

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

MONDAY, 25 JULY 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker
For the Prosecution:	Ms Lesley Taylor Mr Alain Werner Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanuu:	Mr Geert-Jan Alexander Knoops Ms Carry J Knoops-Hamburger

1 [AFRC25JUL05-CR]
2 [Monday, 25 July 2005]
3 [Open session]
4 [Accused Brima, Kamara and Kanu present]
09:21:02 5 [Upon commencing at 9.20 a.m.]
6 [The witness testified via video link]
7 PRESIDING JUDGE: Good morning. Unless there is some other
8 matter, I will remind the witness of his oath. Mr Court
9 Attendant, could you please let us know if there is contact with
09:23:52 10 the booth?
11 MR WALKER: I did check with them.
12 PRESIDING JUDGE: Thank you. Good morning, Mr Witness.
13 THE INTERPRETER: It appears the witness is not getting us
14 from the interpreter's booth.
09:24:37 15 PRESIDING JUDGE: Can someone check that, please. The
16 interpreter has informed me that the witness does not hear them.
17 Is there someone with the witness?
18 VWS OFFICER: yes, Your Honours, we are trying to put the
19 witness on the right channel.
09:25:20 20 THE WITNESS: Good morning.
21 PRESIDING JUDGE: Mr Witness, you will recall on Friday you
22 took the oath and promised to tell the truth. Do you remember
23 this?
24 THE WITNESS: Yes.
09:25:41 25 PRESIDING JUDGE: That promise is still binding on you and
26 you are obliged to answer questions truthfully. Do you
27 understand?
28 THE WITNESS: Yes.
29 PRESIDING JUDGE: Please proceed.

1 WITNESS: TF1-157 [continued]

2 EXAMINED BY MR WERNER: [continued]

3 Q. Good morning, Mr Witness.

4 A. Good morning.

09:26:18 5 Q. I still have some questions for you, if you can just answer
6 my questions.

7 A. All right.

8 Q. Mr Witness, on Friday before the break, you told us that
9 the rebels decided that they would start giving you training.

09:26:49 10 A. Yes.

11 Q. You said that they started giving training to civilians; do
12 you remember that?

13 A. Yes.

14 Q. Mr Witness, how many of you were trained?

09:27:11 15 A. Sixteen of us.

16 Q. Do you remember any of the names of the people who were
17 trained with you?

18 A. Yes.

19 Q. Could you give us the names that you remember?

09:27:38 20 A. Yes.

21 Q. Please do so, Mr Witness.

22 A. Martin.

23 MR WERNER: For the Court, Martin, M-A-R-T-I-N.

24 Q. Do you know how old was Martin?

09:28:02 25 A. No.

26 Q. Anyone else you can remember who was trained with you,
27 Mr Witness?

28 A. Yes.

29 Q. Who was trained with you?

1 A. Sorie.

2 Q. Do you remember how old was Sorie?

3 A. No.

4 Q. Anyone else?

09:28:24 5 A. Bockarie.

6 MR WERNER: For the Court, Sorie, S-O-R-I-E. Bockarie,

7 B-O-C-K-A-R-I-E.

8 Q. Anyone else, Mr Witness, you can remember?

9 A. Also that boy that I referred to as Mohamed.

09:28:57 10 Q. Anyone else?

11 A. Also Yellowman, but he was not captured. He just came

12 along with them. He was captured in Kono.

13 Q. Are they all the names you can remember, Mr Witness, out of

14 the 16 people who were trained with you?

09:29:35 15 JUDGE SEBUTINDE: Counsel, was that Yellowman?

16 MR WERNER: Y-E-L-L-O-W-M-A-N.

17 THE WITNESS: Those are the names I can remember.

18 MR WERNER:

19 Q. Now, Mr Witness --

09:29:56 20 A. Yes.

21 Q. -- who was training you?

22 A. Abdul and Allan.

23 MR WERNER: Abdul, A-B-D-U-L. Allan, A-L-L-A-N.

24 Q. Do you know who were Abdul and Allan?

09:30:15 25 A. They were rebels.

26 Q. Now, Mr Witness, what did you do during this training?

27 A. They told us to fall down like corpses. Because when you

28 fall down, you are not going to remain on the same spot, but you

29 move from that spot to another.

