

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

MONDAY, 10 JULY 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg
Ms Evelyn Campos Sanchez

For the Registry:

Mr Geoff Walker
Mr Thomas George

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Shyamala Alagendra
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

Ms Claire Carlton-Hanciles
Mr Silas Chekera

For the accused Alex Tamba
Brima:

Mr Kojo Graham
Mr Ibrahim Foday Mansaray (legal assistant)
Ms Louisa Songwe (legal assistant)

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels

For the accused Santi gie Borbor
Kan u:

Mr Ajibola E Manly-Spain

1 [AFRC10JUL06A-RK]
2 Monday, 10 July 2006
3 [The witness entered court]
4 [The accused present]
09:17:18 5 [Open session]
6 [Upon commencing at 9.20 a.m.]
7 PRESIDING JUDGE: Morning, I understand we have
8 some new interpreters to swear in.
9 MS EHRET: Yes, Your Honours. If they may come in front of
09:18:57 10 you?
11 PRESIDING JUDGE: Yes, bring them before the Court, please.
12 [Interpreters: Illia De Souza George, Kumba Daddy, Yarabi
13 Sowe, Yei Bintu Kabba, Gerogiana Anthony, Joyce Johnson -
14 Sworn]
09:20:34 15 PRESIDING JUDGE: Thank you.
16 MS CARLTON-HANCILES: Good morning, Your Honours. I find
17 myself again here this morning in another exceptional
18 circumstance, appearing for accused Kanu. Mr Manly-Spain this
19 morning phoned and informed me - I spoke to him just before
09:21:06 20 coming to court - he was trying to reach me over the weekend that
21 he was sick. He will see a doctor this morning, but he will be
22 here in the afternoon.
23 Your Honours, I crave your indulgence, again, to come in
24 and deputise for Mr Manly-Spain. I am doing so under Article
09:21:37 25 24(E), Your Honour.
26 PRESIDING JUDGE: Article 24(E) of what?
27 MS CARLTON-HANCILES: Sorry, Article 25(E) of the Directive
28 of the Assignment of Counsel. Your Honour, I appear with the
29 instructions of Mr Manly-Spain. He spoke to me and he told me

1 exactly what is expected of me this morning.

2 JUDGE SEBUTINDE: May we inquire who the gentleman is
3 appearing with you?

4 MS CARLTON-HANCILES: Yes, Your Honour. This is a new
09:22:49 5 member of the team. He is Silas Chekera. He is from Zimbabwe.
6 He is new in the team. I decided to bring him along so he will
7 see exactly what is happening, Your Honour.

8 JUDGE SEBUTINDE: A member of the Kanu Defence team?

9 MS CARLTON-HANCILES: The Kanu Defence team.

09:23:09 10 PRESIDING JUDGE: He is now a permanent member of the
11 Defence team?

12 MS CARLTON-HANCILES: Not yet, Your Honour. He is just
13 coming in. By the start of the September session, we will be in
14 a position to let the Court know, Your Honour.

09:23:21 15 PRESIDING JUDGE: Have you spoken to Mr Kanu about your
16 substituting for Mr Manly-Spain?

17 MS CARLTON-HANCILES: Yes, Your Honour. We have covered
18 all grounds.

19 PRESIDING JUDGE: He has no objection to that?

09:23:33 20 MS CARLTON-HANCILES: He has no objection.

21 PRESIDING JUDGE: Thank you.

22 MS CARLTON-HANCILES: Much obliged.

23 PRESIDING JUDGE: There is one other matter I would mention
24 before we start today's hearing. You will recall that on Friday
09:23:51 25 we missed a whole day's hearing because there were no Defence
26 witnesses available. We've since heard from the Witnesses and
27 Victims Unit that, in fact, there were Defence witnesses waiting
28 to come to give evidence in Court. In future, there will be no
29 adjournments granted for those reasons until we have assurances

1 that the Defence have checked with the Witnesses and Victims Unit
2 to ascertain, as a matter of certainty, that there are no
3 witnesses waiting to come to give evidence.

4 We have, in that regard, an email from Saleem Vahidy that
09:24:45 5 says there were witnesses waiting to give evidence for the
6 Defence. Now, who is calling the next witness?

7 MR DANIELS: Good morning, Your Honours. We will be
8 calling witness 085, who is a common witness.

9 PRESIDING JUDGE: That is witness DBK-085?

09:25:18 10 MR DANIELS: That is so.

11 PRESIDING JUDGE: Yes, Mr Daniels. He is obviously a
12 protected witness; is that correct?

13 MR DANIELS: That is so.

14 PRESIDING JUDGE: Just a reminder to all counsel before we
09:25:44 15 start giving evidence. This is a common witness. That means
16 that this witness is deemed to have been called by all Defence
17 counsel, which means that each Defence counsel, if necessary, and
18 if not covered by Mr Daniels, each Defence counsel has the right
19 to ask questions in chief of this witness. Because it is a

09:26:09 20 common witness, no Defence counsel has the right to cross-examine
21 this witness. Also, when the Prosecution is cross-examining,
22 each Defence counsel, if he's of the view that the question may
23 affect his own client's interest, can object to the question.

24 Again, in re-examination, because it is a common witness, each
09:26:37 25 Defence counsel, if necessary, may ask questions in
26 re-examination. I thought I would clear that up before we start
27 asking questions. Now, you go ahead, Mr Daniels.

28 MR DANIELS: Thank you very much, Your Honour, for the
29 clarification. I believe the witness will be sworn first.

1 JUDGE DOHERTY: Which language, Mr Daniels?
2 MR DANIELS: We have spoken to the interpreter. He will be
3 speaking in Madingo.
4 WITNESS: DBK-050 [Sworn]
09:27:53 5 [The witness answered through interpreter]
6 EXAMINED BY MR DANIELS:
7 Q. Good morning, Mr Witness.
8 A. How is the morning?
9 Q. Could you please give your full name to the Court -- I beg
09:28:38 10 your pardon. Where do you live, Mr Witness?
11 A. My hometown?
12 Q. That is where do you live?
13 A. Where I am staying?
14 Q. That is correct.
09:29:01 15 A. I am staying at xxx.
16 Q. Can you spell xxx?
17 A. I can't. I can only do it in Madingo.
18 MR DANIELS: Your Honours, xxx we've had before, but,
19 for the record, it is xxx.
09:29:33 20 Q. How long have you lived at xxx?
21 A. That is my birth place. It is not like I went to stay
22 there. It is my birth place.
23 Q. Have you stayed anywhere apart from xxx?
24 A. Yes. I have stayed somewhere else.
09:30:13 25 Q. Where else have you stayed?
26 A. In Kono.
27 Q. For how long have you stayed at xxx?
28 A. When I went to xxx to stay there, the year that I spent
29 there, I do not know the year I was born.

- 1 Q. Do you know how long you have stayed at xxx?
- 2 A. I know that.
- 3 Q. Please tell the Court.
- 4 A. When I became grown, a grown-up, I can remember that I have
09:31:41 5 spent 54 years in xxx.
- 6 Q. What is your religion?
- 7 A. I am a Muslim.
- 8 Q. What is your profession?
- 9 A. There is no other job that I do except the petty trading.
- 09:32:42 10 Q. What do you trade in?
- 11 A. Cigarettes and medicines.
- 12 Q. How many languages do you speak?
- 13 A. The language that I know is the one that I'm speaking, my
14 Madingo.
- 09:33:21 15 Q. Are you a married man?
- 16 A. Yes, I have a wife.
- 17 Q. Do you have any children?
- 18 A. I have children.
- 19 Q. Are your children alive?
- 09:33:47 20 A. All of them are not alive. One of them died.
- 21 Q. For those who are alive, where are they living?
- 22 A. Those who are alive are in Kono with their husbands.
- 23 Q. Where do you stay in xxx?
- 24 A. I am in the centre of the town on the main road.
- 09:34:37 25 Q. Do you own a house in xxx?
- 26 A. I do not have a house on my own. My brother's house is
27 where I'm staying.
- 28 Q. Is this house on the main road?
- 29 A. It is on the main road.

1 Q. On the main road from where?
2 A. It is a road that branches from the main road to go there.
3 Q. So the main road you are talking about, which main road is
4 that? Where does it lead to?
09:35:58 5 A. The main road that you leave goes to Kabala.
6 Q. Coming from?
7 A. The main road is coming from the Makeni end.
8 Q. So you are telling this Court that, to get to xxx, you
9 turn off this main road; is that correct?
09:36:35 10 MR HARDAWAY: Objection, Your Honour, leading.
11 PRESIDING JUDGE: It is leading, Mr Graham.
12 MR DANIELS: Very well. I will rephrase it.
13 PRESIDING JUDGE: I beg your pardon. I meant Mr Daniels.
14 MR DANIELS:
09:36:53 15 Q. How do you get from Makeni Town to xxx?
16 THE INTERPRETER: His microphone is not on, Your Honours.
17 PRESIDING JUDGE: You better ask that again, Mr Daniels.
18 MR DANIELS:
19 Q. How do you get to xxx from Makeni Town?
09:37:27 20 A. You use the route to Kabala, that same route.
21 Q. And then?
22 A. Nothing happens. When you go, you will see the road going
23 on the branch side. That is where they will drop you and take
24 the other road that branches from the main road to our own place.
09:38:02 25 Q. At the branch side you are talking about, what is the name
26 of that branch? Is there a name?
27 MR HARDAWAY: Leading again, Your Honour. I object.
28 PRESIDING JUDGE: I will allow it.
29 MR DANIELS:

1 Q. The branch or the junction that you are talking about, does
2 it have a name?
3 A. There is a name.
4 Q. What is it called?
09:38:29 5 A. xxx Junction.
6 Q. What is the distance from that junction to xxx xxx,
7 your town?
8 A. One mile and a half.
9 Q. Are there any towns between xxx Junction and xxx
09:39:02 10 Town?
11 A. There is no town between them.
12 Q. Please tell us how many people live presently in xxx
13 Town?
14 A. I can't. I don't know that.
09:39:40 15 Q. Do you know how many houses are situated in xxx Town?
16 A. I do know that.
17 Q. Please tell the Court?
18 A. There are 15 houses there.
19 MR HARDAWAY: Excuse me, Your Honour, I did not hear that
09:40:50 20 clearly, was that 15 or 50.
21 PRESIDING JUDGE: I took it as one, five.
22 MR HARDAWAY: Thank you.
23 MR DANIELS: Your Honour, that is what I heard.
24 Q. Can you please repeat your answer?
09:41:07 25 A. 15 houses.
26 Q. How do you know that there are 15 houses?
27 A. Well, that is the town in which I was born.
28 Q. From xxx Town what is the name of the next town?
29 A. It is called xxx.

- 1 MR DANIELS: Your Honours, I have xxx [sic] the
2 spelling for xxx.
- 3 Q. What is the distance between xxx Town and xxx Town?
- 4 A. It is half a mile.
- 09: 42: 37 5 Q. Is there another town after xxx Town?
- 6 A. Yes, there is another town there.
- 7 Q. Can you please tell us the name of that town?
- 8 A. From xxx, you would go to Daria.
- 9 MR DANIELS: I have for spelling, D-A-R-I-A,
09: 43: 15 10 which I'm guessing.
- 11 Q. What is the distance between xxx and Daria Town, if you
12 know?
- 13 A. Those two towns, they are almost in the same place. It is
14 not even up to half a mile, the distance between them.
- 09: 43: 39 15 Q. Have you ever been to xxx Town before?
- 16 A. Yes, I've been there, that's the place I have been going.
- 17 Q. How did you go there?
- 18 A. That is the place I go through when I go on trading.
- 19 Q. The question was how do you get to xxx Town from xxx?
- 09: 44: 23 20 A. I do walk to go there.
- 21 Q. Do you know how many people stay at xxx Town?
- 22 A. I wouldn't know that, because that is not the place where I
23 was born.
- 24 Q. Do you know how many houses are in xxx Town?
- 09: 44: 53 25 A. In xxx Town, there are three houses there.
- 26 Q. Do you know how many houses are in Daria Town?
- 27 A. I wouldn't know the number of houses in Daria, I wouldn't
28 no the number.
- 29 Q. What about the number of residences?

1 A. I don't know the number of people.

2 Q. From Daria Town, what is the next town?

3 A. You would go to Mayongbo.

4 MR DANIELS: For Mayongbo, Your Honours, I have
09:46:00 5 M-A-Y-O-N-G-B-O.

6 Q. What is the distance from Daria to Mayongbo Town?

7 PRESIDING JUDGE: Is any of this relevant. I'm having
8 difficulty seeing how this fits in the summary of evidence that I
9 know has been filed.

09:46:28 10 MR DANIELS: Your Honours, the Prosecution have led
11 evidence in this Court that Karina Town was in many ways the
12 epicentre of their case. There was a lot of atrocities that took
13 place in Karina. These are town leading up to Karina. A lot of
14 evidence has been given about Karina, so for us, the distances
09:46:57 15 between the towns is very relevant because certain allegations
16 have been made against some of our clients within certain towns
17 and we need to be specific about distances between the towns, et
18 cetera, et cetera. If you want me to give further details --

19 PRESIDING JUDGE: No, I understand, Mr Daniels. You keep
09:47:15 20 going. Perhaps repeat that last question.

21 MR DANIELS: Most grateful.

22 Q. Can you please tell us the distance from Daria Town to
23 Mayongbo?

24 A. Between Daria and Mayongbo, it is not up to 1 mile, it is
09:47:46 25 half a mile.

26 Q. Have you ever been to Mayongbo Town?

27 A. I have been there, I have gone beyond that.

28 Q. Do you know the number of houses in Mayongbo Town?

29 A. I do not know the number.

1 Q. Do you know the number of people that stayed in Mayongbo
2 Town?
3 A. I do not know the number.
4 Q. From Mayongbo Town what is the name of the next town?
09:48:41 5 A. From Mayongbo, you go to Karina.
6 Q. If you can tell us please, what is the distance between
7 Mayongbo Town and Karina Town?
8 A. Between Mayongbo and Karina it is like they are in the same
9 place, it is not even up to half a mile. They are almost in the
09:49:18 10 same place.
11 Q. Can you see Karina Town from Mayongbo Town?
12 A. Yes.
13 Q. Mr Witness I want you to cast your mind back to 1998. Do
14 you remember anything happening in xxx Town around -- any time
09:50:13 15 in 1998?
16 A. Maybe I can say what I know.
17 Q. Can you please tell us what you remember happening?
18 A. Well, what I can recall is that I was lying down one day,
19 one night at 4.00 --
09:50:56 20 Q. Before you go on, where were you lying down?
21 A. In my house, in my room.
22 Q. Were you alone?
23 A. I was alone in my room.
24 Q. What time of year was this?
09:51:30 25 A. It was in the rainy season. The rainy season had not set
26 in full, but it had started raining.
27 Q. You just told this Court you were lying down, what happened
28 after that?
29 A. What happened after that was as I was lying down, one night

1 at about 4.00 a.m. I woke up. I heard some sound. It was like a
2 wind. Then I opened my window. When I opened my window, I saw
3 some people coming.

4 Q. Mr Witness, how do you know that it was around 4.00 a.m.
09:52:52 5 that you woke up?

6 JUDGE SEBUTINDE: Mr Daniels. He didn't say it was 4.00
7 a.m. He simply said it was 4.00. You haven't established
8 whether this was day or night.

9 MR DANIELS: Very well.

09:53:06 10 Q. You told this Court that you woke up at 4.00 o'clock. Was
11 it in the morning or was in the night?

12 A. In the morning, in the early morning just at the time we
13 were getting ready for the early morning prayers.

14 Q. Was it dark or was it light outside?

09:53:37 15 A. It was getting light a little.

16 Q. You told this Court that you opened your window. What did
17 you see?

18 MR HARDAWAY: Leading, Your Honour.

19 PRESIDING JUDGE: The evidence is already there,
09:54:03 20 Mr Daniels. He said he saw some people coming.

21 MR DANIELS:

22 Q. How many people did you see?

23 A. When I opened my window, I saw some dark people. I was
24 standing at my window and I was seeing them. When they came
09:54:27 25 towards my door, that is where they passed. One after the other.

26 Q. Now, Mr Witness, where is your window situated within
27 your -- where you were staying within the building you were
28 staying?

29 A. Towards the sunrise. Just towards the sunrise.

- 1 Q. These people you said you saw, who were they?
- 2 A. Those people whom I saw, the first people whom I saw, the
3 first one was Adama Cut Hand.
- 4 Q. Hold on. You have just told this Court that you opened
09:55:25 5 your window and the people -- one of the people you saw was Adama
6 Cut Hand. Who is Adama Cut Hand?
- 7 A. Adama Cut Hand is a Loko.
- 8 Q. Is Adama Cut Hand a man or a woman?
- 9 A. A woman.
- 09:55:58 10 Q. When you saw her, was she doing anything?
- 11 A. She was doing something.
- 12 Q. What was she doing?
- 13 A. Well, as I was standing, I saw her coming together with her
14 people. I saw my younger brother behind them.
- 09:56:30 15 THE INTERPRETER: Your Honour, he has just called a name.
16 I don't know if I am permitted to call the name.
- 17 MR DANIELS:
- 18 Q. For the protection of yourself, Mr Witness, please do not
19 mention the names of your relatives or anybody, just refer to
09:56:46 20 them by their relationship to you. Do you understand?
- 21 A. Yes, I have understood that.
- 22 Q. Thank you. Mr Witness, you said you saw Adama Cut Hand
23 with some people. How many people was Adama Cut Hand with?
- 24 A. Well, when they reached, all those people whom I saw behind
09:57:32 25 her, I counted them one after the other. There were 15 people
26 following her.
- 27 Q. The people who were following her, were they men or women?
- 28 A. They were men.
- 29 Q. What was she wearing, Adama Cut Hand?

