

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

WEDNESDAY, 19 JULY 2006  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Karim Agha Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Mr Vincent Nmehielle Ms Claire Carlton-Hanciles Ms Haddijatou Kah-Jallow Ms Elizabeth Nahamya Ms Prudence Acirokop (intern)
For the accused Alex Tamba Brima:	No appearance
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [AFRC19JUL06 - CR]

2 Wednesday, 19 July 2006

3 [The accused Brima not present]

4 [The witness entered court]

09:15:30 5 [Open session]

6 [Upon resuming at 9.30 a.m.]

7 PRESIDING JUDGE: For the record, we are starting late  
8 today at 9.30 instead of 9.15 because of some problem with the  
9 accused Brima. We understand from what we have been told by  
09:27:10 10 Court Management, that he is too ill to attend court. This is  
11 not the first time that Mr Brima has told us that he is too ill  
12 to attend Court. We are not satisfied he is unfit to come to  
13 Court and until such time as we see some medical evidence, the  
14 trial will continue and we will deemed him to have waived his  
09:27:44 15 rights to be present under Rule 60.

16 MS THOMPSON: Your Honour, may I address the Court on that  
17 point. Before you came in, I was on the phone to the detention  
18 centre to try and speak to him. In fact, I was put on hold from  
19 one extension to another for about five, six minutes. I have  
09:28:03 20 been unable to speak to him, but the legal assistant has gone  
21 down to the detention centre to find out what exactly the  
22 situation is. Then I will be able to tell the Court. My  
23 information from the other detainees, was that as they were  
24 coming, he was going to see the doctor, although the note said  
09:28:18 25 that he wasn't going to see the doctor, but that was the  
26 information that I got from the other detainees. The legal  
27 assistant is now on his way to the detention centre to find out  
28 exactly what is going on. But most importantly, to find whether  
29 he is satisfied for the case to go on in his absence, whether



1 he -- indeed, he is waiving his right to be here.

2 PRESIDING JUDGE: Well, thank you for that, Ms Thompson.

3 If he's not coming to Court, we will need a medical report from

4 the doctor to say that he is unfit to sit in Court and listen to

09:28:51 5 the evidence.

6 MS THOMPSON: Very well, Your Honour.

7 PRESIDING JUDGE: Yes, we'll continue. Yes,

8 Mr Manly-Spain.

9 Before we start, we have some new interpreters to swear

09:28:57 10 first. Yes, call those.

11 [Interpreters Lovetta Fornah and Fatmata Kamara sworn]

12 WITNESS: DBD-086 [Continued]

13 [The witness answered through interpretation]

14 MR MANLY-SPAIN: Good morning, Your Honours. Good morning,

15 Mr Witness.

16 THE INTERPRETER: His microphone is not on, learned

17 counsel.

18 THE WITNESS: Okay, master, I am still ready.

19 EXAMINED BY MR MANLY-SPAIN: [Continued]

09:30:36 20 Q. Mr Witness, you remember yesterday --

21 PRESIDING JUDGE: Just before you go, Mr Manly-Spain,

22 something I forgot to do.

23 Mr Witness, I'm just reminding you you're on your oath that

24 you took yesterday to tell the truth; is that clear?

09:31:06 25 THE WITNESS: Yes, My Lord.

26 PRESIDING JUDGE: Yes, carry on.

27 MR MANLY-SPAIN:

28 Q. Yesterday, Mr Witness, you told this Court that the SLAs,

29 with the wife of SAJ Musa, went to Makeni and stayed there for a



1 while.

2 A. Yes, My Lord.

3 Q. And also, that at that time, the RUF were also there.

4 A. Yeah, My Lord.

09:31:35 5 Q. Do you know, Mr Witness, whether the SLAs and the RUF

6 worked together in Makeni?

7 A. No, My Lord. It could have started, according to the SLA

8 from the information they passed on to us, but the RUF did not

9 accept.

09:32:12 10 Q. Do you know why the SLAs left after that?

11 A. Yes, My Lord.

12 Q. [Microphone not activated]?

13 A. Well, when SAJ Musa's wife took a microphone and announced

14 to all the civilians in Makeni that everybody should go about

09:32:33 15 their business to get their living, everybody should go and bring

16 their people from the bush to the town that, in God's grace, they

17 would still talk to the RUF to bring unity and peace in this

18 country, but there should be no looting, no harassment, and no

19 raping. And that everybody should bring his or her people and

09:33:03 20 his or her family to the town. Later, she started -- she created

21 market dues so that they should be getting their leaving and the

22 civilians to continue doing their business in Makeni.

23 Q. Yes. So what happened after that?

24 A. After that, it was not up to a week when the RUF said they

09:33:29 25 were not going to accept that, that is, Mr Superman and Augustine

26 Gbao started going around looking out for SLAs, saying they were

27 not going to accept that, because they were the ones who removed

28 SLAs from the prison, that they had no right to give them orders,

29 that they should not do what they want to do in Makeni.



1 Q. Mr Witness, you told this Court yesterday also that  
2 between February 1998 and December 1998, ECOMOG were responsible  
3 for the security of Makeni before they were removed by the RUF;  
4 is that so?

09:34:15 5 A. Yes. Yes, My Lord.

6 Q. During this period, Mr Witness, do you know of any raids on  
7 Makeni by SLA soldiers?

8 A. No, My Lord. At the time that the RUF entered Makeni,  
9 Makeni land was under the ECOMOG control. We were not seeing any  
09:34:43 10 SLA. The few SLAs that were at the 2nd Battalion were under the  
11 ECOMOG control, so there were no SLAs going around to do any bad  
12 thing in Bombali District.

13 Q. Also, during February 1998 to December 1998, do you know of  
14 any small children that were captured in Makeni by SLA soldiers?

09:35:26 15 A. Well, My Lord, in fact, the SLAs were against --

16 Q. [Microphone not activated].

17 A. No, no, no. No. No. No. No. That is not to my  
18 knowledge.

19 JUDGE SEBUTINDE: Mr Manly-Spain, please desist from  
09:35:46 20 speaking over the witness. We can't hear what you're saying.  
21 I'm sure the interpreters also can't.

22 MR MANLY-SPAIN: I'm sorry. Thank you, Your Honour.

23 Q. Mr Witness, please answer the question that I asked.

24 A. Well, the question that if SLAs were training any little  
09:36:10 25 children; is that what you're asking?

26 Q. Whether SLAs raided Makeni and captured little children.

27 A. No, no. No, that did not happen.

28 Q. Thank you. Mr Witness --

29 A. Yes, My Lord.



1 Q. -- after the SLAs left Makeni, do you know what happened in

2 Makeni?

3 A. Yes, My Lord.

4 Q. Please tell the Court.

09:36:58 5 A. Well, after the SLAs had left Makeni, Superman and  
6 Augustine Gbao took over Makeni. All over the place, there was  
7 no control. There was looting. There was raping, and all bad  
8 things that people should not do to their nation continued to  
9 happen.

09:37:31 10 Q. Do you recall, Mr Witness, how long this situation lasted  
11 for?

12 A. Yes, My Lord.

13 Q. Please tell the Court.

14 A. Since 1998, when the RUF attacked Makeni in December, the  
09:37:54 15 23rd, January 20th -- sorry, 10th, we started seeing the SLAs in  
16 Makeni. When the SLAs moved out, RUF took over Makeni and they  
17 started doing anything that they wanted to do. Since then, we  
18 only heard that Foday Sankoh started going to Makeni and he said  
19 they should stop those bad attitudes, but they still continued  
09:38:24 20 doing it until the disarmament. They continued doing these bad  
21 things in Makeni.

22 Q. Do you recall when disarmament took place in Makeni?

23 A. Well -- no, the time I wouldn't know, but I can give you  
24 some information. Because you've asked me when SLA left, who was  
09:38:56 25 in charge and what is happening, and when SLA left, after a  
26 month, and in the second month, the Guinean troops entered --

27 THE INTERPRETER: Your Honours, can the witness please  
28 repeat this last bit of his answer.

29 MR MANLY-SPAIN:



1 Q. Hold on a second. The interpreter wants you to repeat the  
2 end of your answer, the tail end of your answer.

3 A. Okay.

4 Q. So what happened? You were telling us about Guinean troops  
09:39:37 5 came.

6 A. No, no, I had no experience with Guinean soldiers.

7 JUDGE SEBUTINDE: Mr Witness, can you please repeat the  
8 answer that you just gave so that the interpreter can interpret  
9 it fully. Repeat everything that you answered just previously.

09:40:04 10 THE WITNESS: You mean when SLA left Makeni, what happened?

11 MR MANLY-SPAIN:

12 Q. No, the question was you spoke about the disarmament and I  
13 asked you if you recall when the disarmament took place and you  
14 said no. That answer is what we're asking you to repeat.

09:40:33 15 A. Well, My Lord, regarding the disarmament month or the year,  
16 I can't recall that, because we, as the aged and who were in  
17 trouble, you can't remember everything. What I know, is that  
18 before the disarmament, all that happened, I can explain to the  
19 Court for the Court to understand.

09:41:03 20 Q. Thank you. Okay, Mr Witness, at this time, that is after  
21 the SLA left Makeni, do you know where the RUF stayed in Makeni?

22 A. Yes, My Lord.

23 Q. Where was that?

24 A. Well, the SLAs were based in Makeni Town, but they stopped  
09:41:27 25 civilians in the nearest villages when they really know that  
26 during any attack they will escape, because they left the  
27 civilians in the centre of the town and they were around Makeni  
28 villages.

29 JUDGE SEBUTINDE: Mr Manly-Spain, did the witness say the



1 SLAs?

2 MR MANLY-SPAIN: That is what I want to clarify.

3 Q. I asked you, Mr Witness, do you know where the RUF were  
4 staying after the SLAs left?

09:41:51 5 A. In Makeni, around Makeni villages, all of them. Just a  
6 mile, half mile after Makeni, because they did not want to stay  
7 in the centre of Makeni Town for any imminent attack, so they  
8 were around Makeni. In the centre of the town, there were  
9 pockets of RUF there to pass information on to them to attack the  
09:42:21 10 civilians if you wanted to escape.

11 Q. Thank you. I want you to describe, Mr Witness, what the  
12 situation was like in Makeni when the RUF were in control.

13 A. Thank you, My Lord. This RUF commander, Mr Superman,  
14 in January, after the SLAs have left on January 10 -- I'm sorry.  
09:42:58 15 January 20, the SLAs left Makeni until 30th February, ending RUF  
16 were going around to do all the bad things that were happening in  
17 Makeni. In February ending, we received some United Nations  
18 troops, that is the Kenyan troops. They stayed at New London.  
19 They were at New London. They were in cordial relationship with  
09:43:49 20 us, the civilians, but they had no food, no clothing, but the  
21 United Nations assisted us. They were sending helicopter. They  
22 provided food for our children, and when they sent this food, the  
23 Kenyan troops would receive the food and they would give us --  
24 they would give them to our children and our children would give  
09:43:51 25 us. Still, the RUF attacked this helicopter. They attacked the  
26 helicopter, and the helicopter was shot at and it dropped. If  
27 I'm telling lies, ask the United Nations if I'm telling lies.  
28 After that, this same Augustine Gbao, he's not a good citizen for  
29 this country. He calls himself as inspector of police, former



1 inspector of police, turned a the bad citizen of this country.  
2 He let Liberian RUF soldiers into this country and we're not  
3 happy. I asked this fellow, Mr Brigadier Issa. I went to go --  
4 I tried to go to his lodge. He was in Kono and he came to  
09:44:40 5 Magburaka and he came to Makeni, and I asked him, "Mr, I am in  
6 doubt. The United Nations did not send the troops in this  
7 country. We are citizens of this land. We need peace. Why is  
8 it that you're sitting by and allowing this man to destroy Makeni  
9 Town, all over the country? Why?" He said, "Pa, I'm promising  
09:45:04 10 you, now we are here, we are in categories. I am in Kailahun, in  
11 Magburaka, and I am a captive. I really did not plan to join  
12 these people, but I will promise you, my father, that I will  
13 bring peace to this country. I'll get them all out." These  
14 people, they shot the helicopter and they put us in trouble in  
09:45:26 15 Makeni, because we stopped having food in Makeni. Even the  
16 former disarmament camp the United Nations had --

17 PRESIDING JUDGE: Yes, Mr Agha.

18 MR AGHA: I would object at this stage on the basis of  
19 relevance. There is nothing charged in this indictment about any  
09:45:47 20 of the accused taking any actions against the UN peacekeepers or  
21 shooting down helicopters. I feel this line of evidence is not  
22 relevant to the present case.

23 PRESIDING JUDGE: What do you say, Mr Manly-Spain?

24 MR MANLY-SPAIN: I concede to that, Your Honour. I was  
09:46:04 25 trying to stop him, but I did not want to speak over the  
26 interpreter.

27 JUDGE SEBUTINDE: Additionally, Mr Manly-Spain, there is a  
28 lot of information this witness is giving, but we have no  
29 foundation as to how he came by this knowledge and you are just



1 going, going.

2 MR MANLY-SPAIN: I wanted to stop him, but I didn't want to  
3 go over what he says -- speak over what he's saying. I  
4 understand and I accept what Your Honour is saying.

09:46:29 5 Q. Mr Witness.

6 A. Yeah, My Lord.

7 Q. I want you to limit yourself to the question I'm asking,  
8 and to answer briefly instead of going on and on.

9 A. Okay, My Lord.

09:46:42 10 Q. When I need you to answer something --

11 A. Okay. Okay, My Lord. Thank you.

12 PRESIDING JUDGE: Now, Mr Witness.

13 THE WITNESS: Yes, My Lord.

14 PRESIDING JUDGE: Listen to me without interrupting,  
09:46:55 15 please.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: Your counsel has been trying to talk to  
18 you, and you keep interrupting him. You don't give him a chance  
19 to let him say what he's trying to tell you. Now, will you  
09:47:08 20 please remain silent while he speaks to you until it's your turn  
21 to speak.

22 THE WITNESS: Thank you, My Lord.

23 PRESIDING JUDGE: Go ahead.

24 MR MANLY-SPAIN:

09:47:21 25 Q. Mr Witness.

26 A. Yes, My Lord.

27 Q. Have you continued to stay in Makeni since that time; that  
28 is after the SLAs left Makeni?

29 A. Yes, My Lord.



1 MR MANLY-SPAIN: Your Honours, that will be all for this

2 witness.

3 PRESIDING JUDGE: Thank you, Mr Manly-Spain. That is all

4 in chief? Yes, Mr Agha.

09:47:56 5 CROSS-EXAMINED BY MR AGHA:

6 Q. Witness, I'm just going to ask you a few questions.

7 A. Yes, My Lord.

8 Q. I would --

9 A. Yes, My Lord.

09:48:11 10 Q. I would like you to answer them as briefly and concisely as

11 possible.

12 A. Yes, My Lord.

13 Q. Now, do you know whether the accused in this case are

14 members of the RUF?

09:48:36 15 A. No, no, I just came to explain to the Court what I know. I

16 never knew them.

17 Q. So do you know whether you have been called as a witness by

18 the Prosecution or the Defence?

19 A. No, no. I do not understand that. Only because the Court

09:49:10 20 ought to know about my problem, but I don't know who called me.

21 Q. So, as far as you are aware, the accused could be members

22 of the RUF?

23 MR MANLY-SPAIN: May it please Your Honour, I believe the

24 witness said he doesn't know whether they are RUF.

09:49:29 25 THE WITNESS: I don't know.

26 PRESIDING JUDGE: Yes, you are stuck with that answer,

27 really, Mr Agha.

28 MR AGHA: Okay. I'll carry on.

29 Q. So you were never informed by the investigators or people



1 who've met you who you will be giving evidence for?

2 A. Never. They said I should come and explain my problem to  
3 the Court. What I saw in Makeni, Bombali District, what I saw,  
4 not what somebody told me, I should come and explain to this

09:50:02 5 Court.

6 Q. Were you told whether you'd be giving evidence on behalf of  
7 the accused who were RUF, or AFRC?

8 MR MANLY-SPAIN: Again, Your Honour, he has answered this  
9 question.

09:50:20 10 THE WITNESS: No, no, they did not tell me anything. What  
11 I saw I should talk about.

12 PRESIDING JUDGE: He's already mentioned his lack of  
13 knowledge of the RUF.

14 MR AGHA: Thank you, Your Honour.

09:50:38 15 Q. Now, Mr Witness.

16 A. Yes, My Lord.

17 Q. [Redacted]

18 MR MANLY-SPAIN: Your Honour, we did not bring out that  
19 evidence-in-chief. Because we thought that might go to his  
09:51:09 20 identity. I deliberately did not lead him on that.

21 MR AGHA: I apologise for that question and I can withdraw  
22 it.

23 JUDGE SEBUTINDE: And we hope that record will be redacted  
24 from the record, please.

09:51:24 25 MR AGHA:

26 Q. Mr Witness.

27 A. Yes, My Lord.

28 Q. You say that you returned from Konso Bridge about a week  
29 after the RUF attack and the RUF had gone, and you found your



1 daughter had been raped; is that right?

2 A. Yes, My Lord. I have her picture here.

3 Q. Thank you, thank you, that's fine. How many days later was  
4 it that you saw your other daughter whose hands had been cut?

09:52:04 5 A. Well, after I had moved from Konso Bridge, when they  
6 attacked Makeni, after a week I came to check at my own house  
7 from Konso Bridge. I saw my own child who had been raped and she  
8 was hopeless. I was tending to her for about ten days when she  
9 got better and we got information that --

09:52:29 10 THE INTERPRETER: Your Honours, the witness is going very  
11 fast and there are certain things that are not very clear in his  
12 testimony.

13 PRESIDING JUDGE: Mr Witness, the interpreter says you are  
14 going too fast for him.

09:52:43 15 MR AGHA:

16 Q. Mr Witness, can I just cut in here and say you returned and  
17 you found your daughter had been raped. How many days later did  
18 you discover that your other daughter's hand was cut?

19 A. Okay. It's ten days.

09:53:12 20 Q. So ten days after your daughter, you found out was raped,  
21 you then found out ten days later that your other daughter's hand  
22 had been cut; is that what you're saying?

23 A. Yes, My Lord, both hands, and he or she is staying with me.

24 Q. Was she in the same house as your daughter who had been  
09:53:41 25 raped?

26 A. Yes, My Lord. I met -- as I had gone out, after they had  
27 raped her, she was there until she died. I looked after her  
28 until she died.

29 Q. So my question to you is: When you returned to your house,



1 were both the daughter who was raped and the daughter whose hands  
2 were cut present in the house?

3 MR MANLY-SPAIN: Your Honour, I have to object to that  
4 question. The question --

09:54:14 5 THE WITNESS: No, My Lord.

6 PRESIDING JUDGE: Just a minute, Mr Witness. There has  
7 been an objection. Please wait until it's resolved.

8 MR MANLY-SPAIN: The question prior to this one, or two  
9 questions prior was how many days after did you see the daughter  
09:54:28 10 that had her hands cut, how many days after you found the one who  
11 had been raped did you see the one that had her hands cut. It  
12 wouldn't be fair for counsel to ask, "Did you meet both of them  
13 at the same time?"

