

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

TUESDAY, 28 JUNE 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Mr James Tamba Kamara
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes MS Wambui Ngunya Mr Alain Werner MS Maja Dimitrova (Case Manager)
For the Principal Defender:	No Appearances
For the accused Alex Tamba Brima:	Mr Kojo Graham Mr Osman Keh Kamara
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray (Legal assistant)
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka (intern)

1 [TB280605A - AD]

2 Tuesday, 28 June 2005

3 [Open session]

4 [Accused Kanu present]

5 [Accused Brima and Kamara not present]

6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: We note there is a delay starting this
8 morning because of the absence of the interpreter.

9 Mr Interpreter, why were you late for court?

09:27:42 10 THE INTERPRETER: I have been here ever since this morning
11 before 9.00 a.m.

12 PRESIDING JUDGE: Nobody could find you.

13 THE INTERPRETER: I have been here. I was here even before
14 the other members of the Court came in.

09:27:56 15 PRESIDING JUDGE: Very well. We will have this checked out
16 and find an explanation. Mr Court Attendant, please check what
17 the situation is, you have heard from the interpreter.

18 MR WALKER: Yes. Mr Hodes, please proceed.

19 MR HODES: Your Honour, we will be calling witness TF1-198.
09:28:14 20 She will be testifying in Kono.

21 Presiding JUDGE: Thank you.

22 MR HODES: I apologise, Your Honour, there was an
23 additional disclosure on Friday. I have spoken to Mr Graham and
24 Mr Manly-Spain about that. There are only two additional items
09:28:31 25 in that disclosure that we intend to lead on. The first is in
26 paragraph 2 of the additional disclosure, a gentlemen named
27 Lansana was involved in a beating. And then in paragraph 6 of
28 the additional disclosure, when her husband's hand was amputated
29 the soldiers mentioned President Kabbah.

1 PRESIDING JUDGE: I have seen the additional statement.
2 Counsel for the Defence, you have received a copy of this
3 document?

4 MR GRAHAM: That is so, Your Honour, and I think what he
09:29:12 5 has just said reflects our common position on this matter.

6 PRESIDING JUDGE: I note that has been brought forward and
7 counsel are not raising an objection or a consent. Please
8 proceed. Mr Hodes, we do not appear to have the original
9 statement of this witness in the bundle that has been supplied to
09:30:00 10 us. I do have the supplementary which was posted this morning on
11 the email.

12 In any event, Mr Hodes, we will proceed. Mr Court
13 Attendant, please swear in the witness.

14 MS NGUNYA: Good morning, Your Honours.

09:32:13 15 PRESIDING JUDGE: Good morning, Ms Ngunya.

16 WITNESS: TF1-198 [Sworn]

17 [The witness answered through interpreter]

18 EXAMINED BY MS NGUNYA:

19 Q. Good morning, Madam witness. Can you tell the Court your
09:32:25 20 age?

21 A. I am 38 years old.

22 Q. Where were you born?

23 A. I was born in XXXXX.

24 MS NGUNYA: Your Honours, XXXXX is spelt X-X-X-X-X.

09:32:55 25 Q. Madam witness, where is XXXXX? Which district is XXXXX
26 in?

27 A. Kono.

28 MS NGUNYA: Your Honours, K-O-N-O.

29 Q. In which village were you born?

1 A. I was born in XXXX.
2 Q. Are you married?
3 A. Yes.
4 Q. Do you have children?
09:33:36 5 A. Yes.
6 Q. Have you gone to school?
7 A. I never went to school.
8 Q. Madam witness, what do you do for a living?
9 A. I used to farm with my husband and I also sold cigarettes
09:34:08 10 and little things like those.
11 Q. Madam witness, where did you live in 1998?
12 A. I was in our village in my husband's home.
13 Q. Which village was that?
14 A. Gandorhun.
09:34:36 15 Q. Did anything happen in Gandorhun in 1998?
16 JUDGE SEBUTINDE: Could we have the spelling, please ?
17 MS NGUNYA: My apologies, Your Honour. It is spelt
18 G-A-N-D-O-R-H-U-N. With you permission, Your Honours, may I
19 repeat the question?
09:35:05 20 PRESIDING JUDGE: Please do so.
21 MS NGUNYA:
22 Q. Madam witness --
23 A. Yes.
24 Q. -- could you please tell the Court if anything happened in
09:35:16 25 1998 in Gandorhun?
26 A. What started happening to me I can explain, what I can
27 remember.
28 Q. Please tell the Court.
29 A. One morning we were seated and I saw a large group of

1 people coming. They came from towards Gandorhun. I had two
2 children.
3 Q. What happened next, Madam witness?
4 A. They told us that people have arrived in Gandorhun.
09:36:08 5 Q. Madam witness, when you say "they" who do you mean? Who
6 told you people had come to Gandorhun?
7 A. Soldiers.
8 Q. So, you were told soldiers had come to Gandorhun; is that
9 correct?
09:36:30 10 A. Yes, in fact it was them that I saw coming.
11 Q. Please continue, Madam witness. What happened next?
12 A. So, both myself and my husband we took the children and
13 flee.
14 Q. Where did you flee to?
09:37:00 15 A. We didn't follow the main road to Koidu Town. We branched
16 through the bushes and went to a village called Dewadu.
17 MS NGUNYA: Your Honours, Dewadu is spelt D-E-W-A-D-U.
18 Q. Madam witness, did you see anything in Dewadu?
19 A. When we got closer to Dewadu, we came across soldiers.
09:37:35 20 Q. Madam witness, how did you know they were soldiers?
21 A. They had guns and the clothes they wore was combat.
22 Q. Madam witness, what happened next?
23 A. They asked us, "where are you going to?" We said, "we were
24 going to Koidu." They said, "why did you by-pass through this
09:38:08 25 bush?" We said, "we are running away." They said, "Let's go to
26 town."
27 Q. Just to clarify for the Court, when you say "we told them
28 we are going to Koidu," what do you mean by "we"? You and who?
29 A. Myself, my husband and some other people that were with us.

1 Q. Okay. We had reached where you said that the soldiers
2 said, "Come with us." What happened next?

3 A. We arrived in this village that is called Dewadu. They
4 placed us in the verandah. They started breaking the doors in
09:39:08 5 the village and they took things from the houses and brought them
6 outside. When they finished bringing things outside they said to
7 us, especially the young men, they said, "Take this luggages. We
8 are going to Gandorhun." Well, they told us that you can go on
9 your own way where you are going to, so we headed to Koidu,
09:39:40 10 myself and my husband, and our children.

11 MS NGUNYA: Koidu is spelt K-O-I-D-U.

12 Q. Madam witness, we have reached where you headed towards
13 Koidu. What happened next?

14 A. We travelled until we arrived in Koidu. In less than two
09:40:09 15 days we saw men in combat fatigue. These soldiers, they came to
16 Koidu and we took our luggages and ran away. The route we took
17 was the No. 11 towards Penduma to Tombodu. That was the next
18 route we took.

19 MS NGUNYA: Your Honours, just to spell Penduma,
09:40:31 20 P-E-N-D-U-M-A. She also mentioned Tombodu, spelt, T-U-M-B-O-D-U.

21 Q. Madam witness, so you went towards Tombodu. What happened
22 next?

23 A. We arrived in Tombodu and we thought this was the best
24 place for arrive. We did not know this was a very bad place to
09:41:11 25 arrive at. In less than one week they came back into that town.

26 Q. Madam witness, again, when you say "they", who do you mean?

27 A. Those guys that wore the combats, the soldiers themselves.
28 Anyone I see wearing combats I think is a soldier, according to
29 me.

1 Q. So they came to Tombodu. what happened next?

2 A. When I saw them in Tombodu I actually saw three people.

3 They had guns and they had combats and I shouted to my husband,

4 "Let's go. They have again, these soldiers." So we started off

09:42:03 5 towards another village called wordu.

6 MS NGUNYA: Your Honours, the village she mentioned is

7 spelt W-O-R-D-U.

8 Q. Did anything happen at wordu?

9 A. Yes.

09:42:19 10 Q. Please inform the Court.

11 A. As soon as we arrived in wordu and we wanted to rest

12 awhile, we saw soldiers arriving from the direction of Yikuma and

13 they found us in the town with guns in their hands. They asked

14 us, "where are you going with these luggages?" we said we were

09:42:46 15 coming here. They said, "Anywhere you go, we are following you.

16 we are called Operation No Living thing." I asked my husband,

17 "what name is this?" I am afraid, you know, I have children, so

18 we took our luggages and went to Yawando,

19 MS NGUNYA: Your Honours, the village she has just

09:43:10 20 mentioned is spelt Y-A-W-A-N-D-O.

21 Q. So Madam witness, you go towards Yawando. what happened

22 next?

23 A. It wasn't in Yawando Village itself. We were in the

24 neighbourhood of Yawando. We built a hut for ourselves there.

09:43:41 25 we were there for months: myself, my husband, some of his

26 brothers. One of them is called ~~XXXXX~~.

27 Q. Madam witness, please don't mention names.

28 A. Okay.

29 Q. Did anything happen here in the bush near Yawando?

1 A. Yes.

2 Q. Please inform the Court.

3 A. While we were there we were so hungry there was no food.

4 My husband went to the bush and got bush yams; that was what we

09:44:19 5 ate.

6 Q. Did anything happen to you during this three months while

7 at Yawando?

8 A. Yes. At that time I was pregnant. We cook our bush yams

9 at night when my husband brought it. If you cook during the day

09:44:43 10 you will be chased and caught. So we were cooking these yams one

11 night, and all of a sudden we heard from outside, "Hands up."

12 Q. What happened next, Madam witness?

13 A. When we were hands up, my husband was caught and they

14 started scattering our hut. They said, "Every property you have

09:45:07 15 in here, take it out." My husband said, "We do not have

16 anything." They said, "No, you sell cigarettes." Then I said,

17 "No, I don't have cigarettes." They cut me and they tied me and

18 my hands were tied behind my back. My husband was tied with his

19 hands behind his back and they started foraging around the hut.

09:45:24 20 My husband said, "Show them where the cigarettes are so they can

21 take them."

22 Q. Madam witness, you used "they" a number of times. Please

23 clarify for the Court, when you say "they beat up and tied us

24 up", who do you mean?

09:45:51 25 A. It was these soldiers. They had combat and they had guns.

26 Q. Madam witness, do you recall how many of them came to your

27 hut and said, "Hands up"?

28 A. Three of them entered the hut. The rest of them were

29 behind the hut. It was the three that entered the hut.

1 Q. Madam witness, do you recall which month, which year this
2 incident happened?

3 A. I don't remember, but it was in 1998. But I can't remember
4 the exact month because we were running around in the bush.

09:46:55 5 Q. Madam witness, we have reached where your husband has been
6 tied and they are running around looking for things in the hut.
7 what happened next?

8 A. When they took the things I had the money tied around my
9 waste and they took the money; the soldier took the money and he
09:47:30 10 wanted to go away. My husband trailed him. He said if my
11 husband followed him he will shoot him, so I advised my husband
12 to get off his back.

13 Q. what happened next, Madam witness?

14 A. My husband refused, so he cut a whip with a cutlass. He
09:47:55 15 hit my husband in the head for many times and we started crying
16 and they got off and went away.

17 Q. Without mentioning names, Madam witness, did you recognise
18 any of the soldiers who came to your buffer that day?

19 A. Yes. I know the one that took the money from him. I know
09:48:23 20 him.

21 MS NGUNYA: With the permission of the Court, may I delay
22 the questioning of the names until later on when I finish my
23 examination-in-chief. I would like to mention the names in
24 closed session for the protection of the witness.

09:48:54 25 PRESIDING JUDGE: There has been a practice in the Court,
26 Ms Ngunya, of writing names down. However I will ask for a reply
27 from the Defence before making any ruling on that application.
28 Counsel for the Defence, you have heard the application of the
29 Prosecution not to mention names at this stage, but to apply

1 later. Any reply?

2 MR MANLY-SPAIN: I don't think we have any objection.

3 PRESIDING JUDGE: Very well, there will no other objection,
4 Ms Ngunya, but as I said, there has been an alternative used in
09:49:15 5 this Court if you wish to consider it.

6 MS NGUNYA: Thank you, Your Honour.

7 PRESIDING JUDGE: We will deal with the practicalities
8 in due course.

9 MS NGUNYA:

09:49:34 10 Q. Madam witness, we had reached the point where the soldiers
11 went away. What happened next?

12 A. We were now completely dispossessed. We had nothing. I
13 was four months pregnant so we sat down crying, myself and my
14 husband. So we took off to another village. We headed for
09:50:03 15 Gbaima. On arriving at Gbaima, we found soldiers. They were
16 shooting.

17 MS NGUNYA: For the Court, Gbaima is spelt G-B-A-I-M-A.

18 Q. Madam witness, you had mentioned they were shooting in
19 Gbaima. Please continue, what happened next?

09:50:31 20 A. While they were shooting, I stood by and held my mind. I
21 looked around and didn't see my husband nor my children, so I
22 didn't run away. I was afraid of running away and getting into
23 their midst. While I attempted to enter the town, someone just
24 fell down and blood was spilling all over his body, and this
09:50:57 25 soldier man came along with a gun and I ran away. Into the bush
26 I headed. Whilst I was going along I met a woman, so it was me
27 myself and a woman went away.

28 Q. So you yourself and a woman went away. Where did you go?

29 A. We went back towards where we were Yawando. We headed

1 towards Yawando and the hut.

2 MS NGUNYA: Yawando has been spelt before, Your Honours.

3 Y-A-W-A-N-D-O.

4 Q. Did anything happen in Yawando?

09:51:41 5 A. Yes. while we arrived in Yawando bushes, there was an old
6 farm house and they had just hand us some rice. As soon as we
7 arrived soldiers came again with the combats and they arrested
8 us. Any time I saw them with combat, I knew these were soldiers.
9 we were also captured there and they said we should bring out the
09:52:17 10 rice because they saw on us the rice. They said, "If you don't
11 bring out the rice we will beat you." We said, "We don't have
12 rice."

13 Q. Madam witness, just for clarity, when you said "we don't
14 have rice", who do you mean; you and who else?

09:52:35 15 A. I was talking to the soldiers. while they were threatening
16 me to bring them rice, I told them we have no rice.

17 Q. Just to repeat that question, who else were you with when
18 the soldiers were talking to you?

19 A. It was one other woman whom I ran away with from the
09:53:01 20 previous village. At this time my husband and my children had
21 run away in another direction afternoon, so the two of us, the
22 woman and her own child, were there.

23 Q. So the soldiers asked you for rice. what happened next?

24 A. I told them we have no rice. They started flogging me.
09:53:25 25 They said if I didn't bring out rice they would lay me on the
26 ground and rape me.

27 Q. what happened next, Madam witness?

28 A. They pushed me down to the ground and I tried to hold his
29 feet. He kicked me. I tried to hold his feet so he took his --

1 he took the knife out and he stabbed me in my back very close to
2 my shoulder. If you want me to show it to, I will show it to
3 you. He also took my -- the lappa around my waist off.

4 Q. When you say "he", who do you mean that removed your lappa?

09:54:15 5 A. The soldier. The soldier. He said he wanted to rape me
6 and I begged him. I said, "Don't rape me, I'm pregnant." He
7 said, "Well, if you don't want me to rape you, then I am going to
8 take the child out of your stomach."

9 Q. Madam witness, what happened next?

09:54:45 10 A. While I was begging, he took a huge stick. He split my
11 legs apart and he took that stick and pushed it through my anus
12 and I was injured and blood started oozing.

13 Q. Madam witness, what happened next?

14 A. Blood started oozing and I was bleeding profusely. While
09:55:23 15 we were there in the other hut, the other people around, they
16 heard my crying, so they came and took me. One of the men took
17 me, carried me into some other place different. They asked me if
18 I would be able to travel to another place. He said I can't go.
19 Now all my leg was swollen. I said I couldn't walk so I slept
09:55:48 20 under one of the houses that were already burnt. Four of us -
21 two were men, one young man who was mad. We were there until the
22 next morning.

23 Q. So you were there until the next morning. What happened
24 the next morning?

09:56:09 25 A. In the next morning, we got up and started walking slowly
26 because we could see the road towards Dangbaidu. While I was
27 arriving at Dangbaidu, I saw my husband. He saw me and we
28 embraced each other and started crying. He said, "I was looking
29 for you all day yesterday." He said, "Will you be able to walk

1 with me to kaoquima?" I said yes.

2 MS NGUNYA: For Your Honours, the spelling of Dangbaidu is
3 D-A-N-G-B-A-I-D-U. She also mentioned another name, kaoquima.
4 The spelling I have is K-A-O-Q-U-I-M-A.

09:56:56 5 Q. Madam witness, what happened next?

6 A. My husband took some men and asked them to bring me
7 kaoquima. We left Dangbaidu in the evening. While we were
8 coming we didn't have torch we had firewood and we were shaking
9 it to give us light. We came as far as Koiduwor where we were
09:57:41 10 until it was daybreak.

11 MS NGUNYA: Your Honours, the village of Koiduwor is spelt
12 K-O-I-D-U-W-O-R?

13 Q. Did anything happen in Koiduwor?

14 A. While we arrived in Koiduwor, as soon as we arrived, we met
09:58:02 15 soldiers there also, seven of them. One of them had two guns,
16 the other had two guns and had combat. The other had combat
17 vests. The other one had clothes called Ronko and he had cutlass
18 in his hand. The other one had ordinary shirt and jeans
19 trousers. They asked me where we were going to. We told them we
09:58:33 20 were going to Maema in Staff Alhaji's village.

