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

MONDAY, 27 JUNE 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Matteo Crippa Mr James Tamba Kamara
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Mr Christopher Santora Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka (intern)

1 [TB270605A-SGH]
2 Monday, 27 June 2005
3 [Open Session]
4 [The Accused Kanu present]
09:18:46 5 [The accused Brima and Kamara not present]
6 [Witness entered court]
7 [Upon commencing at 9.20 a.m.]

PRESIDING JUDGE: Good morning. Good morning, Ms Pack. I note
9 that Mr Kanu is the only accused present, and I note Miss Thompson is
09:25:34 10 not present. Counsel for the Defence, any information to give us?
11 MR MANLY-SPAIN: Mr Graham is here. I did not realise he
12 had gone out. He is coming now.
13 PRESIDING JUDGE: Very well. What happened to you Mr
14 Graham? I said what happened to you? Get your earphones on,
09:25:49 15 please.
16 MR GRAHAM: Your Honour, good morning. I was in here
17 already. I just excused myself to go to the restroom.
18 PRESIDING JUDGE: I see; very well. Mr Graham, I have just
19 noted the absence of your client. I presume the situation
09:26:28 20 remains as before.
21 MR GRAHAM: That's correct.
22 PRESIDING JUDGE: Thank you. I will note it accordingly
23 and Rule 60(B) will apply. Mr Court Attendant, please swear in
24 the witness unless counsel have any other matters to raise.
09:26:40 25 MS PACK: No, Your Honour. I was going to tell you the
26 witness number.
27 PRESIDING JUDGE: Thank you.
28 MS PACK: TF1-062 for the record, testifying in Temne.
29 PRESIDING JUDGE: Thank you, Ms Pack.

1 WITNESS: TF1-062 [Sworn]
2 EXAMINED BY MS PACK:
3 PRESIDING JUDGE: Please proceed, Ms Pack.
4 Q. Thank you, Your Honour. Good morning, witness.
09:27:27 5 A. Good morning.
6 Q. Witness, I am going to ask you about 1997.
7 A. Yes, I'm listening to you.
8 Q. Where were you living in 1997?
9 A. I was in a town that was called xxxxxxxx.
09:28:16 10 Q. xxxxxxxxxxxx. Which district in Sierra
11 Leone is xxxxxxxx, witness?
12 A. In the Kenema District.
13 Q. K-E-N-E-M-A. Which chiefdom in Kenema District, witness?
14 A. The Lower Bambara Chiefdom.
09:28:49 15 Q. Lower Bambara, which is B-A-M-B-A-R-A. Bambara Chiefdom.
16 witness, what is the major town in Kenema District?
17 A. Well, it is Kenema that this biggest town in Kenema.
18 Q. How far is xxxxxxxx from Kenema?
19 A. Well, you understand it is 27 miles -- 27 miles.
09:29:34 20 Q. Witness, what is your native language?
21 A. Well, it is Temne that I speak now, that is my native
22 language.
23 Q. Do you speak any other languages?
24 A. Yes.
25 Q. Which languages?
26 A. It is Krio. I am not perfect in Krio, but if it is spoken
27 I will understand it.
28 Q. Do you read and write, witness?
29 A. Yes, I am not that educated, but I can try a little.

1 Q. And which can you try a little to read and write in?
2 A. Well, the Temne language, I can speak it very well because
3 it's my mother tongue.
4 Q. Witness, in 1997 were you working in xxxxxxxx?
09:30:37 5 A. Yes.
6 Q. What were you working as?
7 A. Well, I used to xxxxx and I used to xxxxxxxx.
8 Q. In 1997, how long had you been xxxxxxxx for?
9 A. It's over 20 years, because I xxxxxxx xxxxx and mining
09:31:21 10 for diamonds.
11 Q. Did you have anyone working for you?
12 A. Yes, I had a xxxxxxxx
13 Q. How many?
14 A. There were xxxxx those that were working for me -- xxxxx.
09:31:55 15 Q. In 1996, when you were living in xxxx, who were you living
16 with?
17 A. I and my wife and my workmen were with me together in the
18 house.
19 Q. Did you have any children?
09:32:03 20 A. Yes.
21 Q. How many were living with you?
22 A. My own biological children were two and those that I was
23 bringing up were four.
24 Q. Witness, have you testified in other proceedings at the
09:32:30 25 Special Court?
26 A. Yes.
27 Q. In which trial?
28 A. Yes, I know it.
29 Q. In which trial?

1 A. That this case of the CDF Kamajors; therein I testified.
2 Q. Witness, I am going to ask you about May 1997. What
3 happened in May 1997?
4 A. I am listening to you. I have still not got what you are
09:33:21 5 saying. Yes?
6 Q. I will repeat the question: what happened in May 1997?
7 A. Well, I was in my workplace and my workers and my six
8 workers.
9 Q. Whereabouts was your workplace?
09:33:59 10 A. The place was called xxxxxxx [as interpreted]; it was a
11 diamond swamp. This was a place where I used to mine diamonds
12 with my workmen.
13 Q. Could you repeat the name xxxxxxx please, clearly?
14 A. The name of the workplace? The workplace was a swamp, but
09:34:25 15 we used to call it -- it used to be called " xxxxxxx ". It was a
16 false name. There we used to mine for diamonds Open Eye.
17 Q. What happened as you were at your workplace?
18 A. Well, my workmen were working and when I opened my radio.
19 Q. What did you hear?
09:35:05 20 A. When I opened my radio I heard that they had overthrown the
21 government in Freetown. I heard a man that is called Gborie
22 speaking on the radio.
23 Q. Gborie G-B-O-R-I E. When you said "they" had overthrown
24 the government in Freetown, did he say who had overthrown the
09:35:26 25 government in Freetown?
26 A. I only heard on the radio that one Mr Gborie said that he
27 had overthrown the government. It was his voice that I heard on
28 the radio. That is what I got.
29 Q. Do you remember the date when this occurred?

1 A. Yes.

2 Q. What was the date?

3 A. It was on the 25th.

4 Q. What did you do after you heard this broadcast?

09:36:17 5 A. I told my workers, I said, "Fellows, I heard something that
6 has worried me. So, let us prepare; let us be on stand-by. I
7 heard that one Mr Gborie had overthrown the government in
8 Freetown."

9 Q. At this time in xxxxxxx, do you know who was in control of
09:36:31 10 the area?

11 A. Yes.

12 Q. Who?

13 A. At that time it was the CDF Kamajors. These were the
14 people that were controlling us, the civilians.

09:37:00 15 Q. By CDF, what do you mean?

16 A. The civil defence Kamajors. These were the ones who are
17 protecting us -- we, the civilians.

18 Q. How do you know that they were at that time controlling the
19 civilians, protecting the civilians?

09:37:41 20 A. Well, at that time it was only they and us, the civilians.
21 The CDF Kamajors and us, the civilians, were the only people that
22 were in the town, and anything that happened it was to them that
23 we lodged complaints.

24 Q. After you heard this announcement, did any CDF or Kamajors
09:38:03 25 say or do anything?

26 A. Well, they said something. You see, I was afraid. That is
27 why I told my workers that we should go to town.

28 Q. What did they say?

29 A. When we went to town, they asked us all to assemble and

1 they told us that they had heard that they had overthrown the
2 government of Tejan Kabbah in Freetown.
3 Q. Did they say who had overthrown the government of Tejan
4 Kabbah in Freetown?
09:38:45 5 A. Yes, they said that it was the soldiers. They said they
6 understood that the soldiers had overthrown the government of
7 Tejan Kabbah in Freetown.
8 Q. Did anything happen in ~~xxxxxxx~~ immediately after that?
9 A. Nothing, except when they told us that now that these
09:39:11 10 people had overthrown that we, the civilians, should sit quietly
11 and that we should not be afraid.
12 Q. Did anything happen later on?
13 A. Yes.
14 Q. What happened?
09:39:31 15 A. When they had spoken us to it took some time.
16 Q. What time -- after what time did something happen?
17 A. Some months. I cannot tell the exact month, but it took
18 some months. And we heard shooting.
19 Q. Where did you hear the shooting coming from?
09:40:03 20 A. In the part of Kenema, the area of Mano Junction area.
21 That is the part that the shooting was coming from in the
22 morning. Very heavy shooting.
23 Q. Would you just repeat the name of the junction, please,
24 that you heard the shooting coming from?
09:40:41 25 A. From Mano Junction, Mano Junction. It was that area that
26 the shooting had been coming from.
27 MS PACK: M-A-N-O, Your Honours.
28 Q. Do you know the month it was when you heard this
29 shooting coming from this area, which month?

1 A. It was during July. Normally referred Tongo as [Temne
2 spoken] in Temne.
3 Q. Did you see anything after you heard these gunshots?
4 THE INTERPRETER: Correction interpreter. August, please.
09:41:15 5 August instead of July -- August.
6 MS PACK:
7 Q. Did you see anything after you heard these gunshots?
8 A. Yes.
9 Q. What did you see?
09:41:39 10 A. Well, during the afternoon we saw soldiers. People wore
11 combat uniform and some wore civilian clothes, and they came to
12 town.
13 Q. Can you remember the time of day?
14 A. I cannot remember because during that time I was really
09:42:08 15 confused, so I cannot remember.
16 Q. Do you know who these soldiers were?
17 A. Yes.
18 Q. Who were they?
19 A. The soldiers, we saw the SLA. I, the civilian, saw the
09:42:29 20 SLA. Those that we have in Sierra Leone, those are that in
21 Freetown. Those they are ones that I saw there.
22 Q. How do you know that they were SLA?
23 A. Well, some of them I knew them before because they had gone
24 to xxxxxxx and fought there. So they came back to Freetown, so I
09:42:50 25 knew them to be SLAs.
26 Q. Do you know who was in command of these men that you saw?
27 A. Yes.
28 Q. Who was in command?
29 A. A man that was called -- in fact, a man that was called

1 "Mosquito" alias Sam Bockarie.

2 MS PACK: Your Honours have heard that name before.

3 Q. How do you know that he was in command?

4 A. Well, when they came then I formed us the civilians that
09:43:46 5 Mosquito was in command of the troops, and I saw him also in a
6 vehicle. It was in a jeep. He welcomed us and we also welcomed
7 him.

8 Q. When did you see him in a jeep?

9 A. The very day that they came into the town.

09:44:10 10 Q. What were the men doing, the SLAs as they came into town?

11 THE INTERPRETER: Your Honours, would the attorney please
12 repeat her question.

13 A. You are -- I have not answered because you that are
14 speaking to me in Temne I have not heard anything from you.

09:44:32 15 THE INTERPRETER: Your Honours, would the attorney please
16 put the question again.

17 PRESIDING JUDGE: Ms Pack, please repeat the question.

18 MS PACK: I will, Your Honour.

19 Q. What were the men doing, the SLAs, when they entered xxxxxxxx?

09:44:50 20 A. Okay when they welcome to xxxxxxxx when we welcomed them
21 before one hour we saw that they had started taking our property,
22 the soldiers. They started seizing our watches. They were deep
23 for their hands into our pockets and take the money that we had.
24 If you had a good shirt they would take it from you.

09:45:14 25 Q. How do you know they were doing this?

26 A. Well I saw, I saw with my own eyes I saw they had been
27 doing to it our own companions. I saw that they took some money
28 from our police. They took watch, they took good shirts. That
29 was why I ran and went to my wife and told her there has been a

1 problem in town.

2 Q. Did you see any fighting in xxxxxxxx after these SLAs entered?

3 A. When the SLAs entered xxxxxxxx there was no fighting at all.

4 They came into it with some heavy firing. They shot in the air

09:45:58 5 and they went into town.

6 Q. Did you see the CDF Kamajors after these men, SLAs, entered
7 xxxxxxxx?

8 A. No, not at all. The time that SLAs entered Tongo, the CDF
9 had disappeared. I did not see any one of them.

09:46:29 10 Q. What happened in xxxxxxxx over the next few days?

11 MR FOFANAH: Objection. Your Honours, my learned colleague
12 has been consistently leading this witness. The question has
13 always been what happened. The witness has not laid any basis
14 for such question. I'm objecting on grounds of foundation, on

09:46:46 15 the grounds that the question is leading.

16 MS PACK:

17 Q. Did anything happen in xxxxxxxx over the next few days?

18 A. Yes.

19 Q. What happened?

09:47:12 20 A. Well, when they entered in the evening for the whole of the
21 night, they started taking all the property of the civilians.

22 That is these AFRC, these soldiers.

23 Q. How do you know they were taking all the property of the
24 civilians?

09:47:30 25 A. Well I, when for me they went to my room, during that time
26 I and my two wives were lying together because we were afraid.

27 When they went at night they didn't do anything to my wives.

28 They only said we were to get out. I had a foam mattress with
29 some little things that I used to use in my room. So they took

1 all these and went with them.

2 Q. When these SLAs were in town or came into town, did they
3 say anything to you civilians?

4 A. Well, they said that they, the SLA soldiers, they said that
09:48:29 5 it was their government that had come to xxxxxxx. They said that
6 they had overthrown and that they had overthrown the government
7 on the 25 May and that their government had not been to xxxxxxx but
8 today they had come to xxxxxxx, so we the civilians should know
9 that.

09:48:52 10 Q. You have described things being taken from civilians. How
11 long did that go on for?

12 A. When they entered xxxxxxx they took three days. During the
13 night and in the morning they continued taking the property of
14 the civilians in the whole of the town. That was for three days.

09:49:23 15 Q. Did anything else happen over those three days that you
16 recall?

17 A. Yes.

18 Q. What else happened?

19 A. In the morning I was sitting in my house. I had a house
09:49:37 20 that was a --

21 THE INTERPRETER: Your Honours, would the witness please
22 repeat the last segments.

23 PRESIDING JUDGE: Mr Witness [Microphone not activated]

24 Sorry. Mr Witness, stop there and start answering your
09:50:04 25 question again. The interpreter needs to hear what you said.

26 THE WITNESS: Okay.

27 MS PACK:

28 Q. Do you remember the question?

29 A. Well, ask me the question again.

1 Q. Did anything else happen in xxxxxxxx over those three days?
2 A. Yes, I told you that something happened.
3 Q. what happened?
4 A. They killed three people, but I was sitting in my house.
09:50:55 5 Q. what happened?
6 A. I was sitting in my house. Some people came. Some
7 soldiers came with their guns. They came they found that the
8 room was locked. They said that this room should be opened.
9 Q. Pause, pause, witness. where did they come to, these
09:51:27 10 soldiers?
11 A. I was sitting at my house and there was another house
12 opposite me and there was a room and it was to this house that
13 they went.
14 Q. what happened then after they asked for the door to be
09:51:44 15 unlocked?
16 A. They said they wanted to know the people that were in this
17 room and these people that were in this room said they were not
18 going to open. And because they said they were not going to open
19 that was the time that they kicked the door.
09:52:06 20 Q. what happened?
21 A. The soldiers when they kicked the door, they shot and they
22 started shooting into the room. So they killed three people. So
23 they killed three people, there were many and they went away.
24 when they went away we, the civilians, and the others came and
09:52:33 25 took these corpses. There were three. So these ones I saw with
26 my own eyes.
27 Q. Did you hear these men, these soldiers, say anything else
28 when they came to this house and did this?
29 A. Yes.

1 Q. what did you hear them say?

2 A. They said that they were Kamajors in this house. When they
3 had killed these people they said that it was Kamajors that were
4 residing in this house. But I knew that there were no Kamajors
09:53:08 5 because during that time there are no Kamajors in town any more.

6 Q. Do you know if Mosquito had left xxxxxxxx at this time?

7 A. No. From the time that he entered he did not leave. He
8 was always in town. We would see him early in the morning. We,
9 the civilians, would see him.

09:53:45 10 Q. You have spoken about things happening over three days.
11 Did anything happen at the end of those three days?

12 A. No, what I have just said is what I saw during the three
13 days. The only thing that happened again was the time that we
14 were called that they told us that Mosquito alias Bockarie wanted
09:54:18 15 to see the civilians, that he wanted to see us, wanted us to
16 assemble at the park.

17 Q. Which park?

18 A. xxxxxxxx Park, where the vehicles park and this is the area
19 where people sell their goods. We had an upgarret in this
09:54:35 20 particular park.

21 Q. Did anything happen after the civilians were told to go to
22 the park, xxxxxxxx Park?

23 PRESIDING JUDGE: Ms Pack, there was a word.

24 A. Nothing happened there but all of us went to listen why
09:54:53 25 we were called.

26 PRESIDING JUDGE: I heard the witness use a word something
27 like a garret or some word of that kind.

28 MS PACK: Yes.

29 PRESIDING JUDGE: I did hear it properly. What is that

1 word?

2 MS PACK: I will ask the witness to repeat.

3 Q. You described something being at xxxxxxxx Park. What was
4 there at xxxxxxxx Park?

09:55:22 5 A. I said that we had a house there that was called a storeyed
6 building which is called in xxxxxxxx. And in Temne again we
7 also call it upgarret. But in English it is called a storeyed
8 building. That is the area where we were summoned to meeting by
9 Mosquito.

09:55:35 10 PRESIDING JUDGE: Thank you.

11 MS PACK:

12 Q. When you got there, who did you see there?

13 A. Well, when all of us had arrived, Pa Sam Bockarie alias
14 Mosquito, he was the one we met in this storeyed house and all of
09:55:56 15 us the civilians were waiting for him downstairs.

16 Q. Was anything said?

17 A. Yes.

18 Q. What was said?

19 A. Well Pa Mosquito alias Bockarie said to us that he said he
09:56:10 20 was sorry for what happened.

21 Q. Did he say anything else?

22 A. He said what happened during the three days, he heard and
23 that he saw. All that happened during the three days he said he
24 heard about everything and he also saw everything that happened,
09:56:45 25 but he was in sympathy with us because when the two elephants,
26 that is to say, when the two elephants fight it is the grass that
27 suffers.

28 Q. Did you understand him to mean anything by this?

29 A. Well, that is to say to us that they the soldiers, the AFRC

1 that have guns and the Kamajors that have guns. If therefore
2 they met and fought, we the civilians that do not have guns we
3 are the grass. We are the ones that would suffer. That is why
4 he said that he was in sympathy with us. That is why he gave us
09:57:31 5 this parable. That that one heard that one had a gun that you do
6 not have a gun, you are the one that is sympathetic because you
7 do not have any gun and that you are the grass.

8 Q. Pause there, witness. Witness, you have said the AFRC
9 soldiers. Who do you mean by the AFRC?

09:57:54 10 A. Okay, well, Mosquito when he summoned us to this meeting he
11 said, well, they had set up a government in Freetown which is
12 called the AFRC and the RUF and that they are brother soldiers.
13 They had overthrown the government. But they had been called
14 into town and that he was the vice-chairman.

09:58:14 15 Q. Whom did he say had been called into town?

16 A. Mosquito said that they, the RUF, had been called to come
17 and join the government of the soldiers and that he had been
18 designated as the vice-chairman. That is what he told us in
19 xxxxxxx. We, the civilians.

09:58:50 20 Q. Did he say anything else about the government of the
21 soldiers?

22 A. Yes, he told us that the government that was called the
23 AFRC and the RUF, that they had come together. So today, he
24 said, their government had arrived in xxxxxxx, that we, the
09:59:08 25 civilians, should know that.

26 Q. At this meeting did Mosquito say anything else?

27 A. When Mosquito told us that that of all the things that have
28 been taken from us, just like what he had said in the parable,
29 that we should bear. And that everybody would be asked, you

1 know, to mine for diamonds so that we would be able to regain all
2 the things that had been taken from us.

