

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

TUESDAY, 11 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 Thomas George
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Shyamala Alagendra Mr Vincent Wagona Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Mr Kojo Graham Ms Rebecca Cohen (intern)
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Ms Louisa Songwe (legal assistant)
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain

1 [AFRC11JUN06A-RK]

2 Tuesday, 11 July 2006

3 [Open session]

4 [The accused present]

09:16:42 5 [Upon commencing at 9.20 a.m.]

6 PRESIDING JUDGE: What is happening here, Mr Court
7 Attendant? Why are those curtains drawn? That is to get the
8 witness in, is it?

9 MR GEORGE: Yes.

09:18:43 10 PRESIDING JUDGE: Well, please bring him in.

11 MR AGHA: Your Honour, just while we are waiting for the
12 witness to be led in, I'd like to introduce a new member of the
13 Office of Prosecution. That is Vincent Wagona, who is sitting
14 here to my left.

09:19:05 15 PRESIDING JUDGE: Thank you, Mr Agha. Welcome, Mr Wagona.

16 MR WAGONA: Thank you.

17 PRESIDING JUDGE: Mr Daniels, while we are waiting for the
18 witness to be come in, I notice there is no DBK-082 in the list
19 of summary. There are two DBK-083s, though.

09:19:48 20 MR DANIELS: I will just clarify.

21 [The witness entered the Court]

22 MR DANIELS: Your Honour, it is unfortunate. We had to
23 make some last-minute changes. We also sent for it to be brought
24 to us. In a few minutes, it will be with the Court.

09:21:08 25 PRESIDING JUDGE: As I was saying, there are two DBK-083s
26 in the list. I was wondering if one of those might have been, in
27 reality, DBK-082 with simply the wrong numbering on it.

28 MR DANIELS: Your Honour, the point is taken. We will just
29 clarify.

1 MR GRAHAM: Your Honour, if I may assist the Court,
2 hopefully, in this regard. Your Honours, I recall some time
3 after we filed our witness list, the OTP drew our attention to
4 some repetitions in the pseudonyms, which I think we corrected.
09:21:48 5 We, unfortunately, didn't bring that to the attention of the
6 legal officer for the Chamber. I think in respect of DBK-082, we
7 have another witness with the pseudonym DBK-082. I believe with
8 regard to DBK-083, we did the corrections in that regard. I
9 expect the legal assistance to be in and we will properly inform
09:22:09 10 the Court about the changes in respect of what the proper
11 pseudonym is for the second DBK-083.

12 PRESIDING JUDGE: What number in the list is DBK-082 now?

13 MR GRAHAM: Under our original list, that was witness
14 number five.

09:22:42 15 MR AGHA: If I may be of assistance, Your Honour. I
16 believe this witness actually listed as the old witness number 17
17 on the original witness list.

18 PRESIDING JUDGE: That was what I was putting to the
19 Defence. There are numbers 16 and 17 which are both DBK-083, and
09:23:04 20 I was asking if one of them should be DBK-082.

21 MR AGHA: Yes. I believe 17 should be 082, but I will
22 leave that to my learned friends to clarify.

23 PRESIDING JUDGE: Thank you, Mr Agha. Let's swear this
24 witness in and get the trial moving. He is giving evidence in
09:23:32 25 Madingo, I believe?

26 MR GEORGE: Yes, Your Honour.

27 PRESIDING JUDGE: The oath is about to be taken. Just
28 pause while the oath is taken.

29 WITNESS: DBK-082 [Sworn]

1 [The witness answered through interpreter]
2 MR DANIELS: Your Honour, I wish to confirm that DBK-082
3 what was number 17 on the original list.
4 PRESIDING JUDGE: Thank you, Mr Daniels.
09:25:02 5 MR DANIELS: Thank you.
6 EXAMINED BY MR DANIELS:
7 Q. Morning, Mr Witness.
8 A. How did you sleep?
9 Q. Mr Witness, where were you born?
09:25:28 10 A. I was born in xxx Village.
11 Q. And what chiefdom is xxx Village?
12 A. It's in Biriwa Chiefdom.
13 Q. And what district?
14 A. It's in the Bombali District.
09:26:11 15 Q. How old are you?
16 A. Well, I don't know, because at the time I was born from
17 1943 -- 1943, I was beginning to grow up, but I was very small.
18 I can't remember now.
19 Q. What tribe do you belong to?
09:26:54 20 A. I speak Madingo. Even Krio I do not understand well.
21 Q. What is your religion?
22 A. I am a Muslim. I fast and I pray. I am a Muslim, and I
23 was born in it.
24 Q. Where do you stay at the moment?
09:27:34 25 A. I am in the Court.
26 Q. Where do you live?
27 A. I am staying in xxx.
28 Q. Do you know how long you have stayed in xxx?
29 A. It is the place where I was born. I cannot know the number

1 of years. I am not literate, only that I learnt some Koran.

2 Q. Have you lived anywhere else apart from xxx Town?

3 A. I had been -- well, I had not stayed in any other town, but
4 I used to go to Kono and return.

09:28:50 5 Q. Are you married?

6 A. Yes. I have three wives.

7 Q. Do you have children?

8 A. Yes. My first children have died, six of them. Those who
9 are alive, they are young; three of them. My grandchildren, they
09:29:33 10 are there, seven of them. They are all grown up now.

11 Q. Your second set of children, are they staying with you?

12 MR AGHA: I object to that question. It is a leading
13 question, Your Honour.

14 PRESIDING JUDGE: It is leading, but what is the point in
09:30:02 15 objecting? Go on, ask the question.

16 MR DANIELS: Introductory matters, Your Honour.

17 Q. Are your children staying with you?

18 A. Those who are alive, all three of them are there. They are
19 very small.

09:30:32 20 Q. Do you have a profession?

21 A. I am a farmer.

22 Q. Do you recall anything happening in Bonoya Town around
23 April/May 1998?

24 A. Yes, that which I can remember, I will talk about.

09:31:20 25 Q. Please tell us. What happened?

26 A. Okay. I've heard. I was lying -- the day that we prayed
27 the Jobenteh prayer, we were lying -- I was laying at 4.00 when I
28 heard knocking on the door, people shouting and that was what
29 woke me up.

- 1 Q. Hold on, Mr Witness. You said you heard people shouting.
2 What time was this? What time of day or night?
- 3 A. The time that it was, it was very early in the morning. It
4 was at dawn. It was about 4.00, and it was dark. There was no
09:32:18 5 light.
- 6 Q. You just said you heard some people shouting. Who did you
7 hear shouting?
- 8 A. When there is shouting in the town and that wakes you up,
9 it was that that woke me up, the shouting.
- 09:32:44 10 Q. Did you see who was shouting?
- 11 A. I did not see them, but as they were knocking at the door,
12 so also the shouting was going on.
- 13 Q. Do you know who was knocking on the door?
- 14 A. I do not know at all. It was dark. There was no light. I
09:33:23 15 did not know at all.
- 16 Q. Did you do anything?
- 17 A. I came out. I took my children. I opened the back door
18 carefully and we went into the bush.
- 19 Q. How many children did you go with?
- 09:33:50 20 A. I ran away with my three children and my grandchildren and
21 other relatives, and we went into the bush.
- 22 Q. Why did you run to the bush?
- 23 A. You have not been used to hearing that kind of noise, and
24 if you've heard that noise, wouldn't you run?
- 09:34:36 25 Q. Did you hear any other noise apart from shouting?
- 26 A. Well, at that time I had run into the bush.
- 27 Q. Did anything happen after you ran into the bush?
- 28 A. Yes.
- 29 Q. What happened?

1 A. When I went into the bush, it took some time, up to the
2 afternoon prayer, and the time was at 2.00. At that time, I left
3 my people in the bush to come to the town. I was close to the
4 town and I heard people crying, my people crying in the town.

09:35:45 5 Q. Hold on, Mr Witness. Which town did you come to?
6 A. I was coming to Bonoya Town.
7 Q. From where?
8 A. From the bush. I left my people there.
9 Q. What distance was it from the bush to Bonoya Town?

09:36:13 10 A. It could be up to exactly two miles.
11 Q. You said when you returned, you heard some people shouting;
12 is that so? When you returned to Bonoya, you heard some people
13 shouting?
14 JUDGE DOHERTY: He said crying, Mr Daniels.

09:36:47 15 MR DANIELS: I beg your pardon.
16 THE WITNESS: When I returned I heard my people crying.
17 MR DANIELS:
18 Q. Who was crying?
19 A. My people.

09:36:58 20 Q. How many of them?
21 A. There were many, because they were the townspeople.
22 Q. Do you know why they were crying?
23 A. Yes.
24 Q. Why is it that they were crying?

09:37:22 25 A. They were crying --
26 THE INTERPRETER: Your Honours, the witness has gone very
27 fast. Can he please repeat?
28 PRESIDING JUDGE: The interpreter did not get your last
29 answer, Mr Witness. Could you please repeat it.

1 THE WITNESS: Okay. I said, my people were crying.

2 MR DANIELS:

3 Q. Yes. Can you please tell me, if you know, why they were
4 crying?

09:38:11 5 A. I said, my people --

6 THE INTERPRETER: Your Honours, again, the witness has used
7 an expression that is ambiguous. We would like the learned
8 counsel to clarify what he means. Because when he used an
9 expression it could mean amputation or mutilation. We do not
09:38:42 10 know exactly what he means.

11 PRESIDING JUDGE: Up to you, Mr Daniels.

12 MR DANIELS: Mr interpreter, all I asked was why were his
13 people crying. I didn't mention anything about amputation or
14 mutilation. The question is: Why were his people crying? That
09:39:03 15 is the question.

16 THE INTERPRETER: And he has, in his explanation --

17 THE WITNESS: I said, those people who were crying were my
18 people. Those people who were dying in the village were my
19 people. That is why they were crying.

09:39:15 20 THE INTERPRETER: Yes, I think I was going to respond to
21 learned counsel's question again. In the witness's explanation,
22 he has stated an expression that could mean amputation and
23 mutilation, or amputation or mutilation. I want to know in
24 future when the question is asked, I would like to get that
09:39:41 25 clarification.

26 MR DANIELS: Very well.

27 JUDGE SEBUTINDE: Mr Interpreter, exactly what did the
28 witness say.

29 THE WITNESS: He said [speaks Madingo]. It could mean

1 amputati on.

2 JUDGE SEBUTINDE: What is the full sentence that he said?

3 THE INTERPRETER: [Speaks Madingo]. That is the mutilated
4 people or amputated people.

09:40:22 5 MR DANIELS:

6 Q. Mr Witness, you just said, "They amputated our people and
7 they mutilated our people."

8 PRESIDING JUDGE: I think the interpreter said the witness
9 said one or the other, not both.

09:40:38 10 THE WITNESS: Those people who died, they were crying in
11 town because those people had died.

12 MR DANIELS:

13 Q. What did you see when you returned to Bonoya Town?

14 A. I met my people who have died, and that is why they were
09:41:08 15 crying.

16 Q. How many people did you meet who had died?

17 A. Those who were left in the fighting, there were 10 of them,
18 those who had stayed in the fighting, but they did not die just
19 like that. There were two people who died in Freetown here at
09:41:43 20 the Connaught Hospital and the camp. The others, the rest of
21 them died in the town. From the town to Madobo, that's where the
22 others died.

23 Q. Those who died in Bonoya Town, how many of them?

24 A. Ten of them. Those who died in the fighting in the town in
09:42:02 25 Bonoya Town -- those who died in Bonoya Town, one died in Kari na.
26 He is my person as well. Those who died in the town were eight
27 in number. Those who died in the town, our town, eight people.
28 It is not the town itself --

29 Q. How do you know there were eight people?

1 A. How I came to now that eight people died, those eight
2 people who died, two of them were my sibling's children; they
3 were burnt. A suckling mother was also killed. Eight people,
4 those whom I can recall in my town. The tenth person, those two
09:43:01 5 people died here in Freetown.
6 Q. Do you know how those eight persons died?
7 A. Those two people, the way they died, it is the fighting
8 that killed them, because some were cut.
9 Q. You have just told us about fighting. Who was fighting?
09:47:55 10 A. Somebody would just die like that if he had not been fought
11 with? Would he die like that, if not by God's will?
12 Q. Do you know who killed those who died?
13 A. I did not know at all.
14 Q. What happened to the dead persons?
09:47:56 15 A. We buried them. We buried them.
16 Q. Where?
17 A. We buried them in the yard on the compound.
18 Q. Did anything else happen in Bonoya Town, apart from the
19 killing of those you have just mentioned?
09:47:56 20 A. Well, even if something else happened. After we had buried
21 those people, I took my children and my relatives and we went to
22 Guinea. I did not sleep there that day. We went to Guinea.
23 Q. Mr Witness, please listen to the question. I'm asking you:
24 Did anything else happen in Bonoya Town, apart from the killing
09:47:57 25 of the persons you mentioned around April/May 1998?
26 MR AGHA: Objection, Your Honour. I think he has answered
27 that question all right.
28 PRESIDING JUDGE: What was his answer? I missed it.
29 MR AGHA: He left with his children.

1 THE WITNESS: Since that happened, since that happened,
2 except in my absence, but nothing else happened, because I was
3 not there. And nothing else happened since the death of those
4 people.

09: 47: 57 5 MR DANIELS:

6 Q. Mr Witness, were there any vehicles Bonoya Town?

7 A. There was a vehicle. There was a vehicle there that was my
8 brother's -- my younger brother's vehicle was there. They burnt
9 down five houses. They burnt down a barri, and that made it six.

09: 47: 58 10 Q. Did anything happen to your brother's vehicle?

11 A. Yes, they set it on fire.

12 Q. Do you know what type of vehicle your brother owned?

13 A. The kind of vehicle, they call it Mercedes. It's a
14 Mercedes.

09: 47: 58 15 Q. Where exactly is your house in Bonoya Town?

16 A. Well, it is in the centre of the town.

17 Q. From Bonoya Town, what is the next Town?

18 A. You go to Madobo. It is a quarter of a mile. It is
19 quarter.

09: 48: 35 20 Q. From Madobo, where do you go?

21 JUDGE DOHERTY: Can we have some spelling?

22 MR DANIELS: Madobo was spelt yesterday. I will do that
23 again, Your Honours. M-A-D-O-G-B-O, [sic] Madobo.

24 JUDGE DOHERTY: Thank you.

09: 48: 54 25 MR DANIELS:

26 Q. From Madobo Town, what is the next town?

27 A. The towns are closer to each other. From there, you go to
28 Dari a. From Dari a you go to Mayongbo, from Mayongbo --

29 MR DANIELS: Dari a is spelt as D-A-R-I-A, Your Honours.

1 Q. From Dari a go to?
2 A. Mayongbo.
3 MR DANIELS: M-A-Y-O-N-G-B-O, Mayongbo.
4 Q. From Mayongbo?
09:49:50 5 A. When you are in Mayongbo, it's Karina.
6 Q. So, Mr Witness, if you know, what is the distance between
7 Bonoya and Karina?
8 A. The mileage between Bonoya and Karina, it's two miles.
9 There are two miles between Bonoya and Karina.
09:50:15 10 Q. How long will it take you to walk?
11 A. I do not know the hour. But from there, you will go and
12 return, you will go and return, you will go and return. They are
13 close to one another. The towns are close to one another. They
14 are not a far distance from one another.
09:50:56 15 Q. You mentioned to this Court that your brother's Mercedes
16 Benz got burnt. Did anything happen to your brother?
17 A. At that time, my brothers were not there. They had come to
18 Freetown. This thing happened in their absence.
19 Q. You also told this Court that you went to Guinea. How soon
09:51:43 20 after the incident did you go -- that is, the attacks in
21 Bonoya -- did you go to Guinea?
22 A. When this thing happened, just as it happened -- when it
23 happened, I did not sleep there that night. I did not sleep
24 there that night at all.
09:52:36 25 Q. How long did you stay in Guinea?
26 A. I stayed there for long time. Because I was in Guinea, I
27 stayed there for long. I just heard that there was a cease fire.
28 When I heard about a cease fire, I stayed there for up to five
29 months before I could come to Bonoya. When I came to Bonoya, I

1 slept two nights. On the third day, I returned. What I know is
2 that when I was there, those people who had come from here to
3 Guinea, I heard that rebels had come. They were Sankoh's rebels,
4 but they did not say --

09:53:14 5 Q. Hold on, before you carry on.

6 MR DANIELS: Your Honours, the third accused would like to
7 use the restroom.

8 PRESIDING JUDGE: Yes. The third accused can leave the
9 Court.

09:53:36 10 MR DANIELS:

11 Q. Mr Witness, you just told this Court that you returned to
12 Bonoya from Guinea.

13 A. Yes.

14 Q. You also just told this Court that when you returned, you
09:53:56 15 heard that the attacks were committed by the rebels led by Foday
16 Sankoh.

17 MR AGHA: I object to that, Your Honour. I didn't hear
18 that that is what the witness said at all.

19 PRESIDING JUDGE: I think he did say that. He was
09:54:14 20 interrupted right at that point while he was saying it.

21 MR AGHA: I do not recall any interpretation on that, Your
22 Honour. I don't think my learned colleague heard it either.

23 PRESIDING JUDGE: The transcript says that he mentioned
24 Sankoh's rebels. He may not have said Foday. You can rephrase
09:54:59 25 that question in line with the evidence he has given, Mr Daniels.

26 MR DANIELS: Most grateful, Your Honour.

27 Q. You just told this Court about Sankoh's rebels. Please
28 repeat what you were saying.

29 A. Yes. Which one of them?

1 Q. Did you eventually get to hear about who committed the
2 atrocities in Bonoya?

3 A. I was in Guinea when I heard. But when I came, I did not
4 hear. I did not hear that in Bonoya. I said I heard in Guinea,
09:56:16 5 when people were saying that the rebels who came were Sankoh's
6 rebels. They did say that they came to Bonoya. They did not say
7 they came to attack Karina. They said they were Sankoh's rebels.
8 I heard. I heard them saying.

9 Q. Who told you?

09:56:38 10 A. Those who had come from Sierra Leone to there. They were
11 saying it among themselves. That's where I heard.

12 Q. Did you ever hear of one Ibrahim Bazy Kamara as being
13 responsible for the atrocities that took place in Bonoya in
14 April/May 1998?

09:57:18 15 A. I did not hear that. What I have said is what I know.
16 What I am saying now, that is what I know. When I came and spent
17 two nights there and returned, that is what I know. When it
18 subsided completely, I came back.

19 Q. Mr Witness, did you ever hear of Alex Tamba Brima being
09:57:59 20 responsible for the atrocities that took place in Bonoya in
21 April/May 1998.

22 A. I did not hear that. I did not hear that at all.

23 Q. Did you ever hear of Santigie Borbor Kanu as being
24 responsible for the atrocities that took place in Bonoya around
09:58:29 25 April/May 1998?

26 A. I did not hear that at all.

27 Q. Did you ever hear of a person by the name of Five-Five
28 being responsible for the atrocities that took place in Bonoya in
29 April/May 1998?

1 A. I did not hear that at all.

2 MR DANIELS: Your Honours, I have no further questions.

3 PRESIDING JUDGE: Thank you, Mr Daniels. Anything else in
4 chief from the Defence?

09:59:07 5 MR GRAHAM: No, Your Honours.

6 PRESIDING JUDGE: Yes, Mr Agha.

7 CROSS-EXAMINED BY MR AGHA:

8 Q. Morning, witness.

9 A. How is your morning?

09:59:27 10 Q. It seems to be fine. Thank you. I'm just going to ask you
11 a few questions. I would like you to answer them as briefly and
12 honestly as you can. Can you tell us how many living brothers
13 you had before the attack on Bonoya?

14 A. Those who are alive, my younger brother, at that time, he
10:00:15 15 had come to Freetown here. My younger brother, at the time, he
16 had come to Freetown. This fighting took place in their absence.
17 You see, that is what I know.

