

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

THURSDAY, 30 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
For the Registry:	Ms Maureen Edmonds Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Mr Alain Werner Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka (intern)

1 [TB300605A-SGH]

2 Thursday, 30 June 2005

3 [Open Session]

4 [The accused Brima, Kamara and Kanu not present]

09:15:25 5 [Upon commencing at 9.20 a.m.]

PRESIDING JUDGE: Good morning, counsel. Mr Manly-Spain,
7 you are on your feet.

8 MR MANLY-SPAIN: Yes, Your Honour. Your Honour, I want to
9 apologise for not coming in time yesterday as I promised. I got
09:25:28 10 stuck. No matter, I couldn't finish within the hour that I
11 expected.

12 PRESIDING JUDGE: I trust, Mr Manly-Spain, that Mr Graham
13 has conveyed to you what was said on behalf of the Bench by my
14 learned brother Justice Lussick.

09:25:48 15 MR MANLY-SPAIN: Yes, Your Honour. I have been made aware
16 of that.

17 PRESIDING JUDGE: All counsel will be required to bear this
18 in mind in future.

19 MR MANLY-SPAIN: As Your Honour pleases.

09:25:53 20 PRESIDING JUDGE: Mr Werner.

21 MR WERNER: Your Honour, this morning the Prosecution will
22 call Witness TF1-104. For this witness the Prosecution on 10th
23 March 2005 filed a Prosecution application to vary the protective
24 measures. And it was granted by the first Trial Chamber on 11th
09:26:25 25 May 2005.

26 PRESIDING JUDGE: Yes, I have just been given a copy of
27 that order, but my learned colleagues have not yet had an
28 opportunity to acquaint themselves with it as we have just
29 received it as we were coming down the stairs. I have noted the

1 provisions of the order. Counsel for the Defence are aware of
2 the order in relation to Witness TF1-104?

3 MR GRAHAM: That is so, Your Honour.

4 PRESIDING JUDGE: Very well. Since Trial Chamber I ordered
09:26:59 5 a closed session for this witness, we will therefore go into
6 closed session and in accordance with the order of the Trial
7 Chamber I for the protection of the witnesses of the witness in
8 question. I will therefore direct that Mr Court Attendant put
9 the Court in closed session. The Court monitors will be
09:27:37 10 permitted to remain.

11 MR MANLY-SPAIN: May it please Your Honour. Your Honour,
12 the accused Kanu is not yet today here because I am informed by
13 the investigator, I was informed last evening, he would not be
14 coming because he is not feeling too well. But he will be here
09:28:35 15 on Monday.

16 PRESIDING JUDGE: I will record that, Mr Manly-Spain, that
17 the accused is not present in court because of illness. Thank
18 you for that information.

19 MR MANLY-SPAIN: Thank you.

09:30:36 20 MR WALKER: The Court is now in closed session.

21 [At this point in the proceedings, a portion of the
22 transcript, pages 4 to 78, was extracted and sealed under
23 separate cover, as the session was heard in camera.]

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1 [TB300605D - EKD]
2 [Open session]
3 [The witness entered court]
4 [Upon resuming at 2.15 p.m.]
14:21:34 5 MR FOFANAH: Excuse me, Your Honours, our colleague
6 Mr Graham is running a bit late. He is within the precincts and
7 using the convenience.
8 PRESIDING JUDGE: I notice we have a gentleman who was here
9 yesterday.
14:21:48 10 MS PACK: Yes, Your Honour, TF1-019 and he will be
11 testifying in Krio.
12 PRESIDING JUDGE: If there is no other matters then I will
13 ask Madam Court Attendant to swear the witness in. Please swear
14 in the witness.
14:22:06 15 WITNESS: TF1-019 [Sworn]
16 [Witness answered through interpretation]
17 EXAMINED BY MS PACK:
18 MS PACK: Thank you, Your Honour.
19 Q. Good afternoon, witness.
14:23:13 20 A. Good afternoon, ma'am.
21 Q. Witness, do you know when you were born?
22 A. Yes.
23 Q. Can you give us your date of birth, please?
24 A. I was born 10th April 1965.
14:23:38 25 Q. Witness, what is your ethnicity?
26 A. I'm a Kono. I speak Krio, English and Mende.
27 Q. Witness, are you able to read and write English?
28 A. Yes, I can read and write.
29 PRESIDING JUDGE: Could we just pause for a moment as I

1 realise that technically it would appear we are in closed session
2 as there are no members of the public. My learned sister has
3 just reminded me that we have forgotten to reopen this session to
4 the public. Could you please attend to that.

14:25:03 5 JUDGE SEBUTINDE: Ms Pack, I'm wondering if it wouldn't be
6 in order to start anew in the open session.

7 MS PACK: That's what I'll do then, Your Honour.

8 PRESIDING JUDGE: Sorry about that oversight, Ms Pack.

9 MS PACK: Your Honour, I will start afresh in that case.

14:25:24 10 PRESIDING JUDGE: That, I think, would be the proper thing
11 to do.

12 MS PACK: Just for the record, witness TF1-019.

13 Q. Witness, I'm going to start asking you questions right from
14 the beginning again because we are now in open session. Witness,
14:25:42 15 what is your date of birth?

16 A. I was born on 10th April 1965.

17 Q. Witness, what is your ethnicity?

18 A. I'm a Kono.

19 Q. What languages do you speak?

14:26:03 20 A. I speak Krio, English and Mende.

21 Q. Are you able to read and write in English?

22 A. Yes, I can read and write in English.

23 Q. Witness, I'm going to be asking you firstly about what
24 happened in 1997. Where were you living at the beginning of
14:26:30 25 1997?

26 A. At the beginning of 1997 I was in Koidu Town in the Kono
27 District.

28 MS PACK: Your Honours have heard that name, K-O-I-D-U Town
29 and Kono, K-O-N-O.

1 Q. What were you doing in Koidu Town, Witness?

2 A. I was a trader. I had a shop in Koidu Town.

3 Q. Who were you living with in Koidu Town, Witness?

4 A. I was living in Koidu Town together with my wife and three
14:27:18 5 children.

6 Q. Witness, do you recall what happened in Freetown in May
7 1997?

8 A. Yes. In May 1997 I was in Koidu Town when I heard that the
9 government was overthrown and that the government there -- the
14:27:49 10 military government has taken over. There was a military coup.

11 Q. How did you hear this?

12 A. Well, we heard it over the radio.

13 Q. After you heard this happen did anything happen to you in
14 Koidu Town?

14:28:10 15 A. Yes. After we've heard that there was a change of
16 government, a group of military men went to my house and attacked
17 me, raped my wife and took many other things from me, including
18 money. Took them away.

19 Q. How do you know that the men who came to your house were
14:28:38 20 military men?

21 A. Well, they were dressed in combat uniforms, full combat.
22 Well, they were neat, new uniforms for that matter. So I knew
23 that they were soldiers.

24 Q. Witness, you say that these men raped your wife. How do
14:29:11 25 you know that that happened?

26 A. When they came to the house, she was -- I was fortunate to
27 jump over the fence and I hid myself about a hundred yards off
28 from my house. Wherein we have some mango trees and I hid behind
29 the mango trees and I watched them and I saw them doing that.

1 And my wife -- when I returned my wife too told me the story of
2 how it happened.

3 Q. Witness, after this happened did you do anything?

4 A. Yes, after it happened I went to the police. I went to the
14:30:00 5 police, but the police appeared as though they too were afraid of
6 the soldiers. They were not able to help me at all. So, the
7 thing ended there, because the police were not able to help me.

8 Q. Did you remain living in Koidu Town after that?

9 A. No, after that I was afraid. So I moved to my village,
14:30:31 10 which is about 11 miles off Koidu Town. It's a very popular
11 place. People knew there, so people go there on outing, and that
12 is where I stayed.

13 Q. What is the name of your village, Witness?

14 A. My village is known as XXXXXXXX XXXXXXXX, I'm sorry.

14:30:58 15 Q. Witness, are you able to spell XXXXXXXX for the Court,
16 please?

17 A. Yes, Gbangboro is XXXXXXXX, XXXXXXXX.

18 Q. Witness, which chiefdom is XXXXXXXX village in?

19 A. XXXXXXXX is in the Kamara Chiefdom, which Tombodu Chiefdom
14:31:24 20 headquarter.

21 Q. I'd like you to spell please Kamara Chiefdom. Just Kamara.

22 A. Yes, Kamara is K-A-M-A-R-A C-H-I-E-F-D-O-M.

23 MS PACK: "Tombodu" Your Honours have heard before.

24 Q. Witness, whom did you leave Koidu Town for XXXXXXXX with?

14:31:48 25 A. I left Koidu with my wife and children and I went to
26 XXXXXXXX.

