

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

TUESDAY, 18 JULY 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg Ms Carolyn Buff
For the Registry:	Ms Maureen Edmonds Mr Geoff Walker
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Shyamala Alagendra
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Mr Kojo Graham Mr Osman Keh Kamara Mr Ibrahim Foday Mansaray (legal assistant)
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [AFRC18JUL06A - RK]

2 Tuesday, 18 July 2006

3 [The accused present]

4 [The witness entered court]

09:15:55 5 [Open session]

6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Yes, I take it, the gentlemen in the
8 witness box is pseudonym DBK-105 giving evidence in Loko; is that
9 correct?

09:17:24 10 MR GRAHAM: That is so, Your Honour.

11 PRESIDING JUDGE: Yes, well the witness can be sworn.

12 MR GRAHAM: Your Honours, good morning. Before the witness
13 is sworn, respectfully, I want to inform Your Honours about
14 something that happened yesterday in relation to the witnesses
09:17:43 15 who testified yesterday. I think DBK-090 and then DBK-095, I
16 recall yesterday sometime in the course of my submission
17 regarding the problems that we were having with witnesses, I did
18 mention, if I am right, that these two witnesses had come on the
19 condition that they would have to go back the same day. Your
09:18:09 20 Honours, I'm not apportioning blame. We are not blaming WVS. I
21 think they have tried a lot. They are working with us very well.
22 But this is the institutional systemic weaknesses that we have.
23 That was put across to WVS via email. In respect of DBK-095,
24 they waited for him at Karina late Sunday evening and then they
09:18:36 25 drove down to Freetown early yesterday morning. Unfortunately,
26 yesterday, after they testified, for whatever reason, WVS was
27 unable to provide them with Special Court transport for them to
28 go back to Karina. They made some provision of some amount of
29 money and, through that, we got our investigators to arrange

1 private transport for them. Unfortunately, on their way, they
2 had an accident in their car somersaulted. As we speak, DBK-095
3 is being ferried back to Freetown for treatment. We have spoken
4 to WVS. They have been very co-operative, and they have informed
09:19:20 5 us that as soon as the witness is brought to hospital, they will
6 send their people back there.

7 Then, of course, I was just raising this point once again,
8 because it comes down again to some of the constraints and
9 problems that we have in trying to bring these witnesses back and
09:19:39 10 forth. We are not asking for the Court to make any orders, but
11 we think it is appropriate that we keep you informed about this
12 development. Thank you, Your Honours.

13 PRESIDING JUDGE: Thank you, Mr Graham. Just one comment I
14 would make on that. It seems to me it is wrong for a witness to
09:19:55 15 be informed that he will be able to go to Court and be back home
16 the same day. I don't think any counsel is in a position to make
17 that guarantee to a witness. If he gives evidence in Court, that
18 witness stays in court until his evidence is complete, whether it
19 takes one day or 10 days. If the Defence has been guaranteeing
09:20:17 20 witnesses they will be home the same day, my advice is that they
21 cease to do so, and put it straight to the witness that he may be
22 delayed in Court a lot longer than he thinks, and it is a
23 possibility that each witness must face.

24 MR GRAHAM: I'm grateful for that, Your Honours. Indeed,
09:20:39 25 we have not been assuring witnesses at all in that regard. We
26 very much recognise the logistics. This happened to be an
27 exceptional situation. I think we did discuss that, because they
28 made it very clear that that was the condition under which they
29 would come. I believe yesterday, as of the time they left, it

1 wasn't quite late enough for them to have been taken back. The
2 point is well taken; it is just by way of information. I'm
3 grateful.

4 PRESIDING JUDGE: The other thing, Mr Graham, certainly we
09:21:11 5 appreciate being kept in informed, but the problems you've
6 mentioned are essentially the Defence problems and they are for
7 the Defence to solve, not the Bench. Yes, this witness can be
8 sworn.

9 WITNESS: DBK-105 [Sworn]
09:21:50 10 [Witness answered through interpreter]

11 EXAMINED BY MR GRAHAM:

12 Q. Morning, Mr Witness.

13 A. Yes, good morning. How are you?

14 Q. Mr Witness, I'm going to ask of you a number of questions
09:23:45 15 this morning, and I would want you to answer them to the best of
16 your knowledge. Do you understand me?

17 A. Okay.

18 Q. Mr Witness, do you know when you were born?

19 A. Yes. I don't know. I don't know when.

09:24:25 20 MR GRAHAM: Your Honours, I did not hear any response from
21 the interpreter. I do not know whether my system --

22 PRESIDING JUDGE: I got a response, Mr Graham. The witness
23 said, "I don't know when."

24 MR GRAHAM:

09:24:44 25 Q. Mr Witness, are you educated?

26 A. I am not educated.

27 Q. Thank you. Mr Witness, where do you presently live?

28 A. I am at Special Court.

29 Q. Prior to you coming to the Special Court, where were you

1 living at?

2 A. I was over there when I was brought here.

3 Q. Where were you when you were brought over here?

4 A. Are you asking me of my home, or Freetown here?

09:25:49 5 Q. I'm asking you of your home, thank you.

6 A. Mandaha.

7 Q. Thank you. Your Honours, Mandaha we have heard that

8 before. Mr Witness, are you married?

9 A. Yes, I am married.

09:26:10 10 Q. How many wives do you have, Mr Witness?

11 A. One.

12 Q. Do you have any children?

13 A. Yes.

14 Q. Can you tell this Court how many children you have,

09:26:20 15 Mr Witness?

16 A. Five children.

17 Q. And these five children, do they live with you at Mandaha?

18 A. Yes.

19 Q. Does your wife also live with you at Mandaha?

09:26:51 20 A. Yes, she lives with me at Mandaha.

21 Q. How long have you been living at Mandaha, Mr Witness?

22 A. I was born there and I've been living there. I don't know

23 how old I am.

24 Q. Thank you. Mr Witness, you said you lived in Mandaha. Do

09:27:18 25 you know which section Mandaha is located?

26 A. What happened at Mandaha, I know. What I know is what I

27 want to say here.

28 Q. Okay. Thank you, Mr Witness. Mr Witness, what is your

29 tribe?

1 A. Yes. I am a Mansaray.

2 MR GRAHAM: Your Honours, I believe that is spelled --

3 thank you, Your Honours.

4 Q. Mr Witness, how many languages do you speak?

09:28:17 5 MR AGHA: Your Honour, I think he said he is illiterate.

6 THE WITNESS: I speak Loko and Krio, that is all.

7 MR GRAHAM:

8 Q. What is your religion, Mr Witness?

9 A. I am a Muslim.

09:28:47 10 Q. Do you have a profession, Mr Witness?

11 A. Yes.

12 Q. Can you tell this Court what your profession is?

13 A. I am a farmer.

14 Q. Thank you, Mr Witness. Mr Witness, do you recall anything

09:29:12 15 significant happening in May of 1998?

16 A. I know a bit of what happened.

17 Q. Mr Witness, do you know where you were in May of 1998?

18 A. I was at Mandaha.

19 Q. Mr Witness, can you tell this Court what you know happened

09:30:14 20 in May of 1998 at Mandaha?

21 A. Yes, what I know is what I will say at Mandaha.

22 Q. Mr Witness, can you tell this Court what you know happened

23 at Mandaha?

24 A. Okay.

09:30:57 25 Q. Please tell the Court.

26 A. What happened at Mandaha, at one time we were there almost

27 by dawn. It was daybreak and we were about to go to a company.

28 Q. Mr Witness, before you go on, you said by dawn. What do

29 you mean by that, if you could explain that to the Court?

1 A. Yes, by daybreak, we saw a woman coming from Kambia. She
2 said, "If you stay, rebels are coming."

3 Q. Mr Witness, do you know this woman that you just mentioned?

4 A. I don't know her. She was rushing, passing by.

09:32:31 5 Q. Do you know from which direction she was rushing to pass by
6 from?

7 A. When she passed, she entered into the bypass of the bush,
8 but I do not know the woman.

9 MR AGHA: Your Honours, may we have some foundation as to
09:33:00 10 how with we know were the woman came from?

11 MR GRAHAM: That's what I'm asking him.

12 Q. Mr Witness, I asked you whether you know from which
13 direction the woman was coming. As of the time you said you saw
14 her, from which direction was she coming from?

09:33:24 15 A. Kambia. She came from Kambia.

16 MR GRAHAM: Your Honours, Kambia, I believe we have heard
17 that before.

18 Q. Mr Witness, how do you know that this woman you mentioned
19 was coming from the direction of Kambia?

09:33:44 20 A. That was the way we saw her coming from when we were all
21 gathering at the end of her house.

22 Q. Mr Witness, you just told this Court that "we." What do
23 you mean by "we"? What are you referring to as "we"? Please
24 tell this Court.

09:34:13 25 A. Yes, we saw her when she passed by.

26 Q. Yes. I'm saying when you say "we," what do you mean? You
27 said "We saw her." You, together with whom, saw her?

28 A. Yes, with my fellow brethren at Mandaha.

29 Q. Thank you, Mr Witness. Mr Witness, do you know which

1 season of the year this was?

2 A. It was almost about rainy season when we were trying to go
3 harvest.

4 Q. Mr Witness, how do you know, please tell this Court, that
09:35:12 5 it was during the rainy season?

6 A. Yes. How would I know that it was the rainy season?

7 Q. Yes, Mr Witness.

8 A. At that time, the rain just started to rain. It was not
9 raining too much. We were waiting for heavy rain to come so that
09:35:46 10 we would farm when this thing happened.

11 Q. Thank you, Mr Witness. Mr Witness, you told this Court
12 about this woman who was coming from the direction of Kambia.
13 And you've told this Court she told you, and I stand to be
14 corrected, that the rebels were coming. When she said that, did
09:36:22 15 you understand what she meant by rebels?

16 A. Yes, that was what she said.

17 Q. Please tell this Court what you understood rebels to mean
18 at the time.

19 A. I don't know who were there. We were just trying to
09:36:55 20 prepare.

21 Q. So, Mr Witness, after this woman, coming from the direction
22 of Kambia, told you that the rebels were coming, and you told
23 this Court she took a bypass into the bush, did you do anything
24 after that?

09:37:21 25 A. Well, when we were preparing, then we saw a crowd coming.

26 Q. Mr Witness, you said "we." When you say "we," what do you
27 mean? You and whom saw the crowd coming?

28 A. We told our relatives at Mandaha and the other residents at
29 Mandaha.

1 Q. Thank you, Mr Witness. Mr Witness, I stand to be
2 corrected. You said you saw a crowd coming from -- do you know
3 which direction they were coming from?

4 A. Yes, came from Kambia and Massiba.

09:38:21 5 MR GRAHAM: Your Honours, I believe Massiba, we have also
6 heard that.

7 Q. Mr Witness, how do you know that they were coming from
8 Kambia and Massiba, the crowd that you just referred to,
9 Mr Witness?

09:38:34 10 A. Well, when we were preparing to leave, we turn our back and
11 we saw the host of crowd coming and then we, too, took on our
12 heels.

13 Q. Mr Witness, the crowd that you just referred to, did you
14 see who and who; which persons made up the crowd that you just
09:39:13 15 referred to?

16 A. I don't know who were there, because we were running.

17 Q. But from where you were, could you see how they were
18 dressed, what they were wearing, from the distance where you
19 were?

09:39:42 20 A. I saw them wearing civilian clothing.

21 Q. From the distance where you were, did you see them carrying
22 anything with them?

23 A. No, I did not see them with anything. I did not check on
24 them, because I was running.

09:40:06 25 Q. Mr Witness, this crowd that you are talking about, do you
26 know whether they were walking or riding in vehicles, or
27 anything? Do you know that?

28 A. They were all walking on foot.

29 Q. Thank you, Mr Witness. Mr Witness, when you saw this

1 crowd, did you do anything?

2 A. We just run. That's what we did, with my family.

3 Q. Mr Witness, why did you run? Can you tell this Court?

4 A. We heard that people who were killing are coming. Will I
09:41:12 5 stand?

6 Q. Mr Witness, from whom did you hear that the people who were
7 killing were coming?

8 A. It was from the woman I mentioned earlier.

9 Q. Thank you, Mr Witness. Mr Witness, when you ran, did you
09:41:36 10 go anywhere?

11 A. I ran across the river about two miles.

12 Q. Which river is this, Mr Witness?

13 A. The river between Machogo and --

14 THE INTERPRETER: Your Lordship, I did not get the other
09:42:12 15 village he mentioned.

16 MR GRAHAM:

17 Q. Mr Witness, you mentioned two villages, I believe, when you
18 were talking about the river. You mentioned Machogo. Could you
19 repeat the other, please?

09:42:32 20 A. I crossed one river. The boundary is the river with the
21 Kola people.

22 MR GRAHAM: Your Honours, the first name i believe he
23 mentioned, Machogo. It is spelt M-A-C-H-O-G-O.

24 Q. Mr Witness, you have told this Court you ran away to a
09:43:08 25 distance of about two miles, if I'm right, to the area near the
26 river. Mr Witness, do you know how long you stayed in this place
27 where you said you were hiding?

28 A. Yes.

29 Q. Can you tell this Court how long you stayed there?

1 A. At the river, that was where we were with my family.

2 Q. Apart from you and your family, was anyone else with you at
3 the place where you were hiding, Mr Witness?

4 A. Other people were there, also.

09:44:07 5 Q. Mr Witness, do you know where these other people were from?

6 A. Yes, they are all residents of Mandaha.

7 Q. How do you know they were all residents of Mandaha,
8 Mr Witness?

9 A. I know them.

09:44:36 10 Q. Thank you. Mr Witness, I asked you how long did you remain
11 at this hiding place, if you know? Approximately, how long did
12 you stay there?

13 A. We took there nine days.

14 Q. Mr Witness, can you tell this Court, how do you know you
09:45:22 15 stayed there in that hiding place for nine days? How do you
16 know?

17 A. We were counting.

18 Q. Mr Witness, you and who was counting?

19 A. I was counting myself until we returned from the hiding
09:45:51 20 place.

21 Q. Thank you, Mr Witness. Mr Witness, during the period that
22 you were in the hiding place, according to your count, for nine
23 days, did anything significant happen during this period that you
24 were in the hideout?

09:46:28 25 A. Yes.

26 Q. Mr Witness, please tell this Court what happened during the
27 period that you were in your hide-out?

28 A. Whilst we were hiding when, the fowl crow in the morning,
29 by the time they were calling for prayers, then we heard a sound,

1 then we rush into the bush.

2 Q. Mr Witness, you and who heard a sound?

3 A. All of us that were there. Then we all rushed into the
4 bush again. Then we were just passing about.

09:47:31 5 Q. Mr Witness, you said you heard --

6 MR GRAHAM: Excuse me, Your Honours.

7 Q. Yes, Mr Witness, you've told this Court you heard a sound.
8 What kind of sound did you hear, please tell this Court?

9 A. Well, whether it was a bomb or a gun, but where the sound
09:48:09 10 came from, we saw a lightening from that end. It was at Mandaha.

11 Q. Okay. Mr Witness, before you go on, do you know how long
12 you had been in the bush when you heard this explosion? You said
13 you were in the bush for nine days, I believe. I'm saying when
14 did you hear this explosion? Was it on the first day, the third
09:48:47 15 day, the ninth? When did you hear this explosion, Mr Witness?

16 Please tell this Court, approximately.

17 A. It was on the tenth day.

18 Q. Okay. Mr Witness, you have told this Court, and I stand to
19 be corrected, that the sound that you heard was coming from the
09:49:24 20 direction of Mandaha. How do you know that, Mr Witness? How did
21 you know that the sound was coming from the direction of Mandaha?

22 A. It was there we saw fire coming from.

23 Q. Mr Witness, how long after you heard the sound did you see
24 the fire in the direction of Mandaha? How long after?

09:50:16 25 A. It was around daybreak. The place was clear, then we saw
26 the fire at Mandaha.

27 Q. Okay. Mr Witness, let me ask you: You told this Court you
28 heard a sound, and you also told this Court that you also saw
29 fire after the sound. Now, I'm asking you, how soon after when

1 you heard the sound did you see the fire? Was it at the same
2 time, was it thirty minutes after, was it one hour after? Please
3 tell this Court, if you know.

4 A. When we were over the river, there I was, but where you
09:51:40 5 were born, you will not forget. That was how I knew it was from
6 Mandaha.

7 Q. Okay. Mr Witness, let me ask this: The sound and the
8 fire, did you see both of them around the same time?

9 A. No, it was the sound I heard first before the fire.

09:52:12 10 Q. Thank you. Mr Witness, the sound that you heard, was it
11 very loud?

12 A. It was a heavy sound. The ground shook.

13 Q. Mr Witness, after you heard the explosion, which according
14 to you, shook the ground and also the fire that followed, did
09:53:06 15 anything happen after that?

16 A. We saw the jets flew around over us. We were just running
17 helter-skelter.

18 Q. Mr Witness, when you said you saw a jet flying around,
19 where was the jet flying around?

09:53:48 20 A. Over Mandaha and thereabouts.

21 Q. Mr Witness, you've just told this Court thereabouts. Are
22 you very familiar with the villages that surround Mandaha?

23 A. What do you mean?

24 Q. I'm saying that you said you come from Mandaha and I'm
09:54:33 25 saying are there any other villages around Mandaha?

26 A. Oh, yes, yes. No village around that I do not know.

27 Q. Can you mention to this Court some of the villages that
28 surround Mandaha?

29 A. Yes.

1 Q. Please do.

2 A. Machogo, Mabonde.

3 Q. Please take your time. For this honourable court we would
4 like to have the spelling.

09:55:23 5 MR GRAHAM: Your Honours, Machogo, I believe I spelled that
6 already.

7 Q. Witness, please take your time. What is the name of the
8 next town, Mr Witness.

9 A. Okay. Machogo.

09:55:34 10 Q. Yes.

11 A. Mabonde.

12 Q. Hold on.

13 MR GRAHAM: Your Honours, Mabonde, I believe, is spelled
14 M-A-B-O-N-D-E.

09:55:56 15 Q. Mr Witness, can you, if you know, mention other villages?

16 A. Yes.

17 Q. Go ahead.

18 A. Mawule.

19 MR GRAHAM: Your Honours, Mawule, I believe, is spelled
09:56:08 20 M-A-W-U-L-E.

21 Q. You've mentioned Machogo, Mabonde, Mawule. Do you know any
22 other names, Mr Witness?

23 A. Machohe.

24 MR GRAHAM: Your Honours, I believe it is spelled
09:56:30 25 M-A-C-H-O-H-E.

26 THE WITNESS: Mahebah.

27 MR GRAHAM: Mahebah, Your Honours, I believe, is spelled

28 M-A-H-E-B-A-H.

29 THE WITNESS: Makendhi.

1 MR GRAHAM: Makendhi, M-A-K-E-N-D-H-I.

2 Q. Mr Witness, you've told this Court that the jet that you
3 saw was flying over Mandaha and the surrounding areas. I'm
4 asking you, do you know whether the area that the jet was flying
09:57:24 5 over covered the towns or the villages that you have just
6 mentioned?

