

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

TUESDAY, 5 JULY 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Ms Wambui Ngunya Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager) Ms Karen Abugaber
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka (intern)

1 [TB050705A - EKD]

2 Tuesday, 5 July 2005

3 [The accused present]

4 [Open session]

09:21:30 5 [Upon commencing at 9.20 a.m.]

6 PRESIDING JUDGE: Good morning. I apologise we were late
7 starting; it was for logistical reasons beyond our control.
8 Unfortunately our learned colleague Justice Sebutinde has come
9 down with malaria and has been advised that she should not work
09:37:24 10 for a few days. Justice Lussick and I have discussed and
11 considered the Rules and what we should do in the circumstances.
12 Having considered the Rule 16 and the precedents from other
13 international criminal tribunals, we have decided that the Rules
14 permit the remaining judges to make an order that the proceeding
09:37:45 15 trial continue in the absence of the judge for a period of not
16 more than five working days. In the light of that provision and
17 in the light of the advice that Justice Sebutinde will be away
18 for about two or three days we have made the following order
19 which I will now read.

09:38:08 20 Noting that Justice Sebutinde is unable to continue to sit
21 in the trial for a short duration, being satisfied that it would
22 be in the interests of justice to continue in the absence of
23 Justice Sebutinde in accordance with the Rule 16(a) of the Rules
24 of Procedure and Evidence of the Special Court, noting the
09:38:27 25 provisions of Rule 16(a) of the Rules which provide as follows:
26 "If a judge is unable to continue sitting in a proceeding trial
27 or appeal which has been partly heard for a short duration and
28 the remaining judges are satisfied that it is in the interests of
29 justice to do so, those remaining judges may order that the

1 proceeding trial or appeal continue in the absence of that judge
2 for a period of not more than five working days".

3 Therefore, pursuant to Rule 16 of the Rules, we hereby
4 order that the trial continue in the absence of Justice Sebutinde
09:39:06 5 for a duration of not more than five working days from today.
6 That is the decision of the two judges remaining, unanimous.

7 In the light of that, we will continue. Mr Hodes, I
8 understand you have a new witness available.

9 MR HODES: We do, Your Honour. It is witness TF1-074. He
09:39:30 10 will be testifying in Krio.

11 PRESIDING JUDGE: Thank you. Unless there is some other
12 matter, I will ask Madam Court Attendant to swear --

13 MS THOMPSON: Your Honour, before the witness, I'm just
14 wondering whether -- I hear what Your Honour has said and the
09:39:47 15 order that has been made. I am just wondering whether the
16 Defence and the Prosecution -- I must admit I haven't read the
17 section of the Rules but I am just wondering whether the Defence
18 and Prosecution should not have been asked before Your Honours
19 made that order as to whether the -- especially from the point of
09:40:04 20 view of the Defence, as to whether the accused persons were
21 satisfied with two judges hearing evidence as opposed to three.

22 PRESIDING JUDGE: we looked at the rule and it says it is
23 the judges may order, but just pause. You don't have the rule in
24 front of you, Ms Thompson?

09:40:44 25 MS THOMPSON: No, I left my copy of the Rules. Your
26 Honour, I will tell you where I'm coming from. I'm just coming
27 from the point of view that --

28 PRESIDING JUDGE: Yes, let's hear what you've got to say.
29 As I said, we obviously have looked at the rule and discussed it.

1 But if you have a comment, please proceed.

2 MS THOMPSON: Your Honour, because if this were a jury
3 trial and one juror was ill, one or two jurors fell ill, the
4 Defence would have been asked as to whether -- at least my
09:41:11 5 limited experience is that the Defence is usually asked as to
6 whether the Defence is satisfied with a the trial being carried
7 on in the absence of one or two jurors. It may well be that the
8 judge will say, "well, I'm satisfied that this will be in the
9 interests of justice and expediency for us to carry on" but at
09:41:32 10 least the Defence's point of view would have been sought. My
11 basic concern is that neither the Prosecution or the Defence have
12 been asked to express a view on this matter.

13 PRESIDING JUDGE: What is your view?

14 MS THOMPSON: Your Honour, I haven't canvassed with my
09:41:47 15 client yet and neither have I canvassed with the rest of my
16 colleagues, but I am not sure what precedent this is setting and
17 I do recall that when Your Honour herself was ill we had to
18 adjourn for that afternoon. No such order was made to continue.
19 knowing what malaria is like, we don't know how long Justice
09:42:10 20 Sebutinde is going to be off sick for and it may well be that my
21 view would have been -- I always think it is better to have three
22 than two. That is my view anyway, at this preliminary stage. Of
23 course, bearing in mind always that this trial has to be carried
24 on in an expedient manner.

09:43:38 25 PRESIDING JUDGE: Is there any further comment? For the
26 purposes of counsel that wasn't present at the period Ms Thompson
27 was referring to, we adjourned court at 3.00 one afternoon when I
28 was sick. That is the period Ms Thompson is referring to.

29 Very well, if there is no further comment I will invite the

1 Prosecution to reply. Mr Hodes, you have heard counsel for the
2 Defence.

3 MR HODES: I'll stand mute, Your Honour. Really the rule
4 does speak to the situation and gives you the authority to do
09:44:34 5 what you've ordered. By the same token, I understand Defence
6 counsel's concerns. I really have no opinion

7 [Trial Chamber confers]

8 MR DANIELS: Your Honour.

9 PRESIDING JUDGE: Mr Daniels, yes.

09:47:08 10 MR DANIELS: Sorry, for this rather late interruption, but
11 we have just had instructions from our client. He has expressed
12 his concern that he would prefer that all three judges be
13 present. Given that previously a precedent has been set when I
14 believe, as you have just rightly said, that you were sick and
09:47:36 15 proceedings did not go on, in a sense a precedent has already
16 been set and we are respectfully asking that the decision taken
17 this morning be reviewed.

18 PRESIDING JUDGE: Just for purposes of record, I want to be
19 clear about this precedent that has been referred to. I had a
09:48:05 20 medical appointment one afternoon at 3.30 and we adjourned early
21 one afternoon. We did not suspend the trial really. It was a
22 difference of about an hour and a half, but I am putting that on
23 record in view of the fact it has been referred to as a
24 precedent. However, I will consider your point. Just allow me
09:48:25 25 to confer with my learned colleague.

26 MR DANIELS: Very well, My Lord.

27 [Trial Chamber confers]

28 PRESIDING JUDGE: We have heard the submissions and the
29 following is the unanimous ruling:

1 This is not a jury trial and a trial sitting with
2 professional judges, as has been pointed out in other situations,
3 differs from a common law jury trial. The obligations on the
4 Trial Chamber as has been noted by Ms Thompson are stated at Rule
09:57:07 5 26: "The Trial Chamber shall ensure that a trial is fair and
6 expeditious and that the proceedings before the special Court are
7 conducted in accordance with the agreement, the Statute and the
8 Rules with full respect for the rights of the accused and due
9 regard for the protection of victims and witnesses".

09:57:30 10 We note the precedent quoted when this Trial Chamber
11 adjourned early to allow a Presiding Judge to attend a medical
12 appointment. That was for a brief period and it was not intended
13 to set a precedent. Rule 16, when read in conjunction with Rule
14 26, is to ensure that the Court continues and that the Rules
09:57:51 15 provide that it is the remaining judges who must be satisfied in
16 the absence of the third judge, and for a short duration, that
17 the rule comes into play. The rule would be meaningless and of
18 no avail if every absence brought the trial to a halt. The
19 precedents in other jurisdictions, and I quote in particular from
09:58:16 20 the International Criminal Tribunal For the Former Yugoslavia in
21 the matter of Prosecutor and Milosevic and I have before me
22 several orders of the 6th May 2005, 28th January 2005 and 16th
23 March 2005, do not recite any submission by counsel and show that
24 the judges ruled of their own volition. We have heard and
09:58:43 25 considered the submissions of counsel but hold that the trial
26 will continue.

27 In the light of the ruling, Mr Prosecutor, we will proceed
28 on and we will have the witness sworn in. Madam Court Attendant,
29 please swear in the witness. We have noted the language will be

1 Krio.
2 WITNESS: TF1-074 [Sworn]
3 [The witness answered through interpretation]
4 PRESIDING JUDGE: Mr Alagendra, are you leading the
09:59:58 5 witness?
6 MS ALAGENDRA: Yes, Your Honour.
7 PRESIDING JUDGE: Very well, proceed on, please.
8 EXAMINED BY MS ALAGENDRA:
9 Q. Good morning, witness.
10:00:09 10 A. How do you do?
11 Q. Witness, I'm going to ask you a few questions this morning.
12 A. Okay.
13 Q. Witness, when were you born?
14 A. I was born in 197X.
10:00:27 15 Q. Witness, can you tell the Court where you were born?
16 A. Yes, sir. I was born in Kono District, XXXXX Chiefdom,
17 XXXXX.
18 MS ALAGENDRA: Your Honour, for the record, if I may spell
X-X-X-X-X and it is in Kono
10:01:01 20 District, Your Honour, K-O-N-O.
21 Q. Witness, do you remember where you were in February 1998?
22 A. Yes, sir. I was in Yomandu.
23 Q. Did you see anything happening in Yomandu in February 1998?
24 A. Yes, sir.
10:01:32 25 Q. Can you tell the Court what you saw happening?
26 A. Yes, sir. What I saw, I would say that.
27 Q. Please proceed, witness?
28 A. I was in Yomandu in 1998. During that time, the
29 intervention had taken place in Freetown. We were there, we saw

1 people retreating from here, going there. So one day we were in
2 Yomandu, we saw a Toyota coming from Koidu. It was having
3 soldiers. They were well armed with AK-47. From there they
4 asked us if there are no youths in town. We said "No", we said
10:02:31 5 "There are no youths". From there we left Yomandu. One day --

6 THE INTERPRETER: My Lord, the witness is too fast.

7 PRESIDING JUDGE: Please, Mr witness, can you talk a little
8 bit slower because the interpreter has to keep up with you and we
9 also have to keep up with you. So if you could talk a little bit
10:02:51 10 slowly, please.

11 THE WITNESS: Okay. One time we came from Dandadu, my
12 sister's workman and I. We came to Yomandu. From there, we left
13 there at about 3.00 o'clock. We saw three vehicles from wordu,
14 wordu. They came, these three vehicles, two were Toyotas the one
10:03:25 15 was a Nissan. There were soldiers in those vehicles. So we had
16 to run away. We are running when they captured my sister, one of
17 my sister's workmen who was Osman. They took him where these
18 vehicles were parked. From there I ran away into the bush. As
19 they took Osman they interviewed him. They asked Osman to show

10:03:59 20 them the road to go to Kailahun. Osman told them that he did not
21 know. They asked him again, he said, "I didn't know". He said,
22 "I was a stranger here". They still force him, they said, "We
23 were pulling out of -- with your boss to go to Kailahun". Osman
24 said, "I didn't know". Later, he was released. When they

10:04:23 25 released Osman, he came and met me. I interviewed him. I said,
26 "Osman have those men gone?" He said, "Yes." He said, "Let us
27 go, let us don't sit down here. These people are trying to pull
28 out from here with Johnny Paul." So we went to the village
29 called Dandabu. So we moved to the second village, which is

1 Dumbadu. So we are in Dumbadu for about two months and the AFRC
2 and the RUF attacked us there.

3 MS ALAGENDRA: Your Honour --

4 Q. Witness, you've told the Court --

10:05:14 5 PRESIDING JUDGE: There are a few spellings there, please,
6 before we get to the next question.

7 MS ALAGENDRA: Yes, Your Honour. In fact, with the
8 permission of the Court, I would like to ask the witness if he is
9 able to spell the name of these places.

10:05:29 10 PRESIDING JUDGE: That's fine.

11 MS ALAGENDRA:

12 Q. Witness, you have told the Court that you were in Dandadu
13 when you saw the soldiers coming.

14 A. Dumbadu, yes.

10:05:42 15 Q. Would you please spell Dumbadu for the Court?

16 A. D-U-M-B-A-D-U.

17 Q. Witness, you told the Court that when you were in Dandabu
18 you saw a vehicle coming.

19 A. Yomandu, Yomandu.

10:06:18 20 Q. Can you describe the vehicle to the Court?

21 A. Yes, sir.

22 Q. Please proceed.

23 A. The first motor car that came from Koidu is a Toyota. It
24 is a black vehicle. It has the inscription AFRC. The soldiers
10:06:39 25 who were there had full combat with AK-47s.

26 Q. Witness, did you see the soldiers and the vehicles
27 yourself?

28 A. I saw the van. The motor car stopped near us. It was not
29 a long distance that was between us. It was near us that it

1 stopped.

2 Q. What did you do after the vehicle stopped?

3 A. When the vehicle stopped and they asked for the youths and
4 we told them that there were no youths, so we later pulled out.
10:07:26 5 The second one, when the three vehicles came together, in which
6 there was Johnny Paul, so we had to run away and went to the
7 bush.

