

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

MONDAY, 18 APRIL 2005
9.25 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Matthias Reuss
For the Registry:	Mr Geoff walker
For the Prosecution:	Ms Lesley Taylor Mr Mohammed Bangura Ms Jennifer Beckley (intern) Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Mr Kevin Metzger
For the accused Brima Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Abibola Manley-Spaine

1 Monday, 18 April 2005

2 [TB180405A - SGH]

3 [Open Session]

4 [The accused entered court]

09:19:59 5 [The witness entered court]

6 [Upon commencing at 9.25 a.m.]

PRESIDING JUDGE: Good morning. We appear to be short of
8 defence counsel; is that correct? Mr Metzger, you are on your
9 feet.

09:23:39 10 MR METZGER: I am on my feet because this morning I
11 received a message from Mr Manley-Spaine who says that he is
12 unavoidably unable to be here this morning and he has asked that
13 cover his interests. He does not believe he will have any
14 supplemental questions for this witness in any event. For both
09:23:54 15 for my part and that of Mr Harris, we are content to proceed in
16 his absence. But in order to make everything abundantly clear,
17 would the Court allow me just to speak to his lay client in order
18 to seek his own approval?

19 PRESIDING JUDGE: That would be very wise. Please do so.

09:24:14 20 MR METZGER: I am very much obliged.

21 [Defence counsel and accused confer]

22 MR METZGER: May it please Your Honour, I have spoken to
23 Mr Kanu. He is content for us to for the matter to proceed in
24 the absence of Mr Manley-Spaine, if it meets with the Court's
09:24:55 25 approval.

26 PRESIDING JUDGE: Yes, we will proceed on. If there are no
27 other matters, I will remind the witness of his oath and go into
28 cross-examination. Mr Witness, you remember on Friday you swore
29 to tell the truth? Mr Court Attendant, I think the witness's

1 microphone is not on. You heard what I said, Mr Witness?
2 THE WITNESS: I have.
3 PRESIDING JUDGE: That promise to tell the truth is still
4 binding on you today and you must answer the questions
09:25:49 5 truthfully. Do you understand? You understand?
6 THE WITNESS: Yes.
7 PRESIDING JUDGE: Thank you.
8 THE WITNESS: welcome.
9 PRESIDING JUDGE: Cross-examination.
09:26:21 10 WITNESS: TF1-253 [Continued]
11 CROSS-EXAMINED BY MR METZGER:
12 Q. Good morning, Mr Witness.
13 A. Good morning. How do you do?
14 Q. Mr Witness, I am going to ask you some general questions
09:26:33 15 first and then some general questions relating to what you have
16 told us about on Friday?
17 A. Okay.
18 Q. Now according to your evidence, Mr Witness, the events you
19 described occurred in your village which is ~~XXXXXX~~; is that
09:26:52 20 correct?
21 A. Yes.
22 Q. Or at least they started there. Can I ask you first and
23 foremost if you can help us with this, the people who you
24 described as soldiers, I believe, that caused all these
09:27:27 25 difficulties, did you understand them to be Superman's men?
26 A. Ask your question again.
27 Q. Mr Witness, these soldiers who carried out the atrocities
28 that you told us about on Friday, did you understand them to be
29 Superman's men?

1 A. Some -- that is what he said. Some did not say that.

2 Q. The ones who said to you that they were Superman's men,
3 were they with the other soldiers working side by side?

4 A. Yes, during that period they were together.

09:28:39 5 Q. Thank you, Mr witness.

6 MR METZGER: It appears Mr Harris is having a problem.
7 would Your Honours just give us a moment?

8 PRESIDING JUDGE: Yes.

9 MR METZGER: Thank you.

09:29:31 10 Q. Mr witness, now let me ask you some general questions to
11 see if you can help us. Firstly, do you remember making a
12 statement to someone from the Prosecution on 28th
13 October 2003?

14 A. Yes.

09:30:12 15 Q. Can you remember how many statements you made to the
16 Prosecution in this case from that first time?

17 A. That's what I have talked about. What I knew is what I
18 have explained. I never counted them.

19 Q. Okay, Mr witness, I will try it in another way. Can you
09:30:58 20 remember at least roughly, how many times you have spoken to
21 someone from the Prosecution about this case?

22 A. If he asked me the number of times, I cannot give you the
23 exact number of times. What I knew is what I have explained. I
24 was not asked to give account of the number of times I have met
09:31:35 25 with them. I was asked to explain what I experienced.

26 Q. I appreciate that, Mr witness, but what I am asking you to
27 see if you can help us with - and you don't have to be exact - is
28 roughly how many times did you see someone from the Prosecution
29 that they asked you to talk about what you saw and heard?

1 A. I did not do what?
2 Q. I will ask it in another way. If I asked you "Have you
3 seen the Prosecution up to ten times in order to explain what
4 happened to you?" would that be an accurate number of times from
09:32:31 5 October 2003?
6 A. These questions you are asking me about Prosecution, do
7 give me some doubts. Ask me what had happened to me, I can
8 explain precisely.
9 Q. You see, Mr Witness, if I am asking you an improper
09:33:13 10 question the Prosecution lawyers have the right to stand up and
11 speak to the judges to stop me. The judges are here to see that
12 there is fairness. They will stop me from asking you what is not
13 a proper question. So please see if you can help us with the
14 answer to this. Have you seen them up to ten times or more than
09:33:32 15 ten times?
16 A. Whom have I seen up to ten times?
17 Q. Somebody from the Prosecution asking you to explain about
18 what happened to you.
19 A. You have already asked me if I can remember.
09:34:06 20 Q. All right, Mr witness --
21 A. You have asked me if -- about the issue regarding the war.
22 I have explained that. I have explained that. I have answered;
23 replied. I have done that and now you have asked me again.
24 Q. The Court will note the witness's reluctance to answer that
09:34:35 25 particular question.
26 PRESIDING JUDGE: I get more of an impression, Mr Metzger, he is
27 not very sure why he is asked and what about, rather than to draw an
28 adverse conclusion at this --
29 MR METZGER: Well, I would appreciate if the Court is able

1 to assist on this point. I am simply seeking to lay down the
2 groundwork.

3 PRESIDING JUDGE: We fully appreciate what you are.

4 MR METZGER: Yes.

09:34:57 5 PRESIDING JUDGE: [Microphone not activated] Mr witness, I
6 would like to --

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: I would like to explain to you that the
9 counsel, this lawyer, can ask you questions about your
09:36:19 10 conversations with the Office of Prosecutor from the Special
11 Court. Do you understand that he can ask those questions?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: He is now asking if you can remember how
14 many times you spoke to someone. We are not clear if you
09:36:36 15 understand the question or whether you do not remember; which is
16 it.

17 THE WITNESS: The people that went and met me -- met me in
18 my village or the lawyer that brought me here.

19 PRESIDING JUDGE: Mr witness, I think it is both, but
09:37:21 20 counsel will ask you that more clearly.

21 MR METZGER: I am very much obliged to the Court.

22 Q. Mr witness --

23 A. Yes.

24 Q. [Microphone not activated] were people that went and met
09:37:35 25 you in your village from the Prosecution and the lawyer or
26 lawyers that met you here. We just want to have a general idea
27 of how many times they spoke to you to ask you to explain what
28 happened to you.

29 A. Eh? well, the ones that met me in my village, they went

1 there at one time.

2 Q. [Microphone not activated]

3 A. When I came. Another time, that was the time another one

4 questioned me.

09:38:56 5 Q. How many times did they question you when you came here?

6 A. This is the time when I came to Freetown here?

7 Q. Yes.

8 A. It was only once that we saw. We met together.

9 Q. So you would say, Mr Witness, that you have not been to the

09:39:57 10 Special Court on at least three occasions to talk about your

11 evidence?

12 A. If I have not spoken thrice?

13 Q. Yes. You are suggesting only once and one other time.

14 A. To talk right inside this courtroom, is that what you

09:40:26 15 meant?

16 Q. We know that you have spoken in another courtroom. That is

17 correct; is it not?

18 A. Okay, that's right.

19 Q. Before you spoke in that other courtroom and if you want I

09:40:45 20 can give you the dates of that, which was 28th July last year,

21 did you speak to any Prosecution lawyer about the evidence you

22 were going to give?

23 A. This time around that I came?

24 Q. I will come to this time around, Mr Witness. Let us start

09:41:24 25 with last year. Before you came last year, just before you came

26 did you speak to a Prosecution lawyer?

27 A. Yes. You mean the case that has already passed?

28 Q. Yes, that one.

29 A. We spoke together.

1 Q. How long before you actually came to Court to talk about
2 that case -- to talk in that case, had you spoken to the other
3 lawyer?

4 A. The case that has already passed?

09:42:07 5 Q. Indeed, Mr Witness.

6 A. Eh? well, during that period I have been questioned. They
7 have asked me a series of questions concerning that.

8 Q. I don't mean, Mr Witness, when you actually came into the
9 Court to give your evidence like you are today. I mean before
09:42:31 10 that, how long before that time did you see a lawyer from the
11 Prosecution who asked you to tell him about what happened?

12 A. Last time I came to this other Court they asked me the
13 questions. I have answered them. These same questions. Well, I
14 am ready to -- those are the questions I know how to answer well.
09:43:11 15 These were the questions that were asked of me. I have already
16 answered them and I have forgotten about them.

17 Q. Mr Witness, you will forgive me if I ask you questions you
18 have already been asked. I represent somebody different from
19 those people who asked you questions. What I am simply trying to
09:43:30 20 ask you is, if you can help us, tell us when was the time, the
21 last time before you went into that court, that you spoke to a
22 Prosecution lawyer about what evidence you were going to give?

23 A. The number of times we met with those lawyers.

24 Q. If you start by telling us the last time, before you came
09:44:16 25 to court on the last occasion, then we can identify a person and
26 you can tell us the number of times you spoke with that person.
27 But let us take it one step at a time, okay? Just how long
28 before the last time you came to court to give evidence did you
29 speak to a Prosecution lawyer?

1 A. Yes, we had a talk. We conversed.
2 Q. How long before you came to the court?
3 A. That was not a lengthy conversation. When I came the first
4 time then he said he was not well. We just started. So we never
09:45:23 5 had a lengthy discussion.
6 Q. So did you have to come again so that you could have a
7 lengthy discussion?
8 A. I came back. I came back.
9 Q. And did you meet the same lawyer?
09:45:47 10 A. We only started during that time, but I had a serious cold,
11 so I was given some treatment.
12 Q. Did you come back again after that?
13 A. After I felt better that was the time we had chance to
14 converse.
09:46:06 15 Q. And those three occasions you are talking about was with
16 the same Prosecution lawyer; is that so.
17 A. Well, what he had wanted from me the first time he never
18 got it from me. That is why I left.
19 Q. Let us see if we can identify him. Do you know that
09:46:32 20 Prosecution lawyer's name?
21 A. Me, I only saw a lawyer. You have the papers. You know
22 them.
23 Q. All right, Mr witness, let us move now to this time that
24 you are coming to give evidence.
09:46:57 25 A. All right.
26 Q. So, before Saturday when you came here -- I beg your
27 pardon, Friday. Did you see a lawyer from the Prosecution to
28 talk about what you were going to come to this Court to explain?
29 we are talking about this year now.

1 A. Yes.

2 Q. Did you see that lawyer more than one time?

3 A. No. Not more than that. For him -- he met me with no
4 problem, so we met only once.

09:47:56 5 Q. And how long before you came to give evidence was that?

6 A. Not long ago.

7 Q. A week ago, less than a week ago or more than a week ago?

8 A. Not a week ago.

9 Q. Less than a week?

09:48:17 10 A. Yes.

11 Q. Right, Mr Witness. Mr Witness, you see, I want to examine
12 with you the very first statement we have that you gave to the
13 Prosecution. It is short and does not go into detail. This was
14 the one you made in October 2003 and you have told us you
09:48:48 15 remember that; is that not so? And in March 2004 you were seen
16 again by a Prosecution lawyer and it was at that stage you
17 clarified that the witnesses -- I beg your pardon, the rebels had
18 stated or told you that they were the men of Superman and that
19 they came from Lunsar. Do you remember that?

09:49:44 20 A. Eh? That is what I said. They told me that.

21 Q. Who was it that told you that, just for clarification
22 purposes?

23 A. One of the rebels that was in the civilian clothing. It
24 was he who told me that he was from the section of Superman.

09:50:09 25 Q. Now at that time, so last year, on 25th March last year,
26 were you asked if you could remember any more detail about the
27 evidence that you had given to them about the statement that you
28 had given to them?

29 A. This year?

1 Q. No, no, I am last year at the moment. On March 25 last
2 year. I don't know, does the date mean something to you;
3 March 25 last year? Just before, if you like, maybe a month
4 before the groundnut planting season.

09:51:10 5 A. The time I came to the Court?

6 Q. At that time I think you were not living in Freetown and
7 they came to meet you where you were last year.

8 A. Okay, that's why I have asked. If those people that went
9 and met me up country.

09:51:29 10 Q. But that was not the first time you spoke to them, but last
11 year somebody went up and spoke to you. Maybe you can remember
12 two people being there: One Mr Sesay and one Mr Santora.

13 A. Yes, it's called what, Alfred Sesay?

14 Q. That is correct. It is that time I am talking to you about
09:51:58 15 now.

16 A. Well, since I am a Temne, I'll just say --

17 THE INTERPRETER: Please, could the witness repeat the last
18 segment of his testimony?

19 Q. Mr witness, could you just repeat what last you said,
09:52:24 20 the interpreter did not catch it. You said, "Since I am a
21 Temne," and then we did not hear the rest. What you will say?

22 A. Okay, well -- okay, well, it's because the month's name was
23 mentioned, March, March, that is why I did not understand. Until
24 he made mention of name Alfred Sesay, that made it very clear to
09:52:56 25 me.

26 Q. So, it is that time I am talking about. When they came to
27 speak to you about this case and what you have to say about it,
28 did they ask you if you remembered anything more about the
29 detail?

1 MS TAYLOR: Your Honour, I object at this point. There is
2 already before this Chamber in respect of another witness a set
3 of legal arguments filed by the Prosecution on the extent to
4 which the Prosecution submits Defence counsel should be allowed
09:53:33 5 to cross-examine on pre-trial meetings between officers of the
6 Prosecution and witnesses. And the Prosecution submits that that
7 limit stops at the number of times that those meetings took place
8 and should not descend into what was discussed during those
9 meetings.

09:53:52 10 PRESIDING JUDGE: When you say there was a submission, do
11 you mean to another Trial Chamber.

12 MS TAYLOR: No, to this Trial Chamber, in relation to the
13 objection that was taken to - I forget the witness number - last
14 week and there was some discussion and Your Honours ordered there
09:54:03 15 be some written submissions.

16 MR METZGER: It may well have been 272.

17 MS TAYLOR: I am grateful to my learned friend, I don't
18 recall the witness's number. But in my submission, my learned
19 friend is getting into the area where the Prosecution say it is
09:54:21 20 impermissible in cross-examination.

21 PRESIDING JUDGE: There is a rule relating to --

22 MR METZGER: Might I just respond first and foremost?

23 PRESIDING JUDGE: [Microphone not activated]

24 MR METZGER: So be it.

09:54:30 25 PRESIDING JUDGE: Yes, please let me have your response,
26 Mr Metzger.

27 MR METZGER: I am very much obliged. I am, as always,
28 grateful to the Prosecution for pointing matters out of great
29 import. I rather suspect that this is not an objection based on

1 rule 97, which is a lawyer-client privilege, because it would
2 seem to me that there is no lawyer-client relationship between
3 the Prosecution and a witness who is about to give evidence. But
4 perhaps I jump the gun somewhat. We know that there is an
09:55:23 5 objection in relation to the content of what the Prosecution has
6 called pre-trial meetings to assist the witness with their
7 testimony, which will be dealt with by our responding to the
8 written submissions of the Prosecution, which I believe were in
9 fact lodged on -- well, it may have been filed on Friday or they
09:55:49 10 may have been before the Court by close of business on Thursday
11 and we have, I think, until Tuesday to respond. We shall respond
12 as soon as possible. However, if I might invite the Court's
13 attention to the relevant document in the bundle at page 6509, it
14 brings about a state of deep confusion, certainly in my team and
09:56:17 15 I may well speak for the other teams in this case, when the
16 Prosecution serve interview notes as interview notes which are
17 meant to confirm, add to or clarify statements that have already
18 been made. In our respectful submission, that makes this part of
19 the evidence relied upon by the Prosecution and therefore served
09:56:46 20 pursuant to Rule 66. I could be wrong about that, this being a
21 continuous duty of disclosure. But if we are wrong about that,
22 then I would seem odd that in any case where there has been a
23 so-called pre-trial meeting assisting the witness in the
24 preparation of his evidence given duty, so to speak, those
09:57:15 25 particular materials, to the best of my knowledge, have not been
26 served. And that is the issue we had in relation to -- forgive
27 me, I cannot quite now recall the witness number - and it may
28 well have been 227 as opposed to 272 - here on that particular
29 occasion it was counsel who was taking the witness, Mr Braun, who

1 apparently had had meetings with the witness. So a matter of
2 days before that witness came to give evidence. I am talking
3 about an interview that took place on 25th March 2004 where there
4 was an investigator present as well as counsel and confirmation
09:58:01 5 was sought of what the witness was saying.

6 And I am doing this - and I am sure my learned friend knows
7 this, which is perhaps why the timely objection has been made so
8 that we all know where we stand in relation to this - in order to
9 explore why it was the first time that it appears to the Defence
09:58:18 10 that this witness's evidence has become detailed, is on 28th July
11 when he gives evidence in Trial Chamber number one. And in our
12 respectful submission, it is something that we ought properly to
13 be able to investigate with this witness in order to assist Your
14 Honours in coming to some conclusion about the evidence that is
09:58:48 15 given. Those are my submissions in response.

16 PRESIDING JUDGE: Thank you, Mr Metzger.

17 [Ruling]

18 PRESIDING JUDGE: The objection is overruled in the light
19 of the submissions. However, the Court will follow this line of
10:02:06 20 questioning very closely to ensure that it does not contravene
21 any of the Rules of Procedure and Evidence.

22 MR METZGER: I am much obliged.

23 Q. Mr Witness, I am sorry for the delay. The question I
24 want to ask you is this --

10:02:23 25 A. Yes.

26 Q. During that interview --

27 MR METZGER: Mr Interpreter, did the witness say something?

28 THE INTERPRETER: We cannot hear the witness, he is just
29 mimicking.

1 MR METZGER: We shall see if there is anything we can do
2 before I continue. I am very much obliged to the Court
3 Attendant.

4 Q. Mr Witness --

10:03:12 5 A. Yes.

6 Q. It is that meeting I want to ask you about that Mr Alfred
7 Sesay was present. During the course of that interview, were you
8 at any stage asked if you could expand or provide a detail about
9 the statement you had given?

10:03:58 10 A. If I was asked to explain all that -- the things that I
11 observed are many. If they asked me to make an addition they
12 cannot add everything.

13 Q. Mr Witness, I am not asking you what the Prosecution can
14 add or cannot add. I am simply asking whether to your knowledge
10:04:28 15 on that occasion you were asked to explain in more detail some of
16 the things you had maybe given just a short indication of in your
17 first statement.

18 A. Yes, they asked me to explain. That's the only explanation
19 I had for them.

10:04:59 20 Q. So on that occasion you had the opportunity to explain in
21 more detail the story that you had told them?

22 A. Yes.

23 Q. And what you told them was the men, the rebels, had stated
24 they were the men of Superman and they also came from Lunsar?