7 A. What I saw, the jet was persistently flying whoever
8 Mandaha.

9 Q. Thank you, Mr Witness. Mr Witness, if you know, can you
09:57:58 10 tell this Court what jet was it that you saw on that day that
11 you've told this Court about, Mr Witness?

12 A. When I say jets, that is what I know.

13 Q. Mr Witness, do you know who was flying the jet that you've
14 just mentioned to this Court?

09:58:29 15 A. I don't know. I was running. How would I know?

16 Q. Thank you, Mr Witness. Mr Witness, do you know how long
17 this jet flew over the area that you were?

18 A. Where we were?

19 Q. Yes.

09:59:00 20 A. When we heard the explosion and the fire was all about,
21 then the jet was flying all over, but it was at Mandaha that it
22 persisted.

23 Q. Thank you. Mr Witness, do you know whether the jet
24 continued flying all day?

09:59:34 25 A. On the day when the thing happened, the whole of the day.

26 Q. The whole of the day. Thank you, I think that has been
27 answered. The whole of the day. So did the jet eventually stop
28 flying over Mandaha at some point?

29 A. It was on the day the thing happened when it was flying all

1 over but the next day it did not come again.

2 Q. Thank you, Mr Witness. Mr Witness, so after the loud
3 explosion which shook the ground and the fire that followed, did
4 you do anything?

10:00:54 5 A. The time we were in hiding everywhere was quiet. My
6 children that were with me started crying. [Microphone not
7 activated] having rice in the bush. Because the children were
8 crying of hunger I decided to go into the bush and get some of
9 the rice for them to eat. I was coming then across the river
10:01:45 10 between Machogo and the river - there they made an ambush before
11 me in the road. I entered into it without knowing.

12 Q. Hold on, Mr Witness. Hold on. You told this Court that
13 you entered into an ambush. Mr Witness do you know --

14 A. I did not know I was coming.

10:02:32 15 Q. Mr Witness, I am asking you, how do you know -- do you know
16 what an ambush is Mr Witness?

17 A. As I was coming I saw people just coming from the bush and
18 gather around me.

19 Q. So is that what you understand by an ambush?

10:03:09 20 A. Yes, that is what I mean, because if you don't know that
21 people are waiting for you and then you come and just go into
22 them, then that is what I mean.

23 Q. Thank you, Mr Witness. Mr Witness, you said "they," and I
24 said stand to be corrected, had laid an ambush. What do you mean
10:03:35 25 by "they"?

26 A. There were four that caught me but when we went into the
27 town there were 20 in number.

28 Q. Mr Witness, before you move on, you said there were four
29 that cut you; who are you referring to as "they"?

1 A. Well, I don't know them.

2 Q. But Mr Witness, did you see, do you know how they were
3 dressed these four people that you are talking about? Do you
4 know how they were dressed?

10:04:33 5 A. They were wearing civilian clothes.

6 Q. Were they carrying any weapons on them? Do you know?

7 A. They were carrying guns.

8 Q. Were they carrying anything else apart from guns, if you
9 know, Mr Witness?

10:05:07 10 A. They were having cutlasses, guns and whatever they could
11 cut somebody with.

12 Q. Okay. Mr Witness, you told this Court that there were
13 four. How do you know there were four that ambushed you?

14 A. Those that caught me on the road, I know they were four, I
10:05:44 15 counted them.

16 Q. And these four that you counted, were they male or female,
17 if you know, Mr Witness?

18 A. They were all men.

19 Q. Thank you. Mr Witness, you, I believe, further told this
10:06:03 20 Court that when you were ambushed by these four men, they took
21 you somewhere. Where did they take you, Mr Witness?

22 A. They took me to Machogo.

23 Q. Mr Witness, do you know how far Machogo is from Mandaha.
24 Please tell this Court if you know how far?

10:06:40 25 A. 1 mile and a half.

26 Q. Thank you, Mr Witness. Mr Witness, how do you know that
27 the distance from Machogo to Mandaha is 1 and a half miles? How
28 do you know?

29 A. It is where we usually walk. We know the mileage.

1 Q. Thank you, Mr Witness. Mr Witness, you told this Court
2 that these four men took you to Machogo. Can you tell this
3 Court, did anything happen when you got to Machogo with these
4 four men?

10:07:39 5 A. We met they have caught my relative.

6 Q. Who had caught your relatives, if you know, Mr Witness?

7 A. It was the colleagues of those who caught me on the road,
8 has caught my relative, also.

9 Q. Mr Witness --

10:08:11 10 JUDGE SEBUTINDE: Mr Graham was that relative or relatives.

11 THE WITNESS: It was relative.

12 MR GRAHAM: Your Honour, wants to know whether when you
13 say --

14 JUDGE SEBUTINDE: The interpreter has clarified. It was
10:08:27 15 relative, one.

16 MR GRAHAM: Thank you.

17 Q. Mr Witness, you told this Court that they were the
18 colleagues of the four men who ambushed you who had caught your
19 relative, how do you know they were the colleagues of the four
10:08:50 20 men who ambushed you, Mr Witness, please tell this Court?

21 A. Yes. You see my relative, both of us were at Mandaha. He
22 also was running. I don't know where they came from and caught
23 him.

24 Q. Mr Witness, apart from your relative, did you see any other
10:09:43 25 person with the people whom you describe as the colleagues of the
26 four men, did you see any other person with them when you got to
27 Machogo, apart from your relative?

28 A. They took us towards Kambia.

29 Q. Okay. Mr Witness, before you go on, you said these four

1 men took you to Machogo and you met their colleagues. Do you
2 know how many of their colleagues that you met at Machogo, I
3 mean apart from the four who ambushed you when you --

4 A. Yes.

10:10:42 5 Q. Please tell this Court.

6 A. Those that caught me were four. When I counted all of them
7 now, inclusive were 20.

8 Q. Thank you, Mr Witness. Mr Witness, so what happened when
9 you got to Machogo with the four men that ambushed you and you
10:11:19 10 met your relative together with the other colleagues of the four
11 men? Did anything happen when you got to Machogo? Please tell
12 this Court?

13 A. They took us to Kambia.

14 Q. How do you know, Mr Witness, that they took you to Kambia?

10:11:52 15 A. They tied my brother and myself. We were in the middle and
16 they took us to Kambia.

17 Q. And I asked you how do you know you were taken to Kambia?
18 How do you know it was Kambia and nowhere else that they had
19 taken you?

10:12:18 20 A. Yes, because I know Kambia. I know the town.

21 Q. Thank you, Mr Witness. Mr Witness, can you tell this Court
22 whether anything happened when you got to Kambia?

23 A. Then they caught Bali they caught Pa Foday. We were four
24 now being caught.

10:12:57 25 Q. Thank you, Mr Witness. Mr Witness, how do you know, please
26 tell this Court, that they caught these three people whose names
27 you just mentioned before this Court. How do you know they were
28 caught?

29 PRESIDING JUDGE: He just mentioned two names, didn't he.

1 MR GRAHAM: Sorry, Your Honour. Two names.

2 THE WITNESS: I was there myself. I was present. I was
3 present when they caught them. They held us so that we would not
4 run.

10:13:33 5 Q. Mr Witness, can you tell this Court who caught them?

6 A. Those that had caught them?

7 Q. Yes, please.

8 A. Pa Foday and Pa Alie.

9 Q. No, I'm asking you, please listen to me. You have told
10:14:06 10 this Court that the two persons whose names you have mentioned
11 were caught and I'm saying, who caught them?

12 A. It was those people that caught us that caught them also.

13 Q. Okay, thank you. Mr Witness, you told this Court that when
14 you got to Machogo, inclusive of the four men who ambushed you, I
10:14:50 15 believe you said you counted about 20 of them. Did you all move
16 from Machogo to Kambia, do you know?

17 JUDGE SEBUTINDE: Mr Graham, I thought these people were
18 caught at Kambia.

19 MR GRAHAM: Yes.

10:15:09 20 THE WITNESS: Yes. It was us that went.

21 MR GRAHAM:

22 Q. Mr Witness, that didn't relate to you.

23 MR GRAHAM: Your Honours, yes, but then I want to establish
24 whether all the persons who were at Machogo left to go to Kambia,
10:15:25 25 that is the question that I'm asking.

26 Q. Mr Witness, you told this Court that there were four men
27 who ambushed you and they took you to Machogo where you saw your
28 relative and that when you counted all of them there were 20 in
29 number and I'm asking you: These 20 people together with you,

1 yourself and your relative, did you all leave together to go to

2 Kambia?

3 A. Yes.

4 Q. Thank you. Mr Witness, after these people that you

10:16:01 5 referred to caught the two persons --

6 THE INTERPRETER: Your Honours, the interpreter would like

7 to make an observation. There is a nuance in these indigenous

8 languages of when the counsel or somebody is talking for the

9 people to be answering, "um-hum," "um-hum," "yes," "yes," "nam,"

10:16:23 10 "nam," this does not mean that the witness is affirming or is

11 approving what you are saying. Like you were doing just now, he

12 was saying "um-hum, um-hum" and you kept answering the question

13 and you asked another question while the interpretation was still

14 going on of the first question. I would like to bring that to

10:16:40 15 your attention.

16 PRESIDING JUDGE: Thank you, Mr interpreter. Go ahead,

17 Mr Graham.

18 MR GRAHAM: Thank you.

19 Q. Mr Witness, when you got to Kambia and they caught the two
10:16:51 20 persons that you referred to, did anything happen after that?

21 A. They took us towards Mandaha.

22 Q. Mr Witness, how do you know that they were taking you
23 towards Mandaha?

24 A. It is the route to go to Mandaha.

10:17:32 25 Q. Mr Witness, do you know whether you eventually got to
26 Mandaha?

27 A. Yes.

28 Q. Mr Witness, do you know the distance from Kambia to
29 Mandaha?

1 A. It will be 1 and a half mile.

2 Q. Mr Witness, how do you know that, that it is 1 and a half
3 miles?

4 JUDGE DOHERTY: I think he has already answered that
10:18:17 5 question, Mr Graham.

6 THE WITNESS: Yes, you will be using the route. We would
7 be using the route so I know it is about that.

8 MR GRAHAM:

9 Q. So Mr Witness, can you tell this Court whether anything
10:18:36 10 happened -- excuse me. When you got to Mandaha what did you see,
11 did you see anything when you got to Mandaha, Mr Witness?

12 A. Yes.

13 Q. What did you see, Mr Witness? Can you please tell this
14 Court?

10:19:07 15 A. When we reached at Mandaha, I saw five dead bodies, three
16 houses were burnt by Mahebah.

17 JUDGE SEBUTINDE: Sorry, was that the name of a person.

18 MR GRAHAM:

19 Q. Mr Witness, you just mentioned Mahebah. You said three
10:19:44 20 houses were burnt by Mahebah. What is Mahebah?

21 A. Yes, by the road to Mahebah. It was on the road towards
22 Mahebah. There the houses were burnt.

23 Q. Now I'm asking you to focus on Mandaha. I'm asking you
24 when you got to Mandaha, the town of Mandaha, where, according
10:20:16 25 you to you, you have lived all your life, what did you see in
26 Mandaha? Did you see anything?

27 A. Yes.

28 Q. Please tell this Court what you saw?

29 A. The road they took us to, we saw dead bodies. I did not go

1 up and down.

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

3 A. Open.

4 PRESIDING JUDGE: What was that, Mr interpreter? I did not
10:21:10 5 understand.

6 THE WITNESS: In the open.

7 MR GRAHAM:

8 Q. How many dead bodies did you see in the open, Mr Witness?

9 A. Five dead bodies.

10:21:33 10 Q. Did you see anything else apart from the five dead bodies?

11 A. Then they took us to one corner along the route to Mahawan.

12 MR GRAHAM: Your Honours, Mahawan, I believe, is spelt

13 M-A-H-A-W-A-N.

14 PRESIDING JUDGE: What was his answer then, they took us to
10:22:11 15 one corner, is that what he said?

16 MR GRAHAM: Yes, he said one corner then he mentioned this
17 name. The interpreter -- we can stand guided by the interpreter.

18 JUDGE SEBUTINDE: [Overlapping speakers] one corner and
19 this name you have given, that is the bit we missed.

10:22:28 20 MR GRAHAM: Your Honour, I think he was referring to the
21 place where the one corner was, I believe.

22 Q. Mr Witness, this one corner that you said they took you,
23 where is it, which place is it? Which village or town is that?

24 A. It was Mandaha we are talking about.

10:23:09 25 Q. Thank you, Mr Witness. Mr Witness, I stand to be -- okay,
26 Mr Witness, before you go on, you said you saw five dead bodies,
27 how do you know they were dead?

28 A. Well, when somebody is dead, by seeing the person, you will
29 know that he is dead.

1 Q. Mr Witness, these persons that you describe as dead bodies,
2 did you see what they were wearing?

3 A. They wore civilian clothes.

4 Q. Thank you, Mr Witness.

10:24:17 5 A. Another wore a coat.

6 Q. Mr Witness, did you have the opportunity to see these dead
7 bodies at close range?

8 A. No. We were not able to go near them, because they did not
9 permit us to do so.

10:24:45 10 Q. Thank you, Mr Witness. Now, Mr Witness, you told this
11 Court earlier on, and I stand guided, that they took you to one
12 corner. Did anything happen when they took you to that corner?
13 But before I go on let me just ask you, Mr Witness, who took you
14 to that corner?

10:25:09 15 A. It was those that caught us.

16 Q. I follow up by asking you whether anything happened when
17 they took you to that corner?

18 A. Yes.

19 Q. Please tell this Court what happened when they took you to
10:25:34 20 that corner?

21 A. The four of us that were caught, I was standing, they cut
22 one. They cut with the cutlass on one of them and then they will
23 took him until they kill the three. Then they said I should bow
24 down.

10:26:15 25 Q. Mr Witness, please hold on. You just told this Court, I
26 believe, that you said there were four of you at this point. I
27 stand guided. You just said four of you?

28 A. Yes.

29 Q. And you had told this -- four of you?

1 MR GRAHAM: Your Honours --

2 PRESIDING JUDGE: I think you will have to ask that again.

3 I did not get all of that answer either. I have got he said I

4 was standing and then they cut one with the cutlass and then they

10:26:54 5 did something or other.

6 MR GRAHAM:

7 Q. Mr Witness, you said there were four of you that were taken

8 to this corner. Can you tell this Court who and who made up

9 these four people who were taken to the corner?

10:27:13 10 A. Pa Foday, with Sorie, with Pa Alie and myself.

11 MR GRAHAM: Your Honours, I believe these four names have

12 been mentioned.

13 JUDGE SEBUTINDE: Mr Graham you are not bothered that this

14 might reveal the identity of your witness?

10:27:42 15 MR GRAHAM: Well, the potential is there, but I believe

16 because he just mentioned but I will stand guided, I will take

17 note and be careful in my questioning moving forward. Thank you,

18 Your Honour.

19 Q. Mr Witness, please moving forward, don't mention the names,

10:27:59 20 any further names of your relatives or any individuals or

21 residents of Mandaha that you know, please.

22 A. Okay. Well, they asked then who and who.

23 Q. I will tell you that when we get there, Mr Witness?

24 A. Okay.

10:28:23 25 Q. Now, Mr Witness, you told this Court that they took the

26 four of you to a corner. Without mentioning names, just tell

27 this Court what happened?

28 A. Yes. What happened to us they took a long knife and cut

29 one -- each one of them and stabbed them. They will cut one and

1 stab him. They will stab him. I was standing by looking until
2 they killed the three of them. Then they called me to come and
3 bow down.

4 Q. Mr Witness, hold on, please. You told this Court that
10:29:27 5 these three people were cut and stabbed. Do you know what they
6 were cut with?

7 PRESIDING JUDGE: He said a long knife.

8 MR GRAHAM: Thank you.

9 Q. Mr Witness, did you see which part of their bodies was cut?
10:29:54 10 A. Which part? On their neck.

11 Q. And you have also told this Court that they were stabbed.
12 Did you see which part of their bodies they stabbed?

13 A. Under their arms, myself I was stabbed also.

14 Q. Mr Witness, hold on. I will get to you. Now, you have
10:30:47 15 told this Court - I stand to be guided - that they cut and
16 stabbed them until they died and I want to know from you, how did
17 you know that these three people that you were referring to died,
18 as a result of the cut and stabbing?

19 A. Yes. I was standing there. It was not in my absence. I
10:31:12 20 was standing when they all died.

21 Q. Thank you. Mr Witness, after that did anything happen?

22 JUDGE SEBUTINDE: Mr Graham. I'm not sure, are these the
23 three people that were captured with him or some other
24 individuals? The way the interpretation came through he was
10:31:32 25 talking about some other three people. I don't know. I'm not
26 sure. Was this the three he was captured with or three other
27 people.

28 MR GRAHAM: Thank you for that guidance, Your Honour.

29 Q. Mr Witness, you have told this Court about your relative at

1 Machogo who, together with you and the other people went to
2 Kambia where two other people were also caught. Now these three
3 people that you said you were cut and stabbed to death in the
4 corner were they the three people who accompanied you from Kambia
10:32:32 5 to Mandaha?

6 A. Yes.

7 Q. When you talk about the three people --

8 A. Excuse me, -- the two that they caught at Kambia and the
9 two of us were four all together.

10:32:56 10 Q. Thank you and please confirm that when you told this Court
11 about three people who were cut and stabbed to death, is it the
12 three people that you are referring to?

13 JUDGE SEBUTINDE: No, Mr Graham, they have --

14 MR GRAHAM:

10:33:24 15 Q. Mr Witness, continue, finish your answer, please?

16 A. Yes, they are the ones I'm referring to.

17 Q. How do you know that these were the very three people that
18 accompanied you from Kambia to Mandaha?

19 A. Yes, it was those that they caught at Kambia, two of them
10:34:05 20 and two of us that they caught also.

21 Q. Thank you. Mr Witness, after -- you told this Court they
22 were cut and stabbed to death. Did anything happen after that?

23 A. Then they told me to bow down and cut me with a cutlass on
24 my neck.

10:34:38 25 Q. Mr Witness, before you go on, who told you to bow down?

26 A. It was those that cut us. I don't know them.

27 Q. So, Mr Witness, you said they cut you behind. Can you
28 please -- behind your neck?

29 PRESIDING JUDGE: Did he say behind the neck or cutlass on

1 my neck?

2 MR GRAHAM:

3 Q. Mr Witness, please can you tell this Court, you told them
4 they asked you to bow down. What happened when they asked you to
10:35:36 5 do that?

6 A. Yes. And then they stabbed me all over my body.

7 PRESIDING JUDGE: The witness indicated the back of his
8 neck and the front of his neck.

9 JUDGE SEBUTINDE: Mr interpreter, could you interpret in
10:35:58 10 full what the witness said, because we saw him making actions
11 here, but we did not hear the accompanying words.

12 THE INTERPRETER: Yes, I think the witness did say at the
13 back of his neck.

14 PRESIDING JUDGE: That is important that you tell us that,
10:36:13 15 Mr Interpreter. It has to appear on the transcript.

16 MR GRAHAM:

17 Q. Mr Witness, do you have any marks anywhere on your body
18 today, as a result of the cut that you just told this Court
19 about?