8 Q. Witness, how do you know Johnny Paul was in one of the
9 vehicles?

10:07:46 10 A. I was with my sister's workman and he was captured as I
11 told you. They interview Osman to show them the road. Osman
12 said he was a stranger. They asked him thrice, so he told them
13 that -- so the soldiers told him that they are there with their
14 boss, Johnny Paul Koroma, so they want to pull out and go to
10:08:11 15 kailahun. He said he was a stranger, he only came to mine in
16 that town, so he did not know any road there. So he was
17 released. So when Osman met me in the bush, I interviewed him.
18 He told me that it was JP Koroma that was in the vehicle. So he
19 told me to pull out, so we went away.

10:08:28 20 MS THOMPSON: Your Honour, before my learned friend goes
21 on, can I just [indiscernible] Court's endurance for her to get
22 her witness to pause at intervals. I'm struggling to take it
23 down; it's quite a lot.

24 PRESIDING JUDGE: It's tough going, Ms Thompson. All my
10:08:44 25 time to keep up with him. I will try again. Mr Witness, you
26 know this story better than we do, so we are hearing your story
27 for the first time.

28 THE WITNESS: Okay, sir.

29 PRESIDING JUDGE: And we want to hear it properly.

1 Therefore, we would like you to stop now and again to let us hear
2 it. Do you understand?

3 THE WITNESS: Okay, sir. Okay, sir.

4 PRESIDING JUDGE: This also allows the interpreter to make
10:09:14 5 sure he is also hearing you clearly. Are you clear? Do you
6 understand?

7 THE WITNESS: Yes, sir.

8 MS ALAGENDRA:

9 Q. Witness, you told the Court that you ran to the bush.
10:09:27 10 where was the bush that you ran to?

11 A. It was out of the town, when I left the town.

12 Q. Witness, did anything happen when you got to the bush?

13 A. It was my sister's workman whose name was Osman, I
14 interviewed him. I asked him whether the men had gone, and he
10:09:56 15 told me, said we should try to pull out because the men were
16 there, and that these people are trying to pull out with Johnny
17 Paul Koroma to go to Kailahun. So we left and went to Dandabu.
18 we went there, we did not meet the Pa. And the next day we went
19 to Dumbadu.

10:10:14 20 Q. Witness, what happened when you got to Dumbadu?

21 A. I was in Dumbadu for two months. That is the time that the
22 rebels and the AFRC junta went and attacked us in the village.

23 Q. Witness, how do you know that the people who attacked you
24 were from the AFRC and they were rebels?

10:10:38 25 A. Number one, to show that it was AFRC and RUF, when they
26 attacked us, they put us under their control. In this attack the
27 soldiers were in full combat. Then the others, they had civilian
28 clothing on, but they were armed.

29 Q. Witness, when you say that you were attacked in Dumbadu,

1 what do you mean? Can you describe what took place?

2 A. There was firing. When I say attack, it was firing that
3 took place.

4 Q. And what happened after that?

10:11:42 5 A. well, when they attacked, they looted our property, and
6 finally we decided to go to Guinea.

7 Q. what happened next, witness?

8 A. So, we went ahead to go ahead to go to Guinea. We came by
9 a village that was called Bayawandu and we heard some firing
10:12:10 10 right in front of us. From there --

11 Q. Witness, I'm going to ask you to spell Bayawandu for the
12 Court.

13 A. Okay. B-A-Y-A-W-A-N-D-U.

14 Q. Thank you, witness. Please proceed; what happened next?

10:12:43 15 A. So when we heard this firing in front of us, we went in to
16 the bush, and we resided in a hut and we stayed there. We left
17 there. That was the time that the AFRC and the RUF forces went
18 and met us in this hut, and they captured I and my younger
19 brother. They asked us if we had any rice. Then we told him we
10:13:15 20 did not have any rice, and we told him that we also were fleeing.

21 Q. Witness.

22 A. Yes, sir.

23 Q. At the time that you were captured with your brother, were
24 you with any other civilians in the farm?

10:13:29 25 A. Yes, our own family were about six and the other neighbours
26 were four. All of us were ten in number.

27 Q. Witness, the farm that you were captured in, can you tell
28 the Court where it was?

29 PRESIDING JUDGE: I understood the witness to say they were

1 in a hut.

2 MS ALAGENDRA: I apologise, Your Honour. I will rephrase
3 my question.

4 THE WITNESS: Mm-hm.

10:14:01 5 MS ALAGENDRA:

6 Q. Witness, where was the hut that you were captured in?

7 A. This hut was in Bayawandu village.

8 Q. Witness, what happened after you were captured?

9 A. When they captured me, I and my younger brother, they took
10:14:32 10 us to another apartment at wordu bush. They took all the looted
11 property and they said we should carry that.

12 Q. How long were you in wordu bush?

13 A. We were in wordu for about three days.

14 Q. Did anything happen when you were in wordu?

10:15:09 15 A. Yes, we spent two days at wordu. The third day they gave
16 one rebel fellow a letter and they said it was to be taken to the
17 boss man with whom we were, and they said that they were report
18 to Kayima, that was our own chiefdom headquarters.

19 Q. Witness, did you know who that letter was from?

10:15:37 20 A. Yes, sir.

21 Q. Who was it from, witness?

22 A. It was from their big man, who was Komba Gbundema.

23 MS ALAGENDRA: If I may spell the name Komba Gbundema. It
24 is K-O-M-B-A, and Gbundema is G-B-U-N-D-E-M-A.

10:16:18 25 Q. Witness, who was Komba Gbundema?

26 A. Komba Gbundema was under RUF.

27 Q. Witness, can you tell the Court what was in that letter?

28 A. Yes, sir. It said that any rebel that was at wordu should
29 report to Kayima. So we had to pack all the things and went to

1 Kayima.

2 Q. Witness, what happened when you went to Kayima?

3 A. When we went to Kayima, we were there for three days. At
4 night we were sleeping. There was one individual who was called
10:17:22 5 Alhaji. He told me -- he called my name and said, "Tomorrow," he
6 said, "the rebels will call you and they would ask you." They
7 said, "And this man would talk to you nicely as though they would
8 not do anything to you, and he would say to you who would want to
9 go to his family. He will talk to you nicely, he would make it
10:17:51 10 very simple for you." Say, "Don't tell them that you would want
11 to go." Say that, "If you would say that you would go, they
12 would execute all of you." Say, "Don't say that you would like
13 to go to your family."

14 And the exact time that he showed me, that was the time
10:18:08 15 that all of us were gathered together, and that was inside
16 Kayima. When they went with us, they made us to queue. That was
17 the time that this AFRC man, who was Fa Gaima [sic], and they
18 asked us to queue, and all of us were standing in a queue, and he
19 came and he greeted us.

10:18:27 20 Q. Witness.

21 A. Yes, sir.

22 Q. Can you tell the Court how many of you were asked to queue?

23 A. We that were captured at the same time were 18.

24 Q. What happened after you were asked to queue?

10:18:52 25 MR FOFANAH: May it please Your Honours, just before my
26 learned friend moves forward, a name was mentioned, an AFRC name.
27 I think it is Gaima. Probably if we can have that spelled.

28 PRESIDING JUDGE: Yes, there was a name there. If you
29 could have it spelled, please.

1 MS ALAGENDRA: Your Honour, to my understanding the witness
2 was testifying about Kayima, as in the place. I may have missed
3 something.

4 PRESIDING JUDGE: what I wrote down, phonetically anyway,
10:19:24 5 was "one individual called" -- I've got "kalaji" [phon].

6 MS ALAGENDRA: I will clarify that with the witness,
7 Your Honour.

8 Q. Witness, you told the Court that one night someone came and
9 told you that the next day you will be asked if you want to go
10:19:42 10 home. Can you tell the Court who is the person who came and told
11 you this? what is his name?

12 A. He was called Alhaji. Alhaji was a captured individual.

13 Q. Witness, can you tell the Court what happened after the 18
14 of you were lined up?

10:20:18 15 A. Yes sir. When we were lined up, it was this AFRC man
16 called Bangalie came, he greeted us. He said, "I was the one
17 that called you." He said, "what I'm going to tell you," he said
18 "God does not create everybody to be a warrior. Some are
19 warriors, some are not warriors. So I am coming to ask you -- I
10:20:51 20 am not using any force. Whosoever wants to go home, let him go.
21 It's not by force." See, just like what Alhaji told us, he spoke
22 to us nicely. For me, according to the way he spoke, I nearly
23 attempted to go, but when I raised up my head, I saw Alhaji's
24 eyes and he winked his eyes to me, so I did not go. That

10:21:17 25 happened for three times. So I also held my brother and we
26 stood. And the other people said they were going to join their
27 families. So we are at that.

28 So when all of them had gone, three of us remained. And
29 that is the time that Bangalie said, "Now we have known. You are

1 the people that want to go and inform the government that we are
2 at Kayima, so that the jets could come and bomb us. Is that so?
3 Now we are going to kill you. That is what you want to go and
4 tell the government, we are going to kill all of you."

10:21:58 5 when they said that, one rebel lady, was called Mata, he
6 made a comment against them. She said, "Now you sit down. Now,
7 you, the rebels, the soldiers said they're going to kill these
8 people. Tomorrow if something happened, they would not say it
9 was not the rebels that killed these people. They would say --
10:22:22 10 they would not say it was the soldiers that killed these people;
11 they would say it was the rebels."

12 when the woman said these words, Bangalie decided not to
13 kill us. He said all of us should be marked. So they said all
14 of us should be put together.

10:22:43 15 Q. Witness, what happened after Bangalie said all of you had
16 to be marked?

17 A. He, the Bangalie, gave an order and made a surgical --
18 THE INTERPRETER: Your Honours, I did not get that last
19 bit. Would the witness please go over that again?

10:23:09 20 PRESIDING JUDGE: Did you hear, Mr witness? Could you
21 please repeat the last part of your evidence.

22 MS ALAGENDRA: Your Honour, if I may just repeat the
23 question again.

24 Q. Witness, what happened after Bangalie said you all had to
10:23:28 25 be marked?

26 A. So when Bangalie said that all of us should be marked, we
27 are all put together. So they took off all our clothing. So
28 they sent a fellow and brought a surgical blade, and they lined
29 us up and they started marking us.

1 Q. Witness, were you also marked?
2 A. They marked me, sir.
3 Q. Witness, who was the person who marked you?
4 A. These two factions, both of them had been marking; one AFRC
10:24:20 5 and one RUF individual. But the individual who marked me was the
6 AFRC man that was called Bangalie.
7 MS ALAGENDRA: Your Honour, if I may spell Bangalie for the
8 Court: B-A-N-G-A-L-I-E.
9 Q. Witness, which part of your body did they mark?
10:24:48 10 A. They marked me on my chest.
11 Q. What did they mark on your chest?
12 A. Well, both factions put their -- they marked me on my chest
13 AFRC right up, then RUF it was down. Some of us -- some were
14 only given one mark - RUF; some were marked only AFRC. Some were
10:25:22 15 given AFRC, and for me I was given AFRC and RUF marks.
16 Q. Witness, do you still have the markings on your chest?
17 A. I have my markings, sir.
18 MS ALAGENDRA: Your Honour, with permission of the Court, I
19 would like to ask the witness to show these markings to the
10:26:09 20 Court.
21 PRESIDING JUDGE: Have you discussed this with the witness?
22 MS ALAGENDRA: Yes, Your Honour.
23 PRESIDING JUDGE: Very well. I note it has been put and he
24 has raised no objection. So in the circumstances -- does the
10:26:22 25 witness require some privacy?
26 MS ALAGENDRA: Your Honour, I'm going to ask the witness to
27 remove his shirt and show the markings to the Court.
28 PRESIDING JUDGE: It might be appropriate to pull the
29 curtains.

1 MS ALAGENDRA: Yes, Your Honour.

2 PRESIDING JUDGE: Madam Court Attendant, let's have some
3 privacy for the witness, please.

4 MS ALAGENDRA:

10:27:16 5 Q. Witness, I'm going to ask you if you could remove your
6 shirt and show your markings to the Court?

7 A. Okay, sir.

8 Q. Please, witness.

9 A. [Witness complied]

10:28:11 10 MS ALAGENDRA: Your Honour, if the record could indicate
11 that the witness has shown his chest bearing the markings "AFRC",
12 "RUF".

13 PRESIDING JUDGE: Does Defence counsel concede? Show the
14 record that there are scars on the witness's upper chest showing
10:28:37 15 "AFRC" and lower down "RUF". Thank you, Mr Witness.

16 MS ALAGENDRA: Witness, you can put your shirt back on.

17 PRESIDING JUDGE: Thank you for that, Mr Witness. Madam
18 Court Attendant, please open the curtains again.

19 MS ALAGENDRA:

10:29:39 20 Q. Witness, did you ever show these markings to someone who
21 then later took a photograph of your chest?

22 A. Yes, sir.

23 Q. Are you able to tell the Court who this person was who took
24 the photograph?

10:30:05 25 A. Yes, sir. It was the people who went and obtained
26 statement from me. These were people that came from the special
27 Court.

28 Q. When did they come, witness?

29 A. When they went and obtain statements from me, it was in

1 2003.

2 Q. Is that the same time that they took the photograph of your
3 chest?

4 A. Yes. When I had given my statement, they took me outside
10:30:47 5 and they took a photograph of my chest in the compound where they
6 met me.