10:05:20 25 JUDGE SEBUTINDE: Mr Metzger, read carefully what it says. It
26 says --

27 MR METZGER: [Inaudible]

28 JUDGE SEBUTINDE: "The rebels who had stated." Don't miss
29 out the word "who". It gives a whole new meaning. "The rebels

1 who had stated that they were the men of Superman also said that
2 they came from Lunsar."

3 MR METZGER: I am very much obliged to Your Honour and I
4 will read the whole thing. I am grateful for guidance.

10:05:46 5 Q. Mr witness, I will read what the people have written
6 down. "The witness," that is you, says that, "The rebels who
7 had stated they were the men of Superman also said that they
8 came from Lunsar." Now, is that the only thing you explained
9 when you met the Prosecution at that time?

10:06:37 10 A. I have answered that. I told you that it was the rebels
11 that told me that they were the rebels. They were Superman's
12 boys. So if somebody asked to me explain, I must tell the person
13 that this is what the rebel told me.

14 Q. Indeed, Mr Witness. But I am asking a slightly different
10:07:03 15 question which is, if you have the opportunity to explain about
16 all what you told the Prosecution in your first statement, why
17 was it that you only gave them this one explanation on that day?

18 PRESIDING JUDGE: [Inaudible]

19 MR METZGER: Yes. Let me make it clear. It can be
10:07:38 20 somewhat cumbersome to put these sorts of things. It is the
21 Defence case, whatever the state of this witness's evidence, that
22 there has been significant elaboration between the taking of his
23 first statement and including the record of the interview notes
24 of 25th March last year, up until the time he first gives a very
10:08:12 25 full and detailed rendition of what he says occurred to him on
26 28th July last year in Trial Chamber number one. What I am
27 seeking to do is to go through how many opportunities this
28 witness had to speak to the Prosecution and to see if he is able
29 to tell us why it is that that appears to be the very first time

1 that he gives such detail, considering how long it is after the
2 event. And the new, we would submit, or different allegations or
3 incidents that he refers to.

4 JUDGE SEBUTINDE: Mr Metzger, I think given the
10:09:05 5 understanding of this witness, that is evident. It would help if
6 you would zero in on the new material and put that to him. Any
7 material that you feel has not been disclosed in the statements
8 you have, should be put to him by yourself and then you question
9 him out of that.

10:09:22 10 MR METZGER: Your Honour can feel secure in the knowledge
11 that I will put these inconsistencies or additions to him and I
12 stand guided by that, so perhaps that is the way I should go now.
13 Q. Mr Witness, I am going to read to you from the first
14 statement that you made.

10:09:48 15 A. Okay.

16 Q. First of all, Mr witness, you said --

17 A. Yes.

18 Q. And I am on page 6505 for the benefit of the Trial Chamber
19 and my learned friends. You said that, "On a Friday morning we
10:10:16 20 heard a gunshot very close to my village, XXXXXX. It was
21 April 1999. In my village we had the Gbethis guarding the
22 village. We also had same," I think it should be some, but it
23 says same, "SLA soldiers who were still loyal to the government
24 who were also guarding the village. The groups totalled about 45
10:10:43 25 together." And Your Honours, I seek guidance, I can read the
26 whole passage to him, but it will suffice for me to ask questions
27 and make -- and draw the witness's attention to those first four
28 lines.

29 JUDGE SEBUTINDE: Yes.

1 MR METZGER: I am very much obliged.

2 Q. Do you recall, Mr witness, that part of your statement
3 in saying that this is how everything started?

4 A. Eh? well, shooting, even if it starts from the edge of the
10:11:36 5 town. If it starts even in the bush very close to the town, it
6 is near the town. That is how it started.

7 Q. Mr witness, it would assist us all if you don't try to
8 think about the next question I am going to ask you and answer
9 that one. Please try and answer the question I am asking you
10:11:54 10 right now. And that is simply this, do you --

11 A. Yes.

12 Q. -- giving that statement to the Prosecution --

13 [TB180405B-JM- 10.10 a.m.]

14 That is how your statement started. Do you want me to read
10:12:14 15 it to you again?

16 A. To say what I've explained, this is the way how things
17 started?

18 Q. Mr witness, yes. That's -- your introduction to the
19 evidence.

10:12:42 20 A. That was not where I started explaining.

21 JUDGE SEBUTINDE: Mr Metzger, are you asking this
22 witness --

23 MR METZGER: To confirm.

24 JUDGE SEBUTINDE: -- to confirm the contents, or to confirm
10:12:55 25 that he made that statement? which is it?

26 MR METZGER: Simply to confirm that he made that statement.

27 JUDGE SEBUTINDE: Then just put it plainly. Because it
28 appears he understands the question to mean that you want him to
29 confirm the events, that this is how they started, which is two

1 different questions.

2 MR METZGER: Indeed it is. But I shall put it very, very
3 plainly.

4 Q. Mr witness, I'm simply asking at the moment whether you, in
10:13:23 5 fact, made that statement to the Prosecution, not whether it's
6 true, for the moment. We will come there. But now, did you make
7 that statement to the Prosecution?

8 A. That was not to them I made the statement. The one that
9 went to Ro -- they asked me and I explained to them. One that
10:13:48 10 asked me upcountry there is not the one that asked me here. Only
11 the papers that were brought to him.

12 Q. Mr witness, I'm not asking you whether you said it to one
13 or the other. I'm simply asking if you agree that you said those
14 words.

10:14:07 15 A. What I explained is exactly what is in the papers.

16 Q. So you agree that you said those words?

17 A. That was what I said.

18 Q. Now, when you came to Court, Mr witness, dealing with this
19 same issue, you told us on Friday that there were strange persons
10:14:45 20 in your town. There were fighters. They had guns. They were
21 called Gbethis. They were there to defend the civilians against
22 the war in the country. They came with other soldiers. Do you
23 agree? Do you remember saying that?

24 A. Well, these were the two groups, the Gbethis and the
10:15:16 25 soldiers that were in our village. A third party was not there.

26 Q. And these two groups, they were together? They were on the
27 same side? Do you agree with that? They weren't fighting each
28 other -- they were fighting, if they had to fight --

29 A. Not at all. Both of them worked together.

1 Q. And those soldiers, they were SLA soldiers, were they?

2 A. Well, when they arrived there, that is what they told us.
3 we don't understand. We are upcountry there.

4 Q. Those soldiers, they didn't cause any trouble to you. Is
10:16:03 5 that correct?

6 A. The soldiers that were with the Gbethis, they never brought
7 any trouble on us, except the ones that came with the rebels.
8 Those are the ones that gave us problems.

9 Q. So the ones that came with the rebels, they were not on the
10:16:29 10 same side as these soldiers who were with the Gbethis?

11 A. Yes.

12 Q. You also said when you were giving evidence on Friday that
13 when those people, that is to say, the Gbethis and the soldiers
14 came, fighting was not in your town. It was after they came --

10:16:56 15 A. Not at all.

16 Q. You went on to say that the way in which it all started was
17 some people came from Ro-Taron, and they came to say that there
18 had been a problem in their town. And they complained that their
19 people had been killed and they wanted help. Do you remember
10:17:20 20 saying that?

21 A. Yes.

22 Q. Now, you told us that the help that they wanted was with
23 burying their dead. Is that correct?

24 A. Yes.

10:17:45 25 Q. And that is how you, first of all, got involved because the
26 Gbethis themselves called for help, and you came along, as one of
27 the young men who were selected, given a shovel to go and do this
28 work. That's the evidence you gave.

29 A. Yes. That was what I said. I was also given a shovel.

1 Q. And then you left with the Gbethis and the soldiers maybe
2 to go to this place. And it was on your way there that you heard
3 a gunshot and then some sporadic firing.

4 A. Yes.

10:18:36 5 Q. And that's when everybody ran away.

6 A. Yes, we returned. We returned where we came from.

7 Q. But you see, Mr witness, when you made your statement on
8 the 28th of October 2003, I will read the rest of that paragraph
9 to you. But I suggest to you that you didn't mention that you
10:19:06 10 were going to Ro-Taron when the shooting started. But listen to
11 the rest of the --

12 A. I didn't say what?

13 Q. Listen. Let me read this to you first.

14 MR METZGER: I'm now reading the third sentence on line 4
10:19:28 15 of page 6505.

16 Q. You've just talked about the group of the Gbethis and
17 soldiers, totalling about 45 together. And then you say: "which
18 we heard the gunshots, the Gbethis, who were the local hunters in
19 our area and part of the civil defense forces, shouting and
10:19:52 20 running away into the bushes. They were saying rebels were
21 approaching the village, and they could not withstand their
22 force. Specifically, two Gbethis came to my compound and said
23 they could not withstand the force of the rebels because they
24 were in good numbers."

10:20:10 25 Now I'll just read the first line of the second paragraph:
26 "I ran away into the bush and then towards a neighbouring village
27 called Makambisa in Maforki Chiefdom." Can you confirm that you
28 told that to the Prosecution? That is part of your original
29 statement.

1 A. Oh, I can confirm. Why it should not be in doubt, therein
2 the time -- that the time I was explaining these things in my
3 village, if you cannot understand clearly from what -- some of
4 the explanation, if he's speaking in English, he cannot
10:21:16 5 -- probably he may not understand because of interpretation. So
6 some of the things that -- he never observe at the beginning, he
7 has observed them at the end. But I'm saying that it should not
8 be in doubt.

9 Q. I'm not sure, Mr Witness, if I understand your explanation.
10:21:44 10 I was simply asking if you said that to the Prosecution. Is that
11 what you told them?

12 A. I've explained that to you. I have just explained to you
13 so that you can understand properly, so as to understand what
14 operates in the provinces.

10:22:03 15 Q. Well, could you keep it simple for me, please, because I'm
16 having difficulty. Did you tell them or not? Yes or no. Is
17 that what you said? Let's keep it simple, huh.

18 A. What do you mean?

19 Q. Did you tell them that when you heard the gunshots -- so
10:22:25 20 you are in **XXXXXX**. This is the impression this gives; you are
21 in **XXXXX**. You heard the gunshots, and the Gbethis ran away.
22 And they said rebels are approaching the village. Specifically,
23 two of them came to your compound. So you must be in **XXXXXX**
24 because your compound was in **XXXXX**, isn't it?

10:22:48 25 A. Yes.

26 Q. And said they couldn't withstand the force of the rebels.
27 And you, too, ran away into the bush and then towards a
28 neighbouring village called Makambisa. What I'm asking you, did
29 you tell that to the Prosecution or not? Yes or no would be

1 simple.

2 A. Well, we went to Makambisa, and that was the area where
3 they killed our brothers. That is the way. I wouldn't deny
4 that --

10:23:20 5 PRESIDING JUDGE: Mr Witness, pause. Pause. Counsel is
6 asking you, did you say what he has just read out, or did you not
7 say it?

8 THE WITNESS: well, yes, it's true that I went to
9 Makambisa.

10:23:41 10 MR METZGER:

11 Q. All right, Mr witness. Let's take it one stage at a time.
12 Did you say to the Prosecution that you ran away from your
13 compound when you went into the bush?

14 A. Yes, I left my town and went -- and went running because my
10:24:03 15 wife was in the village. So I went and met my wife and asked her
16 to go along with me. The one with whom I went was taken from the
17 house.

18 Q. Mr witness, we're having a little difficulty understanding
19 each other. The question is a simple one. Let me put it as
10:24:20 20 simply as I can. You were in your compound --

21 A. Okay.

22 Q. You were in your compound. The Gbethis came to your
23 compound --

24 A. Mm-hmm.

10:24:31 25 Q. -- and told you they could not withstand the force of the
26 rebels. Is that true? Did you tell the Prosecution that, first
27 of all? Did you tell them that?

28 A. Yes, the Gbethis told me that they couldn't withstand the
29 rebels because there were so many. I said that.

1 Q. Now, answer the next question: When they told you that,
2 did they come to your compound to tell you that?

3 A. Yes, they came to my house.

4 Q. And you were there when they came to your compound to tell
10:25:11 5 you that they could not withstand the force of the rebels? So
6 everybody really should run and look after themselves. Is that
7 the position?

8 PRESIDING JUDGE: I don't remember words about --

9 MR METZGER: Yes, perhaps poetic license. I shall refrain
10:25:30 10 from that.

11 Q. But you were in your compound when they came to tell you
12 that. Is that the case?

13 A. The ones that came and told me, they met me in my house.
14 They met me in my house. That was why I told you that they met
10:25:49 15 me there. I picked my wife and we ran away. Not only two
16 rebels -- not only what the information -- only two Gbethi that
17 gave us information. We never rely on only two. You may have a
18 discussion with one. You have another discussion with the other.
19 You cannot say one has discussed with you. You cannot discuss
10:26:11 20 with the other. The ones that came and met me at my house, that
21 is where they met me.

22 Q. All right, Mr witness. Well, at least we agree on that.
23 They came to meet you at your house, however many of them there
24 were, and told you about the rebels coming and that they could
10:26:27 25 not withstand the force. It was from your house, then, that you
26 ran away into the bush.

27 A. We saw them. The only thing that they told us was that the
28 men were so many in number. So they wouldn't be able to fight
29 them, so I took my wife and went away.

1 Q. You see, because, Mr Witness, what you told us on Friday
2 was that it was when you were on your way to Ro-Taron to go and
3 help those people that the Gbethis, after you'd heard gunshots,
4 told you that you should run away. So you were then nearly
10:27:12 5 getting to the village of Ro-Taron, but you hadn't got there.
6 Isn't that what you told us?
7 A. I said when we are going. We are moving. In fact, we are
8 just by our own town. See, we have started moving. I did not
9 say that we are close to Ro-Taron.
10:27:36 10 Q. Okay. The evidence we have recorded, my note is, "We went
11 and never reached there."
12 A. Yes, we went. But we did not reach.
13 Q. "As we were going, the Gbethis were leading us, the
14 civilians. We heard a gunshot."
10:28:00 15 A. Yes.
16 Q. You further told us: "That the Gbethi told us we should
17 run away. And indeed, we ran away. The rebels were coming in
18 large numbers."
19 A. Yes, we did run.
10:28:16 20 Q. And then you said, "We returned to XXXXX where we came
21 from, and I took my wife and one of my children to XXXXX."
22 A. Yes. In fact, I took my wife out of the house. And that
23 was the very house that the Gbethis came and told us that we had
24 to run away because the rebels were so many. So when I run away,
10:28:47 25 I came back to the house, and that is the time when the Gbethis
26 came and told us you have to run because these people are so
27 many. And I took one of my children because by then, that
28 particular child was sleeping. I came to my own house and went
29 away, went into the bush.

1 Q. You see, Mr Witness, it may not be the most important thing
2 in the world about how it come to happen. But in your witness
3 statement, you suggest that you were at home when they came to
4 meet you in your compound. And on Friday, you told us that you
10:29:16 5 were on your way to Ro-Taron, and then you had to come back home.

6 A. I had explained that. Yes.

7 Q. And before you came back home, you came back home to
8 collect your wife and your child because the Gbethis had said
9 that we should all run away. The rebels were coming in large
10:29:41 10 numbers. That's what you told us on Friday.

11 A. Yes.

12 Q. Do you not see, Mr Witness, the two are different? I'm
13 asking you to account for the difference.

14 A. No. It's not different. Because if the other Gbethis told
10:29:56 15 us to run, that these people -- they cannot withstand those
16 people, I do not see any difference in that.

17 Q. So your evidence now is there were two sets of Gbethis.
18 The ones you went to Ro-Taron that ran away and told you to run,
19 and the other Gbethis that came to your compound where you were
10:30:18 20 at that time, then having returned, and said they could not
21 withstand the force of the rebels. Is that now your evidence?

22 A. They were the same. They are not different. They are not
23 different.

24 Q. Which are not different? The Gbethis or your story?

10:30:39 25 A. What I'm saying is the same. It's not different at all.

26 Q. I shall move on to another question.

27 I then read, Mr Witness, further from your statement. This
28 is the second paragraph: "I ran away into the bush and then
29 towards a neighbouring village called Makambisa in Maforki

1 Chiefdom. Unfortunately, there were rebels in Makambisa, too.
2 And they captured me and five other people. They killed all the
3 five other people. I am the only one that survived of that
4 group."

10:31:32 5 Do you remember telling that to the Prosecution when you
6 made your first statement?

7 A. Yes, I told them that.

8 Q. I'll read the next paragraph, because you will agree with
9 me, Mr Witness, that there's no detail. You simply talk about
10:31:57 10 being captured when you went towards Makambisa, together with
11 five people. All those five people killed; you were the only one
12 that survived. You agree with that?

13 A. Yes, I would agree.

14 Q. Well, I will read the next paragraph because --

10:32:20 15 MS TAYLOR: I'm sorry --

16 MR METZGER: My learned friend can trust me. I think she
17 --

18 MS TAYLOR: It was the issue of the names. I just wish to
19 remind my learned friend.

10:32:31 20 MR METZGER: I think you can trust me on that one.

21 Q. I'm going to read the next paragraph to you, Mr Witness.
22 Because you're being protected, I will not read out the names of
23 the people, but I will first of all seek the guidance of the
24 Court as to how to put the difference in relation to those names
10:32:51 25 so that you can properly answer the question.

26 MR METZGER: Your Honours, it's at this point -- I know we
27 have adopted in the past, certainly with the last witness that
28 gave evidence, simply using first names. I note that the
29 Prosecution have not done that in relation to this witness when

1 leading the evidence-in-chief. And I'm just checking my note of
2 the transcript where it seems to me on that occasion, that
3 descriptive terms such as "younger brother," "stepmother," and so
4 on were being used.

10:33:55 5 Now, if it is impossible to distinguish, and this might be
6 important, Your Honours, particularly bearing in mind the now
7 very detailed description of what has gone on, if it is
8 impossible to identify those persons, then I would ask that
9 we -- the Court consider going into closed session so the witness
10:34:17 10 knows which person is referred to as any pseudonym that we might
11 adopt or any form of relation to him. But let me try first of
12 all and see --

13 PRESIDING JUDGE: Mr Metzger, as I recall the witness's
14 evidence, he referred to some of these people as a brother, a
10:34:35 15 sister --

16 MR METZGER: That's correct.

17 PRESIDING JUDGE: -- and stepmother.

18 MR METZGER: Stepmother, yes.

19 PRESIDING JUDGE: Is it acceptable to continue?

10:34:44 20 MS TAYLOR: It is to the Prosecution, those terms.

21 PRESIDING JUDGE: What is the Defence's view on that?

22 MR METZGER: I will do my best. But these people are named
23 here, and I'm concerned about the prospect of --

24 PRESIDING JUDGE: I accept that difficulty because we
10:35:07 25 cannot read into evidence evidence that has not been properly
26 adduced.

27 MR METZGER: Indeed.

28 PRESIDING JUDGE: Has the Defence considered how they would
29 approach this?

1 Prosecution or Defence. And in -- I think to avoid any problems,
2 if you are wishing to adopt that and Mr Metzger's -- we were
3 going to accede to Mr Metzger's request. If there's now another
4 request, then we will have to go into closed session.

10:40:02 5 MR HARRIS: I will invite you to do that. I say that
6 because I need to ask the witness a question or two using, I
7 hope --

8 PRESIDING JUDGE: I see.

9 MR HARRIS: -- rephrase that. Trying to identify the
10:40:12 10 issues I wish to ask him about may necessitate the name; not the
11 whole name, the first name.

