything happen else?

8 PRESIDING JUDGE: [Microphone not activated]

9 THE WITNESS: Things happened.

10 PRESIDING JUDGE: Do you need a break? Are you all right?
15:17:47 11 THE WITNESS: Yes.

12 MR BANGURA: Mr witness, would you like to take a break?
13 Your Honours, in view of his state, I think I would be inclined
14 to ask that he be excused. In view of his state he is not in a
15:18:39 15 position to even say whether or not we should continue. I am
16 inclined to think that he needs time to recover himself.

17 PRESIDING JUDGE: [Microphone not activated] Perhaps
18 someone could advise us when he feels a bit better. We will
19 adjourn briefly to allow the witness to compose himself.

20 MR BANGURA: Thank you. [Break taken at 3.20 p.m.]
15:19:19 21 PRESIDING JUDGE: Mr witness, are you feeling a bit better
22 now?

23 THE WITNESS: well, when you see me crying it's because I
24 think about my brother. You see, I am confused.

15:30:00 25 PRESIDING JUDGE: we realise that. Just take your time.

26 THE WITNESS: Okay.

27 MR BANGURA:

28 Q. Mr witness --

29 A. Yes.

1 Q. -- I hope you are now in a position to continue your
2 testimony.

3 A. Yes.

4 Q. Mr witness, we were at a point where your sister and her
15:30:33 5 children have been killed and my question was: Did anything
6 happen after that?

7 A. When they had killed her and her daughter, where she was
8 lying down they cut off her leg.

9 Q. Mr witness, which leg did they cut off, can you tell?

10 A. On the right thigh. The right thigh.

11 Q. The thigh?

12 A. Yes.

13 Q. Mr witness, maybe I should ask you, these other persons,
14 your other relatives who had been killed, did they do anything to
15:31:36 15 them?

16 MR METZGER: I have an objection. First and foremost, Your
17 Honour, I had the opportunity during the luncheon adjournment to
18 speak with senior trial counsel for the Prosecution. It has
19 occurred to me, looking at the statements that were disclosed in
15:31:57 20 this case, that there is nothing like the detail that we have
21 gone through in the past half an hour. I did not object
22 beforehand simply because we have in our possession - and I
23 believe that also was served on us by the Prosecution in this
24 case - a transcript of the evidence-in-chief of this witness at
15:32:28 25 the RUF trial. I am assured by counsel for the Prosecution that
26 the Prosecution has no document in which this detail is
27 disclosed. However, in my limited professional experience, it
28 beggars belief that one would lead, having had the opportunity
29 now to look at some depth at the cross-examination in the RUF

1 trial, it beggars belief that one would lead a witness through
2 this evidence in such detail without having had the background
3 information beforehand. I therefore continued to press the point
4 and I am told that we will have an answer after Mr Iscandari, who
15:33:21 5 took that witness or led that witness, has been spoken to. I am
6 concerned, certainly in so far as the potential for
7 cross-examination of this witness, however limited I had thought
8 it would be at the time when this witness was called, not to have
9 in my possession in plenty of time any and all documentation
15:33:50 10 relating to this witness before the witness has been called
11 bearing in mind the rules on disclosure and in particular Rule
12 66. I therefore make this objection at this point for two
13 reasons: One, to place our concerns on the record; and two, to
14 give the Prosecution the opportunity to state for the record
15:34:17 15 whether or not it has any documentation, material or anything
16 whatsoever that places it on notice before this witness ever
17 gives evidence, either here or at the RUF trial, about the detail
18 of the material that is being delivered in this Court today.

19 MS TAYLOR: Your Honour, every document in the possession
15:34:59 20 of the Prosecution relating to this witness has been disclosed to
21 the Defence. Including, as my learned friend says, a copy of the
22 transcript, not only of examination-in-chief but of the
23 cross-examination of this witness during the RUF trial. Beyond
24 that, my learned friend has not said that there is any prejudice
15:35:24 25 arising from the level of detail, and I would point out that at
26 page 6505 of the filed materials, the last two paragraphs on that
27 page are relevant where the witness says, "They killed the other
28 five people. I am the only one that survived of that group."
29 And then I won't read the following --

1 MR METZGER: Yes, I would be grateful if you did not.

2 MS TAYLOR: I will not read the following paragraph because
3 it has names in it, but it does give detail on the manner in
4 which people were killed. Now, if my learned friend is
15:35:58 5 suggesting that the Prosecution has an obligation to disclose
6 every single detail of every single incident, then the
7 Prosecution would reject that submission. The point of the
8 disclosure is to put the Defence on notice of the case that they
9 have to meet and to give them adequate information on which they
15:36:21 10 can make their investigations. Now in my respectful submission,
11 that obligation has been met with respect to this witness. As
12 Your Honours please.

13 MR METZGER: May I just respond to that?

14 PRESIDING JUDGE: Mr Metzger, yes.

15:37:04 15 MR METZGER: Yes, really I would be inviting my learned
16 friend to call on her experience and to go through Rule 66. It
17 seems to be the disclosure relates to the "Evidence the
18 Prosecution intends to call to testify and all evidence to be
19 presented." Now in my respectful submission, the principle, if
15:37:45 20 one can call it that, that my learned friend has just referred to
21 is what is commonly called, certainly at the Bar I am in, trial
22 by ambush, and I would hope that the Prosecution is not saying,
23 we simply notify you that somebody is going to say in bullet
24 point form that five people were killed at this particular point
15:38:05 25 and something happened to three other people and when it calls
26 its evidence, knowing that that is going to be expanded in the
27 form that it has been in this particular case, say that that is
28 sufficient. For example, in the last two paragraphs a total of
29 seven lines has occupied more than half an hour. Perhaps even 45

1 minutes of this Court's time including incidents, at least one
2 incident, that is not mentioned there at all.

3 JUDGE SEBUTINDE: Which particular incident is this?

4 MR METZGER: Well, it would seem to me, Your Honour, that
15:38:56 5 the particular incident relating to the lady who had the child on
6 her back.