1 Q. Did you do anything else during that training, Mr Witness?
2 A. Yes.
3 Q. What did you do?
4 A. I also fetched water and -- they were training us and
09:31:38 5 flogging us very hard.
6 Q. Who was flogging you, Mr Witness?
7 A. The rebels.
8 Q. When you say "you", what do you mean? All of you or only
9 yourself?
09:32:04 10 JUDGE LUSSICK: I think he said "us". Didn't he say "us"?
11 THE WITNESS: Me and others.
12 MR WERNER:
13 Q. With what were they flogging you, Mr Witness?
14 A. Because I was Mandingo and I belong to Tejan Kabbah's
09:32:27 15 people. That was why they were flogging me.
16 Q. With what were they flogging you, Mr Witness?
17 A. Sticks.
18 Q. Did they flog you with anything else?
19 A. Yes.
09:32:56 20 Q. What?
21 A. Wood.
22 Q. Sorry, I didn't get that answer.
23 A. They flogged us with firewood.
24 Q. Now, Mr Witness, during the training, did they tell you
09:33:22 25 anything -- to you, the trainees?
26 A. Yes.
27 Q. What did they tell you?
28 A. After the training, they were going to bring us to Freetown
29 to put us in schools, to educate us in schools in Freetown. And

1 afterwards they would send us out of the country.

2 Q. To do what?

3 A. So that if we start working and we receive money, we can
4 send it back to them.

09:34:09 5 Q. Mr Witness, during this training, what were you trained to
6 do?

7 A. So I could go to fight. And they gave us some tablets and
8 injections and when they give you those injections and tablets,
9 you don't know what you are doing. So I never know whether I

09:34:46 10 killed somebody. I cannot remember all that.

11 Q. What were those tablets, Mr Witness, and injections?

12 A. Cocaine, it was.

13 Q. How many times did they give that to you during this
14 training?

09:35:11 15 A. They gave me just one injection, but the tablets they give
16 us on a daily basis. On a daily basis it was that they gave me
17 the tablet.

18 Q. Anything else that you can remember during this training,
19 Mr Witness?

09:35:38 20 A. Yes.

21 Q. What else?

22 A. We would always joke on our way to the stream and then we
23 would fall into the stream when we go and swim.

24 Q. Anything else?

09:36:24 25 A. [No audible response]

26 Q. Now, Mr Witness, on Friday, you told us that when you
27 reached Rosos, you learned the names of some of the rebels and
28 soldiers. Do you remember telling the Court that?

29 A. Yes.

1 MS THOMPSON: Your Honour, I'm not sure that we have
2 reached Rosos with this witness. My recollection of the notes I
3 have is Robat mess.

4 JUDGE LUSSICK: I've got a note, Ms Thompson. He said,
09:37:24 5 "When I reached Rosos, that's when I knew their names: Gullit,
6 Five-Five, Adama Cut Hand."

7 MS THOMPSON: I stand corrected then, Your Honour.

8 MR WERNER:

9 Q. Do you remember, Mr Witness, telling the Court about that?

09:37:53 10 A. Yes.

11 Q. When were you in Rosos, Mr Witness?

12 A. In the morning.

13 Q. Did it happen after the training?

14 PRESIDING JUDGE: Mr Werner, I remind you again about
09:38:14 15 leading.

16 THE WITNESS: Yes.

17 MR WERNER:

18 Q. When did that happen in the morning?

19 A. I can't remember that time.

09:38:27 20 Q. What happened when you -- did anything happen when you went
21 to Rosos?

22 A. Yes.

23 Q. What happened?

24 A. They killed one elderly somebody.

09:38:51 25 Q. Who killed one elderly somebody?

26 A. It was the rebels.

27 Q. Who was that person?

28 PRESIDING JUDGE: Which person? [Overlapping speakers] or
29 the deceased?

1 MR WERNER: That elderly somebody.

2 THE WITNESS: He was a Muslim man. He was a civilian
3 Muslim man.

4 MR WERNER:

09:39:22 5 Q. What happened to him?

6 A. When they held him, they took off all his clothes.

7 Q. Did anything happen after that?

8 A. Yes.

9 Q. What happened after that?

09:39:51 10 A. They ordered Musa to go and kill him.

11 Q. Who ordered Musa to go and kill him?

12 A. Junior, Captain Junior.

13 Q. Who was Captain Junior?

14 A. He was a rebel. Although he was a soldier, but they had

09:40:21 15 all turned into rebels.

16 Q. And who was Junior?

17 A. He was a soldier.

18 JUDGE SEBUTINDE: You just asked that. He has been asked
19 that. You just asked who was Captain Junior twice.

09:40:45 20 MR WERNER:

21 Q. Who was Musa, Mr Witness?

22 A. He was a rebel.

23 Q. What happened after that order?

24 A. He took the old man to go and kill him.

09:41:07 25 Q. Who took the old man to go and kill him?

