

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

THURSDAY, 20 JULY 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Ms Carolyn Buff
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Shyamala Alagendra Mr Alain Werner Ms Maja Dimitrova (Case Manager) Mr Sean Morrison (intern)
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Mr Kojo Graham Mr Ibrahim Foday Mansaray (legal assistant) Ms Rebecca Cohen (intern)
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain

1 [AFRC20JUL06A - CR]
2 Thursday, 20 July 2006
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon resuming at 9.20 a.m.]

7 PRESIDING JUDGE: What pseudonym number is this witness in
8 the box now?

9 MR GRAHAM: Good morning, Your Honours. We have witness
09:18:38 10 DAB-085. Your Honours, he will be, I believe, testifying in
11 Krio.

12 PRESIDING JUDGE: Thank you, Mr Graham. Do you have a
13 number in your witness list?

14 MR GRAHAM: Your Honours, I believe it is number 27 on the
09:19:11 15 summaries list.

16 WITNESS: DAB-085 [Sworn]
17 [Witness answered through interpreter]

18 MR HARDAWAY: Before we get started, Your Honour, and I
19 informed my learned colleague of this, the Prosecution has no
09:19:56 20 objection to leading questions as relate to the non-contentious
21 general information, Your Honour. It is only when we reach the
22 matters of substance. I have already informed my colleague of
23 this prior. I'm just informing the Bench.

24 PRESIDING JUDGE: Thank you, Mr Hardaway. I will note
09:20:13 25 that. Yes, go ahead, Mr Graham.

26 MR GRAHAM: Thank you. Your Honours, respectfully, I'm
27 going to proceed this morning with not too many questions
28 relating to the background of the witness. Your Honours, I would
29 want to make an application for a closed session. Your Honours,

1 I make this application under Rule 79(A)(ii) of the Rules of
2 Procedure and Evidence. Your Honours, the witness's information
3 relating to his background and his position in the community, we
4 are about to talk about may lead to his identification.

09:21:06 5 PRESIDING JUDGE: You want the Court closed at the outset?

6 MR GRAHAM: That is so, Your Honour. I won't be long.

7 PRESIDING JUDGE: The personal details, I take it,
8 Mr Graham, are going to present some danger to his security if
9 they are spoken in open Court?

09:21:23 10 MR GRAHAM: That is so, Your Honour.

11 PRESIDING JUDGE: Any objection, Mr Hardaway, to a closed
12 Court for the personal details?

13 MR HARDAWAY: No objection, Your Honour.

14 PRESIDING JUDGE: Thank you. For the record, it is
09:21:32 15 necessary to close the Court for a short time to protect this
16 witness's identity while details of his personal background are
17 being led in evidence. Mr Court Attendant, could you please make
18 the arrangements.

19 [At this point in the proceedings, a portion of the
09:21:46 20 transcript, pages 4 TO 8, was extracted and sealed under separate
21 cover, as the session was heard in camera.]

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1 [Open session]

2 MR GRAHAM:

3 Q. Mr Witness, please tell this Court, do you recall where you
4 were in May of 1997?

09:36:56 5 A. I was in Freetown.

6 Q. What were you doing in Freetown, Mr Witness?

7 A. Because it was here that I was settled down, so I had been
8 working here.

9 Q. Thank you, Mr Witness. Mr Witness, do you recall anything
09:37:30 10 happening in Freetown when you were there in May of 1997?

11 A. Yes. That was the time that the soldiers took over the
12 government from President Tejan Kabbah. They overthrew the
13 government.

14 Q. Mr Witness, when you say soldiers, what do you mean by
09:38:00 15 soldiers?

16 A. That is the AFRC.

17 Q. Thank you, Mr Witness. Mr Witness, you said they took
18 over. What do you mean by they took over?

19 A. They staged a coup and overthrew the President.

09:38:30 20 Q. Mr Witness, how do you know that they staged - the people
21 you referred to as soldiers, the AFRC - how do you know they
22 overthrew the government?

23 A. Well, because there was firing at night. In the morning,
24 it was the soldiers that took over and they announced, saying
09:39:05 25 that they had overthrown. BBC announced they had over thrown the
26 government, the Tejan Kabbah government. BBC announced.

27 Q. Mr Witness, you just told the Court, if I understand, that
28 there was firing in the night and in the day. How do you know
29 that? Please tell this Court?

1 A. Well, at that time, where we were, when that happened,
2 everybody was panic stricken. Nobody slept throughout the night.
3 We were worried. Then they announced. BBC announced that there
4 had been an overthrow, Tejan Kabbah's government.

09:39:53 5 Q. Mr Witness, did you do anything as a result of what you
6 have described as the overthrow of the government. Did you do
7 anything when you heard the announcement?

8 A. Yes. What I did, because I had been hearing threats that
9 ECOMOG would come and oust that government. So, because of that,
09:40:25 10 I decided to move with my family. I went and settled back home.

11 Q. Witness, before I go on, you just mentioned that there were
12 threats. How do you know that there were threats that ECOMOG --
13 I stand to be corrected -- was going to come. How did you know
14 that?

09:40:50 15 A. Well, they announced that. Every day they announced that,
16 that ECOMOG had to come. So they advised people to pull out.
17 So, I, myself, decided to pull out.

18 Q. Will witness, who announced over the radio, if you know,
19 that ECOMOG was going to come?

09:41:20 20 A. It was BBC. We heard that over BBC.

21 Q. You also told this Court that you also heard that people
22 should -- did you say pull over or pull out? I stand to be
23 corrected. How did you know that?

24 A. Well, it was a threat that we had been experiencing. That
09:41:44 25 was why everybody decided to pull out.

26 Q. Thank you, Mr Witness. Mr Witness, you've also mentioned
27 ECOMOG to this Court. Did you know about ECOMOG at that time?

28 A. ECOMOG, it was a military institution joined the Liberian
29 war which was formed for the West African countries for these

1 sort of things.

2 Q. How do you know that, Mr Witness, that ECOMOG was formed as
3 you've told this Court? How did you get that information?

4 A. Well, when the war took place in Liberia, it was ECOMOG
09:42:39 5 which went there to go and maintain peace. So, from there, they
6 decided to bring them here.

7 Q. Mr Witness, you said you went back to Town A. According to
8 you, you went back to Town A. Mr Witness, do you know what time
9 of the month you went back to Town A?

09:43:16 10 A. Yes. It was November 1997.

11 Q. Thank you.

12 JUDGE SEBUTINDE: Mr Graham, I don't remember him saying he
13 went back to Town A. He said he took his family upcountry to his
14 home village. Now, there are two home villages on the record.

09:43:36 15 MR GRAHAM: Thank you, Your Honour.

16 Q. Mr Witness, I need you to assist me to clarify this.
17 You've told this Court that you went -- re-settled with your
18 family. Where, and you don't need to mention the name, because
19 you know we've given -- so where did you go with your family when
09:43:57 20 you left Freetown?

21 A. I went to Town A, to Town A.

22 Q. Thank you, Mr Witness. Mr Witness, how did you get to Town
23 A from Freetown?

24 A. Yes, I went by public transport. I went with my family.

09:44:24 25 Q. Thank you, Mr Witness. Mr Witness, when you arrived at
26 Town A, did you arrive with members of your family?

27 A. Yes.

28 Q. When you returned with your family to Town A, did you
29 observe anything significant in Town A?

1 A. Yes. During that time, life was normal. So, I did not
2 meet any problems, so I stayed with my family. Life was normal.

3 Q. Mr Witness, when you say life was normal, what do you mean
4 by life was normal?

09:45:41 5 A. Well, at that time, we did not have a problem. There was
6 no problem. We did not have a problem for -- we went -- I met
7 them going about their business. We did not have any problems.
8 That is what I meant. There was no panic.

9 Q. Thank you, Mr Witness. Mr Witness, do you have a
09:46:12 10 profession now?

11 A. I was an accounting machine operator, that is what I did.
12 When I working with the national shipping country, that's where I
13 was sent to train.

14 Q. Thank you, Mr Witness. Mr Witness, what is your present
09:46:36 15 occupation?

16 A. Well, I'm doing farming.

17 Q. Did you engage in any occupation when you went back to Town

18 A.

19 A. Well, yes, farming. I do farming.

09:46:58 20 Q. During the time that you said you arrived in Town A
21 in November of 1997, throughout the remaining period of the year
22 1997, did anything significant happen in Town A?

23 A. Yes. When I was at Town A, we heard that ECOMOG had
24 entered Freetown.

09:47:38 25 Q. Mr Witness, a question I asked you relates to when you went
26 back to Town A in November of 1997. I asked you that,
27 in November of 1997 and December of 1997, did anything happen in
28 Town A?

29 MR HARDAWAY: Objection, Your Honour, that's leading.

1 PRESIDING JUDGE: Yes, you are leading, Mr Graham.

2 MR GRAHAM:

3 Q. Mr Witness, do you recall anything happening in February of
4 1998?

09:48:23 5 PRESIDING JUDGE: Well, that's the same objection.

6 MR GRAHAM:

7 Q. Mr Witness, you've told this Court that you arrived in Town
8 A in November of 1997. Did anything --

9 JUDGE SEBUTINDE: Mr Graham, he did not say that. I don't
09:48:47 10 have it in my notes. You haven't asked him when he arrived.

11 MR GRAHAM: I believe he said November of 1997. I stand
12 guided by your record.

13 JUDGE SEBUTINDE: Then I beg your pardon.

14 MR GRAHAM:

09:49:14 15 Q. Mr Witness, when you arrived in Town A, did you hear
16 anything happening -- anything significant happening in the
17 country of Sierra Leone?

18 A. Yes. I heard that ECOMOG had entered Freetown.

19 Q. Mr Witness, can you tell this Court, how did you hear that?

09:49:39 20 A. BBC announced that.

21 Q. Mr Witness, when you heard this announcement, did anything
22 happen after that?

23 A. Yes. From that time, we started seeing soldiers, all of
24 them coming from different parts of the country. They said they
09:50:06 25 would go to [redacted] where we were.

26 Q. Mr Witness, you are not to mention the name of the town.

27 A. Okay, okay.

28 Q. [Microphone not activated].

29 MR GRAHAM: With the kind permission of the Court, I ask

1 that the name be redacted.

2 PRESIDING JUDGE: The name of that town must be redacted
3 from the transcript.

4 MR GRAHAM: Thank you, Your Honours.

09:50:35 5 Q. Mr Witness, before you go on, how soon after you heard this
6 announcement on BBC did you see soldiers coming into Town A.

7 A. It was about -- after two to three weeks.

8 Q. Mr Witness, how do you know that they were soldiers?

9 A. Well, some had uniforms, some did not have uniform.

09:51:23 10 Q. Mr Witness, did you know where they were coming from?

11 A. Well, they used to come from different parts of country.
12 Some came from Bo, some from Freetown. Different parts.

13 Q. How do you know that they came from different parts,
14 Mr Witness? Please tell this Court.

09:51:46 15 A. From the way they had been coming from vehicles with their
16 families. Some would come and say they came from Bo. Some would
17 say I came from such and such a place, from different parts, and
18 they themselves used to say it.

19 Q. Mr Witness, to whom did they used to say that?

09:52:09 20 A. Those that had been coming, the soldiers who used to come,
21 and the other families with whom they came.

22 Q. Did any one of them talk to you during this time that you
23 said they were coming to Town A? Did any one of them talk to
24 you?

09:52:31 25 A. Yes. Because, amongst them, my own child was among.

26 Q. Mr Witness, you've told this -- and you don't have to
27 mention your child's name. When you say your own child was
28 among, what do you mean by that, without mentioning this name?

29 A. Well, he was one of the soldiers who were pulling out.

1 They were the ones that met me. I talked to him, because when he
2 came, all his feet were swollen.

3 Q. How do you know that all his feet were swollen?

4 A. Well, according to the way that I saw him, according to the
09:53:24 5 way that he had been walking, I knew that he was my own child,
6 and he came to me.

7 Q. Mr Witness, did he tell you where he was coming from?

8 A. Yes, he told me that he came from Freetown.

9 Q. Mr Witness, during this time, all these soldiers that you
09:53:57 10 said were coming into Town A, do you know where they settled?

11 A. Well, among them, one was there who was a senior, one among
12 them, so -- who was Major Augustine Fannah Kamara. There, they
13 used to settle.

14 MR GRAHAM: Your Honours, I will spell the name Augustine,
09:54:29 15 A-U-G-U-S-T-I-N-E and then Fannah, F-A-N-N-A-H. Kamara,
16 K-A-M-A-R-A. Mr Witness, do you happen to know the rank
17 of Augustine Fannah Kamara?

18 PRESIDING JUDGE: He was a major. He just said that.

19 MR GRAHAM: Thank you, Your Honour.

09:55:06 20 Q. Mr Witness, how do you know the name you just
21 mentioned, Augustine Fannah Kamara, how do you know he was a
22 major?

23 A. Well, I had heard -- I had been hearing that, because he
24 was born in that part, and I knew that he was a major, from the
09:55:25 25 time that I knew him. See, that was how I know what I knew about
26 him, even when I was in Freetown.

27 Q. Mr Witness, you've told us you had been hearing -- sorry,
28 from whom did you hear he was a major?

29 A. From he himself. They used to call him major.

1 Q. Thank you, Mr Witness. Mr Witness, you also told this
2 Court he was born in this part. What do you mean by that, and
3 I'm referring to what you said about Major Augustine Fannah
4 Kamara. Can you explain to this Court what you mean by that?
09:56:22 5 A. By that, I mean he was a native born of the chiefdom.
6 Q. Is that Chiefdom Y? Which chiefdom?
7 A. Yes, that's Chiefdom Y.
8 Q. Thank you, Mr Witness. Mr Witness, if you know, can you
9 tell this Court approximately how many soldiers at this time
09:56:43 10 settled in Town A?
11 A. They were in large number. I wouldn't know.
12 Q. Mr Witness, did you interact with any of the persons you
13 described as soldiers when they arrived in Town A?
14 A. Yes. Like, my child. I spoke with him, because he was at
09:57:22 15 my house.
16 Q. Apart from him, did you interact with any other soldiers?
17 A. Yes, I used to speak with other soldiers. Like
18 he, Augustine.
19 Q. When you spoke with them, did they tell you anything?
09:57:55 20 A. Yes. They told me that they had been driven out. They had
21 been driven out. So, now, they had nobody to pay them. They
22 were carrying an operation called Operation Pay Yourself. They
23 had nobody to pay them, so they were going to carry that
24 operation to pay themselves.
09:58:25 25 Q. Mr Witness, I'm asking, during the period that the
26 soldiers, according to you, came to Town A, do you know whether
27 they had a leader?
28 A. Well, the most senior person among them was Major Augustine
29 Fannah Kamara. That was where they used to converge.

1 Q. Okay. Mr Witness, do you know how long these soldiers
2 stayed in Town A when they arrived?
3 A. It was about two to three weeks.
4 Q. How do you know that, Mr Witness?
09:59:24 5 A. According to the way they came, that was the time after
6 which they were driven out. They were driven out, sir. I think
7 it was about two weeks.
8 Q. Mr Witness, you've just told this Court that they were
9 driven out. Who drove them out?
09:59:53 10 A. It was the ECOMOG that drove them out.
11 Q. Mr Witness, how do you know it was ECOMOG that drove them
12 out?
13 A. Well, we had been hearing it over the BBC, that the ECOMOG
14 would come there.
10:00:18 15 Q. Mr Witness, do you recall which time of the year that
16 ECOMOG, according to you, drove them out?
17 A. It was in February 1997.
18 Q. Mr Witness, earlier on in response to my question, you said
19 1997. Earlier on, you had referred to the period as 1998 after
10:01:09 20 the ECOMOG intervention. I want you to clarify this for the
21 Court. This information that you had that ECOMOG was about to
22 drive the soldiers away from Town A, was this in 1997 or 1998?
23 A. It was in early February, 1998.
24 Q. Mr Witness, before ECOMOG drove the soldiers -- you heard
10:01:56 25 that ECOMOG was about to drive the soldiers out. I'm going to
26 ask of you, during this period that the soldiers were there, did
27 they engage in any killings in Town A that you know about?
28 A. No. During that time, they were not doing anything.
29 Q. Thank you, Mr Witness. Mr Witness, during this period, did

1 you hear of any looting and burning of civilian homes by the
2 soldiers?

3 A. No. During that time, no, no.

4 Q. Did you see, during this period that I'm referring to, any
10:02:49 5 mutilations of civilians in Town A by the soldiers?

6 A. I did not see, I did not hear.

7 Q. Did you see or hear about any rape of women or girls in
8 Town A during the period that the soldiers were there?

9 A. No. I did not see, I did not hear.

10:03:21 10 Q. Did you see or hear about any collective punishments of the
11 civilian population by the soldiers during the period I'm
12 referring to?

13 A. No. During that time they hadn't much problem with us.

14 Q. Thank you. Mr Witness, I need to ask you, did you see or
10:03:47 15 hear about the soldiers terrorising the civilian population
16 during that period?

17 A. During that period, no.

18 Q. Mr Witness, did you see or hear of any acts -- sorry,
19 Your Honours, I withdraw that question. Did you see or hear of
10:04:18 20 any widespread physical violence being meted out to the civilians
21 in Town A by the soldiers during that period, Mr Witness?

22 A. No. During that time, no.

23 Q. Mr Witness, I need to ask you, during this period, did you
24 see any carving of AFRC or RUF on the bodies of civilians in Town
10:04:49 25 A?

26 A. No.

27 Q. Thank you, Mr Witness. Mr Witness, during this period that
28 the soldiers were in Town A, did you yourself see or hear the
29 soldiers routinely conscripting or enlisting boys and girls under

1 the age of 15 to participate in active hostilities?

2 A. During that time, no, I did not see.

3 JUDGE SEBUTINDE: Mr Graham, sorry to interrupt. What
4 period are we talking about, all this period you've been asking
10:05:38 5 the witness?