18 Q. But how many living brothers did you have before the
19 fighting started? Was it five, or more, or less?

10:00:39 20 A. Except for my two brothers who came -- in fact, the
21 fighting did not take place in their presence, that's what I
22 know.

23 Q. So the fighting did not take place in the presence of any
24 of your brothers?

10:01:21 25 A. It did not take place in their presence. When they came to
26 Freetown, this fighting took place in their absence.

27 Q. Now, I wouldn't like you to mention names.

28 MR AGHA: With the permission of the Court, I'd like to
29 pass the witness a piece of paper with the name of one of his

1 brothers on it who I will be referring to in the
2 cross-examination, so that he can see who I am referring to.

3 PRESIDING JUDGE: Yes, all right. Show it to the Defence,
4 Mr Court Attendant, and then pass it to the witness.

10:02:12 5 MR GRAHAM: The first accused wants to use the restroom,
6 with your permission.

7 PRESIDING JUDGE: Yes, the first accused can leave the
8 room. Now, Mr Witness, you are going to be shown a piece of
9 paper. I don't want you to read what is on that paper out
10:02:47 10 allowed, but I want you to tell me if you can read it at all.

11 THE WITNESS: I can't read it.

12 PRESIDING JUDGE: He said he was illiterate, Mr Agha.

13 MR AGHA: Okay, Your Honour. I will try and deal with it
14 without actually -- thank you.

10:03:17 15 PRESIDING JUDGE: He has already -- I'm not quite sure
16 where you are going, but he has made it very clear, as far as I
17 am concerned, none of his brothers were in Bonoya when the attack
18 took place, if that is what you're going to ask him. He's already
19 said that.

10:03:31 20 MR AGHA: It wasn't actually about that, Your Honour. I
21 was just going to move on.

22 PRESIDING JUDGE: All right.

23 MR AGHA:

24 Q. Were you aware that any of your brothers had had their leg
10:03:49 25 cut off?

26 A. Well, I cannot defend that, because I cannot show the
27 difference, I cannot decide on that. You should ask them about
28 that. I cannot decide on that. I cannot show you the difference
29 in that. What I have told you, the statement that I have made,

1 what I know is what I have said.

2 Q. Witness, do you know whether any of your brothers only has
3 one leg?

4 A. Well, those who had their legs amputated, you are the one
10:04:59 5 who knows that. I cannot give evidence about that, because I
6 cannot testify to that. You call him and ask him about that. I
7 cannot testify to that. Hands were not amputated there. Hands
8 were not amputated there. To say hands were amputated where we
9 were -- what I saw was what I said. That is what I am saying.

10:05:27 10 PRESIDING JUDGE: Mr Witness, do I take you to mean that
11 you do not know whether one of your brothers has only one leg?
12 Is that what you are saying; you don't know?

13 THE WITNESS: He has not said something. You want me to
14 say that? I won't say that. I don't know at all.

10:06:52 15 PRESIDING JUDGE: Go ahead, Mr Agha.

16 MR AGHA:

17 Q. Now, you mentioned that when you were in Guinea, you heard
18 that the RUF had been carrying out attacks; is that right?

19 JUDGE DOHERTY: I don't recall the word RUF used.

10:07:15 20 MR AGHA:

21 Q. When you were in Guinea, you mentioned that Sankoh's rebels
22 had carried out attacks?

23 A. Try to understand what I'm saying. Those people who had
24 left Sierra Leone to go there, I met them talking about it, that
10:07:38 25 the rebels who had come here, were Sankoh's rebels. They did not
26 go to tell me that. I met them talking about it. They did not
27 say Bonoya, they did not say Karina. They did not talk about any
28 town. I met them talking about it, that it was Sankoh's rebels
29 who came. It was Sankoh's rebels. That is what I know.

1 Q. Okay. Witness, what do you understand by the word
2 "amputated"?

3 A. If you find somebody dead, and he has marks of some
4 cutting, wouldn't you say it?

10:08:47 5 Q. Let me ask it to you in this way: If someone had their arm
6 cut off, would you regard that as being amputated?

7 A. I did not see.

8 Q. If you saw a person who had, anywhere, his arm cut off,
9 would you regard that as being amputated, the cutting off of an
10:09:16 10 arm?

11 A. Well, when somebody's hand is cut off, would that hand be
12 removed if it has not been cut off?

13 PRESIDING JUDGE: Mr Witness, you are not in the witness
14 box to ask questions. You are there to answer them. Just answer
10:09:40 15 what you have been asked, please.

16 THE WITNESS: It's okay. Okay.

17 PRESIDING JUDGE: Go on, Mr Agha.

18 MR AGHA:

19 Q. If you saw a person who had his arm cut off, would you
10:10:03 20 regard that as being amputated?

21 A. I did not see that.

22 Q. But if you did, would you regard that as being amputated?

23 A. What I said, that they killed people -- would people die if
24 they were not hurt with the cutlass? Would that happen?

10:10:33 25 Q. So did you see people who had, let us say, bodies with
26 their arm cut off, or did you see anybody with any part of their
27 body cut off when you returned to the village?

28 A. No. Those who died, those who died, they had marks of
29 cutting, of having been cut. That is why I said. And what I saw

1 is what I said. I cannot say what I didn't see.

2 Q. Now, you mention in your evidence that, I believe, two of
3 your children were killed; is that correct?

4 A. I did not say my own children. My younger brother's
10: 11: 46 5 children who were burnt in the fire, they are the ones I spoke
6 about. My own child, I did not -- it was only when I went to
7 Guinea that I heard that he has died. He died in Sierra Leone
8 here. Ten people died in the fighting. I have said that. I
9 have repeated it and I have repeated it. That is what I know.

10: 12: 11 10 Q. Did you give a statement to the defence lawyers or
11 investigators?

12 A. I don't know, because those who took statement to me had a
13 paper; they had a book. I don't know. I don't know that.

14 Q. Did you tell them what you have told the Court today?

10: 12: 48 15 A. That is what I told them. If there is a place where I
16 forget, because where I am, I am -- my mind is not all that
17 accurate again, but what I told them is this: What I know is
18 what I have said. My mind is wearing out now.

19 PRESIDING JUDGE: His evidence in chief, by the way, is "my
10: 13: 29 20 sibling's children."

21 MR AGHA:

22 Q. The reason I raise it is because in your summary it says
23 that two of your children you found dead.

24 A. I did not tell you that. I did not tell them that. I said
10: 13: 48 25 my young brother's children, whose house was burnt, his children
26 got burnt in the house. At the time he was not there. He had
27 come to Freetown. That is what I know.

28 MR AGHA: Your Honour, may we request to have a look at the
29 Defence statement since it is clearly set out in the summary that

1 he came back to the village, he saw ten corpses, including his
2 two children and then he names them.

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

4 THE WITNESS: I did not tell them that at all.

10:14:27 5 MR DANIELS: Please, Mr Witness. Your Honour, he has
6 explained that his sibling's children were those who died. And
7 in the African context we always know when you say your -- you
8 always consider your children to be your sibling's children and
9 that is normal, so this could be the only interpretation.

10:14:59 10 PRESIDING JUDGE: You are not answering what Mr Agha is
11 requesting. He is requesting that you give him a look at this
12 witness's statement. What is your response to that?

13 MR DANIELS: My Lord, I do not see how it will assist his
14 case.

10:15:15 15 PRESIDING JUDGE: Mr Witness, you will be asked questions
16 in due course, but we do not need to hear you from now. Sorry,
17 Mr Daniels, you were interrupted there by your witness.

18 MR DANIELS: I beg your pardon.

19 PRESIDING JUDGE: I did not quite get what you said because
10:15:33 20 your witness chimed in on my earphones.

21 THE WITNESS: I said I did not tell him that. What I know
22 is what I have said here. What I know is what I have said and
23 where I was, what I know is what I have said and I am beginning
24 to feel cold where I am sitting here.

10:16:00 25 PRESIDING JUDGE: All right. Mr Witness, you may get a
26 chance to leave there very shortly. Obviously, Mr Agha, you made
27 the same mistake as probably the Defence did in thinking that he
28 had said it was his own children. You made that same mistake. I
29 am not inclined to give you a look at the Defence brief. We did

1 not order them to give you witness statements, we ordered them to
2 give you summaries, and I do not think what you said now entitles
3 you to look at their brief.

4 MR AGHA: Well, according to the summary it says clearly
10:16:33 5 his two children.

6 PRESIDING JUDGE: I see the summary and you have got sworn
7 evidence that a mistake was made. The record will speak for
8 itself.

9 MR AGHA: I will move on, Your Honour.

10:16:54 10 PRESIDING JUDGE: I'm wondering if the witness and victims
11 section has something warm to drape over this witness's
12 shoulders. He is complaining that he is cold.

13 THE WITNESS: Yes, I have finished speaking. I have
14 finished speaking. You have asked me. I have repeated it once,
10:17:23 15 I have repeated it twice.

16 PRESIDING JUDGE: Mr Witness, these proceedings will be a
17 lot quicker if you please don't interrupt and just answer
18 questions that are put to you. Go ahead, Mr Agha.

19 MR AGHA: Thank you, Your Honour.

10:17:39 20 Q. Now, these siblings, two siblings who were killed --

21 JUDGE SEBUTINDE: They were not siblings, Mr Agha, they
22 were children of siblings.

23 MR AGHA:

24 Q. These children of siblings -- actually, I am going to
10:18:11 25 withdraw that question and I am going to end the
26 cross-examination at this stage, Your Honour.

27 PRESIDING JUDGE: Thank you, Mr Agha. Is there any
28 re-examination from the defence?

29 MR GRAHAM: No, Your Honours.

1 MR DANIELS: There will be no re-examination.

2 PRESIDING JUDGE: All right. Well, Mr Witness, thank you
3 very much for coming to court and giving evidence. Your part in
4 these proceedings is now finished and you can leave the
10: 18: 55 5 courtroom.

6 Can you make some arrangements please, Mr Court Attendant.

7 [The witness withdrew]

8 PRESIDING JUDGE: I understand the next defence witness is
9 DBK-094; is that correct.

10: 20: 37 10 MR DANIELS: That is so, Your Honour. And he will be led
11 by Mr Graham.

12 PRESIDING JUDGE: Mr Graham, the witness that you are
13 leading would he appear in the list under some other pseudonym?
14 I don't seem to have a DBK-094 in my list.

10: 21: 12 15 MR GRAHAM: Your Honours, we have on the order of witness
16 list which we filed on 22 of May 2006 and the pseudonym there is
17 DBK-094.

18 JUDGE SEBUTINDE: We are referring to the summaries. Could
19 you refer as a witness number 1, 2, 3, whatever. That is the one
10: 21: 42 20 we're referring to.

21 MR GRAHAM: Very well, Your Honour.

22 PRESIDING JUDGE: Well, does the Prosecution know which
23 witness number this might be?

24 MR HARDAWAY: Yes, Your Honour, this is number 10. Now, to
10: 21: 55 25 be honest, this is -- this was an addition. This was annex 1,
26 summary witness DBK-094. On the original call list number 10 had
27 the number of DBK-104, but the witness annex that we received has
28 him listed as DBK-094.

29 PRESIDING JUDGE: Thank you, Mr Hardaway. I really don't

1 know why the Prosecution know more about your witness list than
2 you do, Mr Graham.

3 MR GRAHAM: Your honours, unfortunately our legal
4 assistant -- but we have our copy here. We can confirm the
10:22:36 5 registry page number on the summary witness list. I think it
6 18281, Registry page number 18281. And the order is 10 and the
7 pseudonym is DBK-094.

8 [The witness entered court]

9 JUDGE SEBUTINDE: Is this the witness who speaks Loko?
10:22:59 10 Right? We just want to be on the same page with you. We are
11 sitting with a document entitled witness summaries that you
12 filed, and we just want to find the position of this witness on
13 that document.

14 MR GRAHAM: Your Honour, as I am saying, on the summary
10:23:20 15 witness list we have him on Registry page number 18281 and I
16 think the language indicated here is English and he is order
17 number 10.

18 PRESIDING JUDGE: Well, look, we do not have those Registry
19 pages. We have got page 18161, so forget the Registry pages;
10:23:43 20 right. We're talking about witness numbers and is it witness
21 number 10?

22 MR GRAHAM: Yes. Your Honour.

23 PRESIDING JUDGE: Right. And what is it, DBK-104 or
24 DBK-094?

10:23:56 25 MR GRAHAM: DBK-094.

26 MR HARDAWAY: Your Honour, we can print copies of that, if
27 the Court so desires.

28 PRESIDING JUDGE: That is very kind of you, Mr Hardaway. I
29 think eventually we will sort this list out. It certainly, at

1 the moment, is very confusing.

2 Swear the witness, please.

3 WITNESS: DBK-094 [Sworn]

4 JUDGE SEBUTINDE: What is the language of the witness?

10: 25: 04 5 MR GRAHAM: Your Honour, I believe the witness is speaking
6 in English.

7 THE WITNESS: Yes, I was speaking in English.

8 JUDGE DOHERTY: This statement says Loko.

9 MR HARDAWAY: Your Honours, our statement also has English.

10: 25: 19 10 PRESIDING JUDGE: I'm convinced that the list we have been
11 give is totally useless.

12 MR GRAHAM: Very well, Your Honours, I must apologise for
13 this. We will take immediate steps during the break to have this
14 problem solved.

10: 25: 38 15 PRESIDING JUDGE: The list I'm referring to that the judges
16 have, it was filed with a document called "Confidential Joint
17 Defence Disclosure" pursuant to Trial Chamber order of 26 April
18 2006 and it was filed on the 10 May 2006. Now, that is the list
19 we've been working from, but obviously, the list has been revised
10: 26: 02 20 since then and we don't have a revised list.

21 JUDGE SEBUTINDE: It appears as annex 1. It is appended as
22 annex 1.

23 MR GRAHAM: Your Honour, we have taken due note and during
24 the break we will take steps to have these anomalies corrected.

10: 26: 23 25 We are grateful.

26 PRESIDING JUDGE: Go ahead, Mr Graham.

27 MR GRAHAM: Thank you, Your Honours.

28 EXAMINED BY MR GRAHAM:

29 Q. Morning, Mr Witness.

- 1 A. Morning, sir.
- 2 Q. Mr Witness, do you know your date of birth?
- 3 A. Yes, sir.
- 4 Q. What is your date of birth?
- 10: 26: 49 5 A. It is January xxx, 1977.
- 6 Q. Mr Witness, do you know where you were born?
- 7 A. Yes.
- 8 Q. Can you tell this Court where you were born, Mr Witness?
- 9 A. The place of my birth I do not want to expose it.
- 10: 27: 17 10 Q. Very well.
- 11 A. Because I want to just to secure myself so if I expose
- 12 everything --
- 13 MR GRAHAM: Very well, Your Honours, I will proceed at the
- 14 appropriate time.
- 10: 27: 33 15 Q. Mr Witness, can you tell this Court what tribe you are?
- 16 A. I am a member of the Mandingo tribe.
- 17 Q. What languages do you speak, Mr Witness?
- 18 A. I speak Mandingo, Krio and English.
- 19 Q. Mr Witness, what is your religion? Can you tell this Court
- 10: 28: 01 20 what your religion is?
- 21 A. I am a Muslim.
- 22 Q. Mr Witness, are you educated?
- 23 A. Yes.
- 24 Q. Can you tell this Court the level education that you've
- 10: 28: 26 25 attained?
- 26 A. Fifth form.
- 27 Q. Mr Witness, can you speak up a bit louder, please?
- 28 A. The fifth form.
- 29 Q. What schools did you attend, Mr Witness?

1 A. I will discuss that later.

2 Q. Mr Witness, do you recall anything -- Mr Witness, where do
3 you presently reside?

4 A. I will still discuss with you that later.

10:29:14 5 MR GRAHAM: Your Honours, I believe at this point I would
6 want to make an application for a brief closed session to be able
7 to ask questions of the witness relating to his background, Your
8 Honours, which I believe, is relevant. And I make this
9 application pursuant to Rule --

10:29:43 10 PRESIDING JUDGE: Yes, it is Rule 79. But is it just in
11 relation to his background because I notice that the town where
12 he lives seems to feature quite prominently in the facts of which
13 we have been provided a summary. So is that all --

14 MR GRAHAM: Very well, Your Honours, I think I will
10:30:07 15 proceed.

16 PRESIDING JUDGE: I'm not with you, Mr Graham. Are you
17 requesting a closed court simply to provide background, or are
18 you said you wanted a brief session? I'm suggesting would it be
19 longer than that because the town features in the facts.

10:30:24 20 MR GRAHAM: Well, Your Honours, I will do that later in the
21 course of my in chief and probably cumulatively address other
22 issues as well in probably a longer closed session. So I will
23 save that for now.

24 PRESIDING JUDGE: I see, you want to defer it for now?

10:30:40 25 MR GRAHAM: Yes, Your Honour.

26 Q. Mr Witness, do you know where you were in April/May of
27 1998?

28 A. Yes.

29 Q. Please tell this Court where you were in April/May of 1998?

1 A. I was in Karina on May 8, 1998.

2 Q. Mr Witness, do you recall anything significant happening on
3 the day you just mentioned before this Court, that is May 8,
4 1998?

10: 31: 26 5 A. Yes.

6 Q. Please tell this Court to the best of your knowledge what
7 happened on May 8, 1998?

8 A. One morning I was just out of my room at around 6.00 a.m.
9 while I saw a flame of fire on the direction of the east of the
10: 32: 05 10 town of Karina.

11 Q. Mr Witness, before you go on, when you have just told this
12 Court that you saw smoke coming from the east --

13 PRESIDING JUDGE: He didn't say smoke. He did not say
14 smoke.

10: 32: 19 15 THE WITNESS: A flame of fire and black smoke.

16 MR GRAHAM:

17 Q. Very well. You said you saw flame of fire and a black
18 smoke coming from the east side of Karina?

19 A. Yes.

10: 32: 37 20 Q. Are there any villages on the east side of Karina,
21 Mr Witness?

22 A. Oh, yes.

23 Q. Please tell this Court?

24 A. As soon as you leave the main highway to go towards Karina,
10: 32: 50 25 you are first reach Bonoya and after Bonoya you reach Madobo,
26 then after Madobo you come to Daria, from Daria to Mayongbo
27 before you enter in Karina. Others were spread east way in
28 direction of Karina.

29 Q. Mr Witness, how do you know that all these villages that

1 you just mentioned lie on the east side of Karina?
2 A. Because I spend a long time there, so I know all these
3 villages before the attack.
4 Q. How long have you spent?
10:33:32 5 A. Before the attack, you mean?
6 Q. Yes, Mr Witness, please tell this Court.
7 A. About over four or five years. I cannot exactly know the
8 exact amount, but over four or five years.
9 Q. Mr Witness, you told this Court about the flame of fire.
10:34:01 10 Did anything happen when you saw that on the morning that you
11 just told this Court?
12 A. After I saw the flame of fire and a black smoke, I was just
13 imagining is that really a fire or a black smoke. Then I saw two
14 school boys running back home who were planning to go to school
10:34:21 15 in Kamabai they said that there were some gun mens who had just
16 arrived in Karina.
17 Q. Mr witness, before you go on, how did you know they were
18 school boys?
19 A. Oh, because I live with them. Then I, too, was a school
10:34:41 20 boy as them, so I know them through their uniform and I know them
21 in the town.
22 Q. And when they told you that, did anything happen after
23 that?
24 A. They told me they saw mens with gun. Before they were just
10:35:07 25 trying to tell me this information, I heard a gunshot.
26 Q. From which direction did you hear a gunshot, Mr Witness?
27 A. From the south towards of the town scape, that was where
28 the mosque is.
29 Q. Mr Witness, did anything happen after you heard the

1 gunshot?

2 A. Oh, yes. I saw people running from the mosque and even
3 from other houses a lot of people towards my own direction where
4 I was sitting to take ablution.