7 JUDGE SEBUTINDE: Are you referring to her being shot or
8 her leg being chopped off?

9 MR METZGER: Well, the record speaks for itself, it seems
15:39:20 10 to me. Your Honour, there are some difficulties with this and,
11 if necessary, then I will deal with it in cross-examination. I
12 just do not want to be in a position to start cross-examining
13 this witness when there is material that is in the possession of
14 the Prosecution that perhaps details this and may form the basis
15:39:40 15 of prior inconsistent statement. And I am referring here to
16 anything, including the proofing of this witness prior to that
17 witness coming to give evidence in the RUF trial. And it seems
18 to me that my learned friend has not repeated in open court what
19 was told to me when I made the enquiry as to whether or not there
15:40:06 20 is any material, in whatever form it may be, in the possession of
21 prosecuting counsel who led the witness on the last occasion.

22 PRESIDING JUDGE: A point of clarification, Mr Metzger.
23 Ms Taylor said that every document that is in our possession
24 including the examination-in-chief and cross-examination of the
15:40:24 25 witness in the RUF. Now, to go back to what you said, you said
26 you had been told you would have an answer when Mr Iscandari --
27 who is this gentlemen, Mr Iscandari?

28 MR METZGER: He was prosecuting counsel who led the witness
29 in the RUF trial according to the transcript.

1 PRESIDING JUDGE: I see. Thank you.

2 MR METZGER: On 28th July 2004 in court number one.

3 JUDGE LUSSICK: Mr Metzger, we have not seen that
4 transcript, but you are saying that evidence he led today was not
15:41:00 5 led in the other court.

6 MR METZGER: No, no, I am not saying that. It was led in
7 the other court. But, of course, again just judging by my own
8 little experience, when one is leading a witness in chief you
9 would ask questions of a witness that pertained to information
15:41:23 10 that is already in your possession. The old adage: You don't
11 ask a question to which you don't already know the answer. And
12 in those circumstances, we would simply like to be placed in a
13 position of Prosecution counsel at the time when he was leading
14 that witness. And it seems to me, that that must have been
15:41:42 15 considerably more than has been disclosed with the exception of
16 this transcript.

17 PRESIDING JUDGE: Ms Taylor, both myself and my learned
18 colleagues have asked questions in clarification. Is there
19 anything you would wish to add in the light of Mr Metzger's
15:42:09 20 reply?

21 MS TAYLOR: Your Honour, I would simply reiterate that what
22 I have said is that the Prosecution has discharged its
23 obligations of disclosure. That every document within its
24 possession has been disclosed to the Defence relating to this
15:42:26 25 witness. And, as I said, including the transcript, which does
26 give the detail that has been led from the witness in this
27 Chamber.

28 [Trial Chamber confers]

29 PRESIDING JUDGE: It appears to the Trial chamber that this

1 is new detail about disclosed facts. We do not consider the
2 Defence has been taken by surprise in as much as they not only
3 have been served with all the Prosecution documents, but also a
4 copy of this witness's evidence given in the RUF trial. We
15:53:44 5 therefore are of the view that the Prosecution have conformed
6 with Rule 66(A) as far as it is in their possession. However, we
7 also caution the Prosecution to bear in mind they should not lead
8 new facts not already disclosed in accordance with the rules.

9 MR BANGURA: Should I proceed?

15:54:35 10 PRESIDING JUDGE: Yes. I beg your pardon. The objection
11 is overruled. Please proceed, Mr Bangura, but bear in mind what
12 has been said.

13 MR BANGURA: Thank you, Your Honour.

14 Q. Mr witness --

15:54:40 15 A. Yes.

16 Q. [Microphone not activated] aware you had explained what
17 happened to your sister and her children; is that correct?

18 A. Yes.

19 Q. Did anything else happen after that?

15:55:09 20 A. After she has been killed, they cut off her leg.

21 Q. And, Mr witness, was anything done to the others who had
22 been shot and had been killed before your sister and her
23 children?

24 A. Yes. They laid there. They were shaking their toes.

15:55:52 25 Q. When you say "they", who are you referring to?

26 A. The children they first killed. What -- what -- what led
27 me to say -- they were as they were shaking their toes they
28 realised that they have not yet died, so they went and cut off
29 their feet.

1 Q. How many of those that had been shot had their feet cut
2 off?

3 A. There were three in number. The first one was the lady.
4 Only her leg was cut off.

15:56:53 5 Q. Thank you, Mr witness. After all this, Mr Witness, did
6 anything else happen?

7 A. Yes. Things happened. After they had done that, where I
8 was lying down, someone -- one of them came and struck me with
9 the butt of the gun. He injured me on my head and I have the
15:57:16 10 scars.

11 Q. Did you say you have the scar? Can you let Court see that
12 scar, Mr witness?

13 A. It is on my head here. It is here. It is here. [Witness
14 indicates]

15:57:29 15 MR BANGURA: I do not believe it is close enough, but the
16 witness is indicating a scar on his head which bears a mark where
17 he was struck by one of the persons who captured him.

18 PRESIDING JUDGE: Is that sufficient for the Defence?

19 JUDGE LUSSICK: It looks as though the witness is
15:58:10 20 indicating a scar on the right side of his head, just above his
21 forehead.

22 MR METZGER: Would Your Honour bear with me for just one
23 moment? I will confer in case anybody wants to take the
24 opportunity to have a look.

15:58:26 25 THE WITNESS: Let them just come. The scar is here.

26 MR HARRIS: Your Honour, I will just have a brief look.

27 PRESIDING JUDGE: Politely, Mr Harris, please.

28 THE WITNESS: Has he seen it? Has he seen it?

29 MR HARRIS: Thank you, Your Honour.

1 MR METZGER: We are content that Mr Harris has had a look.
2 PRESIDING JUDGE: Thank you. Please proceed.
3 MR BANGURA: Your Honour, the records must reflect that the
4 witness has so indicated.
15:59:55 5 PRESIDING JUDGE: Yes, my learned brother has read it into
6 the record.
7 MR BANGURA: Thank you, Your Honour.
8 Q. Mr witness, apart from being struck on your head, was
9 anything else done to you?
16:00:11 10 A. They put -- they put out the cinders of a cannabis sativa
11 on my leg. Here again, I have the scar on my thigh.
12 JUDGE SEBUTINDE: Mr Interpreter, what was that your said?
13 THE INTERPRETER: Cannabis sativa or marijuana. The
14 alternative.
16:00:27 15 MR BANGURA:
16 Q. Mr witness --
17 A. Yes.
18 Q. Can you again say what the [inaudible] to you?
19 A. Having put off the cinders of cannabis sativa on my leg.
16:00:56 20 MR BANGURA: I think, Your Honours, the difficulty here is with
21 the word cinders. I am not sure.
22 PRESIDING JUDGE: Let the witness -- it is for the witness
23 to give the evidence, Mr Bangura.
24 MR BANGURA: Your Honours --
16:01:15 25 PRESIDING JUDGE: If there is any problem, no doubt it will
26 be picked up in cross-examination.
27 JUDGE SEBUTINDE: Is the interpretation accurate? Are you
28 happy with that interpretation?
29 MR BANGURA: Your Honours, I happen to understand a little