7 MS ALAGENDRA: Your Honour, at this point I seek leave to
8 show the witness a photograph, to ask him if this was a
9 photograph that was taken.

10:31:01 10 PRESIDING JUDGE: Has this been shown to counsel for the
11 Defence?

12 MS ALAGENDRA: Yes, Your Honour, it was filed as one of the
13 Prosecution exhibits.

14 PRESIDING JUDGE: Very well. Madam Court Attendant, please
10:31:13 15 show the photograph first to counsel for the Defence and then to
16 the witness.

17 MS ALAGENDRA: Your Honour, I have some extra copies of the
18 photograph here.

19 PRESIDING JUDGE: The Defence already have a copy of
10:31:55 20 this -- [Microphone not activated]

21 MR DANIELS: We don't object.

22 PRESIDING JUDGE: Sorry, Mr Daniels, I can't hear you.

23 MR DANIELS: I am saying we have not been supplied with a
24 copy, but we do not object to it being tendered.

10:32:24 25 PRESIDING JUDGE: I understand. In the circumstances,
26 please first give a copy to counsel for the Defence and then pass
27 them up to the Bench. Yes, we have that before us, Ms Alagendra.

28 MS ALAGENDRA:

29 Q. Witness, can you have a look at the photograph in front of

1 you and tell the Court if this is the photograph that was taken?

2 A. This was the picture that was snapped.

3 MS ALAGENDRA: Your Honour, I seek leave to tender this
4 photograph in as evidence.

10:34:05 5 PRESIDING JUDGE: Mr Daniels, you have indicated that you
6 will not be objecting. Do you speak on behalf of all counsel?

7 MR DANIELS: That is so.

8 PRESIDING JUDGE: Thank you. In that case this will become
9 Exhibit P27, Prosecution exhibit. Madam Court Attendant, please
10:34:20 10 mark the document.

11 [Exhibit No. P27 was admitted]

12 MS ALAGENDRA: Thank you, witness, I have no further
13 questions for you.

14 PRESIDING JUDGE: Since that is the end of
10:34:54 15 evidence-in-chief and since we normally take a break at this
16 time, I think it is appropriate to adjourn now for 15 minutes.
17 Incidentally, Madam Court Attendant, please ensure there is a
18 copy of Exhibit P27 for Her Honour Justice Sebutinde and please
19 adjourn court for 15 minutes.

10:35:29 20 [Break taken at 10.30 a.m.]

21 [TB050705B - SV]

22 [Upon resuming at 10.45 a.m.]

23 PRESIDING JUDGE: Cross-examination, counsel]. Yes,
24 Mr Manly-Spain.

10:52:28 25 MR MANLY-SPAIN: Thank you, Your Honour.

26 CROSS-EXAMINED BY MR MANLY-SPAIN:

27 Q. Good morning, Mr Witness. Mr Witness, do you remember
28 making a statement to the investigators of the special court?

29 MR MANLY-SPAIN: I'm not getting any interpretation.

1 PRESIDING JUDGE: I didn't hear any. Mr Interpreter, did
2 the witness respond to the question?
3 THE INTERPRETER: There is no response, Your Honour.
4 PRESIDING JUDGE: Very well. Mr Witness, did you hear the
10:53:37 5 question that counsel asked you?
6 THE WITNESS: Yes, I would like you to repeat the question,
7 sir.
8 PRESIDING JUDGE: Mr Manly-Spain, please repeat the
9 question.
10:53:50 10 MR MANLY-SPAIN:
11 Q. Mr witness, did you make a statement to the investigators
12 of the Special Court on 16th November 2002?
13 A. Yes, sir.
14 Q. Was that the only statement that you made, Mr witness?
10:54:19 15 A. But we did not finish it, why we stopped.
16 Q. No. I mean, the statements that you made and it was
17 written down by the investigator, not what you have said in court
18 today.
19 PRESIDING JUDGE: Mr witness, do you understand the
10:54:44 20 question that counsel is asking you?
21 THE WITNESS: During the time that they obtained statement
22 from me?
23 MR MANLY-SPAIN:
24 Q. Yes, Mr witness. Did you make only one statement?
10:54:59 25 A. Yes, sir. Yes, sir.
26 Q. Mr witness, have you also testified in Chamber I of the
27 Special Court?
28 A. Yes, sir.
29 Q. Do you remember when you testified before Chamber I?

1 A. Yes, sir.
2 Q. Can you tell the Court?
3 A. Yes, sir.
4 Q. Please tell the Court?
10:55:39 5 A. It was in 2004, on Monday the 12th.
6 Q. Of which month?
7 A. It was the seventh month.
8 Q. Mr witness, do you know the main Makeni-Koidu highway?
9 A. I know Koidu.
10:56:15 10 Q. I'm asking about the highway from Makeni to Koidu.
11 A. When I was coming I used that by vehicle.
12 Q. That is you know the highway, do you?
13 A. Yes, sir. Yes, sir. I came by that. I know it.
14 Q. From Makeni -- from Koidu, do you know whether the highway
10:56:46 15 continues?
16 A. Like the mileage?
17 Q. Whether the highway goes any further from Koidu?
18 A. I don't understand this question properly.
19 Q. Let me put it another way. When the highway gets to Koidu,
10:57:31 20 does it continue to any other place?
21 A. Except to the surrounding villages beyond Koidu. That it
22 went beyond Koidu? No, I don't know. From Freetown to Koidu,
23 that's what I know.
24 Q. Mr witness, do you know whether there is a road leading
10:58:01 25 from Koidu to Kailahun?
26 A. Well, it's now that you've asked the question. There is a
27 road from Koidu to Kailahun.
28 Q. Mr witness, is Yomandu on -- Yomandu, is it on this
29 Makeni-Koidu highway?

1 A. If you want to you would not go to Koidu, you would go to
2 our own town. If you like you could go to Koidu and from there
3 to Yomandu.

4 Q. Okay, what I'm asking you is whether Yomandu, when you're
10:58:58 5 driving on the highway, would you meet Yomandu along that
6 highway?

7 A. No. Yomandu is not on the main road. You branch. You
8 branch and go inside. It's not on the highway.

9 Q. Mr witness, when you are driving on the highway,
10:59:16 10 Makeni-Koidu highway, you would have to turn off the highway to
11 get to Yomandu?

12 A. Yes, sir.

13 Q. Is this turning -- this point that you turn off, is it
14 before you get to Koidu Town?

10:59:49 15 A. Yes, sir. Yes, sir.

16 Q. Do you know how far it is from that junction to -- from the
17 junction on the highway to Yomandu?

18 A. Yes, sir.

19 Q. Can you please tell the Court how far it is?

11:00:19 20 A. It's up to 12 miles.

21 Q. Mr witness, is there also a road from Koidu Town to
22 Yomandu?

23 A. Yes, sir.

24 Q. In giving evidence this morning, Mr witness, did you say
11:00:50 25 that the soldiers who went to Yomandu went there from Koidu Town?

26 A. Yes, sir. They came from Koidu. The first vehicle that
27 had AFRC, it was from Koidu that they came from.

28 Q. How did you know that?

29 A. Fine, thank you. When they asked for the youths and the

1 reason for asking for the youths, the youths had been burning the
2 armies, the soldiers, in Koidu Town. They had burnt one. That
3 was why they came to Yomandu and that was why they had been
4 asking for youths. They said that the youth had burnt some of
11:01:42 5 their companions and that's why they have been asking for the
6 youth, and if they caught anybody it was a problem for you. That
7 is why I declared to you that they came from Koidu.

8 Q. Did you see them coming from Koidu?

9 A. I did not see them coming from Koidu. From their
11:02:06 10 statement.

11 Q. Thank you. Mr witness, when you leave Koidu -- Yomandu,
12 did you say you were -- when you left Yomandu did you say you
13 were heading for Guinea?

14 A. When I left Yomandu I did not go directly to Guinea. I
11:02:37 15 said we were attacked at Dumbadu so we decided to go to Guinea.
16 Do you get me?

17 Q. You wanted to go to Guinea?

18 A. I said we decided to go to Guinea. We were on our way.

19 Q. Is there a highway from Yomandu to Guinea?

11:03:02 20 A. Yes, sir. We had a main road and we had a path and these
21 people used to pass with us in this path. We afraid because --

22 THE INTERPRETER: Your Honours, the witness is too fast.
23 Would the witness go over that again?

24 PRESIDING JUDGE: Mr witness, you have speeded up again.
11:03:24 25 Go a little bit more slowly and please repeat what you said.

26 THE WITNESS: Okay, sir. The man asked me whether there
27 was a main line that went to Guinea and I said yes, there was a
28 main line that led to Guinea. And there was also a path, which
29 was a bush road, and that was the one that we used because we

1 were afraid that they --

2 THE INTERPRETER: I did not get the last bit.

3 PRESIDING JUDGE: Mr Witness, just repeat the last bit of
4 your answer, please.

11:04:14 5 THE WITNESS: I said we had decided to go to Guinea and we
6 used the bush road to go to Guinea. We did not take the main
7 highway.

8 MR MANLY-SPAIN:

9 Q. Mr Witness, do you know how far it is from Yomandu to
11:04:30 10 Guinea?

11 A. We walked for two days.

12 Q. No, that's not what I'm asking for. The distance from
13 Yomandu to Guinea, where you intended to go to, do you know how
14 far it was?

11:04:56 15 A. The mileage from Yomandu to Guinea?

16 Q. Yes. Yes, Mr Witness.

17 A. No, I cannot tell you the mileage.

18 Q. Mr Witness, you were in the Kono District; is that not so?

19 A. Yes, sir.

11:05:15 20 Q. Is there a border, a boundary, between the Kono District
21 and Guinea?

22 A. We and -- it was we and Koinadugu. The boundary is between
23 us and Koinadugu.

24 Q. So there is no boundary between Kono District and Guinea?

11:05:45 25 A. Not at all. Not at all.

26 Q. Mr Witness, you have said that you used the bush road?

27 A. Yes, sir.

28 Q. Do you know how far it was or it is from Yomandu to wordu?

29 A. Yes, sir.

1 Q. How far is it?
2 A. The distance is 18 miles, Yomandu to wordu.
3 Q. Is Kayima Town - it is the chiefdom headquarters --
4 A. Yes, sir.
11:06:32 5 Q. -- is it between Yomandu and wordu?
6 A. Yes, sir, it's a branch. when you arrive at the junction,
7 look at Wordu Road and look at Kayima Road.
8 Q. Mr witness, where did you say you were captured?
9 A. Bayawandu bush, in the farm hut.
11:06:58 10 Q. Bayawandu bush?
11 A. Bayawandu.
12 Q. Bayawandu?
13 A. Yes.
14 Q. How far was that from Yomandu?
11:07:13 15 A. It is over 10 miles.
16 Q. But is it before you got to -- you get to Kayima Town when
17 you leave Yomandu?
18 A. If I -- when I reach Kayima, when I left Yomandu?
19 Q. No, no. From wordu, where you were captured, the bush
11:07:45 20 where you were captured. when you leave Yomandu do you get there
21 before you get to Kayima Town?
22 A. Yes, we left Kayima and we went to Yomandu, but at that
23 time we had already been marked. But I did not leave directly
24 from Yomandu to Kayima.
11:08:10 25 Q. well, that is what I'm asking you, Mr witness. The bush
26 you say you were captured in, do you get there before you get to
27 Kayima Town when you leave Yomandu?
28 A. when I left Yomandu, when we had decided to go to Guinea,
29 when we heard the firing, we went into that bush. That was where

1 we were captured and they drifted us to wordu, from wordu to
2 Kayima.
3 Q. You were captured before you got to Kayima?
4 A. Yes, sir.
11:08:45 5 Q. Thank you.
6 A. Yes, they drifted us and went with us to Kayima.
7 PRESIDING JUDGE: Mr Manly-Spain, can we have a spelling of
8 Kayima again, please.
9 MR MANLY-SPAIN: I have it K-A-Y-I-M-A, but I believe it
11:09:03 10 was spelt K-A-I-M-A before. May I go on, Your Honour?
11 PRESIDING JUDGE: Yes, please.
12 MR MANLY-SPAIN:
13 Q. Mr witness, when you were captured, where were you taken to
14 immediately?
11:09:37 15 A. When we were captured they gave us the -- they asked us to
16 take looted property and they took us to wordu, and when they
17 captured us the first town that we met was wordu. wordu.
18 Q. Am I right, Mr witness, to say that you had to pass Kayima
19 before going to wordu?
11:10:03 20 A. If you want to you could pass through Kayima to wordu. If
21 you don't want, you can take the mine line without reaching
22 Kayima.
23 Q. Mr witness, you said that when you got to wordu --
24 A. Yes, sir.
11:10:33 25 Q. -- did you say you met both AFRC and RUF people there at
26 wordu?
27 A. Yes, sir.
28 Q. Was it at wordu that you were sent a letter -- a letter was
29 sent for you to be taken to Kayima Town?

