

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

FRIDAY, 14 JULY 2006
9.25 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg
Ms Evelyn Campos Sanchez

For the Registry:

Mr Geoff Walker

For the Prosecution:

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

For the Principal Defender:

No appearance

For the accused Alex Tamba
Brima:

Mr Kojo Graham
Ms Glenna Thompson
Mr Ibrahim Foday Mansaray (Legal assistant)
Ms Rebecca Cohen (intern)

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC14JUL06A-RK]
2 Friday, 14 July 2006
3 [The witness entered court]
4 [Open session]
09:18:10 5 [Upon commencing at 9.25 a.m.]
6 [The accused Kamara and Kanu present]
7 [The accused Brima not present]
8 PRESIDING JUDGE: Just before you start, Mr Graham. The
9 time is now 25 past nine. This Court starts at 9.15. I'm going
09:22:30 10 to ask for a report on why the prisoners were late to court. The
11 last time we were late starting I made inquiries, and it was
12 because of the accused dragging their feet and refusing to get
13 into the transport in time. I will see what the reason is this
14 time. But if it is a similar reason I can tell the accused that
09:23:01 15 the next time this happens we will start the trial without them
16 and they will be deemed to have waived their rights to be present
17 but they will not be able to hold this Court to ransom to start
18 when they feel like coming to court. And I hope that's very
19 clear to the accused. Yes, Mr Graham. Well, even now I see
09:23:33 20 Mr Brima is missing; where is he, do you know, Mr Graham?
21 MR GRAHAM: Your Honour, I spoke, he informed us yesterday
22 that he was not feeling well and that he wanted to take some rest
23 today, so he is not actually here. With his own consent. His
24 absence.
09:23:51 25 PRESIDING JUDGE: He is waiving his right to be present.
26 MR GRAHAM: That is so, Your Honour.
27 PRESIDING JUDGE: All right. Well, we note that accused
28 two and three are in court. Mr Brima, accused number one, has
29 chosen not to come to court and under Rule 60 we take it that he

1 has waived his right to be present and the trial will continue.
2 Yes, Mr Graham.
3 MR GRAHAM: Thank you, Your Honours. Good morning
4 Mr Witness.
09:24:29 5 THE INTERPRETER: His microphone is not own.
6 WITNESS: DBK-089 [Sworn]
7 [Witness answered through interpreter]
8 PRESIDING JUDGE: Mr Graham, I take it this is witness
9 DBK-089; is that right?
09:25:31 10 MR GRAHAM: That is so, Your Honour. He will be speaking
11 in Madingo.
12 PRESIDING JUDGE: Right. And he is a common witness; is
13 that correct?
14 MR GRAHAM: That is so, Your Honour.
09:25:41 15 PRESIDING JUDGE: Right. Yes, go ahead, please.
16 EXAMINED BY MR GRAHAM:
17 Q. Morning, Mr Witness.
18 A. How is the morning?
19 Q. Mr Witness, do you know your date of birth?
09:26:12 20 A. I know.
21 Q. Mr Witness, can you tell this Court your date of birth?
22 A. I am 51 years old this year.
23 Q. Do you know, Mr Witness, where you were born?
24 A. I was born in xxx.
09:26:47 25 Q. Do you know which chiefdom xxx is?
26 A. It is in Biriwa.
27 Q. Mr Witness, what is your tribe?
28 A. Madingo.
29 Q. Mr Witness, what languages do you speak?

- 1 A. I speak Madingo, Krio and some English.
- 2 Q. Mr Witness, what is your religion?
- 3 A. I am a Muslim.
- 4 Q. Mr Witness, are you educated?
- 09:27:56 5 A. Some.
- 6 Q. Can you tell this Court your level of education?
- 7 A. Form 5.
- 8 Q. What schools did you attend, Mr Witness?
- 9 A. I started at xxx school Koidu, but I came to xxx xxx
- 09:28:40 10 in Freetown.
- 11 Q. You just mentioned xxx; does that have any meaning,
- 12 Mr Witness?
- 13 A. xxx xxx school.
- 14 Q. Do you know what years you attended the xxx xxx
- 09:29:04 15 school, Mr Witness?
- 16 A. 1965 to 1968.
- 17 Q. Did you, Mr Witness, complete your education at the xxx
- 18 xxx school?
- 19 A. I sat the common entrance there and I passed.
- 09:29:42 20 Q. Thank you. When you sat the common entrance and passed,
- 21 Mr Witness, did you pursue your education further?
- 22 A. I proceeded to the xxx xxx.
- 23 Q. Can you tell this Court where the xxx xxx was
- 24 located, Mr Witness?
- 09:30:16 25 A. At xxx xxx, opposite the cemetery.
- 26 Q. In which town is xxx xxx, Mr Witness, if you know?
- 27 A. Freetown.
- 28 Q. Mr Witness, do you know the years that you attended the
- 29 xxx xxx school in Freetown?

1 A. '68 to 1973.

2 Q. Mr Witness, can you tell this Court what you studied, if
3 any, at the xxx xxx school?

4 A. Well, I studied Arabic, English, some French, some maths,
09:31:20 5 geography, history.

6 Q. Thank you, Mr Witness. Did you complete your education at
7 the xxx xxx school in Freetown?

8 A. Well, when I sat the exams, I left at form 5.

9 Q. Is there -- I had asked you, is there any reason why you
09:31:53 10 left at that time, Mr Witness?

11 A. Well, when I sat to the West African examinations
12 certificate, I finished and I left and I did not return.

13 Q. Thank you. Mr Witness, did you pursue your education after
14 the xxx xxx school in Freetown?

09:32:33 15 A. I couldn't proceed because of financial reasons.

16 Q. So what then did you do after you left the xxx xxx
17 school in Freetown?

18 A. Well, I used to sell clothing, cotton material.

19 Q. Where did you used to sell clothing material, Mr Witness?

09:33:13 20 A. Sefadu, in Koidu Town.

21 Q. Mr Witness, do you know what year this was that you were
22 trading?

23 A. Well, when I left school in '73, I went there to start this
24 business.

09:33:41 25 Q. So how long did you do this business, Mr Witness?

26 A. I continued doing it up to '79.

27 PRESIDING JUDGE: Mr Graham, I do not like to interrupt,
28 but the evidence so far has got us up to 1979, which is about 20
29 years short of the relevant period. Are we going to get his

1 whole life history up until 1998?

2 MR GRAHAM: Not at all, Your Honours. I'm moving beyond
3 that period. I'm grateful.

4 Q. Mr Witness, how long did you stay in Kono?

09:34:36 5 JUDGE DOHERTY: Did you say Kono, Mr Graham?

6 MR GRAHAM: Yes.

7 THE WITNESS: In Kono I went to my father in 1964. My
8 father was there. When I went there in '65, that is when I
9 started school. I was there until I came here to do my secondary
09:35:03 10 schooling. And it is here that I left and went to Kono, and from
11 Kono I went to Karina. I cannot tell the years.

12 Q. Mr Witness, you just told this Court that from Kono you
13 went to Karina. Can you tell this Court when you went to Karina?

14 A. When my father died in 1979, I went there.

09:35:37 15 Q. Mr Witness, you have told this Court that you went to
16 Karina in 1979. How long have you been living in Karina,
17 Mr Witness?

18 A. Well, from 1979 up 'til today, I am still in Karina, but
19 sometimes I go to Kono and then back to Karina, but I am still
09:36:12 20 there. I do not move about.

21 Q. Mr Witness, do you have a profession?

22 A. I am a farmer.

23 Q. Mr Witness, do you know, were you in Karina in the year
24 around May of 1998?

09:36:46 25 A. I was there.

26 Q. Mr Witness, are you married?

27 A. Yes, I am married with two wives.

28 Q. Do you have any children?

29 A. I have six children.

1 Q. Mr Witness, your two wives, where do they presently live?

2 A. The one is in Sefadu and the other one is in Karina.

3 Q. And your children, where do they presently live?

4 A. The children, two are with my wife in Kono, the others are
09:37:41 5 with me in Karina.

6 Q. Mr Witness, do you remember anything significant happening
7 in Karina in May of 1998?

8 A. Yes.

9 Q. Mr Witness, please tell this Court what happened?

09:38:24 10 A. I was in Karina in 1998 about the time of the Muslim prayer
11 called Jobenteh and we had just finished praying in the morning.

12 THE INTERPRETER: Your Honours, will the witness go a
13 little bit slower.

14 PRESIDING JUDGE: Mr Witness, would you please speak a
09:38:44 15 little more slowly, the interpreter is having trouble keeping up
16 with you.

17 MR GRAHAM: Thank you, Your Honours.

18 Q. Mr Witness, before you go on, you just mentioned a name?

19 JUDGE SEBUTINDE: He has to repeat -- he has to repeat
09:39:00 20 everything he said. We didn't catch any of it.

21 MR GRAHAM: Very well.

22 Q. Mr Witness, please take your time and answer the question I
23 put to you earlier on, which is: Tell this Court what happened
24 in May of 1998? Take your time, please.

09:39:24 25 A. What I can remember in 1996, 1998, during the prayer they
26 call Jobenteh, very early in the morning, after the early morning
27 prayers, a lady's house very close to the mosque said her house
28 was on fire and that rebels had entered. By the time I returned
29 to my house --

1 Q. Mr Witness [Overlapping speakers] before you go on, you had
2 mentioned a name, Jobenteh --

3 JUDGE SEBUTINDE: We have had it in this Court.

4 MR GRAHAM: Unless I have -- we have heard that before. So
09:40:09 5 you can proceed and please take your time, go slowly. Please
6 continue.

7 JUDGE SEBUTINDE: Sorry, the witness said a lady's house or
8 something, I didn't catch that. He said something about a lady's
9 house, next to the mosque.

09:40:21 10 MR GRAHAM:

11 Q. Please continue your story from what you told this Court as
12 to what you heard and from whom you heard?

13 A. The lady's whose house is close to the mosque. She
14 announced that rebels had entered.

09:40:41 15 Q. Mr Witness, before you go on, do you know this lady you
16 just mentioned?

17 A. Yes, I know her, but I do not want to mention her name here
18 now.

19 Q. Thank you. Mr Witness, if you can tell this Court, how did
09:41:04 20 you know that she was the one who, according to you, shouted?

21 A. I know her father. I know her mother. We were all born in
22 Kari na.

23 Q. Mr Witness, please continue. What happened when you heard
24 this lady shout?

09:41:49 25 JUDGE SEBUTINDE: I'm sorry. He said rebels had entered,
26 entered where, her house?

27 THE WITNESS: Kari na.

28 MR GRAHAM:

29 Q. Mr Witness, you have told this Court that you heard a lady

1 shout that the rebels were entering Karina. Did anything happen
2 after you heard her shout?

3 A. I ran away and everybody ran away from the village.

4 Q. Mr Witness, how do you know that every one ran away from
09:42:29 5 the village?

6 A. All of us in the village there we were together and we all
7 left and ran away.

8 Q. Mr Witness, where did you run away to?

9 A. When I left the mosque, I went to my house, but there was
09:42:57 10 no member of my family there, so I ran away towards the stream by
11 Mabol en.

12 Q. Mr Witness, before you ran away, did you yourself see any
13 rebels Karina?

14 A. I didn't see them.

09:43:25 15 Q. Mr Witness, you have just told this Court that you ran away
16 towards the Mabol en River. Were you alone?

17 A. My child was on my shoulder. I ran with that child who was
18 on my shoulders.

19 Q. Mr Witness, around what time of the day did you hear this
09:43:58 20 lady shout?

21 A. It was after 6.00 in the morning.

22 Q. Mr Witness, can you tell this Court how long you stayed in
23 the area towards the Mabol en River, after you - according to your
24 account - ran away from the town of Karina?

09:44:45 25 A. I was there for over two hours, I had no watch on my hand,
26 but I was there.

27 Q. During this period, did you know where the other residents
28 in Karina who, according to you, also ran away at the same time
29 that you also ran away? Did you know where they were at this

1 time?

2 A. I don't know.

3 Q. Apart from yourself and your members of family, were there
4 any other persons with you in the area with you around the

09:45:47 5 Mabolen River?

6 A. Where I went to hide myself, there was no other person with
7 me except me and my child, my single child.

8 Q. Thank you, Mr Witness. Mr Witness, you have told this
9 Court that you were in that area for a period of about two hours.

09:46:07 10 Can you tell this Court what did you do after the two-hour
11 period?

12 A. I did nothing. I just hid myself.

13 Q. Did you go back on that day to the town of Karina?

14 A. Yes. I kept hiding there. I heard gunshots later and when
09:46:48 15 the gunshot stopped, the sound of it, I didn't hear anything
16 after the shot, so I came out and then peeped. When I peeped, I
17 saw some people going back to town, so I also joined them and
18 then went to town.

19 Q. About how many people, approximately, did you see moving
09:47:16 20 back into the town of Karina when you peeped, Mr Witness?

21 A. I could not count the number at that time.

22 Q. So, Mr Witness, did you eventually get back to the town of
23 Karina?

24 A. Yes.

09:47:50 25 Q. Do you know around which time of the day you got back to
26 the town of Karina, Mr Witness?

27 A. Well, it could be around 9.00.

28 Q. Mr Witness --

29 A. Because I had no watch.

1 MS ALAGENDRA: Your Honour, if we can just confirm whether
2 it is 9.00 in the morning or in the evening.
3 PRESIDING JUDGE: Yes.
4 MR GRAHAM:
09:48:30 5 Q. Mr Witness --
6 A. It was in the morning.
7 Q. Mr Witness, do you know whether this was on the same day of
8 the attack by the rebels?
9 A. Yes, it was on the same day.
09:48:48 10 Q. Thank you. Mr Witness, when you got back to the town of
11 Karina, did you see anything?
12 A. I saw something.
13 Q. Mr Witness, please tell this Court what you saw?
14 A. I saw people whose bodies were cut and they were lying by
09:49:25 15 the road side.
16 Q. Mr Witness, please tell this Court, how many people did you
17 see lying by the road side?
18 A. Seven people.
19 Q. Mr Witness, you have told this Court and I stand to be
09:49:54 20 corrected, you have told this Court that you saw seven dead
21 people who had been cut. Could you explain to this Court what
22 you mean by that.
23 JUDGE SEBUTINDE: Did he say seven dead people.
24 JUDGE DOHERTY: No, he didn't.
09:50:14 25 MR GRAHAM:
26 Q. Mr Witness, you said you saw seven people who had been cut.
27 Can you tell this Court whether when you -- the seven people were
28 alive at the time you saw them?
29 A. The way I saw them, they were not alive, the way I saw

1 them.

2 Q. How do you know they were not alive, Mr Witness?

3 A. Well, they were all lying down there and they were not
4 speaking.

09:50:54 5 Q. And Mr Witness, if you told this Court they were cut, what
6 do you mean by they were cut?

7 A. They were cut and they died.

8 Q. Did you observe -- sorry, Your Honours, I withdraw that
9 question. Mr Witness, you told this Court that they were cut.

09:51:42 10 Do you know how they were cut?

11 A. Well, they cut some on the head, some on their shoulders.
12 That is the way they were cut.

13 Q. Mr Witness, do you know what they were cut with on their
14 shoulders, as you just told this Court?

09:52:10 15 PRESIDING JUDGE: You better lay some foundation for that
16 question, Mr Graham.

17 THE WITNESS: A cutlass.

18 MR GRAHAM:

19 Q. Mr Witness, how do you know that they were cut with a
09:52:25 20 cutlass? Please tell this Court how do you know?

21 A. The marks of the cutlass on their bodies, that is the way I
22 recognised that they were cut with cutlass.

23 Q. Mr Witness, when you -- were you alone when you saw these
24 seven bodies?

09:53:03 25 A. I was not alone. All the people in the town went to see
26 them. All those people that were there went to see them.

27 Q. Mr Witness, did anything happen after you, together with
28 all the people you have just mentioned, did anything happen after
29 you saw the seven bodies that had been cut?

1 A. Yes, things happened after that. I went back to my house.
2 When I returned to my house, I heard that the people who were cut
3 there was one amongst them who did not die. They said he did not
4 die. They took him and they put him in a hammock and took him
09:54:06 5 away to Makeni.

6 Q. Mr Witness, before you go on, please tell this Court how
7 did you hear -- [Overlapping speakers]

8 THE INTERPRETER: The witness called a name that we did not
9 get clearly.

09:54:21 10 PRESIDING JUDGE: Mr Witness, please repeat your answer.
11 The interpreter did not get everything that you said. Maybe ask
12 the question again, Mr Graham.

13 MR GRAHAM:

14 Q. Mr Witness, I asked of you whether anything happened after
09:54:38 15 you, together with the other people, saw the seven bodies and you
16 told this Court that you went back to your house. If you can
17 continue, the Court will want to hear your account from that
18 point, please.

19 A. Yes, I said I returned to my house. When I returned to my
09:54:58 20 house, I heard from some people, those people who gone there to
21 see, they said Alhaji Sacoh has not died, that is our section
22 chief. That we should put him in a hammock and take him to a
23 hospital.

24 MS ALAGENDRA: If I could ask for a spelling of that name,
09:55:22 25 please.

26 MR GRAHAM: Yes, I was going to ask him to do that.

27 THE WITNESS: Alhaji Sacoh.

28 Q. We want the spelling?

29 A. Yes. To spell it S-A-C-O-H.

1 Q. Thank you, Mr Witness. Mr Witness, I had asked you, how
2 did you know that Alhaji Sacoh had died, how did you know?
3 Please tell this Court?

4 A. I said together with the people whom we went with them,
09:56:05 5 when I went to my house, they came and met me and said, Father,
6 those people who have been cut our section chief had not died,
7 I let us take him to a hospital. I took my boys and put him in a
8 hammock and took him to Kamabai, no Makeni.

9 Q. Thank you, Mr Witness. Mr Witness, you said there were
09:56:34 10 seven bodies, you've also told us that one of which was the
11 section chief, Alhaji Sacoh, do you, Mr Witness, know the other
12 six persons whose bodies you saw?

13 A. I know them.

14 Q. How do you know them, Mr Witness.

09:57:07 15 A. I know them from their faces.