1 bit of Temne, and I understand the witness is saying that
2 somebody put out the butt end of cannabis sativa they were
3 smoking, put that out on the skin somewhere. And so I understand
4 the interpreters using cinders to --

16:01:49 5 JUDGE SEBUTINDE: Of course, if you think the answer has
6 not conveyed to the Court what it is you want to convey, you can
7 ask for clarification depending on how you lead your witness.

8 MR BANGURA: I will accept the evidence as it is.

9 Q. Mr witness --

16:02:00 10 A. Yes.

11 Q. After this had been done to you, they struck you on your
12 head and they put out the butt end of a cannabis on your skin,
13 what else -- did anything else happen?

14 MR METZGER: Technically that is not what the witness said.

16:02:27 15 THE WITNESS: well, it happened.

16 MR BANGURA: Your Honours, I am -- I have some difficulty
17 here, because my understanding is that the -- unless we get the
18 interpreter to perhaps say that again in some other words. And I
19 don't have to interpret for the Court.

16:02:59 20 JUDGE LUSSICK: we already have the witness's evidence.
21 You were just reiterating in another way that wasn't quite what
22 the witness said. It probably would have been better off not to
23 have tried that at all. Just move on to where you are going.

24 MR BANGURA: As Your Honour pleases.

16:03:20 25 Q. Did anything happen after that, Mr witness?

26 A. Yes.

27 Q. Please tell the Court.

28 A. While I was lying down, you see, I was feeling the pain
29 where I was tied. And they said they are going to take me back

1 to Manarrma to their big men.

2 Q. Did they tell you why they were taking you to Manarrma?

3 A. They said they are going to take me to Manarrma to their
4 big men. There they were.

16:04:07 5 Q. How far away was Manarrma to Makambisa where all this was
6 happening?

7 A. It's around two miles.

8 Q. Did they take you to Manarrma as they had said?

9 A. They took me there.

16:04:40 10 Q. How many people took you?

11 A. Two took me there.

12 Q. Can you describe what happened at Manarrma when you arrived
13 there?

14 A. I will be able to explain that.

16:05:00 15 Q. Please do.

16 A. When we arrived -- when we went -- when we are approaching
17 the bridge, we met some rebels. They are washing. The others
18 have -- some others had combats. Some had civilian clothes on.
19 when they saw me they said I was a Gbethi.

16:05:25 20 Q. Mr witness, I must caution you, try not to speak too fast
21 because you are being recorded. Continue please.

22 A. When we arrived at the bridge some started slapping me.
23 Some started striking me on my back. They said I was a Gbethi.
24 I told them that I was not a Gbethi. Those that captured me,

16:06:01 25 they said nothing should be done to me, they have to be taken to
26 the big men.

27 Q. Did they then take you to the big men?

28 A. Yes, we went to the town.

29 Q. Now, when you entered the town, did you observe anything

1 within the town?
2 A. Yes, I saw it and I felt so very, very sorrowful.
3 Q. What could you see?
4 A. When I was approaching the town, I met one woman lying
16:06:37 5 down. She was pregnant. They had already severed her head. And
6 this pit that her stomach on the side and the child's hand
7 protruded. I saw some other people. There they are so many.
8 The corpses are so many and even one of my uncles was killed.
9 Q. So, Mr witness, tell us what happened when you got to these
16:07:08 10 big men.
11 A. When we arrived there, the big men asked those people who
12 took me there. They said that I was a Gbethi. I said I was not
13 a Gbethi.
14 Q. Mr witness, may I just interrupt you there? Who were these
16:07:42 15 big men that they took you to?
16 A. One was called Colonel Sesay. The other one was Johnson.
17 Q. Before you tell us the questions that they asked you, can
18 you describe them as you saw them then?
19 A. Yes.
16:08:03 20 Q. Yes, please do.
21 A. Johnson was fat. He was black, and he had some -- he was
22 plaited.
23 MR BANGURA: Your Honours, I want to understand that
24 [inaudible].
16:08:34 25 THE WITNESS: His hair was plaited. His hair was plaited.
26 JUDGE LUSSICK: I think it is clarified.
27 MR BANGURA: The interpreter said plaited and it was not so
28 clear what he was talking about.
29 Q. Yes, Mr witness, continue, please.

1 A. Colonel Sesay for himself he wore combat. He had a cap on.
2 The cap was cut. The eyes -- this cap, the eyes were cut off and
3 the mouth was also -- the mouth was also cut, so that the eyes
4 and the mouth could be seen through the cut.

16:09:29 5 Q. Was it the kind of -- was it a normal kind of cap that you
6 would see around?
7 PRESIDING JUDGE: You are leading again, Mr Bangura.
8 THE WITNESS: No, it is very difficult. It is very rare to
9 see that sort of cap.

16:09:58 10 Q. Mr witness, this cap -- you said it was such that you
11 could see the eyes and the mouth and the nose. Was it -- I
12 will abandon that line, Your Honour. Can you please continue
13 describing Colonel Sesay as you saw him?
14 A. Colonel Sesay was fair in complexion. He was not that
16:10:35 15 tall. He wore combat. He was a little bit fatter than I am.
16 Q. Did you learn anything about who they were apart from being
17 told before that they were taking you to their bosses? These
18 were the bosses, did you learn anything about them?
19 A. Yes, there were a lot of things. There were a lot of
16:11:08 20 things that I saw there.
21 Q. Okay, Mr witness, let us come back to the point where you
22 said they were asking you questions. Can you tell this Court
23 what questions they asked you when you got there?
24 A. They asked me whether I was a Gbethi.
16:11:35 25 Q. And did you respond?
26 A. I answered. I told them that I was not a Gbethi.
27 Q. Did anything happen after that?
28 A. Well, they told me to sit on the ground.
29 Q. Did you follow the instructions?