1 A. No. Letter came from Wordu to Kayima.
2 Q. That is what I'm asking you. You were --
3 A. But when you said sent a letter to Kayima, letter came from
4 Kayima to wordu to the operation commander. A letter did not
11:11:22 5 come from Kayima to the operation commander to, the battalion
6 commander; no.
7 Q. Mr witness, I'm asking you whether you were at wordu when a
8 letter came for you to go to Kayima?
9 A. Yes, a letter came from wordu. A letter came from Kayima
11:11:42 10 and it met us at wordu and they said all of us should go. That
11 was the time that all of us went.
12 Q. Did you read this letter, Mr witness?
13 A. No.
14 Q. Okay.
11:11:58 15 A. I did not read the letter. They read it right in front of
16 me, but I did not hold it and read it. They read it before me.
17 Q. Mr witness, when you got to Kayima, who did you meet there?
18 A. It was the AFRC and the RUF that were there.
19 Q. Do you remember the number of AFRC and RUF that you met
11:12:30 20 there?
21 A. No. I cannot tell you the number.
22 Q. Were they many?
23 A. They were many. Kayima was a battalion for them.
24 Q. Do you have any military training, Mr witness?
11:12:59 25 A. No, I was not trained because I have some problems with my
26 foot. Except for the other people that were well in health, I
27 was not trained.
28 Q. You were not trained, according to you?
29 A. Because I have a problem with my foot. But the only thing,

1 they used to take us to war front. We would take cartridge and
2 bomb carrier always.

3 Q. Mr witness, how long were you with these people who
4 captured you?

11:13:46 5 A. I was with them for three years. Yes, sir.

6 Q. That would be up to 2001?

7 A. No, it was not in 2001. '98 - 2002.

8 Q. '98 up to 2002?

9 A. Yes.

11:14:12 10 Q. Mr witness, during that period who was the commander of the
11 people you were with?

12 A. In that battalion the commander, the 1st Battalion
13 commander was Komba Gbundema.

14 Q. During that period was there any other commander that you
11:14:41 15 were with?

16 A. Yes, I was with the operation commander and the company
17 commander who was Mr Captain Barry.

18 Q. Captain Barry?

19 A. Yes, company commander in Yomandu.

11:15:01 20 Q. Mr witness, you said you were taken to the front line
21 sometimes. Can you tell this Court where you went to, where the
22 front line was that you went to, or the different places you went
23 to which you referred to as front line?

24 A. Yes.

11:15:25 25 Q. Please tell the Court.

26 A. They took us up to Yifin. They took us to Yifin and they
27 attacked.

28 Q. Where else?

29 A. Then, and we used to go to do food finding, and during that

1 time they would have opened fire at times.

2 Q. So the only front you went to was Yifin; am I right?

3 A. Yifin, yes.

4 Q. In four years?

11:16:16 5 A. Three years.

6 Q. Mr witness, during this period who was the commander -- I
7 stand to be objected to as repeating the question but I believe
8 it will preface my next question -- who was the commander of the
9 battalion that you were with?

11:16:38 10 A. The battalion in which I was it was Major Komba, Komba
11 Gbundema who sent a letter to wordu that all of us should report.
12 He was the battalion commander.

13 Q. Would you agree with me, Mr witness, that Komba Gbundema
14 was an RUF commander?

11:17:06 15 A. Yes, sir.

16 Q. Would you also agree with me that Barry that you mentioned
17 was also an RUF commander?

18 A. Yes, as company. As company commander, yes.

19 Q. Do you remember coming across one Captain Ibrahim Tucker?

11:17:45 20 A. Yes, sir.

21 Q. Was he also a commander?

22 A. Yes, sir.

23 Q. Was he also RUF?

24 A. He was RUF.

11:18:03 25 Q. Did you also come across captain or Staff Captain SK?

26 A. Yes, sir. SK, yes. I was with him.

27 Q. Was he also a commander?

28 A. Yes, operation commander 4th Battalion.

29 Q. Was he RUF?

1 A. RUF.

2 Q. You have mentioned battalion, Mr Witness. Can you remember
3 how many battalions there were -- did the people you were with
4 have -- that they have -- how many battalion did they have?

11:19:01 5 A. Well, the battalion that I know, the 4th Battalion, in
6 which the commander was Komba Gbundema the 2nd Battalion and the
7 3rd Battalion I knew, I know those ones.

8 Q. Am I right to say that all of the commanders of those
9 battalions were RUF?

11:19:31 10 A. The ones that I know, these ones that I have explained to
11 you, this 4th Battalion commander was Komba Gbundema, he was RUF.
12 Fourth Battalion commander RUF. Then the company commander who
13 was Barry, was RUF. Ibrahim Tucker with whom I lived was RUF.
14 SK with whom I lived was RUF. He was operation commander under
11:19:56 15 4th Battalion.

16 Q. Thank you. Mr Witness, you have referred to somebody that
17 you have called the AFRC Bangalie?

18 A. Yes, sir.

19 Q. When did you first come across this Bangalie?

11:20:18 20 A. It was Bangalie that captured me in the farm hut.

21 Q. Bangalie captured you?

22 A. Yes, sir.

23 Q. So you came across him in 1998?

24 A. Yes. It happened in 1998 when Bangalie met me in the farm
11:20:47 25 hut. He captured me.

26 Q. Was Bangalie with you until you were released in 2002?

27 A. No.

28 Q. When was he last with you?

29 A. Well, I left them in Kayima when they said that we should

1 come and -- I should come with the load, Barry's load, at
2 Yomandu. I left him there.

3 Q. Mr witness, are you familiar with army ranks?
4 A. Yes, sir.

11:21:39 5 Q. Do you know whether Bangalie had a rank?
6 A. Bangalie's rank?
7 Q. If he had one?
8 A. I know it.
9 Q. Yes, what was his rank?

11:21:58 10 A. Well, I cannot tell his rank but he was a military police,
11 because when they were marking me he had an MP badge on his hand.

12 Q. Mr witness, throughout the period that you were with these
13 RUF commanders did you ever see them wear combats, military
14 combat fatigues?

11:22:34 15 A. Who wore combat?
16 Q. RUF commanders?
17 A. No. Like SK, I did not see him with any combat. Then
18 Barry, I was with him for some time but I did not see him with
19 combat. Ibrahim, again, I was with him unto the end of the war.

11:22:56 20 He did not wear combats before me. But Bangalie who was AFRC and
21 the other soldiers who came from Koidu, they were with full
22 combat. Bangalie in general, he was always in combat.
23 Q. Okay, what about Komba Gbundema?
24 A. No, I did not see Komba Gbundema with combat. But at times

11:23:22 25 he would plait his hair like a woman but I did not see him in
26 combat.
27 Q. Okay, Mr witness, have you ever seen any RUF fighter
28 wearing combat?
29 A. RUF fighting, wearing combat. I would not lie to you, I

1 have explained to you I have not seen them with combat.

2 Q. Thank you. Mr witness, you said it was Bangalie who marked
3 your chest with AFRC RUF; is that not so?

4 A. Yes. Bangalie, in general he was the one that marked me.
11:24:10 5 AFRC Bangalie, he was the one that marked me. It's not hearsay.
6 I took off my shirt. He was the one that captured me, took me
7 from the line and marked me. Bangalie AFRC.

8 Q. Who marked the RUF?

9 PRESIDING JUDGE: Pause, Mr Manly-Spain. Mr Hodes, you're
11:24:29 10 on your feet.

11 MR HODES: Your Honours, I apologise and I apologise to
12 Defence counsel as well. In that line of questioning the
13 question that Mr Manly-Spain was putting dealt with the clothing
14 that was being worn but the responses referred to combat and I
11:24:47 15 was hoping for a clarification. Perhaps Mr Manly-Spain could ask
16 the question whether or not the combat that the witness referred
17 to was in fact combat clothing. I apologise for the lateness of
18 the point, but if it's clear to the Court then I'll gladly sit.

19 PRESIDING JUDGE: We're awaiting that clarification.

11:25:13 20 MR MANLY-SPAIN: Much obliged, Your Honour. Your Honour,
21 in the first question I asked I deliberately used the words
22 "combat fatigues" and maybe later on I just said "combat" but I
23 was referring to combat fatigues and I hope this clarifies the
24 point.

11:25:30 25 PRESIDING JUDGE: You have an advantage over me,
26 Mr Manly-Spain, I've never worn combat fatigues. It would be
27 helpful to know what they are.

28 MR MANLY-SPAIN: As Your Honour pleases. I have never worn
29 them myself, Your Honour.

1 Q. Mr witness, do you know what combat fatigues are?

2 A. The combat that I know about, these are soldier clothing,
3 full combat. That is the shirt and the trousers. Then you have
4 your arm. So that is to say you are fully armed. That's the way
11:26:16 5 they came to Yomandu.

6 Q. Okay, Mr witness. You were explaining that it was this
7 Bangalie who marked AFRC on your chest. I was asking you -- I'm
8 asking you who marked RUF?

9 A. It was the same Bangalie. It was not that Bangalie marked
11:26:45 10 me AFRC because he was AFRC, then RUF came and marked me RUF to
11 say that he was RUF. It was not like. Bangalie marked me AFRC
12 and from there he went down and he marked RUF. It was he, the
13 AFRC Bangalie, who did all this. These seven letters, he did
14 all. And the other man was marking the other people but
11:27:11 15 generally for me it was Bangalie.

16 Q. Okay, Mr witness. Mr witness, what did he use?

17 A. Just like I told you in my statement, he sent a small
18 fellow and he said they should bring a surgical blade that he
19 used to mark me.

11:27:29 20 Q. Did you say he got it from where?

21 A. They took this surgical blade from the hospital, Kayima
22 Hospital. They took this blade from Kayima Hospital.

23 Q. Surgical blade?

24 A. Yes, sir.

11:27:45 25 Q. Can you explain what it looked like?

26 A. It's small one. It's a small one with which they use to
27 operate people in the hospital.

28 Q. You also said, Mr witness, that it is Bangalie who said
29 that you should be killed at Kayima?

1 A. Yes. He said they should kill. The people who said that
2 they would live, that they would go and tell the government that
3 they were in Kayima and that they would use a jet to bomb them.
4 But when the woman made that comment they decided to mark me.

11:28:35 5 Q. Mr witness, I'm putting it to you that with regard to your
6 capture you have not told this Court the truth when you said it
7 was Bangalie who captured you?

8 A. It was Bangalie that captured me. It was they that met me
9 in the farm hut, Bangalie. Although it was two factions that
11:29:10 10 went it was he that met me in the farm hut.

11 Q. I'm also putting it to you, Mr witness, that you have not
12 told this Court the truth when you said that it was Bangalie who
13 said those of you who wanted to live should be killed?

14 A. I would not lie. I have told you what happened.

11:29:37 15 MR MANLY-SPAIN: Your Honour, I would like to refer to a
16 couple of points in his statement. I would like to refer to page
17 8208. I would like to read, it's quite long, from the second
18 paragraph, Your Honour, so I will take it slowly.

19 Q. "After Osman told us his story my family and I together
11:30:25 20 with other people fled the village to another village called
21 Dumbadu. We were at Dumbadu when we heard that the junta and the
22 RUF were coming to attack Dumbadu. We fled to Baiwadu. From
23 Baiwadu we were on our way to Guinea when we heard firing ahead
24 of us. We retreated and hid in the bush. The rebels, mainly
11:30:51 25 RUF, came upon us when they were searching for food. I know they
26 were RUF because I heard them say that they were RUF and that as
27 RUF they should share whatever they get in the bush. They
28 captured us on May 7, 1998. We were together with our parents,
29 my mother, father and younger brother [REDACTED]. They beat my

1 father and released him and the others to continue their journey
2 to Guinea, but they took my younger brother and myself away. We
3 were taken to Kayima, the chiefdom headquarters. We were held at
4 Kayima for three days until 13 more captives were brought by the
11:31:40 5 rebels. The man in charge at Kayima was Major Komba Gbudema, an
6 RUF. I recall the names of three people from my group of 15 held
7 at Kayima. They were Tamba Cesie, at Kamadu, Kamara Chiefdom;
8 Mohamed Conteh, at Lungi in Freetown; Alhaji Kongomanye, who was
9 11 years old, now at Masondo, Sandor Chiefdom, Kono District".

11:32:17 10 Then I go on to the next bit, Your Honour?

11 MR HODES: Your Honours, I'm rising only because I'm going
12 to ask the Court for a cautionary instruction to the people
13 outside mainly because a name was read, and I have no doubt it
14 was by mistake by Mr Manly-Spain, but the name that was read --

11:32:41 15 PRESIDING JUDGE: Yes, I can see that, yes.

16 MR MANLY-SPAIN: As Your Honour pleases. I apologise. It
17 wasn't deliberate.

18 PRESIDING JUDGE: I accept that, Mr Manly-Spain. This is
19 addressed to the members of the public who may be listening to
11:33:04 20 the evidence this morning. We have inadvertently heard the name
21 of a person who may -- could contribute to the identification of
22 the witness. This is a protected witness and all members of the
23 public who are sitting in the public gallery are warned that they
24 must not repeat that name outside the precincts of this Court.

11:33:26 25 MR MANLY-SPAIN: Much obliged. I apologise.

