

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

FRIDAY, 1 JULY 2005
9.15 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
For the Prosecution:	Mr Jim Hodes Ms Wambui Ngunya 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

1 [TB010705A - SV]
2 Friday, 1 July 2005
3 [The three accused not present]
4 [Open session]
09:17:44 5 [Upon commencing at 9.15 a.m.]
6 PRESIDING JUDGE: Good morning, counsel. Good morning,
7 Mr Hodes, I see you are on your feet.
8 MR HODES: I am, Your Honour, and I wanted to apologise to
9 the Court. Witness 072 is going to be the only witness that we
09:23:45 10 have ready for testimony today. We'll be ready to start first
11 thing Monday morning with lots of witnesses but this is all we
12 have this week. We apologise.
13 PRESIDING JUDGE: Don't worry.
14 JUDGE LUSSICK: He might go the whole day anyway, Mr Hodes.
09:24:05 15 PRESIDING JUDGE: If there's no other matters, I will ask
16 Madam Court Attendant to swear in the witness. What language
17 will the witness speak, Ms Ngunya?
18 MS NGUNYA: Your Honour, the witness will speak Kono and
19 this is TF1-072.
09:24:21 20 PRESIDING JUDGE: Thank you. Madam Court Attendant, please
21 swear in the witness.
22 WITNESS: TF1-072 [Sworn]
23 [Witness answered through interpretation]
24 EXAMINED BY MS NGUNYA:
09:25:27 25 Q. Good morning, Mr Witness.
26 A. Yes.
27 Q. Mr Witness, could you please start by telling the Court how
28 old you are?
29 A. Yes.

1 Q. How old are you?
2 A. 55 years old.
3 Q. Where were you were born?
4 A. Excuse me, 56 years old. I'm born in Tombodu, Kamara in
09:25:56 5 Kono.
6 MS NGUNYA: Tombodu, Your Honours, is spelt T-O-M-B-O-D-U;
7 Kamara is spelt K-A-M-A-R-A; Kono, K-O-N-O District.
8 Q. Have you ever attended school?
9 A. I went to school a long time ago, at UMC school and I
09:26:33 10 stopped at standard 3.
11 Q. Mr Witness, can you read and write?
12 A. When I was young, a long time ago I used to write. Now I
13 can't write because I do not have hands.
14 Q. Do you speak any other language other than Kono?
09:27:12 15 A. I speak a little bit of Krio and a very little bit of
16 English.
17 Q. Mr Witness, are you married?
18 A. I'm married. One wife.
19 Q. Do you have any children?
09:27:39 20 A. We had nine children, eight alive right now.
21 Q. What is your occupation?
22 A. I work in the bush, meaning I'm a farmer.
23 Q. Mr Witness, where did you and your family live in 1998?
24 A. We were settled in Tombodu, Kamara Chiefdom.
09:28:26 25 Q. Did anything happen in Tombodu in 1998?
26 A. Yes, at that time things happened.
27 Q. Please tell the Court.
28 A. It's okay, I will. While we were in Tombodu with my
29 children, they said people came running and everybody said, "Why

1 are these people running?" And I said, "Why are they running?"
2 I told my wife, "When you see people moving, you should run."
3 Before I finished this thought a red vehicle arrived. Large
4 quantity of soldiers were in that vehicle.

09:29:07 5 Q. Mr Witness, just talk slowly for the translation. Please
6 proceed.

7 A. Then this vehicle, red vehicle, came and stood.

8 Q. What happened next?

9 A. When the motor vehicle stopped, one of my friends came and
09:29:40 10 told me that vehicle that arrived, the soldiers have alighted and
11 they are giving money to people.

12 Q. Mr Witness, did you see these soldiers that arrived?

13 A. I saw the vehicle but I told my friend who told me they
14 were distributing money. I said, "I'm not waiting for money." I
09:30:08 15 told my wife and children, "Let us move."

16 Q. So, Mr Witness, you tell your wife and your children "Let
17 us move." What happened next?

18 A. We didn't wait. We moved and we went as far. On arriving
19 close to Wordu --

09:30:36 20 Q. What happened, Mr Witness?

21 A. There's a hill on arriving at Wordu and the hill is called
22 Igbeda. We heard gunshots.

23 Q. From which direction were these gunshots coming,
24 Mr Witness?

09:30:54 25 JUDGE SEBUTINDE: Could we have some spellings of these
26 names, please.

27 THE WITNESS: The gunshots came from the rear where we came
28 from, Tombodu where we left. So we didn't want to go back there
29 so we decided to continue ahead.

1 MS NGUNYA: Please hold on, Mr Witness. Your Honour, I
2 think I've spelt all the names mentioned. Perhaps I missed.

3 JUDGE SEBUTINDE: There was a hill. There was Wordu and
4 then a hill after that.

09:31:28 5 MS NGUNYA: Okay, my apologies, Your Honour. The spelling
6 of Wordu is W-O-R-D-U.

7 Q. Mr Witness, could you repeat the name of the hill from
8 where you heard the shooting?

9 A. Igbeda.

09:31:58 10 MS NGUNYA: Your Honours, I don't have the spelling of that
11 hill, but it sounds like I-G-B-E-D-A.

12 Q. Mr Witness, so you hear this shooting from this hill. What
13 happened next?

14 A. We didn't wait. We continued on to Wordu.

09:32:27 15 Q. Mr Witness, do you recall the date that you moved from
16 Tombodu?

17 A. We left Tombodu in February.

18 Q. Do you remember the year?

19 A. 1998.

09:32:52 20 PRESIDING JUDGE: Mr Manly-Spain, where are you wandering
21 off to?

22 THE INTERPRETER: That time, witness misunderstood this
23 question.

24 MR MANLY-SPAIN: Your Honour, to get my reading glasses.

09:33:11 25 PRESIDING JUDGE: I see. I apologise, I interrupted the
26 witness. Please, Mr Witness, could you repeat what you said. I
27 interrupted you.

28 MS NGUNYA:

29 Q. Mr Witness, you had said it was 1998. So you went to

1 Wordu. What happened next?

2 A. On arriving at Wordu, I told my wife, "What I told you
3 earlier is what's happening. Look, we still see people running
4 around." So we moved from Wordu again and went Gbaima.

09:33:52 5 MS NGUNYA: Your Honours, Gbaima is spelt G-B-A-I-M-A.

6 Q. What happened next, Mr Witness?

7 A. It was late in the evening when we arrived at Gbaima so we
8 didn't go ahead.

9 Q. Did anything happen after that, the next day?

09:34:21 10 A. I told my wife, "Where we are sitting is not safe, because
11 I can still see people trickling by and they are running away.
12 Let's not wait, let's move ahead."

13 Q. Where did you move to, Mr Witness?

14 A. I went to my in-laws home, Kobedenja.

09:34:44 15 MS NGUNYA: Your Honours, that is spelt K-O-B-E-D-E-N-J-A.

16 Q. Mr Witness, you moved to your in-laws in Kobedenja. What
17 happened next?

18 A. We were there for a while. I don't remember the exact
19 date, because when you have a large number of people and you are
09:35:20 20 running away you're always in a hurry.

21 Q. Did anything happen in Kobedenja?

22 A. Yes, we used to have bush yams. That's what we fed on.

23 Q. Please proceed, Mr Witness.

24 A. We ate as much bush yams in our neighbourhood, the bush
09:35:48 25 yams got finished. One day one of my friends came and said,
26 "Let's go further into the bush and have bush yams." I told my
27 wife, "We should go, because we have to go that far and get food
28 for us and the children." So we got up. We went. We went as
29 far -- we went to Gbaima Town, where we came from, and we went a

1 little bit ahead.