12 PRESIDING JUDGE: I think Ms Taylor is wishing to make a
13 reply. So I will consider that.

14 Ms Taylor.

10:40:28 15 MS TAYLOR: Your Honours, I'm sympathetic to whatever
16 needs my learned friends have in fully cross-examining witnesses.
17 However, in my submission, consistency is not to be prized above
18 adequate protective measures. And in some cases, first names are
19 adequate to protect the identity of witnesses. In other cases,
10:40:45 20 they are not. And this is one of the cases where they are not.
21 And my submission would be that if Mr Metzger proceeds and it is
22 possible for my learned friend and the witness to establish a
23 common understanding of who is the younger brother, who is the
24 sister, who is the stepmother, then that nomenclature can also be
10:41:05 25 adopted by Mr Harris, and there can be consistency in the
26 transcript as to the cross-examination of this particular
27 witness.

28 PRESIDING JUDGE: Thank you, Ms Taylor.

29 MR HARRIS: Your Honour, may I just say, let's try that.

1 we've spent enough time. Let's try that and see how we get on.

2 PRESIDING JUDGE: Yes, we'll proceed in that way. But
3 everyone will keep their guard; and if a closed session is
4 required, we will consider it.

10:41:35 5 MR METZGER: I'm much obliged. Might I take the
6 opportunity of inviting the Bench to indicate when it is that you
7 would like to take your mid-morning break. Even our mid-morning
8 break.

9 PRESIDING JUDGE: I think perhaps now is as good a time as
10:41:58 10 any. Mr Court Attendant, please adjourn court for 15 minutes.

11 [Recess taken at 10.42 a.m.]

12 [On resuming at 11.01 a.m.]

13 PRESIDING JUDGE: Is there a problem behind you,
14 Mr Metzger, with your client?

11:01:55 15 MR METZGER: Isn't a problem as far as I'm aware.

16 PRESIDING JUDGE: Okay. Please proceed.

17 MR METZGER:

18 Q. Mr witness, I'm now going to ask you about something else
19 you said when you made your original statement. But because of
11:02:10 20 your protected status, I will omit the names of the people. I
21 will simply refer to them as one, and then ask you to clarify
22 your relationship with those people. Okay?

23 MR METZGER: I'm reading, Your Honour, from the third
24 paragraph on page 6505, and I will submit the sobriquet "one" for
11:02:48 25 the first name, the second name, and so on.

26 Q. Mr witness, you said, one was struck on the head with a
27 cutlass, then he was shot. Do you recall saying that?

28 A. Yes.

29 Q. And that person that you were referring to, was it one of

1 the five people, the other five people in the group you were
2 talking about?

3 A. Yes.

4 Q. And that person, what was that person's -- what was his
11:03:22 5 relationship to you?

6 A. He was my brother.

7 Q. So this one was your brother. And according to this
8 statement, are you giving the impression that was the first
9 person who was attacked by the rebels who captured you?

11:04:07 10 A. He was the third.

11 Q. He was the third to be attacked; is that your evidence?

12 A. Yes.

13 Q. Was there any significance in your naming him first in your
14 witness statement?

11:04:34 15 A. Because what they did to him was terrible. That is why I
16 made him first.

17 MS TAYLOR: Your Honour, I rise, and I do very much
18 apologise to my learned friend for doing so. But it has just
19 been pointed out to me by my learned friend Mr Bangura that in
11:04:53 20 the typed version of this statement, there has been a sentence
21 omitted from the original handwritten statement, and I was not
22 aware of it until this moment. I do apologise. But I have a
23 copy of the handwritten statement, and I will give it to my
24 learned friends.

11:05:08 25 PRESIDING JUDGE: Please, Mr Court Attendant, please assist
26 us by giving this document to counsel for the Defence. And then,
27 Mr Metzger, when you've had a chance to consider it, we will hear
28 from you.

29 MR METZGER: I'm very much obliged.

1 MS TAYLOR: If I can assist my friend, it appears on page 3
2 near the top of that statement.

3 [Defence counsel confer]

4 MR METZGER: I'm very much obliged. I don't know whether
11:08:14 5 in the circumstances it would assist Your Honours to have a copy
6 of the handwritten statement. I'm quite prepared, having copied
7 it out myself, to put it. It's just an extra sentence. As
8 things stand at the moment, not wanting to take any more time
9 than necessary, I haven't read the rest of the handwritten
11:08:43 10 statement. I assume that it is accurate in other respects.

11 MS TAYLOR: I believe it is accurate in other respects.
12 And I apologise to my learned friends for the confusion caused.

13 PRESIDING JUDGE: Could a copy or an insert be made
14 available for my learned sister and brother?

11:08:59 15 JUDGE LUSSICK: Ms Taylor, perhaps you could simply tell us
16 what the sentence is and we could write it in on the copies we
17 have now. It would save a lot of time.

18 MS TAYLOR: I could do that. Or if my learned friend would
19 be prepared to come to it in sequence, then perhaps he could do
11:09:17 20 so.

21 MR METZGER: I'm very much obliged.

22 Q. Mr Witness, I now want to come to the second person
23 mentioned in your statement. You say, The second person was shot
24 after they chopped off her leg. The rebels took the leg and
11:09:47 25 threw it in a toilet. Do you remember saying that to the
26 Prosecution?

27 A. Yes.

28 Q. Are you able to tell us in sequence whether this was the
29 second person who was attacked by the rebels?

1 A. The one that I talked about was the third. You had three
2 men and two women.

3 Q. You've told us that the first one I asked you about who was
4 struck on the head with the cutlass before being shot, he was the
11:10:54 5 third one. Can I just clarify that I've got that correct?

6 A. I told you that out of the five, three were men and two
7 were women. I had explained that. If you ask me about toilets,
8 I mean, that's why I have given you this answer, because I have
9 explained it already.

11:11:35 10 Q. Mr witness, I'm going to ask you if you can try and help
11 us. I understand that these are difficult, painful, traumatic
12 events in your life. And it is because of that that I'm asking
13 you the sequence in which these things occurred, because this is
14 something, is it not, that you will never forget? Is that not
11:12:12 15 so?

16 A. Hmm?

17 Q. Is it not the case that these were such terrible events,
18 you can see how they happened, which one took place first, almost
19 like it was when it happened on the occasion?

11:12:44 20 A. When they had attacked, the men attacked; then women.

21 Q. So it is your evidence that all the men were attacked first
22 before they attacked the women?

23 A. They started with men. And they went on to the women.

24 Q. All right. This person that I've referred to, that's
11:13:21 25 referred to second in your statement, what was her relationship
26 to you?

27 A. We are of the same father.

28 Q. So she was your sister?

29 A. Yes.

1 Q. Next, please. You say, A third was first shot. And while
2 struggling to die, they cut off both his legs. Then he died.

3 A. Yes. And it was not he alone whose feet were cut.

4 Q. Yes. I understand. I'm just trying to differentiate them.

11:14:28 5 Let me read the next one, and then see if you can help us --

6 A. Okay.

7 Q. -- with the relationship they were to you. The next
8 one --

9 MR METZGER: And Your Honours, this is where you would have
11:14:39 10 to insert into your notes. I can't, of course, give the name.
11 But I would say, A third man was first shot. And while he was
12 struggling to die, it then continues, Your Honours, to the end of
13 that sentence, "they cut off his two legs."

14 Q. Mr witness, in your statement --

11:15:24 15 JUDGE SEBUTINDE: Sorry, Mr Metzger, are you suggesting we
16 delete something?

17 MR METZGER: No. Effectively what I would suggest, from my
18 perusal of the handwritten document, is that after "legs" on the
19 penultimate line of that last paragraph, you may cross out the
11:15:42 20 period or full stop. It then continues to "then he died."
21 Insert there a full stop. And thereafter, the words "a third
22 man."

23 JUDGE SEBUTINDE: This is somebody other than the people
24 mentioned in the paragraph.

11:15:59 25 MR METZGER: And in due course, the names will be made
26 available to Your Honours.

27 JUDGE SEBUTINDE: Okay.

28 MR METZGER: And it goes on to "He was first shot. And
29 while he was struggling to die" and then it comes back in. So

1 it's really an insertion between "died" and "they" on the
2 penultimate line.

3 Q. Mr witness, first of all, are you able to differentiate
4 between the two men that were first shot and then their legs were
11:16:42 5 cut off? what relationship were they to you?

6 A. They were my brothers.

7 Q. Both your brothers? And were they --

8 A. One, we were of the same father and same mother.

9 Q. Mm-hmm.

11:17:10 10 A. The other one, we have the same mother. And the other one,
11 we have the same father.

12 Q. Right.

13 A. All of them were my younger brothers.

14 Q. And finally, Mr witness, you say, a second woman --

11:17:28 15 A. Yes.

16 Q. -- was first raped, and then shot dead.

17 A. That is what they said.

18 Q. No, I'm asking you. That is what you told the Prosecution.
19 I'm simply asking you for --

11:17:48 20 A. Yes, that was what I said.

21 Q. I'm simply asking you now to identify the relationship with
22 that second woman.

23 A. How we are related?

24 Q. Yes, please.

11:18:08 25 A. well, she was my stepmother.

26 Q. Now, in fairness to you, Mr witness, you did say on Friday
27 that the soldiers had been talking about taking her round the
28 back, but you yourself didn't see her being raped. Is that
29 correct?

1 A. Well, I was not there because there was a cord right around
2 my waist. They were the ones that said -- told me what they were
3 going to do with her.

4 Q. And you also stated that it was later, after you had
11:19:01 5 escaped and came back to the village, that you saw her dead body.
6 Is that also correct?

7 A. Yes, I met her lying down dead. That is what I said.

8 Q. Now, Mr witness, can you help us, then, please with this,
9 as to the timing of all of this. Was it one after the other in a
11:19:42 10 short space of time, or was it over a long period of time?

11 A. It was in the same day. In the morning that I was
12 captured, that was when all these things had happened. It was in
13 the same place. It was in the same place where I was lying down.
14 There, all these things happened.

11:19:57 15 Q. Right. Now, it is also right, Mr witness, that you say
16 that at some stage they took from you the cigarettes that you had
17 and other items, and took 300.000 Leones that you had on you.

18 A. Yes.

19 Q. That is correct, I see. Did that happen before or after
11:20:33 20 they had started killing the people that you were with?

21 A. Well, they first took the money from me. In fact, the only
22 time when they wanted to kill, I did not have anything on me
23 again.

24 Q. Mr witness, in that case, I shall ask you first of all
11:21:01 25 about the money. Now, are you certain of the figure of 300.000
26 Leones, that that was the money that you had on you?

27 A. This money was -- this was something that I counted. In
28 fact, I put it in a bag, and I had it on my shoulder.

29 Q. Of course, Mr witness, if you did that, it's something that

1 you're not going to forget. You can be sure about the amount of
2 money that you had with you that was forcibly taken from you by
3 the rebels.

4 A. I'm very sure. I cannot forget. I'm very sure.

11:21:57 5 Q. I shall now refer to the transcript of the 28th of July
6 2004 in Trial Chamber I, page 10 thereof, at line 26. Perhaps I
7 should start at line 24.

8 MS TAYLOR: Your Honours, I can tell you that this does
9 have a Registry page number, and it's 7172.

11:22:31 10 MR METZGER: I'm much obliged to my learned friend.

11 JUDGE SEBUTINDE: Sorry, this is the transcript of when?

12 MR METZGER: The 28th of July 2004, Trial Chamber Number 1
13 in the examination-in-chief of this witness in the case of Sesay
14 and others.

11:22:59 15 Q. Mr witness, you have just told us that you can be sure of
16 the money that you had that was taken from you. I'm now going to
17 read to you questions and answers from the evidence that you gave
18 on the 28th of July last year in the Trial Chamber across from
19 here.

11:23:27 20 MR METZGER: If Your Honours have this particular document,
21 and my learned friends --

22 PRESIDING JUDGE: [Microphone not activated] and I've
23 looked at just sharing it with my --

24 MR METZGER: It's important that you all read it first.

11:23:46 25 PRESIDING JUDGE: Please proceed, Mr Metzger.

26 And I have inadvertently turned off the witness's
27 microphone.

28 MR METZGER: I'm sure that can be adjusted.

29 Q. Mr witness, please listen to these questions that were

1 asked of you and answers that you gave on the 28th of July last
2 year in Trial Chamber Number I. I'm just looking for an
3 appropriate place to start. I had hoped to start at line 24, but
4 perhaps it's taking it somewhat out of context.

11:25:09 5 Yes. You had been asked, Mr witness, about what happened
6 to you. You had indicated that you had taken with you
7 cigarettes, Diamint, lollipop, all the things that you used to
8 sell, that you took them along with you when you were escaping or
9 seeking run away from the rebels into the bush. Is that correct?

11:25:36 10 A. Yes.

11 Q. You were then asked, and I start at line 23: "Did you take
12 your whole stock of cigarettes?" You answered: "Yes,
13 everything, because we were free. So I tied most of the articles
14 in a plastic bag."

11:25:59 15 A. Yes.

16 Q. You were then asked: "And that was all you had?" And you
17 answered: "Yes. I had some money that I got from the sales of
18 some of the articles."

19 A. Yes, that was what I said. Well, during that time, I
11:26:30 20 wasn't able to know the coins, you know, so the one that I had
21 counted was the one that I knew the amount.

22 Q. That's the amount that you have told us in court today,
23 300.000 Leones.

24 A. Yes, that is the one that I -- that is the one that I knew
11:26:50 25 the amount.

26 Q. And you've always known that amount of money. It has
27 always been in your head. Because when somebody has that amount
28 of money taken from them, they remember it. Isn't it?

29 A. The one that I had counted?

1 Q. Yes.

2 A. The one that I had counted, I knew the amount. But with
3 the coins, I did not know the amount. That is why I did not tell
4 you the precise amount.

11:27:22 5 Q. I'm not worried about the coins, Mr witness. Let me then
6 tell you what you were then asked and what you answered. The
7 lawyer asked you: "How much did you have in your possession?"
8 And you said: "I had 140 to 150.000 Leones." wait for it,
9 because it doesn't end there, in fairness to you. Question:
11:27:54 10 "was that all that you had?" Answer: "That was the one I know.
11 But I had some cash and other money, but that I cannot tell you
12 now."

13 Can you explain, please, Mr witness, the discrepancy
14 between 140 to 150.000 Leones that you recall being taken from
11:28:30 15 you by the rebels as you told Trial Chamber I last year and
16 300.000 Leones as you're telling Trial Chamber II, this Court,
17 today and on Friday?

18 A. Other than what?

19 Q. You told Trial Chamber Number I that you had 140 to 150.000
11:28:53 20 Leones in your possession. Isn't that correct?

21 A. Hmm, oh, yeah. I said the money was 300.000 Leones. Even
22 if I had kept it separately, as long as I knew the amount. Even
23 if I put it in two different pockets, I would be able to know the
24 amount, you know. So that is why I explained to you. Even if I
11:29:31 25 put it smaller numbers, I would be able to know the exact amount
26 of the money I had.

27 Q. Indeed, Mr Witness. And that is why I asked you to confirm
28 that. And I'm now asking you why you told Trial Chamber I you
29 had 140 to 150.000 Leones. It's almost half of what you're

1 telling us today. Do you have an answer for that question?

2 A. Well, you said 140 and 150. And what the amount was, all I
3 know is that you are just talking about the same money. Because
4 if you count -- you put this on one side and the one on the other
11:30:27 5 side, if you put together, then you will be able to know the
6 exact amount. You see, if there are discrepancies, you know, I
7 am the owner of my money. Whatever I say is right because I am
8 the owner of my money.

9 Q. Mr witness, if I said to you or somebody said to you now,
11:30:45 10 we're so sorry this happened to you, we want to pay you back this
11 money, how much money would you expect to be paid?

12 A. The money that I expect to be paid? The one that I
13 explained to you about, because the cash -- the coins, I did not
14 know the amount.

11:31:14 15 Q. So the amount that you know, that is, let's call it by the
16 total amount, 300.000 Leones. Is that correct?

17 A. Yes. So it is.

18 Q. You see, this is why I'm asking because if instead of
19 giving you 300.000 Leones, someone came and gave you 150.000
11:31:36 20 Leones, because that's the maximum there, that would be half of
21 what you say you lost, isn't it?

22 A. If somebody were to give me what?

23 Q. 150.000 Leones, that would be half of 300.000 Leones.

24 A. If one were to pay it?

11:32:10 25 Q. Let me try it another way, Mr witness. I'm suggesting,
26 because the Court has a record of what you said the last time you
27 gave evidence, that you told the Court you had on you 140 to
28 150.000 Leones, not 300.000 Leones. And I'm asking you to
29 account for the difference between what you told the Court last

1 year and what you have been telling the Court this year when you
2 came to give evidence. That's all. Simple question.

3 A. What I said to Court last year and what I have said to the
4 Court this year?

11:32:54 5 Q. Yes.

6 A. Well, I had just explained what happened to me.

7 Q. All right.

8 A. That money, that money -- you seem to be a little bit
9 confused because I knew the way I kept the money. That is what I
11:33:23 10 explained here. The person who took the money, I knew what was
11 in the bag. Everything that was in my bag, I knew what was in
12 there. You see, I have my own way of keeping money. It is I
13 that am right. I have told you that all that had happened to
14 us -- there are a lot of things that happened to us. So if you
11:33:50 15 are to ask me again, I will give you a production of everything.

16 Q. You see, and the difficulty -- and I apologise for my
17 confusion. I will move on as soon as I can, and hopefully it
18 will be soon. The difficulty here is that 150.000 Leones or
19 140.000 Leones is not the same as 300.000 Leones. You cannot
11:34:13 20 mistake the two, can you?

21 A. It's the same. The reason why it is the same, because you
22 had 5.000 Pounds in one of the bags. So if I were to say -- if I
23 were to explain differently this time, now I had recalled,
24 because I knew what I kept in the bag. So that is why I said in
11:34:50 25 this particular Court that all the money that was in the bag was
26 300.000 Leones. So please forget about that 140.000 Leones, and
27 don't feel that it's a discrepancy and don't get confused over
28 that.

29 Q. Thank you very much, Mr Witness. But just before I move

1 on, you see, this is why I tried to clarify with you. You always
2 knew that you had that money, so that when you came to court the
3 last time, you knew it was 300.000 Leones. Didn't you? That's
4 the evidence you just gave.

11:35:22 5 A. I? I had told you that the money was 300.000 Leones.

6 Q. And that you knew it at the time you gave evidence last
7 year on the 28th of July.

8 A. If I knew that.

9 Q. You agreed that you knew that earlier.

11:35:55 10 A. If I said -- if I explained anything that happened to me,
11 do you understand? If they asked me, I have the right to explain
12 everything that happened to me. So please don't get confused
13 about that.

14 Q. I shall move on, Mr Witness, and I shall leave that, the
11:36:18 15 trouble of sorting this out to the Trial Chamber.

16 But let me ask you simply this: Have you received money
17 from the Prosecution in this case to help you with things like
18 transport, food, that sort of thing?

19 A. What type of help are you talking about?

11:36:53 20 Q. To help you with your transport to come to court, to see
21 the Prosecution. I don't know. Have you received money from the
22 Prosecution in this case?

23 A. Not at all. Me, they did not give me money.

24 Q. Do you want to think about that? Because I'm going to put
11:37:14 25 to you specific instances where you have received money from the
26 Prosecution in this case. Just so that we don't get into the
27 same confusion again.

28 A. Are you sure they paid that money to me?

29 Q. Yes, Mr Witness.

1 A. Not at all, they had not give me any money. With the
2 exception of bringing me. To say that I am going to pay you
3 because you are going to testify? No, they did not give me that
4 sort of money.

11:37:54 5 Q. This is what I'm seeking, Mr witness, to clarify with you.
6 I'm not suggesting you have been paid by the Prosecution to
7 testify. I'm suggesting that you have been given money by the
8 Prosecution to compensate you for loss of wages, for money
9 towards your transportation, and money to pay towards food.

