

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

THURSDAY, 23 JUNE 2005
9.21 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg
Mr James Kamara

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Jim Hodes
Ms Melissa Pack
Ms Wambui Ngunya
Mr Alain Werner
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba
Brima:

Mr Kojo Graham
Mr Osman K Kamara

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah
Mr Ibrahim Foday Mansaray

For the accused Santigie Borbor
Kan:

Mr Ajibola E Manly-Spain
Ms Viola Trebicka

1 [TB230605A-JM]
2 [Thursday, 23 June 2005]
3 [Open session]
4 [The accused Kanu present]
09:16:31 5 [The accused Brima and Kamara not present]
6 [The witness entered court]
7 [Upon commencing at 9.21 a.m.]
8 PRESIDING JUDGE: Good morning. Good morning, counsel.
9 You're both on your feet. Yes, a new face. Good morning.
09:21:57 10 MR HODES: I'd like to introduce the Court to Wambui Ngunya.
11 She will be leading the witness this morning. This is TF1-004,
12 he will be giving his testimony in Mende.
13 PRESIDING JUDGE: Thank you, Mr Hodes. If there's no other
14 matters, then, I will ask the Court attendant to swear in the
09:22:24 15 witness. Just pause, Madam Court Attendant. Yes,
16 Mr Manly-Spain.
17 MR MANLY-SPAIN: Ms Thompson is not here this morning.
18 Mr Graham, who has been appearing with the team will be here
19 today.
09:22:46 20 PRESIDING JUDGE: I see. Very well. We will note that.
21 Thank you, Mr Manly-Spain.
22 WITNESS: TF1-004 [SWORN]
23 [Witness answered through interpreter]
24 EXAMINED BY Ms NGUNYAH:
09:23:47 25 PRESIDING JUDGE: Please proceed.
26 Ms NGUNYA: Good morning, Your Honours.
27 Q. Good morning, Mr Witness.
28 A. Yes.
29 Q. Mr Witness, could you begin by telling us how old you are.

1 A. I am xxxx old. xxxx years old.

2 Q. Where were you born?

3 A. xxxxx, Bo District.

4 Q. Have you attended school?

09:24:25 5 JUDGE SEBUTINDE: I'm sorry, counsel. The practice is

6 either yourself or the witness spell the names of these places.

7 Ms NGUNYA: Sorry, Your Honour. I'll do that on his

8 behalf. I'll begin with xxxxxx. Bo District as

9 it sounds, B-O District.

09:24:51 10 Q. Mr Witness, have you attended school?

11 A. Yes.

12 Q. What is the highest grade you attained?

13 A. I stopped in Form xx, and I went to the vocational

14 institute - technical. I can read a little and also write a

09:25:20 15 little.

16 Q. What is your native language?

17 PRESIDING JUDGE: Just pause please, counsel.

18 Mr Manly-Spain?

19 MR MANLY-SPAIN: Your Honour, we are not getting the

09:25:32 20 English translation.

21 Ms EHRET: Can I please inform you, if you put the channel

22 on English, you will get it.

23 MR MANLY-SPAIN: It is on English.

24 THE INTERPRETER: The interpretation is going on, My Lord.

09:25:47 25 PRESIDING JUDGE: Oh, yes, I've heard you. Mr Interpreter,

26 I have heard. It's counsel who is having a problem. Madam Court

27 Attendant, could you see what the problem is, please?

28 THE INTERPRETER: Again, My Lord, I would like the

29 witness's mic to go down a little bit. My Lord --

1 PRESIDING JUDGE: Just a moment, Mr Interpreter. Madam
2 Court Attendant, could you please put the witness's microphone a
3 little lower. That's one thing. Mr Interpreter, could you get a
4 little closer to your microphone.

09:26:48 5 Mr Interpreter, could you say something to see if counsel
6 can hear you now.

7 THE INTERPRETER: Mic, testing. Could you hear me? Mic,
8 testing? Could you hear me?

9 MR MANLY-SPAIN: Yes, My Lord.

09:27:01 10 PRESIDING JUDGE: Please proceed.

11 Ms NGUNYA:

12 Q. Mr Witness, I was asking you what is your native language?

13 A. I speak Mende.

14 Q. Do you speak any other languages other than Mende?

09:27:22 15 A. I speak -- I speak Krio and a little bit of English.

16 Q. Are you married, Mr Witness?

17 A. Yes.

18 Q. Do you have any children?

19 A. Yes.

09:27:39 20 Q. How many?

21 A. xxxx children.

22 Q. What is your current occupation?

23 A. I do farming, xxx farming, xxxx xxxxx
24 xxxx.

09:28:04 25 Q. Mr Witness, where did your family and yourself live in
26 1997?

27 A. We were all in xxxxxx.

28 Q. Did anything happen in Sierra Leone in May 1997?

29 A. Yes.

1 Q. Please tell the Court what.
2 A. On May 25th, on Sunday, we were there. Then we heard from
3 the radio that the soldiers have overthrown the government,
4 Kabbah government.
09:28:56 5 Q. Did you hear what soldiers, what group?
6 A. Yes.
7 Q. Please tell the Court who.
8 A. They were called AFRC juntas. Junta soldiers.
9 Q. And where did you hear this, Mr Witness?
09:29:29 10 A. I was in ~~xxxxx~~ when I heard this.
11 Q. Mr Witness, could you identify the source of this
12 information?
13 A. I heard it from the radio. I have a radio, and I heard it
14 from people who were present that the soldiers have overthrown
09:29:55 15 the Tejan Kabbah government.
16 Q. Thank you, Mr Witness. Did anything happen in ~~xxxxx~~
17 following the overthrow of President Kabbah?
18 A. Many, many.
19 Q. Can you please tell the Court what happened.
09:30:21 20 A. At that time, when we heard that on the May 25th, then June
21 came. Market women were grumbling that the Kamajors were in
22 ~~xxxxxx~~, so juntas were coming to kill them.
23 Q. Mr Witness, would you know why the juntas were coming to
24 kill the Kamajors?
09:31:04 25 A. Yes.
26 Q. Why?
27 A. They said that the Kamajors were supporting the
28 Kabbah -- that the Kamajors were supporting the -- the Kamajors
29 were supporting Kabbah. That was the reason why they were going

1 there to kill them.

2 Q. Besides the market women, did you hear this accusation from
3 anyone else?

4 A. Yes.

09:31:31 5 Q. Who else?

6 A. The very soldiers -- the very soldiers themselves, some of
7 them were saying the same thing. They were in civilian clothes,
8 and they were saying that they were going to kill the Kamajors in
9 xxxxxx.

09:31:54 10 Q. So we have reached where the soldiers have said they will
11 kill the Kamajors in xxxxxx. What happened next?

12 A. Within two days, we saw them come. And I was in my house
13 together with my wife and children. Then people were saying
14 "they are coming, they are coming." Yes. Then they came. Then

09:32:23 15 we jumped into the bush together with my wife and children and
16 other people. That was the first time.

17 Q. Mr Witness, before you jumped into the bush, did you see
18 these soldiers?

19 A. Yes, I saw them with my own eyes.

09:32:44 20 JUDGE SEBUTINDE: Counsel, the witness said "we saw them
21 coming." We don't know who "them" were.

22 MS NGUNYA: I'm sorry, Your Honour. I will rephrase the
23 question.

24 Q. Mr Witness, when you say you saw them coming, who is them?

09:33:00 25 A. The very soldiers were really coming, armed with guns.

26 Q. Besides guns, did you see any other -- sorry, armed with
27 guns. So my question is did you see these soldiers?

28 A. Yes. At first I saw them very well.

29 Q. Mr Witness, you mentioned they were armed with guns. Did

1 you see any other kind of weaponry?

2 A. Yes.

3 Q. Please tell the Court.

4 A. There was something that they called grenade, and it was
09:33:51 5 hung by their sides.

6 Q. Okay. Mr Witness, earlier you had said you and your wife
7 jumped into the bush. How long were you in the bush?

8 A. At first, when we jumped in the bush, we were not there for
9 long. But when they came, they shot -- they fired guns, they
09:34:17 10 shot guns in the houses. And we returned. And I had three
11 houses. They burnt one. The new house, they burnt it. We were
12 not long in the bush, and we returned to the town.

13 Q. Mr Witness, besides your house that you've just mentioned
14 that was burnt, did you notice any other things when you
09:34:47 15 returned?

16 A. Yes. There were sections in the town where houses were
17 burned, and we saw property scattered all about.

18 Q. Mr Witness, at this time --

19 A. Yes.

09:35:13 20 Q. -- when you returned to town and saw all this property
21 scattered, where were the soldiers?

22 A. The very house -- the very road that they came with,
23 and -- the very road they used to come in, it was the same route
24 that they used to go back. They were going back and firing. The
09:35:44 25 road where I was seated, they were coming from the road where I
26 was seated. When I saw that there was no noise in the town, I
27 heard them firing and moving about, shooting guns and going back.
28 So I returned to town together with my wife and children.

29 Q. Mr Witness, you had mentioned earlier that you heard the

1 soldiers were coming to xxxxx to kill Kamajors. During this
2 incident, was there any exchange of fire between Kamajor and
3 soldiers?

4 PRESIDING JUDGE: I don't think we have had any evidence or
09:36:25 5 foundation for the fact that Kamajors were in the district.

6 MS NGUNYA: I'm sorry, Your Honour. Let me rephrase that.

7 Q. Was there any exchange of fire?

8 A. The soldiers were shooting guns, but the Kamajors weren't.

9 There was no exchange of fire together with the Kamajors.

09:36:53 10 Q. Were there any Kamajors in xxxxx at that time?

11 A. At that time, I did not see any Kamajor.

12 Q. Were there any residing in xxxxx at that time?

13 A. No. At first, there were no Kamajors.

14 Q. And then you say you saw the soldiers leaving, and there
09:37:28 15 was no exchange of fire. Did anything happen in xxxxxx after
16 this incident?

17 A. Yes.

18 Q. Can you please tell the Court what.

19 A. In the very month, June, the 25th, I left my home. In the
09:37:56 20 morning, I went to see my traps, and I reached the xxxxx -- I
21 reached xxxxxx Junction. I saw women. They had baskets on
22 their head. They were running away. They were -- they said the
23 soldiers were coming, they were coming from Bo end. That there
24 were soldiers coming and they were coming to kill all the

09:38:24 25 Kamajors in xxxxx and xxxx. By then, I had left xxxxx, and
26 I went to -- and I have gone to see my trap. And from there, I
27 reached the xxxxx Junction.

28 Q. Mr Witness, let me stop you for a second. You mentioned
29 the date 25 June. How do you remember the date so well?

1 A. Well, at that time, I had really had it in my mind. I
2 wrote it on a piece of paper and it was with me, that that was
3 the time. I would not forget it at all.

4 Q. Mr Witness, you also mentioned that you are coming from
09:39:08 5 checking your traps and you are at the xxxxxx Junction. Could
6 you elaborate for the Court where this junction is in relation to
7 xxxxxx.

8 A. The junction -- the junction is about a mile and a half.
9 It's about half a mile from the town, half a mile from the town.

09:39:43 10 Q. Okay. So Mr Witness, you are at this junction. What
11 happened next?

12 A. After these men have spoken, and a man together with his
13 people came, and one man and his people, his wife and children,
14 they met me at the junction. And they said Mr -- I heard that
09:40:15 15 soldiers were coming from Bo to kill these Kamajors in xxxxx
16 and xxxx, and that is the reason we are hiding away from Bo.

17 Q. Mr Witness, without mentioning names, can you just inform
18 the Court if you know this man, his wife and children personally?

19 A. Yes.

09:40:50 20 PRESIDING JUDGE: Could we also have a spelling of --
21 MS NGUNYA:

22 Q. You know them?

23 A. Very well.

24 MS NGUNYA: I'm sorry, Your Honour. I didn't hear your
09:41:03 25 instruction.

26 PRESIDING JUDGE: There is another place name been given by
27 the witness. If we could have the spelling, please.

28 MS NGUNYA: That is Bumpe, B-U-M-P-E.

29 PRESIDING JUDGE: Thank you.

1 MS NGUNYA:

2 Q. Mr Witness, we have reached where this man is telling you
3 an attack is about to happen. What happened next?

4 A. We were talking when a tall man came running, and he was
09:41:42 5 sweating. And he said that soldiers were coming. They were
6 coming armed and some were coming in vehicles.

7 Q. What happened next, Mr Witness?

8 A. And after that, it was not long we heard the shot of
9 gunshots. There were so many. They were coming running.

09:42:06 10 Q. When you say "there were so many," please clarify for the
11 Court.

12 A. When I said there are many, there were over a hundred and
13 more. There were over 200 and more.

14 Q. Mr Witness --

09:42:29 15 JUDGE SEBUTINDE: Who is they? That's what we don't
16 understand. Who is they?

17 THE WITNESS: I said soldiers, soldiers. There were so
18 many. They were coming running. They were all of over the
19 street, well armed.

09:42:50 20 MS NGUNYA:

21 Q. Mr Witness, so you did see -- you saw these soldiers?

22 A. Very well. And I did not run. I was there standing.

23 Q. What were these soldiers wearing?

24 A. Soldier uniform. The long trousers. Some had sleeveless;
09:43:19 25 some had jeans on them.

26 Q. You mentioned a little earlier, Mr Witness, that these
27 people were -- these soldiers were armed. Do you know the kind
28 of weaponry they were carrying?

29 A. Those guns, those that were with them while they were

1 fighting the war. Machine guns, they had those guns. Three
2 of -- three -- they were carrying it in their hands.

3 Q. Besides guns, did you see any other type of weapons with
4 them?

09:44:05 5 MR FOFANAH: May it please Your Honours, since I understand
6 Mende, I actually heard the witness say, and in fact somebody was
7 echoing from the interpretation section, other words to the
8 effect that each of them had three guns each.

9 JUDGE LUSSICK: Yes, I heard something like that myself.

09:44:24 10 MR FOFANAH: So probably, most respectfully, the witness
11 might want to go over that.

12 PRESIDING JUDGE: I think we all did.

13 Mr Interpreter, did we miss part of the interpretation?

14 THE INTERPRETER: No, not at all, Your Honour. They were
09:44:39 15 carrying three guns each.

16 PRESIDING JUDGE: Thank you.

17 JUDGE LUSSICK: You didn't say that before, Mr Interpreter.

18 MS NGUNYA:

19 Q. Okay, Mr Witness. They were carrying three guns each. Any
09:44:52 20 other weapons?

21 A. Yes.

22 Q. Please tell Court what you saw.

23 A. There is something that they call grenade hung on them, and
24 there was something like a knife by the pockets. They had
09:45:16 25 grenades on them.

26 Q. Mr Witness, these soldiers that you saw, did you recognise
27 any of them?

28 A. Yes.

29 Q. You don't have to say names. I just want to find out, did

1 you speak to any of them?

2 A. One of them asked me.

3 Q. What were you asked, Mr Witness?

4 A. When he found me at the junction, when they were passing,
09:45:56 5 they asked me who I was. Then I said I was with them so that
6 they should not kill me. And the others said that, "The Kamajors
7 that we've come for, are they in the town -- and they're in the
8 town." So they passed me and they went to the town.

9 Q. So when this group had passed you, this group of soldiers,
09:46:23 10 did anything else happen?

11 A. Yes.

12 Q. Please tell the Court.

13 A. As that group passed, another group came. But they were
14 not really selecting. When they got to the junction, they
09:46:39 15 pointed guns at them. And those that said they were going to Bo,
16 that they were going to kill them immediately, they were killing
17 them. And not long, I saw a vehicle coming mounted with a gun.

18 Q. What happened next, Mr Witness?

19 PRESIDING JUDGE: Just pause. We got them -- a lot of
09:47:04 20 them and theys there. We're not clear who is who in this.

21 MS NGUNYA: I'm sorry, Your Honour.

22 Q. Mr Witness, when you say "them," who do you mean?

23 A. Yes. Soldiers. I said the soldiers.

24 JUDGE SEBUTINDE: Yes, but we don't know who they were
09:47:29 25 shooting at or which group was shooting at what or who. You've
26 heard the interpretation, counsel.

27 MS NGUNYA: Yes.

28 JUDGE SEBUTINDE: We are none the wiser. We don't know
29 what was going on.

1 MS NGUNYA: Let me clarify that with the witness.

2 THE WITNESS: Okay.

3 Q. So the soldiers were --

4 A. Yes. When the second group came, they were shooting and
09:47:54 5 going up the hill.

6 Q. Who are they shooting at?

7 A. Those, they were shooting at the first people. I saw them
8 shooting down the hill, but there were people there. They were
9 shooting at them. They were trying to kill them. When they got
09:48:16 10 to me at the junction --

11 Q. Just hold on, Mr Witness. They were shooting at people.
12 These people, were they villagers?

13 A. Yes. The very first native people were shot. They killed
14 the five of them. There were Kamajors at the junction whom I
09:48:43 15 saw, and one had a gun, a single barrel.

16 Q. Just go slowly, Mr Witness, so that your evidence is clear.

17 A. Okay.

18 Q. Mr Witness, you mentioned that you saw Kamajors being
19 killed. Can we go through that again. How many did you see
09:49:02 20 being killed?

21 A. What I saw, they killed three of them.

22 Q. You mentioned one had a single barrel. Was anybody else
23 armed?

24 A. No. The others had sticks. They had horns, and they were
09:49:30 25 dressed in country cloth.

26 Q. Besides these Kamajors you've mentioned, was anybody else
27 killed?

28 A. Yes. The five civilians, they finished with them before
29 they turned to the Kamajors.

1 Q. These five civilians, did any other -- now we have the
2 Kamajors, the five civilians. Did anybody else get killed at
3 that position, at that place?

4 A. Well, when I saw that they were not selecting, I hid myself
09:50:23 5 in one route. I entered the bush, and I went away.

6 Q. Mr Witness.

7 A. Yes.

8 Q. How long -- how far is the bush that you went into from --

9 JUDGE SEBUTINDE: I'm sorry to interrupt you, Madam. You
09:50:37 10 perhaps know this story, but the Court doesn't. When a man says
11 "they were not selecting, I went away," what does that mean?

12 MS NGUNYA: Let me clarify that.

13 JUDGE SEBUTINDE: Please lead your witness in an
14 intelligible way so that we follow. We need to understand what
09:50:57 15 he's talking about.

16 MS NGUNYA: Yes, Your Honour. I apologise for that. Let
17 me start again, Your Honour.

18 Q. Mr Witness, please -- as you heard the Judges, they don't
19 know the story. Please make sure people understand --

09:51:13 20 A. Yes.

21 Q. -- who did what to whom. So you're standing at the
22 junction.

23 A. Yes.

24 Q. The soldiers have shot -- have killed five civilians and
09:51:26 25 some Kamajors. What happened?

26 A. Yes. When I saw that they've killed those people, then I
27 hid away.

28 Q. Please don't say "they." Who killed those people?

29 A. When the soldiers have shot and killed the civilians and

1 the Kamajors, then I was afraid and I hid away because they were
2 no longer making any selection in their killings.

3 Q. You mentioned you've run away. Where did you go?

4 A. I went into the bush. I bowed down and entered the bush,
09:52:22 5 so that they will not see me. And I entered and I sat down in
6 the bush. But whatever went on at the junction, I would hear and
7 see. They would not see me, but I would see and hear them.

8 Q. Again, Mr Witness, let me ask you to refrain from using
9 "they" just for clarity for the Court. So you've mentioned you
09:52:42 10 entered the bush.

11 A. Yes.

12 Q. How far is this bush from where you had been standing?

13 A. It is a little bit far. About 60 yards where I hid myself
14 from the junction.

09:53:07 15 Q. Just for clarity, is there any points in this room that you
16 can point to that can show the distance?

17 A. Yes, if I say 300 -- if I say 600 -- when I say 60 yards,
18 I'm looking at 60 yards. It is more than any distance from this
19 Court from where I'm seated.

09:53:44 20 Q. Can you say whether it's two lengths of the court room,
21 three lengths? Just guesstimate so we have an idea of how far
22 you were.

23 A. As I am seeing this Court, it is about three when I
24 estimate it. From where I am seated here to that end, it's about
09:54:16 25 three times. That is the area where I hid myself.

26 Q. When you say "that end," could you just point and say what
27 is at that end so they can get a distance. From where you're
28 seated to what end?

29 A. Where those people are seated, three times, about three

1 times of the length from here to where those people are seated.
2 About three times.
3 Q. Mr Witness, we had reached a point where you have now run
4 to this bush and you are hiding. Could you see anything from
09:55:07 5 this position?
6 A. Where I was seated, I was not really able to see. But
7 whatever happened in the streets or in the town, I would hear
8 what would be happening in the town. If they are shooting guns,
9 I will hear, or if there was a vehicle passing, they will pass,
09:55:30 10 but I will not see there.
11 Q. So, Mr Witness, from this position what did you hear
12 besides the shooting? Did you hear anything else?
13 A. Yes.
14 Q. Please tell the Court what.
09:55:48 15 A. After they had been shooting in xxxx, the very route
16 that they had come with, when they came from xxxx and they met
17 me at the junction, the soldiers used the very route, and they
18 were coming along singing.
19 Q. Mr Witness, you heard them singing. What were they
09:56:11 20 singing?
21 A. They were singing that those in xxxxxx, these people in
22 xxxx would know us today. That's what they were singing.
23 Q. So the soldiers are retreating. What happened next?
24 PRESIDING JUDGE: The witness did not use the word
09:56:32 25 "retreating."
26 MS NGUNYA: I'll rephrase that.
27 Q. So the soldiers are using the same road that they used to
28 go into xxxxx. What happened next?
29 A. When they came, the very place where I entered, where they

1 met me, they were saying something in a vehicle, and I heard
2 something fall. Two things. And they said somebody was here
3 today. They said that in Krio, that one person was here today.
4 And they dropped two things there. I was still frightened. I
09:57:09 5 was still sitting down there.
6 Q. What happened after this?
7 A. When they dropped those two things, then the vehicle moved,
8 and they were still singing and shooting. They were still
9 singing. They were still shooting and going. And I saw that
09:57:25 10 there was nobody following them. Then I started peeping out.
11 Q. Okay. Just before we get to where you're peeping out, let
12 me just go back a little bit, Mr Witness. Can you maybe estimate
13 for the Court how long you were in this bush hiding.
14 A. In that bush where I hid, I spent about one hour or two
09:57:53 15 there because I was in hiding.
16 Q. Okay. Moving forward again, you are peeping out. What
17 happened next?
18 A. Then I came out and found out that they have all gone, and
19 I reached the point where I had entered. Then I joined the road,
09:58:15 20 and I saw two bags that they had dropped there. Those are the
21 bags that they had dropped there. Those are the bags the sounds
22 of which I heard.
23 Q. Besides these two bags you've talked about, did you see
24 anything after you came out of the bush?
09:58:33 25 A. Many there. Those people whom I had seen dead, there were
26 so many other people dead up to point of going towards Bo. I was
27 jumping over them going towards xxxx, very frightened.
28 Q. And these people who you saw dead going towards Bo, how
29 were they dressed?

1 A. Apart from the three Kamajors, the three Kamajors that I
2 spoke about, all the others whom I saw were civilians. They were
3 wearing civilian clothing.

4 Q. Okay, Mr Witness, you are now on the road. Where did you
09:59:16 5 go next?

6 A. I returned straight to xxxxxx. That's where I was
7 sleeping. I was going towards my house.

8 Q. Along this route, did you see anything else?

9 A. Many corpses lined and strewn. They were wearing civilian
09:59:42 10 clothing. Women, men, they were all lying down there.

11 Q. Did you get to xxxxxx?

12 A. I reached there to the junction where the vehicles park.

13 Q. And what happened there? What happened next?

14 A. When I negotiated a curve about to go to my house, I heard
10:00:11 15 screaming in all of the houses. The woman was screaming, "ay,
16 ay, ay."

17 Q. Did you respond to these screams?

18 A. Yes. And I went straight to the house, and I opened it.
19 When I opened it, I saw a lot of blood in the parlour. It was
10:00:38 20 settled in the parlour.

21 Q. So you've seen the blood. Was there anything else you saw?

22 A. Many indeed.

23 Q. Please tell the Court exactly what you saw.

24 A. The first room that was open where the woman was lying
10:01:04 25 screaming, I entered there. When I entered, she said, "ay", and
26 she called my name and she asked me to give her water. And I
27 said there was no water.