1 A. What she was wearing, I wouldn't know, but what she covered
2 I know that.
3 Q. How close was she from you when you saw her?
4 A. It is not a long distance. It is not a long distance. I
09:58:35 5 was standing on the veranda and they were passing by outside. It
6 is not a long distance. I was standing on the veranda of the
7 house and they were passing in front.
8 Q. Now, how do you know that the person you saw was Adama Cut
9 Hand?
09:58:53 10 A. How I came to know? I used to know her before since we
11 were in Kono.
12 Q. Where did you know her in Kono?
13 A. Where I knew her in Kono, I knew her in Sefadu itself.
14 Q. What were the circumstances of you knowing her. Did you
09:59:33 15 meet her?
16 MR HARDAWAY: Leading, Your Honour.
17 PRESIDING JUDGE: I will allow that. Go ahead, Mr Daniels.
18 MR DANIELS:
19 Q. How did you know her in Sefadu?
09:59:53 20 A. How I came to know her in Sefadu, well, she was a diamond
21 miner: She was a diamond miner.
22 Q. How did you know she was a diamond miner?
23 A. Well, I saw her. Had I not seen her, I wouldn't know.
24 Q. You have also told this Court that Adama Cut Hand is a
10:00:19 25 Loko. How do you know that?
26 A. How I came to know that she was Loko, because she was
27 speaking Loko, plain Loko.
28 Q. I'm taking you back now. You said you saw Adama Cut Hand
29 leading some men. Where was she leading them to?

1 A. Well, they were going towards Karina on the road.

2 MR HARDAWAY: Objection, Your Honour, no foundation for
3 that.

4 PRESIDING JUDGE: What do you say to that, Mr Daniels?

10:01:09 5 MR DANIELS: Your Honour, the witness said she -- he saw
6 Adama Cut Hand leading some witnesses -- some men. I wasn't
7 there and I want to know where they were being led to. Those
8 were not my words, they were the words of the witness.

9 MR HARDAWAY: I would respond, Your Honour, respectfully
10:01:34 10 that he just saw them marching, he has no idea at that point in
11 time in his testimony where they were leading to. It can be
12 supposed, it can be --

13 PRESIDING JUDGE: He didn't say they were going to Karina,
14 he has already given evidence that he knows where Karina is from
10:01:45 15 his own hometown and I understood him to say words to the effect
16 that they were going in the direction of Karina. I will allow
17 the question.

18 MR DANIELS: Most grateful, Your Honour.

19 Q. Mr Witness, how do you know that Adama Cut Hand was leading
10:02:07 20 men in the direction of Karina?

21 MR HARDAWAY: I would object that that question is leading.

22 PRESIDING JUDGE: It is allowed.

23 MR DANIELS:

24 Q. Mr Witness, how do you know that Adama Cut Hand was leading
10:02:39 25 some men to Karina?

26 A. There is no other way how I knew it. I saw them and I knew
27 it. That is how I knew.

28 Q. The 15 people you saw with Adama Cut Hand, did they
29 eventually leave Karina?

1 PRESIDING JUDGE: They haven't reached Karina.
2 MR DANIELS: Very well.
3 Q. What happened after you saw them leaving?
4 A. What happened after that --
10:03:17 5 PRESIDING JUDGE: Mr Daniels, did he say he saw them
6 leaving? He saw them going past his house for all we know they
7 might have camped by the side of the road after that and stayed
8 in town.
9 MR DANIELS: Very well, I will clarify that.
10:03:37 10 Q. Mr Witness, after you saw Adama Cut Hand with 15 men in
11 Bonoya Town, did anything else happen?
12 A. Well, I saw my younger brother --
13 THE INTERPRETER: Your Honours, he has called a name again.
14 PRESIDING JUDGE: Mr Witness, you should not give people's
10:04:03 15 names because it affects your security. So do not refer to a
16 proper name, just the relationship.
17 THE WITNESS: Okay.
18 MR DANIELS:
19 Q. Please repeat what you said without mentioning the name.
10:04:28 20 A. He was captured and they killed him.
21 Q. Who killed him?
22 A. Adama killed him.
23 Q. How do you know Adama killed him?
24 A. I was standing on the veranda. I saw her kill him. She
10:05:10 25 told his boys to capture him and kill him.
26 Q. How was your brother killed?
27 A. She told him to go across the road, that is where -- to go
28 across the road. They shot him once, he didn't fall. Twice, he
29 didn't fall, the third time he fell.

- 1 Q. Did you see who shot him?
- 2 A. No, he was not shot. They hacked him, they cut him.
- 3 Q. With what did they hack him or cut him?
- 4 A. A cutlass, they had a long cutlass.
- 10:06:16 5 Q. Did anything happen after that, after your brother was --
- 6 PRESIDING JUDGE: Just before you leave that. I'm a little
- 7 bit confused, was he shot or hacked or was he both shot and
- 8 hacked or was saying he was shot a mistake?
- 9 THE WITNESS: He was not shot. He was not shot. He was
- 10:06:35 10 hacked.
- 11 MR DANIELS:
- 12 Q. Mr Witness, a minute ago you told this Court that your
- 13 brother was shot for the first time, second time and third time
- 14 until he fell. Do you remember saying that?
- 10:06:54 15 A. I did not say that. I did not say that at all.
- 16 Q. Did anything happen after your brother was hacked?
- 17 MR HARDAWAY: Leading again, Your Honour.
- 18 PRESIDING JUDGE: He said did anything happen. I will
- 19 allow -- go ahead, Mr Daniels.
- 10:07:32 20 MR DANIELS: Most grateful.
- 21 Q. Mr Witness, did anything happen after your brother was
- 22 hacked to death?
- 23 A. Yes, something else happened after that. They passed
- 24 through and went.
- 10:07:56 25 Q. Do you know who passed through?
- 26 A. I know she passed together with her group and they went.
- 27 Q. Did you see them leaving?
- 28 A. I saw them going.
- 29 Q. And do you know where they were going to? Do you know

1 where they went to?

2 A. I wouldn't know. I just saw them on the main road going,
3 but I wouldn't know where they were going. I don't know that.

4 Q. You have told us that you were not sure about what Adama
10:08:45 5 Cut Hand was wearing, the other 15 men do you know what they were
6 wearing, the 15 men with Adama Cut Hand, do you know what they
7 were wearing?

8 A. I wouldn't know what they were wearing. There were many
9 types. I wouldn't know and I can't recall that.

10:09:04 10 Q. After Adama Cut Hand and the 15 men left Bonoya, did
11 anything happen, did anything else happen?

12 A. Yes, something else happened after that.

13 Q. What happened after that?

14 A. As I was standing, I saw some other people coming, there
10:09:36 15 were many.

16 Q. Are you able to estimate about how many other people were
17 coming?

18 A. Those people who were coming, I know their number because
19 they were --

10:10:06 20 THE INTERPRETER: Your Honours, can the witness please
21 repeat what he just said.

22 PRESIDING JUDGE: Yes.

23 MR DANIELS:

24 Q. Mr Witness, can you please repeat your last answer.

10:10:29 25 A. Well, I said I saw the group coming. They took him and met
26 me. I was still standing there.

27 Q. How long after Adama Cut Hand and the men left was it that
28 the second group came?

29 A. I wouldn't know the time. I don't know that time.

- 1 Q. This second group, you told us that you know how many there
2 were. Can you please tell us how many there were.
- 3 A. The number of people at the time, the people -- it was
4 getting bright. At that time they had set fire to the barri and
10:11:33 5 it was getting brighter. All of them came and I counted all of
6 them, all of them. They were standing at my door step. They
7 were 30 in number.
- 8 Q. Thank you. Were these men or women?
- 9 A. I saw men. All men, I saw all men.
- 10:12:12 10 Q. You said you saw them burning, what they were burning?
- 11 A. The barri, court barri where people sit to try cases.
- 12 Q. Was anything else burnt in Bonoya Town?
- 13 A. Yes.
- 14 Q. Please tell us.
- 10:12:45 15 A. Well, let's talk about her and her group.
- 16 JUDGE SEBUTINDE: Mr Daniels, what is the foundation as to
17 who burnt the court barri, I haven't heard any foundation there.
- 18 MR DANIELS: Very well. I will clarify, Your Honour.
- 19 Q. Mr Witness, you told this Court that the court barri was
10:13:21 20 burnt. How do you know that the court barri was burnt?
- 21 A. How I came to know because in the morning that is where we
22 all sit down. It is in that court barri that we go and sit down
23 and keep time together with other people. That is where, in fact
24 we eat sometimes.
- 10:13:57 25 Q. Did you see who burnt the court barri?
- 26 A. The people, well, I don't actually know who set it on fire,
27 but when the fire actually started, I saw all of them standing.
- 28 Q. How close were you from where you were standing to the
29 court barri?

1 A. It is not a long distance. It is not a long distance at
2 all. It is just in the same place.

3 Q. Were you alone?

4 A. I, I was the only person standing in my veranda. All the
10:14:51 5 others had run away into the bush. I couldn't go.

6 Q. Mr Witness, I was asking you whether anything else was
7 burnt apart from --

8 JUDGE SEBUTINDE: Mr Daniels, are you satisfied with the
9 foundation as to who burnt the court barri? Have you got an
10:15:16 10 answer, because I haven't.

11 MR DANIELS:

12 Q. Mr Witness, did you see anyone burning the court barri?

13 A. After the barri had been burnt I have not completed that.
14 The burning of the barri, what happened after that I have not
10:15:34 15 spoken about that yet.

16 Q. Did you see anyone burning the court barri?

17 A. I said I did not know the people. When they were setting
18 it on fire it was dark. It was only when the fire became bright.

19 Q. But, how do you know who set -- that it was they who set it
10:16:01 20 on fire?

21 A. How I came to know that --

22 MR HARDAWAY: Your Honour.

23 PRESIDING JUDGE: Yes, Mr Hardaway.

24 MR HARDAWAY: What they is the witness referring to? I
10:16:14 25 have no idea who he is referring to at this point.

26 PRESIDING JUDGE: I think you should rephrase that,
27 Mr Daniels.

28 MR DANIELS:

29 Q. Mr Witness, you told this Court that about 30 other people

1 came to Bonoya Town after Adama Cut Hand had left; do you
2 remember?

3 A. Yes, I can remember that. That is what I said.

4 Q. Did they do anything in Bonoya Town?

10:17:07 5 A. Yes. They did something. Those 30 people who came, who
6 met me standing, they were the ones who amputated my leg.

7 Q. I will come to your leg in a minute. Apart from amputating
8 your leg, did they do anything else?

9 A. They did something else.

10:17:43 10 Q. What else did they do?

11 A. It is many. It is many. They amputated a lot of people,
12 because at that time it was getting brighter. They amputated a
13 lot of people.

14 Q. Where?

10:18:08 15 A. In Bonoya Town itself.

16 Q. Did you see them amputating other persons?

17 A. They did not -- they did not amputate anybody's hands, but
18 they mutilated people, some were mutilated on their hands and
19 some on their legs.

10:18:39 20 Q. Who amputated you?

21 A. SAJ Musa's boys. He sent them and he said why I didn't run
22 away -- use my legs to run away, that is why they should amputate
23 my leg.

24 Q. Which leg was amputated, can you just show the Court just
10:19:13 25 for -- which leg has been amputated?

26 A. My left, my left leg.

27 Q. Your left leg.

28 MR DANIELS: Your Honours, just for the record, if it could
29 reflect that the witness is referring to his left leg.

1 Q. You just told this Court that SAJ Musa sent his boys to
2 amputate your legs -- your leg. How do you -- who is SAJ Musa?

3 A. I do not know who he is, let me not tell lies.

4 Q. You told this Court he sent his boys to amputate your foot.
10:20:09 5 How do you know he sent his boys?

6 A. I was standing. I was looking at them. I saw them. He
7 pointed at me and asked me why I didn't run away and I said I
8 couldn't run, so he said my leg should be cut off.

9 Q. I'm saying you told this Court that SAJ Musa sent his boys.
10:20:45 10 Why do you say so, how do you know that SAJ Musa sent his boys?

11 A. How I came to know, I saw them. I was looking at them.
12 Somebody who does something wrong to you, you wouldn't miss that
13 person. You would know him. You wouldn't miss him.

14 JUDGE SEBUTINDE: Mr Daniels, the witness mentioned awhile
10:21:10 15 ago, that somebody he, he says he pointed at me and asked me. We
16 would like to know who that he was.

17 MR DANIELS:

18 Q. Mr Witness?

19 MR DANIELS: Your Honour, if I could seek clarification.

10:21:34 20 JUDGE SEBUTINDE: He pointed at me and asked me why I had
21 not run away. That individual is who I would like to know.

22 MR DANIELS: Very well.

23 Q. Mr Witness, you just told this Court that someone pointed
24 at you and asked you why you did not run away. Do you remember
10:21:49 25 telling this Court?

26 A. It was SAJ Musa who pointed at me. It was he who was
27 pointing at me. He's a person I know. I don't know any other
28 person. I know him. Those who amputated me, I do not actually
29 know their names, but I knew him. I know him since Kono. I know

1 him, because we were all in Kono.
2 Q. Now, Mr Witness, do you or don't you know SAJ Musa. You
3 say --
4 A. I know him very, very well.
10:22:48 5 Q. How do you know him?
6 A. Well, how I came to know him, just like other people knew
7 him, that is how I knew him.
8 Q. Did anything else happen after you were amputated in Bonoya
9 Town?
10:23:18 10 A. Yes, other things happened.
11 Q. What happened?
12 A. Olangba and his group came.
13 Q. Hold on one minute. For the records, Olangba is
14 O-L-A-N-G-B-A. How soon - I will rephrase that - when did
10:24:10 15 Olangba and his boys come to Bonoya?
16 A. By the time they arrived, it was day break.
17 Q. How many were there?
18 A. There were also many. There were plenty of them.
19 Q. Do you know the number?
10:24:44 20 A. There were about 50 of them.
21 Q. Who is Olangba?
22 A. Olangba, I don't know what kind of a person he was, but I
23 heard people calling his name. They were calling his name and
24 they were pointing fingers at him.
10:25:12 25 Q. Did you see anyone pointing fingers at Olangba?
26 A. I would not know, I would not know those people, but it was
27 his own group that he came with. They knew him, and they were
28 many.
29 Q. Mr Witness, I asked you whether you saw anyone pointing

1 fingers at Ol angba?

2 A. I said the people were many and I don't know his own
3 people. They were just calling his name Ol angba, Ol angba and he
4 kept answering to that name.

10:26:04 5 Q. Did you hear Ol angba answer to that name?

6 JUDGE SEBUTINDE: That is just what he said.

7 MR DANIELS: Very well. Very well.

8 Q. Mr Witness, did anything happen with Ol angba and his boys
9 in Bonoya Town?

10:26:28 10 A. Yes, they did something.

11 Q. What did they do?

12 A. My younger brother's Mercedes Benz was standing there.
13 They burnt that Mercedes Benz. They set his house on fire. They
14 killed two of his children in the house. They captured two

10:27:08 15 people, one girl and one boy and they took them away. That is
16 what he did.

17 Q. Who did what you just referred to? Who did that?

18 A. Ol angba did that.

19 Q. Did you see the Mercedes Benz on fire yourself?

10:27:47 20 A. I saw it. It was standing there. It was no other place.
21 It was standing right in front of his house.

22 JUDGE SEBUTINDE: Mr Daniels, I still think you need to lay
23 some foundation. I for one am wondering how an amputee is able
24 to see all these other things. You haven't laid the foundation
10:28:18 25 yet.

26 MR DANIELS: Very well.

27 Q. Mr Witness, where were you standing at the time you saw the
28 Mercedes Benz being burnt?

29 A. I was on my veranda and they had cut my foot. I was lying

1 on the veranda and I was looking at them.

2 Q. What is the distance from your house to your brother's
3 house?

4 A. Well, it was just the road that was between us, it was just
10:29:06 5 the main road that was between us.

6 Q. So you are saying the houses are opposite?

7 MR HARDAWAY: Leading, Your Honour.

8 PRESIDING JUDGE: Yes, that is leading, Mr Daniels.

9 THE WITNESS: It was just the vehicle road that was between
10:29:33 10 us, the other houses at the other end and the other one was at
11 the other end.

12 MR DANIELS:

13 Q. What time of day was it that the vehicle burnt?

14 A. I would not know the hour, but it was day break.

10:30:07 15 Q. Was it light?

16 A. Yes.

17 Q. Did you see how many people?

18 MR HARDAWAY: Excuse me Your Honours, I'm not objecting to
19 this question as of yet, but there is a point and I apologise for
10:30:33 20 interrupting my learned friend. The witness has given evidence
21 of a car being burned and I will address this later in
22 cross-examination, but there is no mention in the witness's
23 summary of any car being burned and we are not on notice to
24 anything as to relates to that. I just wish to bring it to the
10:30:56 25 Court's attention.

26 PRESIDING JUDGE: Thank you, Mr Hardaway. I will take note
27 of that.

28 MR HARDAWAY: I apologise again for the interruption to my
29 learned friend.

1 MR DANIELS: Most grateful.

2 Q. Did you see how many -- the question was much. How many
3 people set fire to the Mercedes Benz?

4 A. There were many, the people were many. The people were
10:31:32 5 many, those who went around there.

6 Q. What colour was the Mercedes Benz?

7 A. The colour I can't remember the colour. I can't remember
8 the colour because it is a long time now since that happened.

9 Q. Do you know the car number of the Mercedes Benz?

10:32:08 10 JUDGE SEBUTINDE: You don't reckon that this is identifying
11 data?

12 MR DANIELS: Very well. The point is well taken.

13 THE WITNESS: I don't know that number. I can't remember
14 that number. It is not my own and I am not literate.

10:32:30 15 Q. So where is the Mercedes Benz today?

16 A. Is it -- there is nothing there. They burnt everything, so
17 there is nothing left there.

18 Q. After you saw them burning your brother's vehicle. Did
19 anything else happen in Bonoya Town?

10:33:11 20 A. Yes, they mutilated so many people and they burnt so many
21 houses -- they set so many houses on fire. That is all I know.

22 Q. After that burning of houses set on fire, did anything else
23 happen?

24 A. I can't remember, but all what I know is what I have told
10:33:47 25 you.

26 Q. Have you ever heard of the name of Ibrahim Bazy Kamara as
27 being responsible for the attacks in Bonoya?

28 MR HARDAWAY: Objection to the form of the question, Your
29 Honour.

1 PRESIDING JUDGE: What you are objecting about, Mr
2 Hardaway.

3 MR HARDAWAY: Leading still. I think it can be better
4 phrased.

10:34:28 5 THE WITNESS: I did not hear.

