

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

MONDAY, 24 JULY 2006  
9.22 A.M.  
TRIAL

TRIAL CHAMBER II

|   |  |
|---|--|
| Before the Judges:                        | Richard Lussick, Presiding<br>Teresa Doherty<br>Julia Sebutinde            |
| For Chambers:                             | Ms Carolyn Buff  |
| For the Registry:                         | Mr Thomas George   |
| For the Prosecution:                      | Mr Karim Agha<br>Ms Shyamala Alagendra<br>Ms Maja Dimitrova (Case Manager) |
| For the Principal Defender:               | No appearance  |
| For the accused Alex Tamba<br>Brima:      | Ms Glenna Thompson   |
| For the accused Brima Bazy<br>Kamara:     | Mr Andrew William Kodwo Daniels<br>Mr Mohamed Pa-Momo Fofanah              |
| For the accused Santigie Borbor<br>Kanuu: | Mr Ajibola E Manly-Spain   |

1 [AFRC24JUL06 - CR]  
2 Monday, 24 July 2006  
3 [The accused present]  
4 [The witness entered court]  
5 [Open session]  
6 [Upon resuming at 9.22 a.m.]

7 PRESIDING JUDGE: Good morning. I see there is a  
8 gentleman? The witness box. Could we have his witness number,  
9 please?

09:24:01 10 MS THOMPSON: This is DAB-091.

11 PRESIDING JUDGE: Thank you.

12 JUDGE DOHERTY: What language will he speak, Mrs Thompson,  
13 please?

14 MS THOMPSON: I believe, Your Honour, it's Krio, unless  
09:24:28 15 it's changed but I believe it's Krio.

16 PRESIDING JUDGE: The witness can be sworn.

17 MS THOMPSON: Your Honour, I have just been told it's  
18 possible it's Koranko.

19 PRESIDING JUDGE: Everything you said was obliterated,  
09:25:00 20 Ms Thompson. You're running your sleeve through the microphone.  
21 I can't hear what counsel is saying.

22 MS THOMPSON: Your Honour, I have just been told that the  
23 language is Koranko. I thought it was Krio, but I think it's  
24 Koranko. The witness might be asked what he is comfortable in.  
09:25:19 25 I think the interpretation section are aware what language.

26 WITNESS: DAB-091 [Sworn]

27 [The witness answered through interpreter]

28 MS ALAGENDRA: Your Honour, just before my learned friend  
29 begins, we would just like to express we have no objections to

1 leading on preliminary matters.

2 PRESIDING JUDGE: Thank you, Ms Alagendra. There you are,  
3 Ms Thompson, please proceed.

4 EXAMINED BY MS THOMPSON:

09:26:34 5 Q. Mr Witness.

6 A. Yes.

7 Q. You are from xxx village?

8 A. Yes, xxx.

9 Q. That's where you were born?

09:26:49 10 A. That's where I was born.

11 Q. You're a Koranko by tribe?

12 A. I'm Koranko.

13 Q. And xxx village is in the Bendugu section?

14 A. Bendugu section.

09:27:13 15 Q. [Indiscernible] chieftom.

16 A. Yes.

17 JUDGE SEBUTINDE: Sorry, I didn't quite catch the chieftom.

18 MS THOMPSON: Sengbe. One we had last week, Your Honour.

19 Q. And that's in the Koinadugu District?

09:27:26 20 A. Koinadugu District, yes.

21 Q. Am I right in saying you're married, two wives and nine  
22 children?

23 A. Two wives, nine children.

24 Q. But you cannot speak or read or write English?

09:27:54 25 A. I did not go to school. I did not go even to the Koranic  
26 school.

27 Q. Mr Witness, am I right in saying you don't know when you  
28 were born, but you believe you are between 60 and 70 years of  
29 age?

1 A. Yes, that is what I was told. That is what I think.  
2 Q. xxx, that's where you still live?  
3 A. xxx, I was born there and bred there, and I'm still  
4 there.  
09:28:52 5 Q. Mr Witness, I'm going to ask you some questions. Okay,  
6 about --  
7 A. Okay.  
8 Q. I want you to listen carefully to the questions and then  
9 answer.  
09:29:01 10 A. Okay.  
11 Q. When you are answering the questions, please remember that  
12 what you say is being interpreted.  
13 A. Okay.  
14 Q. And then the lawyers and the judges also have to write this  
09:29:14 15 down. So we will try to take it slowly.  
16 A. Okay.  
17 Q. If you don't understand the question, ask me, I'll try and  
18 explain it again.  
19 A. That's okay.  
09:29:48 20 Q. When I've finished asking you questions, the lawyers  
21 sitting on the other side might also want to ask you some  
22 questions, okay?  
23 A. That's okay.  
24 Q. Okay, so now we'll start.  
09:29:59 25 A. Yes, all right.  
26 Q. Now, Yomadugu, is it known by any other name?  
27 A. It has know other name. It's called Yomadugu.  
28 JUDGE SEBUTINDE: Ms Thompson is that with an O, Y-0.  
29 MS THOMPSON: Y-0-M-A, no Your Honour, Y-0-M-A-D-U-G-U.

1 Q. Do you know the distance between Yomadugu and Kabala?

2 A. From Kabala Town to Yomadugu, it's 10 miles.

3 Q. What about the distance between Yomadugu and Koinadugu  
4 Town?

09:31:12 5 A. Because they did not tell the mileage, but when we checked  
6 it, it's seven miles.

7 Q. Is there a place in Koinadugu called Yanadugu village?

8 A. In our entire Koinadugu District, I do not know Yanadugu.

9 Q. Now, I want to ask you about 1988 -- 1998, I beg your  
09:31:50 10 pardon. 1998. Do you recall anything happening in your village  
11 in 1998?

12 A. What happened in the country, or in our town?

13 Q. In your town.

14 A. Fine. I can recall some.

09:32:17 15 Q. Please tell us what you can recall.

16 A. Fine. I have greeted the elders. That year that you've  
17 spoken about, in that year, when we heard that the rebels have  
18 come from Mongor. They said they've reached Koinadugu and they  
19 were cooking food and they were coming and going to Sorandala [as  
09:32:52 20 interpreted]. Those people who were moving around came and told  
21 us.

22 THE INTERPRETER: Correction, interpreter. He said, "They  
23 were coming to surrender." That is not the name of a place.

24 MS THOMPSON:

09:33:09 25 Q. Mr Witness, let me ask you one question. When you say  
26 "rebels," who do you refer to as rebels?

27 A. Well, those people whom I call rebels, I don't know the  
28 difference, I just know that they are rebels. I just heard that  
29 they were rebels.

- 1 Q. All right. Now, you said that people told you this. Which  
2 people told you this?
- 3 A. Those who were going about, those people who were coming,  
4 some were going to Kabala, others were going down to other  
09:33:45 5 villages and towns. Those were the people who told us, because  
6 we were on the main road.
- 7 Q. You were in the main road. Where in the main road, in your  
8 village?
- 9 A. In our village.
- 09:34:02 10 Q. Can you tell us what happened when they told you this?
- 11 A. I can explain some.
- 12 Q. Okay. Please carry on.
- 13 A. So when they told us that, when we were told that, we saw  
14 that these people are people whom we're afraid of, so we took our  
09:34:37 15 belongings and went to our farms. Instead of waiting for them to  
16 meet us in the town, we ran away into our farms.
- 17 Q. You say "We ran away into our farms." Who did you run away  
18 with?
- 19 A. The entire village, our entire village, except for some of  
09:35:01 20 the men who stayed in the town, those who stayed to observe  
21 things.
- 22 Q. How far was your farm from the village?
- 23 A. It's not up to -- maybe up to a mile, because if you're  
24 walking leisurely, you take about 30 minutes or 40 minutes.
- 09:35:26 25 Q. Whilst you were hiding in your farm, did anything happen?
- 26 A. In my farm?
- 27 Q. Yes.
- 28 A. Nothing happened there.
- 29 Q. Okay. How long were you hiding in your farm for?

1 A. We were there when these people came from Koinadugu and  
2 they went to Kabala to surrender, that entire morning, they  
3 passed by and they went to Kabala. We were there, I can say, up  
4 to the afternoon prayers at 2.00, just after that.

09:36:16 5 Q. Did you subsequently leave your farm?

6 A. We heard gunshot, we heard gunshot in Kabala, gunshot in  
7 Kabala.

8 Q. Okay. When did you hear these gunshots?

9 A. I can say about 2.00, during the afternoon prayers.

09:36:37 10 Q. Did you subsequently leave your farm?

11 A. I did not leave the farm. Those men who were in the town,  
12 they run away and met us in the farm and they said, "Eh, we've  
13 heard gunshot in Kabala." Those people who had passed by who  
14 said they were going to surrender, we have heard gunshot from  
09:36:59 15 there.

16 Q. What did you do when these men told you this?

17 A. We were on stand-by. We were on stand-by and I myself said  
18 on that day, "Now, the way we've seen this thing, instead of us  
19 waiting here, let us find the town. Let us not stay here and die  
09:37:26 20 of starvation."

21 Q. Which town were you going to find?

22 A. We were there because they had captured Kabala for five  
23 days. In that five days, the fourth day, on the fifth day,  
24 ECOMOG went and dislodged them. When they were dislodged, we  
09:37:48 25 used the bypass and went to Kabala, together with the other  
26 village people.

27 Q. Okay. Now, before I get to what happened when you got to  
28 Kabala, how do you know that ECOMOG had dislodged them?

29 MS ALAGENDRA: Your Honour, before that, could we just

1 clarify who the witness is talking about that captured Kabala.

2 THE WITNESS: We were there, they had strongmen. They were  
3 going to Kabala.

4 MS THOMPSON: Mr witness, wait. I believe the witness said  
09:38:19 5 ECOMOG, your Honour.

6 MS ALAGENDRA: No, Your Honour, I believe he just said  
7 captured Kabala and then subsequently he spoke about ECOMOG, just  
8 to clarify who he's talking about.

9 MS THOMPSON: All right. I will do that, Your Honour.

09:38:28 10 Q. Now, Mr Witness --

11 A. Yes.

12 Q. -- remember I said let's take this slowly, okay. All  
13 right. Now, you said they captured Kabala and then about five  
14 days, ECOMOG dislodged them. Now, before we go on, I want you to  
09:38:44 15 tell us who had captured Kabala.

16 A. Yes.

17 Q. Who are the people who captured Kabala?

18 A. The rebels.

19 Q. The rebels, okay. Secondly, I want you to tell us how you  
09:38:56 20 knew that the rebels had captured Kabala and ECOMOG had dislodged  
21 them. How did you know that?

22 A. We were there. All this while, you know there are some --  
23 there is a man who are very brave, they will go to observe  
24 things. When they passed and were going to Kabala, they captured  
09:39:20 25 some people and went along with them, so those escapees went and  
26 met us on the farm and told us. When you ask them, "Where are  
27 you coming from?" They would tell us where they had come from  
28 and they would explain to us exactly what happened there.

29 MS ALAGENDRA: Your Honour, if we can get a clarification



1 of who is they and them. There are a lot of "theys" and "thems"  
2 coming out, if we can clarify who they are.

3 MS THOMPSON: I don't even know --

4 JUDGE SEBUTINDE: Especially those who captured those  
09:39:49 5 people, whoever they are.

6 MS THOMPSON: Okay.

7 Q. Mr Witness, I think you heard all that. Now, who captured  
8 whom?

9 A. Capture how?

09:40:03 10 Q. You said that some people were captured and then they  
11 escaped and those escapees would come and tell you what was  
12 happening and you said there are some brave men. Now, I want you  
13 to tell us who --

14 A. The rebels captured those people and they asked them to  
09:40:24 15 carry their loads for them during that fighting. When the  
16 fighting started, these people escaped and they returned where  
17 they had come from, and they met us in the bush.

18 Q. Now, we have got to that stage where you said you decided  
19 to go to Kabala. Did you actually get to Kabala?

09:40:45 20 A. No, I did not say I arrived in Kabala. If I say I arrived  
21 in Kabala -- I say they had dislodged them. ECOMOG troops had  
22 dislodged them from Kabala Town and they were going to our own  
23 villages. We used the bypass and went to Kabala.

24 Q. When you got to Kabala, did anything happen?

09:41:11 25 A. Well, no other thing happened after that, because we were  
26 there. After a while, we would hear that rebels have come and we  
27 would run again to the bush. When they hit Kabala, they are  
28 unable, if they return, we would come and sit back in Kabala.

29 Q. When who hit Kabala?

- 1 A. The rebels.
- 2 Q. Now, these rebels, did you hear if they had leaders?
- 3 A. Yes.
- 4 Q. Did you hear who these leaders were?
- 09:41:53 5 A. The leader whose name I heard, whose name I heard, I did  
6 not see them. I did not see rebels, but the person whose name I  
7 heard, Superman and SAJ Musa.
- 8 Q. Did you hear where Superman and SAJ Musa were?
- 9 A. They told us that they were in Koinadugu.
- 09:42:26 10 Q. How long did you stay in Kabala Town for?
- 11 A. Well, I had spent about six months there.
- 12 Q. Did you return to your village at some time?
- 13 A. In that six months, I had no chance, because I had no  
14 chance to return to my village.
- 09:43:02 15 Q. After the six months, what did you do?
- 16 A. After that six months, we heard that they had left our  
17 village, our town, xxx, because that was their first base.  
18 When they left, after that six months, we, too --
- 19 Q. Okay. Who -- you said you heard they had left, who is  
09:43:32 20 "they" who had left?
- 21 A. The rebels.
- 22 Q. Now, you were up to the stage where you heard that the  
23 rebels had left your village and you said "we, too." What did  
24 you do when you heard the rebels had left your village?
- 09:43:47 25 A. When we heard that they've left our village, we took our  
26 families and we returned to our village, but when we arrived  
27 there, we found out that they had burnt down the entire village,  
28 so we returned to our villages and stayed in the huts, in our  
29 farms.

1 Q. Okay. Now, we, who was "we"? Who returned with you?

2 A. I, together with my family members and my neighbours, we  
3 all run away.

4 Q. And these people that you ran away with, did you return  
09:44:24 5 with all of them?

6 A. I did not say those who went to some other place, but those  
7 who went to Kabala, we all returned at the same time, but there  
8 were some other people who went to some other places, they've  
9 never returned up to now, those who went to Kono, to Mende and  
09:44:50 10 Guinea.

11 Q. Now, you said they had burnt the village down. What else  
12 did you see apart from burnings?

13 A. After the burning of the village --

14 Q. Sorry, I'll make myself clear. You said when you went  
09:45:10 15 there, when you went back to your village, you said they had  
16 burnt the village down.

17 A. Yes.

18 Q. Apart from -- let me ask you this first of all: What had  
19 they burnt down? What had the rebels burnt down?

09:45:22 20 A. Our houses.

21 Q. Okay. Apart from your houses, was there anything else that  
22 you observed in the village?

23 A. In our own village, you have called us here that we should  
24 come and speak the truth. They did not kill anybody into my own  
09:45:46 25 village, they did not capture anybody that they took away, they  
26 did not capture any woman, because we run away from them.

27 Q. Now, before the rebels went to your village, do you know  
28 how many people lived in your village? It doesn't have to be  
29 exact. Just give us a round figure, if you know.

1 A. Before the rebels arrived, because we were in authority,  
2 it's about 200 plus.

3 Q. Now, today, how many people live in your village, do you  
4 know?

09:46:38 5 A. I cannot remember everything, but I can remember about 160  
6 to 170, children and adults. Those who have gone out, I'm not  
7 talking about them.

8 Q. Now, when you returned to your village, did you hear any  
9 incidents of rape in your village?

09:47:09 10 A. In my home village?

11 Q. Yes.

12 A. I said that did not happen. In our home village, they did  
13 not capture any woman, because you people have said that we  
14 should speak the truth.

09:47:24 15 Q. Yes, Mr Witness. Now, Mr Witness, apart from those two  
16 names which you heard you've told us you heard about SAJ Musa and  
17 you heard about Superman. Did you hear any other name during  
18 that time as a leader of the rebels, or as a commander of the  
19 rebels?

09:47:47 20 A. In our own chiefdom?

21 Q. Yes.

22 A. I did not hear anybody else's name. I did not see any  
23 other person's name. Even these people, I have not seen them. I  
24 did not hear any other person's name that that person is the

09:48:05 25 leader, or these people are the leaders. No, I did not hear any  
26 other person's name. It's only those two people whose names I  
27 heard. And even there, to say that our houses were burnt, it was  
28 after SAJ Musa left. It was after SAJ Musa had left. When the  
29 rebels are going out, when Superman's men were leaving, they

1 would burn our houses. That's what we saw.

2 Q. I have just have one final question for you on that last  
3 bit which you said. You said the burning of your houses was  
4 after SAJ Musa had left when Superman's men were going. How do  
09:48:44 5 you know that?

6 A. How I knew that, because they stayed long there, because we  
7 heard that SAJ Musa had left. That they split. We did not hear  
8 the burning of houses at that time. When he left, the month that  
9 he left, from that month, up to the end of that month, we heard  
09:49:08 10 that wherever they cleared, they would burn down that place.

11 Q. You say the month he left. Who are we talking about here?

12 A. I said the month that he left, it took long before we heard  
13 that houses have been burnt.

14 Q. All right, Mr Witness, thank you very much. If you wait  
09:49:29 15 there, they might have some questions for you. Thank you.

16 PRESIDING JUDGE: Needless to say, Mrs Thompson, this is a  
17 common witness.

18 MS THOMPSON: Yes.

19 PRESIDING JUDGE: All right, thank you.

09:49:39 20 CROSS-EXAMINED BY MS ALAGENDRA:

21 Q. Good morning, Mr Witness.

22 A. Good morning, madam.

23 Q. Witness, I have a few questions for you this morning.

24 A. That's fine.

09:49:58 25 Q. Witness, during the six months that you were away from your  
26 village, xxx, you did not see any rebels yourself, did you?

27 A. I did not see any rebel. I was afraid. If somebody is  
28 afraid and you've heard that people have come, what do you do?  
29 You run away into the bush.

1 Q. And you also did not know who exactly the people were that  
2 were in xxx village at that time; isn't that right, witness?

3 A. To stay there how? How? How did they stay? How? Nobody  
4 stayed in our village, we all went away. We ran away at the same  
09:50:49 5 time.

6 Q. Witness, did you know at the time when you ran away there  
7 were soldiers that had occupied your village?

8 A. We did not leave -- the day they reached there, we were in  
9 the bush. We were in our farms when they came and stayed,  
09:51:14 10 because that was their first base. When we heard that they've  
11 stayed there, we went up to our farms. When we heard that they  
12 captured your town, but there is nobody there except the rebels,  
13 so we bypassed them and went to Kabala, because that is our town.  
14 We know the road leading to there.

09:51:32 15 Q. Witness, this "they" who occupied your village, who were  
16 they? Were they rebels or were they soldiers?

17 A. What we heard was that they were rebels. If you saw  
18 something with your eyes, you would distinguish them, but what  
19 they said was rebels have come and I, too, ran away.

09:51:56 20 Q. Witness, I put to you that the people who were in your  
21 village, they were soldiers, witness, not rebels.

22 A. I would not say they were soldiers, but those whose name I  
23 heard, I did not hear any soldiers. What I heard was that rebels  
24 have come.

09:52:30 25 Q. Witness, did you hear the names of any other rebels that  
26 you say were in your village?

27 A. Heard a name? I did not know another name. The name that  
28 I can remember -- you know, when somebody is afraid, that person  
29 becomes senseless, and what I heard was that they were rebels,

1 and that's what I can remember.

2 Q. When you say rebels, witness, that includes soldiers and  
3 rebels, doesn't it? These are the people you call rebels?

4 A. I wouldn't know that. Like we are sitting here, we know  
09:53:08 5 one another here. Some people are wearing black, some people  
6 wear red and so on. We know the difference, but if you don't see  
7 someone, would you know the difference?

8 Q. Witness, SAJ Musa, he was a soldier, wasn't he?

9 A. I heard that he was a soldier.

09:53:32 10 Q. And he had his men in your village as well when you ran  
11 away, didn't he?

12 A. I said I wouldn't know that, because you would only know  
13 what you saw. What you stood and saw, that's what you know, but  
14 I did not see them. I heard, just as soon as I heard, I took my  
09:53:57 15 family members. We all ran away into the bush. How can we know  
16 the difference? Can we know the difference that this is that,  
17 and that is this.

18 Q. Witness, I understand you don't know the difference of who  
19 was in your village. I'll move on.

09:54:13 20 A. Yes.

21 Q. Witness, there were civilians captured from surrounding  
22 villages and brought to Yomadugu, isn't it?

23 A. I would know, I wouldn't know. Because what you would hear  
24 and what you would see by yourself, they are two different  
09:54:41 25 things. In my own town, what I saw is what I'm saying. That  
26 they didn't capture any of my people, that they didn't burn  
27 property, that they did not amputate anybody. If you say they  
28 amputated somebody, you must have seen that, but we ran away and  
29 hid.