10:35:55 5 Q. Mr Witness, are you very familiar with the layout of
6 Karina?

7 A. Yes, of course.

8 Q. Do you know, Mr Witness, how many houses were in Karina at
9 the time of the attack on May 8, 1998?

10:36:21 10 A. I cannot give the right amount of number, because it has
11 taken a long time, but I can guess. It is about hundred or over.
12 Hundred houses or over that, but I cannot know the exact amount.

13 Q. I will come back to that, because, Mr Witness, you have
14 told this Court that after you heard the gunshot, you saw people
10:36:49 15 running in different places, some from the mosque area. Did
16 anything happen after that?

17 A. Well, as I saw the people running, and I heard a gunshot, I
18 too decide to go inside my house. I and my two parents,
19 including my elder brother, we ran out of the house. We go into
10:37:13 20 the bush very close to the River Mabol en.

21 Q. Mr Witness, did anything -- can you tell this Court with
22 whom you went into the bush close by the Mabol en River?

23 A. My two parents and my brother.

24 Q. Mr Witness, can you tell this Court -- sorry, Your Honours.
10:37:56 25 Mr witness, was there a mosque in Karina at the time of the
26 attack on May 8, 1998?

27 A. Obviously there is a mosque.

28 Q. How many mosques were in Karina at the time of the attack,
29 Mr Witness?

1 A. Only one mosque.

2 Q. How do you know, Mr Witness, that there was only one mosque
3 in Karina at the time of the attack?

4 A. I am a Muslim, anywhere we were we can search for a mosque
10:38:36 5 because at any time we need prayer, we the Muslim will pray five
6 times daily, so anywhere we are supposed to search for a mosque
7 and know where is the mosque.

8 Q. Mr Witness, you have earlier on this morning told this
9 Court that you presently live in Karina. How many mosques do you
10:38:58 10 presently have in Karina?

11 JUDGE SEBUTINDE: Mr Graham, this witness did not say he
12 presently lives in Karina. He declined to say where he lives.

13 MR GRAHAM: Very well, Your Honour.

14 Q. Mr Witness, I'm going to ask of you: Do you know how many
10:39:21 15 mosques there are in Karina as of today?

16 A. Yes.

17 Q. How many mosques are there in Karina today, Mr Witness?

18 A. Today there is still one mosque.

19 Q. Mr Witness, can you tell this Court whether it is the same
10:39:41 20 mosque that was in Karina on the day of the attack on May 8,
21 1998?

22 A. Yes.

23 Q. How do you know that, Mr Witness?

24 A. I be in Karina before the attack I saw the mosque and after
10:40:03 25 the attack, I saw the same mosque.

26 Q. Mr Witness, can you tell this Court what happened when you
27 went into the bush, as you said, with your parents and your
28 brother? Did anything happen when you got into the bush?

29 A. Well, I was in the bush again. I saw a flame of fire and

1 black smoke in Karina then I tried to find the place where my
2 parents would sit down and then I move and join with other youth
3 boys to come back to the town.

4 Q. Did you then find a place for your parents?

10:41:00 5 A. Yes.

6 Q. Where did you find this place, Mr Witness?

7 A. Near a River Mabolen.

8 Q. Mr Witness, can you spell Mabolen for the convenience of
9 the Court?

10:41:19 10 A. Yes.

11 Q. Please do.

12 A. M-A-B-O-L-E-N, Mabolen.

13 Q. Mr Witness, after you found this place for your parents,
14 did you do anything after that?

10:41:51 15 A. Oh, yes, I take a risk to come back to the town.

16 Q. How did you come back to the town, Mr Witness.

17 A. Well, I travelled from the place, the hiding place, then I
18 meet with other town boys, then I try to come close, because I
19 didn't see my other members of my families. So I decide to know
10:42:23 20 whether they are in the town or they are out of the town.

21 Q. Mr Witness, let me bring you back to where you said you met
22 the group of boys - I stand to be corrected - how many of them
23 did you meet at this point in time, after you had put your
24 parents in the place you told this Court?

10:42:49 25 A. Obviously, I cannot tell exact number because at that time
26 it just looked like everybody in the town, all the youths in the
27 town ran to the same direction.

28 Q. How do you know that, Mr Witness, that all the youths
29 appeared to run in the same direction?

1 A. Because of the number, I said almost it looked like the
2 youths of the town had run to the same place because the number
3 it too high in that particular direction.

4 Q. Thank you, Mr Witness.

10:43:27 5 MR GRAHAM: Your Honours, I'm looking at the time and with
6 your kind permission.

7 PRESIDING JUDGE: It might be an appropriate time,
8 Mr Graham. Mr Witness, we're going to have a very short break
9 now. I will inform you that you are not permitted to talk about
10:43:45 10 any of the evidence or this case with anybody else during the
11 interim period.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: We will adjourn and come back at 11.05.

14 THE WITNESS: Okay. Thank you.

10:44:01 15 [Break taken at 10.47 a.m.]

16 [AFRC11JUR06B - CR]

17 [Upon resuming at 11.07 a.m.]

18 PRESIDING JUDGE: Yes, go on, Mr Graham.

19 MR GRAHAM: Mr Witness, prior to the brief recess, you told
11:03:58 20 this Court about you finding a place for your parents and
21 subsequently moving on to meet a group of boys from the town of
22 Karina. Mr Witness, can you tell this Court whether anything
23 happened when you met this group of boys you have just told this
24 Court about?

11:04:26 25 THE WITNESS: Yes.

26 Q. What happened, Mr Witness?

27 A. I joined them to go into the town, and look out for my --
28 for the other members of my family.

29 Q. How did you, together with the other boys, get to the town?

1 A. Well, when I joined them, we came very close to the town,
2 but we never entered the first time, because we are afraid of who
3 will be in the town.

4 Q. Mr Witness, can you tell this Court approximately, to the
11:05:09 5 best of your knowledge, the distance from the place where you met
6 this group of boys, the distance from there to the place where
7 you got to which, according to you, was very close to the town of
8 Karina?

9 A. Well, it is not too far. I do not know the exact
11:05:38 10 measurement of the place, but it is very close.

11 Q. So did anything happen after you, together with the other
12 group of boys -- did anything happen when you got to the point
13 that you've just referred this Court to? Did anything happen?

14 A. Yes.

11:05:56 15 Q. Please tell this Court what happened, Mr Witness?

16 A. We are still in that position. We see a flame of fire and
17 smoke going up the air. Then we know that straightaway there
18 were some houses on fire.

19 Q. When you say "we," what do you mean by we, Mr Witness?

11:06:23 20 A. I, and the other boys.

21 Q. Mr Witness, do you know which direction the flame of smoke
22 was coming from?

23 A. All over the town. I cannot tell the specific direction,
24 but all the town was on fire by then.

11:06:47 25 Q. How did you know that, Mr Witness?

26 A. Because when you are very far, a bit from the town, you can
27 see the smoke in the air.

28 Q. Mr Witness, how long did you remain at this point you've
29 described, together with the other group of boys? How long did

1 you remain at this point?

2 A. Well, I cannot remember the time, how long we spent there.

3 Q. Did you, together with the other boys, do anything after
4 that?

11:07:25 5 A. We managed to enter, enter the town.

6 Q. Did anything happen when you entered the town, Mr Witness?

7 A. Yes.

8 Q. Can you tell this Court what happened?

9 A. After the rebels are leaving -- have fled out of the
11:07:56 10 town --

11 Q. Mr Witness, before you go on, what do you mean by rebels?

12 A. Well, rebels are people that are fighting with guns.

13 Q. How do you know that, Mr Witness, that rebels are people
14 fighting with guns?

11:08:20 15 A. Well, it's my own experience since 1991, they said rebels
16 have entered into Sierra Leone. Then anywhere they attack, they
17 will talk it over a radio or you will hear it from other people
18 that rebels have attacked this place.

19 Q. Mr Witness, did you see any rebels when you entered the
11:08:54 20 town together with the other group of boys you've mentioned to
21 this Court?

22 A. No.

23 Q. You've just told this Court that when you entered after the
24 rebels had left, how did you know, Mr Witness, that the rebels
11:09:16 25 had left?

26 A. Okay. We are behind the town, then we hear last gunshot.
27 For a while, we didn't hear any sound in the town. We heard a
28 voice crying that they have killed some people in the town.

29 Q. Thank you, Mr Witness. Mr Witness, before you go on,

1 you've just told this Court that you heard a last gunshot. What
2 do you mean by last gunshot?

3 MR HARDAWAY: Objection, Your Honour, the answer is
4 self-evident.

11:10:03 5 PRESIDING JUDGE: I would have thought it was, too,
6 Mr Hardaway.

7 MR GRAHAM: He hasn't told us about any first gunshot. So
8 if he says a last gunshot, I am just want leading him on to get
9 some clarification in respect of that.

11:10:15 10 MR HARDAWAY: I apologise for interrupting my learned
11 friend. He did say in direct evidence that there was a first
12 gunshot.

13 PRESIDING JUDGE: I must confess, Mr Graham, I'm not quite
14 sure what you mean by that question. I would have thought it was
11:10:33 15 self-evident, too. If you want to rephrase the question, I won't
16 allow it in that form.

17 MR GRAHAM: Your Honour, I'm saying this because in the
18 course of this work, it has become very apparent that the last
19 gunshot has a significance, particularly when rebels --

11:10:48 20 PRESIDING JUDGE: All right, don't tell him the answer.
21 Rephrase the question.

22 MR GRAHAM: Very well, Your Honour.

23 Q. Mr Witness, you've told this Court that you heard a last
24 gunshot. What do you mean by that?

11:11:03 25 A. Well, because, when they entered into the town, I heard a
26 first gunshot, by then, there was some gunshots going around the
27 air, one by one. But the last one was shot in and then we heard
28 no other gunshot behind that, then we experienced they have guns.

29 Q. Mr Witness, after you heard the last gunshot, did anything

1 happen after that?

2 A. Well, we heard that the rebels have gone out of the town.

3 Q. Mr Witness, from whom did you hear that the rebels had gone
4 out of the town?

11:12:03 5 A. Just a voice, but I never saw the person.

6 Q. What time of the day was it at this point in time? Do you
7 know what time of the day it was, Mr Witness?

8 A. The time of what?

9 Q. The time that you heard someone.

11:12:25 10 A. It was roughly 8.00.

11 Q. So what happened? Did anything happen?

12 JUDGE SEBUTINDE: Is that 8.00 a.m.?

13 THE WITNESS: Yes, 8.00 a.m. in the morning.

14 MR GRAHAM:

11:12:37 15 Q. Thank you, Mr Witness. Mr Witness, did anything happen
16 after that?

17 A. Yes.

18 Q. Please tell this Court.

19 A. Well, when I was sitting in front of my house, two of my
11:12:54 20 friend came and meet me there. They told me that they have
21 killed some people in the town.

22 Q. Did you say anything in response to that?

23 A. Well, I was just frightened by then. I didn't see
24 anything.

11:13:12 25 Q. But did anything happen after they had told you that?

26 A. Yes.

27 Q. Please tell this Court what happened after they had told
28 you that.

29 A. After they had told me that particular statement, a few

1 minutes, some people in the town came back from the bush. Some
2 didn't sleep in the town, they moved --

3 MR HARDAWAY: Objection, Your Honour. There is no
4 foundation for the testimony just being given.

11:13:51 5 PRESIDING JUDGE: That's quite correct, Mr Graham.

6 MR GRAHAM: Your Honour, time and time again it happens. I
7 was going to ask him how, without the option of interrupting him.
8 I was going to ask him how he knows that. That was going to be
9 my next question.

11:14:03 10 MR HARDAWAY: Usually, Your Honour, there is a foundation
11 first, then the answer.

12 PRESIDING JUDGE: That is what it usually is, Mr Hardaway.
13 Mr Graham, if you want to avoid objections, simply lay
14 foundations and then adduce the evidence.

11:14:25 15 MR GRAHAM:

16 Q. Mr Witness, how did you know that some of those whom you've
17 just referred to came from the bushes and that some of them did
18 not sleep in their houses? How do you know that, Mr Witness?

19 A. I saw some of them came with my own eyes, and I saw them
11:14:51 20 again moving out of the town.

21 Q. So, Mr Witness, after you saw these people coming from the
22 bush, did anything happen after that?

23 A. Yes.

24 Q. Please tell this Court.

11:15:13 25 A. We got some information about what really happened in the
26 attack. Through -- by our close conversation with each another.

27 MR HARDAWAY: Excuse me, Your Honour, who is he referring
28 to as "we" receiving information?

29 THE WITNESS: My friends and some people in the town.

1 MR GRAHAM:

2 Q. Mr Witness, do you know approximately how many of you were
3 together at this point in time?

4 A. I cannot tell how many of us, because there was, by then, a
11:15:58 5 lot of boys in Karina when this attack took place.

6 Q. Mr Witness, I'm taking you back. You just told this Court
7 you were in your house when two of your friends came to inform
8 you about the people that had been killed. Mr Witness, would you
9 tell this Court, did you see anything when you came back into
11:16:26 10 your house from the bush?

11 A. No, because I was so afraid to go inside the town. Only
12 some few burnt houses I can see from far distance, but to see
13 dead bodies, I never see any dead body that particular day of the
14 attack, because I was afraid. I didn't go anywhere.

11:16:53 15 Q. Mr Witness, can you tell this Court whether anything
16 happened after your two friends came to tell you that people had
17 been killed?

18 A. I got the information that houses were burnt, and I saw few
19 that particular day. People were adopted. Some were wounded.

11:17:26 20 Q. How many people did you see wounded, Mr Witness, to the
21 best of your knowledge?

22 A. I never saw any wounded. I just heard about it.

23 Q. But did you see any people who had been killed on that day?

24 A. On that particular day, I didn't see any dead body until
11:17:53 25 the next day.

26 Q. So, Mr Witness, tell this Court how many dead bodies did
27 you see the next day?

28 A. The next day, I saw only seven bodies.

29 Q. Mr Witness, where did you see these seven dead bodies?

1 A. In front of one of the two-storey building in Karina.
2 Q. Mr Witness, were you alone when you saw these dead bodies?
3 A. No, we were many.
4 Q. How many of you, approximately, if you can tell this Court.
11:18:41 5 A. I cannot tell the exact number, because we are too many. I
6 did not count or check the number.
7 Q. Did anything happen, Mr Witness, after you, together with
8 the other people you've just referred to, saw these seven dead
9 bodies?
11:19:01 10 A. Yes.
11 Q. Please tell this Court.
12 A. I, myself, with the others, participated in burying these
13 dead bodies.
14 Q. How did you bury these dead bodies, Mr Witness?
11:19:20 15 A. We buried them in two mass graves.
16 Q. Do you know who dug the mass graves, Mr Witness?
17 A. Well, it was just like the -- changes, not only one man dug
18 the graves.
19 Q. Mr Witness, can you tell this Court how you buried these
11:19:58 20 seven dead bodies you've just referred to?
21 A. Yes.
22 Q. Please tell this Court.
23 A. We buried three men in one grave and the other grave, four
24 men -- three men in one grave and, the other grave, four men.
11:20:17 25 Q. Mr Witness, did anything happen after you buried the seven
26 dead people in these two mass graves you've referred to?
27 A. Well, after that, we just stayed in the town, because there
28 is no place to go.
29 Q. Mr Witness, do you know whether these two mass graves you

1 just referred to, do you know whether they still remain in Karina
2 to this day?

3 A. Yes.

4 Q. Mr Witness, did you see any other dead bodies in Karina
11:21:10 5 that day, apart from the seven you've just referred to?

6 A. No.

7 Q. Did you see any of the people from Karina who had been
8 amputated on that day?

9 A. No.

11:21:32 10 Q. Did you hear of any rapes during the attack on Karina
11 on May 8th, 1998?

12 A. I didn't hear any rape on that particular attack, because
13 maybe some were ashamed of that, or what -- maybe. I don't know
14 anything about that.

11:22:10 15 Q. Did you hear whether any of the residents of Karina had
16 been taken away by the rebels, as you've described them, during
17 the attack?

18 A. Yes.

19 Q. How did you hear that, Mr Witness?

11:22:43 20 A. From the people that they have lost some of their family
21 members, they didn't saw them. After, some of them were able to
22 escape. We knew that they were captured.

23 Q. I will come back to that in due course, Mr witness. You
24 have told this Court earlier on that when you came out of the
11:23:12 25 bush, together with the other boys, you saw that some houses in
26 Karina had been set on fire. Were you able to confirm, or do you
27 know how many houses were burnt, set on fire, in Karina on May
28 8th, 1998?

29 A. Yes.

1 Q. Please tell this Court. But, before you do that, how do
2 you know the number of houses that were burnt, set on fire, in
3 Karina on that day?

4 A. I go around the town and see the destruction of the rebels,
11:24:03 5 then I know how many houses were burnt.

6 Q. When you said you went around, what exactly did you do when
7 you went around?

8 A. Well, just -- I'm just trying to know what really happened,
9 and to make sure and see which houses were burnt by them.

11:24:30 10 Q. Did you then count the number of houses that were set on
11 fire, Mr Witness?

12 A. Yes.

13 Q. Please, can you tell this Court how many houses were set on
14 fire?

11:24:51 15 A. Yes.

16 Q. Please tell this Court.

17 A. Twenty-four houses burnt on that day.

18 Q. Mr Witness, did you do this counting of the houses that
19 were burnt on fire alone? Did you do that alone?

11:25:17 20 A. I did it alone, and I and my friend did it again to prove
21 it right.

22 Q. Mr Witness, apart from the counting of the houses that were
23 set on fire, did you do anything else in respect of the damage
24 that had been done to the town of Karina as a result of the
11:26:02 25 attacks by the rebels, as you describe them?

26 A. Yes.

27 Q. Please tell this Court.

28 A. I tried to make some image about how these people enter
29 into the town and what they did and the destruction they did,

1 which I saw with my own eyes.

2 Q. How did you do this?

3 A. I draw it on a paper.

4 Q. We'll come to that, Mr Witness. Mr Witness, you have
11:26:53 5 earlier on told this Court that there was one mosque in Karina at
6 the time of the attack on May 8th, 1998. You have also -- I
7 stand to be corrected -- told this Court that you know that for a
8 fact, because, as a Muslim, you pray five times a day at the
9 mosque. Mr Witness, I'm asking: Do you know who the Imam of
11:27:33 10 the mosque in Karina was at the time of the attack on May 8th,
11 1998?

12 A. Yes.

13 MR GRAHAM: Your Honours, at this point, I would want --

14 Q. Do you know his name, Mr Witness, without mentioning it?

11:27:57 15 A. Yes.

16 MR GRAHAM: Your Honours, at this point, I would humbly
17 request that Court Management pass over a piece of paper to the
18 witness to enable him to write down the name of the Imam of the
19 mosque on the day of the attack.

11:28:19 20 PRESIDING JUDGE: Yes. Will you attend to that, please,
21 Mr Court Attendant. Yes, Mr Graham.

22 MR GRAHAM: [Microphone not activated] without objections
23 from the Prosecution, we would submit that we want to tender that
24 into evidence.

11:30:28 25 PRESIDING JUDGE: Yes, any objections there?

26 MR HARDAWAY: None apparent, Your Honour. But it's
27 apparent that the name given is a Defence witness. I don't know
28 if it is even necessary to tender the name at this time.

29 PRESIDING JUDGE: Well, he is tendering it. Do you have

1 any objection or not?

2 MR HARDAWAY: No, Your Honour.

3 MR GRAHAM: I'm grateful, Your Honour.

4 PRESIDING JUDGE: Now we have to work out an exhibit
11:31:01 5 number. What's the last Defence exhibit number, please?

6 MR HARDAWAY: Your Honours, I believe it may be Defence
7 exhibit 15.

8 PRESIDING JUDGE: Yes, we have just ascertained that.
9 Thank you, Mr Hardaway. The piece of paper with the name written
11:32:34 10 on it that was given by this witness in response to the question:
11 Do you know who the Imam was? will be admitted as Exhibit D15.
12 It will be marked "Confidential" and "Under seal."