14 PRESIDING JUDGE: What do you say to that, Mr Agha.

09:54:46 15 MR AGHA: Well, I did indeed ask him about the ten days and  
16 then it appeared they were both in the same house. I just wanted  
17 to clarify whether he found them both in the same house at the  
18 same time, because I don't want to accuse him of an inconsistency  
19 if he's just not following my questions.

09:55:05 20 PRESIDING JUDGE: I think that's all right, Mr Manly-Spain,  
21 if he clarifies that issue. Go ahead, Mr Agha.

22 MR AGHA:

23 Q. Mr Witness, when you arrived in your house and met your  
24 daughter who had been raped, was your daughter, whose hand had  
09:55:26 25 been cut also present in the house at that time?

26 A. No, My Lord.

27 Q. You say the SLA entered Makeni around the time you saw your  
28 daughter whose hands had been cut; is that right?

29 A. No, My Lord, it was not at the same time.



1 Q. No, you say ten days later you saw your daughter whose hand  
2 had been cut; right?

3 A. Yes, My Lord.

4 Q. And it was at about the same time that you saw your  
09:56:15 5 daughter whose hand had been cut that you saw the SLA in Makeni?

6 A. No, My Lord, it did not happen like that.

7 Q. Have you given a statement to someone acting for the other  
8 side?

9 JUDGE DOHERTY: Mr Agha, he may not mean what "other side"  
09:56:50 10 means.

11 MR AGHA: I'm trying not to use the words "Defence  
12 counsel."

13 JUDGE DOHERTY: I understand. Let it go, then.

14 MR AGHA:

09:57:00 15 Q. Mr Witness, have you spoken to anyone from the Special  
16 Court before coming to give your evidence?

17 A. I don't know them. How would I speak with them. I've not  
18 been seeing them. They never said anything. I brought my own  
19 problem so that I can explain to the Court.

09:57:21 20 Q. But before you came to the Court, did you discuss your  
21 problem with anyone who works at the Special Court, be it an  
22 investigator or a Defence lawyer?

23 A. Yes. I saw some people who went and met us in Makeni who  
24 were writing asking what anybody's problem was to come and give  
09:57:49 25 them information, so they would give you time that you would come  
26 to the Special Court to testify. I do not know their occupation,  
27 I do not know what they want to do for me. I don't know.

28 Q. Well, the Prosecution has been provided with a summary of  
29 what you told those people. In that summary, it says, "It was



1 when the SLA entered into Makeni that he saw his other daughter,  
2 who hands had been cut off by one of Superman's men." Now, did  
3 you say that to the people you spoke to?

4 A. Yes, I explained to them. Yes, that same Superman brought  
09:58:39 5 my daughter whose two hands were damaged, and the boy who went  
6 with --

7 THE INTERPRETER: Your Honours, that's not clear again.

8 PRESIDING JUDGE: What is that, Mr Interpreter.

9 THE INTERPRETER: He said [Krio spoken] we don't know  
09:59:00 10 whether with the girl or with Superman. We want a clarification  
11 before we can render it.

12 PRESIDING JUDGE: Just translate what he says, and counsel  
13 will ask the questions to clarify.

14 THE WITNESS: And the boy who went with him or her was  
09:59:11 15 there.

16 MR AGHA:

17 Q. What I was actually asking you, Mr Witness, is did you say  
18 to the people you met "It was when the SLA entered Makeni that  
19 you saw your other daughter, her hands had been cut off?"

09:59:33 20 A. No, the SLAs met my child in my hand. I had buried the  
21 other one, and I was treating the other one.

22 Q. I put it to you that you told the investigators that the  
23 SLA entered into Makeni, and that was when you saw your other  
24 daughter whose hand had been cut.

09:59:59 25 A. No, My Lord. I did not say that, and that did not happen  
26 at all.

27 Q. I put it to you that the SLA jointly attacked Makeni  
28 in December 1998 with the RUF?

29 A. Well, My Lord, that is not my idea. Only that it was RUF



1 that arrested my children. They are the ones I saw. I never saw  
2 SLA attack Makeni. Because, at the time, they were in prison,  
3 from what they said.

4 Q. So according to you, the SLA were in prison at the time of  
10:00:54 5 the attack?

6 A. It is not the SLAs that explained to me. It was SAJ Musa  
7 who took a microphone and explained to us. I did not see any SLA  
8 because anybody had a uniform on. But I saw some of the women  
9 who said they had come from Freetown, but I didn't know whether  
10:01:18 10 they were soldiers or not, but we thought they were soldiers,  
11 because there were women, because there was no unit in the base,  
12 that's why they returned.

13 MR MANLY-SPAIN: Okay. I believe in the interpretation he  
14 said SAJ Musa's wife, not SAJ Musa.

10:01:41 15 PRESIDING JUDGE: Is that right, Mr Interpreter? The  
16 witness said SAJ Musa's wife?

17 THE INTERPRETER: What I got was the women, there were  
18 women with them.

19 MR MANLY-SPAIN: Before that.

10:02:03 20 PRESIDING JUDGE: Before that.

21 THE INTERPRETER: I heard SAJ Musa. Maybe the witness  
22 should be asked to repeat his answer.

23 PRESIDING JUDGE: The interpreter says it was SAJ Musa,  
24 perhaps if you could get him to say it again, Mr Agha.

10:02:14 25 MR AGHA:

26 Q. Mr Witness, you just mention SAJ Musa, did you mean  
27 SAJ Musa's wife?

28 A. I said SAJ Musa's wife. I never knew SAJ Musa. I've never  
29 known SAJ Musa. It was his wife that came to Makeni. I did not



1 see SAJ Musa at all. I saw his wife. She was the one who took a  
2 mic and announced.

3 Q. So from where did SAJ Musa's wife and the SLAs who  
4 accompanied her come from?

10:02:46 5 A. Well, SAJ Musa's wife took a microphone and announced in  
6 Makeni that she'd come from Freetown with some few people who had  
7 left Pademba Road Prisons. I saw their feet were swollen. They  
8 had walked on foot, but they had no uniforms on. They had  
9 nothing.

10:03:06 10 Q. Did she mention who had released them from Pademba Road  
11 Prison?

12 A. Well, at this point brought some problem between the RUF  
13 and SAJ Musa's wife. She said that: "We did not blame you. We  
14 had freed you from the prisons, now you're coming to make laws in  
10:03:33 15 Bombali District that there should be no raping," so that caused  
16 the thing not to hold water.

17 Q. Now, roughly how long did the SLA stay in Makeni after they  
18 arrived towards the end of December 1998?

19 MR MANLY-SPAIN: The evidence is that they arrived  
10:04:08 20 in January the next year. I went through that painstakingly with  
21 him. I was asking him the year. He said after 1998, I don't  
22 know the year.

23 PRESIDING JUDGE: Well, he can say that, Mr Manly-Spain.

24 MR MANLY-SPAIN: Your Honour, I'm not arguing with the  
10:04:29 25 Bench, but the question was: How long did the SLA stay after  
26 arriving in December 1998.

27 PRESIDING JUDGE: All right. Rephrase that.

28 MR AGHA:

29 Q. Roughly when did the SLA arrive in 1998 with Mrs Musa?



1 A. The SLAs arrived in Makeni in January -- almost the 23rd.  
2 They were there between January and February 10th. It was during  
3 that time that they moved and returned, saying that they were  
4 coming to surrender. In February, all of them returned. The  
10:05:25 5 women that we saw.

6 Q. Now, is it correct that between this period, January  
7 and February, the SLA passed measures and laws whilst they were  
8 in Makeni?

9 A. Yes, the sooner the women entered and made those laws, but  
10:05:51 10 the people refused to obey those laws, so they returned to  
11 Freetown. I don't know where they went, but they did say they  
12 were returning to surrender.

13 Q. NOW, would you agree with me that because of the presence  
14 of the SLA and the laws they passed, the town was peaceful for a  
10:06:07 15 period?

16 A. Oh, My Lord, may God bless you. That continued. Good.  
17 All of us parents were very happy. We all came to town and there  
18 was peace. There was no problem at the time. I thank you for  
19 reminding me for that point. At that time things were going on  
10:06:34 20 fine.

21 Q. How long was the SLA based alongside the RUF in Makeni?  
22 Was it the whole of this period January to February?

23 A. Yes. It's just some few times, My Lord. It was not long.  
24 I can't recall, but it was not up to a month because when  
10:07:04 25 somebody is free, you would know when things are hard. When they  
26 were there, things were going on well. When they were not there,  
27 things got hard. We had no opportunity. These good people went  
28 away.

29 Q. During this period, you didn't personally see any fighting



1 between the SLA and the RUF, did you?

2 A. My Lord, I didn't see that. It is good to say the truth.  
3 I was also given battle. I shouldn't a lie. They did not  
4 exchange bullets.

10:07:43 5 Q. Now, you are a chief, and you also received information  
6 from your subjects, didn't you?

7 A. Well, as in Bombali District, anything that goes on, I  
8 should know, because I have people on the ground who give me  
9 information.

10:08:20 10 Q. Now, have you ever heard of the AFRC?

11 A. Well, the AFRC, I usually hear it on the radio that they  
12 were in Freetown, but for us in the provinces, I never had any  
13 idea about AFRC.

14 Q. Now, you were based in Makeni in January. Were you also in  
10:08:45 15 Makeni in December of 1998?

16 A. December 1998, I was in Makeni, and up to this moment I'm  
17 speaking, I'm still there. Up to this moment, I'm still there.

18 Q. Which group did you hear carried out the attack on Freetown  
19 on 6 January 1999?

10:09:15 20 A. Oh, My Lord, I never knew that. At that time, I was  
21 looking out for my living in my farm. I don't have any idea with  
22 regard such things, but I used to hear, but I don't know. To say  
23 that it was this group that attacked or another, I don't know,  
24 because I was fighting for my living.

10:09:37 25 Q. I put it to you that it was the AFRC who attacked Freetown  
26 on 6 January 1999?

27 MR MANLY-SPAIN: Objection, My Lord.

28 PRESIDING JUDGE: Yes, Mr Manly-Spain.

29 MR MANLY-SPAIN: Your Honour, the witness has said he



1 doesn't know. He has no idea about it. I believe if counsel is  
2 going to ask that question, he should lay some foundation, not  
3 just to put to him that it was this group or that group. The  
4 witness has said he doesn't know, he has no idea. He was finding  
10:10:16 5 his living.

6 PRESIDING JUDGE: Yes, you're putting your case, are you?

7 MR AGHA: I'm just putting the Prosecution case,  
8 Your Honour.

9 PRESIDING JUDGE: Yes, I think he's entitled to that. The  
10:10:24 10 witness can answer if he doesn't know. I'm sure you do  
11 understand what Mr Agha is doing. He can hardly argue in his  
12 final submissions one thing that he hasn't put to the witness to  
13 give him a chance to affirm or deny.

14 MR MANLY-SPAIN: If Your Honour pleases.

10:10:44 15 PRESIDING JUDGE: Yes, put it again, Mr Agha.

16 MR AGHA:

17 Q. Mr Witness, I put it to you that it was the AFRC who  
18 carried out the attack on Freetown in January 1999.

19 A. Well, My Lord --

10:11:03 20 PRESIDING JUDGE: Do you mean 1998 or did you mean 1999?

21 MR AGHA: I meant 1999.

22 PRESIDING JUDGE: Sorry. Go ahead.

23 THE WITNESS: Well, My Lord, I don't have any idea with  
24 regards that, because when we were disturbed by the war in  
10:11:20 25 Makeni, when it is in the morning, I go to the bush and did go  
26 for bush yams, I get it and come and feed my daughters and my  
27 children.

28 MR AGHA:

29 Q. Have you ever heard of a group referred to as the West Side



1 Boys?

2 A. Well, I used to hear it on the radio, sometimes, but I  
3 don't know. I don't know them. I never saw them. Not a day,  
4 did I. I don't know.

10:11:48 5 Q. What did you hear that they were up to?

6 A. Well, we were praying to God for peace to prevail in this  
7 country. They were saying that -- I'm sorry, that West Side Boys  
8 were on the Freetown Highway, but I never heard any knowledge  
9 about these people, because I didn't see them.

10:12:16 10 Q. Did ever you learn or hear that they were committing any  
11 crimes?

12 A. No, My Lord. We, in the northern part, we don't normally  
13 ask people for the information, because they will not tell you  
14 something correct, so I don't really know about that.

10:12:47 15 Q. I have no more questions of you, witness.

16 MR AGHA: That completes my cross-examination, Your Honour.

17 PRESIDING JUDGE: Thank you, Mr Agha. Any re-examination  
18 arising?

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

10:12:58 20 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Mr Witness,  
21 we'd like to thank you for coming to court to give evidence.

22 THE WITNESS: Yes, My Lord.

23 PRESIDING JUDGE: Your testimony is completed now. If you  
24 will just remain seated, the Court attendant will pull the  
10:13:19 25 curtains across and you'll be able to leave the Court.

26 THE WITNESS: Okay.

27 [The witness withdrew]

28 MR AGHA: Your Honour, while we're waiting for the next  
29 witness, the Prosecution would like to make an application, and



1 may be seeking one or two orders, if this is an appropriate time.

2 JUDGE SEBUTINDE: Mr Agha, the curtains are closed.

3 Technically, the Court is not open.

4 MR AGHA: I apologise.

10:14:09 5 JUDGE SEBUTINDE: Do you think this is something you can do  
6 behind curtains?

7 MR AGHA: No, Your Honour, I hadn't realised that.

8 MS THOMPSON: Your Honour, I do have a note from the  
9 detention centre to pass up to the Bench.

10:15:45 10 PRESIDING JUDGE: Ms Thompson, did you receive any  
11 instructions through the prison people from Mr Brima whether he's  
12 happy for you to continue in his absence?

13 MS THOMPSON: Yes, Your Honour, the legal assistant came  
14 back before and said that he was happy for us to continue in his  
10:15:54 15 absence. I then requested that something from the doctors be  
16 sent, because you had asked for a medical certificate if he  
17 wasn't feeling well. That's when he went back to get the note,  
18 which I just passed up to you.

19 PRESIDING JUDGE: I see.

10:16:09 20 MS THOMPSON: The instructions I received, may I just say,  
21 were not written; it was a message through the legal assistant to  
22 me.

23 PRESIDING JUDGE: Well, that's a reliable source. Are you  
24 happy to accept those instructions and continue?

10:16:22 25 MS THOMPSON: I am, Your Honour, yes.

26 PRESIDING JUDGE: All right, we'll continue. Thank you,  
27 Ms Thompson. You had an application, Mr Agha.

28 MR AGHA: Your Honour, this morning I'm seeking an order  
29 for disclosure of the identity of witnesses 31 to 49, as in the



1 original order of call. Now, this honourable Court, pursuant to  
2 its order dated 9 May, in respect of protective measures for  
3 Defence witnesses, ordered the Defence could withhold the  
4 identifying data for its witnesses up to 21 days before they are  
10:18:45 5 due to testify. The Prosecution had sought 30 days at that time,  
6 and the Defence had sought 14 days. In the event, this learned  
7 Court passed an order for 21 days, which it felt being sufficient  
8 time for the Prosecution to prepare for cross-examination.

9 The identifying data of the 14 next witnesses was given at  
10:19:12 10 4 p.m. on 11 July, after the Prosecution was alerting to the  
11 Court its difficulties on the late disclosure of identities.

12 PRESIDING JUDGE: What date was that?

13 MR AGHA: 11 July we alerted the Court, then, at 4 p.m., we  
14 received the next 14 identities. The first witness on that list  
10:19:40 15 of 14 for the Koinadugu section is now going to appear, and he  
16 is, indeed, the next witness. We, the Prosecution, have only  
17 received eight days' notice of the identity of this witness. The  
18 witness listed today, was number 11 and nine of the 14, so they  
19 are not even at the front end of the 14. The other Koinadugu  
10:20:16 20 witnesses are likely to follow.

21 This gives the Prosecution only eight days to go out into  
22 the field, Koinadugu being some distance, and carry out its  
23 investigations, which is 13 days less than we are entitled to  
24 pursuant to the order of 9 May, and even six days less than was  
10:20:39 25 suggested by the Defence. Our investigators have informed us  
26 they do not have the resources to travel to Koinadugu and carry  
27 out investigations on such short notice. They have three other  
28 trials which they also have to resource. They've indicated that  
29 21 days' notice ought to be a manageable time for them to carry



1 out their investigations as ordered by this Court.

2 Now, due to this eight-day notice, no investigations into  
3 these next 14 witnesses has been possible, so that the  
4 Prosecution may, and I say may, need to seek adjournments until  
10:21:22 5 the investigation is carried out so that the evidence can be  
6 properly tested, and the Prosecution is not prejudiced.

7 The Prosecution, of course, like all parties to these  
8 proceedings, wants to avoid adjournments. The Prosecution has  
9 already alerted this court to the difficulties that this late  
10:21:47 10 disclosure was causing on 11 July. The Prosecution also notes  
11 that most of the next batch of witnesses, being 32 to 49, can be  
12 classified as insider-type witnesses, which are likely to require  
13 far more detailed investigation.

14 To attempt to avoid the situation of the Prosecution being  
10:22:10 15 compelled to request adjournments due to a shortage of time to  
16 prepare for Defence witnesses, the Prosecution seeks an order  
17 that the identifying data of the next Defence witnesses from 32  
18 to 49 be disclosed to the Prosecution by 5.00 p.m. today. This  
19 ought to give us adequate time to prepare for those witnesses,  
10:22:37 20 bearing in mind the recess is coming up, some people may be  
21 taking leave and it is also the rainy season. The fairer the  
22 Prosecution is that we are going to receive data for these  
23 witnesses, which will give us insufficient time to prepare and  
24 this will even delay matters after the recess.

10:22:55 25 What we're asking for is a modification of the earlier  
26 order in respect of the next witnesses, 32 to 49, so that we have  
27 sufficient time to investigate and prepare for cross-examination  
28 so we don't find ourselves in the position today where, by giving  
29 only eight days' notice, it has just not been possible to carry



1 out those investigations and, thereby, the Prosecution can well  
2 possibly find itself prejudiced. That is one order which we are  
3 seeking.

4 PRESIDING JUDGE: You began your application by mentioning  
10:23:34 5 witnesses 31 to 49 and now it's 32.

6 MR AGHA: I believe it is 32, Your Honour, or at least the  
7 balance which are left on their list up to 49.

8 PRESIDING JUDGE: You've said there is one application.  
9 There is more to come, is there?

10:23:48 10 MR AGHA: Yes, potentially.

11 PRESIDING JUDGE: Is the next one in any connection with  
12 this. If it is not, we'll ask the Defence to reply now.

13 MR AGHA: In a way, it is tied to it, but the Defence may  
14 like to reply to them both simultaneously.

10:24:05 15 PRESIDING JUDGE: What is your next application?