21 MS NGUNYA: Your Honours, Maema is spelt M-A-E-M-A.

22 Q. Madam witness, what happened next?

23 A. When we said that, they said we didn't have any more
24 luggage but the other people had some luggage, so they took all
09:59:01 25 the other luggage from the other people. My husband had been
26 tied. His hands were swollen so they asked him to carry the
27 luggage on his head to Yardu Gbensa.

28 MS NGUNYA: Your Honours, Yardu Gbensa is spelt Y-A-R-D-U
29 G-B-E-N-S-A.

1 Q. Madam witness, what happened next?

2 A. My husband and five other men, they were six of them, they
3 took all these luggages and they took them away. So they
4 accompany them to Yardu Gbensa. They told us to go, we should go
09:59:50 5 where we wanted to go. We started off, myself and my child. One
6 time we headed towards Small Sefadu towards Kaoquima.

7 MS NGUNYA: Your Honours, Small Sefadu, S-M-A-L-L
8 S-E-F-A-D-U.

9 Q. Madam witness, did anything happen at Small Sefadu?

10:00:22 10 A. While we arrived at Small Sefadu I saw my husband coming
11 from over the old mining pits. He was crying. His hands were
12 tied with cloth. He cried and I was crying and he was coming and
13 I saw that his hands had been cut off, and I cried. I said how
14 could I do. My husband is now without a hand and my children are
10:00:52 15 there to be taken care of.

16 MS NGUNYA: Your Honours can we pause for a while?

17 PRESIDING JUDGE: Madam witness, would you like to have a
18 little break? Is there someone - please see if the witness would
19 like a break or would she like to continue. Mr Interpreter, please ask the
10:01:19 20 witness if she requires a break.

21 THE INTERPRETER: No response from the witness, she is
22 still sobbing.

23 PRESIDING JUDGE: Thank you, Mr Interpreter.

24 SPEAKER: Your Honour, the witness wants to continue.

10:01:48 25 PRESIDING JUDGE: Thank you for your assistance. Please
26 tell the witness that if she needs a break at any time she must
27 tell us.

28 JUDGE SEBUTINDE: Counsel, we are not quite sure at this
29 stage whether the husband had both hands cut off or one hand cut

1 off. We heard contradictory things in the evidence.

2 MS NGUNYA: Your Honour, I stopped the questioning because
3 of the breakdown. I will clarify that now.

4 THE WITNESS: Am I the one to explain?

10:03:03 5 MS NGUNYA:

6 Q. Are you okay, Madam Witness.

7 A. Yes.

8 Q. Madam Witness, we reached where you saw your husband coming
9 towards you with something wrapped on his hand. When he came

10:03:18 10 closer what did you see?

11 A. When I saw his hand and blood was oozing and I took the
12 clothes off my hand, I tied his hand. I didn't go to school, I
13 have no education, so I started crying because if my husband had
14 one hand cut off, who is going to take care of the children.

10:03:47 15 That is why I cried.

16 Q. Madam Witness, you are saying one hand of your husband was
17 cut off.

18 A. His left hand.

19 Q. Madam Witness, did your husband tell you who cut off his
10:04:02 20 hand?

21 A. I asked him, "When did they cut your hand off? Is it is
22 those who took you along or those who found you there?" He said
23 six of us went." They killed five people and they cut her
24 husband's left hand because they voted for Tejan Kabbah. I said,

10:04:29 25 "Who is Tejan Kabbah to you that they should amputate your hand
26 for him?" We started crying together.

27 MS NGUNYA: Your Honours that is the end of my
28 examination-in-chief.

29 PRESIDING JUDGE: Thank you, Ms Ngunya. Counsel for the

1 Defence. Pause one moment, Mr Manly-Spain. There was an
2 indication that you intended to apply for a closed session.
3 There was an indication also from the Defence that they would not
4 object. What has happened to that?

10:05:11 5 MS NGUNYA: I was waiting for instructions from the Court.
6 You said the logistics would be dealt with after I finished my
7 examination-in-chief.

8 PRESIDING JUDGE: You have told us that you have finished
9 your examination-in-chief.

10:05:26 10 MS NGUNYA: The application still stands.

11 PRESIDING JUDGE: You are now applying for a closed
12 session?

13 MS NGUNYA: Yes, Your Honour.

14 PRESIDING JUDGE: We will deal with that application now.

10:05:33 15 Please give your reasons for the application.

16 MS NGUNYA: Your Honours, the person that the witness will
17 mention is known to the witness as well as the person who this
18 individual worked for. The witness was a trader in this area,
19 this part of the country and, in all likelihood, if she mentions
10:05:58 20 this name her identity will be compromised. This is a small
21 request by the Prosecution to ensure the safety of the witness
22 and that is all.

23 PRESIDING JUDGE: Thank you. Mr Manly-Spain, you were
24 speaking on behalf of the counsel for the Defence. You have
10:06:16 25 heard the application.

26 MR MANLY-SPAIN: We are not objecting, Your Honour.

27 PRESIDING JUDGE: Very well. There is no objection. In
28 that case we will allow the closed session for the reasons of
29 security of the witness. We note although counsel for the

1 Prosecution had indicated they were closing their case on that
2 evidence that the Prosecution is not yet finished their
3 examination-in-chief until the end of this closed session.

4 Mr Court Attendant, please put the Court in closed session.

10:07:10 5 [At this point in the proceedings, a portion of the
6 transcript, pages 18 to 19, was extracted and sealed under
7 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR WALKER: Court is now in open session, Your Honour.

3 PRESIDING JUDGE: Thank you, Mr Court Attendant.

4 Mr Manly-Spain, you are --

10:16:23 5 MR MANLY-SPAIN: Yes, Your Honour.

6 Q. Good morning, Madam Witness.

7 A. Yes. Did you sleep well.

8 Q. Did you make any statement to the office of -- to the
9 investigators of the special court?

10:16:41 10 A. No, I didn't explain anything. They only asked me if I
11 would be able to come here and speak.

12 Q. I want you to remember, Madam Witness, the 23rd of
13 September 2003.

14 A. About what?

10:17:21 15 Q. About making a statement to the investigators of the
16 special court.

17 A. Where?

18 Q. I don't understand, Your Honour, whether I should be
19 answering the questions.

10:17:48 20 JUDGE SEBUTINDE: Mr Manly-Spain. You should put your
21 questions more clearly. Obviously the witness thinks that you
22 are referring to recent days. Put your question clearly relating
23 to time frames and what it is you want to ask.

24 MR MANLY-SPAIN: Yes, Your Honour, I asked about 23
10:18:08 25 September 2003, whether she could remember that date.

26 PRESIDING JUDGE: Let's see if the witness understands what
27 the question is about. Madam Witness, do you understand the
28 questions that the lawyer is asking you?

29 THE WITNESS: I understand, but I don't remember.

1 MR MANLY-SPAIN:
2 Q. Did you know XXXXX in Gbense Chiefdom, Kono District?
3 A. Yes.
4 Q. Do you remember making a statement there to investigators
10:18:48 5 of the Special Court?
6 A. Yes.
7 Q. Was that statement written down?
8 A. I saw them writing. I didn't know what they were writing;
9 I am not educated.
10:19:17 10 Q. Was that statement read over and explained to you?
11 A. They explained to me, but I mean, I am not educated.
12 Q. Did you say that what they had explained to you was true
13 and correct?
14 A. What I explained to him that was what was read back to me
10:20:08 15 and that was true. I do not know whether any other thing was
16 added there or not because I am not educated. But exactly what I
17 explained here this morning was what I explained then.
18 Q. Madam witness, I want to refer to that statement and read
19 certain portion to you and I will ask you whether that was what
10:20:32 20 you said to the investigator. You understand that?
21 A. Every human being that drinks water does forget and this
22 was a long time when things had happened. So what I explained to
23 them and they said this is what you said and I believed them. I
24 said yes.
10:21:13 25 Q. Please listen to what I will refer you to.
26 MR MANLY-SPAIN: Your Honour, I wish to refer to --
27 THE WITNESS: Explain, read it to me.
28 MR MANLY-SPAIN: 2003, page 7317 I will start off with.
29 The last paragraph, Your Honours.

1 PRESIDING JUDGE: Proceed, Mr Manly-Spain.

2 MR MANLY-SPAIN:

3 Q. "Witness said civilians were also taken from Duwadu but she
4 cannot remember their names as she was so afraid."

10:21:59 5 A. I didn't say that. I said they captured civilians and
6 placed luggages on their heads and took them away.

7 Q. "Witness said that they were forced to carry looted items."
8 Did you say that?

9 A. Yes.

10:22:21 10 Q. "Witness said that the rebels beat some civilians using
11 their gun butt and they also kicked civilians." Did you say
12 that?

13 A. It was me and my husband that were flogged. They flogged
14 us in Yawando bush.

10:22:48 15 Q. I will go on. "Witness said that the rebel said, 'you do
16 not want Sankoh, you want Kabbah. You will suffer as we can do
17 anything we want.'" Did you say that?

18 A. Yes. The bush in which they beat us and they took my money
19 away from me, that was where they said that.

10:23:19 20 Q. Madam witness, today you have told this Court that the
21 soldier took a big stick, opened your legs and pushed the stick
22 into your anus.

23 A. Yes.

24 Q. I want to refer you to what you told the investigator as
10:23:48 25 stated in the statement.

26 Your Honours, I am going on to page 7318, second paragraph:
27 "One of the rebels stripped her naked."

28 A. I said soldier.

29 Q. "Witness said that this rebel told her he wanted her but

1 the witness refused."

2 A. I said soldier; I did not say rebel. I don't know rebel.

3 Q. "The rebel therefore took a stick and inserted into her
4 vagina."

10:24:43 5 A. I said the man that had the combat is a soldier. That is
6 what happened to me. I didn't say rebel.

7 Q. The question I want to ask you, Madam Witness, is whether
8 you told the investigator that the rebel therefore took a stick
9 and inserted it in your vagina not your anus.

10:25:13 10 A. He injured me in my vagina.

11 Q. Where did he put the stick, Madam Witness?

12 A. I said in my anus.

13 Q. Madam Witness, did you tell the investigator that he put
14 the stick in your vagina?

10:26:04 15 A. He was forcing the stick into my anus. By the time he was
16 fighting with me I got injuries in my vagina. He said he wanted
17 to push the stick into my stomach and bring my child out.

18 Q. Just answer the question. Did he put it --

19 MR HODES: I am going to object to this line of question,
10:26:26 20 Your Honour. The reason I am is because I think the record will
21 reflect that her testimony was that he stuck the stick into her
22 innards. If Mr Manly-Spain wants a clarification then maybe he
23 can ask her to explain what she means by "innards". But I think
24 that is her testimony on direct exam.

10:26:45 25 PRESIDING JUDGE: I do not recall the word innards, Mr
26 Hodes. I will have the record checked.

27 JUDGE LUSSICK: I heard the innards too. But apparently
28 that might have been just a quirk of the pronunciation of the
29 interpreter. It might have been the word "anus".

1 PRESIDING JUDGE: I think in the circumstances, since there
2 is this difference on the actual word used and since it turns on
3 cross-examination, we will have the record checked. Please, Mr
4 Manly-Spain, take a seat while we have this checked. Could the
5 official record be checked just exactly what word was given in
6 examination-in-chief?

7 COURT REPORTER: Your Honour, the word was "innards",
8 I-N-N-A-R-D-S [as read].

9 PRESIDING JUDGE: Therefore, it would appear that the
10:28:25 10 official record is "innards" and some of us have misheard it.

11 MR MANLY-SPAIN: May it please, Your Honour, I think the
12 person making the record has made a mistake. We can ask the
13 interpreter; he said anus. All of us heard it here, A-N-U-S, not
14 innards.

10:28:36 15 PRESIDING JUDGE: I also recorded anus, but the official
16 record is innards. Mr Manly-Spain, the record is actually
17 recorded and typed. That is the official record.

18 MR MANLY-SPAIN: I would like Your Honour to have another
19 part of the record checked. In my cross-examination, before I
10:29:08 20 put the area in the statement to her, I put to her, "You said
21 this morning that the man insert the stick in your anus", and she
22 has said "yes" in my cross-examination. I don't know what
23 innards means. What is innards?

24 PRESIDING JUDGE: Mr Interpreter, you have heard the
10:31:42 25 objection and the discussion. In examination-in-chief the
26 witness gave evidence. What word did the witness use when she
27 said that he took a stick and stuck it through? What was the
28 word she used? Did she use the word "anus" or "innards".

29 THE INTERPRETER: In Kono women are usually very inhibited

1 in calling vagina; they usually don't say they stuck something in
2 my vagina. They will say it is stuck in my anus. But the word
3 anus in Kono has an ambiguity when you talking about women. It
4 may mean the vagina and it can actually mean the anus. So, I am
10:32:26 5 very certain that whatever meaning she had may be the correct
6 one, but the words anus was used in Kono, which can also mean
7 vagina. Women are usually very inhibited this calling the word
8 vagina in Kono.

9 PRESIDING JUDGE: Thank you.

10:32:34 10 [TB280605B-JM]

11 [Trial Chamber confers]

12 PRESIDING JUDGE: In the light of the clarification given
13 by the interpreter, I will make the following rulings: One, that
14 the record be corrected, under slip Rule 2, to delete the word
10:34:18 15 innards and insert the word anus in examination.

16 [MICROPHONE NOT ACTIVATED]

17 PRESIDING JUDGE: There is no slip rule? Very well, in the
18 inherent jurisdiction of the Court, Rule 54. And secondly, in
19 the light of this clarification, the objection by the Prosecution
10:34:29 20 is overruled and the question may be put.

21 MR MANLY-SPAIN: As Your Honour pleases.

22 Q. Madam witness, you have --

23 MR MANLY-SPAIN: I'm not going over that line any
24 more, Your Honour. I think the point I want to make has been
10:34:52 25 made.

26 Q. Madam witness, you said just now that you did not talk to
27 the investigator about rebels; is that so? You spoke about
28 soldiers.

29 A. Yes. The reason I said they were soldiers is because the

1 people I saw had combats on them. And anybody I saw with the
2 combats, I assume that person to be a soldier. So I don't know
3 who a rebel is or whatever. So, if I saw them with combat, I
4 refer to them as soldier.

10:35:48 5 Q. Madam witness, do you remember when your statement, the one
6 I've referred you to, 23rd September 2003, was explained to you?
7 Do you remember?

8 A. I remember. I remember everything. I have not mistaken on
9 anyone.

10:36:24 10 Q. I want to read to you again something that I've read to you
11 before.

12 MR MANLY-SPAIN: Your Honour, I'm going back to page 7317,
13 the last three lines.

14 Q. Please listen, Madam witness.

10:36:54 15 A. I'm hearing.

16 Q. The witness said that the rebels said, "You do not want
17 Sankoh, you want Kabbah. You will suffer as we can do anything
18 we want." Did you tell the investigator that the rebels told you
19 that? Or did you say that the soldiers told you that?

10:37:33 20 A. The soldiers said -- this was what I said. But the
21 soldiers said -- do I explain?

22 Q. Yes.

23 A. I said the soldiers said -- you said, "You don't want Foday
24 Sankoh, you want Tejan Kabbah. So we are going to treat you
10:38:09 25 anyhow we want." That was the basis for our own punishment,
26 myself and my husband.

27 Q. Madam witness, I'm putting it to you that not at one time
28 during your entire statement did you refer to "soldiers." You
29 always referred to "rebels." Never in that entire statement did

1 you use the word "soldiers" or is it recorded that you said
2 "soldiers."

3 A. I said "soldiers." I don't know rebel.

4 MR MANLY-SPAIN: Your Honour, I am respectfully applying
10:39:10 5 for the original of the statement which I would like to tender.

6 PRESIDING JUDGE: Have you an original in Court?

7 MR WALKER: No, Your Honour.

8 PRESIDING JUDGE: well, I'm asking the Prosecution.

9 MS NGUNYA: Your Honours, we have a copy. Just one copy.
10:39:38 10 we will make additional.

11 PRESIDING JUDGE: Show it to counsel for the Defence,
12 please.

13 MS NGUNYA: Yes, Your Honour.

14 Your Honours, we don't have extra copies here, but if Court
10:40:37 15 Management could assist us, I can give the page numbers and
16 perhaps they could print it out on their -- because it has been
17 filed with the Court. The page numbers are --

18 PRESIDING JUDGE: we've got the page numbers. This is not
19 what -- counsel is asking for the original.

10:40:52 20 MS NGUNYA: We don't have the original here with us.

21 PRESIDING JUDGE: very well. It is 25 to 11.00. we
22 normally have a break at this time. I will therefore -- we'll
23 take a 15-minute adjournment to allow you to facilitate this
24 application.

10:41:08 25 Mr Court Attendant, please adjourn Court for 15 minutes.

26 [Break taken at 10.41 a.m.]

27 [On resuming at 10.58 a.m.]

28 MS NGUNYA: Your Honour, if you could just give us a few
29 minutes because somebody is coming down with the original. I

1 apologise for the delay. He should be here any second.

2 PRESIDING JUDGE: Mr Manly-Spain, while we're waiting for
3 this document, is there any other line of cross-examination that
4 you wish to put to the witness to make use of our time?

10:59:08 5 MR MANLY-SPAIN: Yes.