13 [Exhibit No. D15 was admitted]

14 PRESIDING JUDGE: Yes, Mr Graham.

11:33:28 15 MR GRAHAM:

16 Q. Mr Witness, thank you for writing the name. I want to ask
17 of you: The person whose name you just wrote down for this
18 Court, do you know him?

19 A. Yes.

11:33:39 20 Q. Do you have any relations with him?

21 A. Yes.

22 Q. Can you tell this Court what relationship you have to the
23 person whose name you just wrote down for the Court?

24 A. I will tell the Court later.

11:33:59 25 Q. Thank you, Mr Witness. Do you know whether he was in
26 Karina on May 8th, 1998 when, according to you, the rebels
27 attacked the town of Karina?

28 A. He was not present in Karina on that particular day.

29 Q. How do you know that, Mr Witness?

1 A. In May 6, 1998, I didn't saw him in the mosque until May 8.
2 So I know he was not present through that time. And, after, he
3 said he was in Freetown before the attack.
4 Q. How did you know he was in Freetown during the attack?
11:35:08 5 A. The people that go to the mosque that particular morning
6 told us that he is not in town on that particular day.
7 Q. Thank you, Mr Witness. Did you see him after the attack on
8 Karina on May 8th, 1998?
9 A. I saw him a long time after the attack.
11:35:33 10 Q. How long? How long? Can you approximately tell this Court
11 how long?
12 A. About -- over three years when I'm back to Karina, I saw
13 him.
14 Q. Do you know where he presently is? Do you know where he is
11:36:02 15 now?
16 A. Yes.
17 Q. Can you please tell this Court?
18 A. I will tell the Court later.
19 Q. Okay. Mr Witness, before I continue with my line of
11:36:24 20 questioning, I need to ask you: Prior to the period May 8th,
21 1998, did you see any rebels, as you've described them, in the
22 town of Karina?
23 A. After the attack?
24 Q. Before the May 8 attack?
11:36:50 25 A. Before the May 8 attack, we usually saw gunmen coming in
26 search of jewelleries and other items needed by them go back
27 away.
28 Q. Before I go on, Mr Witness, what time frame, if you can
29 tell this Court. We are talking of May 1998. Can you

1 approximately, to the best of your knowledge, tell this Court
2 what period you are referring to? Is it a year or two years
3 before May 1998? A month, two months? Approximately, to the
4 best of your knowledge, tell this Court when, the people you
11:37:38 5 refer to as gunmen, used to visit Karina to ask for jewelleries
6 and other things, as you have just mentioned.
7 A. Well, it's the same year, 1998.
8 Q. When you say gunmen, Mr Witness, can you explain to this
9 Court what you mean by gunmen?
11:38:00 10 A. Yes.
11 Q. Please do explain, Mr Witness.
12 A. We usually see them with guns, that's why we say they are
13 gunmen.
14 Q. How many of them do you usually see during this period?
11:38:24 15 A. Well, they come group after group. So they were so many.
16 Q. Can you, approximately, tell this Court roughly how many of
17 them were in a group?
18 A. The groups are not equal, so I cannot just approximately
19 tell anything of that.
11:38:45 20 Q. Do you know how they were dressed, these gunmen that you
21 refer to, who came to Karina prior to May 8th, 1998? Do you know
22 how they were dressed, Mr Witness?
23 A. We usually saw some of them in soldier uniform and some of
24 them in civil clothing.
11:39:11 25 Q. Do you know whether they had -- you've just mentioned to
26 this Court that they had guns. Do you know the type of guns that
27 they had?
28 A. Yes. I usually saw the type of guns the soldier or any
29 other fighters used.

1 Q. Mr Witness, can you tell this Court if you know whether
2 they had any other weapons, apart from the guns that you've just
3 mentioned?

4 A. No, only the small gun I usually saw with them.

11:40:03 5 Q. Did you, during this period, happen to know who the leader
6 or leaders of these groups that came to --

7 PRESIDING JUDGE: You're going to object on the grounds of
8 no foundation; is that correct?

9 MR HARDAWAY: Yes.

11:40:21 10 PRESIDING JUDGE: I uphold that objection.

11 MR GRAHAM: Very well, Your Honours. I'm grateful.

12 Q. Mr Witness, you've told this Court about a group of gunmen
13 who used to visit Karina. During this period, did you happen to
14 know the name of any one of these group of gunmen who used to
11:40:48 15 visit Karina.

16 MR HARDAWAY: Objection. It's a leading question,
17 Your Honour.

18 PRESIDING JUDGE: It's leading, but I will allow it,
19 Mr Hardaway. Do you want to repeat that question, Mr Graham?

11:41:02 20 MR GRAHAM:

21 Q. Mr Witness, I'd asked of you whether, during this period,
22 you happened to know the name of any of the people you've
23 described as coming to Karina with guns. Did you happen to know
24 the name of any one of them?

11:41:29 25 A. Yes.

26 Q. Please tell this Court.

27 A. I knew the name of Jabbe, who based in Karina for some
28 time.

29 Q. Can you, for the convenience of this Court, Mr Witness,

1 spell Jabbe?
2 A. J-A-B-B-E.
3 Q. Do you know whether these groups had any leaders?
4 JUDGE DOHERTY: Which group? He's referred to group after
11:42:13 5 group.
6 MR GRAHAM: Yes, Your Honours, that is why I'm asking him
7 whether any of the groups that he's mentioned, whether he knew
8 any one of them had any leaders.
9 THE WITNESS: No. I did not know any leaders.
11:42:33 10 MR GRAHAM:
11 Q. Mr Witness, can you tell this Court how you came to know
12 that the gentleman you referred to, how did you come to know that
13 his name was Jabbe?
14 A. Because he spent a long time with us in Karina, and people
11:42:58 15 know his name and calling his name around. His boys are calling
16 his name, so I know.
17 Q. Mr Witness, you have told this Court that he spent a long
18 time with you. What do you mean by long time?
19 A. Approximately, it would be like within two to three weeks.
11:43:22 20 Q. What year was this, if you know, Mr Witness?
21 A. In the same year, 1998.
22 Q. Jabbe, was he alone during this period that you are
23 referring to that he stayed in Karina? Did he stay there alone?
24 A. No.
11:43:49 25 Q. Who did he stay there with, if you know, Mr Witness?
26 A. He stayed --
27 MR HARDAWAY: Objection. Leading.
28 PRESIDING JUDGE: Yes, rephrase that, Mr Graham.
29 MR GRAHAM:

1 Q. Mr Witness, was Jabbe alone in Karina during the period you
2 referred to?

3 JUDGE DOHERTY: He's answered that, Mr Graham.

4 MR GRAHAM:

11:44:20 5 Q. Mr Witness, I'm going to ask of you, apart from Jabbe that
6 you've just mentioned who was in Karina, did you know of any
7 other person or persons who were in Karina together with Jabbe
8 during the period you've just referred to?

9 A. No.

11:44:39 10 Q. During this period that Jabbe was in Karina, do you know
11 whether he did anything?

12 A. No.

13 Q. Did he have any form -- sorry, Your Honours, I withdraw
14 that question. Was he living in the town of Karina?

11:45:05 15 A. When?

16 Q. During the period -- was Jabbe living in the town of Karina
17 during the period you referred to?

18 A. Yes.

19 Q. Where in the town of Karina was Jabbe living during this
11:45:20 20 period, Mr Witness?

21 A. I did not know the actual house he slept in, but I usually
22 saw him around the mosque area, a house before -- opposite the
23 mosque, and very close to the Immam's compound. I usually saw
24 him and his men around that area.

11:45:45 25 Q. When you just told this Court you normally see him and his
26 men around that area --

27 JUDGE SEBUTINDE: Saw.

28 MR GRAHAM:

29 Q. When you saw him and his men around that area, thank you,

1 Your Honours, what do you mean by men?

2 A. The boys that are with him, the other gunmen that are with
3 him.

4 Q. Were they with him all the time, Mr Witness?

11:46:16 5 A. Any time I saw Jabbe, I usually saw him with his boys.

6 Q. I stand to be corrected. You told this Court earlier on
7 that these gunmen used to come to the town of Karina to ask for
8 jewels and other things. How do you know that, Mr Witness?

9 A. Well, when they come -- when they came in, they would just
11:46:44 10 ask that people give out these things. By the time they called
11 that particular period Operation Pay Yourself. When they see
12 your car parked around, they will go to your car, any type of
13 goods or needs, they'll take it.

14 MR HARDAWAY: Your Honour, objection.

11:47:06 15 PRESIDING JUDGE: What's the objection.

16 MR HARDAWAY: No foundation has been laid for how he knows
17 about Operation Pay Yourself.

18 PRESIDING JUDGE: I thought he just said it.

19 MR HARDAWAY: I didn't know --

11:47:16 20 PRESIDING JUDGE: No, he hasn't said anything about
21 Operation Pay Yourself.

22 MR HARDAWAY: He did just say so, Your Honour.

23 PRESIDING JUDGE: I said he hasn't laid any foundation for
24 Operation Pay Yourself.

11:47:28 25 MR HARDAWAY: Sorry.

26 MR GRAHAM: Your Honour, I was going to ask him once again,
27 Your Honours, with your kind permission [overlapping speakers] --

28 PRESIDING JUDGE: No, I don't think you were aware that
29 that was going to come out, Mr Graham.

1 MR GRAHAM: I will address foundation issues.

2 Q. Mr Witness, how did you know that that was the period of
3 Operation Pay Yourself?

4 A. Well, I was in Karina, then I saw that some gunmen came in
11:48:00 5 and take one vehicle. They go with it. They said, "It is
6 Operation Pay Yourself." Anything they need, when they saw it,
7 they will go with it. People told me that.

8 Q. Mr Witness, did you understand what they meant by Operation
9 Pay Yourself?

11:48:29 10 A. Well, I did not understand, I just heard the words,
11 Operation Pay Yourself and I see the properties.

12 Q. So apart from the jewellery and apart from the car, the
13 vehicle you just mentioned, are you aware of any other things or
14 items that were taken from the town of Karina by the gunmen?

11:48:58 15 A. Well, they can take anything they need so I can not just
16 know about what they are taking. Anything they saw which they
17 needed, they would just take it and go.

18 Q. Mr Witness, when did Jabbe and his boys leave the town of
19 Karina after the period you referred to?

11:49:29 20 A. I cannot remember the exact dates, but it was in 1998, but
21 I cannot remember the exact date and month.

22 Q. Did you see them any time after they left?

23 A. I never saw them again.

24 Q. Mr Witness, I'm going to come back to your account of
11:49:54 25 events on the day of May 8, 1998. You told this Court about the
26 burial of the seven dead persons in the mass grave. You also
27 told us about the counting of houses that were set on fire.
28 Mr Witness, can you tell this Court, after the counting of the
29 houses that had been set on fire, did you do anything else?

1 A. Yes.

2 Q. Please tell this Court what you did, Mr Witness?

3 A. I made an image of what happened.

4 Q. What do you mean by an image; you made an image?

11:50:54 5 A. I draw something with -- let me say the picture of the
6 town. The cartography of the town.

7 Q. This your drawing or cartography you're referring, what did
8 it contain?

9 A. Every necessary thing that happened on that attack, it
11:51:20 10 contain it all. Only the amputated -- the wounding and raping
11 does not contain inside, but the killing and burning, inside this
12 thing.

13 Q. Mr Witness, do you know whether the person whose name you
14 earlier on wrote on a piece of paper for this Court, do you know
11:51:51 15 whether he was killed on the day of the rebel attack on May 8th,
16 1998?

17 MR HARDAWAY: Objection, Your Honour. Asked and answered.

18 PRESIDING JUDGE: Yes, I won't allow that question,
19 Mr Graham.

11:52:03 20 MR GRAHAM: Your Honours, I respectfully believe I asked
21 him a number of questions relating to where he was prior to the
22 attack, but I have never put --

23 PRESIDING JUDGE: I've already ruled on that question. You
24 can ask some other questions.

11:52:18 25 MR GRAHAM: Very well, Your Honours.

26 Q. Mr Witness, did you hear of any other people who had been
27 killed in Karina, apart from the seven that you buried in the
28 mass grave?

29 A. Yes.

1 Q. How did you hear that, Mr Witness? Please tell this Court.

2 A. After the attack, some time later, those that were wounded,
3 I heard that all of them lost their life.

4 Q. How did you hear that, Mr Witness? How did you hear that
11:53:04 5 some of those wounded lost their life? How did you hear that?

6 A. From the relative of the wounded.

7 Q. Mr Witness, if you can tell this Court, did you go to the
8 mosque after the rebels had left the town of Karina?

9 A. Yes.

11:53:34 10 Q. What did you see? Did you see anything when you went to
11 the mosque on the day I just referred to, Mr Witness?

12 A. No.

13 Q. Did you see any dead bodies in the mosque on May 8th, 1998
14 after the rebel attack on that day?

11:54:02 15 A. No.

16 Q. Did you see any dead bodies the day after the attack on
17 Karina Town?

18 A. Inside the mosque or outside the mosque?

19 Q. Inside the mosque?

11:54:18 20 A. No.

21 Q. Did you see any dead bodies outside the mosque on the day
22 of the attack after the rebels had left the town of Karina?

23 A. No.

24 Q. Do you know whether any person or persons were killed by
11:54:43 25 the rebels in the mosque on the day of the attack in Karina, that
26 is May 8th, 1998?

27 A. No.

28 Q. Did you hear of any person or persons being killed in the
29 mosque during the rebel attack on May 8th, 1998?

1 A. No.

2 Q. Mr Witness, on that day, after you had done the headcount
3 of the houses that had been set on fire, did you do anything
4 else?

11:55:50 5 A. On that particular day the attack take place?

6 Q. Let me withdraw that particular question. I'd asked you
7 earlier on whether you knew whether any residents had been taken
8 away from the town of Karina by the rebels and I stand to be
9 corrected that you said you got to know that through relatives
11:56:25 10 who were saying they couldn't find their siblings. I want you to
11 tell this Court whether, after the attack, you got to know for a
12 fact whether the rebels had abducted any residents?

13 MR HARDAWAY: Objection. Leading. How did he know for a
14 fact.

11:56:45 15 PRESIDING JUDGE: I will allow it, Mr Hardaway.

16 MR GRAHAM:

17 Q. Can you tell this Court, Mr Witness, whether you know if
18 the rebels abducted any residents from the town of Karina during
19 the attack on May 8th, 1998?

11:57:05 20 A. Yes.

21 Q. How do you know that, Mr Witness?

22 A. After the attack, when their relatives did not find them,
23 they told the people that they have lost some of their people,
24 and they have not died. So you know they carried them with the
11:57:30 25 group.

26 Q. Do you know any of the individuals whose family members
27 claim that they had been taken away?

28 A. Yes.

29 Q. If you know, how many of them, approximately, were taken

1 away by the rebels? If you know, Mr Witness?
2 A. I can remember roughly about six.
3 Q. Do you know, Mr Witness, whether any of these individuals,
4 who allegedly were taken away by the rebels, do you know if any
11:58:23 5 of them returned to the town of Karina after the rebel attack
6 on May 8th, 1998?
7 A. Yes.
8 Q. How do you know that, Mr Witness?
9 A. We saw them back, as we know.
11:58:46 10 Q. When you say "we," what do you mean by we, Mr Witness?
11 A. Everybody who was in the town that was there presently saw
12 them there.
13 Q. Okay. How many of them did you see back, Mr Witness?
14 A. Four. I can guess about four.
11:59:11 15 PRESIDING JUDGE: That's not much use to us if you're just
16 guessing, Mr Witness.
17 MR GRAHAM: Yes.
18 Q. Mr Witness, please tell this Court, to the best of your
19 knowledge, how many.
11:59:19 20 A. I just estimated off head. But I don't want to spend a
21 long time, that's why I can just roughly --
22 PRESIDING JUDGE: Don't tell us if it's a guess.
23 THE WITNESS: Okay.
24 MR GRAHAM:
11:59:37 25 Q. The Court wants you to, to the best of your knowledge, give
26 us an approximation, without a guess.
27 A. I knew about five, yes.
28 Q. Thank you, Mr Witness. This five that you're referring to,
29 Mr Witness, did you know them?

1 A. Yes.

2 Q. Did you happen to have the chance to talk to them when they
3 came back to Karina?

4 A. When they talked to us in a group, because when they
12:00:12 5 interviewed them about what happened, we, too, stand by them and
6 listen.

7 Q. Who was interviewing them, Mr Witness?

8 A. I cannot recognise the elder, but some elders.

9 Q. What did they say, if you know, during the interview?

12:00:34 10 A. I cannot remember right now, but in time to come, maybe if
11 I remember, I can tell.

12 Q. If you recall, during the interview, did you get to know
13 from the interview where they had come from?

14 MR HARDAWAY: Objection, Your Honour. The witness says he
12:01:09 15 doesn't know at this point. It's leading.

16 PRESIDING JUDGE: He said he can't remember what they said.
17 How would he be able to answer that, Mr Graham?

18 MR GRAHAM: Very well, Your Honours.

19 Q. Mr Witness, I'm going to ask you: Did anything significant
12:01:35 20 happen in Karina after the rebels had left?

21 A. Yes.

22 MR HARDAWAY: Objection, Your Honour. What time frame are
23 we talking about?

24 PRESIDING JUDGE: He said after the rebels had left,
12:01:50 25 Mr Hardaway.

26 MR HARDAWAY: It's a broad time frame.

27 PRESIDING JUDGE: Well, let's hear his answer.

28 MR HARDAWAY: Very well.

29 MR GRAHAM:

1 Q. Mr Witness, I ask of you again whether anything has
2 happened in Karina after the rebels had left?

3 A. Yes.

4 Q. Can you tell this Court what happened?

12:02:14 5 A. A few days after the attack --

6 Q. Mr Witness, before you go on, when you say a few days, can
7 you tell this Court, approximately, to the best of your
8 knowledge, what you mean by a few days? Is it two days, three
9 days, four days? The Court would prefer to know.

12:02:37 10 A. Well, because we are confused, we are not able to calculate
11 days on that particular time.

12 PRESIDING JUDGE: Who is the "we" you are referring to who
13 were confused and could not calculate days?

14 THE WITNESS: We, that live in the town before the attack.

12:03:02 15 PRESIDING JUDGE: You're saying that everybody who lived in
16 the town before the attack was confused and could not calculate
17 days?

18 THE WITNESS: I cannot calculate days, because I cannot
19 predict for some other one else, but I cannot calculate days.

12:03:19 20 MR GRAHAM:

21 Q. Mr Witness, the Court would want to know your account of
22 events.

23 A. Yes.

24 Q. So, please, to the best of your ability, give us an account
12:03:28 25 of what you know, what you heard. So, please tell us
26 approximately how many days, if you can, did this event that
27 you're referring to happen after the rebel attack?

28 A. On the third day after the attack.

29 Q. Thank you, Mr Witness. What happened this third day?

1 A. We saw ECOMOG soldiers in Karina, and they moved towards
2 the direction to Mandaha.

3 Q. Mr Witness, before you go on, let me ask of you: How did
4 you know that they were ECOMOG soldiers?

12:04:22 5 A. Because I saw the ECOMOG badge on their combat uniform, and
6 the language they speak different from us.

7 Q. What language were they speaking, Mr Witness?

8 A. The Nigerian tongue, in Nigerian English.

9 PRESIDING JUDGE: Yes, I know. Go ahead, Mr Hardaway.

12:04:51 10 MR HARDAWAY: That, too, but, as with yesterday, there is a
11 reference that the witness has made that is not included on the
12 summary. I will address that in cross, but, again, I wanted to
13 make the Court aware and that was of the mentioning of ECOMOG
14 forces.

12:05:07 15 PRESIDING JUDGE: All right. You can do that in
16 cross-examination.