10:36:46 20 PRESIDING JUDGE: Which cut?

21 MR GRAHAM: Your Honours, he has told us that he had a
22 number of cuts. And I'm referring --

23 PRESIDING JUDGE: You said cut in the singular. If you are
24 going to make it one cut, you better name which cut you're
10:37:03 25 referring to.

26 MR GRAHAM:

27 Q. Mr Witness, you told this Court, I believe, that you had a
28 cut at the back of your neck and I want to ask you, Mr Witness,
29 do you have any mark or marks in that area at the back of your

1 neck where you said you were cut?

2 A. I will take off my clothes so that you can come and see.

3 Q. Mr Witness, you don't need to take off your clothes. I
4 believe if you turn your back?

10:37:46 5 MR GRAHAM: Your Honours, at this point with your kind
6 permission, if the witness can slightly be assisted to show the
7 area, the back of his neck.

8 Q. Mr Witness, if you can turn and then stand and then show
9 this Court?

10:38:05 10 JUDGE DOHERTY: If he stands, Mr Graham, he may well be
11 revealed.

12 PRESIDING JUDGE: If it is on the neck, do you have to take
13 your coat off?

14 MR GRAHAM: Your Honours, from this direction I can see. I
10:38:36 15 do not know whether Your Honours can see, but I can see clearly.

16 PRESIDING JUDGE: You will have to turn him fully around.
17 You will need to turn around.

18 MR GRAHAM: Sit down please. No, no, just turn, please.

19 PRESIDING JUDGE: What about the neck. I haven't managed
10:39:18 20 to see neck.

21 MR GRAHAM: The area behind the neck.

22 PRESIDING JUDGE: You are covering it.

23 MR GRAHAM: Your Honours, you can see a mark four inches,
24 scar behind the neck. I don't know whether Your Honours can see
10:39:35 25 it.

26 PRESIDING JUDGE: I can see it faintly. It is almost dead
27 centre of the base of the neck.

28 MR GRAHAM: Grateful, Your Honours.

29 PRESIDING JUDGE: About four inches, you would agree.

1 MR GRAHAM: Yes, Your Honours, I am grateful.

2 PRESIDING JUDGE: Yes, the witness also exhibited two
3 smaller scars lower down on his back, one each side of the back
4 below the shoulders.

10:40:40 5 Go on, Mr Graham.

6 MR GRAHAM: Thank you, Your Honours.

7 PRESIDING JUDGE: Perhaps this might be an appropriate
8 time. Witness, we're going to have a break now for about 15
9 minutes. You are not allowed to discuss the evidence you are
10:40:58 10 giving or this case with anybody in the meantime. Yes, we will
11 adjourn.

12 THE WITNESS: [Not interpreted]

13 PRESIDING JUDGE: What does that mean, Mr interpreter?

14 THE WITNESS: We are about to recess so the interpreter is
10:41:13 15 not to discuss all that he is testifying in the Court.

16 PRESIDING JUDGE: I meant what did the witness say. I am
17 quite well aware of what I said, but the witness said something,
18 it sounded like "bawa".

19 THE INTERPRETER: Yes, he just succumbed to it.

10:41:30 20 PRESIDING JUDGE: Does bawa mean he just succumb to it?

21 THE INTERPRETER: He answered: "Okay, I will not do
22 anything."

23 PRESIDING JUDGE: Please tell us what the witness said in
24 his own words. We don't want things that he hasn't --

10:41:43 25 THE INTERPRETER: Your lordship, I will want the witness to
26 say what he said earlier.

27 PRESIDING JUDGE: He said "bawa." That is all I asked you.
28 Thank you. In future, if he says something, you interpret what
29 he says to us. If I had not asked you, I would not have known

1 that he said okay. We will adjourn until 11.00.

2 [Break taken at 10.45 a.m.]

3 [Upon resuming at 11.00 a.m.]

4 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

11:03:14 5 MR GRAHAM: Thank you, Your Honour.

6 Q. Mr Witness, just before we took our recess, you had told
7 this Court -- you had shown this Court some marks on your body as
8 a result of what you said happened to you when you were taken.

9 Mr witness, you told this Court, so what -- did anything happen
11:03:50 10 to you after you received -- you got the cut, according to you,
11 at the back of your neck?

12 A. Yes.

13 Q. Please tell this Court.

14 A. When they cut me, I dragged into the bush and went.

11:04:29 15 Q. Where did you go, Mr Witness?

16 A. I went to my stepmother at Mabakah, but when I went I did
17 not meet anybody there.

18 Q. Mr Witness, hold on. You just mentioned a name, could you
19 please repeat that name, you mentioned a name where you stayed?

11:04:55 20 A. Mabakah.

21 Q. I believe it is spelled M-A-B-A-K-A-H? Mr Witness, did you
22 anything happen when you got to Mabakah?

23 A. When I went I did not meet anybody there.

24 Q. Mr Witness, did you do anything when you went Mabakah and
11:05:44 25 didn't meet anyone there?

26 A. I was lying there until night. There I slept until the
27 next day.

28 Q. Did anything happen the next day?

29 A. Then my stepmother came and brought with her some medicine.

1 Q. Do you know what she did with the medicine that, according
2 to you, your stepmother brought, Mr witness?

3 A. Then he put in a pot and then he squeezed them all over my
4 body, where I were stabbed.

11:06:53 5 JUDGE DOHERTY: Mr interpreter, you are using the word
6 "he," is that a correct interpretation.

7 THE INTERPRETER: She, she, it should be she. His
8 stepmother.

9 MR GRAHAM:

11:07:12 10 Q. Mr Witness, please continue with your account that you were
11 just giving to the Court about what your stepmother did, please.

12 A. Then he put the medicine in the pot.

13 JUDGE DOHERTY: You are saying he again.

14 THE WITNESS: Then she put the medicine in the pot and
11:07:41 15 squeezed it all over me. I was faint.

16 JUDGE SEBUTINDE: Mr interpreter, was that I was faint or I
17 fainted?

18 THE INTERPRETER: I fainted.

19 JUDGE SEBUTINDE: Mr interpreter I'm about to take over
11:08:02 20 your job from you now.

21 MR GRAHAM:

22 Q. Mr Witness, do you know whether the medicine that your
23 stepmother put over you had any effect on your wounds that you
24 received as a result of the cuts?

11:08:49 25 A. The black medicine that was -- that is put in a bottle is
26 what they put over my wounds.

27 Q. Thank you. Mr Witness, you told this Court earlier on, and
28 I stand to be corrected, that when you got back to Mandaha, you
29 saw some dead bodies. Mr Witness, when you got back to Mandaha

1 with the people who had captured you and you saw the dead bodies,
2 did you hear at that time who killed those persons that you
3 described as dead? Do you know who killed them at the time you
4 saw them -- did you hear, sorry of who killed them?

11:09:53 5 A. No.

6 Q. Did you hear later, I earlier on asked you whether you
7 heard on the day that you saw them, now I'm asking you, did you
8 hear about who killed them any time after?

9 A. I don't know who killed them.

11:10:23 10 Q. Thank you. Mr Witness, when you got to Mandaha, did you
11 see any houses on fire?

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

14 PRESIDING JUDGE: Hasn't he already answered it as well.

11:10:47 15 MR GRAHAM: I don't think so, but Your Honour, I will move
16 on.

17 Q. Mr Witness, did you hear of any killings in Mandaha, apart
18 from what you have told this Court on the day that you said you
19 saw the crowd coming and you ran away, did you hear of any
11:11:25 20 killings at Mandaha on that day?

21 A. Yes, because the road they came from, they came and cut
22 people.

23 Q. Mr Witness, do you know whether these people that you said
24 were cut, do you know whether they died as a result of the cuts?

11:12:22 25 A. They died. I was there present when they died.

26 Q. Mr Witness, did you -- do you know whether anyone led the
27 crowd that you said you saw on the day you ran away hide?

28 A. When you hear that people who are killing are coming, will
29 you stand or take a cover and look what they are doing?

1 Q. Mr Witness, I am expecting answers from you not questions.
2 I asked you - it is a yes or no. My question simply is: You
3 told this Court that you saw a crowd coming towards Mandaha and
4 that made you run away to hide and I'm simply asking you whether
11:13:53 5 you know the crowd that you saw, whether you know there was
6 anyone leading them as they were entering Mandaha?

7 A. I don't know who was leading them. When I saw them coming,
8 I run.

9 Q. Thank you. Mr Witness, did you hear of any names of any
11:14:31 10 persons who were said to be responsible for the attack on
11 Mandaha?

12 MR AGHA: May we have a time period, Your Honour, in which
13 he is meant to have heard this.

14 PRESIDING JUDGE: Yes, when are you referring to.

11:14:58 15 MR GRAHAM: I'm talking about the attack on Mandaha.

16 PRESIDING JUDGE: Yes what time is he supposed to have
17 heard, if he heard anything.

18 JUDGE SEBUTINDE: Also, Mr Graham are we talking about the
19 Alpha Jet attack or what attack.

11:15:14 20 MR GRAHAM: Thank you, Your Honours, I'm guided.

21 Q. Mr Witness, you told this Court that you saw some dead
22 bodies when you got back to Mandaha? And I asking you, Mr
23 Witness, whether you heard the names of any persons who were
24 alleged to be responsible for the death of the persons that you
11:16:34 25 said you saw at Mandaha?

26 A. Are you talking of the four of us?

27 Q. I'm talking of you yourself.

28 JUDGE SEBUTINDE: There are two sets of dead people.

29 A. No, I don't know who did it. I don't know who was the

1 leader for that.

2 Q. Mr Witness, let me clarify. You told us about the three
3 people who were cut and stabbed to death in the corner after
4 which you have said you received your own injuries and you have
11:16:58 5 also told us about, I believe, five dead bodies that you said you
6 saw at Mandaha and that was what I was asking. Whether you heard
7 the names of any individuals who were responsible for the death
8 of those five persons you said you saw. And Mr Witness, did you
9 yourself see any rapes in Mandaha during the day that you ran
11:17:28 10 away to hide?

11 JUDGE DOHERTY: Mr Graham, you appear to have asked the
12 witness a question and then you have moved on to another
13 question. Were you merely commenting about the five dead in
14 Mandaha when you say it is the five persons or are you expecting
11:17:44 15 an answer?

16 MR GRAHAM: Your Honours, I think just before I could
17 complete the question he had answered already in respect of that
18 so I just decided.

19 JUDGE SEBUTINDE: So why were you commenting on his answer.

11:17:57 20 MR GRAHAM: Your Honours, I was actually rephrasing the
21 question to him but he answered midway.

22 JUDGE SEBUTINDE: We did not hear what he answered midway.
23 The point is, Mr Graham - let's make this clear - be consistent
24 when you ask a question, wait for the witness to answer, for the
11:18:20 25 record. And after he has answered we do not expect a running
26 commentary on his answer.

27 MR GRAHAM: Thank you, Your Honour. Honours, I presume I
28 can move forward with my questioning, unless you want me to go
29 back.

1 JUDGE DOHERTY: I still have not heard the answer about who
2 killed the five persons.

3 MR GRAHAM: Thank you, Your Honour.

4 Q. Mr Witness, you have told this Court about five dead bodies
11:18:43 5 you saw when you got back to [Overlapping speakers] and I'm
6 asking you, did you hear the names --

7 A. I'm hearing.

8 Q. -- of any persons as being responsible for the death of the
9 five bodies that you saw in Mandaha?

11:19:06 10 A. Yes. I don't know them. We only met the dead bodies
11 there, when they caught us.

12 Q. Thank you. Mr Witness, I was asking you the day you saw
13 the crowd coming and you ran away to hide. Did you, yourself
14 Mr Witness, see any rapes, any rapes taking place in Mandaha?

11:19:51 15 A. I was running. I did not stand to look what was happening.

16 Q. Thank you. Did you see yourself any looting and burning on
17 that day?

18 A. I was not there again. I ran.

19 Q. Mr Witness, did you yourself see any abductions taking
11:20:26 20 place at Mandaha on that day?

21 A. I was in the bush, so what happened, I don't know.

22 MR GRAHAM: Thank you, Your Honours. I do not have any
23 further questions for this witness. I'm grateful for the time
24 and assistance.

11:20:52 25 PRESIDING JUDGE: Thank you, Mr Graham. I'm assuming these
26 witnesses are all common witnesses unless you tell me otherwise.

27 MR GRAHAM: That is so. Your Honour.

28 PRESIDING JUDGE: There is nothing further in chief, I take
29 it.

1 MR GRAHAM: That is so, Your Honour.

2 PRESIDING JUDGE: Thank you, Mr Agha.

3 CROSS-EXAMINED BY MR AGHA:

4 Q. Witness, I'm just going to ask you a few questions so if
11:21:17 5 you could just kindly answer these as concisely and shortly and
6 truthfully as possible?

7 A. I will.

8 Q. Now the rainy season starts in June, doesn't it?

9 A. Yes, sir.

11:21:38 10 Q. So the attack must have been in June, mustn't it?

11 A. That is the time we were ploughing.

12 Q. Yes, so that must have been in the month of June, yes or
13 no?

14 A. Yes.

11:21:57 15 Q. Roughly, how many people who were in the crowd who you saw
16 coming to Mandaha, were there?

17 A. I wouldn't know.

18 Q. Now, did you personally see any of the crowd who were
19 entering Mandaha before you ran away?

11:22:34 20 A. I saw them. They were further from me. Because when I
21 heard that people who were killing were coming, if you stand
22 then, it would be your fault.

23 Q. Roughly how far away were they when you ran away?

24 A. The town is on top of a hill and they were in the valley.
11:23:03 25 Plenty of them coming, I don't know how much of them.

26 Q. How far away were they when you ran away. Was it, let us
27 say, a quarter of a mile, half a mile?

28 A. It is not about a mile.

29 Q. When you say not about a mile, would that be about half a

1 mile?

2 A. It is not up to a mile. It is about a half a mile.

3 Q. So if you were half a mile away, how could you see what
4 kind of clothes they were wearing?

11:23:52 5 A. Well, I was in the town and I was on top of a hill. I saw
6 the group coming. I will not stand to inspect them and know how
7 much of them are coming before I run.

8 Q. But is it possible that any of these men could have been
9 wearing camouflage clothes?

11:24:21 10 A. Those that were in front were wearing civilian clothing.
11 Those at the back I did not see.

12 Q. Thank you. Now, what does the word "rebel" mean to you?

13 A. They are killers.

14 Q. I put to you that it was the Sierra Leone Army that entered
11:24:54 15 Mandaha?

16 A. I don't know.

17 Q. Did you personally witness the attack on Mandaha?

18 A. I was running. I did not stand. I was running.

19 Q. So the answer is you did not personally witness the attack?
11:25:33 20 Is that right?

21 A. I was standing in front of our house when the thing
22 happened and so I decided to run.

23 Q. So you didn't witness the attack? You either did or you
24 didn't?

11:25:55 25 A. I was not there. I was running.

26 Q. Okay. Now, you ran and you say you went and hid, roughly
27 how --

28 A. I went and hid.

29 Q. Roughly how many days was it before you actually returned

1 from your hiding place to Mandaha?

2 A. [Not interpreted]

3 MR AGHA: I did not get that.

4 JUDGE SEBUTINDE: Mr interpreter, we are waiting.

11:26:47 5 THE WITNESS: We did not return soon in the village. We
6 were in the bush about nine days.

7 MR AGHA:

8 Q. Now, in your summary, I believe, of the evidence which you
9 gave, you mentioned that you spent nine days before returning and
11:27:08 10 then is it another two days or --

11 A. I did not return there again.

12 Q. Okay, but was it longer than nine days or nine days exactly
13 until you returned to Mandaha?

14 A. What?

11:27:25 15 Q. You were counting the days.

16 A. It was just nine days. It was on the tenth day that we
17 heard the explosion and all of us scattered in the bush in the
18 hiding place.

19 Q. Were you in Mandaha when you heard the explosion or in the
11:27:48 20 bush?

21 A. I was in the bush over the river when I heard the
22 explosion.

23 Q. So you spent more than nine days in the bush before
24 returning to Mandaha; correct?

11:28:12 25 A. Nine days. It was nine days. On the tenth date in the
26 morning when we heard the sound.

27 Q. And you were in the bush when you heard the sound?

28 A. Yes, that is what scared us in the bush.

29 Q. So how many days after you heard the sound was it before

1 you returned to Mandaha?

2 A. In the town we did not return to the town. We were just in
3 the outskirts of the town.

4 Q. So when did you return to the town proper?

11:29:04 5 A. In the town -- we returned in the town when I was in the
6 hiding place when the other residents of Mandaha returned, but I
7 myself did not go there so soon.

8 Q. So roughly how long was it before you actually returned?
9 Was it 12 days, 14 days, three weeks, what period?

11:29:36 10 A. When I was wounded, I was staying with my stepmother; then
11 I was not well enough.

12 Q. So are you saying that you didn't actually return to
13 Mandaha Town before you were wounded?

14 A. No. When I was wounded, when I left there, after I saw the
11:30:18 15 dead bodies, when I left there, I did not go there so soon again.

16 Q. And did you see these dead bodies in Mandaha Town or on the
17 outskirts of Mandaha?

18 A. I saw two in the outskirts of the town and then three in
19 the centre of the town.

11:30:49 20 Q. Now, you say that on the route to Mandaha you were ambushed
21 by four people. Who else was with you when you were ambushed?

22 A. I was going with my family. That is what I know.

23 Q. So you went with your family and your family were with you
24 when you were ambushed and captured; is that correct?

11:31:34 25 A. No, I thought you were saying in the town. There I was
26 alone that was using the road. I left the family.

27 Q. And when these four people captured you, did they cut you
28 at that time?

29 A. It was not the time I was cut. It was when we to Machogo.

1 Q. So you were not cut at the time when you were captured by
2 the four men?

3 A. They did not do me anything until we went to Kambia and it
4 was at Mandaha.

11:32:37 5 Q. Now, did you give a statement to anyone acting for the side
6 of the Defence before coming to the Special Court?

7 A. No. When they went and asked me at home, that is what I
8 know.

9 Q. Okay. When they went and asked you at your home, did you
11:33:08 10 mention that you were captured by four men?

11 A. Yes, that is what I told them. I told them that the four
12 and the others they met at the town. There all together were 20
13 of them.

14 Q. But you mentioned the four?

11:33:39 15 A. Yes, yes, but there were others in the town, not too far
16 from the river.

17 Q. I put it to you that you did not mention to the people who
18 spoke to you that you were captured by four people initially?

19 A. When we went there, that was what I said.

11:34:06 20 Q. Okay. Now, when you spoke to them, did you mention Mr Pa
21 Alie?

22 A. Pa Alie. Yes, those that were killed?

23 Q. But did you -- no just confine yourself, please, to this
24 particular question. Did you mention to those who came to speak

11:34:35 25 to you the name of Mr Pa Alie? Yes or no?