28 THE INTERPRETER: Your Honours, the witness is going very
29 fast. He should take it very slowly.

1 PRESIDING JUDGE: Mr Witness, just go a little more slowly.
2 Go back a little bit, start again, and speak slowly so the
3 interpreter can keep up with you. Thank you.

4 THE WITNESS: Okay. When I entered that room, the woman
10:01:46 5 was lying in the centre -- in the centre of the room. She was
6 shot in the knee. They opened her stomach. Then she called me
7 and asked for water so that she can drink. And I told her there
8 was no water.

9 JUDGE SEBUTINDE: Mr Interpreter, you said something about
10:02:13 10 open the stomach? What did you say?

11 THE INTERPRETER: They slit her belly open.

12 MS NGUNYA:

13 Q. Mr Witness --

14 MR MANLY-SPAIN: I'm sorry, Your Honour. I don't know
10:02:29 15 whether he said -- the interpreter said they slit her body open
16 or her belly open. "They," that's the same thing again, "they."

17 MS NGUNYA:

18 Q. Mr Witness, just say what you saw. So you said you saw a
19 lady. Please describe the injuries you saw.

10:02:51 20 A. That woman whom I met lying down there, she said the
21 soldiers had entered that house. They had shot her in the knee,
22 and they had slit her belly open. Those who were lying in the
23 corner, they were shooting them with guns. The soldiers were
24 shooting them with guns.

10:03:18 25 Q. Mr Witness, again, clarify for the Court. This lady said
26 this to you?

27 A. That woman, she said to me that the soldiers had come and
28 slit her belly open, and now she wants to drink water.

29 Q. Okay. Mr Witness, besides -- after this lady who asked for

1 a cup of water, what else did you see?

2 A. In that same room, there was a corpse. There were corpses
3 there. Some of them were shot in the ears. Some of them on
4 their sides. They were lined up, about ten of them. She was
10:04:13 5 lying in the centre of them, she alone.

6 Q. Mr Witness, did you see anything else in this room that you
7 mentioned?

8 A. Yes. I counted the corpses. There were ten of them. She
9 was lying in the centre. She made the number to 11.

10:04:38 10 Q. Mr Witness, what happened next?

11 A. In that same house, I came out in the parlour.

12 Q. And what happened next, Mr Witness?

13 A. Then I entered the second room.

14 Q. What happened next?

10:05:08 15 A. I met a gentleman sitting down dead. The soldiers shot him
16 at the back of his neck, towards his spinal cord. His child was
17 sitting by his side, and he was shot in the chest and it came
18 from the side.

19 THE INTERPRETER: Through the side. Sorry.

10:05:42 20 PRESIDING JUDGE: I'm not clear if the child is the person
21 who is shot at the side or the man -- gentleman sitting.

22 THE WITNESS: The man who was sitting down was shot at the
23 back of his neck, and he was bowing down like this. His head
24 bowed down like this. And that's where the point was, where they
10:06:07 25 shot him.

26 MS NGUNYA:

27 Q. Now, Mr Witness, please describe the injuries on the child
28 that you saw.

29 A. The child was shot in the chest, and it came out through

1 the side. And the same bullet caught the father on his arm. And
2 in fact, it got stuck in his father's flesh, and the hand had
3 clasped the child. But both of them were dead.

4 Q. Mr Witness, did you see anything else?

10:06:57 5 A. Yes.

6 Q. Please tell Court.

7 A. Then I came out and entered a third room. In that same
8 room -- same house, sorry.

9 Q. What happened next?

10:07:15 10 A. The man was lying down there, and he was shot in the ears
11 and at the bottom of his side. The soldiers shot him in his side
12 and his ears.

13 JUDGE SEBUTINDE: I'm sorry, what is ears? We don't
14 understand, shot him in his ears?

10:07:35 15 THE INTERPRETER: E-A-R-S.

16 MS NGUNYA:

17 Q. So you've described this one man. Did you see anything
18 else?

19 A. Yes. In that same room, that man who was lying down, there
10:07:52 20 was his colleague who was also dead, but his head was in between
21 the other man's leg.

22 Q. What happened next, Mr Witness?

23 A. Then I came out, and I came out in the parlour.

24 Q. What happened next?

10:08:23 25 A. When I came out from the parlour, I went to the junction
26 heading for my house.

27 Q. Did you see anything?

28 A. Yes.

29 Q. Please tell the Court what.

1 A. At that junction, there was a man -- the soldiers killed a
2 man and his two legs were broken. And the knife that they were
3 carrying, they used it to serrate his forehead, skin his
4 forehead. And the other one was lying in the gutter. He, too,
10:09:09 5 was shot in the chest.

6 JUDGE SEBUTINDE: Mr Interpreter, I'm not sure. Did you
7 say the word "serrate"?

8 THE INTERPRETER: Yes, that's what I used initially. He
9 was skinned in the forehead. I corrected myself. He was skinned
10:09:24 10 in the forehead.

11 MS NGUNYA:

12 Q. Please continue, Mr Witness.

13 A. The other who was lying in the gutter, he, too, was shot in
14 the chest, and it came out through the back.

10:09:44 15 Q. So you've seen these two bodies outside. What happened
16 next?

17 A. When I saw them, I went past them and went to my house, and
18 I entered my house.

19 Q. Just for the Court to know, how far is your house from
10:10:05 20 where you've seen this incident about, approximately?

21 A. It was about a hundred yards. It's like -- it was about a
22 hundred yards. It was a hundred yards from my house to the point
23 where these people were lying down at the junction.

24 MR FOFANAH: May it please, Your Honours, I also heard the
10:10:48 25 witness say it was about the length of a football field. Thank
26 you.

27 PRESIDING JUDGE: Mr Fofanah, we have an official
28 interpretation. But if it's not correct, then I will ask the
29 interpreter.

1 Mr Interpreter, you've heard counsel say that --

2 THE INTERPRETER: Yes, Your Honours, he was saying -- he
3 was trying to estimate, and he came up with a hundred yards
4 eventually.

10:11:15 5 JUDGE LUSSICK: Mr Interpreter, you must tell us what the
6 witness is saying, not select what you think we should hear. If
7 he said the length of a football field, then we want to hear it.

8 THE INTERPRETER: I'm sorry, Your Honours.

9 MS NGUNYA: May I proceed, Your Honours.

10:11:35 10 JUDGE SEBUTINDE: I'm sorry, before you proceed, this
11 witness has a tendency to say - I've heard him on several
12 occasions, and I have been looking at Defence counsel - he says,
13 I went and saw a corpse lying in gutter. The soldiers had shot
14 him in the chest. And I saw one man whose forehead had been
10:11:55 15 skinned. The soldiers had put a knife to his head or words to
16 that effect.

17 Now you, as counsel, know that you need to lay a foundation
18 for a statement "the soldiers did this." Either this man saw the
19 soldiers did it, or it is his opinion. You cannot let that go by
10:12:13 20 without laying a foundation even if Defence counsel does not
21 stand up to object.

22 MR MANLY-SPAIN: May it please, Your Honour, we have
23 noticed it, but we just don't want to be getting up all the time.
24 We believe that we will deal with that in cross-examination.

10:12:28 25 MS NGUNYA: Okay, Your Honour. I will address that issue
26 if it comes up again. My apologies.

27 Q. So, Mr Witness, we had reached a point where you're at your
28 house.

29 A. Yes.

1 Q. What happened next?

2 A. That house, the one which was burnt, I saw a lot of smoke
3 in the town. Even my own house, there was smoke. Even the house
4 by my own house was burnt. Even the rice that I was
10:13:09 5 relying -- even the house that I was relying on, they had removed
6 the doors. They put some of the things outside and set them on
7 fire, those which the soldiers were unable to carry.

8 Q. Mr Witness, I think you just heard what the Judges have
9 said. How do you know that soldiers --

10:13:24 10 A. Yes.

11 Q. -- trying to carry what they could not carry?

12 A. The reason why I said they were the ones, and indeed they
13 were the ones, I had been in that town, and I saw them in that
14 town shooting. Right in my presence, they killed somebody. What
10:13:56 15 I didn't leave behind me in the town, when I came back, I saw all
16 of those things. Who would I blame? They are the very soldiers
17 who were doing the destruction.

18 Q. Mr Witness, just to stick with what the Bench has
19 requested, just say what you saw and only what you know.

10:14:18 20 A. Yes, yes.

21 Q. All right. So you've seen all this burnt property. Did
22 you see anything else?

23 A. Yes.

24 Q. Please tell the Court what.

10:14:41 25 A. When I didn't see my people in the house, I entered all of
26 the rooms, and I started looking for my wife and children. I
27 entered one room, and I looked under the bed, and I saw some
28 people lying down there. And I told them that the soldiers have
29 killed a lot of people in this town. There were four people

1 under that bed, and they called to me. They were people who knew
2 me. And I told them that the soldiers had returned. And I asked
3 them -- I told them that I was looking out for my wife. When
4 they came out -- when they came out, they ran away and entered
10:15:27 5 the bush. And I went to the other house, and I entered it. I
6 met two dead women there. The other's stomach was slit open, and
7 the other was killed. And they took him and placed him [as
8 interpreted] on top of her companion in front of the room -- the
9 door.

10:16:02 10 Q. Mr Witness, again, let me just ask you to say what you
11 know. Who is "they" when you say "they placed"? Please describe
12 just what you saw.

13 A. It was the soldiers who did that.

14 Q. How do you know this, Mr Witness?

10:16:24 15 A. I didn't leave that behind. They were the ones who had
16 come and done that destruction. That's why up to now I say they
17 are the ones who did it. If I had not seen them come to this
18 town, I wouldn't have said they were the ones who did that.

19 Q. Mr Witness, besides this body that you saw, did you see
10:16:46 20 anything else?

21 JUDGE LUSSICK: Were there two bodies or one body?

22 MS NGUNYA: He said two bodies and described one. And I
23 interrupted him. But I'll stand guided by the Court.

24 THE WITNESS: Two corpses. I saw two corpses in that
10:17:02 25 house, women.

26 MS NGUNYA:

27 Q. Mr Witness, you said you've seen two bodies.

28 JUDGE LUSSICK: Well, I'm querying. Your last question was
29 you referred to this body that you saw. I was just saying was it

1 this body or were there two bodies? I was asking you, not the
2 witness.

3 MS NGUNYA: If I may just say that I mentioned one body.
4 He described the injury. And then I interrupted him because he
10:17:39 5 was talking about they put the bodies on top of each other. But
6 Your Honour, I will stand guided by the Court transcript
7 because --

8 JUDGE LUSSICK: That's all right. You've explained that.
9 You go ahead.

10:17:50 10 MS NGUNYA:

11 Q. Mr Witness, we had reached a point where --

12 A. Yes.

13 Q. -- you said the bodies were lying on top of each other.
14 You have described the injury on one.

10:18:05 15 A. Yes.

16 Q. Could you please describe the injuries on the other.

17 A. Yes. Yes. The other one that was placed under, he was
18 shot in the side -- she was shot in the side. Sorry. And the
19 other one on top was shot in the ear on her side, and his [as
10:18:29 20 interpreted] stomach was slit open on the side. That was the one
21 that was placed on top. And his [as interpreted] guts were
22 hanging down. It was the soldiers who did all of that.

23 Q. Again, Mr Witness, please remember that you need --

24 A. Yes.

10:18:47 25 Q. -- to support when you say the soldiers did this. Again I
26 will ask you, how do you know it was the soldiers that did this?
27 A. I didn't leave that in the town when I went. Now they have
28 come and they have passed me. They were shooting -- they have
29 killed somebody in my presence. And they have come to the town.

1 I have seen that town in the night, and I saw all of those
2 things. Who would I say did that apart from the soldiers? The
3 guns with which they killed those people, we did not have those
4 guns in that town. The tools used to set fire to those
10:19:43 5 houses -- the petrol they used to set fire on those houses, we
6 did not have in that town. My own very house was burnt. I
7 couldn't even get close to it. And that one that was not burnt
8 completely, they used it -- it was all bust all over.

9 Who among my own Mende brothers would do that to me, my own
10:20:14 10 Mende person, my own Mende --

11 MR MANLY-SPAIN: May it please, Your Honour. Your Honour,
12 we are a bit confused because the witness is not really answering
13 questions; he's asking questions. I don't know whether it's of
14 the Court or of counsel, Prosecutor. Who do you think, who, who,
10:20:28 15 who?

16 MS NGUNYA: With your permission, I will continue.

17 JUDGE SEBUTINDE: Before you do continue, we would just
18 like to remind you, counsel, this is a witness of fact, fact
19 meaning things he saw. He's not a witness of opinion.

10:20:45 20 MS NGUNYA: Yes, Your Honour. And that's why --

21 JUDGE SEBUTINDE: You do not lead him in such a way as to
22 draw opinion into the record. It is your duty to explain to your
23 witness that he is a witness of fact, and we expect you to lead
24 factual evidence of what he saw, what he heard, not his opinion.

10:21:05 25 MS NGUNYA: Your Honour, my apologies. That is what I was
26 trying to do by that last question. And I will now proceed to a
27 different area.

28 Q. Mr Witness, you've talked about these two bodies in the
29 house.

1 A. Yes.

2 Q. What happened next?

3 A. When I saw those two corpses, it was getting darker.

4 Q. What happened next?

10:21:42 5 A. I went into the bush, and I slept. I passed the night in

6 the bush because there was nobody in the town except corpses.

7 Q. Mr Witness, did anything happen in xxxxxx after the

8 incidents you've described of 25 June?

9 A. Yes, yes.

10:22:18 10 Q. Please tell the Court what.

11 A. When we went into the bush, in the morning, I myself, I

12 returned to the town. It was not long I saw my son, and he was

13 coming towards me. And he said they had said yesterday the

14 soldiers had killed me at the junction and that his mother was

10:22:43 15 very worried about me and that they had gone to one farmhouse.

16 Q. Mr Witness, please tell the Court what happened next.

17 A. When I spoke with my son, and we started walking around the

18 town. Wherever I went in that town, I would find a corpse. In

19 that town, there was fire on the houses, right round the town, in

10:23:20 20 every corner. Wherever I walked, I would find a corpse, five or

21 six. We were there that day. During those days, some elders

22 started coming. But during that time, we used to go to the bush

23 to spend the night. Up to three days to four days, then the town

24 started stinking because the corpses had started going bad.

10:23:55 25 Q. Did you do anything to get rid of these bodies?

26 A. Yes.

27 Q. [Microphone not activated]

28 A. The elders came from Bo, some of them, those who were born

29 in that town, those who were chiefs. One man who was deputy to

1 the paramount chief, called the chiefdom speaker, and he said we
2 should dig a grave so that we could bury these people because the
3 town is stinking. So those people in whose house that these
4 people were killed resides in that town.

10:24:58 5 Q. Witness, I just want to find out, did you participate in
6 burying the bodies?

7 A. Very, very well indeed.

8 Q. Just for the Court, can you remember about how many bodies
9 were buried at this time?

10:25:23 10 A. Yes. On that day.

11 Q. Please tell the Court.

12 A. So we got some shovels and pickaxes --

13 Q. Sorry, Mr Witness, let me interrupt you again. I asked you
14 a question, how many bodies. So just please answer the question.

10:25:49 15 A. At first, the first set of corpses were 11 corpses at first
16 when these people said that we should dig a hole so that we will
17 bury the corpses. Where we dug the hole, that's what I want to
18 tell Court about, that we ourselves dug the hole.

19 Q. Besides this 11, Mr Witness, and you yourself have dug the
10:26:25 20 hole, were any other bodies buried in ~~xxxxxxx~~ during this time?

21 A. Yes.

22 Q. Please just estimate for the Court about how many?

23 A. The ones that were buried in that grave, after we had
24 buried those 11 corpses, then the elders got scared and they
10:26:56 25 returned. We were going about, when we saw a rotten corpse, we
26 would put it on a stick. We placed 8 people. Then we took
27 another, and it got up to 9, apart from the 11 that we've placed
28 in that grave. But those who were there, they forgot that we had
29 placed 11 people in that grave.

1 Q. Mr Witness, sorry, the numbers are not clear.

2 A. Yes.

3 Q. It was 11, and then 9 more. Is that correct?

4 A. Yes. After we had buried that 11 --

10:27:37 5 Q. Again, please just refrain yourself to just answering the
6 question so that it's clear for the record. Otherwise, it
7 becomes confusing.

8 So we've buried --

9 A. Yes.

10:27:49 10 Q. -- 11 plus 9. My next question, Mr Witness --

11 JUDGE LUSSICK: I don't think the evidence had got that
12 far. Didn't he say he collected nine people? He hasn't got to
13 burying them yet.

14 MS NGUNYA: I'm sorry, Your Honour. I apologise.

10:28:09 15 Q. You've collected 11 plus 9. Were any other bodies
16 collected at this time?

17 MR FOFANAH: May it please, Your Honours, before the
18 witness answers the question, the witness has been using the
19 plural, "we collected," that is after the elders had left. So I
10:28:29 20 don't know if he's referring to himself and his child because he
21 has not mentioned any other person. Thank you.

22 PRESIDING JUDGE: That is correct.

23 MS NGUNYA: I will clarify that for the Court. My
24 apologies.

10:28:39 25 THE WITNESS: Yes.

26 Q. When you say that "we collected bodies," who do you mean?

27 A. Yes. Together with my companions, the youths in that town,
28 those two were born in that town. We used a pan and placed a
29 stick underneath that pan. And when we saw any corpse, we would

1 place it on top of that pan of zinc and we would bring it to that
2 grave. We would put that corpse in the grave and put some soil
3 on top of it. We did that in their absence.

4 Q. Mr Witness, in total, do you know how many bodies were put
10:29:32 5 in this grave?

6 A. I can recall that in that grave that we dug, where we
7 placed those 11 people plus the 9 people, it could be up to 20
8 people in that grave.

9 MS NGUNYA: Your Honours, that is the end of my
10:29:58 10 examination.

11 PRESIDING JUDGE: Thank you, Ms Ngunya.

12 Cross-examination, Mr Manly-Spain?

13 MR MANLY-SPAIN: Yes, Your Honour.

14 CROSS-EXAMINED BY MR MANLY-SPAIN:

10:30:13 15 Q. Good morning, Mr Witness.

16 A. Good morning. Good morning.

17 Q. Mr Witness, do you remember making statements to the -- to
18 people from the Special Court?

19 A. Yes.

10:30:41 20 Q. Do you remember how many times you made a statement to the
21 people from the Special Court?

22 A. I could remember that I made three statements, when they
23 met me in xxxxxxx last year.

24 Q. Do you remember the date of the first statement that you
10:31:27 25 made?

26 A. I did not note it down. I could no longer remember it.

27 Q. You said when they met you in xxxxxx, is it the case that
28 the people from the Special Court went to meet you at xxxxx?

29 A. Well, I wouldn't know because at that time they were saying

1 that -- the name they had was different. I can't remember the
2 name, but it starts with -- the truth, people who say the truth.
3 They went about asking, asked them what happened during the war
4 so that they would know.

10:32:41 5 Q. Is the name Truth and Reconciliation Commission?

6 A. Yes, that was the name. They are the people. They work in
7 that place. They went and asked me so that they will know the
8 truth of what happened during the war during that time when
9 Kabbah was overthrown.

10:33:12 10 Q. I want you to forget about that Truth and Reconciliation
11 Commission. I'm asking you about people from the Special Court.
12 Do you understand?

13 A. Yes.

14 Q. Were you the one that went to meet people from the Special
10:33:38 15 Court?

16 A. No. They were the very people that met me in **xxxxx**.

17 [TB230605B 10.30 a.m. - AD].

18 Q. Mr Witness, we will come back to that. Mr Witness, are you
19 trained -- have you had any military training?

10:34:27 20 A. No.

21 Q. Do you know anything about guns and weapons carried by
22 soldiers?

23 A. I used to see soldiers carrying guns, going about with
24 guns.

10:34:56 25 Q. Do you know anything about those guns?

26 A. Those guns -- I was there. I saw wherein they pointed it
27 at somebody and shot and killed a person at **xxxx**.

28 Q. Please listen to my question. I am asking you whether you
29 know anything about guns. Do you know what different types of

1 guns there are?

2 A. Yes, I can explain a little.

3 Q. Did you receive any education about guns?

4 A. Me?

10:36:00 5 Q. You.

6 A. I did not do any training in guns.

7 Q. Do you know that there are different types of guns?

8 A. Yes.

9 Q. Do you know the names of such guns?

10:36:32 10 A. I know some of them. The others, I only see them but, I

11 don't know their names. Because of type of work you learn is

12 what you know. I used to see them and they called their names

13 and they carried them.

14 Q. Just tell the Court the names that you know.

10:36:56 15 A. There is a gun called --

16 THE INTERPRETER: Go over that name again please.

17 THE WITNESS: Stephenson.

18 THE INTERPRETER: Please let the witness go over the name

19 of that gun up again.

10:37:17 20 PRESIDING JUDGE: Mr Witness, please repeat the name of the

21 gun.

22 THE WITNESS: The gun is called Stephenson, but I don't

23 know how it is spelt. It is Stephenson; it is written

24 Stephenson. It is made by white man's country. It is single

10:37:48 25 barrel and it has only nozzle.

26 Q. Is that the guns carried by the Kamajors?

27 A. Well, some were with them.

28 Q. These Stephenson guns?

29 A. Some were with them. They were guns that have been -- the

1 one that is broken and then fed with a bullet. There are various
2 types.

3 Q. Okay, Mr Witness. Do you know any other name of a gun?

4 A. There are shotguns and they called them AK-47s. That is the
10:38:56 5 name I know, but I don't know whether there is another name. But
6 I would not know the name. But they used to call them AK-47.

7 Q. So you know --

8 A. It was carried by soldiers.

9 Q. Do you know the gun called AK-47?

10:39:19 10 A. Yes, if I see it. I used to see it with soldiers, going
11 about with them.

12 Q. Do you know whether this was the gun carried by the
13 soldiers on that day, the 25th of June 1997?

14 A. Many, many -- those were the guns that were with them.
10:39:50 15 Apart from that, they had a very big gun mounted on the vehicle.
16 It has three tripods; it is standing on a tripod. That gun --
17 the tree under which I was standing, from the time that they shot
18 from that gun, the mark is still on the tree.

19 Q. Mr Witness, you said that each soldier was carrying three
10:40:35 20 guns. The guns that they were carrying, is it the gun that you
21 referred to as AK-47?

22 A. Yes. Yes, those were the guns that were hanging on them.

23 Q. Can you explain to the Court how each soldiers carried
24 three guns at the same time?

10:41:25 25 A. There is a rope, a strap around -- the other strap round
26 his neck and the one he held in his hand.

27 Q. Please interpret it again for me; I cannot hear what he
28 said.

29 A. Those guns, the strap on them -- there is a belt on them,

1 passed round the neck and placed at the back. The other one hung
2 round the neck, placed on the chest and the one in the hand.
3 PRESIDING JUDGE: Pause, Mr Manly-Spain. Are you going
4 into another line of your cross-examination? I note it is the
10:42:14 5 time we normally have a break.
6 MR MANLY-SPAIN: Yes, Your Honour.
7 PRESIDING JUDGE: Would this be an appropriate --
8 MR MANLY-SPAIN: Yes.
9 PRESIDING JUDGE: Very well. We will take a 15 minute
10:42:26 10 break, please. Madam Court Attendant, please adjourn Court for
11 15 minutes.
12 [Break taken at 10.42 a.m.]
13 [On resuming at 10.55 a.m.]
14 PRESIDING JUDGE: Please proceed, Mr Manly-Spain.
11:02:38 15 MR MANLY-SPAIN:
16 Q. Good, morning, Mr Witness. How many times did soldiers go
17 to xxxxxxx when you were there? He does not have his headphones
18 on.
19 PRESIDING JUDGE: Madam Court Attendant, please assist the
11:03:06 20 witness.
21 MR MANLY-SPAIN:
22 Q. Mr Witness --
23 A. Yes.
24 Q. How many times did soldiers go to xxxxxx whilst you were
11:03:34 25 there?
26 A. Twice; they went there two times.
27 Q. Mr Witness, you have given us a date, the 25th of May --
28 the 25th of June 1997.
29 A. Yes.

1 Q. Did they go there twice on that day?

2 A. No.

3 Q. When they went there on the 25th of June that year, was

4 that the first or the second time?