1 Q. Witness, so you don't know if civilians from surrounding  
2 villages were captured and brought to Yomadugu; is that right,  
3 because you were not there yourself, so you don't know.

4 A. I wouldn't know that. You can only know your townspeople.  
09:55:17 5 But at that time, everybody was confused.

6 Q. Witness, I put it to you that there were civilians captured  
7 from surrounding villages, including Bambukuro and brought to  
8 Yomadugu when you were not there.

9 A. All right. Well it is possible. Bambukuro people would  
09:55:50 10 say that. I was not Bambukuro. It is about one mile that is in  
11 between us. At the time that they were at Yomadugu, I was not  
12 there. I was in Kabala. Can I know the difference?

13 Q. No, you can't, witness, you're right.

14 A. Well.

09:56:10 15 Q. These civilians that were brought from other villages to  
16 Yomadugu, some of them were raped. Would you know that?

17 A. I have told you, what I know is about Yomadugu. In  
18 Yomadugu, they did not capture any woman. They did not amputate  
19 anybody's foot or hand, in Yomadugu. In Yomadugu no married  
09:56:38 20 parents told me that they had captured his wife or child. I am a  
21 xxx in xxx. Whatever happens there, they will tell me,  
22 even if it did not happen in my presence, but that did not happen  
23 at all, because you people have said we should speak the truth  
24 here. Even if they did it in some other places, as long as they  
09:56:53 25 did not do it in my own village, I wouldn't know that. I don't  
26 know that.

27 Q. Witness, I put it to you that woman captured from other  
28 villagers and brought to Yomadugu and some of them were raped, in  
29 Yomadugu.



1 A. I wouldn't dispute that, because that was their base. That  
2 is where they were based, but I would not accept that that  
3 happened there, because I did not see it. I was not there.

4 Q. Yes, witness you were not there, so you don't know even if  
09:57:41 5 it happened; right?

6 A. Yes.

7 Q. Witness, there were some civilians who were captured from  
8 surrounding villages and brought to Yomadugu and these civilians,  
9 they were forced to harvest rice and pound rice and cook for the  
09:57:56 10 people who occupied Yomadugu at the time; did you know that?

11 A. I said, you say I should talk about Yomadugu and that's  
12 what I know about. I said in Yomadugu, nobody was captured. In  
13 Yomadugu, nobody's hand was amputated, Yomadugu, nobody's foot  
14 was amputated. Because I didn't see it. In fact, we were  
09:58:22 15 running away into the bush. We were in the bush, would they  
16 capture us. We were in Kabala Town, would they capture us from  
17 there. Even in Kabala, if we heard that they are coming, we  
18 would run away and go into the bush. That was our only  
19 punishment, the burning down of our village and the starvation.

09:58:40 20 Q. Witness, there were civilians who were abducted from other  
21 villages and brought to Yomadugu and they had to undergo military  
22 training. Did you know that? Just say if you knew or you did  
23 not know, witness.

24 A. In my own village, nobody was captured. I said nobody was  
09:59:07 25 captured in my own village. In my own xxx village, nobody  
26 was captured that they took away. Nobody was captured to be  
27 trained in Yomadugu. No. Even the men there, they are my  
28 children. Whatever happened there, two or three days, if it went  
29 missing, I would know that that has happened, but nothing of that

1 sort happened.

2 Q. Witness, you would not know if anything happened to  
3 civilians from other villages who were brought into Yomadugu,  
4 because they were not from Yomadugu; is that correct?

09:59:41 5 MS THOMPSON: Your Honour, before the witness answers this,  
6 I have to object. We have had a series of questions. I  
7 understand if my learned friend is trying to put the  
8 Prosecution's case, but this gentleman has repeatedly said, I can  
9 only know what happened in my own village. There is no mileage,  
09:59:53 10 therefore, for asking questions about what happened in  
11 surrounding villages.

12 MS ALAGENDRA: Your Honour, that's not my question.

13 MS THOMPSON: If there's a witness --

14 MS ALAGENDRA: That's not my question.

10:00:04 15 MS THOMPSON: Can I just finish, please? If there is a  
16 witness from other villages then those questions can properly be  
17 put but it's not fair to be asking this witness about things  
18 which, whether people were adopted from other villages and  
19 brought to his village. He has said what may have transpired in  
10:00:15 20 the village at that time, he wasn't there, so he wouldn't know.  
21 As far as his own village people are concerned, those things did  
22 not happen to them because if they had he would know about it.  
23 There is therefore, in my submission, no mileage in putting these  
24 sorts of questions to him. He has made himself perfectly clear,  
10:00:36 25 crystal clear about what he knows and what he cannot comment on.

26 THE WITNESS: Fine.

27 PRESIDING JUDGE: Yes, I agree with what Ms Thompson says.  
28 This witness is saying, "I only know what happened to citizens  
29 from my village. I am in no position to say if any other people

1 from other villages were brought to my village." He simply  
2 wouldn't know.

3 MS ALAGENDRA: That's right, Your Honour. I'll move on  
4 from that, Your Honour.

10:01:04 5 Q. Witness, during the time that you were away from your  
6 village for six months, you do not know what is happening there;  
7 isn't it?

8 A. Yes. I wouldn't know what they did not tell me.

9 Q. Thank you, Mr Witness. No further questions, Your Honour.

10:01:24 10 PRESIDING JUDGE: Anything arising?

11 MS THOMPSON: No, Your Honour, no re-examination.

12 PRESIDING JUDGE: Mr Witness, thank you very much for  
13 coming along to court and giving evidence. We appreciate it.

14 THE WITNESS: Yes.

10:01:39 15 PRESIDING JUDGE: We're going to draw the curtains now so  
16 you will be able to stand up and leave the Court. If you will  
17 just be seated for a few moments while that gets done.

18 THE WITNESS: Okay.

19 [The witness withdrew]

10:02:16 20 PRESIDING JUDGE: I think the next Defence witness is 088;  
21 is that correct?

22 MS THOMPSON: Yes, Your Honour.

23 PRESIDING JUDGE: I understand this witness is giving  
24 evidence in Koranko; is that right?

10:04:37 25 MS THOMPSON: Yes, Your Honour, he is.

26 WITNESS: DAB-088 [Sworn]

27 [The witness answered through interpreter]

28 MS THOMPSON: Your Honour, I wonder whether my learned  
29 friends would indicate as far as leading for personal information

1 is concerned?  
2 MR AGHA: Yes, the same would apply.  
3 MS THOMPSON: Thank you.  
4 EXAMINED BY MS THOMPSON:  
10:06:26 5 Q. Mr Witness, you are from xxx village, am I right?  
6 A. xxx, yes.  
7 Q. That's in the Koinadugu section?  
8 A. Yes, Sengbe chiefdom.  
9 Q. And that's Koinadugu District?  
10:06:46 10 A. Indeed.  
11 Q. You are actually a Fullah by tribe?  
12 A. I am Fullah, but I've been transformed into a Koranko.  
13 Q. You're married?  
14 A. Three wives.  
10:07:07 15 Q. And you've got 12 children; am I right?  
16 A. Twelve children.  
17 Q. You were told you were born in 1964; is that correct?  
18 A. Yes, that is what my father told me.  
19 Q. You're actually fluent in several languages; not so?  
10:07:34 20 A. Well, I can try some, but it's Koranko that I'm really  
21 fluent in.  
22 Q. Also, you cannot read or write?  
23 A. I went to school at St Paul's and I stopped at class four.  
24 But you know our elders, they took me out of school and sent me  
10:08:01 25 to the farm.  
26 Q. And you've lived in xxx all your life; is that right?  
27 A. I was born there and I'm doing my farming there.  
28 Q. Okay. Now, Mr Witness, I want to ask you some questions  
29 about 1998. Your Honours, if I may have a moment's grace.

1 Sorry, Mr Witness.  
2 A. That's all right.  
3 Q. Like I said, I'm going to ask you some questions about  
4 1998. What I want you to do is to listen to my questions and  
10:08:58 5 then answer.  
6 A. Okay.  
7 Q. But please bear in mind that your answers are translated.  
8 And all of us, the lawyers, the judges, we're writing down what  
9 you say.  
10:09:06 10 A. I've seen that.  
11 Q. Okay. You have to talk slowly for us to be able to write  
12 down.  
13 A. That's all right.  
14 Q. If you don't understand, ask me again, I'll explain and  
10:09:23 15 when I'm finished asking the questions, maybe my friends over  
16 there will also have some questions for you.  
17 A. Mmm.  
18 Q. Now, before I start, let me just confirm you're a farmer.  
19 A. Even if you look at my palm, you would really know that I'm  
10:09:45 20 a farmer.  
21 Q. Thank you, Mr Witness. Now, 1998, can you tell us if  
22 anything happened in your village?  
23 A. xxx?  
24 Q. Yes.  
10:10:02 25 A. Yes. I can explain some.  
26 Q. Please tell us what happened.  
27 A. Well, we were there in 1998, just like you've said. They  
28 told us that bad people have come. I have a family. I took my  
29 entire family and I went to the bush. I went to my farm hut and

1 stayed there. I was there because I am -- I am a farmer. I  
2 plant groundnut, I plant pineapple and things like that. I was  
3 there. When I got this information, I went to the farm hut and I  
4 stayed there. I was there until --

10:10:59 5 THE INTERPRETER: Your Honours, the witness is speaking  
6 very fast.

7 MS THOMPSON:

8 Q. Mr Witness, remember what I said to you about taking it  
9 slowly.

10:11:11 10 A. Okay.

11 Q. Let me go back and ask you questions. You said you were  
12 there, you heard that bad people were coming and you took your  
13 family to your farm. Do you remember what month in 1998 this  
14 happened?

10:11:27 15 A. Well, it happened -- I wouldn't know the month, but it was  
16 after two months that August came, because at that time, we were  
17 doing our farming.

18 Q. Okay, so it was two months before August, if I put it that  
19 way, would I be right?

10:11:49 20 A. Yes. Because at that time, we were planting rice.

21 Q. All right. Now, when you took your family to your farm,  
22 can you tell us what happened?

23 A. I took my family to the farm. I was there. Because you  
24 said I should not speak very fast, because you're writing it

10:12:17 25 down. So I was there when we were processing the palm oil and  
26 they attacked us in that farm. I was the only person who  
27 escaped. They captured my two wives. Both of them had just  
28 given birth to their children. In fact, there were twins, they  
29 were three months old. They gave birth to the -- at the same

1 time.

2 THE INTERPRETER: Your Honours, he has called names again.

3 MS THOMPSON:

4 Q. Stop there. You said, "They" attacked us.

10:12:45 5 JUDGE SEBUTINDE: Also, caution the witness not to mention  
6 names of his family, which he just did.

7 MS THOMPSON: Yes, Your Honour.

8 Q. Mr Witness, before I go on to ask you this question --

9 A. That's okay.

10:12:55 10 Q. Now, if you recall, when you came here, I didn't call your  
11 name, okay. That's for your own security, your own protection.

12 A. Yeah.

13 Q. So, please, when you're answering questions --

14 A. That's fine.

10:13:07 15 Q. -- try not to call your family's name or anybody that's  
16 close to you, or even your own name, okay?

17 A. That's fine. I've heard. I wouldn't do it again.

18 Q. Thank you. Now, you said they attacked you on the farm.  
19 Who was "they" who attacked you?

10:13:27 20 A. Yes. Well, because on that day, I ran away, they captured  
21 my family members and they took them away, but I was in hiding,  
22 but I saw some wearing civilian clothing and some others were  
23 wearing military clothing, so they were mixed.

24 Q. Can you recall how many of them?

10:13:57 25 A. They were many. I can't know their number.

26 Q. Were there men, women in the group, or children?

27 A. I saw men. When I was hiding in the bush, I saw men.

28 Q. So you said they captured your two wives. What else  
29 happened?

1 A. Yes. They captured my two wives and they killed my  
2 children there. They captured my wives. They asked them to  
3 carry loads for them. They were raped.

4 Q. When you say you were hiding, how far were you hiding from  
10:14:52 5 where they captured your wives?

6 A. It's not a far distance. It's at the edge of the farm.  
7 But I would peak and I would see them.

8 Q. So you could see them from where you were.

9 A. Yes, I can see them. I can see them from that distance.

10:15:27 10 Q. After this happened, can you tell us what happened next?

11 A. Well, when that happened, they took my people and they  
12 carried them along. When I came back to the farm hut, I took  
13 my -- the rest of my family, and I took them along, because, at  
14 that time, their mothers were not there any longer.

10:15:52 15 Q. Did anything happen to your farm?

16 A. I've not understood that.

17 Q. Did anything happen to your farm itself?

18 A. Well, the rice that I had there, they took the rice, they  
19 burnt down the farm hut, they took all the rice, put them on top  
10:16:15 20 of my family members and took them all away.

21 Q. Okay. Now, you say you returned and you met members of  
22 your family there. Which members of your family, without calling  
23 names, which members of your family were there?

24 A. My children. Those whom they took away, they left my  
10:16:40 25 children, some children and one wife, because I had three wives.  
26 They took two away and one was left. They captured them and  
27 carried them away, so they slept with them in the bush there.

28 Q. Once you found these members of your family, what did you  
29 do?



1 A. Well, I took them and brought them close to me, and built a  
2 new farm hut in the bush and took them there, just so that we  
3 would survive, just so that we would survive.

4 Q. How long did you stay in this new farm hut?

10:17:23 5 A. Well, it became my base, because my wives, they took them  
6 away and they took them three days and, on the fourth day, they  
7 escaped and came, so we all came and stayed in the bush there.

8 Q. After your wives had joined you, can you recall if anything  
9 happened next?

10:17:44 10 A. Well, what happened after that, was that at that time, I  
11 had no feeding. So I built this farm hut, they stayed with me  
12 there, so I was hiding to go to my garden to find food to come  
13 and give it to them. In that process, I, too, was captured,  
14 because we were starving. And when you starve for a long time,  
10:18:17 15 you would have to come out to find food, so when I went out, I  
16 was captured as well.

17 Q. Who captured you?

18 A. Well, they were telling me that they were called RUF. They  
19 said that was their name.

10:18:35 20 Q. How many of them captured you?

21 A. On that day, there were many, because I cannot count them.  
22 In fact, they were many. In fact, when they capture you, you  
23 become a slave, because you would be unable to count them. You  
24 would be senseless at that time.

10:19:01 25 Q. When they captured you, did they take you anywhere?

26 A. The first thing was that when I was captured, I had gone  
27 and harvested palm nuts, and they told me to put that one down,  
28 and asked me to remove my clothes. That day, they wanted to  
29 shoot me. They took me under the mango tree, but they looked at

1 me for quite some time. There was a man among them and he told  
2 me his name. I don't know if I should call out his name now,  
3 because you said I should not call out somebody's name. But that  
4 one man told me his name.

10:19:43 5 Q. This man, was he amongst these people who captured you?  
6 A. Well, he was a fighter because I saw him with a gun.  
7 Q. Can you tell us his name, please?  
8 A. Well, he went and stood me under my mango tree and he said  
9 they should shoot me, but he looked at me and he called me and he  
10:20:08 10 said, "You, you've survived. You will not die. I am called  
11 Gibbo." He did not do anything to me. He brought me into the  
12 veranda and we came there and sat down.  
13 Q. Do you know how they were dressed, these men?  
14 A. Well, some of them had on civilian clothing. Others, I saw  
10:20:44 15 them with military trousers and civilian clothing. Some you  
16 would see military clothes, shirt, and civilian trousers.  
17 Q. Were they carrying anything? You said Gibbo had a gun, but  
18 the others, were they carrying anything?  
19 A. All of them had guns. Some of them had cutlasses.

10:21:11 20 Q. Okay. So after Gibbo said you had been saved, what  
21 happened next?  
22 A. Well, they put a mattress on top of my head and they asked  
23 me to take it to their base called Combat Camp. They took me  
24 there and I was with them for three days.

10:21:35 25 Q. Do you know where --  
26 A. At Yomadugu.  
27 Q. Yomadugu, all right. You were with them -- did you say for  
28 three days?  
29 A. Three days. On the fourth day, I escaped, because I had

1 I left my family behind and they were starving.

2 Q. From Yomadugu to where you had left your family, how far  
3 was it?

4 A. It's two and a half miles because from Yomadugu to go to  
10:22:11 5 the town, it's one and a half miles. From the town to where I  
6 was hiding, it's one mile, about. It's in the forest.

7 Q. In the three days you were with them, now, you've told us  
8 you heard the name Gibbo. Did you hear any other names amongst  
9 the rebels -- sorry, amongst those people who captured you?

10:22:36 10 A. Apart from his own name?

11 Q. Yes.

12 A. Well, there were some among them whose names I know, but I  
13 have forgotten one point.

14 Q. You have forgotten their names? Sorry?

10:22:59 15 A. No, I have forgotten one point. There is something that I  
16 have forgotten.

17 Q. Yes, carry on.

18 A. When they captured -- the day that they captured my wives,  
19 I have forgotten something there. They brought them into the  
10:23:13 20 town. That is where the talk actually started, but is it  
21 something I can explain or not?

22 Q. Explain it.

23 A. On that day that they captured my wives and brought them to  
24 the town, on that day I was not there.

10:23:33 25 Q. But were you told about what happened? Were you told about  
26 what happened?

27 A. It did not happen in my presence, but they explained to me,  
28 but I saw a corpse, too, because, apart from my two children,  
29 they came and killed three people on that same day in the town.

1 They killed three people. My uncle who was the --

2 THE INTERPRETER: Your Honours. Your Honours, he's saying  
3 something that might reveal --

4 MS THOMPSON:

10:24:15 5 Q. Can you just hold on. Now, we don't want to know what your  
6 uncle was doing. Remember I said to you that we don't want names  
7 of your own people. Let's go back. You said they killed three  
8 people. Who killed these three people?

9 A. That's what I'm saying. I said they did not kill them in  
10:24:42 10 my presence. It was on that day that they captured my wives, but  
11 we found their corpses.

12 Q. Okay. So you found the corpses. Where did you find the  
13 corpses?

14 A. In our town.

10:25:00 15 Q. Now, was that what you wanted to mention, that you had  
16 forgotten?

17 A. Yes.

18 Q. Okay.

19 A. So let's proceed now.

10:25:11 20 Q. Okay, thank you.

21 JUDGE SEBUTINDE: Ms Thompson, did I hear him to say the  
22 rebels killed his two children?

23 MS THOMPSON: Yes. I think he mentioned that almost at the  
24 top of his evidence. Then he's just repeated it?

10:25:31 25 Q. Now, you were taken to Yomadugu. Before that -- had you  
26 been to Yomadugu before?

27 A. No. Except on that day that they took me there. It was on  
28 that day that I went there.

29 Q. Okay. Now, I had asked you if you heard the names of the

1 rebels and you said that you could not remember. Can you  
2 remember now?

3 A. I wouldn't know all of their names, but on that day, that  
4 person who captured me, there are some among them whose names I  
10:26:28 5 know. They told me their names, so I know their names.

6 Q. Can you tell us, please, their names?

7 A. Okay. The first one was -- their names, they told me their  
8 names on that day they captured me. That the person who was head  
9 of them all was Superman and SAJ Musa. They said they were their  
10:26:51 10 leaders, but they were based in Koinadugu.

11 Q. Okay. Did you hear any -- apart from Superman, SAJ Musa  
12 and Gibbo, did you hear any other name that you can recall?

13 A. Well, there were three of them whose names I know. Because  
14 on those three days that I was with them, I knew their name.  
10:27:18 15 That was a time I knew their name.

16 Q. Okay. If you know their names, those three, can you tell  
17 us?

18 A. Yes.

19 Q. Yes, please do.

10:27:31 20 A. One is called C0 Bypass.

21 Q. Yes.

22 A. The second one Kapay [phon].

23 Q. And the third one?

24 A. Oiacu [phon].

10:27:57 25 MS THOMPSON: Your Honour, I think we will just use  
26 phonetic spellings for those.

27 Q. Thank you, Mr Witness. Now, you earlier said you were with  
28 them for three days, and then on the fourth day, you escaped.

29 Where did you go when you escaped?

1 A. At the time that I escaped?  
2 Q. Yes.  
3 A. It was at 9.00.  
4 Q. Was that in the morning or at night?  
10:28:35 5 A. At night, because at that time they were threatening me  
6 that I should climb the palm tree and chop palm fruit for them.  
7 So I ran away and went to my family in the bush.  
8 Q. Did you run away alone?  
9 A. Well, I was the only person who escaped on that day.  
10:28:59 10 Q. When you went to your family in the bush, did anything  
11 happen there?  
12 A. Nothing happened after that. I went close to them.  
13 Q. Okay, whilst you were hiding --  
14 A. I was digging up yams so that we should eat.  
10:29:25 15 Q. Whilst you were hiding with your family in the bush, did  
16 you hear of anything happening in your village?  
17 A. I did not hear any other thing, because at that time --  
18 well, when I was there, when we were in that hiding, because that  
19 was our village, they came again and killed three people. They  
10:29:58 20 went and told us in the bush. We came again and found their  
21 corpses, so when we were in the bush, we would hide and come to  
22 the town, so it was up to nine people who died there, in that,  
23 our town, but if these three people were killed at the last  
24 stage, when I was hiding in the bush.  
10:30:21 25 Q. You said they came to tell you in the bush. Who told you  
26 in the bush?  
27 A. When we were in hiding, we were all civilians, because if  
28 you leave here, you would hide. If you hide in a particular  
29 place for quite some time, you would go to the other place to

1 find out what was happening. Because if you are hiding in a  
2 particular place, you get tired of there. You would leave your  
3 family and you go and walk around for you to know what was going  
4 on, you see.