27 Q. Do you recall which season it was when you left Koidu Town?

28 A. Yes, it was in the dry season. The place was getting drier
29 before I left the town.

1 Q. Are you able to remember the month and the year?

2 A. Well, I could not remember the month, but it was in the dry
3 season. Say, after the coup; that was the time I left Koidu Town
4 to go to XXXXXXX.

14:32:42 5 Q. Witness, how long did you stay in XXXXXXX for?

6 A. XXXXXXX, I was there for some months. I did not count
7 the number of months, but I was there for some months. But,
8 because the threat continued, people, they left Koidu Town and
9 they will go there, and they will go there every day with guns
14:33:09 10 and run after people, take children away. So, the fear made me
11 move from XXXXXXX and I went across the River Bafinn to my
12 mother's village.

13 Q. Pause a moment, please, Witness. Just spell, please,
14 Bafinn?

14:33:32 15 A. B-A-F-I-N-N, Bafinn.

16 Q. Pause a moment. You said you stayed for some months in
17 XXXXXXX, but you didn't count the number. Are you able to say
18 roughly how many months?

19 A. Yes, roughly it's about over 2 months -- two months to
14:33:56 20 three months.

21 Q. Witness, you told us that XXXXXXX is 11 miles from Koidu
22 Town. Before you left Koidu Town for your village for XXXXXXX
23 where were you trading in the town?

24 A. I was -- my shop was around Opera. It was right in the
14:34:32 25 heart of the town. It's a called Opera.

26 Q. Would you spell "Opera", please, for the Chamber?

27 A. Opera, O-P-E-R-A, Opera.

28 Q. When you were staying in XXXXXXX after you left Koidu
29 Town, did you continue to trade at your shop in Opera?

1 A. Yes. We did not do business all the time. The business
2 was not really effective. Once in the while we'll come to the
3 town, open our shops and sell quickly. And if one is fortunate
4 and no soldier came around to harass you, you will come take
14:35:19 5 something from your shop -- they come to take something -- you'll
6 lock up and then go back. After some time, you'll get
7 information from other people who are business and you'll get
8 this information that the place is quiet, peaceful, a little bit
9 peaceful, then you'll come again and do some business and go
14:35:36 10 back.

11 Q. Pause moment. You're using the words "you'll" come in
12 again, "you'll" get information about the town. Are you talking
13 about you personally or other people?

14 A. Yes, what I mean is, after leaving the village in the
14:36:03 15 morning and come to town, because I had a Honda, I would ride and
16 come to town then I'll open my shop and sell. Then in the
17 evening I'll go back to the village and pass the night there.
18 There were certain days when nobody would venture to come to
19 town, because they would be on the rampage, they would be moving
14:36:20 20 up and down, enter shops which were opened. That is what I mean
21 by that.

22 Q. Witness, do you remember seeing anyone in particular when
23 you were living in Koidu Town and when you were trading in Koidu
24 Town and going there from XXXXXXX?

14:36:40 25 A. Yes, I saw people when I leave XXXXXXX to Koidu to do
26 business. At times when there were meetings, they would call all
27 of us to go to meetings in Koidu Town at the Koidu Community
28 Centre.

29 Q. Pause a moment, please, witness. I would like you to

1 focus, please, on the time after May 1997. You have spoken about
2 the Koidu Community Centre. Do you recall any particular meeting
3 after May 1997 at the Koidu Community Centre?

4 A. Yes, I could remember there was a meeting. They made
14:37:32 5 series of meetings there anyhow.

6 Q. Tell us about any one that you remember.

7 A. The most important meeting that was there, that was the
8 time when they introduced to us the honourable men, like
9 Honourable Five-Five. That was the time I saw this other man who
14:37:54 10 is called Sam Bockarie Mosquito. That was the time I saw him, at
11 the Koidu Community Centre at the meeting.

12 Q. Pause a moment. Whereabouts is the Koidu Community Centre?

13 A. The Koidu Community Centre, I saw Mosquito there and
14 Honourable Five-Five.

14:38:19 15 Q. Where in Koidu Town is the community centre?

16 A. It is in Koidu Town in the Gbense Chiefdom, right in the
17 middle of the town. That is where the community centre is.

18 Q. Did anything happen on the occasion that you saw Sam
19 Bockarie and Honourable Five-Five at the Koidu Community Centre?

14:38:40 20 A. Yes, they called a meeting and at that time they told us
21 that they owned the government, that they were in control of the
22 country and that they wanted the support of the youths -- the
23 youths should support their government. And that is what they
24 told us at the meeting.

14:39:08 25 Q. You are talking about "they" told you that they made a
26 government. Who told you this?

27 A. The soldiers; the soldiers told us this.

28 Q. Do you recall anyone in particular speaking at that
29 meeting?

1 A. The two people whom I can remember, who spoke at the
2 meeting where Sam Bockarie, Mosquito, and Honourable Five-Five --

3 Q. Do you recall what Sam Bockarie/Mosquito said at the
4 meeting?

14:39:50 5 A. Yes.

6 Q. What did he say?

7 A. He said, "Well, they've taken over the reins of government,
8 the government is theirs. They don't want anybody to sabotage
9 the government and that they were asking" -- "calling on the

14:40:06 10 youths from Kono to support the government." That was what he
11 told us.

12 Q. Do you recall what Honourable Five-Five said at this
13 meeting?

14 A. Honourable Five-Five, he said the same thing -- that they
14:40:21 15 wanted the support of the youths and that they owned the
16 government. They will not encourage anybody who was not in for
17 that government, and that anybody that was found that was to be a
18 saboteur of the government, they will deal with that person
19 according to their own laws. That was what they told us at the
14:40:42 20 meeting.

21 Q. How do you know the man who was speaking, whom you called
22 Honourable Five-Five, was Honourable Five-Five?

23 A. Anyway, actually Koidu Community Centre, just for example,
24 like the stadium, is a football field. We all go around the
14:41:09 25 pavilion, but when they talk they made introduction. They will
26 say this person talking is Five-Five or this person talking is
27 Mosquito. So it's true that means that I knew.

28 Q. Did you know who Honourable Five-Five was?

29 A. Well, I didn't know him before, but according to what they

1 told us that he was an honourable minister, he was a big man in
2 the government at that time.

3 Q. Are you able to remember what he looks like?

4 A. Yes, I could remember. He is not fat, he is not too tall,
14:42:02 5 he is not too short. Yes.

6 Q. Witness, after this meeting did you see either of these men
7 that you have spoken about today, Sam Bockarie/Mosquito or
8 Honourable Five-Five, on any other occasion in Koidu Town?

9 A. Yes, I used to see them many other times in town.

14:42:24 10 Q. Where in particular did you see Honourable Five-Five?

11 A. Well, where they lodged, that was the place where I mostly
12 saw them. There is a street call Sahr Lebbie Street, that is
13 where he lodged in one house. That was where he lodged and Sahr
14 Lebbie Street, I used to pass there in the morning and the
14:42:52 15 evening. I used to see him, and then they used to pass along
16 Opera in the convoy. Soldiers would be there in the front and
17 the back. They had their guns and they would say that Five-Five
18 is passing.

19 Q. Pause, please. You have identified a location Sahr Lebbie
14:43:06 20 Street. Would you please spell "Sahr Lebbie" for the Chamber?

21 A. Yes. S-A-H-R, Sahr; L-E-B-B-I-E, Lebbie.

22 Q. Do you recall on how many occasions you saw Honourable
23 Five-Five at Sahr Lebbie Street?

24 A. Yes, at any time he came to Kono he used to put up at Sahr
14:43:54 25 Lebbie Street. That was where he lodged.

26 Q. Was he living in Sahr Lebbie Street in Kono all the time?

27 A. Yes. At any time he come to Kono he would put up at Sahr
28 Lebbie Street and he would be there.

29 Q. My question was, was he living in Sahr Lebbie Street in

1 Kono all the time?

2 A. No, no, he was not there all the time. He used to come and
3 move back to Freetown.

4 Q. What about the other man you identified, Sam

14:44:30 5 Bockarie/Mosquito?

6 A. Well Mosquito, too, he was not based there. But each time
7 he came, he would put up in the same place, at Sahr Lebbie
8 Street.

9 Q. How do you know he used to put up there?

14:44:52 10 A. I used to see him. I saw him there. Each time he came
11 many soldiers would be parked there, a convoy would come, but
12 before he comes they would have announced it that such and such a
13 big man is coming to town and there will be no business and that
14 day we will not do any business, we'll close our shops. Even if

14:45:07 15 for two or three days, we'll close our shops. So we would know
16 that he had come and they would tell us that he will be at such
17 and such a place. We would see him, many other people would see
18 him.