6 MR GRAHAM: I'm talking about the period the soldiers --

7 JUDGE SEBUTINDE: Precisely the months.

8 MR GRAHAM: Your Honour, I believe he said February.

9 JUDGE SEBUTINDE: No, no, no. This is while they were in
10:05:49 10 Town A in 1997; right, until they were driven out --

11 MR GRAHAM: In 1998.

12 JUDGE SEBUTINDE: In early February they were driven out.

13 MR GRAHAM: Yes.

14 JUDGE SEBUTINDE: So we're talking about the period before
10:06:02 15 early February.

16 MR GRAHAM: We're talking about the period before --

17 JUDGE SEBUTINDE: Before they were driven out.

18 MR GRAHAM: Yes, Your Honour.

19 JUDGE SEBUTINDE: If they were driven out in early
10:06:13 20 February, this is the period before early February, isn't it?
21 That is the period we're talking about, before they were driven
22 out. I'm wondering, thereby, what the relevance of all these
23 questions are in light of the indictment. The period in the
24 indictment is after this period you're talking about.

10:06:44 25 MR GRAHAM: Your Honours, as per the witness's account, he
26 says that the soldiers came into Town A after they had been
27 driven out from Freetown as a result of the ECOMOG intervention,
28 and they came in to Town A and settled for a few weeks. That is
29 the period I'm referring to.

1 JUDGE SEBUTINDE: Mr Graham, I understand you perfectly
2 well. I'm just asking, is that the period in the indictment?
3 Isn't that outside of the indictment?

4 MR GRAHAM: Your Honour, it starts from 14 February 1998 to
10:07:26 5 30 September 1998.

6 JUDGE SEBUTINDE: That is precisely my point. The period
7 you are now asking the witness to attest to is outside of that
8 period.

9 MR GRAHAM: Your Honour, I can clarify that from the
10:07:39 10 witness. Your Honours, my questions are following logically.
11 Before I started, I referred specifically to the period before he
12 heard that the BBC were about to drive them out. I stand guided
13 by Your Honours.

14 Q. Mr Witness, I asked of you a number of questions relating
10:08:01 15 to the arrival of the soldiers in Town A. Now, the questions
16 that I'm asking you, I want you to clarify for the Court the
17 time. Do you recall, Mr Witness, the time that you heard on BBC
18 that ECOMOG had intervened in Freetown?

19 A. Yes.

10:08:40 20 Q. What time, Mr Witness?

21 A. That was --

22 THE INTERPRETER: The interpreter is sorry. Would the
23 witness come again? The first part of the date is not clear for
24 the interpreter.

10:08:57 25 MR GRAHAM:

26 Q. Mr Witness, you heard the interpreter. Please clearly say
27 the month and the year to the hearing of the Court, the
28 intervention.

29 A. February 1998.

1 Q. Thank you, Mr Witness. Mr Witness, you said how long after
2 you heard this announcement did the soldiers arrive in Town A?
3 A. About two to three weeks.
4 Q. And do you know what month that was?
10:09:46 5 A. When the announcement was made?
6 Q. You told this Court that the intervention was in February
7 1998, as per what you heard, and they also arrived in town three
8 weeks after you heard the announcement. I'm asking you whether
9 you know which month they arrived in Town A, the soldiers, three
10:10:10 10 weeks after the intervention. Do you know which month they
11 arrived in Town A?
12 A. That was in around -- in January. That was the time when
13 they had just pulled out. They were coming by.
14 Q. Mr Witness, were you in Town A during the period
10:10:41 15 from February 14, 1998 to September 30, 1998?
16 A. Yes. I was there.
17 Q. Do you know which month the soldiers were driven out by
18 ECOMOG?
19 A. Yes.
10:11:09 20 JUDGE SEBUTINDE: Driven out of where, Freetown or Town A?
21 MR GRAHAM: Well, the time [microphone not activated].
22 THE WITNESS: Town A.
23 MR GRAHAM:
24 Q. [Microphone not activated] when you heard that
10:11:23 25 announcement?
26 A. It was in Town A, February 1998.
27 Q. Thank you, Mr Witness. Mr Witness, after you heard BBC
28 announce that ECOMOG was coming to drive the soldiers from Town
29 A, did anything happen?

1 A. Yes.

2 Q. Please tell this Court what happened?

3 A. Well, during that time, the soldiers were trying to pull
4 out from the town, and when the ECOMOG came, they came and fired
10:12:28 5 a shot at one village just a mile to [redacted]. We heard the
6 firing, and all of us pulled out and went to the villages,
7 together with the soldiers.

8 Q. Mr Witness, how do you know that ECOMOG fired at the
9 village or town you just referred to? How do you know that?

10:12:57 10 A. It was when they came there and they fired a shot that was
11 very heavy, that was the time we pulled out.

12 Q. Did you hear the firing, Mr Witness?

13 A. Yes, I heard the firing. Then we pulled out. I ran away
14 and went to my village.

10:13:28 15 Q. Mr Witness, when you say "we pulled out," who are you
16 referring to as "we," without mentioning any names, Mr Witness?

17 A. Okay. All the civilians, and together with the civilians,
18 they were running towards the Kabala end, and we were running for
19 our lives. The soldiers and the civilians were running together.

10:14:01 20 Q. How do you know that the soldiers and the civilians were
21 running together, Mr Witness?

22 A. Well, all of us were running together. They were running
23 away from the ECOMOG. We, too, were running to save our lives
24 and they were going about their way. They were going towards the
10:14:19 25 Kabala end. We were entering the various villages.

26 Q. Mr Witness, where did you run to?

27 A. I run and went to my village, which is X.

28 Q. That is Village X.

29 A. Yes.

1 Q. Mr Witness, did you go alone to Village X?
2 A. No. I went there with my child.
3 Q. Do you know how long you stayed at Village X, Mr Witness?
4 A. Well, I was there for two days. They sent for me. The
10:15:17 5 speaker sent for me that I should return.
6 Q. Mr Witness, how do you know that you were there for two
7 days?
8 A. It was Village X. I was there for two days, because the
9 time when the ECOMOG came, it was only one day, so the following
10:15:45 10 day, we returned. The ECOMOG said that all the civilians
11 returned, so we came and based there.
12 Q. Mr Witness, how do you know that ECOMOG said the civilians
13 should return?
14 A. Well, it was the chiefdom speaker who was our authority.
10:16:15 15 It was he who sent to me.
16 Q. So what happened when the chiefdom speaker sent -- did
17 anything happen when the chiefdom speaker sent for you at Village
18 X?
19 A. Yes.
10:16:31 20 Q. Please tell this Court.
21 A. When he sent for me and I returned, and some of us met the
22 speaker, and the commander for the --
23 THE INTERPRETER: The interpreter is sorry. The name of
24 the ECOMOG commander is not clear to him.
10:16:55 25 MR GRAHAM:
26 Q. Mr Witness, please be patient and take your time to
27 [microphone not activated].
28 A. Okay.
29 Q. Okay.

1 PRESIDING JUDGE: The interpreter did not get the name of
2 that commander you mentioned.

3 THE WITNESS: Okay. The commander was OG. That was the
4 way he was called. The ECOMOG commander, he was called OG. So,
10:17:23 5 when we returned, he told us that --

6 MR GRAHAM:

7 Q. Mr Witness, before you go on, how do you know he was called
8 by that name, the ECOMOG commander you just referred to. How do
9 you know that?

10:17:37 10 A. Well, normally, that was the way he was called, OG, OG.
11 That was what I heard people calling him.

12 Q. Mr Witness, continue with your account of what you were
13 telling this Court in relation to when the chiefdom speaker
14 called you and you got back and then the ECOMOG commander OG.

10:18:13 15 Please continue with your account?

16 A. Yes. He called us, the chiefdom elders, and advised us
17 that we should send for all our chiefdom who were soldiers, and
18 we should tell all the people that the soldiers should come out
19 from their various areas they were hiding, so surrender to them
10:18:35 20 and nothing would happen to them. I told him that I had my
21 child, who had left Village X, and I told him that I was going
22 for him, and I went for my child. I brought him to him and I
23 made him to surrender and, till now, my child is in the army.

24 JUDGE SEBUTINDE: I'm sorry, Mr Graham. When he says he
10:19:06 25 did this and he did this, is this speaker or somebody else?

26 MR GRAHAM:

27 Q. Mr Witness, you told this Court when the commander OG was
28 addressing. Did he address you alone?

29 A. No. He spoke to us. I, the speaker and other chiefdom

1 elders, that we should send to the villages for all the soldiers
2 that run and entered into those villages, so that they should
3 come out and surrender to him and nothing was going to happen to
4 them.

10:19:50 5 Q. When you say to surrender to him, who are you referring to,
6 Mr Witness?

7 A. ECOMOG. To him, the commander, the ECOMOG commander.

8 Q. Mr Witness, apart from your son, do you know whether any
9 other soldiers surrendered?

10:20:17 10 A. Yes. By the time I had taken my son, I met other soldiers
11 who had already surrendered. So when my son surrendered, they
12 put them in a vehicle and went away with them.

13 Q. How do you know they were put in a vehicle and sent away?

14 A. Well, I was there when my son surrendered. So they gave
10:20:47 15 him a slip to join the others. They were waiting to fill in the
16 number. So after he had surrendered, the vehicle was there.
17 They brought them to Freetown, and that, of my son, is still in
18 the army.

19 Q. Thank you, Mr Witness. Mr Witness, the time you returned
10:21:09 20 from Village X back to Town A, after you had run away, together
21 with other civilians and the soldiers, did you see whether any
22 damages -- sorry, I withdraw that question. When you returned
23 back to Town A, did you see anything significant, whether
24 anything had happened to the town, any damages?

10:21:50 25 A. No. No.

26 Q. Mr Witness, during this period, do you recall what month of
27 the year this was that you surrendered your son to the ECOMOG?

28 A. Yes. That was the time the ECOMOG entered there. That was
29 in February.

1 Q. Mr Witness, do you know how long ECOMOG stayed in Town A?

2 A. Well, it was from February, I think, to 11 September when
3 the last -- that was the time they finally pulled out, so April,
4 May, June, July, August, September.

10: 23: 10 5 Q. Mr Witness.

6 A. Yes, about six to seven months.

7 Q. Before I go on, during this six to seven-month period --

8 A. Months.

9 Q. -- that you just referred to this Court, was life normal in
10: 23: 29 10 Town A?

11 A. No.

12 Q. When you say no, please explain to this Court what you
13 mean, Mr Witness.

14 A. So, when they came to Town A, they deployed at the court
10: 23: 55 15 barri and they mounted a checkpoint. The main checkpoint at the
16 junction of Katimbo Road.

17 Q. Mr Witness, before you go on, please tell this Court how
18 you know that these checkpoints were set up.

19 A. Well, when I returned, I met -- when I returned from where
10: 24: 24 20 I was hiding, I met those checkpoints while entering the town.
21 They had checkpoints all over the road, but the main one was.

22 Q. Mr Witness, please, I asked you a question whether life was
23 normal. You were explaining to the Court, so please continue
24 with your account.

10: 24: 59 25 A. Okay. Well, I said, no, life wasn't normal. Because when
26 they came and based at the court barri, then there was a
27 checkpoint at the junction; the junction at Katimbo Road and
28 Makeni-Kabala highway. At that checkpoint, it was a problem
29 checkpoint. In fact, we normally referred to it as the hell gate

1 checkpoint, because it was very difficult for people to cross
2 that checkpoint.

3 Q. Mr Witness, before you go on, how do you know that it was
4 called the hell gate?

10:25:44 5 A. Well, at one with time, I witnessed an incident that
6 happened there, and that very incident, there was one man called
7 Bingi boy. Some call him Bingi boy, some call him Bingi I. He
8 was a man who was in the town there.

9 Q. Mr Witness, you mentioned a number of names. Please hold
10:26:18 10 on.

11 A. Okay.

12 Q. Could you say the first name. You said he was called --

13 A. Bingi boy or Bingi I.

14 Q. Can you spell that for the Court?

10:26:39 15 A. B-I-N-G-I, Bingi.

16 Q. And you mentioned another name for him.

17 A. He was called Bingi Boy or Bingi I. That was the name he
18 was called. Some called him Bingi boy, some called him Bingi I.

19 Q. Mr Witness, can you spell Bingi I for the Court, if you
10:27:15 20 can?

21 A. Yes. B-I-N-G-I then I-Y-E [sic]. I think that is the way
22 it is spelt.

23 Q. Mr Witness, continue with your account of what happened to
24 this Bingi I.

10:27:45 25 A. Bingi I, he was in the town, in fact. I observed him as a
26 prophet, because he always carried his Bible with him. He
27 preached to the public. Once in a while, he went to preach at
28 the ECOMOG base. But, at one time, they called him, so he was
29 there when --

1 Q. Mr Witness, before you go on, who called Bingi man? Please
2 tell this Court. Who called him?

3 A. Well, it was one commander who was there called Peter. He
4 sent one of the soldiers to go and called him.

10:28:35 5 Q. How do you know that commander called Peter sent one of the
6 soldiers to go and call Bingi man, Mr Witness?

7 A. Well, it was when the soldiers went and said, "Bingi I, the
8 commander is calling you. Commander says I should call you
9 because we are staying at the same place."

10:29:09 10 Q. Okay. Please tell this Court whether anything happened.

11 A. Yes. So when they went and called him, they told him they
12 would take him to Freetown. So I was there. We went, we met.
13 Bingi boy came, and the speaker himself. All of us were there,
14 so that was the time they said they suspected this man.

10:29:44 15 Q. Mr Witness, you used "they." Whom are you referring to as
16 "they"? Who do you mean when you say "they"?

17 A. I don't understand.

18 Q. You said they told you they were going to take him to
19 Freetown. I'm saying, who is "they"?

10:30:19 20 A. It was the soldier that went, that went and called him,
21 saying that commander is calling you, that you are going to be
22 sent to Freetown. They were the soldiers that went and collected
23 him.

24 Q. Thank you. Did anything happen after that when he called
10:30:29 25 him?

26 A. Yes.

27 Q. Please tell this Court.

28 A. Well, he, Peter, who was there, he said, "This man, we have
29 suspected him to be a spy here. Therefore, today, he should go."

1 So, there, he had ordered the soldiers to take off his shirt. He
2 was stripped naked. He had a long --
3 Q. Mr Witness, how do you know that he was stripped?
4 A. Well, when they removed all the things that he was wearing,
10:31:21 5 and they cut all the hairs he had on his head.
6 Q. Were you there at the time, Mr Witness?
7 A. Yes. Yes, I was present.
8 Q. Did you see that happening?
9 A. Yes. I observed that when his hairs were cut.
10:31:44 10 Q. Mr Witness, what happened after he was stripped and his
11 hair cut? Please tell this Court.
12 A. Yes. I heard the commander, Peter, said, "Escort this
13 man." Then one soldier was behind him. They were going.
14 Immediately after Westlion parsonage. As you pass there a little
10:32:16 15 bit, we heard pow. So, we saw the soldier return along --
16 Q. [Microphone not activated]?
17 A. Yes.
18 Q. When you say "we," who are you referring to as "we
19 saw"? Who are you referring to as "we"?
10:32:38 20 A. Well, I'm speaking in terms of the people who were around
21 the area.
22 Q. Please continue with your account, Mr Witness.
23 A. So, that was what we heard, the pow sound. Then the
24 soldier returned and they said we should arrange, as we were the
10:33:10 25 elders, that we should arrange our boys, so as to bury him.
26 Q. Mr Witness, before you go on, you said you heard pow. What
27 do you mean by pow?
28 A. What I meant, just like you -- when they shot at Bingi boy.
29 They killed him.

- 1 Q. Who killed him, Mr Witness?
- 2 A. It was one of the ECOMOG soldiers.
- 3 Q. How do you know that he killed Bingi man, the ECOMOG
4 soldier?
- 10:33:57 5 A. Well, it was the ECOMOG commander that commanded one of his
6 soldiers to go and escort him.
- 7 Q. Okay. Mr Witness, after you said you heard the sound pow,
8 did you see Bingi man again?
- 9 A. No. I did not see him again, up to this point that I am
10:34:19 10 talking to you.
- 11 Q. Do you know what happened to him?
- 12 A. Yes. He was killed, because they asked us so as to bury
13 him. They asked us to gather our boys so as to bury him.
- 14 Q. Who asked you to gather your boys to bury him?
- 10:34:40 15 A. The soldiers, the commander, and other people.
- 16 Q. So did you gather your boys and bury him?
- 17 A. Yes. It was difficult to get boys, but we had boys that
18 went and buried him. They buried him down one trench, which was
19 around Katimbo. There, they went and buried him near one Bondo
10:35:11 20 bush.
- 21 Q. Can you spell Katimbo for the Court, please?
- 22 A. Yes. K-A-T-I-M-B-O.
- 23 Q. Mr Witness, were you part of those who buried Bingi man?
- 24 A. No, we only arranged the boys. We did not go, but we made
10:35:37 25 the arrangement. They went and buried him.
- 26 Q. How do you know that the men actually buried him?
- 27 A. Well, the boys that organised, who went and buried him,
28 they came and told us, and we, ourselves, they did not even stay
29 long because they just went and put him into the trench.

1 Q. Mr Witness, I believe earlier on you said he was buried
2 near one Bondu bush. What do you mean by that?

3 A. Yes, it was near this Bondu bush that they met this hole.
4 It was just by this -- it was around this area. It was not in
10: 36: 34 5 the Bondu bush, but it was around the area.

6 Q. Thank you, Mr Witness. Mr Witness, you earlier on told
7 this Court that the ECOMOG set up a checkpoint called hell gate.

8 A. Yes.

9 Q. Do you know of any individuals who had difficulty crossing
10: 37: 12 10 the hell gate?

11 A. Yes. I heard of one student who was going to Kabala. At
12 that time, I was not there, but I heard that that student,
13 because he did not have an identity, so he was killed.

14 Q. Mr Witness, before you go on, from whom did you hear that?

10: 37: 45 15 A. It was from -- that time, it was from the chiefdom speaker
16 and other people around the area.