26 A. Yes, I named all the ones that were killed to them.

27 Q. Did you mention that Pa Alie was cut?

28 A. Myself, Mr Alie? Mr Alie, I was wounded. Mr Alie and the
29 others were killed.

1 Q. Yes, but, Mr Witness, did you mention to the people who
2 came to speak to you that Mr Pa Alie was cut? Yes or no?

3 A. They were killed. The three of them were killed. I was
4 the fourth one.

11:35:47 5 Q. But did you mention Mr Pa Alie being cut to the people who
6 came to speak to you? You either said that you do mention it or
7 you do not mention it; which is the answer?

8 A. No, I did not say -- I did not say so. I did not say he
9 was wounded.

11:36:22 10 Q. So when did it first come to your attention that he was
11 wounded. Did anyone suggest to you that he was wounded?

12 A. The Alie, we were all caught together.

13 Q. Yes, but why have you only mentioned it now and not in your
14 statement?

11:36:48 15 A. I told them in the first place. I told them.

16 Q. Okay. I put it to you that you did not mention in your
17 statement that Pa Alie was cut?

18 A. When they went and met us home, the way I have just
19 explained was what I have explained to them. None I have not

11:37:23 20 left out.

21 Q. Now, you mentioned that initially you were captured by four
22 men and then 20 other men, armed men, joined?

23 A. Yes, yes.

24 MR FOFANAH: I'm objecting. I think he did not say 20

11:37:45 25 other men. He said in total there were 20.

26 MR AGHA: I apologise.

27 Q. In total there were 20?

28 A. Yes.

29 Q. Of those 20 in total were any of them wearing camouflage

1 clothes?

2 A. They were all of them were wearing civilian clothes.

3 Q. I put it to you that these men who captured you were
4 Kamajors?

11:38:27 5 A. No, I don't know; I don't know them.

6 Q. Did you hear any of these 20 men mention any names?

7 A. No, because I was with them just for one day. So I
8 wouldn't know any name.

9 Q. Okay. Was there a particular person who was in charge of
11:38:50 10 these men?

11 A. I wouldn't know who was leading them.

12 Q. Now, I want to come to where you come to Mandaha and you
13 mentioned that you saw five bodies; did you personally see --

14 A. Yes. Which the other three we go now to eight of them.

11:39:28 15 Q. Did you personally see the people who killed the eight
16 bodies in total?

17 A. I only know of the three. I know that it was those who cut
18 us, killed the three. The other five, I don't know.

19 Q. Did you personally see those who cut you kill the three?

11:40:07 20 A. Yes.

21 Q. Okay. Now, did you mention, when you spoke to the
22 investigators, as mentioned before you had, that you saw five
23 dead bodies?

24 A. Yes, I told them.

11:40:36 25 Q. I put it to you that you did not mention that to them and
26 it does not appear in your statement?

27 A. I told them that I saw five dead bodies that were dead.

28 Q. On the day of the attack itself in Mandaha, did you
29 personally see any houses being burnt down?

1 A. I did not see. I was running. I don't know. The time
2 they based there, I was not there.

3 Q. At the time when you were running away, did you personally
4 see anyone being killed in Mandaha?

11:41:30 5 A. I don't know. I only heard that they are killing people.

6 Q. But you didn't personally see anyone being killed, did you?

7 A. No.

8 Q. Now, did you come to hear of these so-called rebel forces
9 fighting the Kamajors around the time of the attack?

11:42:13 10 A. I was not there again. Whether they were fighting, I don't
11 know. I was in the bush.

12 Q. So you wouldn't be aware whether there was also fighting
13 between the alleged rebels and the Gbenties?

14 A. No.

11:42:46 15 Q. Now you said in your evidence that three men were hacked to
16 death. Now were these three men people who came --

17 A. Yes.

18 Q. -- were these three men people who came with you to
19 Mandaha?

11:43:03 20 A. All of us went to Mandaha. It was when we went to Mandaha
21 that they killed them and then cut me all over.

22 Q. Yes, so these three men had been in hiding with you and
23 went to Mandaha; yes?

24 A. No. All of us were not in the hiding. I was caught alone.
11:43:37 25 My other relative, he was caught alone himself. Then they took
26 both of us and then went towards Kambia and captured the other
27 two.

28 Q. So all three of you were captured outside of Mandaha?

29 MR FOFANAH: All four, you mean?

1 MR AGHA: All four, I beg your pardon.

2 Q. Were captured outside of Mandaha?

3 A. It was two of us that were people from there that we were
4 captured.

11:44:12 5 Q. But you were captured before you had returned to Mandaha?

6 A. Yes, they went and captured two other people from Kambia,
7 then they -- we became four now that were captured all together.

8 Q. Now, you say in your evidence that three men were hacked to
9 death in front of you, did you mention this to --

11:44:53 10 A. Yes. It was all of us that were killed, but because --

11 Q. And did you mention that these three men were hacked to
12 death to the people who came to speak to you?

13 A. Yes.

14 Q. I put it to you that you said that these three men were
11:45:16 15 shot and not hacked to death.

16 A. They killed me, the way they killed me if you see the back
17 of my neck. You will see that it is the same way that they
18 killed them also.

19 Q. I'm putting to you --

11:45:50 20 MR FOFANAH: Excuse me, Your Honours, I am not sure that is
21 the interpretation that is coming through. I can understand a
22 bit of this language. I don't think the witness said they killed
23 him. Of course he would not be here if he was killed.

24 PRESIDING JUDGE: Mr interpreter is that the word the
11:45:59 25 witness used "killed," "they killed me".

26 THE INTERPRETER: The witness said the four of them were
27 killed it was only God who saved him. Your Lordship the
28 Defence can -- re-ask the witness again.

29 PRESIDING JUDGE: What I'm asking you is did the witness

1 use the word "kill" in referring to himself. Did he say "they

2 killed me"?

3 THE INTERPRETER: Yes.

4 PRESIDING JUDGE: Yes, Mr Agha.

11:46:32 5 MR AGHA:

6 Q. I put it to you that you, in fact, told the people who you

7 spoke to that the three people were shot and not hacked to death?

8 A. No. It was a machete that was used on them and myself, the

9 four of us. The three died.

11:47:07 10 Q. I put it to you that you don't know who carried out the

11 attack on Mandaha, because you were not there?

12 A. Yes.

13 MR AGHA: No further questions, Your Honour.

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

11:47:30 15 arising from that?

16 MR GRAHAM: Your Honour, just a few questions.

17 RE-EXAMINED BY MR GRAHAM:

18 Q. Mr Witness, do you know the months of the year?

19 JUDGE SEBUTINDE: What are you asking, Mr Graham? What was

11:47:51 20 the question again?

21 MR GRAHAM: I was asking --

22 THE WITNESS: I don't know. I am not educated, so I don't

23 know.

24 MR GRAHAM: Witness, please hold on, Mr Witness.

11:48:03 25 JUDGE SEBUTINDE: I did not hear, what were you asking?

26 MR GRAHAM: I was asking whether he was familiar with the

27 months of the year on the calendar.

28 Q. Mr Witness, you do you know the months of the year?

29 A. I am not educated, so I would not know the months.

1 Q. So you wouldn't know, if I asked you, what month of the
2 year is May, would you?

3 A. No.

4 Q. And you wouldn't know what month of the year June is on the
11:48:53 5 calendar if I asked you, Mr Witness?

6 A. No.

7 Q. Thank you, Mr Witness. Mr Witness, do you know who the
8 Gbentis are?

9 A. I don't know them.

11:49:26 10 Q. Thank you. Mr Witness - and I stand to be corrected - you
11 told this Court that you were killed by the rebels, what do you
12 mean by that?

13 A. Yes, well, they killed person. That was the knife they cut
14 me with, the machete they cut me with.

11:49:49 15 Q. And, Mr Witness, do you know who the Kamajors are?

16 A. I don't know the difference.

17 Q. I'm not asking you to -- okay, thank you. Mr Witness, had
18 you seen any Kamajors in the Mandaha area prior to the period
19 when you saw the crowd coming towards Mandaha?

11:50:31 20 A. No.

21 PRESIDING JUDGE: Look he said he wouldn't know the
22 difference regarding Kamajors, so it follows that he would not
23 have seen them anywhere. Not just in that specific period. He
24 would not know if he saw them, would he?

11:50:54 25 MR GRAHAM: Thank you, Your Honours. I don't think I have
26 any further questions for this witness, I am grateful for the
27 time.

28 PRESIDING JUDGE: Thank you, Mr Graham. Mr Witness, that
29 completes your testimony. Thank you for coming to court to give

1 evidence.

2 THE WITNESS: Okay.

3 PRESIDING JUDGE: You will be able to leave in just a
4 moment when we get the curtains pulled across so that you can
11:51:20 5 walk out of the Court.

6 THE WITNESS: Okay.

7 MR AGHA: Your Honour, may I make a general observation.
8 Not to do with the witness.

9 PRESIDING JUDGE: Yes.

11:51:36 10 MR AGHA: The Prosecution in order to expedite the evidence
11 has no objection to leading questions being asked in respect of
12 the background and generality information but it would seem that
13 with regard to some witnesses who are not very literate, there
14 may be problems over the month, so it would be preferable in
11:51:56 15 cases of such witnesses they were asked if anything significant
16 perhaps happened in 1998 and take it from there. Because in this
17 case, it was actually put to the witness what happened in May and
18 that is the reason why I asked about the months. So he himself
19 perhaps didn't know, but just took it for granted. So in the
11:52:15 20 future it might be sensible if we adopted that approach.

21 PRESIDING JUDGE: Well, I'm sure the Defence has taken note
22 of that.

23 MR FOFANAH: Just a point on that. Your Honours, the only
24 thing is I will enjoin counsel in the future to actually put the
11:52:34 25 correct things to the witness because he actually said the rainy
26 season starts in June. I do not think that is correct. The
27 rainy season starts in May. Just for the future.

28 PRESIDING JUDGE: It is open to the witness to say no it
29 doesn't, it starts in May or it is open for the witness to say I

1 don't know when it starts. But your witness in this case did not
2 say either of those things.

3 As my colleague has just reminded me, the witness did agree
4 that the rainy season started in June, but as it turned out he
11:53:23 5 has no idea what June meant, so I think that was the whole point
6 Mr Agha was making.

7 MR FOFANA: As Your Honour, please.

8 PRESIDING JUDGE: Could we have the next witness, please.

9 [The witness withdrew]

11:54:11 10 MR GRAHAM: Your Honour, the second accused would want to
11 use the restroom with your permission, please.

12 PRESIDING JUDGE: Yes, he can leave the courtroom. What is
13 the number of the next Defence witness?

14 MR MANLY-SPAIN: He is going to be DBK-104.

11:54:36 15 PRESIDING JUDGE: What language will that be in?

16 MR MANLY-SPAIN: Loko.

17 JUDGE DOHERTY: Mr Graham can you confirm that the witness
18 DBK-104 is number ten on your list as there was some question a
19 few days ago as to whether that was 94 or 104.

11:56:06 20 MR GRAHAM: Yes, Your Honour. [Microphone not activated]
21 as per my Defence witness list, this is witness number 10.

22 JUDGE DOHERTY: Thank you.

23 MR GRAHAM: I'm grateful.

24 [The witness entered court]

11:56:41 25 WITNESS: DBK-104 [Sworn]

26 EXAMINED BY MR MANLY-SPAIN:

27 Q. Good day, Mr Witness.

28 A. Okay. How are you?

29 Q. Mr Witness, where were you born?

1 A. At Mandaha.

2 Q. Where is Mandaha?

3 A. It is in Gbendembu Ngowahun Chiefdom.

4 Q. What district is that?

11:57:54 5 A. In Sam section.

6 Q. What district is that?

7 A. Bombali District.

8 MR MANLY-SPAIN: Your Honour, Sam section and I have S-A-M

9 for Sam and the chiefdom was Gbendembu Ngowahun, for Gbendembu I

11:58:29 10 have G-B-E-N-D-E-M-B-U, G-O-U-L-A-H-U-N [sic] Chiefdom.

11 Mr Witness, what religion do you practice?

12 THE WITNESS: I am a Muslim.

13 Q. Are you married?

14 A. Yes.

11:59:14 15 Q. How many wives do you have?

16 A. Three.

17 Q. Do you have any children, Mr Witness?

18 A. Yes.

19 Q. How many children do you have?

11:59:34 20 A. Four.

21 Q. Where you do you presently live, Mr Witness?

22 A. Right now?

23 Q. Where do you normally live. Not right now, where do you

24 normally live?

12:00:02 25 A. I live at Mandaha.

26 Q. At Mandaha do you live with anyone?

27 A. Yes, I am there with people.

28 Q. With whom do you live?

29 A. They are Lokos.

1 Q. In your own house, do you live with anyone?
2 A. Yes.
3 Q. With whom do you live?
4 A. With my children and my wives.
12:00:37 5 Q. Thank you. Mr Witness, do you know how old you are?
6 A. Yes.
7 Q. Can you please tell the Court?
8 A. 45 years.
9 Q. Apart from Loko, Mr Witness, do you speak any other
12:01:08 10 languages?
11 A. Yes, I speak Mandingo, and a little bit of Krio.
12 Q. Thank you, Mr Witness. Mr Witness, in the year 1998, it is
13 about eight years ago, where were you living?
14 A. I was at Mandaha.
12:01:47 15 Q. With whom did you live at that time?
16 A. I was there at that time when people came and met us in the
17 town.
18 Q. Before that, Mr Witness, I'm asking you another question.
19 With whom were you living in your house; at that time?
12:02:23 20 A. I was there with the whole of my family; my children, my
21 wives and my mother.
22 Q. Thank you, Mr Witness. Your village, Mandaha, does it have
23 any other villages nearby?
24 A. Yes.
12:02:53 25 Q. Please tell this court the names of the -- or the name of
26 the village or the names of the villages that are nearby?
27 A. Mabonde.
28 THE INTERPRETER: Your Lordship, will the witness go over.
29 MR MANLY-SPAIN:

1 Q. Go slowly, please, Mr Witness. Yes, carry on.
2 JUDGE SEBUTINDE: What was the first name?
3 MR MANLY-SPAIN: I did not get any of them, Your Honour.
4 JUDGE SEBUTINDE: So ask him to repeat, not to carry on.
12:03:30 5 MR HARDAWAY: Your Honour, I actually heard the term
6 Mabonde.
7 PRESIDING JUDGE: Yes, I heard that too. He said Mabonde.
8 MR MANLY-SPAIN:
9 Q. Thank you. Mr Witness, please call the names of the
12:03:43 10 villages; you have called Mabonde?
11 A. Mabonde. Machogo. Machohe.
12 Q. Is that all?
13 A. It is four villages that are close to us; ours is the fifth
14 one.
12:04:16 15 Q. Yes, you have called three of the others.
16 A. For where?
17 Q. These that are close to Mandaha? You have called three.
18 A. That is what I have called; Mabonde, Mawule, Machogo,
19 Machohe, the four of them.
12:04:49 20 MR MANLY-SPAIN: Thank you very much. Your Honours I
21 believe we have had the spellings before.
22 Q. Mr Witness, I asked you before whether you recalled the
23 year 1998; at that time, whilst you were at Mandaha, did anything
24 happen at Mandaha?
12:05:13 25 A. Yes.
26 Q. Yes. Can you tell the Court what happened?
27 A. At one time we were at Mandaha when we heard gunshots.
28 Q. When you say "we," who do you mean?
29 A. We, the residents of the village.

1 Q. Did you personally hear the gunshots?

2 A. Yes, I heard it.

3 Q. After you heard the gunshots, did you anything happen?

4 A. Yes.

12:06:14 5 Q. What happened?

6 A. We saw a host crowd come into the village.

7 PRESIDING JUDGE: What?

8 THE WITNESS: We saw a group of crowd.

9 MR MANLY-SPAIN:

12:06:32 10 Q. You mean a group of people?

11 THE INTERPRETER: Your Honours, can learned counsel kindly

12 ask the witness again?

13 MR MANLY-SPAIN:

14 Q. Mr Witness, after you heard the gunshots, what happened?

12:06:50 15 A. We saw a large crowd came into the town carrying guns and

16 machetes.

17 Q. Thank you. When you say "we," who do you mean?

18 A. We at the village.

19 Q. Did you personally see this crowd with guns and machetes

12:07:20 20 coming to the village?

21 A. I saw them all.

22 Q. Thank you. After you saw them come into the village, did

23 anything happen?

24 A. They entered the town, driving people out of their homes.

12:08:03 25 Q. Did you see, Mr Witness, how this crowd which came into the

26 village, how they were dressed?

27 A. Yes.

28 Q. Please tell the Court.

29 A. They were wearing civilian clothing and one one uniform

1 around. That was how they were dressing.

2 PRESIDING JUDGE: What type of uniform, did you say?

3 MR MANLY-SPAIN: I was going to ask two questions out of
4 that. What does he mean by one one and what type of uniform.

12:08:50 5 Q. Mr Witness, when you say "one one were dressed in military
6 uniform," what do you mean by one one?

7 JUDGE DOHERTY: I did not hear the word military,
8 Mr Manly-Spain.

9 MR MANLY-SPAIN: Sorry, in uniform. Thank you, Your
12:09:05 10 Honour.

11 Q. When you say "one one were dressed in uniform," what do you
12 mean by "one one"?

13 A. Some of them were wearing military clothes, but not all of
14 them. The attire was not full, even.

12:09:38 15 Q. Did you, Mr Witness, notice any other thing in their
16 dressing?

17 A. Yes. They were wearing civilian clothes. Some wore cold
18 cap.

19 Q. Can you explain what you mean by cold cap?

12:10:05 20 A. I mean cold cap.

21 JUDGE SEBUTINDE: Perhaps you could spell that for us.

22 MR MANLY-SPAIN: It is the translation that is the problem,
23 Your Honour. The cold cap is usually the woollen clothing cap
24 that is worn. That is what you call cold cap. It is one for
12:10:33 25 when the place, when the weather is cold, people wear them on
26 their heads.

27 Q. Here I have it as C-O-L-D C-A-P. Mr Witness, after you had
28 seen the crowd that came into Mandaha that day, did you do
29 anything?

1 A. Yes.

2 Q. What did you do?

3 A. I ran into the bush.

4 Q. Did you do so alone?

12:11:31 5 A. I, my family and other people.

6 Q. Before you ran into the bush, Mr Witness, did you see what

7 direction this crowd of people were coming from?

8 A. Yes.

9 Q. What direction did they come from?

12:12:12 10 A. They were coming from Kambia, from Karina. That was the

11 route we saw them coming from.

12 Q. How do you know that?

13 JUDGE SEBUTINDE: Sorry, was that Kambia or Karina or both?

14 MR MANLY-SPAIN:

12:12:33 15 Q. Mr Witness, what direction did they come from? Please

16 answer that question, again.

17 A. We saw them coming from Kambia.

18 Q. Thank you. Mr Witness, how do you know that?

19 A. We know all of the roads that lead to our village and we

12:13:06 20 saw them how they entered into our village.

21 Q. Thank you, Mr Witness. Mr Witness, now that you have run

22 into the bush, did you do anything?

23 A. Yes, I was there up to one week.

24 Q. Were you there alone?

12:13:45 25 A. I was there with my family.