16 Q. Were they residents of Karina, if you know, Mr Witness?

17 A. Those people who have been cut, there was one among them
18 who was a Fullah, he came from cokor so he just met this thing
19 and they killed him.

09:57:29 20 Q. Can you spell cokor for this Court, if you know,
21 Mr Witness?

22 A. It is a Madingo word. In Krio we say over the river. It
23 is a Madingo word. Cokor. C-0-K-0-R.

24 Q. Thank you. Mr Witness, before I go on, you earlier on told
09:58:05 25 this Court, and I stand to be corrected, that you were in the
26 mosque when you heard the lady shout. Mr Witness, can you tell
27 this Court, if you know, how many of you were in the mosque at
28 the time you heard the shouting by the lady?

29 A. I wouldn't know. We were many.

1 Q. Do you know, Mr Witness who -- Mr Witness, at this time
2 that you were in the mosque, was anyone leading the prayers at
3 the time?

4 A. Because the Imam that used to pray with us was not there,
09:59:12 5 so it was somebody else. His elder brother who was there, was
6 old.

7 THE INTERPRETER: Your Honours, he has called a name that I
8 did not get clearly.

9 PRESIDING JUDGE: Can you repeat that name, please,
09:59:26 10 Mr Witness.

11 THE WITNESS: I said the old man who was praying with us
12 was not in town he was here in Freetown but his older brother who
13 was in the town, Alhaji Foday Tejannie he too was too old but he
14 would appoint somebody who would pray with us but I have
09:59:54 15 forgotten the particular person who prayed with us on that day.

16 MR GRAHAM:

17 Q. Mr Witness, before you go on you just mentioned a name
18 Alhaji Foday Tejannie. Could you spell Foday Tejannie if you
19 know?

10:00:12 20 A. I can. F-O-D-A-Y, Foday, T-E-J-A-N-N-I-E, Tejannie.

21 Q. Thank you, Mr Witness. Mr Witness, you have told this
22 Court that the -- excuse me, Your Honours, I withdraw that
23 question. Mr Witness. Is there any individual in, if you know,
24 in Karina who is -- and I'm referring to the period of May 1998.

10:00:59 25 Do you know whether there was any individual in Karina who was
26 responsible for the administration of the mosque that you were
27 praying in on that day?

28 A. I have said that Alhaji who was in charge of the mosque, at
29 that time he had left Karina. His elder brother who was there

1 that was old, I have told you his name because in our town the
2 issue of the mosque was with the people.

3 Q. Can you explain to this Court what you mean by the issue of
4 the mosque was with the people, Mr Witness?

10:02:13 5 A. Kallon is a surname in Karina, I said Kallon, but there are
6 up to five surnames there. But there is one which is responsible
7 for that. The Kallons have the Imamship and the Sheriffs have
8 the section chief and the Fofanahs have the chieftaincy. That is
9 how we are staying in that town.

10:02:51 10 Q. You have just told this Court the Kallons were responsible
11 for Imamship. Can you please explain what you mean by that to
12 this Court, Mr Witness?

13 A. What that means is that they were dealing with everything
14 that concerns the mosque.

10:03:21 15 Q. So, Mr Witness, you have told this Court that the Alhaji,
16 who was in charge of the mosque was not in Karina at the time.
17 How do you know that he was not in Karina at the time?

18 A. How I came to know he had left three days before this thing
19 happened.

10:03:48 20 Q. I want you to tell this Court how do you know he had left
21 three days before this thing happened?

22 A. Whenever he wants to leave, he would bid farewell.

23 Q. And can you tell this Court how he bid this farewell?

24 A. He would not summon everybody. After we had prayed the
10:04:22 25 evening prayer he would tell the Jammah that "tomorrow I'm going
26 to leave." That is how we would do it.

27 Q. Mr Witness, this Alhaji who you said was in charge of the
28 mosque at the time, do you know whether he was a Kallon?

29 A. He is a Kallon.

1 Q. And Mr Witness, can you tell this Court, you just told us
2 that apart from the seven bodies that you said you saw in Karina
3 when you returned from your hide-out, did you see anything else
4 when you returned to Karina, Mr Witness?

10:05:21 5 A. I saw something else, because I saw fire in some houses.

6 Q. Do you know how many houses you saw on fire?

7 JUDGE SEBUTINDE: I'm sorry, I do not understand. Did he
8 say he saw fire on houses? Can you clarify, please.

9 MR GRAHAM: Thank you, Your Honour.

10:05:52 10 Q. Mr Witness, I asked you whether you saw anything else apart
11 from the seven bodies. Can you repeat your response to that
12 question, please.

13 A. I said apart from those seven people I saw fire on houses.
14 They were burning. The zinc has collapsed and the fire was on
10:06:25 15 them. I saw that with my own very eyes.

16 Q. Thank you. Mr Witness, do you know approximately how many
17 houses you saw on fire on that --

18 A. It could be 15 or 16.

19 Q. How do you -- sorry, Mr Witness, how did you arrive at the
10:06:57 20 figure 15 or 16 houses, Mr Witness?

21 A. I counted them. I walked around, counted them one after
22 the other.

23 Q. Did you walk around alone, Mr Witness, when you were
24 counting the houses on fire?

10:07:25 25 A. Together with the people who were in the town, we walked
26 around.

27 Q. Thank you, Mr Witness. Mr Witness, coming back to the
28 mosque, I will ask a few questions of you before I continue. You
29 told this Court that you were in the mosque in the morning of

1 that day. Mr Witness, can you tell this Court how many mosques,
2 if you know, did you have in Karina on the day of the attack by
3 the rebels?

4 A. I know about only one mosque in Karina.

10:08:23 5 Q. Have you -- do you know whether there have been any
6 additional -- whether there -- sorry, Your Honours. Prior to the
7 attack on Karina in May of 1998, prior to the attack, you have
8 told me the day -- how many mosques there were in Karina on the
9 day of the attack, I am asking you before the attack, how many
10:08:53 10 mosques did you have in Karina?

11 A. I know of one mosque.

12 Q. And presently how many mosques do you have in Karina?

13 A. One.

14 Q. And during the period from the attack on May 1998 until now
10:09:20 15 within that period, have there been any additional mosques built
16 in Karina?

17 A. It is that same one mosque that is in Karina.

18 Q. Thank you, Mr Witness. Mr Witness, you told this Court you
19 were in the mosque praying with a number of people when you heard
10:09:48 20 a lady shout that the rebels had come and I'm asking you
21 whether -- did any of the rebels enter the mosque the time you
22 were praying?

23 A. I did not see him.

24 Q. Mr Witness, you just told this Court that you moved around
10:10:23 25 the town of Karina with other people counting the houses that
26 were on fire. During this period, did you go back to the mosque,
27 Mr Witness?

28 A. I did not return to the mosque because there was no fire on
29 the mosque.

1 Q. And did you go into the mosque any time after you -- any
2 time after you counted the houses that were on fire?

3 A. Yes, I entered the mosque during the afternoon prayers. I
4 went there and prayed and left.

10:11:34 5 Q. Mr Witness, was this on the same day that you returned back
6 to the town from your hide-out?

7 A. All that happened on that same day.

8 Q. Okay. Mr Witness, do you know approximately around what
9 time you went and had your morning prayers on the day -- sorry,
10:12:10 10 Your Honours, your afternoon prayers on that day?

11 A. 4.00.

12 Q. Thank you, Mr Witness. Mr Witness, when you got back into
13 the mosque for your afternoon prayers, what did you see?

14 A. I did not see anything there.

10:12:59 15 Q. Was the mosque, if you know, any different from the way it
16 was when, according to you, you ran out earlier on in the morning
17 when the lady -- you heard the lady shout that the rebels had
18 come?

19 A. It was not in any other way. It was in the same way.

10:13:28 20 Q. Mr Witness, I'm going to ask of you, do you know whether
21 anyone was killed in the mosque during the attack by the rebels
22 in the morning that you have told us about?

23 A. I don't know.

24 Q. Mr Witness, when you say you don't know, can you explain to
10:14:07 25 this Court what you mean by you don't know?

26 JUDGE SEBUTINDE: Mr Graham, I don't know is quite simple
27 to understand.

28 MR GRAHAM:

29 Q. Mr Witness, the seven bodies that you told us about -- Your

1 Honours, I will withdraw that and ask another question.

2 Mr Witness, you told this Court about moving around with other
3 residents of Karina to count the house that were on fire. Did
4 you do anything else after that?

10: 15: 04 5 A. If I did something after that?

6 Q. Yes.

7 A. Those houses, I returned to my house. When I returned to
8 my house, I sat down there and thought about my family.

9 Q. Thank you, Mr Witness. Mr Witness, when you returned back
10: 15: 36 10 to Karina Town and, according to you, together with other people
11 you saw the dead bodies, did you during this period get to know
12 the name of any of the rebels that had attacked Karina?

13 A. I did not see them. How would I know their names?

14 Q. I was asking whether anyone mentioned the names but I will
10: 16: 25 15 move on. Mr Witness --

16 MS ALAGENDRA: Your Honour, if I can object, this question
17 has already been asked and answered. He said he doesn't know.

18 PRESIDING JUDGE: Yes, I know that, but Mr Graham said he
19 was moving on. He wasn't really asking a question.

10: 16: 38 20 MR GRAHAM: That is so, Your Honour.

21 Q. Mr Witness, I'm going to take you back to the period prior
22 to the attack by the rebels in May of 1998 and I please want you
23 to cast your mind back. Prior to the attack on Karina in May of
24 1998, do you know whether any persons described as rebels,
10: 17: 09 25 whether any of them had ever been to Karina prior to the attack?

26 A. During the dry season when the intervention took place in
27 Freetown, some soldiers went to Karina, but they were not wearing
28 any uniform. They were not wearing any uniform. They went and
29 stayed there. There were five in number, five men. They went

1 and stayed there. They stayed there and they did not fight with
2 anybody. They did not take anybody's property. They were there
3 and they said if anybody had a gun and in anybody's town and they
4 did not surrender that gun, that person would be an offender and
10:18:08 5 that is why the people left there. Where they went, I do not
6 know. That is before the attack happened.

7 Q. Do you know which year this was that these five men you
8 described came to Karina?

9 A. I have forgotten the time.

10:18:32 10 Q. But during the time that these five men came to Karina, did
11 you happen to get to know the name of any one of them?

12 A. I heard one of their names among them. They called him
13 Jabbe.

14 Q. Could you spell that for this Court, please?

10:19:00 15 A. J-A-B-B-E.

16 Q. Do you know whether Jabbe and his men were armed?

17 A. There were two among them whom I saw with guns at all
18 times.

19 Q. Mr Witness, apart from this group of five men you have just
10:19:53 20 described to this Court was there -- did you see any other group
21 of men with arms visiting Karina before the May 1998 attack?

22 A. I did not see them.

23 Q. Mr Witness, when you got back to Karina on that day after
24 the attack by the rebels, did you get to know whether the rebels
10:20:40 25 had committed any amputations in Karina?

26 A. I did not see that and I did not hear that.

27 Q. Mr Witness, when you got back to Karina Town on that day,
28 did you get to know whether the rebels had committed any rape or
29 rapes in the town of Karina?

1 A. Well, they captured some women and children and took them
2 away.

3 Q. Mr Witness, before I come to that, my question was on rape,
4 whether you got to know whether the rebels during the attack
10:22:00 5 committed any rape or rapes in Karina?

6 A. In town, they did not stay long in that town. When they
7 entered, they did not stay long. They just captured them and
8 took them away.

9 Q. Mr Witness, do you understand what I mean by the word
10:22:36 10 "rape"?

11 A. I have understood, to have sex forcefully with a woman.

12 Q. Thank you, Mr Witness and my question was whether during
13 the attack by the rebels you heard -- Mr Witness, how did you
14 know that the rebels took away some people, as you just said,
10:23:13 15 from Karina? How do you know that?

16 A. How I came to know, those people who disappeared, I knew
17 from them.

18 Q. How did you know from them?

19 A. They said they have taken their children away, that they
10:23:39 20 have taken their girl children, their children and the boys away.

21 Q. Thank you, Mr Witness. Mr Witness, I was going to ask of
22 you whether Jabbe and his men were in Karina up to the time of
23 the attack by the rebels in May of 1998?

24 MS ALAGENDRA: Your Honour, this is a leading question.

10:24:10 25 PRESIDING JUDGE: The other thing, Mr Graham, is that he
26 never at any stage said they were Jabbe's men. If you remember
27 he said he could only remember one name and that was Jabbe. He
28 did not say Jabbe was in charge of the others.

29 MR GRAHAM: Thank you Your Honour. I'm grateful.

1 Q. Mr Witness, you have told this Court, and I stand to be
2 corrected, I think Jabbe and five other men at some time?

3 PRESIDING JUDGE: Four other men.

4 MR GRAHAM:

10:24:45 5 Q. Sorry, four other men came to Karina during the period of
6 the intervention?

7 JUDGE DOHERTY: He never mentioned the intervention.

8 MR GRAHAM: Your honours, I believe he said intervention.

9 JUDGE DOHERTY: Sorry, I withdraw that.

10:25:06 10 MR GRAHAM:

11 Q. Mr Witness, do you know how long they stayed, to the best
12 of your knowledge, in Karina?

13 PRESIDING JUDGE: I will not allow that question,

14 Mr Graham. He said before that they stayed in Karina, "I have
10:25:19 15 forgotten the time."

16 MR GRAHAM: Thank you.

17 Q. Mr Witness, do you know how they came, Jabbe and these four
18 other men, do you know how they came to Karina?

19 A. They came with a vehicle.

10:25:54 20 Q. And do you know which type of vehicle they came in?

21 A. It was a Mercedes.

22 Q. Thank you. Mr Witness, during the time that these five men
23 were in Karina, do you know whether anyone was in charge of them?

24 A. Well, we all knew Jabbe.

10:26:36 25 Q. When you say you all knew Jabbe, what do you mean by that?

26 A. Well, his name was prominent. It looks like maybe, maybe
27 he was the leader.

28 Q. You just told this Court that "We, we all knew Jabbe."

29 What do you mean by "we"?

1 A. I said those of us who were in the town, it was Jabbi's
2 name that we knew. Those of us who were in the town. Those of
3 us who were staying in the town at that time.

4 Q. Mr Witness, you have told this Court that these five men
10:27:35 5 were in Karina and left at some point. Can you tell this Court,
6 if you know, whether any of these five men ever came back to
7 Karina after they left?

8 A. I did not see them afterwards.

9 Q. Mr Witness, you have just told this Court that you did not
10:28:09 10 see, but did you hear from anyone that anyone of the five men had
11 come back to Karina in the time after they left?

12 A. When the attack happened, after one day, then the second
13 day I heard from somebody that during that running he met with
14 Jabbe and he greeted Jabbe and Jabbe asked him about the Imam and
10:28:56 15 he told him that the Imam was in the mosque. That is how it
16 ended. They split. Jabbe went away and he ran away.

17 Q. Mr witness, before I go on, you have told this Court that
18 somebody told that. Who was this person that at the risk of
19 mentioning his name, was this person --

10:29:22 20 A. I don't want to call that persons's name here.

21 Q. But was the person a resident of Karina?

22 A. Yes.

23 Q. How long have you known that person up to the time that he
24 told you that?

10:29:44 25 JUDGE SEBUTINDE: Mr Graham, we can hardly hear what you
26 are asking. Could you please speak up.

27 MR GRAHAM: There seems to be a problem, but I will speak
28 up as much as I can.

29 JUDGE SEBUTINDE: If you can speak up, we can hear.

1 MR GRAHAM: I will take this opportunity to formally lodge
2 a complaint with the system they have here. There seems to be
3 getting breaks in and out.

4 Q. Mr Witness, I am asking that this individual you said told
10:30:14 5 you about Jabbe, how long have you known that person?

6 A. Well, I know his mother, I know his father. We were all
7 born there. It has taken a long time.

8 Q. Mr Witness, when, according to you, he told you that he saw
9 Jabbe -- after he told you that he saw -- sorry, Your Honours.
10:31:11 10 Mr Witness, apart from that individual, did anyone else tell you
11 about seeing Jabbe on that day?

12 MS ALAGENDRA: Your Honour, that is leading.

13 THE WITNESS: I did not hear it from anybody.

14 Q. Mr Witness, I'm going to ask of you, after the attack by
10:31:40 15 the rebels, when you, according to you, you returned back to
16 Karina, during this period did you -- did any -- did you see any
17 armed men in Karina any time after the attack on May 8, 1998?

18 A. I did not see anybody.

19 Q. Did -- before I go on I'm going to ask of you, take you
10:32:35 20 back and ask a few questions relating to the seven bodies you saw
21 when you came back from your hide-out. You have told us about
22 Alhaji Sacoh, if I'm right, who was taken to Makeni. Do you know
23 what happened to the other six bodies?

24 A. Those bodies, that stayed there and in the morning, they
10:33:13 25 buried them.

26 Q. Who buried them, if you know, Mr Witness?

27 A. The men who were in the town.

28 Q. Do you know where they were buried?

29 A. They were buried on the road going to Maboléh, on the

1 left-hand side, that is where they were buried.

2 Q. Do you know how they were buried?

3 A. They buried them in two graves. They dug two graves close
4 to each other.

10:34:04 5 Q. Do you know whether these two graves still remain in Karina
6 today?

7 A. Yes.

8 Q. Mr Witness, you have told this Court about the attack by
9 the rebels in May of 1998 and I'm asking of you that soon, not
10:34:58 10 long -- was there any other attack on Karina any time after the
11 attack on May 8, 1998?

12 A. No other attack took place.

13 Q. Did you -- Mr Witness, did you see -- you have told this
14 Court that Jabbe, together with the four men, arrived in Karina
10:35:46 15 in a Mercedes Benz vehicle and I'm asking of you that after the
16 attack, did you see any other armed men coming to Karina in a
17 vehicle?

18 A. I saw them.

19 THE INTERPRETER: Your Honours, can the witness take his
10:36:28 20 answer again, slowly.

21 PRESIDING JUDGE: Mr Witness, the interpreter says you are
22 speaking too quickly for him to interpret. Could you start your
23 answer again, a little more slowly, please. Ask the question
24 again, Mr Graham.