11:04:38 5 A. It was the second time.

6 Q. Do you remember the first date that they went to ~~xxxxx~~?

7 A. I cannot recall very well.

8 Q. Was it on the 24th of June 1997?

9 A. No, immediately June came, it was in those days, but it

11:05:22 10 never went up to 20 days.

11 Q. Are you saying it was early in June 1997 that they went

12 there the first time?

13 A. Not at the beginning, but we went a little bit in.

14 Q. The middle of June?

11:05:49 15 A. If I say in the middle it will be the 25th. From the 10th,

16 it was in between that time that they went there. I was after

17 the 10th.

18 Q. It was after the 10th that they went there for the first

19 time.

11:06:15 20 A. It was after that that they went there.

21 Q. Yes, Mr Witness. Can you tell us the first time whether

22 they met you at ~~xxxxxx~~ Junction?

23 A. No, they met me in the town.

24 Q. On that occasion, Mr Witness, did you recognise any of

11:07:05 25 these soldiers that you say went and met you in the town?

26 A. No, at that time they went they were running about. I did

27 not really stand there to view them properly, but the soldiers

28 were running and we, too, were running. We did not recognise

29 them well. If one were my own relative --

1 Q. I want you to talk about yourself. I asked you whether you
2 recognised any soldier?

3 A. Okay.

4 Q. Did you recognise any soldier among the group that went?

11:08:09 5 A. At the first time I did not recognise any soldier. I did
6 not really stand to look at them properly; I was running away.

7 Q. On the second occasion did you recognise any soldier?

8 A. Very well indeed.

9 Q. How many did you recognise?

11:08:38 10 A. I knew three soldiers indeed.

11 Q. What are their names?

12 MS NGUNYA: Your Honour, with your permission, might I
13 object? Only on the grounds that by naming these persons could
14 put the witness's security in jeopardy.

11:09:01 15 PRESIDING JUDGE: How would it -- you mean the soldiers
16 would put his identity in jeopardy?

17 MS NGUNYA: Your Honour, these people are from that
18 district. I suggest that perhaps learned counsel would give a
19 piece of paper to the witness and he can write the names down.

11:09:24 20 Some of them were from that district, from than town where the
21 witness lives.

22 JUDGE SEBUTINDE: I also recall the witness said that he
23 spoke to these people.

24 MS NGUNYA: Yes, Your Honour.

11:09:29 25 JUDGE SEBUTINDE: So they would know who spoke to them at
26 that particular time.

27 MS NGUNYA: Yes.

28 PRESIDING JUDGE: Mr Manly-Spain, you have heard the
29 objection from counsel for the Prosecution. Do you have any

1 reply?

2 MR MANLY-SPAIN: Yes, Your Honour. We are worried that
3 this trial will end up being a closed session.

4 PRESIDING JUDGE: There is no application for a closed
11:10:02 5 session.

6 MR MANLY-SPAIN: That is what we think it will turn out to
7 be in the end.

8 PRESIDING JUDGE: We will did deal with that problem if it
9 arises. The immediate objection is to these people being named,
11:10:08 10 and the suggestion is that the names be written down. Have you
11 any objection to that?

12 MR MANLY-SPAIN: We are opposing the application because we
13 do not feel that that would put the witness in jeopardy. These
14 are names of soldiers who he claimed went to ~~xxxxx~~ on that day.
11:10:30 15 This, I believe, we should have in mind is basically a public
16 trial.

17 PRESIDING JUDGE: Mr Witness --

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Have you heard what the two lawyers have
11:10:53 20 said?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Do you understand what the two lawyers
23 have said?

24 THE WITNESS: Yes.

11:11:02 25 PRESIDING JUDGE: Are you worried about naming these three
26 people? Do you think it could lead to your name being known?

27 THE WITNESS: I want to call their name because if I call
28 them -- even if they have been killed I am trying to really save
29 my land. I want to show that they were the people that did that

1 thing. But if you say that I should not name them, I will not
2 name them.

3 PRESIDING JUDGE: If you do not have any worries about
4 naming them, you may name them.

11:11:57 5 MR MANLY-SPAIN: Much obliged, Your Honour.

6 Q. I want you, Mr Witness, to call the names of the soldiers
7 that you recognise.

8 A. Those soldiers -- the first one I knew was called Brima.

9 Q. Do you know the surname of Brima, or is Brima his surname?

11:12:38 10 A. No.

11 Q. Who was the second?

12 A. Brima Moisia.

13 Q. Is that his second --

14 A. No, that is the first one that I know.

11:12:56 15 MR MANLY-SPAIN: Your Honour, from the witness statement
16 there is a spelling. It is M-O-I-S-I-A.

17 PRESIDING JUDGE: Thank you, Mr Manly-Spain.

18 MR MANLY-SPAIN:

19 Q. Who was the second one?

11:13:27 20 A. The second is called Junior **xxxxx**.

21 Q. **xxxxx**?

22 A. Junior **xxxx**.

23 Q. I will have to make a guess on that one. Who was the third
24 soldier?

11:13:55 25 A. The third soldier -- the name, nickname that we called
26 was --

27 THE INTERPRETER: My Lord, the nickname is not really
28 known. The first name he had. Excuse me, My Lord, I still want
29 the witness to repeat the nickname the third soldier had.

1 PRESIDING JUDGE: Mr Witness, can you repeat the nickname
2 of the third soldier for the interpreter please?

3 THE WITNESS: He was called xxxxxx, but his real name
4 on paper I didn't know, because we were all in the town, they
11:14:44 5 were xxxxx. The day they were coming to xxxxxx, I saw him
6 in their midst and the other two I know.

7 MR MANLY-SPAIN: Your Honour, we have xxxxx and
8 xxxxxx.

9 Q. Mr Witness, did you see these three soldiers on both
11:15:16 10 occasions when the soldiers went to xxxxxxx?

11 A. No, the very first time they came, I didn't know any
12 soldier. But the second time when they found me at the junction,
13 that was the time I saw the soldiers and I was able to recognise
14 them.

11:15:41 15 Q. Mr Witness, immediately after the coup d'état of May 15,
16 1997, was there any fighting between soldiers from Bo and
17 Kamajors from xxxxxxx?

18 A. No.

19 Q. Did you ever give that information to investigators of the
11:16:30 20 Special Court?

21 MS NGUNYA: Your Honours, if I might object. This evidence
22 was not led.

23 PRESIDING JUDGE: So?

24 MS NGUNYA: What is the relevance of this question? It is
11:16:48 25 irrelevant. What --

26 PRESIDING JUDGE: I haven't even got the question yet.
27 This is cross-examination. Counsel has a lot more leeway in
28 cross-examination. The fact that it was not lead was not a
29 pertinent issue. Let us hear the question and then we can assess

1 the objection.

2 MR MANLY-SPAIN: Yes, Your Honour. My question was: Did

3 you ever give information to investigators of the Special Court

4 that there was fighting between soldiers from Bo and Kamajors

11:17:19 5 from xxxxxxxx?

6 PRESIDING JUDGE: I consider that question is admissible.

7 MR MANLY-SPAIN: Much obliged.

8 PRESIDING JUDGE: Mr Witness, did you understand the

9 question? Did you hear it?

11:17:55 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: What is your answer?

12 THE WITNESS: Well, I did not tell them that there was any

13 fight between the soldiers and the Kamajors.

14 MR MANLY-SPAIN:

11:18:30 15 Q. Mr Witness, did you tell the investigators that soldiers

16 went to xxxxxx twice, or once?

17 A. I told them it was twice.

18 Q. Do you know whether that was recorded in your statement?

19 A. Well, they were writing. Maybe they wrote it down or maybe

11:19:23 20 they didn't.

21 Q. The first statement I am putting to you -- let me just lay

22 the foundation. Mr Witness, do you remember whether the date of

23 the first statement you made was the 27th of November 2002? You

24 made that statement in Bo, at the barracks.

11:19:56 25 A. Yes.

26 Q. You remember that statement?

27 A. Yes.

28 Q. After you had made this statement, was it read over to you

29 and explained to you by the person who wrote down this statement?

1 A. He read it to me and then he explained it to me, but that
2 time is very long from now. That which he read to me I could not
3 really recall all of it.

4 Q. Okay, Mr Witness, that is fair. What I want to ask you is:
11:20:49 5 At the time it was read over to, you, did you answer that it was
6 correct?

7 A. Yes.

8 Q. Now, I put it to you, Mr Witness, that before today you
9 never told the investigators or anyone that soldiers went to
11:21:28 10 ~~xxxxx~~ twice.

11 A. I told them that they went there two times and that is why
12 I have come to tell the Court that I saw them there. If I had
13 not seen them -- and the second time I saw them I never run away.
14 I made sure that I stood there and saw them. I stood there to
11:22:10 15 view them properly so I would not pass it on as hearsay.

16 Q. Okay, Mr Witness, is it the case that on the second
17 occasion you spoke with the soldiers and told them that you were
18 with them?

19 A. Yes.

11:22:44 20 Q. Is it the case that on the first occasion you ran away into
21 the bush?

22 A. Yes.

23 MR MANLY-SPAIN: Your Honour, I wish to refer the witness
24 to his statement of the 27th of November 2002. It is probably
11:23:23 25 the entire first page; the entire statement actually, but I will
26 start from the first page and ask him questions.

27 PRESIDING JUDGE: Very well.

28 MR MANLY-SPAIN:

29 Q. Mr Witness, do you remember making this statement that I

1 referred to? In that statement you said the following - I will
2 read it to you: "I was in xxxxxx when President Tejan Kabbah's
3 government was overthrown".

4 A. I am listening.

11:24:01 5 MR MANLY-SPAIN: He is listening to what I am reading and
6 not to the translation. That is my problem. I was hoping that
7 the interpreter would translate to him?

8 PRESIDING JUDGE: Mr Interpreter, are you keeping with this
9 interpretation as counsel readings it?

11:24:21 10 THE INTERPRETER: Yes. The interpretation is going on.

11 PRESIDING JUDGE: Thank you for that.

12 MR MANLY-SPAIN:

13 Q. "I was in xxxx when President Tejan Kabbah's government
14 was overthrown. I had heard the announcement of radio that
11:24:34 15 Kabbah had been overthrown and the Sierra Leone Army was in
16 control of the government of Sierra Leone." The first question,
17 Mr Witness: Was that what you told the investigator -- this
18 statement?

19 A. Yes. Because he asked me whether I knew anything starting
11:25:10 20 from May 25th, 1997, and what I knew.

21 Q. But today you remember what you have told this Court, that
22 you heard.

23 A. Yes.

24 Q. Did you say to this Court that he heard from the radio that
11:25:34 25 soldiers had overthrown Kabbah's government AFRC junta soldiers?
26 Was that what you heard?

27 A. Very well indeed.

28 Q. Moving on, Your Honour. "That incident I want to tell you
29 about is after the coup I just spoke about. I was at xxxxxx

1 Junction with other community members like xxx and one
2 xxxxxxx when a boy xxxxxx" --
3 THE INTERPRETER: Your Honours, learned counsel is going
4 very fast. Can he take it very slowly so that the interpreter
11:26:24 5 can interpret accurately?
6 MR MANLY-SPAIN:
7 Q. "The incident I want to tell you about is after the coup I
8 just spoke about."
9 A. Yes.
11:26:45 10 Q. "I was at xxxxx Junction with other community members
11 like xxxxxxx and one xxxxx when a boy xxxxx came
12 from the Bo Road and informed us that soldiers were coming into
13 xxxxxx." Can I go on?
14 A. Yes.
11:27:21 15 Q. "The soldiers came to the junction where I was standing.
16 Some came on foot and there were others in a van which had guns
17 in it. When the soldiers got to me they asked me who I was. I
18 identified myself as part of them." Mr Witness, was that what
19 you told the investigator?
11:27:58 20 A. I said it and that is exactly what I have said in the Court
21 here today.
22 Q. No, Mr Witness, in the Court today -- have you not told the
23 Court it was on the second occasion when soldiers went to xxxxx
24 that you told them that you were part of them, that you were with
11:28:21 25 them, to use your own words? Today you said it was on the second
26 occasion. The first occasion, according to you, you ran away.
27 The second occasion you stood there and told them you were with
28 them.
29 A. The very first time they came I was in xxxxx Town and I

1 ran away with my people. The second coming, that was the time
2 they met me at the junction and asked me that question.

3 Q. Mr Witness, what I am putting to you is that --

4 A. I am listening very well.

11:29:00 5 Q. Up to this moment that you have been giving evidence in
6 Court you have been speaking of only one incident at xxxxxx
7 Junction. Isn't that so?

8 A. No.

9 Q. Let me go on. "They were in military uniform but some had
11:29:38 10 either military vests, military shorts or military trousers.

11 There were others in full military uniforms. Some had red pieces
12 of cloth tied to their foreheads. I recognised three of the

13 soldiers, one Junior xxxxxx and one known as xxxx

14 xxxx." Mr Witness, according to this statement which you said

11:30:16 15 was read over to you and you said was correct, this was the only
16 incident, only one incident, that happened when soldiers,
17 according to you went to xxxxx; there was only one incident.
18 Please answer the question.

19 PRESIDING JUDGE: Mr Manly-Spain, you have made a statement
11:30:53 20 or a question.

21 MR MANLY-SPAIN: Thank you, Your Honour.

22 Q. Mr Witness, is it not the case that in this statement you
23 spoke of only one incident?

24 A. It was not one incident.

11:31:19 25 MR MANLY-SPAIN: As Your Honour pleases. I want to go onto
26 the next page. The second -- the -- let me continue from the
27 first page, the last line.

28 Q. "xxxxxxx is an SLA who was attached to xxxxx during
29 the rebel war. That is before the coup against Tejan Kabbah. He

1 entered one room in my house and was living. Immediately after
2 the coup against Tejan Kabbah xxxxx left xxxxx and I only
3 saw him again on that day with the soldiers. This was on the 24
4 the 24th of June 1997, a Thursday." Mr Witness, do you recognise
11:32:29 5 that date -- 24th of June 1997?

6 A. It was very far off, a long time ago. I cannot remember it
7 very well.

8 Q. But didn't you tell this Court this morning, Mr Witness,
9 that you wrote it down on paper so that you would never forget
11:32:50 10 that date; is that not so?

11 MS NGUNYA: Your Honour, with your permission might I
12 object?

13 THE WITNESS: Yes, I said that.

14 MS NGUNYA: What the witness said in the morning was 25th
11:33:03 15 of June. What learned counsel has just said -- do you remember
16 saying 24th --

17 THE WITNESS: Yes.

18 MS NGUNYA: That is my objection, Your Honours.

19 MR MANLY-SPAIN: May it please Your Honour. I read from
11:33:17 20 the statement and then I put to him whether he remembered the
21 24th, and he said no, because it was far away or something.

22 THE WITNESS: It was on the 25th. I spoke about the 25.

23 MR MANLY-SPAIN: I agree, Your Honour, that he spoke about
24 25, and I started to cross-examine him on the 25th. In my
11:33:46 25 cross-examination he categorically stated that it was not on the
26 24th, because I put that to him specifically. Now, from his
27 statement I have read, the date he gave is the 24th, Your Honour.
28 I have put to him again, "do you remember that date?", and he
29 says no. I am not arguing that he did not say the 25th; he did.

1 My point in cross-examining is that he is telling us two
2 different occasions. He has eliminated what he told the
3 investigators as the date.

4 PRESIDING JUDGE: Mr Manly-Spain, I am finding your
11:34:29 5 question a little confusing too. Perhaps if rephrase the
6 question.

7 MR MANLY-SPAIN: As Your Honour pleases.

8 PRESIDING JUDGE: You are entitled to challenge him on his
9 statement.

11:34:40 10 MR MANLY-SPAIN:

11 Q. Mr Witness --

12 A. Yes.

13 Q. According to what I have read from you have told the
14 investigators that the date xxxxx came to xxxxx with

11:34:56 15 soldiers was the 24th of June, 1997, a Thursday. Is that true?

16 A. I didn't say that.

17 Q. To go on, Mr Witness.

18 A. Yes.

19 Q. You said: "These three identified me and told the other
11:35:28 20 soldiers that I was not a Kamajor and that there were Kamajors in
21 xxxxx. The soldiers killed civilians and Kamajors at xxxxx
22 Junction in my presence." Is that so?

23 A. That is how it happened.

24 Q. "The Kamajors were dressed in country clothes like they
11:35:56 25 always did, so I knew they were Kamajors."

26 A. Yes.

27 Q. "The soldiers killed three Kamajors and five civilians in
28 my presence."

29 A. Yes, in my presence.

1 Q. These things I have read to you, did they occur on the 25th
2 of May 1997 -- the day on 25th of June 1997?
3 A. Yes.
4 Q. I will go to the last paragraph, Your Honour. I will
11:36:48 5 continue from the last statement of the paragraph I have read so
6 that you will have some continuity. "I escaped into the town and
7 I heard a woman's voice crying in a house near to mine. This was
8 xxxxxxxx house. I entered the house and saw lots
9 of blood on this grounds. I saw about 11 people" --
11:37:21 10 A. xxxxxx.
11 Q. Thank you. "I saw about 11 (eleven) people dead in a pool
12 of blood in their eyes. I observed that I observed that" --
13 A. Yes.
14 Q. "I observed that one of them named Mamawa Bangali had not
11:37:43 15 died completely. I saw" --
16 A. No.
17 Q. -- "split open and she told me that the soldiers had killed
18 her."
19 A. Yes.
11:37:56 20 Q. Did that happened, Mr Witness on the 25th of June 1997?
21 A. Very well indeed.
22 Q. I will continue from the last line: "My wife and children
23 were not in the house. I walked further up the road and got to
24 another house where I met a lady Hawa Momoh dead. Hawa's dead
11:38:37 25 body was on top of another dead lady also known as Hawa."
26 A. Yes.
27 Q. Did that happen on the 25th of June 1997?
28 A. That same day, indeed, when the soldiers came and met me at
29 the junction. They were the ones who passed me by and did all

1 that destruction.

2 Q. Finally, let me read the end of the statement. "There was
3 no opposition force fighting on that day against the soldiers.

4 So they deliberately killed innocent people. I took part in the
11:39:22 5 burial of about 19 people in a mass grave near the market in
6 xxxxxx a few day after the attack on xxxxx and killing of
7 these people."

8 A. Yes.

9 Q. Did that also take place on the 25th of June 1997?

11:39:43 10 A. The day that we buried those people, the day they killed
11 those people we did not bury them on that very day.

12 Q. I am asking you, Mr Witness, the day of the killing of the
13 19 people.

14 A. Yes. They killed people more than that number on that same
11:40:15 15 day. Those whom we buried in that grave, that is the number of
16 shown to you. The others who were killed --

17 Q. Mr Witness, please listen to my question.

18 A. I am listening very well.

19 Q. Did you say that the first incident was before the 25th of
11:40:36 20 June 1997?

21 JUDGE SEBUTINDE: Mr Manly-Spain, I really must be fair to
22 the witness. You are talking of first incident. There are so
23 many things you have named and you are speaking of one incident,
24 including the burial of 19 people. You can't put that in one
11:41:00 25 incident. Be specific in your questions so that the witness is
26 not confused and we are not confused as to what is going on.

27 MR MANLY-SPAIN: I am much obliged.

28 [TB230605C - SV]

29 MR MANLY-SPAIN:

1 Q. Mr Witness, you have told us that the first time the
2 soldiers went to ~~xxxxxx~~ was before 25th June 1997?

3 A. Very, very well, indeed.

4 Q. I have read to you almost everything in your entire
11:41:32 5 statement of 27th November 2002, Mr Witness. All that you have
6 said in that statement occurred on 25th June 1997; is that not
7 so?

8 A. The two occasions when the soldiers went to ~~xxxxxx~~, that I
9 said that?

11:42:24 10 Q. Please put to him my question. That all I have read in his
11 statement are incidents which took place on 25th June 1997.

12 A. Yes.

13 MS NGUNYA: Your Honour, I would ask my learned friend to
14 be a bit more clear. I only say this because, Your Honour, the
11:42:48 15 beginning of the statement he read does not relate to any date.
16 It relates to the President, Tejan Kabbah, being overthrown.
17 He's moved on to things that happened on 24th, he's moved on to
18 things that happened on 25th. I would like my learned friend to
19 be more clear, more specific, so the witness will understand
11:43:12 20 exactly what he's saying.

21 PRESIDING JUDGE: Yes, Mr Manly-Spain, this has already
22 pointed out by Her Honour --

23 MR MANLY-SPAIN: I appreciate my learned friend's worries,
24 but I respectfully submit that I have been very careful to make
11:43:22 25 the witness know what I am talking about, what I am asking about.
26 My original question was that before today you told only of one
27 incident which occurred on the 25th, according to you. In your
28 statement you said the 24th. He insisted it was on the 25th. I
29 have read all of these things, Your Honour, to show that,

1 according to him, until he came to court only one occasion did he
2 describe when soldiers went to **xxxxx**. That is the point I'm
3 making. That the entire statement concerns one occasion when
4 soldiers went to **xxxxx**, whether it was the 25th or the 24th.

11:44:08 5 JUDGE SEBUTINDE: And the objection by the Prosecution,
6 counsel, is you can't put that question with regard to the entire
7 statement, because the entire statement refers to the overthrow
8 of the government. That didn't happen on the 25th. So if you
9 want your question to relate to the one occasion when the
11:44:25 10 soldiers came, and not to two occasions, then put that clearly to
11 the witness. But don't say everything in your statement happened
12 on the 25th. That is not true.

13 MR MANLY-SPAIN: Your Honour, I appreciate the point. I
14 tried to do that. I will try again. I just want to point out,
11:44:44 15 Your Honour, that at the beginning the witness said the incident,
16 and when I was reading I stressed this, I repeated it. The
17 incident I want to tell you about is after the coup I just spoke
18 about.

19 PRESIDING JUDGE: Put your question as Her Honour has
11:45:08 20 indicated, Mr Manly-Spain.

21 MR MANLY-SPAIN:

22 Q. Mr Witness, in the statement that you made to the
23 investigators you spoke only of one occasion that soldiers went
24 to **xxxxxx**, not two occasions?

11:45:30 25 A. Maybe they didn't write -- it is possible they didn't write
26 it, but when they came, they asked me and what they asked me
27 about is what I explained. What I saw and what happened, that's
28 what I explained to them. What happened there and what I saw is
29 what I'm explaining to the Court again today.

1 Q. Mr Witness, but do you agree with me that the statement I
2 have just read to you relates to only one incident, one occasion,
3 when soldiers you allege went to **xxxxx**?
4 A. I said they went there twice. When they overthrow the
11:46:20 5 president, they went there at first and they looked around for
6 Kamajors. They burnt a lot of houses. When they went there the
7 second time, they met me at the junction, and that's when they
8 caused those destructions. That's when they killed those many
9 people.
11:46:40 10 Q. Mr Witness, you have told us about two occasions. I want
11 to ask you questions about the first occasion. Do you know where
12 the soldiers --
13 A. I'm very ready to answer your question.
14 Q. Do you know where the soldiers came from when they went to
11:47:03 15 **xxxxx** on the first occasions?
16 A. Very, very well indeed.
17 Q. Where did they come from?
18 A. They came from Bo with the same route from Bo, coming into
19 **xxxxxx**.
11:47:34 20 Q. Was it on that occasion that the boy called **xxxxxx**
21 told you that soldiers were coming from Bo, from the Bo road?
22 PRESIDING JUDGE: Which occasion?
23 MR MANLY-SPAIN: I'll rephrase my question. You see, I'm
24 asking questions about the first occasion. All of these
11:47:57 25 questions are on the first occasion and then I will inform Your
26 Honours when I am moving on.
27 Q. Was it on that first occasion when this boy, a boy **xxxxxx**
28 **xxxxxx**, who came from the Bo road, informed that you soldiers
29 were coming to **xxxxxx**?

1 A. No, it was not that first instance.

2 Q. On that occasion was there any fighting at ~~xxxxx~~?

3 PRESIDING JUDGE: Which occasion, Mr Manly-Spain? You're
4 still on the first?

11:48:48 5 MR MANLY-SPAIN: All on the first occasion.

6 PRESIDING JUDGE: Well be more specific, please.

7 MR MANLY-SPAIN: I will indicate to Your Honour when I'm
8 moving on.

9 PRESIDING JUDGE: It's the witness I'm thinking of.

11:48:54 10 MR MANLY-SPAIN: Yes, Your Honour.