16 MR AGHA: This is much shorter. It concerns summaries.  
17 Now, at 4 p.m. yesterday, the next witness, 077, was confirmed as  
18 being the next witness in this case. We've already received from  
19 this honourable Court an order regarding advance disclosure of  
10:24:27 20 the order. Now, at 5 p.m., the Prosecution received a five-page  
21 additional summary. The original summary is only about half a  
22 page long. The Prosecution appreciate that proofing notes may  
23 arise, but nearly eight times the size of the original summary,  
24 the Prosecution submits, is very difficult for it to deal with on  
10:24:52 25 such short notice.

26 Now, on July 11, this Honourable Court directed the Defence  
27 to, "revise its summaries, where necessary, in order to comply  
28 with its obligation to provide sufficient summaries. If  
29 necessary, we will make further orders on this issue." Clearly,



1 no investigation would have been possible into this lengthy  
2 additional summary. This late disclosure for lengthy additional  
3 summaries, the Prosecution submits is a recipe for adjournments.  
4 The Prosecution seeks an order that all summaries given to the  
10:25:34 5 Prosecution be revised, where necessary, in accordance to this  
6 Court's order of 11 July -- direction, I apologise, and provided  
7 to the Prosecution for the balance of the remaining 49 witnesses  
8 by Wednesday, 2 August, which is just before the recess.

9 PRESIDING JUDGE: Could you repeat the order you seek,  
10:25:58 10 please.

11 MR AGHA: An order that the Defence comply with the  
12 direction to revise their summaries, if necessary, pursuant to  
13 the Court's order of 11 July, and that all revisions to those  
14 summaries, if necessary, be served on the Prosecution by 2 August  
10:27:13 15 2006. That would encompass the 49 summaries which have been  
16 provided, for which I think we've gone through 10, 12, 13  
17 witnesses. That would be the balance of all those.

18 PRESIDING JUDGE: What number witnesses were they? The  
19 balance, 32 to 49?

10:27:13 20 MR AGHA: No, it's the last 14 which have just been  
21 disclosed, and then thereafter 32 to 49.

22 JUDGE DOHERTY: Sorry, Mr Agha, I'm not entirely clear. Do  
23 you mean the last 14 are disclosed and that is a satisfactory  
24 disclosure and you are now seeking the balance after --

10:27:21 25 MR AGHA: I'm also seeking -- this is the first Koinadugu  
26 witness today and the second one will follow. At 5.00 p.m. last  
27 night, I received a five-page additional summary. So it's for  
28 all the Koinadugu witnesses that are coming now, all this new 14  
29 that we at least get the revised summary as it should be. We



1 accept there may be proofing notes, but we do not consider that  
2 these should be nearly eight times the size of the original  
3 summary and served on us at 5.00 p.m. the evening before the  
4 witness is due.

10:27:55 5 PRESIDING JUDGE: I see your point, Mr Agha. Just for the  
6 sake of clarity as to what you're seeking in this second order,  
7 could you please go over it precisely as slow as you can so we  
8 can get it down. I'm still not 100 per cent sure what you're  
9 asking for.

10:28:14 10 MR AGHA: Yes, Your Honour. It is in respect of the  
11 witnesses numbered 18 to 31, which have just been disclosed to us  
12 in respect of the Koinadugu area, which are coming next, and the  
13 witnesses 32 to 49, that we receive revised summaries for all  
14 these witnesses, preferably in the order of call in which they've  
10:29:05 15 been given, because that would be the way in which we choose to  
16 investigate, by 2 August 2006, by 5.00 p.m.

17 PRESIDING JUDGE: I see. Yes, does the Defence wish to  
18 reply to those two applications?

19 MR DANIELS: Respectfully, Your Honour, I would like to  
10:29:55 20 reply. Before I start, I just want to re-emphasise that we have  
21 a good working relation with the Prosecution and many of these  
22 matters, you know, can be resolved at a short meeting. As we go  
23 along and we realise some of the concerns, we will address them.  
24 I'm starting with the second issue raised by the Prosecution. In  
10:30:24 25 respect of the second issue, indeed, we do appreciate that,  
26 perhaps, some of the information is coming too much too late, but  
27 then the other problem is before there was no information at all.  
28 I think that we are moving in the same direction. We would not  
29 have a problem providing fuller summaries by 2 August 2006 in



1 respect of witness numbers 18 to 31 and 32 to 49. More so since  
2 we are now moving into a new area, and so it is more relevant.

3 In respect of the first application, we have no problem  
4 revealing the names, but we would have preferred to have done  
10:31:18 5 that tomorrow -- by Friday, I beg your pardon, by close of day  
6 Friday, given that there was an earlier order given by this  
7 Court, and we would have wanted to put our house in order and  
8 combine two, Your Honour, so we would have done that by Friday.  
9 This is the only reservation that we have.

10 PRESIDING JUDGE: Thank you, Mr Daniels. Mr Agha, you will  
11 see that there's no opposition to your orders, except in respect  
12 of the first order sought, the Defence is asking that that be  
13 made effective from Friday, rather than today. What do you say  
14 to that?

10:32:03 15 MR AGHA: Your Honour, I say I agree with my learned  
16 friend. We are trying to work closely with the Defence on these  
17 matters, but from time to time, like the identifying data and the  
18 notice period, there is a danger of it prejudicing the  
19 Prosecution. With regard to his submission of agreeing to  
10:32:18 20 provide both sets of information by, let us say, 5.00 p.m.  
21 Friday, the Prosecution would have no objection to an order to  
22 that effect.

23 PRESIDING JUDGE: All right.

24 JUDGE SEBUTINDE: Mr Daniels, could you address the Bench  
10:33:15 25 on one issue that Mr Agha raised to the effect that with regard  
26 to the identifying data, there is a Court order obligating the  
27 Defence to disclose this data 21 days prior to the testimony of a  
28 witness. Now, we're just wondering -- Mr Agha has said, I think,  
29 with regard to the next 14 witnesses, this data was provided,



1 giving the Prosecution only eight days' notice. Is this true,  
2 and, if so, why is this so? Because it is directly against what  
3 the Court ordered.

4 MR DANIELS: Your Honour, in response to your question, I  
10:34:00 5 believe that the second set of witnesses were disclosed less than  
6 24 hours after they were requested for by the Prosecution, but  
7 the point was that we did not anticipate the first witness  
8 testifying so long. However, we do take the point that the Court  
9 order is 21 days, and 21 days means 21 days, but we do not see  
10:34:42 10 that we will be calling on those witnesses in this session, so  
11 definitely, the 21 days -- they will not be prejudiced by the 21  
12 days.

13 JUDGE SEBUTINDE: Mr Daniels, we're talking about the  
14 witness about to walk in, are we not? This next batch of 14  
10:34:59 15 witnesses. Mr Agha, am I wrong?

16 MR AGHA: Yes, Your Honour, the actual position was for  
17 some time, because we have a good working relationship with the  
18 Defence, we have been pressing them for the disclosure of the  
19 identifying data of the next witnesses, because we could foresee  
10:35:20 20 these current witnesses were being proceeded with quite  
21 expeditiously. We were hoping to get those names much sooner.  
22 It is only now that they have come as quickly as they are that I  
23 feel compelled to raise this matter with the Court. Had we  
24 received them when we asked, then the situation may not have  
10:35:39 25 arisen. The Prosecution also say we do chase up the Defence on  
26 these matters and we do work well with them and rely on their  
27 goodwill, but there is a Court order in place, and the  
28 Prosecution don't feel it is the position of the Prosecution to  
29 keep on having to remind the Defence to comply with that order if



1 the late compliance will seriously prejudice the Prosecution and  
2 potentially lead to adjournments. As I've mentioned, this  
3 gentleman who will come in now, we will hear his  
4 evidence-in-chief, but depending on what he says, we may have to  
10:36:11 5 apply for an adjournment to reserve cross-examination, because  
6 eight days' notice, our investigators have told me bluntly, they  
7 can't operate on eight days' notice.

8 JUDGE SEBUTINDE: Mr Daniels, that's the situation. We are  
9 not talking about witnesses for the next session, we are talking  
10:36:29 10 about this next batch of 14 witnesses and wondering what is the  
11 reason that the Defence has not complied with our Court order.  
12 It appears to me from what you're saying, there really isn't a  
13 reason.

14 MR DANIELS: I will clarify with my learned friends, but I  
10:36:46 15 believe the time the order was given was within that 21-day  
16 period, and that is why we could not comply, not that we don't  
17 want to comply.

18 JUDGE DOHERTY: I don't understand, Mr Daniels, what order  
19 was given? What order are you referring to? The order referred  
10:37:04 20 to by my learned colleague is dated 9 May.

21 MR DANIELS: I'm taking instructions from my learned  
22 friends.

23 [Defence counsel conferred]

24 MR AGHA: If it's of assistance to the Bench, it is 9 May  
10:37:26 25 and it is paragraph D of the order.

26 MR DANIELS: I have consulted with my colleagues. And as  
27 this was the beginning of the trial, we are now getting our house  
28 in order and we apologise to the Bench and will endeavour it  
29 doesn't happen again, and to the Prosecution as well.



1 [Trial Chamber conferred]

2 PRESIDING JUDGE: All right. We'll come back with some  
3 orders. Correct me if I'm wrong, but the orders we're going to  
4 make will be, in effect, consent orders. Mr Agha's application  
10:38:44 5 for the first order, I understand that he will now agree to amend  
6 the terms of that order to be read as 5.00 p.m. Friday, rather  
7 than 5.00 p.m. today; is that correct, Mr Agha?

8 MR AGHA: Yes, I'm wholly satisfied with that, Your Honour,  
9 but the preference would be that they be orders of the Court  
10:39:10 10 rather than by consent so that we can refer back to them if there  
11 is a case of non-compliance and hold a status conference.

12 PRESIDING JUDGE: Yes. We've noted that the Defence and  
13 Prosecution are certainly working together. We appreciate that  
14 they do have a good working relationship. Nevertheless, we  
10:39:28 15 think, in case of further difficulties, we should put some orders  
16 in place. We will do that. I'm just ascertaining that they are,  
17 in fact, consent orders. In relation to the second order,  
18 Mr Daniels indicated that they agree with that order and there's  
19 no dispute there at all. That's how you see it, Mr Agha?

10:39:48 20 MR AGHA: As long as there is no question of anyone being  
21 able to withdraw from the consent.

22 PRESIDING JUDGE: No, they will be orders of the Court.

23 MR AGHA: Thank you, Your Honour.

24 PRESIDING JUDGE: One other matter I should mention now is  
10:40:04 25 concerning the absence of the accused Brima. We note the accused  
26 Brima's counsel, Ms Thompson has advised that she has received  
27 instructions to continue in his absence, and we therefore will  
28 continue with the trial. We take it that Mr Brima has waived his  
29 right to be present, and the trial, pursuant to Rule 60, will



1 continue. We'll take the usual morning break and we will come

2 back at 11 a.m..

3 [Break taken at 10.44 a.m.]

4 [Upon resuming at 11.09 a.m.]

11:05:40 5 PRESIDING JUDGE: Taking into account the application by  
6 the Prosecution in light of the submissions made by the Defence,  
7 we make the following orders: One, the identifying data of  
8 Defence witnesses 32 to 49 be disclosed to the Prosecution by  
9 5.00 p.m. on Friday, 21st July 2006; two, in respect of witnesses

11:06:10 10 18 to 31, and witnesses 32 to 49, that the Prosecution receive  
11 any revised summaries in order of call by 5.00 p.m. 2nd August  
12 2006.

13 Now, the Defence have another witness to call.

14 MR DANIELS: That is so, Your Honour.

11:06:38 15 PRESIDING JUDGE: I think that is 077, isn't it?

16 MR DANIELS: That is so. This time it is DAB. The witness  
17 will be speaking in Krio.

18 PRESIDING JUDGE: And a common witness?

19 MR DANIELS: A common witness.

11:07:01 20 PRESIDING JUDGE: I will get this on the record now,  
21 Mr Daniels. Your witnesses are classified as DBK and DAB. What  
22 are the initials standing for?

23 MR DANIELS: I believe it is just a classification of  
24 convenience.

11:07:16 25 PRESIDING JUDGE: Just a terminology to distinguish them?

26 MR DANIELS: Yes.

27 PRESIDING JUDGE: Do you have a witness number, Mr Daniels?

28 MR DANIELS: DAB-077.

29 PRESIDING JUDGE: A number on the list, I meant.



1 MR DANIELS: It is number 29 on the summaries.

2 PRESIDING JUDGE: Thank you.

3 MR AGHA: Your Honours, just for the record, the  
4 Prosecution has no objection to the Defence leading this witness  
11:08:43 5 on general matters so as to expedite the proceedings.

6 PRESIDING JUDGE: Thank you, Mr Agha. We'll note that.

7 WITNESS: DAB-077 [Sworn]

8 [Witness answered through interpreter]

9 PRESIDING JUDGE: Go ahead, Mr Daniels, you've heard the  
11:09:59 10 Prosecution. They don't object to you leading on general  
11 matters, which I take it will be non-contentious matters.

12 MR DANIELS: Very well, Your Honour. Before we go on,  
13 Your Honours, I would like, in respect of this particular  
14 application, to draw the Court's attention to the very first two  
11:10:17 15 lines of the witness's summary. Which is number 29 from the  
16 summaries. Your Honours will notice this particular witness has  
17 a sensitive position. He resides in the town where the crime  
18 base -- he resides at the crime base. Prior to coming here, he  
19 has expressed concerns to the witness and support unit about  
11:11:03 20 fears of his identified being revealed. I have also hinted this  
21 to my learned friend on the other side and he has no objection,  
22 so in the circumstances, we are humbly praying pursuant to order  
23 [sic] 79(A)(ii) for a closed session in order that the witness's  
24 identity will not be revealed. Beyond that, when we do go into  
11:11:20 25 closed session -- into open session, we are respectfully applying  
26 under Rule 78(B)(i)(c) for voice distortion as with regards to  
27 his testimony in order that again, his identity won't be  
28 disclosed. This again has been discussed with the Prosecution  
29 and they have expressed they will not be opposed to this. While



1 we are in open session, we shall do our best by devising ways as  
2 best not to disclose his identity.

3 PRESIDING JUDGE: The voice distortion was not part of the  
4 original protective measures, I take it?

11:12:00 5 MR DANIELS: No, My Lord.

6 PRESIDING JUDGE: Mr Daniels, your application for a closed  
7 court, what part of the testimony is that going to affect?

8 MR DANIELS: It is going to affect his background, his  
9 educational background, that is to do with where he stays, where  
11:14:20 10 he lives and his educational background.

11 PRESIDING JUDGE: Personal matters that could identify him?

12 MR DANIELS: That is so.

13 JUDGE SEBUTINDE: But the rest of the testimony could be in  
14 open court.

11:14:30 15 MR DANIELS: The rest of the testimony could be in open  
16 court if we have voice distortions and we can devise methods of  
17 writing down names as we go along. I think I would like to  
18 assist the Court as best as possible as an alternative. Because  
19 indeed, I am being urged by my learned friends to remind the  
11:14:48 20 Court, immediately after he gave his statement in his town, he  
21 was attacked by certain members. This, he conveyed to the  
22 witness support section. So, he's in genuine fear of his  
23 identity being revealed.

24 PRESIDING JUDGE: Is the voice distortion necessary? That  
11:15:16 25 is a measure that is usually only ordered in gender crimes. It  
26 takes quite a while to put in place as well. Does he have a  
27 distinctive voice that people are likely to identify?

28 MR DANIELS: Even when he identified himself today, I think  
29 he has quite a high-pitched voice. I think it can be, especially



1 since his profession is one that is to do with his voice, without  
2 saying more.

3 PRESIDING JUDGE: Well, we will decide the immediate  
4 application, which is to close the Court for personal details.

11:16:52 5 It's going to be necessary to close this Court for a very short  
6 period while some evidence is led that may disclose the identity  
7 of the witness. I take it, Mr Agha, you would have no  
8 submissions on this one way or the other?

9 MR AGHA: No, Your Honour, not at all.

11:17:14 10 PRESIDING JUDGE: Thank you. We therefore will order a  
11 closed court. Members of the public will need to leave. As I  
12 say, the security of this witness is at stake, and we must hear  
13 this evidence in closed session. Any monitors can remain. Yes,  
14 Mr Court Attendant, if you will make the arrangements. The other  
11:17:45 15 order we'll make is that when we go back into open session,  
16 another measure that we will order to protect this witness's  
17 identity will be voice distortion. I only mention that now so  
18 that perhaps arrangements can be made while we're running the  
19 closed session.

11:18:08 20 [At this point in the proceedings, a portion of the  
21 transcript, pages 37 to 45, was extracted and sealed under  
22 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR DANIELS:

3 Q. Mr Witness, do you remember anything happening in May 1997  
4 in Freetown?

11:56:42 5 A. Yes, I recall.

6 Q. What do you recall?

7 A. I recall on a Sunday, I was in college whilst we were  
8 preparing to go to Church when some other friends who had gone  
9 earlier and came back, they told us there was a problem in  
11:57:07 10 Freetown, and, later, we heard -- I heard a radio announcement  
11 that there was a coup in Freetown. Now, it was one Gborie who  
12 made the announcement, and he was saying that all the police  
13 shall join them. They have not come to create any problem, the  
14 civilians should stay calm. I recall that, on 25th May 1997.

11:57:52 15 Q. Did you hear about any other announcement around the same  
16 time?

17 A. Yes. The first announcement that happened in the morning,  
18 after that, some time later, some other person, I can't recall  
19 his name now, he announced over the radio again that they have  
11:58:10 20 overthrown the government of Alhaji Doctor Ahmed Tejan Kabbah and  
21 the SLPP and that, now, they have formed a new government, which  
22 is the AFRC, which means, Armed Forces Revolutionary Council.  
23 And he did say that the leader for this new government was one  
24 Major Johnny Paul Koroma. I recall that. He did not stay long  
11:58:46 25 on the air. Corporal Foday Sankoh also announced, from Nigeria,  
26 that all the fighters who were all over the country, any part in  
27 the country, they should join their brothers - they were calling  
28 them their brothers - they should join them in Freetown and he  
29 said there was no more war, there was now peace.



1 Q. You just mentioned the name Corporal Foday Sankoh. Who is  
2 Corporal Foday Sankoh?

3 A. Well, Corporal Foday Sankoh, at that time, I came to  
4 understand that he was the man who was leading the group of  
11:59:29 5 people who called -- who were called RUF, meaning Revolutionary  
6 United Front, who were at fighting since 1991 to overthrow or to  
7 end the corrupt regime in this country.

8 Q. How did you hear this information, or who told you?

9 A. Well, it was not something that was a secret in Sierra  
11:59:54 10 Leone. Everybody in Sierra Leone knew about that, especially  
11 somebody who can read and write. I got it from newspapers all  
12 over. It was not a secret.