1 A. Well, during that time I was not bold enough to say no. I
2 had to do it.
3 Q. And did anything happen after that?
4 A. Yes. It happened.
16:12:27 5 Q. What?
6 A. While I was sitting down there I saw this Johnson
7 sitting -- you see, the thing with which they speak into which is
8 called a solar, normally they put it in the sun.
9 Q. So what did you see happen?
16:13:05 10 A. There I heard Johnson talking, but he was speaking Mende.
11 But the voice that was coming from the phone, I was not able to
12 understand that language.
13 Q. Did anybody else speak on the phone?
14 A. Yes.
16:13:39 15 Q. Who did?
16 A. This Colonel Sesay.
17 Q. Did you hear him speak?
18 A. Yes, the few words that I heard, I know them.
19 Q. What language was he speaking in?
16:14:10 20 A. He spoke Krio and he called some of the names of our towns.
21 Q. Did you understand some of what he said?
22 A. Yes, I understood some.
23 Q. What did you hear him say?
24 A. Well, I heard him say -- said they had captured Manarrma,
16:14:39 25 Makambisa and that they took along and that they were on
26 operation no living thing. So now everything was under their
27 control. So this is what I heard him saying in the set.
28 Q. And you said he was sitting near this set; is that correct?
29 A. Yes. Yes. I was sitting by the set. But when they were

1 talking and they knew that I was listening, then he said I should
2 be taken off the place because I would hear what they were
3 saying.

4 Q. Now, Mr witness, earlier you said when they took you there
16:15:29 5 they asked you and questioned you whether you were a Gbethi and
6 you denied, you said you were not. Did anything happen? Did
7 they say anything else to you when you denied?

8 A. When I have denied and I sat down, something else happened.

9 Q. You have not told this Court yet.

16:16:10 10 A. Where I was sitting down, I saw a colleague of mine who was
11 living in the town that was called Masimo. They brought him.

12 MR BANGURA: Masimo, Your Honours, is M-A-S-I-M-O. Masimo.

13 Q. Yes, please.

14 A. Where I was sitting down, I saw him being shot.

16:16:39 15 Q. Do you know who brought him there?

16 A. Well, the same people, the same time as those ones that
17 captured us. They were the same people.

18 Q. Did anything else happen while you were there?

19 A. Yes, it happened.

16:16:59 20 Q. Please explain.

21 A. One went --

22 THE INTERPRETER: Your Honours, I didn't get the last segments.

23 MR BANGURA:

24 Q. Can you repeat the answer. The question was: Did anything
16:17:18 25 else happen? You had just spoken about somebody who was brought
26 and was shot from the village of Masimo. After that the question
27 was: Did anything else happen? Can you repeat the answer that
28 you gave?

29 A. It happened. When they had killed him.

1 Q. Yes, after they have killed him, did anything else happen
2 then where you were seated then?
3 A. It happened.
4 Q. Yes, can you please tell the Court?
16:18:11 5 A. I was sitting down, I saw in the houses that were in town,
6 the house was opposite us.
7 Q. Are you talking of one house or many houses?
8 A. One house.
9 Q. Yes. Continue, please.
16:18:36 10 A. In the room that was outside, I heard a lot of voices
11 coming from that direction.
12 Q. Did you particularly hear any anything? You heard voices,
13 did you hear what they were saying, what those voices were
14 saying?
16:19:05 15 A. Yes, I knew that.
16 Q. What did you hear?
17 A. You see, I heard voices crying saying, "We want water.
18 Please give us some water to drink. Please give us some water to
19 drink."
16:19:20 20 Q. How far away was this house from where you were sitting?
21 A. It was just from where I am sitting here up to where the
22 judges are because the houses in the provinces are just near each
23 other.
24 Q. Your Honours, I would say about 20-30 feet. I stand
16:19:34 25 corrected.
26 JUDGE LUSSICK: I think on a previous occasion I probably
27 erroneously estimated that distance as 20 yards.
28 MR BANGURA: I stand corrected. I reckon it will be about
29 25-30 feet.

1 JUDGE LUSSICK: well, 30 feet is approximately ten paces.
2 Could you pace that out in ten steps?
3 MR BANGURA: Probably more than ten steps.
4 JUDGE LUSSICK: well, add a yard for every step.
16:20:42 5 MR BANGURA: Mr witness, can you please hold until we are
6 clear about the distance we are talking about here. Your
7 Honours, again I stand guided. In my estimation it would be
8 that, but it could be more, it could be less.
9 MR METZGER: It does not seem to me to be -- shall I say,
16:21:06 10 as far as I would expect wickets to be apart and that would be
11 22 yards.
12 JUDGE LUSSICK: well, if it is important we can pace it
13 out. I am probably wrong when I say 20 yards, but it has been on
14 record in the evidence of some other witness as being 20 yards.
16:21:32 15 MR BANGURA: I believe 20 yards is just as close as 22. I
16 will settle with that, Your Honour. I may be very inaccurate in
17 my estimation here.
18 [TB150405E-JM]
19 JUDGE LUSSICK: All right, we'll say approximately -- the
16:21:44 20 witness is indicating a distance of approximately 20 yards.
21 MR BANGURA: Thank you, Your Honour.
22 Q. Yes, Mr witness.
23 A. You're welcome. Yes.
24 Q. So you heard these voices coming from this house, and they
16:22:04 25 were calling, asking to be given water.
26 A. Yes.
27 Q. Did anything happen after that? Did you notice anything?
28 A. Yes.
29 Q. Please tell the court.

1 A. I saw two -- five other people. They were being brought to
2 this same house in a room that was outside.

3 Q. Who was bringing these five people that you saw?

4 A. These same people that were in the town that were doing
16:22:50 5 these things.

6 Q. So what did they do?

7 A. I saw them standing at the veranda. They were holding
8 guns. One of them opened, and they pulled these people into the
9 room. When they finished, they used a padlock and locked them.

16:23:18 10 I saw they took some nails and nailed the window.