17 MR HARDAWAY: I understand. I just wanted to make the
18 Court aware, as of yesterday.

19 PRESIDING JUDGE: All right. Go ahead, Mr Graham. He's
12:05:18 20 just answered that they were speaking Nigerian.

21 MR GRAHAM: Yes.

22 Q. How do you know they were speaking Nigerian, Mr Witness?

23 A. Well, the way they speak and the way we speak here is
24 different, so we know that.

12:05:41 25 Q. You have told this Court you knew they were ECOMOG -- from
26 the ECOMOG, according to you - I stand to be corrected - from the
27 ECOMOG badge. Did you see the ECOMOG badge?

28 A. Yes, the ECOMOG badge on their military uniform, the combat
29 uniform.

1 Q. Do you know whether anything was written on that badge?
2 A. Yes.
3 Q. Please tell this Court.
4 A. I saw on the badge the ECOMOG.
12:06:25 5 Q. Thank you, Mr Witness. About how many of these ECOMOG
6 soldiers did you see on that day you've referred to?
7 A. I do not know the amount, but it's a Land Rover full of
8 them.
9 Q. How many Land Rovers did you see?
12:06:55 10 A. Only one Land Rover.
11 Q. Mr Witness, please continue with your account of what
12 happened when you saw the ECOMOG soldiers. You've told this
13 Court they were moving in a direction. Please continue with your
14 account.
12:07:17 15 A. They moved towards the road to go to Mandaha, and by the
16 riverside they give some warning shot and then they returned
17 back.
18 Q. How do you know that they were heading towards that
19 direction, Mr Witness?
12:07:31 20 A. Well, I knew that Mandaha is by that direction, usually.
21 The direction is by the west. I know that Mandaha is located
22 somewhere by the west of Karina.
23 Q. You've also told this Court that they headed towards that
24 direction and then you heard a gunshot. Do you know who fired
12:08:08 25 this gunshot?
26 A. Yes, the ECOMOG soldiers fired the gunshot by the
27 riverside.
28 Q. How do you know that, Mr Witness?
29 A. Immediately they passed, they go to that direction. We

1 heard a gunshot and then they come back.
2 Q. Where did they come back to?
3 A. They come back into Karina, then they return to Makeni.
4 Q. Did anything happen after that, after they left?
12:08:50 5 A. Yes.
6 Q. Can you please tell this Court what happened?
7 A. After six days again, because the rebels were based in
8 Mandaha --
9 Q. Before you go on, Mr Witness, how do you know that the
12:09:07 10 rebels were based in Mandaha?
11 A. We know that through -- by the people who were captured
12 when they escaped from them. Some of them told us that they were
13 based -- one of the escapees told us they were based in Mandaha.
14 Then, overnight, when we are in Karina, we heard the music sound
12:09:38 15 from that direction, so we know they are still there.
16 Q. On what day did you hear this music? Mr witness, did you
17 say music?
18 A. Music, yeah.
19 Q. On what day did you hear -- how many days after the May 8th
12:09:55 20 attack did you hear this music?
21 A. Well, after the May 8th, I started to hear the music two
22 days after the attack on Karina and until they were flushed out
23 of Mandaha.
24 Q. Do you know where the music was coming from?
12:10:19 25 A. It's from the Mandaha direction.
26 Q. How do you know that?
27 A. Because when they had passed through Karina to that
28 direction, no one will have the mind to play music by then, so
29 only them.

- 1 Q. Are you saying you know who was playing the music?
- 2 A. No, but I just believe that the rebels over there played
3 the music.
- 4 Q. How far, if you know, Mr Witness, is the town of Mandaha
12: 11: 07 5 from Karina?
- 6 A. From Karina, is about five miles to Mandaha.
- 7 Q. Mr Witness, if you know, are there any towns or villages
8 between Karina and the town of Mandaha?
- 9 A. Yes.
- 12: 11: 19 10 Q. Please tell this Court, if you know, Mr Witness.
- 11 A. From Karina, you will cross a River Mabolen. When you
12 cross a River Mabolen, you will reach to a first village, which
13 was about two house, or three, called Kabia. From Kabia to
14 Manyayen. From Manyayen to Kambia. From Kambia, they use a road
12: 11: 47 15 under the forest to Mandaha. But if you want to travel by car or
16 by bicycle or Honda, you will travel from Kambia to Four Road.
17 From Four Road to Massiba. From Massiba, then you divert the
18 road to enter into Mandaha.
- 19 Q. Mr Witness, you have mentioned a number of towns. For the
12: 12: 07 20 convenience of the Court, I would want you to spell Kambia for
21 the convenience of the Court, if you know, Mr Witness.
- 22 A. K-A-M-B-I-A.
- 23 Q. You also mentioned Massiba, if I'm right. Can you also
24 spell that, for the convenience of the Court, Mr Witness.
- 12: 12: 27 25 A. M-A-S-S-I-B-A.
- 26 Q. You also mentioned Mandaha. We've had that before, but, if
27 you can, can you please spell that, for the convenience of the
28 Court.
- 29 A. M-A-N-D-A-H-A.

1 Q. You also mentioned Manyayen?

2 A. Manyayen.

3 Q. Can you also please spell that, for the convenience of the
4 Court.

12: 12: 54 5 A. M-A-N-Y-A-Y-E-N.

6 Q. Thank you. Mr Witness, this music you referred to, how
7 long did it go on, if you know?

8 A. We heard the music overnight, all throughout the night from
9 the second day on -- after the second day of the attack. The
12: 13: 29 10 third day now continues toward fourth and fifth days of the
11 attack. Continuously overnight.

12 Q. I asked a question. I want you to be a little bit specific
13 in your answer. How long did the music playing go on? Was it
14 for a day or for two days or three days, if you can tell this
12: 14: 00 15 Court? Just a short direct answer to that?

16 A. It is three nights.

17 Q. Okay. So after three nights when, according to you, the
18 music stopped playing, did you ever get to know why the music
19 that, according to you, was being played by the rebels, do you
12: 14: 30 20 happen to know why the music playing stopped?

21 A. Only when the ECOMOG soldiers attacked them in Mandaha.
22 The sixth days after the attack of Karina.

23 Q. Mr Witness, if you can tell this Court how you came to know
24 that the ECOMOG forces attacked the rebels in Mandaha six days
12: 14: 58 25 after the attack on Karina?

26 A. They wanted -- the people that they captured, some escaped
27 from the attack. They told me -- they told us about the attack.

28 Q. When you say they told us, who and who -- together with who
29 and who did they tell that?

1 A. We, the people that were remained in the town by then after
2 the attack, one of the escapee told we, the people who remained.

3 Q. Did they, if you know, tell you the nature of the ECOMOG
4 attack on the rebel forces at Mandaha?

12: 15: 49 5 A. Yes.

6 Q. Please tell this Court, if you know, Mr Witness.

7 A. One of them told me that there were some soldiers fighting
8 on the ground and, later on, the jet came around and flew around
9 the place Mandaha. Even one of the woman that escaped has a

12: 16: 24 10 wound on her leg to prove that he gets that particular injury on
11 that attack.

12 Q. Mr Witness, do you know this woman that you just referred
13 to?

14 A. Yes.

12: 16: 40 15 Q. Do you know where she was living during the period of the
16 attack in May 8th, 1998?

17 A. She lives in Karina.

18 Q. Did you see the wound on the woman that you just referred
19 to, Mr Witness?

12: 17: 02 20 A. Yes, I saw the wound on her leg.

21 Q. Apart from what you've told this Court about the account
22 that was given to you by the persons you describe as escapees
23 from Mandaha, did they tell you anything else?

24 A. Well, they told us that some people that were captured from
12: 17: 31 25 Karina, some were killed on the way to Mandaha. Some were killed
26 inside Mandaha, and they go with the rest.

27 Q. Did they mention any names -- sorry, Your Honours, I
28 withdraw. You've told this Court about a number of things that
29 the persons you described as escapees told you when they came

1 back from Mandaha. Did they tell you anything else about the
2 raid by ECOMOG on Mandaha?

3 A. No.

4 Q. Mr Witness, I'm going to go back to the day of the attack
12: 19: 00 5 on Karina, but before I do that, you had mentioned the jets that
6 were flying, according to your account. How did you get the
7 information that jets were flying over Mandaha?

8 A. The day of the attack on Mandaha, or what?

9 Q. Yes.

12: 19: 31 10 A. On Mandaha?

11 Q. Yes.

12 A. Well, we saw the jets flying around within the access where
13 the rebels travel.

14 Q. When you say "we," what do you mean by we, Mr Witness?

12: 19: 49 15 A. All of us who were present on that day in Karina after the
16 attack.

17 Q. How many jets did you see yourself, Mr Witness?

18 A. Only one.

19 Q. Can you, approximately, tell us how long this jet flew, if
12: 20: 10 20 I'm right, over Karina, as you've just told this Court?

21 A. For just a minute or two.

22 MR HARDAWAY: Excuse me, Your Honour, I didn't catch it.
23 May I have the time frame again when the jet flew, please. I
24 didn't catch it.

12: 20: 32 25 MR GRAHAM: I believe he said it. We can go to the
26 transcript for that. I don't recall it. We can go to the
27 transcript.

28 JUDGE DOHERTY: Mr Hardaway, he said they flew for a minute
29 or two; is that what you're referring to?

1 MR HARDAWAY: The date, Your Honour, is what I was
2 referring to. I did not catch that.

3 JUDGE DOHERTY: No, I don't have it either, I'm sorry.

4 PRESIDING JUDGE: These are things you can ask in
12:20:57 5 cross-examination, Mr Hardaway, to expand on the evidence he has
6 given in chief, rather than interrupt all the time.

7 MR HARDAWAY: Understood, Your Honour.

8 PRESIDING JUDGE: Go on, Mr Graham.

9 MR GRAHAM: I'm grateful, Your Honours.

12:21:11 10 Q. Mr Witness, you earlier on told this Court, when I asked
11 you a question as to approximately how many houses there were in
12 Karina prior to the attack of May 8, 1998, and I believe - I
13 stand to be corrected - that you said there were approximately
14 100 houses.

12:21:40 15 A. Yes.

16 Q. Mr Witness, I'm going to ask you if you know,
17 approximately, how many people, approximately, were living in
18 Karina just before the May 8, 1998 attack.

19 A. There were many people living in Karina by then, because,
12:22:24 20 at that particular time, they have attacked Kono and some other
21 areas, and even the intervention drew some people from the
22 Freetown area; they go to Karina, so we are so many in the
23 village.

24 Q. How do you know that, Mr Witness? How do you know that?

12:22:43 25 A. Well, the population is in the town, so you can know that
26 the town is overpopulated.

27 Q. Mr Witness, I'm going to ask you: From what you've told
28 this Court so far about the events of May 8th, 1998, can you tell
29 this Court, based on your account of what happened, roughly how

1 many people were killed in Karina by the rebels on May 8th, 1998?

2 A. I cannot able to tell the exact amount, because I did not
3 saw the dead body on the same day, only the next day I saw some
4 of the dead body.

12:23:45 5 Q. On the next day, you've told this Court that you saw seven
6 dead bodies. Did you, on the next day, see any other dead
7 bodies?

8 A. No.

9 Q. Did you see any dead bodies the second, third, fourth or --
12:24:12 10 did you see any dead bodies any time after that?

11 A. No.

12 Q. Mr Witness, did you know whether any of the residents of
13 the town of Karina were amputated by the rebels during the attack
14 on May 8th, 1998?

12:24:54 15 A. No.

16 Q. Did anyone --

17 JUDGE SEBUTINDE: Is that no, he doesn't know, or what?

18 MR GRAHAM: Thank you, Your Honour.

19 Q. Witness, can you clarify for the convenience --

12:25:05 20 A. No, I didn't see any amputee on that day of the attack.

21 Q. Did you see any amputees any time after the day of the
22 attack?

23 A. Which was a resident of Karina?

24 Q. Yes.

12:25:21 25 A. No.

26 Q. Did you witness any mutilations during the attack on Karina
27 Town on May 8th, 1998?

28 A. I did not witness.

29 Q. Did anyone in Karina, who you know was -- sorry, I withdraw

1 that question, Your Honours. I'm sorry. Did anyone tell you
2 about any mutilations that took place in Karina by the rebels on
3 the day of the attack on May 8th, 1998?

4 A. No. No one told me about that.

12:26:20 5 Q. Did you know of anyone who was raped in Karina during the
6 attack by the rebels on May 8th, 1998?

7 A. No, I didn't know anyone.

8 Q. Has anyone told you, Mr Witness, of any rapes that took
9 place by the rebels during the attack on Karina on May 8th, 1998?

12:26:53 10 A. No one told me anything like that.

11 MR GRAHAM: Your Honours, just for a second, I want to
12 confer with my learned friends here. I'm grateful.

13 [Defence counsel conferred]

14 MR GRAHAM: I'm grateful, Your Honours for the time.

12:28:00 15 Q. Mr Witness, did you see any ECOMOG troops in Karina any
16 time after the period you've just told us about when they left,
17 according to you, in their Land Rover?

18 A. Yes.

19 Q. Where did you see them?

12:28:33 20 A. After the attack of Karina, they deployed some ECOMOG
21 soldier in Kamabai, the headquarter town -- the headquarter town
22 for the Biriwa Chiefdom.

23 Q. How do you know that, Mr witness, that ECOMOG troops were
24 deployed at Kamabai?

12:28:56 25 A. When I visited there, I saw them with my own eyes.

26 Q. Do you know who deployed them there?

27 A. No, I cannot tell. I don't know.

28 Q. Mr Witness, do you know how long these ECOMOG forces that
29 were, according to you, were deployed at Kamabai, do you know how

1 long they were deployed there?

2 A. At that time, about -- since 1998 to 1999.

3 Q. How do you know that, Mr Witness?

4 A. Because I was going to Kamabai from time to time.

12:29:52 5 Q. Mr Witness, before I go on, I'm going to ask of you a few
6 questions relating to the activities of the persons you described
7 as rebels. After the May 8th, 1998 attack by the rebels,
8 according to you, on the town of Karina, were there any further
9 attacks by the rebels in the town of Karina?

12:30:35 10 A. No, there was no attack again after.

11 Q. Did you see any individuals or persons, whom you describe
12 as rebels, any time after the day -- after the period of the
13 attack on Karina?

14 A. Yes.

12:30:57 15 Q. When did you see these persons that we've described as
16 rebels? How long after the attack on Karina did you see them?

17 A. After the attack of Karina, in 1999, when the rebels or the
18 gunmen were out of the bush, they deployed all over within Kono,
19 Magburaka, Makeni. And even in our chiefdom headquarter, soldier
12:31:42 20 used to come for food-finding in our village.

21 Q. Before you go on, you, in your response to my question, you
22 referred to the year 1999 as being the day of the attack on
23 Karina.

24 A. No.

12:32:00 25 Q. Do you still stand by that?

26 A. 1998 was the year of the attack.

27 Q. Thank you for --

28 A. The following year, 1999, they based again out of the bush
29 in Kamabai.

1 Q. Thank you very much for the clarification, Mr Witness. Is
2 it your testimony that these rebels were deployed in the area
3 after the May 8 attack on Karina?
4 A. If they were deployed?
12: 32: 43 5 Q. Yes.
6 A. Repeat the question.
7 Q. Did you see them? Did you see the rebels again after the
8 attack?
9 A. Oh, no. Only I saw another gunmen again. I don't know the
12: 33: 00 10 kirches between them, whether they are the same people or not.
11 Q. How long after the attack on Karina did you see these
12 gunmen again, Mr Witness?
13 A. A year after. One year after the attack.
14 Q. What year was this, Mr Witness?
12: 33: 13 15 A. 1999.
16 Q. Do you happen to know what month of the year that was,
17 Mr Witness.
18 A. I cannot remember the particular month.
19 Q. If you know, please tell this Court how many gunmen did you
12: 33: 35 20 see during this period in 1999 that you just referred this Court
21 to.
22 A. There were so many. Every day, more than two or three
23 troop would enter for food-finding and go through the village.
24 They will pass over the village and go to another village. Every
12: 33: 52 25 day, more than two or three troop would enter. So I don't know
26 the exact amount because they are too many.
27 Q. Do they do anything when they get into the town of Karina?
28 A. They will take rice, cattles, and they use really young
29 boys as manpower to carry the food for them from Karina to

1 Kamabai .

2 Q. When you say they used you, the young boys, what do you
3 mean by that?

4 A. The young boys that were present. Anyone they saw, they
12: 34: 33 5 would capture you to carry a load.

6 Q. Did you ever carry a load, Mr Witness?

7 A. Yes.

8 Q. How many times did you have to carry a load?

9 A. I carry a load for them two times -- three time.

12: 34: 49 10 Q. Where did you carry this load? From where to where did you
11 carry this load, Mr Witness?

12 A. The first time I was just out of the mosque from 7 p.m.
13 prior in the evening. I, and some elders of the town, including
14 some young boys. They came around with their load, then they
12: 35: 16 15 stand by the door of the mosque. As the elder came out, they
16 asked for the youth, "Where are the young men? If you do not
17 present the young men, you carry this load." So we preferred to
18 take the load for them.

19 Q. Do you -- sorry to interrupt. You finish your answer.

12: 35: 32 20 A. We preferred, before the elders took the load, we prefer,
21 we, the young boys, we prefer to take the load to Kamabai .

22 Q. You are saying -- you have just told this Court about these
23 people who happen to be at the mosque. Did you ever happen to
24 know any one of this group of individuals who happened to be at
12: 36: 06 25 the mosque, as you've just told this Court?

26 A. Yes. I can remember I heard they called one Staff Alhaji .
27 And his boys usually called him Staff Alhaji , and even Logistic.

28 Q. Could you please spell Staff Alhaji for this Court,
29 Mr Witness?

- 1 A. S-T-A-F-F A-L-H-A-J-I.
- 2 Q. And you also mentioned Logistic. If I may ask, who is
3 Logistic? Is that the name of a different individual?
- 4 A. It's the same Staff Alhaji they usually call Logistic.
- 12:36:48 5 Q. Could you will spell Logistic, if you can, for the
6 convenience of this Court, Mr Witness?
- 7 A. L-O-D-G-I-S-T-I-C [sic].
- 8 Q. Mr Witness, on this day that you just referred to that this
9 gentleman came to the mosque, do you recall what you had to
12:37:19 10 carry?
- 11 A. The item that I carried?
- 12 Q. Yes, Mr Witness. Please tell this Court?
- 13 A. A bagful of rice, which was about over 80kg of weight.
- 14 Q. From where do where did you carry this 80kg bag of rice,
12:37:41 15 Mr Witness?
- 16 A. From Karina to Kamabai.
- 17 Q. How do you know -- you have told us already about the
18 distance. Were you alone? Did you carry this load alone?
- 19 A. No, that particular day, there were about 20 in number.
- 12:38:09 20 Q. Do you happen to know what the others were carrying as
21 well?
- 22 A. No. Only when we arrived in Kamabai, they decided to give
23 us some handful of ground nut, so I knew that ground nut was
24 among the items.
- 12:38:29 25 Q. So did anything happen after they gave you the ground nut,
26 as you've mentioned, when you got to Kamabai?
- 27 A. Well, they just released us to turn back.
- 28 Q. Did you see the gentleman you referred to as Staff Alhaji
29 or Logistic? Did you happen to see him again after the period

1 that you just mentioned when you had to carry the 80kg bag of
2 rice to Kamabai?

3 A. Yes, I saw him in Karina frequently.

4 Q. What was he doing during this -- excuse me, Your Honours.
12:39:25 5 Was he doing anything during this period that you said you saw
6 him frequently?

7 A. Well, any time we saw him is for food or any other thing
8 like cattles, or any item they needed.

9 Q. Mr Witness, I'm asking you, did you get to know this
12:39:48 10 gentleman that you referred or, sorry, this gunmen that you
11 referred to as Staff Alhaji or Logistic?