19 Q. Witness, after you left XXXXXXX as you described, did you
14:45:27 20 ever see Sam Bockarie Mosquito or Honourable Five-Five again in
21 Koidu Town?

22 A. No, after I left XXXXXXX I went across River Bafinn, I
23 did not see them again.

24 Q. Did you ever go back to Koidu Town after you left
14:45:45 25 XXXXXXX?

26 A. No, I did not go there again.

27 Q. You have described moving from XXXXXXX over the River
28 Bafinn. Where did you go to?

29 A. Well, when I went across River Bafinn, I went to Yardu

1 Sandu. Yardu Sandu is the home of my mother, it's my motherland.
2 So that was where I went to hide from these people who were
3 disturbing in Koidu Town.

4 Q. Could you please spell Yardu Sandu for the Chamber?

14:46:19 5 A. Yes, it's Y-A-R-D-U S-A-N-D-U.

6 Q. And which chiefdom is Yardu Sandu in?

7 A. It's Sandor Chiefdom.

8 Q. Which district in Sierra Leone?

9 A. The same Kono District.

14:46:54 10 Q. When you got or after you got to Yardu Sandu, did anything
11 happen in Yardu Sandu whilst you were there?

12 A. Yes. When I went to Yardu Sandu I would remember 16th

13 April, those times on 16th. That was, on that day -- in the

14 night of that day many soldiers came to town. Some were in full

14:47:30 15 combat, some had T-shirts and turn out jeans and combat trousers,
16 some had full. They attacked that place.

17 Q. Pause a moment. You said 16th April. Do you remember the
18 year?

19 A. Yes, it was in '98 now.

14:47:56 20 Q. Witness, what time of day did they come, these men?

21 A. They came around half past 7.00, 8.00, when the place was
22 getting dark.

23 Q. How do you know the men were soldiers?

24 A. They were in combat, they had combat on. Full combat.

14:48:23 25 Q. Witness, did anything happen when these soldiers came to
26 the village?

27 A. Yes. When they came to the village they started shooting.

28 They shot everywhere. So there was confusion. Everybody was

29 trying to run away. Children will leave the father and father

1 would leave -- everybody was running to the bush. Even me seated
2 here, I ran to the bush. But when I ran to the bush, I did not
3 go far off.

4 Q. Whereabouts were you?

14:48:58 5 A. There are sticks, there are thick coffee plantations around
6 the coffee. Those were the bushes in which I hid. I hid behind
7 the house. So I was able to peep in the town and saw. We are
8 natives of there so we knew the place more than them. So when we
9 in town --

14:49:24 10 Q. Pause a moment. You said you hid behind the house. Do you
11 recall which particular house you were hiding behind?

12 A. Yes, it was behind my grandmother's house.

13 Q. After others in your village ran away and you were hiding
14 in this place behind your grandmother's house, did anything

14:49:51 15 happen in Yardu Sandu?

16 A. Yes.

17 Q. What happened?

18 A. The first thing, they raped one lady. That was the first
19 incident. Then they started setting the houses on fire, taking
14:50:09 20 boxes out of the houses and took any kind of valuable property
21 away. After that they set fire to the houses. And there was
22 shooting everywhere in the town, intensive shooting that night.
23 Shooting and looting was on.

24 Q. How do you know that this was going on, the burning and the
14:50:30 25 looting and the shooting?

26 A. Well, especially when the place was dark, in the village,
27 it has forests around the villages. So we came very close to the
28 town and hide behind the big trees, the mango trees or orange
29 trees. We saw right in the town. We saw what was going on in

1 the village. Only that you will not venture to be seen, because
2 if you are seen you'll be killed, but if you stood at a distance
3 you'll see everything. You'll see houses on fire. They were
4 singing. This will say that I own this and they were scrambling
14:51:13 5 for the property and they were saying these things.

6 Q. Witness, you are talking about -- using the words "we were
7 hiding". Where in particular at this point where you hiding, you
8 personally?

9 A. I was hiding behind a big orange tree. That was where I
14:51:32 10 hid in the bush.

11 Q. You have described burning of houses, Witness. Are you
12 able to say how many houses were burned in Yardu Sandu?

13 A. I would not be able to tell the exact -- how many houses
14 were burnt but Yardu Sandu is about hundred houses. Well, after
14:52:02 15 everything a few houses, three or four houses, remained standing
16 because nobody was able to settle there until after some time.

17 Q. Witness, you have described someone being raped, one lady
18 being raped I think were your words. How do you know that this
19 happened?

14:52:26 20 A. Everybody knew. Everybody knew. Because the woman, they
21 raped her until she died so it was not --

22 Q. Did you yourself see this occur?

23 A. Yes.

24 Q. Witness, did anything happen on the following morning?

14:53:02 25 A. Yes, the next morning I got the whole story which made -- I
26 was confused. The next morning, after they've burnt all the
27 houses in the night, we decided to go into the bush where we had
28 our farms. We took our grandmothers, the old people there. So
29 the next morning my grandmother left the farm and decided to come

1 back to the town. It was said that if you see a woman you'll be
2 sorry for her, or old people -- they'll be sorry for old people,
3 but they were not really sorry for young people. So I decided to
4 accompany her. I followed her until she entered the town. I hid
14:53:52 5 somewhere when she came to the town.

6 Q. Pause a moment.

7 A. So when she came to the town, I just heard her shouting,
8 groaning.

9 Q. Pause a moment, Witness. After you heard your grandmother
14:54:08 10 shouting, what happened?

11 A. She was captured. The people were in the town who had
12 gone, the soldiers, they captured her. They laid her, then they
13 cut her throat with a knife.

14 Q. How do you know that the soldiers captured your grandmother
14:54:30 15 and cut her throat with a knife?

16 A. We heard the shouting. They cut her throat with a knife.
17 So after they've done that, in the morning around half past 8.00
18 to 9.00 in the morning, so we were in the bush, so I ran back to
19 the farm and told people that people have captured my
14:55:00 20 grandmother, I heard her shouting. So after some time we were
21 there, until around 12.00 to 1.00, they had left the village and
22 gone. So therein after they had left we heard no movement in the
23 town. So we came to the town. A group of us came to the town.
24 About six of us came to the town. So we found her on the ground
14:55:21 25 with her throat cut.

26 Q. When your grandmother's throat was cut, where were you?

27 A. I was in that -- behind that place where I used to hide.
28 There I was. Where I used to hide, there I was. In fact, when I
29 was in that particular tree I would see them. I saw them but

1 they did not see me.

2 Q. Witness, you say you saw them. How do you know that your
3 grandmother had her throat cut by these soldiers? And I am
4 asking about your personally.

14:56:03 5 A. How I managed to know, it was when these people had gone
6 and when we came finally and we saw her that we saw that her
7 throat had been cut. She was lying there.

8 Q. Did anything else happen in the village that morning?

9 A. Yes, that particular morning, after that incident, that
14:56:28 10 was -- there was one old man who was called Bala Mambu, he also
11 was killed. He was shot at. They shot at him and he died.

12 Q. Would you spell Bala Mambu, please, for the Chamber?

13 MS PACK: Witness, take a moment, please.

14 PRESIDING JUDGE: [Microphone not activated].

14:56:56 15 THE INTERPRETER: Your Honour's mic is not on.

16 PRESIDING JUDGE: Sorry. I was just asking, Mr Witness, if
17 you are feeling very upset and if you would like to have a break.

18 SPEAKER: Yes, Your Honour, he is ready to carry on his
19 testimony.

14:58:28 20 PRESIDING JUDGE: Mr Witness, if you want to stop at any
21 time you must tell us. If you want to carry on that's equally
22 good, but if you are too upset you must tell us. Do you
23 understand?

24 THE WITNESS: I will continue.

14:58:48 25 PRESIDING JUDGE: Very well. Continue, Ms Pack.

26 MS PACK: Thank you, Your Honour.

27 Q. Witness, just take your time. I'm just going to remind
28 you, you just told me about the death of Bala Mambu and I think I
29 just asked you to spell the name for the Chamber. Perhaps you

1 would just do that, please.

2 A. Okay. Bala Mambu. It's B-A-L-A M-A-M-B-U.

3 Q. Thank you, Witness. Witness, you said that this man was
4 shot. How do you know that?

14:59:55 5 A. I heard the gunshot and when we came -- when everything was
6 calm we came, we met him lying down and there was a bullet mark
7 in him. We saw the bullet marks on his body. That was how it
8 happened.

9 Q. Witness, the men that you've described, the soldiers in
15:00:20 10 Yardu Sandu, how long did they remain in the village?

11 A. From the time that they came, half past 8.00 in the
12 evening, when we all ran away and left them there, they spent the
13 night there. They were there up to 12.00, half past 12.00. At
14 1.00 they finally went.