2 MS NGUNYA: Gbaima has already been spelt for Your Honours.

3 Q. So, Mr Witness, you go beyond Gbaima. What happened next?

4 A. We went looking for bush yams. On arriving, we climbed up
09:36:48 5 a certain hill. So we saw people that were dressed in soldier
6 uniform, seven of them. One of them had a rope tied around his
7 waist in front of them. We met them and we stood. They asked us
8 to stand.

9 Q. Please repeat that, Mr Witness. Did you say one of the
09:37:18 10 soldiers was tied? It's not very clear. You said you saw seven
11 soldiers. Please repeat that answer.

12 A. The one that was tied was in front of all of them. The
13 soldiers who were dressed in their uniform were seven of them and
14 they were behind. The person who had the rope tied around his
09:37:48 15 waist did not have any soldier uniform.

16 Q. So, to be clear, the person with no soldier uniform was
17 walking ahead of the seven soldiers?

18 A. Yes. The rope was held by one of the soldiers. All of
19 them were behind him and he was going ahead. They were going
09:38:20 20 towards where we came from.

21 Q. Mr Witness, what happened next?

22 A. When we met them, they told us -- they told both myself and
23 my friend, they said, "Stand here," and we stood. They asked us
24 where we were going to. We said, "We're going looking for bush
09:38:44 25 yams." They said, "Why are you going looking for bush yams and
26 we have arrived in the town and we have food? Why did you not go
27 to us for food and we had come here to save you?"

28 Q. What happened next, Mr Witness?

29 A. One of them looked down at us. They saw that we have torn

1 shorts and torn shoes, and he looked down at my crepe. He took
2 my shoes off my feet. First my right feet was removed out of my
3 shoes and the other, and they took the lace out of my crepe shoes
4 and they asked one of his friends to tie me up. My hands were
09:39:50 5 passed behind me and they were tied with crepe shoes. They tied
6 my friend also. My friend was tied. They were heading towards
7 where we came back from and they asked us to go with them.

8 Q. If I may interrupt, Mr Witness. When you say they took you
9 back where you came back from, where is that?

09:40:25 10 A. We were going to Gbaima, because they were taking us back
11 to Gbaima. These were big people at that time. We could not
12 refuse them.

13 Q. Mr Witness, so you're heading back towards Gbaima. What
14 happened next?

09:40:47 15 A. It was not a long distance between where they caught us and
16 Gbaima. On arriving at Gbaima, they told us to lie down, and
17 they took guns and they gave one of the soldiers, and he took
18 cartridges out, two cartridges, and one of the cartridges was in
19 the gun. He said, "These people who are lying down, if any of
09:41:22 20 them attempt to escape, shoot them." We were lying there. We
21 didn't say a word. We stared at each other intermittently. And
22 the guy who was the guard came and stood over us.

23 Q. Mr Witness, do you recall when this incident happened, the
24 date?

09:41:53 25 A. I know the month. It was in March. I can't remember
26 exactly the date, but I do remember the month. It was in March.

27 Q. Do you remember the year?

28 A. 1998, March.

29 Q. Mr Witness, so you are lying down and you're guarded by one

1 soldier with a firearm. What happened next?

2 A. One of them was left guarding us, six of them went into the
3 town with one of the guy -- the guy that was tied. We could hear
4 them and we heard gunshots in the town, and we saw a lot of
09:42:41 5 people running away, some going into the bush. One of the ladies
6 wanted to come towards us and she saw this guard. So she ran
7 into the bush. We were tied, so we were just lying there waiting
8 for an uncertain end. We asked him whether he could not untie
9 us, because we told him, "We are not running away." He said he
09:43:09 10 doesn't have the command to untie us, he said so he can't do it.
11 Then I told him, I said, "Okay, we are not saying anything. We
12 are lying here." We laid for a long time and the other soldiers
13 were in the town. While they were in town, they sent another
14 soldier to us and he came.

09:43:38 15 Q. So one soldier has been sent to you?

16 A. Yes.

17 Q. What happened next?

18 A. They took us still tied and we were brought in to the town
19 itself. We came there and we started looking around. All we saw
09:43:58 20 were properties, bags and bundles. We didn't know what were in
21 these bundles. We were untied. I looked down, I saw one man in
22 short pants. I looked at him and I looked away. They took the
23 luggages and placed them on our head, myself and my friend. And
24 this other guy who was tied with the rope around his waist was
09:44:33 25 also untied.

26 Q. What happened next, Mr Witness?

27 A. When he was untied, he was with the luggages on our heads.
28 We came. We travelled far. We arrived where we were captured,
29 where we went looking for yams. We were now heading towards

1 Tombodu. We arrived at a particular spot. We were not now in
2 Tombodu, nor were we in Gbaima any more. We met two people; they
3 also came from foraging for food. And the soldiers also met them
4 and they asked them, "Where do you come from?" They said, "We
09:45:20 5 came from looking for food." One of the soldiers, he took the
6 cutlass that he had and slapped him with the cutlass on his back.
7 We couldn't say anything. He said, "Drop what you have on your
8 head," and he dropped what he had on his head. Then the soldier
9 placed -- tore the bag open and raised the bag, and all that was
09:45:54 10 in it was raw bananas. The banana was quite strong. This raw
11 bananas and some kola nuts that were not even strong. He slapped
12 the other guy with this machete and he tore his own bag as well,
13 and all that was in it was raw bananas. And he told him, "We are
14 here to save you. We have settled in Tombodu and we have food.
09:46:27 15 Why don't you come to us?" He said, "Let's go back." One of the
16 soldiers was carrying some luggage and he placed that luggage on
17 the head of the two people we just met and we started going.

18 Q. So, Mr Witness, you start moving. What happened next?

19 A. We were going towards Tombodu. We arrived close to Wordu.
09:46:53 20 We couldn't speak any more. We were just in front of them,
21 moving.

22 MS NGUNYA: Your Honours, Wordu has been spelt for the
23 Court.

24 Q. Please continue, Mr Witness. You are at Wordu.

09:47:10 25 A. When we arrived at Wordu -- are you listening? When we
26 arrived at Wordu, as we descended, one of the soldiers left our
27 midst and ran to one room, into a parlour. We couldn't look
28 around too much because they all had guns, we were afraid. When
29 he entered, he entered one of the rooms in the house. He came

1 out again running and he was crying. And we just looked at each
2 other. He came out running. He told the others, he said, "I
3 have finished him. You see the blood on my cutlass, I've
4 finished him." We didn't say a word. We continued going. We
09:48:10 5 are now coming towards Tombodu.

6 Q. Mr Witness, did anything happen in Tombodu?

7 A. While arriving in Tombodu we also met another young man
8 coming towards Tombodu. They saw him from afar. One of the
9 soldiers shouted, "Hey you, where are you going? Come here."
09:48:41 10 And he came. "Where are you going," he asked him. The man said,
11 "I am coming to Wordu." He said, "What's on your head." He
12 said, "It's palm wine." He said, "Put it down," and he placed it
13 down and the palm wine was seated on the ground and they put all
14 our luggages down and we sat down on the ground and they stood on
09:49:08 15 top of us. They were our bosses. They said they were here to
16 save us. We didn't haven't any power. We did nothing, we sat on
17 the floor. And they put the palm wine down. There was a big
18 gallon and we call it five-gallon. They were two gallons -- two
19 five-gallons. One of the soldiers look one of the two cups that
09:49:35 20 was in the big bowl. He took one of the cups, he poured the palm
21 wine into the cup. Another one took the other cup and poured
22 palm wine into the cup. They started drinking and were seated.
23 We were watching them and they drank. They drank for a while.
24 One of them left us and sat apart. He took something from his
09:50:03 25 pocket, white paper. He looked into his other pocket and that
26 thing was in a plastic bag. It was some leafy stuff. I didn't
27 know what leafy stuff. He wrapped that leafy stuff in the paper
28 and they wrapped it and they lit it. They started smoking. They
29 smoked for a while. They smoked in turns. When the one smoked

1 he came back and drank palm wine and went back to smoke. They
2 said, "We are now in a small party, all of us together." So they
3 smoked in turns. One would smoke, come back, drink palm wine, go
4 back and smoke. We were watching them.