12 A. If I --

13 Q. Did you get to know him personally?

14 A. Yes, but I cannot recognise him because, as long as you
12:40:09 15 look at their face, they will flog you, "Why are you looking at
16 us? What happened?" So we cannot recognise them exactly.

17 Q. How do you know that as soon as you look at their faces
18 they are going to flog you, Mr Witness?

19 A. It happens in front of me while they flog one of my friend.

12:40:31 20 Q. Mr Witness, can you tell this Court how Staff Alhaji used
21 to dress during this period?

22 A. I usually saw him in civilian clothing.

23 Q. Can you tell this Court also how the other gunmen who were
24 with him, how they dressed, Mr Witness?

12:41:05 25 A. Also the same dressing.

26 Q. Thank you, Mr Witness. I'm going to ask you: During this
27 period that you said Staff Alhaji, whom you also describe as
28 Logistic, during this period that you have told this Court that
29 they made you carry headloads of goods, did they engage -- did

1 you witness Staff Al haji engaged in any amputations in the town
2 of Karina?
3 A. No --
4 Q. Did you --
12: 41: 52 5 A. -- I did not witness.
6 Q. Did you witness any killing by this gunmen during this
7 period?
8 A. No, I did not witness.
9 MR GRAHAM: Your Honours, I was going to move into a new
12: 42: 08 10 area. I'm looking at the time.
11 PRESIDING JUDGE: Yes, we will take the lunch break.
12 Witness, I'll remind you, while you're in the course of giving
13 evidence, you're not permitted to discuss the evidence you give,
14 or this case, with anybody; is that clear?
12: 42: 32 15 THE WITNESS: Okay.
16 [Luncheon break taken at 12.45 p.m.]
17 [AFRC11JUL06C-RK]
18 [Upon resuming at 2.20 p.m.]
19 PRESIDING JUDGE: Witness, you are still on that oath you
14: 46: 21 20 took this morning to tell the truth.
21 THE WITNESS: Yes, sir.
22 PRESIDING JUDGE: Yes, go ahead, Mr Graham.
23 MR GRAHAM: Good afternoon, Your Honours. Good afternoon,
24 Mr Witness.
14: 46: 21 25 THE WITNESS: Good afternoon to you.
26 Q. Mr Witness, I'm going to ask of you, did you, at any time
27 after the attack on Karina, on May 8, 1998, ever get to know the
28 names of any of the rebels who attacked Karina?
29 MR HARDAWAY: Objection leading.

1 PRESIDING JUDGE: What is leading about that.

2 MR HARDAWAY: He asked a very specific -- I will withdraw
3 it, Your Honour.

4 PRESIDING JUDGE: Thank you.

14:46:22 5 MR GRAHAM:

6 Q. Mr Witness, did you hear my question?

7 A. Yes, I heard the question. Well, I did not know any other
8 name about those that attacked Karina, only two names I know
9 about.

14:46:22 10 Q. Can you tell this Court the names, the two names?

11 A. Jabbi and Adama Cut Hand.

12 Q. Mr Witness, if I may ask of you is this the same Jabbi you
13 referred to earlier on in your testimony?

14 A. Yes.

14:46:23 15 Q. And Adama, can you spell Adama for the convenience of this
16 Court, Mr Witness?

17 A. Yes. A-D-A-M-A.

18 Q. Thank you, Mr Witness. How did you get to know the names
19 of these two individuals that you just mentioned to the Court,
14:46:23 20 Mr Witness?

21 A. Through from one captured that escaped from them.

22 Q. Do you know whether these two individuals that you referred
23 to, do you know them by any other name, apart from what you have
24 just told this Court?

14:46:23 25 A. Only Adama, I knew before as Adama Soldier.

26 Q. How do you know her as Adama Soldier?

27 A. I knew her in Kono.

28 Q. Where in Kono did you know her, Mr Witness?

29 A. In a diamond mining area called Kalola mining in Small

1 Sefadu.

2 Q. Could you please spell that name for the convenience of the
3 Court, Mr Witness?

4 A. Kalola or Small Sefadu?

14:46:24 5 Q. Both of them, please, Mr Witness.

6 A. K-A-L-O-L-A, Kalola, Small Sefadu, S-M-A-L-L, S-E-F-A-D-U,
7 Small Sefadu.

8 Q. Mr Witness, do you know whether Adama soldier was a man or
9 a women, Mr Witness?

14:46:25 10 A. I know her as a woman.

11 Q. Thank you. And when you, according to your testimony, and
12 I stand to be corrected, how did you know that she was Adama
13 soldier when you saw her in Kono?

14 A. Someone point her to me that this is the Adama soldier.

14:46:25 15 Q. Did the person say anything else about her?

16 A. No.

17 Q. Thank you, Mr Witness. Apart from the two names that you
18 mentioned, did you get to know any other name?

19 A. Well, after the attack again, I heard from some of my other
14:46:25 20 friends in Kono about Junior Lion, the Killer, Bobby - they said
21 they were one of the gunmens that entered into Kari na.

22 Q. Could you please spell Junior Lion for this Court, Mr
23 Witness?

24 PRESIDING JUDGE: Believe it or not, we can probably manage
14:46:25 25 that, Mr Graham.

26 MR GRAHAM: Very well, Your Honours, just on the side of
27 caution. I'm grateful.

28 Q. You mentioned Bobby, Mr Witness, could you spell Bobby for
29 the Court?

1 A. B-O-B-Y.

2 Q. I believe the third name was Killer which I believe can be
3 spelt phonetically?

4 A. K-I-L-L-E-R.

14:46:25 5 Q. Mr Witness, do you know whether any motor vehicles was
6 burnt in Karina during the attack on May 8, 1998?

7 A. Yes.

8 Q. Please tell the Court. Please tell the Court what you know
9 about the motor vehicle that was burnt in Karina during the May
14:46:26 10 8, 1998?

11 A. The motor vehicle that was burnt in Karina was owned by one
12 citizen of Karina and the vehicle was burnt between the two story
13 building and the motor car was a Nissan Patrol.

14 Q. A Nissan?

14:46:26 15 A. Patrol.

16 Q. Mr Witness, do you know who burnt the vehicle at that time?

17 A. I do not know the actual person, but it was burnt in that
18 particular attack.

19 Q. Was any other vehicle burnt in Karina during the period,
14:46:27 20 that is May 8, 1998?

21 A. I only know about that particular one.

22 Q. Thank you, Mr Witness. Mr Witness, do you know whether any
23 individuals in Karina were burnt in their houses, as a result of
24 the rebels setting the houses on fire?

14:46:27 25 A. I cannot remember that.

26 Q. Did anyone tell you?

27 A. No, no.

28 MR HARDAWAY: Objection, Your Honour. He has already
29 answered the question. If he doesn't remember, how can he know

1 if anybody every told him.

2 PRESIDING JUDGE: I will uphold that objection.

3 MR HARDAWAY: I would ask that the answer, which I believe
4 he did give, be redacted.

14:46:27 5 PRESIDING JUDGE: It is on the record, it stays there,
6 Mr Hardaway.

7 MR GRAHAM:

8 Q. Mr Witness, you told us about the -- first of all let me
9 ask you, are you very -- before you go on I need to ask of you in
14:46:27 10 relation to your response that you gave on the motor vehicle that
11 was burnt. You told this Court it was a Nissan Patrol?

12 A. Yes.

13 Q. How do you know, Mr Witness, that it was a Nissan Patrol?

14 A. I saw the motor vehicle before it was burnt. And after it
14:46:27 15 burnt, I saw the security of the motor vehicle. Up 'til now it
16 is still there between the two buildings.

17 Q. Mr Witness, I'm going to ask of you a few questions
18 relating to the set out of the villages from the main -- from
19 the -- excuse me, Your Honours from Karina Junction. Mr Witness,
14:46:28 20 are you very familiar with the layout and road network from
21 Karina Junction to Karina?

22 A. Yes, roughly I am familiar to them.

23 Q. Mr Witness, can you tell this Court, to the best of your
24 knowledge, approximately, if you can, the distance from Karina
14:46:28 25 Junction to Karina?

26 A. It is about 4 miles.

27 Q. How do you know that, Mr Witness?

28 A. Well, from -- I be in Karina, people are telling me that
29 from Karina Junction to Karina is 4 miles, then by then when the

1 CSE we were working around there, there was one area after
2 Mayongbo you can see, they build a cement as in mileage, small
3 one, they write on that particular one 3 miles and from that
4 point to Karina is 1 mile.

14:46:29 5 Q. Mr Witness, in your answer you mentioned CS, I didn't --

6 A. CSE [i ndi scerni ble] Senegal ese Enterprise.

7 Q. Thank you for the clarifi cation. Mr Wi tness, can you tell
8 this Court, if you know, whether there are any towns or villages
9 situated at Karina Junction?

14:46:29 10 A. Yes.

11 Q. Please tell this Court?

12 A. At Karina Junction a particular place called Karina
13 Junction the original name for Karina Junction is Karonko.

14 Q. Can you please spell that for the Court?

14:46:30 15 A. K-A-R-0-N-K-0 but everybody use to call that particular
16 place now Karina Junction.

17 Q. Mr Witness, if you know, can you tell this Court to the
18 best of your knowledge, how many houses, if any, there are in the
19 town that you just mentioned which is situated at Karina
14:46:30 20 Junction?

21 A. No I do not know the amount.

22 Q. Mr Witness, can you tell this Court, if you know,
23 travelling from Karina Junction to Karina, are there any towns
24 and villages on the way from Karina Junction to Karina,
14:46:31 25 Mr Wi tness?

26 A. Yes, there are villages around there.

27 Q. How do you know, Mr Wi tness, that there are villages around
28 there?

29 A. I walk on that road several times to and through Karina.

1 Q. Mr Witness, from Karina Junction heading towards Karina,
2 what is the first village or town that you come to?

3 A. It is Bonoya.

4 MR GRAHAM: Your Honours, Bonoya, you have heard that
14:46:31 5 before.

6 Q. Mr Witness, if you know, tell this Court the distance from
7 Karina Junction to Bonoya?

8 A. It might roughly be two miles.

9 Q. How do you know that, Mr Witness?

14:46:31 10 A. Just by estimation and the time I spent when I was walking
11 by foot from the junction to Karina. I believe that by normal
12 walking you spend an hour -- I mean you spend 30 minutes per
13 mile.

14 Q. Mr Witness, before you go on, I ask of you, you told this
14:46:31 15 Court earlier on that after the attack on Karina, you went around
16 to sort of do an inventory, if I use the right word, of the
17 houses that you witnessed that had been set on fire. This
18 exercise that you undertook, was it limited only to the town of
19 Karina?

14:46:32 20 A. No, I took the exercise from Karina Junction into Karina.

21 Q. Mr Witness, if I may ask of you, if you know, do you know
22 how many houses there are in Karina -- sorry, Your Honours, in
23 Bonoya?

24 A. No, I cannot remember how many houses are in Bonoya.

14:46:32 25 Q. Mr Witness, you have told us from Karina Junction the first
26 village you come to is Bonoya. You also told this Court the
27 approximate distance from Karina Junction to Bonoya. Is there
28 any village or town after Bonoya?

29 A. Yes, after Bonoya there is Madobo.

1 MR GRAHAM: Your Honours, I believe Madobo, we have heard
2 that before and it has been spelt as well.

3 Q. Mr Witness, do you know the distance from Bonoya to
4 Mayombo?

14:46:33 5 A. Madobo.

6 Q. Madobo, sorry.

7 A. It is just about half a mile.

8 Q. Mr Witness, you told this Court that you made an inventory
9 after the attack on Karina. You also told us that you did the
10 same for Bonoya. Did you do that for anywhere else?

11 A. I did.

12 MR HARDAWAY: Objection, Your Honour. The question was he
13 did the inventory from the Karina Junction to Karina. There was
14 no indication that it was done piecemeal. It was one
15 all-inclusive area. I would object as a leading question.

16 PRESIDING JUDGE: I do not have a note on that.

17 JUDGE DOHERTY: Mr Hardaway, my record shows that the
18 answer was: "No, I took an exercise to Karina and Bonoya." Is
19 that your record? I do not remember how many houses in Bonoya.

14:46:34 20 MR HARDAWAY: He did say that, Your Honour, but my
21 recollection and my note said inventory from Karina Junction to
22 Karina and my note said that was before he asked the question of
23 how many houses there were in Bonoya. I am guided by the
24 transcript.

14:46:35 25 JUDGE DOHERTY: Yes. "If necessary after the attack at
26 Karina, did you do an inventory of the town?" It was limited to
27 the town.

28 PRESIDING JUDGE: Your objection is what, precisely, that
29 there was no mention of any inventory in Bonoya?

1 MR HARDAWAY: My objection, Your Honour, was and from what
2 your learned colleague has just told me -- my objection was based
3 on the fact that he had said or my recollection was that he did
4 an inventory from Karina Junction to Karina, which was everything
14:46:35 5 all-inclusive and now he is asking specifically if he did
6 anything in Madobo and I would submit that has already been
7 covered since it's in between Karina Junction and Karina.

8 PRESIDING JUDGE: What do you say to that, Mr --

9 MR GRAHAM: Your Honours, as your learned colleague,
14:46:35 10 Justice Doherty has just read from the transcript, I did ask a
11 question relating to the inventory. I was not specific, I asked
12 him whether he had done any other inventory apart from what he
13 did in Karina and I recall in relation to Bonoya he said yes,
14 after which I asked him questions relating to how many houses
14:46:35 15 there were but then for purposes of clarification, I also wanted
16 to know whether he had done the same for Mayombo at which point
17 in time my learned friend objected.

18 PRESIDING JUDGE: I will allow that question.

19 MR GRAHAM: Thank you, Your Honours.

14:46:36 20 Q. Mr Witness, did you conduct a similar inventory like you
21 did at Karina and Bonoya at Madobo?

22 A. Yes, I did conduct Karina single. Then I conduct from
23 Karina Junction, Bonoya, Madobo, Daria, Karina right over to
24 Mandaha.

14:46:36 25 JUDGE DOHERTY: Mr Witness, could I have the names again,
26 please, you spoke rather quickly.

27 THE WITNESS: From Karina Junction, Karina, Bonoya, Madobo,
28 Daria, Mayombo, Karina, across the river to Kabia, Manyayen,
29 Kambia, Four Road, Massiba, then to Mandaha.

1 JUDGE SEBUTINDE: Sorry, what was that name before Massiba?
2 THE WITNESS: Four Road.
3 JUDGE SEBUTINDE: Could you spell that for us please.
4 THE WITNESS: F-O-U-R, R-O-A-D.
14: 46: 37 5 MR GRAHAM:
6 Q. Thank you, Mr Witness. Before you go on, can you simply
7 tell this Court the nature of the inventory that you took at
8 Bonoya?
9 A. It is just the same about how the people travel and how
14: 46: 37 10 they burnt houses. In Bonoya I didn't indicate anything about
11 the killing, only the way they travel and burnt houses.
12 Q. So did you, as a result of your inventory, get to know how
13 many houses were burnt in Bonoya?
14 A. Yes.
14: 46: 37 15 Q. Can you please tell this Court to the best of your
16 knowledge, Mr Witness, how many houses?
17 A. About five houses.
18 Q. Thank you, Mr Witness.
19 PRESIDING JUDGE: Sorry to interrupt, Mr Graham. There is
14: 46: 37 20 something I don't quite understand. He also took note of how the
21 people travelled, what people is he talking about.
22 THE WITNESS: The rebels how they crossed from -- when they
23 leave Magbengbeh, how they cross the main highway to travel into
24 Karina and then over to Mandaha.
14: 46: 39 25 PRESIDING JUDGE: You mean the way they went or did they
26 walk or ride on horseback or in vehicles.
27 THE WITNESS: I walk by foot.
28 PRESIDING JUDGE: That is what I do not understand, you
29 take an inventory on how they travelled.

1 THE WITNESS: Yes, I did that on foot.

2 PRESIDING JUDGE: But the inventory was about how they
3 travelled. I just want to know what that means. Do you mean the
4 way they went or how they went on their way?

14:46:39 5 THE WITNESS: The way they went from Magbengbeh into Bonoya
6 how they went into, up to Karina and then across the river, how
7 they went into the Mandaha and settled there for some time.

8 PRESIDING JUDGE: You weren't looking at what method they
9 travelled by, just the direction they went. Is that right?

14:46:40 10 THE WITNESS: Yes. Exactly.

11 PRESIDING JUDGE: I understand now.

12 MR GRAHAM: I believe he was referring to the route. I'm
13 grateful, Your Honour.

14 Q. Mr Witness, you just told this Court you were also, as part
14:46:40 15 of your inventory, trying to gather information on the route that
16 the rebels took. What -- can you tell this Court, if any
17 information you got about the route that the rebels took when
18 they got to Bonoya?

19 A. Well, the information about how they get into Bonoya when I
14:46:41 20 ask, when they leave Magbengbeh they cross between Karina
21 Junction and the first bridge after Karina Junction towards
22 Kamabai they pass between that route to Bonoya and they entered
23 in Bonoya early in the morning, around 4.00 a.m. in the morning.

24 Q. Mr Witness, in respect of Madobo, as a result of -- do you
14:46:41 25 know as per your inventory, how many houses there were in Madobo
26 at the time of the attack on May 8, 1998?

27 A. Well, because Madobo is a very small village, I cannot
28 remember again, because I did the inventory by asking a question
29 after everything else happened so I cannot remember how many

1 houses again, but it is not more than three or four houses by
2 then.

3 Q. Mr Witness, how do you know it is not more than three or
4 four houses?

14:46:41 5 A. Because Madobo is the smallest village around that main
6 road that we took from Karina Junction to Karina, on that way, it
7 is the smallest.

8 Q. Thank you, Mr Witness. Mr Witness, do you, according to
9 your inventory, know whether any houses were burnt by the rebels
14:46:41 10 at Madobo?

11 A. If houses were burnt?

12 Q. Yes, Mr Witness?

13 A. Well, I think I remember only one -- two houses I remember
14 burnt in Madobo.

14:46:42 15 Q. And, Mr Witness, do you know whether there were any
16 amputations done by the rebels in Madobo?

17 A. Yes, they told me about one boy, but I cannot remember the
18 name.

19 Q. Who told -- sorry, continue, I'm sorry for the
14:46:42 20 interruption.

21 A. One boy was amputated in Madobo and when I was doing my
22 inventory the people in Madobo gave me all this information.

23 Q. Thank you. Did you, as a result of your inventory, get to
24 know whether any individual or individuals were killed by the
14:46:43 25 rebels during the attack in Madobo?

26 A. No, they didn't give me any information about that.

27 Q. Thank you, Mr Witness, Mr Witness, do you know as a result
28 of your inventory whether there were any mutilations by the
29 rebels in Madobo?

1 A. No, they didn't give me anything about that.

2 Q. Thank you, Mr Witness. Mr Witness, you told this Court
3 from Karina Junction you get to Bonoya and then from Bonoya you
4 go to Madobo. Mr Witness, can you tell us whether there is any

14:46:43 5 town or village after Madobo?

6 A. Yes.

7 Q. Please tell this Court?

8 A. The town after Madobo is Daria.

9 MR GRAHAM: Daria, Your Honours, I believe that has been
14:46:43 10 spelt some time before this Court.

11 Q. Mr Witness, you if know can you tell this Court,
12 approximately, to the best of your knowledge, the distance from
13 Madobo to Daria?

14 A. Madobo and Daria is located very close to each other.
14:46:43 15 There is not even a quarter mile. It is just about some hundred
16 of metres.

17 Q. Thank you. How do you know that, Mr Witness, that it is
18 just about hundred metres?

19 A. You stand in Madobo you will see Daria so I can just
14:46:45 20 estimate it by -- I estimate as just some hundreds of metre.