15:00:43 15 Q. Is that the following day?

16 A. The following day, yes.

17 Q. Night-time or daytime?

18 A. Daytime. That was the time that they went.

19 Q. When they left, had the houses in Yardu Sandu stopped
15:01:04 20 burning?

21 A. The way those houses were burnt, nobody was able to make an
22 attempt to put them off -- to put them out. We just left them
23 burning. Whosoever was packing his bundle to go, that was what
24 he did.

15:01:34 25 Q. Witness, the men, the soldiers, are you able to say which
26 group they were from?

27 A. Those soldiers during that time, you had rebels, you had
28 soldiers. All of them were the same people. But what happened
29 during that time the soldiers had the full uniform, because they

1 came from Freetown here. So they had new combats and new guns.
2 And the rebels had -- some had T-shirts, at times they would wear
3 a T-shirt and at times they would wear combat trousers. At times
4 their clothes were mixed up. That was how we were able to know
15:02:22 5 their difference. But all of them had been working as a team.
6 They moved together, they did things in common.

7 Q. I am just asking about this particular occasion in Yardu
8 Sandu. Do you know from which group these soldiers in your
9 village, or your grandmother's village or mother's village, on
15:02:32 10 this occasion where they were from?

11 A. It was the AFRC group.

12 Q. What do you mean by that?

13 A. AFRC was a group of mixed soldiers. That is, rebels and
14 soldiers mixed together. That was the understanding that I had
15:03:04 15 about AFRC, because rebels came from the bush and came and joined
16 the soldiers in town because they were the owners of the
17 government.

18 Q. Witness, after Yardu Sandu was burned, what did you do?

19 A. When they had burnt Yardu Sandu there was no other option,
15:03:24 20 so I took my family and we went to Koinadugu District at one
21 border town that was called Yarawadu.

22 Q. Just spell Yarawadu, please, for the Chamber, would you?

23 A. It's Y-A-R-A-W-A-D-U, Yarawadu.

24 MS PACK: Witness, thank you, those were all the questions
15:03:49 25 I had to ask you. Your Honour, those are all my questions.

26 PRESIDING JUDGE: Thank you, Ms Pack. Mr Manly-Spain, have
27 you questions of the witness?

28 MR MANLY-SPAIN: Yes, Your Honour

29 CROSS-EXAMINED BY MR MANLY-SPAIN:

1 Q. Good afternoon, Mr Witness.

2 A. Afternoon, sir.

3 Q. Mr Witness, do you remember making a statement to the
4 investigators of the Special Court on 14th November 2002?

15:04:39 5 A. Yes, I can recall that I made statements.

6 Q. Do you recall giving additional information to the
7 investigators on 12th April 2004?

8 A. Well, if I have given information, you would tell me and
9 then I would be able to know what type of information it was.

15:05:31 10 Q. Do you remember talking to investigators of the Special
11 Court on 27th June 2005?

12 MR MANLY-SPAIN: Sorry about that. Sorry, Your Honour. I
13 am withdrawing the last question.

14 Q. Mr Witness, do you remember the date after the coup that
15:06:16 15 you say soldiers went to Kono, to Koidu?

16 A. If I can remember the date or the day? I cannot remember.

17 Q. Before the date of the coup, Mr Witness, were there
18 soldiers in Koidu?

19 A. Yes.

15:06:55 20 Q. How long after the coup were your premises attacked by this
21 group of military men?

22 A. I cannot tell exactly how long, because it has taken a long
23 time. Because it was few months after the coup, that was the
24 time that they went and attacked my house.

15:07:47 25 Q. When you left Kono -- Koidu to go to ~~XXXXXXX~~, do you
26 remember how many times you went back to Koidu Town?

27 A. To recall how many times I went there, how many times I
28 came, is that what you want to know?

29 Q. [Overlapping speakers]?

1 A. Just like I told you, I had a Honda, that Honda Excel.
2 That is what I had that time and my shop was at Koidu Town. So
3 in the morning people would spend the night at Koidu and they
4 would say that the town was calm. And I can remember several
15:08:52 5 times when I would come to town. The only thing is that I did
6 not spend the night there, but I would go and come.
7 Q. Mr Witness, do you remember that the coup was in May 1997?
8 A. Yes, I think that is the time that the coup took place.
9 Q. Was it in the rainy season or the dry season?
15:09:30 10 A. It was during the dry season.
11 Q. May is the dry season?
12 A. Yes. That was the time when the rainy season normally
13 approaches. But you know one thing, in Kono you would not be
14 able to predict the weather. In December there would normally be
15:10:00 15 heavy rain, so everybody knew that.
16 Q. So it is not right to talk about the rainy season or the
17 dry season in Kono; is that so?
18 A. No. Generally we all know that we have certain months in
19 which we expect the dry season and there are certain months in
15:10:23 20 which we expect the rainy season. So it is a little bit
21 difficult for me to answer.
22 Q. But can you please tell us the months you consider in Kono
23 to be in the dry season?
24 A. It's October, November, December. And December, January,
15:11:04 25 February, March.
26 Q. Don't you consider April to be in the dry season in Kono?
27 A. That is why I told you that. It rains at any time in Kono
28 so there is no particular time in which you would say that this,
29 it will rain or it will not rain.

1 Q. So again I would ask you is it right to talk about rainy
2 season and dry season in Kono from what you have just said?

3 A. Yes.

4 Q. Do you remember the month you left Kono in the dry season?

15:12:15 5 MS PACK: The witness didn't say he left Kono. It would be
6 Koidu Town I think my friend is referring to.

7 MR MANLY-SPAIN: I'm sorry, I apologise.

8 Q. You left Koidu Town in the dry season. What month was it?

9 A. It was -- I have forgotten the month. I cannot recall the
15:12:50 10 month anyway.

11 Q. Definitely, Mr Witness, you would agree with me it was
12 after May 1997?

13 A. Yes, it was after May.

14 Q. Was it in June 1997?

15:13:13 15 A. No, it was not in June.

16 Q. Was it in July 1997?

17 A. No, no, no.

18 Q. Was it in August 1997?

19 A. It was not in August, because by then the rains had already
15:13:42 20 ceased.

21 Q. What about September 1997?

22 A. I said I cannot remember the exact month, but it was during
23 the rainy season.

24 Q. Pardon? It was during the rainy season that you left Koidu
15:14:02 25 Town?

26 A. As I said, I said I cannot remember the exact month, but
27 during that time the rain had already ceased. It had not been
28 raining during that time when I left there.

29 Q. Remember, Mr Witness, you have just given us the months you

1 considered to be months during the dry season in Kono and you
2 started with October. Was it October that you left Koidu Town?

3 A. It was after October anyway.

4 Q. In what year did you leave Koidu Town?

15:14:53 5 A. It was in '97 that I left Koidu Town.

6 Q. After October 1997, Mr Witness, you agree with me that
7 there were only two months remaining - November and December -
8 remaining in 1997. Do you remember which one of them you left
9 Koidu Town?

15:15:29 10 A. I have told you that I cannot recall the month.

11 Q. Okay, Mr Witness. Do you remember how long from May 1997
12 to the time you left Koidu Town?

13 A. You asked me about the month that I left Koidu Town. I
14 told you that I couldn't recall that month again.

15:16:08 15 Q. No, this is a different question. I am asking you how long
16 after May, Mr Witness.

17 A. How long after May?

18 Q. Did you leave Koidu Town to go to **XXXXXXX**?

19 A. It was after the soldiers had taken over. After some time,
15:16:40 20 the threat -- there was too much of threat in Koidu. So that is
21 the time that I left.

22 Q. So you cannot tell how long after you left Koidu?

23 A. At all.

24 Q. Mr Witness, you have told this Court that you attended a
15:17:06 25 meeting at the Koidu Community Centre. Do you remember the month
26 in 19 -- first of all, was it in 1997 that you attended this
27 meeting?

28 A. The first month was in 1997.

29 Q. Do you remember the month in 1997 that you attended this

1 meeting?

2 A. No, I cannot recall the month.

3 Q. Do you remember how long after the May 1997 coup d'etat
4 that this meeting was held?

15:17:50 5 A. Well, what happened, just after --

6 Q. Please answer my question.

7 A. I am trying to -- I am coming to your question. I am
8 coming to your question. I am coming to your question. That
9 May, when they overthrew the government, the first two meetings

15:18:15 10 were held in Koidu Town and I attended those meetings.

11 Q. Was that in May 1997?

12 A. Yes, it was May 1997.

13 Q. And do you remember the exact date of the coup?

14 A. No.

15:18:07 15 [TB300605E-SGH]

16 Q. Do you remember that it was on 25th May 1997?

17 A. Not May, I don't remember the date.

18 Q. Mr Witness, I want to ask you whether the meeting that you
19 have referred to took place after you had left Koidu Town and
15:19:19 20 gone to XXXXXXX?