10:36:55 25 MR GRAHAM: Thank you Your Honours.

26 Q. Mr Witness, I had asked of you whether after the attack on
27 Karina in May of 1998 you saw any armed men in a vehicle coming
28 to Karina?

29 A. I saw them. Those whom I saw, we call them. They were

1 ECOMOG soldiers. We called them that this thing that is
2 troubling us they should come and solve it.

3 Q. Mr Witness, before you go on, when you say "we called
4 them," what do you mean by we called them?

10:37:46 5 A. What I mean is that those of us who were in the town we sat
6 down and we spoke to the Land Rover owner that he should go to
7 Makeni and take ECOMOG and bring them. So he went to Makeni,
8 took ECOMOG and brought them to Karina.

9 Q. Mr Witness, you just told us about a Land Rover owner. Who
10:38:11 10 was this Land Rover own, Mr Witness?

11 A. The Land Rover owner, I don't want to say his name.

12 Q. Mr Witness, so when you sent this Land Rover owner to
13 ECOMOG, what -- do you know what happened after you sent him?

14 A. When the rebels attacked, we left the corpses, we were not
10:38:57 15 going to bury them until ECOMOG arrives. So in the morning we
16 made that arrangement to go and bring ECOMOG, and bring them so
17 he went and brought ECOMOG.

18 Q. When ECOMOG came, how many ECOMOG came to Karina after you
19 sent for them, if you know?

10:39:22 20 A. I did not count them. They were in the Land Rover, but the
21 Land Rover was filled to the brim.

22 Q. Do you know whether the ECOMOG did anything in Karina?

23 A. When they came, the route that the rebels used, they went
24 with the Land Rover on that same route and they shot and they
10:39:59 25 went again and shot, but they did not come down. After they had
26 shot the gun, they came back and returned.

27 Q. How do you know ECOMOG shot the gun, Mr Witness, how do you
28 know?

29 A. We stood there and watched them. They shot the gun and we

1 hear the sound of the gun.

2 Q. In which direction, if you know, did they shoot the gun,
3 Mr Witness?

4 A. Towards Mandaha and the other side of the town.

10:40:48 5 Q. Thank you, Mr Witness. Mr Witness, apart from the
6 ECOMOG -- the shot that you have told us about, did ECOMOG do
7 anything else in Karina when they got there?

8 A. They did not do anything else.

9 MR GRAHAM: Your Honours, I'm going to move into a new line
10:41:19 10 of questioning, my last set of questions, just looking at the
11 time.

12 PRESIDING JUDGE: Yes, we will take a break now.

13 Mr Witness, we're going to have a short break. I should tell you
14 that you are not permitted to discuss the evidence or the case
10:41:38 15 with anybody while you are in the course of giving evidence. Is
16 that clear?

17 THE WITNESS: Yes, yes, I have heard.

18 PRESIDING JUDGE: All right. We will adjourn until 11.00.

19 [Break taken at 10.45 a.m.]

10:56:18 20 [Upon resuming at 11.03 a.m.]

21 MR GRAHAM: Thank you, Your Honours.

22 Q. Mr Witness, just before the short recess you were telling
23 this Court about the ECOMOG coming to the town of Karina. Do you
24 know how long ECOMOG stayed in Karina when they came?

11:01:11 25 A. I cannot tell, but they did not stay long.

26 Q. And Mr Witness, did you, during this period that the ECOMOG
27 was in Karina Town, did you hear of any Alpha Jets flying over
28 Karina?

29 A. When they repelled the rebels from Mandaha, it was after

1 that that the Alpha Jet came and flew over Mandaha and dropped
2 bombs and it destroyed the roof of three houses.

3 Q. Mr Witness, before you go on, how did you know that Alpha
4 Jets bombed Mandaha?

11:02:23 5 A. From Karina to Mandaha, it is not a long distance. When
6 they were repelling them from there, whatever was happening
7 there, we would hear.

8 Q. How did you hear whatever was happening in Mandaha,
9 Mr Witness?

11:02:39 10 A. Are you asking me about Karina or Mandaha?

11 Q. I'm asking you about Mandaha. I will come to Karina after
12 that and my question was that you had told this Court --

13 A. I cannot say anything in relation to Mandaha.

14 Q. Thank you. Then let's come to Karina, Mr Witness. You
11:03:28 15 have told this Court about seeing Alpha Jets. What time of the
16 day, if you know, did you see these Alpha Jets flying over
17 Karina, Mr Witness?

18 A. It happened during the afternoon prayers.

19 Q. And how many -- do you know how soon after the rebel attack
11:04:00 20 did you see these Alpha Jets flying over Karina?

21 A. I cannot remember the time.

22 Q. But was it a long time, was it a long period after the
23 rebels attacked Karina?

24 A. It was not long, too long.

11:04:44 25 Q. And, Mr Witness, do you know where these Alpha Jets were
26 coming from?

27 A. It came from across the river. It came from across the
28 river. The river is going down the other way and the Alpha Jet
29 is coming from that end. It came to this end and it returned

1 from that same end.

2 Q. Did you get to know, Mr Witness, who was flying the Alpha
3 Jets?

4 PRESIDING JUDGE: Do you mean the name of the pilot?

11:05:33 5 THE WITNESS: I don't know that.

6 MR GRAHAM:

7 Q. Very well. Mr Witness, did anything happen in Karina when
8 you saw these Alpha Jets flying over the town?

9 A. I heard sporadic firing in the town and I saw three houses
11:06:13 10 which had been destroyed.

11 Q. Do you know where this firing was coming from, Mr Witness?

12 A. It was coming from up there.

13 Q. Mr Witness, what do you mean by "up there," can you explain
14 to this Court?

11:06:48 15 A. Just like we're sitting here. If somebody drops something
16 on my head, I will know that is it coming from up there. So it
17 was the bullets were coming from underneath the jets.

18 Q. Mr Witness, you have told this Court that -- sorry, I
19 withdraw that question, Your Honours. Mr Witness, when,
11:07:24 20 according to you, you saw the bullets - I stand to be corrected -
21 coming from the jet, did anything happen, do you know?

22 A. I saw three houses with the roofs having holes in them as a
23 result of the bullet.

24 Q. How did you know that the holes were as a result of the
11:07:56 25 bullet?

26 A. When I was hearing the sound from upstairs, it was just
27 like thunder. After it had passed by we went there and looked at
28 the houses.

29 Q. Thank you, Mr Witness. When you went to look at the

1 houses, what did you see?

2 A. What I saw, I saw the first house -- the roof had holes in
3 them as a result of the bullet.

4 Q. Do you know whether anything else happened to the houses,
11:08:53 5 apart from the bullets that had gone through?

6 A. It made holes in the zinc, the zinc that was on top of the
7 house.

8 Q. Mr Witness, you earlier on told this Court that some women
9 were captured by the rebels during the attack in Karina in May of
11:09:43 10 1998 and I'm asking how do you know that they were captured?

11 PRESIDING JUDGE: He answered that question before.

12 MR GRAHAM: That is true, Your Honour.

13 Q. Mr Witness, do you know any of the women who were -- do you
14 know any of the women who were captured by the rebels during the
11:10:20 15 attack?

16 A. I know some of them.

17 Q. How many of them do you know, Mr Witness?

18 A. Five of them.

19 Q. Do you know their names, Mr Witness?

11:10:40 20 A. I know their names.

21 Q. Mr Witness, if, with the permission of the Court, I provide
22 you with a paper, can you write down the names?

23 A. I will be able to write them.

24 [Witness complies]

11:12:27 25 THE WITNESS: I have written four, but I have forgotten the
26 name of the one. Can you hear? The interpreter.

27 MR GRAHAM:

28 Q. Witness, if I could get you to number them from one to
29 four. Please number them, if you can.

1 PRESIDING JUDGE: Yes, witness, you have got your hand up.
2 Do you want something?

3 THE WITNESS: Yes. Yes. What did you say?

4 MR GRAHAM:

11:14:35 5 Q. Mr Witness, did you want to say anything?

6 A. I have remembered the name of the individual that I forgot.
7 Now, I want to write that name.

8 MR GRAHAM: Your Honours, if I may, with your permission,
9 the way the witness has written the names, it is not very
11:14:59 10 legible.

11 Q. If you could write it in capital letters, to make it a
12 little bit clearer. The third and fourth names, you cannot read
13 it very well at all. You can let Your Honours see it.

14 THE WITNESS: Please bring it.

11:17:13 15 PRESIDING JUDGE: I think, Mr Graham, you want this piece
16 of paper returned to the witness, do you?

17 MR GRAHAM: That is true, Your Honour.

18 PRESIDING JUDGE: Did you ask him to do something about
19 that writing?

11:17:56 20 MR GRAHAM: Yes.

21 Q. Mr Witness, the surnames, I think the third and fourth is
22 not legible. Yes. He said he was going to do it. Are you
23 writing them in capital letters?

24 JUDGE SEBUTINDE: He said he was writing a fifth name, but
11:18:15 25 you haven't asked him to rewrite the other three.

26 MR GRAHAM:

27 Q. Mr Witness, please do write the surnames.

28 A. Yes.

29 Q. Thank you.

1 PRESIDING JUDGE: Did you want this paper returned to the
2 witness?

3 MR GRAHAM: That is so, Your Honours.

4 Q. Mr Witness, you have a sheet of paper in front of you. And
11:24:07 5 you have five names written and then numbered one to five. I'm
6 going to ask you: Do you know the name, which you have written
7 which you've numbered as one? Do you know that person,
8 Mr Witness?

9 A. Yes, I know him.

11:24:40 10 Q. Do you know where that person is now?

11 MS ALAGENDRA: Your Honour, just to clarify something. The
12 interpretation I got was, "I know him."

13 PRESIDING JUDGE: That is the interpretation we all got. I
14 think you can rely on Mr Graham to clear that up.

11:25:06 15 MR GRAHAM: Thank you, Your Honours.

16 Q. Mr Witness, the name you have written on that piece of
17 paper which is numbered one, do you know whether that person is a
18 male or female?

19 A. She is a woman.

11:25:22 20 Q. Thank you. And do you know where she is now?

21 A. She is in Karina.

22 Q. How do you know that she is in Karina?

23 A. We are all staying there together.

24 Q. Do you know whether she was living in Karina during the
11:25:51 25 time of the attack on May 8, 1998?

26 MS ALAGENDRA: Your Honour, I think the testimony of the
27 witness was she was one of those captured on the day.

28 PRESIDING JUDGE: Yes, that was the testimony. I presume
29 that follows that she was there.

1 MR GRAHAM: Thank you.

2 Q. Mr Witness, going down to the name which is numbered two on
3 the sheet of paper in front of you, is that person a male or
4 female?

11:26:27 5 A. Female.

6 Q. And do you know where that person presently is?

7 A. She is in Karina.

8 Q. Mr Witness, the name that you have and which is numbered
9 three on the sheet of paper in front of you, do you know that
11:26:55 10 person?

11 A. I know the individual.

12 Q. Is that individual a male or female?

13 A. A female.

14 Q. Do you know where that person presently is?

11:27:14 15 A. Now, I hear she lives in Bo.

16 Q. Thank you. Mr Witness, I'm going to move on to the name
17 which you have numbered four on the sheet of paper in front of
18 you. Do you know that person whose name you have numbered as
19 four on the sheet of paper in front of you?

11:27:42 20 A. I know the individual. She is a female.

21 Q. Thank you, Mr Witness. Do you know where that person
22 presently is?

23 A. I hear she died when they took her away. She died with
24 them.

11:28:03 25 Q. Thank you, Mr Witness. Mr Witness, in relation to the name
26 which you have numbered five on the sheet of paper in front of
27 you, do you know that person?

28 A. I know the person.

29 Q. Is that person a male or female?

1 A. She is a female.

2 Q. Mr Witness, do you know where that person presently is?

3 A. She came from the battle and she came from the war and she
4 died -- it was not long afterward that that she died.

11:28:48 5 Q. Thank you, Mr Witness.

6 MR GRAHAM: Your Honours, I don't have any further
7 questions in relation to the sheet of paper, but subject to any
8 objections from my friends on the other side, we would want to
9 tender the sheet of paper in evidence.

11:29:05 10 PRESIDING JUDGE: Yes. Does the Prosecution have anything
11 to say?

12 MS ALAGENDRA: We have no objections.

13 PRESIDING JUDGE: Thank you. Mr Court Attendant, could you
14 take possession of that piece of paper, please.

11:29:34 15 MR GRAHAM: Your Honours, we would further humbly apply
16 that the evidence, the sheet of paper be put under seal.

17 PRESIDING JUDGE: You wanted to make an application?

18 MR GRAHAM: Yes. We would humbly apply that it be put
19 under seal.

11:29:56 20 PRESIDING JUDGE: I think the next exhibit number is D16.
21 So the list of five persons, given by witness DBK-089, will be
22 admitted as Exhibit D16 and it will be marked "Confidential -
23 under seal."

24 [Exhibit No. D16 was admitted]

11:30:32 25 PRESIDING JUDGE: Go ahead, Mr Graham.

26 Q. Mr Witness, you have told this Court about a number of
27 things that happened in Karina when you returned from your
28 hideout on the day of the attack by the rebels. Mr Witness, I'm
29 going to ask of you: Do you know whether any individual or

1 individuals were burnt in any house or houses during the attack
2 by the rebels on Karina Town in May of 1998?

3 A. I don't know that.

4 Q. Did you hear from any of the people in Karina as to whether
11:31:36 5 any individual or individuals were burnt in any house or houses
6 in Karina?

7 MS ALAGENDRA: Your Honour, I object on the basis that the
8 witness says he doesn't know. It can be assumed that he didn't
9 hear or see.

11:31:56 10 PRESIDING JUDGE: Yes. I won't allow that question. Go
11 ahead, Mr Graham.

12 MR GRAHAM:

13 Q. Mr Witness, did you hear, after your return from your
14 hideout on that day, whether any individual or individuals had
11:32:19 15 been thrown down from a storey building in Karina?

16 A. I heard that one girl was thrown from upstairs downwards.
17 I heard that.

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

19 A. I heard it from the people in the town with whom we were
11:32:54 20 staying together.

21 Q. Mr Witness, do you know -- Mr Witness, you have told us
22 that you heard a girl was thrown. Do you know this girl that you
23 heard was thrown down?

24 A. I know her.

11:33:26 25 Q. Do you know how old she was at the time when she was thrown
26 down?

27 A. I don't know the age.

28 Q. Mr Witness, you have told this Court that you know her.

29 Can you tell this Court how you know her?

1 A. I know her parents, I know herself.

2 Q. Did you hear what happened, if anything -- if anything
3 happened to her when she was thrown down from the storey
4 building?

11:34:28 5 PRESIDING JUDGE: Actually, he said thrown from upstairs.

6 THE WITNESS: Nothing happened to her, because she did not
7 die. But she had some pains.

8 MR GRAHAM:

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

11:34:48 10 A. Well, I saw the lady afterwards, the young girl afterwards.

11 Q. Mr Witness, you told this Court earlier on that the girl
12 was thrown from upstairs. Are you familiar with the -- do you
13 know the building from which you said she was thrown from
14 upstairs?

11:35:26 15 A. I know it.

16 Q. Can you tell this Court what type of building that is?

17 A. It is a storey building, a single floor.

18 Q. Thank you, Mr Witness. Mr Witness, when you say single
19 floor, what do you mean by single floor?

11:36:06 20 A. Well, there is a ground floor and there is one single one
21 on top of the ground floor, and there could be two or more on the
22 ground floor, but this had only one on top of the ground floor.

23 Q. Mr Witness, you've told this Court there is a ground floor
24 and the one on top of it. Did you hear from where -- sorry, Your
11:36:39 25 Honours, I will withdraw that question.

26 A. I said some of these buildings, there could be two decks,
27 three decks, but this had only one building on top. It's a
28 one-storey building, it's not two.

29 Q. Thank you, Mr Witness. Mr Witness, the girl that you heard

1 had been thrown from upstairs, and whom you have told this Court
2 you know, do you know presently where she is?

3 A. Now, I hear she is in Guinea.

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

11:37:35 5 A. I heard it from her parents.

6 Q. Thank you, Mr Witness. Mr Witness, did you hear who threw
7 the girl from upstairs?

8 A. I did not hear that.

9 Q. Thank you, Mr Witness.

11:37:55 10 MR GRAHAM: Your Honours, I'm getting to the last space of
11 my questions and I have a number of questions to ask this
12 witness, which I think may have the potential to reveal his
13 identity. I do not intend to go into closed session because of
14 that, but I would want him to be given a piece of paper so that
11:38:18 15 when I ask him the questions, he can put his responses on that,
16 then we need not go into closed session.

17 If I could respectfully ask Court Management to give the
18 witness a sheet of paper, I would be grateful.

19 Q. Mr Witness, before I go on, I have one or two questions in
11:38:55 20 relation to the building that we just spoke about and from where
21 the girl was thrown from upstairs. Do you know who occupied
22 this -- do you know who had occupied this building prior to the
23 attack by the rebels in May of 1998?

24 A. I know it.

11:39:32 25 Q. Can you tell this Court, please, Mr Witness?

26 A. I have said it. I have written it.

27 PRESIDING JUDGE: What do you want done with that paper,
28 Mr Graham.

29 MR GRAHAM: [Microphone not activated] returned to the

1 witness, please.

2 PRESIDING JUDGE: Returned to the witness?

3 MR GRAHAM: Yes, please.

4 Q. Thank you. Mr Witness, do you know where Jabbe was staying
11:42:17 5 during the period that you said he was in Karina?

6 A. There is -- there was a hut very close to the house of the
7 Imam. That is where he stayed with his own people.

8 Q. Thank you, Mr Witness. Mr Witness, I'm going ask you a
9 question relating to certain positions that you presently hold in
11:43:03 10 your community. But because they may have the potential to lead
11 to the disclose of your identity, if I ask you the question,
12 please I would want you to write those positions, if any, on the
13 sheet of paper that you have in front of you. Mr Witness, do you
14 have any leadership positions in Karina Town?

11:43:32 15 A. Yes, I have positions.

16 Q. Can you please write those positions on the piece of paper
17 on the back of the sheet of paper that you have in front of you.