21 Q. Did your inventory -- sorry, Your Honours, I withdraw that
22 question. Did you do an inventory on Daria?

23 A. Yes, I did.

24 Q. And do you -- can you tell this Court the results, if any,
14:46:45 25 of your inventory at Daria?

26 A. Yes, when I ask in Daria, they told me about four houses
27 burnt.

28 Q. Who did you ask, Mr Witness?

29 A. One boy in Daria.

1 Q. Do you know whether he lives or not at Daria?

2 A. I believe he lives in Daria.

3 Q. Mr Witness, do you know approximately to the best of your
4 knowledge how many houses there are in Daria?

14:47:07 5 A. No, I cannot really tell the exact amount of houses.

6 Q. Mr Witness, did you get to know, as per your inventory,
7 whether any individual or individuals were kill at Daria by the
8 rebels during the May 8, 1998 attack?

9 A. I know about one man and one woman by my interview to that
14:47:47 10 particular boy. He gave me two.

11 Q. Do you know as per your inventory whether there were any
12 amputations in Daria by the rebels during the fateful attack on
13 May 8, 1998, Mr Witness?

14 A. He told me nothing about amputation, only wounded.

14:48:16 15 Q. Thank you, Mr Witness. Mr Witness, do you know, as per
16 your inventory, whether the rebels carried out any mutilations of
17 any individual or individuals in Daria during the May 8, 1998
18 attack.

19 A. He didn't tell me anything about that.

14:48:50 20 Q. Thank you, Mr Witness. Mr Witness, did you -- Your Honours
21 I will withdraw that question. Mr Witness is there any town or
22 village after Daria?

23 A. Yes.

24 Q. Please tell this Court, Mr Witness?

14:49:09 25 A. After Daria is Mayongbo.

26 MR GRAHAM: Your Honours, Mayongbo, we have had that spel t
27 before this Court.

28 Q. Mr Witness, please tell this Court did you conduct an
29 inventory of Mayongbo?

- 1 A. Yes, I did.
- 2 Q. Do you, as per your inventory, know, approximately, to the
3 best of your knowledge how many houses there are in Mayongbo,
4 Mr Witness?
- 14:49:52 5 A. I do not know the exact amount of houses, exactly.
- 6 Q. Mr Witness, do you know, as per your inventory, the number
7 of houses, if any, that were set on fire by the rebels during the
8 May 8, 1998 attack?
- 9 A. Yes.
- 14:50:20 10 Q. Mr Witness, I beg of you to tell this Court.
- 11 A. Well, I ask -- interview one boy and a girl. They told me
12 that it is about ten houses burnt in Mayongbo.
- 13 Q. Did you, in any way, verify the information that they gave
14 you with what -- sorry Your Honours, I withdraw that question.
- 14:50:54 15 Mr Witness, do you know as per your inventory whether there were
16 any killings in Mayongbo during the May 8, 1998 attack by the
17 rebels?
- 18 A. Yes. They told me about killing, but I cannot remember the
19 number again.
- 14:51:24 20 Q. And do you know whether there were any mutilations carried
21 out by the rebels in Mayongbo during the May 8, 1998 attack?
- 22 A. They told me nothing about that.
- 23 Q. Mr Witness, is there any other town or village after
24 Mayombo?
- 14:51:56 25 A. After Mayongbo is Karina.
- 26 Q. Mr Witness, I'm going to ask of you, are you very familiar
27 with the layout of the Karina Town?
- 28 A. Yes.
- 29 Q. You have told this Court that prior to the attack on May 8,

1 1998 there were approximately a hundred houses in Karina.
2 A. Yes.
3 Q. When you conducted your inventory of Karina after the May
4 8, 1998 attack, if you know, tell us how many houses were
14:53:06 5 standing in Karina after the May 8, 1998 attack, if you know?
6 A. How many house stand after?
7 Q. Yes.
8 A. No, I can't remember.
9 Q. Do you know how many houses were set on fire in Karina by
14:53:26 10 the rebels during the May 8, 1998 attack?
11 A. Yes, I can remember that.
12 Q. Can you please tell this Court, Mr Witness?
13 A. About 24 houses.
14 Q. How do you know that it was 24 houses, Mr Witness?
14:53:53 15 A. I moved right around the town, I see all the burnt houses.
16 Q. Mr Witness, do you know whether there was a health care or
17 hospital in Karina prior to the attack on May 8, 1998?
18 A. Yes.
19 Q. Please, what do you mean by yes, Mr Witness?
14:54:20 20 A. There was a hospital or a clinic before the May 8, 1998.
21 Q. Where was this clinic situated, Mr Witness?
22 A. They used one of the two-storey building as a clinic before
23 the attack.
24 Q. Mr Witness, do you know how many storey buildings there are
14:54:56 25 in Karina?
26 A. Yes, two two-storey building.
27 Q. Mr Witness you told this Court that you are very familiar
28 with the layout of the town of Karina. Is there anything
29 significant that you know about the layout of the town of Karina?

1 MR HARDAWAY: Objection, asked and answered I believe.

2 PRESIDING JUDGE: I think most of this evidence that has
3 been led in the last ten minutes we have gone over earlier this
4 morning.

14:55:35 5 MR GRAHAM: Very well.

6 Q. Mr Witness, I'm going to move on for the moment from Karina
7 and go on to Kambia. Did you conduct an inventory at Kambia,
8 Mr Witness?

9 A. Yes, I did.

14:56:00 10 Q. Can you tell this Court what, if any, you discovered during
11 your inventory of Kambia?

12 A. Well, there is a lot of burnt houses, but I cannot remember
13 the numbers again because I was just asking and they show me the
14 point where the burnt houses were and I confirmed that it is
14:56:26 15 true.

16 Q. Did you talk to anyone in Kambia?

17 A. Yes.

18 Q. Can you tell this Court who you spoke to at Kambia,
19 Mr Witness?

14:56:40 20 A. I spoke to one of the youths in the town.

21 Q. Mr Witness, did you as a result of the inventory at Kambia
22 get to know whether any amputations were carried out by the
23 rebels?

24 A. No, I didn't know about that.

14:57:14 25 MR GRAHAM: Very well Your Honours.

26 THE WITNESS: I just understand about wounded, but with one
27 of the wounded just explained about how they chopped up him
28 because I did not bother to ask about all that again. I just
29 wanted to know how many houses were burnt on that particular day.

1 Q. Mr Witness, I'm going to move on to Mandaha?
2 A. Mandaha.
3 Q. Mandaha. If I'm right --
4 A. Mandahin that is before you reach to Kambia. You pass
14:58:00 5 Mandahin.
6 Q. Did you then -- thank you, Mr Witness for the
7 clarification, I'm grateful. Did you conduct an inventory on
8 Mandahin?
9 A. Yes. Mandahin was one of the small villages that consisted
14:58:22 10 of seven houses, all were burnt down.
11 Q. And did you get to know how the seven houses that you refer
12 to, how they were burnt down?
13 A. Due to the same attack from Karina when they were
14 travelling to Mandaha.
14:58:41 15 Q. When who?
16 A. When the rebels were travelling to Mandaha.
17 Q. Mr Witness, you also mentioned Four Road?
18 A. Yeah.
19 Q. Did you conduct an inventory at Four Road?
14:59:02 20 A. I just write the name Four Road but I don't select any
21 house or anything about Four Road because the time they were
22 trying to look for Mandaha, after Kambia, they enter in the
23 forest direct to Mandaha they didn't reach in Four Road, they
24 didn't even arrive in Four Road but because of the way you can
14:59:31 25 travel -- the way I travelled to enter Mandaha, that is why I
26 looked at that particular place-name.
27 Q. How do you know that they did not travel through Four Road?
28 A. On my inventory, I ask in Kambia, then the person that I
29 interviewed told me that after the graveyard and Kambia, in that

1 forest they branch and enter then I asked him if he can help me
2 and show me the path where they enter. He did. Up 'til now you
3 can see the way they enter, the bush has not yet come closer.

4 Q. Do you know whether any amputations took place by the
15:00:37 5 rebels at Four Road?

6 A. No, they didn't enter in Four Road and even Masira but
7 because that particular road I used to find Mandaha, that is why
8 I locate it that way.

9 Q. Thank you, Mr Witness. Mr Witness, did you conduct an
15:00:56 10 inventory at Mandaha?

11 A. Yes, I did.

12 Q. Mr Witness, do you know, approximately, to the best of your
13 knowledge, the distance from Karina to Mandaha?

14 A. From Karina to Mandaha is about 5 miles.

15:01:15 15 Q. How do you know that, Mr Witness?

16 A. It is just by rough estimation and the time used to travel
17 over there.

18 Q. Mr Witness, as a result of your inventory, can you please
19 tell this Court, did you talk to anyone at Mandaha?

15:01:42 20 A. Yes.

21 Q. Can you please they tell this Court who you spoke to at
22 Mandaha, Mr Witness?

23 A. At Mandaha I spoke directly to the town head man.

24 Q. What, if you can, tell this Court, what did you ask of
15:02:00 25 the -- did he say the town chief?

26 A. Yes, the town chief.

27 MR HARDAWAY: Excuse me, Your Honour, he said town head
28 man.

29 MR GRAHAM: Thank you for the correction. Semantics.

1 Q. So town --

2 A. Town head man, yeah.

3 Q. Did you tell this Court what you asked, if any, of the town
4 head man at Mandaha?

15:02:31 5 A. I asked him about the burnt houses and where the rebels
6 were based. He then told me.

7 Q. Thank you, Mr Witness. In respect of the burnt houses, did
8 you get to know, if any, how many houses were burnt at Mandaha?

9 A. The man told me that the whole town was burnt down.

15:03:08 10 Q. Thank you, Mr Witness. Did you, as a result of your
11 inventory, get to know if any killings took place at Mandaha by
12 the rebels?

13 A. I didn't inquire too much about the killing because I just
14 want to know about the burnt houses and how people travelled and
15:03:35 15 this. So I cannot tell the exact amount of the killing.

16 Q. Beyond that, did you get to know, if any, mutilations took
17 place by the rebels at Mandaha?

18 A. No, I didn't know.

19 Q. Did you get to know whether the rebels carried out any
15:04:01 20 amputations at Mandaha?

21 A. Yes. They told me that there were some people amputated,
22 but I did not go to ask the amount.

23 Q. Mr Witness, you just told --

24 A. I mean wounded. It is not amputated I'm talking about,
15:04:25 25 wounded?

26 Q. Mr Witness, you just told this Court that when you spoke
27 to, you indeed spoke to the town head man and you talked about
28 burnt houses and also where the rebels camped, if I am right.

29 What did he tell you about where the rebels were at Mandaha, if

1 he did?

2 A. I points to the forest where they were camped immediately
3 after Mandaha. When I arrive in Mandaha, there is two way to
4 leave Mandaha, between this two way there is a forest behind.

15:05:24 5 They point the forest.

6 Q. Did you ever, as part of your inventory, visit the forest
7 yourself, Mr Witness?

8 A. I just go close to the forest. By then they told me that
9 there is some female in the forest, is a society business, so man
15:05:51 10 cannot go into that forest by then. So I didn't enter.

11 Q. Who told you that, Mr Witness?

12 A. The town head man.

13 Q. And do you understand -- did you understand what he meant
14 by that?

15:06:11 15 A. Well, I just understand when he says society, I just
16 understand society. I don't know anything more than that,
17 because I don't try to inquire more.

18 Q. Apart from what you have told us about what happened at
19 Mandaha, did you hear anything else about the rebels in Mandaha,
15:06:41 20 Mr Witness?

21 A. I didn't hear anything about them again.

22 MR GRAHAM: Your Honours, at this point I would
23 respectfully want to make a quick application for us to go into
24 closed session. So I will wrap up my in chief by asking the
15:07:16 25 witness a number questions that arose out of my in chief which
26 would properly be put in a closed session. And I won't be long
27 at all.

28 PRESIDING JUDGE: What is the reason for the closed
29 session?

1 MR GRAHAM: Your Honour, I make this application pursuant
2 to Rule 79 of the Rules of Procedure and Evidence. And, Your
3 Honour, I simply make this application because the questions that
4 I may ask of the witness may potentially bring out information
15:07:36 5 that may reveal the identity either of the witness or other
6 witnesses who have appeared or yet to appear before this Court.
7 That is the humble application I make before your Your Honours.

8 PRESIDING JUDGE: Well, the Prosecution has heard that
9 application. Do you have anything to say in that regard?

15:07:58 10 MR HARDAWAY: No objection, Your Honour.

11 PRESIDING JUDGE: Thank you, Mr Hardaway. Members of the
12 public should know this Court is just going very briefly into
13 closed session and that is to protect the identity of this
14 witness and possibly the identity of other Defence witnesses who
15:08:11 15 have the benefit of protective measures in their favour. So we
16 will now go into a closed session. Mr Court Attendant, if you
17 will attend to that, please.

18 Mr Court Attendant, is something being done about the
19 closed session?

15:10:59 20 Mr GEORGE: Yes, Your Honour.

21 [At this point in the proceedings, a portion of the
22 transcript, pages 94 to 100, was extracted and sealed under
23 separate cover, as the session was heard in camera.]

24
25
26
27
28
29

1 [Open session]

2 MR GEORGE: Court is now in open session.

3 PRESIDING JUDGE: Yes, Mr Graham.

4 MR GRAHAM: Thank you.

15:31:05 5 Q. Mr Witness, you are back in open session. You told this
6 Court about your inventory that you took from Karina Junction
7 through Bonoya, Madobo, Daria, Mayongbo, Karina through Kambia
8 Massiba all the way to Mandahin and all the way to Mandaha. I
9 need to ask of you, during this period did you ever hear the name
15:31:48 10 Alex Tamba Brima as being one of the rebels who took part in the
11 attack in any of the places that I have mentioned to you,
12 Mr Witness?

13 A. I only heard this thing over radio.

14 Q. Mr Witness, when you say you only heard this name over
15:32:18 15 radio, what you mean by that?

16 A. The Special Court programme on Radio UNAMSIL and Radio
17 Mankneh at Makeni when they were talking about the Prosecution
18 and some other things. So I heard about it.

19 Q. Apart from the radio which you just said you heard the
15:32:43 20 name, have you heard this name anywhere else?

21 A. No.

22 Q. Have you -- did you -- have you heard the name Gullit as
23 being one of the rebels who carried out the attacks through from
24 Karina Junction all the way to Mandaha?

15:33:08 25 A. He, too, again only over a radio.

26 Q. Thank you, Mr Witness. Mr Witness, have you heard the name
27 Ibrahim Bazy Kamara as being one of the rebels who conducted the
28 attack at any or all of the places that I just mentioned to you,
29 Mr Witness?

1 A. He, too, again over the radio.

2 Q. And when you say you heard it over the radio, what do you
3 mean by that, Mr Witness?

4 A. I heard it over the radio when they were asking some
15:33:49 5 witnesses when they are talking about him in the Court. I cannot
6 able to narrate all the stories, but I just heard the names.

7 Q. Apart from the radio, have you heard this name anywhere
8 else, Mr Witness?

9 A. Never. I never heard them.

15:34:04 10 Q. Mr Witness, please tell this Court, have you heard the name
11 Santigie Borbor Kanu as being one of the rebels who conducted the
12 attacks at all or any of the places that I have just mentioned to
13 you, Mr Witness?

14 A. I never heard them. I only heard these names, the same,
15:34:30 15 over a radio.

16 Q. What do you mean by that when you say you heard the same
17 name over the radio, Mr Witness?

18 A. All these names that you have called, I heard them all over
19 the radio when they were talking about -- when the witness are
15:34:46 20 talking about them or the lawyers are talking about them, but I
21 never knew them personally.

22 Q. Mr Witness, I'm going to ask of you, have you heard of the
23 name Five-Five during the course of your inventory, or at any
24 other time, as being one of the rebels who conducted the attacks
15:35:12 25 at all or any of the places that I just mentioned to you,
26 Mr Witness?

27 A. I never heard them again, only over a radio witnesses or
28 Prosecution that I heard this name.

29 Q. Thank you, Mr Witness. I have no further questions.

1 MR GRAHAM: I am grateful, Your Honours, for the time.

2 PRESIDING JUDGE: Thank you, Mr Graham. I take there is no
3 further in chief from the Defence?

4 MR DANIELS: That is all.

15: 35: 48 5 PRESIDING JUDGE: Thank you. Who is doing the
6 cross-examination for the Prosecution?

7 MR HARDAWAY: I will be doing the cross, Your Honour, but
8 Mr Agha, my learned colleague has --

9 MR AGHA: Yes, indeed, Your Honour, I shall not be doing
15: 35: 59 10 the cross-examination, but I would like to seek, at this time, an
11 application for one, an adjournment in the cross-examination and
12 another, for the Prosecution to be provided with the Defence
13 witness statement. I raise these issues as follows: Now, with
14 regard to the summary, which is the first issue, you have the

15: 36: 27 15 summary of the DBK-094 before this Honourable Court. This is the
16 same summary which the Prosecution has been provided with. This
17 mainly concerns the attack on Karina. The Prosecution submits
18 that in the witness evidence at least seven new issues of
19 significance have arisen which were not in the summary. The
15: 36: 53 20 Prosecution was taken totally by surprise on these issues and
21 would submit that nearly half of the witness's evidence was not
22 in the summary. These issues include the role of ECOMOG;

23 secondly, rebels occupying surrounding areas and coming to Karina
24 on food-finding missions; thirdly, rebels based in Mandaha
15: 37: 21 25 playing music; fourthly, ECOMOG attacks on rebel position, in
26 Mandaha with jets; fifthly, return of gun men to Karina in 1999;
27 sixthly, references to a person named Staff Alhaji; seventhly,
28 references to forced labour, carrying 80 kilograms of rice with
29 20 other people; eighth, I believe, burnt motor vehicles and

1 burning of people in houses; the question of amputation by
2 rebels; and finally, the question of this inventory, which has
3 taken up an extremely large part of witness's evidence on which
4 is not mentioned, in any way, in the summary and which the
15: 38: 17 5 Prosecution had no notice of.

6 Now, firstly, the Prosecution requests an adjournment to
7 deal with these new issues until Friday morning so they can be in
8 a position to properly test the evidence of the witness.
9 Reliance is placed on the ICTR Trial Chamber decision in
15: 38: 40 10 Bagosora. That is spelt B-A-G-O-S-O-R-A et al, case number
11 ICTR/1998-41-T and I will provide Your Honours and the Learned
12 Defence counsel with a copy of this decision with the permission
13 of the Court.

14 PRESIDING JUDGE: Yes. You have a copy there now?

15: 39: 07 15 MR AGHA: Yes, Your Honour.

16 The sufficiency of defence witness summaries, and I would
17 refer Your Honours to paragraph 6, which is on page 3. And I
18 will read that paragraph in full so that Your Honours can see I
19 am not choosing selectively from it.

20 "6. Once testimony is elicited which the Prosecution does
21 not believe has been mentioned in the summaries in
22 sufficient detail, a motion can be made for adjournment of
23 the testimony or exclusion. These are precisely the same
24 remedies as are available to the Defence in similar
25 circumstances. The Chamber hastens to add, however, that
26 the Prosecution's disclosure obligations in the Rules and
27 the Statute are more detailed and specific than for the
28 Defence. The level of information about Prosecution
29 testimony does not necessarily provide useful guidance as

1 to the standard of detail required in defence witness
2 summaries. Testimony of Defence witnesses, unlike the
3 Prosecution witnesses, can be understood as a response to
4 evidence that has already been presented. Nevertheless,
5 the Chamber is mindful of the general principle, applicable
6 to Prosecution and Defence evidence alike, that evidence
7 whose reliability cannot adequately be tested ... cannot
8 have probative value."

9 And I would just also finally refer to the next page at
10 paragraph 7. I will not read the whole portion of this
11 paragraph, but only the final three lines. Starting with the
12 final word "this" at the end of the third line from the bottom.
13 That reads:

14 "This Chamber expects the Defence to continue to provide
15 reasonably informative witness summaries so as to avoid the
16 prospect of postponement or even exclusion of the
17 testimony."