11:38:14 10 would you agree with that?

11 A. Well, that -- at the time -- at the time that I wanted to
12 come, so I told them that I was unable to come with them. So
13 -- because by then, I was busy working. So when they wanted to
14 come with me, I told them I was not able to come. So that is why

11:38:43 15 they gave me some money for transportation.

16 Q. How much? How much money did they give you?

17 A. Well, it was just the same amount of money that you pay
18 from Port Loko to here.

19 Q. Just tell us how much it was.

11:38:54 20 A. I said it's just simply what you pay from Port Loko to
21 here. That is what they gave me.

22 Q. How much do you pay from Port Loko to here?

23 A. Well, at times, you pay 10.000 Leones. But if you had to
24 move from the Port Loko to the village, and then you would have

11:39:22 25 to pay again 10.000 to go to your village.

26 Q. I see. I'm going to suggest certain dates to you, if you
27 can help us, please. On the 28th of october 2003, you received
28 10.000 Leones from the Prosecution for lost wages/lunch. Do you
29 remember that?

1 A. Well -- well, whosoever you work with, they have to give
2 you something to eat, because you cannot go on an empty stomach.
3 well, I think they should give you something which with to buy
4 food.

11:40:06 5 Q. So you accept that they gave you this money on the 28th of
6 October 2003?

7 A. Yes, they must give me something, you know, something to
8 buy food. In fact, if they have not given me that money, I would
9 not have come to testify here because I wouldn't have come on an
11:40:29 10 empty stomach. When you take somebody along, you have to give
11 them something to eat.

12 Q. If they hadn't given you that money, you wouldn't have come
13 to testify because you cannot work on an empty stomach. That's
14 your evidence? Yeah?

11:40:45 15 A. Well, that money, I just mentioned the hunger. But when
16 you have problems, you know, whether they gave me this money or
17 not, I would have come, you know, to testify in this court to
18 explain what happened to me. But when somebody goes to take you,
19 if you are hungry, you have to tell the individual that "I am
11:41:12 20 hungry" so if he feels sympathetic, to give you money to buy
21 food, then it's good.

22 Q. I just wanted to clarify your evidence, Mr Witness. But on
23 the 28th of October --

24 A. Yes.

11:41:25 25 Q. -- 2003, that was when the Prosecution came to you where
26 you were living. Isn't that the case, or have I got that wrong?
27 I thought your evidence was they came to meet you in your village
28 on that day, and you made a statement. Is that right?

29 A. Yes, they met me in my village.

1 Q. So 10.000 Leones given to you on that occasion would really
2 not be in order to get you to come to the court. That's, as you
3 say, to help you to eat. Because you're working with them.

4 A. Well, yes. Well, I cannot say so as to come to court
11:42:18 5 because if I had asked them to pay me, you know, for removing me
6 from my place of work to here, I know it's value. So 10.000
7 Leones is next to nothing. So if one were to say so, that would
8 be the impression, that I had come to this place simply because
9 of money. But that's very trifling.

11:42:39 10 Q. And of course, just out of interest, if you had asked them
11 to pay you for coming to court to give evidence, what would you
12 have asked them for? How much money would it have been worth?
13 what is the value of your coming to court to give evidence?

14 MS TAYLOR: Your Honour, I think that's an unfair question,
11:42:57 15 given the witness's last response. He was talking about the
16 value of his work and in the context of that said that 10.000
17 Leones was trifling.

18 MR METZGER: I may have wrongly misunderstood his answer.
19 I'm sure the record will tell us what it was.

11:43:15 20 PRESIDING JUDGE: Are you replying to the objection,
21 Mr Metzger, and asking for the record?

22 MR METZGER: I'm asking for clarification. It is my
23 understanding, and if my understanding is correct according to
24 the record, then the witness would have invited that
11:43:32 25 supplementary question by saying I understand what the value of
26 this is and I would have effectively asked for more money.

27 [Trial Chamber confers]

28 THE WITNESS: Is that question asked of me?

29 PRESIDING JUDGE: Defence counsel are entitled to challenge

1 a witness's credibility but not to the extent that he's asking
2 him to speculate. You can ask directly how much he values his
3 work. And therefore, I direct a rephrasing of that question.

4 MR METZGER: Can I ask for a clarification of what the
11:46:22 5 actual answer was from the record. Then I can ask specifically
6 what it was.

7 PRESIDING JUDGE: I've got -- I think possibly the most
8 sensible thing would be to ask for the official record to be read
9 out.

11:46:33 10 MR METZGER: I'm much obliged to the Court.

11 PRESIDING JUDGE: Could we have the assistance of the
12 official record for the complete answer to that preceding
13 question.

14 [Page 46, lines 4-9 read back]

11:47:18 15 MR METZGER: I'm very much obliged. I shall formulate a
16 question and wait to see if it offends. I hope it doesn't.

17 Q. Mr Witness.

18 A. Yes.

19 Q. From your last question, I'm asking you this question.

11:47:41 20 what is the value that you were referring to of removing yourself
21 from work to come to court and testify. what is the value to you
22 that you had in mind?

23 A. Well, that answer, if you ask me, you will not be able to
24 give me money. If I were to tell you -- because if you ask me

11:48:21 25 that question, I will -- that gives me the impression that you
26 just want to ridicule me. Because when they went, they did not
27 ask me about the value of my work and to pay me as to come. So
28 if you ask me such a question, it is simply to ridicule me. They
29 brought me so as to explain what had happened to me and what I

1 saw with my own eyes.

2 PRESIDING JUDGE: Mr Witness, the Court will not allow you
3 to be ridiculed. But the Defence counsel is entitled to ask you
4 certain questions.

11:49:00 5 MR METZGER: I'm very much obliged to the Court.

6 Q. I will move on, Mr Witness.

7 A. Yes.

8 Q. On the 25th of March last year, you were again given 10.000
9 Leones, on that occasion for transport/lost wages. Do you recall
11:49:19 10 that?

11 A. Because I was not working?

12 Q. No, no. I'm simply recalling the fact or asking you to
13 recall the fact that on the 25th of March last year, that you
14 were given 10.000 Pounds. It says "transport/lost wages" -- I
11:49:46 15 beg your pardon, 10.000 Leones. And that would have been the day
16 when you saw Mr -- is his name Abdul Sesay? Alfred Sesay. I beg
17 your pardon. On that day, you were given 10.000 Leones.

18 A. Okay.

19 Q. Is that correct?

11:50:15 20 A. Initially, when they sent, because by then, I had gone to
21 my place of work, and there were no access road for a vehicle.
22 So when I came to town, discussion of feeding. I grumbled to
23 them I had not got any food during that time. So he said he
24 wanted us to sit and discuss. And they started asking me
11:50:44 25 questions about what had happened. And I told him that I wanted
26 to go so as to find some food. And they found out that, in fact,
27 if I were to go, that would have made me to waste some time. So
28 because of that, I think that was the reason why he gave me that
29 money.

1 Q. So you were hungry, but he didn't buy food for you. Or did
2 he buy food for you?

3 A. I wanted to go and find something to eat. And they said,
4 well, I would take long if I were to go. So that is why he gave
11:51:27 5 me this money so as to find something to eat, so as to come back
6 and sit together and discuss with them.

7 Q. I see. He gave you the money. You went to find something
8 to eat, and you came back having satisfied your hunger to talk
9 about. Is that the position?

11:51:46 10 A. Yes, because in town, they have a lot of place, wares. And
11 I went somewhere to get something to eat.

12 Q. Do you remember one occasion where you were given 45.000
13 Leones on the 10th of June last year? Basically for transport.

14 MS TAYLOR: To be fair to the witness, Your Honour, it's
11:52:06 15 not clear from the disbursement sheet that my learned friend is
16 reading from that that money was paid directly to the witness;
17 rather, it might have been paid on behalf of the witness.

18 MR METZGER: Well, really, it should be made clear to the
19 Defence before we ask questions. So in that case, I would say,
11:52:25 20 Madam Prosecutor, perhaps it's something you need to address.

21 Q. Mr Witness, were you ever given 45.000 Leones at any one
22 time on the 10th of June 2004 by the Prosecution?

23 A. 45.000 Leones?

24 Q. Yes, Mr Witness.

11:52:50 25 A. Who give me this money?

26 Q. Let me ask it in this way. This is what we're trying to
27 find out, whether they gave you the money or they gave someone
28 else the money. Apparently, there was a requirement for
29 motorbike rental to lift you from the village where you were

1 staying -- perhaps, from one village to another. Does that help
2 you to remember something? Somebody was renting a motorbike to
3 help you to go from one village to another?

4 [TB180405C-CR]

11:53:01 5 A. During the time that they went for me.

6 Q. I don't know what the situation is, Mr witness. I'm acting
7 on the information I have. I'm just seeing if you can help us
8 with the payment of --

9 A. Well, you have to explain to me the situation. Who gave me
11:54:01 10 this money?

11 MR METZGER: Well, I shall leave that matter, Your Honours,
12 and come back to it.

13 THE WITNESS: Because when you say things like that, I get
14 confused. But the other time when he mentioned the name of
11:54:15 15 Alfred, so I told you that they gave me 10,000 Leones and I
16 explained that. So if now you are to say they paid me 45,000
17 Leones, you have to tell me the individual who gave me this money
18 so I maybe understand. But if you just talk like that, I won't
19 understand at all.

11:54:31 20 MR METZGER: If it please Your Honours, I shall leave the
21 matter there subject to full and complete disclosure in relation
22 to each and every witness so that the witness is not confused
23 when we ask them about moneys paid to them or on their behalf for
24 services, whether they be transport or otherwise.

11:54:47 25 Q. Mr witness, let me ask you one more thing in relation to
26 money and that's simply this: has anybody else from the special
27 Court, like the witness people, given you any money at all to
28 help you?

29 A. This time around; if they would give me money so as to help

1 me?

2 Q. Mr witness, no. Has anybody -- listen to the question very
3 carefully. At any time since you became involved with the
4 Special Court, has anyone involved with the Special Court given
11:55:36 5 you any money to help you other than what I've asked you about
6 the Prosecution?

7 A. For what?

8 Q. Well just answer the question first and then we can go into
9 detail.

11:56:00 10 A. Well, you are asking me whether they helped me, but these
11 people are don't giving money to say you talk. They are given
12 this money for this and this. Because if you say somebody give
13 me money, how to tell me. Pinpoint the person. If they did not
14 give me the money, I would tell you they did not give me the
11:56:18 15 money.

16 Q. Mr witness, if somebody came to you and gave you money,
17 that is what I'm asking you. You will remember whether you have
18 been given money by people from the Special Court. That's all
19 I'm asking you. Do you remember that?

11:56:33 20 A. Well, nobody gave me money. That is why I said I was
21 confused. If somebody were to say they were confused, please,
22 just leave them alone. I don't think I have any answer to that
23 question, because --

24 Q. Let me just make this clear, Mr witness. Your evidence is
11:56:55 25 that other than where you have got money from the Prosecution in
26 relation to your travel and transport and food, no one who is in
27 any way connected with the Special Court, as far as you are
28 aware, has given you any money; is that your evidence?

29 A. No, I don't understand that question. I don't even

1 understand if I was working here, so if you tell me -- ask me
2 that question, I would not be able to answer, because I do not
3 know you. I do not know the way you operate here.

4 Q. I'm asking you a simple question. Is your answer that you
11:57:35 5 will not be able to answer that question?

6 A. Well, what if you said the people of the Special Court, and
7 I did not know them. I do not know each and every one of you, so
8 I would not be able to answer that question. Because I knew
9 Alfred, when we talked about Alfred, because I knew him very
11:58:04 10 well, so I had explained that to you. But if you bring some
11 other people that I do not know who their positions are, so it
12 should be a little bit difficult for me to answer that question.
13 Ask me another one, please.

14 Q. Mr witness, let's start with Alfred, because you know him.
11:58:14 15 Has he given you any money since you were working with the
16 Special Court?

17 A. Up to this point, sir, it was only that 10,000 Leones he
18 gave me. Up to now, nothing. In fact, not even a cigarette. In
19 fact, I'm not a smoker. I have not even exchanged cigarettes.
11:58:35 20 Nothing. Never, never.

21 Q. Now, the next question, has anybody given you -- when I'm
22 talking about money, I don't mean 10,000 here or there, 100,000
23 Leones plus. Has anybody given you that amount of money since
24 you've been working with the Special Court relating to your work
11:59:00 25 with the Special Court, if you want to put it that way.

26 PRESIDING JUDGE: Mr Metzger, did you say that amount of
27 money? Is that what you said?

28 MR METZGER: Yes. So that this witness doesn't start
29 thinking about hundreds of Leones here and there, I'm setting, as

1 it were, a minimum ceiling of 100,000 Leones; a significant
2 amount, we would submit, that he might have difficulty
3 forgetting, if it had been given.

4 MS TAYLOR: Your Honour, I do rise to object at this point.
11:59:30 5 My learned friend has cross-examined on conduct money paid by the
6 Office of the Prosecutor. Any other moneys that are paid by any
7 other section of this Court, particularly the witnesses and
8 Victims Unit are paid pursuant to practice direction of this
9 Court, both what the items that may be paid for and the amounts
11:59:47 10 of those payments. They are done pursuant to practice direction.
11 They will be paid to Prosecution witnesses, and when the Defence
12 case comes around they will be paid to Defence witnesses as well.
13 In those circumstances, I do wonder what the relevance of this
14 line of cross-examination is.

12:00:14 15 PRESIDING JUDGE: You've heard the Prosecution's objection,
16 Mr Metzger. I'm also concerned that this question sounds, to me,
17 somewhat hypothetical.

18 MR METZGER: If I ever ask a hypothetical question in this
19 Chamber, or anywhere else, it is because I'm in a position of not
12:00:31 20 having the direct information, despite having asked it, and I do
21 not wish to delay the process of the Court. In answer to the
22 wonderment of my learned friend in relation to asking these
23 questions, it seems to me that this Trial Chamber is here to hear
24 the evidence and also to hear anything from any witnesses which
12:00:59 25 may amount to motivation, whether it be Prosecution witnesses or
26 Defence witnesses. If there's parity on that score, then you are
27 entitled, in our respectful submission, to have evidence in
28 relation to each witness that comes; how much money they got;
29 what it is stated that that money was for pursuant to practice

1 directions or otherwise. I would have thought that I'm not
2 seeking to do anything that is in any way underhand. We are
3 simply seeking to have the information in all its possibilities
4 before the Court to assist this Trial Chamber in coming to a
12:01:45 5 decision on the evidence and whether or not there could be other
6 motivation.

7 My learned friend, Ms Thompson, reminds me we had, in fact,
8 visited this point last week, similar objection was made, and
9 that objection had been overruled, but I suppose at the time the
12:02:14 10 Chamber hadn't indicated that this was a ruling in general. I
11 suppose my learned friend would be entitled to continue to take
12 the same objection.

13 PRESIDING JUDGE: I recall the incident.

14 [Trial Chamber confers]

12:05:14 15 PRESIDING JUDGE: The unanimous view of the Chamber is that
16 Defence is entitled to put questions concerning payments made to
17 the witness and we consider this is consistent with our prior
18 ruling. Defence is entitled to ask what, if anything, was
19 received by the witness. However, we do not consider you are
12:05:39 20 entitled to put hypothetical questions, pulling figures out of
21 the air, and putting those to the witness.

22 MR METZGER: I'm very much obliged. In those
23 circumstances, I will try by asking the witness one more time, in
24 case he recalls, and we will continue to use administrative means
12:06:03 25 to try to obtain disclosure of the relevant material. If
26 anything comes of it, we will make the necessary application in
27 relation to witnesses that have already been heard and may then
28 have to seek the indulgence of the Court. I shall sit again,
29 because I note out of the corner of my eye there might be

1 something wherein which the Prosecution seeks to assist us.

2 MS TAYLOR: Your Honours, I only wish to make it plain that
3 the Office of the Prosecutor cannot disclose what is not in its
4 possession. It has disclosed payments of conduct money made to
12:06:41 5 all Prosecution witnesses to the Defence. It cannot disclose,
6 because it does not know the payments that have been made to
7 witnesses by the Witnesses and Victims Unit. If my learned
8 friend wishes to obtain that information, he will have to ask the
9 head of the Witnesses and Victims Unit and not the Prosecution.

12:07:08 10 MR METZGER: I wasn't asking the Prosecution. I was simply
11 stating the position and reserving the Defence position should
12 further information come to light in due course that we
13 considered might be of assistance to this Court. I'm sorry if
14 the Prosecution felt that I was making a direct request, as it
12:07:28 15 were, across the courtroom.

16 PRESIDING JUDGE: It is my recollection that similar
17 submissions or statements of fact have been made in the past.

18 MR METZGER: I'm very much obliged. Perhaps a correction
19 is that we have this agreement between the parties, the
12:07:44 20 Prosecution and Defence, that the Prosecution can serve in
21 relation to witnesses that have not yet given evidence as time
22 goes on, and we are quite happy to accept that. It is a slight
23 inaccuracy to say we have got all the payments made to all
24 Prosecution witnesses, but we are content that we will have all
12:08:08 25 payments made to all Prosecution witnesses for the conduct of the
26 Prosecution by the Prosecution.

27 PRESIDING JUDGE: I remember that bit as well, Mr Metzger.

28 MR METZGER: If I may go back to where I was.

29 Q. Mr witness, if you can help us with this at all. Have you

1 given any money by anyone from the Special Court in connection
2 with your role as a witness in this case?

3 PRESIDING JUDGE: Mr Court Attendant, I think the witness's
4 microphone is off. I'm not sure who is to blame this time.

12:09:12 5 Mr witness, would you please repeat your answer as we did not
6 hear you.

7 THE WITNESS: well, since I have not left, I wouldn't say
8 this person have given me this money, but when a stranger goes
9 somewhere and when he wants to go, and if something is given to
12:09:42 10 him, he will say, "Okay, this is what has been given to me." But
11 I am still here. Nothing has been given to me up to this point.

12 JUDGE SEBUTINDE: Mr witness, it would help if you listen
13 to the questions that are being asked to you and you answered
14 directly.

12:10:03 15 THE WITNESS: Yes.

16 JUDGE SEBUTINDE: It would help everybody if you did that.
17 I'm going to ask the lawyer to ask that question again. Please
18 answer directly that question.

19 THE WITNESS: That is to say when I came here I was given
12:10:24 20 money?

21 JUDGE SEBUTINDE: I said I will request the lawyer to ask
22 you the question again. That is exactly your problem. You do
23 not first listen. Listen to the question that the lawyer is
24 asking and answer the question that you've been asked, not what
12:10:39 25 you are imagining. Listen to the question again, please.

26 THE WITNESS: Okay.

27 MR METZGER:

28 Q. Mr witness, has anyone from the special Court given you
29 money in relation to your role as a witness?

1 A. That is what I said. Since I have not left, and besides
2 the transport that they give me, yes, that has been given to me.
3 But since I have not left, I wouldn't say that somebody has given
4 me such and such an amount of money.

12:11:40 5 Q. All right, Mr witness. Has anyone from the Special Court
6 promised you money as a result of your role as a witness in this
7 case?

8 A. Well, since the things that you print here are with papers
9 I do not understand. If they were to give me something then I
12:12:12 10 would say -- tell you what he said, because it was true.

11 Q. Mr witness, again, please, you see, if I ask you the one
12 question and we spend 20 minutes on it, you will sit there
13 longer. It's a simple question. Has anybody from the Special
14 Court promised to give you money when your role in this has
12:12:36 15 finished?