18 A. [Witness complied]

19 PRESIDING JUDGE: Mr Graham.

11:45:03 20 MR GRAHAM:

21 Q. Witness, are you done?

22 A. Yes, I am through.

23 PRESIDING JUDGE: Yes, what do you want done with this
24 paper, Mr Graham.

11:47:33 25 MR GRAHAM: If it could be given back to the witness just
26 to guide him in the questions.

27 JUDGE SEBUTINDE: Mr Graham, are these current positions
28 that he holds?

29 MR GRAHAM: Yes, Your Honour, I was going to ask him, thank

1 you, Court Management I'm grateful.

2 Q. Mr Witness, you have a sheet of paper in front of you which
3 you have written two positions that you currently occupy. Before
4 I go on, I am going to ask you, did you occupy any of the
11:48:19 5 positions you have written down during the period of May 1998
6 when the rebels attack?

7 A. No.

8 Q. Thank you. In respect of the first position that you have
9 on there, when you were you appointed to that position?

11:48:50 10 A. That position it is a [redacted] -- he just calls me at any
11 time to send me on errands, if I am not not around he calls on
12 the [redacted].

13 THE INTERPRETER: Your Honours, with the witness repeat his
14 last answer.

11:49:16 15 PRESIDING JUDGE: The interpreter did not get all of your
16 answer, Mr Witness. Could you please repeat it.

17 JUDGE SEBUTINDE: I'm just wondering if this is not -- just
18 a minute, if this is not identifying data that you are now
19 revealing by this question.

11:49:34 20 MR GRAHAM: That is so, Your Honour, I realise that. I'm
21 going to adjust my questioning a little bit in order to avoid.

22 JUDGE SEBUTINDE: Maybe the record could be redacted with
23 relation to that last answer that relates to the [redacted] or
24 something like that.

11:50:01 25 MR GRAHAM: Your Honour, I believe that applies to the
26 press as well.

27 PRESIDING JUDGE: Go ahead, Mr Graham.

28 MR GRAHAM: Thank you.

29 Q. Mr Witness, you also wrote down on the piece of paper a

1 position that you also occupied and you have written three
2 letters. I would want you to write down, without you mentioning
3 what you mean by the CTA, if there is any meaning --

4 JUDGE SEBUTINDE: Mr Graham, really, you might as well say
11:50:57 5 the word for the record, mightn't you?

6 MR GRAHAM: Very well. Your Honour.

7 Q. Mr Witness, I would want you to write down the meaning, if
8 any of the letters you have written regarding your position, the
9 second position that you have written on the piece of paper. You
11:51:25 10 have three letters there. Does that have any meaning. If it
11 does, I want you to write that on the piece of paper you have in
12 front of you.

13 A. [Witness complied].

14 Q. Witness have you finished writing?

11:52:26 15 A. Yes.

16 MR GRAHAM: If Court Management could --

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: Yes, Mr Graham.

19 MR GRAHAM: Yes, Your Honour, subject to any objections
11:53:38 20 from my learned friends on the other side we would respectfully
21 want to tender this document in evidence, Your Honours.

22 PRESIDING JUDGE: Is there anything you wish to say.

23 MS ALAGENDRA: We have no objections, Your Honour.

24 PRESIDING JUDGE: Well the piece of paper written on by
11:54:13 25 witness DBK-089, which is said to show the occupier of a building
26 from which a child was thrown and also the leadership positions
27 of the witness himself will be admitted into evidence as Exhibit
28 D17. Should that be under seal.

29 MR GRAHAM: That is so, Your Honour.

1 PRESIDING JUDGE: It will be marked confidential and
2 under seal. I will hand that back to Court Management.

3 [Exhibit No. D17 was admitted].

4 MR GRAHAM: Your Honours, can I proceed?

11:55:13 5 Q. Mr Witness, you told this Court that someone in Karina
6 mentioned to you that they saw Jabbe during the attack and that,
7 according to you, that person asked of you.

8 MS ALAGENDRA: Your Honour, if I could just object. I
9 don't remember the witness testifying to that.

11:55:38 10 PRESIDING JUDGE: He never said any such thing, according
11 to my notes. He said he met somebody who told him he had met
12 Jabbe.

13 MR GRAHAM: Yes, Your Honour.

14 PRESIDING JUDGE: Jabbe asked him about the Imam.

11:55:53 15 MR GRAHAM: Yes, Your Honour, that is exactly what I was
16 putting to the witness.

17 PRESIDING JUDGE: That is not what you put to him at all.

18 MR GRAHAM: Very well, Your Honours. I will take the cue
19 from the Bench.

11:56:20 20 Q. Mr Witness, apart from Jabbe, did you hear of any other
21 names, as being individuals -- did you hear the names of any
22 individual or individuals who took part in the rebel attack on
23 Karina?

24 MS ALAGENDRA: Your Honour, I object again, he didn't even
11:56:37 25 testify to the first portion of what my learned friend has just
26 asked.

27 PRESIDING JUDGE: Explain that, will you.

28 MS ALAGENDRA: He said that apart from Jabbe, who else led
29 the attack, he didn't even say Jabbe was at the attack. I think

1 he is trying to put answers to the witness, Your Honour.

2 PRESIDING JUDGE: Yes, that is quite true. You are putting
3 words in the witness's mouth, Mr Graham. I won't allow the
4 question.

11:57:05 5 MR GRAHAM: Very well, Your Honours, I will rephrase.

6 Q. Mr Witness, can you tell this Court if you know whether you
7 heard any names of any individuals as being the persons who
8 attacked Karina in May of 1998, please tell this Court.

9 A. I did not hear.

11:57:37 10 MR GRAHAM: Thank you, Your Honours. I don't have any
11 further questions for this witness. I'm grateful for the time.

12 PRESIDING JUDGE: Thank you, Mr Graham.

13 Yes, go ahead, please.

14 MS ALAGENDRA: Thank you, Your Honours.

11:58:07 15 CROSS-EXAMINED BY MS ALAGENDRA:

16 Q. Good afternoon, Mr Witness?

17 A. Good afternoon.

18 Q. Mr Witness, was Jabbe the most prominent soldier amongst
19 the group of soldiers that he came with after the intervention in
11:58:30 20 Freetown?

21 A. I don't know that. I did not say that. I don't know their
22 leader and I did not say that.

23 Q. But you said Jabbe was a soldier, am I right, witness?

24 A. Jabbe went to Karina, but I did not see him in the uniform.

11:59:06 25 He was always dressed in jeans and a shirt. I never saw him in
26 uniforms.

27 Q. But he was with a group of soldiers that returned from
28 Freetown after the intervention, isn't that true?

29 MR GRAHAM: Your Honours, I object to that.

1 THE WITNESS: Jabbe went to Karina. He went there with his
2 companions.

3 PRESIDING JUDGE: Just a minute, witness, just pause for a
4 moment please, there has been an objection to that question.

11:59:41 5 What is your objection, Mr Graham.

6 MR GRAHAM: Your Honours, to the best of my recollection
7 the witness said that Jabbe came there with four other men,
8 according to his evidence, he never mentioned Jabbe and soldiers.

9 MS ALAGENDRA: That is not right, Your Honour, that is not
11:59:59 10 what I have in my record. Your Honour, what we have is that a
11 group of soldiers came to Karina after the intervention in
12 Freetown and Jabbe was one of them. That is what the witness
13 said.

14 PRESIDING JUDGE: We're checking that. I don't have that
12:00:15 15 in my notes.

16 JUDGE SEBUTINDE: What I have this witness stated is that
17 five former SLAs went to Karina, but not in uniform. And he says
18 when the government announced that every one who escaped with a
19 gun would be found guilty of an offence that is when these men
12:00:38 20 left Karina. One of the five was Jabbe. And two of the group
21 were permanently armed with guns. That is what I remember this
22 witness saying in relation to Jabbe.

23 PRESIDING JUDGE: That appears to be correct.

24 MS ALAGENDRA: May I proceed, Your Honours.

12:01:07 25 MR FOFANAH: May it please, Your Honours. May we seek
26 clarification because I do not seem to have recorded former SLAs,
27 probably the transcript can make that clear.

28 PRESIDING JUDGE: No, need for the transcript. We have got
29 two judges who recorded it, Mr Fofanah.

1 MR FOFANAH: As Your Honour pleases.

2 JUDGE DOHERTY: I actually have some soldiers.

3 MR GRAHAM: Your Honour, if I may also add. The issue of
4 them coming from Freetown. I thought he said after the
12:01:37 5 intervention, my notes doesn't show anything relating to the
6 witness saying they came from Freetown. I stand to be corrected.

7 JUDGE SEBUTINDE: Did I say they came from Freetown.

8 MR GRAHAM: I am not saying that you said so.

9 PRESIDING JUDGE: I do not have any note on Freetown,
12:01:50 10 either. Do you say that is what the transcript will say.

11 MS ALAGENDRA: I think I have just intervention, Your
12 Honour. I apologise.

13 PRESIDING JUDGE: We don't allow that question. We uphold
14 the objection. Can you perhaps rephrase the question.

12:02:14 15 MS ALAGENDRA:

16 Q. Witness, you told the Court that five soldiers came into
17 the Karina after the intervention and Jabbe was one of them,
18 didn't you?

19 A. I did not talk about soldiers. I said Jabbe and five
12:02:35 20 people went to Karina, two had guns and the others did not have
21 any guns and they were not in uniforms, but they were with guns.
22 But what we heard over the radio that the soldiers had scattered,
23 that anyone who kept a soldier, then you will be considered as
24 being together with the soldiers and I cannot say he was a rebel
12:02:59 25 or a soldier, because I did not see him in a uniform.

26 Q. Witness, I put it to you Jabbe was a soldier; do you agree?

27 A. I would not deny. If you say that, but I don't know that.
28 What I know is what I have said.

29 Q. Thank you, witness. Witness, at the time the attack took

1 place in Karina on 8 May 1998, you ran away to hide, didn't you?

2 A. Yes, that was the way it happened.

3 Q. And you didn't see anything that happened during the
4 attack?

12:03:44 5 A. No, no. Not until I came back from the bush.

6 Q. But during the attack you remained in the bush?

7 A. I was hiding in the bush.

8 Q. So you know nothing about what happened during the attack?

9 A. No.

12:04:09 10 Q. Thank you, witness. Witness, who attacked Karina on the
11 8 May 1998?

12 A. I said in my statement here that I was in the mosque, we
13 heard that rebels had entered and then I ran away. I did not see
14 anybody with my eyes. I ran and went to the bush. By the time I

12:04:42 15 came back, they had gone and then I saw those people who were cut
16 lying down on the road side.

17 Q. So witness, all you heard about the rebels is that someone
18 was shouting rebels had come in; is that right?

19 A. Yes. Yes, and when that happened, we all ran away. We all
12:05:11 20 ran away into the bush.

21 Q. But you don't know whether the rebels actually came in; is
22 that right? All you did was hear it?

23 A. I just heard that, yes.

24 Q. So you don't know who attacked Karina then, witness?

12:05:35 25 A. The attack had happened from Bonoya right to Karina from
26 Mayomgbo and everybody said they it was rebels. Can't I also say
27 that they were rebels even if I don't see them. Then I see
28 people cut lying on the road side even if I don't see that, would
29 I not believe that.

- 1 Q. Witness, what do you mean by rebels? Who are rebels?
- 2 A. The person who as rebel is one who would attack people and
3 cut them when it is not legal, because they were not wearing
4 uniforms.
- 12:06:28 5 Q. Did you hear, witness, that during that time there were
6 also soldiers who were attacking and cutting people. Did you
7 hear that that was going on in Sierra Leone?
- 8 A. I did not hear that.
- 9 Q. Witness, you said you were in the mosque just before the
12:07:01 10 attack started. How many people were you in the mosque with?
- 11 A. I did not know -- I do not know the number.
- 12 Q. Can you give an estimation of how many so the Court can
13 have an idea of how many people were with you?
- 14 A. Because that was the Jabenteh day, maybe it could be up to
12:07:29 15 a hundred, maybe.
- 16 Q. Are you able to tell the names of any of the people that
17 were in the mosque with you?
- 18 A. To us in Karina we are all Muslims. Whoever was in Karina.
19 I do not talk about those who died. Children, adults, we were
12:07:58 20 all in the mosque.
- 21 Q. Are you able to give some names, witness, just say yes or
22 no, are you able to give names?
- 23 A. Well, I wouldn't like to say names here. I wouldn't like
24 that.
- 12:08:13 25 Q. But you are able to give names? Can you confirm that?
- 26 A. Yes, but I wouldn't like to say their names in court here.
- 27 Q. But you don't know the name of the person who was leading
28 the prayers that day; right?
- 29 A. That is what I have forgotten. I have forgotten about the

1 name because it has taken a long time.

2 Q. Witness, during the time of the attack, how many people
3 were living in Karina?

4 A. When the attack was happening, I do not know the number of
12:08:59 5 people because most of the people who were there, across the
6 river, had run away to Karina.

7 Q. Most of the people had run away to Karina, as in come into
8 Karina; is that what you are saying?

9 A. I said those are people who are staying outside Bo, Tongo
12:09:26 10 Field, Kenema. Most of them had come to Karina during the war.
11 They ran away from the war and came and settled in Karina.

12 Q. So Karina was overpopulated at the time, wasn't it?

13 PRESIDING JUDGE: That is a conclusion you are asking him.

14 THE WITNESS: Yes, yes, that is it.

12:09:52 15 MS ALAGENDRA:

16 Q. Witness, you did not all of these people personally that
17 came from Bo, Tongo, Kenema, that came and settled in Karina, you
18 don't know all of them; right?

19 A. Yes.

12:10:11 20 Q. Witness, all these people that came from other areas and
21 settled in Karina, did they leave Karina after the attack?

22 A. Even those people who were in Karina, those were indigents
23 of Karina. They went away and some have gone way and never
24 returned.

12:10:41 25 Q. So many people who were in the Karina during the attack
26 left, ran away during the attack and they never came back; do you
27 agree?

28 A. Up 'til today some have not returned.

29 Q. And you do not know what happened to these people, do you,

1 witness?

2 A. I don't know.

3 Q. And you don't know what happened to these people during the
4 attack, do you, witness?

12:11:21 5 A. No, I don't know that.

6 Q. Witness, can you tell the Court if you know the meaning of
7 a word in Madingo which is wassie?

8 A. Wassie. Yes, I know the meaning, it is the place where
9 people pray.

12:11:59 10 Q. Just one minute, witness.

11 MS ALAGENDRA: Your Honour, if I can spell it for the
12 Court. It is W-A-S-S-I-E.

13 Q. It is a place where people pray, yes, witness?

14 A. Yes.

12:12:15 15 Q. Could you describe it for the Court, please?

16 MS THOMPSON: Is the witness going to describe a specific
17 one or all of them?

18 PRESIDING JUDGE: Are they all look the same or?

19 MS ALAGENDRA: Your Honour, just for now my purpose is to
12:12:31 20 ask him to describe what is a wassie, because we don't know what
21 is beside the fact that it is a place of worship.

22 PRESIDING JUDGE: Well, I think you should rephrase the
23 question and make that clear.

24 THE WITNESS: Wassie it is a praying spot. Some people
12:12:50 25 create it outside. They use pebbles surrounded by the -- they
26 use pebbles surround and they put some mud in that surrounding.
27 Sometimes they will create it also near the mosque. They will
28 put little pebbles there and they will put sand there and people
29 will be using it for prayer and they call it a wassie.

1 Q. And throughout Karina, there are many wassies all over,
2 right.

3 A. No.

4 Q. Witness, where are these wassies located? Where would you
12: 13: 41 5 find a wassie.

6 A. I said some Muslims outside their houses they will create a
7 wassie there. Sometimes even in the Mosque they would create a
8 wassie there, but Karina there is only one mosque there, so a
9 wassie has been created there. They are all joined together in
12: 14: 02 10 Karina. That is the only wassie I know about right now.

11 Q. Witness, just to make it clear. I'm not asking you about
12 the mosque, any more. Do you understand that?

13 A. Yes.

14 Q. With we're talking about the wassie.

12: 14: 20 15 A. That is what I'm saying about the wassie, that in Karina I
16 did not -- there is only one wassie there. There is only one
17 wassie there. It is at the mosque. There are some people who
18 would create the wassies at their houses, but we go to pray at
19 the mosque and there is a wassie there. Very few people have
12: 14: 49 20 wassie as at their houses.

21 Q. But there are people who have wassies outside their houses;
22 correct?

23 A. Yes.

24 Q. These wassies, witness, roughly how many people can pray in
12: 15: 05 25 a wassie.

26 A. I wouldn't say for certain. Sometimes there would be many.
27 Sometimes there is 20, sometimes 10, sometimes they would come
28 all together with their family members and they would pray in the
29 wassie.

1 Q. So these wassies sometimes 10 people can pray in it, 20,
2 people, or 30 people can pray in it, that is what you are saying;
3 right?

4 A. Yes.

12: 15: 41 5 Q. Thank you witness. Witness, during the time that the
6 attack took place in Karina after that you said you went around
7 Karina and you had a look at the place. Did you see any areas
8 where the wassies were destroyed, damaged?

9 A. I did not see a damaged wassie. Wassie is just a piece of
12: 16: 13 10 pebbles and mud. Wassie is not a house.

11 Q. Did anything happen around areas where there were wassies,
12 do you know?

13 A. I did not hear.

14 Q. That means you don't know, yes, witness?

12: 16: 34 15 A. Yes.

16 Q. Witness, these people who came and attacked Karina on 8
17 May, 1998, do you know where they were coming from?

18 A. Those people the route they used to come, I know that
19 route, but I do not know exactly where they came from. The road
12: 17: 05 20 they used to come to Karina, I know that road, but I do not know
21 where they came from.

22 Q. What road did they use, witness, to come to Karina.

23 A. The main road that comes from Kayonkoro, to Karina. That
24 is the road they used.

12: 17: 34 25 Q. After the attack, witness, these people do you know where
26 they went, the attackers?