17 Q. Mr Witness, do you know who killed this student?

18 A. No, because I was not there.

19 Q. You said the chiefdom speaker told you. Do you recall what
10: 38: 13 20 he told you?

21 MR HARDAWAY: Objection, Your Honour. I believe asked and
22 answered.

23 PRESIDING JUDGE: Well, no, I don't agree with that. I
24 will allow the question.

10: 38: 26 25 MR GRAHAM: Thank you.

26 Q. Mr Witness, you told us about this student that you said --
27 and I asked you what, if you recall, did the chiefdom speaker
28 tell you about this student?

29 A. They said that one student came here that was going to

1 Kabala, so, he had his books. They asked him for his identity
2 card, but because he did not have his identity card, even him had
3 prevailed so that they could not kill him, but he was not able
4 to, so he was killed at the checkpoint.

10:39:14 5 Q. Did he tell you who killed him at the checkpoint?

6 PRESIDING JUDGE: Well, I thought I just heard this witness
7 say I don't know who killed him. I was not there.

8 THE WITNESS: Not at all. I do not know.

9 MR GRAHAM:

10:39:28 10 Q. Mr Witness, apart from the student you just referred to,
11 did you hear of any other individuals who had problems crossing
12 the hell gate?

13 A. Yes. There were others.

14 Q. [Microphone not activated].

10:39:53 15 A. Well, the others, it was during the time when the soldiers
16 were surrendering. So, at that time, I went to Village X. So I
17 think -- they said that the paramount chief -- when I came from
18 there, I met the paramount chief. So, I met him grovelling. He
19 was angry. He was the one who told me that soldiers came from
10:40:24 20 Kabala, who were 24. They were loaded. They brought them here.
21 He thought that they were going to be taken to Freetown, but they
22 did not take them to Freetown. They came and killed them here,
23 and the paramount chief was very angry about that.

24 MR HARDAWAY: Objection, Your Honour.

10:40:44 25 PRESIDING JUDGE: What's the objection?

26 MR HARDAWAY: The objection is to relevance as to the
27 witness's last answer. There is no charge in the indictment as
28 to the killing of SLA soldiers.

29 PRESIDING JUDGE: We had all this yesterday, Mr Hardaway.

1 What do you say to that objection, Mr Graham?

2 MR GRAHAM: Your Honours, I concede once again. I was
3 going to bring him back with my next question away from that.

4 PRESIDING JUDGE: Yes, do so.

10:41:12 5 MR GRAHAM:

6 Q. Mr Witness, thank you for that. I'm asking you a question,
7 and I'm referring to civilians and not soldiers. I'm asking
8 that, apart from -- did you hear of any civilians having any
9 problems crossing the hell gate?

10:41:46 10 A. Well, a lot had problems, but those that I knew about,
11 those what were civilians, these were the two, that is the Bingi
12 boy and this student. The others, I do not know much about them.

13 Q. Thank you, Mr Witness.

14 MR GRAHAM: Your Honours, I'm looking at the time. I was
10:42:09 15 going to go into a fair amount of questioning. I was looking at
16 the time, if we could take the morning break.

17 PRESIDING JUDGE: We will have a short break until 11.00.

18 [Break taken at 10.45 a.m.]

19 [AFRC20JUL06B-RK]

10:53:33 20 [Upon resuming at 11.05 a.m.]

21 PRESIDING JUDGE: Go on, Mr Graham.

22 MR GRAHAM: Thank you, Your Honour. Your Honours, before I
23 go on, the issue of the question I had asked earlier on, which
24 brought a response from the witness in relation to SLA soldiers
11:03:10 25 who surrendered and, I think, were subsequently shot, Your
26 Honours, I intend to ask a few -- a couple of questions in
27 relation to that, but I'm addressing the Court on this
28 principally because of the objection raised by my learned friend
29 that the period that the indictment does not relate to soldiers.

1 But, Your Honours, this evidence relating to the killing of
2 surrendered soldiers is relevant for our purposes because, on the
3 contrary, it stands to establish that it is not civilians, but
4 rather soldiers that were killed in Town A. That is the
11:03:51 5 relevance why you probably would want to just ask a few questions
6 in respect to that.

7 PRESIDING JUDGE: Yes, go on.

8 MR GRAHAM: Thank you, Your Honour.

9 Q. Mr Witness, you told this Court about - I stand to be
11:04:15 10 corrected - you said 24 soldiers who surrendered. How do you
11 know that these soldiers had surrendered?

12 PRESIDING JUDGE: The witness's microphone is not on.

13 MR GRAHAM: Your Honour, with your kind permission, I would
14 also want to advise the witness that I think he listens to the
11:04:52 15 English version of the interpretation.

16 Q. Mr Witness, before you answer, wait and let the interpreter
17 complete his interpretation before you go on. We have had
18 discussions with Court Management during the break. Please be
19 patient and let the interpretation complete before you continue.
11:05:09 20 Thank you.

21 I asked you how you knew --

22 A. Thank you, thank you.

23 JUDGE SEBUTINDE: And, you Mr Graham, should not talk over
24 the interpreter because now we did not hear what you told him.
11:05:26 25 He is saying thank you. We don't know what he is saying thank
26 you to.

27 MR GRAHAM: Thank you, Your Honour.

28 Q. Mr Witness, how do you know these soldiers, you referred
29 to, surrendered?

1 A. Well, it was when I came and met the chief, the chief was
2 very angry, the paramount chief. So he said well, he was very
3 angry, so it was like -- it was only in his own chiefdom that
4 they came to kill people. They came all the way from Kabala.
11:06:13 5 They came and killed the people too in his own chiefdom. That is
6 to say they wanted to vilify his chiefdom. Look at the way they
7 killed the surrendered soldiers. So he was very, very angry
8 about that. He addressed the ECOMOG commander about that. It
9 was paramount chief.

11:06:46 10 Q. Mr Witness, did the paramount chief tell you how the
11 surrendered soldiers were killed?

12 A. Well, according what he said, he said he took them to a
13 particular area, that is around towards Makeni part. There they
14 took them and there they went and killed them. He said it is
11:07:16 15 like they wanted to vilify the name of his chiefdom.

16 Q. Thank you, Mr Witness. Mr Witness, did you get to know
17 where the surrendered soldiers were buried?

18 A. Well, I do not know where they were buried, but they showed
19 me the direction. Some said by Kamakeleh and some towards the
11:07:52 20 Makeni end.

21 Q. Mr Witness, you said "they showed you." Who? When you say
22 "they," who showed you?

23 A. Well, he, the chief, said that it was around Makeni side,
24 Kamakeleh. He said there they went and buried them.

11:08:17 25 Q. Mr Witness, apart from the paramount chief, did you hear
26 about the killing of the surrendered soldiers from anyone else?

27 A. Yes, the chiefdom speaker and all others in the town. They
28 were the ones that told me that.

29 Q. Mr Witness, do you recall what time of the year that these

1 surrendered soldiers were killed?

2 A. Well, it is the time when ECOMOG went there, when the
3 soldiers surrendered. Because some did not surrender
4 immediately, but I would not recall the killing of the 24. I
11:09:18 5 cannot recall the month, because it was not once that they
6 surrendered.

7 Q. Mr Witness, earlier on you told this Court that the
8 paramount chief, as a result of the killing, said he was going to
9 address the ECOMOG commander. How do you know that he said he
11:09:45 10 was going to address the ECOMOG commander?

11 A. Well, he had addressed him before I came. He just told me
12 that, "I had come from the place. I addressed them because they
13 really want to vilify the name of my chiefdom." So before I
14 came, that had been done.

11:10:12 15 Q. Thank you, Mr Witness. Mr Witness, did the paramount chief
16 tell you what he addressed the ECOMOG commander about?

17 A. Yes.

18 Q. Please tell this Court, Mr Witness?

19 A. Yes. According to the paramount chief, he said he did not
11:10:39 20 like the idea of taking soldiers from Kabala and bringing them
21 into his own chiefdom and killing them there. He said that is a
22 way of vilifying his own chiefdom vis-a-vis the others. That was
23 his concern that he raised.

24 Q. Thank you, Mr Witness. Mr Witness, did he tell you whether
11:11:10 25 the -- after he addressed -- sorry, Your Honours. Did the
26 paramount chief tell you what -- sorry, Your Honours. Did he
27 tell you whether the ECOMOG commander told him anything after the
28 address?

29 A. Yes, when he had addressed him, the commander told him

1 that: "Well, I wouldn't doubt you, you are a collaborator."
2 Especially the relationship that he had with late Brigadier
3 Tucker and he was also related to Major Augustine Kamara. He
4 said he was a collaborator. That was what he told the paramount
11:12:11 5 chief.

6 Q. How do you know that is what he told the paramount chief?

7 A. That was what the paramount chief told me.

8 Q. Thank you, Mr Witness. Mr Witness, during the period that
9 you said ECOMOG was in Town A - and I stand to be corrected - I
11:12:41 10 think you said a period of about six months, from February to
11 September 1998?

12 PRESIDING JUDGE: Ask your question.

13 THE WITNESS: Yes, yes.

14 MR GRAHAM:

11:12:53 15 Q. During this period, did you hear of any killing of
16 civilians?

17 A. Yes.

18 Q. Please tell the Court.

19 A. Sorry, again. I want the question again, please.

11:13:11 20 Q. I said, during the period from February -- sorry. During
21 the period that ECOMOG was in [redacted] in 1998 --

22 JUDGE DOHERTY: Mr Graham.

23 MR GRAHAM: Sorry, Your Honours. With your kind
24 permission, if that could be --

11:13:30 25 PRESIDING JUDGE: Yes, once more the name of the town
26 should be redacted from the transcript.

27 MR GRAHAM: I'm sorry, Your Honours.

28 Q. Mr Witness, I'm referring to Town A. I said during the
29 period that ECOMOG was in Town A, did you hear of any killing of

1 civilians?

2 MR HARDAWAY: Objection, Your Honour, I believe that has
3 been asked and answered already.

4 PRESIDING JUDGE: I will have to check my notes. You mean,
11:14:19 5 he did refer to two other incidents.

6 MR HARDAWAY: That is what I'm referring to, Your Honour.

7 PRESIDING JUDGE: Well, I think that objection is
8 well-founded. Perhaps you can rephrase it to say: Apart from
9 what you have already told us, were there any other killings?

11:14:40 10 MR GRAHAM: Very grateful for the assistance, Your Honour.

11 Q. Mr Witness, apart from the student and Bingi man?

12 JUDGE SEBUTINDE: Bingi I or Bingi Boy.

13 MR GRAHAM: Thank you, Your Honours.

14 Q. Apart from Bingi Boy and the student, did you hear of any
11:15:10 15 killings of civilians in Town A during the time that ECOMOG was
16 there?

17 A. Well, I used to hear really, but I did not see.

18 Q. Mr Witness, were you in Town A in September of 1998?

19 A. Yes, I was there.

11:15:53 20 Q. And do you recall anything significant happening in
21 September of 1998, Mr Witness?

22 A. Yes. In September 1998, so we had an attack. That was the
23 time that we had a second attack in Town A.

24 Q. Hold on, Mr Witness. You said, "We had an attack," what do
11:16:30 25 you mean by "we," Mr Witness?

26 A. Well, I'm talking in terms of all the community, in terms
27 of the community as a whole.

28 Q. Mr Witness, you referred to an attack, how do you know that
29 there was an attack?

1 A. There was an attack on 11 September 1998 and during that
2 attack, that was the time they killed the paramount chief. They
3 killed the paramount chief.

4 Q. Don't mention the name, please.

11:17:17 5 A. Okay, okay, I see.

6 Q. And, Mr Witness, do you know who and before I go on, was --
7 do you know who attacked?

8 A. No, no, I did not know who attacked.

9 Q. So can you tell this Court what happened on 11 September
11:17:52 10 1998?

11 A. Just like I said a few minutes ago, that was the time they
12 attacked Town A and killed the paramount chief. He was burnt to
13 death.

14 Q. Mr Witness, do you know who killed -- sorry, Your Honours,
11:18:23 15 did you hear who killed the paramount chief?

16 A. No. At that time I did not know.

17 Q. And you have told this Court that the paramount chief was
18 burnt. How do you know that, Mr Witness?

19 A. Well, when we ran away, it was at night that the attack
11:18:48 20 took place, so we ran during the night. So the following
21 morning, that was the time that we came there. So we found out
22 that his body lying down on his veranda, it was charred. And
23 beyond recognition the house was burnt, and he himself was burnt.

24 Q. Mr Witness, you just said "we ran." When you say "we," to
11:19:17 25 whom are you referring to?

26 A. I'm talking in terms of all the civilians who were in Town
27 A nobody was excepted.

28 Q. Mr Witness, how do you know that all the civilians were
29 affected?

1 A. Well, wherever there was an attack, nobody would just sit
2 down. During that time even ECOMOG had to pull out and went to
3 Kabala. So we went to some of our villages.

4 Q. Okay. Mr Witness, you told this Court that you had to run.
11:20:03 5 Where did you run to?

6 A. I went to Village X.

7 Q. Mr Witness, do you know the distance between Town A and
8 Village X?

9 A. It is about 9 miles.

11:20:30 10 Q. How do you know that, Mr Witness?

11 A. Well, it is a motor road, so we have the mileages.

12 Q. Thank you. Mr Witness, you said even ECOMOG pulled out.
13 How do you know that ECOMOG pulled out?

14 A. Because it was we and they that had been running. They had
11:20:57 15 been running. We also had been running. They had been running
16 to go to Kabala and we were heading for our villages.

17 Q. Mr Witness, when do you say pull-out, what do you mean by
18 pull-out?

19 A. We ran away.

11:21:23 20 Q. Mr Witness, how long did you stay at Village X when you ran
21 away after the attack?

22 A. Well, the following day I came back, so that was the time
23 that I came when I and they, the others, met and found out that
24 the body was lying down on the veranda and that the house was
11:21:52 25 burnt and even my own house was burnt.

26 Q. Did you hear who burnt your house, Mr Witness?

27 A. No.

28 MR HARDAWAY: Objection, Your Honour. This is --

29 PRESIDING JUDGE: What is objection?

1 THE WITNESS: No.

2 MR GRAHAM:

3 Q. Did you see -- sorry, if you know, Mr Witness, how many
4 houses did you see burnt when you returned from Village X?

11:22:39 5 A. I wouldn't know the number, but a lot of houses were burnt,
6 including mine.

7 Q. Apart from the burnt houses, did you see anything else,
8 Mr Witness?

9 A. No, property and everything. They looted property.

11:23:07 10 Q. How do you know, what do you mean by -- sorry, Your
11 Honours, when you say "they," whom are you referring to as
12 "they"?

13 A. Well, the rebels who came and attacked.

14 Q. Mr Witness, how do you know that it was the rebels that
11:23:30 15 came and attacked?

16 A. Well, we always knew that it was they that had been doing
17 that. They were the ones that would actually come and attack.
18 That is how I came to know.

19 Q. How did you come to know that, Mr Witness?

11:24:03 20 A. That particular time, sorry.

21 Q. You just said that you know the rebels attacked - I stand
22 to be corrected - and I'm asking you how do you know that it was
23 the rebels that attacked?

24 A. Well, because when they attacked, the place was left
11:24:38 25 desolate for some time, because ECOMOG had run to Kabala. The
26 place was left desolate for some time. So it was no man's land,
27 no security at all, but later, so as we saw, Savage came and he
28 deployed his people.

29 Q. Mr Witness, before I go on. Mr Witness, used the word

1 rebels, can you please tell this Court what you understand by
2 rebels?

3 A. Well, they, they are people really who are determined to
4 destroy and spoil all the resources, all resources. They were
11:25:41 5 the people who had been going burning and doing bad things.

6 Q. Thank you, Mr Witness. Mr Witness, did you during --

7 A. Yes.

8 Q. Sorry, did you after the attack when you returned from
9 Village X hear the names of any individuals who were referred to
11:26:13 10 as rebels?

11 A. Well, all of us in the community said so. We said that it
12 was the rebels that came and attacked us.

13 Q. Thank you. Mr Witness, you earlier on said that the
14 paramount chief's body was burnt beyond recognition. How did you
11:26:46 15 know that was the paramount chief who had been burnt, according
16 to you, to death?

17 A. Well, it was only his body that we met on the veranda and
18 we have not been able to see him up to the time that I'm now
19 talking.

11:27:08 20 Q. Thank you. Now, Mr Witness, you earlier on told this Court
21 that Savage to - and I stand to be corrected - settle in Town A
22 after the September 11th attack. How do you know that Savage
23 came to settle in Town A, Mr Witness?

24 A. Well, when the place was made desolate for some time, that
11:27:46 25 was the time that he came and deployed his people. With one,
26 with one Ishmael as the ground commander.

27 Q. Mr Witness, before you go on, do you know how long Town A
28 remained desolate after the attack?

29 A. It took some time from that attack, up 'til nearly March

1 1999, from that time. The period was long when the place was
2 left desolate from 11th September.

3 Q. Do you recall what month Savage settled in Town A?

4 A. Yes. It was between February and March '99.

11:28:58 5 Q. Thank you, Mr Witness. And, Mr Witness, before I go on,
6 how do you know that this person you referred to was named
7 Savage?

8 A. Well, Savage was based at Kamabai. After the attack they
9 were coming intermittently until that time when he came and
11:29:35 10 deployed.

11 Q. Mr Witness, before you go on?

12 MR GRAHAM: Your Honours, I believe Kamabai we have had
13 that before.

14 PRESIDING JUDGE: Yes, we have had that a few times.

11:29:48 15 MR GRAHAM:

16 Q. Mr Witness, how do you know that Savage was based at
17 Kamabai?

18 A. Well, whilst he was there, he was going to Town A and
19 returned. He went to Town A and returned until when he finally
11:30:06 20 decided to deploy there.

21 Q. My question, and I will come to this, my question was --
22 okay, how do you know that he used to go and come to and from
23 Town A? Who do you know that Savage use to go to and fro from
24 Town A? How did you get that information? How do you know that?