3 Q. Did he say anything else about what had happened over the
4 three days?

10:00:02 5 A. well, he told us we, the civilians, that now he had opened
6 a secretariat where we should go and lodge our complaints. We,
7 the civilians. He said he had opened it for us. He said, "God
8 willing after the meeting, if everybody went to his or her house,
9 if they left anything for you, you should not hesitate, you know,
10:00:47 10 to go and take it. If you had kept a watch and it had not been
11 stolen from you go and take it and wear it. Don't be afraid at
12 all.

13 Q. Do you know who was the commander of the secretariat?

14 A. Yes, when he had spoken us, he told us that he had left
10:01:11 15 somebody to whom we should lodge our complaints. That we, the
16 civilians, should be complaining to him and that the man's name
17 was Lieutenant Dennis. He was responsible, you know, for the
18 administration of the secretariat.

19 MS PACK: It is D-E-N-N-I-S, Your Honour.

10:01:28 20 Q. Who told you this, just remind us?

21 A. Pa Mosquito, alias Bockarie. Alias Sam Bockarie. He was
22 the one that said that he had left to us Dennis and that we
23 should lodge our complaints to him.

24 Q. Did anything happen after this meeting with Mosquito?

10:01:53 25 A. well, Pa Mosquito had said that after the meeting when he
26 had advised us, when he had told us our positions that we are now
27 under his control and we are under his government.

28 Q. Did anything happen?

29 A. Something happened when we had gone to our houses. Before

1 anything happened, he said he had told us everything. And I
2 should tell you what happened before something happened, the
3 thing that I am coming to talk to you about happened.

4 Q. Go on.

10:02:46 5 A. He said today he had advised us and he said that we in
6 xxxxxx were under his control, that is AFRC and the RUF, and
7 because of that, "Let us don't hesitate. Let us don't be afraid
8 at all. What had been stolen from us, what had been taken from
9 us, let's forget everything about it. Let's go to our houses."

10:03:08 10 He said before he left xxxxxx Town he said he wanted to set an
11 example. So that we, the civilians, could see. You see that is
12 why he told us to go to our houses. He said if you had a very
13 good ring, good watch, a good shirt, good shoes, go and wear them
14 and watch what would happen. He said, "Whosoever touched you,
10:03:38 15 watch at him carefully and see whether it was any AFRC or RUF
16 individual who went and grabbed you, you know, to take this,
17 this, from you. Look at him carefully. Come to the secretariat
18 and report." That is what he told us in the meeting.

19 Q. After Mosquito said these things in the meeting, did
10:03:58 20 anything happen?

21 A. Yes.

22 Q. What happened?

23 A. Well, when we went it was not up to one hour. That was the
24 time that we the civilians started hearing noise and some firing.
10:04:20 25 And then we went and found out that they shot at a civilian under
26 the [indiscernible] and most of our colleagues held him and they
27 took him to the secretariat during that time.

28 Q. Do you know who had shot?

29 A. I did not see the person that shot at this individual at

1 the moment. But I saw him at the secretariat with soldier
2 uniform.

3 Q. So, what happened after you heard the shooting?

4 A. Well, we went there with my fellow and my civilians. It is
10:04:59 5 our colleague civilians that took this man to the secretariat to
6 Sam Bockarie, alias Mosquito.

7 Q. Did anything happen when you got to the secretariat?

8 A. They took this man right up to secretariat to show what had
9 happened to Mosquito because I was standing down. That was the
10:05:27 10 time that he asked some soldiers with some guns to go in search
11 of the fellow who did this thing.

12 Q. Who took the man up to Mosquito? When you say "they", who
13 do you mean?

14 A. I said it is our brother civilians that took this man who
10:05:46 15 had been fired at and they took him to Mosquito. I said, we, the
16 civilians, but I did not go up. I was with a group because some
17 civilians took him up. It was civilians that took him up to
18 Mosquito so as to lodge a complaint.

19 Q. How do you know that Mosquito had sent for the man who had
10:06:05 20 fired the shots?

21 A. Well, I was standing down the storied building. That was
22 the time that I saw him calling the soldiers who had guns and
23 said that this man -- they should go in search of this fellow.
24 You see, I was standing there. You see, I did not go upstairs,
10:06:25 25 but I was down this storied building and these fellows came down
26 and went in search of this fellow.

27 Q. Did they subsequently return?

28 A. I was standing there when they came with him and took him
29 right up. You see, I was standing right at the -- under the

1 storied building.

2 Q. what happened after that?

3 A. when he was brought -- we were also listening, all of us,
4 the civilians, to see what was going to happen. Mosquito asked
10:06:58 5 him why he shot at this civilian. But, from what I heard, I was
6 not able to get any reason that was cogent that he gave to
7 Mosquito.

8 Q. Did anything happen after that?

9 A. Yes. Pa Mosquito said to him that, "I had told you people
10:07:20 10 that I was going to set an example before I could leave. well
11 today, because of what he had done, we are going to take you
12 outside so that every civilian could look at what had happened."
13 They took him outside, all of us the civilians had been looking.
14 He said, he checked where the civilian was shot at, the hand of
10:07:39 15 at which he was fired. So, Mr Mosquito also shot at him on the
16 very same hand and the hand was broken. He gave him two shots in
17 the hand.

18 Q. Witness, you were pointing to your upper arm. Do you mean
19 that the man was shot in his hand or his arm? would you clarify
10:07:58 20 that?

21 A. Yes, on the upper arm. And they broke -- and they broke,
22 and they broke the bones right here to where I saw. It was
23 Mosquito himself that shot him in this particular place. He shot
24 all of us and he shot.

10:08:27 25 Q. Witness, after the meeting that you have described with
26 Mosquito, did the looting stop?

27 A. well, when we had gone -- well, it reduced a little. It
28 didn't finish entirely, but it was a little bit better compared
29 with the one that had happened previously. He said, although

1 this had been going on in the corners, but it was not that
2 intensive as it used to be.

3 Q. Witness, after the meeting and the subsequent incident that
4 happened with Mosquito, did Mosquito remain in xxxxxx?

10:09:18 5 A. He went, but before he left he sent for our commander to
6 take -- to be in charge. That is to take his place. He sent for
7 him, but he met him there already. He was called Jamayo Katy.

8 Q. Pause, please.

9 MS PACK: Jamayo Katy. J-A-M-A-Y-O. Katy, K-A-T-Y.

10:09:46 10 Q. Now, you said he sent for Jamayo Katy?
11 A. Yes.
12 Q. What happened?
13 A. He told us that he said he was going to leave a commander
14 with us. If he left that man would be in charge of mining.

10:10:07 15 Q. Who did he say this to?
16 A. He spoke to us, the civilians.
17 Q. Do you know who Jamayo Katy was?
18 A. Yes. Jamayo Katy, I know him very, very well. I knew him
19 as SLA soldier.

10:10:40 20 Q. After Mosquito left xxxxxx, do you know if Jamayo Katy in
21 fact did take command of the mining?
22 A. Yes, but two days -- the third day, Jamayo Katy was killed.
23 Q. How do you know he was killed?
24 A. Well, at one night because we, the civilians, would not
10:11:15 25 work late at night -- you see, at night we heard very heavy
26 firing in the headquarter where the AFRC/RUF were. They fired
27 for the whole of the night. In the morning it was they, the
28 soldiers, that told us that they had killed Jamayo Katy. So,
29 indeed we went and saw his corpse. It was brought. That was the

1 time that I believed.

2 Q. Do you know if anyone took over command of the mining after
3 Jamayo Katy was killed?

4 A. Yes.

10:12:00 5 Q. Who?

6 A. After Jamayo Katy had been killed we heard Set Marrah. He
7 was the commander throughout.

8 Q. Pause a moment.

9 MS PACK: Set, S-E-T. Marrah, M-A-R-R-A-H.

10:12:16 10 Q. How do you know that Set Marrah was the commander
11 throughout?

12 A. Well, the AFRC and the RUF anything that they wanted to do
13 they would tell us, the civilians, that it is this man that would
14 be the commander of this place and he would be in charge of the
10:12:38 15 civilians. It was through that that we are able to know.

16 Q. Do you know who Set Marrah was?

17 A. Yes.

18 Q. Who was he?

19 A. He was SLA soldier. I have known him for so long.

10:13:09 20 Q. After Mosquito left xxxxxx, did anyone else remain in xxxxxx
21 apart from the men you have spoken about?

22 A. Well, except the commanders that they used to deploy
23 because like in my own area --

24 THE INTERPRETER: Your Honours, I have not got that name.

10:13:42 25 would the witness please repeat it.

26 MS PACK: Pause.

27 PRESIDING JUDGE: Mr Witness, just repeat the name that you
28 said again, please, for the interpreter.

29 MS PACK:

1 Q. So who else do you recall stayed in xxxxxx?
2 A. Amongst the commanders you had -- you had Victor. He was
3 in Mavenu area.
4 MS PACK: V-I-C-T-O-R.
10:14:23 5 Q. Apart from the commanders, did any other of these men you
6 have described as SLAs?
7 JUDGE SEBUTINDE: Ms Pack, there was an area that he named.
8 MS PACK: My apologies, Your Honour. Mavenu,
9 M-A-V-E-N-U-N.
10:14:35 10 THE WITNESS: Mavenu. Mavenu.
11 MS PACK: M-A-V-E-N-U-N.
12 Q. Apart from the commanders you have described, did any other
13 men stay in xxxxxx after Mosquito left?
14 A. Yes, the one that I knew and those that called we, the
10:15:10 15 civilians, to go, they asked us to choose a chairman who will be
16 our head.
17 Q. I will ask you about that in a moment, witness. Witness,
18 you have spoken about the mining you did in xxxxxx and had been
19 doing before the SLAs arrived. Did mining go on after Mosquito
10:15:33 20 and the men arrived in xxxxxx?
21 A. If they were mining for -- if they were mining before they
22 came? That's what you are asking me?
23 Q. After they came, was there mining in xxxxxx?
24 A. Yes, it was they who allowed us to mine. The AFRC and the
10:16:14 25 RUF under the command of Sam Bockarie, they gave us the authority
26 to mine for diamonds.
27 Q. Where was the mining going on?
28 A. Well, we used to have a place that was called xxxxxx.
29 MS PACK: That is xxxxxx, Your Honour.

1 Q. Whereabouts is xxxxxx?
2 A. It was in an area that was called Plain Field. Where the
3 xxxxxx came down. It is an open place.
4 Q. Pause.
10:16:50 5 MS PACK: Plain Field, that is just Plain Field.
6 Q. And I think you said an area called and you gave some
7 initials. Could you just repeat those, please?
8 A. I said the area that was called xxxxxx was in an area that
9 was called Plain Field area. Down in xxxxxx, the xxxxxx used
10:17:25 10 to come down there. It was that open area where xxxxxx pit was.
11 PRESIDING JUDGE: Ms Pack, I am still not very clear on
12 those initials. Was is MDC?
13 MS PACK: It sounded like xxxxxx. I am going to have to ask
14 the witness to repeat it and if the interpreter could take it
10:17:54 15 slowly as well so we can all take those down.
16 Q. If you could just repeat the initials of the area?
17 A. xxxxxx.
18 Q. Thank you, witness. Had there been mining at xxxxxx
19 before? Before the time when the AFRC and RUF entered xxxxxx?
10:18:26 20 A. Yes. This place, the CDF Kamajor used to mine there, but
21 it was not exposed. They did it secretively, but we learned that
22 the area was used for mining.
23 Q. When the AFRC and RUF started mining at xxxxxx pit, did
24 they say anything or did anyone say anything about the mining
10:18:51 25 that was to take place at xxxxxx pit?
26 A. Yes.
27 Q. What was said?
28 A. Sam Bockarie used to go there. He had given a command that
29 if we mined in the area that was a government work. We should do

1 government work. We should mine for the government.

2 Q. When did he say this?

3 A. When he first -- when he went there the other time. It was
4 the time that he told the commander. So the commander passed
10:19:42 5 that information to us, the civilians. He said, "We are going to
6 mine, but it would be a government work. That would be twice per
7 week." So the commander gave us that information.

8 [TB270605B - EKD]

9 Q. Which commander?

10:20:00 10 A. Pa Seth Marah.

11 Q. And who did he give that information to?

12 A. Well, to us, to our civilian chairman xxxxxx. He was
13 the chairman for the mining area.

14 Q. xxxxxx. This civilian chairman, do you
10:20:39 15 know how he was put in this position as civilian chairman?

16 A. Yes.

17 Q. How?

18 A. They, the AFRC and the RUF, it was Mosquito who told us to
19 choose a chairman for the civilian to whom we lodge our
10:21:07 20 complaints. And he should be the head of the mining. It is from
21 him that they will get report about mining. So that was the
22 reason why we chose him, to look after the activities of mining
23 and the civilians.

24 Q. Do you know when he was chosen to be the chairman for
10:21:37 25 civilians?

26 A. Well, I cannot exactly know the date, but during that time
27 we all voted. Two of them contested, but this one won. But I
28 cannot know the dates.

29 Q. How long did he remain as a chairman?

1 A. Well, when he started working, I think he spent a month in
2 that job.

3 Q. Do you know what happened to him?

4 A. Yes.

10:22:15 5 Q. What happened?

6 A. Well, when he was working, when the time -- the work for
7 the government came, it was in charge of all the diamonds. For
8 the civilian work, if we work we hand over everything to him,
9 then he will hand over to the commander until Sam Bockarie came.

10:22:41 10 There we had -- one day we heard that all the diamond that were
11 brought and he himself lost. From that time I never saw him.

12 Q. Did anyone take over as chairman after he left?

13 A. No, nobody.

14 Q. You have described the commanders handing over diamonds to
10:23:14 15 Bockarie when he came. After he left xxxxxx, after the meeting
16 that you have described did you see Bockarie again, Sam Bockarie,
17 in xxxxxx?

18 A. Yes. Sam Bockarie at that time, he will not take a week
19 without him coming to xxxxxx. Every week he came to xxxxxx.

10:23:38 20 Q. Witness, xxxxxx pit, can you describe its size?

21 A. The pit is very large. I cannot know its measurement. Two
22 thousand and more people can go inside there. It is very large
23 and it is deep. You will see people. If we can count we will
24 see thousands and thousands of people. It is not a small pit.

10:24:17 25 we cannot talk of a pit of -- we cannot say that it is a pit of
26 500 people.

27 Q. Witness, did you mine in this period after the AFRC and RUF
28 came to xxxxxx?

29 A. Yes, I used to mine for diamonds.

1 Q. where?

2 A. I used to dig for diamonds at xxxxxx.

3 Q. were you digging yourself?

4 A. Yes, I have my men that I was supporting.

10:25:01 5 Q. what were you doing at the pit?

6 A. well, if they say there was a job I will create two

7 conditions. One, to see what was happening and to secure my

8 workmen because of advantages and problems that were many. And

9 if I employ somebody's child to do some work for me, you should

10:25:23 10 be there so that to defend him if anything wants to befall him.

11 I didn't have some work to do, but I go there to see myself.

12 Q. The men you are talking about, is this the six men you

13 spoke about at the beginning of your testimony who worked for

14 you?

10:25:43 15 A. Yes, they are my workmen that I supported.

16 Q. You have spoken about Seth Marah saying to the civilian

17 chairman that civilians had to work for the government. Did you

18 work for the government, mine for the government?

19 A. I, I did not hold a shovel and dig. But I sent my workmen,

10:26:19 20 because I had six men. At any time they said that there is a

21 government work I will send them there.

22 Q. what do you mean by mining for the government?

23 A. well, what I mean, we, if they say today we had a

24 government work, anything that we get there, the AFRC and RUF, it

10:26:54 25 is the command that we give. We the bosses don't have hands

26 there. That is, you only work and you give to the commander.

27 That is the work of the government.

28 Q. what would you give to the commanders?

29 A. well, when the workmen were working, the diggers, when they

1 were mining for diamonds, if they got diamonds, the one that is
2 in charge to supervise you is the one that you gave the diamonds.
3 You should not give it to your boss. The one that they ask you
4 to give is the one that you give.

10:27:31 5 Q. Do you know how many civilians were mining for the
6 government at xxxxxx pit?

7 A. I cannot know, because we were over thousand, thousand.
8 The population of xxxxxx is over 10,000. If they talk about
9 government work everybody must go.

10:27:54 10 Q. Did you have a choice about whether you could work for the
11 government or not?

12 A. Yes, some will say that, but the example that we set, what
13 they would do to you, the next time you would not refuse to say
14 that you would not go. Because if you refuse to go, the

10:28:21 15 discipline that they will meted out on you will tell you that you
16 should go.

17 Q. How do you know that if you refused to go there would be
18 discipline meted out on you?

19 A. well, from my workmen, one of them refuse and hid but later
10:28:46 20 when he was found, in my presence, he was beaten up and they tied
21 his clothes and it was from that time that I saw that there was
22 an example. And I knew that if you refuse to go it would be a
23 problem for you, because I had seen that to my workman.

24 Q. How did you know when you had to work which days you had to
10:29:15 25 work for the government?

26 A. we didn't have a particular day. If they say -- even if
27 they say tomorrow we'd have a government work, they would pass
28 that information to the town. Everybody would know that tomorrow
29 you'd have a government work. They would not hide it at all.

1 Q. I am going to ask you to explain to the Chamber how your
2 men worked in the pit on non-government working days. What would
3 happen on non-government working days at the pit?

4 A. Well, they worked for me.

10:30:11 5 Q. What did they do?

6 A. Well, if I sent them to the pit to bale the gravel they
7 would go and bale the gravel. Four of them would take the gravel
8 and would take it to the water and I would be there -- I would be
9 there supervising them for advantage -- [translation interrupted]

10:30:33 10 Q. Pause a moment. How would they take the gravel to the
11 water?

12 A. Well, they would use rice bags, empty rice bags. One would
13 take the gravel and put it into the bag so when it is filled then
14 they would help one to put it on his head and they would take it
15 to the water and they would do the same thing to the other. When
16 it was filled they would take it to the water and they would put
17 it until the gravel, you would get a substantial amount of
18 gravel. That is the way we were working.

19 Q. What would you be doing as your men were filling the rice
10:31:14 20 bags with gravel and taking it to the water?

21 A. Well, see, I would only stand and look in case one would
22 want to seize advantage. Then I would tell them that no, please
23 don't touch this individual. This man is working for me. You
24 know, in case there is any problem I would be able to free them.

10:31:39 25 In case one of them was hungry, I would buy food for them. Or in
26 case anyone of them wanted to smoke I would buy cigarette for
27 them. That is why I was there.

28 Q. What would happen at the area where the water was?

29 A. Well, that is the area that we washed, you know, the

1 gravel. If we had some shakers, if you had six people, four of
2 them would have the shakers and the others would take the gravel
3 and put it into these shakers and they would shake and wash this
4 thing in the water.

10:32:19 5 Q. What were the shakers made of?

6 A. Yes, small wire meshes. In fact I even see some examples
7 here. You see, you can see wire meshes on the windows but ours
8 is a little bit stronger than what is on windows here in the
9 Court.

10:32:39 10 Q. What would happen as your men washed the gravel in the
11 shakers? What would they be doing?

12 A. Well, you see, they would search for diamonds. If they saw
13 the diamond, they would take it.

14 Q. After they found a diamond what would they do with it on
10:32:59 15 non-government days?

16 A. Well, if they took it they would bring it to me. So that
17 is why I used to feed them in the morning -- in the evening. I
18 was responsible when they fell ill. If they had any problems I
19 would take care of that. See, they would bring xxxxxx

10:33:20 20 xxxxx. They did not give it to me xxxxx.

21 we would bargain and we will come to a compromise then after
22 which I will pay them the money.

23 Q. You have spoken about the equipment your men were using;
24 who provided that?

10:33:38 25 A. Yes, I would buy shakers, I would buy shovels, I would buy
26 key tools, and all the things that they wanted. I was the one
27 that bought them because I was their xxxxx.