11 Q. After this, did anything else happen? You were still
12 seated there. Am I right? You were still seated near where the
13 bosses were. Did you notice anything after that?

14 MR MANLEY-SPAINE: May it please, Your Honour, I believe
16:23:56 15 this witness has said he was taken away for a distance because he
16 was hearing what they were saying, not that he was still sitting
17 where the bosses were.

18 PRESIDING JUDGE: I have a record: "when they knew I was
19 there, they told them to take me away." And then at some point
16:24:14 20 he said "I was sitting down. I saw houses -- the houses and the
21 townhouses were opposite." I don't actually recall him actually
22 being physically moved.

23 MR BANGURA: Your Honour, it is indeed the case that the
24 witness said he was moved away from where the bosses were.

16:24:34 25 Perhaps there is no clear position as to how far away he was
26 moved. And I take the point. Maybe I should let the witness
27 give that testimony.

28 Q. Mr witness, when you -- you say at the point where these
29 bosses were -- Colonel Sesay was talking on the phone and he

1 ordered that you be removed from where you were sitting, how far
2 away were you taken to from where they were?

3 A. It was in the same ground. I was not taken to another
4 house. They just took me from here. Then they carried me to a
16:25:20 5 place like where you are standing there. I was not taken to
6 another house.

7 Q. So, Mr witness, after having observed what happened in this
8 house which was opposite where you were sitting, did anything
9 else happen?

16:25:48 10 A. Yes.

11 Q. Please tell this Court.

12 A. It was then that Johnson, he came and asked me again. He
13 said they wanted to go. He said since they wanted to go, I
14 should show them where to pass. By then, the pain was too much
16:26:23 15 on me. I showed them the town through which they should pass.
16 By then, there was another group of people that were fighting
17 against them. I showed them that road. Johnson said I was lying
18 and that I should be killed.

19 Q. Mr witness, before we proceed, you say you showed them a
16:26:50 20 road which passes through a point where there were other people
21 fighting against them. Now, who were these other people that
22 were along that road that were fighting against these people?

23 A. At that time, there were Nigerian soldiers. And the town
24 was called Robabar-a.

16:27:13 25 MR BANGURA: Your Honours, Robabar-a, R-o-b-a-b-a-r-a. R,
26 and then hyphenated.

27 Q. You give them the direction that -- you gave Colonel Sesay
28 the direction that he requested from you. Did anything happen?

29 A. Yes.

1 Q. Please go on.
2 A. When I was taken from that place, and they said they did
3 not believe what I said, they said I should be killed.
4 Q. Who said you should be killed?
16:28:11 5 A. Johnson.
6 Q. Did anything happen? You said you were going to be killed,
7 but did anything happen?
8 A. So the fellow drew the cord that was tied around my waist,
9 and I fell on the other side of the veranda.
16:28:42 10 Q. Yes.
11 A. So he then -- one of them said, this one, don't let us kill
12 him any more. Let's leave him now.
13 Q. Do you remember who said that?
14 A. It was Colonel Sesay.
16:29:05 15 Q. And did anything happen after that?
16 A. Yes.
17 Q. Please tell the court.
18 A. Colonel Sesay said, "Don't kill this man any more, any
19 longer." He said to me: Please don't show him, don't show him
16:29:38 20 the way. He said I should be with them, and I should be carrying
21 their loot. And that if I attempted to run away, if I was
22 caught, I would be skinned alive.
23 Q. And did anything happen after that?
24 A. I said, well, I wouldn't run away any more.
16:30:03 25 Q. Were you at any point taken anywhere?
26 A. When I told him that I was not going to run any more, that
27 was the time that the one who had the cord that was tied around
28 my waist -- by then it was a cable that was tied right around my
29 waist, just like you do to -- just like you do to animals, and he

1 held the other end of the rope.

2 Q. So what did he do?

3 A. He took me to the other house where they were cutting
4 people's hands.

16:30:51 5 Q. How far away was that house from where you were?

6 A. Where Colonel Sesay was sitting, it was just one house that
7 was at the middle. At the back, that was the place where they
8 severed people's hands.

9 Q. How did you know that they were cutting people's hands in
16:31:07 10 that house?

11 A. I met some other ladies that I knew in that place where
12 before me, I saw their hands being cut off.

13 Q. Did you know these ladies?

14 A. I knew them. They were two.

16:31:36 15 Q. Are you able to explain how they went about cutting the
16 hands of these ladies?

17 A. Yes. They would put their hands on a stick, and the other
18 one would hold the axe. And they will take the axe and chopped
19 their hands off.

16:32:09 20 Q. Now, you're talking of two people here whose hands were cut
21 off. And they have both got two hands. How many hands were cut
22 off from each of them?

23 A. Both hands were chopped off. Each of the ladies' hands
24 were chopped off. And they went out crying.

16:32:36 25 Q. Did you ever see those -- any of those ladies again later?

26 A. I saw them in Aberdeen camp. That is the place where they
27 were taken to.

28 Q. This was afterwards. Is that correct?

29 A. Where their hands had been cut off. That is the place

1 where they were kept.

2 Q. And when you say Aberdeen camp, is it in Freetown?

3 PRESIDING JUDGE: You're definitely leading now.

4 MR BANGURA: Your Honours, I'm aware. But I was expecting
16:33:28 5 that Defence -- I'm not conducting their case for them.

6 MR METZGER: Please don't encourage us.

7 MR BANGURA: I take point. I'm sorry about that.

8 Q. Mr witness --

9 PRESIDING JUDGE: Defence are not -- you should not lead
16:33:43 10 the witness.

11 MR BANGURA: I will endeavour not to.

12 Q. Where is Aberdeen camp, Mr witness?

13 A. It is in Freetown, here.

14 Q. Thank you, Mr witness. Mr witness, so you were taken to
16:34:03 15 this house where you saw these ladies' hands being chopped off.
16 Did anything happen to you there yourself?

17 A. Yes. I was asked to put my own hands. He said I should
18 put the hand that I use to eat with so that it could be cut off.
19 I said, "Please, don't cut this off." I said, "Instead of you to
16:34:36 20 cut off this hand, please kill me so that I can get out of this
21 punishment." And he hit me with the butt of the gun on my hip.
22 He said if I wanted to try him. I said, "I am not that bold to
23 try you." I said, "You people are all-powerful." I said, "Now
24 it's better for me to be killed so as to get out of this
16:35:17 25 punishment."