26 PRESIDING JUDGE: I accept that, Mr Manly-Spain.

27 MR MANLY-SPAIN: May I continue?

28 PRESIDING JUDGE: Please do so, and of course with the note
29 of caution, Mr Manly-Spain.

1 MR MANLY-SPAIN:

2 Q. "We were at Kayima for three days. On the third day at
3 11.00 a.m. we were all lined up outside, 15 of us. We were asked
4 by the rebels who said those who want to join the rebels should
11:33:54 5 line up this way, and those who wish to be freed and return to
6 their people should line up the other way. All 15 of us lined up
7 and asked to be released as we did not want to join the rebels.
8 The RUF Staff Sergeant Katta said we should be executed because
9 we would sabotage their revolution".

11:34:21 10 Mr witness, I have just read an extract of your statement.
11 I'm stressing on the last sentence, I'll read it again for you.
12 "The RUF Staff Sergeant Katta said we should be executed because
13 we would sabotage the revolution". Did you say that to the
14 investigator who took down your statement.

11:34:49 15 A. We were 18 that were captured.

16 Q. Mr witness, this is time for you to answer my question.
17 I've asked you a simple question which answer can be yes or no?

18 A. Yes, sir.

19 Q. I am putting it again. Did you say that to the person who
11:35:06 20 was taking down your statement?

21 MR HODES: Your Honours, Mr Manly-Spain has just read a
22 paragraph and a half of the statement and so if there was one
23 particular line that he wants to clarify then that should be the
24 focus of the question.

11:35:23 25 MR MANLY-SPAIN: Yes, Your Honour. I said I am stressing
26 this last sentence and I'm reading it over again. I will read it
27 again, Your Honour.

28 PRESIDING JUDGE: Please do so for purposes of clarity.

29 MR MANLY-SPAIN:

1 Q. "The RUF Staff Sergeant Katta said we should be executed
2 because we would sabotage the revolution", that is what I'm
3 asking you about. Did you say that to the person who was taking
4 down your statement?
11:35:54 5 A. I did not call the rank. Katta I know. See, what I told
6 the man, I said we were captured, 18 of us, and they marked us.
7 But to say that I --
8 Q. My question, Mr witness, is about who said you should be
9 executed. Did you say Katta? Did tell the investigator that it
11:36:17 10 was Katta that said you should be executed?
11 A. I said it was Bangalie AFRC.
12 Q. That is what you told the investigators, not Katta?
13 A. Yes. I told them Bangalie because it was he, the Bangalie,
14 that decided.
11:36:34 15 Q. Let me go on a little more. Please listen, Mr witness.
16 A. I'm listening.
17 Q. "We were there until the AFRC man Bangalie came and said we
18 should not be killed". Did you say that to the investigator?
19 A. No. It was Bangalie who decided that we should be killed.
11:37:03 20 Q. Mr witness, when your statement was taken down was it read
21 over to you and explained to you?
22 A. Yes.
23 Q. And did you agree it was correct?
24 A. The one that was not correct, I told him.
11:37:27 25 Q. Did you sign your statement?
26 A. Yes, sir.
27 Q. And did you initial every page of that statement "SK"?
28 PRESIDING JUDGE: Take care with that type of question,
29 Mr Manly-Spain.

1 THE WITNESS: Yes, sir. Yes.

2 MR MANLY-SPAIN: As Your Honour please.

3 Q. Mr witness, are you still saying that you did not tell the
4 investigator who took down the statement that it was the AFRC man
11:38:15 5 Bangalie who came afterwards that said you should not be killed?

6 A. Bangalie, he was the one that said we should be killed. I
7 had taken an oath here on the Koran. It was Bangalie who said
8 that we should be killed. It was because of the words that were
9 said by this woman who said that if you people sit down here and
11:38:38 10 say these soldiers should kill these people, they would say later
11 that it was the rebels and not the soldiers. You see, Bangalie.
12 He was the one that did that and I know him.

13 Q. Mr witness, you are somebody who can read and write; is
14 that not so?

11:38:58 15 A. No, I'm not that literate. No, I cannot read as much.

16 Q. You can read a little?

17 A. Yes. A little, yes.

18 Q. And you can write a little?

19 A. Yes. I cannot write that far because I am not that
11:39:19 20 literate.

21 Q. And you have today, Mr witness, been spelling names of
22 places correctly to this Court; is that so?

23 A. Yes, sir.

24 Q. If you were to see your signature would you be able to
11:39:47 25 recognise it?

26 A. Yes, I would be able to recognise it if I see it.

27 MR MANLY-SPAIN: Your Honour, may I respectfully apply for
28 the production of the original of the witness's statement?

29 MS ALAGENDRA: Your Honour, we would request 15 minutes to

1 produce the original.

2 PRESIDING JUDGE: You do not have it with you?

3 MS ALAGENDRA: No, your Honour. I only have copies with
4 me.

11:40:22 5 PRESIDING JUDGE: Have any of the copies got signatures?
6 Are they photocopies, in other words?

7 MS ALAGENDRA: Yes, Your Honour, they are photocopies with
8 signatures.

9 PRESIDING JUDGE: Mr Manly-Spain, the original original is
11:40:36 10 not here.

11 MR MANLY-SPAIN: Your Honour, I can make do with the copy.

12 PRESIDING JUDGE: I think for the purposes of this question
13 we will make do with the copy and I will request the Prosecution
14 to bring the original to court. Have you got a signed one or do
11:40:57 15 you require a clean copy, Mr Manly-Spain?

16 MR MANLY-SPAIN: Yes.

17 MS ALAGENDRA: Your Honour, I have a clean copy.

18 PRESIDING JUDGE: Madam Court Attendant, please show that
19 document to counsel for the Defence.

11:41:46 20 MR MANLY-SPAIN:

21 Q. Mr witness, I want you to look at that document?

22 A. Yes, sir.

23 Q. I want you to look at the front page. I don't want you to
24 call the name that is on it, I just want you to look at the name
11:42:00 25 and tell this Court whether that is your name. Don't call out
26 the name. At the top of the front page, on the top left-hand
27 side. No, you are going to the back. The front page like it was
28 put before you. Where your left hand is?

29 A. Yes, yes.

1 Q. Can you please go to the last page. Do you see a signature
2 there?

3 A. Yes.

4 Q. Is that your signature?

11:42:48 5 A. Yes.

6 MR MANLY-SPAIN: May it please Your Honour, at this stage I
7 am respectfully applying to tender this statement as a previous
8 inconsistent statement of this witness.

9 PRESIDING JUDGE: well, you can apply to have it tendered
11:43:12 10 as a previous statement. I'm not sure about the adjective. Let
11 us see what the Prosecution say.

12 MR HODES: Your Honours, we would object to having
13 statements introduced into evidence on sort of a general ground.
14 The witness has testified and it's up to the Court to judge the
11:43:27 15 credibility of the witness and if Mr Manly-Spain, through his
16 questioning, has impeached the witness somehow then obviously the
17 credibility can be judged by the Court. There's no need to
18 introduce the statement. But more importantly, for completeness
19 purposes with regards to this line of questioning by

11:43:44 20 Mr Manly-Spain, I would refer both Mr Manly-Spain and Defence
21 counsel, as well as the Court, to page 8225 of our disclosures in
22 which this witness testified before Trial Chamber I in July 2004
23 and specifically I would look to lines 22 to 34 and, for
24 completeness purposes, I would ask, whatever the Court's decision
11:44:10 25 is, that those lines be incorporated, whether it be into evidence
26 or into some form of examination, because for this witness's
27 purposes Mr Manly-Spain has only cited to one of the statements.
28 This was a sworn statement in open court in which he testified
29 that it was Bangalie who made the same statements that he has

1 testified to here today.

2 PRESIDING JUDGE: Mr Hodes, pause. You're giving evidence
3 from the bar table and that is not permissible.

4 MR HODES: I apologise.

11:44:40 5 PRESIDING JUDGE: I wish to deal first with the application
6 before us which is to tender this document and I understand
7 although this document emanates from the Prosecution you are
8 objecting to the tender; is that correct?

9 MR HODES: Yes, Your Honour.

11:44:52 10 PRESIDING JUDGE: Thank you. We consider that the document
11 is admissible. Matters raised by the Prosecution from the bar
12 table are more properly dealt with in re-examination. The
13 document is admitted as D8.

14 [Exhibit No. D8 was admitted]

11:46:20 15 MR MANLY-SPAIN: As Your Honour pleases.

16 PRESIDING JUDGE: Mr Hodes.

17 MR HODES: I would ask that it be under seal. It does have
18 identifying information.

19 PRESIDING JUDGE: Indeed. That's quite true and correct.
11:46:32 20 Madam Court Attendant, please ensure this document as an exhibit
21 is under seal. Proceed, Mr Manly-Spain.

22 MR MANLY-SPAIN: Your Honour, to continue I would like to
23 ask the Court's permission for me to write down a name which I'll
24 show to my learned friends and then show to the witness. I would
11:46:59 25 ask whether the witness recognises that person.

26 PRESIDING JUDGE: Why are you doing it that way,
27 Mr Manly-Spain?

28 MR MANLY-SPAIN: Because I did not want to disclose his
29 identity or say in open court something that might lead to him

1 being identified.

2 PRESIDING JUDGE: The person whose name you're writing down
3 or the witness in the Court today?

4 MR MANLY-SPAIN: The witness in court today.

11:47:22 5 PRESIDING JUDGE: I see. Mr Hodes, you've heard the --
6 sorry, Ms Alagendra, you've heard the application by the Defence.
7 Have you any objection?

8 MS ALAGENDRA: No objection.

9 PRESIDING JUDGE: Mr Manly-Spain, please proceed to write
11:47:54 10 the name down.

11 MR MANLY-SPAIN: I have done so, Your Honour.

12 PRESIDING JUDGE: Madam Court Attendant, please show it to
13 counsel for the Prosecution before showing it to the witness.

14 MR MANLY-SPAIN:

11:48:33 15 Q. Mr Witness, do you recognise that name? You do? I don't
16 want you to call out the name but you can read the name that I
17 have written; is that so?

18 A. Yes, sir.

19 Q. Do you recognise it?

11:49:10 20 A. I don't know this name. I don't know the person facially.

21 Q. No, I'm asking you do you know the name?

22 A. Yes, since I have read I have known the name.

23 Q. Was that person an RUF commander?

24 A. Well, if he was a commander, see I'm not used to him.

11:49:42 25 Q. Okay. Thank you very much. Mr Witness, at the beginning
26 you said three vehicles went to Yomandu, a Nissan Patrol. What
27 were the other two vehicles, what type?

28 A. Toyota. Two Toyota, one Nissan.

29 [TB070705C-SGH]

1 Q. Sorry, Your Honour. Did you, Mr Witness, yourself see
2 this person that you were told was Johnny Paul Koroma?

3 A. My sisters workman, who was captured, they went with him
4 right up to -- and he that was taken by the vehicle, he was the
11:50:55 5 one that told me. He said, when I asked him whether the men had
6 gone, he said it was Johnny Paul that they took. That they were
7 taken to.

8 THE INTERPRETER: Your Honours, Your Honours, would the witness
9 please go a little bit slower.

11:51:13 10 PRESIDING JUDGE: Mr Witness. Do you remember what we said
11 before? A little bit slower and also answer the question,
12 please.

13 MR MANLY-SPAIN:

14 Q. Did you see him yourself?

11:51:28 15 A. I saw the three vehicles.

16 Q. No, I am asking you about the person you said was Johnny
17 Paul Koroma. Did you see him yourself?

18 A. Yes. I saw Osman who told me that he saw Johnny Paul
19 Koroma facially.

11:51:50 20 Q. I am not talking about Osman. Did you see Johnny Paul
21 Koroma yourself?

22 A. That very day I did not see him with my eyes. That very,
23 very day I saw the three people, but I did not see JP facially.

24 Q. Mr witness, which group of soldiers that you saw that you
11:52:10 25 your friend told you were with Johnny Paul Koroma, do you know
26 how long they stayed in Yomandu?

27 A. How many days the soldiers took there?

28 Q. How many days did they stay in Yomandu? Those three
29 vehicles I am talking about?

1 A. No. I cannot tell you how many hours they took because I
2 was not in town.

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

4 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Ms Thompson?

11:52:38 5 CROSS-EXAMINED BY MS THOMPSON:

6 Q. Mr witness, I just have a couple of questions for you.

7 A. Yes, sir.

8 Q. Do you know how you came to the notice of the people at the
9 special court?

11:53:11 10 A. How I know them?

11 Q. How they came to know you.

12 A. How they know me? I, myself, saw them. They came with a
13 vehicle. I asked. They said they wanted to know the people who
14 were with the rebels. what they did. I said I would make a

11:53:51 15 statement and they asked me what they did to me. I showed them
16 the marks. So they obtained statements from me. So this was how
17 we knew ourselves.

18 Q. Was the statement taken the same day that they went to
19 your -- was this at your village? Did this happen at your
11:54:12 20 village, first of all?

21 A. No.

22 Q. Okay. At the place where they found you, was the statement
23 taken on that same day?

24 A. The day I saw them was the day they obtained statement from
11:54:34 25 me, but the statement was from Koidu.

26 Q. Now, you told them that you were with the rebels. That is
27 correct, is it not?

28 A. Yes, they captured me.

29 Q. And you showed them the marks on your chest?

1 A. I showed them.

2 Q. Did they offer to take you to a hospital to get rid of
3 those marks on your chest?

4 A. Yes, sir.

11:55:08 5 Q. And have they?