26 Q. Did you say you were there for a week?

27 A. In the bush, it even exceeded that.

28 Q. How long were you in the bush for, Mr Witness?

29 A. One week and three days.

1 Q. Whilst you were in the bush, Mr Witness, sorry, let me ask
2 another question: How far from Karina was your hiding place?

3 MR HARDAWAY: Objection Your Honour, he has not mentioned
4 Karina.

12:14:53 5 PRESIDING JUDGE: Don't answer just yet. Please don't
6 answer just yet, please, Mr Witness. There has been an
7 objection.

8 MR MANLY-SPAIN: I take the point, sir.

9 PRESIDING JUDGE: Actually, he did mention Karina
12:15:09 10 originally and when he was re-asked, he dropped it from his
11 answer. So I think Mr Hardaway is quite entitled to object.

12 MR MANLY-SPAIN: Yes, I accept what he is saying. My
13 question was a mistake. I wanted to say how far from Mandaha.

14 Q. How far from Mandaha was your hiding place?

12:15:37 15 A. It is 2 miles.

16 Q. From your hiding place were you able to see Mandaha?

17 A. No.

18 Q. Thank you. After the period you were in this hiding place,
19 2 miles from Mandaha, did you do anything?

12:16:09 20 A. If I did anything there?

21 Q. After that?

22 A. Or if I saw anything?

23 Q. No, that is not what I'm asking you. After the time you
24 spent in the hiding place, did you do anything?

12:16:32 25 A. I saw something.

26 Q. Please answer the question. I'm asking, you said you spent
27 a number of days in this hiding place. After that time did you
28 do anything?

29 A. When I came from my hiding, I came to the village, I saw

1 dead bodies.

2 Q. From your hiding place, Mr Witness, did you go directly to
3 your village?

4 A. Yes, I went there to see for myself.

12:17:25 5 JUDGE SEBUTINDE: What village?

6 MR MANLY-SPAIN: His village, Mandaha.

7 JUDGE SEBUTINDE: But that is coming you from you, sir. It
8 is not coming from the Witness. He said, "I went to the
9 village."

12:17:38 10 MR MANLY-SPAIN: As Your Honour, pleases.

11 Q. What village, Mr Witness, did you go to from your hiding
12 place?

13 A. From my hiding place I first went to Makeni.

14 Q. Where is Makeni, Mr Witness?

12:18:17 15 A. It is one of the big towns that we pass to come to
16 Freetown.

17 Q. Thank you. Did you go to Makeni alone?

18 A. I went there with my family.

19 Q. Did you stay in Makeni when you went to Makeni?

12:18:39 20 A. I stayed there for about a month.

21 Q. Whilst you were in Makeni, Mr Witness, did anything happen?

22 A. Whilst I was at Makeni whether something happened? No,
23 nothing happened.

24 Q. Did you eventually go back to Mandaha, Mr witness?

12:19:26 25 A. When I came out of my hiding, I went first to Mandaha. It
26 was from Mandaha now I left to Makeni.

27 Q. Okay, thank you. When you went to Mandaha after you came
28 out of hiding, did you notice anything in Mandaha?

29 A. Yes. I met some of my people, about eight who were dead.

1 Q. Where did you meet them?

2 A. In Mandaha Town.

3 Q. You said they were dead. How do you know that they were
4 dead?

12:20:42 5 A. The way I knew that they were dead, yes, they all have cuts
6 on them and then we buried them.

7 Q. How many people did you bury?

8 A. Eight of them.

9 Q. After that time, how long did you stay -- did you continue
12:21:27 10 it stay in Mandaha?

11 A. I did not live at Mandaha any longer. I returned to Makeni
12 now.

13 Q. Thank you. Mr Witness, apart from the dead bodies that you
14 saw in Mandaha when you went there after coming from your hiding
12:21:58 15 place, did you notice anything else about Mandaha?

16 A. I saw the flame of fire in the town. Then one of my
17 relatives told me that ECOMOG have driven the guys from the
18 village.

19 Q. Just take it step by step, Mr Witness. Where were you when
12:22:30 20 you saw the flame of fire?

21 A. I was in the bush at the time. We had not yet came out
22 from the hiding.

23 Q. Was that before you went to Makeni?

24 A. No. I was in the bush when this thing happened.

12:23:09 25 Q. Please listen, Mr Witness. When you went to Mandaha and
26 saw the dead bodies which you said you buried --

27 A. Yes, that is when I went to Makeni.

28 Q. Before you went to Makeni, did you see anything else about
29 Mandaha?

1 A. Yes.

2 Q. What was it that you saw?

3 A. That was when I saw the flame of fire, but then we were in
4 the bush.

12:23:50 5 Q. You say you then left for Makeni. Did you get to Makeni?

6 A. I did not come from the bush to go to Makeni. From the
7 bush I went to Mandaha.

8 Q. From Mandaha, you said you went to Makeni. Did you get to
9 Makeni?

12:24:13 10 A. Yes, I reached at Makeni.

11 Q. And did you stay in Makeni for any period of time?

12 A. I spent the whole month I went there for.

13 Q. Thank you. When you were in Makeni, did anything happen?

14 JUDGE DOHERTY: He has already answered.

12:24:46 15 MR HARDAWAY: Objection.

16 JUDGE DOHERTY: Sorry, Mr Hardaway, I should not have
17 interrupted you.

18 MR HARDAWAY: I object, Your Honour. He has already
19 answered that question.

12:24:59 20 MR MANLY-SPAIN: Thank you.

21 Q. After the month that you spent in Makeni, did you go
22 anywhere?

23 MR HARDAWAY: Objection, Your Honour, asked and answered.

24 THE WITNESS: Yes, I returned to Machohe.

12:25:17 25 PRESIDING JUDGE: What was that objection, Mr Hardaway?

26 MR HARDAWAY: That question had been previously asked and
27 answered, Your Honour.

28 MR MANLY-SPAIN: No, I did not ask that.

29 PRESIDING JUDGE: I do not have a record of that question

1 being asked. The previous question, yes, that was asked.

2 MR HARDAWAY: I stand by the record, Your Honour.

3 MR MANLY-SPAIN: Thank you.

4 Q. Where did you go to?

12:25:40 5 PRESIDING JUDGE: He answered the question.

6 THE WITNESS: When I returned from Makeni I went to

7 Machohe.

8 MR MANLY-SPAIN:

9 Q. Did you have any reason for leaving Makeni, Mr Witness?

12:26:05 10 A. Yes.

11 Q. Please explain to the court.

12 A. One of my colleague went and told me that in the whole

13 area, ECOMOG have driven all the guys away.

14 Q. Can you explain to this Court what area your colleague told

12:26:37 15 you about?

16 A. Which people?

17 Q. I asked about area.

18 A. Yes. The villages I named before, those are the villages

19 I'm referring to.

12:26:58 20 Q. Thank you, Mr Witness. Mr Witness, you mentioned a word

21 that ECOMOG had cleared the guys. What to you mean by "the

22 guys"?

23 A. He told me that the ECOMOG had driven away the rebels from

24 the villages.

12:27:35 25 Q. Thank you very much. Mr Witness, did you go back to

26 Machohe alone?

27 A. Yes. It was then I went in search of my brother when I

28 heard that rebels had cut him all over his body.

29 Q. Did you see your brother?

1 A. Yes, I saw him.

2 Q. Mr Witness, you said these rebels came to Mandaha. Do you
3 remember the time of the day that they went to Mandaha?

4 A. The time they entered the village, it is getting up to
12:28:32 5 eight years.

6 Q. Yes, I understand that, but I'm asking you about what time
7 of the day, that particular day that they went into the town. If
8 you remember what time?

9 A. They went entered on a Thursday.

12:28:51 10 Q. Do you recall whether -- what time on that Thursday that
11 they entered?

12 A. It was on 10.00 in the morning. 10.00 in the morning.

13 Q. Mr Witness, you said you were there when they entered and
14 they were taking people out of their houses; is that so?

12:29:29 15 A. Yes, I was there.

16 Q. Did you see them do anything else?

17 A. I saw the captured people and cutting them all over their
18 body and then the other people ran away.

19 Q. Thank you. Did you know, Mr Witness, these rebels?

12:30:09 20 A. I don't know them. I only heard of their names.

21 Q. I want you, Mr Witness, if you can tell this Court, before
22 the attack on Mandaha, how many houses there were in Mandaha?

23 A. It is 27 houses that were there altogether.

24 Q. When you went to Machohe, did you go to Mandaha after that?

12:31:07 25 A. I took one year at Machohe before going to Mandaha, then
26 there was no houses.

27 Q. There were no houses where?

28 A. Mandaha was burnt all over. We did not stay there any
29 longer.

1 Q. When you went to see Mandaha after that period of one year
2 at Machohe, did you go there alone?

3 A. It was -- I was not a lone. We were plenty. All of us
4 that were residing in other village went there.

12:32:15 5 Q. Thank you very much. Mr Witness, do you know Gbenties
6 [overlapping speakers]?

7 A. No, I don't know.

8 Q. Before the attack on Mandaha was there any group of armed
9 men in Mandaha?

12:32:59 10 A. No, there were no other fighters.

11 Q. You said you saw the people who attacked Mandaha that
12 morning. Do you know who was their leader?

13 A. I don't know the person.

14 Q. Mr Witness, whilst you were in the bush in hiding, did you
12:34:13 15 see anybody coming from Mandaha to where you were hiding?

16 A. Yes.

17 Q. Did they tell you anything about the people who had
18 attacked Mandaha?

19 A. Those that drove us from -- those that drove us.

12:34:40 20 Q. Did the ones that met you in the bush from Mandaha, did
21 they tell you anything about the people who had attacked Mandaha?

22 A. Yes.

23 Q. What did they tell you?

24 A. My relative that was captured, who was wounded, told me
12:35:10 25 that the rebels captured him or her, that they were about to kill
26 him or her.

27 Q. This, your relative, Mr Witness, was he a man or a woman?

28 A. He was a male.

29 Q. Since after the entire incident, Mr Witness, were you able

1 to know the identity of the people who attacked Mandaha?

2 A. Their names?

3 Q. Yes.

4 A. I know. It was rebels that drove us from the village.

12:36:02 5 Q. Thank you, Mr Witness.

6 MR MANLY-SPAIN: Sorry, Your Honour.

7 [Defence counsel conferred]

8 MR MANLY-SPAIN:

9 Q. Mr Witness, after you had been informed in Makeni that

12:36:40 10 ECOMOG troops had removed the rebels from the villages, Mandaha

11 and the surrounding villages, did you see any ECOMOG troops?

12 A. When I went, they were not there.

13 Q. And the person who told you about ECOMOG troops, did he

14 tell you how the ECOMOG troops removed the rebels from Mandaha

12:37:14 15 and the other villages?

16 MR HARDAWAY: Objection, leading.

17 PRESIDING JUDGE: Yes, that is leading, Mr Manly-Spain.

18 MR MANLY-SPAIN: As Your Honour pleases.

19 Q. Mr with witness, did the person who will told you about the

12:37:31 20 ECOMOG troops, did he tell you anything else about them?

21 MR HARDAWAY: Objection, Your Honour, it is still leading.

22 PRESIDING JUDGE: How is that leading?

23 MR HARDAWAY: I will withdraw, Your Honour.

24 PRESIDING JUDGE: Yes, go ahead.

12:37:48 25 MR MANLY-SPAIN:

26 Q. Yes, Mr Witness, did the person tell you anything about

27 the -- anything else about the ECOMOG troops that were at Mandaha

28 and the other surrounding villages?

29 A. One other guy who was passing by coming to Freetown also

1 told me about that.

2 Q. Do you remember, Mr Witness, when you returned to Mandaha
3 eventually?

4 A. No. I wouldn't know which time it was.

12:38:46 5 Q. Whilst -- after this attack on Mandaha, did you ever come
6 to hear the name of one person called Santigie Kanu as being
7 among the people who attack [Overlapping speakers] --

8 A. To me those that entered into the town, no.

9 Q. Yes. And did you hear about one Ibrahim Kamara to be
12:39:18 10 amongst those who [Overlapping speakers] --

11 A. No, I didn't hear that.

12 Q. Did you hear about one Tamba Brima?

13 A. No, I didn't hear that.

14 Q. Just to finish, Mr Witness, whilst you were in the bush,
12:40:03 15 did you hear any fighting in Mandaha?

16 A. Yes.

17 Q. Please tell the Court what you heard?

18 A. Early in the morning, we started hearing gunshots, and then
19 we started running helter-skelter, all around.

12:40:41 20 Q. Did you know who were firing the guns at that time?

21 A. No, I did not enter the village. I will not lie. I was in
22 the bush.

23 MR MANLY-SPAIN: That will be all for this witness.

24 PRESIDING JUDGE: I was going to adjourn for lunch,
12:41:13 25 Mr Hardaway, but did you have something to say before we do that?

26 MR HARDAWAY: Actually, yes, Your Honour. If it would help
27 expedite matters, my cross-examination will take no more than 15
28 minutes tops, so I leave it to the discretion of the court. I
29 could complete my cross-examination and then we could start with

1 a fresh witness after the lunch, if that is the Court's pleasure.

2 PRESIDING JUDGE: Go ahead, Mr Hardaway.

3 MR HARDAWAY: Thank you, Your Honour.

4 CROSS-EXAMINED BY MR HARDAWAY:

12:41:47 5 Q. Mr Witness, goods afternoon, sir?

6 A. Yeah, how are you.

7 Q. I'm going to ask you a few questions, sir. I just want you
8 to answer them as directly and as honestly as possibly; all
9 right?

12:42:10 10 A. Okay.

11 Q. Sir, the crowd that you had mentioned that entered Mandaha
12 in 1998, how many people were there?

13 A. I don't know the number.

14 Q. Do you know how long they stayed in Mandaha village in 1998
12:42:31 15 during the attack?

16 A. They took there over one week in the village.

17 Q. Thank you, sir. And you mentioned their various styles of
18 dress and some of them were wearing military combat; is that
19 correct?

12:42:56 20 A. Some of them were wearing military uniforms. Some.

21 MR FOFANAH: Objection. That is not the interpretation.
22 He said -- if I stand corrected by any other Loko speaking
23 person - he said they were wearing mixed clothing.

24 MR HARDAWAY: My question was some of the people, not all.

12:43:24 25 MR FOFANAH: I'm talking about the interpretation.

26 PRESIDING JUDGE: All right. Mr interpreter, one of
27 counsel here says that the witness did not say military uniforms,
28 he said mixed clothing. What do you say to that?

29 THE INTERPRETER: Your Honour, can the witness please

1 repeat his answer.

2 PRESIDING JUDGE: What did you hear him say?

3 THE INTERPRETER: I heard him say the crowd -- some of the
4 people in the crowd were wearing uniform, military uniform.

12:43:53 5 PRESIDING JUDGE: All right, thank you. Yes, Mr Hardaway.

6 MR HARDAWAY: Thank you, Your Honour.

7 Q. Mr Witness, I put it to you that it was SLA soldiers who
8 attack Mandaha village in 1998, sir. What is your response? Did
9 you hear my question, sir?

12:44:34 10 A. Yes, I heard. No, I don't know. The ones I know is what I
11 have said.

12 Q. Thank you, sir. Now, did you personally see anyone being
13 killed in Mandaha village in 1998?

14 A. I saw the dead people. They killed my mother there.

12:45:03 15 Q. Mr Witness, please listen carefully to my question. Did
16 you personally see anybody kill anyone in Mandaha village in
17 1998?

18 A. They killed my people. Myself I was trying to save myself.
19 My mother even was killed in the village there.

12:45:33 20 Q. But, Mr Witness, did you see them personally do it? It is
21 either yes or no, sir?

22 A. No. We met, they have killed them already lying on the
23 floor.

24 Q. Did you personally see anyone being raped in Mandaha
12:45:59 25 village in 1998? The answer is either yes or no, sir?

26 A. Rape in what way?

27 Q. I will move on. You had testified in your evidence, sir,
28 that you had seen from the bush smoke and flame. Did you
29 personally see anyone set any building on fire? The answer is

1 yes or no?

2 MR MANLY-SPAIN: I'm sorry, Your Honour. I believe he said
3 he couldn't see from the bush. When he was in the town he saw
4 smoke and flame.

12:46:42 5 MR HARDAWAY: When he was in the town --

6 MR MANLY-SPAIN: After the bush when he returned to the
7 town.

8 JUDGE SEBUTINDE: Actually, Mr Manly-Spain, he said two
9 things. What you have just said is one of the things he said.

12:46:56 10 But later he said he saw flames while he was in the bush and he
11 repeated that several times. While he was in the bush he saw
12 flames.

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

14 MR HARDAWAY:

12:47:10 15 Q. Did you see anyone personally, sir, set any buildings afire
16 in Mandaha in 1998?

17 A. No. I did not see anyone set fire on house, but I met the
18 whole village burnt down.

19 Q. Did you see anyone being amputated in Mandaha village in
12:47:41 20 1998?

21 A. No.

22 Q. How long did, sir, you stay in Mandaha village before you
23 ran away to the bush?

24 JUDGE DOHERTY: I do not quite understand that question, Mr
12:47:59 25 Hardaway. He said he ran into the bush when he saw people coming
26 and then he returned and then he went to Makeni.

27 MR HARDAWAY: I'm referring to the initial period, Your
28 Honour. I'll clarify.

29 Q. Mr Witness, I will rephrase the question. When you first

1 saw the group of people coming in, how long did you stay in
2 Mandaha village before you ran into the bush?

3 A. The hour I took? I did not stay long. I went in hiding
4 when they went after us.

12:48:57 5 Q. Very well. You were asked if you had heard certain names
6 before, sir. At any time during or after the incident of Mandaha
7 village, up to today, have you ever heard the name Gullit as
8 being part of group that attacked Mandaha village?

9 A. No.

12:49:37 10 Q. Have you ever heard the name Bazy as being part of the
11 group that attacked the Mandaha village in 1998?

12 A. No.

13 Q. Did you ever hear the name Five-Five as being one of those
14 who took part in the attack on Mandaha village in 1998?

12:49:53 15 A. No.

16 MR HARDAWAY: With the Court's indulgence for one moment,
17 Your Honour.

18 [Prosecution counsel conferred]

19 Q. Mr Witness, I thank you for your time here today.

12:50:12 20 MR HARDAWAY: I ever no further questions on
21 cross-examination, Your Honour.

22 PRESIDING JUDGE: Thank you, Mr Hardaway. Anything arising
23 from that?

24 MR MANLY-SPAIN: No re-examination.

12:50:24 25 PRESIDING JUDGE: Thank you Mr Manly-Spain. Well,
26 Mr Witness, we would like to thank you for coming to court to
27 give evidence today. Your part in this trial is now over. We're
28 going to adjourn the Court. I will just ask you to sit there,
29 please, until we adjourn the Court and then you will be able to

1 leave. We will adjourn now until 2.15.

2 THE WITNESS: Okay.

3 [The witness withdrew]

4 [Luncheon recess taken at 12.55 p.m.]

14:12:41 5 [Upon resuming at 2.20 p.m.]