09:50:53 5 Q. So, Mr Witness, did you leave this place eventually --

6 PRESIDING JUDGE: Could you repeat the question please, a
7 little closer to your microphone.

8 MS NGUNYA: My apologies. Okay.

9 Q. Mr Witness, so did you leave this place?

09:51:10 10 A. We were going towards Tombodu. We were now moving to
11 Tombodu. They said there was a party, so they had a party while
12 we were watching. So we all got up and started going towards
13 Tombodu. We travelled until we arrived at the first house in
14 Tombodu, just across the river on the left-hand side. We found
09:51:32 15 one other soldier there and he came outside and said, "Where are
16 you from, all of you?" He said, "Where are you from?" He said
17 where we come from -- one of them replied that he didn't know the
18 villages they came from. He said, "These things that you've
19 brought, won't you leave some of them with us here?" They said,
09:51:53 20 "We are taking this to our boss, we are not leaving anything with
21 you. Our bosses have not seen anything yet, and we should leave
22 them here?" He said, "Okay, we'll meet you where are you going."
23 I didn't know where they were going to meet us. We went ahead.
24 We went and arrived in the town. One of the soldiers said, "Let
09:52:09 25 us move apart." We went to another house and stood there. The
26 luggages were alighted, they took some of them and put them into
27 that house. Whether he was sleeping there or not I didn't know.
28 So he came out of the house. One of the soldiers came out.
29 "Where did you come with the slaves from?" He said, "We don't

1 know where we caught them from, I don't know the name of the
2 town."

3 Q. Mr Witness, just to be clear for the Court, is it the same
4 soldier who went into the house who came out again?

09:53:08 5 A. The one we arrived, it is the one that entered the house.
6 When he came out, another person that was not with us came out
7 and asked where did you bring the slaves from. He said, "These
8 slaves were wandering in the bush and we came." And he said,
9 "look at me. It is me that they refer to as Small Mosquito." He
09:53:48 10 said, "My name is Small Mosquito." We said okay. They said, "We
11 are going to our boss." We stood in front of them. Some of them
12 were behind us, others were ahead of us. We went up and we
13 arrived at their boss's house. They said we should sit down.

14 Q. Mr Witness, you said their boss's house. Can you identify
09:53:50 15 this house where you went to?

16 A. Yes. There was once a court chairman and his name was
17 Chief Tei. It was at Chief Tei's house.

18 Q. Okay, Mr Witness, we had reached where --

19 PRESIDING JUDGE: Spelling.

09:54:23 20 MS NGUNYA: I'm sorry, T-E-I.

21 THE INTERPRETER: He is spelling Tombodu for us.

22 MS NGUNYA:

23 Q. Mr Witness, we had reached the place where you had reached
24 this compound. What happened next?

09:54:48 25 A. When we arrived at the compound they removed the luggages
26 from our head and they placed them at the centre of the open
27 space. One of the soldiers came out and we looked at them and
28 they were all sitting down, large number of them, everyone with a
29 gun, all their guns were leaning. We didn't know if they were

1 having a meeting or not. Then one of them got up.

2 Q. Mr Witness, can you estimate about how many soldiers you
3 saw in this compound?

4 A. I have sworn on the Bible and I will not be able to tell
09:55:35 5 the exact number because I don't remember. But it was a large
6 number of them. Many of them were sitting down and their guns
7 were leaning. Maybe they were having a meeting. We don't know
8 what meeting they were having.

9 Q. Okay. So, Mr Witness, we had reached where one of the
09:55:54 10 soldiers got up. What happened next?

11 A. He got up, left the crowd and stood apart. That's when I
12 knew the boss. So he saluted. He stamped his feet and saluted,
13 he raised his hand towards the side of his head and he said,
14 "Mr Savage, sir." He called him, he said he is called Savage.
09:56:32 15 Then he told Savage, "Where you sent us we have arrived. Here
16 are the luggages that we've brought." Then he turned round and
17 looked at us and said we should sit down. We sat on the steps.
18 Then Savage arrived.

19 Q. Mr Witness, at this time can you recall how many captives
09:56:55 20 you were?

21 A. Those of us who were sitting on the same side, there were
22 14 of us, 14 of us civilians. Fourteen of us when I counted.
23 Those of us who were sitting apart, those civilians. I mean,
24 civilians would know each other when they are in the middle of
09:57:24 25 large number of soldiers. There were 14 of us.

26 Q. Okay. So, Mr Witness, there are 14 of you and you are on
27 the side. What happened next?

28 A. While we were seated, now they've told us that this man's
29 name was Savage. So Savage came and he brought a cutlass. I was

1 the first person in front. He asked me, he said, "Where were
2 you?" He said, "We came to free you." The same thing that the
3 others told us where they found us. He said, "Those of us, we
4 have come here to free you, to save you. Why didn't you come in
09:58:06 5 time?" We said we didn't know. We heard gunshots and we heard
6 jets moving ahead so we were not able to sit in town. We were
7 afraid. Then I got up, then he slapped me on my back with a
8 cutlass and I shouted. Everybody was watching. Then he said,
9 "You, you are the people who killed soldiers." And I said, "It's
09:58:35 10 not possible. We don't kill soldiers. Ever since I've been
11 born, now I am growing old, if you see me holding a machete, I am
12 brushing a bush, to farm. Myself and my wife, we make potato
13 heaps, we plant potatoes, we plant cassavas, we plant different
14 crops. Do you think I have enough power myself to kill a
09:58:58 15 soldier?" I said, "This is very fearful for me. I can't kill a
16 soldier." I said, "That's not possible. I can't kill a
17 soldier." He didn't believe me. He came, he said I've lied. He
18 hit me on my leg with a cutlass and cut me, cut me on the other
19 leg as well.

09:59:25 20 Q. Mr Witness, could you indicate to the Court which leg was
21 cut?

22 A. You can see the marks on my feet.

23 THE INTERPRETER: He is taking his feet out.

24 THE WITNESS: See, I have a mark on my right leg. See it's
09:59:41 25 a long mark. You see this other one on the other, left leg. Do
26 you see it? I was flogged and I was wounded. I was flogged. My
27 eyes were all flogged and I can't see properly right now.

28 MS NGUNYA: For the record, Your Honours, could the record
29 show that the witness has indicated a part on his upper right

1 calf and also indicated his left calf.

2 Q. Please proceed, Mr Witness.

3 A. Then the one who called himself Small Mosquito, I said,
4 "Look at this amount of beating that I have received, can't you
10:00:27 5 speak to them?" He had a gun and they were drinking. He took
6 his gun and I was standing complaining to him about my -- I want
7 you to come closer. He stuck the bayonet on my side, this is my
8 side, my left side. This is the mark. The scar. Can you see
9 the scar?