26 A. Musa.

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

28 A. I saw him taking him away, the old man, to be killed.

29 Q. What happened after that?

1 A. He went and killed him.

2 Q. How do you know that?

3 A. I saw his corpse.

4 Q. Whose corpse?

09:41:52 5 A. The elderly man who was killed. The old man's corpse.

6 Q. Mr Witness, did you see anything else in Rosos?

7 A. No.

8 Q. Now, Mr Witness, on Friday you told us that Mbalu Marrah

9 and Aminata Tarawalie, who had been abducted in Bonoya, you met

09:42:38 10 them in Rosos. Do you remember telling this Court that?

11 A. Yes.

12 Q. Do you know what Mbalu Marrah was doing in Rosos,

13 Mr Witness?

14 A. No.

09:43:09 15 Q. Do you know what Aminata Tarawalie was doing in Rosos?

16 A. No.

17 Q. Now, you told us as well on Friday that you saw

18 Kadei Marrah and Fanta Mansaray in Rosos?

19 A. Yes, yes.

09:43:40 20 Q. Do you know what Kadei Marrah was doing in Rosos,

21 Mr Witness?

22 A. She was doing some minor jobs for them. Fetched water and

23 then clean up dirty dishes.

24 Q. For whom?

09:44:07 25 A. For the rebels.

26 Q. Now, Fanta Mansaray, do you know what Fanta Mansaray was

27 doing in Rosos, Mr Witness?

28 A. Yes.

29 Q. What was she doing in Rosos?

1 A. She was fetching water and also cleaning up domestic
2 chores.

3 Q. Mr Witness, these rebels you saw in Rosos, were they
4 staying alone?

09:44:57 5 A. No, I did not understand that.

6 Q. The rebels you saw in Rosos.

7 A. If I was the only one there?

8 Q. No, no, the rebels -- you told us that you saw rebels in
9 Rosos; do you remember?

09:45:23 10 A. Yes. Now I have understood.

11 Q. So, Mr Witness, [indiscernible] in Rosos?

12 JUDGE SEBUTINDE: Counsel, we don't quite hear what you're
13 asking. If you don't mind, please speak up.

14 MR WERNER: Sorry, Your Honour.

09:45:54 15 Q. Mr Witness, were they staying alone, those rebels you saw
16 in Rosos?

17 A. There was a mixture of them, the rebels and the soldiers,
18 but they were altogether now as one body, that is, they were all
19 rebels.

09:46:28 20 Q. And except the civilians --

21 A. Yes, and there were civilians who were captured.

22 Q. What happened after that, Mr Witness? After your time at
23 Robot mess in Rosos, what happened after that?

24 A. The jets came and attacked us. We did not stay there long
09:47:04 25 after the attack.

26 Q. What happened after that?

27 A. We went to another village.

28 Q. Do you remember the name of the village?

29 A. No.

1 Q. What happened over there?

2 MR DANIELS: Counsel, the question he should be asking is:
3 Did anything happen? He keeps on saying, "What happened? what
4 happened? what happened?"

09:47:40 5 MR WERNER: I will rephrase it. I apologise for that.

6 PRESIDING JUDGE: Mr Werner, we had a long discussion on
7 Friday about leading questions. I have reminded you once this
8 morning. If you insist with this behaviour, we will have to
9 really review the situation.

09:47:52 10 MR WERNER:

11 Q. So, Mr Witness, did anything happen in that village?

12 A. They killed people and burnt houses.

13 Q. Who did that, Mr Witness?

14 A. The rebels.

09:48:13 15 Q. Did anything else happen?

16 A. None that I could recall, because we were passing through.
17 It was at night and I didn't know what happened after that. I
18 saw burnt houses.

19 Q. Where?

09:48:35 20 A. In that village.

21 Q. So what did you do after that, Mr Witness?

22 A. After that village, we went to Red Lion, but we passed
23 through other villages where they killed people and burnt down
24 houses, but I could not recall the names of those villages.

09:48:58 25 Q. Who killed people and burnt houses, Mr Witness?

26 A. The rebels.

27 Q. Did anything happen when you arrived at Red Lion?

28 A. It was attacked.

29 Q. How long did you stay in Red Lion?

1 A. We didn't stay long there.

2 Q. Did you see anyone in Red Lion?

3 A. Who are you talking about?

4 Q. Did you see any commanders in Red Lion, Mr Witness?

09:50:04 5 MR KNOOPS: Your Honour, objection. I think this is the
6 fourth or fifth time that counsel is leading on a matter which
7 is, let's say, it's an ultimate issue of the case.