28 Q. Apart from the men that were working for you and other men
29 who were working in the pit, was there anyone else at xxxxxx pit

1 on non-government days?

2 A. Yes.

3 Q. Who?

4 A. The AFRC and the RUF. They gave everybody the opportunity.

10:34:25 5 Because during that time even if it was not government work, they
6 would ask you to go and work. Because since it was not
7 government work, if you took your own workmen --

8 Q. Go on, what were you about to say?

9 A. If you took your own -- if you ask your own workmen to go
10:34:47 10 and do the work, they would go there. And they would go there,
11 and they would have guns. And if the workman took a bag or three
12 bags, they would say, okay, now I want you to go to the area.
13 You have three bags; put one bag for me. That is the area in
14 which they used to get their own money. We used to give them

10:35:03 15 their own area and their own piles, and we used to all have our
16 own piles even if it was not government day, as long as they were
17 around. That is what we used to do, after which they would talk
18 to us. We, the bosses, that now ask your workmen to go and wash
19 the gravel for us. So each of them would have a pile.

10:35:22 20 Q. After these men, the AFRC/RUF men, asked your workers to
21 wash the gravel for them, what did they do if any diamonds were
22 found?

23 A. Well, you, the boss, have no hands in that. They will just
24 take these diamonds and put them into their pocket. In fact, you
10:35:54 25 wouldn't dare ask. In fact, you wouldn't have any right to ask.

26 Q. How do you know that these men who were at the pit, the
27 ~~XXXXXXX~~ pit, were AFRC/RUF men?

28 A. Well, you would know from the introduction of Sam Bockarie.
29 Said they, the AFRC and the RUF, they were the owners of the

1 government. So if you saw somebody who had combats and you would
2 straight away conclude that it was what Sam Bockarie told us.
3 These people belong to his group.

4 Q. On a government day, who would provide your workers with
10:36:44 5 equipment and food?

6 A. Well, you, the boss. Like me. So if I sent my own
7 workmen, it is I that would be responsible for what they would
8 eat for that day. The government would not give them anything to
9 eat. They would not buy anything for them to work with. It was
10:37:07 10 our own equipment that they would use to work.

11 Q. And on government days, how was the work arranged?

12 A. Well, when the people are many, because they will take you
13 50 -- a group of 50 and groups of a hundred. And they will
14 disperse the groups, 50, hundred, 50, hundred. You know, have
10:37:38 15 them dispersed in that way. And in any group, they would assign
16 one individual who would be watching in case he had any diamonds.

17 Q. Was the individual who was watching armed?

18 A. Yes.

19 Q. Were there any other guards or were there any guards for
10:38:03 20 each group of 50 or more?

21 A. Yes.

22 Q. How many guards for each group of 50?

23 A. Well, at times, they would send you ten people. Say,
24 according to the shakers, the number of shakers, at times they
10:38:27 25 would send you 10 people. It depended on the number of people in
26 a group. If you had 20 people -- if you had hundred people in a
27 group, they would send 20 people that were armed. They were only
28 there, you know, to be looking at what was happening; that is,
29 watching those people who had been washing the gravel.

1 Q. Pause a moment. You said "they" would send guards. Who
2 are you talking about when you use the word "they"?

3 A. It was the AFRC and the RUF. That is, their commander.
4 That is for the government work. They were the ones sending
10:39:04 5 these armed men to see how they were working, you know, for
6 diamonds.

7 Q. On a government working day, when there were groups -- men
8 distributed into groups, how was the labour divided on those days
9 in each group?

10:39:27 10 A. Well, they had nothing because they would only go there to
11 work and so that we would have peace of mind. Because there was
12 nothing; that is to say that if you worked and if they had any
13 diamonds, they wouldn't give you anything so as to have a share.
14 Practically you had nothing there. In fact, you were not even
10:39:56 15 fed. So you had nothing there.

16 Q. The question was how was the labour divided? In the group
17 of 50, who did what?

18 A. Well, at times they would take 10 people. They would be
19 there to be shovelling, shovelling and putting into the bags. At
10:40:26 20 times it would be 20, those ones that would be there to be
21 carrying the bags on their heads to take them from the pit to the
22 water so that the work would be faster. So do you understand?

23 Q. You are talking about "they" would put people in various
24 jobs. Who would be assigning the civilians at the pit to their
10:40:46 25 various tasks?

26 A. It was the AFRC/RUF, the commanders. They would send us
27 armed people that would secure those that were going to do the
28 job and to be watching at them.

29 Q. What would you do at the pit on government working days?

1 A. Well, I was only there to protect the people's children
2 that were under my control, because they had a lot of people who
3 would like to seize advantage on others. I would always be right
4 on top of the pit. And if I saw that if somebody wanted to
10:41:41 5 create problems for my own people, I would go down and talk to
6 them. That is why I used to go there. Even our own civilians,
7 fellow civilians, would always like to create problems.

8 Q. On government working days, what happened to any diamonds
9 that were found at ~~XXXXXXX~~ pit?

10:41:59 10 A. Well, see, what used to happen was that the AFRC, the RUF,
11 the commanders that were sent so as to watch at what had been
12 happening, we took the diamonds and gave to them. These were the
13 people to the whom the diamonds were given. And having given the
14 diamonds to them, that was the end. Practically you had nothing
10:42:27 15 to do any more.

16 Q. Did you have any choice about whether you handed over the
17 diamonds to the government men -- to the commanders?

18 A. Well, you would not refuse giving the diamonds to them
19 because we had seen the example. Because some people would like
10:42:54 20 to steal these diamonds. If you were suspected, straight away,
21 you will be sent to Hades. They would flog you almost to death.
22 So no sooner you see a diamond than you took it and gave it to
23 the proper authorities.

24 PRESIDING JUDGE: Ms Pack, are you at the end of a part of
10:43:20 25 your evidence, as I notice now the time for normal break?

26 MS PACK: Yes, Your Honour.

27 PRESIDING JUDGE: Very well, we will adjourn.

28 Mr Court Attendant, would you please adjourn court for 15
29 minutes. Thank you.

1 [Break taken at 10.40 a.m.]

2 [Upon resuming at 11.00 a.m.]

3 PRESIDING JUDGE: Yes, Ms Pack, please proceed.

4 MS PACK: Thank you, Your Honour.

11:03:57 5 Q. Witness, I was asking you about xxxxxxx pit just before we
6 had a break. Witness, the guards at the pit, were they armed?

7 A. Yes.

8 Q. What with?

9 A. Well, I saw guns with them, and they called them RPG. They
11:04:34 10 had long nozzles. They also had another gun that was called LMG.
11 It had a chain. Because I used to see them putting these chains
12 across their shoulders. They also had other guns that were
13 called a G3. They also had other guns that were called AK-47. I
14 used to see all these guns with them. They used to take them
11:05:00 15 with them.

16 Q. Do you recall the ages of the guards at the mine?

17 A. Yes. We had some children, like xxxxxx and xxxxxx. He was
18 around 12 years, 13 years. And in fact, he used to go to my
19 house. In fact, there was a certain time when he went to my
11:05:36 20 house and harassed me with a gun; he, xxxxxxxx.

21 Q. Thank you. Are you talking about your son, or are you
22 talking about someone called Junior?

23 A. I was not talking about my son. I was comparing Junior
24 with my own son who was 12 years. So I was making a comparison
11:05:54 25 between them, that my son and Junior were almost of the same age.
26 They were almost the same. Even when he went and harassed me, my
27 own son wanted to take some steps. And I told him if he
28 ventured, he would kill you, and nothing would come out of it.

29 Q. Was Junior armed?

1 A. Yes. In fact, he could not work without a gun.

2 Q. Apart from the mining, did anything happen that you recall
3 at ~~xxxxxxx~~ pit?

4 A. Yes.

11:06:33 5 Q. What happened?

6 A. There was a certain time I was standing, watching my
7 workers doing some work. That is the time that a civilian went
8 down into the pit. He had a gravel that was filled -- a bag that
9 was filled with gravel. He came up. And when he reached where I
11:06:57 10 was standing, there was an AFRC/RUF who had a gun. He captured
11 him, and he said he was to turn all the gravel on his own part.
12 And the child said he was not going to do that. When they were
13 employing --

14 Q. You are talking about a child. Is the civilian a child
11:07:20 15 that you are talking about?

16 A. This child that was a civilian, he said he was not going to
17 give him this gravel. He was not going to put it in the area
18 where he asked him to. Do you understand?

19 Q. [Overlapping speakers] -- to put it?

11:07:39 20 A. The armed AFRC or civilian, because I cannot make a
21 distinction, but he had gun. He was either AFRC or RUF because
22 these were the people that we had. They were the ones
23 controlling us.

24 Q. What happened after the civilian refused to put the bag
11:07:53 25 down for the AFRC/RUF man?

26 A. Well, this armed man shot at the child and killed him.

27 Q. Are you able to say about how old this child was?

28 A. No, I cannot recall the name. I cannot tell. Because I
29 was not in the place where this particular civilian was born.

1 Q. Witness, do you recall anything else happening at XXXXXXXX
2 pit when you were there apart from the mining?

3 A. Yes.

4 Q. What else?

11:08:40 5 A. An armed man, AFRC or RUF, he went and put the gravel just
6 by the edge of the water where they were -- they used to wash the
7 gravel. This AFRC/RUF man, he went with his gun, and he found
8 out that this gravel had been baled out. He did not see it any
9 more.

11:09:12 10 Q. So what happened?

11 A. He went -- he returned. He returned to XXXXXXXX pit, and he
12 was very, very angry. And he said that he was going to set an
13 example and asked the civilians. And he said that he must make
14 sure that he must kill a civilian for that particular gravel that
11:09:35 15 had been baled.

16 Q. So what happened?

17 A. When he was coming, he came firing. And we dropped to the
18 ground, and he killed one civilian. He killed a civilian, and I
19 also saw the civilian with my own eyes.

11:09:49 20 Q. When you were at the pit did you see or hear of anything --
21 did you see or hear of anything else going on in the mine?

22 A. Yes.

23 Q. What?

24 A. Right in the pit, where the population was, I did not get
11:10:17 25 into this pit, but my own workmen used to get in this pit. I was
26 standing right up. Anything that would happened, they would tell
27 us, we that were up, at any time that I went there, from the time
28 I started working there, I did not know who had been shooting.
29 But I had been seeing corpses. Corpses were brought out of the

1 pit, and they would tell us that they shot at this particular
2 individual. To say that I saw the individual who shot or I knew
3 the individual who shot, no, but they would say that this person
4 had been shot.

11:10:51 5 But the only thing that I knew was that AFRC/RUF were the
6 ones that were protecting us. They would bring two or three
7 right up where I was standing. I saw that with my own eyes.

8 Q. Pause. Two or three what? They would bring two or three
9 what up to where you were standing?

11:11:07 10 A. At times, right in one day, they would bring one to three
11 corpses. But every day that we went there, if they did not bring
12 two or three corpses, they would say that they brought them from
13 the corpse. They would come oozing with blood. They would bring
14 them oozing with blood right in the pit.

11:11:28 15 Q. Now, you used the word "they" were shooting. Who were you
16 told was shooting who down in the pit?

17 A. Well, right in, it was the AFRC and RUF. We expect that
18 these were the ones who had been doing the shooting because they
19 had the guns. We did not have guns, we, the civilians. So if
11:11:50 20 somebody were to say that they killed somebody and this
21 individual was brought with blood oozing from his body, well, we
22 could only attribute it to these people because they were the
23 ones that only had guns.

24 Q. When did the AFRC/RUF men leave ~~xxxxxxx~~?

11:12:09 25 A. They left during the Muslim month of Ramadan. I cannot
26 tell that. I do not know this particular month in English, but
27 it was during the Muslim month of Ramadan. That was the time
28 they left there. That was the time the Kamajors/CDF attacked
29 them.

1 Q. About how long did you work for the government for after
2 the arrival of the AFRC/RUF in Tongo?

3 A. Well, from the time -- from August up to the time that the
4 Muslim month of Ramadan that they were ousted. I am sure that it
11:13:03 5 would be around four months. It was during these four months
6 that we live together with them, the AFRC/RUF.

7 MS PACK: Witness, thank you very much. Those are all the
8 questions I have to ask the witness, Your Honour. If you'd wait
9 there, Witness.

11:13:24 10 THE WITNESS: Okay.

11 PRESIDING JUDGE: Thank you, Ms Pack.
12 Counsel for the Defence.

13 MR MANLY-SPAIN: Just a few questions.

14 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Please
11:13:29 15 proceed.

16 CROSS-EXAMINED BY MR MANLY-SPAIN:

17 Q. Mr Witness, good morning.

18 A. Yes, good morning.

19 Q. Mr Witness, how many statements did you make to the
11:13:37 20 investigators of the special court?

21 A. It was only one person who met me. It has taken some
22 years. She is a white woman. She took a statement from me.

23 Q. Please ask him how many statements he made.

24 A. She was the one who met me. And it was to her that I made
11:14:30 25 the statement. And I don't know the amount of -- the number of
26 pages. I explained to her. She was the only one that obtained
27 statement from me. She is a white woman, what we call in Temne
28 "opoto".

29 Q. May I ask you, Mr Witness, do you remember whether it was

1 two statements or four statements?

2 A. Well, I cannot know the number, except those who used to go
3 to read the statement that I made where maybe I will tell them
4 that this what I said and this was not what I said. But this was
11:15:23 5 the only person who obtained statement from me.

6 Q. Mr witness, do you remember whether before the coup, the
7 time you have spoken of in May 1997, whether there were soldiers
8 at XXXXXXX Field?

9 A. No, there was no soldier in XXXXXXX.

11:15:55 10 Q. Mr witness, do you know of the force known as Special
11 Security Division, (SSD)?

12 A. Yes.

13 PRESIDING JUDGE: Mr Manly-Spain, would you repeat your
14 question. We are having a little difficulty hearing you.

11:16:29 15 Perhaps a little closer to your microphone.

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

17 Q. Do you know a force known as Special Security Division or
18 SSD?

19 A. I know them.

11:16:52 20 Q. Were they at XXXXXXX Field before the coup d'etat of 1997?

21 A. Yes.

22 PRESIDING JUDGE: Just pause a moment, Mr Manly-Spain.
23 Mr Court Attendant, could you please check the audio as we are
24 not getting some of the questions or the answers. Mr Attendant,
11:19:55 25 it seems to be sorted out now, thank you. Mr Manly-Spain, we
26 seem to be sorted out, so if you try again and if necessary we
27 will ask you to pause again.

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

29 PRESIDING JUDGE: The question, just for record, is were

1 they at ~~XXXXXXX~~ before the coup of 1997? You were referring
2 to the Special Security Division.

3 MR MANLY-SPAIN: Yes, Your Honour.

4 Q. Mr Witness.

11:20:36 5 A. Yes.

6 Q. Were there soldiers of the Sierra Leone Army at any time at
7 ~~XXXXXXX~~ whilst you were there before the coup?

8 JUDGE SEBUTINDE: Mr Manly-Spain, are you repeating that
9 question or are you asking a different question?

11:20:56 10 MR MANLY-SPAIN: It is a different question, Your Honour.

11 JUDGE SEBUTINDE: But Their Lordships didn't hear the
12 answer to the previous question; that was the point.

13 PRESIDING JUDGE: Just pause again, please.

14 Mr Court Attendant, we're -- right. Mr Manly-Spain, we'll give
11:22:00 15 it another try.

16 MR MANLY-SPAIN: Yes, Your Honour.

17 Q. Mr Witness, were there soldiers of the Sierra Leone Army at
18 ~~XXXXXXX~~ at any time whilst you were there before the coup of
19 1997?

11:22:28 20 THE INTERPRETER: My Lord, the witness's mic is not on.

21 JUDGE SEBUTINDE: Mr Manly-Spain, we would really
22 appreciate if you could repeat the question before that regarding
23 the SSD.

24 MR MANLY-SPAIN: Yes.

11:22:43 25 Q. Mr Witness, I asked you whether you knew of the special
26 Security Division force, SSD. Were they at ~~XXXXXXX~~ before
27 the coup of 1997?

28 A. Yes, they were there, the SSDs.

29 Q. Now, Mr Witness, I am asking about soldiers of the Sierra

1 Leone Army. whilst you were at XXXXXXX at any time before
2 the coup, were there soldiers there?

3 A. There was no soldier at that time. I did not see him as
4 government soldier.

11:23:37 5 Q. Mr Witness, I am asking you not at the time of the coup,
6 but some time before. Let us say in 1996 were there soldiers at
7 XXXXXXX, Sierra Leone Army soldiers?

8 A. Yes, we were having soldiers there and they were the 6M
9 Battalion soldiers.

11:24:12 10 Q. You say they were not there at the time of the coup. Do
11 you know when they left XXXXXXX?

12 A. I did not -- I don't know the dates, but I was there the
13 day they said they should leave XXXXXXX.

14 Q. Mr Witness, at that time do you agree with me there was a
11:24:49 15 war between the Government of Sierra Leone and the RUF rebels?
16 That is before the coup.

17 A. Yes, I heard about that, the fighting between the RUF and
18 the SLA.

19 Q. During this period, Mr Witness, do you know what force or
11:25:31 20 forces were protecting XXXXXXX?

21 PRESIDING JUDGE: Which time are you referring to,
22 Mr Manly-Spain? You have mentioned two times.

23 THE WITNESS: Yes.

24 MR MANLY-SPAIN: Your Honour, I am referring to the period
11:25:41 25 whilst the SLA were in XXXXXXX.

26 Q. Can you please tell this Court.

27 A. The SLA soldiers were protecting XXXXXXX from '95 to '96. I
28 was there at that time.

29 Q. Do you know whether at that time the SLA soldiers were

1 working together with the Kamajors to protect XXXXXXXX?

2 A. Yes, I knew about that at one time, because I had seen
3 them, the Kamajor and the SLA, going to Paema to fight.

4 Q. Mr witness, do you also know that at that time, whilst the
11:27:10 5 Kamajors and the SLAs were working together, the SSDs were also
6 working with them to fight against the RUF?

7 A. Well, at that time my attention was not strongly on the
8 SSDs. It was only the SLA and the Kamajors I recognised, and
9 these are the ones I saw in town.

11:27:36 10 Q. Mr witness.

11 A. Yes.

12 Q. Before the coup d'etat do you know what group -- did you
13 know about Sam Bockarie?

14 A. I did not know about him. I only heard about him. I heard
11:27:57 15 that we had a man called Sam Bockarie, he was in the bush with
16 the rebels. This was how I knew him.

17 Q. When you say "rebels," do you mean the RUF?

18 A. The RUF, yes.

19 Q. From what you saw, when you say the soldiers went to XXXXXXXX,
11:28:28 20 who was in command of the soldiers who went to XXXXXXXX?

21 A. Pa Sam Bockarie. Sam Bockarie also called Mosquito was
22 their commander.

23 Q. Mr witness, you also told us in the beginning of your
24 evidence that you heard the radio announcement by somebody called
11:29:15 25 Gborie?

26 A. Yes. I said I know about the coup through Mr Gborie.

27 Q. After this announcement do you know whether the soldiers
28 set up a government?

29 A. I heard about that through the CDF. They said they had set

1 a government. They said a government had been set in Freetown.
2 At that time I was in XXXXXXX.

3 Q. Okay. Do you know the name of a person who was the head of
4 that government set up by the soldiers?

11:30:02 5 A. Yes.

6 Q. Please tell the court.

7 A. Well, Pa Mosquito told us that Johnny Paul Koroma was the
8 chairman of the government that was formed and Pa Mosquito was
9 the vice.

11:30:35 10 MR MANLY-SPAIN: That is all, Your Honour.

11 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Mr Graham,
12 please.