11 Q. On that first occasion was there any fighting at ~~xxxx~~
12 Junction?

13 A. No. In fact, I was not at the junction. At first I was in
14 the town. They met me in the town. It was the second time when
11:49:15 15 they came, that's when they met me at the junction. That's when
16 the fighting started, that's when they started killing people.
17 The soldiers met me there.

18 MR MANLY-SPAIN: And did you say that's when the fighting
19 started, Mr Interpreter? Can you just interpret, I didn't get
11:49:42 20 what you're saying?

21 THE INTERPRETER: Can you ask the witness the question
22 again?

23 MR MANLY-SPAIN: No, I want your interpretation,
24 Mr Interpreter. I don't want him to change his answer.

11:49:48 25 MR HODES: Your Honours, with all due respect, I believe
26 that the interpretation is going to be what it is and the
27 transcript will read as it does. To ask the interpreters, as we
28 continue to do, to reinterpret or to look back on something that
29 they've just interpreted is causing some difficulties. So I

1 would ask that if there is a problem with the translation that we
2 can raise it at a later time, but at this time the interpretation
3 is what it is.

4 MR MANLY-SPAIN: Thank you. I wish to be guided as to what
11:50:22 5 the interpreters have.

6 PRESIDING JUDGE: Is your problem that you didn't hear the
7 interpretation or you disagree with the interpretation? I'm not
8 clear on that point.

9 MR MANLY-SPAIN: I did not hear properly, Your Honour.

11:50:35 10 PRESIDING JUDGE: Well, if it's hearing then I will ask the
11 interpreter to repeat exactly what was said. Mr Interpreter,
12 counsel did not hear part of the interpretation. Please repeat
13 it.

14 THE INTERPRETER: Can the witness please repeat what he
11:50:55 15 said?

16 PRESIDING JUDGE: I'm asking you to repeat.

17 THE INTERPRETER: Your Honours, I can't remember exactly
18 what he said. I interpreted exactly what he said.

19 PRESIDING JUDGE: Mr Witness, can you please repeat your
11:51:13 20 answer because counsel didn't hear it all.

21 THE WITNESS: What question? What answer?

22 MR MANLY-SPAIN: Your Honour, I will crave your indulgence
23 for me to get what the recorders have down. I think that will
24 help us.

11:51:43 25 PRESIDING JUDGE: Have we got a transcript? It's the
26 answer that starts, "No, in fact, not at the junction" and goes
27 on from there.

28 MR MANLY-SPAIN: Yes, Your Honour, that is the answer.

29 PRESIDING JUDGE: The transcriber has to re-listen to the

1 audio so just pause. Have a seat, Mr Manly-Spain.

2 [Question and answer at page 53 line 11 read]

3 PRESIDING JUDGE: Thank you.

4 MR MANLY-SPAIN: Thank you.

11:55:51 5 Q. Mr Witness, I want you to listen. I am asking you -- the
6 question I asked you was about the first time the soldiers went
7 to xxxx and my question was was there any fighting at xxxxxx
8 Junction on that first occasion when they went to xxxxxx?

9 A. I was not at the junction, no. I was in town. That's
11:56:22 10 where they met me at first. That's when they went there and
11 started burning houses. Then I went into the bush. That was in
12 the first instance.

13 PRESIDING JUDGE: Mr Witness, listen to the question. Was
14 there any killing at the junction on the first --

11:56:34 15 MR MANLY-SPAIN: Fighting. Fighting.

16 PRESIDING JUDGE: Fighting at the junction on the first
17 occasion; yes or no?

18 THE WITNESS: No, I was not there. I didn't hear there was
19 any fighting there.

11:56:51 20 PRESIDING JUDGE: Thank you, Mr Witness. That is your
21 answer. Thank you, that is clear now.

22 MR MANLY-SPAIN:

23 Q. Mr Witness, after that first occasion was it at the
24 junction that you saw dead bodies?

11:57:12 25 A. After the first occasion I didn't see corpses at the
26 junction.

27 Q. Did you see corpses anywhere at all in xxxx on that
28 first occasion?

29 A. I saw so many burnt houses. I didn't say I saw corpses.

1 When people had run away they burnt houses. The first house that
2 they burnt that belonged to me --
3 Q. Mr Witness, please answer the question. I asked you about
4 corpses. Did you see corpses that day?
11:57:57 5 A. I didn't see corpses on that day.
6 Q. Mr Witness, can you estimate how many soldiers you saw at
7 xxxxxx on that first occasion, how many soldiers you saw at
8 xxxxx on that first occasion?
9 A. No, I can't tell the number because I didn't stand to count
11:58:30 10 them. I didn't stand there. I can't tell.
11 Q. Mr Witness, on 25th June 1997 did you know how many houses
12 there were in xxxxxx?
13 A. The houses were many. It's not a village. The houses are
14 many. I myself have my own house. I have three houses. There
11:59:18 15 are others who had more than five houses. It's a chiefdom.
16 There are many houses there. It's a chiefdom headquarter.
17 Q. Was it more than 40 houses?
18 A. The houses in xxxxx Town, they are about more than 600
19 because it's a chiefdom headquarter town.
11:59:54 20 Q. Mr Witness, how many burnt houses did you see that day?
21 A. On that first day there were many houses. I was unable to
22 count them.
23 Q. Mr Witness, do you know how many people lived in xxxxxx on
24 25th May 1997?
12:00:47 25 A. I wouldn't know at all because it's not a village that you
26 would say there are two or three houses. It's a chiefdom
27 headquarter town, there were many people there.
28 Q. Was xxxxx, Mr Witness, a Kamajor stronghold?
29 MR HODES: Your Honours, I'm going to object on a

1 foundation basis. He's asking for the opinion of a lay witness
2 about whether or not a location is a stronghold of the Kamajors.
3 MR MANLY-SPAIN: I concede, Your Honour. I concede.
4 Q. Mr Witness, were there Kamajors atxxxx before 25th June
12:01:52 5 1997?
6 A. Whether Kamajors were settled there?
7 Q. They live -- whether they lived there?
8 A. They were not settled there. They had no base there. But
9 I did see them there, but they had no base there.
12:02:30 10 Q. I want you to recall, Mr Witness, when you were giving
11 evidence this morning just at the beginning. Did you tell this
12 Court that -- words to the effect, I'm not saying exactly this is
13 what you said. What I wrote down was that market women were
14 grumbling that Kamajors were at xxxx so junta was going to
12:03:06 15 there to kill them. Did you tell this Court that?
16 A. Yes, I said so in this Court.
17 Q. You are, or you were at the time, resident in xxxxxxxx?
18 PRESIDING JUDGE: Which time are we talking about,
19 Mr Manly-Spain?
12:03:37 20 THE WITNESS: Very, very well, indeed.
21 MR MANLY-SPAIN: 25th June 1997.
22 THE WITNESS: I'm still listening.
23 MR MANLY-SPAIN:
24 Q. Mr Witness, you know or you knew at the time probably
12:03:55 25 everybody who lived at xxxxxx; is that so?
26 A. Yes. I wouldn't know all of them because, like I said,
27 it's not a small town. It's a very large town. It's not like
28 you would stand here and see the other end. It's a chiefdom
29 headquarter town. People who settled there, you didn't be able

1 to know all of them.

2 Q. Did you know many people at **xxxxx** at that time?

3 A. Yes, yes.

4 Q. Did you know any Kamajors that were living there?

12:04:51 5 A. They were not settled there. They did come there. They
6 would come and go. They would come from the surrounding villages
7 but there was no base there for Kamajors.

8 Q. Did you see them when they went to **xxxx**?

9 A. When they did go there in twos, ones, I will see them
12:05:20 10 because their way of dressing is different and you recognise them
11 by the marks they had. But to say that they had a permanent
12 place where they stayed, no. To create a place where they were
13 settled, no, I didn't say that in **xxxxxx**.

14 Q. Mr Witness, that was not the question. That question was
12:05:47 15 objected to and I conceded. Don't keep going back to that.
16 Mr Witness, when you heard the market women grumbling that
17 Kamajors were at Tikonko, somewhere at Tikonko, do you know
18 whether they were saying the truth?

19 MR HODES: Objection, Your Honour. That's not what was
12:06:27 20 said at all. The statement was that the rebels were coming or
21 the soldiers were coming to Tikonko to get the Kamajors there.

22 MR MANLY-SPAIN: I believe that is so but --

23 PRESIDING JUDGE: Mr Manly-Spain, you're also asking the
24 witness to speculate about the belief of the market women.

12:06:50 25 MR MANLY-SPAIN: I did not ask about belief, Your Honour.
26 A statement was made and I am asking him whether he knows whether
27 that statement was correct. A statement was made that soldiers
28 were coming to get Kamajors, because the women were grumbling
29 that Kamajors were at Tikonko. That is the point I'm making;

1 that Kamajors --

2 JUDGE SEBUTINDE: So which part of that statement do you
3 want the witness to say whether it's true or not? That soldiers
4 were coming or what?

12:07:28 5 MR MANLY-SPAIN: No, Your Honour. That Kamajors were at
6 Tikonko. I have gone through his answers. He has said that he
7 saw only one or two Kamajors, they were not based there. He kept
8 saying that. I'm saying that the witness heard women grumbling
9 that Kamajors were at Tikonko.

12:07:45 10 PRESIDING JUDGE: I have recorded that the women were
11 grumbling that Kamajors came to --

12 MR MANLY-SPAIN: That was what he said.

13 JUDGE SEBUTINDE: What the witness said in-chief is that he
14 heard the women grumbling that soldiers were coming to Tikonko to
12:08:05 15 kill Kamajors in Tikonko. That is the full statement of what he
16 said. If you're now breaking it up in bits that's a different
17 matter, but the full statement of what he heard was that these
18 women were saying soldiers were coming to Tikonko to pursue the
19 Kamajors in Tikonko. So you ask your question with that, that is
12:08:29 20 what the record says.

21 MR MANLY-SPAIN: Yes, it's like that but what I'm asking
22 about, following his answers, is whether the women were saying
23 the truth that Kamajors were at Tikonko.

24 JUDGE SEBUTINDE: But the women didn't say that Kamajors
12:08:53 25 were in Tikonko.

26 MR MANLY-SPAIN: They did, Your Honour.

27 JUDGE SEBUTINDE: The women said soldiers were coming for
28 the Kamajors in Tikonko. That's the full statement. There's a
29 big difference between the two. Soldiers can well say they're

1 coming to Freetown for Kamajors, it doesn't necessarily mean that
2 there are Kamajors in Freetown.

3 MR MANLY-SPAIN: Your Lordship, what you have said is the
4 other way round from what I've got. What I've got is that the
12:09:20 5 women grumbled that as Kamajors were at Tikonko, so soldiers were
6 coming to get them. The facts in his statement are that Kamajors
7 were at Tikonko.

8 JUDGE LUSSICK: Yes. I think the evidence-in-chief was
9 that the market women were grumbling that Kamajors were in
12:09:47 10 Tikonko, so the juntas were coming to kill them.

11 MR MANLY-SPAIN: That is how it was. Kamajors were there,
12 that is a fact that Kamajors were at Tikonko, and he is saying
13 that Kamajors were not there, only in twos and ones when they
14 went there. All I'm asking, Your Honour, is that whether in view
12:10:10 15 --

16 MS NGUNYA: Your Honour --

17 PRESIDING JUDGE: Let him finish, please, first before you
18 respond. Finish your argument, Mr Manly-Spain, because it's
19 getting to a stage where there's such confusion I'm thinking of
12:10:22 20 getting the transcript read. What exactly is it that you are
21 challenging this witness on, that's what I want to be clear on.

22 MR MANLY-SPAIN: I'm not challenging him, Your Honour. I'm
23 asking him a question that from his answers Kamajors were not
24 based there, Kamajors only went there and they went there in twos
12:10:46 25 and ones. The statement made by the market women, was it true?
26 That is all. The market women said that Kamajors are at Tikonko,
27 that part of it.

28 PRESIDING JUDGE: You're putting only part of what the
29 market women said.

1 MR MANLY-SPAIN: Yes.

2 PRESIDING JUDGE: Well, let us be clear which part of what
3 the market women said is what you're putting because there was
4 more than one part.

12:11:13 5 MR MANLY-SPAIN: Okay. Thank you, Your Honour.

6 Q. When the market women said -- grumbled that Kamajors were
7 at Tikonko were they speaking the truth?

8 A. It wouldn't be the truth at first because when they came
9 they didn't see Kamajors there and they didn't kill any Kamajors
12:12:08 10 there. In that first occasion when the market women were
11 grumbling, they didn't see Kamajors there. That's why I said
12 today that in that first occasion when they came to ~~xxxxx~~ they
13 only burnt houses. They didn't see Kamajors and they didn't kill
14 Kamajors there because they just come and go.

12:12:08 15 Q. Don't go on and on. Did they say the truth, say yes or no.
16 That will satisfy me and I'll move on.

17 A. They didn't say the truth.

18 MR MANLY-SPAIN: If Your Honours please, that is all I was
19 trying to get.

12:12:08 20 THE WITNESS: Okay.

21 MR MANLY-SPAIN:

22 Q. Mr Witness, did you say this morning: "The very road they
23 came by they returned firing shots. The soldiers were shooting
24 guns but there was no exchange of fire from the Kamajors". Did
12:12:58 25 you say that?

26 A. On that first occasion when they came?

27 Q. Yes, the first occasion?

28 A. No, I didn't say that.

29 Q. You didn't say that. But did you say, "I did not see any

1 Kamajors at that time"?

2 A. On that morning when they came, that first occasion when
3 they came?

4 Q. Yes, yes, that first occasion?

12:13:38 5 A. Yes. Yes, that's true. If they had seen Kamajors they
6 would kill them.

7 Q. No, I'm talking about you. You said you did not see any
8 Kamajors at that time. Which Kamajors are you referring to that
9 you did not see?

12:13:58 10 PRESIDING JUDGE: How could it be which Kamajors if he
11 didn't see any?

12 MR MANLY-SPAIN: Your Honour, the question is quite
13 straightforward. This witness has been saying that there were no
14 Kamajors there; I concede to that. He has said that there was no
12:14:09 15 exchange of firing from the Kamajors; I concede to that. Your
16 Honour, logically he must be referring to Kamajors who either are
17 there or used to go there. We have evidence that Kamajors used
18 to go there, one or two, and he gave evidence of one Kamajor this
19 morning, that there was one Kamajor wearing cloth.

12:14:39 20 PRESIDING JUDGE: That's the second occasion, as I
21 understand the evidence. You're still talking about the first
22 occasion.

23 MR MANLY-SPAIN: Let me try and clear it up.

24 PRESIDING JUDGE: Yes, please do.

12:15:31 25 MR MANLY-SPAIN:

26 Q. Mr Witness, how far is Tikonko from xxxxxx?

27 A. Many miles.

28 Q. So on this first occasion was any Kamajor killed at
29 Tikonko?

1 A. They did not -- I did not see any corpse of a Kamajor.
2 Q. Mr Witness, did you see any soldier burning any housing in
3 xxxxx on that first occasion?
4 A. Very well indeed.
12:16:23 5 Q. You saw them?
6 A. I saw them my very self the first day they came. My house
7 was burnt down. Those soldiers were the very ones that went
8 there and burnt down the houses.
9 Q. Did you see them do it?
12:16:44 10 A. Before I answer that, my very house that I built and my
11 brother's house, these fellows went -- that they went there for
12 Kamajors. They did not see Kamajors. They started burning
13 houses. They would enter houses and bring out property. But you
14 wouldn't say who did that.
12:17:12 15 PRESIDING JUDGE: Mr Witness, the question was did you see
16 them?
17 THE WITNESS: Yes. Very well, I saw them. I was hidden in
18 the bush and they were shouting, they were speaking in Krio.
19 JUDGE SEBUTINDE: Mr Witness, did you see the soldiers
12:17:36 20 burning houses? That is the question. Did you see the soldiers,
21 with your own eyes, burning the houses.
22 THE WITNESS: Very well, yes. Very well. Where I was
23 hidden I saw them putting fire to houses.
24 MR MANLY-SPAIN:
12:17:58 25 Q. Okay, Mr Witness. You were in a bush, was it?
26 A. Yes, very well.
27 Q. Where in xxxxx was your house?
28 A. My house is right at the junction, clearly in the middle of
29 the town.

1 Q. Your house was at the junction in the middle of town?

2 A. Very well.

3 Q. The junction you are referring to is not xxxx Junction?

4 A. Not the xxxx Junction. That is very far off. The very
12:18:44 5 junction where people -- vehicles come to collect people is what
6 I refer to.

7 Q. Mr Witness, you say that your house is in the centre of
8 town?

9 A. Yes, yes.

12:19:07 10 Q. Were there other houses surrounding your house?

11 A. Many.

12 Q. So how far was your house to the bush that you were hiding?

13 A. In the middle of town. I went -- I went up the hill, and
14 whatever was happening to my house --

12:19:48 15 MR MANLY-SPAIN: Your Honour, I believe that this witness
16 has been evading my questions all the time. When I ask a
17 question he goes on answering what he wanted to say. I did not
18 ask him about a hill. I said how far was your house from this
19 bush that you were hiding.

12:20:06 20 PRESIDING JUDGE: Mr Witness, did you hear the question?

21 THE WITNESS: It's far off. It's really far off. But
22 where I was hiding, whatever was happening to my house I would
23 know. People were passing the town but where I hid myself I
24 would see them.

12:20:25 25 MR MANLY-SPAIN:

26 Q. So, Mr Witness, was the bush about two miles from your
27 house?

28 A. It will not be up a mile.

29 Q. Thank you. Were there houses between your house and the

1 bush where you were hiding?

2 A. Yes.

3 Q. About how many houses would you say was between where you
4 were hiding and your house?

12:21:22 5 A. I wouldn't know because the houses in the middle -- there
6 was smoke coming out of the house -- from the houses.

7 Q. Mr Witness, please answer my question. It won't take long
8 if you answer the question.

9 A. But I will not know the number of the houses because there
12:21:45 10 are many houses.

11 Q. Well, that is the answer; there are many houses, you do not
12 know the number?

13 A. No.

14 Q. So, Mr Witness, you said you saw smoke coming from houses
12:22:18 15 in the town?

16 A. Yes.

17 Q. I am putting it to you that was all you saw from the bush?

18 A. In the bush where I was on my own area, what ever the
19 smoke --

12:22:44 20 Q. Please answer my question.

21 A. I would be able to see other things.

22 Q. What other things?

23 A. Like if my house was somewhere, the area, then I saw smoke
24 coming then I would see that was my house and the other houses
12:23:08 25 had their own smoke -- the smoke was coming from there also,
26 different from the one -- from mine.

27 Q. Yes, Mr Witness, you have explained that. I'm asking you
28 again all you could see was smoke coming from houses?

29 A. Another thing that I was shown as a sign, that there was a

1 drum at my house.

2 Q. I am asking you -- I am putting it to you that all you
3 could see was smoke coming from houses in the town whilst you
4 were in the bush. If that is so you say yes, if not you say no
12:23:56 5 and then we move on.

6 A. Yes, I saw smoke. I saw smoke in the whole town, many,
7 many areas, and when I returned I saw my house burnt.

8 Q. Mr Witness, I'm going to put my question again. My
9 question is all you can see, not that you saw smoke. I know you
12:24:26 10 saw smoke, you said that. I'm putting it to you that all you
11 could see from the bush was smoke coming from the houses in the
12 town?

13 A. I would not be able to see any other thing but I heard
14 gunshots.

12:24:42 15 Q. That is all. I'm talking about seeing, not what you can
16 hear.

17 A. Okay.

18 Q. Mr Witness, I'm putting it to you that this first occasion
19 that you have talked about never happened, you just made it up?

12:25:08 20 A. It happened. Why I said it happened, that is why I have
21 come to the Court.

22 Q. Please, don't explain.

23 A. It happened.

24 Q. Don't explain, please.

12:25:21 25 A. Okay.

26 MR HODES: Your Honour, with all due respect to counsel, a
27 witness like this one answered the question and has every right
28 to explain once he's answered the question if it's a yes or no
29 question.

1 PRESIDING JUDGE: There's such a thing as re-examination,
2 Mr Hodes.

3 MR MANLY-SPAIN:

4 Q. Mr Witness, I want us to go on to the second occasion that
12:25:45 5 you said happened. Do you remember how many soldiers went to --
6 do you know how many soldiers went to ~~xxxxx~~ on 25th June 1997?

7 A. The soldiers that met me at the junction, I would be not be
8 able -- I was not able to count them because they were so many
9 and they were running when they met me at the junction.

12:26:15 10 Q. Did you mention that they went in a vehicle or vehicles,
11 more than one vehicle, also?

12 A. Some came running on foot. The first group passed, they
13 were so many. The second group was the time they started
14 shooting. Not too long then the vehicle came. A vehicle came
12:26:48 15 and the gun mounted on it.

16 Q. Yes, Mr Witness, was there only one vehicle?

17 A. The vehicle, I saw one. It was one vehicle. But I heard
18 the sound of another at the other end and they were shooting
19 guns.

12:27:13 20 Q. Did you see another vehicle, Mr Witness?

21 A. The first one that had the gun on, I did not see any other
22 vehicle, but when I entered the vehicle [sic] another vehicle
23 passed. There were sounds of vehicle passing.

24 Q. Mr Witness, I'm asking you about vehicles carrying soldiers
12:27:45 25 that you saw. Did you see only one?

26 PRESIDING JUDGE: You didn't specify that. If that's what
27 you're specifying make it clear now.

28 MR MANLY-SPAIN: I am much obliged.

29 Q. I am asking you, Mr Witness, about vehicles carrying

1 soldiers?

2 A. At first I saw one. The one with the gun mounted on it, I
3 saw it.

4 Q. Did you see any other one carrying soldiers?

12:28:20 5 A. After seeing that, immediately I saw them killing people.
6 That was the moment that I hid away. But when I was in hiding,
7 the one that had the gun mounted on it, it passed and -- it
8 passed me and went to the town. Then I heard the sounds of
9 others but I didn't know the colour of the vehicles, I didn't

12:28:44 10 know at all. As they were passing me going to town --

11 Q. Mr Witness, I am asking you a simple question that can be
12 answered the one word. You avoid the answer. I'm asking you did
13 you see any other vehicle carrying soldiers?

14 A. The first one -- after the first one I did not see any
12:29:14 15 other one when I entered the bush.

16 Q. Mr Witness, if there's one there cannot be a first one or a
17 second one. Was it one that you saw?

18 A. Yes.

19 PRESIDING JUDGE: I think he's answered that,
12:29:30 20 Mr Manly-Spain.

21 MR MANLY-SPAIN: As Your Honour pleases.

22 Q. Mr Witness, was it on this occasion, this second occasion,
23 that you told the soldiers you were with them?

24 A. Yes.

12:29:57 25 Q. I am putting it to you that after you told them that you
26 stayed with them, you went about with them?

27 A. If I had joined them they would have killed me.

28 Q. No, answer my question. I am putting it to you that you
29 stayed with them?

1 A. No, I didn't do that at all.

2 Q. How long were you at xxxx Junction -- first of all, is
3 it right that they met you at xxxxx Junction?

4 PRESIDING JUDGE: They? Who are the they you're talking
12:30:56 5 about.

6 MR MANLY-SPAIN: The soldiers. The soldiers.

7 Q. Is it right that the soldiers met you at xxxxx Junction?

8 A. Very well, indeed.

9 Q. How long did you stay with these soldiers at the junction?

12:31:23 10 A. We did not stay long. After they've said those words and
11 started killing the people and I was looking away, and I was
12 finding a way to hide. We were not long together.

13 Q. And did you say you ran to the bush?

14 A. Very well. Indeed, I went and hid.

12:31:59 15 Q. Did you follow them into town?

16 A. I said I hid myself. How could I join them? I had no gun.
17 I did not join them to town.

18 Q. You did not follow. I asked about following them to town.
19 How far, Mr Witness, is the bush that you ran to from Tikonko
12:32:37 20 Junction?

21 A. It was just opposite the xxxx Junction that I went
22 there. Just like the distance from the junction to the town,
23 that was the same distance from where I was hiding.