6 PRESIDING JUDGE: It is leading, but Mr Daniels is seeking
7 to get some denials in relation to his client. I can't imagine
8 how he could do that if he does not direct the witness's
9 attention to that.

10:34:47 10 MR HARDAWAY: Understood, Your Honour.

11 PRESIDING JUDGE: Yes, Mr Daniels.

12 MR DANIELS: Most grateful.

13 Q. I will repeat the question. Mr Witness, have you ever
14 heard of Ibrahim Bazy Kamara being responsible for the events
10:35:09 15 that took place in Bonoya in the period you are describing?

16 A. I did not hear his name. I did not hear his name, I did
17 not see him. I don't even know him, but I did not know him. I
18 did not even see him. I never heard people mention his name. I
19 did not see him at all.

10:35:42 20 Q. Mr Witness, did you ever hear of Alex Tamba Brima being
21 responsible for the atrocities that took place in Bonoya in the
22 period you told this Court?

23 A. I did not hear that. I did not hear his name; I did not
24 see him.

10:36:22 25 Q. Mr Witness, did you ever hear of the name of Santi gie
26 Borbor Kanu, being responsible for the atrocities that took place
27 in Bonoya in the period you have told this Court?

28 A. I did not hear that. I did not hear his name; I did not
29 see him.

1 Q. Mr Witness, apart from what you told this Court, was Bonoya
2 Town ever attacked again?

3 A. No. Since that happened, they never attacked there again,
4 not even one individual came there again.

10:37:24 5 Q. Mr Witness, apart from the attacks you just told this Court
6 about, were there any attacks before those attacks you just told
7 this Court about?

8 MR HARDAWAY: Objection, Your Honour if there could be some
9 clarification as to a specific time frame.

10:38:04 10 PRESIDING JUDGE: I think he can answer that and if there
11 were some attacks, you could explore that possibility then.

12 MR DANIELS: Most grateful.

13 JUDGE SEBUTINDE: Could you ask the question again, please.

14 MR DANIELS:

10:38:31 15 Q. Mr Witness, you have told this Court about the attacks in
16 Bonoya in 1998, were there any attacks before those you have told
17 this Court about?

18 A. No other attack happened after this. No other attack
19 happened after this.

10:38:59 20 Q. I'm saying before the attacks that is took place in 1998,
21 were there attacks before, not after, before?

22 A. No other attack happened. They were coming naturally, but
23 they passed by but to say they will come and then attack the
24 town, they will come and then they will pass. They will come and
10:39:28 25 they will pass.

26 Q. Who will come and pass?

27 A. No, I don't think I will know them. I would not like to
28 lie. I don't know them at all.

29 Q. Very well. Finally, Mr Witness, the attacks that took

1 place in Bonoya, you referred to Adama Cut Hand and her group;
2 you referred to SAJ Musa and his group; you referred to Olangba
3 and his group. Did all those attacks take place on one and the
4 same day?

10:40:20 5 A. All happened in one day. And since that time they never
6 returned to that place, since after the attacks.

7 Q. How many people were amputated in Bonoya on that day?

8 A. That same day?

9 Q. That is so. I'm talking about amputations?

10:41:14 10 A. Well, those whose -- those who were mutilated or cut, no
11 other individuals I know were amputated, except my own leg that
12 was amputated, but those that were mutilated they were many. I
13 can't remember their number, because at that time there was
14 chaos. There were many.

10:41:58 15 MR DANIELS: Thank you, Mr Witness. Your Honours, I have
16 no further questions.

17 PRESIDING JUDGE: Thank you, Mr Daniels. That is a good
18 time to take our usual morning adjournment. We will adjourn
19 until 11.00.

10:42:12 20 [Break taken at 10.45 a.m.]

21 [Upon resuming at 11.08 a.m.]

22 PRESIDING JUDGE: Is there anything else in chief from the
23 Defence?

24 MR GRAHAM: Nothing, Your Honour, we don't have any further
11:05:56 25 questions to request.

26 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Prosecution,
27 cross-examination.

28 MR HARDAWAY: Yes, thank you, Your Honour. Morning, Your
29 Honour.

1 PRESIDING JUDGE: Good morning.
2 CROSS-EXAMINED BY MR HARDAWAY:
3 MR HARDAWAY:
4 Q. Mr Witness, good morning.
11:06:16 5 THE INTERPRETER: You Honours, his microphone is not on.
6 MR HARDAWAY:
7 Q. Mr Witness, good morning?
8 A. Good morning.
9 Q. I have some questions for you today, sir. I just want you
11:06:38 10 to listen to them carefully and to answer them as clearly and as
11 directly as possible; all right?
12 A. [No audible response].
13 Q. Did you understand me, sir?
14 A. I have understood.
11:07:07 15 Q. Thank you. Mr Witness, prior to the attacks that you have
16 testified to, were there any armed forces in Bonoya prior, such
17 as any Kamajors, CDF, Nigerians or ECOMOG forces?
18 A. There were no fighters there. There was nothing in the
19 town.
11:07:45 20 Q. Now you testified in evidence-in-chief, sir, that it was at
21 4.00 a.m. when you first noticed the events that you testified
22 to. How do you know specifically it was 4.00 a.m.?
23 A. How I knew it, I have a clock on the wall like the one that
24 you have here and it keeps giving the time and I looked at the
11:08:13 25 time and it was sharp 4.00, after the chime.
26 Q. Now, you stated that the first group you saw was led by
27 Adama Cut Hand; is that correct?
28 A. Yes.
29 Q. Do you know that Adama Cut Hand was a soldier?

1 A. No, I did not know that. I knew her to be a rebel, because
2 any individual that cut your foot or amputated your foot or hand
3 is a rebel.

4 Q. Mr Witness, you -- in the summary of your statement you
11:09:08 5 have listed that she was a soldier, so that part of your summary
6 was incorrect?

7 A. I did not tell you that in my statement that she was a
8 soldier, what I know is what I have said. What I don't know I
9 will not say that. What I know is what I have said.

11:09:40 10 Q. You gave a statement to the lawyers on the other side; is
11 that correct, a statement of what you are going to testify to
12 today?

13 A. No, I did not say that.

14 Q. Mr Witness, please listen carefully to my question. It is
11:10:13 15 a simple yes or no?

16 A. I'm listening. I'm listening very well.

17 Q. Prior to your coming here today to provide evidence, did
18 you provide a statement to lawyers on the Defence?

19 A. Yes, I had given them a statement, yes.

11:10:40 20 Q. Now, in that statement, did you refer to Adama Cut Hand as
21 a soldier?

22 A. I did not say that. By time they reached there, I knew her
23 to be a rebel. At the time --

24 Q. Mr Witness, please listen carefully to my question. In the
11:11:11 25 statement that you provided to the Defence, did you refer to
26 Adama Cut Hand as a soldier in that statement? Yes or no?

27 A. No. You have asked me. I have replied. You asked me, I
28 have replied. What I know is what I have said. There is nothing
29 else I can say.

1 Q. Now, you stated that you had known her before and that she
2 was a Loko, because she spoke Loko; is that correct?

3 A. I said what the Court has asked me that what was her tribe,
4 I told the Court that she is a Loko and that is what I know. And
11:12:14 5 how did you know and I said because she was speaking Loko.

6 Q. Now you give evidence that you only speak Madingo; is that
7 correct?

8 A. It is only Madingo that I speak because that is the
9 language that I was born in?

11:12:35 10 Q. So if you only speak Madingo, how do you know she was
11 speaking Loko and that she was Loko?

12 A. How I knew that she is a Loko, because the other people
13 speak it, other people say she is a Loko, that is why I said she
14 is also a Loko and that is why I said she is a Loko.

11:13:03 15 Q. So it is not because you understand Loko and she spoke and
16 you understand it, you heard it from other people; correct?

17 A. Everybody said she is a Loko and I also agree that she is a
18 Loko.

19 Q. Now, Mr Witness, you gave evidence that there were 15
11:13:33 20 people who were with Adama Cut Hand at the time you observed her;
21 is that correct?

22 A. I don't have much to say, what the Court asked me ask is
23 what I have explained. There is nothing else I know. I cannot
24 explain anything else now.

11:13:56 25 Q. I'm just asking you for clarification, Mr Witness. These
26 are very simple yes or no questions. You testified about 15
27 people who were following Adama Cut Hand at the time you saw her
28 in Bonoya; yes or no?

29 A. What I have told the Court that this was the number, that

1 is the number. I will not add any other thing to that and I will
2 not subtract anything from that.

3 Q. I'm not asking you to do that, sir. Just for
4 clarification. Now, you stated that this group killed a family
11:14:34 5 member of yours, a brother, I believe?

6 PRESIDING JUDGE: This is all on the record, Mr Hardaway.
7 I don't know why --

8 THE WITNESS: I have said that. I had already explained
9 that.

11:14:48 10 PRESIDING JUDGE: [Overlapping speakers] we heard it, we
11 know what he said.

12 MR HARDAWAY: Very well, Your Honour.

13 Q. Mr Witness, going to the second group that entered Bonoya,
14 you stated that was SAJ Musa's group; correct?

11:15:20 15 A. I believe it is true. I will not say another thing beyond
16 that.

17 Q. I want you to help me with a point of clarification on your
18 evidence, sir. You have testified in direct that at first you
19 did not know who SAJ Musa was; do you remember that?

11:15:42 20 A. I don't know any other thing. I have already explained
21 what I know.

22 PRESIDING JUDGE: Witness --

23 THE WITNESS: I have said everything. There is nothing
24 else I can say.

11:15:57 25 PRESIDING JUDGE: Counsel for the Prosecution is doing his
26 duty to test your evidence. Now you are there to answer
27 questions. You don't have a choice whether you wish to answer
28 questions or not. You are there to answer his questions and I
29 request you to do so.

1 MR HARDAWAY: Thank you, Your Honour.

2 Q. I will repeat the question. You had testified in direct
3 evidence, sir, that you did not know who SAJ Musa was. Do you
4 remember that?

11:16:37 5 A. I did not say I do not know him. I did not say that. To
6 say I did not say that that I do not know him. I knew him since
7 Kono. I did not say I did not know him.

8 MR HARDAWAY: I will let the record speak for itself on
9 that, Your Honour.

11:16:59 10 Q. Then it is your evidence that SAJ Musa actually pointed at
11 you or was it SAJ Musa's boys at the time?

12 A. He pointed at me.

13 Q. Mr Witness, I put it to you that SAJ Musa was never in Kono
14 and that you have never seen him before, what is your response?

11:17:22 15 JUDGE DOHERTY: There is two questions there, Mr Hardaway.

16 MR HARDAWAY: I apologise, Your Honour.

17 Q. I put it to you, Mr Witness that you have never seen SAJ
18 Musa in Kono. What is your response?

19 A. I did see him. I can't say anything else. I did see him.
11:17:38 20 Had I not seen him, I wouldn't say it.

21 Q. I put it to you, Mr Witness, that SAJ Musa was never in
22 Bonoya and that you are making this up. What is your response?

23 A. I wouldn't tell lies about that. I did see him. Had he
24 not gone there, I would not tell lies. They asked me about other
11:18:04 25 things where those people went I said I did not see them. I did
26 not see them. I do not know their names.

27 Q. But you know SAJ Musa and you know Adama Cut Hand?

28 A. I know all of them.

29 Q. I want to refer, Mr Witness, during this second attack,

1 this is when you said your leg was cut off. Do you remember?
2 A. The attack happened once. It is not twice. It happened
3 once. I did not say it happened twice. I said once. I was
4 attacked once, not twice.
11:18:53 5 Q. But by three different groups; is that right?
6 A. Three groups, yes.
7 Q. Let me backtrack for one second since say you know SAJ.
8 Can you describe SAJ Musa?
9 A. I wouldn't know that. The kind of person he is, no, I
11:19:16 10 wouldn't know that.
11 Q. His physical description, Mr Witness?
12 A. I can't that that this is the kind of person whether a
13 Temne or Loko or Madingo, I can't say that.
14 Q. Mr Witness, I'm not asking of his ethnicity. I'm asking
11:19:40 15 what does SAJ Musa look like?
16 A. I never saw him. I wouldn't know how to describe him. I
17 can't know how to describe him.
18 Q. Yet you know it was he who pointed at you in Bonoya?
19 A. I know that he was the one.
11:20:05 20 Q. I want to jump forward again back to the point where your
21 leg was amputated, sir, all right?
22 A. Okay.
23 Q. Where specifically on your left leg was it cut off?
24 A. Closer to my knee.
11:20:32 25 Q. Closer to your knee. So if you were to start from your
26 knee is it one inch, two inches, three inches down from the knee?
27 How close to the knee?
28 A. I wouldn't know that. I can't know the distinction that
29 this is about the inches, no I wouldn't know that. It is there.

1 Everybody can see it.

2 Q. But you say it is close to the knee where the cut was made?

3 A. Yes. Yes.

4 Q. Now, where in your house did this take place?

11:21:22 5 A. It happened in the veranda, outside there.

6 MR DANIELS: Objection. Respectfully. The witness never
7 said the amputation took place in his house. He said he was
8 staying in his brother's house.

9 MR HARDAWAY: I can rephrase, Your Honour.

11:21:52 10 Q. Where at the property you were staying at did the
11 amputation take place?

12 A. The house where I was itself, the house itself where I was
13 that is where they cut it off. They did not cut it off anywhere
14 else.

11:22:16 15 Q. Okay was that your brother's house?

16 A. Yes. The house was my brother's.

17 Q. After your leg was cut off, what, if anything, did you do
18 next?

19 A. I was unable to do anything. I didn't do anything after
11:22:41 20 that.

21 Q. Yet you were able to witness everything else that was going
22 on outside of the veranda; is that correct?

23 A. That is what I said. What happened was what I saw.

24 Q. Mr Witness, I want you to clarify another points for me.
11:23:20 25 You stated on your direct evidence that the second group that
26 came in after Adama Cut Hand had amputated a lot of people; do
27 you remember that part of your evidence?

28 A. I said that.

29 Q. You also testified right before that that you couldn't run

1 away -- before I ask that. Why couldn't you run away when the
2 second group came in?
3 A. Why I was unable to run, I had a sore on my foot. That is
4 why I couldn't run. That is why I couldn't run into the bush.
11:24:05 5 Q. Was the sore on your left foot or your right foot?
6 A. That sore, it was on my left foot.
7 Q. The same part of your leg that was amputated?
8 A. That same foot.
9 JUDGE SEBUTINDE: Would that be sore or wound? There is a
11:24:32 10 difference, Mr interpreter.
11 THE WITNESS: I was wounded.
12 MR HARDAWAY:
13 Q. How were you wounded, Mr Witness?
14 A. Well, how I was wounded, you know when you get wounded, you
11:24:55 15 wouldn't know how you get wounded, you would just find out that
16 you have been wounded.
17 Q. Mr Witness, you had said that you had already lived in
18 Kono. Where in Kono did you live?
19 A. In Kono I was in xxx.
11:25:35 20 Q. Do you know approximately what years you lived in xxx?
21 MR DANIELS: xxx. [sic]
22 Q. Do you know what years you lived in xxx?
23 A. I spent 15 years there.
24 Q. Do you know from what time to what time you lived in
11:26:09 25 xxx?
26 A. I can't know that now. I only know the number of years, I
27 spent 15 years. Whatever happened after that, I do not know.
28 Q. What was your occupation in xxx, sir?
29 A. I was repairing machines.

1 Q. What type of machines?
2 A. Bailing machines.
3 Q. Could you repeat that, I'm sorry, I didn't hear you?
4 A. I said I was repairing machines. Machines that bail water.
11:26:56 5 Q. Thank you, Mr Witness. Is that the only job you did in
6 xxx?
7 A. That is the only job I was doing.
8 Q. You didn't engage in diamond mining in xxx?
9 A. That machine that bails water is involved in mining and it
11:27:24 10 was those very machines that I was repairing.
11 Q. Were you yourself engaged in diamond mining?
12 A. No, I was not a diamond miner. That was my only job
13 whoever had a machine that goes bad, I will repair.
14 Q. I want to go back, Mr Witness, to the day of the attacks,
11:28:06 15 as you have stated, when you saw Adama Cut Hand -- let me
16 rephrase that: Did Adama Cut Hand herself kill your brother?
17 A. I have said -- you have asked me and I have answered. You
18 have asked me and I have answered. What can I say again. There
19 is nothing more. I'm finished with that.
11:28:31 20 JUDGE SEBUTINDE: Mr Witness, please answer.
21 THE WITNESS: There is nothing else I can say.
22 JUDGE SEBUTINDE: Please answer the question. Listen to
23 the question again and then please answer for us.
24 THE WITNESS: But.
11:28:49 25 MR HARDAWAY:
26 Q. Did Adama Cut Hand personally kill your brother?
27 A. You've asked me and I have answered. She was not the very
28 one that took a cutlass and killed him but she told his boys to
29 hack him.

1 Q. And you saw this being done?

2 A. I saw it and I saw it clearly. I wouldn't tell lies. I
3 have sworn on the Koran and I know the Koran. I know it can kill
4 somebody.

11:29:21 5 Q. Now the 15 people that were with Adama Cut Hand, did they
6 have cutlasses or any type of weapons with them.

7 A. They had nothing else apart from the long cutlass. I did
8 not see them with a gun. I only saw them with cutlass.

9 Q. Forgive me, Mr Witness, are you saying there was only one
11:29:57 10 cutlass or did everybody in that group have cutlasses?

11 A. Every had, it was not just one. Everybody had one.

12 Q. Okay. What were the other 15 people wearing?

13 A. I do not know what they were wearing. I do not want to
14 tell lies. I do not know what they were wearing.

11:30:36 15 Q. Mr Witness, you stated after the group that you are
16 testifying was led by SAJ Musa left a third group came into
17 Bonoya; is that correct?

18 A. That is what I said.

19 Q. This group was led by a person you named as Olangba?

11:31:07 20 A. That is what happened, that is what I said.