8 MR WERNER: I will rephrase.

9 [Trial Chamber conferred]

09:55:35 10 PRESIDING JUDGE: This Trial Chamber spent a considerable
11 time on Friday, 22nd July 2005 considering and ruling on the
12 restrictions imposed on counsel to ask leading questions.

13 Notwithstanding that and two subsequent reminders this morning,
14 counsel for the Prosecution has again asked a leading question.

09:55:53 15 Counsel is hereby warned pursuant to Rule 46(A) of the Rules of
16 Procedure and Evidence not to ask leading questions. If this
17 occurs again, we will impose sanctions on counsel.

18 MR WERNER:

19 Q. Mr Witness, you told us that you arrived in Red Lion. Was
09:56:32 20 there anyone when you arrived in Red Lion?

21 A. We didn't find anybody there.

22 Q. What happened -- did anything happen when you arrived in
23 Red Lion, Mr Witness?

24 A. It was attacked.

09:56:50 25 Q. What happened after that?

26 A. They looked out for houses where they would settle
27 together, the civilians, and they burnt down houses.

28 Q. Who did that, Mr Witness?

29 A. The rebels.

1 Q. What did you do that after, Mr Witness?

2 A. We were going on food-finding missions. There was a river
3 there, so we went across this river to find food. One day, we
4 crossed the river and went to find food. We found an old man
09:57:51 5 near a boat and by the time we came back --

6 THE INTERPRETER: Your Honours, the witness is very fast.
7 Can he take his testimony slowly this time.

8 PRESIDING JUDGE: Mr Witness, can you hear me? You have to
9 speak a little more slowly so the interpreter can interpret what
09:58:07 10 you are saying. So go back to the beginning of your answer,
11 answer again, but speak more slowly. Do you understand me?

12 THE WITNESS: I said we went on food-finding missions.
13 When we went on this food-finding mission, we left one man
14 behind. By the time we came back, we found him dead - the
09:58:59 15 Kamajors had killed him. They cut him into pieces and they
16 placed the pieces up to the road. When we came, we returned to
17 Red Lion.

18 MR WERNER:

19 Q. Mr Witness, after Red Lion, where did you go?

09:59:50 20 A. We found our way to Freetown, but we didn't just come like
21 that. We went through other villages.

22 Q. Can you remember the names of those villages, Mr Witness?

23 A. We came to Lunsar.

24 Q. Did anything happen from Red Lion to Lunsar, Mr Witness?

10:00:29 25 A. Yes.

26 Q. What happened?

27 A. They killed people on the way and they burnt down houses.

28 Q. Who did that, Mr Witness?

29 A. The rebels.

1 Q. Did anything happen when you arrived in Lunsar?

2 A. It was attacked.

3 Q. Did anything happen during that attack?

4 A. Yes.

10:01:09 5 Q. What happened?

6 A. Kanko Binty died there.

7 Q. Why did she die?

8 A. Some said that she miscarried.

9 THE INTERPRETER: Your Honours, can he repeat his
10:01:39 10 testimony. We are having some technical difficulties with our
11 headsets. Can he take it again.

12 PRESIDING JUDGE: Mr Interpreter, do you need some time to
13 sort out your headsets?

14 THE INTERPRETER: Well, yes, it keeps short-circuiting.

10:01:57 15 PRESIDING JUDGE: Mr Witness and Mr Interpreter, please
16 just wait one moment. Mr Court Attendant, there appears to be a
17 problem with the interpreter's headsets cutting out. Can you
18 check to see if there is anything that can be done about this?
19 It is interfering with the evidence.

10:02:15 20 MR WALKER: I can, Your Honour. It will take a few
21 moments.

22 PRESIDING JUDGE: How long is a few minutes, Mr Court
23 Attendant?

24 MR WALKER: I'm afraid I don't know.

10:02:45 25 PRESIDING JUDGE: Counsel and witness, in the
26 circumstances, since we have got an answer of how long is a piece
27 of string, we will take a break and see if this problem with the
28 interpretation booth can be sorted out. I have lost my Court
29 Attendant. Mr Legal Officer, will you please adjourn Court

1 temporarily.

2 [Break taken at 10.00 a.m.]

3 [On resuming at 10.10 a.m.]

4 PRESIDING JUDGE: I understand the problem has been sorted
10:14:20 5 out. I will ask the witness to repeat his answer unless counsel
6 have any strong views on that.