11:30:43 25 A. Well, when he used to come there, because once in awhile we
26 used to go there. We did not abandon the place entirely like
27 that. We used to go there and he too went there and he met us
28 there and returned. He met us there and returned. He said he
29 was at Kamabai. It was there -- he came from Kamabai there and

1 looted the area there, in our own chiefdom.

2 Q. Mr Witness, before I go on, you said you met S, when you
3 say S who are you referring to?

4 A. Well, I'm always talking in terms of the community.

11:31:34 5 Q. Thank you. How do you know that he came and looted, that
6 is Savage?

7 A. Yes. Well, from the point where he was at Kamabai, you
8 used to send soldiers to come on food-finding, so that was the
9 time they harassed our young people to carry load from Town A

11:32:04 10 to - to carry food from Town A to Kamabai.

11 Q. How did you know that it was Savage who was asking them to
12 do that?

13 A. Well, they are the very ones that came. They were the ones
14 that told us that our bossman sent us, who is Savage. I heard

11:32:30 15 the name. Savage was the boss. And he left the commander there,
16 who based at the place, Ishmael.

17 Q. Mr Witness, these people that you said Savage used to send,
18 do you know how they were dressed?

19 A. Well, those ones, they were in civilian clothes.

11:33:07 20 Q. Thank you. And you told this Court that Savage deployed
21 his people at Town A. How do you know that Savage deployed his
22 people at Town A, Mr Witness?

23 A. Well, it was he himself that came and introduced Ishmael as
24 ground commander. He said they were his people.

11:33:41 25 JUDGE DOHERTY: Mr Graham, sorry. I was trying to hear the
26 witness. Did he say grand commander or ground commander?

27 MR GRAHAM:

28 Q. Mr Witness?

29 A. Ground, ground, ground.

1 Q. Could you spell.

2 A. Ground, G-R-O-U-N-D.

3 JUDGE DOHERTY: Thank you, Mr Witness.

4 MR GRAHAM: Thank you, Mr Witness.

11:34:12 5 Q. Try to speak directly as you can into the mic, thank you.

6 A. Okay.

7 Q. And Mr Witness, do you know how long Savage deployed his

8 people in Town A? Do you know how long they stayed in Town A?

9 A. Well, they stayed there for long, up to the time when the

11:34:54 10 RUF drove them out.

11 Q. Okay. Before you go on, Mr Witness, during the period that

12 the Savage deployed his people, where were you staying yourself?

13 A. I was in Town A.

14 Q. Thank you. Witness, you just told this Court that they

11:35:29 15 stayed there up until the time that they were -- did you say the

16 RUF?

17 A. Yes.

18 Q. Can you tell this Court what -- how you know that the RUF -

19 I stand to be corrected - drove them out?

11:35:57 20 A. Yes, at one time, yes. At one time I think RUF they had an

21 understanding. At one time they had to pull up -- pull out where

22 they were and the ones that were based -- deployed in Town A,

23 they drove them out, together with Savage.

24 Q. Mr Witness, just take your time and speak slowly. I asked

11:36:33 25 you, do you know what the --

26 MR FOFANAH: May it please, Your Honours, just for some

27 clarification. I actually heard the witness say misunderstanding

28 but the interpretation that came was understanding. Probably you

29 would need to clarify that, that the RUF had some

1 mi sunderstanding and the interpreter said understanding.

2 PRESIDING JUDGE: Did you hear that, Mr interpreter?

3 The Interpreter: Yes, My Lord.

4 PRESIDING JUDGE: What did the witness say understanding or
11:37:15 5 mi sunderstanding?

6 THE INTERPRETER: Mi sunderstanding as repeated by the
7 witness, My Lord.

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

9 MR GRAHAM:

11:37:26 10 Q. Mr Witness, how did you know about the mi sunderstanding
11 that you have just referred to?

12 A. Well, the ones that were at the ground, through Ishmael,
13 who was at the ground, they said they had a mi sunderstanding with
14 the RUF. And it was not too long when the RUF came and drove
11:38:01 15 them out.

16 Q. Thank you, Mr Witness. Do you know approximately how many
17 people Savage deployed at Town A who were under the -- with
18 Ishmael as ground commander?

19 A. Well, I wouldn't know the number, but they were in large
11:38:31 20 numbers.

21 Q. Do you know what happened after the RUF, according to you,
22 drove them out of Town A?

23 A. Yes. When they drove them out, so Savage led them to
24 Bafodia, because they would not go to Kabala, because the SLA and
11:39:03 25 the ECOMOG were at Kabala, so they went to Bafodia.

26 Q. Mr Witness, how did you get the information that savage and
27 co had gone to Bafodia?

28 A. Yes, because they ran, they pulled out from Kamabai, so
29 when the RUF reached Town A, that was the time they left the

1 place. They did not go to Kabala directly. They used the foot
2 path for Bafodi a.

3 Q. How do you know they used the food path to Bafodi a?

4 A. Yes, because they wouldn't use the main road. They knew
11:39:57 5 that the SLAs and the ECOMOG were there, so they were afraid to
6 use that road. Instead they used the bush path.

7 Q. Mr Witness, do you know the distance from Town A to
8 Bafodi a?

9 A. No.

11:40:34 10 Q. Mr Witness, when the RUF drove out Savage and his people
11 from Town A, did the RUF settle in Town A?

12 A. Yes, they settle there.

13 Q. How do you know, Mr Witness, that they settled in Town A?

14 A. Well, they came, they met us and they introduced one Stone,
11:41:06 15 Stone as the ground commander. They told us that they had taken
16 over the RUF and that we were going to enjoy peace there. So
17 they deployed at the place. So now they have taken over and they
18 told us about it.

19 Q. Mr Witness, who introduced Stone as a ground commander?

11:41:41 20 You just told this court. Who introduced Stone as ground
21 commander?

22 A. I cannot recall the person, but it was he that they
23 introduced to us as ground commander.

24 Q. Mr Witness, do you know where he was introduced to you as
11:42:10 25 ground commander?

26 A. Where he was introduced?

27 Q. Yes.

28 A. Okay, okay. So they introduce him to us, the chiefdom
29 elders, that were in Town A.

1 Q. Mr Witness, do you know approximately how many RUF came
2 into Town A and drove out Savage and his people?

3 A. I wouldn't know the number, because really they were there,
4 but I wouldn't know.

11:43:00 5 Q. Mr Witness, do you know whether during -- sorry, Your
6 Honours, before I go on. Mr Witness, do you know how long the
7 RUF stayed in Town A?

8 A. Yes. The RUF stayed in Town A 'til the peace.

9 Q. When you say "'til the peace," do you know what time is
11:43:34 10 that?

11 A. Up to 2002, I think, 2002.

12 Q. Mr Witness, during the period that the RUF was in Town A,
13 was life normal?

14 A. It wasn't normal. It wasn't normal, because --

11:44:04 15 Q. Can you explain?

16 A. Yes, I experienced harassment of civilians, especially on
17 food finding. They used to call that situation Jahjah. They
18 forced young men to carry load, so was what happened.

19 Q. So apart from the harassment and the Jahjah, did the RUF do
11:44:43 20 anything else that you know about?

21 A. Yes. One incident happened when -- in which my relative
22 was involved. One of them went to -- for food-finding in one
23 village, at Village X. There is another village there. They
24 went there on food-finding and during the process, they killed
11:45:18 25 one woman there. So that report reached us -- reached the ground
26 commander, but he took an action, but during that period there
27 was a ceasefire. He sent for the person that did that, the
28 person was brought, and the ground commander killed him saying
29 that he had violated the ceasefire. That incident happened.

1 Q. Mr Witness, how do you know that the ground commander
2 killed this individual who, according to you, he said had
3 violated --

4 A. Yes. When the report reached him, he sent for the man who
11:46:07 5 did that, all of them assembled at the barri, so it was there he
6 addressed us that: "Do you know that this is a ceasefire period?
7 You shouldn't violate do that. How did you imagine to kill this
8 woman? Since you have violated the ceasefire, you are going to
9 kill you." And it was there that Foday Sankoh told them that,
11:46:34 10 "If you kill, you are going to be killed too." He made the man
11 to make a statement to his family members before ever he ordered
12 for him to be killed exactly where -- Bingi Boy was killed.

13 Q. Mr Witness, how do you know that he asked him to make a
14 statement before he was killed?

11:47:06 15 A. All of us were there. They summoned all of us at the
16 barri, while they were doing that.

17 Q. Mr Witness, apart from Ishmael whom you -- apart from --
18 sorry, I withdraw at that question, Your Honour. Mr Witness,
19 during the period February 1998 to September 1998 where were you?

11:48:05 20 A. I was in Town A.

21 Q. During this period, and I'm referring to the period
22 February 1998 to September 1998, did you hear or see any AFRC or
23 SLA -- or SLAs engaging in terrorising the civilian population in
24 Town A?

11:48:48 25 A. Well, during that time there was a problem of food finding,
26 so they wouldn't do that without harassing civilians, so that was
27 the main problem they encountered in the town.

28 Q. Mr Witness, during the period from February 1998 to
29 September 1998, did you see or hear any AFRC or SLAs killing

1 innocent civilians in Town A?

2 JUDGE DOHERTY: Mr Graham, why did you use the word
3 "innocent civilians"? The indictment refers civilians. Are you
4 classifying them?

11:49:59 5 MR GRAHAM: Sorry, Your Honour.

6 Q. Mr Witness, civilians, not innocent civilians. I'm sorry,
7 Your Honour.

8 A. From February to September, well, apart from what I have
9 talked about, the paramount chief.

11:50:23 10 Q. Mr Witness, during the period February 1998 to September
11 1998, did you see or hear the AFRC or SLAs committing any
12 mutilations or amputations against civilians in Town A?

13 A. No, no, I did not see. I did not hear.

14 Q. And during this period, February 1998 to September 30,
11:51:03 15 1998, did you see or hear AFRC or SLAs conscripting or enlisting
16 boys and girls under the age of 15 years to participate in active
17 hostilities?

18 A. I did not see that. I did not hear that.

19 Q. Mr Witness, during the period February 1998 to September
11:51:54 20 1998, did you yourself see or hear any AFRC, SLAs committing any
21 rape in Town A?

22 A. I did not see. I did not hear.

23 Q. Did you, Mr Witness, during that this same period, that is
24 February 1998 to September 1998, witness, see or hear any acts of
11:52:40 25 sexual violence against the civilians of Town A?

26 A. I did not see nor did I hear.

27 Q. Mr Witness, during this period, February 1998 to September
28 1998 that you were in Town A, did you hear the name Tamba Brima
29 as being one of the rebels who had attacked Town A?

1 A. I did not see nor did I hear.

2 Q. Did you hear the name Gullit as being one of the rebels who
3 attacked Town A?

4 A. I did not see nor did I hear about him.

11:53:44 5 Q. Mr Witness, I ask of you, did you, during the period I have
6 referred to, hear or see one Ibrahim Bazy -- one Ibrahim Kamara
7 as being one of the rebels who attacked Town A during the period?

8 A. I did not see nor did I hear.

9 Q. Did you see or hear that one Santigie Borbor Kanu was one
11:54:29 10 of the rebels who attacked Town A during the period I referred
11 to, Mr Witness?

12 A. No, I did not see.

13 Q. Did you hear the name Five-Five, Mr Witness, as being one
14 of the rebels who attacked Town A any time during the period
11:54:54 15 February 1998 to September 1998, Mr Witness?

16 A. In that town, no, I did not see.

17 Q. Mr Witness, the names that I mentioned to you, have you
18 heard these names before?

19 A. Yes. I heard about some of the names over the radio,
11:55:21 20 especially during the time. For instance, Bazy Kamara, during
21 the time when this Court started, I heard their names in the
22 local newspapers.

23 Q. Thank you, Mr Witness.

24 MR GRAHAM: Your Honours, I do not have further questions
11:55:47 25 for this witness. I'm grateful for the time and assistance.

26 PRESIDING JUDGE: Yes, thank you, Mr Graham. That witness
27 was another common witness; is that right?

28 MR GRAHAM: That is so, Your Honours.

29 PRESIDING JUDGE: Yes, Mr Hardaway.

1 MR HARDAWAY: Thank you Your Honours.

2 CROSS-EXAMINED BY MR HARDAWAY:

3 Q. Mr Witness, good afternoon.

4 A. Good afternoon, sir.

11:56:14 5 Q. I'm asking to be asking you a few questions. I just want
6 you to listen to them carefully and answer them as clearly and
7 directly as possible. All right, sir?

8 A. Okay.

9 Q. To start off, sir, is with a point of clarification. Town

11:56:32 10 A, Village X and Chiefdom Y, they are all in Koinadugu District?

11 A. Yes.

12 Q. Would you agree with me, sir, that after the coup in 1997
13 that you had stayed in Freetown roughly six months before you
14 returned back to, I believe, Town A?

11:56:58 15 A. Yes.

16 Q. During that time, sir, did you ever hear the name Alex
17 Tamba Brima, Ibrahim Bazy Kamara, Santigie Borbor Kanu as being
18 part of the coup that overthrew the government in 1997?

19 A. No, I did not hear it.

11:57:37 20 Q. Did you hear the name Gullit or Five-Five as being part of
21 the coup that overthrew the government in 1997?

22 A. It was during the takeover. It was during the overthrow?

23 Q. Yes, that is the time, did you hear those names?

24 A. No, I used to hear those names. I heard them.

11:58:08 25 Q. In what context did you hear those names at that time, sir?

26 A. Well really, I heard that they were the people that
27 overthrew the government of Tejan Kabbah.

28 Q. Where did you hear this, sir?

29 A. I heard that when I was -- I heard that over the radio, the

1 BBC radio announcement.

2 Q. And that was during the time you were still in Freetown; is
3 that correct?

4 A. Yes.

11:59:07 5 MR HARDAWAY: The Court's indulgence for just one moment,
6 Your Honour.

7 PRESIDING JUDGE: Yes.

8 [Prosecution counsel conferred]

9 MR HARDAWAY: I thank you the Court for their indulgence.

11:59:27 10 Q. Mr Witness.

11 A. Yes, sir.

12 Q. At any time when you were in the Koinadugu District, did
13 you hear the name SAJ Musa?

14 A. Yes, I used to hear the name SAJ Musa, SAJ Musa.

11:59:57 15 Q. How did you hear the name SAJ Musa?

16 A. I heard that through one Mary Kamara who said at one time
17 they were coming from Kabala, used the other way, but they did
18 not pass through the town, and they were coming to Freetown. And
19 during that time they met -- they met the lady in one village and
12:00:23 20 they captured the lady and went with her, and she was with them.
21 Later on, she was able to escape from them and came, and it was
22 she who explained to us about him. It was from her that I was
23 able to learn about that name.

24 Q. So the them that you're referring to is the group with SAJ
12:00:51 25 Musa?

26 A. Yes, yes.

27 Q. I want to take you back to the time, sir, after the
28 intervention when the soldiers first came in to Town A. Do you
29 remember that time period, sir?

- 1 A. When they pulled out.
- 2 Q. After the intervention, yes, sir.
- 3 JUDGE SEBUTINDE: Excuse me, Mr Hardaway, does the witness
4 know what the intervention is?
- 12:01:34 5 MR HARDAWAY: I will clarify, Your Honour.
- 6 Q. I want to take you back to the time period, sir, after
7 ECOMOG drove the soldiers out of Freetown and they came to Town
- 8 A. Do you remember that part, sir?
- 9 A. Yes.
- 12:01:56 10 Q. You had testified that while the soldiers were in Town A at
11 this point you had spoken to them and one of them had mentioned
12 Operation Pay Yourself. Do you remember that part of your
13 evidence, sir?
- 14 A. Yes. They used to say that.
- 12:02:19 15 Q. What do you mean when you said Operation Pay Yourself?
- 16 A. Well, I think that when they were driven out, they felt
17 that there was nobody to pay them and that there was no
18 government to pay them salary, so that was the idea, because they
19 were not under.
- 12:02:55 20 Q. Thank you, sir. I now want to take you to the attack of
21 September 11, 1998 in Town A. During that attack, sir, did you
22 personally see any rapes being committed?
- 23 A. No, no.
- 24 Q. Did you personally see any abductions?
- 12:03:26 25 A. No. I personally, no.
- 26 Q. Did you personally see any mutilations or amputations?
- 27 A. No.
- 28 Q. Did you personally see anyone set any buildings afire?
- 29 A. I did not see, but houses were burnt. I did not see anyone

1 personally, but houses were burnt, including my own house.

2 Q. And you did not personally see anybody looting Town A on
3 September 11, 1998; is that correct?

4 A. No, did not see.

12:04:20 5 Q. And you did not personally see who attacked Town A, is that
6 correct, on September 11, 1998?

7 A. I did not personally see.

8 Q. Mr Witness, I put it to you that those who attack the Town
9 A on September 11, 1998 were a combination of RUF and SLA

12:04:52 10 soldiers. What is your response, sir?

11 A. Well, I wouldn't know.

12 Q. Thank you, sir.

13 MR HARDAWAY: With the Court's indulgence for one moment,
14 please.

12:05:06 15 [Prosecution counsel conferred]

16 MR HARDAWAY:

17 Q. Mr Witness, I want to thank you for your time here this
18 afternoon. It is greatly appreciated.

19 MR HARDAWAY: Your Honours, this concludes my

12:05:25 20 cross-examination.

21 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any
22 re-examination arising from the cross-examination?

23 MR GRAHAM: No, Your Honours.

24 QUESTIONED BY THE COURT:

12:05:41 25 JUDGE SEBUTINDE:

26 Q. Witness, I want to ask you one question relating to this
27 Operation Pay Yourself that you told us about.

28 A. Yes.

29 Q. What does it mean? What do you understand it to mean?

1 A. Well, my own meaning, the one that I understand is that
2 they had been ousted, so there was no government that was
3 responsible for them now, so they would pay themselves. That is
4 the understanding that I heard that they were going to find a
12:06:23 5 living to pay themselves. That is my own understanding.