16 A. If somebody from the Special Court has promised to give me
17 money? Well, that is why I said even if he had said that, I
18 wouldn't believe, because nothing has been given to me. Because
19 if somebody had asked -- promised to give you something, you
12:13:15 20 wouldn't say that this thing has been given to me until it is
21 given to you.

22 Q. Sorry, Mr witness, was that a yes or no? I'm still
23 unclear. Have you been promised or not? Can you say yes or no?

24 A. Well, I explained my problems, so they said --

12:13:51 25 Q. I'm sorry, I did interrupt you. You said you explained
26 your problem, so they said.

27 A. They said they were going to help me, but I don't know what
28 type of help they are going to give me, so that's why that
29 particular promise, I had said it. If somebody were to promise

1 you something, I wouldn't say that this thing has happened, but,
2 you see, I wouldn't say that they had given me something. If you
3 said that I am hungry and somebody said I was going to buy rice
4 for you, I wouldn't say that the rice has been bought for me.
12:14:36 5 You have to say that this person said he was going to buy rice
6 for me.

7 Q. Did they promise you anything?

8 A. Well, if somebody were to say that I would help you, you
9 would not know the type of help that they would give you.

12:14:56 10 Q. So your answer is they promised they would help you with
11 your troubles, but didn't say exactly how?

12 A. They did not promise me to give me something because of all
13 that had happened to me. You see, they promised to help me
14 because of my siblings that I left at home. There was a problem
12:15:33 15 at home and I explained this to them. It is not what -- besides
16 what they are going to ask, but I had a problem at home and I
17 explained to them. Because what happened to us, nobody would be
18 able to pay money for that.

19 Q. What was your understanding would be the form of that help?

12:16:03 20 A. Well, when somebody said I would help you, see, well, for
21 us there, there are two possibilities; either food or money.

22 Q. Now answer the question, please. What was your
23 understanding of the form of the help you would receive?

24 A. Well, for me, if they want to help me, what I want is
12:16:37 25 money. Although, those who do promise to help me had not
26 explained to me what it is. But if one were to ask me, I would
27 say, "I would like to have money."

28 Q. Finally on this money situation, I think you were talking
29 about last time you came to Court to give evidence. Did you get

1 anything after you gave evidence in the other Court from anyone
2 from the Special Court?

3 A. If they give me money? They did not give me money.

4 Q. Did you get any other benefits?

12:17:36 5 A. They paid -- they give me money to pay my way and they said
6 I should come back.

7 Q. Did they give you any other benefits, apart from money to
8 pay your way?

9 A. Well, whatever money they give me, well, for the stranger,
12:18:08 10 for us in Temne, whatever little has been given to you when they
11 say go, you just have to accept it. There is no point in
12 rejecting it. And they said I should come back. So I wouldn't
13 say now that they had given me something that would be of benefit
14 to me or not.

12:18:26 15 Q. How much money did they give you when they asked you to
16 come back?

17 A. The one that I picked, to go, and the one that I should use
18 while going on the way.

19 Q. Please, Mr Witness, give us the amount. Just tell us how
12:18:51 20 much money it was. That's all I'm asking you.

21 A. The one that was given to me was 30,000 Leones.

22 Q. Thank you, Mr Witness. Now, I want to go back, please, to
23 the evidence that you have given. You've told us that the money
24 was taken from you before they started attacking the individual;
12:19:36 25 is that correct?

26 PRESIDING JUDGE: Mr Metzger, just to eliminate any doubt,
27 we are now referring back to the money --

28 THE WITNESS: You've already asked me this question and
29 I've answered already.

1 MR METZGER:

2 Q. Mr witness, for the elimination of any doubt, I'm taking
3 you back to that point in time where your money was taken,
4 because that's the last time I asked you about the things you
12:19:54 5 came to explain about. I'm going to go on from there, just so
6 you can centre your mind on that issue.

7 A. I have answered that question.

8 Q. Because you then came to a point in time when you were
9 taken away from that place, being the only survivor to -- was it
12:20:20 10 konta Manarrma village?

11 A. Yes.

12 Q. Just before this, Mr witness, you had told us that it was
13 one of your sisters -- I'm now referring to the evidence that you
14 gave here on Friday. You told us that one of your sisters had
12:21:03 15 been shot and after they chopped off her leg. That's right,
16 isn't it?

17 A. That is what I said.

18 Q. You see when you gave your evidence on Friday, you talked
19 about her being shot in the back while she held her child, and
12:21:30 20 both she and that child fell together and neither of them got up
21 again. Isn't that the case, Mr witness?

22 A. That is what I said, yes.

23 Q. In your initial statement to the Prosecution, you didn't
24 talk about the child, did you, that she was carrying on her back?

12:21:55 25 A. well, if somebody starts to talk, not as you start to
26 explain everything, after explaining one thing, then let them
27 explain another thing.

28 Q. So is it your evidence, Mr witness, that when you first
29 started talking to the Prosecution, you decided to say some

1 things and to leave half -- to leave the balance behind for next
2 time? Is that your evidence?

3 A. The first statement that I gave after I had explained one
4 thing, I had explained the other. Not that I explained this,
12:22:53 5 that, that, that. The way I explained, that's the sequence I'm
6 explaining things.

7 Q. Yes, Mr witness, but, you see, in your first statement to
8 the Prosecution, as you told us, you were with five people.
9 Those five were killed and you were the only survivor. That's
12:23:17 10 correct, isn't it? That's what you first said to the
11 Prosecution.

12 A. The five people that were killed, that was exactly the
13 truth that I've told you, the truth.

14 Q. Why is it then, Mr witness, that you told us on Friday, in
12:23:44 15 addition to those five, there were two children: One whom your
16 sister was holding by her hand and the other child on her back.
17 You went into detail about their ages and everything. That would
18 surely be more than five people. Five and two children, but you
19 never told the Prosecution about those two children in the first
12:24:05 20 place, Mr witness, did you? Did you forget?

21 A. What have I forgotten?

22 Q. You have described the manner in which you say that your
23 sister met her death. She was shot in the back at a time when
24 she was carrying a baby on her back. Immediately before that,
12:24:29 25 you say that the child that she was holding in her hand was
26 clubbed over the head. That is something you never told the
27 Prosecution before, until you first gave your evidence in the
28 other Court and then you came her to give evidence again. You
29 didn't tell the Prosecution that.

1 A. That was not the place I would have testified. I have
2 explained certain things and written it down. That was not the
3 area that I was to testify. All that I've said was written down.
4 Before this time I've explained and they've written everything
12:25:17 5 down.

6 Q. You also said when you have given evidence -- you see,
7 that's why I am asking you. If you only spoken half or some of
8 the story to the Prosecution, because when you gave evidence
9 here, on Friday, you said not only did she have one child on the
12:25:35 10 back, she was holding one and she was pregnant.

11 A. Yes.

12 Q. So we've got a pregnant mother and two children. You've
13 accounted for your sister, who you never told the Prosecution in
14 the first place was pregnant, but you've completely missed out
12:25:59 15 the two children when you were telling the story first to the
16 Prosecution situation. How could you have forgotten about those
17 children who were so horribly killed in your presence. Did you
18 forget about that?

19 A. I never forgot. They asked me questions. If they never
12:26:17 20 asked me concerning that, I did not answer any question with
21 regard to that. Everything was written down. If you ask me
22 something from what was written down, then I'll answer.

23 Q. Indeed, Mr Witness. How did you expect the Prosecution to
24 know about what happened? You were the one who was telling them
12:26:35 25 what happened. You told them about the five people that you were
26 with. You have explained that to us here. Not only that now,
27 you are talking about two children and you've also explained, we
28 submit, for the first time in graphic detail when you first went
29 into that other Court, and now even more so, how these people

1 died. So, what I'm trying to ask you about, Mr Witness is, why
2 is it that you did not talk about those two children and the
3 manner in which they were killed, which you have now told this
4 Court about?

12:27:21 5 A. You should not ask me why I did not say so. The things
6 have already been written. Those who took the statement, you
7 should ask them that question. Because all that I've said here
8 has been written down. I believe that when I'm here, I've
9 explained everything that has been written down. If you tell me
12:27:43 10 I have not said anything about it, that's what I'm explaining
11 here in Court.

12 Q. I see, Mr Witness. I'm sorry, it may be my fault, but your
13 evidence is everything you've told us about in Court has already
14 been written down by someone for the Prosecution. Is that your
12:28:00 15 evidence?

16 A. I don't know whether it is a Prosecutor at the time that
17 they obtained the statement from me. I don't know the various
18 categories into which you belong. If you say the Prosecutor, I
19 don't know.

12:28:19 20 Q. Let me cut it short, then. Whoever it was that they sent
21 to talk to you wrote everything you had to say down, that you
22 could see?

23 A. The one that went there and obtained a statement from me
24 with regards what had happened to us, I've explained details
12:28:43 25 about it. One Alfred went there; I explained everything to him.

26 Q. Right. As you say, if Alfred hasn't written it down, then
27 I shouldn't ask you about it, I should ask Alfred about it, isn't
28 it --

29 A. What?

1 Q. I don't have to ask you about what he wrote down, I should
2 ask Alfred. Your evidence is you told Alfred everything.

3 A. Well, the same thing -- it's the same thing you are asking
4 me about is he had asked me what had happened, the one who
12:29:22 5 obtained the statement. All that I've explained is what I'm
6 repeating again. If you ask me other questions I do not have the
7 zeal to continue explaining things like that. You have asked me
8 all that and again; the same questions I've answered.

9 Q. Mr witness, let's move on to another point. You have
12:29:50 10 indicated how you were tied around the waist and taken to
11 Manarrma where you were handed over to one Johnson; is that
12 right?

13 A. That's correct.

14 Q. Did you know any other name for this Johnson?

12:30:14 15 A. Well, he said he was Johnson; Colonel Johnson. He was in
16 civilian clothing.

17 Q. As far as you know, there was another colonel, Colonel
18 Sesay, and the two of them were in charge of the Manarrma area?

19 A. Those are the ones I knew very well.

12:30:56 20 Q. Those people, they weren't part of the soldiers who had
21 been there before with the Gbethis, were they?

22 A. They were not the same group. The Gbethis were not there
23 again. The time when Colonel Sesay and the others arrived, the
24 Gbethis were not there, they had already left.

12:31:26 25 Q. How long after you had first run away from ~~XXXXX~~ was it
26 that you came there and found these people in charge, being
27 yourself a prisoner?

28 A. We ran away from there and I was captured at Makambisa when
29 the sun was rising. During the afternoon, it was the time they

1 brought me down to Manarrma.
2 Q. So it was the same day?
3 A. The same day.
4 Q. Can I ask you this: when your stepmother was taken away
12:32:36 5 from your sight, did you or did you not hear a gunshot?
6 A. I heard a gunshot there.
7 Q. I ask you this simply -- I refer the Chamber and my learned
8 friends to page 20 of the transcript of 28 July 2004.
9 JUDGE SEBUTINDE: Mr Metzger, does that have a Registry
12:33:19 10 number?
11 MR METZGER: Ours don't have the Registry numbers. Perhaps
12 my learned friend can assist.
13 MS TAYLOR: If I can assist my learned friend, it is 7182.
14 MR METZGER: I am very much obliged.
12:33:54 15 Q. You've been asked, Mr Witness, about your stepmother. You
16 were asked this question, line 2:
17 "Then your stepmother was taken somewhere, wasn't she?"
18 "Yes."
19 "Where was she taken in relation to where you were laying
12:34:06 20 down?"
21 Answer, "They took her behind the house."
22 Question, "What happened next?"
23 Answer, "When they took her there during that day, I wasn't
24 able to see her."
12:34:21 25 Question, "Did something else happen after that?"
26 Answer, "Well, it was only the other day that I saw her
27 lying down dead."
28 What I'm suggesting to you, Mr Witness, is that in answer
29 to the very clear questions on that occasion, you did not state

1 that you heard a gunshot. Would you agree with that?

2 THE INTERPRETER: Your Honours, the witness's mic is off.

3 PRESIDING JUDGE: Mr Witness, would you please start your
4 answer again?

12:35:35 5 THE WITNESS: Yes. What did you say?

6 MR METZGER:

7 Q. Mr Witness, my question to you was in the questions and
8 answers that I've read out in relation to what happened, your
9 stepmother was taken around the back. There is no mention of you
10 hearing a gunshot. I'm simply asking: why didn't you mention
11 the gunshot?

12 A. What, for me not to talk about the gunshot? I have told
13 you that when they carried her away, they told her that they were
14 going to rape her, so the following day, I find her laying there
15 dead. I told you that. I never told you that I was there where
16 she was killed. The following day I met her there. She had a
17 wound, a bullet wound.

18 Q. Mr Witness, you have told this Court you heard a gunshot.
19 when you were asked questions about the same thing on the last
12:36:55 20 occasion, you didn't mention the gunshot. I'm simply getting you
21 to tell us whether or not you in fact heard a gunshot.

22 A. If somebody did not ask me a question, you not answer that.
23 The question that put to me, that was the question that I ask.
24 But if you say it is not the truth, what I know is that I heard a
12:37:23 25 gunshot. I met a bullet wound on her, that's the area I can
26 answer you precisely.

27 Q. When did you see her, did you say? When did you see her
28 lying down dead?

29 A. The following day that we came.

1 Q. So when you answered in Court on the last occasion, "Well,
2 it was only the other day that I saw her lying down dead", you
3 didn't mean it as if it were only the other day as opposed to the
4 next day?

12:38:05 5 PRESIDING JUDGE: You've confused me as well as the
6 witness, Mr Metzger.

7 MR METZGER: It is confusing.

8 THE WITNESS: You've asked me. I've answered over and
9 again. You've asked me. I told you the following day, that's
12:38:21 10 the other day, that was where I met her lying dead.

11 MR METZGER: It may be a translation issue. I'll leave the
12 matter there.

13 Q. I want to move on, Mr Witness, to ask you a few questions,
14 coming to the end of your period in captivity. You talked about
12:39:13 15 somebody who you said they said he was called Born Naked. Do you
16 recall that?

17 A. Yes.

18 Q. This Born Naked fellow, was he an RUF, as far as you know?

19 A. Well, during that night that he had nothing on him, I never
12:39:45 20 knew that he was an RUF, because it was at night. It was during
21 the night.

22 Q. Did there come a time when you knew that he was an RUF?

23 A. I cannot tell whether he was either RUF or not RUF. I told
24 you, it was night. During that time, the people that came, they
12:40:20 25 were many. I cannot tell them - I cannot tell you individually
26 as they wore different clothing. Some were in military uniforms,
27 some were in civilian gear, so I cannot distinguish.

28 Q. Mr witness, in conclusion, would it be fair to say that all
29 of these things that happened with these armed men, you yourself

1 cannot say what faction they belonged to?

2 A. Well, that one, the one in civilian clothing, he said they
3 were the rebel. The other ones were the soldiers. They never
4 dressed the same way; some had civilian clothing, some had
12:41:28 5 combat. If all of them would have wore the same thing, I would
6 have said they belonged to the same group, but they never dressed
7 the same way. How would I say that they belonged to the same
8 group?

9 Q. Mr witness, you said that some of the men spoke to you and
12:41:44 10 you said some were in civilian clothing, telling you that they
11 were rebels, they were Superman's men. That's correct, isn't it?

12 A. That was what they said, yes.

13 Q. There were other men who wearing military uniform; is that
14 correct?

12:42:04 15 A. Yes.

16 Q. Those men with the military uniform were together with the
17 men who told you they were Superman's men; is that correct?

18 A. You've asked me there before this time. I told you that
19 they were mixed. They were wearing the same thing. It has taken
12:42:24 20 a long time when you asked me the same question.

21 Q. Thank you, Mr witness. You will be pleased to know we're
22 coming to the end of it. I want to clarify these things. Those
23 men who you're saying were wearing uniform, is it correct that
24 not all of them were wearing full uniform?

12:42:42 25 A. Not at all. Not all of them were in uniform. Even their
26 boss, they're two, one wore civilian clothes, the other one in
27 military uniform. You've asked me twice. Over and again, I've
28 answered those questions.

29 Q. Be patient with me, I'm coming to the end of my questions.

1 I'm asking you a specific question about the general clothing of
2 these people who you call soldiers. Is it right that some of
3 them had only military trousers on or military top on, but not
4 both, not full uniform?

12:43:36 5 A. One, Colonel Sesay. Colonel Sesay was in full military
6 uniform: the trousers, the shirt; complete uniform. The other
7 ones, they were not completely naked. That is to say, they only
8 had the trousers, they had no shirts on.

9 Q. Some of them had cloth wrapped around their head, isn't
12:44:04 10 that correct?

11 A. Yes.

12 Q. And some of them wore only military shirts, but not
13 military trousers, isn't that correct?

14 A. I have explained this. This is the same area you're asking
12:44:27 15 me the questions.

16 Q. Just answer the question.

17 A. But if you are to ask, I've been here for a very long time.

18 Q. And I will be finished with you in two minutes if you just
19 answer my question. Is that correct?

12:44:47 20 A. You've asked me the questions. The same answer I've given
21 you: I told you some were in complete military uniform, some had
22 civilian gear. But those who were in civilian uniform, they were
23 more than those who were in military uniform. Those in civilian
24 clothing, they were many. You are asking me the same question
12:45:12 25 over and again, over and again.

26 JUDGE SEBUTINDE: The lawyer has not asked you the same
27 question over and over again, and you have not answered the
28 question that he has asked: were some people dressed a mixture
29 of civilian and military clothing? That is the question.

1 whereas do you remember that some people were dressed partly in
2 civilian and partly in soldier clothing?

3 THE WITNESS: That was why I started explaining from the
4 boss. I said he was in complete military uniform. That was the
12:46:01 5 way he dressed.

6 MR METZGER: I'm very grateful to the Trial Chamber for its
7 assistance. I don't think I will get any further. I've asked
8 the questions, we've all heard the answers.

9 Q. Mr witness, I'm sorry for all the bad things that may have
12:46:23 10 happened to you. I don't want to ask you any more questions,
11 you'll be happy to know that.

12 A. Okay.

13 PRESIDING JUDGE: Mr Harris, it would be helpful if you
14 could indicate to us if you will be cross-examining this witness.

12:46:43 15 MR HARRIS: Your Honour, I notice the hour. Perhaps if
16 you're mindful of adjourning now and start a quarter of an hour
17 later, I'm content; so the moments we'd lose now, we could gain
18 it this afternoon. I would be content.

19 PRESIDING JUDGE: we will take the usual lunchtime
12:47:35 20 adjournment, counsel.

21 [Upon adjourning at 12.48 p.m.]

[TB180405D-SGH]

23 [Upon recommencing at 2.25 p.m.]

PRESIDING JUDGE: [Microphone not activated]

14:23:17 25 MR HARRIS: May it please you.

26 CROSS-EXAMINED BY MR HARRIS:

27 Q. Just let me see if I understand it correctly, your
28 mother lived in an area near XXXXX; is that right?

29 PRESIDING JUDGE: Mr witness, did you hear counsel's

1 question?

2 THE WITNESS: The way I see it, it is not a
3 straight-forward question.

4 MR HARRIS:

14:23:56 5 Q. Never mind what you see, just answer the question I ask.
6 Does your mother live in XXXXXX?

7 MS TAYLOR: Is that now or at the time we are talking
8 about; the tense of the question has changed.

9 MR HARRIS: When do you think I am talking about?

14:24:10 10 JUDGE SEBUTINDE: Please, Mr Harris.

11 MR HARRIS: Well, I am sorry, you are right.

12 PRESIDING JUDGE: The wording that I have recorded,
13 Mr Harris, is does -- your mother lived in an area near XXXXX
14 first.