24 Q. I didn't get that. The distance to the town, how far? One
12:33:00 25 mile?

26 A. It would not be up to a mile. It is half a mile.

27 Q. Thank you. Mr Witness, xxxxxxx Junction is on the highway,
28 is it not so?

29 A. Yes. What highway?

1 Q. Just answer my question. It's on a highway, is that not
2 so?
3 A. Well, there are many highways. There is another highway
4 coming from xxxx. The one coming from Bo and the one coming
12:33:47 5 from xxx.
6 Q. How many roads are there at -- there is more than one road
7 on that junction, is that so?
8 A. Yes.
9 Q. How many roads are there at that junction, make it clear to
12:34:08 10 the Court?
11 A. It's a three road junction.
12 Q. And where do these roads lead to? The first one, where
13 does it lead to?
14 A. The first one, the one to Bo. If you leavexxxxx you
12:34:31 15 come to the junction. If you pass the junction then you'll be
16 heading for Bo.
17 Q. Where does the second one lead to?
18 A. The other one is coming from the junction to xxxx.
19 Q. It leads to xxxx. From xxxxxx that road will take you to
12:34:53 20 xxxxx?
21 A. Yes.
22 Q. And where does the third one lead to, the third road?
23 A. Bo.
24 Q. Bo. The road leading to Bo is the highway; is that not so?
12:35:28 25 A. Yes. That is the route we take every day.
26 Q. Mr Witness, what direction did you run to? The road
27 leading to Bo, the road leading to xxxx or the third road when
28 you say you escaped from these soldiers and went into the bush?
29 A. The section -- the area where I was hiding -- look at this

1 road going to xxx and the one going to Bo and the middle,
2 that was the bush I entered and I sat down.

3 Q. Which road did you say? I did not get which direction you
4 went to?

12:36:20 5 A. Where I was standing, the road coming from Bo to xxxxxx
6 and the one coming from xxxxxx to Bo. That was the bush. In
7 the opposite section of that bush is where I was hiding.

8 Q. You will agree with me, Mr Witness, that you ran away from
9 xxxxx Town. You went to the other direction of from/to xxxx

12:36:52 10 Town?

11 PRESIDING JUDGE: Are we on the first or second occasion
12 now?

13 MR MANLY-SPAIN: We are on the second one, Your Honour. I
14 have indicated that. In the first question I asked I said I
12:37:03 15 believe --

16 THE INTERPRETER: Could learned counsel ask the question
17 again?

18 MR MANLY-SPAIN:

19 Q. My question is: When you say you ran from the soldiers and
12:37:11 20 you have told us the direction that you ran to, I am putting it
21 to you that you ran in a direction opposite to xxxxxx Town, away
22 from xxx Town?

23 THE INTERPRETER: Yes, Your Honours, that sounds confusing;
24 opposite and towards. The interpreter seems to be having
12:37:38 25 problems with interpreting that.

26 MR MANLY-SPAIN:

27 Q. I did not say towards. I said you ran opposite from
28 xxxxxxxx Town, away from xxxx Town?

29 A. No. It was a junction. It was opposite the junction that

1 entered the bush. Whatever was going on in the xxxx, whether
2 a gun -- like gunshots I would hear it. I did not go far off.
3 In the -- opposite the junction. Opposite the junction, that was
4 the bush I entered.

12:38:29 5 Q. Mr Witness, I am asking you again, my question is simple.
6 You ran opposite from xxxx Town, away from xxxxx Town. If
7 you want me to put it another way: Where were the soldiers
8 heading from -- for?

9 A. They were going to xxxxxx.

12:38:52 10 Q. Okay. From the junction they were going to the town; is
11 that so?

12 A. Yes.

13 Q. Did you run in that direction, the direction they were
14 going?

12:39:08 15 A. Not a little. I did not do that.

16 Q. I am putting it to you, from what you have explained about
17 the three roads and where you said you went to, you ran away from
18 where the soldiers were going to?

19 A. Yes.

12:39:31 20 Q. Thank you. And this bush, you have told this Court, was
21 half a mile from the junction; is that not so?

22 MS NGUNYA: Your Honour, might I object. Only that the
23 witness did not say that. The witness said it was about three
24 lengths from the people sitting over there. There was no mention
12:40:01 25 of half a mile, Your Honour.

26 JUDGE LUSSICK: Yes. My last answer I recall is that
27 Mr Manly-Spain asked the witness how far was the bush that you
28 ran to from xxxxx Junction and then he put to the witness was
29 it one mile and the answer was, "Not up to a mile. It is half a

1 mile".

2 MR MANLY-SPAIN: As Your Honour pleases.

3 PRESIDING JUDGE: I agree, Mr Manly-Spain.

4 MR FOFANAH: Your Honours, may I be excused to use the

12:40:42 5 convenience?

6 PRESIDING JUDGE: Yes.

7 MR MANLY-SPAIN:

8 Q. Mr Witness, from this bush you were hiding -- I'm sorry,

9 from xxxxx Junction how far is it to the centre of xxxx

12:41:02 10 Town?

11 A. I said it, that it's half a mile. It is half a mile.

12 Q. No, Mr Witness, I want you to understand I'm not asking you

13 about the bush to xxxxxx Junction. I'm asking you about xxxx

14 xxxxxxxxx where you say your house is?

12:41:51 15 A. It's not up to a mile. It's half a mile. It's half a

16 mile.

17 Q. So am I right in saying from the bush that you were to the

18 centre of xxxxxxxx Town is about one mile?

19 A. No. It was not up to a mile. It was just opposite the

12:42:26 20 junction and it was just opposite the junction that I hid myself.

21 Q. I won't press you on that. But, Mr Witness, you would

22 agree with me that there were houses in between where you were

23 hiding and to the centre of town?

24 A. Yes.

12:43:02 25 Q. Is it a few houses or were there many?

26 A. There were many houses.

27 Q. Could you see from that bush to your house?

28 A. I would not be able to see there.

29 Q. Mr Witness, did you say this morning you saw some soldiers

1 using petrol to burn houses?

2 A. Yes. The very first time they went. That is what I'm
3 saying, the very first time they went there.

4 Q. Okay, Mr Witness, the very first time. This second time
12:44:17 5 did you see any soldiers from your hiding place using petrol to
6 burn houses?

7 A. No.

8 Q. Did you see any soldiers slitting the stomachs of women or
9 the stomach of a woman? It's not a laughing matter, Mr Witness.

12:45:01 10 A. I did not see it myself but when I saw the women they were
11 not -- their stomachs were not slit open. Then they killed some
12 by me and they passed me and went to the town and I was there and
13 heard -- I heard gunshots and I went and I saw that type of woman
14 with her stomachs open and the others lying down dead. Then even
12:45:32 15 tomorrow I would say that they did that. That is why in fact
16 today I'm saying that they did that.

17 JUDGE SEBUTINDE: Mr Interpreter, did you say, "They killed
18 some by me"? Did I hear you say that, "They killed some by me"?

19 THE INTERPRETER: No, no. By my side. They killed some by
12:45:57 20 the witness's side.

21 JUDGE SEBUTINDE: Meaning what?

22 THE INTERPRETER: Meaning the witness was saying they
23 killed some while he was standing at the junction. They passed
24 him and went to town and they then continued.

12:46:09 25 JUDGE SEBUTINDE: You mean they killed some in his
26 presence? Is that what you mean?

27 THE INTERPRETER: Yes, Your Honour.

28 MR MANLY-SPAIN:

29 Q. Mr Witness, on this second occasion how many groups of

1 soldiers went to xxxx?

2 A. The first time I was not able to count them. The ones that
3 came after that, they were in front of the vehicle. They were
4 killing people.

12:46:58 5 Q. The question is how many groups?

6 A. Many.

7 Q. Groups, not numbers of soldiers?

8 A. Two groups that met me at the junction. The third were in
9 the vehicle coming. I saw the third group and that was the time
12:47:25 10 I hid.

11 Q. Okay. So there were three groups of soldiers that went
12 that day, the second occasion?

13 A. Yes. The ones I saw.

14 Q. Among which of these three groups were these three soldiers
12:47:48 15 that you recognised, xxxxx and others?

16 A. The first group that passed me, they were among them.

17 Q. When they were talking to you did they stop to talk to you?

18 A. They did not stop to talk to me.

19 Q. Please explain how you were speaking with them or they were
12:48:38 20 speaking with you?

21 A. They were running. They passed me running and they asked
22 me, "Who are you?"

23 Q. Whilst they were running?

24 A. Very well.

12:48:56 25 Q. The person who spoke to you "Who are you", did he stop from
26 running?

27 A. He did not stop.

28 PRESIDING JUDGE: Mr Manly-Spain, I note the time. Have
29 you completed that particular part of your cross-examination?

1 MR MANLY-SPAIN: I think it's convenient, Your Honour, but
2 I will continue afterwards.

3 PRESIDING JUDGE: Very well. We will adjourn until quarter
4 past 2.00 p.m. Madam Court Attendant, please adjourn the Court.

12:50:54 5 [Luncheon recess taken at 12.45 p.m.]
6 [TB230605C - EKD]
7 [Upon resuming at 2.15 p.m.]

8 PRESIDING JUDGE: Mr Manly-Spain, you were in the course of
9 your cross-examination. Please proceed.

14:21:54 10 MR MANLY-SPAIN:
11 Q. Good afternoon, Mr Witness.
12 A. Yes, good afternoon.
13 Q. Mr Witness, can you remember exactly the person amongst the
14 soldiers who spoke to you at the junction on the second occasion
14:22:21 15 that they came to **xxxxxx**?
16 A. The soldier who spoke to me, I do not know. He just asked
17 me --
18 Q. Mr Witness, I want you to correct me. I want to ask you,
19 you said the first time that they came you ran away. Is that so?
14:23:23 20 A. Yes.
21 Q. You also said that they did certain bad things in **xxxxxx**?
22 A. Yes.
23 Q. Then the second time that the soldiers came, you stood at
24 the junction and waited for them, to talk to them?
14:23:55 25 A. I didn't stand there to talk to them. They met me there.
26 Q. Did you see them before they arrived at the **xxxxxx**
27 Junction where you were standing or sitting?
28 A. When I was standing at the junction, I just saw them come
29 up the hill and reach me down there.

1 Q. On that second occasion, Mr Witness, were there any
2 Kamajors in xxxx?
3 A. I was not in xxxx Town when they reached there. I was
4 at the junction when they reached to me.
14:25:12 5 Q. Where were you before you went to the junction?
6 A. I left my house in the morning and I went to my trap.
7 Q. From your trap, where did you go?
8 A. I went -- I came straight to the junction.
9 Q. Were there any Kamajors at the junction when you were
14:26:01 10 there?
11 A. When I was there, yes.
12 Q. Did you meet them at the junction?
13 A. Yes.
14 Q. Mr Witness, you said there were three groups of soldiers
14:26:39 15 and the person with whom you spoke was in the first group. Was
16 it long before the second group arrived?
17 A. It was not long. They were after one another.
18 Q. Would you say something like five minutes after the first
19 group?
14:27:21 20 A. It wouldn't be up to one minute, because they were after
21 each other. After one group has passed, the other would follow.
22 Q. Did the second group stop at xxxx Junction?
23 A. They didn't stop. As they were shooting -- just as they
24 were shooting, that's how they proceeded into xxxx.
14:28:00 25 Q. Can you tell this Court in what direction they were
26 shooting?
27 A. They were shooting towards people. They were shooting at
28 people.
29 Q. Where were these people?

1 A. We are all standing at the junction, but they were standing
2 in front of me.

3 Q. Did they shoot at you?

4 A. They didn't shoot at me. If they had shot at me, then I
14:28:56 5 wouldn't be sitting here today.

6 Q. Mr Witness, were they shooting, also, towards the direction
7 of xxxxxx Town?

8 A. They were going towards there. They were running towards
9 there, yes.

14:29:26 10 Q. No, I asked you whether they were shooting towards xxxx
11 Town.

12 A. Yes, indeed. Those who were killing those people in my
13 presence, they shot at these people. They pointed the gun at
14 these people and shot at them.

14:29:49 15 Q. Mr Witness, you have told us that these people were at the
16 junction with you, and you told us that the soldiers were going
17 towards xxx Town. I am asking you whether they were shooting
18 at xxxxx Town -- towards xxxxo Town, I'm sorry?

19 A. Yes, yes, yes.

14:30:13 20 Q. Okay, Mr Witness. How long after the second group had met
21 you at -- [Overlapping speakers]

22 A. Yes, they pointed it towards xxxx and they were shooting
23 as they went.

24 Q. How long after the second group arrived at xxxxx Junction
14:30:29 25 did the third group arrive?

26 A. They were after one another. They followed one another.
27 It was not long.

28 Q. One minute after?

29 A. It's like when you see this one, you'll see the other one

1 and you'll see the other one.

2 Q. Mr Witness, you told this Court that on your return to

3 ~~xxxxxx~~Town you met corpses?

4 A. Many.

14:31:35 5 Q. Did you tell this Court that you saw one gentleman was who
6 killed in a house sitting down? When you saw him he was sitting.

7 A. He was sitting down together with his child under his arm.

8 It was not in my house.

9 Q. You have described, Mr Witness, or given evidence to say
14:32:23 10 that this bullet -- that you saw him shot at the back of his
11 neck; is that so?

12 A. Indeed.

13 Q. Did you inspect him when you saw him sitting on the chair?

14 JUDGE SEBUTINDE: Mr Manly-Spain --

14:33:05 15 THE WITNESS: I didn't say he was sitting on a chair.

16 JUDGE SEBUTINDE: That's it. I was wondering where you got
17 that bit of evidence from.

18 MR MANLY-SPAIN: As Your Honour pleases. I thank you.

19 Q. Did you inspect him when you saw him sitting?

14:33:23 20 A. Very well, indeed, so that I wouldn't say it by hearsay.

21 Q. Did you also inspect the child?

22 A. Yes, I observed the child very well. I bent down and
23 observed the child very well.

24 Q. You said that this child was shot at his chest and the
14:33:53 25 bullet came out of his side?

26 A. Yes, it went through the chest and came out on the other
27 side and the cut the father on the arm, and the bullet was stuck
28 in his flesh.

29 Q. So you looked at the man's flesh; is that not so?

1 A. Very well indeed.

2 Q. Mr Witness, you were saying that you were not there -- were
3 you there when this happened?

4 PRESIDING JUDGE: When what happened, Mr Manly-Spain; the
14:34:42 5 inspection or something else?

6 MR MANLY-SPAIN: No, when this man and his child were shot.

7 THE WITNESS: I said I was not there. When I came from the
8 junction, at that time the soldiers who had killed these people
9 on their return, I was going away when I heard the screaming in
14:35:08 10 the house. That's why I entered it. That was the reason --
11 that's what made me see all of those things.

12 MR MANLY-SPAIN:

13 Q. Are you certain that what you are telling this Court is
14 true, that this bullet went through this child's chest, through
14:35:28 15 his side and into the man's arm? Is that true?

16 A. Very, very well indeed.

17 Q. Did you see the bullet?

18 A. I just saw the entrance of the bullet. The bullet wouldn't
19 catch somebody and you see that bullet.

14:36:10 20 Q. And you saw how the bullet travelled: through the child's
21 chest; through his side and into the man's arm? You knew that
22 was what happened?

23 A. Very, very well indeed, that's why I'm explaining now.

24 Q. Do you have any medical training, Mr Witness?

14:36:47 25 A. No, I have no medical training. I am not a medical doctor.

26 Q. But you're telling the Court that was exactly what happened
27 from your inspection of these people; is that so?

28 A. It's the truth, indeed.

29 Q. Are you not guessing, Mr Witness?

1 A. No, I'm not somebody who goes by hearsay.

2 Q. Are you telling this Court, Mr Witness, that not having
3 been present when the incident happened, you can say
4 categorically how the bullet travelled - not being there when it
14:37:58 5 happened?

6 A. Yes.

7 Q. Thank you.

8 A. Thank you too.

9 Q. Mr Witness, you said that only 20 corpses were buried; is
14:38:35 10 that so?

11 A. On that day. On that day. On that day. That's when we
12 started burying the corpses. We buried 21: 11 corpses who were
13 in the bush --

14 THE INTERPRETER: Your Honours, can the witness please go
14:39:04 15 over this piece of evidence?

16 PRESIDING JUDGE: Mr Witness, just wait a little moment.
17 Speak more slowly and repeat what you said, please, so that the
18 interpreter can hear you.

19 THE WITNESS: Okay, okay. When we buried the 11 corpses in
14:39:34 20 that grave, then the elders who had said we should bury the
21 corpses returned. Then those of us who stayed behind in the
22 town, we took nine corpses. Whenever we saw one lying down, we
23 would place a stick underneath it and place it on top of a zinc
24 and we'll bring it and place it in that same grave. We would put
14:40:14 25 some soil over it. Then somebody might see one somewhere else
26 and they'd call us to attention that here is one. We did this in
27 the absence of the others on that very day. We buried the nine
28 corpses in their absence.

29 MR MANLY-SPAIN:

1 Q. Yes, Mr Witness. Apart from that day, how many corpses do
2 you know of that were buried in xxx?

3 A. There was the other day, the woman who was killed together
4 with her companion --

14:41:04 5 Q. Excuse me, Mr Witness, just give us a number, not a story
6 of what happened. How many do you know of?

7 A. All the corpses that we buried in xxxx?

8 Q. Yes, after the first day. After the first day, the 20th,
9 that first day.

14:41:32 10 A. In xxxxx, after we had buried the 20 corpses in that
11 grave, we buried two others by their house: her and her
12 companion.

13 Q. Is that all?

14 A. That's not all.

14:42:00 15 Q. Give us the total number, please.

16 A. The number that we buried in xxxxxx Town, that we
17 continued burying at the junction, it could be up to 200 or more,
18 because we didn't bury them on just one day. When we started
19 burying them on that day, we would bury four to five every day.

14:42:44 20 Q. And for how long did you continue to bury them?

21 A. It was up to two weeks.

22 Q. Thank you very much. Mr Witness, at xxxxxxx Junction was
23 it the second group that shot at these people? The people you
24 say they killed at the junction, was it the second group that
14:43:34 25 shot at them?

26 A. The second group that came, they were the ones that started
27 shooting at xxxxxxx Junction.

28 Q. Mr Witness, I am putting it to you that you have not been
29 telling this Court the truth?

1 A. I am telling the Court that I wouldn't tell lies. That's
2 why I stood by to see, so that I wouldn't say it by hearsay.
3 Q. Mr Witness, when the investigator from the Special Court
4 went to see you, did they make any promise to you? If you want
14:45:03 5 me, I can put to you what I mean.
6 A. He didn't tell me that.
7 Q. They didn't they tell you that if you gave evidence you
8 will be protected?
9 A. Well, even if they said that, I can't remember now.
14:46:15 10 Q. So you can't remember if they said that. Were you not told
11 that if you gave evidence you would be taken out of this country
12 to stay in another country overseas?
13 A. They didn't tell me that.
14 MR MANLY-SPAIN: That is all, Your Honour.
14:46:15 15 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Who is next?
16 Mr Graham. Very well, please proceed, Mr Graham.
17 CROSS-EXAMINED BY MR GRAHAM:
18 MR GRAHAM:
19 Q. Afternoon, Mr Witness.
14:46:17 20 A. Good afternoon too.
21 Q. Please feel comfortable in assisting me to clarify any
22 issues that came up in the course of your examination-in-chief
23 and cross-examination, okay. Mr Witness, do you recall how many
24 statements you've made to the Prosecution to date?
14:46:36 25 THE INTERPRETER: Your Honours, the interpretation was
26 still going on when learned counsel started asking the questions.
27 PRESIDING JUDGE: Go back to the beginning of your
28 question, Mr Graham. Give the interpreters a chance.
29 MR GRAHAM: Thank you, Your Honour.

1 Q. Mr Witness, I was saying: Do you recall how many
2 statements you've made to the Prosecution to date?

3 PRESIDING JUDGE: Mr Graham, I think that has already been
4 asked of the witness.

14:47:03 5 MR GRAHAM: Okay, Your Honour.

6 PRESIDING JUDGE: I think the answer was three.

7 MR GRAHAM: Okay, Your Honour, I'm going to proceed from
8 there.

9 Q. Mr Witness, am I right in saying that you made three
14:47:15 10 statements to the Prosecution to date? Is that right?

11 MR GRAHAM: Your Honour, I am not getting any response at
12 all.

13 THE INTERPRETER: The Mende interpretation is still going
14 on, learned counsel.

14:47:37 15 MR GRAHAM: Okay, I'll be patient.

16 THE WITNESS: Yes.

17 MR GRAHAM:

18 Q. Mr Witness, you also would agree with me that you also made
19 three additional visits -- had three additional visits with the
14:48:11 20 Prosecution after you gave the three statements that I just
21 referred to?

22 A. Yes, yes.

23 Q. Mr Witness, can you kindly tell us what the purpose these
24 additional visits were?

14:48:47 25 A. Yes.

26 Q. Please tell us what the purpose was. What was the specific
27 purpose of your additional visits with the Prosecution?

28 MS PACK: Your Honour, I've got to rise to object to this
29 question and any further questions along this line. Again, going

1 to contents of pre-testimony meetings between the Prosecution and
2 the witness as opposed to just being limited to their number,
3 duration and their dates. In my submission, Your Honours'
4 earlier decision on this issue, dated 15th of June 2005, would
14:49:28 5 support the proposition that the question should be limited to
6 those issues and not extend on to broader issues which my learned
7 friend has sought to ask, in my submission, by that question,
8 which was what was the purpose of that meeting. Slightly
9 ambiguous language, but it seems to me that he is asking the
14:49:50 10 witness about the contents of the meeting.

11 MR GRAHAM: I don't think I am. I am just trying to find
12 out exactly -- I'm not going into the details of the meetings
13 that took place. I am not seeking to also find out exactly the
14 nature of the conversations that took place. All I am trying to
14:50:00 15 find out is that what was -- because, Your Honour, I have a copy
16 of an inter-office memorandum here, establishing that there were
17 three additional visits with the OTP after the witness statements
18 were taken. In respect of that, certain allowances and monies
19 were given to the witness as well. I am just trying to
14:50:19 20 establish -- it could well be that they met to review his
21 statements. I am not going into the substance of the
22 conversations. I'm just seeking to find out the purpose of the
23 meetings, additional visits.

24 PRESIDING JUDGE: Have a seat, Mr Graham.

14:50:37 25 MR GRAHAM: Thank you, Your Honour.

26 [Trial Chamber confers]

27 PRESIDING JUDGE: The unanimous view of the Bench is that
28 the question has not yet touched into any forbidden area. The
29 objection is premature and the question will be allowed. Please

1 proceed, Mr Graham, to put the question.

2 MR GRAHAM: I'm most grateful, Your Honour.

3 Q. Mr Witness could you please tell this honourable Court the
4 purpose of these additional visits.

14:51:56 5 A. Yes.

6 Q. What was the purpose of the additional visits, Mr Witness?

7 A. I wouldn't just come on my own. They would send for me.

8 MR GRAHAM: Your Honour, I think I'm still waiting for the
9 translation, if I'm right.

14:52:33 10 THE INTERPRETER: The interpretation has been completed.

11 MR GRAHAM: I didn't hear that.

12 Q. But in any case, Mr Witness, I am not asking how and why
13 you came to Freetown. What I am seeking to find out is that:
14 What was the purpose of your additional visits, meetings that you
14:52:49 15 had with the Prosecution?

16 A. There was no other reason apart from this one, when they
17 went and asked me if I knew what had happened, if I knew anything
18 about what had happened. So when I came, when I came to them,
19 what I had said before was what they would read to me again.

14:53:39 20 Q. Okay, Mr Witness, during the period of this visit, as well
21 as the time that you gave your statements, did you receive any
22 monies from the OTP -- from the Prosecution, I'm sorry?

23 A. Yes, but I'll explain why they gave it to me.

24 Q. Can you tell this honourable Court why you were given those
14:54:31 25 monies?

26 A. Yes.

27 Q. Why, Mr Witness, were you given those monies?

28 A. They gave me those monies. I am a family man. When I'm
29 leaving there to spend time outside, I do leave something behind

1 for their sustenance. As for me during the trip, I would feel
2 hunger and I would need to buy food to eat. That's how those
3 monies were spent, as far as I know.

4 Q. Mr Witness, if you may clarify what you just said. Let me
14:55:23 5 just simplify. You said, one - and correct me if I am wrong -
6 that you were being given the monies because you had to provide
7 sustenance for your family back home, and, secondly, also to
8 provide for your transportation; is that what you are saying?