6 PRESIDING JUDGE: If it convenient and doesn't interrupt
7 the flow of your cross-examination.

8 MR MANLY-SPAIN: No, Your Honour, I can go on.

9 PRESIDING JUDGE: Thank you.

10:59:17 10 MR MANLY-SPAIN:

11 Q. Madam witness.

12 A. Yes.

13 Q. How many times did you meet with these men carrying guns?

14 A. In the beginning, I saw them first at Dewadu.

10:59:51 15 Q. Do you know the number of times you met with them? One,
16 two, three, four times? How many times?

17 A. Yes. I want to enumerate.

18 Q. Please enumerate.

19 A. I first met them in Dewadu, second in Koidu, third in
11:01:06 20 Tombodu, fourth in wordu, and the fifth time was in Yawando bush.
21 Sixth time was at Gbaima. And back when we returned again,
22 Yawando, that was the seventh time. And in Koiduwor, eight
23 places. The ninth time was when we were towards ECOMOG people in
24 kaoquima.

11:01:40 25 Q. Thank you. Madam witness, you said you were at Yawando for
26 three months.

27 A. Three months.

28 Q. Was that during the rainy season or the dry season in 1998?

29 A. That was the period between felling and burning the farms.

1 Q. Was that in the dry season?
2 A. I will refer to that as dry season because some people are
3 felling trees, and others were burning their farms.
4 Q. Was that, Madam witness, towards the end of 1998?
11:02:45 5 A. It was not at the end. It was towards the beginning.
6 Q. Towards the beginning. Okay.
7 A. Yes.
8 Q. Madam witness, do you -- can you tell how many years it is
9 now from 1998 to present day?
11:03:21 10 A. Well, I can only estimate that from the child I was
11 pregnant with.
12 Q. Yes, please tell us.
13 A. This is the seventh year.
14 Q. Thank you. Madam witness, where is your husband now?
11:03:44 15 A. My husband is in Kono.
16 Q. Do you know whether he made a statement to investigators of
17 the Special Court?
18 A. Who?
19 Q. Pardon?
11:04:11 20 A. Who?
21 Q. Your husband, Madam witness.
22 A. I wouldn't know.
23 MR MANLY-SPAIN: I don't know, Your Honour, if I could now
24 have the statement.
11:04:46 25 PRESIDING JUDGE: Do you wish to finish this particular
26 line?
27 MR MANLY-SPAIN: This is all I wish to ask apart from
28 tendering the statement.
29 PRESIDING JUDGE: I see. Very well.

1 MS NGUNYA: We now have it in Court, Your Honour. We ask
2 the assistance of the court attendant.

3 PRESIDING JUDGE: Mr Court Attendant, would you please show
4 the document to counsel for the Defence.

11:05:27 5 MR MANLY-SPAIN: Yes, Your Honour. If my learned friends
6 on the other side don't have any objection, I'm respectfully
7 applying to tender it from the bar.

8 PRESIDING JUDGE: Do you tell me you can tender it on the
9 line of questioning you've just put?

11:05:42 10 MR MANLY-SPAIN: Prior to the last questions that I
11 heard -- that I put to her, that never in her statement did she
12 refer to soldiers. She always referred to rebels. This I am
13 putting down as a previous inconsistent statement.

14 PRESIDING JUDGE: I'm indicating to you, Mr Manly-Spain,
11:06:03 15 that you have not laid a foundation to tender that document.

16 MR MANLY-SPAIN: As Your Honour pleases. Your Honour, this
17 is a statement --

18 [Trial Chamber confers]

19 MR MANLY-SPAIN: This is a statement that was unsigned by
11:06:22 20 the witness.

21 Oh, I'm sorry.

22 Your Honour, I respectfully submit a sufficient foundation
23 has been laid as --

24 JUDGE SEBUTINDE: Mr Manly-Spain, maybe we can assist what
11:07:13 25 we mean by foundation. One, neither side, neither yourselves on
26 the Defence nor the Prosecution has elicited evidence showing
27 what language the interview was conducted in with this witness
28 with regards to this statement. Now, we as a Bench are still in
29 doubt. We don't know what language, or what medium of

1 communication was used, and we think that's a vital element in
2 helping us determine what the issue at hand. That is one
3 type -- or one example of what we mean by foundation. We don't
4 know if this -- this witness is presented to us as Kono speaking.
11:07:54 5 There is no indication in this statement that the interview was
6 conducted in Kono. There is no question that has been put to
7 this witness showing whether she is fluent in any of the
8 languages indicated on the statement.

9 MR MANLY-SPAIN: I'm much obliged. Thank you very much.

11:08:10 10 May I ask a few questions of the witness, Your Honour.

11 Q. Madam Witness, you have said that you made a statement at
12 ~~XXXX~~, in Gbense Chiefdom, Kono District on the 23rd of September
13 2003. Is that so?

14 A. Yes.

11:08:35 15 Q. Did you make that statement in Krio and English?

16 A. No.

17 Q. In what language did you make statement?

18 A. I spoke in Kono. And they found an interpreter to
19 interpret what I said in Kono because I told them I couldn't
11:09:02 20 speak Krio very well.

21 Q. Okay.

22 MR MANLY-SPAIN: Then I will tender the statement,
23 Your Honour. The witness cannot read -- it has not been signed
24 by the witness.

11:09:26 25 JUDGE SEBUTINDE: So Mr Manly-Spain, you still want to
26 tender this in as evidence of a prior inconsistency?

27 MR MANLY-SPAIN: Yes, Your Honour. I think it is settled.
28 It is settled between the Prosecution and the Defence that this
29 was a statement obtained from the witness. That is why I applied

1 to tender it from the bar. And I'm respectfully making the
2 application if the Prosecution has no objection.

3 PRESIDING JUDGE: Ms Ngunya, you have heard the application
4 by counsel for the Defence. Have you any reply?

11:10:13 5 MR HODES: Your Honours, we would object. As Your Honours
6 have pointed out, the lack of foundation is the significant part
7 here. The witness has testified over and over that the testimony
8 that she has given today is the testimony and the statements
9 given back in September of 2003, that it is not inconsistent and
11:10:26 10 that it's the interpretation that is poor. Without being able to
11 call the interpreter who is actually listed in the statement,
12 Theresa Sumana, which the Defence can certainly do when they put
13 on their case in-chief, I believe it would up to the Court
14 whether or not a prior inconsistent statement has been made by
11:10:51 15 the witness during her testimony at this time. She is indicating
16 that she specifically said soldiers. I would even go on to point
17 out that in her statement, she talks about the fact that the
18 stick was placed into her vagina. And so if Mr Manly-Spain was
19 going to be clear about that issue, not just the question about
11:11:10 20 the use of the term rebels versus soldier, then he would also
21 point out to the witness that consistently throughout this
22 statement, she uses the term vagina. And again, with regards to
23 this issue as to rebel or soldier, if Mr Manly-Spain wanted to,
24 he could also question the witness about the second statement
11:11:32 25 that she gave on March 21st, 2005, in which she specifically
26 says, soldiers did these things to me.

27 So we would object to the tendering of this witness
28 statement without proper foundation.

29 MR MANLY-SPAIN: May it please Your Honour, if I may reply

1 briefly. I believe that all my learned friend has said is in
2 support of my application, not in opposition. Your Honour, it is
3 strange for the Prosecution to object to the tendering of a
4 statement which they supplied to us, they have filed and which
11:12:08 5 they have served us. The reason for tendering, apart from the
6 inconsistencies, is for Your Honour to know whether this witness
7 has been speaking the truth, the veracity of the witness. We are
8 merely saying this was what was supplied to us. It contains
9 certain statements which are contrary to what she has said today.

11:12:33 10 And like my learned friend has stated, she has consistently
11 been saying, "I said soldiers. I said soldiers. I said soldier.
12 I said anus today." But in the statement we are submitting that
13 she said something completely different. It should be not be in
14 the lips of the Prosecution to object. They should be stopped
11:13:06 15 from doing so. If this is accepted, Your Honour, then whenever
16 an inconsistency applies, arises, and we try to admit those
17 statement, then we fail to do so and the Court will be deprived
18 of much relevant evidence. That is all I wish to say,
19 Your Honour.

11:13:26 20 PRESIDING JUDGE: Thank you, Mr Manly-Spain. we'll confer.
21 [Trial Chamber deliberates]

22 MR MANLY-SPAIN: May it please, Your Honour. I just want
23 to add that I wouldn't mind the tendering of the later statement
24 together with this one so that you will have a clear picture.

11:18:06 25 [Trial Chamber deliberates]

26 [Ruling]

27 PRESIDING JUDGE: This is the ruling of the Court. We are
28 of the view that the document prepared by the Prosecution is
29 admissible. weight will be assessed at the appropriate time.

1 The document is, therefore, admitted together with the subsequent
2 statements as applied for by the Defence.

3 Just a moment, please. Mr Court Attendant, that is D
4 number?

11:22:38 5 MR WALKER: That will be D7, Your Honour.

6 PRESIDING JUDGE: Thank you. I will give D7.1 to the
7 subsequent statement.

8 MR MANLY-SPAIN: Much obliged, Your Honour. That will be
9 all for this witness.

11:22:51 10 PRESIDING JUDGE: Thank you, Mr Manly-Spain.

11 [Exhibit No. D7 was admitted]

12 PRESIDING JUDGE: Mr Graham, questions of the witness?
13 Excuse me, Mr Hodes, I didn't note that you were on your feet.

14 MR HODES: I'm sorry, Your Honour. I'm just rising to make
11:24:02 15 sure that my objection to the admission of the documents is noted
16 for the record purposes with regards to this being a prior
17 inconsistent statement to the lack of foundation as has been
18 previously discussed.

19 PRESIDING JUDGE: I think I have made a very full
11:24:02 20 note of what you've said, and certainly it will be on the
21 official record.

22 MR HODES: Thank you.

23 MR GRAHAM: Thank you, Your Honour.

24 CROSS-EXAMINED BY MR GRAHAM:

11:24:02 25 Q. Madam witness.

26 A. Yeah.

27 Q. Good morning, Madam witness. Hello?

28 PRESIDING JUDGE: Mr Court Attendant, it would appear that
29 the witness's microphone is not switched on. Please assist.

1 MR GRAHAM:

2 Q. Madam witness, earlier on this morning you agreed that you
3 gave a statement to the investigator at Krio in Gbense Chiefdom
4 in the Kono District sometime in September 2003; is that right?

11:24:48 5 A. I did give statements in Kono, but I don't remember the
6 exact time. I didn't go to school.

7 Q. Madam witness, I'll refer to the statement of that date.

8 MR GRAHAM: Your Honours, with your permission, if I may
9 refer to the statement of the witness taken on September 23rd,
11:25:13 10 2003, specifically page 7317, lines 5 going into line 6. With
11 Your Honours' permission, I will read.

12 THE WITNESS: I'm listening. But what I didn't say, please
13 don't tell lies on me.

14 MR GRAHAM:

11:25:35 15 Q. Rest assured, I wouldn't, Madam Witness.

16 MR GRAHAM: With Your Honours' permission, I will read. It
17 says that, "The witness does not know if the rebels were AFRC or
18 RUF. Witness said that the rebels stole the properties of the
19 civilians, including about 600,000 Leones from witness."

11:25:57 20 Q. Madam witness, do you recall making this statement, that
21 you did know if the rebels were AFRC or RUF?

22 A. I don't know the difference. Anyone who wears a combat, I
23 assume that person to be a soldier. And they were the ones who
24 took money from me.

11:26:27 25 Q. Madam witness, it is possible, therefore, that the persons
26 that you refer to in your statement as rebels and in your earlier
27 evidence today as soldiers, could have been RUF rebels or
28 soldiers; is that right?

29 A. I don't know the difference. I don't know the difference.

1 I don't understand Krio. If anyone wears a combat, I assume that
2 person to be a soldier.

3 Q. And I'm saying because you could not tell the difference as
4 to whether they were AFRC or RUF, it is possible that the
11:27:16 5 soldiers could have been RUF soldiers or rebels; is that right?

6 A. To my knowledge, I wouldn't tell whether it's an RUF or
7 AFRC, as long as someone has a combat on, I assume that person to
8 be a soldier. Whether it's a white man or a black with a combat
9 is a soldier to me.

11:28:03 10 Q. Thank you, Madam Witness. Madam Witness, I will go further
11 on and again refer to your statement of September 2003, and with
12 Your Honours' permission, I will read from paragraph 4.

13 A. Okay.

14 Q. "Witness said that the rebels said [microphone not
11:28:24 15 activated]." Do you remember saying that, Madam Witness?

16 A. Yes, the soldier. The soldier that flogged me. The one
17 that took the stick and pushed it into my anus is the one that
18 said that.

19 Q. Thank you, Madam Witness. Madam Witness, can you tell me
11:28:54 20 what you understand by, "You do not want Sankoh, you want
21 Kabbah." What do you understand that to mean?

22 A. I can't say anything about that. I have no difference. I
23 don't know the difference between that. I didn't go to school.
24 I'm not a politician. I know nothing about politics.

11:29:21 25 Q. Madam Witness, have you heard the name Foday Sankoh before?

26 A. Yes, I heard it. I heard the name while we were fleeing,
27 and we heard this name only at the time I was fleeing. I didn't
28 know him. I had never seen him before.

29 Q. Madam Witness, when you heard this name, were you told who

1 he was?

2 A. Nobody told me who he was.

3 Q. Madam witness, are you aware that Foday Sankoh was the
4 leader of the RUF?

11:30:26 5 A. I wouldn't know. Ever since I was born, my father is dead.
6 This is my first time of appearing in a court. I've never been
7 in a court. I know nothing about that man.

8 Q. Madam witness.

9 A. Yes.

11:30:46 10 Q. I want to ask you one more time. What is your
11 understanding of the statement that, "You do not want Sankoh, you
12 want Kabbah"?

13 MS NGUNYA: Your Honours, objection on the grounds of asked
14 and answered.

11:31:08 15 MR GRAHAM: Very well, Your Honours.

16 PRESIDING JUDGE: The witness has answered the question.

17 THE WITNESS: At all.

18 MR GRAHAM:

19 Q. Madam witness, I'm putting it to you that Foday Sankoh at
11:31:25 20 the point in time was the leader of the RUF.

21 JUDGE LUSSICK: She said she wouldn't know, so she can't
22 really answer that, can she?

23 MR GRAHAM: I am suggesting to her that Foday Sankoh was
24 the leader of the RUF.

11:31:38 25 JUDGE LUSSICK: well you are supposed to be drawing on her
26 own knowledge, not teaching her political facts.

27 MR GRAHAM: Very well, Your Honour.

28 Q. Madam witness, if the rebels said "You don't want Sankoh
29 but you want Kabbah, you'll suffer as we can do anything we

1 want," it is likely those who made that statement were supporters
2 or rebels, were supporters of Foday Sankoh; is that right?

3 PRESIDING JUDGE: Are you asking her to give an opinion or
4 draw a conclusion or what are you asking her?

11:32:09 5 MR GRAHAM: Your Honours, I'm trying to elicit from the
6 witness, because the statement as made indicates a preference for
7 Foday Sankoh. I suppose --

8 PRESIDING JUDGE: She has already made it clear she doesn't
9 know anything about Foday Sankoh and she is not a politician.

11:32:26 10 MR GRAHAM: Very well, Your Honours. I'll proceed.

11 Q. Madam witness, you indicated earlier on in your testimony
12 today that just before getting to Small Sefadu you met your
13 husband coming towards you from a distance; is that right?

14 A. I saw him coming. He was running. His hand was amputated.
11:32:51 15 I came towards him and I embraced him.

16 Q. And you said you observed that his left hand was cut; is
17 that right?

18 A. Yes, yes.

19 Q. It was also your testimony that he said that the soldiers
11:33:09 20 had cut his hand; is that right?

21 A. That is what he told me when he arrived, and it was them
22 who took him away in the first place.

23 Q. He did not specify which soldiers had cut his hand; is that
24 right?

11:33:39 25 A. He didn't tell me. And he said those who cut took me
26 along. He didn't tell me specifically which individual.

27 MR GRAHAM: Your Honour, I have no further questions for
28 this witness. Thank you.

29 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Mr Fofanah.

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

2 CROSS-EXAMINED BY MR FOFANAH:

3 Q. Madam witness, good morning.

4 A. Good morning.

11:33:57 5 Q. Madam witness, have you ever heard the word "rebel" before?

6 A. Yes, I heard. But I don't know the difference. I don't
7 remember seeing one.

8 Q. When you heard the word "rebel," did they tell you what the
9 term means, what it means?

11:34:30 10 A. I don't know the difference. I never went to school. I am
11 not educated. I am in the bush, in the village.

12 Q. Madam witness, I'm not talking about difference. I haven't
13 suggested any alternative. I'm basically talking about rebel.

14 You said you've heard the word "rebel." So when you heard the
11:34:50 15 word "rebel," did anyone tell you what the word "rebel" meant?

16 A. Me? I didn't spend time asking people about the meaning of
17 rebel. I was worried and I was in a great hurry, so I was
18 running away all the time away from bad people.

19 Q. Madam witness, will you agree with me if I put it to you
11:35:20 20 that the term "rebel" in fact means bad people, rebels?

21 MS NGUNYA: With your permission, Your Honours, I object on
22 the grounds that the witness has already said she does not know
23 what it means, and she did not elicit an explanation from those
24 around her.

11:35:37 25 MR FOFANAH: Your Honours, I mean, the witness actually
26 mentioned bad people, that she was running away from bad people.
27 That is why -- can I put it to you -- Your Honours, with your
28 leave, I can put it to the witness.