27 A. They crossed the river and went to Mandaha.

28 Q. Witness, you said there were some people who were abducted
29 in Karina, do you know where they went? Do you know where they

1 were taken to?
2 A. They took them to Mandaha.
3 Q. Do you know where they were abducted from, those five
4 individuals, you wrote the names down?
12: 18: 24 5 A. They were all captured in Karina Town.
6 Q. Witness, you said seven people were killed. You named one.
7 And the name you gave was --
8 JUDGE SEBUTINDE: I think the name was confidential.
9 MS ALAGENDRA: Not of the person who was killed. I don't
12: 18: 58 10 believe so, Your Honour. I may be mistaken.
11 MR GRAHAM: Your Honours.
12 PRESIDING JUDGE: Yes, Mr Graham.
13 MR GRAHAM: I believe the name was not confidential but
14 then the witness's account is that that very witness was taken
12: 19: 27 15 away, not killed but was taken away to Makeni.
16 PRESIDING JUDGE: Yes, that is correct. The name is not
17 confidential, but he didn't say that person died.
18 MS ALAGENDRA:
19 Q. Witness, you said that Alhaji Sacoh Sheriff, he was taken
12: 19: 54 20 away to Makeni?
21 A. Yes.
22 Q. What happened to him in Makeni? Is he still alive?
23 JUDGE DOHERTY: That is two questions.
24 THE WITNESS: He died. He has died. He was almost about
12: 20: 07 25 to die when they took him along.
26 MS ALAGENDRA:
27 Q. And then he died?
28 A. He has died. Yes.
29 Q. Witness, did you know the identities of any of the other

1 people who died?

2 A. I know them.

3 MS ALAGENDRA: Your Honour, I am going to proceed to ask
4 the witness to name the people who died. I'm not sure if that
12: 20: 38 5 raises any concerns of security or protection.

6 PRESIDING JUDGE: I can't see how it would. Do the Defence
7 have something to say on that.

8 MR GRAHAM: We are of the same view, Your Honours.

9 PRESIDING JUDGE: All right. Go ahead.

12: 20: 53 10 MS ALAGENDRA:

11 Q. Witness, tell the Court the names of the people who died,
12 please.

13 A. Alpha Sheriff, Janu Mansaray.

14 Q. Witness, are you able to spell that for the Court?

12: 21: 26 15 A. I can. J-A-N-U. Mansaray. M-A-N-S-A-R-A-Y, Alhaji Baba
16 Sheriff, Mohamed Mansaray, and a Fullah, a Fullah, but I do not
17 know his name. He was passing by when he met the attack.

18 Q. Do you know who killed these people, witness?

19 A. They said they were rebels.

12: 22: 42 20 Q. Did you see them being killed?

21 A. I did not see them. I did not see them.

22 Q. Who told you they were killed by rebels?

23 A. The people who were in the town, everybody said they were
24 rebels. Some were captured, some you were cut, so those people
12: 23: 07 25 saw them.

26 Q. Are these the people who saw them being killed who told you
27 who killed them?

28 A. Some did not die. They are alive. Some were only cut.

29 They did not die, they are alive.

1 Q. Witness, the people who told you that these six people who
2 died were killed by rebels, did they themselves see the killings?
3 A. They said they saw them, because they were all cut.
4 Q. Witness, can you tell the Court who was it that saw the
12:23:55 5 killings that told you they were killed by rebels?
6 A. Those people who were cut there was one of them called
7 Mohammed Kallon, who was cut.
8 Q. He was cut, you say?
9 A. Yes, he was cut.
12:24:24 10 Q. And he told you that rebels killed these other people?
11 A. He said those who entered, the rebels, yes, they killed
12 them.
13 Q. Did anybody else tell you the rebels killed them?
14 A. Binti Fofanah, she too came and died later. In fact she
12:24:52 15 was cut under her stomach.
16 Q. And Binti Fofanah, she is now dead?
17 A. Yes, she too has died.
18 Q. Mohammed Kallon, is he dead or alive?
19 A. He is alive.
12:25:13 20 Q. Is there anybody else, witness, who saw the killings and
21 told you?
22 A. No, I can't remember.
23 MR GRAHAM: Before my learned friend proceeds, the second
24 accused in this matter would want to use the restroom with your
12:25:24 25 permission.
26 PRESIDING JUDGE: Yes, the second accused can leave the
27 Court.
28 MS ALAGENDRA:
29 Q. Witness, do you know anyone else who saw the killings of

1 these people?

2 A. I can't recall.

3 Q. Witness, these people who you have listed down as being
4 captured, do you know who captured them?

12:26:13 5 A. They said they were captured by rebels.

6 Q. For instance, witness, the person who you have named as
7 number 1 --

8 MS ALAGENDRA: Your Honour, if I could just confirm the
9 witness has his list in front of him.

12:26:33 10 PRESIDING JUDGE: No, he doesn't. Mr Court Attendant,
11 could you give the list back. I believe it is Exhibit D15 --
12 D16.

13 MS ALAGENDRA:

14 Q. Witness, the person you named as number one, do you see
12:27:18 15 that name, witness?

16 A. Yes, I have seen it.

17 Q. Did you speak to her personally?

18 A. We are on speaking terms. We are in the same town.

19 Q. Did you speak to her personally about who captured her
12:27:47 20 during the attack?

21 A. No, no, she did not tell me that.

22 Q. How about number two, witness?

23 A. The person who captured her, she did not tell me. I don't
24 know that.

12:28:05 25 Q. Did you speak to them about the attacks at all?

26 A. Yes, I spoke to them. When they came from the bush, we
27 spoke.

28 Q. Mr Witness, if you spoke to them, tell the Court the person
29 you have named at number two, did she tell you that when she was

1 in Mandaha a soldier by the name of Five-Five and Woyoh were with
2 her in Mandaha? Did she tell you that?

3 A. I did not hear that from her.

4 Q. And the person that you see -- that you have named under
12: 29: 01 5 number one, did she tell you that after she was captured and
6 taken away she was with soldiers called Gullit and Five-Five?
7 Did she tell you that?

8 A. I did not hear that from her.

9 Q. So she did not discuss with you who captured her, number
12: 29: 22 10 one?

11 A. She did not tell me. She did not tell me.

12 Q. She didn't tell you who she was with during the time of her
13 capture?

14 A. She did not tell me. She just said rebels.

12: 29: 38 15 Q. And the same thing for number two; is that right?

16 A. When [redacted] went to Mandaha --

17 JUDGE SEBUTINDE: I think the names just mentioned by the
18 witness should be redacted from the record and we would urge any
19 press members in the audience to ignore the names they have just
12: 30: 09 20 heard.

21 Mr Witness, just be careful not to name the names, because
22 they are written in front of you confidentially.

23 THE WITNESS: Okay. Okay.

24 PRESIDING JUDGE: Just refer to the persons by the numbers
12: 30: 35 25 that you yourself have given them.

26 THE WITNESS: Okay. Yes.

27 MS ALAGENDRA:

28 Q. Witness, I was asking you for the person you have named
29 under number two, did she ever discuss with you about who

1 captured her and who she was with during that time?

2 A. Number two, she did not tell me that. We did not talk
3 about that.

4 Q. Witness, this person, you have named under number two, did
12:31:11 5 she suffer any injuries when she was in Mandaha?

6 A. They said that it was jets that caused the injury to her on
7 her leg.

8 Q. What kind of injury did she have on her leg?

9 A. Her leg was like when you -- when hot water spills on
12:31:40 10 somebody.

11 Q. Witness, the person you have named under number one,
12 without saying what the relationship is, can you tell the Court
13 whether there was any relationship between her and any of the
14 people who were killed. Do not say what the relationship is
12:32:07 15 please?

16 A. Yes, because number one those who died they were relatives.

17 Q. And number one was present when the killings took place?

18 A. Well, she came and she said they were the ones who were
19 captured. She was there. They were the ones who were taken
12:32:50 20 away. When they attacked, they were captured and taken away.

21 Q. And she was there when her relatives were being killed?

22 A. I can't know that.

23 Q. I'm putting it to you, witness, she was there when her
24 relatives were killed?

12:33:19 25 A. Well, what you know, I wouldn't know what you know, because
26 it didn't happen in my presence. What I know is what I know.

27 Q. Would you agree with me, that if she was present and her
28 relatives were killed, she would know who killed her relatives?

29 PRESIDING JUDGE: I won't allow that question.

1 THE WITNESS: She did not tell me that.

2 PRESIDING JUDGE: Don't answer that question. I have just
3 disallowed it.

4 MS ALAGENDRA:

12:33:59 5 Q. Witness, I'm suggesting to you that if she was present
6 during the attack, she would know better than you who carried out
7 the attacks, would you agree with that?

8 MS THOMPSON: Your Honour, I object to that question.

9 PRESIDING JUDGE: What is the reason, Ms Thompson?

12:34:19 10 MS THOMPSON: It is hypothetical. It stands to reason that
11 someone who has firsthand knowledge would know more than someone
12 who wasn't there. What the my learned friend is asking is for
13 the witness to comment on something that he has said was not
14 there, to comment on the perception of someone else who was
12:34:38 15 present.

16 PRESIDING JUDGE: Yes, what is your reply to that
17 objection?

18 MS ALAGENDRA: Your Honour, I'm just asking whether he
19 would agree with me the certain proposition I put yo him that
12:34:48 20 someone who was there would know more than someone who was not
21 there.

22 PRESIDING JUDGE: You are asking him to come to a
23 conclusion. They are not facts. They do not have any
24 evidentiary value at all. I will not allow that question.

12:35:04 25 MS ALAGENDRA: I will go on to another question, Your
26 Honour.

27 Q. Witness, do you know how many children were thrown off
28 buildings in Karina during the attack?

29 A. I know about one.

1 Q. Witness, do you remember meeting with Defence counsel and
2 discussing your testimony before coming to this Court?

3 A. I can't remember. Today I can't remember.

4 Q. No, not today, witness, at any time before coming to court.

12:36:27 5 MR FOFANAH: Your Honours, I think at this stage I will
6 take an objection. I do not know if that is coming in as a been
7 established fact because I don't know if that is coming in the
8 form of an established fact. Do you remember, as if it has been
9 established that, in fact, he had an interview about his

12:36:44 10 testimony with the Defence counsel. I think it should come in
11 the form of a direction question as to whether he even had any.

12 PRESIDING JUDGE: What do you say to that objection?

13 MS ALAGENDRA: Your Honour, if the objection is me -- I'm
14 just not too clear on the objection, Your Honour. Is whether the
12:36:59 15 question relates specifically to counsel, then I can rephrase it.
16 But otherwise to --

17 JUDGE SEBUTINDE: Are you asking the witness if he
18 remembers or are you asking him whether he did have a meeting
19 with counsel?

12:37:11 20 MS ALAGENDRA: Your Honour, I can assume he did meet if we
21 have summaries from the witness. I can ask a direct question.

22 JUDGE DOHERTY: Why do you assume it was counsel?

23 MS ALAGENDRA: That was the clarification I was seeking,
24 Your Honour. If they are objecting to the use of counsel, then I
12:37:30 25 can use some other term.

26 PRESIDING JUDGE: Yes, rephrase the question.

27 MS ALAGENDRA:

28 Q. Witness, did you meet with anyone from the defence office
29 to discuss your testimony before coming into court?

1 A. I can't remember.

2 Q. Do you remember talking to anyone from the Special Court
3 about your testimony before coming here to testify today?

4 A. Some people went to Karina. They said they had come from
12:38:26 5 the Special Court. They wanted people who would come and
6 testify. They went and they told us, a meeting was summoned and
7 they told us at that meeting, and I testified. But I do not know
8 the people, but they said they had come from here.

9 Q. When you spoke to those people, witness, did you tell them
12:38:51 10 that you saw children in a house and that these children were
11 thrown off the building?

12 A. One child, the one that I know about. What I was told, I
13 did not see it. What I was told.

14 Q. Witness, I have before me a summary of what you have said
12:39:21 15 to those people who came to the Special Court -- from the Special
16 Court to see you. What I have in here is that you have said you
17 heard children were thrown from the building. Can you comment on
18 that, witness?

19 A. I said I knew one child who was thrown off the building,
12:39:52 20 one child. That was what I knew.

21 MS ALAGENDRA: Your Honour, at this stage I'm going to make
22 an application to the Court for a disclosure of the statement,
23 Your Honour.

24 PRESIDING JUDGE: On what grounds?

12:40:14 25 MS ALAGENDRA: On the ground that this witness has denied
26 making the statements to Defence and from the summary, I assume
27 it is parts taken from the statement. And these are matters
28 which goes to the credibility of the witness, Your Honour, and we
29 would like to test his credibility by his previous statements.

1 PRESIDING JUDGE: Yes, what do the Defence say to that
2 application?

3 MS THOMPSON: Sorry, Your Honour. I was just looking
4 through the statement to see whether, in fact, there was a
12: 41: 03 5 discrepancy. Your Honour, my submission, first of all, is to
6 object. I am merely saying that there may be a discrepancy
7 between the summary, for which the witness is not responsible, a
8 summary of the witness's evidence and the evidence given is not
9 enough. My submission is that the Prosecution would have to show
12: 41: 27 10 that any discrepancy, which they perceive, and at the moment
11 [indiscernible] that is a mere perception, would prejudice --
12 would be of some prejudice to the Prosecution. And at this
13 point, Your Honour, they haven't sufficiently put that before
14 this Court. Under those circumstances, Your Honour, I would
12: 42: 00 15 object. May I just have a moment's grace to confer with my
16 colleagues.

17 [Defence counsel conferred]

18 MS THOMPSON: Sorry, Your Honour, I just add to that that
19 there has to be undue irreparable prejudice to the Prosecution
12: 42: 31 20 and, as I said before, that has not been put before this Court.
21 It is not every little perceived or perception of discrepancy
22 that amounts to damage to credibility or reasons for testing
23 someone's credibility. They have to show there is an irreparable
24 prejudice to them. That is the sum of my objection.

12: 42: 54 25 PRESIDING JUDGE: Yes, do you want to reply to that?

26 MS ALAGENDRA: Yes, Your Honour, just very briefly. The
27 matters which we are looking at now in relation to the facts
28 here, where we are alleging inconsistency, are facts which the
29 Prosecution have raised during the Prosecution case and these are

1 material facts and inconsistencies on material facts, Your
2 Honour, which, we suggest, may affect credibility depending on
3 what he had said previously are matters which would prejudice the
4 Prosecution if we are not allowed to test the credibility of
12: 43: 28 5 witness on these material issues.

6 PRESIDING JUDGE: Well, you have got your chance now. You
7 are cross-examining. You are -- I'm talking to, Ms Alagendra.

8 MS ALAGENDRA: I apologise, Your Honour.

9 PRESIDING JUDGE: You have got your chance to test the
12: 43: 44 10 credibility of the witness in cross-examination. You have the
11 situation where he has sworn under oath that he only said one
12 child and you have been provided with a summary that says two
13 children. Now, that is material to test his credibility.

14 MS ALAGENDRA: Yes, Your Honour. My only concern is
12: 44: 00 15 whether or not this summary accurately contains the information
16 from the statement or interview notes that the Defence might
17 have.

18 PRESIDING JUDGE: Well, look, if that is your only concern,
19 we're going to adjourn for lunch now and you can ask the Defence.
12: 44: 10 20 We will rule on this when we come back from lunch.

21 Now, witness we are going to adjourn and I remind you that
22 you are not permitted to discuss the evidence with anybody. We
23 will adjourn until 2.15.

24 [Luncheon recess taken at 12.47 p.m.]

14: 13: 33 25 [AFRC14JUL06B-RK]

26 [Upon resuming at 2.17 p.m.]

27 PRESIDING JUDGE: Yes, Mr Manly-Spain.

28 MR MANLY-SPAIN: May it please Your Honour, we just wish to
29 take a little time to bring to your notice something that we

1 think is very pertinent to the conducting of this trial. Your
2 Honour, mentioned this morning about the lateness and the
3 starting of the trial in the morning. We had no word from our
4 clients at that time, that is why we made no response. But this
14: 15: 22 5 afternoon, after the break, Your Honours may have heard a bit of
6 noise in the Chamber, and this occurred when the accused persons
7 came to Court. They were really upset that one of the reasons
8 why they came to Court late is the arrangements they have in the
9 detention. This afternoon is a case in point, at which they were
14: 15: 55 10 served their lunch at 2.00 and then pushed out of the centre into
11 the vehicle at 2.05 to come to court, even before they have
12 finished eating. We wish to bring that to your notice and hope
13 something will be done. The third accused said he was literally
14 pushed into the van to come to the Court without eating.

14: 16: 28 15 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Those
16 complaints are on the record. I would direct the Registrar's
17 attention to them and point out to him that he should thoroughly
18 investigate the circumstances. If it is, in fact, the case that
19 the accused are given only five minutes or so to eat their lunch
14: 16: 53 20 and then rushed on to the transport, then it is obviously
21 unsatisfactory, and the accused would need to be given more time.
22 I don't mean off the latter end of the lunch hour, but the
23 earlier end of the lunch hour so they can be in court on time. I
24 would also point out that, obviously, if those are the present
14: 17: 15 25 circumstances, then they do interfere with the trial, because
26 there is a lot of difficulty bringing the accused to Court.

27 Once more, I direct the Registrar to kindly look into these
28 complaints and let us have a report of what has been holding up
29 the accused from getting to Court on time.

1 MR MANLY-SPAIN: Thank you.

2 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Now, we had
3 an application prior to the lunch break by the Prosecution for
4 the accused to disclose the witness statement of this witness.

14:17:59 5 Our decision is as follows:

6 This is another application by the Prosecution for an order
7 that the Defence disclose the full statement of this witness who
8 is currently being cross-examined by the Prosecution. We stated
9 our view of the law in our oral decision in respect of a similar
14:18:19 10 application made during the cross-examination of witness DBK-094
11 on 11 July 2006.

12 Although we ordered the Defence to disclose the witness
13 statement on that application, the circumstances can be
14 distinguished. That application was based on the witness
14:18:45 15 testifying to seven new issues in examination-in-chief, which
16 were not mentioned in the summary of facts. We found, in
17 accordance with the applicable jurisprudence, that the summary of
18 facts in that instance was insufficient to enable the Prosecution
19 to properly test the evidence.