10:30:54 5 Q. Mr Witness, did you subsequently come back to your village?

6 A. Well, after the fighting, because at that time we've heard  
7 we were in the bush when we heard that they've fought among  
8 themselves, and they are all in disarray. When that happened, we  
9 were at liberty to come to the town, because at that time, we

10:31:25 10 were feeling very cold. We were starving, because it was  
11 raining, so we came into the town, because they've fought among  
12 themselves in Koinadugu, and they've all gone their separate  
13 ways.

14 Q. Okay. Mr Witness, when you got back to your village, to  
10:31:42 15 your own town, how did you find your town?

16 A. Well, I found the town, it had become a bush, because there  
17 was nobody in the town. It was a bush. It was our town, so we  
18 called people to come and brush, just so that people would come  
19 to the town.

10:32:04 20 Q. Do you know if anyone was amputated in your village?

21 A. They did not amputate anybody's hand there. They did not  
22 amputate anybody's foot there. They did not burn our town. If I  
23 said that, I would be telling lies, but they did kill people.

24 Q. Apart from your wives, do you know if any other woman was  
10:32:30 25 raped?

26 A. Yes. My younger uncle's wife was raped. She's there.

27 Q. Mr Witness, finally, do you know any village in Koinadugu  
28 District called Bamakana [phon]?

29 A. That's not in that, our area. It's not in our chiefdom.

1 Q. Have you ever heard it in any other chiefdom in Koinadugu  
2 District?

3 A. At all.

4 Q. Was that -- Mr Witness, please, is that yes or no, for the  
10:33:29 5 purpose of the record?

6 A. Well, I did not hear. I did not -- I do not know that  
7 town's name and I've not heard it's name and I do not know it.

8 Q. Thank you very much, Mr Witness. Those are all the  
9 questions I have for you. Wait there. My friend from the other  
10:33:48 10 side might want to ask you some questions.

11 PRESIDING JUDGE: Thank you, Ms Thompson. For the record,  
12 this witness is a common witness?

13 MS THOMPSON: Yes, he is a common witness, Your Honour.

14 PRESIDING JUDGE: Thank you.

10:34:02 15 CROSS-EXAMINED BY MR AGHA:

16 Q. Mr Witness, I'm just going to ask you a couple of  
17 questions, many of which can be answered with a yes or no answer.  
18 If you could do that quite concisely, that would help. Do you  
19 understand?

10:34:37 20 A. It's okay.

21 Q. Now, you hid in the bush when the attack on your village  
22 happened, so you did not personally see who attacked your  
23 village, did you?

24 A. Yes, because at that time I had left the town and had gone  
10:35:15 25 to the bush.

26 Q. So you don't know who attacked your village; right?

27 A. Well, they used to tell us that they were called RUF. I  
28 used to hear, because that is what they were saying. When they  
29 capture you, that is what they will say, "Our name is RUF. We



1 are rebels."

2 Q. I put it to you that both RUF and SLAs attacked your  
3 village.

4 A. I would not know that difference.

10:35:51 5 Q. Now, when you were caught during your attempts to find food  
6 for your family, do you remember that?

7 A. Well, yes.

8 Q. Soldiers asked you to carry a bag of rice to Yomadu, didn't  
9 they?

10:36:24 10 MS THOMPSON: I don't think the evidence was Yomadu.

11 That's in another district, Your Honour.

12 MR AGHA: I beg your pardon.

13 PRESIDING JUDGE: I think it's Yomadugu.

14 MR AGHA:

10:36:35 15 Q. Yomadugu. I apologise.

16 A. Yomadugu. That day they captured me, they asked me to  
17 carry a mattress for them, but I do not know, because they said  
18 they were called RUF. I do not know the difference.

19 Q. Did you speak to anyone on the Defence side before coming  
10:37:00 20 to tell your story in Court today?

21 A. I did not talk to anybody.

22 Q. So you didn't speak to anyone from the Special Court?

23 A. Yes.

24 Q. You did?

10:37:30 25 A. I said I did not, and you say I did?

26 Q. How did you come to be here today?

27 A. Why I'm here, what happened to me, what happened in our  
28 village is what I have come to explain here.

29 Q. Who asked you to come and explain that here? Did someone

1 ask you to come and explain your story?

2 A. Well, people went and asked us that what happened to us,  
3 what happened to our village, we should come and explain.

4 Q. Now, you told those people your story about what happened  
10:38:26 5 to your village; right?

6 A. To explain to them how?

7 Q. Well, you told them about what happened to you and how you  
8 had to flee your village.

9 A. Just like I've explained here what happened to me.

10:38:50 10 Q. Thank you. Now, we've been provided with a summary of what  
11 you told those people. In this additional summary which we  
12 received, in the fourth paragraph, it says the soldiers asked you  
13 to carry a bag of rice to their base in Yomadugu. Did you tell  
14 this to the people you spoke to?

10:39:29 15 A. They organised some load for me, but what they put on top  
16 of me was the mattress. They asked me to take the mattress,  
17 because I was unable to take that one.

18 Q. My question is very simple. Did you tell the people who  
19 you spoke to before coming to the Court this: The soldiers asked  
10:39:52 20 you to carry a bag of rice to their base in Yomadugu. You either  
21 did or you didn't.

22 A. That is what I'm saying. That one was made, the rice and  
23 the mattress, they said I should take them, but I was unable to  
24 take the bag of rice, so I took the mattress and carried it along  
10:40:16 25 when they captured me. That's what I'm saying. Three days I was  
26 with them, and on the fourth day I escaped.

27 Q. And you called them the soldiers, didn't you?

28 A. I am a farmer. I do not know their difference. They used  
29 to tell us that they were called RUF. You see some. They are

1 wearing combat trousers and civilian clothes. For those of us  
2 who were in the bush, we do not know the difference. Sometimes  
3 when they come, they would say soldiers have come. Sometimes  
4 they would say RUF, so you see? When you do not know the  
10:40:53 5 difference, like, you know, you are running away, you are  
6 confused, what you see is what you would explain. Everybody was  
7 confused.

8 Q. So actually you have no idea whether these people were RUF  
9 or soldiers?

10:41:12 10 A. Well, they used to tell us their names, that they are RUF.  
11 Like I'm sitting here, I'm a civilian. If I see you wearing a  
12 military uniform, I will say you are a soldier, because they were  
13 mixed. They were wearing civilian clothes.

14 Q. I put it to you that you told the people who you spoke to  
10:41:34 15 from the Special Court that soldiers asked you to carry a bag of  
16 rice to their base in Yomadugu.

17 A. I have said it. Maybe the person who wrote it -- I told  
18 you that they organised the rice of bag [as interpreted] and a  
19 mattress, it was the mattress that I took on that day, you know.  
10:42:06 20 It's the truth that is good. They really tied the bag of rice,  
21 but I did not take it. It was the mattress that they asked me to  
22 carry on that day that I was captured, just that I had come from  
23 my garden.

24 Q. Yes, but the question put to you is: Did you tell the  
10:42:23 25 people from the Special Court that these people were soldiers or  
26 not?

27 A. Just like I've explained to you, that's the difference I  
28 told you. We were civilians. We do not know they are different.  
29 Somebody would capture you. You would say, "That's me." And

1 somebody would say, "I'm RUF." You see, they were mixed.

2 Q. The question is very simple. Did you tell the person that  
3 they were soldiers; yes or no?

4 A. What I told them is that they organised a bag of rice and a  
10:43:19 5 mattress.

6 Q. Witness, please, just answer this question: Did you  
7 remember telling them that these people were soldiers? You  
8 either did or you did not.

9 A. I did not tell them that.

10:43:35 10 Q. I put it to you that you did tell them that they were  
11 soldiers. I put it to you that you did tell them that it was  
12 soldiers.

13 A. A mattress and rice they were organised. But I -- God did  
14 not agree that I should take the rice alone. When they captured  
10:44:08 15 me, it was the mattress that I took.

16 Q. So as far as you were concerned, these were not soldiers?

17 A. Well, they told me that their leaders were SAJ Musa and  
18 Superman. That's how they were.

19 Q. Now, did you also tell the investigators that the soldiers  
10:44:40 20 revealed to you that they were based at Koinadugu village, about  
21 seven miles from Yomadugu?

22 A. It's seven miles.

23 Q. Yes. Now, I'm asking you a specific question. Did you say  
24 to the people you spoke to from the Special Court that the  
10:45:14 25 soldiers revealed to you that they were based at Koinadugu  
26 village, about seven miles from Yomadugu. Either you said that  
27 or you did not say that.

28 A. From Yomadugu to go there, it's seven miles.

29 Q. Yes, but did you or did you not say that the soldiers

1 revealed to you that they were based in Koinadugu village?

2 Either yes, they did, or no, they didn't.

3 A. That our own mileage. From there to there, it's seven

4 miles. They asked me and I said from Yomadugu to go there, it's

10:46:14 5 seven miles. They asked me that and that's what I told them.

6 Q. Mr Witness --

7 A. From Yomadugu to go there --

8 Q. Mr Witness, please listen to the question. I'm not asking

9 you about miles. All I'm asking you is quite simply, and I'll

10:46:29 10 read it: That the soldiers revealed to you that they were based

11 in Koinadugu village. Did you say that the soldiers revealed to

12 you that they were based in Koinadugu village; yes or no?

13 A. They asked me, because that was our headquarters. I told

14 them that from here -- because that was where their leader was.

10:47:08 15 I said from here to there, it was seven miles, that's what they

16 asked me. They asked me how many miles and I told them it's

17 seven miles.

18 Q. Mr Witness, I'll explain this to you. I am speaking from a

19 summary of the statement which you gave to the people you spoke

10:47:25 20 to. So, what I'm saying to you, is this what you said? And the

21 answer is simply, yes, I did say that, or, no, I did not say

22 that. So, I will ask you once more: Did you say that the

23 soldiers revealed to you that they were based at Koinadugu

24 village?

10:47:47 25 A. It's seven miles. I told them. I told them --

26 Q. Don't worry about the distance. We're not discussing the

27 distance. Forget about the distance. Simple question: Did you

28 say that the soldiers revealed to you that they were based at

29 Koinadugu village; yes or no?

1 A. It's seven miles.

2 JUDGE DOHERTY: Mr Witness, do you understand the question?  
3 What is your answer? Do you understand the question?

4 PRESIDING JUDGE: It just requires a yes or no, Mr Witness.  
10:49:08 5 Do you understand the question, or do you not understand the  
6 question; yes or no, and I believe you are capable of answering  
7 that question.

8 THE INTERPRETER: His microphone is off.

9 JUDGE DOHERTY: Repeat what you said, Mr Witness.

10:49:34 10 THE WITNESS: To start. The person went and he asked me,  
11 and I explained to me, they were not based in our home place, but  
12 they were in Koinadugu. From Yomadugu to Koinadugu, it's seven  
13 miles, that is where they were based, that is where their leader  
14 was. I said it's seven miles. That's what I told them.

10:50:12 15 JUDGE DOHERTY: Mr Witness, the question is not necessarily  
16 about the miles. The question is about the words you used to the  
17 people you spoke to you from the Special Court. The lawyer is  
18 going to ask the question again. Listen carefully and answer  
19 that question. Don't concentrate on the miles. Mr Agha, please  
10:50:36 20 put the question again.

21 MR AGHA:

22 Q. Did you tell the people from the Special Court that the  
23 soldiers revealed to you that they were based at Koinadugu  
24 village?

10:51:06 25 A. If I told them or they told me?

26 Q. Did you tell them that?

27 A. Yes, to go there, it's seven miles.

28 Q. No, not the miles. I'm not asking you about the miles, as  
29 the learned judge has told you. Very simply: Did soldiers

1 reveal to you that they were based at Koinadugu village? Did you  
2 tell this to people from the Special Court?

3 A. Yes.

4 Q. Thank you.

10:51:57 5 A. They told me that.

6 Q. They told you that? Who is "they"? The people from the  
7 Special Court?

8 A. To tell me what?

9 PRESIDING JUDGE: Listen, Mr Witness, you just said yes,  
10:52:19 10 they told me that. Now, explain. Hey, listen to me. You just  
11 said, "They told me that." Now, who is the "they" that you are  
12 referring to?

13 THE WITNESS: Those who told me, those who captured me told  
14 me that, that Yomadugu, to go there, it's seven miles, that is  
10:52:45 15 where they were based. From Yomadugu to their base, it's seven  
16 miles, that's what they told me.

17 MR AGHA:

18 Q. And did you reach --

19 A. When these people went, these people who asked me these  
10:53:00 20 questions, that is what I told them.

21 Q. And you told them it was soldiers who told you this; yes or  
22 no?

23 MS THOMPSON: Asked and answered, Your Honour.

24 PRESIDING JUDGE: No, I don't think it has been,  
10:53:12 25 Ms Thompson.

26 THE WITNESS: That's what I told them, because they were  
27 mixed, just like I have said. Some of them, when they capture  
28 you, they are mixed. The civilians, if you see somebody wearing  
29 the soldier uniform, you will say it is a soldier, you don't know

1 which position it is in. We were in this area, we were all  
2 worried, we were sad, you see?

3 MR AGHA:

4 Q. Now, I put it to you that it was soldiers who captured you.

10:53:54 5 A. Is that a question?

6 Q. Yes. I am saying that it was soldiers who captured you.  
7 You can say yes, it was, or no, it wasn't, or I don't know.

8 A. Well, those two parties, I wouldn't know them, because they  
9 were mixed. Their leader was there. They said it was Superman  
10:54:18 10 and SAJ Musa. They were mixed.

11 Q. SAJ Musa was a soldier, wasn't he?

12 A. Well, we heard, because we heard that he was a soldier.

13 Q. Now, did you reach Yomadugu?

14 A. They took me there and I was with them for three days  
10:54:46 15 before I could escape.

16 Q. Now, soldiers were present in Yomadugu for those three  
17 days, weren't they?

18 A. Well, I said they were mixed. The rebels and the soldiers,  
19 they were mixed. I would not know the difference that this is  
10:55:06 20 these or this is this, because we were slaves to them on those  
21 three days. If you were not pounding rice, you were patching  
22 rice.

23 Q. So you're saying both rebels and soldiers were present in  
24 Yomadugu?

10:55:23 25 A. Yes.

26 Q. Now, were civilians also present?

27 A. Well, except for the captives, those who were captured  
28 outside and brought there, they were bringing them from other  
29 areas.



1 Q. And what were they making them do?

2 A. On those three days, they would remove your trousers, and  
3 you would be patching rice and pounding rice for them. I would  
4 be -- they asked me to be climbing a palm tree to cut palm fruit  
10:56:05 5 for them. Because I did not know, I escaped so my family members  
6 would not die in my absence of starvation.

7 Q. Roughly how many people were pounding rice for them?

8 A. I cannot know the number. It was a large crowd. It was a  
9 large crowd. In Yomadugu, every house that was there was full of  
10:56:30 10 people.

11 Q. And were these people being well treated?

12 A. It was slavery. It was slavery. You would remove your  
13 trousers and they would give you a loin cloth, and you would be  
14 naked.

10:56:49 15 MR AGHA: Your Honours, I just have a couple more  
16 questions, if you can bear with me, I can finish up with this  
17 witness.

18 PRESIDING JUDGE: We'll do that. Thank you, Mr Agha.

19 MR AGHA:

10:56:59 20 Q. Now, coming back to your own village, you say there were  
21 nine corpses. Do you remember saying that?

22 A. Yes. My two children make up the nine.

23 Q. Now, apart from your two children, you did not personally  
24 see who killed these other corpses, did you?

10:57:33 25 A. I did not see them. We just found their corpses. We just  
26 saw their corpses.

27 Q. Thank you, witness.

28 MR AGHA: I have no further questions, Your Honour.

29 PRESIDING JUDGE: Thank you, Mr Agha.

1 MS THOMPSON: Your Honour, no re-examination.

2 PRESIDING JUDGE: No re-examination, thank you.

3 Mr Witness, that completes your testimony. We would like to  
4 thank you for coming along to give evidence today. If you will  
10:58:05 5 just remain seated, the Bench will leave the Court and then you  
6 will be free to leave as well, that's once the curtains have been  
7 pulled across.

8 THE WITNESS: That's okay.

9 PRESIDING JUDGE: We'll adjourn now --

10:58:22 10 THE WITNESS: But I want to drink water.

11 PRESIDING JUDGE: Yes, you can drink water. There's a  
12 bottle in front of you there. We're going to adjourn the Court.

13 THE WITNESS: Can I take it?

14 PRESIDING JUDGE: Look, leave the bottle and just have a  
10:58:35 15 glass, will you. We're going to adjourn the Court until 11.15.

16 [Break taken at 10.57 a.m.]

17 [Upon resuming at 11.17 a.m.]

18 PRESIDING JUDGE: Just before we hear from this next  
19 witness, I refer to a complaint that was made in Court on 14 July  
11:18:56 20 by Mr Manly-Spain, counsel for the accused Kanu. It was in  
21 relation to Mr Kanu's lunch being served late. We've caused that  
22 matter to be investigated. We have a report here which  
23 adequately addresses the problem. It does appear to us that the  
24 matter has since adjusted itself. We hope that the situation  
11:19:28 25 remains as it is now. If there are any further complaints along  
26 that line, we would draw counsel's attention to the complaints  
27 procedure in the rules of detention. This witness is DAB-089?

28 MS THOMPSON: Yes, Your Honour.

29 PRESIDING JUDGE: And Koranko again?

1 MS THOMPSON: Yes, Your Honour.  
2 WITNESS: DAB-089 [Sworn]  
3 EXAMINED BY MS THOMPSON:  
4 MS THOMPSON: Your Honour, I'm told, as before, I can lead  
11:21:01 5 on the personal details.  
6 Q. Mr Witness, you come from xxx; is that right,  
7 xxx Village?  
8 A. Yes, that's true.  
9 Q. That is not where you were born?  
11:21:27 10 A. I was not born there.  
11 Q. But you went there at an early age?  
12 A. Yes.  
13 Q. You have lived there virtually all your life?  
14 A. Indeed.  
11:21:46 15 Q. You were told by your parents that you were born in 1966?  
16 A. That's true.  
17 Q. You are a Koranko by tribe?  
18 A. Yes.  
19 Q. You are a farmer?  
11:22:06 20 A. Indeed.  
21 Q. You are married with two wives and you've got six children.  
22 A. Yes.  
23 Q. You can't read or write English?  
24 A. Yes.  
11:22:37 25 JUDGE SEBUTINDE: Ms Thompson, was that xxx or  
26 xxx?  
27 MS THOMPSON: xxx.  
28 JUDGE SEBUTINDE: There's a difference between the two  
29 villages, because up to now, we have had xxx.

1 MS THOMPSON: There is a spelling I have here. What I will  
2 do is clarify it with the witness now.  
3 Q. Mr Witness, can you say the name of your village?  
4 A. I don't want so many people to know where I am coming from.  
11:23:17 5 Q. Mr Witness, we're not going to say anything which will  
6 identify you. If you listen, that's why I haven't called your  
7 name, I haven't called where you were born. I've been calling  
8 you, Mr Witness, okay, because we share the same concerns. In a  
9 little while, I'll explain to you how we're going to answer the  
11:23:41 10 questions, okay. Does that satisfy you?  
11 A. Okay.  
12 Q. Can you just tell us the name of your village?  
13 A. xxx.  
14 Q. Thank you. Mr Witness, now I'm going to ask you some  
11:24:03 15 questions, okay. When I ask you the questions, please answer as  
16 honestly and as slowly as you can, because what you say is being  
17 interpreted. And we all here, the judges and the lawyers, have  
18 to write down what you say. If you get too fast, I'll stop you  
19 and we'll try to take it in steps and in stages. Try to  
11:24:40 20 remember, also, we don't want your identity revealed. Therefore,  
21 if you do not refer to yourself by name, and don't refer to your  
22 immediate relatives by name. If, during the course of the  
23 evidence you think something you will say will identify you or  
24 reveal the people who know who you are, please mention it, and  
11:25:20 25 the Court will deal with it. Okay.  
26 A. What would make them know that I am the one?  
27 Q. If, during the course of the evidence, whilst you are  
28 talking to us, you feel that anything -- that something which you  
29 say will reveal your identity, then tell us. Okay. When I

1 finish asking the questions, the lawyers from the other side  
2 might have some questions for you.  
3 A. Mmm-hmm.  
4 Q. Okay. Now, do you know a village in Koinadugu District  
11:26:09 5 called Bamakana?  
6 A. I don't know that.  
7 Q. Now, I'm going to ask you some questions about 1998. Did  
8 anything happen in your village in 1998?  
9 A. 1998.  
11:26:50 10 Q. Yes.  
11 A. Something happened.  
12 Q. Can you please tell us?  
13 A. I can explain what I saw.  
14 Q. Okay. Please do.  
11:27:04 15 A. What I saw, one day, when we had gone to work to brush our  
16 swamp, my companion with whom I had a relationship, we had gone  
17 to him, but this relationship that we had, he had sold to some  
18 other people.  
19 THE INTERPRETER: Your Honours, the witness has just called  
11:27:29 20 a name.  
21 MS THOMPSON:  
22 Q. Mr Witness, let's do it this way: You say your companion  
23 with whom you had a relationship. What sort of relationship are  
24 we talking about here?  
11:27:59 25 A. When we had gone to work, when we were resting, at 4.00, a  
26 woman came running and she met us and she said, "People have  
27 come. They're all gunmen. There are many." That they have come  
28 and they said they were going to Kabala. That they were going to  
29 surrender. We too --

1 Q. Wait there. Now, where were you when this woman came and  
2 told you this?

3 A. We were at work. We were brushing a swamp.

4 Q. Okay. How far was this swamp from your town?

11:28:48 5 A. Our own town, it's quite some distance. After he had sold  
6 this relationship to another person, we were not in the same  
7 village. We were close to the road.