9 A. Yes.

14:55:48 10 Q. Mr Witness, were you given these monies each time during
11 your visits or you received it in one lump sum?

12 A. They wouldn't give me all at the same time, because they
13 were not paying me. They were giving it to me so I will leave it
14 with my family.

14:56:12 15 Q. Okay. Can you tell us approximately how much you received
16 on each visit?

17 A. Yes.

18 Q. Yes, how much did you receive on each visit? My question
19 was how much were you given on each visit?

14:56:37 20 A. Well, 112,000 leones for my family, for their sustenance.

21 Q. Okay, Mr Witness, I think I will try and make it a little
22 bit simpler for you. I think your first statement was taken on
23 November 27, 2002; is that right?

24 A. Yes.

14:57:21 25 Q. And do you recall how much you were given on this day?

26 A. No, I can't remember what was given to me on that day. I
27 wouldn't remember.

28 Q. And then what about your second visit on November 28, 2003;
29 do you recall how much you were also given on this day?

1 A. What are you talking about, whether I did it here or in Bo?
2 Q. Mr Witness, I'm saying that you had a total of six
3 meetings, so far as my records indicate. Six different visits
4 with the Prosecution. And I am trying to establish how much you
14:58:21 5 were given on each such visit. I referred you to your first
6 visit, I think which took place in Bo on November 27, 2002.

7 PRESIDING JUDGE: Mr Graham, the witness has asked you to
8 clarify where. Just clarify for him.

9 MR GRAHAM: Okay, I think in Bo. Yes, in Bo. Thank you,
14:58:45 10 Your Honour.

11 THE WITNESS: Okay. The money that they gave me from
12 xxxx to xxx, is that what you want to know about?

13 MR GRAHAM:

14 Q. What I want to know about is how much money you were given
14:59:02 15 during your second visit with the Prosecution on November 28th,
16 2003?

17 A. It was more than 10,000 Leones.

18 Q. More than 10,000 Leones. Mr Witness, was it more than
19 15,000 leones?

14:59:38 20 A. Ten thousand Leones, 10,000 Leones. That's what they gave
21 me on that day. I didn't go out of xxxxxx and sleep out.

22 Q. Thank you, Mr Witness. What about your -- and you had
23 another visit on 31st March -- around 31st of March, April 1st of
24 2005; is that right?

15:00:11 25 A. If I came to xxxx? You will have to tell me where I came.

26 Q. I think your visit on the 31st of March/April 1st I think
27 was here in Freetown, if I'm right.

28 A. Yes.

29 Q. And how much were you given on this day?

1 A. The first day that I reached here, when I was returning,
2 they gave me 70,000 Leones.

3 Q. Thank you, Mr Witness. Mr Witness, I'm also going to refer
4 to three additional visits, which I believe all took place here
15:01:18 5 in Freetown. There was another visit, I think, when you came
6 here to Freetown from 11th of April to May 7th. Mr Witness, how
7 much money were you given during this visit?

8 A. They gave me something up to the tune of 112,000 Leones for
9 me to provide money -- the sustenance for my family.

15:02:00 10 Q. Thank you, Mr Witness. Mr Witness, again there was another
11 visit here in Freetown from the 14th of May to, I believe, May
12 27th of 2005. Can you please tell this honourable Trial Chamber
13 how much you were given during this visit?

14 A. They gave me that same money. That's what I used for
15:02:43 15 sustenance for my family. It is out of that money that I take to
16 send for my family for their sustenance.

17 Q. By that, am I right in saying the amount was 112,000
18 Leones?

19 A. Yes.

15:03:03 20 Q. Thank you, Mr Witness. Mr Witness, again, for the last
21 time, I think you returned to Freetown again on 9th of June 2005.
22 Could you please tell us, again, how much you were given on this
23 day?

24 A. This last one that I am sitting on account of here?

15:03:42 25 Q. Not exactly, Mr Witness. I'm referring to your visit here
26 on the 9th of June 2005?

27 A. Well, that same money that I talked about, that was what
28 they would give to me that I leave behind for my family for their
29 sustenance. That is what they would give to me.

1 Q. Mr Witness --

2 A. Both the same thing.

3 Q. So am I right in saying that on this day you were again
4 given 112,000 Leones?

15:04:22 5 A. Yes.

6 Q. Mr Witness, were you at any point in time informed that
7 this money was being given to you for the sustenance of your
8 family?

9 A. Very well indeed.

15:04:53 10 Q. Please could you repeat that again. I don't think I heard
11 you very well. Please.

12 A. I said it's true that it's for their own feeding.

13 Q. Mr Witness, can you tell us who told you that the monies
14 being given to you was being given to you for the purpose of
15 sustaining your family?

15:05:24 16 A. I am sure -- I'm a mature person. Whenever I'm leaving my
17 home to get the truth from me, I will tell you that I'm a family
18 man, I would not leave them like that. If you want to know the
19 truth from me, I should leave something with my family so that
15:06:11 20 they'll get something to eat, because I don't know how long it
21 will take me. Maybe the day on which I am supposed to return, I
22 may not return. So that was what I thought of and it was for a
23 reason that they gave me that money.

24 Q. Mr Witness, before I go on, please, I would prefer that you
15:06:42 25 just simply answer the questions that I put to you. What I
26 wanted to know was not your responsibility towards sustaining
27 your family, but simply who told you that the monies that were
28 being given to you was for the sustenance of your family?

29 A. I thought of it, that I have to do that.

1 Q. Mr Witness, you have not -- I'm sorry you haven't answered
2 my question. I asked you an earlier question relating to who
3 told you that the monies being given to you was to be used for
4 the sustenance of your family. Please get me right that. That
15:07:47 5 is entirely different from your own personal responsibility
6 towards maintaining your family. I'm simply trying to find out
7 who told you that the monies being given to you was to be used
8 for the sustenance of your family?
9 A. Yes.

15:08:12 10 PRESIDING JUDGE: Mr Witness, do you understand the
11 question?
12 THE WITNESS: I thought it myself. Before I come to say
13 the truth, I shall feed my family. And they gave me that money
14 so I could leave it for my family before I could come here.

15:08:50 15 MR GRAHAM:
16 Q. Is that what you were told or you made that decision out of
17 your own?
18 A. I said it myself.

19 Q. Okay. Mr Witness, could you tell us approximately how much
15:09:10 20 money you received in total from the Prosecution during all these
21 visits, both in Bo and also here in Freetown, over the period we
22 have just referred to?
23 A. I could not remember, because it was not given to me in one
24 day.

15:09:48 25 Q. Mr Witness, I am just going to take you back a little bit
26 in reference to your answers that you just gave in response to my
27 questions as to how much money you received over the period, and
28 I stand to be corrected. You did say that you did not recall how
29 much you were given during your first visit in Bo on November

1 22nd, 2002; is that right?

2 A. It's true.

3 Q. Am I also right in saying that you just said on November
4 28th, 2003, during your second visit in Bo, you were given an
15:10:47 5 amount of 10,000 Leones?

6 A. Yes.

7 Q. Am I also right in saying that during your third visit
8 around the 31st March/April 1st of 2005 you received an amount of
9 80,000 Leones?

15:11:23 10 A. Yes.

11 Q. Am I also right in saying that during your visit from 11th
12 April 2005 to May 7, 2005 you received an amount of 112,000
13 Leones?

14 A. Yes.

15:11:55 15 Q. Mr Witness, am I also right in saying that during your last
16 visit of June 9th, 2005 you also received the same amount of
17 112,000 Leones?

18 A. Yes.

19 Q. Mr Witness, am I right in saying that apart from these
15:12:30 20 monies you claim to have received, you have not received any
21 additional sums of money at all?

22 JUDGE LUSSICK: You mean from the Prosecution or from
23 anyone in general?

24 MR GRAHAM: Sorry, Your Honours. From the Prosecution.
15:12:49 25 From the Prosecution. Or for that matter, Your Honours, from the
26 Special Court of Sierra Leone, if I may put it that way.

27 THE WITNESS: Nothing else.

28 MR GRAHAM:

29 Q. Did you receive any money for medical expenses, Mr Witness?

1 A. Nobody has given me money for medical.
2 Q. Thank you, Mr Witness. Did you --
3 A. Because I've not fallen ill.
4 Q. I'm happy with your response; you don't have to bother to
15:13:44 5 go any further. Mr Witness, did you also -- excuse me,
6 Your Honours. Am I right in saying that -- excuse me,
7 Your Honours. Did you also receive any money for farm help?
8 A. No.
9 MR GRAHAM: With your permission, if I may just confer with
15:14:26 10 my learned colleagues just for a second, thank you. Thank you,
11 Your Honours.
12 Q. So, Mr Witness, I take it from you that apart from all the
13 amounts we have just referred to, just for the sake of
14 reconfirmation, you have not received or did not receive any
15:15:14 15 additional monies from the Special Court of Sierra Leone?
16 A. Not a little.
17 Q. Mr Witness, would I be telling the truth if I told you that
18 you received 50,000 Leones for medical expenses from the Special
19 Court of Sierra Leone?
15:15:59 20 A. Did they give it to me?
21 Q. Mr Witness, I am asking the questions for now, please. My
22 question is that: Did you receive any monies from the Special
23 Court of Sierra Leone for medical expenses? That is just my
24 simple question, Mr Witness.
15:16:20 25 JUDGE LUSSICK: No, you asked him did he receive 50,000
26 Leones.
27 MR GRAHAM: Okay sorry, Your Honours.
28 Q. Mr Witness, let me come back again. I'm sorry. My
29 question again: I'm saying would I be speaking the truth if I

1 put it to you that you received 50,000 Leones from the Special
2 Court of Sierra Leone as medical expenses?

3 A. If you say that, maybe it's true. But I never received any
4 money that here is this money, go and buy some medicines for your
15:17:17 5 own health.

6 Q. So your answer is that, simply, you did not receive 50,000
7 Leones for medical expenses?

8 MS NGUNYA: Your Honour, please allow me to correct the
9 answer that the witness said. He did not say he never received
15:17:43 10 any money. He actually said that if he got any money, he is not
11 sure what it was for.

12 MR GRAHAM: Please, we can refer to -- that is not my
13 understanding of what he said.

14 MS NGUNYA: We leave it to the Bench or to the transcript,
15:17:55 15 but he never said he received money for medical expenses. He
16 said if he received any money, he does not know what it was for.

17 PRESIDING JUDGE: I don't have that recorded. I have, "If
18 you say that, maybe it is true. But I did not receive money and
19 told 'that is for your health to buy medicines'."

15:18:16 20 MR GRAHAM: Okay, we'll go on.

21 Q. Mr Witness, did you also receive 70,000 Leones from the
22 Special Court of Sierra Leone for farm help? Farm help.

23 A. Well, even if I am to accept, but the money that they used
24 to give me from when I was living there, it was there for food
15:19:02 25 and for farming, but it was not really identified. So I will not
26 be able to tell.

27 Q. Mr Witness, my question is very simple. Which is that:
28 Did you receive, to the best of your knowledge, 70,000 Leones as
29 monies given to you as farm help?

1 A. I could remember. It happened.

2 [TB230605E-SGH]

3 Q. Mr Witness, you recall your answer to an earlier
4 question. I asked a moment ago specifically enquiring of you
15:19:45 5 whether you received 70,000 Leones as farm help, and to the
6 best of my recollection you said no?

7 PRESIDING JUDGE: He did not say that, Mr Graham. I have you
8 asked and "not really identified, so I will not be able to tell."

9 MR GRAHAM: Okay, thank you, Your Honour. I will proceed,
15:20:23 10 I will move in to another area.

11 Q. Mr Witness, in the course of your evidence-in-chief,
12 your statements given to the Prosecution on November 2002, you
13 consistently refer to soldiers; am I right?

14 A. Yes.

15:21:03 15 Q. Mr Witness, when you say "soldiers," could you give us a
16 little bit more information about persons you describe as
17 soldiers? It is SLA soldiers, the rebels; just give us a
18 little -- could you, please, just give us a little bit more
19 information about what you mean by soldiers. Were these regular
15:21:25 20 soldiers?

21 A. Those that were called as the AFRC soldiers, those were the
22 soldiers. My statement was really concerned about them. Apart
23 from that, the fatigue they had on is what soldiers put on. But
24 the names, the names were really different. So that is how it
15:22:25 25 is.

26 Q. Let me get a little bit of clarification here. You said
27 the uniforms that they had on; what was so distinct about these
28 uniforms that made you believe that these were AFRC soldiers?

29 A. Those that were called AFRC soldiers, the outfit they had

1 on, they had a red band on their heads. They also had the same
2 uniform as those -- they had the same uniform as the first
3 soldiers. They were referred to as AFRC and those are the
4 soldiers I know.

15:23:42 5 Q. Who referred to them as AFRC?

6 A. They themselves called themselves as the AFRC. Their own
7 government that took over the reigns of government, that was the
8 name.

9 Q. Are you saying that the AFRC if administrated made an
15:24:14 10 announcement describing the uniforms that AFRC soldiers had on?
11 Is that your case?

12 A. They didn't make any announcement that that's the uniform
13 they'll put on.

14 MR GRAHAM: I don't think I've got a response from the
15:24:45 15 witness on the second leg.

16 PRESIDING JUDGE: I get the impression he may be clarifying it.
17 Let us see. Did you understand the question that was asked, Mr Witness?

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: So what is your answer?

15:25:14 20 THE WITNESS: That is what I said, that they didn't give
21 them their names, but they were calling out their names. And the
22 government -- their government -- their government said so. And
23 the RUF government. And that's why we were calling them thus,
24 because they themselves were calling the name of their government
15:25:39 25 the AFRC.

26 MR GRAHAM:

27 Q. Mr Witness, you said the -- when and where did the AFRC and
28 the RUF government make this announcements or declarations, so to
29 speak, relating to the uniforms as you just mentioned?

1 A. I heard it from their government, that the government that
2 takes over power, the name that is given to that government,
3 their own way of dressing is different. And they were wearing
4 the same soldier uniform. And that's what it is.

15:26:52 5 Q. Again, where and when -- or let me just break it down, just
6 to make it a little bit simpler. How did you hear this
7 announcement, how?

8 A. Yes, it was on the radio that that is what they are called.

9 Q. Let me get a clear distinction. What's the name of the --
15:27:22 10 get a very clear distinction between what they were called,
11 because, Mr Witness, what we are talking about now are the
12 uniforms, and this line of questioning is coming up because I
13 wanted to find out the persons that you were referring to as the
14 soldiers, how did you arrive at the conclusion that these were
15:27:41 15 AFRC soldiers. That is what I am asking. I need an answer. How
16 did you --

17 A. I heard it -- I knew it through the radio. They said
18 Johnny Paul Koroma, the name of his own party is AFRC. So his
19 soldiers, they were the ones who came and caused that destruction
15:28:13 20 in xxxx. And, indeed, they did come and cause the
21 destruction.

22 Q. Mr Witness, with all respect, please just restrict yourself
23 and give answers to the questions that are put to you, to make it
24 all very simple for us over here. What I am trying to find
15:28:42 25 out -- or let me put the question this way again. Is it your
26 testimony that Johnny Paul made an announcement on radio that the
27 AFRC are taking over the reigns of government?

28 A. Very well.

29 Q. Is it also your testimony that reference was made to the

1 fact that those who had taken over power were referred to as the
2 AFRC?

3 A. Very well indeed.

4 Q. Is it also your testimony that an announcement was also
15:29:24 5 made giving a description of the military uniforms that were worn
6 by AFRC soldiers?

7 A. Very well indeed.

8 MR GRAHAM: Your Honours, I didn't hear him well.

9 PRESIDING JUDGE: I heard, "Very well indeed."

15:29:28 10 MR GRAHAM: Is it? Okay, Your Honours, I will move on.

11 Q. Mr Witness, earlier on you did make reference to the
12 fact that the soldiers who came to xxxx referred to
13 themselves as AFRC soldiers; is that right?

14 A. Very, very well indeed.

15:30:11 15 Q. Mr Witness, were there any deployment of troops in xxxxx
16 before the June -- before the May 25th coup -- the May 25th, 1997
17 coup that overthrew President Kabbah's government?

18 A. Yes.

19 Q. How do you know there were deployment of troops? How do
15:30:38 20 you know?

21 A. We were together in the town. I was in the town.

22 Q. And were these troops stationed in xxxx?

23 A. Very, very well indeed.

24 Q. For how long had they been in xxxx prior to the May 25th
15:31:09 25 1997 coup d'etat?

26 A. They stayed there for long.

27 Q. Could you --

28 A. They even spent up to two years there.

29 Q. Were these government soldiers stationed there at xxxxx?

1 A. Those who were there in **xxxxx**, the man that I
2 accommodated in my house, they said their own government is
3 called RUF. The soldiers who were there.

4 Q. Mr Witness, that is not -- my question is simply that --

15:31:58 5 A. Yes.

6 Q. How did you or what did you call the troops or the soldiers
7 that were stationed in **xxxxx** prior to the coup d'etat?

8 PRESIDING JUDGE: I don't quite understand that question: "What
9 do you call them?" Do you mean --

15:32:18 10 MR GRAHAM: I will rephrase.

11 Q. Did you refer to them as SLAs, rebels? What?

12 A. At that time, when the soldiers are in **xxxxxxx**, it wasn't
13 an SLA time. We were calling them rebels, RUF. Those are names
14 we heard.

15:32:50 15 Q. Okay. And, Mr Witness, did I just hear you say that the
16 soldier who you referred to as **xxxx** --

17 A. Yes.

18 Q. The soldier that you referred to as **xxxxxxx** was an RUF
19 soldier; is that what I just heard you say?

15:33:18 20 A. Yes, they were there. They were staying there.

21 Q. Are we speaking in singular or plural? We are talking
22 about **xxxxxxx** and you are saying "they were there". Are you
23 talking about one or are you talking about more than one?

24 A. Yes.

15:33:50 25 Q. Yes, one, or more than one?

26 MS NGUNGAH: Your Honour, with your permission. I am not quite
27 sure what the question is learned counsel is putting to the witness. Is
28 it about whether they were RUF? Is it about whether they were many? Is
29 it about this gentleman who he identified? I believe that the question

1 should be put clearly to the witness so at least he can answer credibly.

2 MR GRAHAM: I believe I have put that question, my learned
3 friend, very clear to him, but I will still proceed to try my
4 best to get a little bit --

15:34:22 5 PRESIDING JUDGE: Repeat the question.

6 MR GRAHAM: Your Honours, I am asking this question
7 principally because in response to my earlier question --

8 PRESIDING JUDGE: I said to repeat it.

9 MR GRAHAM: To repeat the question.

15:34:34 10 Q. Okay. I am saying that you referred to the fact that
11 "they" were staying with you, and I want to know whether you
12 were referring to one person, one soldier, or more than one
13 soldier who was staying with you at that point in time.

14 A. Those who were in my house, I gave them three rooms. Some
15:35:09 15 of them were in the rooms in threes, there were others in twos
16 and others in fours.

17 Q. And am I right in saying that these were all RUF soldiers?

18 A. That's what they were calling them. I would want to
19 believe so myself.

15:35:31 20 Q. You stayed with them for some time, didn't you?

21 A. Yes.

22 Q. So, Mr Witness, if they were being called RUF soldiers,
23 what were you calling them at that point in time?

24 A. I said soldiers.

15:35:53 25 Q. You referred to them as soldiers?

26 A. Yes.

27 Q. So, Mr Witness, in addition to xxxxxx, whom you refer
28 to as an RUF soldier, who was living with you, you also indicated
29 that there were also two other soldiers staying with you who were

1 also RUF soldiers as well. Is that not your case?

2 A. Yes, that's how they called them.

3 Q. Mr Witness, you also in your earlier testimony did indicate
4 that the three gentlemen who you had met earlier on at the
15:36:59 5 junction whom you knew way back, specifically Junior xxxx,
6 xxxx and xxxx, these were the very same gentlemen
7 you met at xxxx Junction during the second incident June 24th,
8 2005?

9 A. Yes, in Tikonko.

10 Q. You had a prior relationship with them as tenants in your
11 house, didn't you?

12 A. Yes, they were indeed in my house.

13 Q. During the period that they were leaving with you what were
14 they doing? What were they doing? As RUF soldiers what were
15:37:51 15 they doing?

16 A. They were in that town, so they were governors but reached
17 a time when they said that they wanted the soldiers to assemble
18 in Bo and they left and went. They left my house, all of them,
19 and they went. When they went I only saw them when that thing
15:38:21 20 happened, when they said the AFRC has taken over the reins of
21 government in this country. That's when I saw them, on that day
22 when they came to xxxxx. So that's it.

23 Q. Mr Witness, in your cross-examination by my learned
24 colleague Mr Spain you said xxxxxxxx was a soldier, didn't
15:39:00 25 you?

26 A. Yes.

27 MR GRAHAM: Your Honours, with your permission if I may
28 refer to the witness statement of 27th November 2002 specifically
29 paragraph 1, line 13 going into 14. Line 13 and 14, the last two

1 lines. With Your Honours' permission if I may just --

2 PRESIDING JUDGE: Which page is that, Mr Graham?

3 MR GRAHAM: Your Honour, the first page of 27th
4 November 2002 statement.

15:39:40 5 BY PRESIDING JUDGE: 72 --

6 MR GRAHAM: 27th November 2002.

7 PRESIDING JUDGE: Is that page 7292?

8 MR GRAHAM: Yes, Your Honour. I'm sorry. 7292, that's
9 right.

15:39:53 10 Q. In the penultimate paragraph - Your Honour, with your
11 permission if I may read - it says that: "xxxx was also xxxx
12 xxx at Methodist Primary school and was an NA police at
13 xxxxx"?

14 A. Yes.

15:40:13 15 Q. Could you explain what you mean by NA police at xxxxx?

16 A. Yes.

17 Q. Please do explain.

18 A. When they say NA police it means the Native Administration
19 Police owned by the paramount chiefs in the town. They attend to
15:40:49 20 court sittings in town. They are sent to conduct court cases in
21 town. They will be in that police force until they are given
22 money, become corporals, some will be turned into sergeants and
23 some sergeant majors.

24 Q. So is it your testimony that xxxx was a police and an RUF
15:41:22 25 rebel at the same time?

26 A. At that time when the soldier business went to xxxxxx he
27 became a soldier. He left the work and became a soldier and they
28 did send him to places. It was not in one day -- one year,
29 rather.

1 Q. Mr Witness, I would also refer to your testimony earlier on
2 today when you did indicate that you had three houses; am I
3 right?

4 A. That's true, indeed.

15:42:11 5 Q. And that the new one was burnt during the June 25 incident;
6 am I right?

7 A. Very well, indeed.

8 MR GRAHAM: Your Honours, if I may refer to witness
9 statement page number 7296 and, Your Honours, with your
15:42:57 10 permission if I may refer to paragraph 4. I will read it, Your
11 Honour.

12 Q. It says that: "When I came to my home I saw that one of my
13 two houses was burnt. Apart from that all my properties had been
14 looted." Mr Witness, do you recall making this statement?

15:43:24 15 A. Yes.

16 Q. So can you tell this Court for the last and final time how
17 many houses do you own; two or three?

18 PRESIDING JUDGE: Mr Graham, that question is in the present
19 tense. Are you talking about at the time of this incident?

15:43:44 20 MR GRAHAM: Very well, Your Honour. Thank you very much.
21 Your Honour, I think that probably it is better to speak in the
22 past tense.

23 Q. How many houses did you own at the time?

24 A. Three houses. I had built three houses in my compound.

15:44:12 25 Q. Mr Witness, is there any reason why you then stated two
26 houses on around 31st March or 1st April of 2005 and also why you
27 did say today that you owned three houses? Is there any reason
28 for this conflict or contradiction in your testimony?

29 A. I said I had three houses. They burnt two houses. I

1 didn't say they burnt three houses. The one that was finished,
2 when they reached -- when soldiers reached the town that's the
3 one they would burn, the ones in which people dwelt. The ones
4 that I had built, the bigger one was unfinished. It had no
15:44:58 5 doors, it only had frames. At the end, they destroyed it. They
6 fired bullets in it and they destroyed the zinc.

7 Q. Mr Witness, if I may remind you again just to simply focus
8 on answering the questions that I have put to you. Just simply
9 so. Once again, Mr Witness, did I hear you say that two of your
15:45:32 10 houses were burnt down?