21 A. Before I left Koidu Town and went to XXXXXXX, meetings
22 had been taking place. So, when I went to XXXXXXX, I still
23 used to come to Koidu and meetings used to take place again.

24 Q. Mr Witness, I am talking about only one meeting which you
15:19:56 25 spoke about at the Koidu Community Centre in which you said you
26 saw Mosquito, Sam Bockarie, Mosquito, and somebody who was
27 introduced as Honourable Five-Five. It is that meeting I am
28 asking you about. Was it before you left XXXXXXX, you left for
29 XXXXXXX or after?

1 A. That meeting took place I was at XXXXXXX. When I came to
2 town, I came to this meeting. But they used to have so many
3 meetings anyway. It was not a single meeting. Many meetings.
4 Any one or two weeks there, there used to be meetings.

15:20:48 5 Q. Let us concentrate on this one meeting. You say it was
6 after you left for XXXXXXX?

7 A. It was not -- I did not tell you that I only attended the
8 single meeting. I did not say that I only attended a single
9 meeting.

15:21:11 10 Q. I am asking you about only one meeting. The meeting you
11 said [microphone not activated] people said certain things and
12 Five-Five, the Honourable Five-Five, was introduced and he
13 said -- he also said certain things. That is the only meeting I
14 am asking you about and you have said that it took place after
15:21:32 15 you had left for XXXXXXX.

16 A. U-huh.

17 Q. Then, according to you, it was in the dry season.

18 A. Yes. Yes.

19 Q. According to you again, Mr Witness, that would be at least
15:22:07 20 five months after the coup in May 1997?

21 A. Well, likely five months.

22 Q. I am putting it to you, Mr Witness, that the military
23 government at that time was no longer in new government.

24 A. I knew that it was not a new government, but at any time
15:22:50 25 they had a meeting, they would make meet and they would make
26 introductions.

27 Q. This meeting, Mr Witness, you have not told us about any
28 other meeting. Mr Witness?

29 JUDGE SEBUTINDE: Mr Manly-Spain, that is not correct.

1 Don't put words in the witness's mouth. The record is very
2 clear, he has spoken of meetings before he shifted to the village
3 and meetings after he shifted to the village. He has given
4 details in respect of one of those meetings. The meeting in
15:23:20 5 question.

6 MR MANLY-SPAIN: As Your Honour pleases. I am sorry.

7 Q. Mr Witness, before this meeting in the dry season at the
8 community centre, Koidu Community Centre, had you seen this
9 person you referred to as Honourable Five-Five before?

15:24:05 10 A. Before the meeting, yes, I have seen them at Opera. Where
11 I used to do my business. And any big man that came to town I
12 would sit in my shop. I would see him because he had to pass
13 through where I was selling.

14 Q. How many times had you seen this person that was introduced
15:24:32 15 as Honourable Five-Five? How many times had you seen him before
16 this meeting?

17 A. Many times. I cannot count. I have told you that in my
18 shop, at any time somebody passed in Kono you must have, you must
19 come to this place because it's a big junction. I must see you.

15:25:04 20 Because if I do not even see you, people will say that in fact
21 that such and such a person is passing and I would peep and see.

22 Q. Mr Witness, did you ever tell the statement-takers, the
23 person who reviewed your statement on 26th April 2005 that you
24 saw this person called Honourable Five-Five only twice in Koidu?

15:25:47 25 A. Yes, the official -- yes, the official one which was --
26 which drew everybody's attention. Yes. That is how it happened.
27 But it is not just the --

28 THE INTERPRETER: Your Honours, would the witness please go
29 over what he said.

1 PRESIDING JUDGE: Mr Witness, would you please repeat your
2 answer for the interpreter?

3 THE WITNESS: I said, I used to see that man and people
4 will say that to look at him he is passing and I would sit in my
15:26:28 5 shop and visit and people would say that the Honourable Five-Five
6 had come. He has passed in a convoy. And during that time he
7 would have soldiers around him. You would not be able to go
8 close to him, but the official one he stood, I saw him talking.
9 It was twice.

15:26:38 10 MR MANLY-SPAIN:

11 Q. Mr Witness, did you ever tell the person who reviewed your
12 statement that the first time you saw Honourable Five-Five was at
13 the meeting in Koidu Town Community Centre?

14 A. Say it again.

15:27:19 15 Q. Did you not tell the person who reviewed your statement
16 that the first time you saw Five-Five was at a meeting at the
17 meeting at Koidu at the Koidu Community Centre?

18 A. The first time that I saw him clearly was at Koidu
19 Community Centre when he was introduced.

15:27:53 20 Q. [Overlapping speakers] Please answer my question and then
21 you will explain. Did you tell the person who reviewed your
22 statement that the first time you saw him was at the meeting at
23 the Koidu Community Centre? I want yes or no?

24 A. The official introduction, yes. We just made at the Koidu
15:28:14 25 community centre that was the time that I saw him clearly.

26 Q. No, I am not asking you whether you saw him clearly.

27 JUDGE SEBUTINDE: Mr Manly-Spain, are you quoting from a
28 statement?

29 MR MANLY-SPAIN: I will put it to him, Your Honour.

1 JUDGE SEBUTINDE: Because if you are quoting to the witness
2 what he stated to the investigators, quote what he stated from
3 the investigators. Don't quote in the air because we want to
4 check what you are putting to him, please.

15:28:39 5 MR MANLY-SPAIN: I am not doing that, Your Honour. All I
6 am doing is to put to him first that he had made that statement
7 and then I will put it to him --

8 JUDGE SEBUTINDE: No, the rules are that you quote from the
9 statement, put the quotation and ask him if he has stated that.

15:28:53 10 MR MANLY-SPAIN: I will do so, Your Honour.

11 Q. Mr Witness, I want to refer to your additional information.

12 MR MANLY-SPAIN: It is at page 8418, Your Honour. I will
13 start, to be fair, at the last paragraph at page 8417.

14 Q. "The day I saw Mosquito at the Koidu Community Centre I saw
15:29:32 15 Colonel Five-Five. I knew Five-Five as an Honourable for the
16 AFRC. He was not tall and not too short. In between. Five-Five
17 stayed at the house in Koidu Town at Sahr Lebbie Street.

18 Mosquito stayed in the same place. This was where the big men
19 stayed when they came to Kono. Five-Five was not living in Koidu
15:29:53 20 Town the whole time. Nor was Mosquito. I saw Five-Five twice.

21 The first time I saw Five-Five was at the meeting at the Koidu
22 Community Centre. Five-Five said something. He said they had
23 this government and wanted the people to support the government.

24 "The second time I saw Five-Five was at Sahr Lebbie street.
15:30:19 25 I was walking down the street, Five-Five was stood on his
26 verandah surrounded by-his bodyguards. I passed by. Five-Five
27 was a few yards away from me. I saw his face. People said that
28 the minister had come from Freetown and he is Five-Five."

29 MS PACK: Your Honour, in fairness, I don't know whether my

1 learned friend was about to stop quoting, but if he could read
2 the following paragraph as well, I think that should, in
3 fairness, be put to the witness bearing in mind that it relates
4 precisely to what my learned friend is asking the witness.

15:30:55 5 MR MANLY-SPAIN:

6 Q. "These were the two main times I saw him. I saw Five-Five.
7 When I say I saw him many times with Mosquito in Koidu Town, I
8 mean that he would pass by in a convoy and people would say this
9 was Five-Five or Mosquito or both of them." Do you wish me to go
10 on?

15:31:17

11 MS PACK: I am grateful to my learned friend for, I think,
12 asking me that question. No, Your Honour.

13 MR MANLY-SPAIN:

14 Q. Mr Witness, you have heard what I have read. Did you tell
15 the person who was reviewing your statement that you saw
16 Five-Five twice?

15:31:45

17 A. I am talking about the main official times when he was
18 speaking. That is what I was telling you. It was to see
19 somebody and to see somebody standing right in front of you and
20 talking to you. I would see a person, but if you did not say
21 anything, I would not be able to recognise you, but if you stand
22 and start talking and making introduction. I have said this over
23 and over.

15:32:06

24 MR MANLY-SPAIN: Your Honour, I am a little concerned about
25 the interpretation of when the interpreter said the main official
26 times. Times are times.

15:32:23

27 JUDGE SEBUTINDE: Mr Manly-Spain, we are depending on the
28 interpreter. We do not know what else the witness is saying. If
29 you are saying that the interpreter is not interpreting

1 accurately, then make that to be your point.