8 Q. After -- don't mention the person's name. But you said  
9 after he had sold this relationship to a person. Who are we  
11:29:16 10 talking about? Who is he who sold this relationship?

11 A. The person whom he had sold it to, it was that person we  
12 had gone to work on his swamp. That person is not in our home  
13 village.

14 Q. Okay. Now, for the sake of the record, I want you to  
11:29:37 15 explain what this relationship was that you keep talking about.  
16 I know what it is. I think you need to explain what this  
17 relationship was.

18 A. The relationship, we come together for work. We sit and  
19 organise it. If it is ten people, 11 people, or 12 people, you  
11:30:09 20 will sit down and organise how you're going to work. You would  
21 show a day that you would go to everybody's farm. Today you go  
22 to this farm and tomorrow you go to somebody else's farm and the  
23 other day you go to somebody else's work. If somebody hasn't got  
24 a work and he has something to do, we will sell it to somebody  
11:30:30 25 else. That's the relationship I'm talking about.

26 Q. Right. Thank you, Mr Witness. Now, when you got this  
27 message, whose farm were you at? Whose swamp were you at?

28 A. We were in Lansini's [phon] swamp, but he is not in our  
29 home village.

1 Q. Okay. Now when you say this woman came and said that  
2 gunmen had come, where did she -- did she tell you where these  
3 gunmen had gone to?  
4 A. Yes.  
11:31:21 5 Q. Where did she say they went to?  
6 A. That they said they were going to Kabala to surrender, but  
7 they were all carrying guns.  
8 Q. When you got that message, what did you do?  
9 A. We run away. All of us, run away. We went to the town and  
11:31:52 10 took our belongings. We went to our people in the town.  
11 Q. Okay. When you say "we," you said we all of us run away.  
12 Who did you run away with?  
13 A. Those of us in who were in that relationship, who were  
14 doing that work.  
11:32:13 15 Q. Okay. You said you went to the town, collected your  
16 belongings. Where did you go after you collected your  
17 belongings?  
18 A. We went to the farm. I, together with my people, we went  
19 to my farm.  
11:32:34 20 Q. How far was your farm, your own farm now, from the town?  
21 How far was your farm from the town?  
22 A. It's three miles.  
23 Q. When you went to your farm, how long did you stay on your  
24 farm for?  
11:32:53 25 A. We were in that farm -- I can say -- I cannot tell the  
26 exact time now that this was the number of days we spent there,  
27 but we were in that farm when we went to Kabala and they  
28 dislodged them after five days. On that fifth day, they were  
29 dislodged and when they came again, they went berserk, and they

1 went to meet us in our farm and we run away and went further into  
2 the bush and built a hut there.

3 Q. Now, you said you were on your farm when they went to  
4 Kabala and they were dislodged. Now, let's start from there.

11:33:33 5 Who went to Kabala?

6 A. The gunmen.

7 Q. Who dislodged them?

8 A. The government soldiers. Soldiers.

9 Q. How did you know that this had happened, that they had gone  
11:34:06 10 to Kabala and they had been dislodged?

11 A. Those people who had run away in the fighting came. Most  
12 of our people who had stayed in Kabala and had run away came and  
13 told us this, that they've captured Kabala four days. On the  
14 fifth day, those who came, they told us that they had dislodged

11:34:22 15 them and they were in disarray in all the villages.

16 Q. When you got this news, did you do anything?

17 A. When I heard that, at that time, we were in my farm,  
18 together with my people. We thought we were in hiding, but we  
19 were there when we saw people, they were chasing people into the  
11:34:46 20 bush. They were capturing people, so we left the farm and we  
21 went further into the bush and I built a hut there, my father and  
22 my mother and my wives, far into the bush.

23 Q. Now, you said you thought you were in hiding on the farm  
24 and you saw they were capturing people. Who was capturing  
11:35:07 25 people?

26 A. Those gunmen.

27 Q. Did you see this yourself?

28 A. I did not see it myself, but people were coming from town  
29 and they are saying they have captured this person, they have



1 captured that person. And they said they came there and they  
2 were looking out for people, so I said that we should leave the  
3 farm hut so that I will go into the bush and build another farm  
4 hut. We were al together wi th some other people. When somebody  
11:35:44 5 comes, they would shout a name and would tell you what had  
6 happened, the person wi th whom you were in the same place on the  
7 farm.

8 Q. When you went into the bush and built another farm hut, did  
9 anything happen after that?

11:35:57 10 A. Yes.

11 Q. Can you tell us?

12 A. Yes. I was at that farm hut, together with my people. All  
13 of us were at that hut. They sent one gentleman, Lahai Dabo.  
14 They sent him to go and tell the people who were in the bush that  
11:36:30 15 they've come and that they were in our town. They've come. They  
16 should go and call people. If people do not come out and we go  
17 and meet that person in the bush, we would kill that person. If  
18 you do not come and we meet you in the bush, we will cut you.

19 Q. Okay. Now, who sent this message?

11:36:53 20 A. Those gunmen. It was those gunmen who captured one of our  
21 people, a gentleman, Lahai Dabo. He said they should go and  
22 summon everybody. If that person does not come, if we meet him  
23 there, they will kill them.

24 MS THOMPSON: Lahai, L-A-H-A-I. Dabo, D-A-B-O, Your  
11:37:22 25 Honours.

26 Q. When you received this message, did you do anything?

27 A. Yes. Those of us who were there, because we were building  
28 huts, three huts. Every hut had its own family, so we moved so  
29 they would not kill us there. As we were approaching the

- 1 village, I was getting afraid, and I stood under the mango tree  
2 close to the town. The other people went to the town, women and  
3 children, and they entered the town. I stood there under the  
4 mango tree. It was getting up to an hour when I stood there.  
11:38:06 5 But I was there and I was not seeing anybody. I was not hearing  
6 anybody shouting, I was not hearing any gunshots. And those  
7 people who were in the bush, who were on the farms, most of them  
8 had come to the town. So, in my own thinking, I said that there  
9 was no problem in the town. So I said, "Well, I too should go to  
11:38:35 10 the town."
- 11 Q. Did you go to the town?
- 12 A. As I was approaching the town, I had not entered the town,  
13 because the place where they were going, Koinadugu, there is a  
14 diversion, and that diversion is where the road is to go to my  
11:38:53 15 farm, and that is where we met. They had put some loads on top  
16 of people to carry. Just as I was approaching as I got behind  
17 the house, that is when I saw them and they pointed the gun at me  
18 and called me.
- 19 Q. You said they had put some loads on some people's heads to  
11:39:11 20 carry. Who put the load on these people's head?
- 21 A. Those gunmen. Those who had come to fight.
- 22 Q. Did you see these people carrying these loads?
- 23 A. Yes.
- 24 Q. Do you know what direction they were travelling to?
- 11:39:42 25 A. Yes, they told me. That's why they captured me, they said,  
26 "You come here and help us to carry these loads and accompany us  
27 to Koinadugu."
- 28 Q. Now, who captured you?
- 29 A. Those who captured me, those people who came and chased us,

1 those people who came to our town, those gunmen.

2 Q. Do you recall how many of them there were, when they  
3 captured you?

4 A. There were many. [No interpretation].

11:40:31 5 MS THOMPSON: Your Honour, I'm not getting the  
6 interpretation.

7 PRESIDING JUDGE: I haven't received any interpretation  
8 yet.

9 MS THOMPSON:

11:40:39 10 Q. Mr Witness, can you repeat what you just said. My question  
11 was who captured you, and you said gunmen. I asked if you recall  
12 how many there were when they captured you. You were answering,  
13 but there wasn't any interpretation, so if you can just answer  
14 the question now, please.

11:41:04 15 A. I do not know their number. Because they were mixed, they  
16 had captured some of our people, some men. They were carrying  
17 loads and them, and some children among them, they were  
18 all together. Everybody was carrying loads, but at that time, I  
19 did not know their number.

11:41:23 20 Q. Do you recall how they were dressed, these gunmen?

21 A. They were all wearing civilian clothes, except the person  
22 who was leading them, who was leading their convoy on that day.  
23 He was called Foday. I heard his name, Foday. He had a combat  
24 shirt, and a civilian trousers. He was the only one. He was the  
11:41:59 25 only one whom I saw.

26 Q. Now, Mr Witness, you said they called you and they captured  
27 you. Can you tell us what happened next?

28 A. Yes. I was captured and they put a load on top of my head  
29 that I should accompany them. That if I should accompany them to

1 Koinadugu, that if we arrived at Koinadugu, they would release us  
2 and they will come back.  
3 Q. So did you go with them?  
4 A. Yes, I carried the load.  
11:42:38 5 Q. Did you arrive at Koinadugu?  
6 A. Yes.  
7 Q. Can you tell us what happened when you arrived at  
8 Koinadugu?  
9 A. Yes.  
11:42:51 10 Q. Please tell us.  
11 A. When I arrived in Koinadugu, that Foday who was leading  
12 those people on that day, he handed me over to one of the boys'  
13 leaders called Albert. He handed me over to him and he said,  
14 "Your boys have captured this man, but don't forget him. He  
11:43:21 15 wants to escape. He didn't want to come. So, if you forget him,  
16 he will run away." So that man came and said, "You. You want to  
17 escape? I believe you do not like us. So you, every evening, I  
18 will tie you up. Every evening, I'll tie you up, but I'll cut  
19 off one of your ears, because I have known that you don't like  
11:43:55 20 here." So I was with them. He took a razor blade, removed it  
21 from its packet and he marked me on my forehead. He wrote  
22 something on my forehead, a symbol. After that, he wrote  
23 something on my chest. Then he said, "You. You know if you hide  
24 now and go, if a soldier sees you, he will kill you. If ECOMOG  
11:44:33 25 sees you, he will kill you. Or if our colleague rebels see you,  
26 they'll kill you."  
27 Q. Okay. Mr Witness, now you said he wrote something on your  
28 forehead and on your chest. Do you know what he wrote on you?  
29 A. He told me. He told me that symbol that I have written,

1 RUF, if you go, if ECOMOG finds you, they will kill you. If a  
2 soldier sees you, they'll kill you.

3 Q. Mr Witness, let's just concentrate on the writing for a  
4 minute. You said he wrote on your forehead. Is the one on your  
11:45:15 5 forehead still there?

6 A. Well, at that time, I hid -- I'd hid in and went to Kabala  
7 and reported myself. They looked at me. After that, they gave  
8 me a paper. I used a raw soda and I smelled it on it. At that  
9 time I was in Kabala and the soldiers had given me a paper, just  
11:45:46 10 so that the other security people would not disturb me. It's  
11 there, but it cannot be clearly seen. Cut it. You see.

12 Q. Would you like the Court to see the words on your chest?

13 A. Look at the marks there. It's not bad.

14 MS THOMPSON: Your Honour, I'm not sure if you can see from  
11:46:15 15 here, but there is some engraving.

16 PRESIDING JUDGE: I can't see anything on the forehead, I  
17 can see the mark on the chest.

18 MS THOMPSON: I can make out the last letter, I'm not sure  
19 whether -- if there could be some assistance for him to open his  
11:46:33 20 shirt a little bit for the Court to see.

21 MR AGHA: Perhaps the Court Attendant could perhaps go and  
22 see if he can make out what the writing or symbols are on the  
23 forehead and chest, if that is any help to the Court.

24 MR GEORGE: Yes, Your Honour, there is RUF.

11:47:08 25 PRESIDING JUDGE: Where?

26 MR GEORGE: On his chest, on his forehead.

27 PRESIDING JUDGE: What could you see?

28 MR GEORGE: I could see writing, RUF.

29 PRESIDING JUDGE: You can plainly see that on his forehead?

1 MR GEORGE: On his chest and on his forehead, yes  
2 Your Honour.

3 PRESIDING JUDGE: On both?

4 MR GEORGE: Yes, Your Honour.

11:47:29 5 PRESIDING JUDGE: I see, right.

6 MS THOMPSON: Your Honour, if that can be written into the  
7 record that there is RUF on his forehead and on his chest. It's  
8 engraved.

9 PRESIDING JUDGE: Yes, that's on the record.

11:47:44 10 MS THOMPSON: Thank you, Your Honour.

11 Q. Mr Witness, after Albert had done this to you, can you tell  
12 the Court what happened next?

13 A. Yes. After he had written this on my forehead and on my  
14 chest, it took four days, and I was ill, but they did not give me  
11:48:16 15 medicines, and they did not give me any treatment. I was there  
16 until on the fifth day when I started getting better. In the  
17 morning, he had a radio set. He would tell me to take it for us  
18 to go to the base. That's where they would spend the whole day,  
19 sitting under the forest. And, in the evening, he would tell me  
11:48:48 20 to take it so that I would go to the house. That is what I was  
21 doing, carrying the load for him. I was logging wood as well at  
22 the house. That was the equipment they used to communicate to  
23 their colleagues. That set. There is a solar there and there is  
24 a motor battery. I saw that with my own very eyes. When we were  
11:49:20 25 getting ready to go to the base, he would call me to pick it up  
26 and I would pick it up and we would go. In the evening, he would  
27 also tell me to pick it up first to come to the town, and I will  
28 take it and we'll come to town. That happened -- I was with them  
29 five days, and, on the sixth day, he told me to go to the -- to

1 go to an old farm after they had harvested the rice, and that was  
2 where his wives spent the day. So he told me to go there, for  
3 them to give me his food to bring for him. I went and took the  
4 rice and brought it. After that, the next morning, on my  
11:50:09 5 seventh -- that was my seventh day, he told me to go to this old  
6 farm to go and take some ground nut and bring it for them. When  
7 I operated the ground nut, I washed it and I brought it for them.  
8 That was my seventh day.

9 Q. Mr Witness, how long were you with Albert for?

11:50:31 10 A. One week. Eight days.

11 Q. Now, before we go on to what you did after Albert, you said  
12 they had a radio set. How many sets did you see? How many radio  
13 sets did you see?

14 A. I saw one.

11:50:59 15 Q. Do you know who he was calling on this radio set?

16 A. No. If he's sitting here, if I put the set down, he would  
17 tell me to go to a distance, and that's how I spent the whole  
18 day, sitting. I wouldn't go close to him.

19 Q. Okay. Now, Mr Witness, do you know which group Albert and  
11:51:23 20 his men belonged to?

21 A. Yes. He told me. He told me that they were rebels, that  
22 if anybody jokes with them, they will kill you. He told me that.

23 Q. Do you know if they had a leader?

24 A. There were two leaders. I know some of them among them,  
11:52:04 25 because, at night, when they are conversing, the conversation  
26 goes on in my presence in the veranda. There were two among them  
27 who were the leaders, SAJ Musa and Superman. Those were the two  
28 people whose two names I heard.

29 Q. Now, you said you were with Albert for eight days.

1 A. Yeah.

2 Q. What did you do after those eight days?

3 A. On my eighth day, I told him that I was going to bathe. On  
4 the evening of the eighth day, that I was going to bathe, because  
11:52:46 5 he had trusted me, he had started to trust me, because he had  
6 sent me on an errand, I've gone and I've come, I've gone and I've  
7 come, I've gone and I've come. On the third -- during the third  
8 time I asked permission to go and base myself, he allowed me to  
9 go. When I went to the stream, in the evening, I went into the  
11:53:06 10 bush. I went further into the bush, and I sat down in the bush.  
11 I was sitting down there until 9.00 at night. At that time, I  
12 was not hearing their voices. I was not hearing their footsteps.  
13 So I came out stealthily at that time. At that time, it was  
14 dark. I walked in that darkness, walking under the bushes and  
11:53:47 15 bypasses. I did not go through the main roads. I went until I  
16 arrived at my place in the town. That was at half past 6 in the  
17 morning.

18 Q. When you arrived at your place in the town, was this your  
19 town? First of all, was it your town?

11:54:09 20 A. Yes. I arrived at my home town at half past 6.

21 Q. Okay. When you arrived there, did you notice anything  
22 about your home town?

23 A. I did not see anything, but they explained something to me.

24 Q. Who explained to you?

11:54:28 25 A. Our town's elders.

26 Q. What did they explain to you?

27 A. You've come -- now that you have this mark, these marks  
28 that you have, please hide away. Because, if they see you, they  
29 will kill you. Now they've come and they've killed some people



1 in this place when you've left here. They've killed some people  
2 here.

3 Q. Who is "they" when you say they killed some people?

4 A. They said the rebels have killed some people.

11:55:12 5 Q. Okay. What else did they say -- sorry, I'll rephrase. Did  
6 they tell you the rebels had done anything else?

7 A. Yes. Those people whom they killed, when I came that  
8 morning, they told me they have killed nine people here. After  
9 that, they captured three women whom they took along. Two of  
11:55:45 10 them were suckling mothers, the one was not. But they raped all  
11 of them in the farm before they took them away. They told me  
12 that. Their children did not survive. So I got up and went to  
13 the farm, and I went and met my people on the farm. I told them  
14 that I have come. If they see me, they will kill all of us. So,  
11:56:17 15 what would happen, let's get up and go to Kabala. Although they  
16 had said, in my presence, that if I go to Kabala at any time,  
17 they will kill me. But rather than stay in the bush, together  
18 with you, let's go. Let's trust in the Lord and go. If God says  
19 it's not my time to die, I will not die. So that caused us to  
11:56:43 20 get up, to get out with my wives, my mother, my father and my  
21 children. We all got up and went to Kabala.

22 Q. Okay. Now, did you eventually arrive at Kabala?

23 A. Yes.

24 Q. What happened when you got to Kabala?

11:57:12 25 A. When we arrived in Kabala, the first checkpoint, as soon as  
26 we arrived at it, I went immediately and met them, and I told  
27 them that I have a problem, that I was captured. I was captured  
28 and, on the eighth day, I escaped. I have come, together with my  
29 people. I have taken my people and asked them to come here, but

1 look at the mark, look at the engraving they put on me, my  
2 forehead and my chest. They said if I come -- any time I come  
3 here, you people will kill me. So what they said was that I  
4 should stay with them. But I've looked at that. Rather than  
11:57:52 5 stay with them, let me come here. If God says nothing would  
6 happen to me, I would survive. If I die, I'd rather stay in the  
7 bush. I'd rather come to you. That was why I took my people and  
8 we came. These people looked at me and they judged me. They  
9 asked me a lot of questions, and they gave me an escort and there  
11:58:23 10 was a leader among them. They called him Porto Kolo, and we went  
11 and met him and I was handed over to him.

12 Q. All right. Let me just spell it.

13 MS THOMPSON: Porto is P-O-R-T-O and Kolo is K-O-L-O,  
14 Your Honours.

11:58:50 15 Q. Do you know who he was, Porto Kolo?

16 A. A soldier.

17 Q. Do you know what happened when you were handed over to him?

18 A. He, too, questioned me. He asked me and asked me how I  
19 escaped to come to Kabala. He asked me and I explained. Later,  
11:59:15 20 he said -- he gave me somebody who was to take me where I was to  
21 lodge. They were not there. He was a soldier. So he gave me  
22 that person as an escort. The person went and saw where I was  
23 going to stay and he returned. In the morning -- he said, "In  
24 the morning, you should go to them." In the morning, I got up  
11:59:40 25 and I went there. I met with this soldier who was going to pick  
26 me up in the morning, and we returned and went to him, Porto  
27 Kolo. He said that, "You telling me lies. All that you  
28 explained yesterday, you were telling lies. You are telling  
29 ordinary lies. But if you do not tell me the truth this morning,

1 it wouldn't be good for you." Then I said, "Except if you want  
2 me to tell lies, but I have told you the truth. What happened to  
3 me and what happened, what I saw is what I've explained." So he  
4 too gave me somebody, a soldier. There was a lieutenant who was  
12:00:44 5 there, he was a Temne. He had been born in Makeni. He gave me  
6 an escort and went to him. When we reached there, he, too, asked  
7 me and I explained. After I had explained, well, we did not stay  
8 long there. He, too, gave me another soldier to accompany me,  
9 and we went --

12:01:10 10 Q. Mr Witness, let me stop you there. Did they do anything to  
11 you? These soldiers, did they do anything to you?