26 So the one that took me to Manarrma, that particular
27 individual, he met us in this argument. He said, "Fellow, forget
28 about this fellow. Colonel Sesay told us to leave this fellow
29 alone. He said he should not be killed." He went and called

1 Colonel Sesay. He met us where the hands were being chopped off.
2 He said, "I've told you that this one should be left alone."
3 They took me. And I went and sat where I was sitting previously,
4 where the big men had been sitting.

16:36:19 5 Q. Mr Witness, about what time of the day was this at the time
6 when they took you to the house where they were chopping hands?
7 About what time of the day, say, by the time you came back and
8 sat down again?

9 A. By then, it was -- by then, it was around midday, towards
16:36:52 10 the evening, going towards the evening. It was almost towards
11 the evening.

12 Q. You -- did anything happen later on that evening?
13 A. Yes.

14 Q. Please tell the Court.

16:37:16 15 A. Where I was sitting, I was sitting close to rubbers.

16 Q. Can you explain when you say "rubbers." What are
17 "rubbers"?

18 A. Jerry cans where they put palm oil in.

19 Q. Okay.

16:37:45 20 A. So I saw this Colonel Sesay --
21 JUDGE SEBUTINDE: Sorry, you're leaving us behind.
22 Mr Interpreter, what was that you said? Something about
23 palm oil?
24 THE INTERPRETER: Jerry cans, where they put palm oil into.

16:38:03 25 Jerry cans. Jerry cans. These are containers where they put
26 palm oil.

27 MR BANGURA: Your Honours, I think I would have been
28 content with "containers" rather than jerry cans. The witness
29 first talked about plastic. Rubbers. I'm not so sure it's

1 rubber or plastic. when he was asked to clarify, he says,
2 rubbers, where you pour things into. And he gives us jerry cans.
3 I would have been content with "containers".

4 JUDGE SEBUTINDE: I'm sorry. I thought you were talking
16:38:40 5 about thieves.

6 MR BANGURA: No.

7 Q. Yes, Mr witness. You were seated next to -- in an area
8 where there were rubber containers. Is that correct?

9 A. Yes.

16:39:06 10 Q. And what -- did anything happen while you were seated
11 there?

12 A. Something happened there.

13 Q. Please tell the court.

14 A. There I saw one individual went and took -- but these same
16:39:32 15 people that were in town all these days that I have been talking
16 about, he took one of these rubbers. But the rubbers was not
17 caulked, properly caulked. Then what was inside spilled, and
18 that was petrol. And when this spilled, that was the time that I
19 knew it was petrol that was in this rubber. And I saw him
16:40:04 20 transfer it to some other rubber. It was a small one, but it was
21 more than a gallon. This rubber had some holes. By then, it was
22 around the evening. There, I saw in the house where these people
23 had been put into. For us, the houses in the provinces, they are
24 made of palm leaves. All these leaves were on top of the house.

16:40:59 25 And I saw this man sprinkling this petrol on top of the
26 house. This petrol, and they struck a match, and they threw the
27 match into the house. And the house took fire. And people
28 started yelling inside. It was terrible during that day. In
29 fact, they burnt the rest of the houses in the town. The house

1 was big -- the town was big.

2 Q. How many houses were in that town at that time roughly?

3 A. Well, during that time, the houses that were there were
4 more than 40. Those who run away and came to hide themselves in
16:41:59 5 these houses, they also made some booths. And these booths were
6 many. All these booths were burnt down.

7 when they had burnt, the people had been yelling inside,
8 and there was smoke throughout the town. And the big man said
9 they should move and go to Bakay.

16:42:25 10 Q. Where is Bakay?

11 A. At Port Loko.

12 Q. Mr witness, did you see anyone come out of that house while
13 it was being burnt?

14 A. No. where would they have passed? There was nobody.
16:42:53 15 There was no possibility of them leaving that place. The place
16 was locked.

17 Q. So after the town had been burnt, you said the big men said
18 for you to go to Port Loko. Is that correct?

19 A. Yes.

16:43:18 20 Q. And did you eventually leave for Port Loko?

21 A. Yes, we went. Because during that time, I was in a cord.
22 They were walking with me just like you did with a goat.

23 Q. Can you describe the group -- how many of you were going to
24 Port Loko?

16:43:48 25 A. During that time, all of them, those at Manarrma, those at
26 Makambisa, all of them were with us. There were so many during
27 that time.

28 Q. And apart from these people who you have been referring to,
29 were there other people like yourself from the town who were with

1 them as you were going to Port Loko?

2 A. Those that I knew, there were two. Those that were
3 captured. If there were some other people, I did -- I would not
4 know because I did not know them.

16:44:35 5 Q. Again, I ask you, are you able to estimate the number of
6 people who were going to Port Loko at this time?

7 A. Oh, it's so difficult for me to tell you the estimate
8 because there were so many.

9 Q. Mr witness, do you know what was the purpose or the
16:45:08 10 intention for going to Port Loko?

11 A. Well, they said we were going to fight.

12 Q. And did you get to Port Loko?

13 A. We arrived there.

14 Q. Did anything happen on the way to Port Loko?

16:45:47 15 A. At a town that was called Barbara where the Nigerians were
16 stationed.

17 MR BANGURA: Your Honours, Barbara has already been spelled
18 for the Court.

19 Q. And what happened there?

16:46:00 20 A. During that time, we did not know. These Nigerians that
21 were brought there because the place -- they did not meet them at
22 all when we went there. They had all run away and went to Port
23 Loko. The school where they were, there, these rebels that were
24 with us met a machine that was called LMG with its bullets, with
16:46:32 25 its bullets reaching all around. And some were in a chain.