6 PRESIDING JUDGE: Yes, Mr Fofanah.

7 MR FOFANAH: I will be taking the witness and he will be

8 testifying in Limba.

9 PRESIDING JUDGE: Could you give me his pseudonym number,

14:17:48 10 please.

11 MR FOFANAH: DBK-086, Your Honour.

12 WITNESS: DBK-086 [Sworn]

13 [Witness answered through interpreter]

14 EXAMINED BY MR FOFANAH:

14:18:50 15 Q. Good afternoon, Mr Witness.

16 A. Yes, good afternoon.

17 Q. I'm going to ask you some questions relating to events that

18 occurred in May 1998.

19 MS ALAGENDRA: Your Honour, I object to that, Your Honour.

14:19:06 20 PRESIDING JUDGE: What is objectionable.

21 MS ALAGENDRA: I think counsel is leading the defence on

22 the time of a particular incident, without testing whether or not

23 the witness in fact knows the date of whatever incident he wants

24 to testify about.

14:19:21 25 PRESIDING JUDGE: I think he's just drawing the witness's

26 attention to a particular period of time, that's all. I don't

27 see anything objectionable in that. He hasn't led any evidence

28 relating to that period of time. Go ahead, Mr Fofanah.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Mr Witness, do you know your date of birth?
2 A. I cannot remember the date I was born.
3 MR FOFANA: I did not get the answer.
4 JUDGE DOHERTY: I cannot remember the date I was born.
14:20:05 5 MR FOFANA: Thank you.
6 Q. Do you know your age?
7 A. Yes, 56 years.
8 Q. 56 years old.
9 A. Whenever they go there to write, for us to get identity
14:20:37 10 cards, they will just guess and said I am 56, but I cannot vow
11 for it, because my father, mother never told me the time I was
12 born.
13 Q. Mr witness, where were you born?
14 A. I was born at Kamadogbo.
14:21:03 15 MR FOFANA: Your Honours, I think we've had that name
16 before.
17 THE WITNESS: Kamadogbo. What did you say about Kamadogbo?
18 MR FOFANA:
19 Q. Do you know what chiefdom Kamadogbo is?
14:21:19 20 A. Yes.
21 Q. What chiefdom is it?
22 A. He is called Suri Kamara.
23 Q. I mean the chiefdom. Did you understand the question?
24 A. Okay. Are you asking about Biriwa. Biriwa chiefdom, is
14:21:50 25 that what you are asking for?
26 Q. [Microphone not activated]?
27 A. It is in Kamabai and Kabunban.
28 MR FOFANA: Your Honours, Kamabai is K-A-M-A-B-A-I and the
29 other one, I did not get clearly. Can you repeat the other

1 chiefdom you called, Kaboomba [sic], was it?

2 A. It is Kabunban and Kamabai. They are exchanging the
3 chieftaincy. They are amalgamated, Kabunban and --

4 MR FOFANAH: Your Honours, phonetically Kabunban would be
14:22:35 5 spelt K-A-B-U-N-B-A-N.

6 Q. Mr witness, at the moment, are you living in Kamadogbo?

7 A. Where I am staying at present?

8 Q. Yes.

9 A. I am not staying there at present? I am now in Freetown.

14:23:02 10 Q. I mean before you came to Freetown. Where do you normally
11 live?

12 A. I was living at Kamadogbo.

13 Q. Do you know what district the two chiefdoms you mentioned,
14 Kabunban and the other chiefdom could be found, what district?

14:23:27 15 A. It is in the Bombali District.

16 Q. Mr Witness, what languages do you speak?

17 A. Like what?

18 Q. Do you have a native language?

19 A. I speak Limba. Biriwa Limba.

14:23:56 20 Q. Apart from Limba, do you speak any other language?

21 A. I don't speak any other language.

22 Q. Mr Witness, have you been to school at any point in your
23 life?

24 A. I didn't go to school.

14:24:19 25 Q. Do you belong to any religion?

26 A. Me, I am a Christian.

27 Q. Mr Witness, what do you do for a living?

28 A. I am a farmer. I am a farmer.

29 PRESIDING JUDGE: There is somebody talking, and I'm

1 picking it up on my microphones. It's a female voice. It's very
2 distracting.

3 MR FOFANA: I hear it as well.

4 PRESIDING JUDGE: Is that coming from the public gallery or
14:25:00 5 somewhere else?

6 MR GRAHAM: [Indiscernible].

7 PRESIDING JUDGE: Mr interpreter, if there is somebody up
8 there, I think it's a lady who is speaking, we're picking it all
9 up down here and it's very distracting, so can you do something
14:25:20 10 about it?

11 THE INTERPRETER: Yes, My Lord.

12 PRESIDING JUDGE: I'm sorry to interrupt you, Mr Fofana.
13 The last note I had, and I know he said something just after
14 that, but the last note I had is, "I didn't go to school."

14:25:42 15 THE INTERPRETER: Yes, My Lord.

16 MR FOFANA: The interpreter was saying something.

17 THE INTERPRETER: I think it's okay now. We are changing
18 to another channel.

19 PRESIDING JUDGE: Thank you, Mr interpreter.

14:25:53 20 MR FOFANA: My last question, Your Honour was: What he
21 does for a living, what is his occupation.

22 Q. Can you answer the question. What do you do for a living
23 again, please, Mr Witness?

24 A. I am a farmer. I work on the farm. I work on the farm.
14:26:20 25 That is where I get my living.

26 Q. Where do you do this farming?

27 A. I work at Madobo, in the village and in the swamps. I work
28 in the swamps, as well as upland farming.

29 Q. Mr Witness, are you married?

1 A. Yes.

2 Q. How many wives do you have?

3 A. I have two wives. I have two wives. One is dead. I only
4 have one wife now.

14:27:00 5 Q. Do you have children?

6 A. Yes.

7 Q. How many children?

8 A. I have 11, but only five are alive.

9 Q. Do you live with your family at Kamadogbo at the moment?

14:27:21 10 A. The children, some are here in Freetown. The others are
11 there with me. With me there, I have three. The others are
12 here, in Freetown.

13 Q. Mr Witness, how long have you been at Kamadogbo?

14 A. I was born there. I was born there. I was brought up
14:27:47 15 there.

16 Q. Do you recall events that occurred in Kamadogbo in 1998,
17 around May 1998?

18 A. Yes.

19 Q. At that time, where were you?

14:28:14 20 A. I was at Kamadogbo.

21 Q. I want you to take your time and tell us what you recall
22 happened in May 1998.

23 A. Well, what happened, it happened at night when it was 15
24 minutes to 5 in the morning. I came out to go to ease myself. I
14:28:56 25 got up from -- I came from the yard. I came to my house. When I
26 came, and my brother's wife tell me, "Why are you going? Who are
27 these going? Are they cows." So I got up and sat outside.

28 Q. Hold it, Mr Witness. Firstly, you said the event happened
29 at night, and you also said it happened in the morning at about

1 15 to 5. How do you know it happened at about 15 minutes to 5 in
2 the morning?

3 A. I had a watch on me. When I was about to go out, I looked
4 at my watch.

14:29:48 5 Q. Do you recall what season it was?

6 A. That day?

7 Q. Yes.

8 A. I cannot remember the day now because, at that time, I
9 cannot remember now.

14:30:06 10 Q. I mean the season. Was it rainy or dry season?

11 A. When the rainy season was coming. In fact, it rained that
12 very night. When the rain came, the whole night, when it was
13 about the morning, then, on that day, it rained.

14 Q. Mr Witness, are you familiar with the -- are there houses
14:30:44 15 at Kamadogbo? It may seem obvious, but can you answer that
16 question?

17 A. There are houses.

18 Q. How many houses there are?

19 A. There were three houses. They burnt two.

14:31:06 20 Q. So who owns the house that has remained?

21 A. It is my own house.

22 Q. When you say, "They burnt two," what do you mean by "they"?

23 A. Well, those who passed during that night, and then they cut
24 one of my child's hand. Those were the people who burnt the
14:31:34 25 houses.

26 Q. Now, did you see these people that you have referred to as
27 passing through your village?

28 A. Because it was dark, I did not see them, but I heard when
29 they were going. I saw people going, but I will not know them.

1 When they were going, it was the one woman that was the wife of
2 my brother, she told me - she saw them - she told me that, "Eh,
3 look at those who are coming." He and his husband. He wait.
4 His husband would -- husband, they all -- they burn the house and
14:32:25 5 we all ran into the bush.

6 Q. Okay. You've said a number of things. Let us take them
7 one after the other. Did you say you saw people going? Did you
8 say you saw people going through the village that morning?

9 A. I saw people passing. I was standing on my veranda, and
14:32:51 10 they were passing. One group passed. The third group, the
11 second group and the third group. That was the time the woman
12 went to the house and said, "People are passing. They are
13 soldiers." That was how we all went to the bush.

14 Q. Are you able to identify anyone among the group of people
14:33:10 15 that passed?

16 A. I was not able to know anybody -- to say I know anybody
17 there. I don't know anybody.

18 Q. Did you see the kind of clothes they had on, the people
19 that passed?

14:33:30 20 MS ALAGENDRA: Your Honour, the witness -- I object.

21 THE WITNESS: I did not see their attire, because it was
22 dark. If it had been during the day or during light, I would
23 have seen them.

24 MR FOFANAH:

14:33:54 25 Q. You started by saying that they entered about quarter to
26 five in the morning. Do you recall that?

27 JUDGE SEBUTINDE: Mr Fofanah, entered where? He said
28 people passed by his house. Now you are saying "entered."
29 Entered where?

1 MR FOFANA: As Your Honour pleases.

2 THE WITNESS: To remember this.

3 MR FOFANA:

4 Q. Okay, listen. You said you recall it was around quarter to
14:34:18 5 five that these people passed through your village. Do you
6 recall that?

7 A. Yes.

8 Q. Now, the people that passed through your village, did they,
9 to the best of your knowledge, stop in the village?

14:34:38 10 A. They did not stop in the village. They were on -- they
11 were passing. They saw -- they wounded all our children and
12 burned the houses. Now they were going to Karina and Mandaha, up
13 to Karina. That was how they were going and destroying --
14 killing and destroying people. They were not stationed there,
14:35:05 15 that they were stationed in our village. No, they were not
16 stationed there at all. They just passed.

17 Q. But you've just said they wounded your children. Did this
18 incident happen in your village at --

19 A. Kamadogbo. In the house at Kamadogbo, in my room. And
14:35:27 20 there are three children. They amputated two of them, their
21 hands, and the other was actually chopped on the back.

22 Q. Now, how do you know that these people who passed through
23 your village amputated these two children and wounded the other
24 one?

14:35:45 25 A. Well, it was my own child that told me when he went -- when
26 he met me in the bush where I was hiding. He told me that it was
27 those people who were passing that cut off my hand.

28 Q. Now, this child you are talking about, how old is he, or
29 how old was he when the rebels passed through your village?

1 A. That child, I am the father, but I cannot tell the number
2 of years he has taken because I, myself, could also not write, so
3 I cannot remember. But he is now a big man. He works for me
4 now.

14:36:43 5 Q. Do you also know the age of the other child who was also
6 amputated, according to you?

7 A. That child, he only came to visit his friend. I am not his
8 father. That boy is born at Kamabai. He was only a friend to my
9 son. So I cannot know -- I cannot tell how many years he was,
14:37:14 10 how old he was.

11 Q. Did he live in the village before the rebels passed through
12 it, this other child?

13 A. Yes.

14 JUDGE SEBUTINDE: Did this witness use the word "rebels"?
14:37:39 15 Did I miss something?

16 MR FOFANAHA: You're quite right, Your Honour.

17 THE WITNESS: It was when he was already amputated. They
18 went to the bush and met me there. There, that was the time I
19 collected him and brought them to town.

14:37:59 20 PRESIDING JUDGE: Yes.

21 MS ALAGENDRA: Just to clarify, the word rebels was not
22 used by the witness; it was soldier that was used.

23 PRESIDING JUDGE: That's right, yes.

24 MR FOFANAHA: Thank you.

14:38:08 25 Q. Mr Witness, if I may take you back to what you've just told
26 this Court. You said you did not clearly identify the people who
27 passed through the village; not so?

28 A. No, I was not able to know them. I don't -- I didn't know
29 them. It was only after they had wounded my child that it was

1 the child who told me. I, myself, I knew that those were the
2 people who were passing.

3 Q. How do you know that these people were soldiers?

4 MS ALAGENDRA: Your Honours, the witness --

14:38:51 5 THE WITNESS: It was a woman who told me that they were
6 soldiers, but I never saw them that this -- the attire they have
7 is that of a combat, but they were not soldiers. I didn't know.
8 It was a woman who told me. It was when I came that they told me
9 that they were not soldiers. They only told me that it was
14:39:12 10 people who were passing, rebels, those are the people who did it,
11 and they killed my elder brother. They killed a woman in my own
12 town.

13 Q. So what do you mean when you say it was when you came.
14 When you came back where?

14:39:30 15 A. When I brought the child, when the child was wounded, I
16 brought him to Makeni. I slept in Makeni for two days and, the
17 third day, I returned. When I came, I saw the grave where my
18 brother was buried. That was the time they told me that they did
19 all this, and they said they were the people who did all these
14:39:57 20 atrocities.

21 Q. What do you mean by "they were the people"; "they"?

22 A. When I say these, they told me it was rebels that did this
23 work. They said it was the rebels that killed us and did all
24 this to us. They did this -- committed these atrocities.

14:40:22 25 Q. What was your understanding of the word "rebels"?

26 A. Well, that is the way they call them. They are called
27 rebels. I was in the bush. They know what it means by rebels,
28 but that was the time they are calling them. That's what they
29 called them.

1 Q. So this woman whom you said shouted, or at least whom you
2 heard refer to these people as soldiers, was he also living in
3 the village, Madobo?

4 A. She, from the time she ran away up to this day, I have not
14:41:06 5 seen her. Whether she was killed or not, I don't know. I cannot
6 trace her.

7 Q. Did you see her on the very day? Or, in the morning of the
8 event, did you see her?

9 A. When we ran, when we ran away, I never saw her again. Up
14:41:29 10 to this day, I have never seen her.

11 Q. Correct me, Mr Witness, if I am wrong. Are you saying you
12 only heard this woman shout that soldiers are passing through
13 your village, and nothing more?

14 A. That's it. That's so. When he told me that -- when he
14:41:58 15 said this, we all run away, and we never heard anything from him.
16 And for her, since the time she ran away, up to this present day,
17 I cannot trace her.

18 JUDGE DOHERTY: Mr Interpreter, who is the him who has now
19 been brought into your interpretation? If it is a woman, it's
14:42:16 20 her.

21 THE INTERPRETER: I'm asking the lawyer to ask the witness
22 to repeat the answer.

23 JUDGE SEBUTINDE: Mr Interpreter, really, when the lawyer
24 has been talking, and the witness, they've been referring to a
14:42:47 25 woman.

26 THE INTERPRETER: Yes, My Lord.

27 JUDGE SEBUTINDE: And you have been referring to a man. We
28 want to know which man you are referring to.

29 THE INTERPRETER: It was a woman, not a man, My Lord.

1 JUDGE SEBUTINDE: Then why do you keep calling her him?

2 PRESIDING JUDGE: Mr Fofanah, accepting that when the
3 interpreter mentioned a him he was referring to a woman, do you
4 need that answer repeated?

14:43:12 5 MR FOFANAH: No, Your Honour.

6 PRESIDING JUDGE: Well, you carry on.

7 JUDGE SEBUTINDE: Also, Mr Fofanah, earlier on this witness
8 did, in his testimony, tell who this woman was. I hope you heard
9 who this woman was and where she was when she said the words she
14:43:31 10 said.

11 MR FOFANAH: Yes, I will probably try to refresh his memory
12 on that, because I actually heard him talk about the woman's
13 husband, and that they were in the village. I will let him go
14 over it again.

14:44:09 15 Q. Mr Witness, do you recall telling us about this woman whom
16 you said you heard shout soldiers were passing through your
17 village? Now, do you know this woman?

18 MS ALAGENDRA: I object, Your Honour. The witness has
19 already --

14:44:23 20 THE WITNESS: The woman was called [redacted]. The woman
21 is called [redacted]. It was the daughter of my brother, but
22 where she went to hide, I did not see her and I have not seen
23 her. Since everybody was gone to the fish, up to this day, I
24 have not seen her. We don't know where they ran to, we don't
14:44:47 25 know. But that woman who was called [redacted], up to this day,
26 I could not see her. We have been asking where she is, but we
27 cannot find her.

28 MR FOFANAH:

29 Q. Hold it there. Hold it there.

1 PRESIDING JUDGE: Just hold it there. I understood this
2 witness to say it was his brother's wife. Now he's saying it's
3 his brother's daughter. Is that what you were going to raise?

4 MS ALAGENDRA: That's right, Your Honour. The fact that
14:45:10 5 the witness has already explained the relationship of this woman
6 to his brother previously, and it's just the question being asked
7 again.

8 MR FOFANAH: Your Honours, I was merely seeking
9 clarification.

14:45:23 10 PRESIDING JUDGE: Rather than getting clarification, we've
11 now got two different answers, Mr Fofanah.

12 MR FOFANAH: As Your Honour pleases. Your Honours, before
13 I go forward to clarify the confused bit, may I respectfully
14 apply that that name be redacted for the obvious reason, that the
14:45:40 15 person relates to him and it is a small village.

16 PRESIDING JUDGE: Yes, that name that's just been mentioned
17 recently should be redacted from the transcript.

18 THE WITNESS: Is it okay?

19 MR FOFANAH:

14:45:59 20 Q. Mr Witness, listen carefully. I don't want you to repeat
21 any name. I just want you to tell Court --

22 A. Okay.

23 Q. -- the woman's name you've just mentioned, without
24 repeating her name, can you tell the Court what that woman is to
14:46:15 25 you, in terms of relationship?

26 A. How we are related, it was my brother -- my sister. My
27 sister gave birth to this child, and that is how -- that --

28 Q. What child are you referring to?

29 A. It was the wife of my brother who gave birth to this child,

1 but the child was -- she was staying with my brother and it was
2 this very child who told me that these are the people passing.

3 Q. Okay. Before this event happened in May 1998, do you know
4 how many people lived in Kamadogbo?

14:47:37 5 A. Yes.

6 Q. Please tell the Court.

7 A. We were many in the village.

8 Q. By many, can you even estimate the numbers?

9 A. In my village, in my town, with my brother and all, and my
14:48:09 10 brother's all, and all those that were born there, we were 25.

11 In the other village, they were 15, and down there --

12 Q. Okay, let's stop it there. I just want to --

13 A. And I will not call their names again. I don't need to
14 call their names.

14:48:33 15 Q. Okay. Now, are these 25 people that you have told the
16 Court about, were they all living in Kamadogbo at the time the
17 people whom you have described passed through your village in May
18 1998?

19 A. Yes, we are all there during that time.

14:49:13 20 Q. Now, when this incident happened, you said you ran away
21 into the bush; correct?