13 CROSS-EXAMINED BY MR GRAHAM:

14 MR GRAHAM: Thank you, Your Honours.

11:30:48 15 Q. Mr witness, good morning.

16 A. Good morning, how do you do?

17 Q. I'm fine. Mr witness, earlier on in your testimony this
18 morning you did indicate that the soldiers came in to XXXXXXX,
19 didn't you?

11:31:12 20 A. Yes, yes.

21 Q. Did they identify themselves as SLA soldiers when they came
22 in to XXXXXXX?

23 A. Some of them, because according to the uniform that they
24 wore, I saw that they had the same uniform as those of the SLA -
11:31:40 25 the attire as well as the guns.

26 Q. I will come to that. My question was did they identify
27 themselves as SLAs? Did they identify themselves as SLAs? You
28 just told me your opinion, but I want to find out whether they
29 identified themselves as SLAs when they came in to XXXXXXX.

1 A. Well, no, it was not they that told me that.

2 Q. They didn't tell you they were SLA soldiers, did they?

3 A. At the moment that they entered, they entered -- that they
4 entered, they did not tell us that they were SLA, although I knew
11:32:21 5 most of them that had fought in XXXXXXXX. I knew them to be SLA
6 soldiers. Some of them that came, they were over 50; I knew
7 them. They were SLA soldiers. They did not tell me that they
8 were SLA soldiers, but I knew that they were government soldiers
9 and that they were SLAs. They were the ones that protected XXXXXXXX
11:32:39 10 from 1995 to 1996.

11 Q. So it is a question of your opinion that they were SLA
12 soldiers and not because they told you they were SLA soldiers.
13 It was your opinion at the time.

14 MS PACK: That is not what the witness has said, Your
11:32:53 15 Honour. In fact, the witness has said that he knew some of them
16 to be SLA because they had fought in XXXXXXXX and been there 1995 to
17 1996.

18 MR GRAHAM: My learned friend, that is exactly what I am
19 saying. I am saying that it is the witness's opinion that they
11:33:06 20 were SLA soldiers.

21 PRESIDING JUDGE: The witness is saying he recognised
22 rather than formed an opinion.

23 MR GRAHAM: Thank you, Your Honour.

24 Q. So you are saying they were SLA soldiers because you
11:33:17 25 recognised them as SLA soldiers?

26 A. Yes, sir.

27 Q. Mr witness, are you very familiar with the uniforms used by
28 the SLA? Are you very familiar?

29 A. Those that had been fighting for us -- those that had been

1 fighting for us, I knew their uniforms as SLAs.

2 Q. Could you tell us what is so distinct about their uniforms
3 which make you know they were SLA soldiers? Could you tell us?

4 A. Yes. See, how I managed to know their uniform, because
11:33:53 5 they were the ones that had been protecting us from 1995, 1996.
6 SLA. I used to see government uniform on them and they told us
7 that this were the uniform that was given to them by the
8 government and this is what they wore. And they fought for us
9 for over 2 years, so I knew them very well, I knew the uniform
11:34:13 10 very well.

11 Q. My question is since you are saying you are very familiar
12 with their uniforms, you knew their uniforms very well. I am
13 just trying to find out what is so distinct -- how do you
14 identify what is distinct about SLA soldiers uniforms which made
11:34:29 15 it so easy for you to identify them as SLAs?

16 A. Well, the combat that they wore was the same that they wore
17 when they went -- when they were protecting us. That is how I
18 came to know that they were SLAs.

19 Q. Mr Witness, you are aware that Sam Bockarie was not a
11:34:56 20 member of the SLA; is that right?

21 A. Yes.

22 Q. Mr Witness, do you understand when we say to command or
23 control? Could you tell us roughly what you understand by to say
24 to command, to say one is in command or control?

11:35:18 25 A. Well, I cannot distinguish between command and control,
26 because for us in ~~XXXXXX~~ command and control are the same.
27 Because if somebody will say that "do this" and somebody tell
28 them "don't do this, don't do this," these are the things that I
29 know. These are the distinctions that I know.

1 Q. I wasn't actually asking for a distinction between the two.
2 It is synonymous, it exactly means almost the same thing. But
3 I'm fine. So to say command and control, as you say, means
4 someone who is in charge, someone who is in charge of events. Is
11:35:56 5 that what you mean? If you say one is in command or in control
6 it means he's in charge. would you agree?

7 A. Yes.

8 Q. So am I right in saying that at all the times during the
9 period that you have referred to Sam Bockarie, also known as
11:36:15 10 Mosquito, was the one who was in command and control?

11 A. Yes, when he entered ~~XXXXXXXX~~, he was -- yes, he was the
12 commander when they entered ~~XXXXXXXX~~.

13 Q. And at all the time when they were there he was also in
14 command and control also, wasn't he? Not just when they entered,
11:36:44 15 but throughout the period under reference he was under command
16 and control, wasn't he?

17 A. He was the head and if he was not there, he would leave --
18 he would appoint some other people. He would say, "These are the
19 people that will represent me in my absence."

11:37:03 20 Q. Mr witness, during that town meeting, when Mr Sam Bockarie
21 used the proverb that when two elephants fight it is the grass
22 that suffers, he was the only one who addressed the civilians,
23 wasn't he?

24 A. Yes.

11:37:28 25 Q. And we have no evidence and you haven't given us any that
26 apart from Sam Bockarie nobody addressed the crowd and the
27 civilians who had gathered at that point in time?

28 A. No. At the moment when I was in the meeting, it was his
29 voice that I heard. Except when he introduced Lieutenant Denis

1 and he said that this was the lieutenant commander for the
2 secretariat, and he said hello to the population.

3 Q. Is that all he said?

4 A. That was what I heard.

11:38:07 5 Q. So Lieutenant Denis didn't address the civilians, did he?

6 A. Well, he said that he was the commander for the
7 secretariat. That was what he said. That is why I said that he
8 introduced him saying that he was OC secretariat.

9 Q. And I am saying -- you haven't answered my question. My
11:38:34 10 question is that did Lieutenant Denis address the civilians apart
11 from just saying hello when he was introduced by Mosquito? Did
12 he have anything to say to the civilians when he was introduced
13 as the one to act in the absence of Mosquito? Did he have
14 anything to say?

11:38:55 15 A. Yes, what he said was what I told you. He said that he was
16 the one that had been introduced as the OC secretariat, so that
17 if we had problems, it was to him that we should lay complaints.
18 That is what he said about himself. That was what he said to us,
19 the civilians.

11:39:12 20 Q. So was Mosquito at this time in combat? Was he also in
21 military combat uniform?

22 A. No. Mosquito did not have any military fatigues. What he
23 had was a gym suit. That was what I saw with him during that
24 time.

11:39:40 25 Q. Mr witness, you just said that Lieutenant Denis, after
26 being introduced, said that he was introduced as the one in
27 charge of the AFRC secretariat; is that right?

28 A. Yes, and the one in ~~XXXXXXX~~.

29 Q. Yes, thank you. And he also went on to say that all

1 complaints should be channeled to him; am I right?

2 A. Yes.

3 Q. Did you or any of the civilians at any point in time take
4 any complaints to Lieutenant Denis?

11:40:17 5 A. In fact, it was the very day they took the complaints of
6 the individual that was shot. In fact, I was there. Although
7 Mosquito was there and he was the individual that presided over
8 that particular complaint.

9 Q. So I'm right in saying that when an issue of a complaint
11:40:43 10 came up, it was taken to Mosquito and not Lieutenant Denis; is
11 that right?

12 A. Yes. During that time it was because he was there at that
13 particular point in time. That is why the complaint was
14 channeled to him. The very day that he was introduced, that was
11:41:05 15 the very time that this complaint was lodged to him. But during
16 that time it was Mosquito who presided over this particular
17 issue.

18 Q. And you also would agree with me that we don't have any
19 shred of evidence, either from your testimony or from your
11:41:23 20 previous statements to the investigator and to the Office of the
21 Prosecution, establishing the fact that any complaint was ever
22 taken to Lieutenant Denis? You would agree with me, wouldn't
23 you, that no complaint either from your testimony or from your
24 previous statements established the fact that even a single
11:41:43 25 complaint was taken to Lieutenant Denis?

26 A. I did not say that they made a complaint to him. I said
27 that the day when he was introduced, it was that particular day
28 that they lodged a complaint to him. But since Mosquito was
29 there, it was Mosquito himself who presided over that particular

1 case. I was not there, not a day I witnessed somebody that
2 lodged a complaint to Denis.

3 Q. I have gone beyond the first day. I am talking of after.
4 I'm saying that even after the first day, in your testimony today
11:42:20 5 and in all your previous statements that you have given to the
6 investigators and to the Office of the Prosecution, we don't have
7 one shred of evidence indicating that even one complaint was
8 taken to Lieutenant Denis. That is what I am saying.

9 A. Yes, I would not give an evidence about that, because the
11:42:44 10 town was so big. But I was told that people used to go there to
11 lodge a complaint when they had problems, but since I did not
12 have a problem to go and lodge that complaint to Lieutenant
13 Denis. So I wouldn't say that nobody went there, but I did not
14 go there. I did not go there.

11:43:01 15 Q. I am interested in yourself and not in others. Let me
16 proceed.

17 A. Mm-hmm.

18 Q. During the period when Mosquito addressed the civilians,
19 did Lieutenant Murray also have the opportunity to talk to the
11:43:42 20 civilians? Did you hear me?

21 A. Yes, I hear you properly.

22 Q. [Overlapping speakers] refer to two commanders. You
23 mentioned Lieutenant Denis. You also mentioned one --

24 MS PACK: The witness did not mention a Murray.

11:44:11 25 MR GRAHAM: Marah, okay, I'm sorry.

26 Q. Did Officer Marah also have opportunity to talk to the
27 civilians at this point in time?

28 A. No, during that time Mr Marah was not there. In fact, he
29 had not even come there.

1 Q. You never at any point in time saw Seth Marah giving orders
2 and commands to the soldiers around, did you?

3 A. Yes, when he came. But during the time of Mosquito, when
4 he made that meeting, that man, they had not sent him to ~~XXXXXXX~~.

11:44:58 5 Because they sent for him later. See, when they had killed
6 Yomo Kata [phon]. That is the time that they brought Seth Marah.

7 Q. You would agree with me that regardless of the time when he
8 came, your testimony today, as well as in all your previous
9 statements, there is still no evidence that Seth Murray [sic] or

11:45:18 10 Lieutenant Denis were giving commands and orders to the other
11 soldiers around. We don't have any evidence to that effect. Not
12 from you today or from your previous statements.

13 MS PACK: With respect to my learned friend, the witness
14 has just given evidence to the effect that he did see Marah

11:45:34 15 giving orders to soldiers. It is a little unfair to summarise
16 his evidence today as not including what he has just answered in
17 a question to my learned friend.

18 MR GRAHAM: All right, I concede.

19 Q. Let me go to Lieutenant Denis. What about Lieutenant
11:45:49 20 Denis, did you see him giving commands and orders to the
21 soldiers?

22 A. Yes, because at a time that we passed through the
23 secretariat, see, we'd meet a lot of people and he was in command
24 of the secretariat. See, I used to see that with my own eyes

11:46:07 25 when I was passing. In fact, he was honoured. When we were
26 passing. Because we would not just go where they were, we the
27 civilians. We would not just go there as we wanted.

28 Q. So your testimony is that when you were passing you heard
29 him giving orders and commands. Is that what you are saying?

1 A. I did not say that. Even when I was giving evidence, I did
2 not say that I heard him giving commands. I said that he was
3 designated as OC commander, that if a civilian had any problems
4 you should go and lodge a complaint to that. That is what I
11:46:39 5 testified here. I did not say that I heard him giving a command.

6 MR GRAHAM: If I'm right, Your Honours, I would want to
7 just go back to the transcript in respect of the response that
8 the witness just gave to my previous question. Because if I'm
9 right, I recall I heard him say that when passing he heard him
11:47:04 10 giving orders and commands. I mean, that was just his response
11 to my last question.

12 PRESIDING JUDGE: Are you challenging him on that,
13 Mr Graham, or are you asking for the transcript to be read or
14 what are you asking us?

11:47:23 15 MR GRAHAM: Your Honour, I just want to be sure, because
16 the witness seems to be saying he has never given that response
17 at all, but I thought I heard him say that in response to my
18 question whether he had on any occasion heard him giving orders,
19 he said yes, at times when he was passing, he heard him giving
11:47:35 20 orders and commands. And I just want --

21 [TB270605C - SV]

22 PRESIDING JUDGE: I have a note to that effect, but let us
23 see what the official record said. Could we have the transcript
24 answer to the -- not the immediately-last question but the one
11:47:49 25 before.

26 COURT REPORTER: I don't have it, Your Honour. The
27 witness -- the interpreter was too fast.

28 PRESIDING JUDGE: I have a note, Mr Graham: "When I was
29 passing a lot of people, he gave orders."

1 JUDGE SEBUTINDE: what I have is, counsel, you are the one
2 who used the words, "Did you hear Lieutenant Denis giving orders
3 and commands?" But the witness's answer was, "Whenever I was
4 passing by, I would meet a lot of people waiting to address their
11:48:26 5 problems -- a lot of civilians waiting to address their problems
6 at the secretariat." Now, I didn't hear him say that he heard
7 Denis giving orders and commands. Your question related to
8 orders and commands, but his answer related to something else.

9 MR GRAHAM: Thank you, Your Honour. I think I'll proceed.

11:48:50 10 Q. Mr witness, so you have no doubt whatsoever that that point
11 in time --

12 A. Yes.

13 Q. -- Mosquito, Sam Bockarie, was in effective command and
14 control over the whole --

11:49:01 15 MS PACK: why is my learned friend using this legal
16 terminology for this witness, Your Honour? In my submission,
17 that sort of language is not appropriate to put effective command
18 or control, which is a legal phrase, to a witness who's not a
19 lawyer, who is a lay witness testifying to what he saw and heard.
11:49:21 20 He has given evidence and can give evidence about who he thought
21 or saw was in control or command. But saying things like
22 "effective command and control" is using language which really is
23 inappropriate, in my submission, in questions to a lay witness.

24 PRESIDING JUDGE: If the witness does not understand, he
11:49:36 25 will tell us. But it may be appropriate to use words that the
26 witness can fully comprehend.

27 MR GRAHAM: Your Honour, thank you. I believe I had the
28 opportunity earlier on to find out from the witness whether he
29 understood what was meant by "command and control," and I believe

1 the word "effective" is plain English and not necessarily to be
2 seen within a legal context.

3 PRESIDING JUDGE: But what do you mean by it, "effective"?

4 MR GRAHAM: Your Honour, I will withdraw the word
11:50:04 5 "effective" and just go simply with command and control.

6 Q. Mr Witness.

7 A. Yes.

8 Q. My question is that you have no doubt in your mind that
9 during the period under reference, Sam Bockarie, also known as
11:50:17 10 Mosquito, was in command and control over all operations in
11 XXXXXXX. He was the one that everybody listened to and took orders
12 from. Is that right?

13 MS PACK: Your Honour, there are two questions there, that
14 he was either in -- sorry, was in command or control or he was
11:50:35 15 the one who everyone took orders from. If perhaps the question
16 could be broken down so it's not a compound question so the
17 witness can answer just one of the questions that my learned
18 friend asked.

19 PRESIDING JUDGE: Mr Graham, you do have two questions in
11:50:49 20 that.

21 MR GRAHAM: Very well. Very well, Your Honour.

22 Q. Mr Witness.

23 A. Yes.

24 Q. I'm saying that you have no doubt in your mind that Sam
11:50:58 25 Bockarie, also known as Mosquito, was in command and control, in
26 charge of all operations during the period we've just referred
27 to. Is that right?

28 A. For us, he was the one that we knew. We, the civilians, he
29 was the one that introduced the AFRC/RUF government in XXXXXXX.

1 And he was the one that we knew that he was the leader. He had
2 commanders that he appointed. That was why I called the
3 commanders that I knew. The others I did not know them.

4 See, when he had appointed these commanders, he would go
11:51:41 5 and come and go and come, because he said that he had to see his
6 chairman, who was Johnny Paul Koroma. That was all that I knew.
7 See, I wouldn't be able to know whether he was the commander, but
8 he appointed some commanders. You know, he had his commanders,
9 Mr Lawyer.

11:52:00 10 MR GRAHAM: Your Honour, I don't think I have any further
11 questions for this witness. Thank you.

12 PRESIDING JUDGE: Thank you. Yes, Mr Fofanah.

13 MR FOFANAH: Thank you, very much, Your Honour.

14 CROSS-EXAMINED BY MR FOFANAH:

11:52:18 15 Q. Good morning, Mr Witness.

16 A. Good morning, Mr Lawyer. I return greetings to you.

17 Q. I also return the same.

18 Mr Witness, you've told the Court before the soldiers you
19 identify as belonging to the RUF/AFRC went into ~~XXXXXXX~~, the
11:52:41 20 kamajors/CDF were there. Not so?

21 A. Could you repeat your question so as for me to understand.
22 when you are talking fast, I cannot understand.

23 Q. You've told the Court this morning that before the soldiers
24 you identified as belonging to the RUF/AFRC entered ~~XXXXXXX~~,
11:53:11 25 kamajors of the CDF were already based there. Not so?

26 A. Yes. Yes, they were there.

27 Q. Were these Kamajors also mining diamonds at ~~XXXXXXX~~?

28 A. Yes, even the ~~XXXXXXX~~ pit. They were the one that first
29 mined for diamond there, but they did not expose it. They hid,

1 but I knew and my other colleagues knew about that.

2 Q. Mr Witness, are you sure yourself and your other colleagues
3 were not involved in the mining of diamonds in the XXXXXXXX pit
4 during the reign of the CDF Kamajors at XXXXXXXX?

11:54:29 5 A. Not at all. I never dug under CDF. They did not even
6 threaten people. They only mine because they knew the ground.

7 Q. Did your workmen work with the CDF during that period, the
8 CDF Kamajors?

9 A. Astafulai [phon], never. My workmen never work for the
11:55:43 10 CDF.

11 Q. And to the best of your knowledge, no other civilians were
12 working for the CDF at XXXXXXXX pit, not so, or anywhere at XXXXXXXX
13 mining diamonds?

14 A. Well, I don't know if the civilians would have been there,
11:55:43 15 but I did not hear about that. But the reason is that what I am
16 saying is not for here, it is for God. I am not afraid of them.
17 I am afraid of God.

18 Q. Okay, Mr Witness. I'm going to put a statement to you.
19 You were asked this morning by my colleague Mr Manly-Spain if you
11:56:22 20 recall making statements and you said yes. Correct? Making
21 statements to statement-takers. You said a white woman or so
22 took your statement?

23 A. Yes.

24 Q. Now, I'm going to refer to a statement made on the 16th
11:56:22 25 October 2002.

26 MR FOFANAH: Your Honours, I don't have the registered page
27 numbers. It's only the disclosed document of --

28 MS PACK: 7352 is the first page.

29 MR FOFANAH: Thank you very much. Your Honours, I want to

1 read from -- I think it is the tenth line, bottom of -- which
2 starts with "Each time the CDF commander would come and tell
3 me..."

4 PRESIDING JUDGE: Is that the second, first, third, or
11:57:42 5 which page of the statement, Mr Fofanah?

6 MR FOFANAH: The first page, Your Honour. It's 7353.
7 7353. I don't know if Your Honours have seen it.

8 PRESIDING JUDGE: Yes.

9 MR FOFANAH: There is a sentence that starts with "Each
11:57:42 10 time, the CDF commander would come and tell me that that day I
11 had to send my people to mine for them." I just want to read
12 from that point downwards.