26 Q. This machine which you talk about, what is it, the LMG
27 machine? what did you later observe it to be?

28 A. It was a gun that they used to shoot with.

29 Q. Yes. Please continue.

1 A. The one that took this gun, he tried to shoot it, but it
2 couldn't shoot. So he took it to Colonel Sesay. This Colonel
3 Sesay, he dismantled it and he fixed it in his own way. He
4 pointed it to the other house. He attached the chain that had
16:47:30 5 the bullets, and he started shooting. The house where he turned
6 and shot, and all was destroyed. And he started dancing. They
7 jubilated. They said, Now, from here, we're going to Port Loko.
8 Q. Okay, witness. At that point, you were now heading to Port
9 Loko. How far away was Port Loko from that area?
16:48:18 10 A. It's more than five miles. It's a little bit far.
11 Q. About what time was this?
12 A. In the evening. It was at night already because we left
13 the place Manarrma at night.
14 Q. Did you eventually get to Port Loko?
16:48:49 15 A. We arrived at Port Loko.
16 Q. About what time, if you can remember?
17 A. In the evening.
18 Q. Did you say in the evening, Mr Witness?
19 A. At night. We arrived at Port Loko at night.
16:49:14 20 Q. And when you got to Port Loko, did anything happen there?
21 A. Something happened there.
22 Q. What happened?
23 A. Amongst the people who were with us, we were almost
24 approaching the house. The corsair was called Born Naked. He
16:49:41 25 went to town and bought cigarettes. He went right on the town.
26 He came back, and he told the big men --
27 Q. You have to move not so fast. You've got to speak not so
28 fast. You're being recorded.
29 JUDGE SEBUTINDE: And you're not spelling names.

1 MR BANGURA: I'm sorry about any omissions, Your Honour.

2 I'll try to keep up with the names.

3 Q. Yes, Mr Witness --

4 JUDGE SEBUTINDE: There is a name which the witness
16:50:19 5 mentioned, and a title or something. Because he was speaking so
6 fast, I didn't record anything. But I thought you would then
7 pause him and spell this thing for us.

8 MR BANGURA: If I do recollect well, the witness mentioned
9 somebody who went to look around the town called Born Naked. If
16:50:39 10 my recollection serves me right, that's the name I heard. And I
11 thought that was clear enough, Born Naked.

12 JUDGE SEBUTINDE: I'm sorry, maybe it's the accent. I
13 thought that's a local name. Please don't take it for granted
14 that we understand this accent. If it's not a regular name like
16:50:58 15 James or Alfred, please spell it.

16 MR BANGURA: I will endeavour to do so. That name was Born
17 Naked, Born as in born, and Naked as in naked.

18 Q. Mr Witness, you were telling this Court what happened when
19 Born Naked went into town to -- into Port Loko, the township, to
16:51:30 20 view the situation. And he came back. And what happened at that
21 point?

22 A. He told his bosses that -- he say the Malians were at
23 Schenlenker and they should start shooting.

24 MR BANGURA: Schenlenker.

16:52:01 25 THE WITNESS: It's a school. Those that are in forms, this
26 is the school they go into.

27 MR BANGURA:

28 Q. Do you mean the secondary school?

29 A. Yes. You have big houses there.

1 Q. And so Born Naked came and gave some information. Is that
2 correct?
3 A. Yes.
4 Q. As a result of that information that Born Naked brought
16:52:34 5 back, did anything happen? This group you were with, did they do
6 anything?
7 A. Well, when the big men give the order, they started
8 shooting at once.
9 Q. And who was shooting?
16:53:06 10 A. Those with whom I was, the group of Colonel Sesay.
11 Q. Where were they shooting?
12 A. They were shooting towards the town. They were shooting
13 towards the town, and they were shooting -- they had been
14 advancing.
16:53:24 15 Q. At this point, Mr witness, were you in the town? You had
16 said that you came to Port Loko. And now you say they were
17 shooting towards the town. Where were you at this point?
18 A. We were just at the outskirts. Because the town was so
19 big, and so they went to where Schenlenker was.
16:53:53 20 Q. Thank you. And during that period that they were shooting,
21 did anything happen?
22 A. Well, because the firing at that time was so terrible and I
23 was panic-stricken, where I was, so at night in the house, the
24 houses that were by us, some people had been crying in the
16:54:26 25 houses. But by then, it was night. Some had been advancing
26 towards Schenlenker.
27 Q. Did anything happen to yourself, Mr witness, at this time?
28 A. Yes, because I was with the individual who had the cord
29 with which I was tied. During that time, I could not just walk

1 by myself. They had to walk with me.
2 Q. Did this shooting go on for long?
3 A. It continued for a long time.
4 Q. And did anything happen after that? Or as it continued,
16:55:15 5 did anything happen?
6 A. Yes. I heard the sound of a vehicle. It was coming. I
7 heard it first. Then, the one that held me, they told the big
8 men. He said that the gun that is known as the shaker bomb is
9 firing now. He left the cord that they tied around my waist.
16:55:46 10 Q. Okay, Mr witness. The gun that they call -- they called
11 what?
12 A. The one that held the rope that was tied round my waist, I
13 heard him say -- he told the big men that the gun that is known
14 as the shaker bomb was being fired. That was owned by the
16:56:16 15 Malians.
16 Q. Did anything happen at that point?
17 JUDGE SEBUTINDE: Sorry to interrupt again. Could you
18 spell -- I don't understand Malians. Who are Malians?
19 MR BANGURA: Malians.
16:56:36 20 JUDGE SEBUTINDE: You mean nationals of Mali?
21 MR BANGURA: Yes.
22 MR MANLEY-SPAINE: I don't think that is what he meant. It
23 means Malian soldiers who were with ECOMOG, not just nationals of
24 Mali.
16:56:52 25 PRESIDING JUDGE: I think, Mr Manley-Spaine, the record was
26 "owned by the Malians", and that's the record.
27 MR BANGURA: Your Honours, by way of assisting Your Honour
28 to understand what he means, it's not -- this is not evidence.
29 PRESIDING JUDGE: No, Mr Bangura, the witness must give the

1 evidence. It cannot come from the bar table.

2 MR BANGURA: It was just in response to a question.

3 Q. Yes, Mr Witness. You said "the Malians." Who were these
4 Malians?

16:57:29 5 A. The Malians, the soldiers. They had guns. We were told
6 that they were brought for peace. It was at Schenlenker that
7 they were stationed. Some were stationed at the college.

8 Q. And so did anything happen at this point, Mr Witness? You
9 said when the person who was holding the rope tied around you
16:58:01 10 said these words, that the shaker bomb had come, did anything
11 happen at this point?