6 A. We went to the hospital, but up to date they did not have
7 the doctor to remove them.

8 Q. But they have offered to do it for you?

9 A. Yes, yes, they are on it.

11:55:29 10 Q. Now, perhaps you can help me with this because I was not
11 very clear when you were giving your evidence-in-chief. How many
12 times did you see vehicles arriving at Yomandu?

13 A. The first motor car -- that came from a motor car was one.
14 The three vehicles came together.

11:55:53 15 Q. So my understanding would be right if I say it was on two
16 separate occasions?

17 A. Yes, there were two. Those two.

18 Q. Now, at the time they captured Osman, you ran away; did
19 you?

11:56:19 20 A. Yes. Yes, sir.

21 Q. Where did you run away to?

22 A. When I left the town, I sat in the bush and waited for him.

23 Q. How many of you ran away on that occasion?

24 A. We were two, I and Osman, and we were two that came from
11:56:51 25 the village.

26 Q. So when they captured Osman, you ran away on your own?

27 A. Yes. I sat in the bush waiting for him.

28 Q. Do you remember when they took your statement telling the
29 the person -- the statement taker that, "we all ran away."

1 MS THOMPSON: Your Honours, I am looking at page 8207. "All three
2 vehicles were marked AFRC junta. We all ran away. They captured a man
3 called Osman." When you say "we", who is "we"?

4 A. When I say we -- when I said we all run away, I was not
11:57:31 5 alone. I was talking of the other civilians that were in
6 town. That was why I said we.

7 Q. So, now there were other people around?

8 A. Yeah. Yeah.

9 Q. Where did Osman find you when you came back later? Where
11:57:50 10 did he find you, I beg your pardon, where did Osman find you when
11 he came back later.

12 A. They met me in the bush where I was sitting because I had
13 showed him -- I told him that at any time something happened we
14 were going to reach that road. So when I went it was -- that is
11:58:07 15 where I sat and it was there that he met me.

16 Q. Okay. So you were expecting something to happen?

17 A. My heart was there. Nobody that was in town. The men were
18 coming at any time. Everybody knew. The town was in panic. At
19 all the time we were thinking of that.

11:58:33 20 Q. This is just a yes or no question. Were you expecting
21 anything to happen or something to happen?

22 A. Yes, I expected that.

23 Q. Thank you. That is what I wanted. You said later you and
24 your family fled the village. You went to another village called
11:58:57 25 Dumbadu; is that right? Dumbadu?

26 A. We did not meet them in Dumbadu. We met that they have
27 gone. So we trailed them.

28 Q. Who? Who are you talking about now?

29 A. My family members. When -- I told them when they went to

1 Dumbadu because I did not meet them at Dumbadu.
2 Q. Were you attacked at Dumbadu?
3 A. Yes.
4 Q. You were attacked?
11:59:31 5 A. Yes, we were attacked.
6 Q. Who were you with when this attack took place?
7 A. I was with my family when this attack took place at
8 Dumbadu.
9 Q. Mr witness, this is not a trick question, I just want to
11:59:54 10 get it clear. Okay? Earlier you said that your family --
11 A. Yes.
12 Q. -- had gone somewhere else and you trailed them to Dumbadu,
13 but they weren't there?
14 A. Yes.
12:00:03 15 Q. I am saying you were [indiscernible] family?
16 A. No, Dumbadu. I trailed them at Dumbadu, but I did not meet
17 them. I went to Dumbadu, but I did not meet them so I went to
18 Dumbadu.
19 Q. Okay. So we are talking about two separate places?
12:00:23 20 A. Yes. Yeah.
21 Q. Can you spell these names for us, please? Starting with
22 the first one where you trailed them to.
23 A. Dandayardu.
24 Q. Can you spell that for us please?
12:00:43 25 A. Okay. D-A-N-D-A-Y-A-R-D-U.
26 Q. And the other place where you met them, how is it spelt?
27 A. D-U-M-B-A-D-U.
28 Q. Can you pronounce the first place, please, so I can take
29 the pronunciation from you?

1 A. Dandayardu.
2 Q. Dandayardu?
3 A. Good.
4 Q. Now, this morning did you tell us that you went to
12:01:41 5 Dandayardu?
6 A. Yes, sir.
7 Q. Yes. You told us that this morning?
8 A. Yes, sir.
9 Q. Let me remind you that there are transcripts of this
12:01:56 10 proceedings. Okay? So I ask you the question again. Did you
11 tell this Court this morning that you went to Dandayardu?
12 PRESIDING JUDGE: Ms Thompson, you have asked twice and he has
13 answered.
14 THE WITNESS: I told them, I said I went to Dandayardu when
12:02:08 15 this thing took place.
16 MS THOMPSON: So, he can understand me, I am not talking about
17 when you made your statement. We will come to when you made your
18 statement to the Prosecution -- members of the Prosecutor we will come
19 to that.
12:02:26 20 A. Okay.
21 Q. I am talking about this morning with all of us sitting in
22 this Court. That is what I am talking about. Do you understand
23 now?
24 A. Yes, I have understood.
12:02:37 25 Q. So now that you understand, will you answer the question
26 then?
27 A. Okay.
28 Q. Do you remember the question or do you want me to repeat
29 it?

1 A. Repeat it.

2 Q. This morning with all of us sitting here, did you tell this
3 Court that you went to Dandayardu?

4 A. Yes.

12:03:09 5 Q. When you were interviewed by members of the Office of -- by
6 the investigators, did you tell them that you went to Dandayardu?

7 A. I told them that I went to Dandayardu.

8 Q. Did you also tell them that you found your family at
9 Dumbadu?

12:03:30 10 A. Yes.

11 Q. And did you tell them that you were attacked at Dumbadu?

12 A. Yes.

13 Q. Well, let me read something to you and perhaps you can tell
14 us if this is what you told them when you gave them that

12:03:57 15 statement which you signed.

16 MS THOMPSON: Your Honours, I am looking at page 8208, the second
17 paragraph.

18 Q. "After Osman told us his story my family and I, together
19 with other people, fled the village to another village called

12:04:18 20 Dumbadu. We were at Dumbadu when we heard that the junta and the
21 RUF were coming to attack Dumbadu. We fled to Baiwadu". I will

22 stop there. Now I am going to ask you about the first two
23 sentences. Were you attacked at Dumbadu? First of all, did you

24 tell the investigator this; what I have just read, did you tell
12:04:45 25 them that?

26 A. Yes, I told them that they attacked us at Dumbadu.

27 Q. What is here is that you heard that the RUF were coming to
28 attack. Not that you were attacked. So what is it? Did you
29 hear the RUF were coming to attack or were you attacked?

1 A. They attacked us. They attacked us. It is not a matter of
2 hearing. I said they attacked us.

3 Q. And your evidence is that you told the investigator that?

4 A. I told them. I said they attacked us so we pulled out and
12:05:25 5 we decided to go to Guinea. They attacked really. It is not a
6 matter of hearing. They attacked.

7 Q. Mr witness, when your statement was read back to you did
8 you tell the investigator that he omitted some bits of what you
9 told him?

12:05:50 10 A. Anything I told him -- this was general. It was an attack
11 that they made. Anything that was in the statement, I told him
12 about that.

13 Q. Yes, that's what I am saying. The bits that were not in
14 the statement which happened to you, did you tell him that he has
12:06:08 15 left some of these bits out?

16 A. Except the one that I did not understand. Anything that is
17 not -- that was not there I said was it not there. But if he
18 wrote more than -- what I didn't say, I will say no, this was
19 what I said.

12:06:30 20 Q. Now, in answer to questions from my learned friend you said
21 that you had received no military training?

22 A. What?

23 Q. You received no military training during the time that you
24 were with the rebels.

12:06:49 25 PRESIDING JUDGE: I don't recall the question being that precise,
26 Ms Thompson.

27 THE WITNESS: I was not trained. I.

28 MS THOMPSON: I will put the question again to him.

29 Q. During the time that you were with the rebels were you

1 ever given any military training?
2 A. No. No, I was not trained. But they used to take me to
3 the war front to carry cartridges and carry them there.
4 Q. Did you join the disarmament process at the end of the war?
12:07:18 5 A. Yes.
6 Q. Did you surrender any ammunition?
7 A. Yes.
8 Q. What did you surrender?
9 A. I handed over a grenade.
12:07:38 10 Q. Just one?
11 A. Only one.
12 Q. When you went to the disarmament people were you asked to
13 fill in a form?
14 A. Yes.
12:07:57 15 Q. And you were given a certain amount of money?
16 A. Yes.
17 Q. How much were you given?
18 A. At first they gave us 30,000. The last money was 300,000
19 Leones.
12:08:23 20 Q. And did they ask you what group you belonged to?
21 A. Yes.
22 Q. And what group did you tell them you belonged to?
23 A. I said I was with the RUF.
24 MS THOMPSON: Thank you very much. I have no further
12:08:34 25 questions.
26 PRESIDING JUDGE: Thank you, Ms Thompson. Counsel?
27 CROSS-EXAMINED BY MR DANIELS:
28 Q. Witness, I will only ask a few questions myself.
29 A. Yes sir.

1 Q. You told this Court that when you saw the junta approaching
2 you ran to the bush; is that correct?
3 A. Yes.
4 Q. And that later on Osman came to tell you what he had seen;
12:09:21 5 is that correct?
6 A. Yes. Yes, sir.
7 Q. And those who came initially were with an AFRC vehicle; is
8 that correct?
9 A. Yes, sir.
12:09:53 10 Q. Now, when Osman came to you he told you that he had had a
11 conversation with some people in combat uniform; is that correct?
12 They were the AFRC people?
13 A. No. When Osman went and told me what he told me, he said
14 Johnny Paul was in the vehicle and they were going to Kailahun.
12:10:23 15 But to say they were conversing with people in combat, no, he did
16 not tell me that.
17 Q. Now, when Osman came to you --
18 A. Yes.
19 Q. -- what was his condition?
12:10:42 20 A. Osman himself?
21 Q. Yes?
22 A. How the condition in which Osman was?
23 Q. Yes.
24 A. The only thing, when I was in the bush when Osman came he
12:10:57 25 was having some rice in a bowl of rice. The rice was cooked, but
26 to say his condition changed or other thing, no.
27 Q. Okay, I will put it another way. Had he been injured in
28 any way?
29 A. No, he wasn't wounded.

1 Q. Was he in any way physically assaulted?

2 A. When we were running, the man only said, "Stand. If you
3 move I will fire". So he stood. The man captured him and they
4 took him. But when they took him, to say they harassed him, I
12:11:45 5 did not see that. But to capture they captured and took him
6 along.

7 Q. So at your time at Karima when you were with the AFRC, who
8 would you say was in charge of the AFRC? Who wielded the most
9 influence?

12:12:25 10 A. The AFRC, the soldiers who joined the rebels, the one that
11 I know as Big Mouse, only Komba Gbundema who was a rebel. He was
12 in charge, both the AFRC and the RUF.

13 Q. Very well. And you also mentioned that some of you
14 received some training, some military training. Can you describe
12:13:00 15 the kind of training that they received?

16 A. It was rebel training. They were under rebel because the
17 AFRC, they did rebel training. Because the soldiers were trained
18 at Benguema and they underwent soldier training. But when you
19 were in the bush you would do double training.

12:13:27 20 Q. So who carried out the training in the bush?

21 A. The training commander was in Kailahun who was AFRC man.
22 They called him CO Pato.

23 Q. I would like to refer you to your written statement.

24 MR DANIELS: For the purposes of the record, Your Honour, I
12:13:58 25 am referring to page 8206. With your permission, My Lord, I will
26 read -- Your Honour, I beg your pardon.

27 Q. "Some of us, the others, were trained as rebels. They were
28 trained to fight and we were given weapons. I was used to cook,
29 clean, wash clothes and run various errands for my captors".

1 MR DANIELS:

2 Q. In your statement you have stated it was RUF. In your
3 statement you have stated it was RUF. So which one do you stand
4 by?

12:17:19 5 PRESIDING JUDGE: Mr Daniels, I'm not very clear what you
6 mean when you say to the witness which do you stand by.

7 MR DANIELS: I mean that would he say the rebels were trained by
8 the RUF or they were trained by the AFRC. That is the question.

9 MR HODES: And I have an objection to that question, Your
12:17:38 10 Honours, because I believe what the testimony of the witness is
11 is that it was an AFRC man who did the training. There is
12 clearly the possibility that an AFRC man was involved with the
13 RUF and therefore the question itself can be answered in
14 different ways. It can't be answered just yes or no, RUF or
12:17:59 15 AFRC. The testimony was an AFRC man.

16 PRESIDING JUDGE: I am just looking at the statement,
17 Mr Daniels. There has been an objection and I will take your
18 reply to the objection, but I am looking at the statement as I
19 listen to your reply.

12:18:19 20 MR DANIELS: Your Honour, I am only going by the witness
21 statement and on the very last paragraph and I think any
22 ambiguity has been explained and it says clearly, "when I say
23 rebels, I mean the RUF." I think that --

24 PRESIDING JUDGE: I am looking at it a little earlier and
12:18:40 25 it says, "Some of us were trained as rebels." It does not say
26 who trained them. At least I don't read it there. If you say to
27 me that it is in that, please point it out to me.