12 A. They did not do anything to me in Kabala, no.

13 Q. How long did you stay in Kabala?

14 A. Since I went to Kabala, I stayed long time. Also after  
12:01:42 15 these people had left our place.

16 Q. I want to ask you, when you were with Albert, did you stay  
17 in the same place all the time? Albert, sorry, and the people  
18 who you were with, did you all stay in the same place all the  
19 time?

12:01:59 20 A. At all times. At all times, because they said that I had  
21 resisted to come. He did not give me any liberty. Whenever I  
22 take the set, he will tell me to sit there. He would be sitting  
23 here and I would be sitting there. We would not go anywhere.

24 Even at one time, two of his colleagues came and they called me  
12:02:24 25 and they added me to some other people to go on jah-jah, and I  
26 told Mr Albert, "Now your colleagues have captured me and they  
27 said we should go." And he said, "No, you are not going, you  
28 have work here to do." Those who captured me, he told me I was  
29 not going anywhere, that I have a job to do here, that I was the

1 one who was carrying these things for him, so I will not go  
2 anywhere. I did not leave him at all, until he started sending  
3 me to the farm, to the old farm.

4 Q. Now, you said you have carried a radio for him. Did you  
12:03:04 5 carry the radio to the same place all the time?

6 A. Yes. It's a base. You know, the jets used to come, so  
7 they would hide and go and sit under the forest. That's where  
8 they would spend the day sitting down. In the evening, they will  
9 come to town. They will not spend the day in town. It was that  
12:03:34 10 same place. In the morning they will go there, in the evening,  
11 they will return to town.

12 Q. These jets that used to come, do you know who these jets  
13 belong to?

14 A. Well, they were saying it in my presence. They said it was  
12:04:11 15 owned by ECOMOG. That it was ECOMOG. That's what they said in  
16 my presence, they, those people.

17 Q. Which people?

18 A. Those who captured me in Koinadugu.

19 Q. Mr Witness. Thank you very much. That's all the questions  
12:04:11 20 I have for you. As I said, my colleagues might have some  
21 questions for you. Okay. Thank you.

22 MS THOMPSON: Your Honour, as before, this is a common  
23 witness.

24 PRESIDING JUDGE: Thank you, Ms Thompson. Yes, Mr Agha.

12:04:21 25 CROSS-EXAMINED BY MR AGHA:

26 Q. Good afternoon, witness. I'm just going to ask you a few  
27 questions, and if you could answer them as shortly as possible.  
28 Often they require a yes, or a no, or a I don't know answer.  
29 That would be helpful. Do you understand that?

- 1 A. Mmm-hmm.
- 2 Q. Now, you remained in Koinadugu for about eight days, didn't  
3 you?
- 4 A. Yes.
- 12:04:59 5 Q. SAJ Musa was an SLA, wasn't he?
- 6 A. What they said. I did not see him myself.
- 7 Q. You did not personally see SAJ Musa?
- 8 A. No.
- 9 Q. But did others say that he was a member of the SLA?
- 12:05:29 10 A. Yes. I said the man that I was with, he told me that  
11 Superman was RUF, and he was the leader. He was their leader.  
12 Albert, what he told me.
- 13 Q. Whilst you were in Koinadugu, did you see any soldiers  
14 there?
- 12:05:57 15 A. I did not see any other soldier.
- 16 Q. Before coming to give your evidence today, did you speak to  
17 anyone from the Special Court to tell them about your story of  
18 events?
- 19 A. I have not understood that.
- 12:06:35 20 Q. Before coming to this Court today, did you speak to anyone  
21 from the Special Court about your story of events that happened  
22 in your village in Koinadugu?
- 23 A. No.
- 24 Q. So until today, you'd never spoken to anyone from the  
12:07:06 25 Defence or an investigator or anyone from the Special Court to  
26 tell your story?
- 27 A. No. That did not happen.
- 28 Q. So how did you get to come here to the Special Court?
- 29 A. They went and took me and brought me.

1 Q. Okay. Who is "they"?

2 A. Your colleagues went and took me. He went there and he  
3 asked the women -- inquired about the women and he did not see  
4 any of them. He said come here and he told me to sit down there.  
12:07:59 5 He did not say anything.

6 Q. So are you saying that my colleague from the Special Court  
7 came and spoke to you?

8 A. They did not talk to me. They did not explain anything to  
9 me. They said the women are not here, and I said they've not  
12:08:19 10 come. After some time, they went again. I did not see anything.  
11 He said, "Are you the person who's going?" I said, "Yes," and I  
12 came. He said, "Go and sit down there."

13 Q. And then they brought you to the Special Court premises?

14 A. Yes.

12:08:32 15 Q. Now, when you arrived at the Special Court premises or  
16 where you were kept in a house, did you speak to anybody from the  
17 Special Court, whether it was an investigator or a Defence lawyer  
18 before you came to give your evidence today?

19 A. No, that did not happen.

12:09:06 20 Q. I put it to you, witness, you did indeed speak to personnel  
21 from the Special Court representing the Defence before you came  
22 to Freetown to give this evidence; is that right?

23 A. Before I came to Freetown here, if some people spoke to me,  
24 those who are in this Court, I have not understood that area.

12:09:48 25 Q. I will be very simple. Before you came to Freetown, did  
26 you speak to anyone from the Special Court about the incidents  
27 you've spoken about today in this courtroom?

28 A. Some people went. Initially, those people who went and  
29 wrote my first statement are the people I know.

1 Q. Thank you. Did you speak to people again when you arrived  
2 in Freetown about that first statement?

3 A. No. They did not even allow us to go to work outside.

4 Q. So you didn't discuss your statement, your first statement,  
12:10:51 5 with anybody before coming into this courtroom today to give your  
6 evidence; is that right?

7 A. No.

8 Q. I put it to you that that is not truthful, because we have  
9 an additional summary which had been provided to us from the  
12:11:12 10 Defence --

11 MS THOMPSON: Your Honour, with respect, to my learned  
12 friend, the additional summary is not necessarily from any  
13 additional statement.

14 PRESIDING JUDGE: Yes, that doesn't necessarily follow,  
12:11:22 15 does it, Mr Agha? You may have been supplied with a fuller  
16 summary than the original one.

17 MS THOMPSON: Yes, not only does it not necessarily follow,  
18 in fact, it is the case that it didn't happen in that way.

19 MR AGHA: So the additional summary is based on the  
12:11:41 20 original statement; is that correct?

21 MS THOMPSON: Based on the original statement, particularly  
22 in this case.

23 MR AGHA: Okay.

24 Q. Now, you said you gave a statement to the Special Court. I  
12:11:52 25 have a summary of what you told the people from the Special Court  
26 in that statement. I will read parts of it to you. It is an  
27 additional summary, paragraph 5, and it says this -- this is what  
28 allegedly you told the people you met from the Special Court.  
29 Are you listening?

1 A. Mmm-hmm.

2 Q. Okay. "That the overall commanders in Koinadugu were  
3 SAJ Musa and Superman. He used to see them in Koinadugu  
4 District." Now, you said earlier you didn't see SAJ Musa. Did  
12: 12: 35 5 you see him?  
6 A. No. The person whom I saw was Superman. I saw him,  
7 because we would spend the day at the base. It's at the back of  
8 the house where we would spend the day at the house. But  
9 SAJ Musa, I never saw him, but they said he was there. They said  
12: 12: 52 10 he was in the town. I never saw him until I left. I did see  
11 Superman.  
12 Q. So you never said to the investigators that you used to see  
13 "them"?  
14 A. To say that I saw them, all two of them, I did not say  
12: 13: 16 15 that. Even if SAJ Musa stands in my presence right now, I  
16 wouldn't know him. I didn't see him, but Superman, I saw him  
17 clearly.  
18 Q. I'll continue with what you've said. Initially I told you,  
19 "He used to see them in Koinadugu District." Now I'll continue.  
12: 13: 35 20 This is what you told the investigators, "And the soldiers  
21 referred to them as their leaders." Did you say that?  
22 A. Yes, I said that. Because I have said that Albert told me  
23 that the soldiers' leader was SAJ Musa. The rebels' leader was  
24 Superman. Albert told me all of that.  
12: 14: 05 25 Q. So there were soldiers in Koinadugu, weren't there?  
26 A. Surrendered -- those soldiers who did not surrender. Those  
27 who went with those others, I heard that they were soldiers.  
28 Q. Some of these soldiers asked you to join them, didn't they?  
29 A. They did not say that. They said I should follow them,



1 that we should go on jah-jah. That's what I told Albert, that  
2 your colleagues have captured me and they've asked me to go with  
3 them to go on jah-jah. He said, "No, you are not going anywhere.  
4 There is work for you here to do. You are not going."

12:14:55 5 Q. Do you remember saying this to the people from the Special  
6 Court, and I'm on the same paragraph five, "That he states that  
7 while in Koinadugu Town, some SLA soldiers went there and asked  
8 him to join them." Do you remember saying that?

9 A. What?

12:15:23 10 Q. The SLA soldiers went there and asked you to join them.

11 A. I said that, because those people who were there, they said  
12 they were SLA soldiers, but those who have surrendered were in  
13 Kabala, and those who refused to surrender, they also were there.  
14 And their leader was SAJ Musa. According to what he was

12:15:52 15 explaining to me, that's how I knew. Because I said I spent  
16 eight days there, you see? They said those SLAs who had refused  
17 to surrender had SAJ Musa as their leader. Those are the people  
18 who asked me to join their people to go on jah-jah.

19 Q. Whilst they were in Koinadugu, they asked you to join them  
12:16:17 20 on jah-jah, the SLAs; yes?

21 PRESIDING JUDGE: He really did just say that, exactly,  
22 Mr Agha.

23 MR AGHA: That's exactly what I thought he said. I'll move  
24 on from there.

12:16:29 25 Q. When you were in Koinadugu, were the RUF people mixing  
26 freely with the SLA people?

27 A. At the time I was there, I did not know their different -  
28 their distinctions. You would not see one who was wearing a  
29 uniform or civilian clothes. They were all mixed. Sometimes you

1 would see one with a combat shirt, another with a combat  
2 trousers, another with a combat cap, but to say you know this is  
3 a rebel, or this is a soldier, it was only when Albert explained  
4 to me.

12:17:12 5 Q. So you couldn't personally tell the difference between a  
6 rebel and an SLA whilst you were in Koinadugu, could you?

7 A. I did not know their differences.

8 Q. And all these people, whilst you were in Koinadugu, the  
9 rebels and the SLAs, they weren't fighting each other, were they?

12:17:38 10 A. When I was there, the time that I was there, they did not  
11 fight. When I left and went to our place, it was there that I  
12 was there. In fact, I had gone up to Kabala, together with my  
13 people. I heard that they have fought and they were -- they were  
14 in disarray and they were killing one another. I heard that, but

12:18:05 15 by then I was in Kabala, you see.

16 Q. While you were in Koinadugu, the soldiers and rebels, who  
17 you couldn't distinguish between, used to go out of the village  
18 together, didn't they?

19 MS THOMPSON: Your Honour, the question put by my learned  
12:18:24 20 friend, how would he know they went out together if he couldn't  
21 distinguish between them?

22 MR AGHA: Well, if he's in the village and can different  
23 people going in and out of the village, then they're going out  
24 together.

12:18:35 25 MS THOMPSON: Your Honours the witness has said he couldn't  
26 distinguish between them, so how would he know they were going  
27 out together.

28 PRESIDING JUDGE: Yes, I think you will have to rephrase  
29 that question.

1 MR AGHA: I can rephrase.

2 Q. Whilst you were in the village, the groups of fighters you  
3 saw, did they used to leave the village?

4 A. When I was in Koinadugu; is that it?

12: 19: 12 5 Q. Yes, whilst you were in Koinadugu.

6 A. At the time that I was there, they told -- they said it in  
7 my presence that SAJ Musa had said that he doesn't want to do  
8 anything bad to the Koinadugu District people. He doesn't wasn't  
9 that. So he had passed that order, that if anybody kills anybody  
12: 19: 24 10 there, they would kill that person. If anybody rapes anybody,  
11 that wouldn't be good. Albert explained and I heard that. His  
12 own group -- I am not saying that they did something that I did  
13 not know, but he actually did say -- he actually said he does not  
14 want that.

12: 19: 43 15 Q. Witness, my question was, and you can answer the question,  
16 whilst you were there in Koinadugu, did you see the fighters  
17 leaving the village? Did they go back, leave and come back?

18 A. I cannot remember that. I cannot remember that, because,  
19 in the morning, we will go to the base, I and Albert, and the  
12: 20: 10 20 other people. We would spend the day there and we would come  
21 back in the evening, so I do not know about those other things.

22 Q. Now, you say Albert had a radio. Did you ever hear any  
23 communications being made on this radio?

24 A. I did not hear, because when we arrived, he will tell me to  
12: 20: 36 25 go and sit at a distance and he will sit at the other end.  
26 Whatever he was saying, I did not know.

27 Q. But you could hear, at least, words being passed, although  
28 you couldn't understand what was being said; is that right?

29 MS THOMPSON: Your Honour, asked and answered. He said he

1 did not hear; he was sitting at a distance.

2 THE WITNESS: The person who was --

3 PRESIDING JUDGE: Just a minute. If you're asking him did  
4 he hear anything at all, you can put it in that way.

12:21:07 5 MR AGHA:

6 Q. Did you hear any sound or speaking at all coming from the  
7 radio communication set?

8 A. When he talks, sometimes he will say something to his  
9 colleagues that this thing is in the air, that they said the jet  
12:21:37 10 is in the air and everybody will disperse. He will say that and  
11 I will hear. But whoever was saying that to him, I will not  
12 hear. But when he hears what that person is saying, he will say  
13 the jet is coming tomorrow, or it is coming today, or it is  
14 coming the day after tomorrow. I will hear that when he says it,  
12:21:53 15 because he says it in the open.

16 Q. Did you ever hear him mention any names of the people?

17 A. No, I don't know that. I did not hear that. Even if he  
18 called them, I can't remember. No.

19 Q. Now, I want to come back to when you returned to your  
12:22:18 20 village. Now, at your village, did you personally see anyone  
21 being killed?

22 A. I myself did not see it. When they were killing people, I  
23 was in Koinadugu. When I came, it was our elders who told me  
24 that, hide. "Now that they have put that mark on you, you should  
12:22:51 25 hide."

26 Q. Now, I put it to you that these people who were killed in  
27 your village were killed by joint RUF and SLA forces.

28 A. Well, I wouldn't know that, but the girls who were  
29 captured, the day they killed those people, the women were

1 captured. Salia Marrah, he was the first person -- she was the  
2 first person who was captured. They told her that they were  
3 rebels, that if they capture anybody, they will kill that person.  
4 But you, we are not going to kill, we are going to take you up to  
12: 23: 43 5 Koinadugu. They told Salia Marrah that. That lady --

6 THE INTERPRETER: Your Honours, again -- Your Honours, the  
7 witness has said something that might reveal his identity.

8 MS THOMPSON: Your Honour, I hear what the interpreter has  
9 said. I would also ask my friend to be cautious about this  
12: 24: 04 10 particular area, this is a village we've heard evidence from and  
11 the evidence was that some people linked to that particular  
12 witness will affect him. I know it's not you --

13 MR AGHA: I can't help --

14 MS THOMPSON: The witness was just about -- he's just  
12: 24: 18 15 mentioned one name. I fear that he may want to mention other  
16 names.

17 PRESIDING JUDGE: Witness, it's possible to answer the  
18 questions that are being asked of you without actually naming  
19 people, giving real names. You can refer to a person without  
12: 24: 36 20 giving his name. Do you understand that? Do you understand  
21 that?

22 THE WITNESS: Mmm-hmm.

23 PRESIDING JUDGE: If you keep giving proper names to  
24 people, you will eventually reveal your own identity.

12: 24: 58 25 MR AGHA: Thank you, Your Honour. I actually have no  
26 further questions of this witness.

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

29 MS THOMPSON: No, Your Honour.

1           PRESIDING JUDGE: Mr Witness, that concludes your  
2 testimony. We would like to thank you for coming along to Court  
3 to give your evidence. If you will just sit there for a moment,  
4 the curtains will be pulled across and you will be allowed to  
12: 25: 29 5 leave the courtroom.

6           THE WITNESS: Okay. May I take the water along?

7           PRESIDING JUDGE: What is this about the water? Has the  
8 word got around that there is free water to be had in the Special  
9 Court?

12: 25: 58 10          MS THOMPSON: Your Honour, there is a shortage of water.

11          PRESIDING JUDGE: This is the second witness in a row that  
12 has asked to take the water along, Ms Thompson.

13                           [The witness withdrew]

14          PRESIDING JUDGE: According to the list we've been given,  
12: 26: 43 15 the next witness is DAB-090; is that right?

16          MR FOFANAH: Yes, Your Honour. He will be testifying in  
17 Koranko. I shall be leading him.

18          JUDGE SEBUTINDE: Didn't we already hear 090?

19          MS THOMPSON: Your Honour, no. This is DAB-090. This is  
12: 27: 16 20 the Koinadugu witnesses. DBK-090, I believe, has come before the  
21 Court. DBK-090 has testified. That was one of the Bombali  
22 witnesses.

23          PRESIDING JUDGE: Yes, Mr Hardaway.

24          MR HARDAWAY: Yes, Your Honour, as related with all the  
12: 27: 46 25 other witnesses today, there is no objection from the Prosecution  
26 for leading as related to non-contentious general information.

27          PRESIDING JUDGE: Thank you, Mr Hardaway.

28                           WITNESS: DAB-086 [Sworn]

29                           [The witness answered through interpreter]

1 EXAMINED BY FOFANAH:  
2 Q. Good morning, Mr Witness.  
3 A. How is the morning?  
4 Q. Mr Witness, you are a Sierra Leonean by nationality;  
12:30:34 5 correct?  
6 A. Yes, I am a Sierra Leonean.  
7 Q. You were born in January, 1938? Sorry.  
8 A. That's the time I was born.  
9 MR FOFANAH: Your Honours, I'm sorry, this does not seem to  
12:30:55 10 be DAB -- just one minute.  
11 PRESIDING JUDGE: The appearance of this witness does not  
12 coincide with the summary of facts we have been given.  
13 MR FOFANAH: Exactly.  
14 PRESIDING JUDGE: It does not appear it can be the same  
12:31:19 15 person.  
16 MR FOFANAH: Yes, he's the wrong witness. I'm sure this is  
17 the wrong witness. She is just telling us he is the wrong,  
18 witness from WVS.  
19 PRESIDING JUDGE: What witness number is this?  
12:31:33 20 MR FOFANAH: It is 090, but the name does not synchronise  
21 at all.  
22 JUDGE SEBUTINDE: Is this DAB or DBK, or what?  
23 MR FOFANAH: This is DAB-090 and the summary, as well as  
24 the statement which I have show a different name. At least from  
12:31:56 25 the age, that I have.  
26 JUDGE SEBUTINDE: And whose mistake is that?  
27 MR FOFANAH: That is what I'm saying, WVS is just  
28 indicating that is the wrong witness, and the other witness who  
29 is supposed to be here is actually out there.

1 JUDGE DOHERTY: Out where, Mr Fofanah?  
2 MR FOFANAH: Say again?  
3 JUDGE DOHERTY: When you say "out there," where do you  
4 mean?  
12: 32: 21 5 MR FOFANAH: There is a witness room just within the  
6 building.  
7 PRESIDING JUDGE: Well, look, is it simply the case they  
8 have, by mistake, brought the wrong witness from the witness  
9 room? Because if that is all it is, they can take the witness  
12: 32: 35 10 back and bring the right one. That is all we have to do.  
11 MR FOFANAH: Yes, that is what I'm saying. I'm sorry about  
12 that, Your Honours.  
13 [The witness stood down]  
14 MR FOFANAH: Your Honours, the numbering and the pseudonym,  
12: 34: 16 15 the pseudonym and the name - I don't know if you have names on  
16 your summary - are the same.  
17 PRESIDING JUDGE: We don't think there is anything mistaken  
18 about the pseudonym, didn't they simply bring the wrong identity  
19 to the witness box?  
12: 34: 17 20 MR FOFANAH: Yes, I just wanted to confirm that. Thank  
21 you.  
22 [The witness entered Court]  
23 WITNESS: DAB-090 [Sworn]  
24 [The witness answered through interpreter]  
12: 37: 20 25 EXAMINED BY MR FOFANAH:  
26 Q. Good morning, Mr Witness.  
27 A. Mmm-hmm.  
28 Q. Mr Witness, you're a Sierra Leonean by nationality; not so?  
29 A. I was born in Sierra Leone.