13 MS PACK: Your Honour, can I just say, in fairness to the
14 witness and perhaps to my learned friend, there are subsequent
11:58:23 15 interview notes, statements, that were given by this witness
16 which said that any reference to the CDF forcing civilians to
17 mine in this period was actually meant to be a reference to the
18 AFRC/RUF. So if my learned friend is going to put an
19 inconsistency here, in fairness, I think at the outset it should
11:58:23 20 be pointed out that in a later statement - I can start with the
21 one at page 7358 - it starts with a paragraph which explains,
22 according to the witness, it was the CDF who started mining at
23 the xxxxxxxx site. They did not force anyone to mine for them.
24 They mined for themselves until the AFRC/RUF took over.

11:59:03 25 And then again, in a later statement starting at 7361,
26 third paragraph, "From June 1997, it was the RUF/AFRC that had
27 control of xxxxxxxx and not the CDF." The witness deleted
28 from his statement references to the CDF as the group in control
29 of xxxxxxxx from June 1997 to January 1998. Just so that that is

1 fairly put, because that would obviously be a deletion to what
2 was on the page of this statement to which my learned friend is
3 going to refer the witness.

4 MR FOFANAH: Most respectfully, Your Honours, this is the
11:59:08 5 second time that my colleague has interjected in this fashion. I
6 always ensure that I bring any contrary information given by the
7 witness in the form of statements or transcripts. But then at
8 this stage, I just want to refer him to what he had earlier said
9 and then probably ask him why he decided to change his mind
11:59:53 10 later. My colleague is always coming in this fashion to kind of
11 lay the basis for my cross-examination. I have not reached that
12 bridge yet. I will certainly cross it when I reach there.

13 PRESIDING JUDGE: We have already heard the witness say
14 that he changed things, that he corrected or -- he did not use
12:00:33 15 the word "correct," but he had said something else when they read
16 out the statement to him.

17 MR FOFANAH: As Your Honour pleases.

18 PRESIDING JUDGE: That has been said in chief. So if you
19 are putting this statement that you have started to quote --

12:00:33 20 MR FOFANAH: Yes, Your Honour.

21 PRESIDING JUDGE: -- in fairness, in the light of what he
22 has already told the Court, you should also put the later part.

23 MR FOFANAH: I was certainly going to do that. I was
24 certainly going to do that. Thank you very much.

12:00:33 25 Q. So, Mr witness, this is what you said on 16th October 2002
26 to the white woman that you said took your statement. I'm going
27 to read carefully and you tell me whether you recall making that
28 statement to her or not. It says: "Each time the CDF commander
29 will come and tell me that day I had to send my people to mine

1 for them. They will come with guns and machetes so we had no
2 choice. They only worked in the interest of their own power.
3 They never paid us anything for our work. When the RUF/AFRC came
4 they had the same system. Two weeks after XXXXXXXX opened under
12:01:27 5 the rebels the commanders passed on announcement that two days of
6 every week were to be for the benefit of the AFRC/RUF and
7 everything we found on those days had to go to them. This was
8 called government work." Do you recall making that statement to
9 the person that took statement from you --

12:02:06 10 PRESIDING JUDGE: You have been directed that you must put
11 the other statement.

12 MR FOFANAH: Yes, I'm coming to that, I just want to
13 establish --

14 PRESIDING JUDGE: Together. This statement as well.

12:02:27 15 MR FOFANAH: Sorry, Your Honour, I am just trying to get
16 the other bit. There is an additional statement made on 31
17 January 2005.

18 MS PACK: Perhaps I can give my learned friend the page
19 references. The first one is at 7358, interview of the 7th of
12:03:03 20 May 2003; the second is 7361, interview of the 27th of January
21 2004.

22 MR FOFANAH: Thank you very much. Okay, yes, 7358.

23 Q. Mr witness, also on 7th May 2003 in further interviews that
24 you had with statement-takers you made the following statement,
12:04:22 25 and I'm going to read it out. You were giving evidence relating
26 to AFRC/RUF activities in XXXXXXXX. According to you, they
27 said you said: "It was the CDF who started mining at the XXXXXXXX
28 site. They did not force anyone to mine for them. They mined
29 for themselves until the AFRC/RUF took over XXXXXXXX." Did you make

1 that statement?

2 A. Yes.

3 Q. Did you also recall making the previous statement that I
4 read to you to the white woman that you first spoke to?

12:05:14 5 A. Well, the white woman I would tell -- I will explain to
6 you. The white woman, when she had obtained the statement from
7 me, I didn't know that it was something that I had to talk here.
8 The first time they went to read my statement, they spoke about
9 CDF. As I am saying, God is my witness. I denied, I said, "No,
12:05:45 10 what you've written and you're reading now about the CDF was not
11 true. The CDF did not force me to work. It did not do anything
12 for me to mine for him. I knew that they began working at the
13 ~~XXXXXXX~~ but they were just among themselves." I said, "what you
14 stated here, you made mistake in writing. This thing I have
12:06:12 15 taken [indiscernible] if I'm not lying." They said they would
16 modify that. I told them that I did not say that and from when
17 they were going there I denied about that. I am afraid of God.
18 I am not afraid of the truth as you are here.

19 Q. But, Mr witness, the first time you had the opportunity of
12:06:33 20 telling your story was when you met this white woman; not so?

21 A. Yes, that was the time I and her spoke together. The
22 English that she was speaking -- she did not understand that -- I
23 did not understand that, and the Krio that I was speaking, she
24 did not understand that. So there was a problem in
12:07:02 25 communication. She is not here today, but God is a witness.
26 when they brought something that I did not say, that's why I told
27 them that I didn't say that about the CDF. One, never a CDF
28 force me to mine for him or her. That is what I'm telling the
29 Court now.

1 Q. Did you tell her that you can understand Temne, Krio and
2 English?

3 A. Yes, I told them that I speak English, Temne. As far as
4 English, I told them that I didn't understand well. I went to
12:07:50 5 school a little, but I didn't know that much. That is what I
6 told them.

7 Q. When she took your statement from you she read it over to
8 you in both Temne and Krio; not so?

9 A. I and my God, when the woman obtained the statements from
12:08:16 10 me, when they had written and said that she was going, it was
11 another thing that came and read this statement to me and that
12 she had written, because I did not know that -- I did not know
13 that she was writing. She went and, in fact, it was over four
14 months before some other person came and read the thing to me.

12:08:35 15 Q. Did you just say you did not know she was writing when this
16 interview was done?

17 A. I said she wrote, but having written she did not tell me
18 what she had written. She just went, because we were there up to
19 1.00 o'clock in the morning. She went away. She did not tell me

12:09:09 20 what she had written. God knows about that. She herself knew
21 that. It took some time when I saw some other people coming in
22 search of me. They were not even going to get me. They asked
23 me, they said that, in fact, they wanted to say something to me,
24 that I said something and it was written and they wanted to read
12:09:26 25 it to me. So when they read this to me, when this woman -- what
26 this woman wrote and I told them that this particular thing that
27 this woman said was not what I said so I had to change. So this
28 was what happened.

29 Q. Okay, I will take your word on that and then we will move

1 forward. Mr witness, do you recall also saying under oath this
2 morning that when the AFRC and RUF soldiers entered ~~XXXXXXX~~ under
3 Mosquito, Mr Sam Bockarie, that there was no fighting?

4 A. Not at all. The only thing is that there was some firing
12:10:17 5 and they were firing in the air. There was no fighting at all.

6 Q. How long did it take for them to seize ~~XXXXXXX~~, for them to
7 gain control of ~~XXXXXXX~~?

8 A. The whole day. We started hearing the firing in the
9 morning from Mano Junction. For the whole of the day we heard
12:10:46 10 the firing. In the afternoon -- by midday we went and welcomed
11 them.

12 Q. Mr witness, I'm putting it to you that you had earlier told
13 another court that the soldiers whom you refer to as coming from
14 the AFRC/RUF and the Kamajors fought for the "whole day". They
12:11:16 15 fought for the whole day when the soldiers were trying to gain
16 ~~XXXXXXX~~.

17 A. I said that we heard the sound right before entering. We
18 heard the sounds of gunshots at Mano Junction. It was during the
19 evening that they came into ~~XXXXXXX~~, see, and they write from the
12:11:51 20 statements that I previously made, this is what I keep saying.

21 Q. So you're now saying that they came into ~~XXXXXXX~~ in the
22 evening and not in the afternoon, because you just said you went
23 and received them in the afternoon?

24 A. No, right from the beginning I said that they came in the
12:12:14 25 evening -- in the evening. That was the time that we went and
26 welcomed them. Right at the beginning of my statement, I did not
27 say that they arrived there midday. It was in the evening that
28 we went and welcomed them.

29 Q. And you are absolutely sure that you've never told any

1 court that the Kamajors and these soldiers were involved in the
2 fight when the soldiers were trying to take over XXXXXXXX?

3 MS PACK: Your Honour, that's not what the witness has
4 said. In answer to the question, when my learned friend said ,
12:12:43 5 "You've earlier told another court that soldiers and Kamajors
6 fought for a whole day", the witness said, "I said we heard the
7 sound right before entering. We heard the sound of gunshots at
8 Mano Junction" or wherever it was. The witness hasn't denied
9 that there was fighting, he just said he hasn't seen it himself.

12:13:03 10 PRESIDING JUDGE: Ms Pack, what he says was firing, and
11 you're asking us to infer things from that.

12 JUDGE SEBUTINDE: In fact, from the previous record this
13 witness has made it absolutely clear that there was no fighting
14 as the soldiers entered XXXXXXXX. There was -- on three different
12:13:21 15 occasions I recall he has repeated there was no fighting when the
16 soldiers entered XXXXXXXX.

17 MR FOFANAH: Most grateful, Your Honours. I will proceed
18 from there. Your Honours, I'm going to read from page 41 of the
19 witness's transcript of 11th of February 2005, pages 41 to part
12:13:42 20 of 42.

21 MS PACK: Your Honours, on your registry record that's 7376
22 and following.

23 MR FOFANAH: Your Honours, I'm reading from line 20 of page
24 7376.

12:14:23 25 Q. The question was:

26 Q. How did the RUF and SLA enter XXXXXXXX?

27 A. They entered there with their guns and while they were
28 coming they had been firing.

29 Q. Where were the Kamajors when the RUF and SLA were

1 entering xxxxxxx.

2 A. At that time we did not see any Kamajors because they
3 fought for the whole of the day on the road.

4 Q. When you say they fought for the whole of the day, who
12:15:03 5 are you referring to.

6 A. It was the Kamajors that left the town and went on the
7 road, and they said they were going to intercept the SLA
8 and the RUF. And they fought for the whole of the day and
9 we have been hearing shooting throughout.

10 Q. Mr Witness, when did the fighting stop.

11 A. It was around the evening hours. That was the time
12 that we saw the soldiers and the RUF coming towards the
13 town.

14 Q. Did the soldiers and the RUF finally enter the town
12:15:46 15 itself.

16 A. Yes, they entered right into the heart of the town.

17 So, Mr Witness, how did you -- did you recall saying
18 that, first of all, to Trial Chamber I?

19 A. Yes, I knew what we said. I said -- I said they did not
12:16:12 20 fight in town. We heard the sound of firing. The Kamajors went
21 and said they were going to check what was happening there, and
22 they spent the whole of the day. They came back in the evening.
23 They did not fight where we were. I said we only heard gunshots.

24 When they came in the evening, they really shot, but the
12:16:31 25 only thing, they shot in the air. And they came right into town,
26 and there was nobody that returned fire, the AFRC and the RUF.
27 They came right into town firing in the air, and we went and
28 welcomed them. But they had been firing in the air, because
29 there was nobody who could counter-fire. That was what I said.

1 I was not there. I was not there where they fought. I said I
2 heard gunshots, and the Kamajors said that they were going to
3 check. So if you read what was recorded, that is what I said.
4 They did not fight in town where I was.

12:17:11 5 Q. But to the best of your knowledge, they fought outside of
6 the town. Is that what you're saying?

7 A. There was no fighting in town. Even where -- even the
8 gunshots that I heard, I wouldn't testify in this Court that they
9 had been fighting because I was not there. And they came to us,
12:17:32 10 firing in the air, and we welcomed them.

11 Q. So when you said the Kamajors went up the road, what road
12 were you referring to?

13 A. That was what I said. That's the road from which the sound
14 of the gunshots were coming from. During at that time -- at that
12:17:55 15 time it was the Kamajors -- the CDF who were our defence. They
16 were the ones that said that they were going to check, to check
17 and to know why these people had been shooting.

18 Q. Isn't this the road that leads into ~~XXXXXXX~~? Isn't that the
19 ~~XXXXXXX~~ Road that you were referring to when you said that the
12:18:13 20 Kamajors went up the road?

21 A. Yes, the road between ~~XXXXXXX~~ and ~~XXXXXXX~~. That's the main
22 road.

23 Q. Is that road very close to ~~XXXXXXX~~? I mean, is it the
24 entrance to ~~XXXXXXX~~ itself that you were referring to?

12:18:33 25 A. It was the main highway to pass through ~~XXXXXXX~~ to come to
26 Kenema, to the seven miles. Say, from Kenema to 17 miles -- 17
27 miles, Mano Junction.

28 No, I am just calling the miles.

29 Q. So I just want to know if this road that you were referring

1 to is very close to XXXXXXXX Town. That's what I'm trying to
2 establish.

3 A. Yes, the Kenema Road and that of XXXXXXXX -- listen to what I
4 said. It was the highway. Do you understand? It's the highway.
12:19:25 5 So you pass through that to go to Kenema.

6 Q. Exactly. And it's this same highway that enters into
7 XXXXXXXX. Not so?

8 A. Yes, yes.

9 Q. So will you agree with me if I say that when the Kamajors
12:19:40 10 withdrew from XXXXXXXX and said that they were hearing gunshots and
11 were going to find out, they were actually within the vicinity of
12 XXXXXXXX itself? They were very close to XXXXXXXX?

13 MS PACK: When was that? Is that when they said this, or
14 was it when they said they were going? It's a very unclear
12:20:02 15 question my learned friend is asking.

16 PRESIDING JUDGE: Be more precise, Mr Fofanah.

17 MR FOFANAH: Thank you very much, Your Honour. I will
18 rephrase.

19 Q. Before the Kamajors left XXXXXXXX -- I mean before the
12:20:15 20 soldiers entered XXXXXXXX, did the Kamajors tell you where they were
21 going?

22 A. I have answered that question. We heard the sound of
23 gunshots. We heard them from afar. They were the ones that were
24 protecting us during that time. That is why they told us that
12:20:39 25 they were going towards Mano Junction because they heard gunshots
26 from that place, and it's so far from XXXXXXXX. So they went to
27 that direction. So when we, the civilians, remain, we heard
28 gunshots from afar for the whole of the day. We were not there.
29 In the evening, we saw the AFRC and the RUF.

1 Q. Okay, just one main question on that. How did you know
2 that it was the Kamajors and the AFRC soldiers fighting?

3 A. I did not tell you that. I did not tell you that they were
4 fighting. There, I will deny. I said that we heard gunshots,
12:21:21 5 and they told us that they were going to check. So we did not
6 know whether they fought because I was not there, so I would not
7 testify to that here in court.

8 Q. But in the other court, Mr witness, you just said that they
9 fought for the whole of the day. That's what you said. You said
12:21:38 10 that they fought for the whole of the day.

11 A. In that particular court, I said that we heard gunshots,
12 you know, on the way. And if you heard gunshots and people said
13 that they were going to check, you know, when we were -- when we
14 were --

12:21:59 15 THE INTERPRETER: Your Honours, the witness is a little bit
16 fast.

17 PRESIDING JUDGE: Mr witness, speak a little easier, and
18 let the interpreter --

19 THE WITNESS: Yes.

12:22:11 20 PRESIDING JUDGE: So maybe start from the beginning and
21 speak slowly. Thank you.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: Start the answer again, please.

24 THE WITNESS: I said I did not say that the Kamajors and
12:22:31 25 the RUF fought. I was not there. I said that when they heard
26 the gunshots, we, the civilians, also heard the gunshots. They,
27 the CDF Kamajors, said they were going to check in the highway
28 where these gunshots were coming from. From that time when they
29 went, we heard gunshot for the whole of the day. We did not know

1 what had been happening. For the whole of the day, there were
2 gunshots. We only heard with our own ears. We did not know what
3 was happening. In the evening, we saw the AFRC and the RUF. And
4 when they came to town, there was no fighting. So that was all
12:23:32 5 that I knew.

6 MR FOFANAH:

7 Q. Did you say you went to receive the AFRC/RUF soldiers when
8 they were coming into ~~XXXXXXX~~?

9 A. Yes. Yes, we made a queue, you see, and we were saying
12:23:55 10 "save, save, save, save." You see, we were glad. You see, that
11 was what we said so as to be safe with them.

12 Q. And by "we," you mean the civilians at ~~XXXXXXX~~ at that time?

13 A. That was what I said. I said we, the civilians, we went
14 and welcomed them for our own safety.

12:24:31 15 Q. And at this material time, you said - you've said this
16 before, but I just want to emphasise it - it was Commander Sam
17 Bockarie, alias Mosquito, who was in charge. Not so?

18 A. I said that was what I said. I said he was the commander.

19 Q. Okay, so I will just move on to one last limb, and then
12:25:02 20 I'll bid you farewell. This limb on -- you said - and the
21 question was not pushed further on that - but then you said that
22 after the RUF and AFRC soldiers had come into ~~XXXXXXX~~, at a later
23 date, they were attacked by Kamajors. Not so?

24 A. That was in a statement, but it was not something that was
12:25:36 25 automatic. It was over a month. They came; they hit; they tried
26 to oust them out, but they were not successful. I said that.
27 But I said when they had captured the town, it was over one
28 month. So there was a certain time when they came and they hit
29 so as to oust the AFRC and the RUF, and they fought and they went

1 back. So that was how it was. Yes, I said that.

2 Q. Do you remember being at any field at ~~XXXXXXX~~?

3 A. Yes, I know a field in ~~XXXXXXX~~. We have a playing field. We
4 have the headquarter field.

12:26:21 5 Q. And did you and your family members, as well as those whom
6 you worked with, did you ever have cause to go to that field?

7 PRESIDING JUDGE: Which one, Mr Fofanah? He mentioned two.

8 MR FOFANAH: Excuse me, Your Honour.

9 PRESIDING JUDGE: The witness mentioned two, the playing
12:26:41 10 field, and I think he said the headquarters field. Which one are
11 you referring to?

12 MR FOFANAH: Thank you very much, Your Honour.

13 Q. I mean the headquarters field where the secretariat was.

14 A. Where the secretariat was, there was no field in that
12:27:00 15 particular area. The field that we have is at the headquarters,
16 and we also have a playing field where the NDMC play, normally
17 [indiscernible]. These are the two fields that we have. But at
18 the secretariat, there is no field.

19 Q. I actually meant the headquarters field. Have you and your
12:27:24 20 family members, as well as workers, had cause to go to that field
21 before, the headquarters field?

22 A. Yes, I have understood you, now that you have talked about
23 the headquarters. Yes. You see, we ran. We sought refuge at
24 this place, ~~XXXXXXX~~ headquarters.

12:27:49 25 Q. Why did you seek refuge there?

26 A. Well, at that time, the Kamajors, the CDF Kamajors, they
27 were trying to oust them. The soldiers were trying to oust them.
28 So in fact, they attacked the whole of the town. So there was no
29 way. The AFRC and the SLA had told us that if we heard any

1 kamajor, we witness any kamajor attack, we should go to the
2 headquarter for our own safety. So when the pressure was on us,
3 that was why we went to the headquarters; I, my mother, and my
4 other people.

12:28:20 5 Q. And did the kamajors finally attack the headquarters field?