13 Q. Where were you when you heard the announcement that the  
14 AFRC could join with the RUF?

12:00:12 15 A. I was at my place of study, which I would not want to call  
16 here. But if the Court wants to know that, I can write it.

17 Q. That is okay for now, Mr Witness. Do you know whether the  
18 RUF eventually came to join the AFRC?

19 A. Yeah. Yes, My Lord. After Sankoh's announcement, it did  
12:00:56 20 not stay long. I can recall few days later we started seeing  
21 truckloads of people coming down from the provincial area, from  
22 the Makeni area coming down to Freetown. Truckloads.

23 Q. You said "we." Who are "we"?

24 A. Let me say, I saw, I saw -- myself and all the other  
12:01:21 25 students who were on compass, we all saw them. I saw them. We  
26 saw truckloads of rebel fighters coming down to Freetown, and  
27 some of them were lodged at the Grafton police training school.

28 Q. How many truckloads did you see?

29 A. I saw about three truckloads. One was even a trailer, a



1 long one, a big trailer.

2 Q. Where were you when you saw the truckloads?

3 A. Well, we had come to the streets. We were there at Jui  
4 Junction and we saw this thing happening. We even went to the  
12:02:14 5 place, because it didn't look bad. We went there. We saw them  
6 coming down. We were just admiring them.

7 Q. Do you know exactly where the truckloads of persons were  
8 coming from when you met them?

9 A. I want to believe they were coming from upcountry. I want  
12:02:34 10 to believe so, because some were saying they were coming from  
11 Kailahun. Some came from different, different parts of the  
12 country, but I can recall that some said they came from Kailahun.

13 Q. Do you know where they were going to when you met them?

14 A. They said they came to Freetown to support their brothers.  
12:03:02 15 Because they had not wanted ECOMOG to come to the country at all.

16 Q. When you saw these truckloads of persons, did anything  
17 happen?

18 A. Yes, My Lord. Something happened. Later. Some time  
19 later, something happened.

12:03:29 20 Q. How much time after did something happened?

21 A. A few weeks later. Few weeks later when they came at that  
22 place. Few weeks later, something happened.

23 Q. Do you know the time of year it was -- the time of month,  
24 it was? I beg your pardon.

12:03:54 25 A. Yeah, it was June. It was around June. I can recall,  
26 because --

27 Q. What year was it?

28 A. 1997. 1997.

29 Q. You said something happened two weeks later. What happened



1 two weeks later?

2 A. Well, after the RUF had come, they were at Grafton police  
3 training school. Later, some of them left that area and came to  
4 Freetown. Some were stationed at that area, and the ECOMOG

12:04:34 5 troops themselves started coming from Lungi. They were coming  
6 down at that Hastings airfield, and some of them were even --

7 Q. Hold on. You just mentioned the ECOMOG forces.

8 A. Yes.

9 Q. Who were ECOMOG forces to you? What do you mean by ECOMOG?

12:04:56 10 A. Well, My Lord, when I talk about ECOMOG forces here, the  
11 people we saw were Nigerians. They were Nigerian ECOMOG forces.

12 Q. Where were you when you saw the ECOMOG forces?

13 A. I was there at my place of study that I had mentioned  
14 earlier on.

12:05:23 15 Q. About how many ECOMOG forces did you see?

16 A. There were plenty. There were plenty. I cannot recall the  
17 number. There were plenty.

18 Q. How do you know that some were coming from Lungi?

19 A. Because we saw the helicopter flying from Lungi direction,  
12:05:46 20 coming down to Hastings.

21 Q. Did the ECOMOG forces come from any other direction?

22 A. Well, some came from Lungi, many from Lungi, and others,  
23 who were at Kossoh Town, they themselves were altogether.

24 Q. Who was at Kossoh Town?

12:06:22 25 A. It was the ECOMOG. They were at Kossoh Town and they were  
26 there up to Jui Junction. The SSDs were at Jui barracks.

27 Q. And who are the SSDs?

28 A. The SSDs, they are a branch of the Sierra Leone police.

29 Q. How did you know that the ECOMOG were at Kossoh Town?



1 A. Well, it was not hidden. They were from Jui Junction, all  
2 these areas. They occupied that whole area.

3 Q. Do you know how many were deployed at Kossoh Town; how many  
4 ECOMOG forces?

12:07:04 5 A. I cannot be able to estimate the exact figure because there  
6 were plenty.

7 Q. You were explaining about a problem. Can you please  
8 continue?

9 A. Yes. Yes, just as I was saying, when they were at Jui  
12:07:38 10 Junction, they were trying to stop more rebels from coming into  
11 Freetown from the provinces. One morning, the rebel forces, the  
12 RUF, AFRC, they tried to dislodge the ECOMOG forces from that  
13 particular point who were at Jui Junction, and serious firing  
14 took place. There were heavy bombardments, helicopter gunships  
12:08:07 15 who were dropping bombs all over, and it lasted for some hours.  
16 Since that morning, up to four to five later in the day before  
17 the firing finally died out.

18 Q. Were you present when the fighting was taking place?

19 A. I was not there. I have told you I was at my place there.  
12:08:32 20 I told you, I was not there.

21 Q. How do you know that ECOMOG were preventing other rebel  
22 forces from coming into the town?

23 A. Well, because the SSDs themselves who were at the Jui  
24 Barracks, they told us that, and even that day that thing took  
12:08:58 25 place, they told us nobody should go around, we should stay  
26 indoors, because the rebels were trying to dislodge them there  
27 and ECOMOG would not allow that.

28 Q. So do you know --

29 MR AGHA: Your Honour, may I raise an objection at this



1 stage, in terms of the relevance of this questioning? In the  
2 indictment, it's not charged about any fighting between ECOMOG  
3 and the AFRC or RUF at Jui. It's about civilian population. I'm  
4 not quite sure where the relevance of this testimony lays.

12:09:50 5 PRESIDING JUDGE: Yes, Mr Daniels.

6 MR DANIELS: My Lord, I believe the allegations that we  
7 were involved in the coup, that is the accused persons, their  
8 allegations that the RUF and the AFRC were -- had a common  
9 criminal enterprise, and we are trying to disprove some of these  
10 allegations. We need to set the foundation.

11 PRESIDING JUDGE: I will allow you to continue for a  
12 limited period, but I think you ought to get to the point.

13 MR DANIELS: Very well. I'm coming around.

14 Q. Yes, did anything happen to you as a result of the fighting  
12:10:30 15 you just described?

16 A. Yes, something happened. Where I was studying, because of  
17 the situation, after the fighting at Jui Junction, the college  
18 authorities sent to the people who were -- who we were  
19 representing there at the college, for them to advise us to move  
12:11:14 20 from the place because the place was no longer safe.

21 Q. Did you eventually move from the place?

22 A. Yes. Yes. I left Jui at that time.

23 Q. Where did you go from there?

24 A. I went to my place where I presently live, which I don't  
12:11:21 25 want to call here, but, if requested, I will write.

26 PRESIDING JUDGE: Is that what you agreed to describe as  
27 Town A?

28 MR DANIELS: That is so, Your Honour.

29 Q. Mr Witness --



1 A. Yes, Town A. Yes, I went to Town A.

2 Q. Did you eventually arrive in Town A?

3 A. Yes. I went to Town A for me to start my official  
4 assignment on 5th September 1997.

12:12:05 5 Q. When you went to Town A, did anything else happen in 1997?

6 A. Well, when I was at Town A in 1997, the place was very  
7 quiet as compared to Freetown. Everything was all right at that  
8 moment.

9 Q. Did anything happen in Town A in early 1998 while you were  
12:12:34 10 there?

11 A. Yes, My Lord, something happened.

12 Q. Please tell us what happened in early 1998?

13 A. Early 1998, around February to March, I was at Town A when  
14 I started seeing people coming from Freetown. Even, in fact,  
12:13:05 15 before that, I heard an announcement over the BBC that the ECOMOG  
16 had overthrown the AFRC government, and that the AFRC government  
17 is now in disarray and that the fighters were now, in fact, on  
18 the hills, and that ECOMOG was pursuing them, and that they will  
19 pursue them anywhere they go until that they see that they are  
12:13:30 20 completed eliminated. So it did not stay long. A few days  
21 later, I started seeing groups of people coming from the Freetown  
22 area; from the provincial headquarter area leading to Town A,  
23 coming in different, different vehicles. They were not in any  
24 organised form.

12:14:03 25 Q. Can you describe which kind of people you saw coming to  
26 Town A?

27 A. Yes. The people who were coming there, they were mixed  
28 people. Some were in civilian uniform. They had bundles on  
29 their head. Some came. They had combat trousers on. They never



1 had combat shorts on. They had on T-shirts and some in complete  
2 civilian uniform. Some had guns, some never had guns. Some took  
3 guns and placed them into bags. Some tote bundles, and some were  
4 with their wives and with their children and other relations.  
12:14:43 5 They were plenty. Some did not even stay in Town A. As they  
6 come, they will go straight to the district headquarter town and  
7 somewhere beyond that, some parts, and some will just sit for  
8 some time and go around the other villages.

9 Q. Mr Witness, do you know about how many people arrived in  
12:15:10 10 Town A?

11 A. I cannot tell the number. I cannot sure an exact number.  
12 There were plenty and, like I told you, there came different  
13 times; some which stayed briefly and some which would go ahead.  
14 There were plenty.

12:15:35 15 Q. So did anything happen when these persons arrived in Town  
16 A?

17 A. Yes, I can recall an incident that took place because,  
18 these people, as they came, they were frightened. They looked  
19 frightened.

12:16:03 20 Q. Which incident are you referring to?

21 A. Yes, an incident took place at a place around that area  
22 called SS Cove.

23 Q. Witness, please tell us about the incident. What incident  
24 was this?

12:16:16 25 A. An accident took place there, one in which a trailer that  
26 had some of the people who were running away on board. The  
27 trailer had an accident and it fell over. Plenty people died,  
28 and some --

29 Q. Mr Witness, how do you know that the trailer had an



1 accident.

2 A. When the trailer fell over, the other vehicles that were  
3 behind it, they stopped to collect some of the wounded people,  
4 and they came to the town to inform the police and the people in  
12:16:48 5 the town that there was an accident that took place, and they  
6 were begging for them to go and help them, because people were  
7 dying. And people run and went there. So people went there and  
8 helped them, and they brought people. Plenty were wounded. They  
9 were sorry and some were crying as a result of pain.

12:17:06 10 Q. Mr Witness, did you go to the scene of the accident,  
11 Mr Witness?

12 A. I did not go to the scene of the accident, but when they  
13 brought them to the town, they met me there. In fact, we all  
14 went there. We felt sorry for them.

12:17:21 15 Q. Mr Witness, what did you see --

16 MR AGHA: Your Honour, again, I would object. I apologise  
17 to my learned friend. I'm having difficulty finding what the  
18 relevance about the accident of this trailer is to the actual  
19 case.

12:17:35 20 PRESIDING JUDGE: What is the relevance, Mr Daniels?

21 MR DANIELS: Your Honour, you may recall that in our  
22 opening statement we mentioned that the fleeing soldiers from  
23 Freetown were like hounded rabbits being chased by all sorts of  
24 ECOMOG forces and that, as they fled. They fled with their  
12:17:56 25 families and their loved ones. We are just giving evidence of  
26 the fact that it was rather they were chased and being sought  
27 after and being killed, and this is where we are getting to. We  
28 are just establishing the foundation, Your Honour.

29 PRESIDING JUDGE: I've heard evidence of an accident. I



1 haven't heard anything about people chasing them and killing

2 them.

3 MR DANIELS: My Lord, I'm coming to that. I'm just laying

4 the foundation.

12:18:28 5 PRESIDING JUDGE: Well, I would arrive at it pretty soon,

6 Mr Daniels, if I were you.

7 MR DANIELS: Your point is well taken, Your Honour.

8 Q. Mr Witness.

9 A. Yes, My Lord.

12:18:50 10 Q. Did anything happen when these victims arrived in

11 [redacted]?

12 JUDGE DOHERTY: Mr Daniels, it's on record that that place

13 is not to be named.

14 MR DANIELS: Very well. I apologise. Could it be --

12:19:10 15 PRESIDING JUDGE: The name of that town is to be redacted

16 from the transcript. You meant to say Town A.

17 MR DANIELS: Town A. Very well.

18 Q. Mr Witness, did anything happen when the victims were

19 brought to Town A?

12:19:25 20 A. Yes. When they came, they took some of the wounded people

21 to the DEC primary school and some were at the court barri and

22 some others were taken. The others who were not wounded, they

23 were in different areas in the town, within the town. They

24 entered houses in the town. And the health officer that was

12:19:55 25 there, a Mr -- I don't want to call his name -- but the health

26 officer who was there, he came and helped them. He gave them

27 first aid, and the people were still at the DC school there.

28 Q. After this incident, after they were administered first

29 aid, did anything happen?



1 A. Yes. People started leaving the town because tension had  
2 risen in the town. They said ECOMOG was coming. They had  
3 reached Masiaka and they did not stay long. They said they were  
4 run -- Lunsar here. People were now in fear and there was rumour  
12:20:42 5 coming that they were coming with heavy bombardment and the  
6 people left the town. I myself left the town.

7 Q. When you left the town, where did you go to?

8 A. I went to a village, which I don't want to call, but I can  
9 write the name if the Court wants me to do so.

12:21:06 10 Q. Yes, please.

11 PRESIDING JUDGE: If the village is not Town A, what danger  
12 does it present to you?

13 THE WITNESS: It's not Town A.

14 PRESIDING JUDGE: I just told you it's not Town A. If you  
12:21:17 15 will listen to my question. My question is: Seeing the village  
16 you have just mentioned is not Town A, what danger does it  
17 present to your identity that you will not name it?

18 THE WITNESS: My Lord, if I call the name of that place,  
19 anybody who is sensitive will be able to identify me. It is  
12:21:39 20 because of my identity that I am afraid to call that name, but if  
21 the Court feels it doesn't mean anything, then I will call the  
22 place's name. It is for my own security that I am in fear to  
23 call the place name.

24 PRESIDING JUDGE: I don't understand why you're concerned.  
12:21:58 25 In any event, I will leave it to you, Mr Daniels. You know more  
26 of the background facts than we do.

27 MR DANIELS: Very well. On the side of caution, if we  
28 could kindly have a piece of paper for the witness to write the  
29 name of the town.



1           PRESIDING JUDGE: Is that town going to feature in your  
2 evidence, Mr Daniels?  
3           MR DANIELS: [Microphone not activated].  
4           PRESIDING JUDGE: I can't hear you.  
12:23:47 5           JUDGE SEBUTINDE: We didn't hear what you said.  
6           MR DANIELS: My Lord, it's just to identify the name of the  
7 town. That is the only reason.  
8           PRESIDING JUDGE: You mean by paper?  
9           MR DANIELS: By paper, yes.  
12:23:57 10          PRESIDING JUDGE: I see. What do you want with this?  
11          MR DANIELS: We'll tender it.  
12          PRESIDING JUDGE: Is it relevant? That's why I asked you:  
13 Is this going to feature in your evidence?  
14          MR DANIELS: Once we have the information, we will pass on  
12:24:08 15 the tendering.  
16 Q.      How far is this town from Town A?  
17 A.      Two miles, My Lord. About two miles, about that.  
18 Q.      Did anything happen at Town A while you were at this town?  
19 A.      Yes. As I went to that place, a few days later, about  
12:24:39 20 three days, when I went to that town, that village, I heard --  
21 one particular evening, at around four, I heard heavy bombardment  
22 in Town A, heavy bombardment. It came from the provincial  
23 headquarter area to that area, a heavy bombardment. When I heard  
24 the bombardment --  
12:25:06 25 Q.      Please take your time. What do you mean by heavy  
26 bombardment?  
27 A.      I heard heavy weapon sounds, just like a tank was firing.  
28 It let me recall what happened at the Jui Junction incident that  
29 took place.



1           PRESIDING JUDGE: Mr Daniels, I'm sorry to interrupt. It  
2 occurs to me now that that town that's he's just written down  
3 should perhaps be on the record because Mr Agha might have a few  
4 questions to ask about it, now there is evidence that this  
12:25:43 5 witness has heard certain things going on in Town A from that  
6 town he was in. You've tendered it. I think it should be in  
7 evidence.

8           MR DANIELS: We will be guided by the Court. You don't  
9 object, Mr Agha, I take it?

12:26:00 10           MR AGHA: No, Your Honour.

11           PRESIDING JUDGE: The piece of paper the witness has  
12 written on saying the name of the town that he went to when he  
13 left Town A will be admitted as Exhibit D19.

14                                 [Exhibit No. D19 was admitted]

12:26:26 15           MR DANIELS:

16 Q. Mr Witness, do you know where the bombardment was taking  
17 place?

18 A. I didn't get you clear.

19 Q. You've told this Court about a bombardment. Where was  
12:26:40 20 being bombarded?

21           PRESIDING JUDGE: He said in Town A, I think.

22           MR DANIELS: Very well.

23 Q. Did you eventually get to go to Town A?

24 A. Well, when the bombardment took place in Town A, some  
12:27:03 25 civilians run and went and met us. The next day, in the morning,  
26 I returned to Town A.

27 Q. What did you see?

28 A. When I reached Town A, first, I went to my own place where  
29 I was staying. I saw the house was open, the doors were open,



1 but nothing got lost there. Properties were only scattered about  
2 on the ground. From there, I went to the court barri where I met  
3 cloths scattered about, bags scattered about. I saw military  
4 uniforms scattered about. From there, again, I went to the  
12:27:37 5 primary school where the wounded people were. I went there --

6 Q. Which wounded people are you referring to?

7 A. I mean the people that I had spoken about who were involved  
8 in the accident who were admitted at the school there. These are  
9 the people I'm referring to.

12:27:58 10 Q. What did you see?

11 A. When I reached there, around the school area, just opposite  
12 the court barri, along the line, I saw two corpses, two male  
13 corpses. They had short marks on them.

14 Q. Do you know who the two corpses were?

12:28:22 15 THE INTERPRETER: Sorry, Your Honours. Correction  
16 interpreter. They had marks of fire on them.

17 JUDGE SEBUTINDE: Is that fire or shots? I thought I heard  
18 shots.

19 THE INTERPRETER: Fire.

12:28:39 20 JUDGE SEBUTINDE: Fire, as in the fire burning?

21 THE WITNESS: Yes. Fire burning. Fire that is burning.  
22 I'm not talking about gunshots, just as fire burn somebody.

23 MR DANIELS: Thank you.

24 Q. Did you get to know who sustained these fire marks you are  
12:28:58 25 referring to?

26 A. Well, the people who were in the town who, after the ECOMOG  
27 forces had passed by, came and told us that they were some of the  
28 wounded people who had been at the school who had been killed and  
29 the people roasted them.



1 Q. Do you know who killed the wounded, those who died?

2 A. They told us that it was the ECOMOG forces and the group of  
3 people who were with the ECOMOG forces when they entered the town  
4 that did the killing.