2 MR MANLY-SPAIN: I am not saying that.

3 JUDGE SEBUTINDE: Mr Interpreter, are you interpreting
4 accurately?

15:32:55 5 THE INTERPRETER: Your Honours, I am here as a channel and
6 whatever the witness says I will say exactly. I will not add, I
7 shall not subtract, because those are our principles.

8 MR MANLY-SPAIN: I was not accusing the interpreter of
9 interpreting wrongly. I have said that he has said the main
15:33:07 10 official times. That gives me some problems. I do not
11 understand what that means.

12 THE INTERPRETER: Your Honours, let me just say one thing.
13 If the witness says on something that is wrong, I have to repeat
14 what he says even if it is wrong. It is not my responsibility.
15:33:22 15 It is the responsibility of the attorney. If he wants something
16 clarified I will say, "Okay Mr Attorney, clarify the thing with
17 the witness." And when the witness says something then I would
18 explain. I am only here as a channel.

19 PRESIDING JUDGE: The interpreter has interpreted what he
15:33:35 20 has said, Mr Manly-Spain. If you wish to query what the witness
21 has said, then put the query to him. I am not clear what your
22 problem is.

23 MR MANLY-SPAIN: My problem is with the witness, not with
24 the interpreter.

15:33:50 25 PRESIDING JUDGE: Very well, then make that now clear.

26 MR MANLY-SPAIN: I am not accusing the interpreter for one
27 moment of interpreting wrongly. I just commented that the use of
28 the word main official times. It confuses me.

29 PRESIDING JUDGE: It is your prerogative. If you are

1 confused to seek clarification by further questions.

2 MR MANLY-SPAIN: I am going to. I am going to do so, Your
3 Honour.

4 Q. Mr Witness, what do you mean by main official times?

15:34:26 5 A. I am really glad about this question. You would see
6 somebody passing. I am a businessmen, I would sit in my shop and
7 I would see this man passing by with his convoy. We all knew
8 that nobody would dare go near a soldier, even the bodyguards.
9 He wouldn't even go near them. He would stand afar and peep, but
15:34:48 10 the one in the situation where he would stand in an open meeting,
11 there was no bodyguard and people will say that, "There he is and
12 that is the official one." That is what I was trying to explain
13 so that you could understand.

14 Q. Mr Witness, the second question I wish to ask you now: Did
15:35:08 15 you tell the person taking -- going over your statement with you,
16 reviewing your statement with you, that the second time you saw
17 Five-Five was at Sahr Lebbie street?

18 A. Yes, I saw him at Sahr Lebbie Street.

19 Q. Witness, answer my question and we will move on. My
15:35:37 20 question is: Did you tell the person who was giving you your
21 statement that the second time you saw Five-Five was at Sahr
22 Lebbie Street?

23 A. I saw him at Sahr Lebbie Street.

24 PRESIDING JUDGE:

15:35:50 25 Q. Mr Witness, what the counsel is asking you is: Are those
26 the words you used to the person from the Special Court?

27 A. I don't understand you, Ma.

28 Q. There was an investigator or a person who reviewed your
29 statement with you. Counsel is asking: Did you tell that person

1 that the second time you saw Five-Five was at Sahr Lebbie Street.

2 Were those your own words?

3 A. Yes, it was at Sahr Lebbie Street.

4 Q. And those were the words you used to the investigator?

15:36:44 5 A. Yes.

6 MR MANLY-SPAIN: Thank you.

7 Q. Mr Witness, you have been asked to describe this person you

8 said was introduced as Honourable Five-Five. And you said, "He

9 is not fat. He is not too tall. He is not too short"; is that

15:37:26 10 so?

11 A. Yes.

12 Q. Did you at any time give the investigators what you

13 believed to be the height of this person you referred to as

14 Five-Five?

15:37:48 15 A. Yes, they were at that time the man who obtained the
16 statements from me, it is his height and that of Five-Five was

17 almost the same size. So I told him he was just like he was.

18 Q. Let me read to you what you say in your statement.

19 MR MANLY-SPAIN: Your Honour, may I respectfully invite you

15:38:10 20 to page 7375.

21 [TB300605F - CR]

22 MR MANLY-SPAIN:

23 Q. The last paragraph, "I saw Five-Five many times between '97

24 to '98. He was living in Koidu Town. He was the AFRC leader

15:38:26 25 here. Five-Five is as tall as the investigator, and the

26 investigator told me he is 5 feet 8 inches tall." Is that what

27 you said in your statement?

28 A. Yes.

29 Q. Mr Witness, I am putting it to you that -- first of all,

1 let me ask you, do you know the actual name of the person you
2 refer to as Honourable Five-Five?

3 A. No, no, I don't know his name. I know him by that name,
4 and that's the name by which he is called by everybody.

15:39:30 5 Q. You said this person called Honourable Five-Five was a
6 minister in the AFRC government?

7 A. Well, they used to call him honourable. He was a big man,
8 anyway.

9 Q. Please answer my question. Did you say he was a minister
15:39:50 10 in the AFRC?

11 A. I said he was an honourable.

12 PRESIDING JUDGE: Do you mean to the investigator or in
13 court?

14 MR MANLY-SPAIN: In evidence, Your Honour.

15:40:04 15 PRESIDING JUDGE: Please clarify that to the witness.

16 MR MANLY-SPAIN:

17 Q. In evidence to this Court, did you say that?

18 A. Go over the question again.

19 Q. Did you say the person who was introduced as Honourable
15:40:22 20 Five-Five was a minister in the AFRC government?

21 A. I said he was an honourable man in the AFRC government.
22 That was the time that they were called honourable minister,
23 Honourable Adams, honourable minister of such and such. This is
24 the way that they used to be called.

15:40:41 25 Q. Do you know what this person called Five-Five was called -
26 honourable what?

27 A. Honourable Five-Five, that is the way they used to call
28 him, yes.

29 Q. He was not called honourable minister?

1 A. Many times they would call him by that name.
2 Q. Mr Witness, we are talking about a particular person.
3 A. This is what I'm telling you. Honourable Five-Five, they
4 used to call him a minister. His fellow colleagues, they used to
15:41:16 5 call him by that name.
6 Q. Okay, let's go on.
7 JUDGE SEBUTINDE: Mr Manly-Spain, do you mean speaking not
8 simultaneously over the witness. Sometimes we have difficulty
9 picking both of you up.
15:41:32 10 MR MANLY-SPAIN: I'm sorry, Your Honour.
11 MR FOFANAH: Your Honours, may I be excused for a short
12 while?
13 MR MANLY-SPAIN:
14 Q. Mr Witness, you just talked about Honourable Five-Five's
15:42:07 15 colleagues. Who do you refer to as his colleagues?
16 A. The soldiers. Soldiers and the rebels. Those were his
17 colleagues.
18 Q. Where were you when you heard this reference made?
19 A. It was in Kono. I was in Kono, in Koidu Town. That was
15:42:51 20 the way we used to call them, honourable minister, Honourable
21 Five-Five. That was the name that was given to us.
22 Q. Mr Witness, where in Kono were you then?
23 A. I was in Koidu Town.
24 Q. Mr Witness, after you left Koidu Town, did you return to
15:43:20 25 stay in Koidu Town?
26 A. No. When I left Koidu Town, I did not return to stay there
27 again.
28 Q. Mr Witness, when I started, I asked you whether before the
29 coup in 1997 there were soldiers at Koidu.

1 A. Yes, there were soldiers in Koidu.

2 Q. Before the coup, how long had you resided in Koidu?

3 A. Before the coup, I was born -- I was born and bred in
4 Koidu.

15:44:29 5 Q. [Overlapping microphones] born in Koidu.

6 A. Yes. So all along I was there.

7 Q. Am I right to say that all along there were soldiers in
8 Koidu?

9 A. Soldiers were in Koidu before the coup.

15:44:46 10 Q. Okay, Mr Witness, did you know any of them?

11 A. Among the soldiers that were in Koidu before the coup?

12 Q. Before the coup.

13 A. Yes, I knew soldiers before the coup.

14 Q. Do you know whether there was a Sierra Leone Army brigade
15 headquarters in Kono -- Koidu?

15:45:15 16 A. Yes. They were in Ngaya. I knew that soldiers were at
17 Ngaya.

18 Q. Could you spell that for the benefit of the Court?

19 A. Ngaya?

15:45:40 20 Q. Yes.

21 A. N-G-A-Y-A.

22 Q. Do you know who was brigade commander before the coup?

23 A. No, I did not know him.

24 Q. After the coup, did the brigade continue to be at Ngaya?

15:46:13 25 A. Well, those sites, I did not go there. The only thing is
26 that I used to see soldiers in Kono. I did not know whether its
27 secretariat would be there. Because Ngaya is far off Koidu Town.

28 Q. Mr Witness, what was the condition -- what was the
29 visibility condition on 16th April 1998 at XXXXXXX at 7.30 p.m.?