18 Now Your Honours, the Prosecution --

19 PRESIDING JUDGE: Before you go any further, am I assuming
15: 42: 12 20 that you have already broached the Defence and they will not give
21 you copy of the statement. I do not want to be hearing all this
22 legal argument unnecessarily if the Defence have no objection to
23 giving you the statement.

24 MR AGHA: Firstly, we request an adjournment until Friday.
15: 42: 31 25 And secondly, we would request the witness statement if the
26 Defence are prepared to give us the witness statement, then, of
27 course, that will not form a part of the application.

28 PRESIDING JUDGE: You do not know, at this stage, whether
29 it is a correct or not.

1 MR AGHA: Not at this juncture, Your Honour. Of course,
2 they always in their replay can say that they will give it to us.

3 PRESIDING JUDGE: I take it you have some more legal
4 argument.

15: 42: 56 5 MR AGHA: No. That was the hub of the matter. The
6 position is that we, on the basis of this new evidence arising in
7 the summary, would seek from the Court an adjournment until
8 Friday so that we can deal with it and test the evidence. And
9 secondly, we would request the statement of the Defence witness
15: 43: 17 10 to expedite matters and if the learned Defence counsel are not
11 prepared to, then we would request an order from the Court so
12 that could be done so that we can more hastily prepare our
13 cross-examination.

14 PRESIDING JUDGE: Well, you seem to have overlooked the
15: 43: 35 15 decision of Trial Chamber I that says to order disclosure of
16 Defence witness statements, the Prosecution must establish undo
17 or irreparable prejudice. That is a fairly recent decision. Are
18 you familiar with that decision.

19 MR AGHA: Yes, I'm aware of that decision, Your Honour, but
15: 43: 57 20 in this situation I was requesting it just because as part of our
21 cross-examination we will be raising various issues that are not
22 in the statement and it would be speedier if we could have that
23 beforehand so we could make the cross-examination as short as
24 possible.

15: 44: 19 25 PRESIDING JUDGE: There is also in Tadic, you may have read
26 at that decision, I think it was Justice Stephen said that the
27 Prosecution to obtain a Defence witness statement must establish
28 a necessity for it. It seems both of those decisions are saying
29 that there is an onus on the Prosecution.

1 MR AGHA: On the basis, Your Honour, that very little of
2 the evidence which has come out from this witness was contained
3 in the summary, one would hope that it can be found in his
4 statement and, therefore, there is a basis for us to be able to
15:44:56 5 look at that statement and test the credibility of the witness,
6 if need be.

7 PRESIDING JUDGE: All right. Do you have anything else to
8 add, Mr Agha.

9 MR AGHA: These are the only areas in which I would be
15:45:12 10 requesting orders. But there are two further issues that I would
11 like to raise and perhaps be better dealt with after the learned
12 Defence counsel have responded to this particular application.

13 PRESIDING JUDGE: Well, you have heard Mr Agha. They are
14 asking for this witness's statement to you and also an
15:45:28 15 adjournment until Friday morning. What do you say to that.

16 MR GRAHAM: Your Honours, in respect of the application by
17 my learned friends, we would leave that entirely in the chest of
18 the Bench. We believe Your Honours, in your wisdom, will make
19 the proper decision. Your Honour, once again, regarding the
15:45:49 20 issue of the witness -- regarding the issue of the statement, I
21 believe in the interest of justice in that we seek to first
22 necessitate expediency, we don't really have any objections to
23 giving them a copy of the witness statement, if that will enhance
24 the proceedings of this Court.

15:46:09 25 Then again, Your Honours, the worrying issue is the fact
26 there seems to be a submission that, by definition, the witness
27 summary defines the scope of the testimony that the witness is
28 going to give once he enters into the witness box. I think, Your
29 Honours, in my humble submission, that is not right. The summary

1 of the witness statement, if anything at all, is supposed to be
2 indicative in every sense of the word of the testimony that we
3 would expect the witness -- Your Honour, once the witness gets
4 into the box, you ask questions and he gives answers and then you
15:46:48 5 follow up on those answers.

6 PRESIDING JUDGE: I agree with you. Summary is exactly
7 what it says. It is not exhaustive. It is a summary. If it is
8 not a summary, it is a full statement.

9 MR GRAHAM: Very well, Yours Honours. To that extent, we
15:47:00 10 also believe that the authority relied on by our learned friend
11 is also very much in favour of the submissions that we have made
12 herein.

13 Your Honours, if I may refer, with your kind permission, to
14 paragraph 6 of the decision that was served on us by my learned
15:47:16 15 friend on the other side. If I may read from paragraph 6 Your
16 Honours it says:

17 "Once testimony is elicited which the Prosecution does not
18 believe has been mentioned in the summaries in sufficient
19 detail, a motion can be made for adjournment of the
15:47:34 20 testimony or exclusion. These are precisely the same
21 remedies as are available to the Defence in similar
22 circumstances. The Chamber hastens to add, however, that
23 the Prosecution's disclosure obligations in the Rules and
24 the Statute are more detailed and specific than for the
15:47:50 25 Defence. The level of information about Prosecution
26 testimony does not necessarily provide useful guidance as
27 to the standard of detail required in Defence witness
28 summaries. Testimony of Defence witnesses, unlike the
29 Prosecution witnesses, can be understood as a response to

1 evidence that has already been presented. Nevertheless,
2 the Chamber is mindful of the general principle applicable
3 to the Prosecution and Defence alike, that evidence whose
4 reliability cannot adequately be tested ... cannot have
15: 48: 24 5 probative value."

6 I humbly submit that the Prosecution has ample time
7 to cross-examine the witness. They are in a position to be able
8 to test his evidence that he has given before this Court. Once
9 again, Your Honours, if I may go back to history in time, I
15: 48: 48 10 recall very well when the Prosecution was presenting this case
11 before this Court, we had witness statements. We also had
12 additional witness statements, at times, but once the witness
13 gets into the box, their scope of their testimony went way, way
14 beyond the witness statements that we had been provided with.

15: 49: 04 15 That is our worry.

16 It is my humble submission that we don't mind giving
17 up the witness statement to facilitate the proceedings of this
18 Court, but we challenge the principle of law on which they are
19 demanding that the copy of the statement be made available to
15: 49: 25 20 them. To that extent, we object to the application. Thank you,
21 Your Honours.

22 PRESIDING JUDGE: I understand. Thank you, Mr Graham.
23 Getting to the second application, that is for and adjournment,
24 you are leaving that up to the Trial Chamber; is that right?

15: 49: 39 25 MR GRAHAM: That is so, Your Honour.

26 PRESIDING JUDGE: Anything in reply?

27 MR AGHA: Yes, Your Honour. I agree in principle with what
28 my learned friend says about the content of a summary, but, in
29 this case, almost half the evidence was lacking from that

1 summary, so I think it can be distinguished. The first we heard
2 about it was when he came in the witness box. Now the witness I
3 led this morning, I was given an additional witness summary this
4 morning. So, it is my submission, that during the proofing, this
15:50:10 5 information ought to have come out and ought to have been
6 available, since a large part of it came out. So I believe it
7 can be distinguished from the general situation where a summary
8 is not to be exhausted, and is an indicator. In this case, it
9 goes far beyond that. So that would be my reply to that, Your
15:50:31 10 Honour.

11 PRESIDING JUDGE: Thank you, Mr Agha. We will need a very
12 brief time to discuss this and we'll come up with a decision. We
13 will adjourn the Court. I hope to be back by 4.10, but it won't
14 be much longer than that.

15:50:55 15 MR MANLY-SPAIN: May it please, Your Honour, whilst you are
16 leaving the Court for a few minutes, I just want to bring to your
17 notice that we had requested tomorrow to be permitted to attend
18 the Bar conference.

19 PRESIDING JUDGE: Is that the other matter you were going
15:51:15 20 to mention, Mr Agha?

21 MR AGHA: No, Your Honour, there are two other matters
22 which tie into the question of adjournments overall, which I can
23 briefly address separately, or now, if you please, before you
24 retire. It would be very short.

15:51:29 25 PRESIDING JUDGE: Well, if they're matters that we are
26 going to have to adjourn again to consider, then you'd better do
27 them now.

28 MR AGHA: They are really matters we are alerting the Court
29 to to try and avoid future adjournments. It may be you feel an

1 order would be appropriate.

2 The second issue is a witness order of call. Firstly, the
3 Prosecution appreciates that the first accused took longer than
4 expected. We have also been working closely with the Defence on
15:52:04 5 the case, and we are trying not to use this Court as a conduit
6 pipe. The Prosecution, however, is not receiving adequate notice
7 of the order of call or, at least, one of which does not
8 consistently be changed at the last minute. We appreciate the
9 changes may be necessary, but we bring this to the attention of
15:52:27 10 the Court so that you will be able to appreciate that we may not
11 always be prepared for cross-examination, and may seek an
12 adjournment.

13 For example, on Sunday we were told the order of the first
14 three witnesses. At 8.30 a.m. on Monday morning, the second
15:52:45 15 witness was gone. Yesterday, the last witness I cross-examined
16 was without any time to prepare and was almost off the cuff. At
17 5.30 last night, we received an email of the next five which we
18 were preparing for. By 8.30 this morning, one had gone. So,
19 essentially, we are receiving call orders in the evening which
15:53:09 20 may be subject to change in the morning. This makes it very hard
21 for us to prepare for the cross-examination of witnesses. So
22 especially sometimes the witness who is coming at, let's say
23 number four, is listed as number 16, pursuant to the original
24 order of call of 26 April. This is, in fact, prejudicing the
15:53:33 25 Prosecution in its ability to cross-examine, even if the
26 summaries are accurate. I would just simply alert the Court to
27 the fact that it is becoming increasingly difficult without a
28 call order, which is reliable, being served on us in sufficient
29 time. We realise call orders do change, but it is very difficult

1 for us, when we get an order of five witnesses in the evening and
2 they change by the morning, because someone would have had to
3 stay up and prepare for that witness. We don't want to ask for
4 adjournments, Prosecution.

15:54:10 5 PRESIDING JUDGE: That is good, because we don't want to
6 give them.

7 MR AGHA: This is why we only really ask when we feel that
8 we are being prejudiced in our case through circumstances which
9 are beyond our control. A third issue, when relating to this, is
10 the disclosure of the identification of the next witnesses. Now,
11 we had disclosed, the Prosecution, the first 17 witness
12 identifications. As Your Honours can see, the witnesses are
13 being dealt with reasonably expeditiously. The Defence have an
14 obligation to provide the Prosecution pursuant to this Court's
15 order, disclosure of Defence witnesses' identification on a 21
16 day rolling basis. I have been pressing the Defence for this and
17 Mr Graham has promised that he will receive the next disclosed
18 batch by close of business today. I'm again alerting the Court
19 to the fact that we may be starting those witnesses within, let
15:55:11 20 us say, ten days. Now, this delay in the resolving disclosure,
21 may well mean the Prosecution has insufficient time to
22 adequately investigate the proposed evidence of the witness, and
23 thereby properly test it in cross-examination. It may therefore
24 become necessary to seek an adjournment before cross based on the
15:55:31 25 Prosecution evidence. So I'm really alerting this Court to the
26 fact that, like you, we don't want adjournments. We want to move
27 the matter on as expeditiously as possible. We are in touch
28 with the Defence. We believe we have a good relationship with them.
29 Unless the Defence start complying with the orders of this court

1 in a timely fashion, this may lead to the Prosecution seeking
2 adjournments in this trial. As I have mentioned, it is something
3 which we want to avoid, but as in yesterday's situation, it is
4 very hard just to stand up and cross-examine a witness without
15:56:07 5 notice or as in the next 21 witnesses' rolling disclosure, our
6 investigators, once they get the identity will have to, within 10
7 days, go out into the field, be unaware of the order of call, and
8 try and gather information regarding those witnesses. And they,
9 of course, say well, how can we do this in this time frame? It
15:56:28 10 is really just matters I want to alert the Court to.

11 PRESIDING JUDGE: I do not know if the Defence wishes to
12 reply at this stage. There is no specific application.

13 MR GRAHAM: Your Honour, not necessarily a reply in
14 opposition to what my learned friend has said except to shed a
15:56:45 15 little bit of light. He is right and true what my learned friend
16 has just said that we have been trying to work together to let
17 the trials before this Court be conducted expeditiously. At the
18 same time, the issues of witness management and getting them here
19 has been a bit of a problem. But, Your Honours, I do not think
15:57:12 20 there has been any breach in any form in substance as to the
21 orders of this Court regarding the disclosure of witness
22 statements and summaries to my learned friends. Indeed, we have
23 been working. We spoke again this afternoon and assured them
24 that by the close of business today we would make sure that they
15:57:34 25 get all they need in order to facilitate their cross-examination.
26 Then again, the practice of changing witnesses before is not new.
27 I would take the opportunity at the right time to print so many
28 emails from my learned friend to put him on notice to the kind of
29 practice that the Prosecution engaged in and it is not

1 deliberate. It was all in need to respond to the vagaries of
2 this job. As and when we had to accommodate, we did, and the
3 Prosecution was also changing witnesses on the mornings before we
4 came to court. And we realise the difficulty of the situation
15:58:09 5 and I believe we can work together to avoid this situation where
6 they will be handicapped. I believe when we come before this
7 Court again, the story will be different. We will make steps
8 today, as we promised, to make sure they have all the information
9 to do their work as and when they want to do that effectively.
15:58:30 10 But no design or desire on our part to flout the orders of this
11 Court whatsoever.

12 I'm grateful for the time.

13 PRESIDING JUDGE: Thank you, Mr Graham. I think you said
14 all you wish to say on those last two points, Mr Agha.

15:58:45 15 MR AGHA: Yes, Your Honour. I just wanted to alert the
16 Court to the fact that this may from time to time arise, this
17 request for adjournments.

18 PRESIDING JUDGE: Yes, I appreciate what you were saying.
19 Look we will adjourn now. I will try to get back by say 20 past
15:59:02 20 4.00.

21 [Break taken at 4.03 p.m.]

22 [Upon resuming at 4.55 p.m.]

23 PRESIDING JUDGE: The Prosecution have applied for an order
24 that the Defence disclose the witness statement of witness number
16:51:34 25 DBK-094 on the basis that the witness summary provided by the
26 Defence was not adequate to enable the Prosecution to
27 cross-examine the witness. We have noted the submissions of
28 Prosecution and Defence in this regard.

29 The issue of a court ordering such a disclosure was

1 addressed by Trial Chamber I in its decision on Prosecution
2 request for an order to Defence pursuant to Rule 73 ter (B) to
3 disclose written witness statements.

4 The Trial Chamber in that case held that for the
16:52:35 5 Prosecution to succeed in its application for such disclosure,
6 pursuant to the Chambers discretionary authority in the matter,
7 the Prosecution must demonstrate, by prima facie evidence, that
8 by failure to disclose such Defence witness statements the
9 Prosecution will suffer undue or irreparable prejudice.

10 The Trial Chamber also considered that under the ordinary
11 meaning of Rule 73 ter (B) the Prosecution logically has no right
12 to disclosure of Defence witness statements and thereby there is
13 no correlative legal obligation on the Defence to produce such
14 witness statements to the Prosecution.

15 The issue was also addressed in the case -- in the ICTY
16 case of Tadic, the case being Prosecutor v Tadic IT-91-1-A
17 Appeals Chamber judgment, the majority decision 15 of July 1999,
18 at paragraph 319 and following. The ICTY Appeals Chamber held as
19 follows:

16:54:16 20 "There is no blanket right for the Prosecution to see the
21 witness statement of a Defence witness. The Prosecution
22 has the power only to apply for disclosure of a statement
23 after the witness has testified with the Chamber retaining
24 the discretion to make a decision based on the particular
16:54:35 25 circumstances in the case at hand."

26 And then the ICTY Trial Chamber goes on to explain at
27 paragraph 326 that this is because the power of a Trial Chamber
28 to order the disclosure of a prior Defence witness statement
29 relates to an evidentiary question: Namely, the Prosecution's

1 ability to test the credibility of Defence witnesses. It should
2 be left to the discretion of the Chamber, depending on the
3 circumstances of the case in hand, to order disclosure only after
4 the examination-in-chief of a particular Defence witness upon a
16:55:23 5 showing of necessity by the Prosecution.

6 In the present case, in the light of the witness's
7 testimony in chief, we are satisfied that the summary produced by
8 the Defence is insufficient to enable the Prosecution to prepare
9 for cross-examination and properly test the evidence of the
16:55:57 10 witness. Accordingly, we order the Defence to disclose the
11 witness statement to the Prosecution forthwith.

12 We say by way of comment that we would not like there to be
13 a proliferation of adjournment applications because of the
14 inadequacies of the Defence witness summaries. We remind the
16:56:36 15 Defence that in our oral ruling, on 17 May 2006, the Prosecution
16 complained that the summaries of facts provided by the Defence in
17 regard to 49 witnesses were inadequate and, on that date, we
18 noted that the parties undertook to discuss this issue in the
19 hope that some agreement can be reached.

16:57:07 20 By that we understood that the Defence summaries would be
21 adequate for the Prosecution to prepare its cross-examination.
22 We direct the Defence to review its summaries, where necessary,
23 in order to comply with their obligation to provide sufficient
24 summaries. If necessary, we will make further orders on this
16:57:42 25 particular issue.

26 Dealing now with the Prosecution application for an
27 adjournment. We have decided that it is sufficient adjournment
28 for the Prosecution if we adjourn this case to Thursday afternoon
29 at 2.00. We will commence sitting at 2.00 p.m. on Thursday,

1 which will be 13 July, and we will sit until 4.30.

2 The Prosecution has also alerted the Trial Chamber to two
3 other issues. At this stage we merely take note of the
4 Prosecution's submissions and we will deal with matters that
16:58:50 5 arise in relation to those matters if and when they do occur.

6 There is one more issue that Mr Manly-Spain brought it up.
7 Tomorrow is the annual Bar meeting, is that right? And elections
8 as well, I understand, Mr Manly-Spain?

9 MR MANLY-SPAIN: Yes, sir.

16:59:38 10 PRESIDING JUDGE: I understand that the national courts are
11 also closing; is that correct?

12 MR MANLY-SPAIN: Yes, sir.

13 PRESIDING JUDGE: I think we respected the Local Bar's day
14 last year and had a full day off to enable the counsel to go to
17:00:01 15 this meeting and the elections. I don't know whether Prosecution
16 has anything to say one way or the other on it, but I will
17 certainly give you the opportunity.

18 MR AGHA: No, Your Honour, we respect the Local Bar and we
19 are quite happy to abide by your decision.

17:00:26 20 PRESIDING JUDGE: Well, as my colleagues have said, we have
21 granted an adjournment until 2.15 on Thursday in any event. I
22 beg your pardon, not 2.15. Thursday will be 2.00 until 4.30 we
23 will sit on Thursday.

24 Now, Mr Witness, I will remind you of what I told you in
17:00:43 25 the lunch hour. You are not to discuss this case or the evidence
26 you give with anybody while you are in the course of your
27 evidence. You understand that?

28 THE WITNESS: Okay sir.

29 PRESIDING JUDGE: That means until such time as you are

1 excused from the witness box, and I don't mean today, I mean when
2 your evidence is completely finished, you cannot discuss the
3 evidence. You understand.

4 THE WITNESS: All right.

17:01:10 5 PRESIDING JUDGE: We will adjourn until 2.00 p.m. Thursday.

6 [Whereupon the hearing adjourned at 5.05 p.m.

7 to be reconvened on Thursday, the 13th day of

8 July, 2006, at 2.00 p.m.]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

EXHIBITS:

Exhibit No. D15 43

WITNESSES FOR THE DEFENCE:

WITNESS: DBK-082 3

EXAMINED BY MR DANIELS 4

CROSS-EXAMINED BY MR AGHA 15

WITNESS: DBK-094 24

EXAMINED BY MR GRAHAM 24