7 Mr Witness, you were telling the Court about Kanko Binty.
8 Could you please repeat that answer and we will start again.

9 THE WITNESS: Yes.

10:14:51 10 PRESIDING JUDGE: Did the witness understand what I said?
11 Mr Witness, did you understand what I said?

12 THE WITNESS: What you said just now?

13 PRESIDING JUDGE: Yes.

14 THE WITNESS: Yes.

10:15:38 15 PRESIDING JUDGE: All right, Mr Witness, you start again by
16 telling us what happened to Kanko Binty.

17 THE WITNESS: She died. Some said that she miscarried and
18 some said she died out of an illness.

19 PRESIDING JUDGE: Continue, counsel.

10:16:10 20 MR WERNER:

21 Q. Mr Witness, did you go anywhere after Lunsar?

22 A. Yes.

23 Q. Where did you go?

24 A. We went to Mamamah.

10:16:32 25 Q. Did anything happen when you went to Mamamah?

26 MR WERNER: Mamamah, Your Honour, M-A-M-A-M-A-H.

27 THE WITNESS: We went through some villages.

28 MR WERNER:

29 Q. Do you remember their names?

- 1 A. No.
- 2 Q. Did anything happen when you went through those villages?
- 3 A. Yes.
- 4 Q. What happened?
- 10:17:06 5 A. They killed people and burnt down houses on their way.
- 6 Q. Who did that, Mr Witness?
- 7 A. The rebels.
- 8 Q. Did you go anywhere else after that?
- 9 A. We came to Waterloo.
- 10:17:39 10 MR WERNER: Waterloo, W-A-T-E-R-L-O-O.
- 11 Q. Did anything happen when you came to Waterloo?
- 12 A. It was attacked.
- 13 Q. Did anything happen during that attack?
- 14 A. Yes.
- 10:18:00 15 Q. What happened?
- 16 A. We fought.
- 17 Q. Who fought, Mr Witness?
- 18 A. The rebels and the government troops.
- 19 Q. What were you doing yourself during that time?
- 10:18:28 20 A. I was carrying a load and I was by the women. I was
21 standing by - I was close to Abdul's wife, the person I was
22 staying with.
- 23 Q. How long did you stay there?
- 24 A. We didn't stay long and went through.
- 10:18:54 25 Q. Where did you go?
- 26 A. Jui.
- 27 Q. Did anything happen when you went to Jui?
- 28 A. It was attacked.
- 29 Q. Did anything happen during that attack?

- 1 A. Yes.
- 2 Q. What happened?
- 3 A. The rebels fought.
- 4 Q. Did you go anywhere else after Jui?
- 10:19:28 5 A. Yes.
- 6 Q. Where did you go?
- 7 A. Benguema.
- 8 Q. Did anything happen when you got to Benguema?
- 9 A. Yes.
- 10:19:48 10 Q. What happened?
- 11 A. The rebels fought.
- 12 Q. What happened after that, Mr Witness?
- 13 A. After they had fought, that is where SAJ Musa died.
- 14 Q. How do you know that?
- 10:20:29 15 A. After the accident, I saw his corpse. But I didn't see his
16 face, because he was covered with a cloth.
- 17 Q. Did you go anywhere else after Benguema?
- 18 A. Yes.
- 19 Q. Where did you go?
- 10:20:54 20 A. We came to Kissy.
- 21 Q. Did anything happen when you went to Kissy?
- 22 A. It was attacked as well.
- 23 Q. Did anything happen in that attack?
- 24 A. Yes.
- 10:21:20 25 Q. What happened?
- 26 A. They killed people, they cut off people's hands.
- 27 Q. Who did that, Mr Witness?
- 28 A. The rebels.
- 29 Q. Do you remember the date when you were in Kissy.

1 A. No.

2 Q. What happened --

3 A. It was at night.

4 Q. -- what happened after that?

10:21:58 5 A. When we left there, we came to Wellington.

6 Q. Did anything happen when you went to Wellington?

7 A. Yes.

8 Q. What happened?

9 A. It was attacked as well.

10:22:36 10 Q. Did anything happen during that attack?

11 A. Yes.

12 Q. What happened?

13 A. They killed people and cut off people's hands.

14 Q. Who did that, Mr Witness.

10:22:56 15 A. The rebels.

16 Q. How do you know that?

17 A. Because later I did see people whose hands were cut off.

18 Q. Did you go anywhere else after that, Mr Witness?

19 A. Yes. We entered the town.

10:23:33 20 Q. Which town?