29 JUDGE SEBUTINDE: Mr Fofanah, are you putting your

1 interpretation of the word "rebel" to the witness?

2 MR FOFANAH: I just want to juxtapose that with her
3 suggestion of the word "bad people."

4 JUDGE SEBUTINDE: But I don't think rebel means bad people.
11:36:12 5 Is that an agreed definition from some dictionary?

6 MR FOFANAH: As Your Honour pleases, I'll rephrase. I'll
7 rephrase.

8 Q. Madam witness, you've said you've never seen a rebel; not
9 so?

11:36:36 10 A. Even if I see them, I don't know the difference between
11 another ordinary person or a rebel.

12 Q. Can you tell us why you've chosen to call anyone in combat
13 a soldier?

14 A. Yes, I can explain.

11:37:09 15 Q. Please do.

16 A. While I was a child in my grandfather's village, soldiers
17 went to visit us, and they gave them chickens. At that time,
18 there was no evil, no war, no nothing. They did nothing bad to
19 us. It was just recently when we saw people in combat doing bad
11:37:36 20 things.

21 Q. Mr witness [sic], you recall telling the court that not
22 every armed man you saw had a combat; not so?

23 A. Yes. Some had cutlasses, some had knives, some had guns.
24 But they had uniform.

11:38:05 25 Q. Did all the armed men that you saw wear combat fatigues -
26 all of them?

27 A. Some had the shirts, others had the trousers. Others were
28 fully dressed in combat, and they had guns.

29 Q. Do you remember telling us that there was one of seven

1 soldiers who had a ronko?
2 A. Yes.
3 Q. Is a ronko the same as a combat fatigue?
4 A. I wouldn't tell the difference. He was with them. He wore
11:39:19 5 the ronko. But I saw the others that wore the combats. And
6 those that wore combat were soldiers. The one that had a ronko,
7 I don't know who he was.
8 Q. Why did you call him a soldier, because you said he was one
9 of seven soldiers that you saw?
11:39:44 10 A. He had the combat trousers and had the ronko.
11 Q. Have you ever heard the word "Kamajor," Madam witness?
12 A. I heard about it, but I didn't see them with my eyes,
13 because we were not in the same part of the country.
14 Q. Have you ever heard the word "Gbethi"?
11:40:17 15 MR FOFANAH: Gbethi, Your Honours, is spelled G-B-E-T-H-I.
16 THE WITNESS: what?
17 MR FOFANAH:
18 Q. Have you ever heard the word "Gbethi" before?
19 A. When my husband was amputated and we arrived in Freetown,
11:40:48 20 that is where I heard the word "Gbethi," but I've never seen any
21 Gbethi.
22 Q. When you heard that word, were you told what it meant,
23 "Gbethi"?
24 A. I don't know.
11:41:09 25 Q. Were you also told what the word "Kamajor" meant?
26 A. They didn't tell me and I didn't bother to ask.
27 Q. Were there any members of a Civil Defence Force in Kono at
28 your village?
29 A. Even if they were there, nobody told me, and I didn't know

1 because I was so unhappy.

2 Q. But did you see them yourself personally?

3 MS NGUNYA: Your Honour, if I might object. She just
4 answered --

11:42:05 5 THE WITNESS: which one did I see?

6 MS NGUNYA: -- "Even if they were there, I didn't know and
7 I didn't bother to ask because I was so unhappy." I believe that
8 counsel's question has been answered.

9 MR FOFANAH: She was actually answering, Your Honour, when
11:42:22 10 my learned colleague interrupted. She has just asked me which
11 one of them.

12 PRESIDING JUDGE: The question has been answered,
13 Mr Fofanah.

14 MR FOFANAH: As Your Honour pleases. I will move on.

11:42:36 15 Q. Madam witness, I'm putting it to you that there were
16 members of Civil Defence Forces at your village dressed in
17 ronkos.

18 A. I didn't see them. As soon as my husband was amputated, we
19 came to Freetown.

11:43:06 20 Q. Madam witness, where did you say you first saw soldiers?

21 A. I said Dewadu.

22 Q. Are you absolutely sure about that, Madam witness?

23 A. Yes, I believe.

24 Q. But you just told us this morning that the first time you
11:43:49 25 saw soldiers, Madam witness, was at Gandorhun, the village of
26 your husband?

27 A. I didn't say that.

28 MR FOFANAH: I stand guided by the records, but I think
29 that is what the witness said.

1 PRESIDING JUDGE: She said, "while I was a child at my
2 grandfather's soldiers came." So if it's soldiers, the first one
3 appears to be at her grandfather's village.

4 MR FOFANAH: No, I mean this morning when she was
11:44:23 5 testifying.

6 PRESIDING JUDGE: well, make that clear.

7 MR FOFANAH:

8 Q. Madam witness, I mean when you were testifying this
9 morning, when the Prosecutor was asking you questions, you said
11:44:33 10 the first time you saw soldiers was when you were seated at the
11 village of your husband, Gandorhun, and when people came and
12 informed you that soldiers were coming, and then you subsequently
13 saw them yourself before you fled. That was the first time you
14 said you saw soldiers, at Gandorhun.

11:45:07 15 A. I didn't say in Gandorhun. I said in my husband's village.
16 It was the civilians who were running away from them that were
17 coming told us.

18 Q. So what is the name of your husband's village?

19 A. Kono.

11:45:31 20 Q. Is Kono a village or a town? Or a district?

21 A. A village in Kono District.

22 Q. Pardon me? Did you say Kono is a village in Kono District?

23 A. It's called Gandorhun.

24 Q. So you now agree with me that the name of your husband's
11:46:02 25 village is Gandorhun; not so?

26 MR FOFANAH: What is the answer, Mr Interpreter?

27 THE WITNESS: Yes. Because the village is in Gandorhun.
28 It's around Gandorhun.

29 MR FOFANAH:

1 Q. So in fact, it was at Gandorhun that you actually first saw
2 soldiers; not so?

3 A. Not in Gandorhun Town. It is one of the villages, a place
4 where we farm.

11:46:41 5 Q. And where is that place?

6 MS NGUNYA: Your Honours, if I might object. Again, this
7 is confusing for the witness. She has said it's a village near
8 Gandorhun, a place where we farm, not in Gandorhun. I don't know
9 how much clearer that can be, Your Honours.

11:46:59 10 PRESIDING JUDGE: Let the witness answer the question.
11 what was the question?

12 MR FOFANAH: Most grateful, Your Honour.

13 Q. What was the name of the village where you farmed near
14 Gandorhun where you farm?

11:47:14 15 A. Do I call the name?

16 Q. Yes, Madam Witness.

17 A. Well, you have to wait a while.

18 MR FOFANAH: May I be guided, Your Honours. I don't
19 understand. She is asking me to wait.

11:47:42 20 THE WITNESS: I came here as a witness. I don't think it's
21 correct for him to ask me to reveal my husband's village.

22 PRESIDING JUDGE: Is the witness worried about revealing
23 the name of her husband's village?

24 THE WITNESS: I'm not worried. If you ask me to reveal the
11:48:08 25 name of my husband's village, I don't think it's anything bad to
26 me.

27 [Trial Chamber confers]

28 PRESIDING JUDGE: well, Madam Witness, can you explain to
29 us, therefore, what is the problem with naming your husband's

1 village?

2 THE WITNESS: Do you want me to reveal the name of my
3 husband's village?

4 PRESIDING JUDGE: I want you to explain to us if you have a
11:48:49 5 problem about naming it. That is what I want to hear first of
6 all.

7 THE WITNESS: If you assure me that when I reveal the
8 village it will be safe for me and it will bring no problem for
9 me, tell me.

11:49:19 10 PRESIDING JUDGE: The witness is obviously concerned, and
11 in the circumstances I don't think -- I think we have to take her
12 security and her concern, we must give it some weight.
13 Therefore, we will have to circumvent this. The answer will have
14 to be either in closed session or in some way written down in
11:49:47 15 order not to reveal it. I will not ask the witness to reveal
16 that name.

17 JUDGE LUSSICK: Is the name important to you for purposes
18 of your cross-examination, or could you just refer to the village
19 as "your husband's village"?

11:50:02 20 MR FOFANAH: Certainly. Because I have a number of
21 villages mentioned along this line of cross-examination which to
22 me are conflicted.

23 JUDGE SEBUTINDE: Mr Fofanah, could I just say something.
24 You did ask this witness earlier what she said in exam-in-chief.

11:50:18 25 MR FOFANAH: Yes, Your Honour.

26 JUDGE SEBUTINDE: And I just want to read what I have on
27 record as what she stated in exam-in-chief regarding this area of
28 cross-examination. She said she was seated at her husband's
29 house. This was in Gandorhun. And she was seated there when she

1 saw people coming, running. And these people told her that
2 soldiers were coming into Gandorhun. So both she and herself and
3 her husband -- she and her husband took the children and fled.
4 And they didn't follow the main road to Koidu, but they took a
11:50:54 5 road through the bush to Dewadu. But before they got to Dewadu,
6 as they got closer to Dewadu, they met soldiers in combat
7 clothes. As they got closer to Dewadu, in the bush, they met
8 soldiers. Now this is the first time in-chief when we hear her
9 talking of meeting soldiers. I don't know if that helps.

11:51:21 10 MR FOFANAH: As Your Honour pleases, I certainly do not
11 intend to contradict your records. It's just that what I heard
12 from her was that she actually saw the soldiers herself as
13 Gandorhun, but I'll leave that and then probably ask for a very
14 short closed session for her to just disclose that name because I
11:51:49 15 have a number of names that are conflicted. I'll go to another
16 question, and before I close I'll ask for a short closed session.

17 PRESIDING JUDGE: It may assist your assessment if I
18 indicate that my record agrees with my learned sister's.

19 MR FOFANAH: I'm grateful, Your Honour. In order to
11:52:09 20 expedite this line of questioning, Your Honours, is there any way
21 I can have the witness put this in writing through the assistance
22 of Court?

23 MS NGUNYA: Your Honour, I think we clarified during the
24 introduction, the witness has not gone to school. She cannot
11:52:29 25 read and write.

26 MR FOFANAH: I was saying through the assistance of the
27 Court.

28 JUDGE SEBUTINDE: If the witness cannot spell, how do you
29 propose we assist?

1 MR FOFANAH: She can actually pronounce the name to
2 somebody, and then the person can write it out.

3 [Trial Chamber confers]

4 PRESIDING JUDGE: For the security of the witness, I think
11:54:19 5 the Court of its own motion should direct a closed session. Is
6 there any other line of questioning you can deal with,
7 Mr Fofanah, before we go into a closed session to deal with this
8 one aspect of your cross-examination?

9 MR FOFANAH: Certainly, Your Honour. I will just deal with
11:54:40 10 other lines of cross-examination before the short closed session.

11 PRESIDING JUDGE: Very well.

12 MR FOFANAH: Thank you very much.

13 Q. Madam witness, the soldiers that you said you saw whilst at
14 various places at Kono, what language did they speak?

11:55:09 15 A. Krio. They spoke Krio, those who arrested my husband, and
16 they were heading for Yardu Gbense. They said, "My man, let's
17 go."

18 Q. Do you recall making statement to the fact that they spoke
19 krio with Liberian accent?

11:55:40 20 A. Those who arrested my husband and later amputated him were
21 the ones who spoke like that. But the previous ones all spoke
22 krio.

23 Q. Do you also recall making statement to a statement-taker
24 that you also saw soldiers who spoke Krio and pretended to be
11:56:18 25 Nigerians and spoke Nigerian language?

26 A. They were not Nigerians. I said they imitated Liberian
27 language, not Nigerian. Those who arrested my husband, amputated
28 him, spoke in imitation of Liberian language, but the previous
29 ones all spoke Krio. There was no need. I couldn't go and ask

1 them what language do you speak or what tribe do you belong to.

2 Q. Madam witness, I'm saying that apart from the soldiers who
3 arrested your husband, you've made a statement; and in that
4 statement, you said some of the soldiers pretended to be
11:57:17 5 Nigerians and spoke Nigerian language.

6 PRESIDING JUDGE: Are you putting a prior inconsistent
7 statement, Mr Fofanah, or are you putting prior testimony?

8 MR FOFANAH: Yes, Your Honour, prior inconsistent
9 statement.

11:57:36 10 PRESIDING JUDGE: well, put it properly, please.

11 MR FOFANAH:

12 Q. Madam witness, you've told the Court through various
13 cross-examinations that you recall making a statement. Do you
14 recall your statement of the 23rd September 2003?

11:58:04 15 A. The statement I gave is what I've just explained. Nothing
16 is left behind.

17 Q. So I'm saying that in that statement, you said there were
18 soldiers who pretended to be Nigerians and spoke Nigerian
19 language.

11:58:32 20 A. I didn't say Nigerians. They had said -- I said they had
21 said, "Let's go, my man," and when they speak like that, I
22 remember.

23 Q. At least before I read the statement out, you said they
24 pretended to speak Nigerian language, pretended to speak Nigerian
11:58:57 25 language. Do you recall saying that to anyone?

26 A. Do you want me -- does he want me to tell a lie? I don't
27 want him to force me to speak a lie.

28 MR FOFANAH: Your Honours, I'm referring to page 7318 of
29 the statement of 23rd September 2003.

1 THE WITNESS: what happened to me is what I'm explaining.
2 I mean, if the one who wrote it wrote something else -- I mean,
3 if something happened to me and what is written by someone else,
4 who do you believe?

11:59:42 5 MR FOFANAH: Your Honours, I will just read from the sixth
6 line, starting from "The rebels spoke Krio and pretended to be
7 ECOMOG. They pretended to speak Nigerian language. witness said
8 that the rebels asked them where they were going."

9 Q. Do you recall that now, Madam witness, that the rebels
12:00:05 10 pretended to speak Nigerian language and pretended to be ECOMOG?

11 PRESIDING JUDGE: It's not --

12 THE WITNESS: Those who facilitated our arrival to Freetown
13 from Kaoquima were the ECOMOG soldiers. So if you ever hear me
14 talking about ECOMOG, that is when I spoke about them. Those who
12:00:47 15 facilitated my arrival here since I was injured in my anus and my
16 husband was amputated and we came to Freetown, it was ECOMOG that
17 facilitated our arrival to Freetown.

18 MR FOFANAH:

19 Q. Okay, Madam witness, we'll move on. Again, Madam witness,
12:01:19 20 you've just said since you were injured at your anus. Not so?

21 A. Yes.

22 Q. Okay. We'll move on, I mean. You've just told the court,
23 both in examination-in-chief as well as cross-examination, that
24 you spent three months at Yawando. Not so?

12:01:51 25 A. In the Yawando bush, Yawando bush.

26 Q. Madam witness, Yawando is not the same as Gbaima. Not so?

27 A. Yawando and Gbaima are small villages. They are farming
28 communities. Dangbaidu is a big town, but Yawando and Gbaima are
29 small villages, just farming villages.

1 Q. But they are not the same; they are separate. They're
2 apart, not so? They are not the same villages?

3 A. I have said these are villages. What does he want me to
4 say? Do you want me to take off my clothes and you see where I
12:03:00 5 was injured? I can do that right now if you want to see my
6 injury.

7 Q. No, Madam Witness, I'm not asking you to do that. I'm
8 putting it to you that in the same statement that I've referred
9 to, you in fact said that you spent the said three months at
12:03:17 10 Gbaima and not Yawando.

11 A. I said Yawando.

12 MR FOFANAH: Your Honours, I'm reading from page 7318, the
13 first line downwards. It reads: "Witness ran away with her two
14 children and her husband. Witness went to Gbaima near Tombodu
12:03:52 15 where she spent three months hiding in the bush from the rebels
16 who were in the area. Witness said that the rebels attacked
17 Gbaima bush at about 4.00 a.m. They tied her husband up with his
18 hands behind his back."

19 Q. So Madam Witness, do you recall making that statement to
12:04:15 20 the statement-taker?

21 A. I explained that this morning. Didn't you hear?

22 Q. Madam Witness, just answer the question. I'm not asking
23 you to ask me questions. I mean, did you recall making that
24 statement to the statement-taker?

12:04:43 25 A. Yes, it was -- it was in the Yawando bush. Yawando bush.
26 They tied me up, and they tied my husband up with our hands
27 behind our back.

28 Q. So it was never at the Gbaima bush. Not so?

29 A. These are small villages. Yawando, Gbaima, these are very

1 tiny villages. That neighbourhood is the same. They are all
2 contiguous neighbourhoods. These are farming villages. When you
3 make the farm, you establish a small village.

4 Q. But certainly, Madam Witness, Gbaima bush is different from
12:05:29 5 Yawando bush. Not so? They are not the same?

6 PRESIDING JUDGE: Mr Fofanah, the witness has answered the
7 question.

8 THE WITNESS: I can't say. I can't say. I don't come from
9 that bush. I went there just to hide myself.

12:05:53 10 MR FOFANAH:

11 Q. Okay, we'll still move on. Madam Witness, when you were
12 testifying this morning, you said that the soldier who inserted
13 object into you, an object into you, stabbed you at the back. Do
14 you recall that?

12:06:22 15 A. Yes. I'm prepared to take off my clothes, and you'll see
16 the scar on my back.

17 Q. Madam Witness, I'm putting it to you that when you first
18 made -- when you first gave your statement on the 23rd of
19 September 2003, you said that the said soldiers stabbed you on
12:06:46 20 your shoulder?