21 Q. And you mentioned that during the course of time that
22 Olangba and his people were in Bonoya, they burned a Mercedes
23 Benz owned by your brother; is that correct?

24 A. Yes, that is how it happened.

11:31:31 25 Q. In the statement that you gave to the Defence lawyers, did
26 you mention the fact that a Mercedes Benz owned by your brother
27 was burned by Olangba and his men?

28 A. It is there. I told them.

29 Q. You told them?

1 MR HARDAWAY: Your Honours, respectfully at this time I
2 would ask to see a copy of that statement because there is no
3 mention, as I brought up earlier, of any mention in the summary
4 of any Mercedes Benz being burnt or this witness being led to do
11:32:17 5 so. Just for confirmation purposes.

6 PRESIDING JUDGE: Mr Daniels, what is your reply to that?

7 MR DANIELS: Respectfully, we are saying that it is only a
8 summary of the facts and as we asked him today while he was
9 testifying we asked him whether he knew of any other thing
11:32:50 10 happening and maybe his memory has served him right.

11 PRESIDING JUDGE: It is only a summary, Mr Hardaway. It
12 does not claim to be exhaustive and that point you just made with
13 the witness is of course a point you can use in final arguments
14 as well.

11:33:09 15 MR HARDAWAY: Just for my own clarification, Your Honour,
16 is the summary that has been provided to the Prosecution the sum
17 and substance of all the information provided to the Defence
18 because the position of the Prosecution is we have a summary,
19 they have the original statement. There was no mention in our
11:33:26 20 summary that was submitted to us, of any Mercedes being burned,
21 being owned by his brother whatsoever and he is stating that it
22 is in fact in the statement that he provided to the Defence.

23 PRESIDING JUDGE: Yes, I have heard all that. What is your
24 answer to that Mr Daniels.

11:33:51 25 MR DANIELS: Your Honour, we have already replied and we
26 are saying that looking at the summary, looking at the original
27 statement given by the witness, it is indeed included.

28 JUDGE SEBUTINDE: Mr Daniels, do you have a statement by
29 this witness?

1 MR DANIELS: Yes, we do.

2 JUDGE SEBUTINDE: Would you object to the Prosecution
3 looking at it at this stage.

4 MR DANIELS: At this stage, yes.

11:34:13 5 JUDGE SEBUTINDE: Why?

6 MR DANIELS: We are saying we have provided a summary of
7 all the -- of his evidence and that has been provided to the
8 other side and we are saying it is only a summary, it is not an
9 exhaustive list.

11:34:41 10 PRESIDING JUDGE: What Mr Hardaway is trying to ascertain,
11 the witness has said he did tell you about it in the statement
12 that he gave you. Mr Hardaway is questioning the accuracy of the
13 summary that has been provided to him.

14 MR DANIELS: Your Honours, let me take further
11:35:05 15 instructions.

16 [Defence counsel conferred]

17 MS CARLTON-HANCILES: Your Honours, if I may say something
18 on this issue. What we have are interview notes. As you can
19 already see from the demeanour and the appearance of the witness.
11:36:20 20 This is not a literate witness and our investigators and legal
21 assistants have been time and time again trying to get these
22 interview notes from him and what we can say at this stage is
23 from the way you even look at the witness, you can see that he
24 takes time to answer questions. And we have had to encounter
11:36:43 25 that situation. And quite frankly, some of the things which he
26 brings out are things which -- during the time our investigators
27 and legal assistants were in contact with him were not brought to
28 our own attention and from the summary which has been provided to
29 the Court and the OTP, I don't want my learned colleague to make

1 inferences from a mere summary. A summary is a summary and we
2 have had lots of difficulties trying to get proper evidence
3 before this Court from witnesses who are in this category, Your
4 Honour. They are not educated, they do not speak most of the
11:37:29 5 languages which our own people speak and getting the statement
6 across to the Court, Your Honour, presents some difficulties for
7 us and this is one of them.

8 MR AGHA: Your Honour, I would rise at this point to make a
9 small observation on this matter. When we were indeed provided
11:37:48 10 by the summaries, we indeed suggested they were not adequate for
11 our purposes and requested further details. No such further
12 detail of this particular incident was provided in the summary.
13 We were pressing for the summaries to be more detailed and
14 indeed, even the statements for the Defence witnesses so we could
11:38:07 15 be put on notice to adequately prepare for the cross-examination.
16 Now the object of the summary, as the Prosecution sees it, is to
17 at least enable us to prepare to test the evidence of the witness
18 on the basis of what he is apparently going to say. Now if I
19 understood Mr Daniels correctly, indeed the witness has given a
11:38:28 20 statement. Now, the question arises - a very simple one - has he
21 said in the statement that he saw the car burning or has he not.
22 Because if he has said that in the statement the submission of
23 the Prosecution is that it should have been disclosed in the
24 summary so we could adequately prepare to cross-examine the
11:38:52 25 witness and test his evidence. When points of this nature arise
26 the Prosecution is put at disadvantage because it was not aware
27 until this morning that this would even be a part of the evidence
28 of the witness. So the Prosecution would like to see the
29 statement or interview notes or whatever there is to see if

1 indeed it was there and why it hasn't been a part of the summary,
2 because if most of the summaries are like this and new matters
3 are consistently going to be raised we are not going to be in a
4 position to cross-examine and we may seek the indulgence of this
11:39:26 5 Court for a small adjournment to prepare and it is certainly not
6 what we want to do that. That is why we had pushed for detailed
7 summaries, if indeed not, the disclosure of the Defence witness
8 statements to avoid this situation arising, Your Honour.

9 PRESIDING JUDGE: Look, this matter has now been turned
11:39:43 10 into a matter of credibility of this witness. Mr Hardaway is
11 simply asking does the statement that the Defence took from him,
12 does it or does it not mention the burning of a Mercedes, now I
13 do not see why the Defence cannot reply to that.

14 MR GRAHAM: Your Honours, I think respectfully, if I may
11:40:13 15 add a word on this. I think respectfully this once again comes
16 down to the quality and scope of the summaries that we have
17 provided to the --

18 JUDGE DOHERTY: With respect, Mr Graham, it does not come
19 down to the quality and scope, it comes down to questions of
11:40:28 20 fact. With respect to Ms Carlton-Hanciles, I do not think, as my
21 learned brothers pointed out, that that goes to the reply of Mr
22 Hardaway. It is a question of the credibility of the witness.
23 Did he say A, B and C as he has said and, Mr Hardaway is entitled
24 to challenge that credibility. Issues as to whether the witness
11:40:52 25 is illiterate or otherwise do not go to that fundamental point.

26 MR GRAHAM: I am very grateful, your Honour. I was simply
27 addressing the issue of the adequacy of the summaries as raised
28 by my learned friends on the other side and more so appropriately
29 to assure them that as and when these issues come up we take due

1 note of them. I respectfully do not think it was a deliberate
2 design on the part of the Defence.

3 JUDGE DOHERTY: No, Mr Graham, please get to the point. No
4 one is impugning the capabilities or the straightforward
11:41:32 5 reduction of the summaries. Inadvertence, there are many
6 explanations, get to the point.

7 MR GRAHAM: Your Honour, I'm grateful for your advice. But
8 my point was simply that we are not perfect and in providing
9 these summaries the greatest challenge has been how to be able to
11:41:49 10 get the summary and at the same time disclose as much adequate
11 information that we think would be sufficient for our learned
12 friends on the other side to conduct their cross-examination. As
13 the circumstances indicate having to err is human and Your
14 Honours, I do not think we have any objection, at all. If there
11:42:08 15 is a need for us to go as far as having him to verify the
16 statement, I believe we could work that out in the interest of
17 justice, in this very matter.

18 JUDGE SEBUTINDE: Mr Daniels. I did ask you if there
19 exists a witness statement for this witness and you said yes
11:42:27 20 there does exist a witness statement. Is that correct?

21 MR DANIELS: Your Honour, what we have described as text of
22 witness statement, this is what we have --

23 JUDGE SEBUTINDE: Well that is the document we are all
24 talking about. We are no longer talking about the summary. The
11:42:58 25 Prosecution wants to know if in that statement or text, this
26 issue of the burnt Mercedes arises, was mentioned at all and they
27 can only find that out by looking at that statement.

28 MR DANIELS: I'm only taking up from where my learned
29 brother did indeed say that we have no objection and it is within

1 the text of the written statement.

2 JUDGE SEBUTINDE: Then why don't you pass it over as they
3 have required.

4 MR DANIELS: We are going to do so.

11:45:11 5 MR HARDAWAY: I have reviewed the statement, Your Honour,
6 and the statement does state that Olangba's group burnt the
7 Mercedes Benz. I would however point out that there is some
8 handwriting at the bottom of the statement, I do not know whose
9 that is or in what context.

11:45:32 10 MR DANIELS: I would like to reply. We made one of our
11 copies available to the Prosecution. If the Prosecution could
12 give us a few minutes, we can get one printed which doesn't have
13 any handwriting on.

14 PRESIDING JUDGE: Wasn't the whole purpose of the
11:45:47 15 Prosecution viewing the statement simply to see whether the
16 witness was telling the truth when he said that he did mention
17 the burning of the Mercedes Benz to the Defence. Now, you have
18 that statement there, what does it matter if somebody has written
19 on it or --

11:46:03 20 MR HARDAWAY: I will withdraw. Your Honour. No problem.

21 MR GRAHAM: Your Honour, just for clarification. That is
22 not part of the statement, it is just written notes by counsel.

23 MR HARDAWAY: Just for clarification, no problem
24 whatsoever.

11:46:19 25 JUDGE SEBUTINDE: Mr Attendant, perhaps you could return
26 that statement or does counsel still require the statement?

27 MR HARDAWAY: I may still require it to go back to one
28 other issue, Your Honour. If I may continue.

29 Q. Mr Witness, I had asked you earlier if when you gave your

1 statement if you referred to Adama Cut Hand as a soldier; do you
2 remember that?

3 A. [No audible response]

4 JUDGE SEBUTINDE: Mr Witness, are you all right?

11:47:30 5 THE WITNESS: First, I have told you that I said Adama Cut
6 Hand was the first person who came. I don't have so many
7 questions. Questions have been given to the lawyers, they know
8 the questions. It is the documents that would decide. It is the
9 documents that would decide.

11:47:57 10 Q. Did you refer to her in your statement as a soldier, yes or
11 no?

12 A. [No audible response].

13 Q. Could you repeat that. I did not hear you?

14 MR DANIELS: Respectfully, Your Honour, this question has
11:48:11 15 been asked and answered.

16 PRESIDING JUDGE: Why are you asking this again, Mr
17 Hardaway?

18 MR HARDAWAY: Because if my understanding of the evidence
19 is correct, Your Honour, he has denied it and I wanted to impeach
11:48:20 20 him with his own statement.

21 PRESIDING JUDGE: It is on record that he denied it, we all
22 heard that.

23 MR HARDAWAY: Very well. If perhaps we have a clean copy
24 that can -- if a clean copy can be produced so it can be
11:48:38 25 exhibited to the witness, Your Honour.

26 MR DANIELS: Very well. We shall bring one to the Court
27 very soon.

28 MR HARDAWAY: In the meantime, Your Honour, I can move on.

29 JUDGE SEBUTINDE: Before you move on, the way we have done

1 it in this Court before is if you are impugning or bringing up a
2 prior inconsistency, you actually read a text from the statement
3 and you put that text to the witness. Did you say such and such
4 in your statement.

11:49:12 5 MR HARDAWAY: Very well. Your Honour.

6 JUDGE SEBUTINDE: That is normally how we do it. We don't
7 paraphrase.

8 MR HARDAWAY: I understand Your Honour. I will do that
9 now.

11:49:22 10 Q. Mr Witness, I'm going to read a part of your statement to
11 you and I will ask for your comments?

12 MR HARDAWAY: This is, Your Honours, the statement of
13 DBK-085 I will leave the remaining details out, since we are in
14 open session.

11:49:41 15 MR DANIELS: Without interrupting you, and I do apologies,
16 we just want to point out respectfully, Your Honour, that these
17 are -- this was not signed by the witness. They are interview
18 notes taken down of his statement.

19 JUDGE SEBUTINDE: We are not interested in the entire
11:50:00 20 statement. I hope you are not about to do that.

21 MR HARDAWAY: Absolutely not, Your Honour.

22 Q. Mr Witness, if I may have your attention, please. Stated,
23 "when I opened my window I saw one Adama, a female soldier whom I
24 had known before" --

11:50:19 25 THE INTERPRETER: Could I learned counsel please take it
26 slowly.

27 MR HARDAWAY: I apologise to the interpreters and in
28 advance for anything in the future.

29 Q. "When I opened my window, I saw one Adama, a female

1 soldier who I had known before." So you did use the term soldier
2 as relates to Adama, didn't you, sir?

3 MR GRAHAM: Your Honours, respectfully I would have an
4 objection at this point. Your Honours, as my learned friend on
11:51:00 5 the other side has said this is essentially an accumulation of
6 different interview notes taken by our investigators. Clearly
7 the witness is not literate and when this -- the witnesses are
8 interviewed and notes are taken Your Honour, in the circumstances
9 it would be proper then to have the interviewer who took these
11:51:21 10 notes to be cross-examined on this issue, because --

11 PRESIDING JUDGE: Why can't this witness answer that
12 question? If he didn't say it, he can say so.

13 MR GRAHAM: Very well, Your Honours.

14 PRESIDING JUDGE: Perhaps you can repeat the question.

11:51:40 15 MR HARDAWAY: I will rephrase, Your Honours, thank you.

16 Q. Mr Witness, do you need for me to repeat back what I read
17 to you?

18 A. Repeat it for me to understand.

19 Q. Very well, sir. This is from your own statement?

11:52:01 20 PRESIDING JUDGE: That is not quite accurate.

21 MR HARDAWAY:

22 Q. This is from, for lack of a better term, information you
23 provided to the Defence lawyers, for lack of a better term:
24 "When I opened my window, I saw one (Adama) a female soldier,
11:52:30 25 whom I had known before."

26 So you did refer to her as a soldier, didn't you?

27 A. Did they see it the statement. Didn't they read the
28 statement that I gave in town to us. Didn't they find it in that
29 statement?

1 JUDGE SEBUTINDE: Mr Witness, answer the question. You
2 don't ask questions. You answer them please. You have been
3 asked a simple question, we would appreciate a straightforward
4 answer.

11:53:14 5 THE WITNESS: You know Adama Cut Hand, it's in the
6 statement, that is what I said, that Adama Cut Hand was a
7 soldier. But later.

8 Q. Thank you, Mr Witness. Thank you.

9 A. It is in the statement.

11:53:41 10 Q. Thank you Mr Witness, there is no question put to you right
11 now. Mr Witness, during the time that you were in Yomadu Town,
12 did you ever take ill?

13 A. Yes, I fell ill there. That is what brought me to town.
14 But I was affected on just my hand, my only hand.

11:54:06 15 Q. We can get to that, Mr Witness. What illness did you have?

16 A. Leprosy.

17 Q. Where did you say you were affected, sir?

18 A. My hand.

19 Q. And did you ever get treatment for leprosy?

11:54:45 20 A. Up huh, yes.

21 Q. Where did you get treatment?

22 A. Masanga.

23 Q. At a particular hospital or a particular clinic?

24 A. Yes, it is a large hospital.

11:55:11 25 Q. What is the name of the hospital?

26 MR DANIELS: Respectfully, I wish to object.

27 THE WITNESS: I do not know its name. They only call it
28 Masanga Hospital .

29 PRESIDING JUDGE: What is the objection, Mr Daniels.

1 MR DANIELS: What is the relevance of the hospital?

2 MR HARDAWAY: I can make it relevant fairly quickly, Your
3 Honour.

4 PRESIDING JUDGE: Please do.

11:55:38 5 MR HARDAWAY: Thank you.

6 Q. Let me leave that area for one quick second, sir. I want
7 to take you back to the time when your leg was cut off. You said
8 it was amputated on the day of the attack. How long were you
9 there bleeding before you received medical attention?

11:56:09 10 A. I did not stay long there. A Red Cross vehicle -- the day
11 that thing happened, the next morning there was a Red Cross
12 vehicle that came from Makeni, and all those people that had been
13 mutilated, they picked them all up. And that is when they picked
14 me up, too, and brought me to Makeni.

11:56:33 15 Q. What you are saying is your leg was cut off just below the
16 knee and you were bleeding up until the Red Cross brought you to
17 Makeni; is that your evidence?

18 A. Yes, I have said that.

19 Q. Thank you.

11:57:07 20 MR HARDAWAY: With the Court's indulgence for just one
21 moment.

22 [Prosecution counsel conferred]

23 MR HARDAWAY:

24 Q. Mr Witness, I put it to you that had your leg been cut off,
11:57:32 25 as you testified, you would have bled to death; what do you say?

26 A. Yes.

27 Q. Excuse me?

28 PRESIDING JUDGE: Mr Interpreter, what was that answer? We
29 didn't hear you.

1 THE INTERPRETER: He said yes.

2 MR HARDAWAY:

3 Q. So you are agreeing with me that you would have bled to
4 death the way your leg was cut off as described?

11:58:08 5 A. [No interpretation].

6 PRESIDING JUDGE: Mr Interpreter, he just said yes, didn't
7 he?

8 MR INTERPRETER: Yes, he did, and the interpretation is
9 still going on.

11:58:27 10 THE WITNESS: I did not stay long there.

11 MR HARDAWAY:

12 Q. Mr Witness, I did not have a question for you.

13 MR DANIELS: Respectfully --

14 THE WITNESS: I did not stay long there. It's the very day
11:58:44 15 they went and picked us up. That very day.

16 PRESIDING JUDGE: Mr Daniels, what is it you wanted to say?

17 MR DANIELS: My Lord, I think we are having a problem with
18 the interpretation, because -- and apart from that, no time frame
19 was put in, so the answer does not become clear.

11:59:01 20 PRESIDING JUDGE: When you say time frame, he has only lost
21 one leg.

22 MR DANIELS: No, between the time that the actual
23 amputation took place and the time between when he allegedly had
24 medical treatment.