21 A. Here in Freetown.

22 Q. Mr Witness, when was that? When did you enter Freetown?

23 A. January 6.

24 Q. Do you remember the year?

10:24:16 25 A. No.

26 Q. Did anything happen when you entered Freetown?

27 A. Yes.

28 Q. What happened?

29 THE INTERPRETER: The witness is not very clear in his

1 evidence. Can he take it again?

2 PRESIDING JUDGE: Repeat your answer, Mr Witness.

3 THE WITNESS: Okay. They were tormenting the civilians.

4 Some troops would come, then they would tell the people to sing

10:25:32 5 for them and set fire to some houses as they sing. They would

6 ask others to put the fire out. After that, they started taking

7 the police officers.

8 MR WERNER:

9 Q. Mr Witness, you said they were tormenting the civilians.

10:26:12 10 Who are "they"?

11 A. The rebels.

12 Q. You said they started taking the police officers. Who are

13 "they"?

14 A. The rebels.

10:26:46 15 Q. Now, what do you mean when they said, "They started taking

16 the police officers"?

17 A. They were killing them.

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

19 A. They were looking out for them to kill them. Can I

10:27:14 20 continue?

21 Q. Yes.

22 A. If they come across any civilian -- if they come across any

23 police, they will burn down his house and kill his people.

24 Q. How do you know that, Mr Witness.

10:27:42 25 A. Yes, they would disguise themselves as civilians and they

26 would look for police officers, they would go out asking out for

27 police officers.

28 Q. And who are "they"?

29 A. The rebels.

1 Q. How do you know that, Mr Witness.
2 A. I did see them. They were doing it, indeed.
3 Q. Did anything else happen in Freetown, Mr Witness that you
4 can remember.
10:28:24 5 A. Yes.
6 Q. What happened?
7 A. Adama Cut Hand passed on order that they should start
8 cutting off people's hands.
9 Q. How do you know that?
10:28:49 10 A. Even myself, they were about to chop off my hands, but when
11 I called out my commander's name, they let go of me, otherwise
12 they would have killed me then.
13 Q. Do you know if anything happened after Adama gave that
14 order?
10:29:20 15 A. Yes.
16 Q. What happened?
17 A. They killed one minister.
18 Q. Who was this minister? Do you know who this minister was?
19 A. He was a government minister.
10:29:48 20 Q. Who killed him?
21 A. The rebels.
22 Q. How do you know that?
23 A. I saw his corpse.
24 Q. Now you said you gave the name of your commander. Who was
10:30:11 25 your commander?
26 A. My commander was Peggy Boy, he didn't capture me.
27 MR WERNER: Peggy, P-E-G-G-Y.-.-
28 Q. Was Peggy your commander in Freetown?
29 JUDGE SEBUTINDE: Did he say Peggy Boy? Peggy something.

1 What was the second word?

2 MR WERNER: I understood Peggy, but I didn't --

3 JUDGE SEBUTINDE: I thought he said Peggy Boy, or something
4 like that. That's what I heard.

10:30:48 5 PRESIDING JUDGE: That's what I heard also. If necessary,
6 I can ask the witness --

7 MR WERNER: I heard Peggy, but I didn't --

8 PRESIDING JUDGE: You're outvoted three to one.

9 MR WERNER: Mr Witness, was Peggy your commander in
10:31:06 10 Freetown?

11 MR KNOOPS: Objection. This is a leading question. The
12 witness indicated that he gave the name of his commander when he
13 was confronted with potentially cutting off his hands. He never
14 mentioned the word Freetown and he mentioned several other
10:31:31 15 places. It means that when the name Freetown is implemented in
16 the question it's leading. The question should be phrased, for
17 instance, "Where did you meet Peggy?", or, "In which location was
18 Peggy your commander?" Implementing Freetown in the question is
19 leading in this context, in my humble opinion.

10:32:00 20 PRESIDING JUDGE: Your reply, Mr Werner?

21 MR WERNER: My reply is that it was established before that
22 happened in Freetown because I asked, "What happened in
23 Freetown?" He said that Adama gave an order. I said, "How did
24 you know that?" He said because he came and he wanted to cut his
10:32:16 25 hand and, at that time, he gave the name of his commander. My
26 submission would be that it was established in Freetown.