10:00:58 10 MS NGUNYA: Your Honours, for the record, could the record
11 show that the witness has indicated an area, left rib area.

12 Q. Please continue, Mr Witness.

13 A. Then, I couldn't say anything. All my friends were sitting
14 down, look at me. I didn't say anything. All I thought about,
10:01:24 15 maybe this is time for me to die. Then he said, he said, "All of
16 you sitting here, you civilians" --

17 Q. Mr Witness, when you say "he said", who said "all of you
18 civilians"? Okay, Mr Witness, you mentioned that somebody said
19 that, "all of you civilians sitting here", who said that?

10:01:55 20 A. Savage himself. Savage. He was standing up. He said,
21 "All of you sitting down," when this guy stabbed me with the
22 bayonet on my left side, Savage said, "All of you sitting down,
23 I'm going to cut off your hands". The one that stabbed me with
24 the bayonet said, he said we should be tied. He said we should
10:02:27 25 be tied. Then he told the other soldier, "Call them all to come
26 over here". These were big men, they had power at the time. We
27 were at their mercy. It was up to them. They tied us up. They
28 tied me. They laid us criss-crossed, yes. They laid one and
29 crossed the other on top of it and they crossed the other on top.

1 That's how they laid us. They criss-crossed us on top of each
2 other tied up. The 14 of us all. The one that said his name was
3 Mosquito and they were still drinking, they were standing at a
4 higher ground and we were lying down on the floor. He took out
10:03:11 5 his penis and while we were lying down he pissed on us. He
6 pissed on us. And I said to myself, "This is now the hour. This
7 is the hour. This is the hour." He took one mattress out. We
8 refer to it as local mattress. It's grass tucked into sacks. He
9 looked at the sack of mattress. He said, "Bring the mattress
10:03:37 10 here," and they brought the mattress. While we were lying down
11 tied, he said let them lay the mattress on top of us. They laid
12 the mattress on top of us. He said let them bring fire. They
13 brought fire. They lit the mattress. And they lit the mattress
14 while we were lying underneath. Well, the fire started blazing
10:03:59 15 and they were just standing there looking at us, Mosquito and the
16 other soldiers. The fire caught. What, 14 of us are all going
17 to die here under this fire? Then they tied me, but my rope was
18 loosened and I started moving. You can look at my back, I think
19 fire burnt me. My shoulder. [Witness indicates] You want to
10:04:29 20 come and look at it? The fire burnt me on my shoulder. I didn't
21 wait.

22 MS NGUNYA: Your Honours, for the record, could the record
23 show that the witness has indicated his right shoulder area, the
24 back of the shoulder.

10:04:51 25 Q. Please continue, Mr Witness.

26 A. Then the fire started burning us. So I wriggled myself
27 out. I said, "Let it happen. I'm not going to lie here and get
28 burnt." I pushed myself out and I kicked the mattress and
29 everybody scattered. I knew that was fearful. Savage got up.

1 He said, "You see, that's what I said. These are the ones who
2 kill soldiers." He came and repeated. He swept my feet from
3 under my feet and I fell down on the ground. He struck me on my
4 face. I can't see properly with my eyes. Up to this moment I
10:05:31 5 can't see very well. I went to hospitals. Anything that God has
6 said for you is what in return. I mean, they're still giving me
7 medication, but I can't see properly. I can see with only one
8 eye. I was badly flogged. My back, my lower waist; so much
9 flogging.

10:05:55 10 Q. So, Mr Witness, you were beaten by Savage. What happened
11 next?

12 A. Therefore, then he said, "I have told you that and you
13 don't believe. These are the ones who kill soldiers." He
14 said -- he told the soldiers to go and look for vehicle tyres.
10:06:15 15 He wanted to show them that we are the ones -- these are the ones
16 that kill soldiers. So I said to him, "I can't kill a soldier.
17 I have never touched a gun in my life. Cutlass, yes, I use for
18 working in the bush. I don't touch guns. I am afraid of guns.
19 Me to kill soldiers?" They looked around for tyres and they
10:06:37 20 couldn't see any vehicle tyres. They wanted to place the tyre
21 around my neck.

22 Q. Mr Witness, they don't find a tyre. Did anything happen
23 after that?

24 A. They didn't find it. Then, when they didn't see the tyres,
10:06:55 25 they came. He said, "I'm going to amputate all your hands, all
26 of you here." Then I said, "Oh, my God". I said, "This is the
27 worst moment." I said that in my mind. I couldn't speak out.
28 As he moved around I also followed him. I just -- you cut off a
29 human hand. I just didn't believe that. I cried. I cried in my

1 mind. Can you cut off a human hand? We are made in the same
2 way. Do you cut my own hand? I just felt afraid. I followed
3 him. He said, "This is where we cut people's hands." There was
4 an orange tree standing there. He said, "Come here." I came.
10:07:37 5 He said, "You are going to place your hand on this orange root.
6 You see the cutlass marks there?" I said my mother gave birth to
7 me, my hands were not cut, in my mind. He said, "Come on, lay
8 down your hands. Lay it." Then I laid my hand. I said, "Here
9 it is." I said, "But my mother gave birth to me and I had no
10:08:03 10 amputation. Now you are cutting my hand." He raised the cutlass
11 and he wanted to bring it down. I removed my hand. The cutlass
12 actually cut into the root. He removed the cutlass. He said,
13 "Let me tell you, if I missed you the next time I'm going to cut
14 you on the back of your neck. I will cut you on the back of your
10:08:27 15 neck. I will cut you on the back of your neck, yes." I said to
16 myself, "Can he do that to me?" What could I do? These were the
17 biggest human beings in the world at that time. I laid my hand.
18 In my mind -- I didn't have the mind, but I just laid my hand. I
19 was so afraid. These were big men at the time. I have not been
10:08:45 20 amputated when I was -- and the cutlass cut my hand. Cut my
21 bone. And I toileted on myself. Yes, I shit in my trousers. I
22 really shit -- look, a big man like me. He said, "This is not
23 enough, so lay it down." So -- I laid my hand. He raised the
24 cutlass and cut my hand off. Can you see it? [Witness indicates]

10:09:17 25 THE INTERPRETER: He raised his right hand.

26 MS NGUNYA: For the record, Your Honours, could the record
27 show that the witness has raised his right hand and that there is
28 a scar on the outside of his right hand and that the fingers are
29 mangled.

1 Q. Please hold up your hand for the Court. [Witness
2 indicates]

3 A. Do you see? I have sworn on the Bible. I will not lie. I
4 was not born like this. Savage did this to me. Savage did this
10:09:54 5 to me. Then I took my hand that was cut --

6 Q. Okay, so you take your hand that is cut. What happened
7 next?

8 A. All my friends were looking at me. They were looking at
9 me. I raised my hand and lay it on my head. The blood started
10:10:15 10 coming down my eyes, my face and everything and they all got up
11 and they ran away. They ran away. And then Savage shouted. He
12 said, "Commander, you take the guns," and they shot and one of
13 the people fell. I shouted myself, I said, "This is the moment."
14 I brought down my hand. I sat down. I started going backwards
10:10:43 15 slowly. I know Tombodu a little bit. While I started going
16 behind and I escaped. But I heard gunshots and I went into the
17 bush with my hand. I went back to where my children --

18 MS NGUNYA: Mr Witness, I would like to thank the witness
19 for his testimony. That's the end of my examination-in-chief.

10:11:09 20 PRESIDING JUDGE: Thank you, Ms Ngunya.