11:59:15 25 MR HARDAWAY: He did give a time frame, Your Honour. He
26 said that he was picked up the next morning and taken to Makeni.
27 That is his direct evidence. That is his evidence.

28 PRESIDING JUDGE: He has also agreed with you on the
29 suggestion that he would have bled to death.

1 MR HARDAWAY: I will move on from that, Your Honour.

2 Q. Going back to one of my other points. Mr Witness, have you
3 heard of Stocco Hospital? And that is spelt, Your Honour,
4 S-T-O-C-C-O.

12:00:04 5 A. Stocco Hospital. Yes, I have been there.

6 Q. And they treat leprosy at Stocco Hospital, don't they?

7 A. Yes. That is how it happens.

8 Q. And you were treated for leprosy at Stocco Hospital,
9 weren't you?

12:00:25 10 A. Yes, for this, my single hand. Yes. When we were removed
11 from Masanga, when they attacked there, that is when they brought
12 us to Makeni, Stocco. That is when I knew there. That is when
13 they give me treatment, that, my single hand. This one.

14 Q. I put it to you, Mr Witness --

12:00:50 15 A. I did not fall ill.

16 MR HARDAWAY: Your Honour, briefly at this point I would
17 request to go into closed session, pursuant to Rule 79(A)(ii).

18 PRESIDING JUDGE: What is the reason?

19 MR HARDAWAY: The reason, Your Honour, there are some names
12:01:09 20 I wish to put to the witness who are on the Defence list, and
21 they are protected. It will be a very brief session.

22 PRESIDING JUDGE: Does the Defence have any objections to
23 closed session?

24 MR GRAHAM: No, Your Honour, we don't.

12:01:25 25 PRESIDING JUDGE: Members of the public, we are going to
26 have to close the Court for a very brief period in order to
27 protect the identities of certain Defence witnesses. Mr Court
28 Attendant, can you make arrangements, please.

29 MR DANIELS: Respectfully, the clean copies are available

1 for the witness.

2 PRESIDING JUDGE: Thank you, Mr Daniels. On that subject,
3 I do not know whether it is necessary to tender them, seeing that
4 the witness has admitted what has been put to him about those
12:02:19 5 statements, but I will hear from Mr Hardaway on that.

6 MR HARDAWAY: Your Honour, I apologise for being away while
7 you were making comments. My case manager has given to me the
8 gist of what was said, as it relates to his statement --

9 PRESIDING JUDGE: Sorry to interrupt you. I was just going
12:03:07 10 to say perhaps this is a matter that could be on the record in
11 open court.

12 MR HARDAWAY: Of course, Your Honour, understood.

13 [At this point in the proceedings, a portion of the
14 transcript, page 54, was extracted and sealed under separate
12:03:16 15 cover, as the session was heard in camera.]

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1 [Open session]

2 PRESIDING JUDGE: Yes, go ahead.

3 MR HARDAWAY: Thank you, Your Honours.

4 Q. Mr Witness, these people who I had mentioned to you
12:09:05 5 earlier, they are going to come and lie on your behalf, aren't
6 they?

7 JUDGE DOHERTY: Sorry, Mr Hardaway, I didn't hear your
8 question properly.

9 MR HARDAWAY: I apologise, Your Honour.

12:09:19 10 MR DANIELS: We would like to object. I don't know why
11 counsel would say that, anticipate that witnesses are coming here
12 to lie.

13 MR HARDAWAY: I withdraw it.

14 Q. Mr Witness, had you ever --

12:09:35 15 A. Yes.

16 MR HARDAWAY: I'm sorry?

17 PRESIDING JUDGE: I think we've got a bit of carry-over
18 here. I'm having trouble getting the questions myself.

19 MR HARDAWAY: I understand, Your Honour. My learned friend
12:09:46 20 made an objection, which I withdrew, but as what was discussed
21 prior, Your Honour, my understanding is that the copy of the
22 witness's statement has been provided and based on the testimony
23 elicited from the witness, I feel there is no need to exhibit the
24 statement at this time.

12:10:12 25 PRESIDING JUDGE: No, I wouldn't have thought so either, Mr
26 Hardaway. We have made a record of the statements from the
27 witness.

28 MR HARDAWAY: Thank you, Your Honours.

29 Q. Mr Witness --

1 A. Yes.

2 Q. At any time have you ever heard the name Gullit as relates
3 to the attack on Bonoya?

4 A. Gullit?

12: 10: 39 5 Q. Yes?

6 A. I did not hear that. I did not hear that.

7 Q. Have you ever heard the name Five-Five as it relates to the
8 attack on Bonoya?

9 A. Who? Who?

12: 10: 51 10 Q. Five-Five?

11 A. No, I did not hear that.

12 Q. Mr Witness, I'm putting to you that you lying about how
13 your leg was removed, what is your response?

14 A. I don't lie. For my life, I will not tell that kind of
12: 11: 40 15 lie. Even if you put a knife to my throat, I will not lie that
16 way. What happened to me is what I have said. The disease that
17 attacked me in my hand is what I have explained here and the
18 amputation that occurred to me is what I have explained there. I
19 will not lie.

12: 11: 55 20 Q. I put it to you, Mr Witness --

21 A. Check all the hospitals. If they cut -- if my left leg was
22 amputated there.

23 Q. Mr Witness, I put it to you that your leg was amputated at
24 Stocco Hospital due to leprosy prior to 1994. What is your
12: 12: 18 25 response?

26 A. That is not true.

27 Q. I put it to you that your evidence today has been a
28 complete lie. What do you say to that?

29 A. I know what I know. What I know in my testimony is what I

1 have said and I will not say anything more than this and I will
2 not lie. What I have said is what I know, but to say that my leg
3 was amputated at Stocco, send a letter to Stocco and then find
4 out if it is true. If Stocco says yes, it is true, then I will
12:13:07 5 accept. Yes, check out there. Check there. Short matter. Just
6 check at Stocco, that is all.

7 Q. Mr Witness, I did not have a question to you.

8 A. Check there. Go there and check.

9 Q. Thank you, for your time, Mr Witness.

12:13:29 10 MR HARDAWAY: I have no further questions on
11 cross-examination, Your Honour.

12 PRESIDING JUDGE: Thank you, Mr Hardaway. Do you have a
13 document of the Defence?

14 MR HARDAWAY: Yes, I do. I was looking for it so that it
12:13:39 15 could be handed back.

16 PRESIDING JUDGE: Please.

17 THE WITNESS: Check there. Check there.

18 MR HARDAWAY: I would just ask that the witness's last
19 statement be redacted. I had finished my cross and he had
12:13:56 20 continued to speak. I would ask that it be redacted.

21 PRESIDING JUDGE: Well, it is on the record now, for what
22 it is worth, Mr Hardaway.

23 MR HARDAWAY: Very well, Your Honour.

24 PRESIDING JUDGE: Now, is there anything in re-examination?

12:14:04 25 MR GRAHAM: Your Honours, respectfully, just a couple of
26 questions in re-examination.

27 RE-EXAMINED BY MR GRAHAM:

28 Q. Good afternoon, Mr Witness. Mr Witness, my learned friend
29 on the other side had earlier on asked a question of you relating

1 to the time your leg was amputated up to the point where you said
2 you were picked up by the Red Cross. I need to ask you,
3 Mr Witness, have you had any form of training as a medical
4 doctor?

12: 15: 03 5 A. [No interpretation].

6 Q. I ask you, Mr Witness, have you had any form of training as
7 a medical nurse?

8 A. Yes.

9 PRESIDING JUDGE: The answer is yes?

12: 15: 24 10 THE WITNESS: They did not teach me any form of medical
11 training. I did not have any form of medical training. No, I
12 was not taught any form of medical work. No, it is not me.

13 MR GRAHAM:

14 Q. Have you also had any form of training on bleeding from
12: 15: 42 15 wounds and how long such bleeding can lead to death?

16 MR HARDAWAY: Objection, Your Honour. He stated he has had
17 no medical training whatsoever. I would submit this is just a
18 sub-group of that. No medical training is no medical training.

19 PRESIDING JUDGE: Yes. What do you say to that?

12: 16: 00 20 MR GRAHAM: Very well, Your Honour. I'm now going
21 specifically into the issue of the question put by my learned
22 friend to the witness, which relates to the bleeding from the
23 wound. Even though he has says he has no medical training, Your
24 Honour, I think it is proper for me to put this question directly
12: 16: 17 25 to him, since it comes directly from the question from my learned
26 friend on the other side.

27 PRESIDING JUDGE: All right. Put the question, but it does
28 follow, if he hasn't had any medical training at all, he wouldn't
29 have any training about bleeding wounds either.

1 MR GRAHAM: Very well, Your Honour.

2 Q. Mr Witness, how then --

3 A. I was not trained in anything. Find out anywhere you want
4 to, I was not trained in any job.

12: 16: 47 5 Q. Thank you. I'm asking you: How then are you able to know,
6 Mr Witness, that that from the time your leg was amputated up to
7 the time that you were picked up by the Red Cross your bleeding
8 would have led to your death?

9 A. I would have died. Had they had not picked me up and
12: 17: 22 10 brought me, I would have died where I was. I would have died.

11 Q. And, Mr Witness, when you were picked up by the Red Cross,
12 where were you taken to?

13 A. They brought me to Makeni.

14 Q. Do you know where in Makeni you were brought to?

12: 17: 49 15 A. At Dr Conteh's hospital. But Conteh is deceased.

16 Q. What happened when you got to Dr Conteh?

17 A. Nothing else happened. It was there that I stayed until by
18 God's grace I became better.

19 Q. How long did you stay at Dr Conteh's, Mr Witness?

12: 18: 29 20 A. I spent one and a half months.

21 Q. Thank you, Mr Witness. Mr Witness, did you receive any
22 treatment whilst you were at Dr Conteh's?

23 A. They did not give me any other treatment. They did not
24 give me any other paper.

12: 18: 54 25 THE INTERPRETER: Your Honours, the witness just said
26 something that I did not get clear. Can he please repeat.

27 PRESIDING JUDGE: The interpreter did not hear all of your
28 answer, Mr Witness. Could you please repeat it.

29 MR GRAHAM: Maybe I should re-ask the question, if it

1 assists the Court.

2 PRESIDING JUDGE: All right. Thank you, Mr Graham.

3 MR GRAHAM:

4 Q. I have asked, Mr Witness, did you receive any treatment for
12:19:22 5 you amputated leg at Dr Conteh's?

6 MR HARDAWAY: Objection, Your Honour, asked and answered he
7 said no.

8 THE WITNESS: Oh, yes, it got better.

9 PRESIDING JUDGE: Just to be quite clear on this. The
12:19:38 10 reason Mr Graham asked the question is because we didn't get all
11 of his answer. He said more than no, and I don't know what
12 prospect there is of getting the answer now.

13 MR HARDAWAY: I apologise, Your Honour.

14 JUDGE SEBUTINDE: I'm not sure the witness understands the
12:20:02 15 word "treatment."

16 MR GRAHAM: I realise that, Your Honour.

17 Q. Mr Witness, whilst you were at Dr Conteh's place, did he do
18 anything to your amputated leg?

19 A. He did not do anything with it there.

12:20:36 20 Q. So during the one month that you said you were at
21 Dr Conteh's, what were you doing there?

22 A. One and a half months I was lying there because at the time
23 my foot had not healed up properly. Because my foot had not
24 healed up properly, that is why I was lying down there.

12:21:01 25 Q. Did they put anything on your amputated leg?

26 MR HARDAWAY: Objection, Your Honour. He said there was
27 nothing done.

28 THE WITNESS: Yes, they treated.

29 MR GRAHAM: Your Honour, it is becoming very apparent that

1 the witness probably -- I stand to be corrected, but because of
2 his level of literacy he does not get the full import of the
3 question, particularly the question relating to treatment.

4 JUDGE SEBUTINDE: Yes, but you can ask if he got any
12: 21: 36 5 medication.

6 MR GRAHAM: Your Honour, that is exactly why I asked him in
7 very simple terms whether anything was put on his amputated leg
8 by Dr Conteh.

9 PRESIDING JUDGE: Yes, you have got an objection.

10 MR HARDAWAY: Yes, my objection, Your Honour, was he had
11 simplified -- my learned friends had simplified the phrasing
12 after the word treatment and the witness responded: "No, they
13 didn't do anything." I can understand the confusion as in
14 relation to the word "treatment," but he did rephrase the
12: 22: 09 15 question and received a negative response and he is going into
16 something different. I would say asked and answered.

17 MR GRAHAM: Very well, Your Honour.

18 PRESIDING JUDGE: What were you going to say?

19 MR GRAHAM: Your Honour, I was going to say that the
12: 22: 29 20 question I asked was did they do anything to his leg? It could
21 mean a number of things in terms of what they did to his leg.

22 PRESIDING JUDGE: I noted your objection, Mr Hardaway, but
23 I do think there may be a problem of understanding here. I will
24 let Mr Graham to a certain extent explore what the witness has
12: 22: 51 25 said so far .

26 MR HARDAWAY: I understand, Your Honour.

27 MR GRAHAM:

28 Q. Mr Witness, I'm asking that when you went to Dr Conteh's,
29 did they put any medicine on your amputated leg?

1 A. They treated it. I was admitted at the hospital. They did
2 not just give me medicines and say go, but I was admitted there.

3 Q. And when you say they treated you, could you please kindly
4 explain to this Court what you mean by they treated you?

12: 23: 38 5 A. You know, I don't know any other thing. The way they
6 treated me, I was treated so that it could get well and when it
7 got well, and I went home. Whatever happened after that, I do
8 not know.

9 MR GRAHAM: Thank you, Mr Witness. Your Honours, I'm done
12: 24: 22 10 with this line of questioning. Just a couple of questions.

11 Q. Mr Witness, in your earlier testimony before this Court,
12 you have spoken about your leg being amputated. We have also
13 spoken -- excuse me, Your Honours.

14 [Defence Counsel conferred]

12: 24: 55 15 MR GRAHAM:

16 Q. You have also spoken, I believe, and I stand to be
17 corrected according to the interpretation, about mutilation. Can
18 you tell this Court, if you know, Mr witness, whether there is
19 any difference, according to you, between amputation and
12: 25: 14 20 mutilation?

21 PRESIDING JUDGE: Does that arise from cross-examination?

22 MR HARDAWAY: I do not believe so, Your Honour. Actually I
23 was going to go into that, but I never really did on
24 cross-examination.

12: 25: 28 25 MR GRAHAM: Very well, Your Honours. I rest my case at
26 this point.

27 PRESIDING JUDGE: All right. Thank you, Mr Graham.

28 Any other re-examination from the Defence?

29 MS CARLTON-HANCILES: None, Your Honour.

1 PRESIDING JUDGE: All right.

2 QUESTIONED BY THE COURT:

3 JUDGE DOHERTY:

4 Q. Mr Witness, during your evidence you said --

12:26:11 5 MR HARDAWAY: I apologise, Your Honour. Please continue.
6 I didn't mean to interrupt. What I want to say can wait until
7 after Your Honour has spoken, but before the witness is excused.

8 JUDGE DOHERTY:

9 Q. Mr Witness, during your evidence you said the following:

12:26:23 10 "They amputated a lot of people. Amputated a lot of people.
11 They did not amputate, they mutilated people. They mutilated
12 people on the arm and on the leg."

13 What exactly do you mean by mutilated people on the arm and
14 leg?

12:26:56 15 A. I have explained. Those who were mutilated, they brought
16 them here in Freetown. They brought them here in Freetown. They
17 didn't not take them any other place. Some died in the hospital
18 here. They brought them here. Some people died at the hospital
19 there.

12:27:13 20 THE INTERPRETER: Your Honour, he has again called another
21 name. He keeps calling names. He is still calling names, Your
22 Honours.

23 JUDGE DOHERTY:

24 Q. Mr Witness, I'm not asking you about names. I'm asking you
12:27:25 25 to describe what you saw when you say -- let me finish. When you
26 say people were mutilated?

27 A. They've brought them here in Freetown. They took them all
28 and brought them to Freetown here. They brought them all here in
29 Freetown.

1 JUDGE SEBUTINDE:

2 Q. Mr Witness, what do you mean by the word "mutilated"?

3 A. It has no other meaning. I don't know how to answer that,
4 that I could give another meaning. These are mutilated people.

12:28:17 5 They've mutilated people.

6 Q. Can you, for instance, give an example of one you saw
7 mutilated? I do not mean the name, but what kind of injury this
8 mutilation was? Can you give us an example of how they mutilated
9 people that you saw?

12:28:46 10 A. There is no other type of mutilation, you have asked me and
11 I explained. I said they were mutilated on their body, on their
12 hands, on their bodies. Yes, what can I say again? That is how
13 they were mutilated.

14 PRESIDING JUDGE: Mr Hardaway, I think you said you might
12:29:27 15 have had something to say before we release this witness.

16 MR HARDAWAY: Yes, Your Honour, I would just ask for an
17 instruct from the Court to the witness not to discuss his
18 testimony with the witnesses who a currently on the list who were
19 mentioned in closed session.

12:29:45 20 PRESIDING JUDGE: That is a standard instruction. I will
21 make sure it is delivered though.

22 MR HARDAWAY: Thank you.

23 PRESIDING JUDGE: Mr Witness, thank you for giving
24 evidence. You are now excused from further attendance at court,
12:30:00 25 but you will notice that during cross-examination some other
26 names of witnesses were put to you and I will ask that you do not
27 discuss this evidence with those other witnesses. Do you
28 understand that, the evidence you have given in court today?

29 THE WITNESS: I have heard.

1 PRESIDING JUDGE: Just to make it clear, you are forbidden
2 to discuss the evidence you have given in court today with those
3 other witnesses I have mentioned.

4 THE WITNESS: I'm hearing you. Those three people whose
12:30:57 5 names you have mentioned I know all of them. I will not say
6 anything. They are here, but I will not say anything to them.

7 PRESIDING JUDGE: Does that allay your fears, Mr Hardaway?

8 THE WITNESS: Those are people who were telling lies about
9 me.

12:31:12 10 MR HARDAWAY: [Overlapping microphones] done Your Honour.