27 JUDGE LUSSICK: Do you really need to ask the question at
28 all?

29 MR WERNER: Yes, Your Honour.

1 [Trial Chamber confers]

2 PRESIDING JUDGE: This is a ruling on an objection by
3 counsel. We agree with Mr Knoops this is a leading question. In
4 the light of Mr Knoops's suggestion to rephrase it, we will allow
10:36:08 5 a rephrasing and we will not enforce our Rule 46(A) warning.
6 Please continue, Mr Werner.

7 MR WERNER:

8 Q. Mr Witness, you gave the name of Peggy Boy.

9 A. Yes.

10:37:16 10 Q. Where were you when you were with Peggy Boy, Mr Witness?

11 A. In Rosos, but we came together in Freetown.

12 Q. Now, Mr Witness, did anything else happen in Freetown that
13 you can remember?

14 MR KNOOPS: Your Honour, I think it is a repeated question.

10:37:50 15 PRESIDING JUDGE: It is, indeed. That has been asked.
16 Just a moment. I'm reconsidering that, Mr Knoops. I think the
17 previous question was, "Did anything happen in Freetown", so,
18 "Did anything else happen" would be permissible.

19 MR WERNER: Thank you, Your Honour.

10:38:12 20 Q. Mr Witness, did anything else happen in Freetown?

21 A. Yes.

22 Q. What else happened in Freetown?

23 A. They attacked Eastern Police and they started fighting at
24 Eastern Police.

10:38:41 25 Q. Who attacked Eastern Police, Mr Witness?

26 A. The rebels.

27 Q. Did anything happen when they attacked Eastern Police?

28 A. Yes.

29 Q. What happened?

1 A. One man was going to find food. He was coming from the
2 Kissy Road end. He was killed.
3 Q. Do you know how he was killed?
4 A. He was shot.
10:39:20 5 Q. Do you know who shot him?
6 A. The rebels shot him.
7 Q. How do you know that, Mr Witness?
8 A. I saw it.
9 Q. Mr Witness, you said there were rebels in Freetown. Do you
10:39:50 10 know the name of any of these rebels?
11 A. Yes.
12 Q. Could you tell this Court the name of the rebel you know?
13 A. Yes.
14 Q. Please do so, Mr Witness.
10:40:19 15 A. Gullit.
16 Q. Anyone else, Mr Witness?
17 A. Five-Five.
18 Q. Anyone else?
19 A. Adama Cut Hand.
10:40:41 20 Q. Anyone else?
21 A. Woyoh.
22 Q. Anyone else?
23 A. And Peggy. But he was not a big commander.
24 Q. Is that all the names you can remember?
10:41:01 25 A. Yes, and the one I was staying with, Abdul.
26 Q. So did Abdul do anything in Freetown, Mr Witness?
27 A. Yes.
28 Q. What did he do?
29 A. He burnt vehicles and houses and killed people as well.

1 Q. How do you know that?

2 A. I did see him doing it.

3 Q. Where were you when you saw him doing that?

4 A. In Calaba Town.

10:42:10 5 Q. What were you doing when you saw him doing that?

6 A. Sometimes he would force me to accompany him.

7 Q. Who would force you to accompany him?

8 A. He, Abdul.

9 Q. Where would he force you to accompany him?

10:42:50 10 A. When he was going anywhere, you know. That was my first
11 time I came to Freetown, so I didn't understand the town. I
12 didn't understand the town at that time.

13 PRESIDING JUDGE: Mr Werner, could I ask, I note the time.
14 We usually have a break. Is this an appropriate time?

10:43:16 15 MR WERNER: I am almost finished.

16 PRESIDING JUDGE: Very well, we will complete the
17 questions.

18 MR WERNER: Can you excuse me for a very short time. Thank
19 you.

10:43:49 20 Q. Mr Witness, how long did you stay in Freetown?

21 A. I can't recall that. But we didn't stay long and we went.

22 Q. Where did you go?

23 MR INTERPRETER: He called out a name that is not very
24 clear to the interpreter. Would he say it again?

10:44:26 25 PRESIDING JUDGE: Mr Witness, would you please repeat the
26 against you've just given?

27 THE WITNESS: I said I did not know where he took me to. I
28 did not know there.

29 MR WERNER:

1 Q. Who took you there?

2 A. Abdul. He took me to places where he was committing these
3 crimes, but I did not know the places.

4 Q. What were you doing when you went there? Did you do
10:45:08 5 anything when you were there with him?

6 PRESIDING JUDGE: Two questions in one, Mr Werner. One at
7 a time.

8 MR WERNER:

9 Q. Did you do anything when you went there, Mr Witness?

10:45:27 10 A. No, I couldn't recall doing anything.