14:19:09 20 In the present application, no new issue has arisen. The
21 discrepancy is simply between the answer "one child" given by the
22 witness in his answer to a question put in cross-examination and
23 the plural "children" mentioned in the summary of facts. We do
24 not consider that the Prosecution has demonstrated that failure
14:19:37 25 to disclose the Defence witness statement will result in the
26 Prosecution suffering undo or irreparable damage. We cannot see
27 how the present circumstances would prevent the Prosecution from
28 properly cross-examining the witness. The application is
29 therefore denied.

1 MS ALAGENDRA: Your Honour, I just want to inform the Court
2 that during the break we had an opportunity to check with the
3 counsel for the first accused on this issue. It appears that the
4 summary we have is different on this issue in relation to the
14:20:14 5 statement they have. It was an error or something, they
6 explained, just to keep the Court informed of that issue.

7 PRESIDING JUDGE: All right. Thank you, Ms Alagendra.
8 Continue, please.

9 MS ALAGENDRA: Yes, Your Honour.
14:20:33 10 Q. Witness, you testified about a child that was thrown out of
11 a building in Karina during the attack; do you remember?

12 A. That they threw down a child?

13 Q. Yes. Do you recall testifying about that to the Court just
14 before we broke for lunch?

14:21:08 15 A. I said that, that they threw a child from upstairs.

16 Q. Witness, can you describe that building from which the
17 child was thrown out of?

18 PRESIDING JUDGE: He has given a fairly comprehensive -- is
19 there something else you wanted other than what he stated
14:21:38 20 already, or are you just testing his memory whether he will come
21 up with something different in cross-examination?

22 MS ALAGENDRA: No, Your Honour, I'm not testing his memory.
23 According to my records, he did not explain the building in such
24 a way, how many floors there were. He was not able to --

14:21:56 25 PRESIDING JUDGE: No, not at all. He said it was one
26 storey. He said there was a ground floor and one storey above
27 that.

28 MS ALAGENDRA: I will proceed from that.

29 Q. Witness, you told this Court that this building from which

1 the child was thrown out of, there was a ground floor and there
2 was another floor on top; that's right, isn't it?

3 A. When you talk about the storey building, it's a house on
4 top of a house. That's what I mean by a storey building.

14:22:29 5 Q. So there is a downstairs, which is one floor, and then
6 there is an upstairs; is that what you are saying?

7 A. Yes.

8 Q. Witness, how many such buildings were there that had one
9 floor at the bottom and another floor on top in Karina in 1998?

14:22:51 10 A. Two. There are two there.

11 Q. Witness, you told the Court that houses were burnt and you
12 don't know if there were people inside the house when the houses
13 were set on fire.

14 A. I said I don't know that. To say that they've burnt people
14:23:27 15 in the house, I said I don't know that. I don't know that.

16 Q. Witness, I put it to you that there were people killed and
17 houses were set on fire, because there inside the house when it
18 was set on fire.

19 MS THOMPSON: [Microphone not activated].

14:23:43 20 THE INTERPRETER: Microphone is not on.

21 THE WITNESS: What I know is what I have said. What you
22 know is not what I'm saying.

23 PRESIDING JUDGE: Mr Witness, there has been an objection,
24 so if you would just hold off for one minute until I hear it.

14:23:58 25 MS THOMPSON: Your Honour, I was objecting to the question:
26 I put it to you. It doesn't matter how many times you put it to
27 the witness, he said he doesn't know that. There has to be
28 finality. If he doesn't know that, he doesn't know that.

29 PRESIDING JUDGE: I think the Prosecution is putting their

1 case, Ms Thompson. I will allow them to do that. Go ahead.

2 MS ALAGENDRA: Thank you, Your Honour.

3 Q. Sorry, witness. You were responding to what I put to you.
4 Could you repeat that, please?

14:24:31 5 A. I said, I don't know that. What I know is what I've said.

6 Q. Witness, finally, I put it to you, that the Sierra Leone
7 Army soldiers were the ones who attacked Karina on 8 May, 1998.

8 A. I did not see a soldier. I would not tell you that: That
9 is what happened.

14:24:58 10 MS ALAGENDRA: Thank you, Mr Witness. Your Honour I have
11 no further questions.

12 PRESIDING JUDGE: Thank you, Ms Alagenda. Is there any
13 re-examination from the Defence?

14 MR GRAHAM: Yes, just one question.

14:25:11 15 PRESIDING JUDGE: Yes, Mr Graham.

16 RE-EXAMINED BY MR GRAHAM:

17 Q. Mr Witness, the names that you wrote as being individuals
18 from Karina who were taken away by the rebels, and I'm referring
19 specifically to number two on your list, did she tell you how
14:25:37 20 long she was with the rebels at Mandaha?

21 THE INTERPRETER: Can I learned counsel please take the
22 question again? I did not understand the question.

23 PRESIDING JUDGE: Did you hear that, Mr Graham?

24 MR GRAHAM: Yes, I did, Your Honour.

14:26:10 25 Q. Mr Witness, I was asking you a question in relation to the
26 names that you had written regarding the women who returned back
27 after they had been captured by the rebels, and I'm referring
28 specifically to number two?

29 MS ALAGENDRA: Your Honour, just to clarify whether the

1 witness has a piece of paper in front of him.

2 THE WITNESS: They have taken the paper away from me. I do
3 not have it here. Number two. Number two did not stay long
4 there. When Mandaha went berserk, that was when number two came
14:26:49 5 out too.

6 MR GRAHAM:

7 Q. You were saying number two did not stay long there. How do
8 you know that she did not stay long there?

9 A. She came, number two came. When they chased them out of
14:27:22 10 Mandaha and she was burnt on her leg, she came and she showed it
11 to us and we saw it.

12 Q. Can you tell this Court, if you know, how long after the
13 attack on Karina did she come back from Mandaha, if you know?

14 A. I don't know the time.

14:27:57 15 MR GRAHAM: Thank you, Your Honours, I do not have any
16 further questions and I'm grateful for the time.

17 PRESIDING JUDGE: Thank you, Mr Graham. No other
18 re-examinations.

19 MR GRAHAM: No, Your Honours.

14:28:09 20 PRESIDING JUDGE: Mr Witness, we would like to thank you
21 for giving evidence in court today. Your role in this trial is
22 now over, at least for the moment. We're going to draw the
23 curtains now and bring in another witness. If you would just sit
24 there until we say you are ready to leave. Mr Court Attendant.

14:28:56 25 [The witness withdrew]

26 MR GRAHAM: Your Honours, I just wanted to draw the Court's
27 attention to a quick issue relating to our next set of witnesses.
28 Your Honours, as per our order, we are expecting the next witness
29 DBK-101 who will be speaking in Limba and after that if there is

1 more time we have next in line DBK-100 who will also be speaking
2 in Limba and that has been changed to Krio as of today.

3 PRESIDING JUDGE: For both the witnesses.

4 MR GRAHAM: No just for DBK-100, I understand. Your Honour
14:30:41 5 we're hoping we are going to get -- yes, Your Honours, we had
6 witness DBK-090 also lined up for today, in the event there was
7 time. Unfortunately we were informed he had an emergency and had
8 to go back. What that means for this afternoon we have DBK-101
9 and DBK-100 lined up for this afternoon. We are expecting the
14:31:16 10 rest to be here be Monday.

11 PRESIDING JUDGE: All right. Thank for that, Mr Graham.

12 MR GRAHAM: We have informed our learned friends on the
13 other side. Your Honours, with your kinds permission I would
14 want to leave, Ms Thompson will be holding the fort. I need to
14:31:58 15 attend to other issues relating to our defence but Ms Thompson
16 will be here representing the first accused.

17 PRESIDING JUDGE: Certainly, Mr Graham. Just before you
18 go, this witness is a common witness.

19 MR GRAHAM: The next two witnesses are common witnesses,
14:32:17 20 Your Honour.

21 PRESIDING JUDGE: Thank you. Yes, you are excused,
22 Mr Graham.

23 MR GRAHAM: Thank you, Your Honour.

24 PRESIDING JUDGE: I wonder if the legal officer --
14:35:56 25 [The witness entered court]

26 PRESIDING JUDGE: Ms Thompson, you are taking this witness?

27 MS THOMPSON: No, Your Honour, Mr Manly-Spain.

28 PRESIDING JUDGE: Mr Manly-Spain, we have been told there
29 was some confusion outside about the pseudonyms, the witness

1 numbers, it would be wise to check this is the right pseudonym
2 you have got here.
3 MR MANLY-SPAIN: Yes, he has always been 101, DBK-101. The
4 next is DBK-100.
14:36:30 5 JUDGE SEBUTINDE: This is the Krio speaking one.
6 MR MANLY-SPAIN: No, this is the Limba speaking one.
7 WITNESS: DBK-101 [Sworn]
8 [Witness answered through interpreter]
9 EXAMINED BY MR MANLY-SPAIN:
14:37:19 10 Q. Good afternoon, Mr Witness?
11 A. Good afternoon.
12 Q. Mr Witness, where were you born?
13 A. I was born at xxx after Kamabai.
14 Q. I can give a spelling of that. It's
14:37:45 15 xxx. Is xxx a village or a town near
16 Kamabai?
17 A. It is near Kamabai, yes. It was a village but now they
18 have a school there, but it is Kamabai that is the city.
19 Q. Thank you. In which chiefdom is xxx?
14:38:27 20 A. He died -- the chief died last - Foday Kalawa. He has not
21 been crowned. It is Biriwa Chiefdom.
22 Q. What tribe are you, Mr Witness?
23 A. I'm Limba.
24 Q. Do you know your age, Mr Witness.
14:38:59 25 A. Yes.
26 Q. How old are you?
27 A. I'm 40 years, forty plus four, 44 years.
28 Q. What work do you normally do?
29 A. I'm farmer.

- 1 Q. Mr Witness, can you read and write in English?
- 2 A. I didn't go to school.
- 3 Q. Can you read and write in Arabic?
- 4 A. No.
- 14:39:46 5 Q. Thank you. Mr Witness, are you married?
- 6 A. Yes, I have two wives.
- 7 Q. Do you have children?
- 8 A. Yes, I have eight children.
- 9 Q. Thank you. Where are they living presently?
- 14:40:20 10 A. They are all upcountry. One is in Freetown here. The
11 older one, who is a woman is in Freetown here.
- 12 Q. When you say upcountry. Where do you mean, where
13 upcountry?
- 14 A. Okay. The place I was born, the village I was born,
14:40:45 15 upland, the village in which I was born, upland.
- 16 Q. Is that xxx village?
- 17 A. Yes.
- 18 Q. Thank you, Mr Witness. Mr Witness, do you remember
19 sometime in the year 1998?
- 14:41:10 20 A. For.
- 21 Q. I want to ask you where you were living there?
- 22 A. I was in my village Kamagbengbeh. That was the place I was
23 living during that time.
- 24 Q. With whom were you living then?
- 14:41:36 25 A. With my brothers, my mother was there, my father was there.
26 I was born there, I grew up there and up to this present moment,
27 I am still there.
- 28 Q. In that year, Mr Witness, do you recall anything happening
29 at Kamagbengbeh village?

1 A. What are you talking about?

2 Q. I'm asking you when you were in Kamagbengbeh village in
3 1998, if you remember anything happening there.

4 A. Yes, the thing that happened there, that was the time I was
14:42:34 5 born, what I saw that is strange, it is about this war that has
6 just finished. We heard about war during this time but by then I
7 was not born but this particular war that has just passed, I know
8 more about it because I understand a little about it.

9 Q. I want you to tell this Court about what you know about
14:43:01 10 this war. Do you understand?

11 A. Yes.

12 Q. Please tell this Court whilst you were at Kamagbengbeh
13 village what happened about the war?

14 A. Okay. What happened at Kamagbengbeh, the time we were
14:43:34 15 hearing that this is war, there is war in the country, we heard
16 it different, different part of the country, like Kono, the Mende
17 areas, but we never thought of it. We thought the war was going
18 to end there, but we started seeing one year that our brothers
19 were coming from Kono, they run towards us. They go through up
14:44:05 20 by Kukuna Road and they come with their bundles. They met us in
21 our village and they told us they were running away from war from
22 Kono.

23 Q. Did you come to see anything about the war yourself,
24 personally?

14:44:29 25 A. Yes, when they came, our brothers from Kono, we were
26 arguing with them, but during that year when they came the first
27 year, the second year when the war came actually, that is the
28 time we saw that this are the actual rebels that were there, that
29 have come. They met us at night. In the month of May when it

1 was 15 -- the 15th of May, the first war we were almost ready to
2 plant, our women -- our ladies were about to plant ground nut.
3 We the men were about to plant rice. That was the first war we
4 saw. That was the very time they came and met us. That was the
14:45:24 5 first time this war reached Magbengbeh.

6 Q. Mr Witness, where were you then in Kamagbengbeh?

7 A. I was in the village. I was sleeping. They came at night.

8 Q. Okay. You are talking about "they." Who do you mean by
9 "they"?

14:45:49 10 A. The fighters. At first we didn't know. These fighters
11 they were telling us that they were fighters. When they held me,
12 they had knives and guns and if fact, they were harassing us and
13 they took everything from us, all our clothes, our properties -
14 they took everything away. Our wives, those who could not run,
14:46:26 15 they all took them away. They took over the town.

16 Q. Mr Witness I want you to --

17 A. Yes.

18 Q. -- tell us how it happened. When they first came I have
19 asked you where were you and you said you were in your house.

14:46:45 20 What time of the day did they come?

21 A. They came at night, about 2.00 at night. That was the time
22 they arrived at the town and they break all our doors, they beat
23 us. That was the first group. They came from up. We thought it
24 was a joke. We never knew it was going to be serious. They cut

14:47:22 25 a lot of people and some, but for me I had to run away from the
26 village. They beat us, they cut a lot of people. They arrested
27 three women, our women and some of them had to run away from them
28 whilst they were going.

29 Q. Mr Witness, please take it step by step.

1 A. Okay.

2 Q. You say that they came at 2.00 in the morning. When they
3 came, did you do anything?

4 A. What they did, they beat us, they did not kill anybody that
14:48:12 5 night, only they beat and they took all their properties and they
6 went away and they caught a lot of young boys and took them away
7 with them.

8 Q. Okay. Mr Witness, how long did you stay in your village
9 that night?

14:48:35 10 A. They took -- when they came to the town, they were there
11 for about an hour.

12 Q. You say that they took your property and they took some
13 boys away, how many boys did they take away?

14 A. The young boys, those who were in our village, they were
14:49:14 15 13. They caught 13 and when they came from up -- the women, they
16 were three. I was one of the ones held, but when we went, I
17 escaped from them. They beat me and up to this day I still have
18 the pains on me. At times when I feel these pains I become sick.

19 Q. Okay, Mr Witness. Did you see the people who came to your
14:49:45 20 village that night?

21 A. Yes.

22 Q. Do you remember how they were dressed?

23 A. Yes.

24 Q. Please explain to the Court how they were dressed?

14:50:09 25 A. What they wore, some had ronko, country cloth, which we
26 call in English, country cloth. Some had combats, dressing of
27 soldiers, some had -- they had civilian clothes. Some had --
28 they had guns. It was not everybody that had a gun, but some of
29 them had guns.

1 Q. Can you, Mr Witness, remember how many of these people went
2 to Kamagbengbeh that night, how many you saw?

3 A. Papa, when you hear, say this is war. Everybody was
4 scared. There was -- it was a population, I was not able to
14:51:13 5 count them, because everybody was trying to hide to run away to
6 the bush. It was not a small population. There were many, so I
7 cannot tell.

8 Q. Thank you, Mr Witness. You say you were one of those who
9 were captured. Did they take you anywhere?

14:51:39 10 A. As for me, me, they caught me. When they caught me they
11 said sit down here and they went to catch the other one. As soon
12 as they went to get the other ones and to go and steal some of
13 our property, the place in which I was sitting, because they
14 thought we were all rebels. It was the place where I was sitting

14:52:03 15 I had to hide away. I ran away from them. When they took the
16 lamp to look inside the house, I went through the bush and then I
17 went and hid myself in the bush that was where I went and I hid
18 myself. That was how they missed me in the village. I went
19 around and then I just ran away to the bush. Because the tension
14:52:30 20 in which they had, they had gun, if they had seen me they would
21 have shot me.

22 Q. Thank you, Mr Witness. Mr Witness, did you know any of
23 these people whom you said attacked your village, Kamagbengbeh?

24 A. Do you mean those who came at night?

14:52:58 25 Q. Yes. Those who came at night.

26 A. Yes. During that time when that was the time we started to
27 know that the war has actually come to Binkolo. They came that
28 evening, because they had cutlasses, they had guns. We knew that
29 they had come, so before morning, before the prayers was cleared

1 they had all gone. They had taken a lot of people and even the
2 women, they had all gone to the bush, there was nobody else in
3 the town .

4 Q. Yes, Mr Witness, you have explained that. I asked you a
14:53:39 5 specific question. I asked you whether you knew any of these
6 people who came that night. Please answer that question.

7 A. Papa, if I should say I knew anybody during that time, when
8 there is war, everybody tries to run away. You will not dare
9 to -- you will not be sitting there to see who is coming and who
14:54:08 10 is not coming. The best thing you do is you run away otherwise
11 you will be killed there. If I should say I knew anybody there,
12 I would be lying to you. It was at night, I was trying to run
13 away with my life.

14 Q. Later on, after you had run away, did you ever go back to
14:54:30 15 Kamagbengbeh?

16 A. Yes.

17 Q. When you went back to Kamagbengbeh, did you notice anything
18 in the town?

19 A. Yes.

14:54:54 20 Q. What did you notice?

21 A. Well, when I came, I came and we were looking around the
22 town. Everywhere we had kept anything, every house they had
23 spoiled the doors, there was nothing. There was no property
24 left. Everything they took away, everything they spoiled all the
14:55:23 25 doors and all the women had already gone to the bush. A lot of
26 them had gone to the bush. They all went away. Ran into the
27 bushes around. When we came now, we didn't see anybody again.
28 There was no rebel left. They had all gone and taken a lot of
29 people and they went towards Kamabai.

1 Q. Thank you, Mr Witness. When you returned, apart from
2 finding out that they had stolen your properties, did you
3 discover anything else?