22 A. Yes.

23 Q. Where was your family at the time you ran into the bush?

24 A. We all ran. Everybody ran wherever he want -- everybody
14:49:40 25 went where she wanted to go, until I came to Makeni, but they all
26 came to Makeni. Those who were able to build, they build. Those
27 who do not have a place to stay, they were taken by the rebels,
28 by the war. Some are even here in Freetown, those who run. I
29 never went there again. They are here staying with their

1 brothers here in Freetown.

2 Q. Now, let's come to your son who was amputated. Did he tell
3 you who amputated him?

4 A. He said he didn't know the person. He did not know the
14:50:24 5 person who amputated him. He did not tell -- I asked him more
6 than -- I asked him several times. He said he would never know
7 the person, because they were many, and it was dark.

8 Q. Did he tell you the kind of clothes they were wearing at
9 the time they did this to him?

14:50:48 10 A. It was just the clothes they were wearing. They were not
11 knowing -- they were not putting on combats. It was the ordinary
12 clothes that we are putting on and that -- in fact, some of them
13 have half-backs, so I cannot -- it was not combat. They did not
14 say -- they did not tell me that they were having any uniform,
14:51:10 15 because I asked him. He said we were putting on the same clothes
16 as ours. Because that was -- it was almost morning hours.

17 MR FOFANAH: Mr Interpreter, can you please clarify? I
18 heard half-backs.

19 THE INTERPRETER: Slippers, My Lord.

14:51:32 20 MR FOFANAH: Your Honours, may I respectfully indulge the
21 Court to allow the first accused to use the convenience?

22 PRESIDING JUDGE: Yes. The first accused can leave the
23 Court.

24 MR FOFANAH:

14:51:49 25 Q. Mr Witness, the other person you referred to, the other
26 child whom you said was not your child, did he also tell you who
27 amputated him?

28 A. He also did not tell me. The first one did not tell me.
29 He, too, did not tell me. He said he never knew them. He didn't

1 know them.

2 Q. Now, you said you took your child to Makeni after the
3 amputation. Do you recall saying that?

4 A. Yes. Yes. I brought him to Makeni.

14:52:27 5 Q. Did you come back to your village, Kamadogbo, after going
6 to Makeni?

7 A. When I brought the child to Makeni, I slept there for two
8 days. The fathers took them and they were going to -- they said,
9 "Let us don't take money. They are going to help us." I left
14:52:54 10 them with the fathers to be cured. I slept there two days. On
11 the third day, I returned to Madobo and when I came, that was the
12 time they told me that my brother had been killed and the houses
13 were burnt. I did not see the corpse. I only saw the grave.
14 And even the hands that were amputated, they all buried them.
14:53:19 15 Where they buried, I could not tell.

16 Q. Now, when you returned back in two days' time to your
17 village, did anything happen which you can recall?

18 A. Well, when I returned, when I came back to my house, from
19 that time, nothing happened there until when they came. When
14:53:48 20 they came from the bush, that was the time they started to steal
21 our things, to carry load for them to Kamabai.

22 Q. What do you mean by when they came they started to steal
23 your things? Who are the "they"?

24 A. When they passed after the war, and they have passed, they
14:54:23 25 only come and steal our things, everywhere. Whether he sees you
26 with the clothes, he sees you with rice, he'll just take it from
27 you.

28 Q. Who are are the "they" who were doing these things to you?

29 A. It was the rebels who are doing, because they say that --

1 they themselves said that they were rebels.

2 Q. Now, during the period of your return to your village,
3 Kamadogbo, did you notice anything flying in the air at any point
4 in time?

14:55:06 5 A. Yes. When I came back, I slept for two days and still,
6 that again, on the third day, we saw an arc. We came and passed
7 and, when they passed, they said everybody in the village,
8 wherever that helicopter goes, they shoot. They said they went
9 and fired at Kamandaha, in the Loko country. We only had one
14:55:39 10 road together. They passed us and crossed the river and we are
11 on the other side. During that time, we will begin to see the
12 aeroplane flying from one place to another.

13 Q. Let's stop there for a moment. I heard you call a place
14 Kamandaha; am I right?

14:56:02 15 A. That was the time we saw the helicopter going there when
16 they -- we saw the helicopter shooting at that place, and so we
17 all went to the bush.

18 Q. Mr Witness, I want to spell the place. Can you give me the
19 correct name so that I can spell. I just want to confirm. What
14:56:23 20 is this place that you mentioned, which you said a helicopter was
21 shooting at?

22 A. It is in Loko. It is in the Loko country. It is called
23 Mandaha.

24 MR FOFANAH: I believe, Your Honours, we've had that name
14:56:45 25 before, Mandaha.

26 Q. So who told you these helicopter, which you have referred
27 to, were shooting at Mandaha?

28 A. Well, when they were passing, those who were caught on the
29 way, when they went there, and they started and they shooting,

1 when the helicopter was shooting there, they came back running
2 and those are the people who told us that it is the helicopter
3 that is shooting there. Those they had captured. When they all
4 run there, we did have to pass through us coming back. So they
14:57:33 5 all ran towards us, and they were the people who told us.

6 Q. Did you yourself see this helicopter fly over Kamadogbo at
7 any point in time?

8 A. Yes. When the helicopter has come, we had disarmed and we
9 even look at it, but we are hiding. As soon as we see the
14:58:00 10 helicopter, we go to hiding.

11 Q. You also refer to an aeroplane at some point in your
12 testimony. What is this aeroplane you refer to?

13 A. It is called the helicopter. It is called the helicopter.

14 Q. So you said --

14:58:31 15 A. And they were also calling it a jet. Jet. But it did not
16 come down for us to see it. We only see it passing up, and any
17 time we see it passing, we have to hide, because they say
18 whenever they see people sitting, they will shoot there. That
19 was why, whenever we saw it, we had to go into hiding.

14:58:50 20 Q. Now, whilst you were in hiding, did you see this jet or
21 helicopter do anything to Madobo?

22 A. It did not do anything at Kamadogbo. It was in -- all
23 around that area. It did not do anything at Kamadogbo.

24 Q. Apart from Kamadogbo, do you know if anything happened in
14:59:20 25 the other place that you've mentioned by -- did this jet or
26 helicopter do anything to any other place that you know?

27 A. No.

28 Q. Now, are there villages surrounding Kamadogbo that you
29 know?

1 A. We were near Mabono. We were near with Dara, Mayomgbo at
2 Karina and up to Kamabai. Just nearby villages. The villages
3 are nearby villages. But I didn't see any helicopter shooting
4 there -- that. The helicopter shot at any of these villages, no,
15:00:14 5 I did not see that.

6 Q. Did you hear about the helicopter or jet shooting at any of
7 these villages?

8 A. The towns I've called, they did not shoot anything there.
9 Whenever we hear it, they shot at Mandaha, but they didn't shoot
15:00:40 10 at any village in our own area.

11 Q. Okay.

12 MR FOFANAH: Excuse me, Your Honours, just one moment.

13 Q. Mr Witness, whilst this incident -- whilst you were in
14 Kamadogbo in the morning of the incident, did you see or hear
15:01:19 15 about any rape taking place in your village?

16 A. No, I did not see.

17 Q. Did you see or hear abductions by these people you have
18 referred to in your village?

19 A. In our village, not in our village. Not in our village.
15:01:50 20 In our own village, they did not abduct anybody there in our own
21 village. They did not abduct anybody there. Those that -- they
22 came with some people. They took my brother's son away, but not
23 in my village. In my village, they did not take anybody along
24 with them.

15:02:16 25 Q. Were you told who was leading these people?

26 A. I don't know him. I don't know him at all.

27 Q. Did you hear, or did anyone tell you, or mention to you the
28 name Ibrahim Bazzy Kamara, as being among the people who passed
29 through your village?

1 A. Nobody told me that. I don't know him.

2 Q. Did you hear, or did anyone tell you, or mention the name
3 Tamba Brima, as being among those who passed through your
4 village?

15:03:00 5 A. I did not hear that, I did not see him, and I don't know
6 him.

7 Q. Did you hear or did anyone mention, or did you see anyone
8 by the name of Santigie Borbor Kanu as being among those who
9 passed through your village in the morning of May 1998?

15:03:25 10 A. I cannot remember. That is why I'm saying, when they were
11 passing, it was at night, and even if it was there or there, I
12 don't know him. I don't know. Nobody told me that this was the
13 man. Nobody told them. So I, myself, I don't know any of them.
14 I was not told that and I don't know him.

15:03:51 15 Q. Thank you very much, Mr Witness.

16 MR FOFANAH: In that case, I have no further questions.

17 PRESIDING JUDGE: Yes, Ms Alagendra. Just before you
18 start, Mr Fofanah, I presume this witness is a common witness?

19 MR FOFANAH: Yes, Your Honour.

15:04:01 20 PRESIDING JUDGE: Thank you. Yes, go ahead.

21 CROSS-EXAMINED BY MS ALAGENDRA:

22 MS ALAGENDRA:

23 Q. Good afternoon, Mr Witness.

24 A. Good afternoon.

15:05:16 25 Q. I just have a few questions for you this afternoon.

26 A. Okay.

27 Q. Witness, the group that your brother's daughter saw passing
28 through your village, that's the group that amputated the hands
29 of your sons, isn't it?

1 A. Yes. Those that were passing, yes, they were the people.
2 No other person passed there. They were the very ones who passed
3 that morning. Since they passed, nobody else has gone through
4 there and did anything bad to us.

15:06:14 5 Q. Witness, you did not see the amputation of your son's
6 hands, did you?

7 A. I was not there when he was amputated. He went and met me
8 now after he had been amputated.

9 Q. Witness, when you spoke with your son about what happened
15:06:40 10 to him, all that he told you was the people who cut his hands
11 were armed men, and nothing more, isn't it, witness?

12 A. They said he had machetes. They said he had machetes.
13 They had cutlasses and axes. He said they used a cutlass to
14 amputate my son, but I was not there.

15:07:13 15 Q. And that is all you spoke about to your sons in relation to
16 the cutting of his hand, that is, what the attackers were armed
17 with and nothing else; isn't that so, witness?

18 A. Yes.

19 Q. Witness, how old are you your sons? You may have told the
15:07:45 20 Court this earlier, but can you just remind me again, please, the
21 age of your sons.

22 A. I said I did not write the time he was born, because I
23 didn't go to school. He was not born in the hospital, he was
24 born in the bush. So, I cannot tell you his exact age.

15:08:07 25 Q. Witness, you don't have to tell me the exact age.
26 Approximately how old was he?

27 A. Well, if I am to measure from the time he was born up to
28 now, it could be 26 years.

29 Q. And 26 years at the time of the incident or now?

1 THE INTERPRETER: Correction, interpreter, 16 years.

2 THE WITNESS: I just measured 16 years. If it was more
3 than that, I would not know. Because I never wrote anything.
4 All I know, he's about 16 years.

15:08:53 5 MS ALAGENDRA:

6 Q. And he was 16 at the time his hand was cut off, or now?

7 A. Yes, that was -- no, that was the time he was amputated.

8 That was -- time he was amputated, he was 16 years, but now, he's
9 a grown up man.

15:09:15 10 Q. Witness, did you ever hear the name Gullit as being

11 together with the people who attacked your village in 1998?

12 A. I did not hear that name.

13 Q. And did you hear the name Five-Five, witness, as one of
14 those people who attacked your village?

15:09:43 15 A. I did not hear that name.

16 Q. Thank you, witness.

17 MS ALAGENDRA: I have no further questions, Your Honour.

18 PRESIDING JUDGE: Thank you, Ms Alagendra. Anything
19 arising for re-examination?

15:09:59 20 MR FOFANAH: None, Your Honour.

21 PRESIDING JUDGE: Thank you. Mr Witness, your testimony is
22 finished now. We'd like to thank you for coming to Court and
23 giving evidence. We'll just make some arrangements for the
24 curtains to be pulled across and then you can leave the

15:10:19 25 courtroom.

26 [The witness withdrew]

27 PRESIDING JUDGE: Can the Defence tell us the next witness?

28 MR MANLY-SPAIN: It's going to be, Your Honour, DBK-102.

29 JUDGE SEBUTINDE: What language will this witness use?

1 MR MANLY-SPAIN: Krio, Your Honour. I will confirm that it
2 is Krio.
3 WITNESS: DBK-102 [Sworn]
4 [Witness answered through interpreter]
15:14:36 5 EXAMINED BY MR MANLY-SPAIN:
6 Q. Good afternoon, Mr Witness.
7 A. Good afternoon.
8 Q. Mr Witness.
9 A. Yes.
15:14:56 10 Q. Where were you born?
11 A. I was born in Koinadugu.
12 Q. Is this Koinadugu District?
13 A. Yes, My Lord.
14 Q. Where in Koinadugu District were you born in?
15:15:15 15 A. At Dembelia, Sumbuya Chiefdom.
16 MR MANLY-SPAIN: Dembelia, I can make a guess, Your Honour.
17 D-E-M-B-E-L-E-Y-A [sic]. Sumbuya is S-U-M-B-U-Y-A.
18 Q. Mr Witness, do you know how old you are?
19 A. Well, I am 52 years.
15:15:58 20 Q. Where do you presently live -- normally live?
21 A. I live at Makeni.
22 Q. What district is Makeni?
23 A. In the Bombali District.
24 Q. Can you recall how long you have lived at Makeni?
15:16:18 25 A. For 35 years.
26 Q. Mr Witness, are you a married man?
27 A. Yes, My Lord.
28 MR MANLY-SPAIN: Your Honour, may the second accused be
29 permitted to use the bathroom?

1 PRESIDING JUDGE: Yes, Mr Kamara can leave.
2 MR MANLY-SPAIN:
3 Q. Yes, Mr Witness, are you married?
4 A. I am married, My Lord.
15:16:59 5 Q. Do you have more than one wife?
6 A. I have four wives.
7 Q. Where do they live?
8 A. Well -- what?
9 THE INTERPRETER: Hello, My Lord. It appears as if the
15:17:30 10 witness is not getting interpretation from this booth.
11 JUDGE SEBUTINDE: Mr Manly-Spain, ask again. The witness
12 didn't hear.
13 MR MANLY-SPAIN: Yes. Thank you, Your Honour.
14 Q. Mr Witness, do your wives live with you?
15:17:48 15 A. I have one wife with me here, My Lord. And in my home,
16 Makeni, I have three there. Plus this one here, making four.
17 THE INTERPRETER: My Lord, it seems as if the witness is
18 not getting the Krio interpretation.
19 PRESIDING JUDGE: I'm not sure what you mean,
15:18:10 20 Mr Interpreter, he seems to be answering the questions.
21 THE INTERPRETER: Yes. It seems as if the witness can
22 speak a little English, but he's not getting the Krio
23 interpretation from this booth.
24 PRESIDING JUDGE: That should be better now.
15:18:30 25 MR MANLY-SPAIN: Please put the question again to him,
26 whether his four wives normally live with him in Makeni.
27 THE WITNESS: Well, my four wives, one is with me. Three
28 are at Makeni.
29 MR MANLY-SPAIN: Thank you.

- 1 Q. Mr Witness, do you have any children?
- 2 A. I have 11 children.
- 3 Q. What religion do you practice, Mr Witness?
- 4 A. Well, My Lord, I am a Muslim.
- 15:19:26 5 Q. Mr Witness, are you literate in English?
- 6 A. No.
- 7 Q. Are you literate in Arabic?
- 8 A. Yes, My Lord.
- 9 Q. What tribe do you belong to, Mr Witness?
- 15:19:49 10 A. Well, My Lord, I am a Yalunka.
- 11 MR MANLY-SPAIN: That is spelt Y-A-L-O-N-K-A [sic].
- 12 Q. Mr Witness, before you went to live in Makeni, did you live
- 13 anywhere?
- 14 A. Yes, My Lord.
- 15:20:22 15 Q. Where were you living?
- 16 A. Well, I was in Kono.
- 17 Q. Mr Witness, do you recall where you were living when you
- 18 first heard about the rebel war in Sierra Leone?
- 19 A. Yes, My Lord.
- 15:20:49 20 Q. Where were you living?
- 21 A. I was in Makeni, because I was in Makeni in 1978 and I was
- 22 there when the war started in 1991, when I heard that
- 23 information.
- 24 Q. After you had heard about the start of the war whilst you
- 15:21:18 25 were in Makeni, did anything happen?
- 26 A. Yes, My Lord.
- 27 Q. Can you tell the Court what happened?
- 28 A. Yes, My Lord.
- 29 Q. Yes. Please go on.

1 A. What happened, which I know in 1998 --

2 Q. No, before 1998. I'm asking you about the time you heard
3 about the rebel war. You said you were in Makeni.

4 A. Yes, My Lord. In 1991, when I heard about this rebel war,
15:22:01 5 I heard that the war had started from Potoru, the border between
6 Sierra Leone and Liberia.

7 Q. Yes, please go on.

8 A. But since they never reached my end in Makeni, but I didn't
9 have any interest what was happening in the country, because it
15:22:29 10 was under the government.

11 Q. Thank you. Now, do you recall the year 1998?

12 A. Yes, My Lord.

13 Q. That year, where did you live?

14 A. I was in Makeni.

15:22:55 15 Q. Whilst you were in Makeni, was there any group of soldiers
16 in charge of security in Makeni?

17 A. Yes, My Lord.

18 Q. What group was that?

19 A. Well, ECOMOG was there at Teko Barracks and there's a
15:23:25 20 Kenyan troop who were staying in -- at Rokel Leaf compound in
21 Makeni.

22 Q. How did you know, Mr Witness, that they were ECOMOG troops?

23 A. No, ECOMOG troops were already at Teko Barracks.

24 Q. Yes. I said how did you know they were ECOMOG troops?

15:24:02 25 A. Who were at Teko Barracks?

26 Q. Yes.

27 A. Well, we are near. Where they are and where I am, we are
28 near, and we were happy they were looking after the country
29 during that time.

1 Q. Thank you, Mr Witness. Mr Witness --

2 A. Yes. Yes, My Lord.

3 Q. -- whilst the ECOMOG troops were there that year, did

4 anything happen?

15:24:34 5 A. Yes, My Lord.

6 Q. What happened there?

7 A. Well, in 1998, December 23rd, RUF entered Makeni at 9.00.

8 Q. Do you know how they entered Makeni?

9 JUDGE SEBUTINDE: Is that 9 a.m. or p.m.?

15:25:13 10 MR MANLY-SPAIN: I will clear that up.

11 Q. Was it 9.00 in the morning or 9.00 at night, Mr Witness?

12 A. Thank you, madam. It was 9 p.m., after I had prayed the

13 isari.

14 Q. Thank you, Mr Witness. Do you know how the RUF troops

15:25:33 15 entered Makeni?

16 A. Yes, My Lord.

17 Q. Please explain to the Court.

18 A. What I know, at 9.00 at night, around my own area at the

19 RTTC compound, where they had the Kenyan troop, the RUF came with

15:26:01 20 heavy firing around 9.00 at night. When they came at night, the

21 people asked me -- they asked me, "Chief, where is your observers

22 UN troop that are here?" I told the people that these people

23 have left Makeni long, since ECOMOG was in Makeni. They said I

24 am lying, and I should remove -- I should give them the key. I

15:26:34 25 said I didn't have a key. They asked me for key and they asked

26 me for money. And I said, "I don't have money for you." They

27 started shouting the UN compound lodge and my own lodge.