21 THE WITNESS: Thank you.

22 PRESIDING JUDGE: Mr Manly-Spain, do you have questions for
23 the witness?

24 THE WITNESS: Should I not speak any more?

10:11:30 25 PRESIDING JUDGE: Just wait a little bit, Mr Witness. The
26 other lawyers may have some questions for you. So please wait
27 patiently.

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

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

1 CROSS-EXAMINED BY MR MANLY-SPAIN:

2 Q. Mr Witness, good morning.

3 A. Yes, good morning.

4 Q. Mr Witness, during this period, March 1998, did you come
10:12:00 5 across any other group of soldiers apart from Savage's men?

6 A. At that time, the ones I saw, these are the only ones I
7 saw. I just didn't see others. I just saw the same people.

8 Q. Mr Witness, did you see any soldiers at Tombodu?

9 A. This is what I have said. I saw a lot of them there. This
10:12:56 10 is what I have been saying.

11 Q. Mr Witness, did you see Savage amongst them?

12 A. I knew Savage at that period, the time I was -- my
13 amputate -- my hand was chopped. And it was Savage himself that
14 did it.

10:13:22 15 Q. Mr Witness, I'm asking about Tombodu, when you first -- was
16 that where you first saw soldiers in this red vehicle?

17 MS NGUNYA: Your Honour, with your permission, may I ask
18 that the question be put more clearly, because he's been to
19 Tombodu twice. He started off there and he's back there now at
10:13:46 20 the last incident.

21 MR MANLY-SPAIN:

22 Q. Mr Witness, when was the first time that you saw soldiers
23 in 1998?

24 A. It was that time, what I said, that was the time I saw.
10:14:09 25 Not the time I was in school when I used to see soldiers. The
26 period in which I was amputated or my hand was chopped, that was
27 when I saw the soldiers. I saw soldiers in Tombodu.

28 Q. Was it before you left Tombodu to go to Wordu?

29 A. They caused our flight from Tombodu before I even went to

1 Wordu.

2 Q. When you first saw them in Tombodu did you see Savage
3 amongst them?

4 A. I didn't know him. I said the only time I could identify
10:15:08 5 him was when we were brought to Tombodu and his name was called
6 and they said his name is Savage and he was their boss and they
7 gave everything that they brought back from the spree to him.
8 That's when I knew he was Savage.

9 Q. Mr Witness, do you remember making a statement to the
10:15:38 10 Office of the Prosecutor -- sorry, investigators of the Special
11 Court?

12 A. I don't quite understand what you've said.

13 Q. Please explain to me if you could remember making a
14 statement to the investigators of the Special Court on 26th
10:16:12 15 January 2004?

16 A. I don't know. I don't want to lie. I don't know.

17 Q. Do you remember making a statement at all to the office of
18 the -- to the investigators of the Special Court?

19 A. I won't lie. What I saw, investigator or inspector, I
10:16:58 20 don't know.

21 Q. Have you ever met somebody called Morie Lengor?

22 A. That's what I've said. I've said I don't know. I mean, I
23 have not -- I don't write. I mean, my hand is destroyed, how can
24 I write? How will I know Morie Lengor? I don't know.

10:17:36 25 Q. Mr Witness, have you ever been in 2004, January 2004, to
26 Ahmadiyya Secondary School Tombodu?

27 A. That's our school and when we go around town we go there.
28 I go there. My children go to school at that school. So I do go
29 there.

1 Q. Did you go there in January 2004 to make a statement to an
2 investigator of the Special Court?

3 A. I don't remember. I mean, people used to come around.
4 Many people have come to that place. After the war many people
10:18:38 5 have been going to the place. But I do not remember.

6 Q. Mr Witness, before you came to give evidence today did you
7 speak to anybody from the Special Court?

8 A. How?

9 Q. Did they interview you about what happened to you?

10:19:19 10 A. Those who had sympathy for us, and they saw my hand
11 deformed, so they told us that they were going to redress some of
12 these evil things that have happened to us. So if I've come here
13 I've explained exactly what has happened.

14 Q. Mr Witness, did anybody from this Court at any time
10:19:45 15 interview you and wrote down what you were saying?

16 A. Many people have gone to our village and many writings have
17 been taking place and we go to meetings in the barri and people
18 say we are here for this, we are here for that and they write
19 down things. But I really don't specifically remember someone
10:20:25 20 going to me and writing things down, what I say.

21 Q. Mr Witness, when was the first time that you came to this
22 complex, this Special Court complex?

23 A. Well, this person that is asking me, I have seen him today.
24 Today is the day that I have entered this building.

10:21:11 25 Q. Is today the first time that you have been to this
26 building?

27 A. Well, both of us saw each other only today. I mean, what
28 do you mean, is today not the first day.

29 Q. Mr Witness, can you write your name?

1 A. I did write, but look at my hand. Do you think I can write
2 with this hand at this moment? Look at my hand, sir. Look at my
3 hand. Can you see my hand? Do you think I will be able to write
4 with this hand? Look at my eye. I can't even see with one of my
10:22:05 5 eyes and you can see my hand. How can I write with this hand?
6 Can you look at my hand? How can I write with this hand? I used
7 to write, yes. But with all what has happened to my hand, I
8 can't write any more. This is not how my mother gave birth to
9 me. Are you laughing at me? Is this how my hand was when I was
10:22:28 10 born? Are you seeing me? Look at my hand. This is not how my
11 mother gave birth to me. I swore to the Bible and I spoke the
12 truth. Is this how my hands were with my eight children, how can
13 I work for them? And you are asking me whether I can write. How
14 can I write? You are not sympathising with me.

10:21:45 15 [TB010706B - EKD]

16 Q. Mr Witness, would you please just answer my question?

17 MR HODES: Objection, Your Honour. The witness was
18 answering his question. The question was can you write and the
19 witness is free to explain his answer.

10:23:07 20 MR MANLY-SPAIN: I am surprised my learned friend has
21 stated that is an answer to my question. He was asking me
22 several questions. I don't think questions can answer a
23 question. But with your leave, Your Honour, I am applying for
24 the original of his statement that has been disclosed to us and
10:23:30 25 copies which have been served to us. It starts at page 7917.
26 Unfortunately, it is undated. I would like to show this witness
27 his statement to ask him whether he signed that statement.

28 PRESIDING JUDGE: Ms Ngunya, do you have the original
29 document?

1 MS NGUNYA: Your Honours, we will need about 10 minutes to
2 bring it down because it is not in court. With your permission
3 perhaps we could take a short break.

4 PRESIDING JUDGE: Mr Manly-Spain, we have got a logistical
10:24:19 5 problem. There is a copy -- a handwritten copy on supply both to
6 yourself and to the Bench.

7 MR MANLY-SPAIN: If we can get a copy that has not been
8 written on, a clean copy, I do not mind. Because I have things
9 all over mine.

10:24:40 10 PRESIDING JUDGE: I understand. Is there an unmarked,
11 clean copy that can be used to put to the witness?

12 MR MANLY-SPAIN: Please, can you pass it up to the witness.

13 THE WITNESS: I don't see very well. I mean, what is this?

14 PRESIDING JUDGE: [Microphone not activated]. Wait a
10:25:46 15 moment, please.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: Ms Ngunya, the original will be brought
18 to court, won't it, during the break?

19 MS NGUNYA: Yes, it will, Your Honour.

10:27:18 20 PRESIDING JUDGE: Very well. Proceed on, Mr Manly-Spain.