- 1 Q. You were born in 1938; not so?
- 2 A. That's when I was born, 1938.
- 3 Q. And you were born at xxx Town?
- 4 A. That's where I was born.
- 12: 37: 58 5 Q. xxx Town is in Neini Chiefdom, Koinadugu District?
- 6 MR FOFANAH: Your Honours, I don't know if you've had Neini
- 7 before.
- 8 THE WITNESS: Yes, that's where it is.
- 9 MR FOFANAH: Neini is N-I-E-N-I.
- 12: 38: 20 10 Q. Mr Witness, you are a Koranko by tribe?
- 11 A. I am a Koranko.
- 12 Q. So I take it you speak the Koranko language; correct?
- 13 A. I can speak it very well.
- 14 Q. Mr Witness, you did not go to school; not so?
- 12: 38: 46 15 A. I did not go to school.
- 16 Q. And you are a Muslim by religion?
- 17 A. Yes, I am a Muslim.
- 18 Q. Mr Witness, your occupation, among other things, is
- 19 farming?
- 12: 39: 06 20 A. Yes, I am a farmer.
- 21 Q. You have three wives and seven children?
- 22 A. Three wives, seven children.
- 23 Q. Mr Witness, you are a xxx administrator in your area;
- 24 not so?
- 12: 39: 30 25 A. Yes, that's me.
- 26 Q. For how long have you been a xxx xxx administrator?
- 27 A. It's been long. Even now, I'm still in that position.
- 28 Q. Mr Witness, I'm going to jog your memory to events that
- 29 occurred in your area in Yifin.

1 PRESIDING JUDGE: Yes, Mr Hardaway.

2 MR HARDAWAY: I apologise for interrupting my learned  
3 friend, but, out of an abundance of caution, the witness has  
4 mentioned a position and, as related to his area, I don't know  
12: 40: 20 5 whether that might compromise his identity. I may just ask, as  
6 an abundance of caution, that the position be redacted from the  
7 record.

8 PRESIDING JUDGE: Well, Mr Fofanah has not shown any  
9 concern about revealing the witness's identity, so I just assumed  
12: 40: 37 10 it's something the Defence wants on record, unless I hear  
11 something differently.

12 MR HARDAWAY: Understood, Your Honour.

13 MR FOFANAH: Your Honour, in fact, that is why I used the  
14 general a senior chiefdom administrator. He actually holds a  
12: 40: 51 15 particular office which can be subsumed under that. I don't  
16 think it will harm him at all, except if he indicates that.  
17 Q. So, Mr Witness, I'm going to jog your memory to events that  
18 happened in your area, Yifin, in 1998. Please listen attentively  
19 to the questions and give answers to the Court. Mr Witness, were  
12: 41: 18 20 you in Yifin in April 1998?

21 A. I'm still there. It met me there.

22 Q. Were you there -- I just want an answer -- in April 1998?

23 A. I was indeed there. In that April, I was there.

24 Q. Now, whilst there, do you recall anything happening to --  
12: 41: 55 25 happening in Sierra Leone first of all, I mean, in that year  
26 1998? Do you recall anything that happened in Sierra Leone?

27 A. I can explain what I can remember. What happened there, I  
28 can explain.

29 Q. Did anything happen in Yifin around that period, April

1 1998, whilst you were there?

2 A. What happened there that month, I can explain.

3 Q. Yes, please tell the Court.

4 A. What I want to tell the Court -- may I proceed?

12: 42: 53 5 Q. Yes. Go on, Mr Witness.

6 A. What happened there at that time, we were there at one time

7 in that month, April, on Monday. It happened on Monday, at 1.00.

8 Q. Now, before you go on, when you say we were there, whom are

9 you referring to, "we"?

12: 43: 34 10 A. Together with my children and so many other people. The

11 town was full.

12 Q. And the town, do you mean Yi fi n?

13 A. Yi fi n Town. Yi fi n.

14 Q. Yes. Go on, Mr Witness.

12: 43: 58 15 A. We were there, and they said rebels have come. These

16 rebels came. We saw that the ECOMOG who were there, ran away.

17 They ran away.

18 Q. Hold it there. Hold it there. First of all, who said that

19 the rebels have come?

12: 44: 27 20 A. I myself said saw people running and me, too -- I too ran

21 away. After I had run away, we ran away and we turned and looked

22 and we saw smoke billowing from the town.

23 Q. Okay. Did you, you personally, see the people that you

24 refer to as rebels come into Yi fi n?

12: 45: 10 25 A. I?

26 Q. Yes.

27 A. I myself, I ran away. When I ran away, in the morning, we

28 slept outside the town. When we came, we found the town burnt

29 down completely. I myself came. My son -- one of my sons --

1 Q. Mr Witness, please, just answer the questions that I put to  
2 you. Did you personally see the rebels yourself?

3 A. I saw them. I saw them.

4 Q. What clothes were they wearing?

12:46:02 5 A. The type if clothes they were wearing, some of them wore  
6 clothes like uniform. Some of them had clothes on that were not  
7 uniforms, they were civilian clothes, and they were having guns.

8 MR FOFANAH: Your Honour, I don't know, I shall have a long  
9 way to go. It's just quarter to one.

12:46:30 10 PRESIDING JUDGE: Yes. I think we'll take the lunch break  
11 now. Mr Witness, we're going to have a lunch break now. I have  
12 to remind you that you are not permitted to discuss any of the  
13 evidence or the case itself with anybody while you're in the  
14 process of giving evidence. Do you understand that?

12:46:50 15 THE WITNESS: Okay.

16 PRESIDING JUDGE: We'll adjourn until 2.15.

17 [Luncheon break taken at 12.45 p.m.]

18 [Upon resuming the 2.17 p.m.]

19 MR FOFANAH:

14:20:02 20 Q. Good afternoon, Your Honours. Good afternoon, Mr Witness.  
21 Mr Witness, before we left off you told the Court that you saw  
22 people whom you described [microphone not activated]?

23 THE INTERPRETER: Can the witness's microphone be switched  
24 on, please?

14:20:19 25 MR FOFANAH:

26 Q. Mr Witness, I was saying that before we left off for the  
27 break, you told the Court that you saw a group of people whom you  
28 described as rebels come into Yifin on the day you mentioned.  
29 Now, how did you know that these people were rebels?

1 A. I saw them with guns.

2 Q. Do you describe rebels as people with guns?

3 A. But that one, I saw them with military -- in military  
4 combat. Some of them short trousers, and some long trousers and  
14:21:11 5 some had civilian clothing.

6 Q. Is it your testimony that the people whom you describe as  
7 rebels wore civilian and military clothes?

8 A. Those whom I saw, they were real rebels.

9 Q. Do you know how many rebels you saw on that day?

14:22:07 10 A. When shooting was going on and you were running away, would  
11 you be able to count them.

12 Q. I take it that you, at that moment didn't know the number  
13 of rebels who were coming into Yifin?

14 A. There were many. There were very many.

14:22:38 15 Q. Now, was anyone with you when you saw these rebels?

16 A. I was trying to safeguard myself and they have come. Would  
17 you be able to stand at that time to see?

18 PRESIDING JUDGE: Look, Mr Witness, you are not required to  
19 ask questions of counsel. His job is to ask questions of you.

14:22:55 20 Please, just answer the questions. Don't fire questions back at  
21 him.

22 MR FOFANAH:

23 Q. Once again, Mr Witness, was anyone with you when you saw  
24 the rebels come into Yifin?

14:23:11 25 A. I was with my wife.

26 Q. What part of the town were you when the rebels entered?

27 A. I was on top of a hill. I hid under a tree. I was hiding  
28 under a tree. At that time, there was fire in the town.

29 Q. Where was the fire coming from?

1 JUDGE SEBUTINDE: Is that fire as in flames or fire as in  
2 gunshots?

3 MR FOFANAH: Let me clarify that, Your Honours.

4 Q. Mr Witness, hold on. You said there was fire in the town.  
14:24:11 5 What fire are you referring to? Was it from a gun or from a  
6 flame?

7 A. When they shot the gun, people had run away. People were  
8 scared, so they ran away, so they torched their houses on fire.

9 Q. Was it the fire on the houses that you saw when you were on  
14:24:38 10 the hills?

11 A. I saw it. This rebel boy torched a stick that had fire on  
12 it and sent it on the house. I saw that.

13 Q. So how far away were you from the village? You said you  
14 were up on the hills. How far was that? Can you tell the Court?

14:25:23 15 A. I do not know the yardage, but it could be up to 10 yards,  
16 there was a large mango tree there. That is where I was hiding  
17 because I too was scared.

18 Q. You said you saw a rebel boy torch a house with a stick.  
19 Do you know this rebel boy?

14:25:58 20 A. I do not know his name. At that time I was confused. They  
21 had killed my child. How would I know that person.

22 Q. Would you describe the clothes that this rebel boy had on  
23 at that time.

24 A. The one that torched fire on the houses, he had combat on.  
14:26:21 25 He had a gun.

26 Q. Now, did you know, or did you here -- first of all, let's  
27 start with your knowledge. Do you know if these rebels who came  
28 into the town were led by anyone?

29 A. I was running away. I had run away. Even my house was on

1 fire. I had seen it on fire. Would I know the distinction then,  
2 they have killed my child, too. They have captured my child,  
3 too.

4 JUDGE SEBUTINDE: Mr Witness, if you don't know the answer  
14:27:04 5 to a question, you simply say you don't know. You do not ask  
6 back questions. You simply say you don't know, if you don't know  
7 the answer.

8 MR FOFANAH:

9 Q. So again, listen carefully. Did you hear from anyone about  
14:27:23 10 whether anyone was leading the rebels who came into Yifin on that  
11 day?

12 A. I don't know that, but those who came and stayed where I  
13 was, after they had burnt the town, we know that person.

14 Q. Who was that person?

14:27:51 15 THE INTERPRETER: Your Honours, can he call the name again?

16 MR FOFANAH:

17 Q. Please go over that name and talk a bit louder.

18 A. [Indiscernible].

19 Q. I heard High Firing.

14:28:10 20 A. High Firing.

21 MR FOFANAH: Your Honours, I think it's an English -- both  
22 words are English.

23 PRESIDING JUDGE: High firing in English?

24 MR FOFANAH: Yes.

14:28:23 25 Q. How do you know that this person was High Firing?

26 A. The town was burnt down and they came and they said we  
27 should feed him. He was leading them. He said that we should  
28 feed them. His name is High Firing. The other was called  
29 Ngawuja. The other was called Sheku.

1 MR FOFANAH: Your Honours, Ngawuja as I have it is spelt  
2 N-G-A-W-U-J-A.  
3 Q. And you said the other was called Sheku?  
4 A. Sheku.  
14:29:03 5 MR FOFANAH: Sheku, Your Honours is S-H-E-K-U.  
6 Q. So do you know what faction or what forces that these  
7 rebels belonged to?  
8 A. The one who brought them there is called High Firing.  
9 Q. Did he belong to any force or group that you know?  
14:29:31 10 A. At that time we were confused. I wouldn't know the group.  
11 But that person who stayed with me in our place, I know his name.  
12 And Sheku and Ngawuja.  
13 Q. Now, you said these were the people whom you saw when you  
14 came back after fleeing Yifin; correct?  
14:30:10 15 A. That's true. I have sworn.  
16 Q. How long did you take when you fled Yifin before you  
17 returned to Yifin?  
18 A. We were confused. Houses were burnt down. Houses were  
19 burnt, even my house. We saw two corpses.  
14:30:42 20 Q. Witness, please listen to the question and answer the  
21 question as you hear it. How long did you take. You said you  
22 fled your house and went by hill-side under a tree. How long did  
23 you take before you returned to Yifin?  
24 A. At that time, it subsided a little. When I peeked, the  
14:31:20 25 town was burnt completely. But at that time I had no watch, so I  
26 wouldn't know.  
27 Q. Mr Witness, do you know the time of the day that the rebels  
28 entered the town? Was it in the morning, in the afternoon, in  
29 the evening, or at night?



1 A. At that time, what I can remember and did, in truth it was  
2 at 1.00. At 1.00.  
3 Q. Was that in the afternoon or in the morning?  
4 A. In the afternoon.  
14:32:02 5 Q. When you returned back to Yifin, was in the morning of the  
6 other day, or was it at night of the same day?  
7 MR HARDAWAY: Objection, Your Honour, Leading.  
8 PRESIDING JUDGE: Yes, all right. That is Leading,  
9 Mr Fofanah.  
14:32:17 10 MR FOFANAH: As Your Honour pleases.  
11 Q. So, what time of the day was it when you returned. First  
12 of all, let me ask: Did you return to Yifin the same day that  
13 the rebels came into the town?  
14 A. When I peeked, the town was on fire. I was afraid, so I  
14:32:49 15 slept there.  
16 Q. Where did you sleep?  
17 A. Outside the town.  
18 Q. Did you return the next day to the town?  
19 A. Very early in the morning, I returned, but I did not find  
14:33:16 20 any rebels there, but my child's corpse was lying, and the town  
21 was burnt.  
22 Q. How old was your child whose corpse you saw?  
23 A. He had been 21 years old.  
24 Q. How did you know that the corpse you saw was your child's?  
14:33:46 25 A. Under my burnt house, he had been shot and he was lying  
26 down there.  
27 Q. Now, you've told us that when you returned, you did not see  
28 the rebels, when you returned the next morning. Did you hear  
29 where they went to from anyone?

- 1 A. That one, they went to a village, that's what we heard  
2 about them. On that day, they did not sleep in Yifin.  
3 Q. Do you know what village they went to?  
4 A. I know its name.  
14:34:38 5 Q. Please tell the Court.  
6 THE INTERPRETER: Can he say the name again.  
7 MR FOFANAH:  
8 Q. Please tell the Court the name of the village that the  
9 rebels went to from Yifin.  
14:34:59 10 A. It's called Funba. Funba.  
11 MR FOFANAH: Your Honours, Funba is F-U-N-B-A.  
12 Q. Now, before we go further, let me ask you a question. You  
13 told the Court before the rebels came into the town, there were  
14 ECOMOG troops in town. Do you remember that?  
14:35:31 15 A. ECOMOG were there, but they, too, ran away.  
16 Q. How did you know that they were ECOMOG troops?  
17 A. At that time, ECOMOG were there. They were the first  
18 people who ran away. I saw them, indeed. I saw them running  
19 away, and I, too, ran away.  
14:35:55 20 Q. Once again, Mr Witness, please listen to the questions and  
21 answer them as you understand them. How do you know that the  
22 force you described as ECOMOG, were in fact ECOMOG force based in  
23 Yifin before the rebels came?  
24 A. Yes. We got used to each other. They were looking after  
14:36:31 25 us, but when they saw these others coming that there were many,  
26 they too ran away and if somebody who was protecting you or  
27 defending you runs away, what would you do? You run away, too.  
28 Q. Do you know the nationality that these ECOMOG troops were  
29 made of?

1 A. At the time that we were there, they were saying that these  
2 ECOMOG troops had come from Nigeria.

3 Q. So how long did they stay in Yifin before the rebels came  
4 to the town?

14:37:09 5 A. At that time, everybody was confused. I didn't know the  
6 time, but they stayed for quite some time.

7 Q. I mean before the rebels came. Are you saying that they  
8 stayed for quite some time before the rebels came into the town?

9 A. At that time, I did not count the number of days, but it  
14:37:47 10 could be up to one week or two weeks, at the time that they were  
11 there.

12 Q. To the best of your knowledge, were these ECOMOG troops  
13 based in Yifin before the rebels came?

14 A. They were in Yifin. ECOMOG, in fact, we played together,  
14:38:12 15 we were laughing together. They were in Yifin.

16 Q. Okay. Now, let's come back to your story about when you  
17 came back into the village the next morning. You said you saw  
18 the corpse of your child. Now, apart from that corpse, did you  
19 see any other corpse in Yifin in the morning?

14:38:33 20 A. The corpses that I saw, nobody told me the number. They  
21 were all over the place. Some were caught by stray bullets.  
22 They would die in the bush.

23 Q. How do you know that, that they were caught by stray  
24 bullets?

14:39:04 25 A. My own child. I saw his corpse. But these others who had  
26 badges, they, too, their corpses were lying down. Can't I know  
27 that these were things done by the rebels?

28 Q. What do you mean by these others who had badges?

29 A. Blood. Blood. They were bleeding. Bleeding. They were

1 bleed ing.

2 Q. Did they have badges?

3 A. Oh, they were bleed ing blood. They were bleed ing. They  
4 were bleed ing. The corpses who were ly ing down were bleed ing.

14:39:56 5 Q. You also menti oned flames. Did you see any houses on fi re  
6 when you came back?

7 A. I met --

8 THE INTERPRETER: Your Honours, can he repeat hi s answer.  
9 I'm fi nding it di ffi cul t to understand what he's say ing. Can he  
14:40:36 10 speak audi bly, pl ease.

11 MR FOFANAH: He's far away from the mic, Your Honours.  
12 That's the problem.

13 PRESIDING JUDGE: Mr Wi tness, can you speak closer into the  
14 microphone or speak louder, one of the two.

14:40:54 15 JUDGE SEBUTINDE: Mr Court Attendant, you could assist by  
16 push ing that mi crophone closer.

17 MR FOFANAH:

18 Q. Yes, you were talk ing about houses on fi re when you came  
19 back. Did you see houses on fi re?

14:41:15 20 A. I saw them.

21 Q. How many houses did you see on fi re?

22 A. The entire vi llage. The only thing that -- the only two  
23 that were spared were the mosque and the church.

24 Q. So you've told this Court that you met High Fi ring and the  
14:41:45 25 other names you menti oned, Ngawuja and Sheku at your house. When  
26 was this?

27 A. The time -- the time -- at that time, the town had been  
28 burnt down. They, too, got up and they came with a group, and  
29 they asked us to feed them. They asked us to feed them.

1 Q. Mr Witness, I'm saying that you said the rebels attacked on  
2 a day, and then you went into the bush. You came back the next  
3 morning. The rebels had gone, but you've equally told the Court  
4 that at some point the rebels you've mentioned, High Firing,  
14:42:36 5 Sheku and Ngawuja were occupying your house. I just want you to  
6 tell the Court what time was it that they occupied your house.

7 A. At that time, the government had said nobody should shoot,  
8 so they got up and they came and they said that they are guests,  
9 we should feed them. At that time, the government had declared  
14:43:23 10 ceasefire. At that time, they came and they stayed with us and  
11 they asked us to feed them, forcefully, that's when I knew them.

12 Q. Okay. So when you came back the next morning, did you stay  
13 in Yifin? Did you continue to stay in Yifin?

14 A. Starting from the time the rebels burnt down the town, up  
14:43:52 15 till now, I have not gone anywhere. Sometimes we would just go  
16 into the bush, but since then, I've not gone anywhere.

17 Q. Have you been in Yifin throughout?

18 A. Up to now, I'm still there. At that time you could not go  
19 in the centre of the town. You could go to the outskirts and  
14:44:21 20 hide there, because you were afraid.

21 Q. So did the rebels come again?

22 A. On that morning that they came, at 9.00, that's when I saw  
23 them clearly. They had guns in their hands and they were coming.  
24 They were bowing down as they came. I saw them. When we ran  
14:44:51 25 away, then they shot a gun.

26 MR FOFANAH: Your Honour, I don't know if the witness is  
27 understanding the questions. I don't know if it has to do with  
28 interpretation. My question was whether the rebels came back  
29 after his return to Yifin. It seems that he's still talking

1 about the previous attack.

2 PRESIDING JUDGE: No, he can't be, because he said for the  
3 previous attack that the rebels came at 1.00 in the afternoon.  
4 He's now talking about 9.00 in the morning, isn't he?

14:45:21 5 MR FOFANAH: As Your Honour pleases.

6 Q. Mr Witness, can you listen to the question again. When you  
7 came back the next morning into Yifin, from that time, did the  
8 rebels come back into Yifin?

9 A. They did not return on that day. On the day that they  
14:45:44 10 burnt down Yifin, that is on Monday, the other Monday, they came  
11 and they met us in the town. We just saw them coming. As they  
12 were coming in, they were burning down as they were coming, and  
13 they shot a gun, and when we came down in an attempt to run away,  
14 they shot another gun.

14:46:05 15 Q. So you're actually talking about one week after they first  
16 came, they came again; not so?

17 MR HARDAWAY: Leading, Your Honour.

18 PRESIDING JUDGE: Yes, that's leading, Mr Fofanah.

19 MR FOFANAH: I'm sorry about that. But he said the other  
14:46:20 20 Monday. I was just trying to synchronise the time. He said the  
21 other Monday.

22 THE WITNESS: 9.00. 9.00. 9.00.

23 PRESIDING JUDGE: The question was leading. Another Monday  
24 doesn't tell us anything. Every other Monday apart from the one  
14:46:42 25 where he's talking about is another Monday, isn't it?

26 MR FOFANAH: No, I heard the definite article, the other  
27 Monday. That's why I put that to him.

28 PRESIDING JUDGE: Yes, the other Monday, if you deduct one  
29 Monday from 52, that leaves 51 other Mondays.

1 MR FOFANAH: As Your Honour pleases.

2 Q. What other Monday were you referring to when you said the  
3 other Monday the rebels came again?

4 A. For instance, if you sit today, it's Monday. The Monday  
14:47:13 5 that is coming, that was when they came, in the morning at 9.00.