6 Q. Did your son ever explain to you how they were going to pay
7 themselves? How they were planning to pay themselves? Your son,
8 the one that was an SLA, did he ever explain to you how they were
9 planing to pay themselves?

12:06:43 10 A. No.

11 PRESIDING JUDGE: Was there anything arising from that
12 question from the Bench?

13 MR GRAHAM: Yes, Your Honour, just --

14 RE-EXAMINED BY MR GRAHAM:

12:07:12 15 Q. Mr Witness, apart from your son, did any of the soldiers
16 who came to Town A explain to you what was meant by Operation Pay
17 Yourself?

18 A. No, nobody explained to me. It was just a slogan.

19 Q. From your understanding of Operation Pay Yourself, which
12:07:44 20 you have told this Court, would you say that by your own
21 understanding, did you witness any Operation Pay Yourself when
22 the SLA soldiers came to Town A after the intervention in
23 Freetown?

24 A. No.

12:08:10 25 MR GRAHAM: Thank you, Your Honours. I don't have any
26 further questions for the witness.

27 PRESIDING JUDGE: Yes, thank you. Mr Witness, we would
28 like to thank you for coming to court to give evidence. You will
29 be free to go now. Once the Court attendant moves the curtains

1 across, you will be able to leave the Court.

2 THE WITNESS: Thank you too. Okay, thank you.

3 [The witness withdrew]

4 MR GRAHAM: Your Honours, with your kind indulgence, we --
12:09:48 5 before -- I think our next witness was going to be DAB-080 and we
6 were going to follow with DAB-081, if I'm right. But during the
7 short recess the WVS informed us in relation to DAB-080 that they
8 were yet to complete the Court briefing process with the witness,
9 and it is just probably indicative of the situation in which we
12:10:28 10 found ourselves in now. After the Bombali witnesses we brought
11 in a couple of witnesses, too, from the Koinadugu District as
12 well. Indeed, yesterday some of them forcefully left because
13 they said they had to go and attend to some other duties. We
14 tried to sort it out with WVS. But in relation to this very
12:10:51 15 witness, WVS was hoping that probably during the lunch break they
16 would have finished with the Court briefing. That is kind of
17 like the handicap that we have. The witnesses are coming in and
18 we are just trying to get them in and that is the nature of the
19 discussion we had with the WVS during the short break.

12:11:08 20 PRESIDING JUDGE: What are you asking, Mr Graham?

21 MR GRAHAM: Your Honours, I'm saying that from the
22 discussions we had with WVS during the short recess, my
23 understanding was that the witness would be ready after lunch
24 because they had to do court briefing. I do not know whether the
12:11:25 25 situation has changed as of now, because I think it was ongoing
26 even whilst I finished with the in chief and the
27 cross-examination. I don't know exactly what the situation is
28 now.

29 JUDGE DOHERTY: You referred to two witnesses, Mr Graham.

1 MR GRAHAM: Yes, Your Honours. I think they even have to
2 finish with DAB-080 even before they take on DAB-081.

3 PRESIDING JUDGE: Are you asking that we adjourn early for
4 lunch and come back early?

12: 11: 55 5 MR GRAHAM: Your Honours, in the circumstances I believe
6 that would be appropriate then we can go in and probably see what
7 the situation -- I do not know whether we can contact WVS now to
8 find out whether she is ready.

9 PRESIDING JUDGE: We are told this inquiry will only take
12: 13: 10 10 about a minute.

11 It seems to us as though we do not have any option but to
12 adjourn the Court and have an extended lunch hour. We were
13 thinking of coming back early from lunch but we understand that
14 that may interfere with the accused's lunch being served to them.
12: 14: 08 15 Anything the Prosecution want to say? The Bench is contemplating
16 adjourning now and coming back at 2.15.

17 MR AGHA: Under the circumstances, Your Honour, there is
18 not a huge amount we can say, but we would just let the Bench
19 know that if the Bench feels it is necessary to sit a little bit
12: 14: 32 20 longer today to catch up on the missing time that has been lost,
21 the Prosecution would be more than prepared to do that.

22 PRESIDING JUDGE: Thank you, Mr Agha. That is something we
23 will definitely take into account. Well, in view of the
24 circumstances, there is not another witness ready at the moment.
12: 14: 47 25 We adjourn now and reconvene at 2.15.

26 [Luncheon recess taken at 12.15 p.m.]

27 [Upon resuming at 2.19 p.m.]

28 [The Witness entered Court]

29 PRESIDING JUDGE: Good afternoon. Mr Daniels, it would

1 appear that your client is not in court; is that correct?

2 MR GRAHAM: That is so, Your Honours. Your Honour, he's
3 not here. I think he's waived his rights to appear before the
4 Court this afternoon, Your Honour, specifically because I think
14:16:31 5 we made some arrangement for him to meet one of his potential
6 witnesses and, as per the Registrar's guidelines, I think that
7 can only be done from 2 to 4.30, so he's understood and he has
8 waived his rights to be here this afternoon.

9 PRESIDING JUDGE: When you say, "I think he's waived", am I
14:16:54 10 allowed to put it on record?

11 MR GRAHAM: He has waived his rights. He has.

12 PRESIDING JUDGE: Very well, Mr Graham. Thank you.
13 Perhaps before I even put that on the record, I should note that,
14 as you will see, there is only myself and my learned sister
14:17:06 15 Justice Sebutinde on the Bench this afternoon. As you may be
16 aware from the documents filed over lunch-time, His Honour
17 Justice Lussick is unable to sit today and tomorrow, due to work
18 and Court commitments in The Hague. I will, therefore, read into
19 the record the relevant parts of an order under Rule 16
14:17:33 20 permitting Justice Sebutinde and I to continue the trial in the
21 absence of a judge. We note that Justice Lussick is unable to
22 continue to sit in the trial for a short duration. We note the
23 provisions of Rule 27 sub Rule (D) of the Rules, which state,
24 "The provisions of Rule 17 will apply in the event of the
14:17:55 25 Presiding Judge being unable to carry out his functions." We
26 note the provisions of Rule 17 (B) which state, "Judges elected
27 or appointed on different dates shall take precedence in
28 accordance with the dates of their election or appointments.
29 Judges elected are appointed on the same date shall take

1 precedence, according to age," and note that pursuant to Rule 17
2 (B) Justice Doherty will act as Presiding Judge in the absence of
3 Justice Lussick. That order has been made today and has been
4 filed today.

14:18:39 5 I note there is a witness in the witness box.

6 MR MANLY-SPAIN: Yes, Your Honour.

7 PRESIDING JUDGE: Thank you, Mr Manly-Spain. The witness's
8 reference number, please?

9 MR MANLY-SPAIN: It's DAB-080.

14:18:52 10 PRESIDING JUDGE: Thank you. What language will the
11 witness speak?

12 MR MANLY-SPAIN: Koranko.

13 PRESIDING JUDGE: Madam Court Attendant, please arrange to
14 have the witness sworn.

14:18:59 15 MR FOFANAH: May it please Your Honour, just before that, I
16 want to bring some concern to the attention of the Court relating
17 to witnesses for the Defence. Your Honours, as things stand at
18 the moment, we have two witnesses with WVS and we are
19 anticipating to have two other witnesses for tomorrow and

14:19:23 20 probably Monday. The reason for this, Your Honours, is that we
21 initially did not anticipate that witnesses from Koinadugu and
22 other places will actually be called this session. Given this
23 period of the trial so far, we had to get in touch with them and
24 see how best we can abridge their circumstances back home and get

14:19:56 25 them here in time. That's why you even had the unfortunate
26 situation this morning, this afternoon, of witnesses not being
27 present to continue, being that they just came in, and they had
28 to be briefed by WVS. So our problem, Your Honours, with
29 respect, is that we actually are foreseeing problems beyond the

1 four witnesses that we have at the moment, including the one
2 before the Court. So we anticipate that we might, with your
3 leave, be applying, if not today, but at a future date, in the
4 nearest future, to see if Your Honours can permit the Defence to
14:20:44 5 look into this witness issue and probably ask for time to
6 continue the Defence at some reasonable time in the future
7 because we actually did not anticipate that the
8 cross-examinations would be quite short. We had thought that we
9 would be able to handle the crime base, Bombali District, for
14:21:03 10 this session, and had streamlined our witnesses along that line.
11 But, of course, it was not done deliberately. We actually
12 thought that we would have exhausted the district and then move
13 on to Koinadugu. So that is the problem that we foresee. We are
14 still working very hard with the WVS to see if they can bring in
14:21:27 15 more witnesses should Your Honours order otherwise, because we
16 have to follow the dictates of the Court. But we are constrained
17 at the moment at having only four witnesses, including the one
18 before you.

19 PRESIDING JUDGE: It would appear, from what you have said,
14:21:41 20 Mr Fofanah, that you will have at least the weekend and Monday to
21 try and get some witnesses brought in.

22 MR FOFANAH: Yes, Your Honour. We will try our level best,
23 working with WVS, but should that be a problem, we merely thought
24 that we should bring that to the knowledge of the Court so that
14:22:02 25 the Court is not taken by surprise.

26 PRESIDING JUDGE: Well, as this session was scheduled some
27 considerable weeks ago, and the Defence was aware that they were
28 to open their trial on 5th June -- in fact, I recall your learned
29 senior saying that the accused took longer than expected to give

1 evidence, which I would have thought would give you a little more
2 time. However, I have noted what you have told us. It's on
3 record. But we will look to the Defence to ensure that a fair
4 and expeditious trial is given to the accused and that the
14:22:42 5 witnesses will be brought as best can be done.

6 MR FOFANAH: I'm most grateful, Your Honour. Thank you.

7 PRESIDING JUDGE: Thank you, Mr Fofanah.

8 MR GRAHAM: Your Honours, respectfully, if I, with your
9 kind permission, may just add a word to what my learned friend
14:22:59 10 has said. Indeed, in respect of Bombali District, we have had
11 quite a number of witnesses who have come in. Unfortunately, we
12 couldn't get all of them to come in this session simply because,
13 as I said, some of them have told us outright because of the
14 commercial -- the farming season, they won't be able to do that
14:23:17 15 now. And, secondly, also, there is this chieftaincy also going
16 on in the Bombali District, and I think that also explains the
17 reason why we couldn't get all our witnesses to come in to Court
18 this session. That is relating to the witnesses from the Bombali
19 District.

14:23:37 20 PRESIDING JUDGE: I understand what you're saying,
21 Mr Graham, but, to the best of my recollection, there was no
22 order made by the Court that you call them by district. My
23 understanding is that that was a decision made internally within
24 the Defence, and the Court will not hold you to a district by
14:23:53 25 district presentation of evidence, unless we have otherwise
26 ordered, and we have not done so. The running of the Defence is
27 a matter for the Defence counsel.

28 MR GRAHAM: Your Honours, I entirely agree with you in that
29 regard. Except that it happened to be the case because I think

1 Bombali District was the district that we happened to have
2 completed our investigations first then followed up by Koinadugu.
3 So it was kind of more like a natural course of events for us,
4 rather than being purposefully designed. But we think we have
14:24:27 5 duly properly notified the Court. We will continue to do what
6 we have to do as the Defence. Thank you.

7 PRESIDING JUDGE: Thank you.

8 MR AGHA: Your Honours, if I may just add a brief word. I
9 know this is not a formal application for an adjournment by the
14:24:38 10 Defence but, rather, than alert but just so the Court is aware
11 and my learned friends are also aware, is that should an
12 application for an adjournment be made, it will be opposed by the
13 Prosecution and arguments on that will be made at the appropriate
14 time.

14:24:55 15 PRESIDING JUDGE: At the appropriate time then, Mr Agha, we
16 will deal with this problem. Thank you.

17 JUDGE SEBUTINDE: Maybe just to make absolutely certain
18 from the Bench, we plan to hold this session for the whole of
19 next week. We don't plan otherwise. The recess will begin as
14:25:18 20 scheduled. We don't intend to bring it forward, so we expect the
21 trial to be running, and for the Defence witnesses to continue
22 throughout next week. Those are our expectations from the Bench.
23 So, please don't sit back and think that because you've informed
24 the Bench of these apprehensions we will therefore change our
14:25:40 25 expectations. We expect to proceed with the trial next week.

26 WITNESS: DAB-080 [Sworn]

27 [The witness answered through interpreter]

28 PRESIDING JUDGE: Mr Manly-Spain, do I understand you're
29 leading the witness?

1 MR MANLY-SPAIN: Yes.

2 PRESIDING JUDGE: Please proceed.

3 EXAMINED BY MR MANLY-SPAIN:

4 Q. Good afternoon, Madam Witness?

14:26:52 5 A. Yes, good afternoon.

6 Q. Madam Witness, where do you normally reside?

7 A. xxx Town.

8 Q. Where were you born?

9 A. I was born in that same xxx Town.

14:27:22 10 Q. What chiefdom do you find xxx Town?

11 A. Right now?

12 Q. The chiefdom where xxx Town is, what chiefdom is it?

13 A. It's in Kabala.

14 Q. In what district do you find it, xxx Town?

14:27:56 15 A. Koinadugu District.

16 Q. Thank you. Madam Witness, are you married?

17 A. Yes.

18 Q. Do you have children?

19 A. I have children.

14:28:29 20 Q. How many children do you have?

21 A. Seven children.

22 PRESIDING JUDGE: Mr Manly-Spain, I understood Mr Agha to

23 indicate there would be no objecting to leading on some of these

24 personal preliminary matters; that still stands, Mr Agha?

14:28:54 25 MR AGHA: Yes, indeed, Your Honour.

26 PRESIDING JUDGE: Thank you. Please be at liberty to do

27 so, Mr Manly-Spain.

28 MR MANLY-SPAIN: Thank you.

29 Q. Madam Witness, are your children staying with you at

- 1 xxx Town?
- 2 A. Yes. All of them are there.
- 3 Q. Are you a Muslim?
- 4 A. Yes, I am a Muslim. My father is a Muslim and I am a
- 14:29:21 5 Muslim.
- 6 Q. Do you know how old you are, about how old you are?
- 7 A. I am 25 years this year.
- 8 Q. Madam Witness, have you ever been educated in English?
- 9 A. No. No, I'm not educated.
- 14:29:52 10 Q. Apart from Koranko, can you speak any other language?
- 11 A. No, I only know Koranko.
- 12 Q. Apart from being a married woman, are you also doing
- 13 farming work?
- 14 A. Yes, I do farming.
- 14:30:31 15 Q. Madam Witness, do you and your husband stay in the same
- 16 house normally?
- 17 A. We are in the same house, indeed.
- 18 Q. Do you recall, madam, the year 1998, which is about eight
- 19 years ago.
- 14:31:10 20 A. What I know is what I'll explain.
- 21 MR MANLY-SPAIN: Please ask her whether she recalls that
- 22 year about eight years ago, 1998, then she can go on to explain.
- 23 THE WITNESS: Yes.
- 24 MR MANLY-SPAIN:
- 14:31:24 25 Q. Do you recall the rainy season of that year?
- 26 A. Yes.
- 27 Q. Where were you living then?
- 28 A. I was in Koinadugu Town there.
- 29 Q. With whom were you living?

1 A. I was with my husband, but he was blind.
2 Q. Apart from your husband, were you living with anybody else?
3 A. No, I was staying with my husband.
4 Q. Madam Witness, where were your children living at that
14:32:14 5 time?
6 A. All of them were with me in that same house; we were all
7 there.
8 Q. Am I right to say that you and your husband, plus your
9 seven children, lived in the same house at that time?
14:32:35 10 A. All of them were in the same place, in the same house.
11 Q. Thank you. Madam Witness, at that time, which you have
12 remembered in the rainy season, whilst you were living in your
13 house with your husband and children, did anything happen at
14 Koinadugu Town?
14:33:12 15 A. Yes.
16 Q. Please tell the Court what you remember happened.
17 A. Yes. You want me to start now?
18 Q. Yes, but go slowly and explain so that the Court will get
19 you, and the interpreter will be able to explain to the Court
14:33:36 20 what you have said -- interpret to the Court what you have said.
21 A. Okay. When I say something, I wait for a while; is that
22 so?
23 Q. Yes.
24 A. Can I start?
14:33:58 25 Q. Please start.
26 A. Okay, listen to me. Listen to me. Thank you very much. I
27 have come to this Court today in relation to the war. One day we
28 were sitting there when they said the war has come, but when they
29 said that, we run away into the bush. When we went into the

1 bush, together with my husband and seven children, we were there
2 when they entered our town. They said it was Superman's group.
3 That was what I heard from the other people with whom we were
4 running away. We ran into the bush and that was where we stayed.
14:35:19 5 The jet came. We were hiding behind the trees. I had lain over
6 my children, but all of them had his arms out. The jets
7 bombarded, and it chopped off one of my children's hand right
8 underneath me. Then the child said, "Mother, have you seen my
9 hand has been chopped off."

14:35:51 10 Q. Witness, I want you to just stop there. Let me ask you
11 some questions. We'll get back to that stage again. You fled
12 from the town, from your village; where did you go?

13 A. We went far into the bush.

14 Q. With whom -- did you go into the bush with anybody?

14:36:26 15 A. Together with my companions, my companions. Most of the
16 townspeople.

17 Q. Can you remember how many of you from the town went into
18 the bush?

19 A. Those of us who ran away?

14:36:57 20 Q. Yes, madam.

21 A. Those of us who ran away, ten of us ran away, together with
22 my companions, the townspeople, those of us who were in the town.