14:24:19 15 MR HARRIS: Yes.

16 PRESIDING JUDGE: And then an amendment which says, does
17 your mother live in an area near XXXXX. So I have got both the
18 present and the past tense.

19 MR HARRIS: Your Honour, it is -- I have looked at the
14:24:38 20 transcript and it says XXXXX.

21 PRESIDING JUDGE: Yes, it is XXXXX, I agree. I am just
22 talking about it is the past tense or future sense?

23 MR HARRIS: I am asking about the events of that day and no
24 other time.

14:24:51 25 PRESIDING JUDGE: Thank you, Mr Harris, for that
26 clarification. Mr Witness, counsel is asking you did your mother
27 live in an area near XXXXX?

28 THE WITNESS: My mother -- we don't have a XXXXX. My
29 mother does not live in a place near XXXXX. We don't have

1 XXXXX. We have XXXXX. We have XXXXXX.
2 MR HARRIS:
3 Q. Does your mother live in XXXXXX?
4 A. Well, before this time he said she lives in a village
14:25:41 5 around XXXXX. We don't have XXXXX, that's why I did not
6 answer.
7 Q. Would you now answer the question. I will put it in
8 another way. Where did your mother live in April of 1999?
9 A. Let him ask the question. She lived in XXXXX.
14:26:12 10 Q. Thank you. Where did your first wife live in April 1999?
11 A. She lived in XXXXX.
12 Q. Where did your brothers live in April 1999?
13 A. The brothers, some of them lived in XXXXX with my mother.
14 Q. How many of your brothers lived with your mother in
14:26:57 15 XXXXX?
16 A. Two.
17 Q. Two?
18 A. Yes.
19 Q. Are those the two brothers which you have told the Court
14:27:16 20 died by -- had died in April 1999?
21 A. They were among those that died. Some of the other ones
22 they were at XXXXXX, but because we are running away, that is
23 why all of us gathered at Makambisa.
24 Q. I well come to that. Where did your sisters live in
14:27:55 25 April 1999?
26 A. In XXXXXX.
27 Q. Are those the sisters that died in April of 1999?
28 MS TAYLOR: Your Honour, I believe the witness has only given
29 evidence that one sister died.

1 PRESIDING JUDGE: Yes, that is my recollection.
2 MR HARRIS: I withdraw the word S, and put the singular.
3 Q. Is that the sister who died in April of 1999?
4 A. Yes, this question, the other lawyer has asked me this
14:28:55 5 question. The same question, asked me over it again.
6 PRESIDING JUDGE: Mr Witness, I don't think that question was --
7 THE WITNESS: Yes, sir.
8 PRESIDING JUDGE: -- asked before and if we find that the
9 same questions are being asked again we will stop it.
14:29:05 10 MR HARRIS:
11 Q. You had a stepmother in April 1999. where did she live?
12 A. In XXXXXX.
13 Q. Your second wife lived where in April of 1999?
14 A. well, we lived together in XXXXXX.
14:30:02 15 Q. When you heard the shooting in April 1999, you took your
16 second wife and your child to XXXXXX; is that right?
17 A. Yes.
18 Q. Did you have to go past where your stepmother lived to get
19 to XXXXX?
14:30:58 20 A. My stepmother -- we all lived in the same place; XXXXXX.
21 when we are scattered we only met at Makambisa where the killing
22 took place.
23 Q. So when you left with your second wife to go to XXXXX,
24 you left your stepmother behind; did you?
14:31:36 25 A. Eh? well, the time I left her, there all of us --
26 everybody was prepared to run away. That was the time I left
27 there.
28 Q. You went with your second wife and child to your mother in
29 XXXXXX; is that right?

1 A. Yes.

2 Q. And you told your mother no doubt that they were shooting
3 in your village?

4 A. Yes.

14:32:24 5 Q. And you showed them the way to Lunga [sic].

6 A. It is not Lunga.

7 Q. Well, do correct me; what is it?

8 A. It is called Lungi.

9 Q. Lungi. Thank you, it is my bad education. You took them
14:32:52 10 to Lungi. And what about your brothers -- your brother. Was he
11 living with your mother at the time?

12 PRESIDING JUDGE: Mr Harris, please assist me. Are you referring
13 to the brother that was with the mother?

14 MR HARRIS: Your Honour, yes.

14:33:11 15 PRESIDING JUDGE: Because there were two brothers with the
16 mother.

17 MR HARRIS: Yes.

18 Q. When you told your mother to go to Lungi, did your
19 brothers go with her?

14:33:46 20 A. No, they did not go together. Well, we wanted to pack all
21 the cigarettes that all of us carried.

22 Q. I will come to that.

23 A. We did not go together.

24 Q. Your first and second wife, together with your son, went
14:34:22 25 with your mother; is that right?

26 A. Yes.

27 Q. Because, as you have told the Court, you knew that that
28 passage was safe?

29 A. There were two roads. We used two roads to go to Port

1 Loko. Not the one we used, we knew we had problem, but the town
2 we showed them, that town they should go and stay there. That is
3 why we sent them there.

4 Q. Because you knew that that town was safe; is that correct?

14:35:39 5 A. Yes, that is why I sent them there. Since I was a
6 businessman, that was why we prepared to go to Port Loko. You
7 know that anywhere that you don't have a lot of customers, there
8 is no way you can do some business there.

9 Q. So, you are more interested in making money than saving
14:35:59 10 your own life; is that what you are saying?

11 PRESIDING JUDGE: I don't think that is a very proper sort
12 of question, Mr Harris.

13 MR HARRIS: I shall proceed to another question.

14 Q. You knew, did you, that Port Loko was safe; is that
14:36:10 15 right?

16 A. Yes. During that time it was peaceful.

17 Q. So together with your brothers you went towards Port Loko;
18 is that right?

19 A. Yes.

14:36:41 20 Q. And you say you were captured in Makambisa; is that right?

21 A. Yes. Yes.

22 Q. Together with your cigarettes and your money? would that
23 be right?

24 A. Yes, that is true. I have been asked on that issue and I
14:37:22 25 have answered.

26 Q. And of all the persons who were present, you were the only
27 one who was saved. Five were killed and you were saved. You
28 were not killed, I should say correctly; is that right?

29 A. Well, this question, the previous man asked me if of all

1 these people I was the only person left. I said yes. That same
2 lawyer that asked me that then I answered yes and now you are
3 asking me the same question. This same question, you asked this
4 same question over and again.

14:38:33 5 Q. When you were in Port Loko, there were -- I am going on
6 now. You told the Court that you were captured and tied with a
7 string like a goat. Do you remember describing that?

8 A. Yes.

9 Q. And you went to Port Loko. I need to move on to Port Loko.
14:39:01 10 Am I right?

11 A. Well, when I was captured I could not continue my journey.
12 That time I was already tied.

13 Q. I will re-phrase the question. You were then taken to Port
14 Loko.

14:39:36 15 MS TAYLOR: Your Honour, that is not the evidence of the
16 witness. The witness was taken back to Manarrma and from
17 Manarrma was taken to Port Loko.

18 MR HARRIS: Yes, I know all that. You should follow it.

19 Q. You were eventually taken to Port Loko; am I right. I
14:39:59 20 need to move on to Port Loko.

21 A. When they took me from Makambisa, I was taken back to
22 Manarrma. The way somebody explained, that's the way you should
23 ask me. Really, you have taken the whole of my time here. You
24 have asked me the way things happened, but if you say when I was
14:40:26 25 taken from Manarrma then I was taken to Port Loko. I have been
26 here for some time.

27 PRESIDING JUDGE: If you do not answer the questions
28 directly, you will find yourself here a lot longer. Answer the
29 questions directly. Don't add comment.

1 THE WITNESS: well, I have answered. I have already told
2 him. I said when I was captured I was taken back to Manarrma,
3 before I was taken to Bakay.

4 PRESIDING JUDGE: Please, move on to your next question.

14:40:50 5 MR HARRIS: Thank you, Your Honour.

6 Q. And is it at Port Loko that you found that people's
7 hands were being cut off?

8 A. No. I stood by. It was not at Port Loko it was at
9 Manarrma where their hands were cut off.

14:41:28 10 Q. You then refused to have your hand cut off; is that right?

11 A. I did not deny. That time I was longing to be killed. I
12 told them, "Instead of you cutting off my hands, kill me at once
13 so that I have my soul to rest."

14 Q. All right. Let me go to Port Loko. You know the
14:42:07 15 difference, no doubt, between the bullets and the gun; don't you?

16 A. I know the guns.

17 Q. You know of the gun, do you know?

18 A. The ones I saw, I know them.

19 Q. You know the LMGs, do you?

14:42:44 20 A. Yes, when they took me to Barbara, I understood them. It
21 has a chain.

22 Q. And you know the shaker gun; do you?

23 A. I -- It was only a rebel that said it that he heard the
24 sound of a shaker bomb. Ever since I was born I never knew about
14:43:05 25 the shaker bomb. But I cannot say I saw it with my naked eyes.

26 Q. You did not see a shaker gun with your naked eyes?

27 MS TAYLOR: Your Honour, there is a difference in the word
28 that has been used by my learned friend and the witness. I
29 believe my learned friend is saying gun, where the witness is

1 saying bomb.

2 MR HARRIS: Yes, all right. Thank you. I will ask you the
3 question again.

4 Q. Did you see a shaker gun?

14:43:49 5 A. I did not see it. It was only the rebel that captured me
6 that said that the gun that was known as the shaker gun has been
7 fired. So during that time he released the rope that was around
8 my waist. So I ran away. So if you ask me if I saw it myself,
9 well it was during the night. I cannot say anything that I did
14:44:13 10 not see.

11 Q. Well, I have some very bad news for you. Did you come
12 across - I will come back to the shaker - did you come across an
13 LMG? Did you see one of those?

14 A. You have already asked me, then I answered yes.

14:44:52 15 Q. Where did you see that?

16 A. At Barbara where they met it.

17 Q. That was being used by the Nigerians; is that right?

18 A. Because that area it was the Nigerians that occupied there.
19 They were there before.

14:45:19 20 Q. And it had bullets in it; did it?

21 A. Yes. When they took them -- when they took them, that was
22 the time I saw them with my naked eyes.

23 Q. And Colonel Sesay fixed the gun; is that right?

24 A. Yes.

14:46:00 25 Q. And it couldn't be used for shooting?

26 A. Yes. I stood by when he started firing with it.

27 Q. And at what he was firing at -- well, in the direction of
28 the soldiers; is that right?

29 A. It was at a house. He placed it on a raised wall outside

1 the veranda and he pointed it at a house. He started firing.

2 Q. You are sure about that, are you?

3 A. I am sure about it.

4 Q. Now, was there a problem with the gun firing -- was there a
14:47:25 5 problem with the gun firing or working, your words, whichever you
6 choose to use?

7 A. The first person that saw the gun, when he used -- when he
8 used it and fired, but it never fired. He brought it to
9 Colonel Sesay and told him that the gun cannot fire. It was
14:47:49 10 after it has been adjusted by Colonel Sesay that he started using
11 it to fire.

12 Q. Now, help me about this, you then eventually escaped and
13 were captured by warders; is that right?

14 A. Repeat.

14:48:32 15 Q. You were eventually -- you eventually escaped and went to
16 the -- and was detained by ECOMOG. A change of words now. Do
17 you understand the question, first of all?

18 A. Yes. Well, the ECOMOG -- the problem concerning what was
19 done to me, they took care of me and started curing me.

14:49:15 20 Q. They first of all suggested that you were a rebel; is that
21 right?

22 A. Eh? When they saw me at Newly they ask. But the other
23 colleagues who saw me in the morning they said, "This man is not
24 a rebel." So I explained to them what had transpired.

14:49:44 25 Q. And when you were first detained by the rebels, they
26 suggested that you were with the government side; is that right?

27 JUDGE SEBUTINDE: I think the evidence [overlapping
28 microphones]

29 MR HARRIS: Do forgive me. Yes, I'm sorry. You were

1 saying.

2 JUDGE SEBUTINDE: The evidence-in-chief, the witness said,
3 "They asked me if I was a Gbethi."

4 MR HARRIS: Thank you. That's the word I was trying to
14:50:18 5 find.

6 Q. When you were first detained it was suggested to you
7 that you were Gbethi. Gbethi.

8 A. Yes, then I told them that I was not a Gbethi.

9 Q. A Gbethi -- what did the Gbethis do at that time? Did they
14:50:39 10 guard your village; is that right?

11 A. Yes. Yes.

12 Q. And they had guns?

13 A. Yes.

14 Q. You see, what I suggest is that you were a rebel.

14:50:56 15 A. I?

16 Q. Yes, you were part of the rebels.

17 A. That expression, where I'm sitting here I feel so enraged,
18 so irritated and annoyed. I have not wanted you to tell me that.
19 For now I am know how I'm feeling and today you have mentioned
14:51:35 20 that I am a rebel.

21 Q. Yes. [Inaudible]

22 A. I feel so bad where I am sitting here now.

23 Q. You see, what I suggest is this, you knew the area ~~XXXXXX~~
24 was safe and there you sent your family.

14:52:11 25 A. That was where my mother lived. That was where she was
26 born. I live in my father land. Not because we heard
27 [inaudible] that I sent my wives and children to my mother.

28 Q. You knew the terrain.

29 A. Which area?

1 Q. The area in and around where you said you were detained.

2 A. I know that terrain. If someone was born elsewhere and
3 grew up there. I have never been anywhere. I have never been to
4 school. If I don't know people there, that I am a fool. I
14:53:12 5 should know the terrain because since I was born, there I lived.

6 Q. And when the rebels asked you where to travel, you made
7 sure that they didn't go in the directions of ~~XXXXX~~; is that
8 right? That is because you knew what you and your fellow rebels,
9 led by Colonel Sesay and Junior Johnson, were doing. You were
14:54:02 10 engaged with Junior Johnson and Sesay killing people. That is
11 what you were doing.

12 A. Don't tell me that word. If you continue saying that I
13 will be angry here where I am sitting.

14 Q. Yes, it is that anger that caused you to kill for the love
14:54:37 15 of it.

16 PRESIDING JUDGE: That is very improper. Are you putting
17 that as the defence case?

18 MR HARRIS: Yes.

19 Q. I am putting it that you indeed were engaged in an act
14:54:46 20 of killing with Junior Johnson and Sesay. Do you have an
21 answer?

22 A. If you continue asking me this question. If you ask me a
23 subsequent question I will not answer that. Because I have been
24 troubled by these people and even with my children we are
14:55:22 25 suffering and you start telling me that I am rebel. If you
26 continue asking me that question I will not answer any more
27 because you are ridiculing me now, now. If it were your own
28 children or your own family, you would not have asked me such
29 question. You would not have mentioned such a thing. This is

1 because it is not your own family.

2 PRESIDING JUDGE: Mr Harris, I note you are sitting down. Is that
3 the end of --

4 MR HARRIS: Your Honour, yes, I am sorry [inaudible]

14:56:04 5 PRESIDING JUDGE: Thank you.

6 MR MANLEY-SPAINE: Your Honours, may I respectfully
7 apologise for being absent. I will have only a few questions for
8 this witness.

9 CROSS-EXAMINED BY MR MANLEY-SPAINE:

14:56:22 10 Q. Mr witness, can you read and write?

11 A. I cannot write.

12 Q. You mentioned --

13 PRESIDING JUDGE: Continue, Mr Manley-Spaine.

14 MR MANLEY-SPAINE:

14:57:41 15 Q. You said early in your evidence-in-chief that soldiers and
16 Gbethis were guarding your village. Is that so?

17 A. Yes. They asked this question previously.

18 Q. Mr witness, do you know --

19 A. Yes.

14:58:03 20 Q. -- were these soldiers called by any name? The soldiers
21 who were guarding your village.

22 A. Well, in the village all of us knew they were called
23 soldiers.

24 Q. Do you know whether they were called SLAs?

14:58:29 25 A. Well, those that have been to school would call them that
26 way, but we [inaudible] just know them as soldiers.

27 Q. When the people from the other village came and told you
28 that they wanted you to go and help them to do something and you
29 went, did any soldier go with you?

1 A. They went with us. This was the question that has been
2 asked. We went with them halfway.
3 Q. Is it the case that some of them remained in your village?
4 A. Well, some remained, but there were not many in number.
14:59:52 5 Q. You have told this Court that you didn't get to the next
6 village; is that not so?
7 A. Yes.
8 Q. Upon your return to your village did you encounter any
9 fighting?
15:00:26 10 A. No, there was no fighting. If there was any fighting we
11 shouldn't have gone there.
12 Q. Didn't you tell this Court that there was fighting between
13 the Gbethis and soldiers?
14 A. No, the Gbethis and the soldiers did not fight. Those who
15:00:56 15 came were the ones that were fighting with the Gbethis. The
16 Gbethis were in town -- the Gbethis that were in town and the
17 soldiers were together. There was no fight between the Gbethis
18 and the soldiers that were in town.
19 Q. Are you saying that all the soldiers came apart from the
15:01:17 20 ones who were in the town?
21 A. Yes, those that came with the rebels because those that
22 were in town I knew them all.
23 Q. How were they dressed those that came?
24 A. Those that came some were in civilian clothing. Some were
15:01:49 25 in combat. One of them was Colonel Sesay, his trousers was
26 combat and his shirt was also combat.
27 Q. Yes, Mr Witness, I want you to go to --
28 A. Yes.
29 Q. -- what you told this Court about Manarrma.

1 A. Yes, there we were at Manarrma.

2 Q. You were telling this Court that people put into the room
3 were locked in that room.

4 PRESIDING JUDGE: I am sorry, Mr Manley-Spaine, I didn't
15:02:19 5 understand that.

6 THE WITNESS: I was not put in a room. I was not put into
7 a room.

8 MR MANLEY-SPAINE: My question, Your Honour, is that:

9 Q. Do you remember telling this Court that the people who
15:02:38 10 were put into a room were locked in that room?

11 A. Yes, they locked.

12 Q. Both the door and the window were locked; is that so?

13 A. Yes.

14 Q. And did you tell this Court that one of the rebels lit a
15:03:10 15 match and threw it into the house?

16 A. Yes.

17 Q. Through what did he throw the match?

18 A. He scratched the match and he threw it. He scratched the
19 match and threw it on the house.

15:03:47 20 Q. No, no, please. You remember you told this Court, he lit
21 the match and threw it into the house. That is --

22 JUDGE SEBUTINDE: I am sorry, I must interject here. The
23 testimony of this witness was: First he explained that this
24 house had a roof of leaves. Mat leaves. And he said one rebel
15:04:09 25 sprinkled petrol on the roof of this house and then lit a match
26 and threw it on the house.

27 MR MANLEY-SPAINE: Inside. Inside, not --

28 THE WITNESS: Yes, yes.

29 MR MANLEY-SPAINE: He did not say on the house.

1 THE WITNESS: Yes.

2 MR MANLEY-SPAIN: [Overlapping microphones] On the house.

3 THE WITNESS: But he forgot that, he did not even -- He did
4 not even understand the thing properly that is why I explained to
15:04:30 5 you and I am now trying to explain to you how the thing came
6 about.

7 MR MANLEY-SPAIN: When I said on or inside. My note says
8 he threw it inside the house.

9 PRESIDING JUDGE: My note says the people were shouting
15:04:51 10 inside. But we have an official record if it is fundamental to
11 the issue. I have something similar to my learned sister. I
12 have got, he struck match and threw the match in the house.
13 Could we have the official record, please.

14 MR REUSS: The official record on page 93 reads: "I saw
15:05:20 15 this man sprinkling this petrol on top of the house. This petrol
16 and they struck a match and threw the match into the house."