11 A. I said I owned three houses and that two of those houses
12 were burnt.

13 MR GRAHAM: Once again, Your Honours, I will refer again to
14 page 7296 to paragraph 4 again when the witness states that --
15:45:52 15 with your permission if I may read: "When I came to my home I
16 saw" --

17 PRESIDING JUDGE: Are you challenging him on a prior inconsistent
18 statement, Mr Graham?

19 MR GRAHAM: Yes, Your Honour.

15:46:06 20 PRESIDING JUDGE: Have you laid the foundation for that
21 challenge?

22 MR GRAHAM: Well, Your Honour, I think I will proceed now
23 and I will come back to that later. I will proceed to another
24 line of --

15:46:14 25 PRESIDING JUDGE: If you are going into another line of
26 cross-examination on another issue it may be an appropriate time to
27 take the usual mid-afternoon break.

28 MR GRAHAM: Very well, Your Honour.

29 PRESIDING JUDGE: In that case, Madam Court Attendant,

1 please adjourn court for 15 minutes.

2 [Break taken at 3.44 p.m.]

3 [On resuming at 4.00 p.m.]

4 MR MANLY-SPAIN: May it please Your Honours, we just wish
16:03:27 5 to bring to your notice, my colleagues and I on the Defence, that
6 after you left court --

7 PRESIDING JUDGE: After you left court, yes.

8 MR MANLY-SPAIN: After the Bench left.

9 PRESIDING JUDGE: I see.

16:03:39 10 MR MANLY-SPAIN: Whilst we were discussing amongst
11 ourselves we were informed by one of the security men that we
12 were being heard all over the place. We were asking that this be
13 taken care of.

14 PRESIDING JUDGE: Indeed.

16:03:51 15 MR MANLY-SPAIN: It has happened before.

16 PRESIDING JUDGE: I notice sometimes one or two of you
17 leave on your microphones but I'll have that looked into right
18 away.

19 MR MANLY-SPAIN: As Your Honour pleases.

16:04:03 20 PRESIDING JUDGE: Thank you. Madam Court Attendant, can
21 you check what's happening, if there is something being done.

22 MS EDMONDS: Yes, I will check into that.

23 PRESIDING JUDGE: Mr Graham, you were cross-examining the
24 witness.

16:04:20 25 MR GRAHAM: Thank you, Your Honour. There are just a few
26 questions that I have left
27 Q. Mr Witness, you recall that during your statement on
28 27th November 2002 whilst describing the incident of
29 June 24th, 1997 you did state -- and, Your Honours, I would

1 want to refer to page, is it 9292?

2 PRESIDING JUDGE: Yes, that's the first page of that statement.

3 MR GRAHAM: Yes, the first page. Thank you, Your Honours.

4 JUDGE SEBUTINDE: Page 7292.

16:05:33 5 MR GRAHAM: Sorry, it is not very clearly here from the

6 photocopying. I'm sorry, Your Honours. It's 7292. Your Honour,

7 specifically I am reading lines 4 and 5, with your permission.

8 Q. Mr Witness, if you may listen --

9 PRESIDING JUDGE: Pause, Mr Graham, was this not put by

16:05:51 10 Mr Manly-Spain, lines 4 and 5?

11 MR GRAHAM: But, Your Honour, I am approaching it from a

12 different perspective in respect to trying to draw some

13 inconsistencies between his testimony earlier on this morning and

14 also this statement as well. I would just put the question and,

16:06:12 15 My Lord, if it's repetitive I will [indiscernible].

16 Q. Mr Witness, you did state, and if I may read: "I was at

17 xxxxxx Junction with other community members like xxxxx

18 and one Ali" --

19 THE INTERPRETER: My Lord, counsel is going too fast. Can

16:06:31 20 he please slow down so that it can be interpreted to the accused

21 person -- to the witness.

22 MR GRAHAM: I am sorry. Thank you, I will take note.

23 Thank you very much. I will begin to read again.

24 Q. "I was at xxxxx Junction with other community members

16:06:52 25 like xxxxx and one xxxxx when a boy xxxxx

26 came from the Bo Road and informed us that soldiers were

27 coming into xxxxxx." Mr Witness, you recall making that

28 statement, don't you?

29 A. I cannot remember very well because it's quite a long time

1 since I made a statement.

2 Q. Mr Witness, I am referring to your statement of
3 November 27th, 2002. That you made a statement, this statement,
4 on that day, I'm putting it to you that you did make that
16:07:37 5 statement?

6 A. Yes.

7 Q. Mr Witness, earlier on this morning in your
8 evidence-in-chief you are referring to the same incident on the
9 same day. Mr Witness, you did say: "A tall man came running and
16:08:15 10 sweating saying soldiers were coming from" --

11 THE INTERPRETER: My Lord, learned counsel is still going very
12 fast.

13 MR GRAHAM: I am sorry, I think I will get [indiscernible].

14 Q. And, Mr Witness, I was referring you to your testimony
16:08:32 15 earlier on today when referring to the same incident you did say
16 that, "A tall man came running and sweating saying the soldiers
17 were coming from the Bo road."

18 A. I said that.

19 Q. Mr Witness, you will agree with me that a boy is certainly
16:09:26 20 different from a tall man; isn't it? I will re-phrase. Did you
21 understand?

22 A. Yes.

23 Q. Mr Witness, how then do you explain the inconsistencies in
24 these two accounts?

16:09:43 25 A. Which one? Which one? Which one?

26 Q. I am referring to one in your statement of November 27th,
27 2002. You said, "A boy, ~~xxxxxx~~, came from the Bo road."

28 A. Yes.

29 Q. "And he informed us that soldiers were coming into

1 xxxx."

2 A. Yes. Yes.

3 Q. And I am referring you again to your earlier testimony
4 today when you were referring to the --

5 A. Yes.

6 Q. -- not to the first incident --

7 A. Yes.

8 Q. -- but to the second incident.

9 A. Yes.

16:10:40 10 Q. And you did say --

11 A. Yes.

12 Q. -- that, "A tall man came running and sweating saying
13 soldiers were coming --"

14 A. Yes.

16:11:01 15 Q. "-- on the Bo Road." And I asked that you agree with me
16 that a boy in this instance, xxxxxx, is certainly different
17 from a tall man as you described earlier on today.

18 A. It was xxxxx. He was a tall person. At first I said it
19 was a boy because it's a small man to me. He is now a big man.

16:11:39 20 He came. He came running and told us what he said at the
21 junction. No other person said it apart from xxxxxxx.

22 Q. So, Mr Witness, are you saying or is it your testimony that
23 your statement "the boy xxxxx" is the same person that you
24 are referring to this morning when you said "a tall man"?

16:12:13 25 A. Yes. Yes.

26 Q. So, Mr Witness, you are saying that both statements are not
27 inconsistent and that you are referring to one and the same
28 person; is that your testimony before this Court?

29 JUDGE LUSSICK: He just answered that.

1 THE WITNESS: True.

2 MR GRAHAM:

3 Q. Mr Witness, you, in your statement, as well as your earlier
4 testimony before this Court, did indicate that because of the
16:13:32 5 circumstances of the killings you went into hiding in the bush,
6 didn't you?

7 A. I entered the bush.

8 Q. And, Mr Witness, you would agree with me that you must have
9 been in that area for quite a period of time.

16:14:02 10 PRESIDING JUDGE: Do you mean in the bush?

11 MR GRAHAM: Yes, Your Honours, in the bush. In the bush
12 for a period of time. For quite a long period of time.

13 PRESIDING JUDGE: Has he not answered this question in
14 cross-examination before?

16:14:20 15 JUDGE SEBUTINDE: I remember him saying for one to two
16 hours. I think that is what he said.

17 MR GRAHAM: Thank you, Your Honours.

18 Q. Mr Witness, I will move on. You cannot therefore say
19 with absolute certainty that you knew all that took place in
16:14:49 20 the town during the period that you were in the bush. Hiding
21 in the bush?

22 A. I would be able to know.

23 MR GRAHAM: Your Honours, he did say, "I would be able to
24 know" or "I won't be able to know."

25 PRESIDING JUDGE: I heard "I would be able to know".

26 MR GRAHAM:

27 Q. So are you saying you, whilst hiding in the bush, you were
28 in a position to know all that was going on in the town? Is that
29 your testimony?

1 A. Why I answered to that as yes, I slept in that town, I did
2 not leave what happened there. So, if I came back and saw what
3 happened, then I would be able to know that they were the people
4 that did things that happened in that town. I would not be able
16:16:11 5 to see everything that happened in the town while I was in
6 hiding.

7 Q. In that respect you did not know whether the soldiers met
8 any resistance when they got into the town, would you? Whether
9 they met any armed resistance, if I may put it correctly.

16:16:42 10 A. I would not be able to say, but they were the people that
11 did that because --

12 Q. Mr Witness, I just, with due respect, I would be obliged if
13 you would just answer the questions as they come and refrain from
14 giving additional material that I have not asked for, please.

16:16:56 15 Thank you.

16 And I am saying again --

17 A. Okay.

18 Q. -- most of the things that you have said today, relating to
19 what happened in the town, is essentially an expression of your
16:17:14 20 opinion as to what happened and not because you were an eye
21 witness.

22 A. Yes. Yes.

23 Q. And finally, Mr Witness --

24 A. No.

16:17:48 25 MS PACK: Your Honour, I think the witness should be allowed to
26 answer the question or perhaps be allowed to clarify because it seems to
27 me that he may have been answering "yes" as the question was going as he
28 was receiving the translation, and then answered "no" in the final
29 answer. I can't say what he was saying, but that might have been the

1 case.

2 MR GRAHAM: Very well. Which specific question would you
3 want him to clarify?

4 MS PACK: Your Honour, it was the last question, it was a
16:18:11 5 longish question and it seemed to be that the witness agreeing as
6 the question was going on. It is not necessarily the case that
7 we heard an answer that was the answer he meant to give.

8 MR GRAHAM: Okay, I am grateful. I am grateful. I will
9 re-phrase.

16:18:24 10 Q. Mr Witness, my question is very simple.

11 A. I'm listening.

12 Q. Good. Would I be right in saying that most of what you
13 have told us today relating to the killings and the burning of
14 houses are essentially an expression of your opinion, but not an
16:18:55 15 eye witness account of what happened?

16 A. I did not just thought of them. I did not think of them or
17 made them up.

18 Q. Mr Witness, I am not saying that you made them up. I am
19 simply saying that you were not there at the time of xxx when
16:19:28 20 all these killings and burning of houses took place because at
21 that time you were hiding in the bush.

22 A. No. No.

23 Q. No, no. You couldn't -- no is an expression of your
24 opinion? Is that your answer?

16:19:54 25 MR NGUNYA: With Your Honours' permission, if I may interject? My
26 apologies. Could the Bench kindly advise the witness to perhaps listen
27 to the question without making any comments and only answer at the end,
28 because again it is creating some confusion as to whether his answer is
29 no to the entire question or whether he is just responding to the

1 comments by the translation.

2 PRESIDING JUDGE: Very well.

3 Q. Mr Witness --

4 A. Yes.

16:20:20 5 Q. What you need to do is to listen to all of the question.

6 Don't say anything when it is being translated.

7 A. Okay.

8 Q. And then give your answer. Do you understand me?

9 A. All right. Okay.

16:20:41 10 MR GRAHAM: Your Honour, should I take that to mean I should ask
11 the question again?

12 PRESIDING JUDGE: Put the question again.

13 MR GRAHAM: Okay, thank you, Your Honour.

14 Q. Mr Witness, I hope I will get through this time. My
16:20:53 15 question is that all that you have said before this Honourable
16 Court today relating to the killings and the burning of houses
17 that took place in xxxxxx, are essentially an expression of
18 your opinion simply because you were not an eye witness to
19 these events?

16:21:36 20 A. No, I was in hiding while this happened in my absence. But
21 when I returned --

22 Q. [Microphone not activated]

23 A. -- and saw these things.

24 MS PACK: The witness should be entitled to finish his answer. He
16:21:51 25 was cut off by my learned friend.

26 PRESIDING JUDGE: Let the witness finish.

27 MR GRAHAM: Very well, Your Honours.

28 PRESIDING JUDGE: Continue, Mr Witness.

29 THE WITNESS: I was not there when these things happened.

1 But the town where these things happened I slept there that
2 night. Not that I left there after two days and I returned
3 there. The very morning I left there, I did not see all these
4 things. Then the soldiers met me at that junction and they
16:22:37 5 started shooting people in my presence. Then they went, then
6 they said they were going to xxxx and they went to xxxx
7 leaving me at the back. And they did go there and I saw them
8 going. They went and shot a lot of guns. I saw a lot of smoke
9 coming from that end. After they have left there, after they
16:23:17 10 have returned from where they came from in Bo, I came back to the
11 road. I saw the people who were killed. I entered the town.
12 And I saw all these things happen. Who do you think I would
13 think of that could have done these things? So I did not just
14 sit down and think about them. I thought it within myself that
16:24:01 15 they did these things. That is why I am saying it to the Court.
16 So that is it.

17 Q. Thank you. Finally, Mr Witness, it was your testimony
18 before this Court that during the alleged first incident when
19 the soldiers -- when the persons referred to as soldiers came
16:24:31 20 to xxxx, you ran away. You took to your heels because you
21 were afraid. That was your testimony; is that right?

22 A. Yes, at the first coming.

23 Q. It is also your testimony before this Court that during the
24 second incident, around 24th/25th June 1997, you stayed around
16:25:10 25 when the soldiers got to xxxxx Junction and did not run away as
26 you did during the first incident. Is that your testimony; am I
27 right? Mr Witness, did you hear me?

28 MR NGUNYA: With Your Honours' permission, during the second
29 incident the witness under cross-examination did say that he saw the

1 three groups coming together and he did not take off because they were
2 following each other one after the another, after the another. That is
3 all he said.

4 MR GRAHAM: Yes, I am seeking to elicit different
16:25:53 5 information from him. Your Honours, simply - and that is my last
6 question - what I am trying to say is that during the first time
7 he took to his heels during the second time he stayed. I simply
8 want to find out what explains this remarkable muster of courage
9 that kind of encouraged you to stay around the second time when
16:26:09 10 the troops came.

11 PRESIDING JUDGE: I am not altogether convinced that is a
12 very fair question, Mr Graham because he took to the bush. Are
13 you saying that the period that -- are you talking about the
14 period when he spoke these words? Is that the time you are
16:26:33 15 talking about?

16 MR GRAHAM: Your Honour --

17 PRESIDING JUDGE: He said certain words to the soldiers,
18 that is his evidence. Is that what you are talking about?

19 MR GRAHAM: No, Your Honour, I am simply trying to elicit
16:26:44 20 that during the first incident his account was that the troops
21 came in, there was burning of houses --

22 PRESIDING JUDGE: Yes, I am clear on that.

23 MR GRAHAM: He was afraid and he took to his heels. Now,
24 the same second time the same troops are coming in and this time
16:26:59 25 around he did not take to his heels, but he preferred, he waited
26 and engaged in some level of conversation with them.

27 PRESIDING JUDGE: Very well.

28 MR GRAHAM: And all I am seeking to find out is what
29 explains this, you know, remarkable muster of courage during this

1 second incident that kind of made him stay.

2 PRESIDING JUDGE: Ask him what made him stay.

3 MR GRAHAM: Yes.

4 Q. So, Mr Witness - and this is my last -- I was simply asking
16:27:34 5 during the first incident you took to your heels because you were
6 afraid?

7 A. Yes.

8 Q. And during the second coming of the soldiers, around
9 June 24th/25th of 2007 [sic], you didn't even take to your heels
16:27:56 10 this time, but you stayed at ~~xxxxx~~ Junction for the soldiers to
11 come.

12 MR NGUNYA: Your Honours, for the record could the date be
13 corrected?

14 MR GRAHAM: I am sorry, November -- I am sorry. June 1997.
16:28:05 15 24th/25th June 1997. Thank you.

16 Q. You stayed, didn't you?

17 A. I was not in ~~xxxx~~. When I got to the junction and they
18 got there I came from the bush and stood at the junction when
19 they met me there.

16:29:01 20 Q. Mr Witness, if I may refer you again to --

21 MR GRAHAM: Your Honours, page 7292 of the witness
22 statement and specifically, I think, line six and Your Honours'
23 permission if I may read:

24 Q. "People with whom I was standing at the junction ran away,
16:29:32 25 but I stayed to see what the matter was."

26 A. Very well indeed.

27 Q. And my question is simply, can you tell us what explains
28 your sudden muster of courage and strength to stay this time not
29 run away like you did the first time?

1 A. Nothing, it was nothing. I had courage to stay because I
2 wanted to see something.
3 Q. Okay.
4 MR GRAHAM: Your Honours, I have no further questions.
16:30:26 5 Thank you, Mr Witness. Thank you very much.
6 PRESIDING JUDGE: Mr Fofanah.
7 MR FOFANAH: Thank you, Your Honour.
8 CROSS-EXAMINED BY MR FOFANAH:
9 Q. Mr Witness, good afternoon. Late afternoon.
16:30:38 10 A. Yes.
11 Q. I will be asking you a number of questions because you have
12 already gone through a number of issues. I just want to clarify
13 certain things that you said to the Court. Just one point on
14 your background, Mr Witness: Have you ever been trained as a
16:31:05 15 fighter before?
16 MR NGUNYA: Your Honours, might I object? This question was
17 raised by the first defence counsel this morning.
18 JUDGE LUSSICK: Yes, and the answer was no.
19 MR FOFANAH: Thank you, Your Honour. I will move forward.
16:31:39 20 Q. Mr Witness, you said xxxxxx and the other soldiers
21 you identified were with you at xxxxx and that you knew them
22 to be colleagues at xxxxxx and the rest.
23 A. Yes. xxxx -- I am not talking of xxxxx. The other
24 two. Those were the people with whom I was in the town and
16:32:19 25 school. And they became soldiers.
26 Q. Mr Witness, are you really sure that you have never been a
27 soldier yourself?
28 A. Not a little. Not a little. Not a little.
29 Q. Are you also sure that you have not been a Kamajor before?

1 A. No.

2 Q. Mr Witness, I am going to put a statement to you which you
3 made on 27th November 2002. Will you please help clarify what
4 your meaning of that statement was and when was it made?

16:33:01 5 MR FOFANAH: Your Honours, I am referring to the statement which
6 my learned colleague just referred to at page 7292. This time my
7 reference is to lines 8 to 9. Just about the middle where he said:
8 "When the soldiers got to me." I don't know if Your Honours have seen
9 it. From, "Some came on foot and there were others in a van which had
16:33:37 10 guns in it." It is about line 8 to 9. May I go on, Your Honour?

11 PRESIDING JUDGE: Yes.

12 MR FOFANAH:

13 Q. Now, Mr Witness, you said - and please listen carefully and
14 tell me if you made this statement to the Prosecutor - you said,
16:33:51 15 "Some came on foot and there were others in a van which had guns
16 in it. When the soldiers got to me, they asked me who I was. I
17 identified myself as part of them. They were in military
18 uniform." Mr Witness, what do you mean by that when you said, "I
19 identified myself as part of them"?

16:34:24 20 A. They are human beings and I am also a human being. The
21 only difference is because of the uniform they had on.

22 Q. Did it not matter to you that they were also armed and were
23 shooting?

24 A. I saw them and I was concerned and -- but they were all
16:34:57 25 human beings like myself.

26 Q. And, Mr Witness, you have told the Court that they shot the
27 other civilians who were with you, five of them, and the other
28 people whom you identified as Kamajors, three of them, but you
29 were not shot; not so?

1 A. No.

2 Q. Doesn't that explain some kind of close connection with
3 these soldiers from your part?

4 A. It is only God that saved me.

16:35:50 5 Q. Mr Witness, **xxxxx** and the other soldiers you
6 identified, were they involved in the first incident at **xxxxxx**?
7 The first one.

8 A. They were heading -- they were heading, they went running.

9 Q. You mean the first incident, plainly, I don't know the date
16:36:14 10 for that, but I think it was in June.

11 A. No, I was not in town. I was not able recognise, as the
12 moment they said that soldiers were coming I did not wait. I did
13 not know whether they carried guns.

14 Q. Thank you, Mr Witness. Mr Witness, you also said this
16:36:37 15 morning that among the three Kamajors who were shot only one of
16 them had a single barrel gun; correct?

17 A. It's true.

18 Q. And you said the others had sticks and a horn; not so?

19 A. Yes.

16:37:06 20 Q. Mr Witness, are you absolutely sure about that?

21 A. Very well indeed.

22 Q. Do you know another person called Momoh Kargbo - and wait
23 until I spell the name for Your Honours.

24 MR FOFANAH: Momoh is spelled M-O-M-O-H. Kargbo,
16:37:26 25 K-A-R-G-B-O.

26 Q. So, Mr Witness, who do you know any Momoh Kargbo at
27 **xxxxxx**?

28 A. Very well indeed.

29 Q. Wasn't Momoh Kargbo a Kamajor.

1 A. Yes, indeed.

2 Q. Was he not the one who was armed with the single barrel gun
3 when the soldiers came for the second time into xxxxxx?

4 A. Yes. The first time they came they met us at the junction.
16:38:12 5 They met him at the junction. The two of us at the junction.

6 Q. I don't quite understand, Mr Witness. You mean there were
7 only two of you? You are now saying that there were not five
8 civilians and three Kamajors apart from you?

9 A. The junction?

16:38:36 10 Q. At this junction the Kamajors and civilians were shot. On
11 the second coming of the soldiers.

12 A. The last time -- it was the last time they met me at the
13 junction. The first time they met me in town and I ran away.

14 MR FOFANAH: Your Honours, if only the witness can tell me if he
16:39:08 15 does not understand the question I will put it again. I have not
16 mentioned anything about the first time. I said on the second coming of
17 the soldiers into xxxx whether -- whether Momoh Kargbo was not the
18 Kamajor you were referring to as having the single barrel gun.

19 [TB230605F - CR]

16:40:11 20 PRESIDING JUDGE: He's agreed with that, Mr Fofanah.

21 THE WITNESS: He was.

22 MR FOFANAH: Thank you very much, Your Honour, I will just
23 proceed from that.

24 Q. Momoh Kargbo was also shot and killed; not so?

16:40:29 25 A. Yes.

26 Q. Now, Mr Witness, I'm putting it to you that one of the
27 other two Kamajors who were shot had a gun.

28 A. He hadn't a gun. He had a horn.

29 MR FOFANAH: In that case, Your Honours, I will refer you

1 to -- there was a statement of disclosure made to us on the 15th
2 April 2005. It's just a one-page disclosure. I don't have the
3 top page number.

4 PRESIDING JUDGE: 7725.

16:41:37 5 MR FOFANAH: Thank you very much, Your Honours.

6 Q. Mr Witness, I'm going to read to you certain amendments
7 made to your other statement of November 27, 2002. Tell me if
8 you made this statement or not very recently, very recently on
9 the 15th April 2005. I will read: "Momoh Kargbo had a gun.

16:42:18 10 When we are" -- I think you meant "When we are at the xxxxxx
11 Junction, one of the other two Kamajors had a gun. The one other
12 had a horn."

13 Mr Witness, did you make this statement recently?

14 A. That statement was not like that, except the person who was
16:42:57 15 writing it, but maybe when I said he had a stick on him, the
16 other one had a horn. I only saw the other one with the gun,
17 Momoh Kargbo. Maybe when I said that the other one had a stick,
18 maybe it was then that the one who wrote the statement said it
19 was a gun. But in my first statement, it was Momoh Kargbo alone
16:43:36 20 that had a gun. The other one had a gun -- a horn, and the other
21 a stick. That's what I said in the statement, except that he
22 changed the statement. But I said there was only one gun with
23 them; that is it.

24 Q. Mr Witness, a gun and a stick are not one and the same; not
16:44:09 25 so?

26 A. No.

27 MS NGUNYA: Your Honour, if I may object to this question.
28 The witness has, in length, explained what he thinks happened.
29 He said in his first statement, he said a stick, a gun, and a

1 horn. Whether he knows the difference between a stick and a gun,
2 I'm not quite sure what the relevance of that question is, Your
3 Honours.

4 MR FOFANAH: I will proceed, Your Honour. He has answered.

16:44:47 5 Q. Mr Witness, I'm also putting it to you that you made a
6 statement to the Prosecutor and said that Momoh Kargbo didn't
7 have a gun at the time he was killed by these soldiers.