23 Q. Do you remember the place in the bush that you ran to?

24 A. Where we went and hid, we have a name for it in Koranko;
14:37:28 25 Malafurfeh.

26 MR MANLY-SPAIN: I don't know whether the interpreter can
27 help us with the spelling of that, Malafurfeh.

28 JUDGE SEBUTINDE: Mr Interpreter, could you guess how that
29 is spelled?

1 THE INTERPRETER: Yes. M-A-L-A-F-U-R-F-E-H.
2 PRESIDING JUDGE: Thank you, Mr Interpreter.
3 MR MANLY-SPAIN:
4 Q. Madam, when somebody said the war had come, where were you?
14:38:33 5 A. I was in the town.
6 Q. Did you see anybody come into the town after somebody has
7 said the war had come?
8 A. The fighters?
9 Q. Yes.
14:38:57 10 A. No, I did not see any.
11 Q. You said that the people who had come were Superman and his
12 men; is that so?
13 A. Yes, indeed.
14 Q. Do you know who was Superman?
14:39:16 15 A. Who, the person who is called Superman?
16 Q. Yes.
17 A. Once the rebels --
18 MR MANLY-SPAIN: Please ask again whether she knows who
19 Superman was.
14:39:53 20 THE WITNESS: That was what I heard, Superman and the
21 husband whom I had was a blind man, and so when they said that
22 Superman had come, together with my husband and my children, we
23 all ran away into the bush.
24 MR MANLY-SPAIN:
14:40:03 25 Q. Do you know whether the person you've referred to as
26 Superman had come to the village alone?
27 MS ALAGENDRA: Your Honour, the witness has already said
28 she was not there when they came. So she probably wouldn't know.
29 PRESIDING JUDGE: The witness said, "I did not see any",

1 Mr Manly-Spain.

2 THE WITNESS: Father, I have told you that I did not see
3 anybody. I said when they said the war had come, my husband was
4 blind. I, my husband and my children, I just held onto them and
14:40:34 5 we all ran away into the bush.

6 MR MANLY-SPAIN: I accept the objection, Your Honour. I
7 will go on and ask:

8 Q. Did anybody tell you whether Superman went to the village
9 alone?

14:41:00 10 A. Pardon me?

11 Q. Did anybody tell you whether --

12 A. When I heard, and I saw the people running away, we too ran
13 away. Whether he came alone or not, I wouldn't know, because I
14 did not see him in person.

14:41:18 15 Q. Thank you. Madam Witness, do you recall how long you were
16 in the bush, at this place which you've mentioned.

17 A. Malafurfeh?

18 Q. Yes.

19 A. The day the war came?

14:41:46 20 Q. Yes, on that day when you went to Malafurfeh, how long did
21 you stay there?

22 A. I do not remember.

23 Q. Whilst you were at Malafurfeh, did anyone go to meet you
24 there?

14:42:28 25 A. I, to say that somebody went and met us there, I wouldn't
26 say that, because this blind husband that I had, when I heard
27 that people were running, I ran too. I took his walking stick
28 and we ran away.

29 Q. Yes, Madam Witness. Please listen to the question I'm

1 asking.

2 A. Yeah, I'm listening.

3 Q. Did you go back to your village after being at Malafurfeh
4 for a while?

14:43:01 5 A. I did not return early, because my husband was blind. We
6 stayed there for long.

7 Q. Yes. Did you return at all?

8 A. I said we had taken a long time.

9 Q. Yes, Madam Witness, did you return at all?

14:43:39 10 A. I returned. They said they had left, so we returned. At
11 that time, my companions had come and had seen that they had
12 gone, so we came into the town.

13 Q. When you returned to the town, your village --

14 A. Yes.

14:44:14 15 Q. -- did you notice anything?

16 A. They burnt down all of our houses. There was no house that
17 was unburnt. All that I saw were burnt.

18 Q. Apart from the houses that had been burnt, did you notice
19 anything else?

14:44:45 20 A. No, I cannot remember that. It was the burnt houses that I
21 saw.

22 Q. When you went back to your village, did you stay there for
23 any period of time?

24 A. At that time, there was nobody in the town. We did not
14:45:14 25 sleep there at that time, because there was no house.

26 Q. What did you do after that?

27 A. Well, I did not do anything else? My child's hand had been
28 chopped off. I just treated that child. My companions assisted
29 me, and we started treating the child.

1 Q. Madam Witness, I want to ask you, were you present at the
2 time your child's hand was chopped off?

3 A. I was present, because if I say I was present -- they were
4 laying under me, so when the bomb was dropped, his hand was
14:46:21 5 chopped off. The child's hand was chopped off and the child told
6 me, "Mother, my hand has been chopped off." So I saw the short
7 hand, so we started running into the bush.

8 THE INTERPRETER: Your Honours, the witness is using an
9 expression that is not very clear. Can she take that last bit of
14:46:38 10 her answer again.

11 PRESIDING JUDGE: Madam Witness, the interpreter didn't
12 hear you properly. Please repeat the last part of your answer.

13 THE WITNESS: Yes. Oh, Maggi cube. They gave me Maggi
14 cube, and I treated the wound with it?

14:47:24 15 MR MANLY-SPAIN:

16 Q. Madam Witness, please listen to my question. The time your
17 child's hand was cut off, was it before you went into the town
18 and saw that all the houses had been burnt, or after?

19 A. No, when we run away, we stayed in the bush. We were in
14:47:58 20 the bush. When this jet came, when I was bowing down on top of
21 them, then the child had one hand outside, and that was the time
22 a fragment from the jet chopped off the child's hand. After
23 that, we stayed there for long. We were starving. We were only
24 eating fruits from the trees. If we did not get them, we would
14:48:21 25 eat dry mud. We were on that, and my companions started giving
26 me Maggi that I used to treat my child's hand. That continued
27 until my companions came and told me that they had left, and that
28 was the time we returned to the town. At that time, my child's
29 hand had been cut off.

1 Q. Madam do you know where this bomb came from that you say
2 cut off the hand of you child?

3 A. I don't know.

4 Q. Whilst you were in the bush, on the day of the incident in
14:49:09 5 which your child's hand was cut off, did you hear anything?

6 A. I did not hear anything after that, because I was in the
7 bush.

8 Q. Before.

9 MR MANLY-SPAIN: Please put the question again. My
14:49:33 10 question is: Whilst they were in the bush on the day of this
11 incident in which her child's hand was cut off, before the bomb
12 fell, did she hear anything?

13 THE WITNESS: I heard the sound of the jet flying overhead
14 until I heard the bombardment, up to the time that my child's
14:50:04 15 hand was cut off.

16 MR MANLY-SPAIN:

17 Q. Witness, when you heard the sound of the jet, did you do
18 anything?

19 A. I did not do anything else. We run away and hid under a
14:50:35 20 large tree, and it was there that my child's hand was cut off.
21 At that time, nobody had freedom.

22 Q. When you run to this large tree, did you do anything?

23 A. What could I do. The child's hand had been cut off. I
24 continued running into the bush. I just held on to my husband's
14:51:13 25 walking stick, and the child was strapped on my side, and we were
26 going together with my children.

27 Q. Thank you, Madam Witness, but I'm asking you, Madam
28 Witness, before the child's hand was cut off, when you heard the
29 sound of the jet, and you ran to this large tree, did you do

1 anything? That was before the hand was cut off?

2 MS ALAGENDRA: Your Honour, the witness has already said
3 she was lying on top of her kids after that.

4 PRESIDING JUDGE: She said that twice, Mr Manly-Spain. You
14:51:43 5 did not ask her that before. You did not make it clear.

6 THE WITNESS: [Microphone not activated] else.

7 PRESIDING JUDGE: Just a moment, Madam Witness. If you are
8 talking about a specific time, then be more precise.

9 MR MANLY-SPAIN: Thank you, Your Honour. I was trying to
14:52:01 10 get her to clarify the point, because I clearly heard her say she
11 lay on top of her children. I just wanted her to clarify.
12 Your Honour, she said they were under a big tree.

13 Q. Yes, Madam Witness, when you lay on top of the child, the
14 children, what happened?

14:52:25 15 A. Nothing else happened. It's the same thing that I'm
16 saying, that I heard overhead the sound of the jet and the
17 fragment as it exploded, it was that fragment that chopped off my
18 child's hand.

19 Q. Thank you. You told the Court that you took the child and
14:52:58 20 those who were with you gave you something to put on the hand.
21 Is that so?

22 PRESIDING JUDGE: She has already told us what they gave
23 her. It was a Maggi cube.

24 MR MANLY-SPAIN:

14:53:13 25 Q. What happened to the hand that was chopped off?

26 A. The short end? I abandoned it.

27 Q. After that, Madam Witness, did you go anywhere?

28 A. I did not go anywhere. I stayed in the bush.

29 Q. I want to ask you, Madam Witness, before this incident when

1 your child's hand was chopped off, why didn't you go back into
2 the town, your village?

3 A. No, I did not return.

4 MR MANLY-SPAIN: Please put the question. The question is
14:54:05 5 why didn't she return to the village.

6 THE WITNESS: I wasn't able to return to the town at that
7 time. At that time my husband was blind. I did not want
8 anything to happen with him. He was blind and he was depending
9 on me.

14:54:29 10 MR MANLY-SPAIN:

11 Q. Thank you. Madam Witness, did anything happen to any of
12 your other children after the hand of your child was cut?

13 A. Nothing happened to any of them, except the one that had
14 his hand chopped off, except for the starvation, but we were
14:55:06 15 eating the bark of trees, fruits.

16 Q. Thank you. Madam Witness, was that the only day you heard
17 the sound of the jet whilst you were in the bush?

18 A. It was on that day that I heard the sound, because we did
19 not sit in one place at that time. We continued going into the
14:55:39 20 bush, because we were very much frightened.

21 Q. Apart from the name Superman, Madam Witness, did you hear
22 any name of any other person that had gone to your town at that
23 time?

24 A. I did not hear any other person's name, because when I run
14:56:15 25 away, I never come back to town, let me not tell lies. My
26 husband is a blind man. I just continued holding on to his
27 walking stick, and we went on.

28 MR MANLY-SPAIN: That is all. Thank you very much.

29 PRESIDING JUDGE: Thank you, Mr Manly-Spain. I understand

1 this is a common witness, counsel.

2 MR FOFANAH: Yes, Your Honour.

3 PRESIDING JUDGE: There are no other questions.

4 MR FOFANAH: None, Your Honour.

14:56:43 5 PRESIDING JUDGE: Cross-examination, Ms Alagendra.

6 MS ALAGENDRA: Yes, thank you.

7 CROSS-EXAMINED BY MS ALAGENDRA:

8 Q. Good afternoon, Madam Witness. At the time you heard that
9 Superman and his men were in the village, you also heard at the
14:57:05 10 same time that SAJ Musa and his men were also in your village;
11 isn't that correct?

12 A. No, I did not hear that. The only one that I heard is what
13 I have spoken about.

14 Q. Witness, have you heard the name SAJ Musa?

14:57:25 15 A. I did not hear his name. The name that I've heard is the
16 one that I've talked about. I did not hear it.

17 Q. Madam Witness, at any time when you were talking to people
18 from the Defence office, did you ever tell them that you also
19 heard the name SAJ Musa? In relation to the attack in your
14:57:53 20 village?

21 A. I did not say that. What I have said here is what I told
22 them, because what you did not hear, you should not say you
23 heard.

24 Q. Madam Witness, I have a document which is a summary of what
14:58:19 25 you have told people from the Defence office, and I'm going to
26 read to you something from there which you have told them. Is
27 that okay?

28 A. Okay. Read it. Maybe I've forgotten. I don't know.
29 Maybe.

1 Q. This is what you have said, Madam Witness, "The rebels were
2 in the village for over five months. She heard names such as
3 SAJ Musa and Superman, but never saw either." Do you remember
4 saying that to people from the Defence office?

14:59:13 5 MR FOFANAH: May I object at this stage, Your Honours.
6 Before the witness answers, may counsel clearly, with the leave
7 of the Court, put to the witness what she has just read it's a
8 summary. Because it would appear those are the exact words of
9 the witness, and that is not the case.

14:59:29 10 JUDGE SEBUTINDE: She has already clearly stated she is
11 reading a summary.

12 PRESIDING JUDGE: It has already been stated on the record.

13 JUDGE SEBUTINDE: She has already said she is reading a
14 summary.

14:59:40 15 MR FOFANAH: As Your Honour pleases.

16 MS ALAGENDRA:

17 Q. Madam Witness, did you hear what I just read to you, or do
18 you want me to read it to you again?

19 A. I've heard. Well, you know, I am human. I could forget.

14:59:57 20 Maybe I said it, but I have forgotten, I don't know.

21 Q. Now that I have read to you what is in the summary of what
22 you told the people from the Defence office, do you now remember
23 that that is what you told them, that you heard the names
24 SAJ Musa and Superman, as being in your village.

15:00:32 25 A. Now that you have read, and if it is on their paper, it is
26 turned into the truth, because I am capable of forgetting.

27 Q. Thank you, Madam Witness. Thank you very much. No more
28 questions.

29 MR MANLY-SPAIN: Thank you. No re-examination.

1 please?

2 MR MANLY-SPAIN: Particularly as regards to his profession
3 in the area of the crime.

4 JUDGE SEBUTINDE: Has this witness been sworn?

15:06:30 5 PRESIDING JUDGE: Not yet.

6 JUDGE SEBUTINDE: Madam Attendant --

7 PRESIDING JUDGE: Anything else?

8 MR MANLY-SPAIN: That is the main reason, Your Honour.

9 PRESIDING JUDGE: Prosecution counsel, have you any reply?

15:06:52 10 MR AGHA: Your Honour, if the learned Defence counsel feel
11 that it is necessary for the security of the witness, then we
12 have no objection.

13 MR MANLY-SPAIN: Thank you.

14 JUDGE SEBUTINDE: Mr Manly-Spain, apart from the profession
15:07:30 15 of this witness, is there anything else that you feel cannot be
16 handled in open session, say, writing on a piece of paper or
17 what, or something like that? You feel that that other
18 alternative would not do?

19 MR MANLY-SPAIN: Well, I can try it, Your Honour.

15:07:49 20 JUDGE SEBUTINDE: Because I know with the other witnesses,
21 we've ordered a closed session where the witnesses cannot read or
22 write. But we've also tried the method whereby where a witness
23 is illiterate, and can read and write, they have been able to write
24 some of the confidential detail on a piece of paper, which has
15:08:09 25 then been exhibited.

26 MR MANLY-SPAIN: The portion referring to is not really the
27 evidence itself, but his identity in the locality.

28 JUDGE SEBUTINDE: But we are trying to maintain an open
29 session, at the same time maintain confidentiality.

1 MR MANLY-SPAIN: Yes, I understand that, Your Honour.

2 JUDGE SEBUTINDE: You know? That's why we are asking you
3 for your guidance. Is there a possibility, or it's not feasible?

4 MR MANLY-SPAIN: He expressed that to me, Your Honour.

15:08:43 5 JUDGE SEBUTINDE: He expressed what, sir?

6 MR MANLY-SPAIN: That he would like not to disclose his
7 identity or give any evidence in open session that would disclose
8 his identity.

9 JUDGE SEBUTINDE: So you would prefer a closed session
15:08:54 10 rather than writing on a piece of paper?

11 MR MANLY-SPAIN: Yes, Your Honour.

12 JUDGE SEBUTINDE: Okay.

13 PRESIDING JUDGE: In the circumstances, we will allow
14 closed session for the purposes purely of the personal background
15:09:55 15 of the witness that could lead to his identification. Any other
16 personal details that do not lead to his identification will be
17 in open session. The witness, for purposes of Rule 79, I will
18 announce in public that this will be a closed session for a
19 limited period -- matters only.

15:10:17 20 MR MANLY-SPAIN: Thank you, Your Honour.

21 PRESIDING JUDGE: The witness has not actually been sworn
22 and you cannot open his evidence without him being sworn. Now
23 that the ruling in closed session is made he will be sworn before
24 we actually close the Court. Madam Court Attendant, please swear
15:10:30 25 the witness while still in open session, please.

26 WITNESS: DAB-081 [Sworn]

27 PRESIDING JUDGE: Madam Court Attendant, now the witness is
28 sworn, would you please put the Court into closed session.

29 [At this point in the proceedings, a portion of the

1 transcript, pages 80 to 81, was extracted and sealed under
2 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR MANLY-SPAIN:

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

4 A. Yes.

15: 19: 16 5 Q. Were you living in your village, as you have said before?

6 A. Yes, I was living there at that time.

7 Q. Do you recall the month of August in that year?

8 A. Yes.

9 Q. At that time, were you living in your village?

15: 19: 55 10 A. I was out of my village.

11 Q. At that time, do you know whether anything happened in your
12 village?

13 A. Yes.

14 Q. Can you tell this Court what happened?

15: 20: 15 15 A. Yeah. Late July 1998, our village was occupied by a group
16 of fighters known as the SLA and the RUF fighters, headed by two
17 prominent leader, SAJ Musa and Superman, occupied our village.

18 Q. How did you come to know that, Mr Witness?

19 A. Well, when I was captured in the month of August, while I
15: 21: 06 20 was in the running bush by RUF member, I was brought to the
21 village, and therein I came to understand their leadership, that
22 Musa was leading the SLA fighters and Superman was leading the
23 RUF fighters.

24 Q. When did you leave your village?

15: 21: 39 25 A. I left my village during the conflict, which arose between
26 Superman and SAJ Musa's men.

27 Q. Before that, you said you were caught in the bush.

28 A. Yes.

29 Q. What happened to make you go into the bush?

1 A. When they occupied our village, we couldn't enter normal.
2 I was on the farm working when they entered.
3 Q. So when they came into the village, you were on the farm?
4 A. Yes, we couldn't enter any more.
15:22:18 5 Q. At that time, where were your wives?
6 A. I've just got these two wives later. During that time, I
7 had only one wife.
8 Q. Thank you.
9 A. And the wife left me. After the war, I married these two
15:22:40 10 wives now.
11 Q. Okay. Where was that wife you had at that time?
12 A. The former wife was captured as well.
13 Q. Please listen to my question. You say you were on the
14 farm?
15:22:53 15 A. Yes.
16 Q. Where was your former wife at the time the rebels or the
17 soldiers and RUF went into your village?
18 MR AGHA: Your Honours, there has not been use of the word
19 rebels or anything of that sort.
15:23:08 20 PRESIDING JUDGE: There has not been, Mr Manly-Spain. The
21 witness referred to a group of fighters.
22 THE WITNESS: Yes. They were RUF rebels and the SLA.
23 MR MANLY-SPAIN: Thank you. I tried to retract on the use
24 of the word rebel.
15:23:26 25 PRESIDING JUDGE: We noticed.
26 MR MANLY-SPAIN: Thank you.
27 Q. Where was your wife then?
28 A. That it was working season. See, in the village, when
29 working season is on, you cannot go one place. The wife might go

1 to another farm and you will go to another farm. So that was the
2 time when they came. My wife went elsewhere while I was in
3 another area.