17 THE WITNESS: Yes.

18 MR REUSS: "Took fire and people started yelling inside."

19 MR MANLEY-SPAIN: Into the house, not on the house.

15:05:37 20 MR REUSS: Well, the official record reads on top of the
21 house. "I saw a man sprinkling this petrol on top of the house."

22 MR MANLEY-SPAIN: Yes, yes. I am talking about the
23 matches. He threw the matches.

24 MR REUSS: "Into the house."

15:05:52 25 MR MANLEY-SPAIN: Into the house.

26 Q. Yes, my question: Did you say that, did you say that he
27 threw the matches into the house?

28 A. You ask me and I said, yes, when he had sprinkled the
29 petrol on the fire and he scratched the match and threw it he

1 said on the house and house took fire.

2 Q. Mr witness, yes, we have just heard the record that you
3 said he threw it into the house, not on the house. Please put
4 that to him.

15:06:30 5 A. If somebody stands -- in the eaves and sends something
6 right up the palm leaves because the palm leaves were not on the
7 ground. They were right up the top of the house. So that is
8 exactly the place where he sent the match.

9 Q. Are you saying now that he did not throw it into the house,
15:07:05 10 but on top of the house?

11 A. Well, the palm leaves were right in the house.

12 Q. [Inaudible]

13 A. In the house. Therein he sent the match.

14 Q. Into the house?

15:07:32 15 A. Right inside.

16 Q. Through what did he send the matches or did he throw the
17 matches, to use your word? Was it through the door that was
18 shut?

19 A. He threw the match on the palm leaves that were on top of
15:08:02 20 the house. In the provinces when you make a house you use sticks
21 and on top of that you put palm leaves. So, during that time
22 when you put the palm leaves properly when it rains those inside
23 there will not be soaked by the rain. So having sprinkled the
24 petrol he scratched the match and sent it right up to the palm

15:08:32 25 leaves and the palm leaves took fire and the whole house is
26 burnt.

27 MR MANLEY-SPAINE: Your Honours, I stand to be guided by
28 the answer. If he is now saying that, then I would not press
29 this point any more.

1 PRESIDING JUDGE: He appears to have given a very final
2 answer, Mr Manley-Spaine, and I think the rest will possibly be
3 for submission.

4 MR MANLEY-SPAINE: As Your Honour pleases.

15:08:59 5 Q. Mr Witness --

6 PRESIDING JUDGE: However, in making that observation, Mr
7 Manley-Spaine, it is not the intention to direct you how to run
8 your cross-examination.

9 MR MANLEY-SPAINE: As Your Honour pleases.

15:09:12 10 Q. Mr Witness, I am putting it to you that you are not a
11 truthful witness.

12 A. I said the truth.

13 Q. I am also putting it to you that you were never abducted by
14 anybody.

15:09:47 15 A. This is because you are not my father. Because all that
16 happened to me, if it were my people, considering all that
17 happened to me, they would not have said such a thing. But
18 remember that you are also a father of children.

19 Q. Mr Witness, we are not here for your lectures. You had
15:10:08 20 better behave yourself. You answer the questions, that is all I
21 ask of you.

22 A. Well, I have answered that. And you said I have not been
23 captured by a rebel. You see, because, you know, when you say so
24 I become very angry.

15:10:26 25 Q. How many times, Mr Witness, did they threaten to kill you?

26 A. It was only during Friday when I was captured.

27 Q. [Inaudible] that is what I am asking, once or twice or
28 thrice?

29 A. I was captured only once.

1 Q. My question is how many times did they threaten to kill
2 you?

3 A. They said so at Makambisa where I was captured and they
4 said so again at Manarrma. Johnson said I was to be killed.
15:11:17 5 They all at Makambisa said I was to be killed at 4.00 o'clock.
6 when we went to Manarrma, Johnson said I should be taken off and
7 killed.

8 Q. Two times?

9 A. Yes, two times.

15:11:41 10 Q. Every time you were saved by Colonel Sesay; is that not so?

11 A. Yes, because he was the one that I knew.

12 Q. So you knew Colonel Sesay?

13 A. Well, I only knew that -- the way he had his cap on, I
14 wasn't able to recognise him because he asked me -- he asked me
15:12:12 15 whether I knew him very well.

16 Q. Mr witness --

17 A. He asked to me show --

18 Q. Please wait. I never asked you whether you knew
19 Colonel Sesay. I asked you whether you were saved every time by
15:12:27 20 Colonel Sesay, you said yes because he was the one that you knew.
21 Is that not so?

22 A. Yes.

23 Q. My next question was: So you knew Colonel Sesay.

24 A. Yes, during that time I should know him because he had
15:12:45 25 spoken and I had heard about his name.

26 Q. You had heard about his name?

27 A. Yes.

28 Q. For that day?

29 A. No, the day that he captured me and said -- he showed me

1 his name and said I should not be killed. That was the time that
2 I knew his name. I did not know him before.

3 Q. Mr witness, so of all the people that were captured with
4 you everybody else was killed except you.

15:13:36 5 A. When they took me to Manarrma those that I knew.

6 Q. The problem here is that he is not answering my questions.
7 My questions are quite straight-forward and simple for him to say
8 yes or no. Try to make it easy for him.

9 PRESIDING JUDGE: Mr Witness, the question is --

15:13:45 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: -- of all the people that were captured
12 everyone else --

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: -- except yourself were killed. Is that
15:14:01 15 true or is that not true.

16 THE WITNESS: Well, at Manarrma the other two that I met
17 who are not in the same group. I know about myself.

18 MR MANLEY-SPAINE:

19 Q. I want you to tell me about yourself that you were the
15:14:21 20 only person that was not killed of all of you who were
21 captured. That is the case; is that so?

22 A. I cannot say I alone that was left without being killed. I
23 only know about myself because I -- some of the faces that I saw
24 there I knew them. In fact, I knew some before they are killed.
15:14:52 25 So if I should say that of all of us that were captured it was
26 only I that was not killed then I may be wrong. I am only
27 talking about myself.

28 Q. [Microphone not activated] where your sister was killed and
29 your sister's child was killed. Of all the people that were

1 there, were you the only one that was not killed?

2 A. After that is besides the fact. There was one individual.

3 Q. Please answer the question. You said you wanted to go --
4 if you answer the questions you will go soon.

15:15:39 5 PRESIDING JUDGE: Mr Manley-Spaine, you have used the word
6 "group" and he has described in evidence-in-chief and
7 cross-examination that he started off with some people and then
8 he was with other, for example, when he was locked up. So I
9 think it would help if you were much more specific about what
15:15:53 10 group you mean.

11 MR MANLEY-SPAIN: I will try, Your Honour. I said the
12 group where his sister and his sister's child was killed.

13 PRESIDING JUDGE: You are limiting yourself to that
14 incident?

15:16:05 15 MR MANLEY-SPAIN: Yes. I am asking him whether of that
16 group he was the only person that was not killed.

17 Q. Were you the only person that was not killed out of that
18 group?

19 A. That is why I told you that. I cannot tell you that it was
15:16:28 20 only I that was not killed.

21 Q. How many of you were there in that group where your sister
22 was killed?

23 A. There was one little child. I left him there sitting with
24 them. They then took me to Makambisa. I did not know whether
15:16:49 25 when they took me to Makambisa whether they killed him or not.

26 Q. Mr witness, answer the question. I said how many of you
27 were there with your sister? How many of you were there in that
28 group? Don't narrate to us what you did and where you went.
29 Just tell us the number.

1 PRESIDING JUDGE: Mr Manley-Spaine, I think it would help
2 us all if you indicate to the witness when you say "group" if you
3 including the children or all the adults.

4 MR MANLEY-SPAINE: All of them, Your Honour. All of them,
15:17:16 5 Your Honour. Everybody that was there. I even have mentioned
6 his sister's son.

7 Q. All of the people who were there with your sister and
8 yourself; how many of you?

9 A. I said there was a little child who was with us. They
15:17:36 10 captured him, but he was not tied.

11 Q. [Microphone not activated]

12 A. For me I was alone. I said I was the only one that was not
13 killed in that particular group.

14 Q. When you were taken at Manarrma into this house that you
15:18:10 15 said people's hands were being cut; you remember that?

16 A. Yes.

17 Q. [Microphone not activated] whose hands were not cut; is
18 that not so?

19 A. Yes, during that time because the two that preceded me had
15:18:23 20 had their hands cut off.

21 Q. Colonel Sesay saved you again; is that not so?

22 A. Yes, when they called him.

23 Q. Mr witness, I am putting it to you again that you were
24 never, never, never, ever captured by rebels.

15:18:49 25 A. I was captured.

26 Q. Mr witness, when you went to the Malian ECOMOG after you
27 had escaped; do you remember that? Do you remember going to the
28 Malian ECOMOG when you escaped?

29 A. We went past that when we were going over to the Nigerians.

1 Q. You eventually got to the Nigerian ECOMOG; is that not so?
2 A. Yes.
3 Q. At that time [inaudible] any wounds on you?
4 A. Yes, I had wounds. That is why I was taken to ECOMOG
15:20:04 5 because they had a hospital.
6 Q. Where were the wounds? Where on your body?
7 A. One was on my head and the other on my thigh. And where I
8 was tied.
9 Q. Where were you tied? Where did you have wound?
15:20:24 10 A. [Inaudible]
11 Q. No, no, no. Where, you said you were tied. Where were you
12 tied and where were the wounds when you were tied?
13 A. They tied me. They took my hands right to the back and
14 they tied me.
15 Q. [Microphone not activated] Where were the wounds from
16 being tied?
17 A. I didn't wound myself, they wounded me.
18 JUDGE SEBUTINDE: Mr Manley-Spaine, for the record, when
19 the witness was speaking about the injuries he sustained from the
15:21:08 20 tying, he mentioned something about blood not being able to flow
21 in the veins. That is what I remember. And that does not
22 necessarily mean a wound.
23 MR MANLEY-SPAINE: Yes, Your Honour, he has just said that
24 he had wounds. To my question not in evidence-in-chief, but to
15:21:29 25 my question and I wonder whether this witness can give evidence
26 as to whether his veins were blocked and his blood was not
27 flowing. I have not paid any attention to that. What I have
28 asked, Your Honour, is whether he had wounds at the time he got
29 to the Nigerians, the Nigerian ECOMOG and he said yes. So my

1 next question logically is where were your wounds. He showed us
2 his head and he told us about being tied. So I said where did
3 you have your wound from being tied? That is all I am asking.

4 THE WITNESS: well, when they tied me -- I said when they
15:22:15 5 tied me it was so tight that the blood can no longer flow. So
6 you see I have the pains. But the wounds -- I have the wound on
7 the head and the other wound was inflicted on me when somebody
8 put out the cinders of the cannabis sativa that was smoking.

9 [TB180405E-JM- 3.20 p.m.]

15:22:38 10 MR MANLEY-SPAINE:

11 Q. Witness, finally, are you saying you did not have any wound
12 from being tied by the rebels?

13 A. I was not wounded. I was not wounded on the place where I
14 was tied.

15:22:58 15 MR MANLEY-SPAINE: That is all, Your Honour.

16 PRESIDING JUDGE: Re-examination, Mr Bangura.

17 MR BANGURA: There will be no re-examination, Your Honours.

18 MS TAYLOR: I beg your pardon for interrupting,
19 Your Honour. Just before this witness is released, I do note
15:23:37 20 that my learned friend, Mr Manley-Spaine, did in fact
21 cross-examine this afternoon. And it was said on his behalf by
22 my learned friend Mr Metzger that he was content that his
23 client's interests were represented in his absence this morning.
24 Out of an abundance of caution, I wonder whether that fact is
15:23:58 25 worth noting from Mr Manley-Spaine on the transcript.

26 PRESIDING JUDGE: The Bench has already noted and discussed
27 that matter.

28 We did note also that you had not risen. But you're asking
29 us to note it now, and we have done so.

1 MS TAYLOR: [Microphone not activated]

2 PRESIDING JUDGE: Thank you.

3 MR METZGER: Since I appear to have offended someone in
4 some way by indicating that it was my understanding that
15:24:33 5 Mr Manley-Spaine wasn't here and speaking to his client about us
6 proceeding, then I rise to say that I'm sorry. But I said what I
7 understood to be the position. Have we in any way offended
8 anyone?

9 PRESIDING JUDGE: Did we say anything, Mr Metzger? There
15:24:50 10 was a discussion on the Bench, and the Bench said nothing.

11 MR METZGER: I should stop asking rhetorical questions,
12 then.

13 PRESIDING JUDGE: Mr Witness, that is all your evidence in
14 the Court. You are now free to leave the Court. There are no
15:25:09 15 more questions. And we wish to thank you for coming and giving
16 your story to the Court. Do you understand?

17 THE WITNESS: Welcome.

18 PRESIDING JUDGE: Ms Taylor, we would be grateful if you
19 indicated whether there is another witness immediately.

15:26:00 20 MS TAYLOR: Yes, there is another witness ready to proceed,
21 Your Honours, if you're ready to receive another witness.

22 [The witness withdrew]

23 [Trial Chamber confers]

24 PRESIDING JUDGE: We're just looking at the time,
15:27:03 25 Ms Taylor. Perhaps this would be an appropriate time to have our
26 afternoon adjournment.

27 Mr Court Attendant, please adjourn Court for 15 minutes.

28 Thank you.

29 [Recess taken at 3.27 p.m.]

1 [On resuming at 3.46 p.m.]

2 PRESIDING JUDGE: Ms Taylor, please proceed.

3 MS TAYLOR: Thank you, Your Honour. Your Honours, the next
4 witness is TF1-053. He will give evidence in the Mende language.
15:47:43 5 And he will be led in chief by my learned friend, Ms Parmar.

6 PRESIDING JUDGE: Thank you, Ms Taylor.

7 Please swear in the witness, Mr Court Attendant.

8 WITNESS: TF1-053

9 [Witness answered through interpreter]

10 PRESIDING JUDGE: Ms Parmar, just before you open, was the
11 number TF1-053?

12 MS PARMAR: That's correct, Your Honour.

13 PRESIDING JUDGE: We cannot find that on our list. Have we
14 got that statement?

15 MS TAYLOR: Your Honour, the statements and the list has
16 certainly been filed.

17 [Trial Chamber and legal officer confer]

18 PRESIDING JUDGE: Ms Taylor, we do not appear to have the
19 statement. We're just trying to ascertain how long it will take
15:50:00 20 to get a copy.

21 MS TAYLOR: If I can assist Your Honours perhaps by giving
22 you the Registry page numbers, would that --

23 PRESIDING JUDGE: That would be most helpful.

24 MS TAYLOR: It begins on 7284.

15:50:14 25 PRESIDING JUDGE: Thank you.

26 Ms Parmar, please proceed.

27 MS PARMAR: Thank you, Your Honours.

28 EXAMINED BY MS PARMAR:

29 Q. Good afternoon, Mr Witness.

- 1 A. Good afternoon.
- 2 Q. In what year were you born?
- 3 A. The year when my father was selected to go to the Hitler
4 war.
- 15:51:11 5 Q. What year was that?
- 6 A. Well, I later knew that it was 193X.
- 7 Q. Are you married?
- 8 A. Yes.
- 9 Q. Do you have any children?
- 15:51:41 10 A. Yes.
- 11 Q. How many children do you have?
- 12 A. As of now, I have ten children.
- 13 Q. Have you ever attended school?
- 14 A. I learned Arabic at Kantama [phon] in Gonwegbiam [phon].
- 15:52:22 15 Q. Can you read or write?
- 16 A. The only thing I could write, I could write Arabic. But
17 the others, I'm not really good at writings.
- 18 Q. How do you support your family?
- 19 A. I am a farmer.
- 15:53:03 20 Q. Where were you on the day Tejan Kabbah was overthrown by
21 the AFRC?
- 22 A. I was in Bo.
- 23 Q. How did you hear about the overthrow of Tejan Kabbah?
- 24 A. Well, I learned of it from the radio.
- 15:53:52 25 Q. Can you remember the date Kabbah was overthrown?
- 26 A. Yes.
- 27 Q. What date was that?
- 28 A. I learned that it was on Sunday, May 25th.
- 29 Q. Can you remember the year?

1 A. As I know, yes.
2 Q. what was the year?
3 A. 1997.
4 Q. what happened in Bo at that particular time?
15:55:04 5 A. when we heard of it that they have overthrown Kabbah, we
6 saw that people armed with gun and they were in the soldier
7 uniform. They came to Bo.
8 Q. what did you see these people in soldier uniforms do in Bo?
9 A. The first thing I saw, they were abusing whosoever that was
15:56:02 10 an SLPP. They will abuse you.
11 Q. Tell us what else happened in Bo at that particular time.
12 A. Apart from that, there was a particular night we were
13 -- there was light, fire from the Kpondahun Road.
14 Q. What was on fire at Bendama Road?
15:56:55 15 PRESIDING JUDGE: Ms Parmar, could we have the spelling of
16 the name of the road, please. It has been agreed that place
17 names would be spelled into the record.
18 THE WITNESS: what?
19 MS PARMAR: Certainly, Your Honour. But this is by no
15:57:12 20 means authoritative. B-E-N-D-A-M-A, Bendama Road.
21 Q. Mr witness, did you know what was on fire that night on
22 Bendama Road?
23 A. At first -- the first name, it should be Kpondahun Road,
24 Kpondahun Road.
15:58:00 25 MR FOFANAH: Your Honours, if I may be of help to the
26 Court, I think it's actually spelled G-b-o-n-d-a-h-u-n, sorry.
27 JUDGE SEBUTINDE: would Mr Interpreter agree with that
28 spelling?
29 THE INTERPRETER: It's K-P instead of G-B.

1 K-P-O-N-D-A-H-U-N.
2 PRESIDING JUDGE: Now we have that.
3 MS PARMAR: Thank you, Your Honour.
4 Q. Witness, continue to tell the Court whether you knew what
15:58:55 5 was on fire on Kpondahun Road that evening.
6 A. Well, in the morning, many people went there. I went there
7 myself. And I learned that it was the party office that was on
8 fire.
9 JUDGE SEBUTINDE: I'm sorry, I didn't catch that word.
15:59:37 10 Something office on fire. What was that?
11 MS PARMAR: I'll ask the witness to repeat his answer,
12 Your Honour.
13 Q. Witness, can you please repeat your answer.
14 A. I said it was the SLPP party office that was on fire. In
16:00:00 15 the morning, that was the place we found burnt.
16 Q. What day of the week was it that you came in the morning
17 and saw the party house burnt?
18 A. If I don't forget, it was on the Monday.
19 Q. Who had set fire to the SLPP party office?
16:01:05 20 MR METZGER: Objection, foundation required.
21 THE WITNESS: As I saw --
22 JUDGE LUSSICK: Don't answer that, please, Witness.
23 There's been an objection, and it's a valid objection. The
24 question is not allowed in that form.
16:01:24 25 MS PARMAR: I'll rephrase the question, Your Honour.
26 Q. Witness, did you know who had set fire to the SLPP party
27 house?
28 A. Well, that what I know I shall tell.
29 Q. Please tell the Court what you know, Mr Witness.