21 PRESIDING JUDGE: Mr Fofanah, I think in fairness to the
22 witness, you should read what she said this morning, which
23 was --

24 MR FOFANAH: As Your Honour pleases.

12:07:01 25 PRESIDING JUDGE: -- in which she did mention her shoulder.
26 I've just lost it. But in any event, there was a mention of the
27 shoulder as well the back. I think you should put the entire
28 part of her evidence to her.

29 MR FOFANAH:

1 Q. Now, apart from stabbing you at the back, did you also say
2 that these soldiers stabbed you on your shoulder, this morning?

3 PRESIDING JUDGE: Mr Fofanah, that is not what the witness
4 said this morning. Put what the witness said.

12:07:39 5 MR FOFANAH: May I be guided, Your Honour. Because what I
6 have in my notes is that she said she was stabbed at the back,
7 and she has just answered that.

8 JUDGE SEBUTINDE: what I have on records is that she was
9 stabbed in the shoulder, and she actually turned her arm and she
12:07:57 10 pointed where she was stabbed. It was in the shoulder or the
11 back shoulder. That is what I have recorded down.

12 [TB280605C - CR]

13 PRESIDING JUDGE: "Near my shoulder" is what I've got."
14 "Near my back in the shoulder" is what I have. I say in fairness
12:08:21 15 to this witness, you should put the entire part of her testimony.

16 MR FOFANAH:

17 Q. So, did you say you were stabbed at your back near your
18 shoulder this morning by this soldier?

19 THE WITNESS: Do I have to take my clothes off to satisfy
12:08:47 20 this man?

21 PRESIDING JUDGE: No, Madam Witness, you do not have to do
22 that.

23 THE WITNESS: I'm going to take these clothes off.

24 PRESIDING JUDGE: Madam Witness, you do not have to do
12:08:57 25 that. Please be assured you do not have to do that.

26 THE WITNESS: This guy wants to embarrass me. So I really
27 think I should take my clothes, let him see.

28 PRESIDING JUDGE: Madam Witness, we will not allow you to
29 be embarrassed in Court. We do not want you to be upset. We are

1 just trying to --

2 THE WITNESS: Because what they did to me, I think he likes
3 it.

4 MR FOFANAH: Your Honours, at this stage, may I seek your
12:09:18 5 protection and at least apply to the Bench that the witness
6 understands that, as much as I sympathise with her situation and
7 I empathise with whatever happened to her, I am basically doing
8 my duty asking her questions to test her veracity. I'm not
9 saying what she said was a lie. I'm basically trying to test the
12:09:44 10 truthfulness of what she told this Court. Thank you.

11 PRESIDING JUDGE: Madam witness, did you hear what the
12 lawyer has just said?

13 THE WITNESS: I want you to let him answer whether what I
14 have said is not true. Let him tell us.

12:10:13 15 PRESIDING JUDGE: For the record, Mr Fofanah, to avoid
16 misunderstanding, you are not putting to the witness that she was
17 not stabbed; is that correct?

18 MR FOFANAH: No, I'm basically trying to find out from her
19 what part of her body she was stabbed.

12:10:41 20 PRESIDING JUDGE: Madam witness, the lawyer is not denying
21 that you were stabbed. He is just wanting to be clear where it
22 happened, what part of your body and - listen. His job is to put
23 questions to you. He himself is not attacking you. Do you
24 understand this?

12:11:07 25 THE WITNESS: Yes.

26 MR FOFANAH:

27 Q. Madam witness, I'm also putting it to you in a subsequent
28 statement that you made on 21 March 2005, you said you were
29 stabbed in the arm by this soldier.

1 A. I said my shoulder. [Indicates]
2 PRESIDING JUDGE: The record should show that the witness
3 has indicated by putting her hand at the back upper shoulder.
4 MR FOFANAH: Your Honours, I'm referring to page 7321.
12:11:54 5 THE WITNESS: My right-hand shoulder.
6 MR FOFANAH: Page 7321 of the statement made on 21st March
7 2005.
8 JUDGE SEBUTINDE: Could you specify the part?
9 MR FOFANAH: Yes, Your Honour, it's in the second
12:12:15 10 paragraph. It should be the fourth to the fifth line, or
11 thereabouts.
12 Q. Madam witness, I'm going to read out a statement to you
13 which was made --
14 A. Okay.
12:12:29 15 Q. -- on the 21st March 2005. Like I said, my position or my
16 line of questioning is not intended to embarrass you. It is just
17 intended to find out the truth from you, because that is my job
18 to ask you questions. Do you understand?
19 A. I'm hearing.
12:12:59 20 Q. Madam witness, in this statement you're quoted as stating
21 as follows, "The man said he would kill me. He took a gun and
22 knocked on my back with the gun butt. Then he took the bayonet
23 and stabbed me in the arm. Then he said that he will have had
24 sex with me, but I was pregnant." Do you recall making that
12:13:26 25 statement on the 21st?
26 A. Yes.
27 Q. Is your arm the same as your shoulder?
28 A. That is how we refer to that part of our body where I'm
29 pointing at. We say our shoulder. Even those who took

1 statements from me, I showed them.

2 MR HODES: Your Honour, I'm objecting to this line of
3 question. She has been consistent in saying that it is her
4 shoulder that was stabbed. She is willing to show the counsel as
12:14:04 5 well as this Court where she was stabbed. This is not
6 impeachment through prior inconsistent statement. This is
7 impeachment through belittling and antagonising. This has
8 absolutely no place in the courtroom. The witness has testified.
9 Her first two statements are consistent. Mr Fofanah is trying to
12:14:26 10 argue that the shoulder, somehow, only pertains to the arm or the
11 front part of the body and the witness has been absolutely
12 consistent in what she has said with regards to the stab wound to
13 her shoulder and pointed, as the Court has already noted, to the
14 back part of her shoulder.

12:14:49 15 MR FOFANAH: Your Honours, I seek the greatest protection
16 from this Court based on that line of objection, that I'm trying
17 to antagonise and threaten a witness. I think I'm merely putting
18 to the witness the statements that are supplied to us. And if
19 the witness alludes to any other statement other than that, it is
12:15:12 20 for her to answer, but for my learned colleague to come out so
21 strongly as to indicate I'm trying to embarrass and antagonise a
22 witness that has earlier indicated that's what I'm trying to do
23 is a way of reinforcing that position. I'm put in a very awkward
24 and funny situation. I must say that I seek your protection in
12:15:32 25 this instance. Thank you.

26 [Trial Chamber confers]

27 PRESIDING JUDGE: The unanimous decision of the Bench is as
28 follows: we are of the view that the counsel for Defence is
29 entitled to put a prior inconsistent statement and is permitted

1 to do so. However, the majority view adds the following:
2 Counsel may not step over the line of putting matters more
3 appropriate matters to submission to an extent harassing the
4 witness. The second part of that ruling is a majority view. You
12:21:19 5 may put the question as asked, Mr Fofanah.

6 MR FOFANAH: May I seek clarification, Your Honours.

7 PRESIDING JUDGE: You may put the question as asked.

8 MR FOFANAH: I was just trying to recall --

9 JUDGE SEBUTINDE: Mr Fofanah, can I remind you. You seek
12:21:41 10 assistance. You were just now asking the witness whether the
11 stab wound in her arm was the same as the stab wound in her
12 shoulder. That is when counsel opposite objected. Before that,
13 this witness had, on three different occasions, pointed to the
14 back of her shoulder, her right shoulder and the record had
12:22:06 15 indicated that she was pointing to the back of her right
16 shoulder. If you want to persist with the question whether the
17 back of her shoulder is the same as the arm, this witness has
18 also said that, in her understanding, they refer to that part of
19 the shoulder as part of her arm.

12:22:23 20 MR FOFANAH: In that case then, I will move on. The point
21 here is my learned colleague's objection only came after her
22 answer, so I will just move on. I seek future protection from
23 the Bench. At this stage, may I respectfully apply for a short
24 closed session so that I can ask my last question.

12:22:49 25 PRESIDING JUDGE: Counsel?

26 MS NGUNYA: No objection, Your Honour.

27 PRESIDING JUDGE: In light of the witness's statement
28 concerning her securities and her fear, we will allow a closed
29 session for this particular question to be put by counsel for the

1 Defence. Mr Court Attendant, please assist in bringing the Court
2 into closed session.

3 [At this point in the proceedings, a portion of the
4 transcript, pages 58 to 77, was extracted and sealed under
12:23:07 5 separate cover, as the session was heard in camera.]

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1 [TB280605D-SGH]
2 [Open session]
3 [On resuming at 3.05 p.m.]
PRESIDING JUDGE: Yes, Mr Werner.
15:09:53 5 MR WERNER: Good afternoon, Your Honour.
6 PRESIDING JUDGE: Good afternoon. I note you have a new
7 witness in the witness box.
8 MR WERNER: Yes.
9 PRESIDING JUDGE: Unless there is some other matter, I will
15:10:01 10 ask the Court attendant to swear the witness in.
11 MR WERNER: The one is TF1-206. He is a Muslim and will
12 testify in Krio.
13 PRESIDING JUDGE: Thank you. Mr Court Attendant, please
14 swear in the witness.
15:10:13 15 WITNESS: TF1-026 [sworn]
16 EXAMINED BY MR WERNER:
17 Q. Good afternoon, Mr Witness.
18 A. Good afternoon.
19 Q. I am going to ask you some questions. If you can just
15:10:57 20 answer my questions.
21 JUDGE LUSSICK: Could I have the witness' number please?
22 MR WERNER: Certainly, Your Honour. TF1-206.
23 Q. Mr Witness, where were you born?
24 A. I was born in Freetown.
15:11:32 25 Q. And how old are you, Mr Witness?
26 A. I am looking forward to my XX.
27 Q. Mr Witness, I would like to bring you back in 1998. Where
28 did you live in 1998, Mr Witness?
29 A. I was in the village Bomboafuidu.

1 Q. I will spell it for the Court. Bomboafuidu,
2 B-O-M-B-O-A-F-U-I-D-U. And in which district is Bomboafuidu?
3 A. The Kono District.
4 Q. Mr witness, how big is Bomboafuidu?
15:12:43 5 A. Well, it is not so big. There were about 21 houses at that
6 time.
7 Q. Do you know how many people lived in Bomboafuidu in 1998?
8 A. Well, we were about 100.
9 Q. Do you remember February 1998?
15:13:21 10 A. Yes.
11 Q. Where were you in February 1998?
12 A. I was in the village called Bomboafuidu.
13 Q. And did you hear -- did you see anything happening in your
14 village around February 1998?
15:13:31 15 A. Yes.
16 Q. Could you tell this Court what happened?
17 A. Well, I was in the village around 12.00 o'clock. So I was
18 there when I heard -- we heard trucks passing on the main
19 highway. So, we were in doubt because no vehicles had passed
15:14:07 20 there so we were in doubt -- which vehicles were passing. But
21 trucks were passing, buses, all types of vehicles. So we didn't
22 know until the next day.
23 Q. Just slow down. You said the main highway. Which highway
24 are you talking about?
15:14:24 25 A. Makeni-Kono highway.
26 Q. What happened?
27 A. Well, we were in the village when we heard the vehicles
28 passing. But we did know which vehicles were passing because
29 there were no vehicles passing for three weeks because we used to

1 hear about attacks.

2 Q. You say "we used to hear". Who are you talking about, Mr
3 witness?

4 A. We heard vehicles passing on the main highway, so we were
15:15:13 5 in doubt which vehicles were passing. Until --

6 Q. Sorry to interrupt you. Just for the sake of clarity. You
7 said that "we hear vehicle passing". Who are you talking about?
8 who heard the vehicle passing?

9 A. We, all of us in the town. We, the people who were in the
15:15:33 10 village.

11 Q. Thank you. Carry on.

12 A. So we be in doubt. We didn't know which vehicles were
13 passing until the next day, early in the morning. So people who
14 were coming from the highway -- from the local highway, so they
15:15:56 15 passed through our highway. They were the people that told us
16 that -- they were passing with Johnny Paul and the convoy on the
17 main highway.

18 Q. Mr witness, just slow down. I am not sure the
19 interpretation will follow that. Could you just repeat,
15:16:15 20 Mr witness, the last bit? So some people some people coming from
21 the highway came to your home and what did they tell you?

22 A. They say that they were passing along with Johnny Paul in
23 the convoy to go to Kono.

24 Q. Who was passing in the convoy with Johnny Paul?

15:16:46 25 A. The soldiers.

26 Q. Did these people tell you where they were going?

27 A. Which people, the soldiers or the civilians?

28 Q. The civilians.

29 A. They were running person. They were going away to a place

1 of safety.

2 Q. Does the Court want me to spell Johnny Paul Koroma? Did
3 they tell you anything else -- the civilians who came to your
4 place? Did they tell you anything else?

15:17:39 5 A. When they were passing they told me that they were going
6 along with Johnny Paul. He was in the Pajero, he was dressed in
7 white and they described him.

8 Q. Did they tell you anything else?

9 A. Well, at that moment they did not tell me anything until
15:18:03 10 after one week. That was the time when I told my father that I
11 was going Freetown to see my brothers. So, I was on the way
12 going together with other people.

13 Q. Mr Witness, slow down, slow down. You said that those
14 civilians talked about Johnny Paul. Was that the full name?

15:18:31 15 A. That was the name they showed me.

16 JUDGE SEBUTINDE: Incidentally, counsel, this witness has not
17 mentioned any other names apart from those two names. I notice you were
18 mentioning another name.

19 MR WERNER: Yes, I realise that.

15:18:44 20 JUDGE SEBUTINDE: That was not his evidence.

21 MR WERNER: I apologise for that, Your Honour.

22 Q. Immediately after these people went and told you that,
23 what did you do?

24 A. Well, I was in the village after one week. I told my
15:19:09 25 father that I was going to Freetown to see my brothers.

26 Q. Between the moment the civilian came and told you that
27 until the time you left for Freetown, did anything else happen?

28 A. Well, we only heard of some attacks on the village. That
29 gave me the cause to join the group to go with them.

1 Q. who told you about those attacks?

2 A. we were in the village. Because people pass there every
3 day and when the attacks were going on.

4 Q. Did they tell you anything else about those attacks?

15:20:01 5 A. well, until the time when I joined the convoy, when we were
6 going, when we were travelling through the path, therein one boy
7 told me that when they entered Koidu Town they met people there,
8 they called them, that they should give them food. So they shot
9 people and killed them, and that was why they ran away.

15:20:27 10 Everybody ran away from Kono. That was the day when everybody
11 ran, and those that were going to Guinea would go to Guinea and
12 those who were coming to Makeni and would come to Makeni Road.
13 And everybody went wherever the person wishes to go.

14 Q. Mr witness, just slow down. You said his boy told you that
15:20:51 15 "they" meet people and "they" shot them. who are "they"? who
16 met these people and who shot them?

17 A. The convoy that they went along with Johnny Paul to Koidu
18 Town.

19 Q. Was Johnny Paul the last name?

15:21:23 20 A. Johnny Paul Koroma.

21 Q. Did they tell you anything else about those attacks?

22 A. well, from the day that boy told me when we were on our
23 way, nobody told me again until I went to see my brothers in
24 Freetown and I returned.

15:22:03 25 Q. So, did you go to Freetown?

26 A. Yes, I went to Freetown and saw my brothers and I returned.

27 Q. Do you know, Mr witness, when did you return? Do you have
28 a date in mind?

29 A. Yes. I left Freetown the 7th and I reached Massingbi, I

1 slept in Massingbi, and the next day walked to my village where
2 my father was.
3 Q. Yes, just pause there. For the court, Massingbi, I stand
4 to be corrected, but it is M-A-S-S-I-N-G-B-I, Massingbi.
15:22:53 5 JUDGE SEBUTINDE: Counsel, the date you gave date, the 7th. Is
6 that correct?
7 MR WERNER: Thank you, Your Honour.
8 Q. Mr witness, you said the 7th. Which month are we
9 talking about?
15:23:07 10 A. In April.
11 Q. Which year?
12 A. 1998.
13 Q. So what happened when you came back?
14 A. So, when I returned I saw my father. Then he asked me why
15:23:37 15 did I return, how did I get a passage to come? And I told him
16 that it was these days that the attacks between Tongboi and
17 Sewafe. He told me that I came, were all in the attack.
18 Q. So, Tongboi. There are two different spellings in the
19 statement. I will give you the one which seems to me the more
15:24:06 20 accurate.
21 JUDGE SEBUTINDE: Counsel, is this witness capable of spelling
22 some of these names or not?
23 MR WERNER: I will ask. I will ask, Your Honour.
24 Q. Mr witness, would you be able for the Court to spell the
15:24:24 25 names you are giving in evidence?
26 A. I couldn't spell them.
27 Q. So Tongboi. T-O-N-G-B-O-I. Sewafe, S-E-W-A-F-E. So, your
28 father.
29 MR WERNER: If I am not mistaken the witness said Akim.

1 A-K-I-M, Akim.

2 Q. So, Mr witness, your father told you about an attack taking
3 place between Sewafe and Tongboi led my someone called Akim.
4 when did this attack take place? Did your father tell you when
15:25:43 5 this attack took place?

6 A. I was in Massingbi when I heard of that attack. It was on
7 wednesday that they attacked. Thursday was the day I reached the
8 village.

9 Q. Do you have a date for the attack on wednesday? Do you
15:26:06 10 know the date?

11 A. It was the 8th, 8th April 1998.

12 Q. who told you about this attack?

13 A. It was my father.

14 Q. who is Akim, Mr witness?

15:26:35 15 A. Akim was a soldier.