4 Q. Thank you. What about your children; how many children did
15:23:56 5 you have at that time?

6 A. I had five.

7 Q. Where were they on the day these armed men entered the
8 town?

9 A. They were not with me in Koinadugu at that moment. They
15:24:12 10 were in another area.

11 Q. Thank you. So after they entered the town, how long did
12 you stay on the farm before you were captured?

13 A. I was on the run for two months.

14 Q. Two months.

15:24:32 15 A. Unfortunately, at one time when we went on search for food,
16 I was captured and brought to the town.

17 Q. Do you know who captured you?

18 A. A member of the RUF rebel.

19 Q. Please explain how you were captured.

15:25:00 20 A. Well, as I said earlier, we were in search of food, in
21 search of food, but, unfortunately, we got nothing. While we are
22 retreating back to our hiding place, they run after us,
23 threatening that if we do not stand, they will fire me, shoot me.
24 So I have to stand. They captured me and they said, "Now you are
15:25:27 25 going to be with us."

26 Q. After you were captured, Mr Witness, did they take you
27 anywhere?

28 A. Yes. They asked me to lead them to a village called
29 Dankawalli.

- 1 Q. Can you spell that name, please?
- 2 A. D-A-N-K-A-W-A-L-L-I.
- 3 Q. Thank you. Where was that village?
- 4 A. It was approximately 18 miles away from my village.
- 15:26:11 5 Q. Did you take them there?
- 6 A. Yes, I was under gunpoint. Forcefully, I shall show them
- 7 the track to the village, and I led them to the village.
- 8 Q. You went to the village. Did you stay there?
- 9 A. Yeah, we slept for a night. The following day, we
- 15:26:32 10 retreated back to Koinadugu.
- 11 Q. Do you remember the time of the day that you arrived in
- 12 Koinadugu?
- 13 A. I couldn't remember the day.
- 14 Q. I mean the time.
- 15:26:50 15 A. Well, it was in the evening, because they normally entered
- 16 the village during the evening hours for fear of the jets
- 17 fighter.
- 18 Q. Thank you. When you went to the village with those who had
- 19 captured you, did anything happen?
- 15:27:11 20 A. Yes. From that time onwards, I became a slave. I own
- 21 nothing on my own, my freedom was seized, and I got some
- 22 aggression and treatments.
- 23 Q. That was your overall assessment, but I want to know,
- 24 Mr Witness, immediately you got back to the village, what
- 15:27:36 25 happened?
- 26 A. Well, we were given a house wherein over 50 of us should
- 27 occupy.
- 28 Q. Who gave you this house to occupy?
- 29 A. The man who captured me. He was an RUF member, and whom so

1 ever you capture, you have to take care of that person.

2 Q. Do you know the name of this person who captured you?

3 A. Well, I don't know their definite names. They have
4 different terrible names like Blood, Bullet, Tupac and so many
15: 28: 28 5 other odd names.

6 Q. You said you were together with other people in this house.

7 A. Yes.

8 Q. Do you know who they were?

9 A. They were my relatives whom they have captured, also, and
15: 28: 43 10 brought them to the village.

11 Q. When you came back to the town with those who had captured
12 you, do you know what happened to your house?

13 A. My house was occupied by these rebels, the RUF rebels.

14 Q. I want you, Mr Witness, if you know, to describe the layout
15: 29: 31 15 of the town.

16 A. The town was divided into two spheres, the east and the
17 west. The east was kept by the RUF rebels and the west was kept
18 by the SLA rebels.

19 Q. At the time you were taken back and you were now in
15: 29: 57 20 captivity, did you see the RUF commander whom you have mentioned?

21 A. Yes. At one time, fortunately, I came to see him, at one
22 time. Only one time, and I was showed him.

23 JUDGE SEBUTINDE: Mr Manly-Spain, which RUF commander?

24 MR MANLY-SPAIN: He had mentioned that the RUF were led by
15: 30: 30 25 Superman.

26 THE WITNESS: Superman.

27 MR MANLY-SPAIN: And that the SLA soldiers were led by
28 SAJ Musa, right at the beginning.

29 Q. The commander I'm asking you about.

1 A. Yeah.

2 Q. What is his name?

3 A. Superman.

4 Q. Do you know him by any other name?

15:30:51 5 A. Not at all.

6 Q. Where did you see him?

7 A. I saw him in our village, working under -- they pointed
8 finger at him and said, "This is Superman."

9 Q. Do you recall how he was dressed?

15:31:14 10 A. Well, at the time I saw him, he was in a white vest and he
11 had some scroll tied on his head.

12 Q. You mean a cloth tied on his head?

13 A. Yeah, yeah, like that. And he was in a short pants.

14 Q. Short pants.

15:31:39 15 A. Yeah.

16 Q. Okay. Was he alone when you saw him?

17 A. He was with his bodyguards.

18 JUDGE SEBUTINDE: Mr Manly-Spain, what are short pants?
19 Isn't that a contradiction in terms?

15:32:01 20 THE WITNESS: Short trousers.

21 MR MANLY-SPAIN: Short trousers, My Lord. Shorts,
22 S-H-O-R-T-S.

23 THE WITNESS: Short trousers.

24 MR MANLY-SPAIN:

15:32:21 25 Q. You said he was with bodyguards?

26 A. Yeah.

27 Q. Did you see them carrying anything, the bodyguards?

28 A. Yes, they had guns.

29 Q. Mr Witness, did you come to see the leader of the SLAs

1 [overlappi ng speakers] --
2 A. Not at all.
3 Q. You never saw him?
4 A. Yeah. I heard his name, and not until at one time when we
15: 33: 05 5 went to build some hut for them and they said, "Eh, give way, the
6 Pa is passing through." So I came to realise that that is he.
7 Q. Thank you. Who is the person you're referring to, the name
8 of the person you're referring to?
9 A. I mean SAJ Musa.
15: 33: 37 10 Q. Thank you. The people you saw him with, do you know who
11 they were?
12 A. Well, they were SLA soldiers. They were dressed in
13 military uni form.
14 Q. Thank you. How was SAJ Musa dressed?
15: 33: 59 15 A. He was dressed in a military uni form.
16 Q. The soldiers who were with him, did they carry anything?
17 A. Yes, they had weapons, guns.
18 Q. Mr Witness, from your position of captivi ty, were you able
19 to know how many RUF fighters were in Koi nadugu at the time?
15: 34: 35 20 A. Well, approximately over 300.
21 Q. Were you able to assess the number of SLA soldiers who were
22 there at that time?
23 A. They were also over 300 plus.
24 Q. Mr witness, can you remember how long the SLA soldiers
15: 35: 08 25 stayed in Koi nadugu Town?
26 A. They stayed there nearly three months.
27 Q. Can you recall how long the RUF fighters stayed in
28 Koi nadugu?
29 A. They spent four months.

- 1 Q. Whilst you were in captivity, did you have to do anything?
- 2 A. Yes. We did so many work.
- 3 Q. Please talk about yourself, then you bring in others.
- 4 A. Okay. I did so many hard work.
- 15:35:57 5 Q. Please explain to the Court.
- 6 A. Sometime they will assemble us and divide us into numbers
7 and then handed over us to gunmen. These gunmen will led us to
8 farmlands, to go and search for food. We are given headloads in
9 the evening. We come to the village. These headloads of food is
10 known as government food, they say. They will take this food.
11 There is a house wherein they will keep all the food for their
12 own feeding.
- 13 Q. Yes, Mr Witness, I want you to explain something. You are
14 talking about "they." Who are you referring to?
- 15:36:49 15 A. Both of the SLA soldiers and the RUF soldiers - fighters.
- 16 Q. For whom were you working?
- 17 A. I was working under the RUF.
- 18 Q. Thank you. Apart from this carrying of food, going to find
19 for food and the carrying of food, were you given any other task
20 to perform?
- 15:37:15 21 A. Yes. I was given task to build huts. In any other way or
22 roads leading to Koinadugu Village, we were asked to build huts
23 known as guard posts. Every road leading to Koinadugu, we built
24 huts for them.
- 15:37:43 25 Q. Thank you. You said "we." You and whom?
- 26 A. Me and my other relatives who were under captivity.
- 27 Q. You said you were asked to build huts for them. Who do you
28 refer to as "them"?
- 29 A. For the RUF fighters.

1 Q. I want you to take your time, Mr Witness, and explain so
2 the Court will understand.

3 A. Yes.

4 Q. Hold on. I'm asking you questions and you respond to those
15: 38: 21 5 questions, please.

6 A. Yeah.

7 Q. Where did you build the huts?

8 A. Under the forest, near to any road leading to the village.

9 Q. How many huts did you build?

15: 38: 49 10 A. Over 20 huts, similar huts.

11 Q. Apart from building these huts and carry food, were you
12 asked to do anything else?

13 A. I was not asked to do any other thing other than this
14 food-finding and building of huts in the village when I was under
15: 39: 22 15 captivity.

16 Q. Mr Witness, when you were taken back to your village and
17 you found these fighters in town, what was the atmosphere in
18 town?

19 A. The atmosphere was not very conducive to me, because,
15: 39: 43 20 absolutely, I haven't any right, at that moment, of freedom on my
21 own.

22 Q. Mr Witness, do you know where the armed men came from, from
23 where they came to your village?

24 A. Yes. They came from Kabala.

15: 40: 32 25 Q. Whilst the armed men were in your village, do you know what
26 happened to your five children?

27 A. Well, by then, we are very far apart. I was only thinking
28 about them in my mind that let similar thing don't happen to them
29 where they are.

1 Q. But did you know where they were?
2 A. Yes.
3 Q. Were they in the village?
4 A. They were not in the village. They were very far off from
15: 41: 11 5 my own village.
6 Q. Thank you. What about your wife; was she in the village?
7 A. Yeah, my wife was then in the village.
8 Q. Thank you. Mr Witness, whilst you were in captivity, did
9 you observe anything between the RUF fighters and the SLA
15: 41: 45 10 soldiers that you referred to?
11 A. Yes, one is their code of conduct. The SLA were bit, I
12 mean, sympathetic. But the RUF were very, very cruel and very
13 hard to deal with. They were very aggressive.
14 Q. Did you personally see any such act of aggression?
15: 42: 18 15 A. Yes. I saw them flog people, even myself, with sticks,
16 without any sympathy.
17 Q. I forgot, Mr Witness. Earlier, I asked you how the leader
18 of the RUF was dressed.
19 A. I think I said --
15: 42: 50 20 Q. You explained to me --
21 A. He was dressed --
22 Q. I want to ask you --
23 A. -- in a vest.
24 Q. Hold on. I want to ask you how his men you saw with him
15: 43: 05 25 were dressed.
26 MR AGHA: I object to that question. Asked and answered in
27 that he described them as soldiers and what they were wearing.
28 PRESIDING JUDGE: The question relates to the RUF, Mr Agha.
29 He said in relation to the leader of the RUF, "I saw he was

1 strolling in the village. He had a scroll tied on his head." I
2 don't recall evidence relating to the RUF men.

3 MR AGHA: I beg your pardon, Your Honour. I thought he was
4 asking about the SLA men.

15: 43: 36 5 MR MANLY-SPAIN:

6 Q. How were the --

7 A. The RUF were dressed in civilian cloth.

8 Q. Were you, Mr Witness, whilst you were there when they were
9 there, able to distinguish between these two groups?

15: 43: 50 10 A. Yes. You see, the RUF are little kids. Some of them are
11 the age of 18, 19, 20. And the SLA are full and matured grown
12 people.

13 Q. Thank you, Mr Witness. Is there any other difference that
14 you noticed?

15: 44: 17 15 A. Yes. The SLA were in uniform and some have their own
16 positions on their shoulder. Then the RUF normally dress in
17 civilian red -- mostly, they love red clothing, red dress.

18 Q. Thank you. Mr Witness, whilst you were there, whilst these
19 two groups were there, do you know if anything happened to the
15: 44: 51 20 people living in the town?

21 A. Yes. You mean the --

22 Q. The inhabitants of the town.

23 A. Yeah. The inhabitants, really, were under suppression. At
24 the time when Musa was there, conditions were nice. When
15: 45: 12 25 SAJ Musa was there conditions were nice, because he warned not to
26 harass any civilian, neither to harm any.

27 Q. Do you know whether this warning was effective?

28 A. It was not effective, because the RUF, really, were very
29 aggressive, and they were not under strict command.

1 Q. During this period, Mr Witness, do you know whether the RUF
2 leader there, Superman, was in the town permanently?
3 A. Well, sometime we learnt that they say they are going on
4 fight with his men.

15: 46: 14 5 Q. Do you know whether SAJ Musa was there permanently?
6 A. Yeah, Musa was there permanently.
7 Q. Apart from the soldiers that were with SAJ Musa, were there
8 any other persons with him?
9 A. You mean SAJ Musa?

15: 46: 36 10 Q. Yes, apart from the soldiers.
11 A. Well, they have civilians. Civilian population was with
12 them.
13 Q. Thank you.
14 A. They have their own wives and relatives.

15: 46: 52 15 Q. Thank you. Mr Witness, I'm asking you now about the
16 inhabitants of [redacted]. Do you --
17 PRESIDING JUDGE: Mr Manly-Spain.
18 MR MANLY-SPAIN: Sorry, Your Honour. I ask for that to be
19 redacted.

15: 47: 18 20 PRESIDING JUDGE: The reference to that place will be
21 redacted.
22 MR MANLY-SPAIN:
23 Q. Mr Witness, I'm asking you about the people of the town, of
24 the village. Do you know whether anything happened to them
15: 47: 29 25 during this period of occupation?
26 A. Exactly. Very numerously, during their stay with us, the
27 old age people, most of them died because of hunger. Then
28 children also died. And people died of sickness wherein, if they
29 were at liberty, they would have tried to cure themselves. But

1 because of this hardship, many died of hunger and sickness during
2 their stay with us.

3 Q. During this --

4 JUDGE SEBUTINDE: Mr Manly-Spain, is that the people in
15: 48: 19 5 captivity or generally the residents of this village? I haven't
6 understood.

7 MR MANLY-SPAIN: The residents of the village. I will ask
8 him about those with whom he was in captivity.

9 Q. Do you know whether anything happened to people with whom
15: 48: 34 10 you were held captive?

11 A. Yes. I said some died of hunger and some of sickness; no
12 treat given. You see, when you have just been driven out of your
13 house and you have no freedom, I mean, you have no care. I mean,
14 you can die of hunger and sickness, very easily.

15: 48: 53 15 Q. Thank you, Mr Witness. Please listen carefully. You said
16 of yourself that you were captured.

17 A. Yeah.

18 Q. And you were put in a house with a number of other people.

19 A. Yeah.

15: 49: 08 20 Q. Were there other people living in their own houses in the
21 village?

22 A. No one possesses his or her own house, no one. You were
23 just given place in 50's, say, build here, which is not
24 conducive. You just have to accept.

15: 49: 33 25 Q. Am I right to say that all the inhabitants of the town were
26 in captivity?

27 A. Verily. Verily. Verily. There was nothing. Absolutely.

28 Q. How do you know that?

29 A. Well, even myself is an example, because I saw people

1 suffering, you know, treated like animals; no proper dressing.

2 Q. Yes, thank you. Mr Witness, whilst these two groups of
3 fighters were in your village, led on the one hand by Superman
4 and on the other hand by SAJ Musa, do you know whether any group
15:50:34 5 was taking orders from the other group?

6 A. Well, the RUF accept no leadership or any command from the
7 SLA, because whatever they want not to do is what they did.

8 Q. How do you know that?

9 A. Well, because when Musa warned that no civilian shall not
15:51:11 10 be harassed or killing, they were doing pocket killing. The RUF
11 rebels were doing pocket killing, beating, raping. When they go
12 to farms, they rape women.

13 Q. How do you know that Musa said these things?

14 A. Well, of course, they themselves, some of his men do
15:51:35 15 explain to us that, now, you have to bear up things, because we
16 have been here, this is war. Actually, we are not supposing to
17 threaten you or do anything, but since this is wartime, you have
18 to co-operate with us, and that our leader has warned not to
19 harass or kill any civilian. So, please, co-operate with us.
15:52:01 20 One day we will leave your village.

21 Q. Thank you. Do you know, on the other hand, whether the SLA
22 were taking orders from the RUF?

23 A. Well, I mean, as the leadership met and arranged how to
24 handle, the SLA really wanted their co-operation, but they never
15:52:30 25 co-operated with them.

26 Q. What do you mean when you say the leadership met?

27 A. Well, because, at one time, I was told by some of the SLA
28 soldiers that they have held a meeting before they entered our
29 village that no killing of civilians must be done, neither

1 harassing. They held that meeting before they entered our town,
2 so we are told, by some of his men. So I came to know about
3 situations.

4 Q. Do you know with whom the SLAs held this meeting?

15:53:14 5 A. Before they arrived in our villages, so they said. I was
6 not present, and they never had the meeting in our village, but
7 before they arrived in our village, they told us that they have
8 held that meeting before.

9 Q. With whom?

15:53:27 10 A. With the RUF leader.

11 Q. Thank you. Am I right to say, Mr Witness, that there was
12 no co-operation between the RUF and the SLA whilst --

13 PRESIDING JUDGE: Just a moment, Mr Manly-Spain. Can I
14 make an announcement before any members of the media leave the
15:53:52 15 public gallery. Any places mentioned by name in the course of
16 the evidence today are not to be published in any way. That
17 applies also to members of the public.