12:29:38 5 Q. After you entered Town A and after you discovered the dead  
6 bodies, did anything else happen in Town A?

7 A. Yeah. From there, people started telling me different  
8 things. In fact, they told me that the ECOMOG group that entered  
9 that day -- I mean, which entered in Town A, they said they heard  
12:30:02 10 some people who were wearing traditional ronko attires among  
11 them. They said they were Kamajors, because they said they had  
12 Mende accent, or things like that. Also, they told me they saw  
13 some white --

14 Q. Who told you this?

12:30:23 15 A. The people who were unable to escape because of the attack  
16 who were hiding in their houses. After they had come out -- in  
17 fact, some were brought out and they were told to clap for them  
18 and they were told to dance for them, and they told me all of  
19 those things. Some of them are even in the town as I'm talking.

12:30:57 20 Q. After that, did anything happen? Did anything else happen  
21 in Town A?

22 A. Yes. They told me that a lady's house caught fire, that an  
23 RPG bomb landed there as the ECOMOG forces were advancing, so I  
24 went to see that house, and I found that it was completely burnt  
12:31:07 25 down, and nothing happened to the lady. So I saw that house.

26 Q. Was there any other damage to the houses in Town A?

27 A. Well, it was only that house that was burnt on that  
28 particular occasion. It was only that house that was burnt on  
29 that occasion.



1 Q. Do you know the woman's name?

2 A. I want to write her name down. I know her name. I know  
3 her.

4 MR DANIELS: Your Honours, Mr Court Attendant, could we  
12:31:58 5 have a piece of paper, please?

6 PRESIDING JUDGE: Just as a matter of interest, Mr Witness,  
7 why does this lady's name endanger your security? Are you the  
8 only person in Sierra Leone who knows this lady? Doesn't she  
9 know other people?

10 THE WITNESS: Well, not necessarily. If I call out her  
11 name, anybody who has been born in Town A would know. If I call  
12 that lady's name, they will know I'm referring to that town, who  
13 had come from that town.

14 MR DANIELS:

12:33:25 15 Q. Did anything happen -- I beg your pardon.

16 MR DANIELS: Your Honour, if this also would be tendered as  
17 an exhibit.

18 PRESIDING JUDGE: Anything to say on that tender, Mr Agha?

19 MR AGHA: No, Your Honour.

12:34:12 20 PRESIDING JUDGE: The piece of paper on which the witness  
21 has written the name of the lady whose house was burned by an RPG  
22 will be admitted as Exhibit D20. I will give it to the Court  
23 attendant.

24 [Exhibit No. D20 was admitted]

12:34:40 25 MR DANIELS:

26 Q. Mr Witness, did the ECOMOG forces eventually get to leave  
27 [redacted] -- I beg your pardon, Town A?

28 A. Yes. After, because when they arrived there, they said  
29 most of the fighters had gone, so they continued to pursue them



1 to the district headquarter Town. They continued to pursue them  
2 towards the district headquarter town.

3 Q. Did anything happen after they left Town A to the district  
4 headquarter town. In [redacted], did anything happen --

12:35:13 5 JUDGE DOHERTY: Mr Daniels, that's twice it's been said. I  
6 think it should be redacted on both occasions.

7 MR DANIELS: Very well.

8 MR AGHA: Your Honour, just before we come to the next  
9 question, and I apologise for the interruption, but we have heard  
12:35:27 10 this for the second time, the district headquarter town. Can we  
11 know where this is?

12 PRESIDING JUDGE: I'm not with you, Mr Agha.

13 MR AGHA: We've heard mention two times district  
14 headquarter town. I'm just wondering what the name of the  
12:35:45 15 district headquarter town is.

16 PRESIDING JUDGE: Mr Daniels will --

17 MR DANIELS:

18 Q. Mr Witness, would you please give us the name of the  
19 district headquarter town. I don't think that is an issue of  
12:35:59 20 security.

21 A. It is -- can I say it out publicly? It's Kabala. It's  
22 Kabala.

23 Q. Yes. I was asking whether anything happened after the  
24 ECOMOG forces left Town A.

12:36:28 25 A. Yeah. After they had left Town A for Kabala, few weeks  
26 later, a group of ECOMOG fighters were deployed in Town A.

27 Q. When exactly was this, if you know?

28 A. That could have been around -- it could have been  
29 around March. It was in March. It was in March.



1 Q. About how many ECOMOG forces deployed in Town A?

2 A. There could be around 50. Around 50.

3 Q. Where exactly did they deploy in Town A?

4 A. They deployed at the court barri, which they used as their  
12:37:43 5 headquarters, and other strategic areas. All roads leading to  
6 Town A, they deployed in those areas and they created checkpoints  
7 there.

8 Q. How close is your residence to the court barri?

9 A. It's not a far distance. It's about 30 to 40 metres. It's  
12:38:17 10 not a far distance.

11 Q. Do you know what the ECOMOG troops came to do on this  
12 occasion?

13 A. Yeah. When they came, they tried to tell us, because there  
14 was a Sierra Leonean soldier among them. They tried to explain  
12:38:41 15 to us that we should not be afraid, that they had deployed there  
16 because that place is a strategic place.

17 Q. Do you know the name of the Sierra Leonean soldier who was  
18 with them?

19 A. Yes. I can remember his name. I can remember his name.  
12:38:57 20 He was one Corporal Kamara. They told us that -- he told us he  
21 was among a group of SLAs who had surrendered at Lungi when the  
22 AFRC was in Freetown. He was one of those who entered Lungi. So  
23 he was working with them to make communication easy to speak the  
24 Krio with the people and direct the people.

12:39:21 25 Q. For how long did the deployment stay at Town A?

26 A. You mean the deployment of the ECOMOG?

27 Q. Yes.

28 A. Yes, the ECOMOG were in Town A from March 1998 on to  
29 September of that same year, they were in Town A.



1 Q. Do you know the name of their commander?

2 A. They had different commanders, but I can remember two of  
3 them who were very prominent among them. The first one, when  
4 they entered Town A, that led them was one lieutenant Peter Mala.

12:40:10 5 There was another one who came later whom they called OG.

6 Q. Can you spell the name of the first commander?

7 A. Peter.

8 Q. The surname, please, of the first commander.

9 A. M-A-L-A.

12:40:28 10 Q. And the name of the second commander?

11 A. They just called him OG. OG.

12 Q. Did anything happen while ECOMOG deployment were in Town A  
13 during March to September 1998, in Town A?

14 A. Yeah, so many things happened. At first, when they came to  
12:41:03 15 Town A, they looked friendly, the relationship was good. They  
16 tried to let the civilians have confidence in them, and they were  
17 working to them cordially, but, later, it did not continue like  
18 that.

19 Q. Please explain what you mean by cordial relations between  
12:41:21 20 the civilians and ECOMOG?

21 A. Yeah, cordial relationship in the sense that we used to  
22 have football games. Some would join us to play games together.  
23 I could remember at one time we had a sports, and some of them  
24 were with us, the town sports who supported us financially.  
12:41:41 25 Things like that were going on.

26 Q. Apart from the ECOMOG contingent, were there any other  
27 factions in Town A at that time?

28 A. Yes. When the ECOMOG were in Town A, they tried to  
29 organise and train a group of civil militia, the CDF, whose



1 commander was one --

2 Q. [Microphone not activated].

3 A. Oh, yeah, I don't want to call out his name. I don't want  
4 to say his name. Let me write his name. But that commander was  
12:42:21 5 somebody who was born there. I know him, and he's still there,  
6 so I don't want to call his name. That will endanger my life.

7 Q. Very well.

8 PRESIDING JUDGE: Mr Court Attendant. You've had a look at  
9 that piece of paper, Mr Daniels?

12:44:10 10 MR DANIELS: Yes, Your Honour.

11 PRESIDING JUDGE: He has written a figure there he wasn't  
12 asked to write. Can you ask him what that is about.

13 MR DANIELS:

14 Q. Mr Witness, not only did you write the name, you put a  
12:44:22 15 figure --

16 A. Oh.

17 Q. What figure is that?

18 A. That figure is the name that he's commonly known by, that  
19 figure. That's the name that everybody knows him by. Even  
12:44:33 20 without that name, he could be known by that figure in that area.

21 PRESIDING JUDGE: Yes, what do you want to do with this?

22 MR DANIELS: [Microphone not activated].

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

24 MR DANIELS: We also want that to be tendered, Your Honour.

12:44:55 25 PRESIDING JUDGE: All right. The witness has written down  
26 on a piece of paper the name of the commander of a group of  
27 militia, CDF, in Town A. He has not only written the name, but  
28 the figure by which that commander is also known. That will be  
29 admitted into evidence as Exhibit D21.



1 [Exhibit No. D21 was admitted]

2 PRESIDING JUDGE: I think this might be an appropriate  
3 time. Mr Witness, we're going to have a break for lunch now. I  
4 have to tell you, while you're in the process of giving evidence,  
5 you are not permitted to discuss your evidence or the case with  
6 any other person; is that clear?

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: Thank you. We'll adjourn for lunch and  
9 resume at 2.15.

10 [Luncheon recess taken at 12.49 p.m.]

11 [AFRC19JUL06B - MD]

12 [Upon resuming at 2.17 p.m.]

13 PRESIDING JUDGE: Mr Witness, I will remind you that you  
14 are still on your oath to tell the truth.

14:15:49 15 MR DANIELS:

16 Q. Good afternoon, witness.

17 A. Good afternoon, My Lord.

18 Q. Witness, just before the lunch break you were telling us  
19 about the Civil Defence Force that was set up in Town A. Do you  
14:16:12 20 remember?

21 A. Yes, My Lord.

22 Q. You also told us about a certain gentleman who was the head  
23 of the Civil Defence Force in Town A; do you remember?

24 A. Yes, My Lord.

14:16:38 25 Q. Now, what does the Civil Defence Force mean to you?

26 A. Well, from the understanding which I had, in Town A, Civil  
27 Defence Force was a group of people who were born in the area  
28 where they were, who were working with the ECOMOG troops to  
29 defend their own area. Against the rebels, sorry, the RUF and



1 the AFRC there.

2 Q. So was the Civil Defence Force actually set up?

3 A. Yes.

4 Q. What was its population strength?

14:17:39 5 A. There were more than 40, I believe. Up to 50, or more.

6 Q. Were you a member of the Civil Defence Force?

7 A. No, My Lord. No, My Lord.

8 Q. Apart from the ECOMOG troops in Town A, the Civil Defence

9 Force in Town A, which you've just mentioned, was there any other

14:18:10 10 grouping, any faction, in Town A during the period March to

11 September 1998?

12 A. My Lord, there was no other group, except like I told you

13 earlier on, that there was one SLA who had surrendered in Lungi,

14 who was with the ECOMOG forces.

14:18:36 15 PRESIDING JUDGE: Just pause there, Mr Daniels. I just

16 wish to check whether that voice distortion is still on. Can you

17 confirm that, Mr Court Attendant? Go ahead, Mr Daniels, while

18 he's checking.

19 MR GEORGE: It is, Your Honours.

14:19:31 20 MR DANIELS:

21 Q. Mr Witness, you also told this Court that the ECOMOG forces

22 deployed at the court barri in Town A. Did they deploy anywhere

23 else in Town A?

24 A. Yes, My Lord. The headquarters was at the court barri, and

14:19:53 25 all the major roads leading to Town A, they were deployed there.

26 They created checkpoints at all those areas.

27 Q. You told this Court that the relationship between the

28 ECOMOG and the town populace was very good in the beginning. Did

29 the relationship continue to be good between the ECOMOG forces



1 and the town populace in Town A?

2 A. No, My Lord, it did not continue.

3 Q. I would like you to explain why you say so, and please do  
4 so systematically and take your time.

14:20:50 5 A. My Lord, when the ECOMOG forces were there, and as time  
6 went on, things started changing. They started being suspicious  
7 of the civilians, that they could be passing on information to  
8 their brothers who were in the bush. That's what they were  
9 saying. That kind of suspicion hung over the township, and they  
14:21:29 10 started disturbing the civilians. Sometimes the civilians would  
11 be passing through the checkpoint, somebody would have come from  
12 tapping his palm wine, and they would disturb him. They would  
13 harass them, and it continued that way and, as time went on,  
14 unfortunately, something happened at a place called Sekunia.

14:21:54 15 Q. Can you please spell Sekunia?

16 A. Yes, My Lord. S-E-K-U-N-I-A.

17 Q. Where is Sekunia, if you know?

18 A. Sekunia, I know, My Lord. Sekunia is in the Koindugu  
19 District.

14:22:27 20 Q. How do you know that something happened in the Sekunia  
21 district?

22 A. Well, My Lord, by virtue of the kind of work that I was  
23 doing in Town A, and the location of my house, which is close to  
24 the ECOMOG headquarters in Town A, I was able to get access to  
14:22:56 25 some information from the ECOMOG forces. And --

26 Q. Mr Witness, could you tell us who you got the information  
27 from in the ECOMOG forces?

28 A. Record information, My Lord, what do you mean? I do not  
29 understand you. I've not got you.



1 Q. You just told this court you were able to get some

2 information from the ECOMOG forces?

3 A. Yes.

4 Q. I want to know who gave you that information? Who were you

14:23:26 5 able to get that information from. In particular?

6 A. Yes. Like the commander himself, Lieutenant Peter Mala, he

7 was a friend of mine. I was able to go where he was at the

8 headquarters. We used to talk and there was another one, one

9 whom they called -- his nickname was ABU, meaning Army Brought

14:23:57 10 Up. A-B-U, Army Brought Up. We called him Army Brought Up.

11 Q. What information was given to you by the ECOMOG forces

12 regarding Sekunia?

13 [AFRC19JUL06C-RK]

14 A. They told me that a group of rebels came and attacked

14:24:21 15 Sekunia. And that they came and that civilians cornered with

16 them. They told lies that they were coming to surrender to the

17 ECOMOG forces and when they when entered, later they transformed

18 and killed so many of their brothers that they even killed one --

19 Q. You said that you were told that some rebels killed some of

14:24:47 20 their brothers. What do you mean by rebels?

21 A. Yes. Well, according to them, when they said rebels, they

22 meant all the forces, that is what they were saying. That is

23 what they meant.

24 Q. By brothers who do you mean. You said they killed their

14:25:07 25 brothers?

26 A. They killed, My Lord, they killed Nigerian ECOMOG soldiers

27 who were based at Sekunia according to my source of information.

28 That was what they told me, My Lord.

29 Q. What happened as a result of that?



1 A. As a result of that Sekunia, My Lord, the ECOMOG changed  
2 their relationship to the people in town A. They became very  
3 bloody, very violent to the people. They were causing young men  
4 who were passing through their checkpoints -- they would arrest  
14:26:00 5 them.

6 Q. Hold on. Are you refer to go a particular checkpoint?

7 A. It is all the checkpoints in the township, particularly the  
8 one which was at the headquarters, opposite the court barri, that  
9 is where most of the violence occurred that I witnessed.

14:26:26 10 Q. Did that particular checkpoint have a name?

11 A. Yes, My Lord, it has a name that I can still remember.

12 Q. What was the name of that particular checkpoint?

13 A. He used to call that checkpoint the Jahanama checkpoint,  
14 Jahanama checkpoint.

14:27:08 15 Q. Please spell Jahanama for us?

16 A. J-A-H-A-N-A-M-A.

17 Q. To the best of your knowledge, does the word Jahanama have  
18 any meaning?

19 A. The word Jahanama is an arabic word meaning hell, an arabic  
14:27:26 20 word meaning hell, so when they say Jahanama checkpoint it means  
21 this was a checkpoint that was a gateway to hell.

22 Q. You just told this Court that you witnessed certain  
23 incidents. Can you tell us what you witnessed and where you  
24 witnessed them within town A?

14:27:55 25 A. Yes, My Lord. Like I started saying after that Sekunia  
26 incident the ECOMOG became very wicked. They arrested young men  
27 and asked them to sit on the ground. They beat some up. They  
28 caused some to imitate animals, like dog, that is barking like a  
29 dog. They would say you should swim like a fish in muddy waters



1 that settle around there, they would ask young men to swim in  
2 such waters in my presence. They used to even tell some to lie  
3 on the ground remove your trousers and have sex with the naked  
4 ground. All that happened in my presence to civilians, My Lord.

14:28:46 5 People who were in town A and even the surroundings suburbs of  
6 town A.

7 Q. Mr Witness, do you recall seeing any specific incidents?  
8 Can you mention any names of persons?

9 MR AGHA: Your Honour, I would object to this questioning  
14:29:08 10 on the ground of relevance. This indictment is against the three  
11 accused. There is no indictment or any charges that have been  
12 brought against any Nigerian or ECOMOG soldiers before this  
13 Court. This evidence which is currently read by this witness  
14 would be properly given over to any investigations which there  
14:29:28 15 may be in respect to those forces. But it's certainly not an  
16 issue here about the Nigerians or ECOMOG - they are certainly not  
17 on trial, Your Honour.

18 PRESIDING JUDGE: Yes, Mr Daniels.

19 MR DANIELS: Respectfully, Your Honour, counts 1 and 2,  
14:29:44 20 terrorising of civilian population and collective punishments.  
21 This indictment where Koinadugu, it falls part of the indictment,  
22 and that particular town has been put right across in the  
23 indictment, so we have every right to respond.

24 PRESIDING JUDGE: You are leading this evidence to show  
14:30:01 25 that it may have been other people. That is relevant. I will  
26 allow it.

27 MR DANIELS: Most grateful.

28 Q. Mr Witness, you gave some background information and I  
29 would be grateful if you recall whether you observed any specific



1 incidents taking place in town A?

2 A. Yes, My Lord. In town A along that Jahanama checkpoint,  
3 terrible things happened there. I can remember that on one  
4 occasion one poor school boy was in a podapoda van coming from

14:30:58 5 the provincial headquarter town.

6 Q. Mr Witness.

7 A. Yes.

8 Q. For the benefit of all of us -- - or Mr interpreter, we  
9 would like to know the meaning of podapoda?

14:31:19 10 THE INTERPRETER: Maybe you should ask the witness.

11 THE WITNESS: A podapoda is a public transport van people  
12 normally travel in in Sierra Leone.

13 MR DANIELS:

14 Q. Did you spell that for us?

14:31:32 15 A. P-O-D-A-P-O-D-A.

16 Q. Sorry to interrupt. Please carry on.

17 A. So they stopped that van at Jahanama checkpoint and they  
18 asked people to disembark, woman, men and even old women. All of  
19 them sat on the ground and they brought this school boy out and  
14:32:03 20 said they suspected him to be a spy for the rebels. The boy took

21 out his books, his ID card and tried to show to the ECOMOG  
22 people, but they said, no. They have arrested some people, some  
23 students in Freetown who were collaborating with rebels. That

24 boy was a rebel collaborator. He was a spy. So we all, who were  
14:32:31 25 there, all of us who were there and some of the elders who were  
26 there tried to plead on behalf of the boy because he was crying.