16 Q. Do you know anything else about him?

17 A. I only know him to be a soldier.

18 Q. Did your father tell you anything else about those attacks?

19 A. well, that was what he told me when I arrived.

15:27:11 20 Q. Mr witness, would you know the distance between where this
21 attack took place, between Tongboi and Sewafe, and your village
22 Bomboafuidu? what is the distance between these two places?

23 A. Yes. Because from our village to Sewafe is 7 miles. Then
24 where the attack took place is not up to Sewafe, it is between
15:27:46 25 Tongboi and Sewafe.

26 Q. what happened after that, Mr witness?

27 A. So, after my father told me that, that day we did not sleep
28 in the village. We went and slept at the bush. People were
29 sleeping in the bush before that.

1 Q. why did people sleep in the bush?
2 A. Because of the attacks.
3 Q. which attacks?
4 A. The Tongboi and Sewafe attack.
15:28:43 5 Q. what happened after that, Mr witness?
6 A. Soon we were sleeping in the bush. we slept in the bush on
7 that Thursday and after that, the next morning, we came back to
8 the village.
9 Q. Just a moment. who are "we", Mr Witness?
15:29:03 10 A. we, in the village. we, the people of the village.
11 Q. what happened after that?
12 A. So we came back to the village and we were there until the
13 evening and we went back to the bush. we slept there again.
14 Then on Friday we slept there again. On Saturday again, we came
15:29:29 15 back in the morning.
16 Q. Carry on.
17 A. So, we came in the morning. we were in the village because
18 we, the youths, the young men who were vigilant who could run.
19 we come to the village and would be there for some time and then
15:29:56 20 go back. So we are in the village when ECOMOG came with their
21 truck and stopped and they said that they were coming to deploy
22 the place that was after our village. So they said everybody
23 should come out of the bush. Let everybody come to the town and
24 sleep there. we were all to come that day, but we didn't come
15:30:13 25 out.
26 Q. Mr witness, who is ECOMOG?
27 A. They are the Nigerians. Nigerian soldiers.
28 Q. what happened after they told you that?
29 A. well, they said we should come out of the bush, but we, the

1 vigilant ones, we came out at first. The women said they were
2 coming out the next day with the children. So, we came to the
3 village. So all the youths and some women who are really
4 able-bodied and who could run, we came back to the village.

15:31:04 5 Q. When was that, Mr witness?
6 A. That was on Saturday, 12th April 1998.
7 Q. What happened after that?
8 A. So, we were in the village until night. So, we were there
9 keeping time together because ECOMOG had already deployed in a
15:31:47 10 village 3 miles from our village. So, we were happy. So, we
11 were in the village keeping time together. Not men -- the rebels
12 have come and they have surrounded the village.
13 Q. What happened after that?
14 A. So, we were in the village not doing anything until around
15:32:10 15 12.00 o'clock. We went to bed. By then some had gone to bed.
16 But by 12.00 we went to bed.
17 Q. [Microphone not activated] Mr witness. Who went to bed?
18 A. Myself, my friends with whom I am in the village.
19 Q. What happened?
15:32:41 20 A. So, after I have gone to bed between one and two hours,
21 then I heard the doors were hit. The front door and the door in
22 the veranda was also hit. They were kicking at them. So, I woke
23 up and I was trying to come out.
24 Q. You said they were kicking. Who were kicking, Mr witness?
15:33:10 25 A. The rebels. They were the those kicking the doors to
26 enter, to force their way in.
27 Q. Do you know who were those rebels, Mr witness?
28 A. They were wearing combat. They had guns.
29 Q. Do you know if they belonged to a group?

1 A. well, I don't know whether they belonged to any group
2 because I saw them in combat and any combat that I saw is related
3 to soldier.

4 Q. Were they Kamajors?

15:33:58 5 A. They were not Kamajors.

6 Q. Were they ECOMOG?

7 A. They were not ECOMOG.

8 Q. What happened after that, Mr witness?

9 MR FOFANAH: May it please Your Honours. I am sorry to
15:34:43 10 interrupt you. My learned colleague has not shown us who
11 Kamajors are. This is the very first time he is mentioning that
12 and the witness has not spoken about Kamajors in his testimony.
13 We need foundation for that expansion. Thank you.

14 PRESIDING JUDGE: Yes, Mr Werner, you have heard the
15:35:08 15 objection. What is your reply?

16 MR WERNER: I have no reply. I think the objection is
17 well-founded.

18 PRESIDING JUDGE: Very well. Proceed on then.

19 MR WERNER:

15:35:32 20 Q. Mr witness, at that time were you able to distinguish
21 between different groups?

22 A. They had -- they were dressed in combat trousers and a polo
23 and some were in full combats.

24 Q. I will move on. Mr witness, what happened after that?

15:36:07 25 A. Well, after they had kicked on our doors, so when I got
26 scared and I was about to come out, by then my brother, with whom
27 I was in bed, he had gone out. He had passed through the back
28 door.

29 Q. What happened?

1 A. So, when I was trying to come out, so I when I saw somebody
2 coming out -- coming in with the torch light. So I went back and
3 hid under the bed. So he came in and pointed his -- the torch
4 light and saw me under the bed and he asked me out.

15:36:51 5 Q. Who did that, Mr witness?

6 A. The rebels.

7 Q. Mr witness, how are you able to say that man was a rebel?

8 A. Because they came to kill us and cut our hands and do
9 everything. That is why I said they were rebels.

15:37:23 10 Q. Mr witness, how do you make the difference between rebels
11 and any other group?

12 A. For example, like the ECOMOG, when we went with -- we saw
13 them in full combat uniform. They had their badges and the
14 languages they spoke we knew they were foreigners. But the ones

15:37:52 15 that met us, they were speaking Krio. Some spoke Mende, some
16 spoke in Liberian accents.

17 Q. At that time, Mr witness, were there other groups in the
18 region?

19 MR FOFANAH: May it please Your Honours. I think again I
15:38:20 20 will object on the grounds of foundation. My learned colleague
21 has not told us what he means by other groups. Groups, in my
22 estimation, is a fluid term. Thank you.

23 MR WERNER: I will try to be more specific.

24 Q. Now, were there armed groups in that region at that time,
15:38:34 25 Mr witness?

26 A. Those that attacked us?

27 Q. Just listen to my question. Were there other armed groups
28 in the region? I am not talking about any attacks, just armed
29 groups in the region at that time in 1998 near Bomboafuidu, Kono

1 District?

2 A. It was only the ECOMOG.

3 Q. So, at that point after this rebel came to your place, what
4 happened after that?

15:39:26 5 A. So, when I was about to come out I saw he was coming in
6 with the torch light. So I retreated and hid under the bed. So
7 he came and pointed the torch light and he pointed it under the
8 bed and saw me and asked me to come out. When I came out, I had
9 a watch and I looked at the watch. It was going to 2.30 and he
15:39:46 10 said let me give him the watch. So I removed it and gave it to
11 him. The other one came in --

12 Q. Just pause there, please. I know it is not easy, but if
13 you can try to speak just a little bit slower for the translator.
14 Mr witness, again for the sake of clarity, who is "he"? who
15:40:04 15 stole your watch?

16 A. The rebels.

17 Q. So what happened after that?

18 A. So after that one came again he came in and put on my
19 boots. Then the other one came again, he went to get my bag.

15:40:31 20 Q. who are "they"?

21 A. The rebels who came to attack us.

22 Q. what happened after that?

23 A. So we were in there, the last one that came -- the first
24 one gave me over to him to ask -- to take me out. So, when I
15:41:06 25 came out, I met my father, my stepmother, my brothers and other
26 tenants with whom I was. They were all in the veranda. Seated
27 on the ground.

28 Q. Could you describe to this Court when you went out to the
29 veranda what did you see?

1 A. Well, when I came out I saw so many soldiers. They were
2 getting to houses, bringing out things. Valuable things.
3 Everybody went in search of -- went into houses to search and
4 take out the valuable things.

15:41:49 5 Q. What do you mean by valuable things? Could you try to be
6 more specific?

7 A. Well, clothes, tapes, shoes. Anything of value which they
8 were able to get hold of.

9 Q. And are you able to approximate how many rebels were in
15:42:13 10 Bomboafuidu at that time?

11 A. There were so many, there were more than 200 rebels.

12 Q. How were they dressed?

13 A. Some were dressed half combat clothes and some were in full
14 combat uniform. Some were in civilian clothes.

15:42:50 15 Q. Did they wear anything else?

16 A. They were in combat uniform. They had their arms.

17 Q. Which kind of arms?

18 A. Well, they had RPG, which some put on their back. Carried
19 on their backs and some had ammunitions in boxes carried by
15:43:07 20 civilians for them.

21 Q. What do you mean by RPG, Mr witness? Do you know what RPG
22 stands for?

23 A. Well, that the one they used to bomb.

24 Q. Who is "they"? Who used them to bomb?

15:43:35 25 A. The rebels. They held them. I saw them in their hands.

26 Q. Did you see any commanders?

27 A. Well, the commander was on the veranda. In our veranda.

28 Q. Did you see him?

29 A. I saw him. I saw him. Because when we were taken out --

1 when I was taken out I met my mother, my stepmother, then I met
2 him there. We were there until when the one Pa was brought with
3 his picture.

4 Q. Just pause for a moment. How was the commander dressed?

15:44:15 5 A. He was in full combat uniform.

6 Q. Did you hear him speaking?

7 A. He was giving them orders, whatever they did they would
8 inform him and they would take orders from him.

9 Q. Which language was he speaking?

15:44:43 10 A. Krio.

11 Q. Now, the rebels you saw that night in your village in
12 Bomboafuidu, which language were they talking?

13 A. They spoke Krio, Mende, they also spoke Liberian.

14 Q. Mr witness, that night in your village in Bomboafuidu, did
15:45:22 15 the rebel arrive alone?

16 A. They went there on their own.

17 Q. Because that night you saw only rebels coming?

18 A. They were packed full in the village.

19 Q. What happened after that, Mr witness?

15:45:55 20 A. So, after we sat down on the veranda, so they came with an
21 old man. They brought his documents. There was one picture
22 which was a soldier -- the Pa, the old man's son. So they
23 brought those documents and the picture to the commander and
24 said, "We took these documents from this old man and his son is a
15:46:17 25 soldier." My father was there. In order to get -- to free
26 himself he, too, said his son was a soldier. So they held onto
27 the documents and they asked us to join the other people whom
28 they had captured.

29 [TB280605E - EKD]

1 Q. what happened after that, Mr witness?
2 A. So after we went and we sat down, they asked us to undress,
3 to take everything, remove everything from us.
4 Q. who are "us," Mr witness? They asked "us".
15:47:09 5 A. we the civilians that were captured in the village.
6 Q. And who asked you?
7 A. The rebels.
8 Q. Do you remember anyone in particular asking you to undress?
9 A. Like, one small boy asked me to undress. one small boy.
15:47:41 10 Q. How old was he?
11 A. About 12 to 14 years.
12 Q. How was he dressed?
13 A. He was in combat. The shirt was combat.
14 Q. was he armed?
15:48:01 15 A. He had a gun.
16 Q. what happened after that, Mr witness?
17 A. So after we've undressed, even the briefs were taken away.
18 we were on the ground. while we were there, they came with an
19 old woman that --
15:48:20 20 Q. [Overlapping speakers]
21 A. -- they were coming to make a sacrifice.
22 Q. They came with the old woman. who are "they," Mr witness?
23 A. The rebels brought the old woman.
24 Q. who was she?
15:48:38 25 A. She was an old woman in the village.
26 Q. Did you know her?
27 A. Yes, I knew her.
28 Q. So who was she?
29 A. She was a Limba old woman. She couldn't speak Krio. Her

1 husband was a tapper, a palm wine tapper.
2 Q. what happened to the Limba mammy?
3 A. So they brought that old woman and they were coming to make
4 a sacrifice but we didn't know what type of sacrifice. So they
15:49:20 5 laid her --
6 Q. who laid her, Mr witness?
7 A. The rebels.
8 Q. what happened?
9 A. They laid the old woman and they said they were coming to
15:49:34 10 make a sacrifice.
11 Q. what happened?
12 A. So when the lady was laid, they started cutting her throat.
13 The woman was crying "Oh, Kanu, oh, Kanu," until they slit her
14 throat open. And so when we saw her where I was sitting down I
15:49:57 15 couldn't remember that I would be able to come -- so I was only
16 thinking of death.
17 Q. Mr witness, so I have phonetic translation for what the
18 Limba woman said "oh Kanu" which is K-A-N-O or K-A-N-U. Do you
19 know what that means, Mr witness?
15:50:19 20 A. Yes.
21 Q. what does that mean?
22 A. Said, "Oh, God, oh, God".
23 Q. You say "they cut her throat." who cut her throat,
24 Mr witness?
15:50:37 25 A. The rebels. The throat.
26 Q. Did you see it?
27 A. I saw it, I saw themselves. It happened in my presence.
28 Q. Did you see anything else when they were doing that?
29 A. They said they were performing a sacrifice. That was what

1 they said. They cut her throat.

2 Q. And Mr witness, where was the commander when that happened?

3 A. The commander was in our verandah not too far from where we
4 were standing, standing in a line.

15:51:47 5 Q. What happened after that, Mr witness?

6 A. So after that old woman's throat was cut the boy who was in
7 front of us in the line, he stood up and ran away. And they said
8 shoot him, shoot him. But they did not shoot at him. If they
9 had shot ECOMOG would have heard so that was why they did not
10 shoot.

15:52:06 11 Q. Mr witness, I am just coming back once again with the Limba
12 woman. Did she die?

13 A. If somebody's throat is cut, what will happen is death.

14 Q. What happened after the boy escaped? What happened?

15:52:42 15 A. When the boy escaped and they said shoot at him shoot at
16 him but they did not shoot because if they had shot ECOMOG would
17 have heard the sound. So they did not shoot.

18 Q. Who are, "They," Mr witness?

19 A. The rebels.

15:52:58 20 Q. What happened after that?

21 A. After the boy had run, they did not shoot at him. And the
22 one that was immediately in front of me, I told him that since
23 that boy has run away let us try to run. So we sat -- we're on
24 the grounds so we stood up and bowed to run but the boy that was
15:53:20 25 in front of me was seen and they said, "Oh, you want to run?"

26 The rebels took -- picked his gun and hit him on the head.

27 Q. So the rebel hit the second boy on the head; correct?

28 A. Yes.

29 Q. Was he injured?

1 A. He was wounded. I thought it was I but as the man said,
2 "You want to run?" I sat down immediately. Not me, it was the
3 boy in front of me that was seen.

4 Q. Mr witness, I'm just going to repeat the last question.
15:54:18 5 You said that the boy was hit by a rebel on his head. Was he
6 injured, this boy, the second one?

7 A. Yes, he was injured on the head.

8 Q. What happened after that, Mr witness?

9 A. After he had been beaten and asked to sit down in the line,
15:54:45 10 from there they took the women, they took their lappa and tied
11 the others, they tied the hands of the others who were at the
12 back.

13 Q. Who did that?

14 A. The rebels.

15:55:03 15 Q. What does lappa mean?

16 A. Those tied by the women, round their waist.

17 Q. What happened after that?

18 A. After they had been tied, they took the women from amongst
19 us and laid themselves down and opened their legs.

15:55:34 20 Q. Just hold on. Who did that?

21 A. The rebels.

22 Q. How many women were taken away?

23 A. Seven women were removed from amongst us and they were laid
24 down.

15:55:53 25 JUDGE SEBUTINDE: Was that seven or several.

26 THE INTERPRETER: Seven, seven, seven women.

27 MR WERNER:

28 Q. Reminding you that you should not say anything that would
29 disclose your identity, Mr witness, did you know any one of those

1 women?
2 A. Yes, I did know.
3 Q. Could you tell this Court who you knew?
4 A. Well, I knew Fatmata and Adama.
15:56:40 5 MR WERNER: For the record, Fatmata, F-A-T-M-A-T-A; Adama,
6 A-D-A-M-A.
7 Q. What happened after that, Mr witness?
8 A. After they had laid them down they were just calling us and
9 they would ask us to have sex with them. They would point at you
15:57:07 10 and ask you to have sex with one of them. We were doing that --
11 Q. Wait here. Who asked that?
12 A. The rebels.
13 Q. And who were asked?
14 A. They were choosing us, they were choosing us. They would
15:57:36 15 point at you and ask you to do it.
16 Q. How many of you?
17 A. We were seven.
18 Q. Were you chosen, Mr witness?
19 A. Yes.
15:57:49 20 Q. What happened after that?
21 A. So as we were doing it, they were standing there laughing
22 at us. Then the other one --
23 Q. Just wait. What were you doing, Mr witness?
24 A. We're having sex with the women.
15:58:17 25 Q. Did all the men -- did the seven men have sex with the
26 seven women?
27 A. When death is hanging over you, whatever they tell you to
28 do, you will do.
29 Q. Just answer my question, Mr witness. Did the seven men

1 have sex with the seven women?
2 A. Yes.
3 Q. Did anyone try to resist the order?
4 A. Well, one boy amongst us, they said they would want to see
15:59:11 5 him if he had inserted his penis into the woman. And they found
6 out he didn't want to do it. So they took the bayonet and
7 started hitting him on his buttocks asking him to insert the
8 penis and in the process he was wounded.
9 Q. Who did that?
15:59:32 10 A. The rebel.
11 Q. Mr witness, where was the commander at that point?
12 A. The commander was in our verandah.
13 Q. Mr witness, when that was happening, did the rebel do
14 anything else?
16:00:10 15 A. Well, they were enjoying us, they were laughing at us that
16 we know how to do it.
17 Q. Who are "they," Mr witness?
18 A. The rebels, the rebels.
19 Q. What happened after that, Mr witness?
16:00:35 20 A. After we had finished, they took the women, they took six
21 of the women and they said they were going to burn them.
22 Q. Who are "they," Mr witness?
23 A. The rebels took six women and said they are going to burn
24 them.
16:00:56 25 Q. And what happened?
26 A. So when they went to burn them, we did not know what
27 happened after that because we didn't see any fire. When they
28 came back, we saw that time was flying and they said, "These ones
29 should be cut up," so that we'd go.