4 A. Yes. Only those they took along with them when they went
14:56:11 5 towards Karina. That was the time we begin to heard [as
6 interpreted] what they were doing in the different villages they
7 went through up to the time they went away. They had wanted to
8 go to Kamabai but they didn't go to Kamabai but they went to the
9 road leading to Kabala and then they just went around to Karina.
14:56:37 10 That was how they went, burning houses along. The people -- the
11 brothers they took along with them, when they went away, two of
12 them, they were killed. That is between Kabonoya and Mayomgbo.
13 My brother they took from our village, two of them were killed
14 between Mayomgbo and Bonoya.

14:57:19 15 Q. Was that the only attack on Kamagbengbeh that you
16 experienced, Mr Witness?

17 A. It was the first group -- the first group that went during
18 the night, it is the only one I'm talking of, after that they
19 were based at -- they were based in the Loko country. The first
14:57:40 20 thing we started knowing that the war has come to Biriwa, that is
21 the one I'm explaining. After that group, our brothers who were
22 caught during the time they took them away, we never saw them
23 again. They were based in Loko country. They were there and the
24 jets scattered them there. Now, most of our people found ways.

14:58:04 25 They were lucky. They had ways to come back to the villages.
26 They were the once who told us that some of our friends have been
27 killed.

28 Q. Mr witness, I want to you listen to the question and answer
29 the question. Okay. I'm asking you whether that was the only

1 attack that took place in Kamagbengbeh whilst you were there?

2 A. No, it is not the only one.

3 Q. Do you know how many attacks took place at Kamagbengbeh
4 that year.

14:58:59 5 A. During that year, after the first group, the first group,
6 the one I was explaining about, another group also came. At that
7 time it was in the morning hours. They came from Kamabai. When
8 we asked there they said they came from Kalanthunba, that they
9 were all based at Kamabai. That group they came back to us and
14:59:32 10 each of them had a red headband on each of them.

11 Q. Apart from having this red band, did you see how they were
12 dressed?

13 A. Yes.

14 Q. How were they dressed?

14:59:57 15 A. Some of them had combats, that is the second group. Some
16 had civilian clothes, some had country clothes, Ronko, commonly
17 called ronko.

18 Q. When you saw them that night, did you talk to them? That
19 morning, I'm sorry.

15:00:40 20 A. I do not have the mind to speak to them. They were coming,
21 they were so bloody, even when I met them one had to hit me and
22 he held me, he said come on, let's go up. Let's go to the
23 different villages up and we're going there to steal people's
24 properties and when they came to -- when they went to the village
15:01:04 25 at Kamagbengbeh they were there, there were more than 30.

26 Q. Mr Witness. When they went to Kamagbengbeh this group of
27 more than 30, did they do anything there?

28 A. What they did -- they did not do anything there at first.
29 They only looked for something to eat. When they went they asked

1 for the chief and the chief was shown to them. The chief was
2 called. And one of the young boys, they called him, they went
3 and met them there and before they are going, but whilst they are
4 coming back they should keep rice and sauce for them. And so
15:01:56 5 when they went up and came back, they came, they met a goat and
6 rice kept for them.

7 Q. These people that came, did you know any one of them?

8 A. I don't know anybody among them. Their faces were
9 completely strange. I had never seen any of them before.

15:02:33 10 Q. How long did they stay in Kamagbengbeh?

11 A. When they were there, they -- at first when they were
12 going, they never stayed for long. But when we gave them what
13 they wanted what they asked for, that was the rice and the goat
14 and we should give them something to eat they said

15:02:55 15 [i ndiscernible] so when they came we gave them this and then they
16 left it to the chief and went away. They went upcountry,
17 northwards.

18 Q. After they had gone, Mr Witness, did you ever find out who
19 they were?

15:03:16 20 A. I never asked anybody. I didn't have the guts to ask them,
21 because you see people with guns. The others have cutlasses.
22 They had red headbands, for you to go near them and ask them
23 where are you coming from or where are you going to. I didn't
24 have the guts, I didn't have the mind to ask them.

15:03:53 25 Q. Am not asking you whether you asked them. I said did you
26 find out, after they had gone, from anybody who they were.

27 A. Oh, okay. I asked. And a lot of them said, as soon as
28 they had gone. And say, hey, there is problem at Biriwa. And
29 this war that has come, these are the fighters that have come,

1 because at first when they had these white -- at first when they
2 came they had white they went northwards but later on people were
3 afraid of them.

4 Q. Did you get to know any of their names after they had gone,
15:04:38 5 Mr Witness.

6 A. Among them, the group one, the one that had the white --
7 when I asked, to say I know them all, it is only that group, the
8 group that came later. It was only -- it was only one person
9 that was shown to us that he owned that group. That man was
15:05:13 10 called Water Bottle. He was the owner of that group. The one
11 that was introduced to us, that this is the owner of this group.
12 That he owns this group. And he was called Water Bottle. These
13 were the people who brought trouble for us.

14 Q. Mr Witness, was that the only time you saw this person
15:05:40 15 called Water Bottle.

16 A. When they were going around, when they already settled at
17 Kamabai, that was the time we started knowing him. But the time
18 they were passing there every day, every day, every day to go and
19 find something to eat around Kalanthunba to bring them down to
15:06:14 20 come to Kamabai to be based there, from that time when I knew it,
21 when these Kamabai people introduced him to us that this is Water
22 Bottle and whenever they see him they always salute them. That
23 is amongst them, the fighters. They always salute him. That was
24 the time I knew that he was the head.

15:06:41 25 Q. Did you get to know the name of any other person in the
26 group that made the second attack?

27 A. I will not lie to you. It was only the head, the head.
28 That was the only person whose name I know and I have seen him.
29 He was a young man, slim and black and for me to say I knew

1 another person in that group, no I would be lying. It was only
2 the head that I knew. Because during that time they would put
3 some load on our head to take to carry to Kamabai so I don't know
4 anyone except the head.

15:07:37 5 Q. Thank you. Mr Witness, did you say that they were based at
6 Kamabai?

7 A. Yes, that group. That particular group. That group where
8 Water Bottle was head. They were stationed there, that was
9 during that time. The time they were going up to gather
15:08:01 10 property, that was the first time we saw him when we carried
11 these properties to him, the rice, the goats and so on. We
12 carried it on our heads, we took it to Kamabai and if you want to
13 come to Magbengbeh, you'll have to hide otherwise they will catch
14 you and they were all staying at Kamabai. The group of --

15:08:25 15 Q. Thank you. Apart from Water Bottle, out of those who you
16 have said were staying in Kamabai, did you get to know any other
17 names?

18 A. The groups after that of Water Bottle, the other groups
19 that were coming, they were coming.

15:09:09 20 Q. Please, Mr Interpreter. Please explain to the witness that
21 he should answer the question that I asked. My question was:
22 Did he get to know any of the names of the people who were
23 stationed, as he said, in Kamabai. Apart from Water Bottle, did
24 you get to know any other name of those people whom you said were
15:09:31 25 at Kamabai?

26 A. Yes. The heads were -- the heads that were there they were
27 the people who were based there.

28 Q. Please tell the Court the names that you remember?

29 A. The heads I am going to name, those we knew to be head.

1 They don't go anywhere but they were stationed there. One of
2 them was called Savage.
3 Q. So do you know any other of them?
4 A. The second one or the third one, he was called Mani. The
15: 10: 31 5 head, but they didn't go anywhere. They were stationed there.
6 Q. Mr Witness, did you ever go to Kamabai during this period?
7 A. We were carrying loads to take to Kamabai. We go there
8 because we have to carry loads to Kamabai.
9 Q. So you went there?
15: 10: 59 10 A. Yes.
11 Q. And did you ever see the person you called Savage?
12 A. For him, I did not see him. Because during the war, when
13 you carry the load, you just leave it there. He was hiding. It
14 would not be a chance to go in and find out who and who is there.
15: 11: 34 15 Q. All right. Mr Witness, did you ever see the person you
16 referred to as Mani?
17 A. Yes. For him, I saw him.
18 Q. Thank you, Mr Witness. Was that in Kamabai?
19 A. Yes, because we carried load there.
15: 12: 04 20 Q. Apart from this second attack that you have explained to
21 this Court about, was there any other attack on Kamabai?
22 JUDGE SEBUTINDE: Mr Manly-Spain was that an attack on
23 Kamabai or Kamagbengbeh.
24 MR MANLY-SPAIN: Sorry, Your Honour.
15: 12: 35 25 Q. Was there any other attack on Kamagbengbeh?
26 A. It was the only one. That was the people, the heads that
27 were staying at Kamabai, they usually release people when they go
28 and spoil things up even at Kamagbengbeh, the people that were
29 stationed at Kamabai they only go to Kamagbengbeh, they spoil

1 everything there and then they come. Even in my own village,
2 Kamagbengbeh, they burnt three houses there.

3 Q. Please listen to the question, Mr Witness. You told us a
4 first attack which you said took place in May; is that so?

15: 13: 21 5 A. Yes.

6 Q. And you told us of the second attack in which you name
7 Water Bottle; is that so?

8 A. Yes.

9 Q. Apart from those two attacks, were there or was there any
15: 13: 43 10 other attack on Kamagbengbeh?

11 A. There was no fight. It was the only fight. That was the
12 only one we saw [indiscernible] -- those were the two groups that
13 actually destroyed us.

14 Q. You told us the first attack was in May of that year. Do
15: 14: 12 15 you remember when the second attack took place? What time of the
16 year?

17 A. It was the same month. In May that was the time we were
18 starting to plant rice. When we started harvesting and it was
19 time for us to harvest that was the time when the other groups
15: 14: 48 20 that I was talking about, that was the time Water Bottle's group
21 came to us. A lot of other groups came to station at Kamabai.
22 Every big man had his own group. Those were the people who were
23 sending people to go there to steal our properties. Even our
24 rice. They harvested and they took everything to Kamabai.

15: 15: 19 25 Q. Harvest time, when is that?

26 PRESIDING JUDGE: You don't have your microphone on.

27 MR MANLY-SPAIN:

28 Q. When do you refer to as harvest time?

29 A. Well --

1 THE INTERPRETER: My Lord, let the witness repeat his
2 answer.

3 PRESIDING JUDGE: Mr Witness, could you please repeat your
4 answer for the interpreter.

15:16:06 5 THE WITNESS: What is the message? I didn't get your --
6 ask your question.

7 MR MANLY-SPAIN:

8 Q. I'm asking you what time in the year do you refer to as
9 harvest time?

15:16:32 10 A. When you plant in May up to the time of November, then that
11 is the time you start to harvesting. Some rice will take four
12 months, other three months. That was in November.

13 Q. Thank you, Mr Witness. Mr Witness, the second attack,
14 please remember the second attack, how long did it take?

15:17:12 15 A. The second one, that is what I'm telling you, that was in
16 November. That was the time they came that the other group came
17 that time. The first one, it was in May. That was the time when
18 we started planting. They were there up to the -- we thought
19 they had gone. We never knew there was a bigger group coming.

15:17:47 20 That was -- when they came in November. That was the time we
21 were about to harvest, that was the time they all came to Biriwa.
22 A lot of them were now in Biriwa during that time.

23 Q. Yes, thank you, Mr Witness. What I'm asking you is how
24 long did it take in Kamagbengbeh?

15:18:15 25 A. When they come from Kamabai they never stay too long there.
26 They don't spend even a week there. When they go they just pass,
27 they go up towards the north and when they are coming back from
28 the north -- when they are coming back to Kamabai they also go
29 through Kamagbengbeh. And if they are going along they meet

1 anybody there, whether it's a man, a young boy or girl, they give
2 them road to come to Kamagbengbeh. It is only the time when they
3 come from Kamabai they just go through and then coming from up,
4 they come back, they come. If you are a met in the town they
15: 18: 55 5 will catch everybody of you and ask you to take their loads to
6 Kamabai and other places.

7 Q. [Microphone not activated]?

8 PRESIDING JUDGE: You don't have your microphone on again,
9 Mr Manly-Spain.

10 MR MANLY-SPAIN: Thank you Your Honour.

11 Q. Mr Witness, let's go back to the first attacks -- the
12 attack that took place in May. You have told this Court that
13 they looted property, they took some boys and girls away. Is
14 that all that happened?

15 A. Yes. In Kamagbengbeh.

16 Q. Yes?

17 A. That was the first time they went when they took these
18 people. The second time when they came they looked wherever you
19 had any cattle, sheep, goat, everything. The first time they
15: 20: 03 20 only took people along. They took our dress and money, they went
21 away with everything but the second time when they came they
22 never left any goat, no farm, no rice. We, we all were in the
23 bush. That was the only place we could find food. Anything --
24 any time if they see you and they catch you, they will give you
15: 20: 27 25 some rice to carry up to Makeni. That was the second group.

26 Q. The first group again, Mr Witness, after you returned to
27 Kamagbengbeh, do you know whether anybody in Kamagbengbeh was
28 killed?

29 A. The first group?

- 1 Q. Yes?
- 2 A. Nobody was killed in the town. Nobody was killed in the
3 town. It was only they stole properties, they beat us, they beat
4 a lot of people. To say they killed somebody during that time,
15:21:16 5 no, nobody was killed. Only those that they caught and took
6 along with them, they took from our village, up to this day we
7 have not seen.
- 8 Q. Mr Witness you have explained that. Just answer the
9 question put to you.
- 15:21:31 10 A. Yes.
- 11 Q. Did you find out whether anybody was amputated during that
12 first -- in Kamagbengbeh during that first attack?
- 13 A. No, I never saw that. Nobody was amputated there in our
14 village. Nobody was amputated in our village.
- 15:21:59 15 Q. Did you find out whether anybody was raped there?
- 16 A. In the first group?
- 17 Q. Yes, the first group?
- 18 A. Yes. That was my brother's wife was raped.
- 19 Q. How many did you find out about, rapes?
- 15:22:33 20 A. It was one woman.
- 21 Q. Thank you, Mr Witness. Please, Mr Witness, let's go now to
22 the second attack. After the attack, did you discover whether
23 anybody in Kamagbengbeh was killed?
- 24 A. When they came, the second group?
- 15:23:08 25 Q. The second group.
- 26 A. The second group, they never killed anybody there.
- 27 Q. And do you know whether anybody in Kamagbengbeh was
28 amputated during this second attack?
- 29 A. No. I never saw, I never saw anybody who was amputated

1 there during that second group.

2 Q. Did you hear whether anybody was amputated?

3 A. In Kamagbengbeh?

4 Q. Yes.

15:23:59 5 A. I was born there. I never saw anybody who was amputated
6 there.

7 Q. I'm asking you whether you heard that somebody was
8 amputated there?

9 A. Around the area, you mean?

15:24:22 10 Q. In xxx.

11 A. That is what I'm saying. We are there. There I was born.
12 I was there. I never saw anybody who was amputated there in
13 xxx. In my own village, xxx, where I was born.
14 Nobody was amputated there.

15:24:42 15 Q. Thank you very much. That is what I was asking you.
16 Mr Witness, apart from the names that you have told us that were
17 in Kamabai, that is -- you told us about Water Bottle, Savage and
18 Mani, did you hear the names of any other leaders of this group
19 that was at Kamabai?

15:25:19 20 A. No, sir, only those that I have called to you those are the
21 ones I heard of. Water Bottle, I saw him myself. I was shown to
22 him. And he did something bad to me. The one called Savage, his
23 own group, we were taking a load for him but I never saw him
24 outside in Kamabai. The Mani, we took load there, we met him
15:25:55 25 sitting there with his own group and he was shown to me. But we
26 that are taking the -- we only leave the load and you don't see
27 them but to say I had another person's name, no I did not hear
28 anybody's name and I don't know. I don't know them. The ones I
29 know are the ones I have named to you.

1 MR MANLY-SPAIN: That is all for this witness.

2 PRESIDING JUDGE: Thank you, Mr Manly-Spain. I take there
3 is nothing else in chief from the other counsel.

4 MS THOMPSON: No, Your Honour.

15: 26: 36 5 PRESIDING JUDGE: Yes.

6 CROSS-EXAMINED BY MR AGHA:

7 Q. Good afternoon, witness.

8 THE INTERPRETER: Your Honour, the witness's mic is not on.

9 Q. Mr Witness, did you meet from anyone from the Defence
15: 27: 30 10 before coming to the Special Court?

11 A. Yes.

12 Q. Did you give to them is a story of your evidence which you
13 have given today?

14 A. Yes, I explained to them. Those who are sitting on my
15: 28: 17 15 left, I spoke to them. I explained to them.

16 Q. Now, we have a summary provided by the Defence of your
17 evidence for today. Now, according to that summary, during the
18 first attack, there is no mention of you being captured. Did you
19 mention that you were captured to the Defence during the first
15: 28: 49 20 attack?

21 A. Mister, I didn't say they took me along. That I said in
22 the town, when we came to the town, I was caught there and I had
23 to escape. They did not take me along. It was in the town they
24 caught me.

15: 29: 11 25 Q. Did you mention you had been caught and having to escape to
26 the Defence?

27 JUDGE DOHERTY: Mr Agha, did the witness said cut C-U-T, or
28 caught, C-A-U-G-H-T?

29 A. I said they caught me there and I had to escape from them.

1 That was in the village in which I was. That was the place I
2 escaped. They were not able to take me along. They were not
3 able to abduct me. I told them that.

4 MR AGHA:

15:29:45 5 Q. Mr witness, please, are you suggesting that they cut you
6 with an implement, a knife or something?

7 MR MANLY-SPAIN: No, no. [Overlapping microphones]

8 C-A-U-G-H-T, not C-U-T.

9 THE WITNESS: Yes.

15:29:58 10 MR AGHA: I was just clarifying that, whether it was caught
11 or cut.

12 JUDGE DOHERTY: The reason I raised it was because to my
13 ear it sounded like cut, but they are close and the pronunciation
14 is the essence.

15:30:12 15 MR AGHA:

16 Q. Did you mention to the Defence that you were caught and you
17 had to run away on the first attack?

18 A. Yes.

19 Q. Did you mention during that first attack that you were
15:30:36 20 beaten?

21 A. I told them that look at my right hand. This was the place
22 where I was beaten.

23 Q. Yes. And did you tell them that you were beaten during the
24 first attack. You either did or didn't?

15:31:00 25 A. I told them that at first they caught me and I was beaten
26 here and that was the place I managed to escape from them.