11 THE WITNESS: They are calling names, Your Honour.

12 MR HARDAWAY: The witness had stated something like "They
13 are telling lies on me," I am not sure who he is referring to.
14 But in answer to the Court's question yes, it does allay the
12:31:31 15 concerns the Prosecution, for the record.

16 PRESIDING JUDGE: I'm just wondering by the time we make
17 arrangements for this witness to leave the Court and bring
18 another witness on, it may be close to the normal lunch hour --
19 yes.

12:31:47 20 MS CARLTON-HANCILES: Your Honours, in furtherance to what
21 you have just said, Mr Manly-Spain is supposed to be taking the
22 next witness. He has promised to come between -- after the
23 morning break and the lunch hour. He has promised that after
24 lunch hour he will be here. I would crave the Court's indulgence
12:32:18 25 for the court to hold on for him to start the new witness this
26 afternoon at 2.00.

27 PRESIDING JUDGE: All right. Yes, thank you.

28 Mr Witness, please remain seated until we leave the
29 courtroom and then arrangements will be made for you to be taken

1 out. We'll adjourn now.
2 You wanted to say something.
3 MR AGHA: I was just wondering until what time.
4 PRESIDING JUDGE: I was just about to say that. We're
12:33:13 5 going to adjourn now until 2.15 and we will possibly add another
6 ten minutes on the end of our session at 4.00 today. We will
7 adjourn the session now until 2.15.
8 [The witness withdrew]
9 [Luncheon recess taken at 12.40 p.m.]
14:12:47 10 [AFRC10JUL06B-RK]
11 [Upon resuming at 2.21 p.m.]
12 [The witness entered court]
13 WITNESS: DBK-103 [Sworn]
14 [Witness answered through interpreter]
14:19:44 15 PRESIDING JUDGE: The reason we are slightly getting into
16 court is because the accused were not brought to court at the
17 time scheduled for court to start. This is becoming all too
18 common and we request Court Management to make inquiries as to
19 why the detention centre or the people responsible cannot get the
14:20:13 20 accused to court on time.
21 Yes, Mr Daniels.
22 MR GRAHAM: Your Honours, good afternoon, Your Honour,
23 before we proceed with this afternoon's proceedings. I have --
24 in respect of the Your Honours information you gave us regarding
14:20:35 25 certain propositions that were made here sometime last week in
26 respect of the unavailability of witnesses, my learned friend
27 Ms Thompson who obviously made those submissions in the Court, I
28 had an opportunity to talk to her during the break and she
29 informs me that indeed on Thursday and it has been a running

1 issue of this -- there was a chiefdom declaration going on in
2 Bombali. For some time we have had problems getting the
3 witnesses in because of that. She was made to understand on
4 Thursday that they had all left, apparently there were three who
14:21:11 5 were still waiting and I think that probably explains the
6 miscommunication and she has asked me to communicate her
7 apologies to the Court in that regard and it was never
8 intentional or designed to mislead the Court in that regard. We
9 are undertaking to make sure that we confirm such situations
14:21:31 10 before we come before the Court to make any observations in the
11 near future. We apologise for that.

12 PRESIDING JUDGE: Thank you, Mr Graham. I might add that
13 we did not think that Ms Thompson was not being frank with the
14 Court at all. In fact, we had a communication from Saleem Vahidy
14:21:57 15 which says in part, in all fairness I'm not sure that the trial
16 attorney was aware of this and being aware of it he is referring
17 to the fact that there were three witnesses there. We did not
18 bring it up as any form of remonstrance against counsel. Simply
19 to make counsel aware that before they do ask for an adjournment
14:22:19 20 it is wise to check with the witnesses and victims section just
21 to see if there are any witnesses available.

22 MR GRAHAM: Your Honours, you are grateful for your good
23 counsel.

24 PRESIDING JUDGE: Thank you. Yes, Mr Daniels.

14:22:36 25 MR DANIELS: Respectfully, Your Honour, Mr Manly-Spain will
26 be taking the next.

27 PRESIDING JUDGE: Mr Manly-Spain.

28 MR MANLY-SPAIN: I apologise for being absent this morning.

29 PRESIDING JUDGE: It is quite all right, we got your

1 message, thank you, Mr Manly-Spain.

2 MR MANLY-SPAIN: Thank you, Your Honour. Your Honour, I am
3 going to lead the next witness, who is DBK-103, he is going to
4 give his evidence in Krio. May I ask that he be sworn.

14:23:10 5 PRESIDING JUDGE: I note in the summary his language is
6 shown as Temne but it is Krio, is it?

7 MR MANLY-SPAIN: Yes, Your Honour.

8 EXAMINED BY MR MANLY-SPAIN:

9 Q. Good afternoon.

14:24:00 10 A. Good afternoon, sir.

11 Q. Mr Witness, do you recall when you were born?

12 A. Yes, sir.

13 Q. Please tell the Court?

14 A. 1982.

14:24:24 15 Q. Mr witness, did you attend school?

16 A. Yes, sir.

17 Q. Where did you attend school?

18 A. The xxx secondary school Makeni.

19 Q. What level did you reach?

14:24:41 20 A. SS 3 level.

21 Q. Can you speak any language other than Krio?

22 A. Yes, sir, I do speak English or Temne.

23 Q. Can you explain to the Court what you mean by SS 3?

24 A. Yes, sir, it is senior secondary school.

14:25:28 25 Q. Once you completed SS 3, where would you go to?

26 A. I go to college.

27 Q. Mr Witness, do you recall the year 1998?

28 A. Yes, sir.

29 Q. During that year where did you live?

- 1 A. I lived in Makeni, sir.
- 2 Q. At that time, were there any military forces in charge of
3 security in Makeni?
- 4 A. Yes, sir, the ECOMOG were there.
- 14:26:30 5 Q. Do you know what part of Makeni they occupied?
- 6 A. Yes, sir, it was at the Teko Barracks.
- 7 Q. How did you come to know that?
- 8 A. Well, our house was located opposite their first checkpoint
9 while going to the barracks.
- 14:27:06 10 Q. During that period did you come to know the commander of
11 the ECOMOG forces in Makeni?
- 12 A. Well, the one at the checkpoint, I could be able to recall.
13 His name was Captain Vincent.
- 14 Q. Thank you. Do you recall 23rd December 1998?
- 14:27:36 15 A. Yes, sir.
- 16 Q. Did anything happen in Makeni while on that date?
- 17 A. Yes, sir. It was the day the RUF attacked Makeni.
- 18 Q. How did you know it was the RUF that attacked Makeni?
- 19 A. Well, before the attack, we were panic-stricken. Then the
14:28:11 20 Nigerians told us to be calm, and we heard the rumours that it
21 was the RUF that were coming.
- 22 Q. Do you know how long the attack lasted?
- 23 A. Yes, sir. It lasted for five days.
- 24 Q. Mr Witness, do you know the outcome of this attack?
- 14:28:39 25 A. Yes, sir.
- 26 Q. Can you please tell the Court?
- 27 A. Well, when the attack was launched, the ECOMOG were unable
28 to withstand their enemy, so they decided to desert the area.
- 29 Q. What do you mean by desert the area?

- 1 A. Well, they abandoned the place entirely.
- 2 Q. By the place, do you mean Makeni?
- 3 A. Yes, sir, Makeni. I meant Makeni, sir.
- 4 Q. Thank you. Did anything happen after that?
- 14:29:31 5 A. After the attack, it was the RUF that were in charge of the
6 town. They informed us, the civilians, that were in the
7 surrounding villages that we should return to Makeni.
- 8 Q. Before that, Mr Witness, you were in Makeni when they
9 attacked; is that not so?
- 14:29:58 10 A. Yes, sir.
- 11 Q. Did you do anything as a result?
- 12 A. Yes. I and members of my family ran away and hid where the
13 ECOMOG were. So I was there until, finally, we had to run away
14 when the battle was close to us.
- 14:30:25 15 Q. Why did you run away, you and your family?
- 16 A. Because we thought it wise that we shouldn't continue to
17 stay in town because of security reasons.
- 18 Q. After that, after you'd run away, did anything happen?
- 19 A. Yes, sir.
- 14:30:52 20 Q. Please tell the Court.
- 21 A. Well, the RUF -- the RUF commanded that all the civilians
22 that had left the town, that went into hiding, should return to
23 the town.
- 24 Q. Mr Witness, I want you to be waiting for the clear
14:31:16 25 interpretation before you answer, okay?
- 26 A. Okay, sir.
- 27 Q. After this was conveyed to you, did you and your family
28 return to Makeni?
- 29 A. Yes, sir, we returned.

1 Q. When you returned to Makeni, who was in charge of --
2 which -- who was in charge of security in Makeni?
3 A. It was the RUF.
4 Q. Can you describe what the situation was like when you
14:32:07 5 returned to Makeni?
6 A. Well, it wasn't peaceful, because there were no medical
7 facilities. There was no schooling, and we hadn't total freedom.
8 We couldn't move from one place to another.
9 Q. At this time, when the RUF were in charge, did you come to
14:32:40 10 know any of the RUF commanders that were in Makeni?
11 A. Yes, I knew some.
12 Q. Did you know their names?
13 A. Yes, sir. Yes, sir.
14 Q. Can you please tell the court?
14:33:08 15 A. For instance, Mr Augustine Gbao, number one. And Issa
16 Sesay, and one MP called Hindolo.
17 Q. Do you know where the RUF commanders you are referring to
18 were staying in Makeni?
19 A. Yes, sir.
14:33:31 20 Q. Please tell the Court.
21 A. Well --
22 THE INTERPRETER: The interpreter, is sorry. The name of
23 the street is not clear to him.
24 PRESIDING JUDGE: Mr Witness, could you repeat your answer,
14:33:48 25 please. The interpreter did not understand the name of the
26 street you mentioned.
27 THE WITNESS: Sylkanu Street.
28 MR MANLY-SPAIN:
29 Q. Who stayed there?

1 A. Mr Augustine Gbao.
2 Q. Please go on.
3 JUDGE SEBUTINDE: Could we get some kind of spelling on
4 this, please.
14:34:09 5 MR MANLY-SPAIN:
6 Q. Mr Witness, can you spell Sylkanu?
7 A. Yes, sir.
8 Q. Please do.
9 A. S-Y-L-K-A-N-U.
14:34:29 10 Q. Where did the others stay?
11 A. Well, for instance, Mr Issa Sesay was at the New London
12 area, but the last man whose name I mentioned, that is Hindolo, I
13 cannot tell the area where he lived during the period.
14 Q. Whilst you were living there under the RUF, did anything
14:35:07 15 happen, Mr Witness?
16 A. Yes. Something happened.
17 Q. What happened?
18 A. Well, after we had returned and lived with the RUF
19 together, the government troops sent a helicopter which
14:35:33 20 distributed some letters. In those letters, a request was made
21 at that all civilians should leave the town.
22 Q. Do you know when that happened?
23 A. Well, it happened six months after the attack.
24 Q. Do you mean six months after the December 23 attack?
14:36:04 25 A. Yes, sir.
26 Q. As a result of these letters being sent, did you do
27 anything?
28 A. Yes, sir. My parents and I ran away -- went to a town
29 called Mile 91.

- 1 Q. Before you left to go to Mile 91, did anything happen in
2 Makeni?
- 3 A. Well, except those helicopter gun ships that went there and
4 distributed the letters.
- 14:36:54 5 Q. Before you left Makeni, did you see any other force in
6 Makeni apart from the RUF?
- 7 A. No, I did not see any other group.
- 8 Q. After you left Makeni, were you aware of anything that
9 happened between the RUF and another force in Makeni Town?
- 14:37:47 10 A. Yes. Some people who later ran away from the town and met
11 us where we were, told us that there was fighting going on there.
- 12 Q. Did they tell you the parties that were fighting in Makeni?
- 13 A. Yes, they told me.
- 14 Q. Whom did they tell you were fighting?
- 14:38:15 15 A. They said the fighting was between some SLAs and the RUF.
- 16 Q. Did you become aware of the outcome of this fighting?
- 17 A. Yes, sir.
- 18 Q. Please tell the Court.
- 19 A. Well, they said the SLA later ran away and they left the
14:38:47 20 RUF in the town.
- 21 Q. During the period you were in Makeni, did you hear about
22 any other commanders, apart from the ones you have told this
23 Court about?
- 24 A. Well, I did not make sure.
- 14:39:21 25 Q. Did you hear any other names?
- 26 A. Well, if I can recall, I can recall one name.
- 27 Q. Yes. Please tell us.
- 28 A. Well, it was one man called Bai Bureh.
- 29 Q. Do you know which group this man called Bai Bureh belonged

1 to?

2 A. Yes.

3 Q. Which group was that?

4 A. He belonged to the RUF group.

14:40:20 5 Q. Mr Witness, I want you to go back a little. The time you
6 earlier said you and your parents fled from Makeni to Mile 91, do
7 you remember when or the month that it was?

8 A. Well, I will try.

9 Q. Please try, Mr Witness.

14:40:46 10 A. It was in June.

11 Q. Of what year?

12 A. Of 1999.

13 Q. Mr Witness, in June 1999 did you ever return to Makeni
14 after that? Did you return to Makeni after that?

14:41:38 15 A. Yes, I returned after the disarmament period.

16 Q. At your return, who was in control of the town of Makeni?
17 I mean security force?

18 A. Well, there were some UNAMSIL personnel who were Nigerians.

19 Q. Mr Witness, you told this Court that the fighting that you
14:42:15 20 were told about was between the RUF and the SLA. What do you
21 mean by SLA?

22 A. That is Sierra Leonean Army.

23 Q. The Sierra Leone Army and did you come to know any of the
24 people in charge of the Sierra Leone Army at that time in Makeni?

14:42:40 25 A. No, no, I was unable to know, because I wasn't there. I
26 was only told.

27 Q. During -- you have said that during -- is it right that
28 during your time in Makeni, there were no SLA commanders in
29 Makeni?

1 A. Well, I would say so.

2 Q. Please, just to conclude. Let me just take you back,
3 Mr Witness. I want to ask you if you recall the period between
4 February/March 1998 and December 1998?

14: 43: 50 5 A. Well, I wouldn't be able to recall that February.

6 MR MANLY-SPAIN: That will be all for me.

7 PRESIDING JUDGE: Mr Manly-Spain, I take it this is a
8 common witness; is that correct.

9 MR MANLY-SPAIN: Yes.

14: 44: 25 10 PRESIDING JUDGE: Is there anything else in chief from the
11 Defence.

12 MR GRAHAM: No, Your Honours.

13 MR DANIELS: No, Your Honours.

14 PRESIDING JUDGE: Yes, Mr Agha.

14: 44: 38 15 CROSS-EXAMINED BY MR AGHA:

16 Q. Good afternoon, witness.

17 A. Good afternoon, sir.

18 Q. I'm going to ask you a few questions and just would like
19 you to answer them as concisely and as truthfully as possible.

14: 45: 03 20 On 23 December 1998 you say the RUF rebels attacked Makeni. How
21 do you know that they were RUF rebels?

22 A. Well, as I have stated that I went and took refuge to the
23 ECOMOG, they told us that it was the RUF that attacked after they
24 returned from the battle front.

14: 45: 32 25 Q. Did you personally see any of these RUF who attacked
26 Makeni?

27 A. Well, I saw them, but I cannot recall any of their names,
28 because I didn't know them.

29 Q. Do you know what a Sierra Leone Army uniform looks like?

- 1 A. Yes, I know the way it looks like.
- 2 Q. Can you briefly describe it?
- 3 A. Well it has green and some black spots on it.
- 4 Q. Now, you say that the attack on Makeni lasted about five
14:46:33 5 days. Whereabouts were you during this five day period?
- 6 A. Well, within the first two days we were within our houses
7 and the remaining days the ECOMOG went and took us out that we
8 should go and live with them in their headquarters.
- 9 Q. That is at the Teko Barracks; is that right?
- 14:47:07 10 A. Yes, sir. It was there, sir.
- 11 Q. After you left the Teko Barracks, which village did you go
12 to next?
- 13 A. I went to a village called Kabaka that is ten miles away
14 from Makeni.
- 14:47:37 15 Q. Did anyone come to this village and invite you back?
- 16 A. Yes, some RUF men went there although I cannot recall their
17 names, they told us that their commanders had sent them to inform
18 us that we should return to the town, although I cannot recall
19 their names.
- 14:47:58 20 Q. Roughly when did you return to Makeni?
- 21 A. Well, it was one month after the attack.
- 22 Q. Would you agree with me that you reached Makeni before the
23 end of January 1999?
- 24 A. Well, I would agree, sir.
- 14:48:32 25 Q. Now, after you returned to Makeni, how long did you then
26 remain there?
- 27 A. Well, we were there for another six-month period.
- 28 Q. So you were continuously living in Makeni from around the
29 end of January to sometime in June; would that be right?