28 Q. Mr Witness, I just want to caution you.

29 A. Yes, master.

1 Q. Don't call yourself or anyone by any name that will
2 disclose their identity for security purposes. Any name or any
3 title.
4 A. Yes, My Lord. Okay. Excuse me, I do not understand.
15:27:20 5 Q. Do not call yourself by any name or any title that will
6 disclose your identity.
7 A. Okay. Thank you.
8 Q. When the RUF rebels entered the town, where were the ECOMOG
9 troops?
15:27:50 10 A. They were at Binkolo. Who? ECOMOG troops, you say?
11 Q. Yes, when the RUF entered, where were the ECOMOG troops who
12 had been in Makeni before?
13 A. They live at Teko Barracks in the 2nd Battalion.
14 Q. Do you know where they went to?
15:28:15 15 A. The ECOMOG troop?
16 Q. Yes.
17 A. Well, when it was night and I was in fear with my children,
18 we only tried to go out. I don't know how they escaped.
19 Q. Thank you. Mr Witness, you said that people went to your
15:28:34 20 house and asked you questions; is that so?
21 A. Yes, My Lord.
22 Q. Who were these people?
23 A. The group that entered, they had no vehicle. The kind of
24 people who asked me, I would not be able to know their face and
15:28:57 25 it was only late, I realised, because they went to my daughter
26 and son. They gave me the feedback that these were the people
27 who entered my compound.
28 Q. Do you know who these people were?
29 A. Well, when I pulled out and I went towards Konso Bridge,

1 when I came, after one week, I said I was coming to look for my
2 two children and the other boy had escaped in my village, I was
3 trying to find out. So, when I came, I saw my daughter lying.
4 They said she was raped and she was hopeless. She was unable to
15:29:46 5 stand. She cannot walk. So I wanted to travel with her to Konso
6 Bridge. He said no, she would not be able. So I asked her if
7 she knew these people. He said no, but until his sister or
8 brother comes back.

9 Q. Thank you, Mr Witness.

15:30:04 10 MR AGHA: Your Honour, at this point, I'd like to raise an
11 objection on the grounds of relevance. I believe the witness is
12 talking about the period December 1998. Now, Makeni is in the
13 Bombali District, and no crime is charged after 31st November
14 1998 in the Bombali District. It's the submission of the
15:30:29 15 Prosecution that any crimes that may be alluded to by this
16 witness after that time frame is not relevant for the purposes of
17 the indictment.

18 PRESIDING JUDGE: What was that date, Mr Agha? No crime is
19 being charged after what date?

15:30:44 20 MR AGHA: For Bombali District, 31st November 1998. I
21 believe the witness has said this attack occurred in December of
22 1998.

23 PRESIDING JUDGE: Yes, Mr Manly-Spain.

24 MR MANLY-SPAIN: Your Honour, with regard to Bombali
15:31:05 25 District, what my learned friend has said is so in respect of
26 certain crimes, but for others, such as allegations in the
27 indictment such as collective enrichment, terrorising the
28 civilian population, recruitment of child soldiers, no time
29 period is stated in the indictment.

1 Evidence has been led that at least the third accused gave
2 orders in Makeni for the capture of small boys and sending them
3 to fight after the period 31 November 1998. We have the evidence
4 of TF1-180 to that effect. If you look, Your Honours, at
15:32:19 5 paragraph 65, count 12, the use of child soldiers, you will see
6 there is no time limit. Count 1 and 2, terrorising the civilian
7 population, also.

8 PRESIDING JUDGE: Mr Agha, do you still maintain that
9 objection?

15:32:43 10 MR AGHA: I maintain the objection in respect to all the
11 other counts, such as unlawful killing, sexual violence, for
12 example, rape, I believe, the witness has just mentioned. That
13 would not be relevant for the purposes of those particular
14 counts, but for child soldiers, my learned friend is correct.
15:33:00 15 That seems to be, at all times, relevant to the indictment. So
16 it should be limited, this witness's evidence, in terms of crime
17 to the recruitment of child soldiers and terrorising the civilian
18 population.

19 PRESIDING JUDGE: Well, we can do that when we're assessing
15:33:19 20 the evidence. I think, on that basis, the evidence is relevant.
21 I will allow the question.

22 MR MANLY-SPAIN: Much obliged.
23 Q. Yes, Mr Witness, you have explained what happened, but I
24 want you to do it more clearly. Is it the case that after these
15:33:44 25 people went into your house and questioned you, you left Makeni
26 Town to a place you refer to as Konso Bridge?

27 A. Yes.

28 MR MANLY-SPAIN: Your Honours, I have a spelling for Konso,
29 K-O-N-S-O.

1 Q. What did you go to do at Konso Bridge?

2 A. Well, after the RUF had attacked my compound that night, my
3 own area, we all moved, went and found a place where we could
4 hide until day break. That was why I went with my family and
15:34:35 5 those small, small children. We walked for five miles up to
6 Konso Bridge.

7 Q. Did you go with all of your 11 children and four wives?

8 A. Yes. I had some other children who were five years, four
9 years, they were able to walk. But since from the time we left
15:35:01 10 up to a time when nobody -- they stopped us. My three wives
11 carried three children.

12 Q. How long were you in hiding at Konso Bridge?

13 A. Thank you. I was at Konso Bridge for one week, and after
14 one week, when they said RUF had gone back to the bush, the
15:35:30 15 last --

16 THE INTERPRETER: My Lord, let the witness repeat the last
17 part of his answer.

18 THE WITNESS: The RUF -- we were one week in the bush, I
19 and my family. I came to check, and we heard the information
15:35:46 20 that RUF had moved from Makeni and they had gone to the next
21 village, and they were afraid that the government would come in.
22 That was the information that met me in the bush.

23 MR MANLY-SPAIN:

24 Q. Did you go back to Makeni after that?

15:36:03 25 A. Well, yes, madam. I walked to check my compound. It was
26 not me alone. Everybody was checking for his children that are
27 missing.

28 Q. Okay. Thank you, Mr Witness. How far is Konso Bridge to
29 Makeni?

1 A. It's seven miles away on the way to Kamakwie.

2 Q. By what means did you go back to Makeni?

3 A. Well, after we had known that the RUF had gone there, left
4 Makeni, we managed -- I was not alone. All parents came back to
15:36:51 5 look for their children where they were, whether they were in the
6 houses or the streets.

7 Q. When you got back to your house, did you discover anything?

8 A. When I came to my compound, I saw my child, the first girl,
9 a girl of 13 years, and she was bleeding.

15:37:17 10 Q. Mr Witness, I want you to explain it slowly so that the
11 interpreter will be able to interpret what you are saying. You
12 go for a while, stop, and then continue, okay.

13 A. Thank you.

14 Q. Yes, what did you observe?

15:37:36 15 A. Okay. Thank you. What I observed from the place I was
16 hiding, up to the time I came to town, we parents, we moved to
17 check for our children, whether the RUF had left Makeni.

18 Q. I'm asking you now, when you got back to Makeni, what did
19 you find out?

15:38:01 20 A. When I came to Makeni, I went from Konso up to my own
21 compound. I never saw them -- I never saw any house that was
22 open. Those of us who were looking for our children, everybody
23 went to his house to check, but me, when I came, I saw my child
24 hopeless.

15:38:26 25 Q. Which of your child? I don't want you to call the name. I
26 just want you to tell us the sex, whether it was a boy or girl.

27 A. A girl. A girl, 13 years of age.

28 Q. Where did you see her?

29 A. In the compound, in my room. My girl's room in my own

1 place.

2 Q. Yes. When you saw her, in what condition was she?

3 A. I met her. She said she was raped and she was bleeding.

4 She cannot move to anywhere. She cannot stand. She cannot eat

15:39:13 5 till I managed -- I got a small rice. I told her. She started

6 to prepare something for her and she ate, together with her

7 sisters.

8 Q. Did you, Mr Witness, find out anything else about your

9 children?

15:39:34 10 A. Yes, My Lord.

11 Q. What did you find out?

12 A. The other child, she was raped. She became hopeless, and

13 she was bleeding, continuously bleeding. The other one was taken

14 to the Arabic hospital where the RUF went last, so she was

15:39:57 15 damaged. All her two hands were cut, but it was later I

16 discovered that; after a month.

17 Q. Mr Witness, you said you found one of your daughters with

18 her hand cut. Which hand was that?

19 A. All the two hands and he was with me. Any time you want to

15:40:25 20 see her, I will bring her.

21 Q. When you found her in that condition, did she tell you

22 anything about how she came to have her hands cut?

23 A. My Lord, please make me understand, then I'll explain to

24 you.

15:40:48 25 Q. Did she tell you what happened to her?

26 A. Yes, My Lord.

27 Q. Please explain to the Court.

28 A. When this child -- after a month, when we were all

29 confused, in December, he came. One day, he came and met us and

1 told us that the RUF were the people who had cut her hands. I
2 said, "Which RUF? Is it the group that came here?" He said,
3 "Yes." I asked her, "Do you know anybody among them? Do you
4 know their name?" He said, "Yes." I asked her, "Which group
15:41:32 5 entered my compound?" He said it was the group that -- it was
6 Superman and his group that came to the compound, and the next
7 one, who was the leader who was passing around the compound, was
8 the leader, Mr Augustine Gbao.

9 MR MANLY-SPAIN: Mr Interpreter, I hear you saying he, he,
15:41:47 10 he. The witness was talking about his daughter. You keep saying
11 "he said," "he said," "he said." Please correct it to she.
12 Mr Witness, when your daughter came and you saw her in that
13 condition, did you do anything?

14 A. Well, I managed to cure her bit by bit. Because the other
15:42:27 15 boy, he was with the group who was just seven years of age, the
16 boy. He was with them. He was among those captured. But it was
17 later I knew he was with them. He also told me that it was
18 Superman who had done these things to them. From there, I tried
19 to cure him bit by bit. All the hand was rotten, but God help
15:42:51 20 me, he was -- she was cured.

21 Q. She was cured?

22 A. No, no, she was not killed.

23 Q. She was cured, I'm asking.

24 A. No, no, no. Nobody cured her. I cured her through a
15:43:11 25 native way, and few civilians had medicine. They were in
26 sympathy with me. They assisted me, and even the school she was
27 attending, the principal.

28 Q. Thank you very much. Mr Witness, at this time that you
29 found your daughter, were the RUF still in Makeni?

1 A. No. The time I found her, she came for herself. RUF would
2 only come and disturb, they go back. But they were not based at
3 Makeni during that time.

4 Q. Thank you very much. After this, Mr Witness, did anything
15:43:55 5 happen in Makeni?

6 A. Yes, My Lord. The wonderful thing that brought me to this
7 Court is because I lost my daughter, 13 years old, and she was in
8 form 4, and that is something that pained me. And I will tell
9 you the other information because of that.

15:44:19 10 Q. How did you come to lose your daughter?

11 A. Well, when she was raped and she was bleeding continuously,
12 no doctor, no -- I didn't have any medicine, and I did not have
13 any ORS, I tried. By the end of December, she died. That was on
14 the pray day. It was I and the principal and the school and the
15:44:48 15 children that buried her. They march for her. It was Saint
16 Joseph's Primary School. The principal there is my witness.

17 JUDGE SEBUTINDE: Sorry, Mr Manly-Spain. I didn't catch
18 the date of death. She died. You mentioned a date.

19 MR MANLY-SPAIN:

15:45:11 20 Q. Mr Witness, do you recall stating the date you say your
21 daughter died?

22 A. Thank you, My Lord. My child had discovered, because
23 23rd December, when we were -- we moved out, I left the child in
24 my room. After a week, when I came back, I was with the child
15:45:34 25 just after 10 days. It was December -- it was between December
26 and January, because I was confused. That was the time I buried
27 my child with this group.

28 Q. Thank you very much. Mr Witness, at that time, was there a
29 hospital in Makeni, or the area surrounding Makeni?

1 A. No, My Lord. There was no hospital. You will not see
2 anybody. You only see people coming to Makeni. Because you
3 don't see RUF. Maybe. If you go out, you were afraid that they
4 will steal your things. Because of my own daughter who had died,
15:46:16 5 so everybody hid his or her own child because of this raping.

6 Q. Thank you, Mr Witness. After this incident and you had
7 buried your daughter, did anything happen in Makeni?

8 A. Yes, My Lord.

9 Q. What happened?

15:46:38 10 A. Well, after I'd buried my child, in January 24th, we saw
11 SAJ Musa's wife in Makeni Town, who was announcing in the mic.

12 Q. How do you know that she was SAJ Musa's wife?

13 A. Well, she introduced herself to the people.

14 Q. At the time you saw her, was she alone?

15:47:14 15 A. She was with some -- with a few group whom she said they
16 removed them from Pademba Prison. He said they were soldiers.

17 Q. Did she say where she had come from?

18 A. No. Well, she said she came from Freetown. She said she
19 came from Pademba Prisons. She was escorted to Makeni. Some

15:47:57 20 soldiers, they all travelled to Makeni.

21 Q. Thank you. The people who with her, were they just men?

22 A. They were men and some woman who were travelling with them.

23 When they were travelling, they went in group. The men who were
24 with him, they did not get any uniform. They didn't even have a

15:48:26 25 stick, but they were working with them.

26 Q. When she was in Makeni, you say she was making
27 announcement. Can you recall -- did you hear what she announced?

28 A. Yes, she announced to us that she had come, and she made
29 peace with the people he met in Makeni. And they had talked to

1 all the RUF commanders on the ground that there should be no
2 looting, no raping, no harassment.

3 Q. Thank you, very much. Mr Witness, did the woman who
4 called -- say she was SAJ Musa's wife, did she stay in Makeni for
15:49:14 5 any period of time?

6 A. Well, she stayed at Makeni in January, February. On
7 10th February, that was the time the in-fight started between the
8 RUF and the soldiers that went, because the RUF didn't want to
9 take control.

10 Q. At that time, when this woman went to Makeni, Mr Witness,
11 do you know any RUF commanders who were in Makeni?

12 A. Thank you, My Lord. In the first place, we were glad when
13 this woman made this announcement and the town was peaceful. We
14 started doing business amongst ourselves. After RUF has started
15:50:16 15 disturbing the SLAs, this woman and the SLA group with whom she
16 was, they had no arms. They all returned back to Freetown and,
17 after they had gone, that was the time we saw Mr Superman. He
18 came. He was in the town. They never gave chance to anybody,
19 and even I -- I even snapped his vehicle. I have the picture
15:50:42 20 with me.

21 Q. Can you recall, Mr Witness, the time when this woman who
22 says she was the wife of SAJ Musa, the time that she left Makeni?

23 A. No. It was on 10th February when they returned to
24 Freetown. They were coming to surrender. I don't know whether
15:51:09 25 she came here.

26 Q. Do you remember the year?

27 A. Well, it was December 1998, RUF attacked Makeni. Then you
28 look at it. From 1998, December, to the other January, I didn't
29 go to school. You check there, and then you tell me. That

1 month, the 10th, that was the time he left Makeni.

2 Q. Yes, Mr Witness. Is it a year after 1998 you are talking
3 about?

4 A. Well, when RUF attacked 1998, somebody came in January 28th
15:51:50 5 to Makeni and he left January again. January -- let me say the
6 other month, the 10 days, that was February the 10th. But the
7 year, I cannot tell you the year. After 1998, what will be the
8 next year, but I know the date.

9 Q. Thank you very much. Mr Witness, whilst the SLA that you
15:52:15 10 have referred to were in Makeni, did you hear of anybody called
11 Santigie Kanu?

12 A. No, My Lord, I don't know him.

13 Q. Did you also hear of somebody called Ibrahim Kamara with
14 the SLAs?

15:52:41 15 A. No, My Lord.

16 Q. Did you hear of one Tamba Brima as having been with the
17 SLAs at that time?

18 A. No, My Lord. No, My Lord. No, no, My Lord. I don't know
19 that.

15:53:03 20 Q. Whilst the SLAs were in Makeni at that time, did you see
21 them catch small boys and send them to go to fight?

22 A. Thank you. I am happy about that information. The SLA,
23 they were against small boys to put on national soldier's uniform
24 in public. They were against it. That was the reason why they
15:53:34 25 left Makeni. It was the RUF that were doing it, to be using the
26 Sierra Leone Army forces uniform to small children went about
27 harassing people, harassing the SLAs were vexed and so they left
28 Makeni and they left to come and surrender.

29 Q. Did you see them, the SLAs at that time in Makeni, did you

1 see them catch small little girls and send them to go to fight?

2 A. That, they do not want that type of thing to happen in any
3 nation in this country. SLA did not do that at all. That was
4 why they left Makeni, because RUF didn't want to take order.

15:54:22 5 They didn't do that at all.

6 Q. Thank you, Mr Witness. Mr Witness, how do you know that?

7 JUDGE SEBUTINDE: Know what?

8 MR MANLY-SPAIN: That the SLAs did not want to -- did not
9 take -- did not catch little boys or girls and send them to

15:54:51 10 fight? Thank you, Your Honour.

11 THE WITNESS: Yeah.

12 MR MANLY-SPAIN:

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

14 A. Well, the SLAs, in fact, we should know -- to know that
15:55:15 15 they are SLA, because the interest of the school going children
16 in the town, they said, they will not want anybody to harass or
17 loot or do anything. But when the RUF used small children, gave
18 them uniform to go and steal people's properties in the houses,
19 that was why the SLA went out, and that was why I know they were
15:55:36 20 fighting for us civilians, those who are doing bad attitudes in
21 Makeni, and we were happy about it. That was why we said SLAs'
22 hands were not in those attitude. I also saw RUF putting some of
23 these people -- taking them to Teko Barracks.

24 Q. We'll come that, Mr Witness, but restrict yourself to the
15:55:57 25 questions I've asked. At that time the SLAs were in Makeni, did
26 you come to know who their leader was?

27 A. No, My Lord. It was only SAJ Musa's wife who was
28 controlling them, what they were allowing them to collect market
29 juice for their own living.

1 Q. Thank you, Mr Witness.

2 MR MANLY-SPAIN: Your Honour, looking at the time, I don't
3 know whether this is not the right time for us to stop.

4 PRESIDING JUDGE: Do you have a lot more to go?

15:56:37 5 MR MANLY-SPAIN: Yes.

6 PRESIDING JUDGE: If you've got a considerable length to
7 go, I think we'll adjourn until tomorrow.

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

9 PRESIDING JUDGE: Mr Witness, we're going to adjourn the
15:56:45 10 Court now. You're in the process of giving evidence, so I have
11 to remind you that you're not permitted to discuss this evidence
12 or this case with anybody while you're in the course of giving
13 evidence; is that clear?

14 THE WITNESS: Yes, My Lord. I will not do that and I will
15:57:07 15 never do that.

16 PRESIDING JUDGE: Thank you. We'll adjourn the Court until
17 9.15 tomorrow morning.

18 [Whereupon the hearing adjourned at 4.00 p.m.,
19 to be reconvened on Wednesday, the 19th day of
15:57:56 20 July 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

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