6 A. Yes, yes.

7 Q. Did anything happen as a result of that attack by the
8 kamajors?

9 MS PACK: Your Honour, I'm objecting to this line of
12:28:40 10 questioning on the grounds of lack of relevance. My learned
11 friend is about to ask, I imagine, about crimes or atrocities
12 allegedly committed by kamajors. This isn't a trial about crimes
13 perpetrated by that group.

14 THE WITNESS: I have said that.

12:28:58 15 MS PACK: And my learned friend is asking questions about a
16 period after which the witness has testified the --

17 PRESIDING JUDGE: We don't know what he is going to ask,
18 Ms Pack, so I will ask him to reply to your objection.

19 Mr Fofanah, there is an objection on grounds of relevance.
12:29:18 20 I didn't actually get your question.

21 MR FOFANAH: Thank you very much, Your Honour. Your
22 Honours, in my estimation the question is very relevant.

23 PRESIDING JUDGE: What was the question? Repeat it. I
24 didn't get it.

12:29:31 25 MR FOFANAH: My question was the witness had just stated
26 that whilst at the headquarters field under the soldiers, the
27 kamajors attacked the field. So my question was if anything
28 happened as a result of the attack. That's where my learned
29 colleague objected.

1 PRESIDING JUDGE: I'll allow that question. But if you are
2 going to start asking questions about the CDF activities, I may
3 review that.

4 MR FOFANAH: As Your Honour pleases.

12:30:03 5 Q. So did anything happen as a result of that attack?

6 A. Yes. That was what made me to seek refuge at the
7 headquarters. well, just like what we were saying, that
8 particular case is something that has to do with the CDF. I told
9 them what happened at the headquarters, that they killed people
12:30:30 10 and that I saw corpses. And if you ask me today, this is
11 something that has to do with the AFRC and RUF. And here, the
12 Court has asked me to tell them what happened with the AFRC and
13 the RUF. what happened with Kamajors, I have explained that in
14 the other court.

12:30:45 15 Q. Mr witness, you rightly recall me asking you about what you
16 said you heard when there was a fight, according to you. well,
17 you said there was no fight. But you said, I mean, there was
18 firing, and the Kamajors and the soldiers were involved. And it
19 is because of that bit, I mean, interchanged between the Kamajors
12:31:09 20 and the soldiers, that is why I'm trying to ask you questions on
21 what happened during that period, especially as according to you
22 the soldiers were still at ~~XXXXXXX~~. The soldiers were still at
23 ~~XXXXXXX~~ and they were attacked by --

24 A. Mm-hmm.

12:31:27 25 Q. -- group, the Kamajors. So that is why I want you to help
26 us, give us an idea. They were still at Tongo, not so, the
27 soldiers?

28 PRESIDING JUDGE: Mr Fofanah, there is two periods that
29 you've referred to in your cross-examination about fighting. Now

1 when you've just -- which period are you now talking about?

2 MR FOFANAH: Yes, I was just prefacing that because I think
3 my learned colleague's line of objection was that the CDF and the
4 AFRC/RUF are different factions and my question was not relevant
12:32:01 5 because I was trying to invite a narrative based on what happened
6 between the CDF and the soldiers when they attacked. I was just
7 trying to explain that earlier I had indicated that, according to
8 what I read in the transcript, this was not the very first time
9 that the Kamajors and the soldiers were involved in a fight. So
12:32:27 10 it will be very pertinent and appropriate if the witness tells
11 us -- especially as he has indicated that at the material time,
12 the period under review, the soldiers were in control of ~~XXXXXXX~~.
13 So if anything happened within that period I think it is but
14 proper for him to explain to us what that thing was so that we
12:32:49 15 will know who bears responsibility, if need be.

16 THE WITNESS: Your Honours, I feel like using the toilet.
17 Mr Interpreter, I want to use the gents.

18 PRESIDING JUDGE: Yes, please go. Let the witness leave
19 the Court. We will adjourn the Court for 10 minutes, Mr Court
12:33:42 20 Attendant, to allow -- it's almost lunch time. We'll take an
21 early lunch adjournment. Please adjourn court until quarter past
22 2.00.

23 [Luncheon recess taken at 12.30 p.m.]

24 [TB270605D-AMD]

14:12:06 25 [On resuming at 2.15 p.m.]

26 PRESIDING JUDGE: Yes, Mr Fofanah, you were in the midst of
27 your cross-examination.

28 MR FOFANAH: And I think the Bench retired for a ruling.

29 PRESIDING JUDGE: I have an answer. We had better look at

1 that again. If you would not mind restating your situation
2 because I have not got one written down.

3 MS PACK: I had not objected to anything yet. My learned
4 friend was anticipating an objection and had made a statement to
14:20:44 5 the Chamber about what he was going to do, I think.

6 PRESIDING JUDGE: When there is an objection, Mr Fofanah,
7 we will deal with it.

8 MR FOFANAH: Thank you very much, Your Honour.
9 Your Honour, my question to the witness was to explain to us what
14:21:00 10 happened when the Kamajors attacked the soldiers for the last
11 time, because that was the last bit of his evidence. He said the
12 Kamajors attacked the soldiers and that was where he stopped in
13 chief. So, my question was what happened when the Kamajors
14 attacked the soldiers.

14:21:20 15 PRESIDING JUDGE: We are now on the second -- at the
16 headquarters?

17 MR FOFANAH: Exactly, Your Honour.

18 PRESIDING JUDGE: Very well. Please put the question.
19 Mr witness, did you hear the question?

14:21:35 20 MR FOFANAH: His mic is off.

21 THE INTERPRETER: The witness's mic is off, Your Honour.

22 PRESIDING JUDGE: Mr witness, did you hear the question
23 that counsel was asking?

24 THE WITNESS: Yes, I hear what he has said.

14:21:55 25 PRESIDING JUDGE: If you would answer it, please.

26 THE WITNESS: well, I would like the attorney to repeat the
27 question because I have not come to Court because of this
28 particular issue, but he is an honourable man and if he asks me a
29 question I am supposed to answer it.

1 MR FOFANAH: Thank you very much, Mr witness. My question
2 is -- I earlier asked you if any incident occurred at the
3 headquarters failed and you said yes. That is when you went to
4 seek refuge. My question to you, Mr witness, you have told the
14:22:51 5 Court that the Kamajors attacked the soldiers whilst you were
6 there seeking refuge. Did anything happen as a result of this
7 attack that you know of?

8 PRESIDING JUDGE: Just a moment, Mr Fofanah, I have
9 recorded an answer to that question. You should now move on from
14:23:07 10 that question.

11 MR FOFANAH: I am most grateful, Your Honour.
12 Q. Mr witness, I am going to put to you a statement that you
13 made at Court no. 1, Trial Chamber 1, and tell me if you can
14 recall making that statement as a result of this incident which
14:23:27 15 you have just spoken about?

16 MR FOFANAH: Your Honours, my reference is to page 46
17 of the transcript, I think. What page is that?

18 PRESIDING JUDGE: 7351.

19 MR FOFANAH: Thank you very much, Your Honour, 7351. It
14:23:54 20 starts at line 6, Your Honour, in fact the question begins at
21 line 4. It goes:

22 "Mr witness, can you tell the Court what happened at the
23 headquarters?

24 A. Yes. There is a big field, that was where we, the
14:24:13 25 civilians, slept during that time. During that time the
26 RUF were firing shots. The Kamajors as well were firing,
27 moving towards to capture where we were.

28 Q. Did the firing stop at any point?

29 A. Yes. When it intensified, the SLA and the RUF

1 dispersed.

2 Q. Do you know where the SLA and the RUF went to?

3 A. No, I didn't know, because that time I didn't see them.

4 Q. What happened after the SLA the RUF left?

14:24:58 5 A. That time we were left there. We, the civilians, in
6 the field and we saw the Kamajors. They were dressed with
7 the gunmen attires, small mirrors and a hat.

8 Q. What did the Kamajors do?

9 A. Where I was lying I saw one Kamajor with a cutlass.

14:25:23 10 Q. This Kamajor with a cutlass what, if anything, did he
11 do with the cutlass.

12 A. I saw him using the cutlass chopping the people that
13 were lying in the field.

14 Q. How many people --"

14:25:36 15 MS PACK: I have to object. I don't know what my learned
16 friend is doing, other than reading out a transcript, but he is
17 going on to now presumably read out that part of the transcript
18 that deals with atrocities that this witness describes being
19 perpetrated by Kamajors.

14:25:52 20 It's totally unrelated to his evidence in this trial and,
21 in my submission, therefore reading out that earlier transcript
22 for no apparent reason is an irrelevant and time-consuming
23 process and I'd object to my learned friend continuing with it.

24 MR FOFANAH: Your Honours, I had earlier laid the basis for
14:26:10 25 this by stating that the witness had indicated to the Court that
26 at this material time the soldiers of the RUF and AFRC were based
27 at XXXXXXX. My learned colleagues went ahead to cross-examine him
28 on the issue of command responsibility. If at this material time
29 he still alludes to their presence and their being attacked by

1 the Kamajors, then I think it is but proper that we know what
2 happened during the said attack and, if anything happened, who
3 did what. That is why I'm asking this question.

4 PRESIDING JUDGE: well, you have read the bit about the
14:26:49 5 attack and you are now moving on to something else that does not
6 involve the RUF or the SLA. So if you have a question relating
7 to the involvement of -- that is pertinent to the indictment
8 before this Court you should put it now.

9 MR FOFANAH: As Your Honour pleases.

14:27:06 10 Q. So, Mr Witness, you are saying that -- did you say this,
11 first of all, to that Court?

12 A. Yes. I said so in the previous Court concerning the CDF.

13 Q. Now were members or the soldiers that you earlier referred
14 to as belonging to the AFRC and RUF, were they present when the
14:27:37 15 last bit of the incident that I have read out to you happened?

16 A. Yes.

17 Q. Do you know the last bit that I am referring to? I am
18 referring to where you said the Kamajor had a cutlass. were
19 soldiers present when this Kamajor had this cutlass and doing the
14:28:06 20 things that I have read out to you?

21 A. No. During that time, when the Kamajors had been using the
22 machetes the AFRC and you RUF, none of them was there anymore, it
23 was only us, the civilians, that were there.

24 Q. At what point in time did the AFRC and RUF soldiers leave
14:28:30 25 the place? Can you recall?

26 A. well, I cannot recall the exact time because during that
27 time everybody was worried, everything was mixed up. During the
28 time when it was already going to be nightfall, but it was a
29 little bit -- when I returned I did not see any AFRC man and RUF

1 man.

2 MR FOFANAH: Thank very much, Mr Witness. No more
3 questions for him.

4 PRESIDING JUDGE: Thank you, Mr Fofanah. Any
14:29:11 5 re-examination?

6 MS PACK: No re-examination, Your Honour.

7 JUDGE SEBUTINDE: For the record that was page 7381, not
8 7351.

9 MR FOFANAH: Thank you very much, Your Honour.

14:29:33 10 PRESIDING JUDGE: Mr Witness I would like you to explain a
11 word you used. You referred to the bags of gravel being baled
12 out. What do you mean by baled out?

13 THE WITNESS: What I meant by baling gravel, where it is at
14 ~~XXXXXXX~~ pit, it is where people would take it. See, because you
14:30:15 15 had people -- people would have bags and they would take it, they
16 would use shovels. They would use a shovel and put it into the
17 bag. When the bag is filled then you have one, one of the
18 workers. These workers -- one of these workers would take it on
19 his head and put it by the water. And this is what I was trying
14:30:35 20 to explain of this is what I meant by baling. You see, where you
21 get the gravel is not to the place that you also wash it. You
22 take it from the pit to the water.

23 PRESIDING JUDGE: Thank you, Mr Witness. I thank you for
24 your evidence in the Court and you are now free to leave the
14:30:54 25 Court. Thank you.

26 THE WITNESS: Okay, I also say thanks to all of you here.

27 PRESIDING JUDGE: Do we need to -- the witness needs to
28 leave the witness box, do we need to close the Court, retire?

29 MR WALKER: We just need to close the curtains, Your

1 Honour.

2 [The witness withdrew]

3 PRESIDING JUDGE: Yes, counsel.

4 MR SANTORA: Good afternoon, Your Honours. I just wanted
14:32:14 5 to re-introduce myself, it's been a while since I have been here.
6 My name is Chris Santora, S-A-N-T-O-R-A. The next witness for
7 the Prosecution is TF1-216. He will be testifying in Krio.

8 PRESIDING JUDGE: Thank you, Mr Santora. Please proceed to
9 call your witness.

10 MR SANTORA: The Prosecution calls TF1-216 and the curtains
11 are still closed, so they can proceed to bring him in.

12 WITNESS: TF1-216 [Sworn]

13 EXAMINED BY MR SANTORA:

14 Q. Good afternoon, Mr Witness.

14:34:47 15 A. Afternoon.

16 Q. Mr Witness, I am going to ask you some questions and I want
17 you to listen carefully; okay?

18 A. Yes, sir.

19 Q. Mr Witness, do you remember the time of the intervention in
14:35:09 20 Sierra Leone?

21 A. Yes, sir.

22 Q. Where were you living at this time?

23 A. I was in ~~XXXXXXX~~.

24 JUDGE SEBUTINDE: I am sorry, counsel. What is the
14:35:31 25 intervention? We are a bit lost. There are a number of
26 interventions, what time period are we talking about? Do you
27 think you could use calendar timing?

28 MR SANTORA: I could. I was going to use an event just
29 because the witness recalls the event and not necessarily -- but

1 I can go ahead and ask him the date.

2 JUDGE SEBUTINDE: Because I'm referring -- by intervention
3 I understand two things. There's the AFRC intervention. There's
4 also the ECOMOG forces' intervention.

14:35:58 5 MR SANTORA: Okay. I was referring to the --

6 Q. Mr witness, I am going to ask you, when you say
7 intervention time, what do you mean?

8 A. That was the time when ECOMOG ousted the soldiers in
9 Freetown.

14:36:23 10 Q. And you stated you were living in XXXXXXX; is that correct?

11 A. Yes.

12 Q. What village were you living in XXXXXXX?

13 A. In XXXXXXX.

14 Q. Mr witness, can you spell that?

14:36:53 15 A. No.

16 MR SANTORA: Your Honours, the spelling that I have for the
17 village is XXXXXXX

18 Q. Mr witness, the village of XXXXXXX, what chiefdom is it in?

19 A. In XXXXXXX Chiefdom.

14:37:28 20 Q. And approximately how far is XXXXXXX from XXXXXXX Town?

21 A. XXXXXXX from XXXXXXX Town, it is about 14 miles.

22 Q. Mr witness, what happened in XXXXXXX at the time of the
23 ECOMOG intervention while you were living there?

24 A. Well, I saw a group of people that were soldiers who went
14:38:19 25 and met us there.

26 Q. Where did they meet you exactly?

27 A. In XXXXXXX Town.

28 Q. Do you know who these group of soldiers were?

29 A. I cannot tell the group because they all had uniforms and

1 they were well armed, so I was able to understand that -- I was
2 able to understand the language that they were speaking because
3 they were speaking Krio.

4 Q. And you said they were wearing uniforms; is that correct?
14:39:15 5 A. Yes, sir.

6 Q. What kind of uniforms were they wearing?
7 A. Soldier fatigue.

8 Q. And about how many soldier arrived in ~~xxxxxxx~~, approximately?
9 A. During that day they were so many I wouldn't be able to
14:39:42 10 tell you the number.

11 Q. What happened when the soldiers arrived?
12 A. Well, when they came, they stood there for the whole day
13 and they passed.

14 Q. And then what happened?
14:40:14 15 A. When they passed, another group went. They started taking
16 people's property saying that it was Operation Pay Yourself.

17 Q. Who started taking people's property?
18 A. It was the soldiers that went. I was captured in my house
19 and took part of my property and most of the things I was
14:40:59 20 selling, they took them and went away.

21 Q. Mr Witness, you said -- you made a reference to something
22 call Operation Pay Yourself. What do you understand Operation
23 Pay Yourself to mean?
24 A. Well, what they said, they said that we were the ones that
14:41:30 25 voted for Tejan Kabbah and they had ousted him from Freetown. So
26 they said that any property we had would be taken from us. That
27 was what was meant by Operation Pay Yourself.

28 Q. Who, exactly, said this, do you remember?
29 A. Well, it was difficult for me to remember because there

1 were so many. You but these used these words when they were
2 taking my property.

3 Q. So did more than one soldier say this to you?

4 A. They all used the words, this word when they went. Because
14:42:37 5 I was selling my property and they came and they took all that
6 they wanted. They took my money from me and they said that this
7 was time of Operation Pay Yourself, so we the civilians were to
8 be responsible.

9 Q. What happened after they took your things, your
14:43:06 10 possessions?

11 A. Well, they went away.

12 Q. Did you remain in ~~xxxxxxx~~?

13 A. Yes.

14 Q. Then what happened after they went away?

14:43:30 15 A. When they had gone between two to three days they came
16 again and they said Operation No Living Thing and started
17 killing, started killing people right in front of me.

18 Q. Mr witness, who said operation No Living Thing?

19 A. It was the group that went -- that was the group that used
14:44:08 20 that language. They said today that they had come to ~~xxxxxxx~~, it
21 was Operation No Living Thing.

22 Q. This group that came to ~~xxxxxxx~~ and used the phrase
23 "Operation No Living Thing", do you remember how many there were,
24 approximately?

14:44:39 25 A. Well, there were many. They used the word and I saw what
26 they did at that particular time. They were many.

27 Q. What exactly did you see them do?

28 A. Well, when they used these words, Operation No Living
29 Thing --

1 THE INTERPRETER: Your Honours, I did not get that bit.
2 will the witness please speak a little louder.
3 PRESIDING JUDGE: Mr witness, the interpreter cannot hear
4 you very well. Please speak louder and maybe speak a bit slowly.
14:45:37 5 THE WITNESS: All right.
6 PRESIDING JUDGE: Could you start your answer again?
7 THE WITNESS: All right.
8 PRESIDING JUDGE: Thank you.
9 THE WITNESS: The very day that they met us and proclaimed
14:45:51 10 this operation No Living Thing, they fired one individual that
11 was called Bangali, he died. They went and went to the market
12 part, XXXXXXX Road, and they killed one Sori, operator, he died.
13 They left and went to XXXXXXX Road at XXXXXXX Town. They killed one
14 old man that was called Pa Janneh. They killed him. Those are
14:46:13 15 the things I saw and we left the town.
16 MR SANTORA:
17 Q. Mr witness, you just mentioned that you saw this group kill
18 three individuals. Did you see this personally?
19 A. Yes.
14:46:30 20 Q. How did they kill them?
21 A. They killed them through firing.
22 MR FOFANAH: Your Honours, can we get the names again? The
23 witness was going pretty fast.
24 PRESIDING JUDGE: I was giving the witness a chance to
14:46:52 25 finish before asking. Let's have the names please.
26 MR SANTORA: I was going to go through them one by one.
27 Q. Mr witness, the first individual that you saw killed, what
28 was his name?
29 A. He was called Nellie Bangali.

1 PRESIDING JUDGE: Can we have the spelling please.
2 MR SANTORA: The spelling according to my understanding is
3 N-E-L-L-I-E and then the last name, family name, is Bangali,
4 B-A-N-G-A-L-I.
14:47:30 5 PRESIDING JUDGE: Is the witness able to spell.
6 MR SANTORA: He's --
7 THE WITNESS: No.
8 MR SANTORA:
9 Q. Mr witness, when you saw them kill Bangali, where exactly
14:47:47 10 were you when you saw this?
11 A. Well, I was in my house, it was from my house that the man
12 left. They were making mud bricks, one individual asked him for
13 diamond. He said because he saw mud on him it was possible that
14 he was mining for diamond. The fellow said that that he was not
14:48:14 15 mining for diamonds and he was making bricks with the mud. So,
16 they not allow him, so they fired at him and he dropped and died.
17 Q. Who fired at him?
18 A. It was a soldier.
19 Q. And you were in your house when this happened?
14:48:45 20 A. Yes.
21 Q. You said another individual was killed as well, aside from
22 Mr Bangali.
23 A. Yes, aside from Mr Bangali, besides Nellie Bangali, they
24 went up to the market because by then there were people in the
14:49:13 25 town. And they fired at one individual in the town who was
26 called Sori. He was an operator.
27 Q. You said his name was Sori.
28 A. Yes.
29 Q. Do you know his family name?