21 THE WITNESS: I have finished explaining. I mean, I don't
22 have anything to say. What they did to me in the bush --

23 JUDGE SEBUTINDE: Mr Witness, we on the Bench would like to
24 advise you this is a trial, you are a witness giving evidence.
10:27:42 25 There are two sides to this trial. The one side of the lawyers
26 has asked you some questions and that part is now finished. Now
27 we have to look at the other side as well, and they also have to
28 ask you questions and you are required under the law to answer
29 those questions. So it is not as if you have just come to tell

1 your story. We are conducting a trial. We would, please, kindly
2 request you to respect those rules of the Court and just listen
3 to what the lawyers are asking and try your best to answer the
4 questions truthfully. Do you understand?

10:28:21 5 THE WITNESS: I am here, I am sitting.

6 MR MANLY-SPAIN:

7 Q. Mr Witness, do you see the document before you?

8 A. This written document, yes, I've seen it. This written
9 document, I've seen it.

10:28:45 10 Q. Can you read a little?

11 A. My eye, I have told you -- I have told you my eye when I
12 was flogged was destroyed. I can't see very well. How can I
13 read?

14 Q. Mr Witness, please assist the Court. Can you see a little?

10:29:15 15 Can you read your name?

16 A. My name -- I can scribble my signature, but I can't write,
17 I can't read. They write for me right now.

18 Q. Okay, Mr Witness. Please look at the document. I don't
19 want you to call out your name. I am simply asking you if you

10:30:00 20 can see your name at the top of that document on the left-hand
21 side.

22 A. There are many names, so I can see Mr SK.

23 Q. Look at the top, Mr Witness, right at the top on the
24 left-hand side.

10:30:40 25 MR MANLY-SPAIN: Your Honour, may I ask respectfully for
26 assistance from Court Management to the direct him to what I am
27 asking him about?

28 PRESIDING JUDGE: Madam Court Attendant, could you please
29 indicate -- first take an indication from counsel and then

1 indicate that same place to the witness on the document in front
2 of the witness.

3 MR HODES: Your Honours, I would ask the Court's assistance
4 also to make sure that the witness understands that he does not
10:31:22 5 have to read his name and not even use the initials. And if
6 Mr Manly-Spain could direct his questions in a very succinct yes
7 or no; do you see your name, do you recognise your name, yes or
8 no, in certain locations that would perhaps facilitate this line
9 of questioning.

10:31:39 10 PRESIDING JUDGE: Mr Witness, we do not want you to read
11 your name out or to read any other names out. We don't want you
12 to read the initials, but just to answer the questions. Do you
13 understand me?

14 THE WITNESS: Yes, I understand.

10:32:06 15 MR MANLY-SPAIN: Madam Court Attendant, please direct him.

16 THE WITNESS: I can see it. I can see the writing.

17 MR MANLY-SPAIN:

18 Q. Last page, please. I want you first to direct him to where
19 we have written affirmation. Again I am asking you not to read
10:32:40 20 out the name there. Just to answer whether you see your name
21 written there.

22 A. I see a name written there.

23 Q. Is that your name?

24 A. Though I see it is my name you have asked me not to call my
10:33:07 25 name.

26 Q. Just say yes, it is my name or no, it is not my name.

27 A. He has asked me to answer yes whether it's my name or not
28 my name, and I have seen a name written down. What does he want
29 me to do? To say it is my name or to say it is not my name?

1 Q. Yes, that is what I want you to do.

2 A. It is my name.

3 Q. Finally, I want you to direct him, please, to where we have
4 signature. Written. Have you seen it, Mr Witness?

10:34:05 5 A. Yes, I've seen it.

6 Q. Is that your signature?

7 A. Yes.

8 Q. Who wrote it?

9 A. I can write my signature, I can't write continuously. I
10:34:32 10 can manage, I can scrawl and press and sign a signature.

11 Q. Thank you, Mr Witness. I am just asking you who wrote that
12 signature or who signed that signature?

13 A. That's what I've said. I've said I can sign. I can manage
14 to sign, but I can't write continuously.

10:34:57 15 Q. Yes, I thank you for saying that. But what I am asking you
16 is who did that on that document?

17 JUDGE SEBUTINDE: Mr Manly-Spain, the witness has answered.
18 Do not protract questions.

19 MR MANLY-SPAIN: I beg to differ, Your Honour. He has not
10:35:15 20 answered --

21 JUDGE SEBUTINDE: The witness has answered and done more
22 than answered.

23 MR MANLY-SPAIN: No, Your Honour.

24 JUDGE SEBUTINDE: But you're protracting your questions as
10:35:21 25 if you're engaging in an argument.

26 MR MANLY-SPAIN: No, Your Honour, I'm sorry.

27 JUDGE SEBUTINDE: The witness has answered and I take
28 exception to you arguing with me over that.

29 MR MANLY-SPAIN: I'm sorry, but I've --

1 JUDGE SEBUTINDE: He said he's the one who put that
2 signature.

3 MR MANLY-SPAIN: No, he has not said that, Your Honour. He
4 has not said that. He is saying I can scribble, I can sign, I
10:35:43 5 can do that --

6 JUDGE SEBUTINDE: Then please ask the witness again
7 regarding his signature and Mr Witness, please answer yes or no
8 to the question.

9 MR MANLY-SPAIN:
10:35:54 10 Q. Mr Witness, did you sign that signature on that piece of
11 paper?

12 A. I have said this three times. I've answered three times.
13 I don't know what he wants. I've said yes three times. I've
14 said I do not write continuously. I can manage to sign my
10:36:14 15 signature. If I could write I would have written and they would
16 give me paper I would write. What do you want me to say? I have
17 said yes, I managed to sign my signature and that is it.

18 Q. Did you sign that?

19 PRESIDING JUDGE: He has answered this time,
10:36:35 20 Mr Manly-Spain. I have recorded as follows: I have said three
21 times yes. Three times yes.

22 MR MANLY-SPAIN: As Your Honour pleases.

23 PRESIDING JUDGE: That is the record.

24 MR MANLY-SPAIN: I'm much grateful.

10:36:45 25 Q. Mr Witness, do you now remember making a statement to the
26 investigators of the Special Court?

27 A. The evidence I have given, is that not what we are
28 discussing. He has asked me in the first place whether this was
29 my first day of entering the Court and I said yes. He doesn't

1 know me, I never knew him before. This was the first day both of
2 us are meeting. I'm just giving the truth here.

3 PRESIDING JUDGE: Mr Witness, we understand what you said
4 and we understand this is the first day in court. What the
10:37:37 5 lawyer is asking you about is a meeting. Was there a meeting
6 with you and an investigator of the Special Court on a different
7 day? That is what the question is about. Do you understand the
8 question?

9 THE WITNESS: I understand.

10:37:56 10 PRESIDING JUDGE: We would like to hear your answer to the
11 question about a meeting on a different day if there was a
12 meeting. Please answer those questions.

13 THE WITNESS: People went to Tombodu and they asked for all
14 those who've been amputated or injured during the war. They
10:38:29 15 wanted all of us to come up and we came. And they asked me how I
16 was injured, how I was amputated or chopped, and I explained.
17 And it was in the court barri, the chiefs were there, those who
18 were injured, those who were mutilated. All of us went there.
19 And they wrote everything and they asked us to sign and it was
10:38:48 20 not me alone. There was large number of us. Some of them had
21 amputations; some of them had their ears cut off; some had their
22 legs cut off; some were injured in various kinds of ways. And
23 they called us and they called our names some had right
24 thumbprints they had stamp pads and some were given pens and told
10:39:12 25 to sign. Some had two hands cut off, people signed on their
26 behalf. Some of them had their wives sign for them because they
27 had both hands cut off. Those who had one hand could manage to
28 scribble our signatures. That's why I'm here in the Court. This
29 man see me, see this, I'm not alone. There were a large number

1 of us who were injured and each time they called us we would come
2 to the court barri. They would ask us where did they amputate
3 your legs, we explain who did it, we explain; who cut off your
4 hands, we explain. That is why I am here in this Court today.