27 Q. So you were beaten and you escaped. Now, did you mention
28 that anyone, so far as you are aware, was raped during that first
29 attack?

1 A. Yes, I told them that.

2 Q. Now, Your Honour, at this stage, none of this evidence
3 which has come out is in the summary in the first attack. So it
4 has now become a matter of the witness's credibility, so the
15:31:46 5 Prosecution would request, on these three new issues, that the
6 Defence provide us with a copy of the statement so see if,
7 indeed, they have been mentioned, or if it is again the case of
8 another defective summary?

9 A. It was there. I explained to them. I showed them my
15:32:11 10 brother's wife was even raped there. It was one and that I was
11 caught myself and I was beaten and when they had -- when they
12 went -- when the man said "let us" -- the language they were
13 talking was Gbanwi [phon] meaning that was the time I managed to
14 escape from them. But to beat, I was beaten with a gun -- I was
15:32:35 15 hit with gun here. That was in my parlour and they took me out
16 for me to see them outside. That was the first time. They never
17 took me along, but where I was sitting that night, that was the
18 place where I escaped from them. So I told them that I was
19 beaten. I told them -- they asked me whether -- if somebody was
15:33:02 20 raped there. I told them yes, my brother's wife was raped.
21 Those are the things I told them. Those were the things I told
22 them.

23 MR AGHA: Your Honours, there is no mention, I don't think,
24 anywhere in this summary of any mention of rape. So either it is
15:33:21 25 not in the statement, as alleged, or it is a case of the summary
26 being way away from that statement. So on these three, four,
27 alone, I have not come to other parts of his summary, the
28 Prosecution would request the statement to see whether the
29 witness is being truthful or whether it is again a question of a

1 defective summary.

2 PRESIDING JUDGE: Well, when the issue of truth comes in --
3 but bear in mind you have been given a summary. You are now
4 hearing evidence sworn on oath. Because it is not in the summary
15:34:01 5 does not necessarily mean he is telling lies. That is something
6 you must examine under cross-examination.

7 MR AGHA: Well, I'm trying to be fair to the witness. We
8 are provided with a summary. None of these things are mentioned
9 in the summary. Now, maybe they are mentioned in the statement.
15:34:17 10 So I can put to him he is lying, but we are not going to know.
11 If they are, indeed, in his statement, then that shows that he is
12 not lying and then that begs a question of how can the
13 Prosecution continue to cross-examine on these summaries that we
14 are receiving.

15 PRESIDING JUDGE: Look, there are many cases that go before
16 the courts where the Prosecution doesn't get any statement and
17 they manage to cross-examine quite well. You will find in common
18 law jurisdictions the Defence is not obliged to give any
19 statements to the Prosecution and those cases seem to come to
15:34:56 20 finality. The application is, Defence, that the Prosecution once
21 more is calling on you to produce this witness's statement
22 because the summary has come into question. Anybody on the
23 Defence do they wish to mention that?

24 MR MANLY-SPAIN: Your Honour, in opposing the application,
15:35:19 25 we understand the claim of counsel to be that there are
26 discrepancies between the summaries and what the witness has
27 given in oral testimony on oath. We believe that the reason for
28 a trial is based on the principle of orality so the witness can
29 come to court and give evidence before the Court on what he

1 believes or what he says is the truth. If this practice is
2 continued, Your Honour, every time that there is a discrepancy
3 the Prosecution ask for a witness statement, on very trivial
4 matters, then they will take away the rights of the Defence to
15:36:15 5 not to disclose witness statements, but to produce mere
6 summaries.

7 The references which this Court has made prior to this
8 application, by that I mean the decision this morning or this
9 afternoon, and the decision two days ago are quite clear on the
15:36:50 10 meaning of Rule 73 ter regarding disclosure. Mere discrepancy,
11 Your Honour, we would submit, does not give the Prosecution an
12 automatic right to demand and to be given the statements. We
13 respectfully submit that the matters which my learned friend has
14 raised as to whether the witness said he was caught in the
15:37:30 15 summary, whether he was beaten, whether there was a rape, et
16 cetera, et cetera, are things that can be adequately test in
17 cross-examination are things that can be put to the witness in
18 cross-examination. We Your Lordships, [indiscernible] these type
19 of applications, because as experienced people, some of these
15:37:55 20 things come out in examination-in-chief without any guidance from
21 the counsel leading. And every time something new comes up, the
22 Prosecution, if this is accepted, will continue to say we want to
23 see the statements. And that would not be in the interests of
24 justice. Thank you.

15:38:25 25 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Yes, Mr Agha.

26 MR AGHA: Your Honour, my understanding, and a copy of the
27 Rules are being printed, is under 73 ter of the Rules of this
28 particular tribunal that the Defence are obligated to provide a
29 summary of the facts on which the witness will testify about.

1 Now the Prosecution has to give statements within 42 days which
2 gives adequate time for the Defence to investigate those
3 witnesses. Now, the Rules, as they are, oblige the Defence to
4 give summaries of the facts. And I would not, in my own
15:39:11 5 submissions, suggest that omitting the fact that there had been
6 rape, beatings and running away are trivial matters. They are
7 matters that had they been disclosed, the Prosecution could have
8 tried to investigate and effectively cross-examine on. The fact,
9 I think, we need to differentiate between summaries which are
15:39:30 10 more or less on the mark and those which are introducing wholly
11 new elements. Now, when we come along to cross-examine, we only
12 have the summary. We only have that within the 21-day rolling
13 period. If matters, which I believe, for example, there is no
14 mention of any rape here, no mention of any beatings here, no
15:39:50 15 mention of any running away, we don't with the ability to test
16 the evidence.

17 I would also submit that the 73 ter stage is a stage of a
18 statement before the witness has even given evidence. We are now
19 at the stage where the witness has given evidence. And if his
15:40:08 20 evidence was reasonably within the parameters of what one would
21 expect from a summary, we would not ask for a statement. But as
22 in the other instance when this Honourable Court ruled that the
23 statement would be given to us, is that wholly new matters of
24 significance that arise, then the Prosecution, in all fairness
15:40:32 25 also to the witness, needs to see whether he has actually said
26 that in his statement in terms of his credibility, or whether the
27 summaries are so defective as they are serving no real purpose.
28 I know this Honourable Court has asked the Defence to revise and
29 look at the summary with vigilance, but bearing in mind this was

1 a witness that has come up two or three days later. There has
2 been no revision to that. I presume the witness was proofed. So
3 this is the submission of the Prosecution, we would distinguish
4 that we are asking for the statements after the evidence in chief
15:41:05 5 has come and without -- we are being taken by surprise, yet
6 again, in areas which we feel are significant.

7 PRESIDING JUDGE: What is the significant, for example,
8 where the witness says no, he wasn't capture. He never left the
9 village. They caught him and he escaped. And you are saying
15:41:27 10 that you haven't been told that he escaped. Well, what is the
11 significance? This witness obviously doesn't -- rather, this
12 witness draws a big distinct between being captured and being
13 caught. And it seems to me, I got the impression that he doesn't
14 regard himself as ever being captured, unless he was taken out of
15:41:54 15 the village, and he wasn't. So isn't that rather just a rather
16 trivial matter of semantics? How does the Prosecution case rise
17 or fall on the difference between being captured or caught,
18 according to this witness's testimony?

19 MR AGHA: It does not rise and fall on being captured or
15:42:11 20 caught. It may, if we could have investigated his allegations
21 that rapes took place and the allegations that beatings took
22 place. As far as this summary suggests, there was no killings --
23 there actually was no looting at this village and no killing.
24 There is no amputation. It is -- it says did not hear of any
15:42:33 25 rape incident. It specifically says that. So the Prosecution's
26 understanding is that, by and large, apart from looting, this is
27 all that occurred in this village. Now, that is clearly not the
28 case.

29 PRESIDING JUDGE: Well, of course, you still have your

1 right to cross-examine and no matter whether you heard the
2 evidence in chief or not, or you haven't been given the
3 statements before, it does not change the basic principle of law
4 that the Defence is not obliged to hand over evidence to the
15:43:11 5 Prosecution so that the Prosecution can satisfy their onus of
6 proof beyond reasonable doubt. But in any event, I will confer
7 with my colleagues.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: In this particular application by the
15:49:55 10 Prosecution for the Defence to surrender the full witness's
11 statement, we are not satisfied that the Prosecution has
12 demonstrated that the failure to disclose the Defence witness
13 statement will result in the Prosecution suffering undo or
14 irreparable damage. The Prosecution, in our view, is not
15:50:20 15 prevented from properly cross-examining the witness and depending
16 on the results of that cross-examination, the Prosecution is not
17 prevented in addressing the Court in their final arguments as to
18 the weight that should be attached though this witness's
19 testimony. Accordingly we reject the application.

15:50:48 20 Yes, Mr Agha.

21 MR AGHA:

22 Q. Witness.

23 A. Sir.

24 Q. I would like to ask you a few more questions, if I may?

15:51:11 25 A. Okay.

26 Q. I put it to you that you were not beaten during that first
27 attack?

28 A. Me, I was beaten.

29 Q. I put it to you that you did not run away from the village

1 during that first attack.

2 A. Papa, why was I there? If I do not tell what I saw you, if
3 I should tell you, that was why I had taken an oath on the Bible.
4 What happened to me, I was disgraced. To tell me that I was not
15:51:54 5 beaten; I have my pains. I have my pains on my right hand. That
6 was the place they beat me. Am I the one to tell lies here? I
7 would not.

8 PRESIDING JUDGE: Listen, Mr Witness, will you please
9 listen to the question. The question was: Counsel put to you,
15:52:12 10 you did not run away from the village. That is the question.
11 The counsel is suggesting to you that you are not telling the
12 truth when you said you ran away. Now what do you say to that?

13 THE WITNESS: That I didn't escape?

14 MR AGHA:

15:52:51 15 Q. Yes. I am suggesting to you that you didn't run away.

16 A. If I had not escaped, they would have killed me, because
17 during that time where they caught me, they were about to give me
18 a big lead to carry. That was the time they met me in my own
19 place. That time. If I had been there, that was the time I
15:53:18 20 escaped from him. That was the first one that came.

21 Q. That was the first attack?

22 A. Yes.

23 Q. I put it to you, you did not mention any of what you have
24 just said about being captured, being forced to carry anything to
15:53:36 25 your defence lawyers during the first attack. Did you tell them
26 or did you not?

27 A. I told them that. I told them and I was held. That was
28 the start of the building. The first group that came in the
29 evening and the first time we never knew that this war would come

1 to Biriwa, who were the first at Magbengbeh. That was the first
2 place they visited. That was the place they came first when they
3 came from Kono, Bumbuna, and so on they came to Magbengbeh. That
4 was between Kamabai --

15:54:28 5 Q. Mr Witness, how did they stay after they came on that first
6 night?

7 A. I told you that they took -- they spent about one hour
8 there damaging the place. In fact, it was raining. They were
9 all soaked. It was raining. They there were for one hour. All
15:54:55 10 suckling mothers went away, everybody ran into the bush. I was
11 caught and I was placed there to sit. But they were not able to
12 carry me that night. That was the time I escaped from them.
13 They were there for about one hour.

14 Q. Witness, witness, did they remain in the village the next
15:55:11 15 day?

16 A. No, they didn't. They were not there the next day.

17 Q. Did you tell this to the Defence when you spoke to them,
18 that they didn't stay there the next day?

19 A. That they, I told them they never slept there. They
15:55:42 20 passed. After they had done this, they all went away. They just
21 passed through.

22 Q. I put it to you that you told your Defence lawyers that
23 they stayed there for one day?

24 A. I did not tell them that. I never told them that they were
15:56:02 25 there for a day. When they came --

26 Q. Witness, next question, please. When they came, in that
27 night time, you did not know any of the identities of the
28 attackers, did you?

29 A. That was so.

1 Q. Did you ever mention at all to your defence lawyers that
2 any rape had is occurred at any time during the presence of the
3 people who came to your village, whether on the first or the
4 second attack?

15:56:55 5 A. I told them. They asked me all those questions, that if
6 somebody was raped. I said yes. They said: "Are you sure?"
7 And I said: "Yes, I am quite sure."

8 Q. I put it to you that you did not tell your defence lawyers
9 that any rapes took place at all?

15:57:19 10 A. Mr, I told them this. I told them this. I told them that.

11 Q. Now, the next group, this is the second attack of rebels,
12 you told your Defence lawyers that they came back three days
13 later, didn't you?

14 A. After the first group?

15:57:52 15 Q. Yes, the second group returned three days later.

16 A. It was not three days. I never said three days.

17 Q. You suggest to you that you told your Defence lawyers that
18 it was three days later that the second group returned?

19 A. I did not tell them that.

15:58:23 20 Q. You told your Defence lawyers when the second group
21 returned, upon entering the village they shouted "No looting at
22 Kamagbengbeh, and no killing." That is right, isn't it? Did you
23 tell your Defence lawyers that the rebels shouted no looting at
24 Kamagbengbeh - that is your village - and no killing. Yes or no?

15:59:08 25 A. For them, they never killed there, but to steal. They
26 stole almost everything. They opened the doors and so on.

27 PRESIDING JUDGE: Mr Witness, you are not answering the
28 question. You are not answering what was asked of you. Counsel
29 is saying: Did that group in the second attack shout "No looting

1 and no killing"? Did you tell that to your Defence people that
2 you spoke to?

3 THE WITNESS: I told them so say that don't kill, they said
4 it. To steal, they said everybody -- they all said no killing,
16:00:05 5 only looting, that is to say, you should not kill, but you can
6 loot.

7 MR AGHA:

8 Q. So the second group said they did not say "no looting."
9 You didn't tell your Defence lawyers that the second group said
16:00:21 10 "no looting"? Yes or no or no. You either did or you didn't?

11 A. It was not so.

12 Q. I suggest you did tell your Defence lawyers that the second
13 group that entered said "no looting."

14 A. I did not say that. I never told them that. They stole,
16:00:55 15 but they never killed anybody there. And beat.

16 Q. Now, you say that this group occupied your village. How
17 long did they stay there for?

18 MR MANLY-SPAIN: May it please, Your Honour.

19 THE WITNESS: Which group, the second group?

16:01:47 20 MR MANLY-SPAIN: That was the question.

21 PRESIDING JUDGE: I thought it might have been,
22 Mr Manly-Spain.

23 MR AGHA:

24 Q. Yes, the second group.

16:01:58 25 A. They never slept there. They were passing. They were
26 passing. On passing, they will do whatever they want and they go
27 and loot and stole everything, our goat, sheep, everything and
28 they even gave it to the citizens to carry it on their heads up
29 to Kamabai. They never slept there.

1 Q. Did you say to your Defence people who you spoke to you --
2 MS THOMPSON: Your Honour, before my learned friend goes
3 further, may I say that he corrects his terminology. If you say
4 "your Defence lawyers," it gives the impression that the witness
16:02:34 5 is on trial and that we are his lawyers. I think perhaps the
6 Defence lawyers. I do not want the witness getting confused that
7 he is being crossed and he is on some sort of trial or something.
8 He is merely a witness.
9 PRESIDING JUDGE: Yes, I think it probably wise to rephrase
16:02:51 10 that a little bit, Mr Agha. Make it appear as though to the
11 Defence lawyers not acting for him.
12 MR AGHA:
13 Q. Mr Witness, when you met those who you told your story to,
14 did you tell them that you heard the following names as leaders
16:03:15 15 of the rebels who occupied Kambia, Kamagbengbeh and the
16 surrounding villages? Did you tell them of any such occupation?
17 A. I did not get you. I did not get you what? I did not get
18 your question clearly.
19 Q. Did you tell those who you spoke to that the rebels
16:03:44 20 occupied Kamabai, Kamagbengbeh and the surrounding villages?
21 A. They were only based at Kambia. That was the only place
22 they were based. They never based in any village. Kamabai was
23 the city for Biriwa. That was the place where they were based.
24 Q. I suggest that you did tell those who you told your story
16:04:23 25 to that you told them that the rebels occupied Kamabai,
26 Kamagbengbeh and the surrounding villages, yes or no?
27 A. It was not so.
28 Q. I suggest to you, witness, that the evidence you have given
29 today has been totally made up?

1 A. It was not make up. This, all that I'm explaining, it was
2 done to me. I cannot think leaving my village, left everything,
3 and walking and left all my family, to come here. What happened
4 to me and what I saw is what I'm explaining here.

16:05:17 5 Q. This evidence, which you have given today, is, in a large
6 part, different from what the told the people you met and told
7 your story to, isn't it?

8 A. No, there is no difference. How they asked me and what
9 happened to us in to us in our village. That was what I have
16:05:51 10 explained. If I say I have come here to say any other thing, I
11 will be lying. What was done to us in our village or how the war
12 passed in our village, that is what they asked me and that is
13 what I have answered to.

14 Q. That is what you told the people from the Defence who you
16:06:09 15 spoke to?

16 A. To what?

17 Q. What you have said today in this courtroom is what you also
18 told the people who you spoke to from the Defence?

19 A. Yes, that was exactly what I explained to them.

16:06:37 20 MR AGHA: Thank you, Your Honour. I have no further
21 questions.

22 PRESIDING JUDGE: Thank you, Mr Agha.

23 MR MANLY-SPAIN: No, re-examination.

24 PRESIDING JUDGE: No re-examination. Thank you.

16:06:48 25 Mr Witness, we would like to thank you for coming to court and
26 giving evidence today. Your testimony is now finished. You will
27 be able to leave the Court very soon. We will just leave the
28 Bench and then you can go home. We will adjourn the Court until
29 9.15 Monday morning.

1 [Whereupon the hearing adjourned at 4.10 p.m.
2 to be reconvened on Monday, the 17th day of
3 July, 2006, at 9.15 a.m.]
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EXHIBITS:

Exhibit No. D16	35
Exhibit No. D17	42

WITNESSES FOR THE DEFENCE:

WITNESS: DBK-089	3
EXAMINED BY MR GRAHAM	3
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