6 Q. Did you see them for the second time?

7 A. The second time that they were coming, as they were bowing  
8 down on us, they were coming like hunters. I did see them. When  
9 we run, they shot, but they shot at nobody.

14:47:37 10 Q. Were you able to identify any one of them?

11 A. They've shot a gun and you are running. Would you be brave  
12 enough to look at somebody and you've seen a corpse. Would you  
13 stand there to see who was doing that?

14 Q. I'm not asking -- I'm not requesting a question. You said  
14:48:03 15 you saw them. My question is simply trying to ascertain as to  
16 whether you identified those whom you saw. Did you identify any  
17 one of them?

18 A. That time, nobody had that bravery. They would have killed  
19 your child. The houses have been burnt, there are corpses all  
14:48:29 20 over the place. You cannot do that.

21 JUDGE SEBUTINDE: Mr Witness, we agreed that your answer  
22 will be simple, not to ask other questions. If you didn't  
23 identify them, you say, "No, I didn't identify any."

24 PRESIDING JUDGE: Also, this is your witness, Mr Fofanah,  
14:48:53 25 so you should be directing him as to what questions you want  
26 answered, and the form in which he answers them as well. You  
27 should something to say to him about that.

28 MR FOFANAH: I have been doing that, Your Honour, but I  
29 will try again.

1 Q. Mr Witness, once again listen very carefully to the  
2 questions before you attempt to answer them. Just give a direct  
3 answer to my question. I don't want further explanation. Now,  
4 were you able to -- did they have any clothes on, these rebels  
14:49:26 5 that you saw?

6 A. They had that same uniform.

7 Q. What uniform?

8 A. Combat uniform. The first attack, when I saw them, and in  
9 the second attack, I saw.

14:49:51 10 Q. Were these the only clothes you saw them wear?

11 A. Even in the second attack, that was the clothing that they  
12 had, even the first one, that was the clothing they had.

13 Q. You told the Court that when you first saw them in the  
14 first attack, they also had civilian clothes. Did the second

14:50:18 15 group have civilian clothes as well?

16 A. Those whom I saw, they had on that uniform. I did not see  
17 them with civilian clothes. You should say how the thing  
18 happened.

19 Q. Yes, that's what I want you to do. Okay, let's move on.

14:50:42 20 Now, did these rebels who came for the second time enter Yifin?

21 A. They came and they entered. I've not completed it. They  
22 entered. After three weeks again, they came in the night.

23 Q. Now, before we go to the three weeks, let's deal with this  
24 one. You said they entered. Where were you when they entered?

14:51:16 25 A. At that time, my house, which had been burnt down, I was  
26 thinking that I would put an old zinc on it, so we just saw these  
27 people coming. They were burning down and the fellow said, "Look  
28 at the rebels coming." Just as the man was coming down, they  
29 shot a gun, and the bullets just passed over our heads, but it



1 did not kill anybody.

2 Q. When you heard the gun, did you stay in the town?

3 A. Somebody was killing others. Can I stay? No, I didn't.

4 Q. Where did you go to?

14:52:06 5 A. The place where I was on the outskirts of the town, that's  
6 where I went and hid.

7 Q. Did you, at any point in time, return to the town?

8 A. I did not come again. I did not come on that day. It was  
9 after two or three days, then I came back to repair my house,  
14:52:31 10 just to have a place where we would stay.

11 Q. Now, before you left the town, on the second occasion,  
12 apart from the gunshot you heard, did you see these rebels do  
13 anything, apart from the gunshot?

14 A. At that time you are afraid of the person. I wouldn't have  
14:52:58 15 known that, because at that time I was afraid. There were  
16 corpses strewn all over the place, so I couldn't say that now.

17 Q. You said you returned after three days, correct?

18 A. That's the truth.

19 Q. When you returned, did you notice anything in the town?

14:53:26 20 A. At that time there were corpses. Houses were burnt down.  
21 There were corpses thrown. Houses were burnt. We all went back  
22 to the bush.

23 Q. Now you have already told us before that on the first  
24 occasion they burnt all of the houses apart from the mosque and  
14:53:54 25 the church. Now, did you hear from anyone as to whether any  
26 other house was burnt on the second occasion?

27 A. If you are going to burn a house, you will find the house.  
28 But in this case, there was no house. What will they burn down?  
29 If you do not run away, they will kill you. At that time, I hid.

1 We all run away in the bush.

2 Q. Okay. Now, you said you also saw corpses on the second  
3 occasion. Were these fresh corpses or older ones?

4 A. The first attack, the corpses -- people were afraid. It  
14:55:01 5 was after three or four days. We were not able to bury them,  
6 because everybody was in the bush.

7 Q. Did you see any fresh corpse on your second -- I mean, on  
8 your return to Yifin?

9 A. The new corpses that I saw, it was on the third occasion  
14:55:25 10 that I saw fresh corpses, but you have asked me not to get there  
11 yet.

12 Q. Thank you. We'll come there soon, Mr Witness. Now, did  
13 anyone tell you who was leading the second group of rebels that  
14 entered Yifin?

14:55:43 15 A. Nobody told me that, but those who came and stayed with us,  
16 High Firing, Major Sheku and Major Ngawuja, those are the people  
17 I know.

18 Q. So did the rebels, after the second occasion, come again?

19 A. After the second one, in that same week, they came at  
14:56:20 20 night. They came at night, at 9.00. It was at that night that  
21 we ran away.

22 Q. Did you see them when they came at night on the third  
23 occasion?

24 A. At that night, they were shooting. They were shooting.  
14:56:44 25 They chased us into the bush and we went into the bush and went  
26 further into the bush, because we were hearing the gunshots.

27 Q. So is your answer that you did not see them. I just want a  
28 simple answer. Did you see or did you not see them?

29 A. At that time, it was at night. When they came at night,

1 you hear gunshots. You hear gunshots. Would you stand? I did  
2 not see them with my own eyes, but when I heard the gunshot, I  
3 ran away, because I was afraid.

4 Q. Okay, let's move forward. Just answer the questions and  
14:57:29 5 then we will go on. So you ran away and you said you went  
6 outside --

7 A. At night.

8 Q. You said you went outside of Yifin. Now, how long did you  
9 spend when you -- outside when you went, how long did you take  
14:57:47 10 outside?

11 A. When I sleep once, the next morning, I will peep into the  
12 town. When I slept once, the next morning, I will come and peep  
13 into the town.

14 Q. So, on the whole, how long did it take -- did you return to  
14:58:01 15 Yifin at any other point in time?

16 A. On the third occasion, that's the time I went to Yifin,  
17 because I had nowhere to go.

18 Q. So when you went outside, you later returned to Yifin. How  
19 long did it take you before you returned on the third occasion?

14:58:34 20 A. When they came on Monday, the following Monday, they came  
21 back at 9.00 and the following Monday, too, they came at 9.00 at  
22 night this time. The first one was at 1.00 in the afternoon.

23 Q. Listen carefully. I'm talking about the third time. You  
24 said you went out of Yifin. It was night when they came and you  
14:59:01 25 went outside. So, when you went, you said you came back. I want  
26 to know how long you took outside of Yifin before you came back.  
27 On the third occasion.

28 A. That night, in the morning, I came back and peeped. Let me  
29 finish that question first.

1 Q. After peeping, did you finally come back and settle in  
2 Yi fin?

3 A. When I came and peeped in the morning, it was on the way --  
4 there is a hospital there, and I saw -- during that third time in  
14:59:44 5 the morning, that morning. I saw them passing. They were moving  
6 around. I couldn't enter town, as I returned, on that third  
7 occasion, when they came that night. I was on the way. When I  
8 saw them, they were moving about. They were moving about, so I  
9 was not brave enough, so I returned. I returned into the bush.

15:00:10 10 Q. Whom did you see move about?

11 A. The same people, these rebels, they were the ones I saw.  
12 The route that I used to come, they were there on that road.  
13 There was smoke billowing from there. In fact, I did not know  
14 whether they were cooking food or not.

15:00:27 15 Q. How did you know that they were the same rebels that you saw  
16 the previous night?

17 A. How I came to know that they were the same people, they  
18 slept in Yi fin that night. After a while, they would shoot a  
19 gun. After a while they would shoot a gun. They will continue  
15:00:49 20 doing that until morning. In the morning I went to understand  
21 what was happening. At the edge of the road when I went I saw  
22 smoke billowing. I saw them moving about and I was afraid, so I  
23 returned.

24 Q. After peeping on this occasion, did you finally come back  
15:01:06 25 to Yi fin at any later point in time?

26 A. When that happened, it was not long, then they said when we  
27 were in the bush it was not long, they said SLAs have come to  
28 Yi fin, that we should come out of the bush. The SLAs were there  
29 then. So we came out of the bush, whereas we met them there.

1 Q. So you said -- you heard that SLAs have come into the  
2 bushes, you should come out. When you came out, you said you met  
3 them there. Whom did you meet in Yi fin when you came out?  
4 A. Those whom we met there at that time, they were rebels.  
15:02:03 5 They were real rebels.  
6 Q. You've also used the word SLAs. Did you see any SLA?  
7 A. At the time that they came, at that time of the ceasefire,  
8 that was the time they came. That was during the ceasefire.  
9 They said they should go and defend the people. That's when --  
15:02:28 10 when they came, that's the time we came out of the bush.  
11 Q. So let's get this clear. When you came out of the bush,  
12 you said you heard people say that SLAs have come. When you came  
13 out of the bush, did you come into Yi fin?  
14 A. At that time, at that time that those people came, they've  
15:02:54 15 said that "we've come, we've come, come out, come out." And we  
16 came out and we came and stayed with them. Those were real SLAs.  
17 Q. So when you came and stayed with these people, where were  
18 they? Was it in Yi fin?  
19 A. Yes, we stayed in Yi fin at that time. At that time, we had  
15:03:18 20 peace.  
21 Q. Were these SLAs the same as the rebels you saw on the first  
22 and second, third occasions?  
23 A. These SLAs, the way we saw them, they were SLAs. Plane was  
24 bringing food for them and helicopter was bringing food for them  
15:03:47 25 there. The helicopter would take food for them and bring it  
26 there. Have you seen that?  
27 Q. What clothes did they wear?  
28 A. The combats that they had on, that's what they had on. It  
29 was very clean.

1 Q. So when you finally came out of the bush and joined the  
2 SLAs in town, do you know how long that was, from the time you  
3 left the bush and came to Yifin to settle with the SLAs?

4 A. At that time, everybody was confused. I wouldn't say it  
15:04:37 5 was two months or three months, but those SLAs, they stayed long  
6 there. They stayed long. We were on that when they said they  
7 were coming to Bumbuna, the SLAs.

8 Q. Was anyone leading these SLAs, that you know?

9 A. At that time they did not do anything wrong. If I call a  
15:05:18 10 leader's names here, these people have come to defend. At that  
11 time, we were very peaceful. When these people came, after they  
12 had gone, the other people said they were coming to stay. The  
13 day the people left for Bumbuna, that was the day we saw these  
14 others and they said they were coming to stay here because the  
15:05:31 15 others have gone.

16 Q. Okay, before we come to that. Do you know who their leader  
17 was, the SLAs whom you said were very peaceful.

18 A. At that time, we were confused. I was unable to ask them  
19 who their leader was -- what the name of their leader was. I was  
15:05:59 20 unable to do that.

21 Q. Did you hear of any name from anyone, as to who was leading  
22 the SLAs, who was their commander?

23 MR HARDAWAY: Objection, Your Honour. He stated he doesn't  
24 know. So if he doesn't know, how could he have heard?

15:06:14 25 THE WITNESS: I did not know at that time, because at that  
26 time when I spent the day working, I would come in the evening,  
27 when I come home, I would just lie down. I did not ask of that,  
28 I did not inquire about that.

29 MR FOFANAH: Thank you.

1 Q. Okay, Mr Witness, you've just told the Court that these  
2 SLAs later left for Bumbuna. First of all. When they settled in  
3 Yifin before they left for Bumbuna, do you know what year it was?

4 A. I am not literate. That has confused me, that I am  
15:06:57 5 confused. I cannot, but when they came, we were doing our  
6 farming at the time, and we were happy, but later, we are very  
7 sad, because we were struggling.

8 Q. Okay. So when did the SLAs leave for Bumbuna?

9 A. At the time of the ceasefire, we heard from the government  
15:07:34 10 that the SLAs should leave and come to Bumbuna, so they left. On  
11 that day that they left, it was on that day that the rebels came  
12 and said they were going to stay there. The person who led that  
13 was this High Firing and Ngawuja and Sheku.

14 Q. Was it the same High Firing, Ngawuja and Sheku that you saw  
15:08:01 15 on the very first attack?

16 MR HARDAWAY: Objection, Your Honour, no evidence has been  
17 led that he saw High Firing or Sheku during the first attack,  
18 just the mention of the names, there was no evidence led to that.

19 PRESIDING JUDGE: There is also no evidence that this  
15:08:14 20 witness is not talking about the first attack, either. I'm not  
21 quite sure what period he's referring to.

22 MR FOFANAH: So far, the sequence shows that the rebels  
23 came for a third time and he went into the bush. When he came  
24 back, he saw SLAs in lieu of rebels. He had earlier mentioned  
15:08:36 25 High Firing and the other --

26 PRESIDING JUDGE: The point I'm making, Mr Fofanah, is is  
27 he referring back to the time he saw High Firing and the others?  
28 Is he saying they came again, or is he referring back to the  
29 first time? Yes, Mr Hardaway?

1 MR HARDAWAY: Your Honour, the basis of my objection is the  
2 fact that he just mentioned the names. The witness did not say,  
3 at least not in my records, that he saw High Firing or Sheku at  
4 the time of the first attack. He had heard these names from  
15:09:12 5 people, I believe, who he had come to live with, but there is no  
6 indication, in my records - and I stand guided by the Court's  
7 record and the transcript - that there was any mention of High  
8 Firing being present at first attack.

9 PRESIDING JUDGE: No, my notes are that he was told that  
15:09:30 10 the leaders were High Firing and the other two. He didn't see  
11 them himself. But he was told that they were the leaders in the  
12 first attack.

13 MR HARDAWAY: I stand guided by the Court.

14 PRESIDING JUDGE: My colleague has a similar note to  
15:10:28 15 myself.

16 JUDGE DOHERTY: "The one who brought them was High Firing,  
17 we were confused. We did not know the name. The one who stayed  
18 with us told us." So I have also High Firing brought them the  
19 first time.

15:10:38 20 MR HARDAWAY: I understand, Your Honours.

21 PRESIDING JUDGE: What was that question again?

22 MR FOFANAH: I was just asking him if the High Firing whom  
23 he has said came in for probably the fourth time was the same as  
24 the High Firing whom he had mentioned before, because it seems to  
15:10:55 25 me that the rebels -- well, I don't know, when he said when the  
26 SLAs left for Bumbuna, it was then that High Firing came. He was  
27 saying Yi fin. I take it this was the fourth time. I will put  
28 that to him.

29 Q. This Hire Firing or these names you have mentioned, High



1 Firing, Ngawuja and Sheku, are these the same High Firing,  
2 Ngawuja and Sheku who you have mentioned before?

3 A. They were in the same group. They were in the same group.  
4 At that time, it was the time for the ceasefire. They came in  
15: 11: 45 5 that group and they sat with us. We were feeding them and doing  
6 everything, forcefully, for them.

7 PRESIDING JUDGE: I'm a little confused here, Mr Witness.  
8 I have to seek your clarification. This time, the time that  
9 you're referring to now, are you saying that that is the fourth  
15: 12: 05 10 time that High Firing and the other two came [microphone not  
11 activated].

12 THE WITNESS: At that time, the town had been burnt down  
13 completely, and when that happened, that's when they got up and  
14 said, "You are going to feed us." There were many at that time.  
15: 12: 26 15 There were many. They said we should feed them.

16 PRESIDING JUDGE: Please listen to me. I'm not sure what  
17 occasion you're referring to. Are you telling the Court that  
18 High Firing, Ngawuja and Sheku actually came to your village four  
19 times; is that what you're saying? You are saying that there  
15: 12: 48 20 were three attacks and then when the SLAs left at the ceasefire,  
21 High Firing and his two colleagues came again.

22 A. That was the fourth time and it was then that they settled  
23 there until the end of the year when the disarmament took place.  
24 They had always been there.

15: 13: 04 25 PRESIDING JUDGE: Did you say fourth time or first time,  
26 Mr Interpreter?

27 THE INTERPRETER: Fourth.

28 THE WITNESS: The fourth time when they came, they did not  
29 go anywhere. They were just staying there, at all times.

1 MR FOFANAH:

2 Q. Let's talk about this fourth time when they finally came  
3 and settled. Where were you when High Firing and Ngawuja --

4 A. I was in Yifin. I did not go anywhere. When the rebel war  
15:13:34 5 started, I did not go anywhere. I have always been in Yifin.

6 Q. Please, Mr Witness, wait for me to finish the question and  
7 then you can answer. Just take your time, please. So you were  
8 in Yifin when they came for the fourth time. What part of Yifin  
9 were you?

15:13:53 10 A. The first one, I've said I was in the bush.

11 Q. I'm talking about the fourth time when Ngawuja and others  
12 finally came and settled in Yifin. What part of Yifin were you?

13 A. We were together with the SLAs in the town. On that day  
14 that they went and they came and said they were coming to stay  
15:14:35 15 here. You see? Together with his group.

16 Q. Were you living anywhere? Because you've just said your  
17 house was burnt down. That's what I want to know.

18 A. If I sleep in the bush -- I had built a small hut there.  
19 When I go there, when I work for the whole day -- when I go to  
15:14:58 20 work for the whole day, I return, because I was afraid. I was at  
21 the outskirts of the town.

22 Q. So when the SLAs were in town, the SLAs who left for  
23 Bumbuna, were you living with them in Yifin? When you said they  
24 were peacefully with you in Yifin, were you living with them?

15:15:19 25 A. I was sleeping under that, my damaged house. I was  
26 sleeping under that, my dilapidated house. What I saw, is that  
27 what you want me to say?

28 Q. Yes. Now, first of all, can you tell us what happened to  
29 your house? Was it burnt down or damaged?

1 A. They damaged it. They burnt it completely and they killed  
2 two of my children in addition to that, but you say I should not  
3 get on. I'm going to it.

4 Q. So when High Firing and Ngawuja returned for the fourth  
15:16:13 5 time, did you continue to live with them in Yifin?

6 A. Sheku, Ngawuja, we were all in the same house. We were  
7 feeding them at that time, because they said it was time for the  
8 ceasefire, so we were feeding them. They were in my house.

9 Q. What house, Mr Witness?

10 A. This, my house that had been burnt. At that time, I had  
11 put old zinc on them, so when they came, that's when they met me.

12 Q. Now, what clothes did they wear on this fourth occasion  
13 when they came?

14 A. That same combat. They had on that same combat. They had  
15:17:13 15 on that same combat. They said we were not soldiers. We are the  
16 real rebels. That's what they were saying in my presence. I was  
17 sitting down there. They were saying it in the open. They were  
18 said we were the real, real rebels. That we are the people who  
19 had come and burnt down Yifin and killed people. They were  
15:17:35 20 saying this in my presence. I have sworn.

21 Q. Who were saying this in your presence? Who, particularly?

22 A. Ngawuja, Sheku and High Firing.

23 Q. Did they tell you whether they belonged to any force or  
24 group?

15:17:56 25 MR HARDAWAY: Objection, Your Honour. The witness has  
26 testified he doesn't know the affiliation of High Firing, Ngawuja  
27 or Sheku. That's already been testified to.

28 THE WITNESS: That one --

29 MR FOFANAH: If I might just reply. The witness has just

1 said that they said they were the real rebels, different from the  
2 SLAs. I just want to --

3 JUDGE DOHERTY: He did not say different from the real  
4 rebels. He said they were the real rebels, the real rebels, not  
15: 18: 26 5 soldiers.

6 MR FOFANAH: As Your Honour pleases. I was just seeking  
7 clarification as to what he meant when he said they were not  
8 soldiers, they were the real rebels.

9 Q. What do you mean, Mr Witness, when you said that --

10 PRESIDING JUDGE: Wait on, Mr Hardaway is still on his  
11 feet.

12 MR HARDAWAY: I'm fine. I was in the process of sitting  
13 down, Your Honour. I apologise.

14 THE WITNESS: What that means, they had guns. Their  
15: 18: 54 15 uniform was rough. We would give them rice, and they were saying  
16 that they were the rebels, that we are the real rebels, we were  
17 the ones who burnt down your town, in my presence, and they were  
18 in my house.

19 MR FOFANAH:

15: 19: 26 20 Q. Now, did they tell you whether they have any name at all?

21 MR HARDAWAY: Objection, Your Honour. He has already said  
22 he doesn't know which group these people belong to.

23 PRESIDING JUDGE: Yes, I don't have a note on that.

24 THE WITNESS: Well, their name --

15: 19: 48 25 MR FOFANAH: Please, Mr Witness. I don't recall that  
26 either. That is why I'm trying to get it from the witness.