- 1 A. Yes, sir. I was there until the time when the helicopter
2 gun ship went with the letters.
- 3 Q. Now during this period, were there any members of the
4 Sierra Leone Army present in Makeni .
- 14:49:41 5 A. Well, as I have stated none of them was there, because I
6 didn't hear about them and I didn't know them.
- 7 Q. But you didn't see anyone dressed as an SLA?
- 8 A. No, no, I didn't see because when an SLA dressed, he would
9 dress in full uniform.
- 14:50:17 10 Q. I have a summary of your evidence that has been provided to
11 me by the Defence and it says the SLA soldiers did not stay long
12 compared to the RUF, so did you give a statement to your Defence
13 counsel?
- 14 A. Concerning what I have talked about, sir.
- 14:50:48 15 Q. Did you mention in that statement that the Sierra Leone
16 Army soldiers did not stay for long compared to the RUF?
- 17 A. Well, what I meant, it was the time they went and attacked
18 after we left there, but people went and told me.
- 19 Q. So as far as you are aware, the first time you heard that
14:51:18 20 there were SLA soldiers in Makeni was after you had left?
- 21 A. Yes, sir. That was the time we had already left, I and my
22 parents.
- 23 Q. You put it to you that there were SLA soldiers already in
24 Makeni before you left with your parents after your return in
14:51:46 25 January?
- 26 A. Well, I was unable to know about them.
- 27 Q. So they could have been there, but you were just not aware
28 of their presence?
- 29 A. Well, initially I never heard about SLAs there, only about

1 the RUF and the commanders used to call some meetings there, that
2 is the RUF commanders those were the ones that we used to see.
3 Q. Now, when you returned to Makeni in the end of January
4 1999, were you aware that Freetown had been attacked in early
14:52:40 5 January 1999?
6 A. Yes, I knew, because the time we ran away, the village in
7 which we stayed we had a radio and we were listening.
8 Q. Who did you hear had attacked Freetown?
9 A. Well, I was -- I was unable to know the exact persons that
14:53:15 10 attack Freetown.
11 Q. Well, did you hear whether it was SLA or RUF, or SLA and
12 RUF combined?
13 A. Well, according to what I heard, after the attack in
14 Makeni, after they had conquered Makeni, they told us that some
14:53:42 15 RUF were heading for Freetown. That was what I heard.
16 Q. Who told you that? You say "they" told you?
17 A. That was a rumour from the people in Makeni Town.
18 Q. Now, whilst you were in Makeni, did you ever hear of the
19 name of Brigadier or Colonel Mani?
14:54:16 20 A. No, never have I heard about that name.
21 Q. And whilst you were in Makeni between June and the --
22 between, sorry, January and the end of June, did you ever hear of
23 the name Alex Tamba Brima?
24 A. No, I did not hear that name.
14:54:47 25 Q. Did you ever hear of the name Gullit?
26 A. I did not ever hear about him.
27 Q. Did you personally see any fighting between the SLAs and
28 the RUF in Makeni?
29 A. No, I did not see. As I stated, it was the time when we

1 ran away and went to Mile 91. It was the people that escaped
2 from that fight that went and told us what happened.

3 Q. I put it to you that there was no fighting between the RUF
4 and the SLA between January 1999 and June 1999?

14:55:53 5 A. Well, that was why I did not say it was from January 1999
6 to June 1999 that was the time the fight happened. I only said
7 after we went away, that was the time the fight occurred.

8 Q. So there was no fighting between the SLA and RUF between
9 January 1999 and June 1999 in Makeni?

14:56:24 10 A. Well, the time I heard the information it was almost 1999
11 ending to 2000.

12 Q. But while you were there, between the end of January 1999
13 until you left until June 1999 you personally did not witness any
14 fighting between the SLA and the RUF, did you, in Makeni?

14:56:55 15 A. No, sir, I did not observe any fights concerning the two.

16 Q. Now, you gave a statement to your Defence counsel. Did you
17 mention in that statement that you heard later about fighting
18 between the SLAs and RUF?

19 A. Yes, sir, that was what I said sir.

14:57:23 20 Q. Because it is not in the summary of the evidence that we
21 have been provided with. So do you still maintain that you said
22 that in your statement.

23 A. Yes, sir, I would say that, sir.

24 MR AGHA: Thank you, witness, I have no further questions
14:57:53 25 for you.

26 PRESIDING JUDGE: Thank you, Mr Agha. Any re-examination.

27 MR MANLY-SPAIN: No re-examination, Your Honour.

28 PRESIDING JUDGE: Thank you. Mr Court Attendant, would you
29 be able to arrange for this witness to leave in the next -- I beg

1 your pardon, some of my colleague may have questions.

2 QUESTIONED BY THE COURT:

3 JUDGE SEBUTINDE:

4 Q. Mr Witness, you mentioned several names of RUF commanders;
14:58:20 5 namely, Augustine Gbao, Issa Sesay and one Hindolo. My question
6 to you is: How did you come to know these RUF commanders' names?

7 A. Well, how I came to know their names, it was because of the
8 meetings they summoned which was general meetings and all
9 civilians were opportuned [as interpreted] to attend those
14:58:48 10 meetings. So through the introduction they were introduced one
11 after the other.

12 JUDGE SEBUTINDE: Thank you.

13 PRESIDING JUDGE: All right. Mr Court Attendant, do you
14 need us to leave the Bench or can you arrange for this witness to
14:59:08 15 leave the Court in security and the next witness to come on?

16 MR GEORGE: My Lord the next witness can come in after this
17 witness. We can close the curtains.

18 PRESIDING JUDGE: All right, do that, please.

19 MR GEORGE: Okay.

14:59:52 20 THE INTERPRETER: Your Honours the interpreters are asking
21 for the language of the next witness.

22 PRESIDING JUDGE: We do not even know the next witness yet.
23 We will let you know as soon as we hear.

24 THE INTERPRETER: Thank you, Your Honours.

15:00:37 25 [The witness withdrew]

26 PRESIDING JUDGE: Can the Defence tell us who the next
27 witness is, his number.

28 MR DANIELS: Respectfully, the number of the next witness
29 is DBK-096.

1 PRESIDING JUDGE: He is giving evidence in what language?

2 MR DANIELS: Respectfully he is giving evidence in Limba.

3 PRESIDING JUDGE: Did you hear that, Mr interpreter, the
4 next witness is giving his evidence in Limba?

15:01:48 5 THE INTERPRETER: Okay, My Lord.

6 MR AGHA: Your Honour, we're not too sure how long this
7 witness may take in chief but because of the arrangements in the
8 witness order, this witness has come sooner than anticipated. So
9 if he should finish within the next half hour or so the

15:02:12 10 Prosecution would be looking for a short adjournment so they can
11 prepare their cross-examination over the evening. We would not
12 ask that he not at least start his chief now and hopefully finish
13 it but just to put the Bench on notice that if he were to finish
14 in half an hour, we would be seeking an adjournment in that

15:02:30 15 regard.

16 PRESIDING JUDGE: Wouldn't it depend on what he says in his
17 evidence?

18 [The witness entered court]

19 MR AGHA: It may very well, Your Honour.

15:02:45 20 PRESIDING JUDGE: All right. Go ahead, swear the witness.

21 WITNESS: DBK-096 [Sworn]

22 [Witness answered through interpreter]

23 PRESIDING JUDGE: I do not seem who have a summary for this
24 witness. Is it DBK-096?

15:03:37 25 MR DANIELS: I will just clarify, Your Honour.

26 Respectfully Your Honours, due to a graphical error, what reads
27 on your number nine list should be 096 -- 095.

28 PRESIDING JUDGE: It is number nine on the list.

29 JUDGE SEBUTINDE: Mr Daniels this is a Temne speaking

1 witness. Are you sure it is witness number nine on our
2 summaries?

3 MR DANIELS: Your Honour, I am pretty certain it is number
4 nine. The issue of the language was dealt with this morning with
15:05:16 5 the Translation Unit and I understand that his preference is to
6 speak in Limba.

7 PRESIDING JUDGE: I see, he's common witness, is he?

8 MR DANIELS: That is correct.

9 EXAMINED BY MR DANIELS:

15:05:43 10 Q. Mr Witness, good afternoon?

11 A. Good afternoon, how are you.

12 Q. Mr Witness, where were you born?

13 A. I was born at xxx.

14 Q. In what district?

15:06:06 15 A. In Bombali District. I was born at Bombali District.

16 Q. Mr Witness, what is your ethnic background?

17 A. I speak Limba.

18 Q. What is your tribe?

19 A. I am a Limba.

15:06:50 20 Q. Do you speak any other languages?

21 A. I will speak Temne, but I know Limba more.

22 Q. Are you educated?

23 A. I didn't go to school.

24 Q. What do you do for a profession?

15:07:27 25 A. I'm a trader.

26 JUDGE SEBUTINDE: Excuse me, does this witness have to
27 continue covering his head. I thought he was doing that as he
28 took the oath. Is this part of his -- some religious belief or
29 something?

1 MR DANIELS: I will clarify it with the witness.
2 Q. Mr Witness --
3 A. You say I should remove this. But it is not the face that
4 is speaking, it is the mouth. If you want me to open it, I will.
15:08:13 5 Q. Do you have a problem removing it?
6 A. If you want me to remove the head tie a little bit.
7 PRESIDING JUDGE: You can replace it when you leave the
8 courtroom.
9 THE WITNESS: It is no problem at all.
15:08:32 10 MR DANIELS:
11 Q. Mr Witness, apart from being a trader, do you have any
12 other profession?
13 A. I only do a little bit of farming where I am staying.
14 Q. Are you a married person?
15:09:06 15 A. Yes.
16 Q. Do you have children?
17 A. Yes.
18 Q. How many children?
19 A. I have 15.
15:09:28 20 Q. Where do you live at the moment?
21 A. I'm staying at xxx.
22 Q. Do you recall anything happening to you or anything
23 happening in Briwa Town around May 1998?
24 A. Yes, I knew what I saw.
15:10:22 25 Q. The question was: Did anything happened around May 1998?
26 A. Yes.
27 Q. What happened?
28 A. Well, may God help us, what happened when I was born at
29 xxx, I was -- I had grown up. I went to -- I went to a Mende

1 country to find -- when I went to the Mende country to find out I
2 was there for many years, the fight met me there, I was driven
3 from Mende country. I came back. The fight drove me when it was
4 6.00 in the morning. I left there I ran away from the fighting.
15: 11: 15 5 This fighting I walked and came to Kenema. When I came to
6 Kenema, I took a lorry and came to --
7 Q. Go slowly. You mentioned?
8 A. Okay.
9 Q. Which fight are you talking about?
15: 11: 35 10 JUDGE SEBUTINDE: Mr Daniels before you go to the fighting
11 you asked a question what happened around May 1999 but you didn't
12 say where. What happened where?
13 THE WITNESS: Well this fighting that I ran away from.
14 MR DANIELS:
15: 11: 51 15 Q. Hold on. Where were you in May 1998?
16 A. I was at Mende country.
17 Q. In what particular village were you?
18 A. I was at Katogbombo.
19 JUDGE SEBUTINDE: You have to help us with the spellings,
15: 12: 31 20 please.
21 MR DANIELS: Very well. Your Honours, I will spell
22 Katogbombo. Phonetically, K-A-T-A-B-O-M-B-O [sic].
23 Q. How do you know you were at Katogbombo in May 1998?
24 A. I was staying there. I was doing my business there. I was
15: 13: 20 25 doing some markets there.
26 Q. Who was the head of state in May 1998 in Sierra Leone?
27 A. During that time the man that was ahead of us he was His
28 Excellency Tejan Kabbah, the President of Sierra Leone during
29 that time.

- 1 Q. You also mentioned some fighting around 1998. Please tell
2 this Court?
- 3 A. Yes, I said I spoke about it.
- 4 Q. Who was fighting who?
- 15:14:19 5 A. Well, it was the rebels and the Kamajors that were
6 fighting.
- 7 Q. Did you observe the fighting yourself?
- 8 A. I saw it. It was because of it I had to run away from
9 there.
- 15:14:54 10 Q. Who are the rebels to you?
- 11 A. I heard rebel, that was why I said rebels.
- 12 Q. Did you get to know who was the commander of the rebels?
- 13 JUDGE SEBUTINDE: Mr Daniels, before we even get there. I
14 have no clue where this fighting took place or where he ran from.
15:15:26 15 It would help if you let us know.
- 16 MR DANIELS:
- 17 Q. Mr Witness, just for clarity sake, please let us know where
18 the fighting took place that you are talking about?
- 19 A. The fighting I heard about it, but when I came over, it was
15:15:57 20 when I came to the village of Katogbombo that was the time that I
21 heard there was fighting, there had been fighting.
- 22 Q. You said you ran. Where did you run to?
- 23 A. When I ran away, that was where I'm telling you, when I ran
24 to Katogbombo, I came to Kenema, I slept in Bo and then I came
15:16:26 25 back to Makeni, from Makeni I came back to my village.
- 26 Q. Which village is it that you came back to?
- 27 A. Where I was born.
- 28 Q. And the name is?
- 29 A. My village xxx .

1 MR DANIELS: I would like to hazard a guess. xxx
2 [sic].
3 JUDGE SEBUTINDE: Is this where the fighting took place.
4 MR DANIELS: I'm getting there.
15:17:29 5 THE WITNESS: It happened in the village. That was the
6 place I stayed.
7 Q. You told this Court that eventually you ran from some
8 fighting and ended up in your village, xxx [sic]. Did you
9 say that?
15:17:51 10 A. Yes.
11 Q. The fighting you are talking about before you arrived at
12 xxx [sic], where is it that it took place?
13 A. I told you I ran away from it at Togbombor. I came to
14 Makeni. I came to Makeni in the morning I came to Briwa and
15:18:09 15 later to my village and I was there for a good number of years
16 now.
17 Q. Is Kayombo Town next to any village?
18 A. The village, there is a village near to it.
19 Q. What is the name of the village near to it?
15:18:38 20 A. It is called Karina.
21 Q. Did anything happen while you were at Kamayombo?
22 A. Yes.
23 Q. Please tell the Court what happened?
24 A. What happened there, one day we got up to pray.
15:19:24 25 Q. Before you carry on, what happened [microphone not
26 activated]?
27 A. Well, this time it was -- it was about ten years, 1998. It
28 was in 1998.
29 Q. What happened in Kamabongo [sic] in 1998?

- 1 A. We got up in the morning, we prayed. After prayers, after
2 prayers we finished praying. We were seated there. We were
3 talking with our brothers in the village, we were talking with
4 them about 6.00 in the morning we were seated there. I saw
15:20:22 5 somebody hit me at my back. When I turned, I saw somebody
6 standing with a gun. He asked me do you know me? I said I don't
7 know him.
- 8 Q. Slow down.
- 9 A. That I'm called. Okay.
- 15:20:46 10 Q. Who hit you?
- 11 A. One rebel who went in the morning, he hit me on my back.
- 12 Q. Was he alone?
- 13 A. Well, there were many.
- 14 Q. How many were there?
- 15:21:10 15 A. I cannot tell you because it was dark, the place was not
16 bright, it was dark during that time.
- 17 Q. What season was it?
- 18 A. It was between the rainy season and the dry season.
- 19 Q. Where did the rebel hit you?
- 15:21:32 20 A. On my left hand, on my left hand.
- 21 MR DANIELS: Your Honours, I can see the witness pointing
22 to his left shoulder. I believe he is referring to his left
23 shoulder, not his left hand.
- 24 Q. Did anything happen after you were hit?
- 15:21:56 25 A. Yes.
- 26 Q. What happened?
- 27 A. When I turned to him he asked me whether I knew him and I
28 said no, I don't know you.
- 29 Q. One minute, where exactly were you in your town when this

- 1 incident took place?
- 2 A. I was at Kamayombo.
- 3 Q. Yes, I am saying where were you within Kamayombo?
- 4 A. I was at the mosque where we were praying.
- 15:22:41 5 Q. Please carry on, what happened after he hit you.
- 6 A. He told us to sit down and we all sat.
- 7 Q. How many of you were asked to sit down?
- 8 A. Well, all of us that were met there were told to sit down
- 9 together.
- 15:23:19 10 Q. Did anything happen after you sat down?
- 11 A. Yes, he said we should straight all our hands.
- 12 Q. And what happened?
- 13 A. Well, as we sitting straightening our hand, God helped us
- 14 and they didn't cut them. We were seated there.
- 15:23:53 15 Q. Did anything else happened in Kamayombo Town?
- 16 A. Yes, as we were seated there they cut off all the hands of
- 17 the women, those that were seated.
- 18 Q. Did you personally see these events taking place?
- 19 A. I saw it. I saw those who were chopped. I saw those who
- 15:24:28 20 were killed.
- 21 Q. The rebel, who you said hit you, did he tell you his name?
- 22 A. He did not tell me his name.
- 23 Q. Did you eventually get to know who was the commander of
- 24 this group?
- 15:25:01 25 A. It is difficult to know the all. If you see him, he is so
- 26 fearful that you cannot even dare ask him.
- 27 Q. These persons that you are talking about, how were they
- 28 dressed?
- 29 A. They had torn clothes that they were putting on, torn

1 dresses.

2 Q. Were they all men?

3 A. They were men, they were men I saw.

4 Q. Did they carry any weapons?

15:26:00 5 A. The one that hit me had a gun.

6 Q. Was he holding anything else?

7 A. Well, it was night, because it was dark. He was standing
8 near me. That is what I saw him holding.

9 Q. And the rebel that hit you, did he tell you which faction
15:26:30 10 he belonged to?

11 MR AGHA: Objection to that question. I don't think I
12 mentioned anything [Overlapping speakers].

13 THE WITNESS: He didn't tell me. He only told me that he's
14 a rebel. I don't know where he belonged to.

15:26:57 15 MR DANIELS:

16 Q. What is the size of your hometown -- I will rephrase that.
17 How many houses are there in Kamayombo?

18 A. There is 35 houses.

19 Q. Do you know how many people live in Kamayombo?

15:27:29 20 A. To know all of them, I will not be able to tell you the
21 total number.

22 Q. Did anything else happen apart from the amputations in
23 Kamayombo?

24 A. They killed eight people and burnt eight houses.

15:28:08 25 Q. How do you know eight people were killed?

26 A. Well, when they met us in the mosque we ran when we were
27 able to escape from them we ran to the bush. When they had gone,
28 I came out I went and saw. I saw those who were killed and the
29 houses that were burnt, I saw them. I counted them to be eight

1 houses and eight people.

2 Q. How do you know you have 35 houses in Kamayombo?

3 A. Well, I counted them.

4 Q. Were any vehicles burnt in Kamayombo?

15:29:15 5 MR AGHA: I object to that question, it is a leading
6 question, Your Honour.

7 PRESIDING JUDGE: Yes, it is.

8 MR DANIELS: I will rephrase it.

9 Q. Mr Witness, are there any vehicles in Kamayombo?

15:29:35 10 A. There was only one lorry and that lorry was taken away.
11 They took it away with them.

12 Q. What lorry was in Kamayombo?

13 A. It was a car, but I will not able to tell you the name. It
14 was a car.

15:29:58 15 Q. And you told us that they took it away. Who took it away?

16 A. It was the rebels.

17 Q. Did you ever hear of one Ibrahim Bazy Kamara as being
18 responsible for what took place in Kamayombo?

19 A. I never heard it.

15:30:56 20 MR DANIELS: Respectfully can the second accused use the
21 restroom?