27 We tried to plead on his behalf, they said "no, no, these boys  
28 are bad." They are rebels. So one of the ECOMOG people who were  
29 deployed there, I can still remember his name. They called him



1 fella, he took that boy and took him out of the town, close to  
2 where the male society bush was and they shot the boy and killed  
3 him. And after that --

4 Q. Hold on, Mr Witness. Mr Witness, you just told us that the  
14:33:22 5 victim was shot. Do you know whether he died?

6 A. Yes, My Lord. He died and he was buried there.

7 Q. Where was he buried?

8 A. Near the street society bush, the male secret society bush.  
9 In Town A.

14:33:50 10 Q. How do you know that the boy was a school boy, as you  
11 described him?

12 A. The boy took out his school books and showed it to us. He  
13 took out his school ID card. I took it and looked at it, in fact  
14 that caused me to plead on his behalf. Otherwise I wouldn't have  
14:34:17 15 pleaded on his behalf so that convinced me that he was a student,  
16 because he had an ID card and school books.

17 Q. You said you pleaded for this boy. Who did you plead with?

18 A. I pleaded with Lieutenant Peter who was there. I pleaded  
19 with even Fella, the fellow who insisted that he should be killed  
14:34:49 20 and who eventually killed him, but he did not listen to me at  
21 all.

22 Q. Did Peter Mala do anything about your pleas?

23 A. He did not do anything.

24 Q. Do you remember any other incident?

14:35:10 25 A. Yeah, in that same vehicle where this boy had been brought  
26 out from there was another lady there. As soon as her bag was  
27 searched they it took out a soldiers picture from inside her bag.  
28 They tried to ask her.

29 Q. Did you see the picture yourself?



1 A. I saw the picture.

2 Q. What was the picture of?

3 A. The picture was a picture of a private soldier who was in  
4 his full military uniform.

14:35:49 5 Q. When was this, Mr Witness?

6 A. That happened at the time when the ECOMOG were in town A  
7 after they had deployed there.

8 Q. You were explaining. What happened after the picture was  
9 taken from this lady?

14:36:11 10 A. They brought the woman down. Of course all of them were  
11 sitting on the ground. They started kicking her. Beating her  
12 up.

13 Q. Who started kicking her?

14 A. It was one ECOMOG whom they called the killer. He did  
14:36:33 15 that, the killer. He kicked and kicked and kicked the woman and  
16 the woman said that was her husband. That was her husband, but  
17 that she did not know where he was at the moment. But they said  
18 they should kill her.

19 Q. Was the woman killed?

14:36:50 20 A. Yes, My Lord. They killed that poor woman. They killed  
21 her.

22 Q. How do you know she was killed?

23 A. Well each time they killed a civilian, civilians would  
24 follow them and after they had killed, those who buried came and  
14:37:15 25 told us, because I am afraid of blood. I feel so sorry for them.  
26 So those who went, they told me that they killed and they showed  
27 me the grave and up until now the grave is still there. It is  
28 until recently that we came together to clean the town so that  
29 the spirits of the corpse would not disturb us. So we performed



1 some traditional ceremony just to respect the dead people in Town

2 A?

3 Q. You said you saw the grave? Is that what you said?

4 A. Yes, My Lord.

14:37:50 5 Q. Where is the grave?

6 A. The grave is at the road from Town A going towards Kabala  
7 around a particular junction called Kassasie junction on the  
8 right-hand side of that road. It is there right now. Apart from  
9 that grave, we also have a mass grave there.

14:38:22 10 Q. Can you please spell Kassasie for us?

11 A. K-A-S-S-A-S-I-E.

12 Q. You just told this Court that next to where this lady was  
13 buried was a mass grave. How do you know there was a mass grave  
14 next to where this lady was buried?

14:39:04 15 A. Because the people who had been killed there were many, and  
16 all of them were killed on the same day and they were buried  
17 there.

18 Q. Could you please tell us who was killed on that same day?

19 A. Well, on that same day, that school boy and the lady were  
14:39:25 20 killed, but apart from that, there were other days when they  
21 killed other people again. If the Court permits me, I would like  
22 the Court to know about that.

23 PRESIDING JUDGE: You control the witness and ask the  
24 questions you want to.

14:39:41 25 MR DANIELS: I'm doing that, Your Honour.

26 Q. We would like to know about the mass grave. Please tell  
27 us.

28 A. Well, that mass grave is one of a group of surrendered  
29 soldiers.



1 Q. When you say group of surrendered soldiers, which group of  
2 surrendered soldiers are you referring to? Which army do they  
3 belong to?

4 A. It is the Sierra Leone Army soldiers. Former Sierra Leone  
14:40:22 5 Army soldiers, those who had run away from ECOMOG. When ECOMOG  
6 had come, they had run away into the bushes around Town A and,  
7 later, when they were there, they said they should come and  
8 surrender. Some of them came.

9 Q. Who said they should surrender?

14:40:36 10 A. The ECOMOG told -- -

11 MR AGHA: I object on the grounds of relevance in that,  
12 once again, the ECOMOG were not charged with anything in this  
13 indictment, and it is certainly not a defence, if Sierra Leone  
14 Army soldiers are killed, for their colleagues to take revenge by  
14:40:55 15 killing Nigerians.

16 PRESIDING JUDGE: I think it could be relevant, Mr Agha.  
17 We can assess the weight of it later on, but I think we should  
18 hear the evidence. Go ahead.

19 MR DANIELS: Most grateful.

14:41:09 20 Q. Please carry on.

21 A. So they came into the town and they killed them. They said  
22 they shouldn't waste time with them, that they had killed so many  
23 people in Freetown to support the country, they shouldn't be let  
24 free, so they killed them. I do not know where they were killed,  
14:41:32 25 but those who went there said they were all shot, and it was only  
26 that particular mass grave that is in Town A.

27 Q. I will come to other mass graves, but for the time being,  
28 this particular mass grave. You said they killed them, who  
29 killed them?



1 A. It is the ECOMOG soldiers that killed them.

2 Q. How many of them were killed, if you know?

3 A. This particular one, I do not know the number. They were  
4 many. There was another one whose number I know. They killed

14:42:12 5 24. I know about that.

6 Q. Please tell us about the other mass grave you are talking  
7 about, 24.

8 A. The 24 itself was another group of surrendered soldiers who  
9 had surrendered in Kabala.

14:42:40 10 Q. Mr Witness, how do you know that they had surrendered at  
11 Kabala?

12 A. Because, My Lord, when they brought them to Town A, the  
13 group of ECOMOG people who were with them had a letter and the  
14 driver himself, who brought them, said it. The ECOMOG people who  
14:43:10 15 brought them had a letter that these people were surrendered  
16 soldiers, and when they were carrying them to Makeni, to hand  
17 them over to the brigade.

18 Q. What vehicle were they being conveyed in?

19 A. It's a commercial van in which they were. And the ECOMOG  
14:43:34 20 Land Rover was at the back as they were coming. As they were  
21 entering the town, they were singing along, "Have faith in God.  
22 Have faith in God. Wonderful things will happen to you." I  
23 still remember that song. That was why we all rushed to the  
24 vehicle. In fact, when they saw us, they told us -- we asked  
14:43:48 25 what has happened there, and they said these were surrendered  
26 soldiers.

27 Q. [Microphone not activated].

28 A. Yes, My Lord. They were singing along, "Have a faith in  
29 God."



1 Q. Where were the surrendered soldiers taken to in Town A?

2 A. They brought them down at the Jahanama checkpoint, took  
3 them all to the court barri and made them to sit on the ground.  
4 And, after that, they started --

14:44:24 5 Q. Did you see them as they entered the town; yourself,  
6 personally?

7 A. My house is very close to where the headquarters was. I  
8 saw them. In fact, there was one among them whom I knew who was  
9 involved in that SS car accident. His wife died there. His name  
14:44:49 10 is Sankoh. Even as I'm talking, his children are in the town.  
11 When they kill him, his two other children stayed in the town.  
12 One is called Fati [phon] and the other Michael. They are there  
13 right now. There is a lady there taking care of them. I can  
14 remember him very well.

14:45:06 15 Q. After this group of surrendering soldiers were asked to sit  
16 down at the court barri, did anything happen that you saw?

17 A. Well, ECOMOG started having consultations in different  
18 groups and, later, they decided that he should be killed, that  
19 there is no need to waste time with them, to take them to the  
14:45:26 20 brigadier is a wasting of time, that they should go and wash  
21 them. That is the expression they used; to go and wash them.

22 Q. To use your expression, were the surrendering soldiers  
23 washed, or what did wash mean to you?

24 A. Well, at that time when they said to go and wash somebody,  
14:45:48 25 it was to go and kill you.

26 Q. Were the surrendering soldiers killed?

27 A. Yes, My Lord. After some time, they were all put in a  
28 vehicle and carried towards the Makeni direction. Those who  
29 followed them along said they reached at a place outside Town A



1 around a stream called Kamakeleh. It was there.

2 Q. Spell that.

3 A. K-A-M-A-K-E-L-E-H.

4 PRESIDING JUDGE: I'm not quite sure where you are going  
14:46:40 5 with this, Mr Daniels. What issue is this relevant to?

6 MR DANIELS: My Lord, we have been accused of all sorts of  
7 atrocities in Town A. He was present on the crime base, and we  
8 are just leading evidence to prove that the accused were not  
9 responsible for the atrocities. We are getting to that. In due  
14:47:11 10 course, I'm going to put the specific allegations to the witness,  
11 because he was present throughout the period of the indictment in  
12 the crime base.

13 PRESIDING JUDGE: I do not understand how this massacre of  
14 SLA soldiers fits in. Mr Daniels, I was saying I cannot see how  
14:48:37 15 this evidence you are presently concerned with, which deals with  
16 the killing of soldiers, is relevant to the indictment.

17 MR DANIELS: The allegations are that the accused persons  
18 committed atrocities within Town A, and so far as we are  
19 concerned, by this we are proving that we were not responsible  
14:49:04 20 for those atrocities.

21 JUDGE SEBUTINDE: Mr Daniels, we do not like the vague use  
22 of the word "atrocities." I'm looking at counts 3 to 5 where, I  
23 think, Town A is one of the Towns where it is alleged that  
24 unlawful killings of civilians took place. Unlawful killings of  
14:49:28 25 civilians. The word "atrocities" is not mentioned. It is  
26 unlawful killings of civilians. We are just wondering, this  
27 particular evidence deals with killings of soldiers, and I think  
28 that is where we need to understand you.

29 MR DANIELS: Very well, but the evidence coming from the



1 witness is, indeed, that they were soldiers. But other witnesses  
2 will also be testifying in this Court, and we believe we will be  
3 able to convince this Court that not only were soldiers killed,  
4 but other persons were killed in the crime base, Town A.

14:50:08 5 MR AGHA: Your Honour, may I just add, if I can, by way of  
6 comment. The indictment charge is for killings civilians. If  
7 there is going to be any further witnesses coming to talk about  
8 soldiers being killed, I'm not quite sure how it would be  
9 relevant to actually what the accused are charged with.

14:50:30 10 PRESIDING JUDGE: I'm not quite sure what Mr Daniels is  
11 saying. Are you saying that there might be other witnesses who  
12 would say these victims weren't soldiers, they were civilians?

13 MR DANIELS: That is so. Be that as it may --

14 MR MANLY-SPAIN: If I can assist, Your Honour. Our  
14:50:48 15 position is that with the charges there is evidence of mass  
16 graves, but there's no evidence of what or who are in the mass  
17 graves. The charges that civilians were killed there by the  
18 accused persons, persons under the control of the accused  
19 persons, we are just trying to prove that these mass graves do  
14:51:11 20 not contain civilians -- that they are graves which contain  
21 civilians, but they were not killed by the accused persons or  
22 persons under their control. This is the point we are trying to  
23 prove.

24 MR AGHA: Your Honour, I'm not sure the Prosecution led  
14:51:29 25 evidence of mass graves in Koinadugu District. I stand to be  
26 corrected.

27 PRESIDING JUDGE: I'm not sure, unless I go back through  
28 the transcripts, and that is going to be time consuming.

29 All right go ahead, Mr Daniels, but I would like to see



1 some link-up; a question of relevance.

2 MR DANIELS: Very well, Your Honour.

3 Q. Mr Witness, apart from the surrendering SLA soldiers, who  
4 you've just talked about, were any civilians --

14:52:13 5 JUDGE SEBUTINDE: Sorry, Mr Daniels, there is -- he didn't  
6 finish where these people were led to a stream. Then, we don't  
7 know what happened to them. Do you remember --

8 MR DANIELS: Very well. Very well.

9 Q. Mr Witness, we would be grateful if you could complete your  
14:52:37 10 story about the 24 surrendering soldiers, if my words are right,  
11 who were led to a stream. Did anything happen when they were  
12 lead to a stream?

13 A. Yes, My Lord.

14 PRESIDING JUDGE: Is this witness giving direct evidence  
14:52:56 15 for should the question have been: Were you told about anything  
16 that happened when they were led to a stream, or was he there?  
17 I'd like to know.

18 MR DANIELS:

19 Q. Mr Witness, you've just told this Court that the  
14:53:11 20 surrendering soldiers were led to a stream. Did you see the  
21 surrendering soldiers being led to a stream?

22 A. They brought them in my presence at the court barri. They  
23 were loaded in the vehicle in my presence. They took them to the  
24 riverside. I did not go there, but people who were in the town  
14:53:39 25 followed them to the place. And they said, when they arrived at  
26 this place called Kamakeleh, they asked them to dig their own  
27 graves, and they entered into the grave and they were all shot.  
28 The grave is there right now.

29 Q. You said you were told this information about them digging



1 their own graves. Did you get verified whether that information  
2 was true?

3 A. Yes, people told me. It is not just one who told me. In  
4 fact, one of the people who told me in the town is an elderly  
14:54:24 5 person. It is a respectable person in the town.

6 Q. Thank you. Mr Witness, apart from this last incident you  
7 have just spoken about, are you aware of any incidents in -- any  
8 other incidents that took place in [redacted] concerning the -- I  
9 beg your pardon, in Town A. Again, I plead for that to be  
14:54:56 10 redacted.

11 PRESIDING JUDGE: That town should be redacted from the  
12 transcript.

13 THE WITNESS: Yes, My Lord. I can remember another  
14 incident that took place wherein one civilian, one fellow, who,  
14:55:17 15 together with others, had run away from Bo, was a Rastafarian,  
16 commonly known as Bingi I.

17 Q. Spell that for us, please, his name.

18 A. B-I-N-G-I and then I. Bingi I.

19 Q. Please carry on.

14:55:41 20 A. Bingi I was in Town A with the civilians. Even when ECOMOG  
21 came, he was still there; he did not run away, because I believe  
22 that he knew that he was not a bad person. He was with the  
23 people in the town. But, there came a time after that  
24 [indiscernible] attack that I had earlier spoken about, the

14:56:05 25 ECOMOG came and said that this man, they suspected him to be an  
26 informant for the rebels in the bush. So, one morning I remember  
27 that they went and took him from his house where he was in Town  
28 A. They brought him and they said they were taking him to  
29 Freetown, from what I learned from the people when he came. They



1 brought him to the checkpoint. I myself went there. And they  
2 brought him and they said they are not satisfied with him. He  
3 was a spy for the rebels. The man tried to explain to them,  
4 that, no, he was not a spy. In fact, he was smiling. Then he  
14:56:52 5 was slapped. Killer was the first person who slapped him that I  
6 saw.

7 Q. [Microphone not activated].

8 A. He was an ECOMOG called the Killer. He was the first one  
9 to slap him and he kicked him. He took his gun butt and hit him  
14:57:08 10 with it and the man fell on the ground. The man was begging. It  
11 happened under a pear tree that was in front of the court barri  
12 close to the checkpoint. After that, the commander too who was  
13 on the ground, Lieutenant Peter Mala, he asked for a scissors.  
14 He took that scissors and cut off his dreadlocks on his head. He  
14:57:33 15 said the man was a dirty man. In fact, he was somebody who was  
16 not putting on slippers. He did not eat any food that other  
17 people eat. He just ate vegetables; he was vegetarian. They  
18 said they were not satisfied with him. After that, he commanded  
19 his people to go and kill the man. I can still remember, My  
14:57:52 20 Lord.

21 Q. How do you know that Peter Mala commanded his people to go  
22 and kill the civilian, or Bingi I?

23 A. My Lord, it happened in my presence. I was standing there.  
24 It happened in my presence, right in my presence. I was stand  
14:58:12 25 there. And the man was going -- in fact, we tried to plead, but  
26 there was no way. He was going, and he was singing along. I can  
27 still remember. He was singing a song which was sung by a reggae  
28 artist, Joseph Fields.

29 Q. [Microphone not activated].



1 A. "No cry, oh, sufferers. No cry, oh, sufferers. Things  
2 will be all right." He was singing along as he was being led.  
3 As they led him along, they reached a point just opposite my own  
4 house where I was staying. In fact, I couldn't withstand and I  
14:58:49 5 ran into my house, and the ECOMOG who was taking him along,  
6 started shooting him. They shot at him rapidly, and the man fell  
7 on the ground on top of a dust bin under some banana trees, and  
8 they told the elders in the town to ask civilians to go and bury  
9 him. It was so pathetic. They dragged him like a dog. They  
14:59:14 10 held him on his foot and they were dragging him along. There was  
11 a trench which had been dug by the ECOMOG outside the town. That  
12 is where they buried the man. I can still remember vividly, in  
13 fact, as I'm explaining right now.

14 PRESIDING JUDGE: Mr Witness, I'm just a little puzzled  
14:59:33 15 about the status of your involvement in all of this. Didn't you  
16 tell us that commander Peter Mala was a friend of yours?

17 THE WITNESS: Yes. I did not say he was my friend, but I  
18 said I had close something to him.

19 PRESIDING JUDGE: [Microphone not activated].

14:59:53 20 THE WITNESS: Yes, My Lord.

21 PRESIDING JUDGE: [Microphone not activated] did you say he  
22 was a friend of yours?

23 THE WITNESS: Well, when I say a friend, it's not like that  
24 kind of friend, but as I could be able to influence him of his  
15:00:06 25 actions, sometimes. But there were some times when I was able to  
26 talk to him then he would release some people. I succeeded in  
27 doing that, and it was by virtue of the kind of work that I was  
28 doing at the place that he that kind of respect for me, but on  
29 that particular occasion, I was unable to succeed.



1 MR DANIELS:

2 Q. Was Bingi I actually buried?

3 A. They dropped him into that trench that I talked about and  
4 they covered him there. It was the civilians that covered him in  
15:00:55 5 that trench.

6 Q. Now, Mr Witness, I want you to take your mind back to the  
7 month of May 1998. Do you remember anything of significance  
8 happening in Town A in May 1998?

9 A. Yeah, I can remember the month of May, 1998. When the  
15:01:37 10 first attack happened in Town A on 22nd May 1998, 22nd May 1998,  
11 it was on a Friday, I can remember, when the first attack was  
12 launched upon Town A.