28 Is it the statement you are putting to the witness? Let us
29 be clear what you are putting to the witness.

1 MR DANIELS: I am putting the statement.
2 PRESIDING JUDGE: The written statement?
3 MR DANIELS: That is so. Very well, My Lord. I think we
4 shall leave it at that. I think we shall leave the doubt, you
12:19:20 5 know, to -- we shall address you on that point on the
6 ambiguities.
7 PRESIDING JUDGE: Very well, Mr Daniels.
8 MR DANIELS: My Lord, that will be all.
9 PRESIDING JUDGE: Thank you, Mr Daniels. Ms Alegendra.
12:19:33 10 MS ALEGENDRA: Yes, Your Honour, one question.
11 Q. Witness --
12 A. Yes, sir.
13 Q. Do you remember when you testified in the other Trial
14 Chamber?
12:19:54 15 A. Yes, sir. Yes, sir.
16 Q. When you were asked about what happened after you were
17 lined up?
18 A. When we were lined up, the man came. He said he was one
19 that called us. He said it was not anything bad.
12:20:15 20 MR MANLY-SPAIN: May it please Your Honour.
21 PRESIDING JUDGE: I am sorry, Mr Manly-Spain, I did not see
22 you on your feet.
23 MR MANLY-SPAIN: Yes, Your Honour. I do not know what the
24 witness is answering to. Counsel merely said, "Do you remember
12:20:37 25 when you were testifying in the other court," and he started to
26 talk.
27 PRESIDING JUDGE: Yes, you did.
28 MR MANLY-SPAIN: What is the question?
29 PRESIDING JUDGE: Mr Witness, let the counsel finish

1 speaking before you start answering. Ms Alegendra, please start
2 again from the beginning of your question.

3 MS ALEGENDRA: Yes, Your Honour, I will re-phrase it.

4 Q. Witness, when you were testifying in the other Trial
12:20:59 5 Chamber, did you tell the Court that it was Bangali who said he
6 was going to kill you?

7 MR MANLY-SPAIN: May it please you, Your Honour. I have an
8 objection to that question. Your Honour, nothing in the evidence
9 given by this witness has been said in this Court about --
12:21:23 10 nothing about the evidence given by this witness in court number
11 one has been said in this Court. The only question that was put
12 to him is about whether he gave evidence in that Court. The
13 substance of the evidence has not been gone into. There is
14 really no ambiguity, nothing clarify before this Court. Counsel
12:21:52 15 for the Prosecution has led evidence-in-chief and the witness has
16 said it was Bangali. He has been cross-examined that he had said
17 it was somebody else.

18 Your Honour, his evidence in the other trial cannot come in
19 at this stage in re-examination to clarify the point. There is
12:22:23 20 no point to clarify. There is one point -- one statement in
21 examination-in-chief and another in cross-examination there.
22 Both contradictory statements, that is all. They are not
23 ambiguous. The evidence is not ambiguous. In chief he has said
24 Bangali; in cross-examination it was put to him that it was
12:22:45 25 somebody else apart from Bangali; that is all. This cannot come
26 in now. Much obliged.

27 PRESIDING JUDGE: Mr Hodes.

28 MR HODES: Your Honours, when I rose to object to the way
29 that Mr Manly-Spain was impeaching the witness with his written

1 statement, I rose with the intention of simply giving some sort
2 of completeness to the testimony of the witness to include all of
3 the statements that are available both to Prosecution as well as
4 Defence counsel. And in this case we have disclosed fully the
12:23:40 5 testimony of the witness in the prior trial. Defence counsel has
6 the statement that was made by the witness. The full testimony
7 of the witness during the previous testimony in the prior Trial
8 Chamber. To that extent, Your Honours, the only thing that we
9 seek to do is what I believe the Court instructed us to do, which
12:23:58 10 is --

11 PRESIDING JUDGE: This Court never instructs counsel how to
12 run their trial.

13 MR HODES: However, the only thing that we seek to do is
14 to, through redirect-examination, indicate to the Court that
12:24:16 15 there is a prior consistent statement and that statement is what
16 what co-counsel was about to get into. And that was the extent
17 of the redirect-examination.

18 JUDGE LUSSICK: Yes, it seems to me that if there is a
19 suggestion in cross-examination that the witness has subsequently
12:24:41 20 fabricated a story, evidence that he has made a similar statement
21 consistent with his current testimony should be admissible. That
22 is to rebut the presumption of recent fabrication.

23 [Trial Chamber confers]

24 Yes, we agree. We will overrule the objection and we will
12:25:08 25 allow the question.

26 MR HODES: Would Your Honours allow me to finish the
27 question of the witness?

28 JUDGE LUSSICK: By all means, Mr Hodes.

29 MR HODES:

1 Q. Mr witness, you recall --
2 A. Yes sir.
3 Q. -- you recall testifying in the other Trial Chamber?
4 A. Yes, sir.
12:25:38 5 Q. And your testimony then was under oath?
6 A. What, sir? Yes. Yes.
7 Q. You swore to tell the truth?
8 A. Yes, sir.
9 Q. And at that time do you recall the Prosecutor asking you
12:26:04 10 about the same incident that has been discussed here concerning
11 the AFRC man Bangali?
12 A. Yes, sir.
13 Q. And do you remember testifying to essentially the same
14 thing that you testified here?
12:26:30 15 A. Yes, sir.
16 Q. And that testimony - and this is for the Court as well as
17 Defence counsel - can be found at page 8225 of the disclosures
18 from lines 22 to lines 35. Do you recall saying that Bangali
19 said, "So you people have decided to stay with us." Do you
12:26:58 20 recall that?
21 A. Yes.
22 Q. And they said, "Okay, you have decided to go, you people;
23 not so?" Do you recall that?
24 A. Yes, sir.
12:27:18 25 Q. And do you recall saying, "If we release you," this is what
26 you said Bangali said. "If we release you, you will go and tell
27 the government that we are here and that we have people here and
28 that they would commission a jet to come and bomb us, isn't that
29 so?" Do you recall that?

1 A. Yes. So you said that, "You are -- you have decided to go
2 home and that you will tell the government that we are here so
3 that the government could commission a jet to come and bomb us."
4 That is what I said.

12:28:00 5 Q. Then you said that Bangali said, "Now we are going to kill
6 all of you. They are going to kill all of you." Do you recall
7 saying that?

8 A. Yes. He said so, sir.

9 MR HODES: I have nothing further.

12:28:17 10 MS ALEGENDRA: No further questions, Your Honour.

11 PRESIDING JUDGE: Thank you, Ms Alegendra. We have no
12 questions of the witness. Mr witness, that is the end of your
13 evidence here in the Court today. We thank you for coming to
14 give your evidence. You are now free to leave the Court.

12:28:38 15 THE WITNESS: Okay sir.

16 PRESIDING JUDGE: Since it is so close to the normal lunch time
17 break, I think it is appropriate that we take a break now before the
18 lunch time. Mr Hodes, I understand from the notification this morning
19 that there is another witness?

12:28:54 20 MR HODES: There is another witness available, Your
21 Honours, but if the Court wanted to recess for the afternoon in
22 the light of Justice Sebutinde --

23 PRESIDING JUDGE: You have been too generous to us already,
24 Mr Hodes. Let me consult with my learned friend.

12:29:18 25 [Trial Chamber confers]

26 We will proceed on this afternoon to sit.

27 MS ALEGENDRA: I have just one issue. I have the original
28 statement of this witness.

29 PRESIDING JUDGE: Indeed. That was to be brought. Perhaps

1 before we adjourn properly -- Madam Court Attendant, please
2 assist us by showing the document to counsel for the Defence and
3 in particular to Mr Manly-Spain.

4 THE INTERPRETER: Your Honours, in what language will the
12:30:01 5 next witness be testifying?

6 PRESIDING JUDGE: Just pause, Madam Court Attendant.
7 Mr Manly-Spain, you have seen the document. The copy was entered
8 as an exhibit. Does this original vary in any way or do you
9 require that document to be put to the witness before he is
12:30:13 10 formally --

11 MR MANLY-SPAIN: No, no, I am satisfied with what I have
12 said.

13 PRESIDING JUDGE: Thank you, Mr Manly-Spain. We will
14 record that. I will return the original to counsel for the
12:30:25 15 Prosecution. Thank you. Madam Court Attendant, please do so.

16 In the light of that, we will now adjourn for the lunch
17 time adjournment to the usual time of quarter past two. Before
18 we do so, I have been asked what language the next witness will
19 be giving evidence in, Mr Hodes.

12:30:36 20 MR HODES: It is Koranko, Your Honour.

21 THE INTERPRETER: Thank you very much, Your Honour.

22 PRESIDING JUDGE: Madam Court Attendant, please adjourn
23 court to 2.15 p.m.

24 [Luncheon recess taken at 12.28 p.m.]

14:21:23 25 [TB050706D - EKD]

26 [The witness entered court]

27 [Upon resuming at 2.17 p.m.]

28 PRESIDING JUDGE: Good afternoon. We are informed that the
29 interpreter needs to be sworn in, so we will start by doing that.

1 MS EDMONDS: Interpreter, please stand and take your
2 declaration.

3 [Interpreter Koyie Mansaray sworn]

4 PRESIDING JUDGE: We will allow the interpreter a few
14:22:57 5 moments to get back into the booth. Mr Interpreter, are you in
6 position?

7 THE INTERPRETER: Yes, I am.

8 PRESIDING JUDGE: Very good. We will then proceed on with
9 the trial. Madam Court Attendant, please swear in the witness

14:25:16 10 THE INTERPRETER: There is a problem here. She is just
11 speaking -- we don't know what she is saying. She is just
12 talking off the cuff.

13 PRESIDING JUDGE: Mr Interpreter, start again from the
14 beginning, please.

14:25:42 15 THE INTERPRETER: Yes, we have to start it all over. I
16 think she has some problems. She's not listening to the
17 interpretation, she is saying something else.

18 PRESIDING JUDGE: Madam witness, you must listen to the
19 interpreter and he will tell you what you have to say.

14:25:56 20 THE WITNESS: Yes, okay. Let's carry on.

21 WITNESS: TF1-310 [Sworn]

22 [The witness answered through interpretation]

23 MS NGUNYA: Good afternoon, Your Honours.

24 PRESIDING JUDGE: Good afternoon, Ms Ngunya.

14:26:40 25 MS NGUNYA: For the record this is TF1-310. Before I begin
26 I have a short application to place before the Court. I would
27 like to request a short closed session at the end of my
28 examination-in-chief. This is because the witness is afraid that
29 if she mentions where the incidents she shall describe this

1 afternoon happened, her identity may be known by other people
2 outside this Court. I have had the opportunity to discuss this
3 with Defence counsel and they have indicated that they have no
4 objection to a short closed session at the end of my
14:27:24 5 examination-in-chief.

6 PRESIDING JUDGE: You are making that application now as a
7 preliminary matter?

8 MS NGUNYA: Yes, Your Honour.

9 PRESIDING JUDGE: I see. Counsel for the Defence, you
14:27:34 10 heard the application. Is there any objection?

11 MS THOMPSON: No objections, Your Honour.

12 PRESIDING JUDGE: In the light of both the application and
13 the consent, or no objection rather, from the Defence, and for
14 the security of the witness, we will permit a closed session when
14:28:00 15 counsel indicates that such a closed session is required for the
16 evidence. Please proceed.

17 MS NGUNYA: Much obliged, Your Honour.

18 Q. Good afternoon, Madam Witness.

19 A. Good afternoon.

14:28:16 20 Q. Madam Witness, I have a few questions for you this
21 afternoon.

22 A. Yes.

23 Q. Please tell the Court how old you are?

24 A. I do not know my age, but the age at which I gave birth to
14:28:37 25 a child, I know that one.

26 Q. How old were you when you gave birth to a child?

27 A. I was 12 years old at the time.

28 Q. Have you attended school?

29 A. I didn't go to school.

1 Q. Are you able to read and write?
2 A. I do not read, nor do I write.
3 Q. What is your native language?
4 A. The only language I know is my Karanko. I do speak some
14:29:23 5 Kono, but it's Karanko that I can speak perfectly.
6 Q. Are you married?
7 A. Yes.
8 Q. You mentioned you have a child. How many children do you
9 have?
14:29:36 10 A. Seven children.
11 Q. How old is your oldest child?
12 A. He's 27.
13 Q. What is your occupation, Madam Witness?
14 A. Since I was shot I couldn't do enough work, except for some
14:30:14 15 native work.
16 Q. Please repeat that. Native work, what is native work?
17 A. Weaving. We do weaving then we make the traditional
18 cloths.
19 Q. Madam Witness, you just mentioned that you only do this
14:30:43 20 weaving since you were shot. Can you tell the Court what date
21 you got this injury?
22 A. Yes, I can tell the date.
23 Q. Please tell the Court.
24 A. Eight years since I was shot.
14:31:16 25 Q. Eight years from when, Madam Witness?
26 A. Since I was shot. The time that I was shot, it's eight
27 years now.
28 Q. Thank you, Madam Witness. Madam Witness, can you inform
29 the Court how you sustained this injury eight years ago?