18 MR MANLY-SPAIN: Thank you, Your Honour. Sorry about that.

19 Q. Yes, did you get my question?

15:54:12 20 A. Repeat that again, please.

21 Q. Am I right to say that whilst the SLAs and the RUF were in
22 your village, there was no co-operation between them?

23 MR AGHA: I object, Your Honour. That's a leading
24 question.

15:54:27 25 PRESIDING JUDGE: It is a leading question, Mr Manly-Spain.
26 Rephrase that question.

27 MR MANLY-SPAIN: Thank you.

28 Q. Did anything happen between the two groups whilst they were
29 in [redacted]?

1 A. Yes. There was enmity and I mean the fire of authority
2 within them, between the RUF and the SLA.

3 Q. Thank you. You said, Mr Witness -- first of all, I'm not
4 sure whether I've asked that before. How do you know there was
15:55:08 5 this violence between them?

6 A. Because whenever -- whatever they have decided, the RUF
7 never took to warnings that they must not harass and rape, but
8 they had repeated doing these acts at all time, raping, beating
9 of civilians, see. So, to me, it means that they were not really
15:55:37 10 obeying to command as they're told.

11 Q. Did you yourself, Mr Witness, observe any of these rapes
12 that you've mentioned?

13 A. Yes. I can remember, at one time, while I was in the
14 hiding bush, they raped -- RUF member raped a suckling mother.
15:56:08 15 We were all around when they enter our farmland. We went into
16 the bush. The lady was captured and raped in the hut. After
17 they left, the lady came to us, crying, "Mother, they have done
18 it."

19 Q. Thank you very much.

15:56:28 20 MR MANLY-SPAIN: May it please Your Honour, I want to go
21 into a new area with this witness. I notice that it is now 4.00.

22 PRESIDING JUDGE: Mr Manly-Spain, we lost a little time
23 this morning. Maybe if you could continue and we'll watch the
24 time how it progresses. Thank you.

15:56:59 25 MR MANLY-SPAIN: Thank you.

26 Q. Mr Witness, did you observe any rape in the town itself?

27 A. At one time, a member of RUF again raped a girl and that
28 man was beaten. He was sent -- they have their -- what they call
29 their own office. He was given to the MPs, and he was punished.

1 He was beaten for that rape.

2 Q. Can you tell this Court what you mean by MPs?

3 A. Well, the military police. They have that sign written on
4 their uniform.

15:57:50 5 Q. Which group did the MPs belong to?

6 A. SLA.

7 Q. Thank you. Mr Witness, you spoke about people dying during
8 that period. Was that -- I'm sorry. Do you know why the SLA
9 left the village?

15:58:31 10 A. Yes. This was partly due to the killing of one of the
11 civilians in the village and when they killed this civilian, a
12 member of the RUF killed that civilian boy, and then, in the
13 morning, it was investigated and found that this RUF committed
14 that crime. Then, immediately, they were called to order by
15 SAJ Musa. He interrogated them and no valid reason was given, so
16 he shot them dead. This ignites conflict within them. He said
17 because, one, it is a law that we shall not kill or harass
18 civilians.

19 Q. Witness, where were you when this incident occurred?

15:59:54 20 A. By then, I was in captivity. I was in the village.

21 Q. Were you told of it, or did you --

22 A. I was present when it happened. I was present at the
23 moment.

24 Q. During the period when the two groups were in the town, you
16:00:01 25 were able to know how many people died?

26 A. Well, at that moment, I was not able to note all, but a few
27 old people, we buried them. They died of sickness and hunger.
28 We were sent to bury them. So, many of those, we buried them.
29 We buried them.

1 Q. You say they died of sickness. Apart from people dying of
2 sickness, did anyone die from any other cause?
3 A. Well, sometime they flogged you, you know,
4 indiscriminately. So you can develop pain and no medicine is
16:00:49 5 available; can kill you easily. These are some of the activities
6 they levied on us during their time of stay with us.
7 Q. Do you know anyone who died from beatings?
8 A. Yeah.
9 Q. How many people do you know?
16:01:15 10 A. Over 10. Over 10. You see, they beat without sympathy.
11 You see, they beat without sympathy and they demand for rice,
12 palm oil.
13 Q. Who do you refer to as "they"?
14 A. The RUF rebels. They were very much aggressive than the
16:01:37 15 SLA.
16 Q. Do you know what they used to beat?
17 A. They used machetes, they use any wood or stick. Even
18 firewood, they can beat you with firewood.
19 Q. Thank you. Mr Witness, during this period when you were in
16:02:08 20 captivity in the town, did you know of any amputations?
21 A. Not at all. That never happened there. They never
22 amputate anyone, but killing was done.
23 Q. Do you know, Mr Witness, after the RUF had left --
24 A. Not RUF.
16:02:50 25 Q. Pardon?
26 A. Left where.
27 PRESIDING JUDGE: I think, Mr Manly-Spain, the evidence is
28 that it was the SLA that left and the RUF remained.
29 THE WITNESS: Yeah.

1 MR MANLY-SPAIN: Thank you, Your Honour.

2 Q. When the SLA left the town, what was the situation in town?

3 A. Well, in relation to the incident of the killing of that
4 boy, that civilian boy, these two faction came into immediate
16:03:21 5 enmity. So they developed -- the RUF rebels developed hatredness
6 for SAJ Musa for killing their member. So they started boasting
7 of each other, against each other, "Well, we are RUF. We are not
8 under command, but we can fight." So, during that -- it was
9 during that period I escaped with a pregnant woman. I said,
16:03:45 10 "Woman, let's move. Something is coming very soon." So, before
11 they could exchange firing, I took that lady and left the
12 village, because it was -- everybody was in turmoil, confusion,
13 so I took advantage of that situation, that this is the best time
14 for me to escape from these people. So I had to go with a lady.

16:04:18 15 Q. How do you know these people were boasting?

16 A. Before they could took arm against each other, they were
17 boasting, saying, "Now we will show each other who is best at
18 arm." So that was the time I came to realise that something very
19 soon will occur.

16:04:43 20 Q. Before you escaped, do you know whether there was any
21 fighting between them in the town?

22 A. No. Before I left, they were just arguing. It was just
23 that preamble starting, the fight is almost about to ignite. So
24 they were arguing, you see, abusing each other, "Why should you
16:05:07 25 do that?" "I killed a man," this, that and so forth. No
26 tangible reason.

27 Q. Thank you very much. Mr Witness, before you left, or at
28 the time you were leaving, did you notice anything about houses
29 in the town?

1 A. At that moment, every house was in position, in good order.
2 Nothing had happened to any house yet, because they themselves were
3 occupying these houses, the RUF members.

4 Q. Whilst these two groups were in the town, do you know
16:06:04 5 whether they fought against any other group?

6 A. Yes. Because of this conflict, dispute between them, the
7 RUF rebels fought against the SLA, but the SLA never exchanged
8 fire. All what they did was to escape for fear of killing
9 massively the civilians.

16:06:34 10 Q. How did you know that?

11 A. Well, immediately I left that village with that woman, we
12 went into my own hideout, which was just three miles off. By the
13 time we arrived in our hideout, after 20 minutes, we heard
14 gunshots in the village rampantly. Not 10 minutes time again, we
16:07:03 15 saw Musa and his men in groups, leading to Dankawalli. They left
16 the village for them. They were in large group. By then, we
17 were in the hideout, looking the footpath leading to Dankawalli.

18 Q. Thank you, Mr Witness. I believe you have spelt Dankawalli
19 before.

16:07:34 20 A. Yes.

21 Q. Mr Witness, I'm asking you, whilst they were both in town,
22 did anybody attack the town?

23 A. At that moment, no attack. Everything was within them. No
24 other attack came at that moment from anywhere.

16:08:04 25 Q. Thank you. Mr Witness, when you went into the bush now,
26 the second time, how long did you stay there?

27 A. Well, I stayed there the rest of the time till when they
28 themselves, the RUF rebels, destroyed our village. I was there
29 till they did that act. I never get back to the town any more.

1 Q. Can you estimate the period of time that you were there?

2 A. When I escaped, I went and unite with my other relatives in
3 the bush. Two or three weeks time, later, we heard a bomb sound
4 from the direction of Kabala to Koinadugu. One early morning,
16:09:02 5 about 7.30, we heard another bomb blast again. So I told my
6 brother, "Brother, I think the ECOMOG have come to attack these
7 people today."

8 Q. Do you know whether they were actually attacked?

9 A. Yes, because we heard -- for the whole of the day, firing
16:09:35 10 was continuing. In fact, this made us to go inwards to keep off
11 and go behind hills.

12 Q. Did you ever go back into the village?

13 A. I did not. I did not any longer, until some period of
14 time, because the place was not safe any longer.

16:10:12 15 Q. What period of time elapsed before you went back into the
16 village?

17 A. At about two weeks. Two weeks.

18 Q. When you went back into the village, did you notice
19 anything?

16:10:29 20 A. Yes. By then, these people, the RUF fighters, have damaged
21 our village, killed people. Not a single house remained, except
22 a mosque, which, of course, it was just by the help of God never
23 get burnt. But they set fire to every house in my village and
24 killed people massively.

16:11:01 25 Q. Mr Witness, when you returned to your village, did you meet
26 the RUF there?

27 A. We never met them any longer. By then, they have left and
28 took the eastern route.

29 Q. How do you know --

1 A. Well, of course --

2 Q. I have not finished the question. How do you know it was
3 the RUF who had burnt your villages, you said?

4 A. Because, during the conflict, Musa and his men left, and
16:11:45 5 these were the only two groups. So, if Musa left the village, I
6 think it was the RUF who remained behind.

7 Q. When you say the village had been burnt, please explain
8 what you mean.

9 A. That day, they set fire on houses, and then everything
16:12:11 10 burnt down to the ground.

11 Q. Mr Witness, before you left the village the second time,
12 when you escaped with this pregnant woman, did you know how many
13 houses there were in the village?

14 A. About 250 houses.

16:12:56 15 Q. How do you know that?

16 A. Well, I'm a native of that place and I know the number of
17 houses that are there. I'm not a strange person in the village.
18 I'm one of the subject of the village, so after they have done
19 their deeds, we counted houses damaged.

16:13:21 20 Q. How many houses?

21 A. It was over 250 houses.

22 Q. How many houses were burnt?

23 A. Only one house was left, which was a mosque, out of that
24 number.

16:13:40 25 Q. You say "we counted."

26 A. Yeah, myself and my people. Myself and my people.

27 Q. When you've told this Court that you had bombardment and
28 you concluded that it was ECOMOG that had attacked in town, did
29 you, at that time, see the ECOMOG?

1 A. Well, I concluded, because no other attack will come from
2 Kabala, if not the ECOMOG and the CDF fighters.

3 Q. At the time of this occupation of your town, did you know
4 about the ECOMOG fighters?

16:15:10 5 A. Well, the ECOMOG fighters, we know they were in Kabala, you
6 see, and these people, they were the people fighting each other.
7 The SLA, the RUF soldiers and the ECOMOG were too antagonistic.

8 Q. Can you explain who ECOMOG soldiers were? Who were ECOMOG
9 fighters or soldiers?

16:15:44 10 A. Well, we learnt that they have this peacekeeping, these
11 Nigerians, you see, who were helping the government towards peace
12 in the country.

13 Q. Afterwards, when you went back to the village, did you see
14 any dead bodies in the village?

16:16:19 15 A. Oh, very many. Many. It was very, very sorrowful. It was
16 a sorrowful scene, seeing people burnt, packed in the house,
17 covered with ashes. Some were given lacerated wound with
18 machetes and were shot dead. It was terrible moments. Very,
19 very sorrowful scene, and lamenting.

16:16:55 20 Q. Thank you. Mr Witness, did you recognise any of these dead
21 people?

22 A. Yes. They are my people. I know them all. All of them
23 are my people. All the dead were my people.

24 Q. Did you do a count of these people?

16:17:32 25 A. Well, by then, I was not able. I got back into the
26 village. Immediately I saw these dead, I became full of horror,
27 so I left immediately and went into my hideout. I could do
28 nothing as to bury these people. They were too numerous. If it
29 was two or three or four persons, you could manage to bury them,

1 but there were too many. So I left discouraged, full of --
2 almost traumatised.

3 Q. Apart from dead people, did you see any wounded people?

4 A. Yeah, one man, Lansana Mansaray, he was a twin. His twin
16:18:20 5 partner was killed and he was given a very lacerated wound on his
6 head. So we discovered that this man the other time we came to
7 the village, and many other wounded were picked up, and we took
8 them to the farmlands.

9 Q. Do you now know, Mr Witness, where these dead people were
16:18:53 10 buried?

11 A. Yes.

12 Q. Where were they buried?

13 A. They were buried at the back of houses. A pit was dug and
14 then massive burial was done.

16:19:06 15 Q. Do you know who buried them?

16 A. Yeah. Some of those of our people who were very brave came
17 out. Some youths came out and helped to bury these people.
18 While doing that, they have sent people different points to the
19 road leading to the village so they can spy whether these people
16:19:44 20 are coming again or not.

21 Q. All right. Thank you very much, Mr Witness. Mr Witness,
22 I'm sorry, I have to take you a little back.

23 A. No, problem, no problem. [Indiscernible].

24 Q. You remember you said that when this fighting -- this
16:20:04 25 in-fighting, after the boasting, the time you were running away,
26 you said SAJ Musa also left the town.

27 A. It was after I've left the village.

28 Q. Yes, you were in your hideout.

29 A. Just 20, 30 to 40 minutes later, they fought amongst

1 themselves in the village. By then, I had already been in my
2 hideout.

3 Q. Do you know, Mr Witness, whether SAJ Musa left the village
4 with all of his men?

16:20:39 5 A. Yes, he did so. No one was trapped.

6 Q. Mr Witness, you said that whilst the two groups were in the
7 village, they had a house that they kept food.

8 A. Yeah, that is a store, the store house.

9 Q. The store house.

16:21:08 10 A. When they collect food from elsewhere, nearby villages,
11 they will store it there and call it government store. That food
12 stop, they will distribute it amongst themselves in respect of --

13 Q. Thank you. When you went into the town, and you did not
14 meet any of the RUF there, did you see this store?

16:21:40 15 A. Well, the store was burnt. Everything was burnt.

16 Q. It was also burnt.

17 A. Burnt, to the ground. You cannot see a single house. In
18 fact, the place was so fearful, you see.

19 Q. At the time you were living in town, were there any burnt
16:22:04 20 houses there?

21 A. There wasn't any burnt house or houses.

22 Q. Do you know, at the time SAJ Musa was leaving the town,
23 whether there were any burnt houses in the town?

24 A. There wasn't any burnt house at the moment when he left the
16:22:33 25 place. Every house was in order.

26 Q. How do you know that?

27 A. Well, they themselves, the RUF --

28 Q. I'm asking you about SAJ Musa. How do you know that when
29 he was leaving the town, there were no burnt houses in the town?

- 1 A. Well, you see, when he left, these people occupied there.
2 They were there for two weeks, as I said earlier. So they
3 couldn't burnt the houses and then stay there again. So they
4 were free. They got enough housing, and then all the food that
16:23:10 5 was for them all, they command everything, you see. Everything
6 was left with them.
7 Q. Do you know, Mr Witness, whether, during this period of
8 occupation by these two groups, there were any other stores,
9 apart from the food store in the town?
- 16:23:36 10 A. Yeah. Well, they were having their ammunition dump store
11 in the east of the town.
12 Q. Who was having this ammunition --
13 A. Well, they were all having it. In fact, it was at this
14 store the RUF took advantage at, being that the store was on
16:23:56 15 their own side in the east, and the SLA were in the west. When
16 this conflict arose, they took advantage at that store. So the
17 SLA got nothing, no liability on these arms, except the one they
18 were having with them.
19 Q. What do you mean when you say they took advantage?
- 16:24:20 20 A. Well, they seized the ammunition dump. They -- all of them
21 were having. They seize it. So this SLA couldn't lay hands on
22 this any more, so they're free.
23 Q. So how do you know that?
24 A. Why I got to know this, after I have left the village
16:24:43 25 during that crisis, by the time they were moving out of the
26 village, after they have burnt our village, they captured even my
27 own brother, whom they took, and many other young men, to
28 transport this ammunition towards the east.
29 Q. Who do you mean by they captured your brothers?

1 A. The RUF rebels. The RUF rebels.

2 Q. Thank you very much. Mr Witness, earlier you told the
3 Court that SAJ Musa, he not only have soldiers with him, but he
4 also had civilians with him.

16:25:28 5 A. Well, by this, I mean they have women, young children, you
6 know, in their possessions, so --

7 Q. Thank you.

8 A. Yeah.

9 Q. I'm asking you, at the time that SAJ Musa and the soldiers
16:25:47 10 were leaving the town, do you know what happened to these
11 civilians, that is the women, young children, et cetera?

12 A. Yeah, yeah. They followed. He took them alongside for
13 them not to perish.

14 Q. So they all went?

16:26:02 15 A. Yeah.

16 Q. How do you know that?

17 A. Well, I mean -- you see, we saw them. When I was in the
18 hideout, I saw a large crowd with him.

19 Q. Thank you very much.

16:26:19 20 PRESIDING JUDGE: Mr Manly-Spain, would this be a
21 convenient time in your examination-in-chief to adjourn?

22 MR MANLY-SPAIN: Yes, Your Honour.

23 PRESIDING JUDGE: Very well. We'll do that then.

24 Mr Witness, we are going to adjourn the Court now until tomorrow
16:26:40 25 morning. Tomorrow morning, we will continue to hear your
26 evidence. Between now and the time that all your evidence is
27 finished, you are not to discuss your evidence or the proceedings
28 here in Court with anyone else. Do you understand?

29 THE WITNESS: Yes, please.

1 PRESIDING JUDGE: Please remain where you are until we have
2 left and the Court Management will assist you to leave the Court.

3 [Whereupon the hearing adjourned at 4.30 p.m.,
4 to be reconvened on Friday, the 21st day of
16:27:45 5 July 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:	
WITNESS: DAB-085	2
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