1 A. No.

2 Q. And did you see this happen?

3 A. Yes.

4 MR SANTORA: Your Honours, my understanding of the spelling
14:49:49 5 of Sori is S-O-R-I.

6 Q. Mr Witness, you mentioned a third individual who was killed
7 at this time. Who was that?

8 A. It was Pa Janneh, he was an old man.

9 THE INTERPRETER: Your Honours, would the witness repeat
14:50:26 10 that last bit. The road, I did not get it clearly.

11 PRESIDING JUDGE: Mr Witness, can you say it again the part
12 of your evidence about a road so the interpreter can hear you?

13 THE WITNESS: XXXXXXXX Road. XXXXXXXX Road.

14 MR SANTORA:

14:50:44 15 Q. You said this individual's name was Pa Janneh; is that
16 correct?

17 A. Yes.

18 MR SANTORA: Your Honours, my understanding of the spelling
19 is J-A-N-N-E-H. The road is XXXXXXXX road, XXXXXXXX.

14:51:20 20 Q. Mr Witness, who fired on Pa Janneh?

21 A. It was soldiers, they were the ones that went into the
22 town, they were the ones who caused this trouble.

23 Q. Mr Witness, do you know who the leader of these soldiers
24 was?

14:52:12 25 A. No.

26 Q. After Pa Janneh was killed, what exactly did you do?

27 A. Well, we left. We crossed by Sandor and crossed to go to
28 Guinea.

29 Q. Mr Witness, before we talk about your trip to Guinea, you

1 said that initially many soldiers came into XXXXXXX; is that
2 correct?
3 A. Yes. But the first day that they came they did not do any
4 harm to anybody, they just passed and they came to Koidu Town.
14:53:24 5 Q. How did they arrive? By what means were they travelling?
6 A. They used vehicles.
7 Q. Did you remember the kind of vehicles they were using?
8 A. Yes, I saw some Land Rovers, Land Cruisers and some other
9 motor cars, which were tough motor cars, which they were loaded.
14:54:03 10 Some were in trucks.
11 Q. Mr witness, I just asked you before if you knew who the
12 leader of the soldiers in XXXXXXX was. I am going to ask you now
13 if you know who the overall leader of all the soldiers --
14 A. No. I was not able to recognise the leader because they
14:54:35 15 were so many.
16 Q. Did you see any leaders in XXXXXXX at this time?
17 A. Among the civilians?
18 Q. Among the soldiers, all the soldiers, did you see any
19 leaders?
14:55:01 20 A. Yes.
21 Q. Who did you see?
22 A. Well, they showed -- one individual who was staying with
23 me, he was an old soldier. When we went to go and know who they
24 were they showed me one individual who was this man, Paul Koroma.
14:55:29 25 Q. Where did you see Paul Koroma?
26 A. In a vehicle.
27 Q. Where exactly was the vehicle when you saw it?
28 A. When they arrived, they parked and the vehicles went all
29 about the town.

1 Q. And the vehicle with this person, Paul Koroma, where did
2 you see it exactly; do you remember?

3 A. Well, I saw him where the vehicles were parked. There was
4 a field at the middle of the town. What made me to see him? One
14:56:39 5 boy that was an old soldier, but his foot had been damaged
6 before, he was with me. There was one herbalist that was taking
7 care of him. See, when he heard about these people, he said I
8 was to accompany him and that it was their -- it was his comrades
9 and they said perhaps they might have something to give me -- to
14:56:59 10 give him. And when he went, he told me that that was Johnny Paul
11 Koroma.

12 Q. Can you describe how Johnny Paul Koroma appeared?

13 A. The way he appeared, he had large clothes. He rubbed
14 something at the back of his head. I was only able to see his
14:57:43 15 face. And therein, the man who took me said, "There is the man."

16 Q. And what exactly did he tell you about this man, Johnny
17 Paul Koroma?

18 A. Well, he just told me that he was the chairman for the
19 people who went to xxxxxxxx. He said that was the chairman.

14:58:24 20 Q. Mr witness, you said you saw three individuals killed in
21 xxxxxxxx and then you left to Guinea; is that correct?

22 A. Yes, sir.

23 Q. Who exactly left xxxxxxxx with you?

24 A. Well, we went in groups, we were many.

14:59:08 25 Q. Why did you go?

26 A. It is because of the killings that we saw, because they had
27 been killing people. That was what made us to move.

28 Q. Where exactly did you go from xxxxxxxx in Guinea? Do you
29 remember the place?

1 A. Yes. We went to Forah Karia. That is where we stopped.

2 MR SANTORA: Your Honours the spelling of Forah Karia is
3 two words: F-O-R-A-H, Karia K-A-R-I-A.

4 Q. How long did it take you to walk from XXXXXXX to Forah Karia,
15:00:33 5 do you remember, approximately?

6 A. Yes, sir. We spent four days. The fourth day we were able
7 to reach Forah Karia.

8 Q. Were you with your family?

9 A. Yes.

15:01:04 10 Q. Were there other people aside from your family with you?

11 A. Yes.

12 Q. How long did you stay in Forah Karia, approximately?

13 A. We spent up to one month.

14 Q. And then what happened?

15:01:55 15 A. Well, we sat one day and we heard announcement on the radio
16 that ECOMOG had overcome the rebels in Kono, so anybody that had
17 property, so everybody should leave. So whosoever had any
18 property there in Kono.

19 Q. Mr witness, you said you heard an announcement over the
15:02:35 20 radio; is that correct?

21 A. Yes.

22 Q. Do you remember the radio program you heard the
23 announcement on?

24 A. It was on BBC. That is where the report came.

15:02:57 25 Q. After you heard this announcement over BBC, what did you
26 do?

27 A. Well, all of us that left a lot of property behind us, so
28 we mobilised, you know, to go and see whether it was true.

29 Q. What do you mean you mobilised to go and see if it was

1 true?

2 A. well, we that had property, when we heard that ECOMOG had
3 overcome the rebels in Kono, we went there. So we went, but we
4 did not believe until we reached.

15:04:04 5 Q. So after you left Forah Karia in Guinea, where did you go
6 now?

7 A. We went to XXXXXXXX.

8 Q. How long did it take you to walk back to XXXXXXXX, do you
9 remember?

15:04:44 10 A. well, to return, we spent about two days. The third day we
11 arrived earlier and we found out that there was nobody. So we
12 went back to the bush and we settled there.

13 Q. When you say you settled in the bush, what was the closest
14 village to where you were?

15:05:30 15 A. The town that was by XXXXXXXX was called XXXXXXXX.

16 MR SANTORA: Your Honours, the spelling is S-O-K-U-D-U.

17 Q. After you settled in the bush, after returning from Guinea,
18 what happened?

19 A. well, one morning I went and checked in the house, because
15:06:15 20 I left one old woman who was not able to walk, if she was alive.
21 There I fell in an ambush. I met some other soldiers who had
22 come there at night. They were the ones that captured me.

23 Q. So you were returning back to XXXXXXXX; is that correct?

24 A. Yes.

15:06:44 25 Q. And you said you fell into an ambush; is that correct?

26 A. Yes.

27 Q. Who was with you?

28 A. well, I was with my three children.

29 Q. How many soldiers were there, do you remember,

1 approximately?
2 A. There were many.
3 Q. Were these soldiers wearing the same uniforms as the
4 soldiers you saw before you left for Guinea?
15:07:42 5 A. Yes, sir.
6 Q. And what happened when you met them?
7 A. When they captured me and my children, they decided to put
8 my children into the house with the old woman and they set the
9 house ablaze.
15:08:15 10 Q. Mr witness --
11 A. Yes.
12 Q. -- when you came back to ~~xxxxxxx~~ and they captured you, you
13 said that they put your children in a house along with another
14 older woman and set it ablaze; is that correct?
15:08:54 15 A. Yes, they set it ablaze, yes, sir.
16 Q. Whose house did they put them in, do you know?
17 A. My own house.
18 Q. What did they say when they were doing this?
19 A. Well, they only knew what they planned. But they just said
15:09:31 20 that they were not going to kill me, because they said they knew
21 what they were going to do with me. They said, well -- they said
22 that they were going to do something with me. They said they
23 were not in need of anybody --
24 THE INTERPRETER: I did not get that last bit, Your
15:09:49 25 Honours. Would the witness please repeat what he said?
26 PRESIDING JUDGE: Mr witness, could you please repeat the
27 last part of your answer, thank you.
28 THE WITNESS: Mm-hmm. Which one?
29 PRESIDING JUDGE: Maybe answer the question entirely again.

1 Mr Santora, please put the question again.

2 MR SANTORA:

3 Q. Mr witness, when the soldiers captured you and put your
4 children and an older woman in the house, what did they say while
15:10:32 5 they were doing this?

6 A. Yes, sir. Well, they just set the house ablaze and said
7 that they did not need anybody again. They said that they that
8 were fighting were sufficient. They said we that are the elderly
9 ones, they said were going to move with us to Tombodu.

15:10:59 10 Q. Mr witness, when they put your children in the house, where
11 exactly were you standing?

12 A. I was there. They had captured me. I was in their hands.
13 I was with them. They had tied me.

14 Q. And could you see them putting your children in the house?

15:11:43 15 A. Yes, sir.

16 Q. And after they put them in the house, what exactly did they
17 do?

18 A. Well, they took us, seven of us, to take their loads to go
19 to Tombodu.

15:12:12 20 Q. Mr witness, you said they set fire to the house; is that
21 correct?

22 A. Yes, sir.

23 Q. How did they set fire to the house; do you remember?

24 A. Well, they took kerosene and splashed it off, all the doors
15:12:41 25 were locked and they set the house ablaze.

26 Q. And how long did you watch the house as it went up ablaze?

27 A. I watched at the house when it was burning.

28 Q. Mr witness, how old were your children?

29 A. Well, the elder one was 17 years old and I had a 7-year-old

1 child, and the smallest was four years and two months.
2 Q. And the smallest, was it a boy or a girl?
3 A. It was a boy. I had two boys and one girl.
4 Q. How old was the girl?
15:14:06 5 A. The girl was around 15 years.
6 Q. And do you remember how many soldiers, approximately, were
7 involved in setting the house ablaze?
8 A. There were many, they already taken us far. We that were
9 the elderly ones, we were seven. They took us far away and they
15:14:53 10 continued with their business.
11 Q. So where did they take you?
12 A. They took us to Tombodu.
13 Q. How many soldiers took you to Tombodu?
14 A. There were many. They were in groups and we were in front.
15:15:29 15 we were at gunpoint.
16 Q. And you said that they forced you to carry loads; is that
17 correct?
18 A. Yes.
19 Q. How long did it take you to walk to Tombodu?
15:15:58 20 A. I would not be able to tell you the exact time, because by
21 then I was not by myself. I did not have any watch; I was not
22 able to know. Because people had been moving with us; it was not
23 I alone.
24 Q. So were there other civilians with you going to Tombodu at
15:16:21 25 gunpoint as well?
26 A. We were seven.
27 Q. And what were you forced to carry; do you remember?
28 A. Loads, bags. We did not know what was in these bags.
29 [TB270605E-JM]

1 Q. Mr witness, what happened when you arrived in Tombodu?

2 A. When I arrived in Tombodu, we met a lot of soldiers. In
3 fact, I would not be able to tell the number because there are so
4 many. So the people who went with us, they took us to one man
15:17:24 5 who was the grand commander, who was Alhaji Bayo, Staff Alhaji.

6 MR SANTORA: Your Honours, the spelling of Alhaji Bayo is
7 A-L-H-A-J-I B-A-Y-O. It has also been spelled B-A-Y-O-H as well
8 in other situations.

9 Q. Mr witness, you said that they took us to their grand
15:18:18 10 commander Staff Alhaji?

11 A. Yes.

12 Q. How did you know he was the grand commander?

13 A. Well, when they took us there, the first group that we met,
14 this was the group that said we should be taken to our -- to
15:18:32 15 their head who was Staff Alhaji. So they took us to him.

16 Q. So when they took you to him, what happened?

17 A. Well, when he saw us, he said we should be tied. We were
18 tied. We were tied in one, arranged [indiscernible].

19 Q. Mr witness, this is still you and the four other people you
15:19:23 20 came with? were there the people that were tied?

21 PRESIDING JUDGE: I understood the witness to say seven.

22 MR SANTORA: I'll clarify. That may be my mistake,
23 Your Honour. I'm sorry.

24 Q. How many people were tied up with you when you were brought
15:19:39 25 to Staff Alhaji?

26 A. It was us that were captured in ~~xxxxxxx~~. Seven of us who
27 were the ones that were tied on that stake.

28 Q. After they tied you up, what happened?

29 A. We were in this position where we were tied, another group

1 of soldiers came which came from Masundu, and they came with some
2 other people and said that these were the people that they
3 captured in the bush. So Staff Alhaji gave a command that they
4 should be put in the same house where people were put.

15:20:30 5 Q. What did he mean when he said put them in a house? Did he
6 say anything else?

7 A. It is not -- it was not us. It was those people who were
8 brought from Masundu. He said that they should put them in a
9 particular house which was -- they regarded as a cell. We were
10 tied outside. We were in ropes.

15:21:13 11 Q. After this, what happened?

12 A. After that, when they had put those people in the house,
13 the man who put them into the house came with a report telling
14 him the number of people that were there.

15:21:43 15 Q. And did you hear how many were there?

16 A. The man gave the number to Staff Alhaji saying that there
17 were 53 in number, those that were inside.

18 Q. And at this time you were still outside tied up; is that
19 correct?

15:22:19 20 A. Yes.

21 Q. So then what happened?

22 A. Well, they gave a command that the house should be set
23 ablaze.

24 Q. Which house?

15:22:46 25 A. At Tombodu, near late Sahr Fania's compound. It was a big
26 house.

27 Q. Was this the house you were just referring to about the
28 place where they put the civilians?

29 A. Yes.

1 Q. Who gave the command?

2 A. It was Alhaji Bayo, Staff Alhaji.

3 Q. Did you personally hear him give the command?

4 A. Yes. Where we were tied, where and -- while he was sitting
15:23:38 5 on his chair, we heard all that they had been saying.

6 Q. After this incident, what happened?

7 A. When this had happened, they turned to us. They checked we
8 were seven in number, but there was one man who was an old
9 soldier. They took him from us with his wife and five of us
15:24:09 10 remained.

11 Q. So there were five of you remaining at this point; is that
12 correct?

13 A. Yes.

14 Q. Then what happened?

15:24:41 15 A. Well, they said -- they used a word, they said that five of
16 us who were elderly people, that we knew how to talk and that we
17 were going to bring a message to Tejan Kabbah, the president, and
18 they said that we should not be killed and they should cut both
19 of our hands.

15:25:10 20 Q. Who exactly said this?

21 A. It was Staff Alhaji.

22 Q. After he said this, what happened?

23 A. Then he commanded one man - he called him Rambo - with his
24 group, group of soldiers. They came with mortars and they cut
15:25:44 25 our hands, five of us.

26 Q. Mr witness, when he commanded the group to come and they
27 cut your hands and the people in the group, can you just tell us
28 exactly, sequentially, who did they pick first?

29 A. I was the first. Second to me was one Mende man that was

1 called xxxxx. He was at xxxxx. They also cut both of his hands.

2 Q. And what did they use to cut your hands?

3 A. They used a cutlass.

4 MR SANTORA: Your Honours, I'd ask that the record reflect
15:27:18 5 that both of the witness's hands are amputated.

6 PRESIDING JUDGE: Yes.

7 MR SANTORA:

8 Q. Mr witness, when they did this to you did they say
9 anything?

10 A. Yes. They said we should come to Tejan Kabbah, that he had
11 got one container, hands for us.

12 Q. What was the date that your hands were amputated?

13 A. It was April, the 14th.

14 Q. And after they amputated your hands, what happened?

15:28:28 15 A. Well, we got up, and we went where ECOMOG was,
16 where -- which was Lebanon, Koikwema.

17 Q. Mr witness, you told me the date that this happened. You
18 said 14th April. Do you remember the year?

19 A. 1998.

15:29:22 20 Q. You said you got up and went towards Koikwema where ECOMOG
21 was; is that correct?

22 PRESIDING JUDGE: Mr Santora, could we get a spelling of
23 that, please?

24 THE WITNESS: Yes.

15:29:36 25 MR SANTORA: Koikwema, K-O-I-K-W-E-M-A.

26 Q. Did all five of you go?

27 A. When we went to the place, when we were coming, out of the
28 five, three of them died. It was only two of us that arrived.

29 Q. Did they die on the way to Koikwema?

1 A. Yes, they died on the way. Three of them died. It was
2 only three of us that were able to reach at Koikwema, I and one
3 man that was called XXXXXXXX.

4 Q. And when you arrived there, was ECOMOG there?

15:30:45 5 A. Yes, they were there. Yes, they were at Lebanon, Koikwema
6 area.

7 Q. Where did they take you?

8 A. It was at Koikwema where we met them. They took care of
9 us. They gave us some move medicine. They rubbed this on the
10 sores, because that was the only medicine that was there. The
11 first day, second day, they brought us to Makeni.

12 MR SANTORA: Your Honours, that's all the questions that I
13 have for this witness. Thank you, Mr Witness.

14 PRESIDING JUDGE: Thank you, Mr Santora.

15:31:52 15 THE WITNESS: Yes, sir.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: Counsel, I note that it's two minutes off
18 our usual afternoon break time, so perhaps it would be
19 appropriate to break at this time and resume after 15 minutes.

15:32:30 20 Mr Court Attendant, would you please adjourn Court to
21 3.45 p.m. please.

22 [Break taken at 3.31 p.m.]

23 PRESIDING JUDGE: Yes, Mr Manly-Spain, you have some
24 questions for the witness?

15:50:49 25 MR MANLY-SPAIN: Yes, Your Honour. Yes, yes.

26 CROSS-EXAMINED BY MR MANLY-SPAIN:

27 Q. Good afternoon, witness.

28 A. Afternoon.

29 Q. Mr witness, do you remember the date of the ECOMOG

1 intervention?
2 A. No.
3 Q. Do you remember the year?
4 A. Yes.
15:51:26 5 Q. What year was it?
6 A. Yes, yes. 1998.
7 Q. Mr witness.
8 A. Yes.
9 Q. How many times did you go to Guinea?
15:51:51 10 A. Once.
11 Q. Was it in 1998?
12 A. Yes.
13 Q. Do you remember the month?
14 A. I cannot recall the month that I went because it was during
15:52:12 15 the time of confusion. So it would be difficult for one to
16 recall the date.
17 Q. Do you remember the month you returned to Sierra Leone from
18 Guinea?
19 A. Yes.
15:52:30 20 Q. Which month was it?
21 A. It was April. We came during the same month. And it was
22 during that time that my hands were chopped off.
23 Q. Mr witness, do you recall how many days you had returned to
24 Freetown before your hands were cut off?
15:53:05 25 MR SANTORA: Your Honours, I'm just -- probably just
26 restate it and not say Freetown because -- that's okay.
27 MR MANLY-SPAIN: I wanted to say Kono. Sorry.
28 PRESIDING JUDGE: Maybe repeat the question,
29 Mr Manly-Spain.