22 PRESIDING JUDGE: Yes, second accused can leave the Court.

23 MR DANIELS:

24 Q. Did anything happen to the vehicle before it was taken
15:31:36 25 away, that you are aware of?

26 A. It was standing there. They took it away with them.

27 Q. Do you know whether it was pushed away or driven away, what
28 do you know?

29 A. I didn't meet it there. When I ran away when I came I

1 didn't meet it again. How they took it how they didn't take it I
2 don't know. But all I know it was no longer there. They went
3 away with it.

4 Q. Are there any towns between Kamayombo and Karina Town?

15:32:25 5 A. There was no town in between.

6 Q. What is the distance between Kayongbo and Karina Town?

7 A. It is not far off. You can be at Karina and see Kamayombo.

8 Q. If you were to walk, how long would it take you from
9 Kamayombo to Karina Town?

15:32:59 10 A. Everybody has his own steps. Some can take five minutes
11 and some can take ten minutes. I cannot tell you the exact.

12 Q. Did you ever hear of one Alex Tamba Brima as being
13 responsible for the atrocities that took place in Kamayombo?

14 A. I don't know him. I never heard of it. I don't know him.

15:33:38 15 Q. Did you ever hear of one Santigie Borbor Kanu as being
16 responsible for the atrocities that took place in Kamayombo?

17 A. I don't know him and I didn't hear that.

18 Q. Finally, did any of the rebels identify themselves to you
19 as being a commander?

15:34:21 20 A. I have told you that these are people you cannot ask.
21 These are people you cannot talk to. I will not be able to know
22 that. So I didn't know about it.

23 MR DANIELS: Your Honours, I have no further questions for
24 this witness.

15:34:57 25 PRESIDING JUDGE: Thank you very much, Mr Daniels. Any
26 other in chief for the Defence.

27 MR MANLY-SPAIN: Just a couple of questions.

28 EXAMINED BY MR MANLY-SPAIN:

29 Q. Mr Witness, good afternoon?

1 A. Good afternoon, how are you?
2 Q. Mr Witness, have you ever seen a soldier belonging to the
3 Sierra Leone Army?
4 A. To see them with my own eyes, what type of see do you mean?
15:35:44 5 Q. With your own eyes?
6 A. Well, until I came to this Freetown when I was on the way,
7 I didn't see any soldiers.
8 Q. Did you see any soldiers in your village that day?
9 A. I didn't see any soldier, I didn't see any police there.
15:36:10 10 MR MANLY-SPAIN: That is all, Your Honour.
11 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Yes,
12 Mr Graham.
13 MR GRAHAM: Just a couple of questions.
14 EXAMINED BY MR GRAHAM:
15:36:28 15 Q. Mr Witness, you told this Court earlier on that at a time
16 in the morning when you were hit from the behind by an individual
17 you described as a rebel -- and you also told this Court that --
18 A. Okay. I will help you.
19 Q. You also told this Court you were sitting together with
15:36:52 20 others. What were you doing at that time of the day in the
21 morning?
22 A. We were praying, morning prayers.
23 Q. Where were these prayers taking place, Mr Witness?
24 MR AGHA: Asked and answered, Your Honour.
15:37:18 25 PRESIDING JUDGE: I seem to remember he already stated
26 this, Mr Graham.
27 MR GRAHAM:
28 Q. Mr Witness, were you praying?
29 A. Yes.

1 Q. And were these prayers taking place in the open atmosphere
2 or indoors?

3 A. We were praying indoors.

4 Q. Indoors. Can you tell this Court indoors of where you were
15: 38: 01 5 praying?

6 A. We were praying inside the mosque. You cannot pray
7 outside. We were praying in the mosque.

8 Q. Thank you, Mr Witness. You were praying in the mosque.
9 And Mr Witness, perchance, was anyone leading these prayers that
15: 38: 17 10 were taking place in the morning?

11 MR AGHA: Leading question, Your Honour.

12 PRESIDING JUDGE: That is leading, Mr Graham.

13 MR GRAHAM:

14 Q. Mr Witness, you told this Court you were praying, were you
15: 38: 37 15 all --

16 A. We had already finished praying. We were talking with our
17 friends. We had already finished praying.

18 Q. Mr Witness, I need to ask of you --

19 A. Yes.

15: 38: 57 20 Q. You have told this Court you were praying in the mosque.
21 Do you have an individual in your village who is in charge of the
22 mosque that you were praying in?

23 A. Yes.

24 Q. Who is that, can you tell this Court, Mr Witness?

15: 39: 31 25 A. I was the one leading the prayers.

26 Q. Why was it that you were the one leading the prayers,
27 Mr Witness?

28 JUDGE SEBUTINDE: Before he answers that, do you not think
29 that this goes to reveal the witness's identity, this kind of

1 question that you are asking, as to who he is?

2 MR GRAHAM: Very well, Your Honour. That appears to be --

3 THE WITNESS: Well, why I was telling you --

4 JUDGE SEBUTINDE: Mr Witness, please wait. When the judge
15: 40: 15 5 speaks, then you just pause, please. Mr Graham, I just want you
6 to be sure. This is your witness, but the way you are going, to
7 me, it appears as though you may reveal the identity of this
8 witness.

9 MR GRAHAM: Very well, Your Honours, I will take a cue from
15: 40: 34 10 the Bench and pursuant to that, Your Honours, I would
11 respectfully request that at this moment I make application for
12 us to go into closed session as the follow-up questions may well
13 lead to the disclosure of the identity of the witness. Then,
14 Your Honours, I make this application -- I make this application
15: 41: 01 15 pursuant to Rule 79 of the Rules of Procedure and Evidence of the
16 Special Court of Sierra Leone. And Your Honours, I make this
17 application simply to protect the non-disclosure of the identity
18 of the witness. That is my humble application this afternoon.

19 PRESIDING JUDGE: I'm wondering if the questions are
15: 41: 23 20 necessary, Mr Graham. What is the relevance of them? Bearing in
21 mind and I don't know where you are going, bearing in mind that
22 his evidence to Mr Daniels was that he had finished prayers.
23 They were sitting around talking when he got hit in the back.

24 MR GRAHAM: The idea was to establish his position in the
15: 41: 49 25 community, which I believe may be relevant as to the credibility
26 of the witness. Your Honour, it is only a couple of questions
27 and I do not have any further questions after that.

28 [Trial Chamber conferred]

29 MR GRAHAM: Your Honours, I was making this submission

1 because it is clear from the pattern of testimony that we have
2 had that all these attacks took place in the morning, when they
3 were having their morning prayers in the mosque, both from the
4 prior testimony that we had this morning from Bonoya and now here
15: 42: 31 5 as well, and, Your Honours, I believe that it is his position in
6 the community insofar as the prayers are concerned may be
7 relevant as to his credibility in respect of the events of what
8 happened that the morning.

9 JUDGE SEBUTINDE: But, Mr Graham, isn't it enough that this
15: 42: 57 10 witness has given evidence on oath? Are you saying that because
11 of his position in society, we should regard him as more credible
12 than any other witness in this Court who has no position in
13 society?

14 MR GRAHAM: That is not my submission. My humble
15: 43: 04 15 submission is that he led the morning prayers, according to his
16 testimony, and, Your Honour, I was just simply trying to
17 establish his position as a leader, if that is the case, as the
18 leader of the religious community and I think that that may be
19 relevant in the long term.

20 JUDGE SEBUTINDE: Perhaps you could just ask that, if he
21 held any position of leadership without disclosing what that
22 position is. We're just trying to save time going in and out of
23 closed sessions for just a single question.

24 MR GRAHAM: I'm grateful. That is exactly where I was
15: 43: 43 25 going. I was prompted by your good counsel, so that is why I
26 suggested closed session. I'm simply going to lead him on to
27 what his position was in the community.

28 Q. Mr Witness, if I may ask you, did you, at the time, hold
29 any position within the religious community in your village?

1 A. I am the Imam of the town.

2 MR GRAHAM: Your Honour, I do not have any further
3 questions for this witness. I'm grateful for the time.

4 PRESIDING JUDGE: Yes, thank you, Mr Graham.

15:44:34 5 Does the Prosecution have any questions in
6 cross-examination?

7 MR AGHA: Briefly we have some small cross-examination,
8 Your Honour.

9 CROSS-EXAMINED BY MR AGHA:

15:44:50 10 Q. So, witness, I will just ask you a couple of questions and
11 if you could answer them concisely?

12 A. Yes.

13 Q. Can you please describe to me what clothes soldiers wear?

14 PRESIDING JUDGE: Witness, we don't want you to guess at
15:45:20 15 this. Describe the clothes soldiers wear, if you know.

16 THE WITNESS: We see those type of clothes. We know their
17 differences. We know those that belong to the soldiers and those
18 that belong to the rebels.

19 MR AGHA:

15:45:40 20 Q. So what do the clothes look like that soldiers wear?

21 A. They are mixed up. I cannot tell you how they are. Only I
22 am telling that it is mixed up.

23 Q. What do you mean "mixed up"?

24 A. Well, the thing is, the way it is made it is not the same.

15:46:17 25 Q. I still don't understand when you say "mixed up." In what
26 way are they mixed up? In what way are they different?

27 A. Well, the police have their suit which is black, the
28 soldiers have their suit which is combat. That is what I know.

29 Q. Okay. Now, you say that women were hacked. Were they

1 hacked inside or outside the mosque?

2 A. Well, I want to -- I want to --

3 THE INTERPRETER: My Lord, let the witness repeat what he
4 is asking for in Limba slowly.

15: 47: 22 5 PRESIDING JUDGE: Witness, the interpreter wants you to go
6 back over what you have just said slowly in Limba.

7 THE INTERPRETER: Excuse me, My Lord, the witness is asking
8 to go out to ease himself and when he comes, he will be able to
9 respond to all questions.

15: 47: 57 10 PRESIDING JUDGE: We will go off the bench briefly while
11 the witness makes himself comfortable. Mr Court Attendant, you
12 will let us know when the Court is ready to resume.

13 [Break taken at 3.50 p.m.]

14 [Upon resuming at 4.00 p.m.]

15: 57: 46 15 PRESIDING JUDGE: Mr Graham, I note your client -- oh, your
16 client has just returned. Go ahead, Mr Agha.

17 MR AGHA:

18 Q. Witness, are you comfortable?

19 A. I'm okay.

15: 58: 10 20 Q. Now, you say in your evidence that you saw women being
21 hacked. Did you see them being hacked inside or outside the
22 mosque?

23 JUDGE SEBUTINDE: I think the evidence was amputated. That
24 is what I remember.

15: 58: 24 25 THE WITNESS: We were in the mosque.

26 Q. Now, can you please name some of the people who were saying
27 the prayers in the mosque with you on that day.

28 MR DANIELS: Respectfully, Your Honour -- [overlapping
29 speakers]

1 A. I know some --

2 PRESIDING JUDGE: Just a minute. What is your objection?

3 MR DANIELS: It will be revealing the identity of witnesses

4 then, we believe, if he is going to mention particular names.

15:59:03 5 PRESIDING JUDGE: Well, he can write the names down. That

6 won't reveal anything, I would imagine.

7 MR AGHA: Yes.

8 Q. Witness --

9 A. What I saw, is what I'm saying.

15:59:17 10 Q. Yes, yes, but could you, if you are provided with a pen and

11 paper --

12 A. What I saw is what I am telling you.

13 Q. Yes, but not everybody died in the mosque that day, did

14 they?

15:59:37 15 A. Some are dead, some are no longer there.

16 Q. Yes, but on that day on which the amputations took place,

17 some people survived; is that correct?

18 A. There are some who are not dead. They are not longer

19 there. They have deserted the village and gone elsewhere I don't

16:00:05 20 know where they went to.

21 Q. Thank you, witness. I'm not asking you where they went to.

22 If you were provided with a pen and paper, could you please write

23 down some of the names of who were present at that time?

24 A. Well, for me I would not write somebody's name in his

16:00:36 25 absence. I do not know them now.

26 Q. No, I'm not suggesting whether you know them now. If you

27 know the names of anyone who was there, could you please write

28 their names down on a piece of paper so their identities could be

29 kept confidential within the Court.

1 A. Those that are dead are the ones I know their names. The
2 others that are alive, they were no longer there, I cannot tell
3 you. I don't know their whereabouts. I can only tell you about
4 those who are dead, their names.

16:01:17 5 Q. So you can't remember a single name of any of those who
6 survived the amputations?

7 A. The one I know is no longer there. He has gone out. I
8 don't know where he lives now.

9 Q. Can you kindly write his name down on a piece of paper,
16:01:46 10 please.

11 A. I cannot be able to tell his name. If somebody write his
12 name, I will write mine and give mine, but I cannot give anybody
13 else's name.

14 Q. Do you know his name?

16:02:07 15 A. Well, I will not be able to tell their names. Maybe if you
16 ask, some people will know him. I saw him with the face, but I
17 don't know his name.

18 Q. Right. So it is your evidence that you do not know the
19 name of a single person who survived the amputations? Yes or no?

16:02:36 20 A. Well, those that are dead I know their names, but those
21 that were amputated they are no longer there and I do not know.
22 I cannot give their names in their own absence.

23 Q. Now, you say you led prayers that day at the mosque. Did
24 you lead the prayers ever prayer time at that mosque?

16:03:07 25 A. I lead the prayers. Some people who attend those prayers
26 are not born there. Some are strangers; they only come and pray,
27 but I lead the prayers there.

28 Q. Yes, but does anyone else apart from you ever lead the
29 prayers in that village, your village that you have mentioned?

1 A. Somebody is there, but I am the head.
2 Q. Yes --
3 A. During that time I was the head.
4 Q. Yes, but in your absence does anyone else lead the prayers?
16:03:54 5 A. Yes, he is there, but he is sick.
6 Q. Okay. What is his name, please? If you could write that
7 down on a piece of paper.
8 A. Well, the one who comes after me he is called Bala Musa.
9 Q. Right. So you are not the only person who leads prayers in
16:04:25 10 your village mosque, are you?
11 MR FOFANAH: Objection, Your Honour, that question has been
12 asked and answered.
13 PRESIDING JUDGE: Yes, it has been answered, Mr Agha.
14 MR AGHA:
16:04:38 15 Q. Now, you say your village is close to Karina. Have you
16 ever been to Karina?
17 A. I go there once in a while.
18 Q. Are there any mosques in Karina?
19 A. There is one mosque in Karina.
16:05:14 20 Q. I put it to you that there are more than one mosque in
21 Karina?
22 A. Well, I don't know, but the one I know is only one.
23 Q. So you only know one, but there could be others; right?
24 A. It is a big town. I know there is only one mosque.
16:05:42 25 Q. No. My question to you is: Could there be other mosques
26 which you don't know about?
27 MR FOFANAH: Objection. Objection. Your Honour, the
28 witness has answered.
29 A. The mosque that is near me is what you asked me for.

1 PRESIDING JUDGE: He hasn't answered that question. I will
2 let him answer it. Ask it again, Mr Agha.

3 MR AGHA:

4 Q. You say you know of only one mosque in Karina. So there
16:06:16 5 could be other mosques in Karina which you are not aware; right?

6 MR FOFANAH: Your Honours, with respect I'm objecting.

7 THE WITNESS: Mr, if I tell you that, I will be lying to
8 you.

9 PRESIDING JUDGE: I did not hear your objection.

16:06:31 10 MR FOFANAH: The witness was interrupting, Your Honour. My
11 objection is: The question as it is phrased clearly calls for
12 the witness to speculate. He has said, "To the best of my
13 knowledge, I only know of one mosque." To suggest using the
14 conditional phrase: Could there have been, he is clearly asking
16:06:53 15 the witness to give an opinion or speculate on something.

16 PRESIDING JUDGE: Mr Fofanah, he is not just an ordinary
17 person in that religion. He is in a position to know or at least
18 to make some allowance, if he doesn't know. I think the question
19 is a reasonable one. I will overrule you.

16:07:15 20 MR FOFANAH: As Your Honour pleases.

21 MR AGHA:

22 Q. So, Mr Witness, there could be other mosques in Karina
23 which you are not aware of; is that right?

24 A. It is a village that I know. If there are other mosques, I
16:07:35 25 will know.

26 Q. So as far as you are aware, there is only one mosque in
27 Karina?

28 PRESIDING JUDGE: He has answered that, Mr Agha.

29 MR AGHA:

1 Q. I'm going to put to you again: There is more than one
2 mosque in Karina?

3 A. Well, if you go there and count, but if you go there, you
4 will find only one mosque, so you will believe me there is only
16:08:01 5 one mosque.

6 Q. Now, you are the prayer leader in your village? Which
7 other villages do you lead the prayers in?

8 A. I am only in one town.

9 Q. So only in your village you lead the prayers; correct?

16:08:23 10 PRESIDING JUDGE: That is what he just said.

11 THE WITNESS: That is the place I am.

12 MR AGHA: Thank you, witness for your time. I have no
13 further questions, Your Honour.

14 PRESIDING JUDGE: Thank you. Does the Defence have any
16:08:39 15 re-examination?

16 MR GRAHAM: We don't have any, Your Honours.

17 PRESIDING JUDGE: Thank you.

18 THE WITNESS: Thank you also.

19 PRESIDING JUDGE: Mr, Witness, thank you for coming to
16:08:53 20 today to court and giving evidence. If you would just sit there
21 for a moment, we are going to adjourn now and you will be able to
22 leave the Court. We will rise now and court will be adjourned
23 until 9.15 tomorrow morning.

24 [Whereupon the hearing adjourned at 4.10 p.m.
25 to be reconvened on Tuesday, the 11th day of
26 July, 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DBK-050	5
EXAMINED BY MR DANIELS	5
CROSS-EXAMINED BY MR HARDAWAY	30
RE-EXAMINED BY MR GRAHAM	57
QUESTIONED BY THE COURT	63
WITNESS: DBK-103	66
EXAMINED BY MR MANLY-SPAIN	68
CROSS-EXAMINED BY MR AGHA	75
QUESTIONED BY THE COURT	80
WITNESS: DBK-096	81
EXAMINED BY MR DANIELS	82
EXAMINED BY MR MANLY-SPAIN	91
EXAMINED BY MR GRAHAM	92
CROSS-EXAMINED BY MR AGHA	96