13 Q. Were you in Town A on 22nd May 1998?

14 A. Yes, My Lord, I was in Town A on that very day.

15:02:18 15 Q. You spoke of an attack on Town A. What time was this  
16 attack?

17 A. This attack took place in the morning at around half past  
18 seven to 8.00 in the morning. In fact, we got the news about the  
19 attack around half past six going to 7.00.

15:02:38 20 Q. When somebody came from a town, about three miles along the  
21 highway, he came running and informed the ECOMOG that the rebels  
22 are around, that they had slept in his own town and they were  
23 heading for Town A, but the ECOMOG -- in fact, they were --

24 MR DANIELS: The second accused would like to use the  
15:03:04 25 restroom.

26 PRESIDING JUDGE: Yes. Mr Kamara, you can leave the  
27 courtroom. How is this witness able to say what was told to  
28 ECOMOG?

29 MR DANIELS: I'm just going to clarify.



1 Q. You've just told this Court that you got some information  
2 that the rebels were about to attack Town A. How are you able to  
3 tell us this information? Where did you get this information  
4 from?

15:03:33 5 A. When they came to the place, when that man came to the  
6 place, I had just come from my own place of work, which was very  
7 close to the headquarters and --

8 Q. The man you are talking about, where was he coming to?

9 A. He was coming from a town whose name I can write now which  
15:04:01 10 was three miles away from Town A.

11 Q. Where was he coming to?

12 A. He had come -- when I knew, he had come and told the ECOMOG  
13 that the rebels were coming. In fact, the way the ECOMOG were  
14 behaving when they held the man --

15:04:14 15 Q. Were you there when he came?

16 A. When the man came, I was at my place at work. I was at my  
17 place of work. I was just doing my work on that morning when he  
18 came, and they had already arrested him when I had finished doing  
19 my work. I came out and I saw him there. Other people were

15:04:31 20 around and I went there to know what had happened, and the man  
21 explained. And the ECOMOG said that he was telling lies. In  
22 fact, I was angry with the man that he had made us all --

23 Q. What did the man tell the ECOMOG, that you heard?

24 A. My Lord, the man told ECOMOG that the rebels had come  
15:04:55 25 during that night in his own town and that they were around.

26 That was what he came and told ECOMOG, but they took it that --  
27 out of panic. I myself was angry with the man because he caused  
28 me to be panic.

29 Q. After this man told the ECOMOG that the rebels were coming,



1 do you know where the rebels were supposed to be coming to?

2 A. Well, the direction from which the man had come from, his  
3 own town, it was along the highway. So we all knew it was from  
4 that direction that they were coming. That is from the Kabala

15:05:39 5 access, from the Kabala access.

6 Q. To where? Where were they coming to?

7 A. They were coming to Town A.

8 Q. Did the rebels eventually come to Town A?

9 A. Yes, My Lord. They came to Town A at around half past 7.00  
15:06:01 10 going to 8.00. They were already in Town A, because a group of

11 civilians, My Lord, were coming and they had loads on their  
12 heads. They were running in front them. They were saying, "They  
13 are behind us. They are behind us," and it was at that time that  
14 the ECOMOG rushed to go and block the civilians, and we started

15:06:23 15 hearing shooting from behind. I, too, ran to my house and  
16 collected some loads, because, by then, my bag was packed. So I  
17 just took my bag, went down under the palm trees. My wife was  
18 with her mother, so I told her, and we all ran away. It was not  
19 long shooting had engulfed the down. There was shooting all over

15:06:54 20 the town. One the CDF who was --

21 Q. Do you know who the rebels were?

22 A. Yes, My Lord. I later knew that the rebels who were  
23 attacking Town A on 22nd May 1998 were the RUF rebels. RUF,  
24 members of the RUF.

15:07:18 25 Q. How do you know that they were members of the RUF who  
26 attacked Town A on 22nd May 1998?

27 A. My Lord, after the attack, when I finally returned to the  
28 town the next day, it was written on the unburnt houses, "RUF  
29 heading for Freetown" and --



1 Q. Hold on. Did you see the writings yourself?

2 A. I saw. I saw the writings themselves. I saw them with my  
3 own very eyes. It was not only that --

4 Q. Where exactly were the writings?

15:08:05 5 A. One house in Town A around the market area had that  
6 writing. The writing was also on the court barri where the  
7 ECOMOG headquarters were and they even added "no Sankoh, no  
8 Sierra Leone, no RUF, no peace."

9 Q. What happened when the RUF, in your own words, attacked  
15:08:36 10 Town A?

11 A. I didn't understand the question.

12 Q. Did anything happen in Town A when the RUF attacked it on  
13 the 22nd?

14 MR AGHA: Object to that Your Honour, he said he wasn't  
15:08:53 15 there.

16 PRESIDING JUDGE: Yes, I will not allow the question in  
17 that form.

18 MR DANIELS:

19 Q. Where did you go to on that day?

15:09:06 20 THE WITNESS: On the day of that attack, I went to the bush  
21 towards one village, not too far. That was where I was in the  
22 bush. And it was in that bush that we slept that day and the  
23 next day in the morning we came to town.

24 Q. The next day in the morning, which town did you go to?

15:09:34 25 A. I went to the bush. I said I was in the bush, very close  
26 to one village. The next day we came to town when the civilians  
27 said that the people had gone.

28 Q. What town did you come - that is what I'm asking you  
29 please - the next day you came to town, you came to which town?



1 A. Town A. Town A. I came to Town A.

2 Q. When you came to Town A, did you see anything the day you  
3 returned on the 23rd?

4 A. When I came, the first thing I did was to run to my house  
15:10:08 5 and see. I met my house was burnt down. In fact, there was  
6 still fire in some part of the house where I had my rice store.  
7 The rice was still burning in the store. From there I tried to  
8 go to my place of work, because I had locked the door and I  
9 realised that the door was broken. I tried to watch inside, but  
15:10:33 10 I realised they didn't take anything and no sooner I tried to  
11 come out from my place of work, that was the time I heard a sound  
12 overhead. I tried to watch up, I saw two Alpha Jets flying over.  
13 When I tried to look up again, I saw the Alpha Jets passing over.  
14 They showed a red light. I became happy, I said "thanks be to  
15:11:09 15 Allah, they have now come to drag the people off from us," and I  
16 thought they were not going to attack again. They did not stay  
17 long, then the Alpha Jets started dropping bombs into the town.  
18 Q. Hang on, Mr Witness. You said you saw the Alpha Jets  
19 dropping bombs into the town. Into which town are you referring  
15:11:39 20 to, where are you referring to?

21 A. I'm referring to Town A, My Lord, Town A, Town A.

22 Q. Did anything happen as a result of the Alpha Jets dropping  
23 bombs in Town A?

24 A. Yes, as a result of the bombs dropped by the Alpha Jets,  
15:12:06 25 part of the Westlion Church of Sierra Leone in Town A was damaged  
26 and not only that, an elderly woman, who was Mammy Amie, the  
27 Alpha Jets cut off her mouth and she fell and died. It was on a  
28 street called Manikalia in Town A, the old woman died.

29 Q. Can you spell that last word, the name of the street?



1 A. M-A-N-I-K-A-L-I-A, Manikalia.

2 Q. Apart from the church building, that you said was on fire  
3 as a result of the ECOMOG bombings, did any other damage take  
4 place in Town A?

15:13:06 5 A. My Lord, I'm not saying the church building was on fire. I  
6 said part of it was damaged.

7 Q. Did any other damage occur in Town A?

8 A. Well, houses were damaged, for instance a house that  
9 belonged to one Pa Alhaji, along the highway, going towards  
15:13:35 10 Makeni was badly damaged.

11 Q. As a result of?

12 A. As a result of the bombing of the Alpha Jets.

13 Q. Do you know about how many houses were damaged within Town  
14 A as a result of the ECOMOG Alpha Jet bombings?

15:14:02 15 A. Well the church building, part of the church building we  
16 had, Pa Alhaji's house was another one and there was another  
17 house down towards the street. It was also damaged. I can  
18 recall there were about three houses.

19 Q. Where were the ECOMOG troops when Town A was being attacked  
15:14:34 20 by the rebels?

21 A. My Lord, after the attack, I understood that the ECOMOG  
22 troops pulled out and went towards Kabala direction.

23 Q. Did anything happen after that in Town A?

24 JUDGE SEBUTINDE: But you have not laid any foundation for  
15:15:01 25 this knowledge, sir.

26 MR DANIELS:

27 Q. Mr Witness, you have just told this Court that you got  
28 information that the ECOMOG troops pulled out to Kabala, how do  
29 you know?



1 A. Now, I knew that the very day the attack took place and  
2 earlier that time one of the members of the Civil Defence Forces  
3 who was fighting along with them, he came and told us in fact he  
4 was not having a gun. Maybe he threw his gun over somewhere. He  
15:15:38 5 said we should run away. The ECOMOGs have run away towards  
6 Kabala area. The rebels have taken over.

7 Q. Did you eventually get to find out whether what he said was  
8 true?

9 A. Yes, later, after they had come back to the town, later. I  
15:16:06 10 knew that they went there.

11 Q. When did they come back to the town?

12 A. They came back to the town on the 24th. On the 24th.

13 Q. Of?

14 A. Of May, 24th of May they came back to the town. Before  
15:16:27 15 they came, in fact after the Alpha Jets had gone back on the  
16 23rd, a group of Guinean soldiers who were based at Kabala, they  
17 also came to clear the town and when they came.

18 Q. Mr Witness, you said a group of Guineans soldiers came to  
19 clear the town. Did you see this group of Guinean soldiers, did  
15:16:52 20 you see them yourself?

21 A. I did not see them with my own eyes, because by then the  
22 kind of bombardments that they entered with, nobody could  
23 withstand that, so we all went. It was when we came back later  
24 the ECOMOG had gone that people told us that it were the Guineans  
15:17:12 25 who came. And in fact they were ambushed on the way.

26 Q. Who told you?

27 A. It was the town where they laid the ambush, it was the  
28 people who told us and later some forces who went to Kabala told  
29 us that they did. Some hospital sources.



1 Q. Mr Witness, after -- I withdraw at that question. Do you  
2 know whether the attack on Town A on 22 May, do you know whether  
3 the rebels were with any other group or do you know whether they  
4 came alone?

15:17:56 5 A. Well, from people who were captured, who were taken away,  
6 when they returned, they told us it was the RUF, just the RUF and  
7 that they had a commander who led the group that attacked Town A  
8 on 22 May whose name was Komba Gbundema, he led them. In fact  
9 one of the people who told me --

15:18:23 10 Q. Please spell the name you just called out?

11 A. Komba K-U-M-B-A [sic], Gbundema G-B-U-N-D-E-M-A.

12 Q. Did you get to verify whether indeed it was Komba Gbundema  
13 that led the attack on Town A on 22 May 1998?

14 A. My Lord, one amongst the people who was taken away, as far  
15:19:09 15 as where they came from, they said they came from all the way  
16 Kono at a place called Kaima. He was able to escape and come  
17 back. In fact, at present he is a primary school teacher in Town

18 A. He came and explained to me even a lady who was killed, his  
19 brother, he was burnt in one of the houses during the attack. He  
15:19:27 20 also confessed to me that, indeed, that was the man who led the  
21 attack.

22 Q. Mr Witness, after this incident of 22 May 1998 did anything  
23 else happen in Town A?

24 A. Well, after that incident, the ECOMOG came back to Town A  
15:20:09 25 and life was no longer easy for people, so many houses were now  
26 destroyed and the relationship with ECOMOG was no longer cordial.  
27 In fact it had become worse, there was no trust, the condition of  
28 life for the people became deplorable.

29 Q. When ECOMOG returned to Town A did anything happen?



1 A. When they returned to Town A, My Lord, I cannot recall  
2 anything significant that took place. I can't recall.

3 Q. Do you remember anything taking place in September 1998 in  
4 Town A?

15:21:06 5 A. Yes, My Lord, I can recall. In September, September 11,  
6 1998.

7 Q. Where were you?

8 A. That was -- I was in Town A and I was not now in a  
9 particular house where I was managing life, because the first  
15:21:32 10 house was burnt down. That was where one of the ECOMOG soldiers  
11 informed me that they understood that the rebels were around the  
12 Kabala axis, leading to Town A and that they had plans to attack.

13 Q. Which ECOMOG soldier told you this information?

14 A. I had a Nigerian friend with whom we all were going to pray  
15:22:08 15 together whose name was brother Assien [phon]. He told me that  
16 and another fellow who was called Michael. He was also an ECOMOG  
17 soldier. He also confirmed that they were around and therefore  
18 we packed up our things and sent them out of the town and we were  
19 like that. That happened on the 10th and on the 11th of

15:22:37 20 September, very early in the morning at around 1.30 a.m., they  
21 attacked the second time and that was -- during that attack the  
22 paramount chief was killed and he was even burnt in his house.

23 Q. Hang on, Mr Witness. Who attacked on this -- did I hear  
24 you say 12th of September?

15:23:03 25 A. No, I said -- My Lord, I said 11th of September.

26 Q. Who attacked the Town A and killed the paramount chief?

27 A. Well, later, after the RUF had finally occupied Town A,  
28 they came and confessed, some of the RUF people. Like, the first  
29 commander on the ground, he confessed that they killed the



1 paramount chief and they killed him because --

2 Q. When you say later, how later? What are you talking about  
3 that you heard? How later after the incident?

4 A. Well, after the attack on the 11th of September, when the  
15:23:57 5 paramount chief was killed, the ECOMOG finally moved out of Town  
6 A and, from that time, Town A was no man's land. There was no  
7 ECOMOG, no police, no rebel. The civilians just lived by  
8 themselves until later when the RUF came and occupied Town A.

9 Q. Who told you? You said they confessed. Who confessed?

15:24:38 10 A. I have told you that some of the RUF people, even the  
11 commander who was there, CO Stone. CO Stone, he said it. They  
12 killed the paramount chief because he didn't use his position as  
13 paramount chief to stop the ECOMOG from deploying there, and that  
14 they were even killing people there and that is why they punished  
15:25:06 15 him.

16 Q. Are you able to give us the name of the paramount chief?

17 A. I would want to write it. I don't know if -- it should be  
18 all right if I say it. I want the Court to give me advice.

19 Q. We shall move on. Do you think if you say it your security  
15:25:38 20 will be at risk?

21 A. Well, I don't know, because if I want to call his name,  
22 they will know that Town A is a so-so town and they will know the  
23 paramount chief, and they will know that he was the person who  
24 was killed at that time.

15:25:59 25 MR DANIELS: This will be the last application for --

26 PRESIDING JUDGE: Can the Court Attendant provide paper and  
27 something to write with. Yes, Mr Daniels, what do you wish to do  
28 with this?

29 MR DANIELS: We wish to tender it.



1           PRESIDING JUDGE: All right. This piece of paper on which  
2 the witness has written the name of the paramount chief, said to  
3 be killed by the RUF, will be admitted as D22.

4                               [Exhibit No. D22 was admitted]

15:29:13 5           MR DANIELS:

6       Q.    Mr Witness, in respect of this second attack that you  
7 referred to on 11 September 1998, apart from the killing of the  
8 paramount chief, did anything else happen in Town A?

9       A.    Yes, My Lord. They burnt down houses.

15:29:41 10       Q.    Before you continue on the burning of houses, do you know  
11 how many houses were burnt down?

12       A.    I cannot recall the number. I will not be able to show you  
13 the exact number, but there were plenty, plenty of houses were  
14 burnt.

15:29:55 15       Q.    Did anything else happen apart from the burning of the  
16 houses and the killing of the paramount chief in Town A in the  
17 second attack?

18       A.    They killed two other civilians, whom I can recall. A boy  
19 who was a mad boy, he was not that all right in the head, and  
15:30:16 20       another boy who was out of the town. And, later, his relatives  
21 said that it was the ECOMOG people who fired him because he was  
22 running behind them at night, so they said he was shot at.

23       Q.    Apart from the killing, the burning, did anything else  
24 happen in Town A?

15:30:44 25       A.    They took away so many properties that were stolen from the  
26 people. They took them away.

27       Q.    In respect of the second attack, do you know --

28                JUDGE SEBUTINDE: I'm not sure, who is "they."

29                MR DANIELS:



1 Q. For clarity sake, Mr Witness, you just told us that they  
2 carried away properties. Could you explain who you mean by  
3 "they"?

4 A. I mean the RUF who attacked, they took away properties.  
15:31:21 5 Those are the ones I mean.

6 Q. How do you know that the RUF took away properties?

7 A. Because so many people told me that their properties were  
8 taken away. So many people in the town told me that their  
9 properties were taken away.

15:31:45 10 Q. I was asking the question: Do you know whether any other  
11 group were involved together with the RUF on that attack on 22nd  
12 May 1998 -- on 11 September 1998?

13 A. My Lord, if there was any other group involved, I don't  
14 have any knowledge about that, because the attack took place at  
15:32:10 15 night. And it was only when they came back that they confessed  
16 with their own mouth and told us that they attacked and killed  
17 the paramount chief. That was how I came to know that it was the  
18 RUF. So I don't know whether there was any other group involved  
19 in that particular attack.

15:32:31 20 Q. Mr Witness, the first accused in this trial is referred to  
21 as Alex Tamba Brima, aka Gullit. The second accused is referred  
22 to as Ibrahim Bazy Kamara, and the third accused is referred to  
23 as Santigie Borbor Kanu, alias Five-Five. In the indictment  
24 against them, in paragraph 47, it is alleged that between  
15:33:13 25 February 1998 and 30 September 1998 they, together with the RUF,  
26 carried out various killings in Town A. What do you say?

27 A. My Lord, I don't believe, and I don't agree that those  
28 three people you have called were involved in the things you have  
29 read. In fact, the three people, I never saw them with my own



1 eyes. In fact, up to this moment, even if they appeared before  
2 me here, I don't even know them. And nobody ever told me that  
3 they saw them there, or that they ever saw them commanding troops  
4 to do that. The people that I know, that I heard about, people  
15:34:17 5 calling their names, those are the names I have called in this  
6 Court. I have taken an oath and swore before this Court about  
7 the people that I saw. I have told you I saw -- I heard about  
8 Komba Gbundema.

9 Q. Thank you, Mr Witness. In paragraph 53 of the indictment,  
15:34:44 10 the three accused persons are alleged, together with the RUF, to  
11 have raped an unknown number of women in various locations,  
12 including [redacted]. I beg your pardon. Could that be redacted  
13 once again.

14 PRESIDING JUDGE: I think this is number five, Mr Daniels.  
15:35:06 15 We will order that town name be redacted from the transcript.

16 MR DANIELS:

17 Q. I will start again. In paragraph 53 of the indictment,  
18 it's alleged that the three accused, together with the RUF, raped  
19 an unknown number of women, at various locations, including Town

15:35:33 20 A. What do you have to say to that?