1 MR MANLY-SPAIN: Yes, Your Honour. I'm sorry.
2 Q. Mr Witness.
3 A. Yes.
4 Q. How long had you returned to Kono before your hands were
15:53:37 5 cut off?
6 A. The same week, when I came it was between three days. That
7 was the time that I was captured and my hands were chopped off.
8 Q. Before the intervention, Mr Witness, the ECOMOG
9 intervention, were there soldiers in Kono?
15:54:11 10 A. Yes.
11 Q. Before the said ECOMOG intervention, was there any other
12 fighting force in Kono?
13 A. Well, where I was, there was no other group except those
14 who went and cut my hands off.
15:54:49 15 Q. Mr Witness, were there -- do you know of the RUF?
16 A. I wouldn't know the difference between them.
17 Q. Mr Witness, have you ever heard of the RUF?
18 A. Yes, I heard about them. But those who captured me, I did
19 not know whether they were RUF. But they were -- they wore a
15:55:48 20 uniform. That's all I know.
21 Q. Before the intervention, Mr Witness, do you know whether
22 there were any RUF soldiers in Kono?
23 A. Well, I used to see soldiers.
24 Q. Mr Witness, apart from the person who you referred to as
15:56:33 25 Staff Alhaji, do you remember any of the other soldiers that were
26 there?
27 A. No, sir.
28 MR MANLY-SPAIN: That is all, Your Honour.
29 PRESIDING JUDGE: Thank you, Mr Manly-Spain.

1 Mr Graham, have you questions of the witness?

2 MR GRAHAM: Respectfully, Your Honours, I don't have any
3 questions for this witness.

4 PRESIDING JUDGE: Thank you, Mr Graham.

15:57:02 5 Mr Fofanah?

6 MR FOFANAH: The same with me, Your Honours. I don't have
7 any questions for him.

8 PRESIDING JUDGE: Thank you, Mr Fofanah. Any
9 re-examination, counsel for the Prosecution?

15:57:17 10 MR SANTORA: There will be no re-examination, Your Honour.

11 PRESIDING JUDGE: Thank you.

12 [Trial Chamber confers]

13 PRESIDING JUDGE: We don't have any questions for you,
14 Mr witness. We thank you for coming, and you are free to leave

15:57:41 15 the Court.

16 Mr Court Attendant, please assist the witness.

17 THE WITNESS: Yes, sir.

18 [The witness withdrew]

19 PRESIDING JUDGE: Yes, Mr Hodes.

15:58:37 20 MR HODES: Your Honours, the next witness is a speaker of
21 Kono. And as of earlier this morning, we weren't sure if a Kono
22 interpreter was available.

23 PRESIDING JUDGE: Have you been able to check, or do you
24 wish to check now?

15:58:51 25 MR HODES: I'd be happy to check now.

26 PRESIDING JUDGE: With the audiovisual? Or do I ask the
27 court attendant? Mr Court Attendant, is there a -- oh, he's not
28 there.

29 Just a moment, please.

1 [Trial Chamber confers].

2 MR HODES: Your Honours, may I be excused for one minute.

3 PRESIDING JUDGE: Mr Hodes, if you would please repeat
4 that.

16:01:00 5 MR HODES: May I be excused for one minute.

6 PRESIDING JUDGE: Yes. And we are also checking on the
7 availability of the interpreter.

8 MR WALKER: Your Honour, the Kono interpreter isn't here at
9 the moment. They are going to try and get into contact with him
16:01:36 10 now, but we haven't got anybody here who can interpret.

11 PRESIDING JUDGE: Can you give us an estimate of how long
12 it might take, Mr Court Attendant?

13 MR WALKER: At the moment, I'm afraid I can't because I
14 don't know how close he is. I don't know whether he's in the
16:01:53 15 Court complex or whether he's at home. I've got no idea.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: Mr Court Attendant, we'll adjourn until
18 we find that -- obviously it's not very impressive that the
19 interpreter, knowing that he might be needed, is not here.

16:02:54 20 we will adjourn. And please advise us as soon as you have
21 some proper information.

22 MR WALKER: I will, Your Honours.

23 PRESIDING JUDGE: Could you please have a brief word with
24 the chief of interpreter.

16:03:42 25 MR WALKER: Your Honour, the interpreter is in the premises
26 of the court. He's on his way now, and he should only be about
27 two minutes.

28 PRESIDING JUDGE: Thank you.

29 [Trial Chamber confers]

1 MS EHRET: Excuse me, Your Honours. May I have two minutes
2 to do -- it's one of the more difficult languages that we had to
3 make special arrangements. Can I quickly go and check the booth
4 and everything. Can I have two minutes. Thank you very much.

16:04:18 5 PRESIDING JUDGE: Mr Hodes, could you advise us what number
6 the witness is, please.

7 MR HODES: Your Honour, this is witness TF1-076. She will
8 be testifying in Kono, and she will be led by Shyamala Alagendra.

9 MS EHRET: Can I please have the Kono booth. Kono. Yes,
16:08:01 10 thank you very much.

11 [The witness entered court]

12 THE WITNESS: I'm speaking the truth today. You didn't
13 hear me? Didn't you hear me?

14 PRESIDING JUDGE: Mr Court Attendant, perhaps you start
16:10:23 15 again from the beginning. There seems to be a little confusion
16 there.

17 MR WALKER: I don't know whether there was any
18 interpretation being heard at all.

19 WITNESS: TF1-076 [Sworn]

16:09:31 20 [Witness answered through interpreter]

21 PRESIDING JUDGE: Thank you. Please proceed.

22 MS ALAGENDRA: Your Honour, before I begin, I just want to
23 check if the voice distortion is on for this witness.

24 PRESIDING JUDGE: Mr Attendant, please confirm the voice
16:11:16 25 distortion is in place for this witness.

26 THE INTERPRETER: No voice distortion.

27 MR WALKER: They have just put the voice distortion on,
28 Your Honour. They are just checking it from the gallery.

29 PRESIDING JUDGE: It's now in place, Mr Court Attendant?

1 MR WALKER: Yes, Your Honour.
2 PRESIDING JUDGE: Everything's in order.
3 Please proceed.
4 MS ALAGENDRA: Thank you, Your Honour.
16:12:02 5 EXAMINED BY MS ALAGENDRA:
6 Q. Good afternoon, witness.
7 A. Good afternoon to you also.
8 Q. I have a few questions for you today.
9 A. I will give you the answer.
16:12:22 10 Q. Witness, how old are you?
11 A. 22 years.
12 Q. Are you married?
13 A. Yes.
14 Q. Do you have children?
16:12:40 15 A. Yes. I have a child, one child with my sister's own child.
16 Q. Have you attended school, witness?
17 A. I went to school, but I didn't go further.
18 Q. Are you able to read and write?
19 A. No.
16:12:58 20 Q. Witness, what is your occupation?
21 A. For now, I have no occupation.
22 Q. Witness, where were you born?
23 A. I was born in XXXXXXXX.
24 Q. Can you tell the Court in which district XXXXXXXX is?
16:13:26 25 A. Yes.
26 Q. Can you tell the Court, please.
27 A. It is within XXXXXXXX.
28 Q. Witness, where were you living in 1998?
29 A. I was in XXXXXXXX.

1 Q. Did anything happen to you in 1998?
2 A. Yes.
3 Q. Do you remember when this happened to you?
4 A. Yes.
16:14:05 5 Q. Can you tell the Court, please.
6 A. Yes.
7 Q. Please proceed, witness.
8 A. We were in XXXXXXXX when they carried Pa Koroma from here.
9 Q. And what happened at that time, witness?
16:14:28 10 A. When they carried Pa Koroma, we went to Foendor.
11 Q. Why did you go to Foendor, witness?
12 A. The reason why we went to Foendor, because the time they
13 carried Johnny Paul Koroma, they were killing people.
14 MS ALAGENDRA: Your Honour, for the record Foendor is
16:14:56 15 spelled F-O-E-N-D-O-R.
16 Q. Witness, when you went to Foendor, did you go alone?
17 A. I was not alone. We were four in number who went.
18 Q. Witness, who were the four people that went with you?
19 A. Myself, my sister husband, and my uncle.
16:15:27 20 Q. And the fourth person, witness?
21 A. Myself, my sister's husband, my uncle, and my sister
22 herself.
23 Q. Witness, where in Foendor did you go to?
24 A. We went into the bush. We were in the bush.
16:15:54 25 Q. Did anything happen to you when you were in the bush?
26 A. Yes.
27 Q. Can you please tell the Court what happened?
28 A. Yes. I could explain to the Court what happened to me
29 there.

1 Q. Please proceed, witness.
2 A. Near to Foendor -- when we were in Foendor bush, we were
3 there when three men met us there.
4 Q. Witness, can you tell the Court who were the three men who
16:16:29 5 met you in the bush?
6 A. Yes.
7 Q. Please proceed, witness.
8 A. They were rebels.
9 Q. Witness, how do you know they were rebels?
16:16:53 10 A. At that time, they were killing people, cutting off their
11 hands.
12 Q. Witness, how did you know that the three men -- three men
13 who came to the bush were rebels?
14 A. When they went, they carried things that killed people with
16:17:12 15 them.
16 Q. Witness, can you tell the Court what they were carrying?
17 A. Yes.
18 Q. Please proceed.
19 A. When they -- they went with guns in their hands. Two of
16:17:35 20 them had guns, and one had a cutlass in his hand.
21 Q. Witness, can you tell the Court how the three men were
22 dressed?
23 A. Yes.
24 Q. Please proceed, witness.
16:17:52 25 A. One had a combat trousers and a shirt. The other had a
26 Tupac T-shirt on. The other had a short pair and a shirt.
27 Q. Witness, the rebel dressed in combat trousers, what was the
28 weapon that he was carrying?
29 A. He had a gun with him, a long gun.

1 Q. And the rebel dressed in the Tupac T-shirt, what was he
2 armed with?
3 A. He, too, had a gun with him, but it was a short gun.
4 Q. Witness, can you tell the Court what happened when the
16:18:56 5 three rebels came to the bush where you were?
6 A. Yes. I can explain.
7 Q. Please explain, witness.
8 A. They met us in the bush while I and my sister's husband
9 were lying on a mattress while my sister was sitting opposite us.
16:19:27 10 Q. What happened when they met you on the mattress, witness?
11 A. When they met us, they fired a gun at us, but it didn't get
12 at us. It went on the ground, and the dust splashed on us. And
13 the sister ran away.
14 Q. What happened after that?
16:19:55 15 A. When my sister ran away, we were then captured. And they
16 started flogging my sister's husband.
17 Q. Did they say anything while they were flogging your
18 sister's husband?
19 A. Yes. They said we should produce money and food.
16:20:18 20 Q. What happened after that, witness?
21 A. We were moved from where we were captured and carried to
22 the other point where my uncle was. There, they captured him
23 also.
24 Q. What happened when the rebels captured your uncle, witness?
16:20:56 25 A. When they captured my uncle, the man who had the Tupac
26 T-shirt on said my uncle should say farewell to God because they
27 were going to kill him.
28 Q. What happened after he said that, witness?
29 A. After my uncle had said farewell to God, they laid him and

1 wrapped him in a bedspread and set fire to him.

2 Q. what happened then?

3 A. After they have set -- he has set fire on my uncle, the man
4 with the military uniform came and said, "Ay, don't kill that
16:21:50 5 man."

6 Q. what happened after that?

7 A. Then the man who had the military uniform asked my uncle to
8 rise up, and he rose up and asked him to go.

9 Q. witness, at this time, where was your sister's husband?

16:22:30 10 A. He was there, but yet still he was under beating. They
11 beat him until such a time he was wounded with a gun butt in his
12 head.

13 Q. what happened after that, witness?

14 A. Then he said, "Now that I've seen your blood, I'm going to
16:22:54 15 kill you."

16 Q. who said that, witness?

17 A. The man with the combat trousers.

18 Q. what happened next?

19 A. Then the man who said he was going to roast my uncle alive
16:23:27 20 held me on my hand and dragged me and said he was going to have
21 sex with me.

22 Q. witness, who was the rebel that said that to you?

23 A. The man with the Tupac T-shirt.

24 Q. witness, what happened after he said he was going to have
16:23:59 25 sex with you?

26 A. when he said he was going to have sex with me, I pleaded
27 with him. I said, "Ay, Father, I don't know anything about sex."

28 Q. what happened after that?

29 A. Then, having said so, he gathered my skirt and my pants on

1 me and took a knife and teared it.

2 Q. Witness, at this time, was he still holding his gun?

3 A. Yes. He had gun with him. He cocked his gun and pulled
4 down his trousers.

16:24:55 5 Q. Witness, what happened after he cut off your skirt and he
6 pulled down his trousers?

7 A. After he removed his trousers and tore my skirt, he pulled
8 out his penis and penetrated it into me.

9 Q. Witness, what happened next?

16:25:46 10 A. Having done that to me, I began bleeding. I bled so much.
11 And I became helpless. I didn't know what to do again.

12 Q. what happened after that?

13 A. I became a little bit unconscious. I couldn't hear -- I
14 didn't know what to do. I heard voices from far saying, "My men,
16:26:30 15 we've got their belongings, let's go. Let's go now."

16 Q. Witness, are you able to tell the Court whose voices you
17 heard?

18 A. Yes. I heard them speaking in Liberian dialect, saying,
19 "My men, let's go. My men, let's go."

16:26:56 20 Q. Witness, what happened after that?

21 A. Having taken our property and gone, then my sister's
22 husband came to me.

23 Q. what happened when your sister's husband came to you?

24 A. He came and got water and cleaned me up and called my
16:27:44 25 sister that we should go.

26 Q. what happened after that, witness?

27 A. He called my sister, that my sister should come from hiding
28 and for us to go to Guinea.

29 Q. what happened after he called for your sister?

1 A. When my sister came, then my sister's husband put me on his
2 back, and we travelled on to Forokonia.
3 Q. Witness, is Forokonia in Guinea?
4 A. Yes, on the border.

16:28:43 5 MS ALAGENDRA: Your Honour, for the record Forokonia is
6 spelled F-O-R-O-K-O-N-I-A. Thank you, Witness.
7 Your Honour, I have no more questions.
8 PRESIDING JUDGE: Thank you, Ms Alagendra.
9 THE WITNESS: I also thank you.

16:29:09 10 PRESIDING JUDGE: Cross-examination, Mr Manly-Spain?
11 MR MANLY-SPAIN: I have a few questions.
12 CROSS-EXAMINED BY MR MANLY-SPAIN:
13 Q. Good day, Miss. Miss, do you remember the day you say you
14 were raped, were you wearing a skirt or a lappa?

16:29:48 15 A. I had a skirt on.
16 Q. Do you remember making a statement on 3rd December 2003 to
17 Special Court investigators at Koidu Town?
18 A. What?
19 Q. Do you remember making a statement at Koidu Town to Special
16:30:27 20 Court investigators on the 3rd of December 2002?
21 A. What part?
22 Q. Koidu. Koidu, Kono.
23 A. Yes, I know it's Koidu, Kono. What street? What area are
24 you talking of?

16:31:02 25 Q. Do you remember making a statement, Miss Witness?
26 A. Yes, I made a statement.
27 Q. And when you were making a statement, was it written down?
28 A. Yes, the time of making the statement, yes, they wrote it.
29 Q. And was it read over to you after that?

1 A. When they wrote it, yes, they read it to me still.

2 Q. And did you say that it was correct?

3 A. Yes. What I said was what they wrote, and it was correct.

4 MR MANLY-SPAIN: May it please, Your Honour, I just wish to
16:31:57 5 refer to the statement at page 7908. 7-9-0-8, 7-9-0-9. It's
6 about the middle of the page. The middle of the page.

7 Q. "He then said he will shoot me. I still refuse. And he
8 forcefully removed the lappa I had on, as well as my underpants,
9 and in the process even tore the elastic band on my underpants."

16:33:06 10 Did you say that to --

11 A. I had no lappa on me by then.

12 Q. Just wait for my question. Did you say that to the person
13 who took down the statement?

14 A. No. The first statement was taken from my sister's
16:33:28 15 husband.

16 Q. How many statements did you make?

17 A. The only statement I gave is what I have said before the
18 Court.

19 Q. I'm asking how many statements did you make to the
16:33:56 20 investigator at Koidu Town?

21 A. Well, somebody came from this Court and visited me at
22 Koidu. But the only thing he did was to read the statement to me
23 which I gave in the past.

24 Q. Please, I'm just asking how many statements did you make.

16:34:31 25 A. When we went, my sister's husband gave a statement in the
26 police station. By then, the Pakistans were there. The second
27 was -- the second was at Opera.

28 Q. Witness, would you please tell this Court how many
29 statements you made.

1 MR HODES: Judge, I'm going to object and ask for
2 Mr Manly-Spain to at least specify what kind of statement he's
3 talking about. The witness may be confused as to the nature of
4 the statement that he's asking about. If it's a specific
16:35:26 5 statement to the Special Court Prosecutor, I think that would
6 help clarify the question for her.

7 [TB270605G - CR]

8 MR MANLY-SPAIN: Yes, Your Honour, I believe that was my
9 original question: How many statements did you make at Koidu
16:35:34 10 Town to the special Court investigator?

11 THE WITNESS: You cannot ask me that question, because
12 you've asked me that question and I've answered you.

13 PRESIDING JUDGE: I'm just looking at my record here. You
14 asked the question: "Do you remember making a statement on a
16:36:07 15 particular date?" The witness asked you some questions. You
16 asked her if she remembered this statement and the answer was
17 read over. I haven't got an answer to a question about exactly
18 how many were. So perhaps if you ask that again, we can at least
19 clarify that, which is why Mr Hodes is objecting.

16:36:29 20 MR MANLY-SPAIN: Much obliged.

21 Q. Witness, how many statements did you make at Koidu Town to
22 Special Court investigators?

23 A. The statement I gave at the Koidu Police Station was the
24 same statement they came and read back to me.

16:37:00 25 Q. Was it only one statement that you made?

26 A. I cannot see now. I think you can release me, because the
27 statement I gave was what they read to me.

28 Q. The statement that was read to you, was it the only one
29 that you made?

1 A. Yes, that which I've said in the Court today is what I gave
2 them.

3 MR MANLY-SPAIN: As Your Honour please, no more questions.

4 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Mr Graham,
16:37:50 5 have you any questions of the witness?

6 MR GRAHAM: Your Honour, I don't have any questions for
7 this witness.

8 PRESIDING JUDGE: Mr Fofanah, any questions for the
9 witness?

16:38:07 10 MR FOFANAH: Your Honours, I also do not have any questions
11 for her.

12 PRESIDING JUDGE: Thank you. Re-examination?

13 MS ALAGENDRA: There is no re-examination, Your Honour.

14 PRESIDING JUDGE: Thank you very much, Madam Witness. We
16:38:33 15 have no questions. Your evidence is finished from this Court and
16 we thank you for coming to give your evidence today. Mr Court
17 Attendant, please assist the witness to leave the Court.

18 THE WITNESS: Okay. I also say thanks to you.

19 PRESIDING JUDGE: Thank you very much.

16:38:57 20 [The witness withdrew]

21 PRESIDING JUDGE: In view of the time, it may be
22 appropriate to adjourn for the day as it is 25 to 5. It may be
23 simpler, Mr Court Attendant, if we adjourn to tomorrow morning at
24 9.15 a.m. That will be enable you to take the witness out.

16:41:33 25 [whereupon the hearing adjourned at 4.35 p.m.,
26 to be reconvened on Tuesday, the 28th day
27 of June 2005 at 9.15 a.m.]

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29

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-062	3
EXAMINED BY MS PACK	3
CROSS-EXAMINED BY MR MANLY-SPAIN	38
CROSS-EXAMINED BY MR GRAHAM	43
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