10:39:50 5 MR MANLY-SPAIN:

6 Q. Mr Witness, please listen to my questions. I want to read
7 a section of your statement to you, the one you have admitted
8 that you made.

9 MR MANLY-SPAIN: Your Honours, may I respectfully refer to
10:40:06 10 page 7918. From the 6th line in the handwritten statement.

11 PRESIDING JUDGE: Incidentally, just before you put it to
12 the witness, Mr Manly-Spain. Will you have many questions -- we
13 will let this one go -- will you have many?

14 MR MANLY-SPAIN: I have a few more, quite a few more.

10:40:38 15 PRESIDING JUDGE: We will take a break at the end of this
16 question.

17 MR MANLY-SPAIN: Yes.

18 Q. Please listen, Mr Witness. "Whilst in Tombodu, a red Land
19 Rover drove to the Ekuma Junction from which one Sahr Buffa alias
10:40:59 20 Savage alighted." Did you say to the person who took down your
21 statement?

22 A. That is why I said the day, the day he cut my hand. That
23 was the day I knew that he was Savage.

24 MR MANLY-SPAIN: Please Mr Witness -- please,
10:41:36 25 Mr Interpreter, put my question again. Did he say that to the
26 person who took my statement?

27 Your Honour, I've not been getting the translation.

28 PRESIDING JUDGE: Mr Interpreter, did the witness answer
29 the question.

1 THE INTERPRETER: No, he didn't.

2 PRESIDING JUDGE: I see. Mr Witness, we did not hear your
3 answer. Did you hear the question?

4 THE WITNESS: Let him please repeat.

10:42:45 5 MR MANLY-SPAIN:

6 Q. I will read again what the investigator wrote down in your
7 statement which you have signed: "Whilst in Tombodu a red Land
8 Rover drove to the Ekuma Junction from which one Sahr Buffa alias
9 Savage alighted." Did you say that to the investigator who took
10:43:21 10 down your statement?

11 A. I said the day the vehicle arrived, soldiers came down,
12 many of them. Then we ran away. I said I wasn't going there and
13 I said my children were small, I'm not going there. At that time
14 I did not know his name.

10:43:40 15 Q. Mr Witness, my question is whether you said that to the
16 investigator. I did not ask you what happened.

17 A. On that day, the day the red Land Rover arrived. The day
18 the Land Rover arrived, is that the day that you're talking about
19 that I knew that name on that day?

10:44:13 20 PRESIDING JUDGE: No, we are asking about the words you
21 used when you spoke to the man at the court barri or sorry, at
22 the secondary school at Tombodu. What words did you use there?

23 MR MANLY-SPAIN:

24 Q. Do you want me to read it again?

10:44:38 25 A. I understand. What I said on that day, those who called us
26 and took our statements, those said, "Come all of you that have
27 been injured during this war." And the town crier used to go
28 around and really say, "Hey, the people have come who want to get
29 information from you." So we all went there and they wrote down

1 what we said. And someone will be asking at that time, "Hey,
2 maybe Savage did that to you, maybe Savage did that to you."
3 Then I said I didn't know the name at that time.

4 JUDGE SEBUTINDE: Mr Witness, please gather your thoughts
10:45:17 5 and listen to the question. The lawyer has read certain words
6 out to you. You heard those words. And he is asking you did you
7 say those words to the people who interviewed you. The answer is
8 yes or no. The answer is yes or no. What is your answer?

9 THE WITNESS: Yes, I said so when they called me. I told
10:45:48 10 them what happened to me.

11 MR MANLY-SPAIN: Mr Witness, let me --

12 PRESIDING JUDGE: Mr Manly-Spain, I think maybe it is
13 appropriate to have our brief adjournment at this time. We will
14 have 15 minutes adjournment. Madam Court Attendant, please
10:46:06 15 adjourn court for 15 minutes.

16 [Break taken at 10.40 a.m.]

17 [Upon resuming at 11.00 a.m.]

18 MR HODES: I just wanted to advise the Court that the
19 original of that document is now available if necessary.

11:06:57 20 PRESIDING JUDGE: Thank you, Mr Hodes.

21 MR MANLY-SPAIN: Thank you.

22 PRESIDING JUDGE: It should be shown to counsel for the
23 Defence before we proceed on.

24 JUDGE SEBUTINDE: Madam Court Attendant, please assist.

11:07:33 25 MR MANLY-SPAIN: Madam Court Attendant, please pass it to
26 the witness and retrieve the other one. Thank you.

27 Q. Mr Witness, I am going to continue to read from your
28 statement.

29 JUDGE SEBUTINDE: Mr Manly-Spain, maybe we should explain

1 to the witness. He saw an exchange of documents and I am not
2 sure he understood what is going on. Mr Witness, they have taken
3 away the previous document from you and put another document in
4 front of you. Now, this new document is the original document.
11:08:24 5 The first document was a photocopy of that document so it is
6 really the same document, but this is now the original document
7 which is in front of you. And the lawyer is now going to proceed
8 and ask you questions, continue asking you questions from this
9 original document. Do you understand that?

11:08:45 10 THE WITNESS: Yes.

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

12 Q. Mr Witness, I am going to continue to read from that
13 document. After I read a section I will ask you a question.
14 "Savage was then an SLA soldier. He was born in Nimikoro to
11:09:12 15 Pa Buffa." Did you say that to the person who wrote down your
16 statement?

17 A. I said -- I told you that no, I didn't say so. Three
18 times.

19 Q. As Your Honour please. I will read again -- continue to
11:09:35 20 read. "But because he was born in Freetown and, according to my
21 information, to a Krio woman, that was why he was given the name
22 of Savage." Did you say that to the investigator, the person who
23 took your statement?

24 A. I did not say anything about that. I said I did not know.

11:10:08 25 Q. Again I will continue. "I saw him giving out 5,000 Leones
26 to bystanders, but at this time also I saw many soldiers dressed
27 in military uniform walking about." Did you say that to the
28 person who took your statement?

29 A. They told me that combats have arrived. I did not go there

1 and I did not see him.

2 Q. Mr Witness, I want to ask you whether, when I was
3 questioning you before we went on a break, you said that answers
4 were suggested to you by the people who took your statement.

11:11:22 5 PRESIDING JUDGE: I don't think that's entirely fair,
6 Mr Manly-Spain. That was not what was conveyed to me. What was
7 conveyed to me was that people were talking and were saying to
8 him maybe it was Savage.

9 MR MANLY-SPAIN: Yes. Well, let me put it that way.

11:11:42 10 Q. Whilst the investigator was taking your statement, did he
11 suggest to you that maybe it was Savage who did it to you?

12 MS NGUNYA: Again, Your Honour, a repeat of what you have
13 just said.

14 PRESIDING JUDGE: Mr Manly-Spain is entitled to put that
11:11:58 15 precise question in the way he has put it. He has put it in a
16 different way now.

17 MS NGUNYA: As the Court pleases.

18 MR MANLY-SPAIN: Much obliged.

19 PRESIDING JUDGE: Mr Manly-Spain, repeat your question to
11:12:23 20 the witness as he may not have heard it.

21 MR MANLY-SPAIN: Yes.

22 Q. Mr Witness, I am asking whether at the time your statement
23 was being taken it was suggested to you by the person taking your
24 statement that maybe it was Savage who had cut your hand?