1 Q. Pause there, Mr witness. Do you know what happened with
2 the six women?
3 A. They said they were going to burn them. We did not know
4 whether they burnt them or not.
16:01:48 5 Q. Okay. What happened after that?
6 A. So when they said they wanted to go because time was
7 flying, time was against them, they took a mortar and a mortar
8 pestle and they said they were going to chop off our hands.
9 Q. Who said that, Mr witness?
16:02:12 10 A. The rebels.
11 Q. Anyone in particular?
12 A. No. Whatever they wanted to do they would go to the
13 commander. They would go to the commander.
14 Q. What happened after that?
16:02:38 15 A. After they had come, they placed the mortar and the stick,
16 and they asked the first man that was in front of us to place his
17 hands and when they placed his hand, it was chopped off.
18 Q. Just pause here, Mr witness. Did you know this man?
19 A. The one who was first chopped?
16:03:09 20 Q. Yes.
21 A. Yes.
22 Q. What was his name?
23 A. Musa.
24 Q. M-U-S-A. What happened after that?
16:03:27 25 A. After they had amputated his hands, the boy came to me and
26 he asked me to place my hand. Then I placed it and he amputated
27 my hand. And when he had done that he said it had not been well
28 done and he did it again and they passed by.
29 Q. Just pause there, Mr witness. I know it is very difficult,

1 but I am going to ask you to be as specific as you can to
2 describe what happened to you. So this boy came, which hand did
3 he try to amputate -- to cut off? which hand?

4 MR FOFANAH: Excuse me, Your Honours, I don't know if the
16:04:19 5 record is reading as tried to amputate or amputated.

6 PRESIDING JUDGE: I have recorded, "He amputated my hand.
7 He said it was not well done." Then there is a question about
8 what happened next.

9 MR WERNER: I am happy to rephrase.

16:04:40 10 Q. So we are going to try to be specific. What happened to
11 you? And can you try to be specific when you talk about your
12 hand, which hand are we talking about?

13 A. My left hand. He asked me to place it and when I placed it
14 down, he chopped it.

16:05:05 15 Q. Just wait here. Who did that?

16 A. The rebel.

17 Q. With what?

18 A. With a cutlass.

19 Q. Would you describe the cutlass?

16:05:16 20 A. Those cutlasses used to brush.

21 Q. And what happened when he did that? Could you try to
22 describe what happened when he did that?

23 A. When he asked me to place this hand, he hit -- he chopped
24 my hand and he said it was not well done and I placed it done and

16:05:43 25 he hit it again and the hand was hanging down and I held it like
26 this. And the other one came and said --

27 Q. [Overlapping speakers] So after that what happened and to
28 which hand?

29 A. And the other one came again and asked me to place my hands

1 so that he would chop it off and I said, "Your companion has
2 chopped this one please leave this one for me." And he said no,
3 let me place my hand. And I placed my right hand, and when he
4 wanted to chop me, I raised it. And it met the cutlass halfway,
16:06:27 5 midway. I was begging him that he should let go of this hand.
6 Then he hit me again, he chopped me on my back and he asked me,
7 "You're not going to place your hand. You're not going to place
8 your hands." And I was still begging him. Just as he wanted to
9 chop me then I placed my hand and hit my hand again.

16:06:51 10 Q. Which one?

11 A. The right hand. He was still amputating the others. There
12 was one old man who wanted to fight and he was --

13 Q. Pause here, Mr witness. Could you again describe what
14 happened on your back, Mr witness?

16:07:30 15 A. When he said I should place this hand and as I was begging
16 to him -- as I was appealing to him as soon as he wanted to hit
17 me and I raised it midway and he hit me. As I was begging him,
18 he hit me again on my back. He wanted to make it twice and I
19 placed my right hand and it too was chopped. I hung my hand and

16:07:54 20 the blood was still dripping and he was still -- they were still
21 chopping the other peoples' hands off. One older man was --

22 Q. Just one second, we are coming here. Mr witness, just for
23 clarity of the record, did they cut off your -- any of your hand
24 completely?

16:08:37 25 A. No, it was not completely cut off.

26 Q. Any of them?

27 A. They are still there.

28 Q. Thank you, Mr witness.

29 A. The only thing is that the hands are not functioning.

1 Q. Did anything happen to other people in Bomboafuidu on that
2 day, Mr Witness?
3 A. Well, the one that they had started, those who were behind
4 me, those whose hands were tied up, their hands were raised and
16:09:32 5 they started chopping them off.
6 Q. Just pause here for one second. Did you see -- you told
7 about one Musa. Did you see any other amputation yourself?
8 A. I saw one, Sheku. He was immediately behind me. His two
9 hands were chopped off.
16:10:05 10 Q. Just pause here. Sheku, S-H-E-K-U. Anyone else?
11 A. Then I saw Mohammed.
12 Q. Mohammed, M-O-H-A-M-M-E-D. Did anything else happen on
13 that day in Bomboafuidu, Mr Witness?
14 A. Except when they wanted to chop off the old man's hand, he
16:10:52 15 resisted and he was killed. And they asked why he was fighting,
16 why he was resisting. So he was killed immediately.
17 Q. Did you know him?
18 A. I did know him, yes.
19 Q. Do you know his name?
16:11:10 20 A. He was called Pa Saiyo.
21 Q. Pa, P-A; Saiyo, S-A-I-Y-O. Now on that day in Bomboafuidu,
22 did anything else happen to anyone?
23 A. Except that they took two from amongst us away.
24 Q. Now I am talking about amputation, Mr Witness. Did they
16:11:53 25 try to amputate anyone else on that day in Bomboafuidu?
26 A. Yes, they did. They did.
27 Q. How do you know about that, because you told us that the
28 only one you saw was Musa, Sheku and Mohammed. So how do you
29 know about the other ones?

1 A. Those were the ones that I saw. The other ones I'm talking
2 about, that was the following morning, that's when I saw them.
3 Q. The following morning you saw them or the following morning
4 that happened?
16:12:32 5 A. The morning, that's when I saw them, the morning.
6 Q. So who else was amputated?
7 A. Musa Marrah was amputated.
8 Q. Pause here. M-U-S-A M-A-R-R-A-H. Anyone else? Sorry,
9 Mr witness. Musa Marrah, could you just tell us what happened to
16:13:17 10 her?
11 A. Musa Marrah had his two hands chopped off and his two ears.
12 Q. Who else, Mr witness?
13 A. Adama. His one hand was chopped off and the other one was
14 not chopped off, but it was hit.
16:13:47 15 Q. Is it a man or a woman, Mr witness?
16 A. A woman.
17 Q. Adama, A-D-A-M-A. Who else?
18 A. Alfa, Alfa.
19 Q. What happened to Alfa?
16:14:06 20 A. His one hand was chopped off as well as his two ears.
21 Q. Alfa, A-L-F-A. Who else, Mr witness?
22 A. There was one other Alfa Kabia, his two hands were chopped
23 off, an old man.
24 Q. Alfa Kabia; A-L-F-A. Family name, K-A-B-I-A. Who else,
16:14:42 25 Mr witness?
26 A. Ibrahim, his one hand was chopped off.
27 Q. Ibrahim, I-B-R-A-H-I-M. Who else, Mr witness?
28 A. Mohammed Kanu, he too was mutilated.
29 Q. Mohammed, M-O-H-A-M-M-E-D; Kanu, K-A-N-U. Did anything

1 else happen to him?
2 A. His hands were mutilated. His hands were mutilated.
3 Q. Anyone else?
4 A. Abdul Kargbo.
16:15:39 5 Q. what happened to him, Mr witness?
6 A. His hand was chopped.
7 Q. Abdul Kargbo, A-B-D-U-L; Kargbo, K-A-R-G-B-O. Anyone else,
8 Mr witness?
9 A. Pa Osman.
16:15:59 10 Q. what happened to him?
11 A. His hand was chopped.
12 Q. Pa Osman: Pa, P-A; Osman, O-S-M-A-N. Anyone else,
13 Mr witness?
14 A. Abdul Rahan.
16:16:16 15 Q. Abdul Rahan: Abdul, A-B-D-U-L; Rahan, R-A-H-A-N. Anyone
16 else, Mr witness?
17 A. Sorie Dabo had his hand chopped.
18 Q. Sorie Dabo: Sorie, S-O-R-I-E; Dabo, D-A-B-O. Anyone else,
19 Mr witness?
16:16:49 20 A. Sahr Aruna, his hand was chopped off.
21 Q. Sahr Aruna: Sahr, S-A-H-R; Aruna, A-R-U-N-A. Anyone else,
22 Mr witness?
23 A. Sahr Lebbie.
24 Q. what happened to him?
16:17:09 25 A. His hand was chopped off.
26 Q. Sahr Lebbie: Sahr, S-A-H-R; Lebbie, L-E-B-B-I-E. Anyone
27 else, Mr witness?
28 A. Idrissa Gborie.
29 Q. what happened to him?

1 A. His hand was chopped off.

2 Q. Idrissa Gborie: Idrissa, I-D-R-I-S-S-A; Gborie,
3 G-B-O-R-I-E. Anyone else, Mr Witness?

4 A. Those are the ones I can remember when we're coming.

16:17:56 5 Q. Now, Mr Witness, except the one you knew and you have
6 named, was anyone else amputated on that day in Bomboafuidu?
7 A. Except for the old man who was killed.

8 Q. You told us about him. But anyone else was amputated on
9 that day?

16:18:43 10 A. Those are the ones I can remember.
11 Q. Now, where was the commander when that happened?
12 A. The commander was in our veranda. whatever they wanted to
13 do, they would ask for his permission and he will tell them what
14 to do.

16:19:03 15 Q. Now, Mr Witness, after those amputations, did the rebels
16 say anything to you or to anyone?
17 A. well, when they finished, they asked us to go into the bush
18 so we wouldn't see the route they were going to use.
19 Q. Before that, did they do you anything?

16:19:33 20 A. Except that they took the other two men whom they had taken
21 away. After they had said that we should go into the bush, we
22 went -- we just went behind a house and wait.
23 Q. Let me ask you the question differently and then I will
24 move on. when they were doing the amputation, did the rebels say
16:20:00 25 anything or did you hear the rebels saying anything?
26 A. Yes.
27 Q. what did they say?
28 A. well, they said that these hands that we're chopping off,
29 we should go to Tejan Kabbah for him to give us hands.

1 Q. Did you hear that?
2 A. Yes, I heard when they were saying it.
3 Q. Now, Mr witness, you told us that one of the rebels was a
4 small boy and you told us that he was 12. How many small boys
16:21:01 5 did you see on that day in Bomboafuidu?
6 A. Well, I saw more than six boys, small boys, who were with
7 them.
8 Q. Did they wear anything?
9 A. Some wore clothes.
16:21:34 10 Q. What kind of clothes?
11 A. Combat uniform, combat.
12 Q. Did they wear anything else?
13 A. Some wore combat uniform with the jean trousers and they
14 had their guns.
16:21:50 15 Q. Which kind of guns?
16 A. Those which they use to shoot.
17 Q. Now, Mr witness, how long did the rebels stay in your
18 village on that day?
19 A. When they came at 2.00 in the night and it was approaching
16:22:19 20 6.00 when they left.
21 Q. Did you see them leaving?
22 A. I didn't see them when they were leaving. That's why they
23 told us to go into the bush, so we wouldn't know the route they
24 were using to go. But I wouldn't go far off, so we heard them
16:22:40 25 going away. Because at that time I couldn't go anywhere. My
26 eyes were dark, I couldn't see.
27 [TB280605F - SV]
28 Q. And did you hear anything about their departure?
29 A. When they were going? No. Until when they went I came

1 back to the village and I had to lay down.

2 Q. Okay, let me ask you this question once again. Do you know
3 anything else? Sorry, I'll rephrase. Just listen, just give me
4 one second, Mr witness. Did anything happen when the rebel left
16:23:32 5 your village?

6 A. Well, after they had left I came back and lied down. In
7 the morning my father came and saw me. He took the trousers and
8 wore it on me and he lifted my hand and placed a stick round and
9 tied them up. He placed another stick here and there and he tied
16:24:08 10 them up. And the Kamajors arrived in the morning and they saw us

11 and they said they were going for a vehicle for us at Sewafe.
12 Q. After that, Mr witness, without giving us every detail,
13 where did you go?

14 A. So, after the Kamajors had seen us they said they were
16:24:48 15 going for a vehicle for us at Sewafe. But since they went we
16 were there for the rest of the day, we didn't see anybody.

17 Q. Just pause there, Mr witness.

18 A. At that time the blood was --

19 Q. Did you speak with the Kamajors?

16:25:10 20 A. Yes. When they came I was lying on a bed in a room to my
21 father.

22 Q. What did they tell you?

23 A. They said they were going for a vehicle in Sewafe to come
24 and convey us, but we didn't see them for the rest of the day.

16:25:27 25 Q. How were they dressed, the Kamajors you saw?

26 A. They wore their usual dress and they had their gun.

27 Q. What was their usual dress?

28 A. They had their own way of dressing, the way the Kamajors
29 dressed.

1 Q. Now, Mr witness, did you go to Connaught Hospital?

2 A. Yes, from there, from the village, after we had looked for
3 them and didn't see them we went and passed the night in the
4 bush. The blood had gone dry and we had started going bad and
16:26:21 5 maggots were coming out. We said if we did not see any vehicle
6 we would walk to Sewafe and from there we would board a vehicle
7 at Freetown at Connaught.

8 Q. Okay, and what happened in Connaught?

9 A. Well, when we came --

16:26:41 10 Q. What happened to you in Connaught?

11 A. When they brought us to Connaught and we were left off at
12 that outpatient they gave us some drugs and they said in the
13 morning we should go to the theatre for an operation.

14 Q. Okay. Were you operated in Connaught, Mr witness?

16:27:17 15 A. Yes.

16 Q. On both hands?

17 A. Well, while I was taken to the theatre and I lied down,
18 they touched this one and they showed the other hand and they
19 showed my back. That's where I was --

16:27:42 20 THE INTERPRETER: Your Honours, can the witness repeat his
21 testimony?

22 PRESIDING JUDGE: Mr witness, would you repeat your answer
23 again for the interpreter, please?

24 THE WITNESS: when they brought us to Connaught --

16:28:06 25 MR WERNER:

26 Q. The question, Mr witness, was: Did you undergo any
27 operation for your hands?

28 A. When they brought us to Connaught, in the morning we were
29 taken to the theatre. When they took us to the theatre I was on

1 the bed and they started treating this one. This started
2 stitching this one.

3 Q. Which hand, Mr witness?

4 A. The left hand and the right hand and my back.

16:29:14 5 Q. Okay. Did you undergo any other kind of treatment or
6 surgery after that?

7 A. Yes.

8 Q. Can you tell this Court which one?

9 A. Well, at that time when we were at Connaught, because at
16:29:14 10 that time so many people were coming, they were bringing so many
11 amputees. So the doctors were not taking their time to treat the
12 hands properly. So, whichever they treated could not be properly
13 cured and you'd been sent to Waterloo. When you are operated
14 upon you were not be properly healed and they'd send you to
16:29:23 15 Waterloo because so many amputees were arriving. So we were at
16 Waterloo. After that they brought us to Aberdeen Road amputee
17 camp. That's where I was and they took me and performed another
18 surgery on me.

19 Q. Why? What was the purpose of this final surgery,
16:30:04 20 Mr witness?

21 A. Because I still felt some pains. I was still feeling some
22 pain. Since they did that I had no rest. I was still feeling
23 the pain because it was not well done, because they were just
24 trying to heal the wound and leave the bone. Every now and again
16:30:05 25 I will feel the pain. Even this, my palm, I couldn't bend it,
26 even the other one I could not bend it, I could not bend it. It
27 is just straightened like this. I cannot do anything to get my
28 living, no hard work. I can't do any hard work to get my living,
29 except that when we were in the camp people help us.

1 Q. Now, Mr witness, and that will be my last questions, in
2 Connaught before being transferred to Aberdeen clinic did you
3 meet anyone?
4 A. At Waterloo?
16:31:24 5 Q. No, at Connaught Hospital. Let me rephrase it. Did you
6 speak with anyone at Connaught Hospital?
7 A. Yes, I was speaking with other amputees who had come from
8 Connaught.
9 Q. Do you remember anyone in particular?
16:31:24 10 A. Yes, yes.
11 Q. Where were they coming from?
12 A. Kono, Tombodu.
13 MR WERNER: T-O-M-B-O-D-U.
14 Q. And did they tell you anything?
16:32:04 15 A. Yes.
16 Q. First, who were they? Who were these people? Who were
17 these people coming from Tombodu, you met in Connaught Hospital?
18 A. The amputees. Those whose hands had been cut off.
19 Q. And did they tell you anything?
16:32:04 20 A. Yes.
21 Q. What did they tell you?
22 A. I asked one of them and he said it was Staff Alhaji who
23 ordered that their hands should be chopped off, both hands. And
24 I asked another one whose one hand was chopped off and he said
16:32:44 25 the same thing.
26 MR WERNER: Staff Alhaji, S-T-A-F-F A-L-H-A-G-I [sic].
27 Q. Did they tell you anything else, Mr witness?
28 A. Well, that was all they told me.
29 MR WERNER: Sorry, because of my lack of mastering the

1 English language I misspelt Alhaji. It's A-L-H-A-J-I, not G. I
2 apologise for that. Thank you, Mr Witness. I don't have any
3 further questions.