1 A. When we went to see the place, all of us -- those of us who
2 gathered there, children, adults, women, we were many. I saw
3 that people in uniform, the soldiers, they were coming and
4 shooting, and they're making people to run away. And they said
16:02:21 5 all sort of insult. They make insult and comments about the SLPP
6 people. And that is why I said they must have been the people.
7 Q. When you say "that is why they must have been the people,"
8 who are you referring to when you say "they"?
9 A. The soldiers that I saw.
16:03:08 10 Q. How long did you remain in Bo at this time?
11 A. From the time when the war sent us out of our place from
12 Bo, until the time, it was about one year and some months.
13 Q. While the events that you described happening in Bo were
14 happening, did you ever leave Bo, Mr Witness?
16:04:36 15 A. After the war ended, or whether it was after that thing
16 that happened?
17 Q. Witness, this is the time that you described the people in
18 uniforms coming into Bo and making insults at SLPP people. At
19 that particular time in 1997, did you leave Bo following that
16:05:09 20 time?
21 A. Yes. I left there.
22 Q. Where did you go when you left Bo?
23 A. I went Gerihun, where our displaced camp used to be.
24 Q. What happened in Gerihun --
16:06:08 25 JUDGE SEBUTINDE: Please spell the names of the places
26 before you proceed with the exam.
27 MS PARMAR: Your Honour, the spelling for Gerihun,
28 G-E-R-I-H-U-N.
29 Q. Witness, can you remember the month, that year, that you

1 went to Gerihun?
2 A. Yes.
3 Q. What was the month?
4 A. It was in June, the 24th, that I moved from Bo to Gerihun,
16:07:26 5 1997.
6 Q. Please tell the Court what happened in June 1997 in
7 Gerihun.
8 MR FOFANAH: Objection, Your Honours. I think the question
9 is leading. The witness has not clearly indicated to this Court
16:07:52 10 that anything happened in Gerihun.
11 PRESIDING JUDGE: That is true.
12 MS PARMAR: I'll ask another question, Your Honour.
13 Q. Witness, where did you stay in Gerihun?
14 A. I was in the section called XXXXXXXX section.
16:08:51 15 MS PARMAR: Your Honours I'll have to ask the witness to
16 repeat the name. I'm not familiar with the section.
17 Q. Witness, can you please repeat the name of the section that
18 you lived in in Gerihun.
19 A. XXXXXXXX.
16:09:09 20 MS PARMAR: Your Honours, XXXXXXXX, X-X-X-X-X.
21 MR FOFANAH: Your Honours, I stand corrected by the
22 interpreter. I think it's actually X-X-X-X-X. It's
23 X-X-X-X-X rather than XXXXXXXX.
24 THE INTERPRETER: Yes, it's correct.
16:09:38 25 PRESIDING JUDGE: Thank you, Mr Interpreter.
26 MS PARMAR: So instead of XXXXXXXX, it's XXXXXXXX.
27 Q. Witness, did you live in a house in XXXXXXXX section?
28 A. Yes.
29 Q. Was there anyone living across the street from your house?

1 A. At first, when I went there, I was in the same house. It
2 is the house where my wife lived.
3 Q. Witness, please think about the question that you are being
4 asked. Did anyone stay across the street from your house?
16:11:08 5 A. Yes, there was somebody there. It is only the street that
6 divides us.
7 Q. Who stayed across the street from your house?
8 A. Our former paramount chief was -- our late paramount chief
9 and his assistant were living in that house. The assistant was
16:11:54 10 called Pa Sumaila.
11 Q. What was the name of your late paramount chief?
12 A. Pa Sandy Demby.
13 Q. How did --
14 PRESIDING JUDGE: Pause, Ms Parmar. Have you got a
16:12:37 15 spelling for that?
16 MS PARMAR: Sandy, S-a-n-d-y, Demby, D-e-m-b-y.
17 Q. Witness, did anything happen in Gerihun in June 1997?
18 A. Yes. I saw something there.
19 Q. Describe what you saw happen in Gerihun in June of 1997.
16:13:55 20 A. On Thursday, June 19 -- Thursday, June 19, my son, I sent
21 him to visit his mother's village where we were in Gerihun.
22 There is a village there called Kigbai.
23 MS PARMAR: Perhaps my learned friends can assist me.
24 Again, I am unfamiliar with the town that has been given by the
16:15:07 25 witness.
26 PRESIDING JUDGE: Mr Interpreter, would you be able to
27 assist the Court with a spelling of the --
28 THE INTERPRETER: It's K-i-g-b-a-i.
29 PRESIDING JUDGE: Thank you.

1 MS PARMAR:
2 Q. Please continue, Mr Witness.
3 A. When he went, we pass the night. And the next day, Friday,
4 20 June 1997.
16:15:56 5 Q. Please continue.
6 A. I did not see him. I was sitting there waiting to see
7 whether he would come. He did not come until the 24th of June,
8 Tuesday, 1997. On the 24th June, then I went to meet him in
9 Gerihun where I was able to see him there.
16:16:27 10 Q. Please explain what happened in Gerihun when you returned.
11 MR METZGER: Objection.
12 THE WITNESS: When I --
13 PRESIDING JUDGE: Okay, yes, let's have the objection.
14 MR METZGER: I don't understand the question. The last I
16:16:53 15 heard was he had sent his son to Kigbai. And my learned friend
16 has just asked him what happened when he returned to Gerihun. I
17 hadn't recorded that he had left Gerihun.
18 PRESIDING JUDGE: Ms Parmar, indeed. He said I went to
19 meet him in Gerihun, but he didn't actually give us any evidence
16:17:15 20 that could lead up to the question you've just asked.
21 MS PARMAR: I'll ask the witness to clarify his whereabouts
22 at that point.
23 Q. Mr Witness, where did you meet your son?
24 PRESIDING JUDGE: I'm not even sure if he has met him.
16:17:40 25 MS PARMAR:
26 Q. Mr Witness, did you manage to meet your son?
27 A. It was he that came and met me in Gerihun.
28 Q. Where did he meet you in Gerihun?
29 A. He met me on the very 24th that I reached there, on

1 Tuesday. That was the time he met me in Gerihun.

2 Q. Where did you stay after the 24th of June?

3 A. I was in the same house that he found me, and that was my
4 house. And that was the place he met me. We passed the night
16:18:54 5 there together, three of us.

6 Q. Who was the third person in your house?

7 A. The very day, the third person who came to meet me there
8 was Kamo Lahai. That was how they called him.

9 MS PARMAR: Your Honours, the spelling for Kamo Lahai: The
16:19:46 10 first name Kamo, K-a-m-o; the last name, Lahai, L-a-h-a-i.

11 Q. Who was this particular Kamo Lahai?

12 A. He was a little boy who had -- it was a small boy who had
13 epilepsy, but we used to send him on errands and he would do
14 them.

16:20:42 15 Q. Mr witness, for how long did you stay in Gerihun at this
16 time?

17 A. At that time or at this time?

18 Q. At the time your son came and stayed with you at the house
19 with Kamo Lahai.

16:21:09 20 A. In three days. On the fourth day, then I left the place.

21 Q. Did anything happen in Gerihun during those three days?

22 A. Yes.

23 Q. Please describe what happened in Gerihun at that time.

24 A. On that day, in the evening, Thursday, June 26th, I saw
16:22:30 25 many vehicles that came to Gerihun. And three of them were
26 parked in front of Chief Sandy's house.

27 Q. What did these vehicles look like?

28 A. The first ones that I saw, I saw a Mercedes Benz and a van,
29 two vans, the one bigger than the other. But I cannot tell how

1 they were. And they were all full of soldiers.

2 Q. How did you know that the men inside these vehicles were
3 soldiers?

4 A. The kind of dress they wore. That's how the soldiers
16:23:53 5 normally dress. What they were carrying, the gun. That's what
6 soldiers carry. And there were some of them whom I knew in the
7 past. There are some I knew their names and their bodies.

8 Q. Do you know where these vehicles came from, which
9 direction?

16:24:37 10 A. Well, I saw them come from the highway end, and they
11 entered and stopped at Chief Sandy's house. The others went down
12 the street called Bo Road. That's how we called that road, Old
13 Bo Road. That's how we called it. That's where we went.

14 MS PARMAR: Do Your Honours need a spelling for Old Bo
16:25:12 15 Road?

16 PRESIDING JUDGE: I thought that was Old Boar Road, and
17 then it sounds like Old Bo Road.

18 MS PARMAR: Yes, Your Honours. The first word is old,
19 o-l-d; the second word is Bo, B-o; and the third word is road,
16:25:58 20 r-o-a-d.

21 Q. Witness, did anything happen when these three vehicles
22 stopped in front of Chief Sandy's house?

23 A. Yes, I saw people alight from the vehicles, eight of them.
24 And they entered Chief Sandy's house. But before they could
16:26:27 25 enter, I saw a small child. After he had asked the question, he
26 returned running. And he said, "The ones the last time have come
27 back."

28 JUDGE LUSSICK: What was the last part? I just missed the
29 last part that the interpreter said. He just said something

1 about the last time he came back.

2 MS PARMAR: My understanding of the witness's testimony is
3 the child had said, "These are the ones the last time have come
4 back."

16:27:32 5 Q. Where were you when you saw this happening?

6 A. At first, the house where I stayed, it's at the back house
7 of some banana plantation. I went there to weed the grass, but I
8 was unable. The house where I stayed.

9 [TB180405F - CR]

16:28:06 10 Q. Where did you go once you were unable to weed at the back
11 of your house?

12 A. I stood looking at the vehicle, looking at it to determine
13 where -- to know where it was going.

14 Q. Exactly where were you standing when you were looking to
16:28:50 15 see where the vehicle was going?

16 A. I was standing on the side of the house looking at the
17 street -- the street coming towards Chief Sandy's house.

18 Q. Did you stay standing at the side of the house?

19 A. I didn't stand there for long and I went into the parlour
16:29:41 20 of the house to know what was happening. I went and entered into
21 a veranda room which was incomplete. The window was not
22 complete.

23 Q. Mr witness, where is the veranda room in your house?

24 A. It was facing Chief Sandy's house, facing the parlour.

16:30:47 25 Q. So where were you standing when you overheard the small
26 child?

27 A. I was standing at the window looking at the veranda,
28 looking at the parlour to know what these people have come to do.
29 That's where I saw him.

1 Q. You say you were looking at the parlour. Whose parlour
2 were you looking at?
3 A. Going past Sandy Demby's parlour. When the people were in
4 the vehicle, I was trying to know whether these people wanted to
16:31:51 5 enter into the parlour.
6 Q. Did anything happen once you saw the eight men get out of
7 the vehicle?
8 A. Yes. I saw five of them returned to the man's -- the Pa's
9 bedroom, where the dining room was, opposite the dining room.
16:32:36 10 Three of them were coming from the parlour into the verandah and
11 returning, that's what they were doing.
12 Q. Did anything happen after you saw these men coming from the
13 verandah to the parlour?
14 A. Yes, I saw and I heard.
16:33:21 15 Q. Please tell the Court what you saw and heard.
16 A. I saw, I heard myself those who entered and they said,
17 "Grandpa don't you us any more? We are your children."
18 Q. Did you hear anything else?
19 A. Yes. The ones I heard is what I am talking about here.
16:34:26 20 what I heard is what I am talking about here.
21 Q. Please tell us what else you heard.
22 A. "Come in. I am sick. I can't see you; I can't recognise
23 you."
24 Q. Whose voice did you hear say, "Come in. I am sick"?
16:35:05 25 A. Our chief, our paramount chief Grandpa Sandy Demby. He's
26 somebody whose voice I knew in the past.
27 Q. Did you hear anything else after that?
28 A. Yes.
29 Q. Please tell the Court what you heard next.

1 A. I heard gunshots in the house.
2 Q. Did you hear anything else, Mr witness?
3 A. After the gunshot, I took some seconds -- two, three, or
4 four -- then I heard, "Oh, my friends, what have I done?"
16:36:36 5 Q. Did anything happen after that, Mr witness?
6 A. What I saw happen was what I saw and that's what I am going
7 to talk about.
8 Q. Please explain what you saw happen next.
9 A. I didn't see anything happen apart from this. I saw one
16:37:09 10 person standing outside calling the other person, "Fellow AF.
11 Let's go." But this one who was saying it, "go," he was saying
12 it in a language that I heard, "AF, let we go now."
13 Q. Did you hear anything else at this time?
14 A. Yes, I heard another person ask, "Where is ABK? It's time
16:37:58 15 for us to go. What we've come for is finished."
16 Q. Where did you go after you heard the gunshot?
17 A. I came out from the back of the house for me to tell Kamo
18 Lahai that we should find a way of living, because I had told my
19 son to sit at the back of the house. I went to take my son, but
16:38:42 20 he had gone down the swamp.
21 Q. Where were you in particular at the back of your house?
22 A. I was in the bush among the banana plantation.
23 Q. Where was Kamo Lahai?
24 A. He was standing at the side of the house. I was looking at
16:39:35 25 him. I was kneeling down looking towards him. I was kneeling
26 down on my elbows -- on my knees and my elbows, looking towards
27 him.
28 Q. What did you do while you were kneeling in the grass?
29 PRESIDING JUDGE: I don't recall the witness mentioning

1 grass. He said he was in a banana plantation and he was on his
2 knees. Did he mention grass?
3 MS PARMAR: I meant to say bush, I'm sorry, Your Honour. I
4 will rephrase that question.
16:40:17 5 Q. What did you do while you were kneeling in the bush?
6 A. I wanted to call Kamo Lahai. I motioned to him, but he
7 wouldn't hear. I was clicking my fingers.
8 Q. Did anything happen to Kamo Lahai?
9 A. Yes, I saw what happened.
16:41:17 10 Q. What happened to Kamo Lahai?
11 A. I saw one soldier who called Kamo Lahai loudly. He said,
12 "You." But he said it in a language -- he said, "You. Stand and
13 wait."
14 Q. What did Kamo Lahai do?
16:41:56 15 A. He stood.
16 Q. Did you see anything happen next?
17 A. Yes.
18 Q. What did you see from where you were kneeling?
19 A. I saw that soldier ask Kamo Lahai -- he said, "who are
16:42:31 20 you?" And he said, "I am Kamo Lahai."
21 Q. Did anything happen after that?
22 A. Yes. I saw him ask him, "Are you the Kamo Lahai?" Then he
23 said, "yes."
24 Q. Did anything happen after Kamo Lahai said yes?
16:43:19 25 A. I saw a soldier when he took the gun and he raised it and I
26 bowed my head down and I heard, "Pow!".
27 Q. Do you know what happened to Kamo Lahai?
28 A. Yes. I saw him fall. Later when I returned, he was dead.
29 Q. Did you know of anyone else by the name of Kamo Lahai?

1 A. Yes.

2 Q. Who was this other Kamo Lahai?

3 MR METZGER: Objection: foundation.

4 PRESIDING JUDGE: Just pause, Mr Witness, please, for a
16:44:50 5 moment. There's been an objection. Your reply, Ms Parmar?

6 MS PARMAR: We have asked the question of the witness
7 whether he knew of anyone else by the name of Kamo Lahai. We're
8 simply following up on that and asking who this other person was.

9 [Trial Chamber confers]

16:45:44 10 PRESIDING JUDGE: We allow the question.

11 MS PARMAR: I will restate the question, Your Honours.

12 Q. Who was this other Kamo Lahai?

13 A. Kamo Lahai Bangura. He was in Gerihun that I knew.

14 MS PARMAR: Would Your Honours like a spelling of Bangura?

16:46:33 15 PRESIDING JUDGE: Yes, please.

16 MS PARMAR: B-A-N-G-U-R-A, Bangura.

17 Q. Mr Witness, did you know the occupation of Kamo Lahai
18 Bangura?

19 A. At that time when he was there in Gerihun, he was a Kamajor
16:47:14 20 initiator, Kamo Lahai Bangura, when we was in Gerihun, he was a
21 Kamajor initiator. But at that time that that incident happened,
22 he was not in Gerihun; I didn't see him.

23 Q. How long did you stay in the bush among the banana
24 plantation?

16:47:58 25 A. I didn't take up to one hour there, I didn't spend that
26 many minutes there. I went down the swamp to go and collect to
27 Bo Road to my wife's sibling.

28 Q. When you reached Old Bo Road, did you see anything?

29 A. Yes.

1 Q. What did you see on Old Bo Road?

2 A. I met people --

3 THE INTERPRETER: Your Honours, can the witness repeat his
4 answer?

16:49:11 5 PRESIDING JUDGE: Mr Witness, would you please say your
6 answer again? Mr Witness, you started saying, "I met people".
7 Then what did you say? We did not hear.

8 THE WITNESS: Yes, people were sad. It was like, You know,
9 they had seen something that saddened them. Some were crying,
16:49:48 10 and maybe some were thinking that the soldiers had not gone.

11 MS PARMAR:

12 Q. Did you see anything else on Old Bo Road?

13 A. Yes.

14 Q. What else did you see on Old Bo Road?

16:50:21 15 A. I saw -- I myself went and saw Sukie lying down dead. She
16 was shot on the breast.

17 MS PARMAR: Your Honours, I will give just a phonetic
18 spelling of Sukie. S-U-K-I-E.

19 Q. Mr Witness, do you know who had shot Sukie?

16:51:28 20 A. Well, I was not there, but these people had told me the
21 soldiers had come and it was the soldiers who had shot Sukie
22 dead.

23 Q. Did you see anything else on Old Bo Road?

24 A. I didn't stand to see anything apart from this Sukie that I
16:52:05 25 saw dead. I just took my son and found a way of leaving the
26 town.

27 Q. Do you know what happened to Chief Sandy?

28 A. I heard that they had killed him.

29 Q. Who did you hear had killed Chief Sandy?

1 A. Repeat that question. Ask the question properly; I did not
2 understand.

3 Q. Do you know who had killed Chief Sandy?

4 MR FOFANAH: Your Honours, I'm objecting to that question
16:53:29 5 on the basis that the witness said he heard. The question of
6 knowledge was absolutely out of that answer. He heard that they
7 had killed Chief Sandy. He did not say he knew, he said he
8 heard.

9 PRESIDING JUDGE: The question, as I have recorded it, "Did
16:53:50 10 you hear who had killed Chief Sandy?" Is that the record, Ms
11 Parmar?

12 MR FOFANAH: Yes, he said he heard. He heard they had
13 killed Chief Sandy. My learned friend is now putting the
14 question, "Did you know who killed Chief Sandy?" He said he
16:54:08 15 heard, he didn't say he knew.

16 PRESIDING JUDGE: My record is, "Did you hear who killed
17 Chief Sandy," not "Did you know".

18 [Trial Chamber confers]

19 PRESIDING JUDGE: Ms Parmar, please rephrase that question.

16:54:56 20 MS PARMAR:

21 Q. Mr witness, did anyone ever tell you who had killed Chief
22 Sandy?

23 A. Well, there was a large crowd, so they were all peeking.
24 Later I saw him dead. I saw him dead in Bo when they took his
16:55:26 25 corpse there.

26 Q. You described seeing the dead body of Sukie. Did you see
27 any other --

28 MR METZGER: Objection. That is so leading the witness
29 it's unbelievable. I didn't expect to hear that.

1 PRESIDING JUDGE: I didn't hear the question.

2 JUDGE LUSSICK: I don't think there is any question about
3 that,

4 Ms Parmar. That was leading. You can't ask that.

16:56:19 5 MS PARMAR: Your Honours, the Prosecution has no further
6 questions for this witness.

7 PRESIDING JUDGE: Counsel we will adjourn as it is now
8 5.00. Witness, it is now 5.00, so we are going to finish the
9 Court for today. Tomorrow the other lawyers will have some
16:57:08 10 questions to ask you. Between now and the time all your evidence
11 is finished in Court, you should not discuss your evidence with
12 any other person; do you understand? Mr witness, did you hear
13 what I said?

14 THE WITNESS: Yes.

16:57:31 15 PRESIDING JUDGE: Did you understand?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: Thank you.

18 [whereupon the hearing adjourned at 5.00 p.m., to be
19 reconvened on Tuesday, 19 April 2005 at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-253	3
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