11:12:43 25 A. I did not understand. Please repeat the question.

26 Q. I am asking you whether it is the case that whilst your
27 statement was being taken by the investigator, this investigator
28 suggested to you that maybe it was Savage who had cut your hand?

29 A. I did not understand again. Please, help me understand

1 this clearly.

2 MR MANLY-SPAIN: Your Honour, may I preface my question
3 with something else?

4 PRESIDING JUDGE: You may preface it and we will listen to
11:13:36 5 it.

6 MR MANLY-SPAIN: Yes.

7 PRESIDING JUDGE: And then if there is anything necessary
8 to be said, it will be said.

9 MR MANLY-SPAIN:

11:13:43 10 Q. Mr Witness, before we had the break, when you were
11 answering to my question, did you say that sometimes whilst the
12 statement was being taken people would be suggesting that maybe
13 this person did it, maybe that person did it?

14 A. Nobody told me about that and I did not say so.

11:14:12 15 MR MANLY-SPAIN: As Your Honour pleases. I will go on.
16 Your Honour, I will wish to turn to -- go on to page 7920.

17 Q. Mr Witness, I'm going to read to you what you have in your
18 statement -- what is in your statement about the incident
19 involving Mosquito or Small Mosquito that you have spoke about
11:14:54 20 today, and Savage in this compound, in the compound where you
21 were taken. I will read from the beginning of the page,
22 Your Honour. "One of them Sahr Kpakama, a born of Koidu, alias
23 Mosquito, and also an SLA urinated on us and gave orders that the
24 mattress be lit up. This was done. After a while I felt a
11:15:23 25 burning sensation on my back, so I kicked the mattress off and
26 Savage asked who did it." Did you tell the Prosecutor -- the
27 person who took your statement that?

28 A. At that time there was no prosecutor.

29 Q. I am asking about the person who wrote down your statement.

1 Did you tell him that?

2 A. Yes.

3 Q. I will read on, Mr Witness. "I answered and he took me
4 out, beat me with an iron rod, slashed my right leg with a
11:16:09 5 machete and stabbed me with his bayonet on my side." Mr Witness,
6 did you say that to the person who took down your statement?

7 A. Yes.

8 Q. Mr Witness, am I right that this morning you said it was
9 Small Mosquito who stabbed you with his bayonet?

11:16:36 10 A. Yes. It was him who stabbed me and he called his name. He
11 said that was his name.

12 Q. That is Small Mosquito?

13 A. Yes.

14 Q. Mr Witness, at this time -- did you know at the time 1998,
11:17:13 15 February to April -- did you know of the RUF?

16 A. No, I didn't. I don't know.

17 Q. Is it the case that before then you had never heard of the
18 RUF?

19 A. No, then I didn't know about RUF.

11:17:47 20 Q. When did you first hear about the RUF?

21 A. When I was injured. At the time I was slashed with the
22 cutlass.

23 Q. Mr Witness, were you in Kono in 1994?

24 A. I was born in Kono.

11:18:21 25 Q. Do you remember that the RUF was in control of the entire
26 Kono District in 1994?

27 A. I wouldn't know, because I was in the bush.

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

29 PRESIDING JUDGE: Yes, Mr Graham.

1 MR GRAHAM: Respectfully, Your Honours, I don't have any
2 questions for this witness at this moment.

3 PRESIDING JUDGE: Thank you. Just a moment, Mr Graham.
4 When you say at this moment, it is at this moment or not at all.

11:19:11 5 MR GRAHAM: Not at all.

6 PRESIDING JUDGE: Very well. Mr Fofanah.

7 MR FOFANAH: Your Honours, my colleague is always taking
8 the wind out of my sail. I also do not have any questions for
9 the witness. Thank you very much, Your Honour.

11:19:26 10 PRESIDING JUDGE: Thank you, Mr Fofanah.

11 JUDGE SEBUTINDE: Mr Witness --

12 PRESIDING JUDGE: Re-examination by Prosecution?

13 MS NGUNYA: Your Honour, no re-examination.

14 PRESIDING JUDGE: Thank you.

11:19:48 15 QUESTIONED BY THE COURT:

16 JUDGE SEBUTINDE: Mr Witness, I have two questions
17 for you relating to the injuries that you sustained whilst you
18 were in the company of Mr Savage and Mr Small Mosquito. The
19 first question relates to your evidence where you said, "He took
11:20:15 20 a cutlass and slapped me on the back". What did you mean by
21 slapping you on the back with a cutlass?

22 A. When he use a machete on someone the intention is to kill
23 him. He slapped me, he wanted to kill me.

24 JUDGE SEBUTINDE: Did he just hit you with a cutlass or did
11:20:42 25 he actually cut you with a cutlass.

26 A. [No interpretation]

27 JUDGE SEBUTINDE: What is the interpretation?

28 A. He slapped me with a cutlass, then later on he cut my hand
29 with the cutlass.

1 JUDGE SEBUTINDE: Mr Interpreter.

2 THE INTERPRETER: Yes, madam.

3 JUDGE SEBUTINDE: The problem we have is with the word
4 "slapped". Are you using the right interpretation? Is it
11:21:23 5 slapped or slashed?

6 THE INTERPRETER: No, not slash. He use the flat side of
7 the cutlass to slap him on the back.

8 JUDGE SEBUTINDE: I understand. The second question is:
9 You said that you were flogged on the head, which affected your
11:21:41 10 eyesight. Is that correct?

11 A. He swept me off my feet and flogged me on my eyes. My
12 right eye, I still can't see.

13 JUDGE SEBUTINDE: With what did he flog you on your face?

14 A. He used the flat side of the cutlass and slapped me on my
11:22:16 15 face with it. And what I saw was like fire, so I couldn't do
16 anything, I fell down.

17 JUDGE SEBUTINDE: That is all, thank you.

18 PRESIDING JUDGE: Thank you, Mr Witness. That is your
19 evidence in the Court today. You are now free to leave the
11:22:37 20 Court. We have no more questions to ask you and we thank you for
21 coming. Mr Hodes, in the light of your indication this morning,
22 I gather that --

23 THE INTERPRETER: The witness want to say something.

24 THE WITNESS: I have given evidence. I'm worried about
11:23:00 25 what is my security? There are still some people in our
26 communities. What is our own security? There are still people
27 around our communities whom we're afraid of. What is our
28 security? We still have a lot of children. What do we do?

29 PRESIDING JUDGE: Mr Witness, there is a department here in

1 the Special Court called the Witness and Victims Unit. I want
2 you to talk to them and ask them this question and they will
3 answer this question for you.

4 MR HODES: Your Honours, we are aware of his concerns and
11:24:09 5 we are seeking to assist as well.

6 PRESIDING JUDGE: Did you hear the lawyer also answer your
7 question, Mr Witness?

8 THE WITNESS: That is exactly what I meant. My children
9 are small and if someone injures you with a cutlass, that's
11:24:16 10 something you will never forget. So I think that's the reason I
11 asked the question.

12 PRESIDING JUDGE: Thank you, Mr Witness. We understand
13 your concerns. If there are no other matters by either
14 Prosecution or Defence counsel, we will adjourn the Court. No,
11:25:18 15 nothing. Madam Court Attendant, in the light of application this
16 morning, please adjourn court until 9.15 on Monday morning.

17 [Whereupon the hearing adjourned at 11.20 a.m.,
18 to be reconvened on Monday, the 4th day of July
19 2005, at 9.15 a.m.]

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