21 A. I don't know anything about that that took place there,  
22 that those people did it. I don't know about that. And I don't  
23 think they ever did that kind of thing there.

24 Q. Mr Witness, in paragraph 65 of the indictment, it is  
15:35:58 25 alleged that the accused persons, together with the RUF,  
26 routinely conscripted boys and girls under the age of 15, trained  
27 them in various AFRC/RUF camps, and conscripted these young  
28 persons from towns, including Town A. What do you say?

29 A. That is not to my knowledge, that they recruited people



1 over there who joined the RUF or AFRC below 15. I don't think  
2 that's happened. I know the CDF trained people there. The RUF,  
3 too, when they were there, they trained people there, and those  
4 were also not kids, they were adults.

15:37:07 5 Q. In paragraph 66 of the indictment, it is alleged that the  
6 accused, together with the RUF, engaged in widespread and large  
7 scale abductions of civilians and the use of civilians as force  
8 labour between the period 14 February 1998 and 30 September 1998  
9 at various locations, including Town A. What do you say that?

15:37:32 10 A. It never happened that way, My Lord.

11 Q. Why do you say so?

12 A. Because those people never went there. The people, even at  
13 the time when those things took place there, it was RUF that was  
14 there. I can still recall. The RUF commander, when those things  
15:37:53 15 were happening there in Town A, there was Colonel Stone, Colonel  
16 Bayoh, and one Liberian who was called CO Marvy. They were  
17 there. We know them. Just ask any other person in Town A, they  
18 will tell you the same thing.

19 Q. Could you spell the names of the last person you have  
15:38:09 20 referred to, apart from Stone. Stone, I believe, we can all  
21 spell. You mentioned two others.

22 A. Colonel Bayoh B-A-Y-O-H, and CO Marvy, M-A-R-V-Y. He's a  
23 Liberian.

24 Q. Finally, on this indictment it is alleged that the accused  
15:38:43 25 persons, together with the RUF, between the period 14 February  
26 1998 and 30 September 1998, engaged in widespread looting and  
27 burning of civilians homes in various locations, including  
28 Town A. What do you say?

29 A. I am not saying it never happened in some other places, but



1 I don't think that it happened in Town A, that these people did  
2 it in Town A. It happened in Town A, but it was not those people  
3 who were responsible. The RUF may have caused that, but the CDF  
4 themselves, that were trained by ECOMOG, did the same thing.

15:39:24 5 Q. Mr Witness, finally, where were you during the 14 February  
6 1998 to 30 September 1998, where were you?

7 A. My Lord, I have told you that I went to Town A on the 5  
8 September 1997 and I was there until the disarmament time.  
9 Throughout I was there. If I move out of the Town A, I will only  
10 go to the surrounding villages briefly and then come back because  
11 my presence also was helping people to live there well, because  
12 of -- by virtue of my position in Town A.

13 Q. Mr Witness, I thank you for your time. My learned brother  
14 on the other side will be asking you some questions.

15:40:19 15 A. Thank you, My Lord.

16 CROSS-EXAMINED BY MR AGHA:

17 Q. Witness, I will just be asking you a few questions, so if  
18 you could answer them as concisely as you can, which may even  
19 mean an answer of yes, no, or I don't know, okay?

15:40:44 20 A. Yes, My Lord, I will try.

21 Q. In February 1998, after the intervention, persons wearing  
22 military combat uniforms arrived at Town A, didn't they?

23 A. Yes, My Lord.

24 Q. These persons wearing combat uniforms were members of the  
15:41:10 25 SLA, weren't they?

26 A. My Lord, I will not be able to tell you that they were  
27 SLAs. They were mixed; some were civilians, some on uniforms,  
28 some never had uniforms.

29 Q. Some of them would have been SLA?



1 A. Yes, My Lord, some of them were SLAs. Some of them were  
2 running away for their lives. They were SLAs.  
3 Q. Now, how far is Kabala from Town A, roughly?  
4 A. About 23 miles, about 23 miles.  
15:41:55 5 Q. Are you familiar with Kabala?  
6 A. I'm very familiar with Kabala. That is where I did my  
7 secondary school education.  
8 Q. Now, I want to come and ask you about the first ECOMOG  
9 attack on Town A? Did you personally see any ECOMOG bomb hit  
15:42:19 10 Town A?  
11 A. My Lord, I was not in the town when ECOMOG entered. I was  
12 2 miles off, but I heard the bombardment. It was so heavy.  
13 Q. The question was: Did you personally see any ECOMOG bomb  
14 hit Town A? The answer is yes, or no, or you don't know.  
15:42:45 15 A. I the first attack I never saw it with my own eyes, My  
16 Lord.  
17 Q. Again on the first attack, did you personally see with your  
18 own eyes ECOMOG forces kill anyone in Town A?  
19 A. I was not there when they killed people. People came.  
15:43:03 20 Those who were there, when I came they showed me the people who  
21 were killed.  
22 Q. You didn't personally see?  
23 A. No, My Lord.  
24 Q. Did you personally see any ECOMOG forces set anyone on fire  
15:43:18 25 in Town A?  
26 A. I didn't see it with my own eyes, My Lord. It was the  
27 people who showed me the people who were burnt.  
28 Q. I'm asking you about what you saw. If you listen to the  
29 question carefully, then the answer can be quite fast, hopefully.



1 Did you personally see any Nigerians or ECOMOG kill any

2 surrendered SLAs?

3 A. My Lord, I did not see somebody killed.

4 Q. You didn't see any SLAs being killed, did you, personally?

15:44:05 5 A. I did not see them kill SLA in my presence. They killed

6 SLA, but when I came, people told me.

7 Q. Now, after passing through Town A the junta forces had gone

8 in the direction of Kabala, hadn't they?

9 MR DANIELS: Objection. There is no evidence of junta

15:44:30 10 forces.

11 PRESIDING JUDGE: Yes, I think you will have to see if he

12 knows what junta forces means.

13 MR AGHA:

14 Q. You have spoke been to the investigators or lawyers for the

15:44:48 15 Defence; is that right?

16 A. If I spoke with lawyers? I was never spoken with any

17 lawyer, My Lord.

18 Q. Okay. Did you mention to anyone you spoke to about junta

19 forces?

15:45:06 20 A. I did not get you, My Lord.

21 Q. Have you ever spoken to anyone from the Special Court and

22 used the term junta forces?

23 A. I have never used that term junta forces to anybody who

24 works with the Special Court, to the best of my knowledge, My

15:45:32 25 Lord.

26 Q. Now the Defence have provided us with a summary of your

27 evidence of presumably what you were speaking to people at the

28 Special Court about. On the summary, page 2, paragraph -- second

29 paragraph it says. I will read it to you, because this is what



1 allegedly you said. "The ECOMOG forces continued their  
2 advance" --

3 MR DANIELS: Objection. Not to interrupt, but just that  
4 the summary is not what the defendant [sic] said. It is a  
15:46:15 5 summary of -- it is not his precise words.

6 PRESIDING JUDGE: Well, he is being asked if he said what  
7 is going to be put to him. He can answer that. Go ahead,  
8 Mr Agha.

9 MR AGHA:  
15:46:27 10 Q. Did you say "The ECOMOG forces continued their advance  
11 towards Kabala against the junta forces who had gone that  
12 direction."

13 A. I don't think I said that. I said in my statement to the  
14 person who was writing that the ECOMOG were running after the  
15:46:50 15 people who were running -- some were in military uniform, some  
16 were in civilian uniform. I never used that term junta forces,  
17 My Lord.

18 Q. You put it to you that you did use that term junta forces?

19 A. My Lord, it is possible that the person who was writing  
15:47:16 20 must have interpreted my own words and used that word, but I  
21 never used that word, to the best of my knowledge.

22 Q. What do you understand by the word junta forces?

23 A. Well, junta force is a word that I used to hear people use  
24 and I don't really understand what they mean, but I think they  
15:47:45 25 were referring to people who were fighting, who were in the bush  
26 fighting, something like that.

27 Q. So in the bush who you were fighting -- well, I withdraw  
28 that. What do you understand by the term rebels?

29 A. The rebel, I have told you there are a group of fighters



1 who have started fighting in this country since 1991 under the  
2 command of Corporal Foday Sankoh. They were fighting against the  
3 corrupt regime in this country.

4 Q. I'm coming toward 1998. Who did you understand made up the  
15:48:32 5 rebels in 1998?

6 A. The rebels was the RUF that I knew.

7 Q. I put it to you that the rebels also included some members  
8 of the Sierra Leone Army.

9 A. My Lord, I used to hear that there was the SLA and there  
15:48:57 10 was the rebel, and they said the SLA and the rebels. That was  
11 what I used to understand, My Lord.

12 Q. Did you understand them working together?

13 A. My Lord, of course, at some point when they were in  
14 Freetown, after Sankoh had told them to come, they were together,  
15:49:21 15 and I want to believe that even the time they move out of  
16 Freetown, they were together, something like that.

17 Q. Okay. Now, you were not personally present when the attack  
18 on Town A happened on 22nd May, were you? You were not present  
19 on 22 May when Town A was attacked, were you?

15:49:48 20 A. I was in the town when he heard about the attack and,  
21 before the firing started, I had moved out.

22 Q. Right. So you weren't in the town when the firing started;  
23 right?

24 A. No, My Lord. I was not in the town when the firing had  
15:50:07 25 intensified. They had taken over the town. I was not there now.

26 Q. Were you there when a single shot was fired?

27 A. I was there when the shooting started. Along the road  
28 leading to the Kabala area, I was in the town when the shooting  
29 started. When I heard the firing, that was the time I ran away



1 through the palm trees.

2 Q. So you were not present in Town A when firing started in  
3 Town A, were you?

4 A. I was not in Town A when the shooting started. I have told  
15:50:46 5 you, My Lord, that I was there when the shooting started towards  
6 the Kabala area, but by the time it intensified, I had tried to  
7 escape from the town. I ran away towards my wife's mother's  
8 area. I was trying to pull out of the town.

9 Q. That is fine. If you could keep the answer short and  
15:51:06 10 concise. So you did not personally see anyone who attacked Town  
11 A, did you?

12 A. No, My Lord.

13 Q. I put it to you that it was a mixture of RUF and SLA  
14 soldiers who attacked Town A on 22nd May.

15:51:32 15 A. I didn't get the question clear, My Lord.

16 Q. I'm suggesting to you that, as you were not there, it was a  
17 mixture of rebels, RUF, and SLA who attacked Town A on 22nd May?

18 A. My Lord, I don't want to agree with you with that because  
19 the eyewitnesses who, came what they told us, they said it was  
15:52:03 20 the RUF, led by one Komba Gbundema. Even when they came back,  
21 they said it with their mouth that they were the ones who did it,  
22 My Lord.

23 Q. What about you, did you see the attackers?

24 A. I didn't see, My Lord. I didn't see.

15:52:26 25 Q. Now, ECOMOG, or the Nigerians, as you sometimes referred to  
26 them, stayed in Town A roughly between March and September 1998,  
27 didn't they?

28 A. Yes, My Lord.

29 Q. And during this period, the ECOMOG forces, or the



1 Nigerians, suspected some people of being spies, didn't they?

2 A. Yes, My Lord.

3 Q. They suspected them of being junta spies, didn't they?

4 A. Yes, My Lord. According to what you have said about the  
15:53:01 5 junta, yes, My Lord.

6 Q. Now, you mentioned you are familiar with this area and that  
7 would also include Kabala. Now in May, June and July of 1998 SAJ  
8 Musa was in the Koinadugu area, wasn't he?

9 A. My Lord, I cannot tell you about what happened in the  
15:53:28 10 Koinadugu. Kabala is not Koinadugu. Koinadugu is miles away  
11 from Kabala township. Kabala is just a township. I never went  
12 to Koinadugu during the war. I think it was only once in my life  
13 time that I have been to Koinadugu. But if you asked me what  
14 happened in Town A, then --

15:53:47 15 Q. What about in the Kabala area, did you hear that SAJ Musa  
16 was in that area?

17 A. Well, My Lord, I recall at a point in time after an attack  
18 in Kabala they told us that SAJ Musa was among. But I never knew  
19 anything because I was not there. I was in Town A and I was  
15:54:13 20 trying to hide away from them and take care of my familiar.

21 Q. SAJ Musa was a member of the SLA, wasn't he?

22 A. I don't know. I am not part of SLA, so I don't know what  
23 is their structure. I don't know their membership. I don't know  
24 their structure.

15:54:30 25 Q. Some people from Town A may have been passing on  
26 information to the AFRC in the bush, mightn't they?

27 A. In Town A, not to my knowledge, My Lord.

28 Q. Not to your knowledge but it is possible some people were  
29 passing on information, isn't it?



1 PRESIDING JUDGE: That is just speculation. There is no  
2 value in that.

3 MR AGHA: I will move on.

4 Q. Now, you heard of the name SAJ Musa. Did you hear of the  
15:55:10 5 name Five-Five?

6 A. I only heard this name Five-Five when the Special Court  
7 Outreach team went to Town A and started telling people about the  
8 work of the Special Court and why it has been set up and the  
9 people that have been indicted. And I also heard these names  
15:55:32 10 over Radio UNAMSIL and Radio Bintumani that spoke about these  
11 people. And not just them, people like Hinga Norman and many  
12 others, Charles Taylor and others.

13 Q. Now, you mentioned a Town, I believe, called Sekunia where  
14 ECOMOG forces were killed; do you remember that?

15:55:54 15 A. Yes, I recall I called a town called Sekunia.

16 Q. And you mentioned that you heard the ECOMOG forces had been  
17 killed there; is that right?

18 A. Yes, My Lord.

19 Q. This attack was by AFRC forces, wasn't it?

15:56:14 20 A. My Lord, I was not there. I have told you that I got the  
21 information from the Nigerian soldiers, the commander who was  
22 there, Lieutenant Peter Mala, he made me to know about that, and  
23 even some other people, like the Killer and some others. They  
24 told me that they had attacked their brothers in Sekunia; they  
15:56:35 25 have killed them. They said rebels.

26 Q. Did they say AFRC, rebels, junta, what did the Nigerians  
27 say to you?

28 A. They told me, My Lord, that the rebels have attacked their  
29 brothers in Sekunia under the pretext that they were going to



1 surrender and they killed their brothers and because of that they  
2 would not encourage any civilian in town here because they said  
3 all the civilians were collaborators.

4 Q. I put it to you that rebels also includes members of the  
15:57:05 5 Sierra Leone Army?

6 A. Well, My Lord, it is possible. Not to my own knowledge.

7 Q. Now, did you hear of a person called Superman?

8 A. Yes, My Lord, I heard about Superman. In fact, during the  
9 time when the rebels and the RUF were at Town A, he was one  
15:57:34 10 amongst the big ones who were coming there to patrol. Even Foday  
11 Sankoh went there once in Town A.

12 Q. Did you hear of any fighting between the RUF and SLAs in  
13 May of 1998 between themselves?

14 A. Well, My Lord, we were hearing that there was fighting, but  
15:57:59 15 we used to hear that over radio that -- we heard it. We used to  
16 hear it.

17 Q. Now, are you aware that Kabala was attacked in May of 1998?

18 A. Yes. They attacked Kabala, My Lord. They attacked Kabala.  
19 I heard about that.

15:58:24 20 Q. I put it to you that it was joint RUF and SLA forces that  
21 attacked Kabala in May of 1998?

22 A. My Lord, I am not hear to talk about Kabala. What happened  
23 in Town A, where I was residing, is what I am telling you about.  
24 I cannot say or know about Kabala, because if I say something  
15:58:49 25 about it, I may say something that is not true.

26 PRESIDING JUDGE: Is your answer then? I don't know. Is  
27 that your answer? I don't know.

28 THE WITNESS: I don't know. I don't know, My Lord. Not to  
29 my knowledge.



1 MR AGHA:

2 Q. Now, did you not personally witness the September 11th  
3 attack on Town A, did you?

4 A. My Lord, I was not there. I was in the township when the  
15:59:24 5 shooting started, the first bombardment. I think it was an RPG  
6 bomb that was launched. By then I was in the outskirts of the  
7 town. Just ran into bush and found my way out of the town.

8 Q. So you were not in Town A when the fighting started, were  
9 you?

15:59:41 10 A. No, My Lord. No, My Lord.

11 Q. So I put it to you that joint SLA and RUF forces were  
12 involved in the attack in September on Town A?

13 A. My Lords, that is not the case. If that was the case, then  
14 they would have said that. But the RUF came when they were in  
16:00:08 15 Town A. In fact, they were bluffing that they came and killed  
16 the paramount chief. They came and dislodged the RUF and that  
17 ground was their own ground. And they would not encourage any  
18 SLA there on that ground. That is their own ground.

19 Q. So after the September 11th attack, there were no SLAs in  
16:00:28 20 Town A?

21 A. After the attack SLA was not there. The only person I  
22 remember who was there was one Colonel Ishmael, whom they said  
23 was an SLA who was working with the RUF, who was there. I recall  
24 that.

16:00:51 25 Q. So there was an SLA, working with the RUF after the  
26 September 11th attack, wasn't there? You just named him,  
27 Ishmael.

28 A. Yes, My Lord, even before.

29 Q. Thank you. Even before.



1 A. I had wanted to continue. When I mean even before, I want  
2 to complete something. I was trying to say.

3 Q. I ask the questions. Counsel on other side in  
4 re-examination can ask you that.

16:01:20 5 A. Okay. Okay.

6 Q. Now, you mentioned about a man called Bingi I, who was  
7 suspected being of spy; do you remember that?

8 A. I recall Bingi I. He was a Rastafarian who ran away from  
9 Bo --

16:01:43 10 PRESIDING JUDGE: Witness, you were simply asked if you  
11 remembered. We don't want to hear your evidence all over again.

12 THE WITNESS: Okay, okay, yes, My Lord. I recall him.

13 MR AGHA:

14 Q. He was suspected of being a spy for the junta forces,  
16:01:58 15 wasn't he?

16 A. Yes, My Lord.

17 MR AGHA: I have nothing further for this witness.

18 PRESIDING JUDGE: Thank you Mr Agha. Any re-examination  
19 arising?

16:02:17 20 MR DANIELS: No re-examination.

21 PRESIDING JUDGE: Mr Witness, we would like to thank you  
22 for coming along today and giving evidence in court. Your  
23 testimony is now completed. If you would just sit there  
24 patiently for a few moments, we will adjourn and then you will be  
16:02:41 25 able to leave the Court. We will adjourn the Court now until  
26 9.15 tomorrow morning.

27 [Whereupon the hearing adjourned at 4.05 p.m.  
28 to be reconvened on Thursday, the 20th day of  
29 July, 2006, at 9.15 a.m.]



EXHIBITS:

Exhibit No. D19	58
Exhibit No. D20	61
Exhibit No. D21	66
Exhibit No. D22	95

WITNESSES FOR THE DEFENCE:

WITNESS: DBD-086	3
EXAMINED BY MR MANLY-SPAIN	3
CROSS-EXAMINED BY MR AGHA:	11
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