27 MR HARDAWAY: My notes, Your Honour --

28 PRESIDING JUDGE: Where do you recall that coming up in the  
29 evidence, Mr Hardaway? I don't think my colleagues have a note

1 on that either.

2 MR HARDAWAY: I believe it comes after the first attack,  
3 Your Honour, when he said he was hiding under a tree, they had  
4 killed his child, they had captured his child and then in  
15:20:34 5 response to a question from my learned friend, I have in my notes  
6 that he does not know which group High Firing belongs to. I  
7 stand guided by --

8 JUDGE SEBUTINDE: Mr Hardaway, isn't there a difference  
9 between the question whether he knows whether there was a group  
15:20:49 10 or whether he knows the name? He has not asked this particular  
11 question before. He did ask if he knew what group they belonged  
12 to. Now, I think the question counsel is asking is different.  
13 Why don't we hear what the witness has to say?

14 MR HARDAWAY: Very well, Your Honour.

15:21:09 15 MR FOFANAH: Thank you very much.

16 Q. So, Mr Witness, listen carefully to the question again.  
17 Did High Firing, Ngawuja and Sheku tell you the name of any force  
18 that they belonged to?

19 A. They did not tell me that. He was leader of those rebels.  
15:21:39 20 They were many. He said he was the leader, High Firing. We all  
21 believed him, that he was the leader. Sheku, they were calling  
22 him captain then. The other, they were calling him, Major  
23 Ngawuja, at that time.

24 Q. Now, you said they forced you to give them food. What do  
15:22:10 25 you mean by that?

26 A. Yes, that's the very truth. Hadn't we done that, they  
27 would have killed all of us.

28 Q. How were you giving them food?

29 A. The way we did that, everybody contributed. We would bring

1 all the contributions together, and they would give that  
2 contribution to them, but -- and they would take that  
3 contribution, and they would say that their colleagues are there.  
4 They would put these things on the heads of our children. They  
15:22:53 5 would take them from Yifin and take it to their place where they  
6 were, Kayima. It's over 21 miles. They would take it there to  
7 their colleagues.

8 MR FOFANAH: Kayima, Your Honours, is spelled K-A-Y-I-M-A.  
9 Q. Now, when you said everybody will contribute, what was  
15:23:16 10 everybody contributing?

11 A. Rice. Rice itself. If you do not have it, if you do not  
12 have rice, that would be difficult for you.

13 Q. Apart from being forced to feed the rebels, did anything  
14 happen whilst you were staying with them, High Firing, Ngawuja  
15:23:42 15 and Sheku?

16 A. If they took something from some other place, they would  
17 ask us to provide our children so they could carry the loads for  
18 them and we would give our children. And if you refuse to walk  
19 very fast to take these loads along, they would beat you very  
15:24:14 20 seriously and our children used to come and tell us this.

21 Q. Now, you said that these rebels did not leave Yifin until  
22 they were disarmed; correct?

23 A. Yes, that is what happened. That is what happened. I was  
24 there. I did not go anywhere during the rebel war. I was there.  
15:24:44 25 I have always been there.

26 Q. Do you know when they were disarmed?

27 A. I'm not literate, but I can know that. I know that time,  
28 because, at that time, they got up. They did not just go. They  
29 got up and went to Kabala, when they heard that Kamajors were

1 coming. We did not see them. One night they went running away  
2 up to Kabala to go and surrender the guns.

3 Q. To whom were the guns surrendered, if you know?

4 A. At that time, and you know I'm not literate, there were  
15:25:36 5 some soldiers in Kabala at that time. They were white people.  
6 They were the ones to whom the guns were surrendered. They call  
7 them Bangladeshis.

8 Q. Now, just to take you back a moment, Mr Witness, when the  
9 ECOMOG troops whom you described as Nigerians were in Yifin  
15:26:08 10 before the rebels first attacked Yifin, did they do anything when  
11 they were there?

12 JUDGE DOHERTY: Who is the "they" you're referring to,  
13 Mr Fofanah?

14 MR FOFANAH:

15:26:20 15 Q. The ECOMOG troops, did they do anything?

16 A. They did something in my presence. I was standing there.  
17 They did something.

18 Q. What did they do? Tell the Court.

19 A. Some men came. He was my grandchild. When they saw him,  
15:26:41 20 they said he is a rebel. They cut all of him. They beat him.  
21 They gave him a very serious beating. I was standing there. But  
22 you know we were close to them. They gave him very good beating.  
23 So somebody came -- somebody went running to the chief and told  
24 the chief that they were beating his grandchild. So the chief  
15:27:00 25 sent somebody that this was my grandchild. He is not a rebel.  
26 They did that in my presence.

27 Q. So who beat your grandchild?

28 A. ECOMOG soldiers. At that time, they beat him very  
29 seriously. I was standing there, and he left and came to

1 Freetown to treat himself, in my presence.

2 Q. Okay. Let's come back to this final settlement of High  
3 Firing, the fourth time when you said you finally settled until  
4 they were disarmed. Now, whilst they were in Yifin, High Firing,  
15:27:54 5 Sheku, Ngawuja and the other rebels, did any other armed forces  
6 attack Yifin whilst they were there?

7 A. At that time of the ceasefire, when the ceasefire took  
8 place, there was no attack. They said ceasefire. Everybody was  
9 sitting down. Where we were punished, do you want me to explain  
15:28:17 10 that? You don't want me to explain that?

11 Q. Go on, Mr Witness. Were you punished? Did you say you  
12 were punished?

13 A. The way they punished us, they asked us to cultivate a farm  
14 for them.

15:28:34 15 Q. Who is the "they"?

16 A. The rebels. They said we should cultivate farm for them.  
17 We would brush that farm. We would turn over the mud and we  
18 would plant the rice. We would do the work and when we harvest  
19 the rice, we would hand it over to them. We did that under High  
15:28:59 20 Firing and his group, Ngawuja and Sheku.

21 Q. Now, during that period, did you notice anything fly in the  
22 air?

23 MR HARDAWAY: Objection, Your Honour. Leading.

24 PRESIDING JUDGE: Yes, I won't allow that question,  
15:29:17 25 Mr Fofanah.

26 MR FOFANAH:

27 Q. Now, apart from cultivating this farm for High Firing, did  
28 you notice anything else happen whilst they were there?

29 A. You know the town is big a little. Something might happen



1 in the corner of the town, but I wouldn't know. If it concerns  
2 what they were doing, I can start explaining from today until  
3 tomorrow.

4 Q. I will be putting things to you on allegations in the  
15:29:58 5 indictment. Now, apart from High Firing and his group, to the  
6 best of your knowledge, did anybody do any other thing to Yifin  
7 whilst you were there?

8 MR HARDAWAY: Objection, Your Honour. Can we have a time  
9 frame. First, second, third, fourth?

10 PRESIDING JUDGE: While, he said whilst you were there.

11 MR HARDAWAY: After the fourth?

12 PRESIDING JUDGE: I presume he means the whole period.

13 MR FOFANAH: Okay.

14 Q. Whilst they were there, from the beginning, from the first  
15:30:28 15 attack to the time when High Firing came and settled, apart from  
16 High Firing and his group, whom you said came and attacked four  
17 times, did anyone else, apart from those, do anything to Yifin?

18 A. I did not see that, but what I heard, and what you do not  
19 see and what you just heard, if you say it, we did not have  
15:31:08 20 problem. To see and to hear, sometimes, you hear something, but  
21 you do not see. If you talk about that, wouldn't you have any  
22 problems?

23 Q. Not at all, Mr Witness. Just tell us what you heard. You  
24 do not have any problem.

15:31:26 25 A. I heard there was a gentleman. He's a rebel. He got up  
26 one day and went. There was a swamp there. At the back of that  
27 swamp, he went and raped a woman there.

28 Q. Do you know the name of this rebel who raped the woman?

29 A. I have forgotten the name of that rebel. But I've heard so

1 many people. I've heard from so many people that when he did  
2 that, he was beaten by his colleague rebels, colleague rebels,  
3 and he died. That's what I heard.

4 Q. So who were the rebels that beat him up?

15:32:13 5 A. Well, that one I did not understand. But it happened, for  
6 instance, when you hear something by hearsay.

7 Q. Now, this rebel who raped this woman, was he part of High  
8 Firing's group, the rebels that you've referred to?

9 A. That one? They said at that time they were in Kayima. He  
15:32:47 10 had come from Kayima. Whether he was in High Firing's group or  
11 Kayima group, I wouldn't know, because I have sworn.

12 Q. Do you know if any rebels were based at Kayima?

13 A. Yes. Our children were carrying food there. I know. We  
14 were not going, but our children who would go, they would carry  
15:33:14 15 the food there.

16 Q. Did they tell you, your children, if these rebels at Kayima  
17 were the same as the rebels in Yifin?

18 A. They said they were the same group. The food that would go  
19 to Yifin, they would take that food and take some to them.

15:33:44 20 Q. Now, throughout your stay in Yifin whilst these attacks  
21 were occurring, the first, second, third, fourth attacks, did you  
22 hear about -- did anyone mention the name Ibrahim Bazy Kamara as  
23 being one of the rebels who attacked your village, Yifin?

24 A. Ibrahim Bazy Kamara. The town is big, but I did not see  
15:34:25 25 him with my own eyes. They did not call his name in my presence,  
26 and I have sworn I did not see him with my own eyes and nobody  
27 called his name in my presence. I did not see him at all.

28 Q. Did you hear anyone mention the name Alex Tamba Brima or  
29 Gullit as being one of the rebels who attacked your village,

1 Yi fi n?

2 A. For Yi fi n, even if it's difficult, if I do not see that  
3 person, I would not say I saw that person. I have not seen those  
4 two people, they did not call their names in my presence. Those  
15: 35: 12 5 people who stayed in our place were the ones whose names I heard,  
6 Ngawuja, Sheku and High Firing. Those who stayed there, I've  
7 spoken about, but these people, I did not see them.

8 Q. Did you hear anyone mention the name Santigie Borbor Kanu  
9 as being one of those rebels who attacked your village?

10 A. That one, two, three people. This third person, I did not  
11 hear his name. I did not see him. Whatever, nobody called his  
12 name in my presence. If they had done that, I would have said  
13 that, but I did not hear the names of these three people, except  
14 that I am hearing them now.

15: 35: 58 15 Q. Did you also hear anyone mention any Santigie Kanu or  
16 Five-Five as being one of those who attacked your village?

17 A. Well, that one, I did not see him. I did not hear his  
18 name. Those who stayed in our home, they are the ones I've  
19 named, High Firing, Major Sheku and Ngawuja. Those are the ones  
15: 36: 31 20 who stayed in our home. And that person with whom you stay in a  
21 house, that person you would know very well. Even as we're here  
22 now, only point that this is, this is, this is, but I knew those  
23 ones very well, but these people, I do not know them.

24 Q. Now you told this Court the group to which High Firing  
15: 36: 50 25 belonged were the real rebels. Now, were these real rebels  
26 different from soldiers, the SLAs you referred to?

27 PRESIDING JUDGE: Actually, Mr Fofanah, he said they told  
28 him they were the real rebels. He didn't say they were the real  
29 rebels.

1 MR FOFANAH: I take the cue, Your Honour, thank you very  
2 much.

3 Q. You've said that they told you that High Firing and his  
4 group were the real rebels, and you've also told us about --

15: 37: 17 5 A. Indeed, they were having the guns. They said, "We are the  
6 ones who burnt down the town." Nobody would speak. If you talk,  
7 they would beat you up and tie you up.

8 Q. Listen.

9 MR FOFANAH: Sorry, Your Honours.

15: 37: 50 10 Q. So you've described a group as SLAs or soldiers and you've  
11 described these ones whom you heard were the real rebels. Now,  
12 were these real rebels the same as the SLAs or soldiers you've  
13 mentioned?

14 A. Their uniform is the same, but these others who were  
15: 38: 18 15 defending us, theirs were clean and it was ironed. These others,  
16 they were rough. They were in the bush. Some of them would wear  
17 short trousers. It's combat. They would wear that and they  
18 would say we are the real, real rebels. They had guns.

19 Q. In that case, I have no further questions. Thank you very  
15: 38: 44 20 much, Mr Witness.

21 PRESIDING JUDGE: I'm not sure if you said, Mr Fofanah. Is  
22 he a common witness?

23 MR FOFANAH: Yes, he is a common witness.

24 CROSS-EXAMINED BY MR HARDAWAY:

15: 39: 04 25 Q. Mr Witness, good afternoon, sir.

26 A. Mmm-hmm.

27 Q. I have a few questions for you. I want you to listen very  
28 carefully to them and most of them can be answered yes, no, or I  
29 don't know. Do you understand, sir?

1 A. Yes.

2 Q. Thank you. I want to take you back to the first attack on  
3 Yi fin. You had mentioned that you saw someone burning houses in  
4 Yi fin; is that correct?

15: 39: 45 5 A. Yes. Yes.

6 Q. Did you personally see anybody amputate anyone in Yi fin?

7 A. I did not see that in Yi fin. To say that somebody  
8 amputated somebody in Yi fin, I did not see that in Yi fin.

9 Q. All right, sir. Did you see anybody commit any rapes in  
15: 40: 21 10 Yi fin?

11 A. What I heard at first, it did not happen in my presence,  
12 but so many people said it, that he raped a woman in the bush. I  
13 did not see that with my own eyes, but they said it in my  
14 presence. They said they beat him up until he died. I heard  
15: 40: 43 15 that.

16 Q. Just so we understand, you personally did not see anybody  
17 commit any rape.

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

19 Q. Did you see anyone kill anybody in Yi fin during this  
15: 40: 57 20 attack, the first attack?

21 A. Well, that one, I saw it. I saw when the houses were  
22 burnt, when we came back in the morning, we saw corpses, even  
23 including my own child. But would you stand for them to kill  
24 somebody in your presence? I did not see that, but I was in  
15: 41: 25 25 hiding.

26 Q. I understand, sir. Thank you. Did you personally see  
27 anybody commit any mutilations on anyone in Yi fin during that  
28 first attack?

29 A. I did not see that. They shot a gun and they shot people.

1 Q. Did you see anybody commit any abductions in Yifin during  
2 that first attack?

3 A. Well, that first one, I did not see that, because we are  
4 afraid. I did not see that in Yifin at that time.

15:42:13 5 Q. And it is your evidence, sir, that the people who you  
6 described as rebels, at least for the first attack, wore military  
7 combats and civilian clothes; is that correct?

8 A. Yes, that's what I said and that is what they were, even  
9 when we were there, when we were there, that's what they wear,  
15:42:43 10 the rebels. When they were -- they would wear civilian clothes  
11 and military clothes, and they would be carrying guns.

12 Q. Just so that we're clear, not just on the first attack,  
13 this was the same clothing that they wore throughout the four  
14 attacks that you had mentioned?

15:42:59 15 A. That is how they were, all of them, that is how they were.  
16 They were always like that. Even when they were staying with us,  
17 that's what they wear.

18 Q. Mr Witness, I put it to you, sir, that the attacks on Yifin  
19 in 1998 that you have described were carried out by a combined  
15:43:22 20 force of the RUF and SLA soldiers. What is your response, sir?

21 A. The other attack, that one at night, it was the rebels who  
22 came during that night. They said they were coming to dislodge  
23 the SLAs, but they were unable to dislodge the SLAs. It was the  
24 SLAs who repelled them. Some even died, the rebels. In the  
15:43:52 25 morning, some died, because it was fighting. We saw them. But  
26 we do not know their names, because at that time we were in the  
27 town.

28 Q. Thank you, Mr Witness. I want to take you back to another  
29 part of your evidence. You said that you saw a rebel boy set a

1 building on fire in Yifin; is that correct?

2 A. That is what I said, indeed. I saw him. That's the first  
3 attack I saw him torching the house on fire. I saw him. I was  
4 under the mango tree. I was on top of a hill. I saw him,  
15: 44: 32 5 indeed.

6 Q. And he was wearing military combats; is that correct?

7 A. He was wearing his military uniform, but their own uniform  
8 was not clean. It was rough because they were in the bush.

9 Q. Now, when you say boy, sir, as you used in the term rebel  
15: 44: 56 10 boy, what do you mean by boy?

11 A. He was a boy. He was not all that tall. He is a young  
12 boy.

13 Q. By young boy, sir -- let me rephrase that. Among the  
14 children that you had, sir, you currently have, do you have any  
15: 45: 25 15 boys?

16 A. Yes.

17 Q. Now, the person you described as the rebel boy when he set  
18 the house on fire, did he look to be the same age as any of the  
19 boys you have, at that time?

15: 45: 51 20 A. Well, the younger ones were many among them. There were  
21 many among them, those kids. Those kids, there were many among  
22 them. In fact, they were doing all the bad things.

23 Q. By bad things, you mean setting the buildings on fire?

24 A. To set houses on fire, I saw them doing that, indeed. I  
15: 46: 16 25 saw them, those kids. And there were some adults who were doing  
26 that too.

27 Q. Now, if you recall -- I understand, sir, you ran into the  
28 bush, and that's understandable.

29 A. When I saw them, when I saw them, I saw them setting the

1 house.

2 Q. How many of them were wearing military combats?

3 A. I was worried. I wouldn't know that at that time, to say  
4 to count them. I saw some going this way, others going that way.

15:46:58 5 Q. Let me ask you this: Other than the rebel boy who you  
6 testified to, did you see any other kids wearing military  
7 combats?

8 A. Those whom I saw, the boys whom I saw who were wearing the  
9 military uniform, I saw them. I saw them.

15:47:21 10 Q. Mr Witness, my learned friend asked you about certain  
11 names, if you had seen or heard of them as relates to the attacks  
12 on Yifin. I want to ask you, sir, and please listen very  
13 carefully to the question: At any time while you were in Yifin  
14 during the attacks, or immediately after the attacks, did you  
15:47:54 15 hear the name Bazzy?

16 A. I have said this. I did not hear that name in Yifin. I  
17 did not see him, the other. I did not hear his name and I did  
18 see him, and nobody said his name in my presence.

19 Q. Thank you, Mr Witness.

15:48:20 20 MR HARDAWAY: With the Court's indulgence for just one  
21 moment, Your Honour.

22 Q. Mr Witness, I want to thank you for your time here today.  
23 I have no further questions of you.

24 MR HARDAWAY: Your Honours, this completes my  
15:48:31 25 cross-examination.

26 PRESIDING JUDGE: Thank you, Mr Hardaway. Any  
27 re-examination arising?

28 MR FOFANAH: There's none, Your Honour.

29 PRESIDING JUDGE: Thank you.



1 QUESTIONED BY THE COURT:

2 JUDGE DOHERTY:

3 Q. Mr Witness, I would like to be clear about some words you  
4 used. You said you saw corpses all over the place when you came  
15: 48: 54 5 back the next morning after the first attack. You said, "I saw  
6 the corpse. Some had badges." And then you seemed to say they  
7 were bleeding. Did you say they had badges or they had blood?

8 A. Those, they were bleeding. They were bleeding. And they  
9 must have been shot. They had marks of gunshot.

10 JUDGE DOHERTY: Thank you, Mr Witness. That was my only  
11 question.

12 PRESIDING JUDGE: Is there anything arising from that  
13 question from the Bench?

14 MR FOFANAH: Your Honours, the only point is when he said  
15: 49: 47 15 "those," I don't know if those were wearing the badges. It's  
16 still not clear. He just said "those." Okay, the point is  
17 taken. I withdraw that.

18 PRESIDING JUDGE: Thank you. Mr Witness, thank you for  
19 giving evidence today. We would like to thank you for coming to  
15: 50: 12 20 Court.

21 THE WITNESS: I want to ask you. Have I completed?

22 PRESIDING JUDGE: Just a minute. If you will just sit  
23 there patiently, we're going to adjourn the Court now. You will  
24 be able to leave as well. We'll adjourn until 9.15 a.m. tomorrow  
15: 50: 46 25 morning.

26 [Whereupon the hearing adjourned at 3.50 p.m.,  
27 to be reconvened on Tuesday, the 25th day of  
28 July 2006 at 9.15 a.m.]

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|---|-----|
| WITNESSES FOR THE DEFENCE:                    |     |
| WITNESS: DAB-091                              | 2   |
| EXAMINED BY MS THOMPSON                       | 3   |
| CROSS-EXAMINED BY MS ALAGENDRA                | 13  |
|   |     |
| WITNESS: DAB-088                              | 19  |
| EXAMINED BY MS THOMPSON                       | 20  |
| CROSS-EXAMINED BY MR AGHA                     | 32  |
|   |     |
| WITNESS: DAB-089                              | 43  |
| EXAMINED BY MS THOMPSON                       | 43  |
| CROSS-EXAMINED BY MR AGHA                     | 60  |
|   |     |
| WITNESS: DAB-086 [WITNESS CALLED, INCOMPLETE] | 70  |
| EXAMINED BY FOFANAH                           | 71  |
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