4 PRESIDING JUDGE: Counsel for the Defence, any
16:33:44 5 cross-examination?

6 MR MANLY-SPAIN: Just a few questions, Your Honour.

7 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Please
8 proceed.

9 CROSS-EXAMINED BY MR MANLY-SPAIN:

16:33:44 10 Q. Mr Witness, good afternoon.

11 A. Yeah, afternoon.

12 Q. Mr Witness, when you left Kono for Freetown did you go
13 through Sewafe?

14 A. It was not Sewafe. It was from my village that I used the
16:33:51 15 bush path to come to Makeni.

16 Q. Did you pass by Sewafe?

17 A. I did not pass by Sewafe. The village is not by Sewafe.
18 The village is after Sewafe. It's inside.

19 Q. When you were going back from Freetown did you pass by
16:34:17 20 Sewafe?

21 A. I did not pass through Sewafe.

22 Q. Did you at any time go to Sewafe during this period 1998
23 April -- between February and April 1998?

24 A. I did not go to Sewafe.

16:34:51 25 Q. Did you go to Tongboi?

26 PRESIDING JUDGE: Spelling, Mr Manly-Spain?

27 THE WITNESS: I did not go to Tongboi.

28 MR MANLY-SPAIN: D-O-G-B-O-I [sic].

29 Q. Mr Witness, did you talk about an attack on Tongboi?

1 A. Yes.

2 Q. Do you know who attacked Tongboi?

3 A. Well, when I came from Freetown what they explained to me
4 in my village is what I said because they were there.

16:36:24 5 Q. Yes, do you know who -- were you told who attacked Tongboi?

6 A. They told me that Akim was one of those during that attack.

7 Q. Do you know, Mr witness, whom Akim attacked at Tongboi?

8 A. I knew whom he attacked.

9 Q. Who did he attack?

16:36:27 10 A. When we were in Masingbi at first, when I was trying to
11 come to leaving, when there was no vehicle, the ECOMOG truck that
12 came to collect food, it's an ECOMOG truck that we asked to take
13 us along, but they refused to take us along. But when
14 Masingbi -- when -- after they had left, we were in Masingbi

16:37:05 15 there and one Honda came, a soldier on the Honda. And he told us
16 that they've attacked the truck that had gone, the truck that was
17 trying to go to Sewafe, that it has been attacked. So we started
18 praying to God, telling -- we said thanks to God that we did not
19 really join that truck to go.

16:37:45 20 Q. I will ask you again, Mr witness. Do you know who Akim
21 attacked at Tongboi?

22 A. We were in Masingbi, we heard of the attack. The soldiers,
23 the ECOMOG soldiers that left us, in the truck, that they were
24 going to attack. They were going to take food for their
16:37:45 25 colleagues.

26 Q. I don't know whether an answer has been given. Do you know
27 who attacked Sewafe?

28 A. Well, after I left Masingbi and came to my village, that is
29 what they told me.

1 Q. who did they tell you attacked Sewafe?

2 A. My father and other people in the village.

3 MR MANLY-SPAIN: Your Honour, I'm not hearing the
4 translation so I'm not sure whether a proper translation is being
16:38:25 5 put to the witness. I did not ask him who told him of the
6 attack. He had said his father. Now, let me put the question
7 again.

8 Q. Mr witness, who did your father tell you attacked Sewafe?

9 A. Akim, he was part of that attack. They attacked. That was
16:39:15 10 what they told me when I came back.

11 MR WERNER: I'm sorry to rise, but the witness -- that's
12 maybe why it's confusing for the witness. The witness talked
13 about an attack between Sewafe and Tongboi, and Mr Manly-Spain
14 asked about Sewafe and Tongboi and he's giving the same answer.
16:39:17 15 My understanding is that there was only one attack.

16 JUDGE SEBUTINDE: Mr Manly-Spain, I don't know where you
17 get the evidence that this witness stated that there was an
18 attack on Sewafe or that there was an attack on Tongboi. That is
19 not the evidence-in-chief. I don't know if he has subsequently
16:39:37 20 changed that testimony, but that's not what he said in-chief.
21 what he said in-chief was that he had heard that Akim carried out
22 on attack at a place between these two places, these two
23 villages, a place between Sewafe and Tongboi.

24 MR MANLY-SPAIN: I will accept your direction, Your Honour.
16:39:59 25 I may have had it wrong.

26 Q. Mr witness, were you told whom Akim attacked between
27 Tongboi and Sewafe?

28 A. It was soldiers, ECOMOG soldiers.

29 Q. They attacked ECOMOG soldiers?

1 A. Yes. wherever there's an attack, any civilian that goes
2 there will suffer.

3 Q. Mr Witness, before April -- between February 1998 and
4 April -- February 1998 and April 1998 were there Kamajors in your
16:40:56 5 area of Kono?
6 A. Kamajors were there.

7 Q. In your own village, Bomboafuidu, were there Kamajors?
8 A. Well, the time when we were in the village, when that has
9 not happened yet, when the road were blocked, when we heard of
16:41:44 10 different attacks, Kamajors were coming from the Mende land and
11 brought salt to the other villages. Because by then people never
12 moved, nobody went anywhere. They were coming round selling
13 salt.

14 Q. Mr witness, when did you first see soldiers in your
16:42:17 15 village?
16 A. It was the time when I came from town, when my father told
17 me about this attack. Then we slept in the bush and came back
18 the next day. Then the other Saturday when we came back, when
19 ECOMOG met us in the village, that was the day I saw soldiers.

16:42:49 20 Q. Was that in April 19 --
21 A. April 12. Yes, in April. Yes.

22 Q. Mr witness, you said that you saw the commander of the
23 rebels that went to your house; is that so?
24 A. Yes, My Lord.

16:43:16 25 Q. Can you describe what he looked like?
26 A. Well, the commander was fully dressed in combat. He is
27 fat.

28 Q. Is that all you can tell us, he's fat? was he tall?
29 A. Yes, he is tall. He is tall and fair in complexion.

1 Q. Mr witness, have you ever heard of the RUF, first of all?
2 A. Yes, I heard of the RUF.
3 Q. Between February and April of 1998 were there any RUF
4 troops in your area of Kono?
16:44:36 5 A. We heard of the attacks.
6 Q. What attacks?
7 A. Attacks in other villages and in some big towns also. So
8 when we were in the villages, in that village we were not safe.
9 Because people pass in our village every day. Every day people
16:44:59 10 passed to go to Makeni.
11 Q. Were these attacks you referred to attacks by RUF troops?
12 A. Well, I don't know whether it was the RUF or AFRC or any
13 other person, any other rebel. That rebels have attacked this
14 place and that they did not tell me whether it was RUF or AFRC,
16:45:26 15 but they said they were rebels.
16 Q. Mr witness, you mentioned two women whom you said were
17 called Fatmata and Adama. Where are they now?
18 A. The one is dead.
19 Q. Which of them?
16:46:18 20 A. Fatmata is dead. Adama is gone to Makeni.
21 Q. Do you know when Fatmata died?
22 A. Yes.
23 Q. Can you please tell the Court.
24 A. It was in 98, yes.
16:46:46 25 Q. Mr witness, you also referred to certain other people.
26 First of all, you referred to Adama, then Musa Marrah. Do you
27 know where he is now?
28 A. Musa Marrah is dead, because his hands were amputated, his
29 ears were also amputated. So he will die because of the

1 discouragement.

2 Q. Mr Witness, you mentioned Alfa. Do you know where Alfa is?

3 A. He is gone to Makeni.

4 Q. Mr Witness, you also mentioned Ibrahim. Do you know where
16:48:02 5 he is?

6 A. Ibrahim was in Lungi.

7 Q. You also mentioned, Mr Witness, Mohammed Kanu. Do you know
8 where he is?

9 A. Mohammed Kanu is in Port Loko.

16:48:38 10 Q. Mr Witness, among the others, do you know if they are all
11 alive, the other names that you mentioned?

12 A. Some are dead.

13 Q. Can you tell us those who are still alive?

14 A. Musa is alive, Adama is alive, Mohammed is alive, Abdul
16:49:09 15 Rahan is alive, Sorie Dabo is also alive, Mohammed is alive, Pa
16 Osman is alive.

17 Q. Mr Witness, XX XX XXXX XX XXXX; is that not so?

18 MR WERNER: Sorry. I would just like to remind the witness
19 of protective measures. Just to remind the witness of protective
16:49:52 20 measures.

21 MR MANLY-SPAIN:

22 Q. XXXXXXXXXX, Mr Witness, you say is alive. Do you know
23 whether he has made a statement to the investigators of the
24 Special Court?

16:50:10 25 A. No.

26 Q. You mean no, you do not know?

27 A. I don't know, because we are not in the same place. We are
28 all scattered.

29 Q. Mr Witness, at the time your hands were chopped did you run

1 away?
2 A. where could I run away to? where? Nowhere.
3 Q. Did you run away into the bush to hide?
4 A. They said we should run, after they've chopped off they
16:51:04 5 asked us to run but I was not able to run. I just passed my hand
6 back and went at the back of the house, close towards the stream.
7 Q. Mr witness, you mentioned that you were told about staff
8 Alhaji; is that not so?
9 A. Yes.
16:52:24 10 Q. Did you ever meet with him in Kono?
11 A. No, I did not see him.
12 Q. Do you know whether he was in Kono?
13 A. I don't know. I don't know.
14 Q. Mr witness, you said that your door was broken into at
16:53:15 15 about 2.00 in the morning?
16 A. Yes, sir.
17 Q. When you came out of your house was the place bright?
18 A. It was not bright but the moon was shining. But it was not
19 too bright. It was not shining too bright.
16:54:05 20 Q. How far, Mr witness -- first of all, please -- sorry. Was
21 there a bush near to your house?
22 A. Yes, there is a bush near.
23 Q. How far away was your house to the bush?
24 A. It's not far. It's not far.
16:54:12 25 Q. Is it further than the wall behind the judges?
26 PRESIDING JUDGE: From where, Mr Manly-Spain?
27 MR MANLY-SPAIN: From where he's sitting, Your Honour.
28 PRESIDING JUDGE: Thank you.
29 THE WITNESS: well, like where I'm sitting here, where the

1 house is, where the judges are sitting, it's a coffee garden.

2 From the coffee garden it's joined to the bush.

3 MR MANLY-SPAIN: I think that is about 15 metres. Do you
4 agree?

16:55:00 5 PRESIDING JUDGE: Which one were you --

6 MR MANLY-SPAIN: 15 metres.

7 PRESIDING JUDGE: 15?

8 MR MANLY-SPAIN: Yes.

9 JUDGE SEBUTINDE: 15 metres to where, from the coffee
16:55:14 10 plantation or to the bush?

11 MR MANLY-SPAIN: The coffee plantation is first according
12 to him, that you meet a coffee plantation which is joined to the
13 bush. So he has directed us to where the coffee plantation was.
14 That is what I'm taking to be 15 metres.

16:55:47 15 Q. Mr witness, when you came out you said you saw -- when you
16 came out from your house that morning, 2.00, you said you saw
17 about 200 soldiers?

18 A. Yes. In the village, yes.

19 Q. Did you see them outside your house between your house and
16:56:35 20 the coffee plantation?

21 A. They were packed full in the whole village. From up, right
22 down. They were all about.

23 Q. Mr witness, did you see them in front of your house or in
24 the village?

16:56:47 25 A. I saw them in my house, I saw them everywhere in the
26 village.

27 Q. Mr witness, when you came out of your house that night did
28 you go to the village?

29 A. No. When they asked us to go and join -- when you come out

1 to join the line you'll see the last house of the village.

2 Q. Where, Mr Witness, was this commander sitting?

3 A. The commander was in our house, in the veranda of our
4 house.

16:57:55 5 Q. How far away from the commander were you made to sit on the
6 ground?

7 A. It could be like from here to the waiting room where -- to
8 the waiting room there.

9 Q. Where did the amputation or attempted amputation take
16:58:35 10 place?

11 A. In the line. We were all placed in the queue and we were
12 asked to sit down on the ground.

13 Q. Were you near to the commander? Where you were told to
14 sit, was it near to the commander?

16:59:04 15 A. Well, where we sat down, where we were asked to sit down,
16 we could be there -- we were there and we were able to see the
17 commander.

18 Q. And you said the place had a moon shine, it was dark but
19 the moon was shining?

16:59:27 20 A. Yes.

21 Q. Mr Witness, you said you were second in the line; is that
22 not so?

23 A. Yes. After that boy had run I was second.

24 Q. Am I right to say, being second on the line, you were close
16:59:53 25 to the commander?

26 A. No. I said I was like from here -- like here, then the
27 commander was like in the waiting room.

28 Q. Where was the first person to the commander?

29 A. He was very close to me.

1 Q. So you were all far away from the commander?

2 A. Not too far.

3 Q. Mr witness, you have told this Court that when you went to
4 the bush - you will correct me if I'm wrong - it was ECOMOG
17:00:53 5 soldiers who told you to come out of the bush; is that correct?

6 A. They were coming on their way, passing to deploy in another
7 village. So they met us in the village and they asked us to come
8 out of the bush and they've come to deploy.

9 Q. Do you know the name of the village that they deployed?

17:01:23 10 A. Yes.

11 Q. What is the name?

12 A. Sandia.

13 MR MANLY-SPAIN: I don't know whether I should attempt to
14 spell it, but it's like S-A-N-D-I-A.

17:01:50 15 Q. I want to ask you, Mr Witness, was your return from
16 Freetown on 8th April 1998?

17 A. It was on 7th that I left Freetown. I was in Masingbi
18 until 9th, then I walked to my village.

19 Q. So you returned to your village on 9th?

17:02:20 20 A. Yes.

21 Q. And you said the ECOMOG told you come out of the bush on
22 12th?

23 A. Yes, that morning when they passed to go to deploy
24 somewhere and they passed through our village.

17:02:39 25 Q. Mr witness, between 9th and 12th did you see any rebels
26 around the bush that you were hiding?

27 A. Well, when I came I was told that there was an attack, but
28 before that attack they were now sleeping in the bush. So when I
29 came on 9th we slept in the bush until 10th, 12th when we came --

1 10, 11 to 12, then the ECOMOG came and passed and they asked us
2 to come out of the bush.

3 Q. Yes, that's what I'm asking. Between the time that you
4 went into the bush, 9th, and the 12th when ECOMOG told you to
17:03:35 5 come out of the bush did you see any rebels in that area?

6 A. It was 12th that we were asked to come out.

7 Q. Yes, please answer my question. Did you see any rebels in
8 that area whilst you were in the bush between 9th and 12th?

9 A. I was not in the bush only. When I came -- when I met my
17:04:06 10 father in the village they were sleeping in the bush. We would
11 be in the town for the whole day and in the night we'll go to the
12 bush and we'll pass the night in the bush and in the morning
13 we'll return to the town.

14 Q. All right, I understand that now, but during that period
17:04:23 15 9th and 12th wherever you were, in the town or in the bush, did
16 you see any rebels?

17 A. I did not see any rebel in the town and in the bush, but
18 after the ECOMOG had told us that we should come out of the bush,
19 they've come to deploy, that was the day -- the night -- in the
17:04:46 20 night -- that night.

21 MR MANLY-SPAIN: May it please Your Honour, may I continue
22 tomorrow morning?

23 PRESIDING JUDGE: I think that would be appropriate. It's
24 our normal time to close so we will adjourn to tomorrow morning
17:05:06 25 at 9.15 a.m.

26 MR MANLY-SPAIN: Much obliged.

27 PRESIDING JUDGE: Mr Witness, I must explain to you that
28 your evidence will continue tomorrow morning. This afternoon you
29 have taken the oath and promised to tell the truth. Between now

1 and the time that all your evidence is finished you should not
2 discuss your evidence with any other person. Do you understand
3 what I have said?

4 THE WITNESS: Yes, yes, yes.

17:05:39 5 PRESIDING JUDGE: Thank you.

6 MR FOFANAH: Excuse me, Your Honours, may it please Your
7 Honours, I have just discussed with my colleague Mr Graham that I
8 would like to cross-examine tomorrow shortly after Mr Manly-Spain
9 because I have a medical appointment at 11.00 a.m.

17:05:49 10 PRESIDING JUDGE: That's between counsel. We will not
11 raise any objection.

12 MR FOFANAH: Yes, I'm informing the Court because just
13 after my cross-examination I may have to leave.

14 PRESIDING JUDGE: That should not be a problem. Thank you,
17:06:06 15 Mr Fofanah.

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

17 PRESIDING JUDGE: Mr Court Attendant, please adjourn court
18 to tomorrow at 9.15 a.m.

19 [whereupon the hearing adjourned at 5.00 p.m.,
20 to be reconvened on Wednesday, the 29th day of
21 June 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D7 34

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-198 3

EXAMINED BY MS NGUNYA 3

CROSS-EXAMINED BY MR GRAHAM 34

CROSS-EXAMINED BY MR FOFANAH 39

WITNESS: TF1-026 78

EXAMINED BY MR WERNER 78

CROSS-EXAMINED BY MR MANLY-SPAIN 110