12 A. Well, I ran away. I went to a place where there were big
13 rocks. As the firing continued, I hid myself. I hid in the
14 rocks, in between the rocks because I knew the terrain.

16:58:31 15 Q. And where did you spend the night?

16 A. I was in between those rocks until early morning. I
17 crossed over to a town called Rogbonkom. When I arrived there,
18 it was there I was given trousers.

19 Q. Were you able to get other forms of assistance that day,
16:59:06 20 the next day?

21 A. Well, they took me on Saturday morning to these Malians.

22 Q. Did you get some assistance from them?

23 A. Yes. They said they should take me to the Nigerian base.

24 Q. Did you get some assistance from them, at the Nigerian
16:59:51 25 base?

26 A. Yes. When I was taken there, they scraped my head. They
27 poured some medicine on the sore that was on my head. They gave
28 me injections so as to cure me where I was tied so that the blood
29 could flow through the veins freely.

1 Q. Mr witness, were you able to go back to your town Manarrma
2 afterwards?
3 A. After three days, that was the time I had the opportunity
4 to go back.
17:00:52 5 Q. And when you say, "after three days," three days counting
6 from which day?
7 A. That was from Friday, Saturday, Sunday. Those are three
8 days. That is the way we consider them.
9 Q. Thank you. So you went back to Manarrma on Sunday. Is
17:01:21 10 that correct?
11 A. Yes, that's true. Because on Monday, I have to go for
12 treatment.
13 Q. Did you go to Manarrma alone?
14 A. No, with some of my colleagues. During that time, I could
17:01:42 15 not move all by myself. I was not well. During that time, I
16 went with my father.
17 Q. Can you describe to this Court what you observed when you
18 got to Manarrma.
19 A. Well, I start from Makambisa. That was -- that was where
17:02:16 20 they made the [inaudible] for my brothers that were killed there.
21 Q. So you went first to Makambisa. Is that correct?
22 A. That is where you pass through before going to Manarrma.
23 Q. So what did you observe? what happened at Makambisa when
24 you went back?
17:02:39 25 A. When I returned, the other people -- the other one, we were
26 unable to bury them. Just my few brothers and the other -- the
27 other people that were killed at the back of the house, they were
28 put together. They were buried. From there, we went to
29 Manarrma. Even my stepmother was inclusive.

1 Q. Now, when you say your stepmother, who are you referring to
2 here, Mr witness?
3 A. That was the one they said they were going to rape, the one
4 that they went with that they never brought her back. That was
17:03:28 5 the corpse that we collected.
6 Q. So you found her dead?
7 A. Yes.
8 Q. You've just said that you buried these corpses in
9 Makambisa.
17:03:46 10 A. Mm-hmm.
11 Q. After that, did you then go to Manarrma?
12 A. We went to Manarrma to bury these people. That is why we
13 went there.
14 Q. And what happened in Manarrma?
17:04:03 15 A. When we went to Manarrma, we met a lot of -- the corpses
16 were littered all over. Well, our own people that we knew, those
17 were the corpse -- they are corpses that we packed together in
18 order to bury them.
19 Q. Apart from burying corpses in Manarrma, did you do anything
17:04:29 20 else?
21 A. Well, yes. Things happened there. That is where I'm
22 coming now. The ones that we went together, as they were
23 digging, during that time, I was unable to do any hard work. I
24 told some of my colleagues that I knew that people were placed in
17:05:03 25 the house. I told them that colleagues in that house over there,
26 people were placed in there. Let us go and watch there. I went
27 there together with them. We met the people were burnt
28 completely.
29 Q. What did you find in there?

1 A. We counted them. When we counted the heads, there were 73
2 in number.

3 Q. When you say "the heads," what do you mean?

4 A. The head. This one, the head. That is the head. That is
17:05:58 5 the way we call it in Temne. We only have one head.

6 Q. But these people were dead.

7 A. They were dead. If people have been burnt, if somebody has
8 said, "these people have been burnt," are you still asking me a
9 question if they were dead?

17:06:23 10 JUDGE SEBUTINDE: Counsel, sorry to interrupt. I'm not
11 quite sure what house we're talking about. Some house in
12 Manarrma?

13 MR BANGURA: Yes, Your Honour. That's what the witness --

14 THE WITNESS: Yes, that is the house.

17:06:35 15 JUDGE SEBUTINDE: [Previous interpretation continues] --

16 MR BANGURA: I stand guided. But I understand the witness
17 is saying that when they went to Manarrma, he informed those that
18 were with him that there was a house where people had been locked
19 up before. And he went to show them that house.

17:06:55 20 I stand guided by your records.

21 PRESIDING JUDGE: Mr Bangura, in another matter, it's now
22 after 5.00. Is there many more questions for this witness?

23 MR BANGURA: No, Your Honour, I'm just about rounding up.
24 Just a few more questions. It shouldn't be longer than five
17:07:14 25 minutes.

26 PRESIDING JUDGE: Very well. We will complete the
27 examination-in-chief.

28 MR BANGURA:

29 Q. So you said you counted the heads in there, and there were

1 73 in number. Is that correct?

2 A. 73.

3 MR BANGURA: That will be all for this witness,
4 Your Honour. Thank you, Mr Witness.

17:07:55 5 PRESIDING JUDGE: Thank you, Mr Bangura.

6 We will adjourn now until Monday morning. Mr Witness, you
7 have sworn on the Koran to tell the truth. The other lawyers
8 have some questions for you. Between now and the time that all
9 your evidence is finished, you must not discuss your evidence
17:08:14 10 with anyone else. Do you understand what I said? Do you
11 understand?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Thank you.

14 Madam Court Attendant, please adjourn until Monday at 9.15.

17:08:30 15 [The witness stands down]

16 [Whereupon the hearing adjourned at 5.08 p.m., to be
17 reconvened on Monday, the 18th day of April, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D5-A	49
Exhibit No. D5-B	49

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-256	2
CROSS-EXAMINED BY MR METZGER	2
CROSS-EXAMINED BY MR MANLEY-SPAINE	14
CROSS-EXAMINED BY MR FOFANAH	19
WITNESS: TF1-021	24
EXAMINED BY MS STEVENS	25
CROSS-EXAMINED BY MR METZGER	34
WITNESS: TF1-253	50
EXAMINED BY MR BANGURA	50