1 A. Yes.

2 Q. Please go ahead.

3 A. On Monday we went to the farm and when we were there we
4 heard gunshots. When we heard the gunshots, we came to town.

14:32:12 5 There was an unfinished house and we met one man standing there
6 with a gun in his hand. Then he asked us to enter the house.

7 Q. Madam witness, you mentioned there was a man standing with
8 a gun outside a house. How was he dressed?

9 A. He was wearing the military uniform.

14:32:44 10 Q. Madam witness, you had reached where you met a man standing
11 outside a house with a gun. What happened next?

12 A. He asked us to enter the house. He said they've come to
13 protect us. That, "We've come to protect you. Enter the house."
14 Then we entered the house. We were many.

14:33:14 15 Q. When you say you were many, you and who else?

16 A. I do not know the number, but there were four rooms and the
17 parlour. But all those rooms were full, including the parlour.

18 Q. Madam witness, what happened next?

19 A. Then they started shooting at us. Then they started
14:33:36 20 shooting at us. They killed my brother and my mate and they
21 killed her child that she had on her back. And they shot me too.
22 They shot me [indicates] --

23 THE INTERPRETER: She is indicating a part on her body.
24 I'm not seeing, learned counsel.

14:33:57 25 MS NGUNYA:

26 Q. Madam witness, just to go back a little bit you said they
27 shot your mate. Who is they who shot your mate?

28 A. When they were shooting at us, those who were shooting were
29 many. The doors were shut and when they shot at us there was a

1 lot of smoke so I couldn't distinguish amongst the people. So I
2 was shot. Yes, they shot me here.

3 Q. Madam witness, just to clarify for the Court, you also said
4 that they shot your mate. What do you mean by your mate?

14:34:40 5 A. Yes.

6 Q. Who is this person called your mate?

7 THE INTERPRETER: She's calling her name. I don't know if
8 I should call the name here.

9 MS NGUNYA:

14:35:03 10 Q. Don't mention the names. What is the relationship; sister,
11 brother or what is it?

12 A. She is my younger sister. She's my younger sister.

13 Q. Madam witness, you mentioned many people were firing at the
14 house with guns and there was a lot of smoke in the house. What

14:35:28 15 happened next?

16 A. I said that's when they shot me. I was there with my child
17 and the child asked me to come out, but the house was torched on
18 fire. And when that was done, my child told me to come out, but
19 I was unconscious, I couldn't come out.

14:35:58 20 Q. What happened next, Madam witness?

21 A. At that time, my child ran out. So when this running
22 helter-skelter was going on, I couldn't go for long then I will
23 fall. I wouldn't go for long and I would fall. But I managed to
24 go into the bush and we went and slept in the bush. I was there
14:36:19 25 for two days.

26 Q. What happened next, Madam witness?

27 A. For those two days that I was in the bush, I was -- I had
28 no food to eat, no water to drink. There were flies all about me
29 as a result of the injury I sustained.

1 PRESIDING JUDGE: Madam witness, are you feeling all right?
2 Maybe one of the victim support people could speak to the
3 witness. See if she is all right, if she needs a break or if she
4 wants to continue.

14:37:57 5 WITNESS SUPPORT OFFICER: Your Honours, the witness wants
6 to continue.

7 PRESIDING JUDGE: That's fine. Now, Madam Witness, if you
8 need a break you must tell us, if you are feeling very upset.
9 But if you want to continue that is equally good.

14:38:11 10 THE WITNESS: Okay, but I want to go on. I want to speak.

11 PRESIDING JUDGE: That's fine. We accept that.

12 MS NGUNYA: Your Honours, I would like to request the
13 closed session now. I have only about five questions remaining
14 which would be in closed session.

14:38:28 15 PRESIDING JUDGE: Counsel for the Defence, you have already
16 given us an indication. The position still remains the same?

17 MR FOFANAH: Yes, Your Honour.

18 PRESIDING JUDGE: Thank you. In the light of the
19 application and for the security of the witness, we will order a
14:38:40 20 closed session to continue with this evidence. Madam Court
21 Attendant, please arrange that closed session.

22 [At this point in the proceedings, a portion of the
23 transcript, pages 69 to 71, was extracted and sealed under
24 separate cover, as the session was heard in camera.]

14:39:09 25
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1 [Open session]

2 MS EDMONDS: Court is now in open session.

3 PRESIDING JUDGE: Thank you, Madam Court Attendant.

4 Cross-examination, counsel?

14:50:32 5 MR MANLY-SPAIN: No questions for this witness.

6 PRESIDING JUDGE: Ms Thompson?

7 MS THOMPSON: There is no questions for this witness, Your
8 Honour.

9 MR FOFANAH: Just a few questions.

14:50:42 10 PRESIDING JUDGE: Thank you, Mr Fofanah

11 CROSS-EXAMINED BY MR FOFANAH:

12 Q. Madam witness, good afternoon.

13 A. Yes.

14 Q. So how many armed men did you see firing on that day?

14:51:03 15 A. I don't know.

16 Q. So when you went to the farmhouse, you said you saw an
17 armed man; not so?

18 A. Yes. I saw that man, because he was wearing clothes. But
19 when we entered the house, I couldn't see anything because of the
14:51:55 20 smoke. But there were men in there.

21 Q. Was this the only man you saw with arms when you went to
22 that place?

23 A. Yes. He was the one I saw, because he was standing at the
24 door and he was wearing uniforms.

14:52:15 25 Q. What uniform was he wearing?

26 A. The military uniform. He was wearing a military uniform.

27 Q. And was this the man you said ordered you to go inside the
28 house?

29 A. Yes.

1 Q. And you said when you were inside the house, you couldn't
2 see any other person - am I right - because of the smoke?
3 A. Yes, there was a lot of smoke at the time. I wouldn't
4 distinguish one person from the other. Everybody was crying.
14:53:05 5 Q. So because you couldn't distinguish one person from the
6 other, you also couldn't have told how many people were in the
7 house; not so?
8 A. Those who died, no. Those who were shot.
9 Q. Those who were shot and who subsequently died, if they did?
14:53:39 10 A. No. I have said that there were four rooms and a parlour,
11 making it five. They were all full, yes.
12 Q. Full with whom?
13 A. People who had come from their farms.
14 Q. How did you know they were people who had come from their
14:54:00 15 farms when you said the place was smoky?
16 A. We all came and entered the house, that's when they started
17 shooting and that's the time that they were covered in smoke.
18 Q. And these people who came and entered the house were the
19 people from the farms you were referring to?
14:54:33 20 A. Yes, they came from the farm.
21 Q. Madam witness, have you ever made any statement to
22 investigators of the special court before?
23 A. Yes. Those who came from here, yes.
24 Q. Yes. Madam witness, I'm going to read a bit of that
14:55:27 25 statement which you gave in December 2002 and you tell me whether
26 you recall making it.
27 MR FOFANAH: Your Honours, I'm reading from page 8180.
28 THE WITNESS: Yes.
29 MR FOFANAH:

1 Q. I will read the first five lines. "I was in the farm on a
2 Monday, four or five years ago. I heard rapid gunshots" --
3 THE INTERPRETER: Counsel, can you take it slowly, please.
4 MR FOFANAH: Thank you, Mr Interpreter.

14:56:16 5 Q. "I was in the farm on a Monday, four or five years ago. I
6 heard rapid gunshots, so I ran to the main road where I saw other
7 civilians fleeing from the gunshots. We saw a group of four men
8 in uniforms. They told us they are ECOMOG and that we should go
9 into the house; they will save us. The house was five rooms. We
14:57:14 10 were inside, about hundred or some of us, they started firing
11 through the windows and the door." Do you recall making that
12 statement?
13 A. Yes, I said that indeed. Yes, there were guns all over.

14 Q. So who were the "they" who were firing gunshots through the
14:57:50 15 windows and the door?
16 A. The uniform men, those who wore the uniform.
17 Q. But you said you saw only one man in uniform; not so?
18 A. Yes, I saw one person and I saw him clearly. He was the
19 one that I saw clearly. Those who were shooting through the
14:58:14 20 doors and the windows, I wouldn't -- I didn't see them clearly.
21 MR FOFANAH: Your Honours, may I seek leave of my client,
22 the accused. He wants to use the convenience. Mr Kamara.
23 PRESIDING JUDGE: He has to be escorted out.
24 MR FOFANAH: Thank you, Your Honour.

14:58:38 25 Q. So did you see them or I heard you say you did not see them
26 clearly. Did you see them at all, those who were firing from
27 outside?
28 A. Those who were shooting, I have said so. We were in the
29 room and they started shooting in the parlour. By the time they

1 reached us, we couldn't distinguish anything, we are running
2 helter-skelter from room to room. Wherever you go, there was
3 shooting, so you wouldn't know who was shooting. But those --
4 that person whom I saw at the door was the one I saw with the
14:59:13 5 uniform, because at that time we were crying.

6 Q. So what do you mean when you said in your statement that I
7 have just read that "we saw a group of four men in uniforms"?
8 who were the "we"?

9 A. They were men in uniform. Men.

14:59:45 10 Q. Did you see four men in uniforms personally, did you?

11 A. Yes, just like I said.

12 Q. No, but what you just told this Court was that you only saw
13 one man in uniform. You did not say you saw four men in
14 uniforms.

15:00:06 15 MS NGUNYA: Your Honour, if I may be guided by the Court.

16 THE WITNESS: No.

17 MS NGUNYA: The witness actually said she saw one clearly.
18 The other ones she did not see clearly.

19 PRESIDING JUDGE: I have recorded the following : Yes, I
15:00:19 20 saw one clearly. Those through the window I did not see so
21 clearly.

22 MR FOFANAH: Yes, and my question is I read a statement --
23 a sentence in her statement where she said "we saw a group of
24 four men in uniforms". So I am trying to direct my question on
15:00:37 25 the group of four men in uniforms.

26 PRESIDING JUDGE: Yes, you are entitled to put that,
27 Mr Fofanah.

28 MR FOFANAH: As Your Honour pleases.

29 Q. So in the statement that I have just read, Madam Witness,

1 you said, "We saw a group of four men in uniforms". Were you
2 among those who saw the group of four men in uniforms?

3 A. Everybody had died. Everybody had died and I came out.
4 How would I see those people?

15:01:17 5 Q. So you did not make this statement to the investigator -
6 not so - that you saw a group of four men in uniforms?

7 A. Well, you know our interpretation, you know, like we are
8 here, when you are saying something, somebody interprets it
9 differently. But what I saw and I saw clearly -- yes, they shot
15:01:44 10 at us, but I saw one person clearly.

11 Q. And do you know the person that you saw clearly? Do you
12 know him?

13 A. No, I wouldn't know him, but I saw the kinds of clothes he
14 was wearing.

15:02:11 15 MR FOFANAH: In that case, no further questions for the
16 witness. Thank you very much.

17 MS NGUNYA: No re-examination, Your Honour.

18 PRESIDING JUDGE: Thank you very much, Madam Witness. That
19 is all your evidence in the Court today. You are now free to
15:02:43 20 leave the Court. Thank you for coming. Would someone assist the
21 witness.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: Mr Hodes, we note that according to the
24 information received you have another witness. Is that correct?

15:03:13 25 MR HODES: We may have a little problem with the third
26 witness today, Your Honour, and I apologise to the Court.

27 PRESIDING JUDGE: That is an equivocal answer. Do you mean
28 you wish to check on the situation?

29 MR HODES: If I could have a couple of minutes to check on

1 the situation. It may not be something I can resolve
2 immediately.

3 PRESIDING JUDGE: Very well, just a moment. We'll take a
4 10 minute break and allow counsel for the Prosecution to check
15:03:49 5 the situation. Madam Court Attendant, if you could let us know
6 if there is any development. Adjourn court for 10 minutes,
7 please.

8 [Break taken at 3.00 p.m.]

9 [Upon resuming at 3.10 p.m.]

15:16:14 10 PRESIDING JUDGE: Yes, Mr Hodes.

11 MR HODES: Your Honour, I apologise to the Court. We are
12 not ready to proceed with the third witness today. The witness
13 will be available first thing Thursday morning. We have a
14 professional witness special set for tomorrow morning and I
15:16:33 15 apologise to the Court and to the Defence.

16 PRESIDING JUDGE: Two days running, Mr Hodes. We are all
17 very lucky to catch up with our paperwork.

18 MR HODES: There is something to be said for that,
19 Your Honour.

15:16:44 20 PRESIDING JUDGE: Well, we can't produce a witness like a
21 rabbit out of a hat. So in the circumstances, we will adjourn
22 court to tomorrow morning at 9.15. Madam Court Attendant, please
23 adjourn court to 9.15 tomorrow morning.

24 [Whereupon the hearing adjourned at 3.13 p.m.,
15:17:19 25 to be reconvened on Wednesday, the 6th day of
26 July 2005, at 9.15 a.m.]

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29

EXHIBITS:

Exhibit No. P27	20
Exhibit No. D8	42

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-074	7
EXAMINED BY MS ALAGENDRA	7
CROSS-EXAMINED BY MR MANLY-SPAIN	20
CROSS-EXAMINED BY MS THOMPSON	45
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