1 A. It was not at XXXXXXX. It was at Yardu Sandu.

2 Q. Thank you.

3 A. Yes, ask the question so that I can understand it clearly.

4 Q. Let me put it another way for you to understand. At 7.30 p.m.

15:47:45 5 on 16th April 1998, was it bright at Yardu Sandu?

6 A. Yes, the weather was bright.

7 Q. You could see people in the town --

8 A. Yes.

9 Q. -- from where you went to hide.

15:48:30 10 A. Yes, yes. See, I could see.

11 Q. How far was the place -- first of all, let me ask you this:

12 You said this town had 100 houses, about 100 houses?

13 A. Yes.

14 Q. Do you know how big the town was with 100 houses?

15:48:53 15 A. Yes, I know how big it is. I know how big it was.

16 Q. Can you tell us?

17 A. We don't have villages around there, but -- okay, Yardu

18 Sandu was just like that. If you took the whole Court, the fence

19 around, so that is how it was. Take the fence round.

15:49:21 20 Q. The Court compound?

21 A. The Court compound, yes.

22 Q. Where in that vicinity was the house that you lived in?

23 A. My house was by the edge of the town. My grandmother's

24 house was at the edge of the town. After my house, then you go

15:49:51 25 straight into the bush. Our toilet was the bush.

26 Q. So when you ran into the bush, how far would you say you

27 were to your house?

28 A. I did not measure that distance, but where I was hiding, I

29 saw clearly all that was happening before my grandmother's house.

1 Q. Were you hiding after the coffee plantation?

2 A. Yes, I hid. Yes, I hid at the back of the coffee
3 plantation behind an orange tree.

4 Q. Do you know how far the coffee plantation was to your
15:51:04 5 house -- from the coffee plantation to your house?

6 [Upon resuming at 4.03 p.m.]

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

8 MR MANLY-SPAIN:

9 Q. Mr Witness, you have told us about what happened to your
16:09:49 10 grandmother and you said you were hiding when she went into the
11 town; is that so?

12 A. Who was hiding, myself or my grandmother? Ask the question
13 so that I could understand it properly.

14 Q. You said you were hiding; is that not so?

16:10:31 15 A. Yes.

16 Q. Do you know how far away from the town you were hiding?

17 A. From where I hid, I did not measure the distance from there
18 to the town, but it's not far. I have told you this many times.
19 As you pass at the back of the house, there is a big bush around,
16:10:53 20 it's almost a forest.

21 Q. I want to refer you, Mr Witness, to your additional
22 information at page 8418.

23 MR MANLY-SPAIN: Your Honour, it is the fourth paragraph
24 from the bottom.

16:11:32 25 Q. "When my grandmother came to town, she tried to enter her
26 house. The man told her she had hidden her children and they
27 would kill her. They cut her throat. I saw this from a
28 distance. I was 200 yards off. The men who did this were
29 wearing uniform." Did you say that to the person who was

1 reviewing your statement?

2 A. Yes, about that. I told him I was about 200 yards away.

3 That was the type of distance.

4 Q. From that distance, did you hear what was being said to
16:12:23 5 your grandmother?

6 A. Yes, I heard them shouting again. I saw her.

7 Q. Witness, I'm putting it to you that you did not see what
8 was happening 200 yards away through the bushes.

9 A. From where I stood, anything that happened I was able to
16:13:11 10 see clearly, because where the act took place was an open place.
11 If you hide, you would see, it was an open place.

12 Q. Mr Witness, I'm also putting to you that you could not hear
13 what was being said in the town from 200 yards away in the bush.

14 A. Well, I'm telling you that it was not only the killing of
16:13:42 15 my grandmother, but even the songs they sung, I heard them
16 clearly. The songs they sung, I heard them clearly. Even when
17 they were happy over the property, they were joyfully -- making
18 joy over the properties they were looting. I heard all those
19 clearly.

16:14:01 20 Q. Can you remember the song they were singing?

21 A. No, I didn't know, but they were singing outlaw songs,
22 songs sung by raray boys. I don't know those type of songs.

23 Q. This is a new word, would you please spell raray for us?

24 A. Well, if you don't know what the meaning, I will be able to
16:14:33 25 tell you. It is somebody who was an outlaw who could not take
26 order. He's an outlaw, that's the person we call raray boy.
27 They sung.

28 Q. Mr Witness, you either did not hear -- listen to the
29 question, or you don't want to answer them. All I asked you was

1 can you spell raray for us, because it is a new word.

2 A. No, I could not spell that, but all Sierra Leoneans know
3 what they call raray boy or raray man.

4 Q. Mr Witness, before today did you state in your statements
16:15:36 5 to the investigators that you saw a woman raped in Yardu Sandu?

6 A. Yes.

7 Q. Do you remember the date you made that statement?

8 A. I couldn't remember the date I made that statement, because
9 it's a long time now.

16:16:16 10 Q. Do you remember whether it was your first or second
11 statement?

12 A. Well, I couldn't remember the date, but I don't know which
13 one, but I made that statement.

14 Q. Mr Witness, in answer to my questions, you said that you
16:16:40 15 knew some soldiers who were in Koidu Town before the coup in
16 1997.

17 A. Yes, I knew some soldiers who were there.

18 Q. After the coup, did you know any soldier that was in Koidu
19 Town?

16:17:06 20 A. Yes, after the coup, I knew soldiers who were in Koidu
21 Town.

22 Q. When you say soldiers, do you mean several soldiers?

23 A. I knew more than one who were in Koidu Town, who were Kono
24 men that born like Konos, born like me here.

16:17:37 25 Q. At the time you said your house was attacked by soldiers,
26 were these soldiers that you knew still in Koidu?

27 A. Yes.

28 Q. After your house was attacked, did you make any report to
29 them?

1 A. I reported to the soldiers then I reported to the police
2 station. I reported to them.

3 Q. I'm putting it to you, Mr Witness, that you did not report
4 to any soldier about this incident.

16:18:45 5 A. What I'm telling you is you were not there, but God was
6 there. I know that I reported to them. I reported to them. I
7 reported to the police station. The issue was not a hidden
8 thing. Everybody in Kono knew of it. In fact, my issue brought
9 problems between the police and soldiers in Kono. It was not a
16:19:07 10 hidden issue, it was an open thing, so I have not come here to
11 tell lies, I have come here to tell the truth of what happened.

12 Q. Mr Witness, did you tell the investigators of the Special
13 Court that you reported to the soldiers in Koidu?

14 A. No, I did not tell them that. I told them that I went to
16:19:36 15 the police station, but when you said that I was lying, that's
16 the reason why I continued.

17 Q. Excuse me, I've never said to you that you were lying. I
18 asked you a question. I asked you whether there were soldiers
19 there, whether you knew them, and whether you reported to them.

16:19:59 20 A. No, I did not accuse you. Because you said I did not
21 report to the soldiers. That is why I said, if you said I didn't
22 do it then, that means I am lying. I have not come here to lie.

23 Q. But you agree you did not tell the investigators that you
24 reported to the soldiers? Do you agree?

16:20:25 25 A. It was to the police that I reported.

26 Q. You see, that's the problem, Mr Witness. My question was
27 simply that you did not tell the investigators that you reported
28 to soldiers. That is all I am asking you. I'm not asking about
29 the police, what you said to the police. Did you tell the

1 investigators that you reported to soldiers?

2 A. I told the investigators that I reported to the police.

3 Q. That is the problem, Mr Witness. I am simply asking you
4 about soldiers. Did you tell the investigators that you reported
16:21:08 5 to the soldiers that were in Koidu?

6 MS PACK: Your Honour, I think the witness has answered
7 this question.

8 JUDGE LUSSICK: He answered it several questions ago,
9 Mr Manly-Spain. You asked that question and his answer was --
16:21:23 10 you said, "Did you tell the investigators of the Special Court
11 you reported to the soldiers in Koidu." His answer was, "No, I
12 told them I went to the police station."

13 MR MANLY-SPAIN: Yes, Your Honour. I thank Your Honour,
14 but the witness went on to make accusations about lying,
16:21:45 15 et cetera, that is why I came back to it.

16 Q. Mr Witness, I'm putting it to you that at no time in the
17 dry season of 1997 was anybody introduced at the Koidu Community
18 Centre as Honourable Five-Five. At no time in the dry season of
19 1997 did that happen.

16:22:29 20 A. What I'm telling you now, Five-Five - it was only named
21 that he was in Freetown, but every one or two weeks he was in
22 Koidu Town and I used to see him. So what I'm telling you is a
23 fact. What I've told you is a fact.

24 MR MANLY-SPAIN: That is all, Your Honour.

16:22:51 25 PRESIDING JUDGE: Mr Graham, do you have questions of the
26 witness?