8 A. Maybe they wrote it that way, but at first I said it. They
9 didn't write it.

16:45:22 10 MR FOFANAH: Your Honours, I'm referring you to page 7293
11 of his statement of 27 November 2002. Page 7293. It should be
12 about line 9 to 11 which starts with, "Some of the civilians
13 killed at xxxxx junction..." I don't know if Your Honours have
14 seen it.

16:46:08 15 Thank you, Your Honour.

16 Q. I'm going to read, with the leave of the Honourable Court,
17 what you told the statement-taker and tell me if you made the
18 statement. You said, "Some of the civilians killed at that
19 Tikonko junction included Mamie Joe, Joe Lahai, James Lahai, and
16:46:30 20 Kamajors including Momoh Kargbo. Momoh Kargbo and the other
21 civilians were not armed when I saw them. The civilians were
22 carrying bundles on their head, but Momoh dressed in ronko which
23 was a Kamajor dressing."

24 Did you make that statement to the statement-takers?

16:47:28 25 A. The statement I made long ago, I started with Momoh Kargbo
26 that he had a gun. The two Kamajors, I didn't see any gun with
27 them. But since it was not only one person that was obtaining a
28 statement from me, when one takes it, maybe the other person that
29 will come to take the statement will not write. That is the

1 reason why there are differences in the statements. But I will
2 not say something; then I deny it, so that is it.

3 Q. Mr Witness, you agree with me that your most recent
4 statement was made on the 15th of April 2005? That is just two
16:48:36 5 months ago. In that statement, you categorically stated that one
6 of the Kamajors had a gun, apart from Momoh Kargbo.

7 A. I did not say that. It was only Momoh Kargbo that had a
8 gun. Maybe when I was giving that statement, maybe they don't
9 get me well. But at the start, I told him it was Momoh Kargbo
16:49:19 10 that was carrying the gun. Even in the last statement, I said
11 Momoh Kargbo was carrying the gun. The other Kamajors, one had a
12 stick and a horn.

13 Q. Mr Witness, I'm putting it to you there were, in fact, many
14 Kamajors, armed Kamajors at Tikonko at the time that the soldiers
16:49:45 15 allegedly invaded that town.

16 A. Do you want me to say something?

17 Q. Yes, I'm putting it to you that there were, in fact, many
18 armed Kamajors at **xxxxx** at the time, according to you, the
19 soldiers invaded that town?

16:50:24 20 A. Even if they had guns, maybe they were the ones that I saw
21 their corpses. Even if there were many in that town, maybe these
22 were the ones that I found dead. I'm now saying that the
23 Kamajors were just at the junction. Because all those that were
24 buried, they weren't wearing Kamajor clothing. There were
16:51:01 25 children among them; women among them. That's why I said there
26 were no Kamajors in **xxxx**. They were just at that junction,
27 because they actually went for them.

28 Q. The soldiers actually went for the Kamajors at Tikonko; not
29 so?

1 MS NGUNYA: Your Honour, the witness has just said there
2 were Kamajors at the junction. That's where the soldiers went
3 for them, not Tikonko.

4 MR FOFANAH: Your Honours, if I can be corrected by the
16:51:37 5 transcript, he said they actually went for them, was the last
6 statement I had.

7 PRESIDING JUDGE: I have "they actually went for them."
8 The "they" and the "them" is not clear.

9 MR FOFANAH: I will let him clarify.

16:51:50 10 Q. Who were the "they" that went for the "them"?

11 MS PACK: I think that's a little complicated a question,
12 Your Honour. Perhaps if my learned friend could rephrase.

13 JUDGE LUSSICK: It looks as though the witness understands.

14 MR FOFANAH:

16:52:14 15 Q. You said they went for them. By "they," do you mean the
16 soldiers for the Kamajors at Tikonko?

17 A. That's what they were saying. But when I myself saw that
18 they were not selecting at all and they started it in my presence
19 at the junction, if they just killed that Kamajor at that
16:52:38 20 junction, they had not killed civilians there, then I would have
21 said they just went there for the Kamajors. But when they
22 started killing the civilians at the junction and the Kamajors, I
23 concluded that, in fact, they were not selecting, and that is
24 what happened.

16:53:03 25 Q. That is why you also concluded that maybe some of the
26 corpses you saw might have been Kamajors; not so?

27 A. They are not Kamajors at all. I said those that were
28 killed at the junction had uniforms on them, but all the others
29 whom they killed at Tikonko, they were wearing civilian clothing,

1 ordinary clothing.

2 Q. Mr Witness, you agreed with me -- can I ask you this
3 question: were Kamajors always dressed in ronkos?

4 MR FOFANAH: Ronko, Your Honours is spelt R-O-N-K-O.

16:54:01 5 A. Yes, like you would say a soldier would always wear a
6 soldier uniform when he's going about. He would always carry --
7 the uniform of the work you're doing on you.

8 MR FOFANAH:

9 Q. And all the Kamajors that you knew were at all times
16:54:16 10 dressed in ronkos, at all times?

11 A. Yes.

12 Q. Where did you know these Kamajors? Was it at Tikonko?

13 A. The Kamajors were even in Bo, even when we went to Bo, we
14 would see them there.

16:54:50 15 Q. They were also at Tikonko?

16 A. Those who were in Tikonko, they were the very ones that
17 were at the junction. When they came for them, if they had been
18 there, they would have killed so many of them. I would have
19 said -- I said to the Court that they killed ten Kamajors in that
16:55:13 20 town. That is because I wanted to observe, that is why I was
21 going around looking out for them. For me to know whom they
22 killed. So those whom they killed in that town, I didn't see
23 them with Kamajor uniforms except for the three Kamajors who were
24 killed at that junction. That's what I want to tell the Court.

16:55:40 25 Q. Mr Witness, you were the only one who was spared; not so,
26 when these soldiers met you at the junction, you and the
27 civilians and the other Kamajors?

28 A. Well, yes, because when they started killing those people,
29 because I wanted them -- I didn't want them to kill me, that's

1 why I hid myself, but I didn't see that.

2 Q. But you were there, the first group came, they even
3 identified you and said, according to you, they said you were not
4 a Kamajor, and then you stood there again, the second group came,
16:56:35 5 they passed by. You even said there was a third group that came.
6 None of these guys did anything to you.

7 A. Yes.

8 Q. Can you tell the Court why?

9 MR FOFANAH: I'm sorry, Your Honours, I will actually
16:57:02 10 rephrase.

11 Q. Now, is there any reason why you stayed throughout the
12 procession of the three groups; first, second and third? Why
13 didn't you move off after the first group had come?

14 MS NGUNYA: Your Honour, with respect, this question has
16:57:22 15 been answered firstly to the first Defence counsel, secondly to
16 the second Defence counsel when he said that the first group
17 passed him, when the second group started firing, he ran into the
18 bush between the two roads in that bush there. This is now
19 confusing the witness. If there is something else, perhaps
16:57:39 20 Defence counsel can raise.

21 MR FOFANAH:

22 Q. Did you say you ran into the bush when the second group
23 came?

24 A. Yes.

16:57:51 25 Q. So where were you when the third group came?

26 A. I was in the bush then. When the third group -- second
27 group coincided with a vehicle that was coming, it was the second
28 group that started killing the people, the Kamajors and the
29 civilians.

1 Q. But you said you were in the bush when the third group
2 came; not so.
3 A. The third one went past me.
4 Q. You were not in the bush, were you?
16:58:32 5 A. I was in the bush.
6 Q. You said they went past you?
7 A. Yes, it was right in front of me when somebody is passing
8 by, you would know.
9 Q. Witness, do you recall telling the Court that you were in
16:58:56 10 that part of the bush where you couldn't see anything at all that
11 was happening in the town?
12 MS NGUNYA: Your Honour, just for clarity, it was not town.
13 THE WITNESS: No.
14 MR FOFANAH:
16:59:21 15 Q. So how did you see this third group passing? How did you
16 see and identify them passing?
17 A. The first groups came running and they were alighting.
18 They were running, boom, boom, boom. Even the second one that
19 came, they came running and shooting, and they passed by. The
16:59:50 20 others were coming from under the hill, and that's when I knew
21 that, in fact, three groups passed by. That is the reason why I
22 didn't come out early.
23 Q. Do you recall saying that the vehicles were passing in a
24 space of a minute between them; the groups, I mean. Passed
17:00:29 25 within spaces of one minute each?
26 A. Yes, they followed one another.
27 Q. So if you were in the bush -- you ran into the bush in this
28 last one minute, not so, the one minute between the second and
29 third group?

1 A. Yes.

2 Q. And you did that? You ran half a mile in one minute?

3 A. It was a short distance into the bush, yes. The bush that
4 was closer to the junction, I didn't run. When I saw them, I
17:01:31 5 just fell down and crawled. I went and I kept crawling until I
6 reached the bush, then I sat up there. Whatever was happening at
7 that junction, I would hear, but I wouldn't see. That's what it
8 is.

9 Q. Did you do half a mile crawling in one minute?

17:01:56 10 MS NGUNYA: With your permission, Your Honours, I would
11 like to find out where Defence counsel is getting this half a
12 mile, because at cross-examination, he said that he was in the
13 bush between two roads. With your direction and with reference
14 to the transcript, he said that the distance of half a mile was
17:02:20 15 between Tikonko junction and Tikonko town. I stand to be
16 corrected, because I feel there is some confusion here.

17 JUDGE SEBUTINDE: What I recall is the first question you
18 asked him, I think it was Mr Manly-Spain. He asked what was the
19 distance between the junction and the bush where he hid. The
17:02:39 20 witness said in that cross-examination it was half a mile, about
21 half a mile. He first said, "Not up to a mile" then he said
22 "half a mile". The second question related to the distance
23 between the junction and Tikonko Town and he said it was also
24 half a mile. That is what I remember on my record.

17:03:12 25 MR FOFANAH: As Your Honour pleases. Your Honour, did you
26 say I should continue?

27 PRESIDING JUDGE: Yes, the question has been answered.
28 Continue.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Did you actually do this crawling within one minute? Was
2 it for half a mile?

3 A. It could be more than one minute when I was crawling into
4 the bush. Because if I walked on foot or running, I would say it
17:04:17 5 would be up to one minute. But it was a bush. I was just going
6 in between. So, it could be for up to some minutes.

7 Q. Whilst crawling, your belly and face was flat on the
8 ground; not so, they were flat on the ground?

9 A. Yes. It was just like a dog walks.

17:04:47 10 Q. So you couldn't have therefore seen this third group
11 passing by; not so?

12 A. No.

13 MR FOFANAH: Your Honours, I still have some more questions
14 to go. I just observed that it's 5.00 p.m. I don't know if I
17:05:17 15 can go on.

16 PRESIDING JUDGE: When you say you have some questions, how
17 many is some?

18 MR FOFANAH: I can totally round up in 15 minutes so the
19 witness does not come tomorrow, if Your Honour is disposed.

17:05:42 20 PRESIDING JUDGE: You have 15 minutes, Mr Fofanah.

21 MR FOFANAH: I am most grateful, Your Honour.

22 Q. Mr Witness, when was the first time you saw ~~xxxxx~~, was
23 it during the first attack? Sorry, I think you answered that.
24 You said you did not see the soldiers in the first attack. So
17:06:07 25 because you ran out of time before the soldiers came in the first
26 attack, you wouldn't have known whom they were; not so?

27 A. Not in the least.

28 Q. So, therefore, you were merely speculating when you said
29 that these same group of soldiers, including ~~xxxxxx~~ and

1 others were the same soldiers who came on the first occasion; you
2 were speculating?

3 MS NGUNYA: With respect, Your Honour, he never said that
4 at any point.

17:06:50 5 JUDGE SEBUTINDE: In fact, I think he categorically denied
6 they were in the first group.

7 MR FOFANAH: xxx and the others?

8 JUDGE SEBUTINDE: Yes.

9 MR FOFANAH: Thank you very much, Your Honour.

17:07:02 10 Q. I will rephrase by saying that you were speculating when
11 you said that the first group of armed men who came into xxxx
12 were soldiers?

13 A. I didn't just speculate. I saw them pass by going into
14 Tikonko whilst we were running into the bush.

17:07:43 15 Q. You also recall saying that the RUF spent about two years
16 in xxxxx, the RUF soldiers before the overthrow of President
17 Kabbah?

18 MR FOFANAH: Can I be guided?

19 PRESIDING JUDGE: The soldiers, I don't recall RUF
17:08:08 20 soldiers? Was it RUF?

21 MR FOFANAH: He has been calling them.

22 PRESIDING JUDGE: Yes, I gather it was RUF. Please
23 continue.

24 MR FOFANAH:

17:08:26 25 Q. Mr Witness, you said that the RUF soldiers spent about two
26 years at xxxx before the overthrow of President Kabbah.

27 A. The soldiers were there in Tikonko.

28 Q. These were RUF soldiers; not so?

29 A. That's what I heard, but I would not know that they were

1 RUF. I just saw them.

2 Q. But you were absolutely certain that ~~xxxxx~~ and others
3 were RUF; not so, on the second occasion?

4 A. Well, that's what they called them.

17:09:15 5 Q. Okay, we'll move forward since I have very little time now.
6 Do you know what time of the day it was that the second -- I'm
7 talking about a second incident. Do you know what time of the
8 day it was that these soldiers allegedly came into Tikonko?

9 A. Well, it was in the evening. That's when they came.

17:09:55 10 Q. By evening, do you mean at about 4.00 p.m. or 5.00 p.m.,
11 6.00 p.m.? What time?

12 A. When it was past 3.00 what you call it in English, half
13 past 3.00 that's when they came. Because in Mende, when we talk
14 about the evening, just after 12.00, from then on we'll say it's
17:10:43 15 the evening.

16 Q. These soldiers must have spent quite a long time since they
17 did so much at Tikonko; not so?

18 A. Yes.

19 Q. Can you, therefore, tell when it was they left when you
17:11:13 20 finally you came out of the bush; what time?

21 A. I can't tell the time, but it was day time.

22 Q. You vividly know how long it took in the bush?

23 PRESIDING JUDGE: He just said he cannot.

24 MR FOFANAH: I'm talking about him being in the bush.

17:11:45 25 Whilst the soldiers were in town, he was in the bush.

26 Q. Can you vividly tell the Court how long you took in the
27 bush?

28 A. I want to tell the Court that it was an hour and more that
29 I spent in the bush.

1 Q. An hour and more could be six hours, seven hours, eight
2 hours. Can you give us a rough estimate?
3 A. I spent an hour and more and some in the bush.
4 Q. When you finally came out of the bush, it was dark; not so?
17:12:45 5 MS NGUNYA: Your Honour, I object. He just said it was
6 light, daylight, to be precise.
7 MR FOFANAH: Okay, as Your Honours pleases.
8 Q. Now, you walked into the town; not so? You walked for
9 sometime into the town from the bush?
17:13:17 10 A. Yes.
11 Q. When you finally arrived at the centre of town, Tikonko
12 Town where this incident happened, was it still daylight?
13 A. That's true, indeed.
14 Q. You went around the town when it was still daylight?
17:13:52 15 A. Before night fall, all that I have spoken about today, I
16 observed during the day when it was daylight.
17 Q. This must have been during the rainy season, not so, June
18 1997?
19 A. Yes, it was - it was the rainy season. It's the rainy
17:14:14 20 season. It's the month of the rainy season.
21 Q. Did it rain that day?
22 A. In the evening. When I was moving around, there was no
23 rain.
24 Q. Did it rain later in the night?
17:14:32 25 A. When it was night, it rained for the rest of the night when
26 we were in the bush.
27 Q. You said you slept in your house that night; not so?
28 A. I didn't sleep in the house.
29 Q. Let's go to the last bit. I have about five minutes. Now,

1 this house where you met this man sitting dead, was it in the
2 house of Alhaji Foday Bangali?

3 MR FOFANAH: I will spell that, Your Honours.

4 THE WITNESS: It could be true, it's true.

17:15:43 5 MR FOFANAH: Alhaji, A-L-H-A-J-I. Foday, F-O-D-A-Y.
6 Bangali, B-A-N-G-A-L-I.

7 Q. When you first arrived at Alhaji Foday Bangali's house, you
8 said you saw dead bodies; not so?

9 A. Many.

17:16:23 10 Q. Can you tell us how many dead bodies you actually saw?
11 A. In one room?

12 Q. Mr Witness, you have already given us the breakdown. I
13 want to get the total number of dead bodies that you saw at that
14 house.

17:17:01 15 A. The total number that was in that house, it could be up to
16 15 corpses.

17 Q. Fifteen corpses, you are absolutely sure about that; not
18 so.

19 JUDGE LUSSICK: No, he's not sure about 15, he said it was
17:17:21 20 up to 15.

21 MR FOFANAH:

22 Q. Up to 15 corpses; not so?

23 A. Yes.

24 Q. But it was not below 14; not so?

17:17:34 25 PRESIDING JUDGE: Mr Fofanah, the witness has made clear
26 he's not certain.

27 MR FOFANAH:

28 Q. Now, what you do mean by up to 15 corpses?

29 A. Fifteen corpses, we had 11 in one room and four others in

1 another room.

2 Q. And they were all in Alhaji Foday Bangali's house; not so?

3 A. In that same house.

4 Q. Was this where you met this woman with her stomach slit
17:18:17 5 open who was asking for water?

6 A. Yes.

7 Q. I'm putting it to you, Mr Witness, that you had earlier
8 told this Court that you only saw ten corpses in that house.

9 A. I didn't say that today.

17:18:48 10 Q. I'm also putting it to you that in your statement, you said
11 you saw about 11 corpses in that house.

12 A. In one room.

13 MR FOFANAH: Your Honours, I'm referring to page 7293.
14 It's actually the last paragraph from, "This was Alhaji Foday
17:19:26 15 Bangali's house. I entered the house and saw lots of blood on
16 this ground. I saw about 11 people dead in a pool of blood in
17 the house. I observed that one of them named Mamawa Bangali" --

18 THE INTERPRETER: Learned counsel, you are going fast.

19 MR FOFANAH: "I observed that one of them named Mamawa
17:19:54 20 Bangali had not died completely. I saw her stomach slit open and
21 she told me that the soldiers had killed her."

22 Q. Did you make that statement?

23 A. Somebody wouldn't die and talk. I didn't give that
24 statement.

17:20:12 25 Q. That is exactly my confusion, because at some point you
26 seem to have been saying that Mamawa Bangali was alive, but
27 killed, and at another point you seemed to be saying she actually
28 asked you for water.

29 PRESIDING JUDGE: The statement says, "Mamawa Bangali had

1 not died completely."

2 MR FOFANAH: Then subsequent to that, Your Honours, it
3 reads, "I saw her stomach slit open and she told me that the
4 soldiers had" --

17:20:47 5 PRESIDING JUDGE: What is the contradiction?

6 MS PACK: It is not funny, Your Honour.

7 MR FOFANAH: I'm not - Your Honours, I treat this Court
8 with every seriousness. I'm trying to hold back a choke. I have
9 told the Court earlier I am unwell. I cannot laugh over

17:21:02 10 matters --

11 PRESIDING JUDGE: I don't think anybody said you were
12 laughing. I said I do not see a contradictory situation in what
13 has been written in this statement. This statement is she had
14 not died completely. That is what I am saying.

17:21:17 15 MR FOFANAH: Your Honours, with every respect, I was just
16 reading the last sentence within that understanding where she
17 said, with respect, "I saw her stomach slit open and she told me
18 that the soldiers had killed her."

19 PRESIDING JUDGE: I see what you are saying Mr Fofanah, it
17:21:37 20 is clear to me now.

21 MR FOFANAH: "Had killed her". Your Honours, I apologise
22 through the Court. I was responding to my learned colleague,
23 because I heard her say, "There is nothing funny here," and I was
24 laughing. I was not laughing. I cannot laugh. In fact they are
17:21:52 25 very serious matters.

26 PRESIDING JUDGE: I accept that, Mr Fofanah.

27 JUDGE SEBUTINDE: Mr Fofanah, what is the contradiction you
28 are drawing to our attention?

29 MR FOFANAH: He said he saw about 15 corpses. In this

1 statement he said he saw about 11.

2 JUDGE SEBUTINDE: But you haven't read the complete
3 statement. If you read a sentence later it says, "And in this
4 same house I saw," and he names another four people thereafter.

17:22:21 5 MR FOFANAH: I will read that, just to make it complete and
6 that will be my last question.

7 Q. I will go forward, Mr Witness. You said, "Others whom I
8 saw dead in the house were one Victor Bangali, baby Bangali,
9 Siaka Kargbo and his son Yarkuba Kargbo, a carpenter, and few
17:22:50 10 others." Then you said, "I walked out and went to my house."

11 Was Siaka Kargbo the man you saw that was dead sitting?

12 A. Yes.

13 Q. Was Yarkuba Kargbo the child of Siaka Kargbo that you were
14 referring to?

17:23:25 15 A. That was the very one I was talking about. He was forced
16 to lie down.

17 Q. These were really the 11 people - part of the 11 people you
18 were referring to; not so?

19 A. Yes.

17:23:52 20 Q. Thank you very much, Mr Witness. I appreciate you coming.
21 No further questions.

22 PRESIDING JUDGE: Thank you, Mr Fofanah. Any
23 re-examination, Ms Ngunya?

24 MS NGUNYA: Your Honours, I do not have any re-examination,
17:24:03 25 but if you would allow us a few minutes, my learned colleague has
26 one issue to address.

27 MS PACK: Your Honour, the Prosecution would seek to admit
28 from the Bar table two documents relating to the
29 cross-examination of this witness by my learned friend for the

1 accused Brima. The documents are, one, an interoffice memorandum
2 sent from the Chief of the WVS to the Defence teams of which the
3 Prosecution has a copy, relating to payments received by this
4 witness from that unit. The second document is a document
17:24:42 5 headed, "All Disbursements For Witness" and that's a document
6 that contains those payments made by the OTP's witness management
7 unit to the witness. The document from WVS that the Prosecution
8 has is a copy. My understanding is that the Defence teams may
9 have the original for that document. It was distributed by the
17:25:04 10 learned Court attendant this morning and was provided by the
11 Chief of WVS. The other document, OTP's document with payments
12 from OTP's witness unit has been served upon my learned friends
13 for the Defence on 19 April of this year. What I have is the
14 original print-out from a database held by the witness unit of
17:25:32 15 payments that are recorded as they are made.

16 I seek to tender those from the Bar table, simply because
17 issues as to payments has been raised in cross-examination. It
18 seems to the Prosecution to be relevant and would only assist the
19 Chamber if Your Honours received those documents which I
17:25:50 20 understand my learned friend to be basing his cross-examination
21 upon, because certainly these two documents contain the schedule
22 of payments that have been made by both the OTP and the witness
23 unit -- the Registry's witness and victims unit to the witness.
24 I have copies for Your Honour if you wish to see them.

17:26:11 25 PRESIDING JUDGE: Counsel for the Defence, you have heard
26 the application.

27 MR GRAHAM: Your Honours, at this point I don't have any
28 objection.

29 PRESIDING JUDGE: Thank you. The document is admitted. We

1 are up to P23. 23A will be the interoffice victim and support
2 document; 23B will be the disbursement payments by the Office of
3 the Prosecutor. Pass those around, Ms Pack.
4 [Exhibit No. P23A was admitted]
17:27:03 5 [Exhibit No. P23B was admitted]
6 MS PACK: Thank you. That was the only issue to be raised
7 by the Prosecution.
8 PRESIDING JUDGE: Ms Ngunya, you have no questions. Thank
9 you very much, Mr Witness, for coming and giving your evidence to
17:27:28 10 the Court. Your evidence is now finished and you're free to
11 leave the Court.
12 THE WITNESS: Yes.
13 MS NGUNYA: Your Honours, may I request that the witness be
14 released after this?
17:27:40 15 PRESIDING JUDGE: I thought I had just done that. If I
16 hadn't done it clearly, I will now say it: you're released.
17 [The witness withdrew]
18 PRESIDING JUDGE: No other matters, we'll adjourn the Court
19 to tomorrow morning.
17:28:32 20 [Whereupon the hearing adjourned at 5.18 p.m.,
21 to be reconvened on Friday, the 24th day
of June 2005, at 9.15 a.m.]

EXHIBITS:

Exhibit No. P23A	137
Exhibit No. P23B	137

WITNESSES FOR THE PROSECUTION:

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