27 MR GRAHAM: Yes, Your Honour, I just have a couple of
28 questions.

29 CROSS-EXAMINED BY MR GRAHAM:

1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon, sir.

3 Q. Mr Witness, earlier on in your testimony, you did say that
4 the way you could distinguish the junta or the SLA soldiers from
16:23:19 5 the RUF rebels was from the way they dressed; is that right?

6 A. Yes, that is my own way of distinguishing between them, the
7 way they dressed.

8 Q. For you, those who were in complete military uniforms were
9 junta or SLA soldiers; is that right?

16:23:48 10 A. They were the SLA soldiers. Those in complete uniform were
11 the SLA soldiers.

12 Q. Thank you. Those who were in an assortment or mixed
13 attire, that is both combat and civilians were those that by your
14 own standards you would call the RUF rebels; is that right?

16:24:10 15 A. Exactly, sir.

16 Q. So am I right in saying that if there were RUF soldiers in
17 full military uniforms, you wouldn't know, would you? Am I
18 correct? Let me rephrase the question. I'm saying that
19 according to your standards of dressing for the SLA soldiers and
16:24:42 20 also for the RUF rebels, if there were RUF rebels in full
21 military uniforms, you wouldn't know, would you?

22 A. No, I wouldn't know. But one thing is after that. We all
23 know that every Sierra Leonean at that time knew that the RUF,
24 the government soldiers, were all - they were all one now; they
16:25:16 25 formed the government, and whatever they did, they did it
26 together. Only that they dressed in different attire made me to
27 make that distinction; rebels and the national army.

28 Q. Thank you, if I may just restate in response to what you
29 just said. Mr Witness, that doesn't change the question I put to

1 you earlier on. For that reason, if you had RUF soldiers in
2 military uniforms, you wouldn't know, because according to your
3 standards --

4 PRESIDING JUDGE: Mr Graham, he said no. He did agree with
16:26:00 5 you.

6 MR GRAHAM: Thank you, Your Honour, I was trying to get
7 clarification because of that additional statement. If it is
8 clear and it is on record, then, Your Honour, I don't have any
9 more questions.

10 JUDGE SEBUTINDE: Mr Graham, I don't recall this witness
11 using the word RUF, but you have introduced it into evidence. I
12 think he referred to AFRC as a group of mixed rebels and
13 soldiers. I may be wrong, but I don't remember him using the
14 word RUF.

15 MR GRAHAM: Thank you, Your Honour. I will re-ask the
16 question to the witness.

17 Q. Mr Witness, once again, my earlier question was in response
18 to your method of identifying the junta soldiers as well as the
19 rebels. My question was simply that by your own standards of
16:27:02 20 identifying these two groups of soldiers, that is the juntas or
21 the rebels, if you met a rebel who was in the full military
22 uniform, you wouldn't though he was a rebel, because, according
23 to you, anybody who was in a full military uniform was a junta;
24 is that right?

16:27:27 25 A. Yes. At that time, that is how we took it.

26 MR GRAHAM: Your Honour, thank you very much. I don't have
27 any more questions of this witness.

28 PRESIDING JUDGE: Thank you. Mr Fofanah.

29 CROSS-EXAMINED BY MR FOFANAH:

1 Q. Mr Witness, just a couple of questions. Now, during this
2 period under review, I mean from May 25th 1997 to April 1998, did
3 you ever hear about the word "RUF" Which is short for
4 Revolutionary United Front?

16:28:14 5 A. Go over your question again.

6 Q. During the period between May 1997 to April 1998, did you
7 ever hear the words "RUF" which is short for Revolutionary United
8 Front, Sierra Leone?

9 A. Yes. We used to hear that.

16:28:38 10 Q. Was it a group, to the best of your knowledge, the RUF?

11 A. Yes. It was a group of only some.

12 Q. Do you know who and who were members of that group?

13 A. Yes. I knew one Sam Bockarie, Mosquito, that he was the
14 leader of that group.

16:29:13 15 Q. The RUF?

16 A. The RUF, yes.

17 Q. Is this the same Sam Bockarie, alias Mosquito, that you
18 were referring to when you mentioned Five-Five - a man called
19 Five-Five and Mosquito?

16:29:27 20 A. Yes, it was the same man.

21 Q. Up until the time you saw and knew him at Kono, was he
22 still a member of the RUF?

23 A. Yes. Yes, he was the RUF.

24 Q. Apart from Sam Bockarie, alias Mosquito, did you see any
16:29:55 25 other RUF member in Kono?

26 A. Yes, I used to see them.

27 Q. Were they large in number or small, the RUF members that
28 you saw?

29 A. They were many.

1 Q. How were they dressed?

2 A. Well, they - most of the time they put on jean trousers and
3 combat T-shirts, or they had the jean and the combat cap, or they
4 had the boots. It was an assorted dress they had on.

16:30:37 5 Q. Did you ever see a member of the RUF, including Mosquito,
6 dressed in full combat uniform?

7 A. I have never seen Mosquito dressed in full combat uniform,
8 and I was not fortunate to see RUF who was dressed in full combat
9 uniform. I did not see it.

16:31:09 10 Q. Did you see most of them in at least some form of having
11 military gear on, be it trousers or T-shirt or cap? Did you see
12 them at least having one or two military gears on?

13 A. Yes. I used to see them with assorted uniforms on.

14 Q. Now, did you see them at this place called - your mother's
16:31:48 15 village where your grandmother was killed?

16 A. Yes.

17 Q. You also saw them at your village; not so?

18 A. Yes, yes, I saw them. Yes, I saw them.

19 Q. XXXXXXXX?

16:32:06 20 A. Yes yes.

21 Q. Were they also present at Koidu Town?

22 A. Yes, they were in Koidu Town.

23 Q. Now, one last question, Mr Witness. You recall testifying
24 here that the rebels who went to your grandmother's village
16:32:29 25 arrived on the 16th of April 1998 in the evening, sometime
26 between 7.00 and 8.00 p.m., and then left the next day, according
27 to you, at about 12.30 p.m.? Do you recall saying that?

28 A. Yes. They went there in the evening. They passed the
29 night there and they were there up to 12, 12.30 before they left,

1 around that time.

2 Q. That 12.30, was it in the morning or the afternoon? Was it
3 a.m. or p.m.?

4 A. 12.30 in the afternoon. 12.30 to 1.00 in the afternoon.

16:33:20 5 That was the time that they left there.

6 Q. And that was on 17th of April 1998?

7 A. Exactly. Exactly so.

8 Q. And you're absolutely sure about that, Mr Witness?

9 A. I am sure.

16:33:35 10 MR FOFANA: In that case, Your Honours, I refer you to

11 page 8418 of the additional information provided by the witness.

12 I'm reading from the third paragraph from the bottom. It is just
13 one line.

14 Q. It says, "The AFRC/RUF men stayed in the village until the
16:34:09 15 evening of 17th April." Do you recall making that statement to
16 anybody from the Prosecution's office?

17 A. What I said, that they came there on the 16th in the
18 evening. They were there until the 17th until 12.30, 1.00. That
19 was the time. I hadn't any watch on me, but it was around that
16:34:36 20 time that they left.

21 Q. So they did not leave in the evening of 17th April?

22 A. No.

23 [TB300605G 4.30 p.m. - AD]

24 Q. And at least for the first time you are saying that these
16:34:50 25 men were AFRC/RUF men -- those who went to your village Yardu
26 Sandu?

27 MS PACK: First time when? I am not sure that the question
28 is very clear, whether my learned friend is saying that today is
29 the first time, or if it is just as he has read out is the first

1 time.

2 MR FOFANAH: I will clarify.

3 Q. My reference is to the words "AFRC/RUF", the first time you
4 are using both of them together. If I can just put it plain.

16:35:24 5 Were these people who -- the soldiers who attacked your village,
6 were they AFRC/RUF men -- the village called Yardu Sandu in
7 Sandor Chiefdom?

8 A. Yes, they were.

9 Q. Thank you very much, Mr Witness. I have no further
16:35:46 10 questions for you.

11 PRESIDING JUDGE: Any re-examination?

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

13 PRESIDING JUDGE: We do not have any questions of the
14 witness. Mr Witness, thank you for your evidence this afternoon.
16:36:21 15 That is the end of your evidence; you are now free to leave the
16 Court. But just wait until we ensure that you are protected. In
17 view of the time, I think it would be appropriate to adjourn
18 until tomorrow morning. Madam Court Attendant, please adjourn
19 court until 9.15 a.m. tomorrow.

20 [Whereupon the hearing adjourned at 4.36 p.m.,
21 to be reconvened on Friday, the 1st of July
2005, at 9.15 a.m.]

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