11 Q. Where did you go after that?

12 A. Yes.

13 Q. Where did you go, Mr Witness, after that?

14 A. He took me one day and brought me to fight at Eastern
10:45:55 15 Police.

16 Q. Who did that? You say, "He took me". Who did that?

17 A. Abdul.

18 Q. Did anything happen there?

19 A. They were fighting.

10:46:15 20 Q. Did you do anything?

21 A. Whatever he stole, he would give it to me for safe keeping,
22 together with one of his guns.

23 Q. What happened after that, Mr Witness?

24 THE INTERPRETER: Your Honour, not guns, bullets.

10:47:04 25 JUDGE LUSSICK: Mr Interpreter, the last part of that
26 question, he was together with one of his bullets?

27 THE INTERPRETER: His bullets, yes.

28 JUDGE LUSSICK: Together with one of his bullets?

29 THE INTERPRETER: Yes, not guns.

1 MR WERNER:

2 Q. What happened after that, Mr Witness?

3 A. We returned.

4 Q. Where did you return?

10:47:37 5 A. We went to Calaba Town, because that is where we were
6 based.

7 Q. Now, you said that you stayed for a time, you cannot
8 remember how long in Freetown. What happened after that?

9 A. We came to the same place where we had been fighting.

10:48:21 10 Q. What did you do, Mr Witness? After that time in Freetown,
11 what did you do?

12 A. After that, they were attacked by the water and they
13 retreated. We all retreated.

14 Q. Did you go with them?

10:48:58 15 A. Abdul took me to Kontolah to his brother, together with his
16 wife, one Limba woman.

17 MR WERNER: I have a spelling for Kontolah,
18 K-O-N-T-O-L-A-H.

19 Q. What happened when you went there?

10:49:34 20 A. Abdul left me to his brother.

21 Q. What happened after that?

22 A. They pushed them out and they asked us to go ahead, just so
23 they could have time to push them out.

24 Q. When you say "they" pushed them out, who pushed them out?

10:50:05 25 A. ECOMOG. ECOMOG asked us to come closer to them whilst they
26 are pushing the rebels out of the town.

27 Q. What happened to you after that?

28 A. I was there for quite sometime. Also at that time there
29 was chaos in Freetown. At that time, they said if you identify

1 as a rebel, you would be shot.

2 Q. What happened to you after that?

3 A. After that when there had been a lull in everything, we
4 were asked to go to our parents.

10:50:56 5 Q. What happened when they asked you to go to your parents?

6 A. Because the tension in Freetown had subsided.

7 Q. Okay, Mr Witness. What happened at that time?

8 A. I went to a policeman and I explained to him, because I did
9 not know anybody at the time in this town, so I explained to him.

10:51:35 10 So he sent me to buy alcohol for him.

11 Q. What happened after that?

12 A. He took me to one ECOMOG commander. We met him. He was
13 reading a book.

14 Q. What happened after that?

10:51:54 15 A. At that time UNICEF had come in the area and he asked me to
16 go with him to UNICEF.

17 Q. Did you go to UNICEF?

18 A. Yes.

19 Q. What happened when you went UNICEF -- did anything happen
10:52:19 20 when you went to UNICEF?

21 A. Yes.

22 Q. What happened?

23 A. I met suckling mothers there, those whose children had gone
24 missing and those people who had gone missing, they were all
10:52:34 25 there, and they were explaining to the UNICEF officials.

26 Q. What were they explaining to the UNICEF officials?

27 A. Myself?

28 Q. You said they were explaining to the UNICEF officials.

29 What were they explaining to the UNICEF officials?

1 A. I was explaining to them how I escaped from the rebels,
2 just so that they could locate my parents for me. They sent me
3 to come and buy alcohol and when I came, I did not return.

4 Q. What happened after that, Mr Witness?

10:53:24 5 A. They said I should wait for them until they finish with the
6 other people. Those who had gone missing, and they asked me to
7 wait until they finished writing their names.

8 Q. What happened after that?

9 A. We went to their UNICEF compound for a week and they handed
10:53:49 10 me over to one person who was announcing people's names on the
11 radio.

12 Q. What happened after that?

13 THE INTERPRETER: He's calling a name that is not clear.
14 Can he repeat it? Can he please repeat that name?

10:54:09 15 PRESIDING JUDGE: Mr Witness, can you repeat the names you
16 have just mentioned again in a slower voice, please?

17 THE WITNESS: Adakowa.

18 MR WERNER: Adakowa, A-D-A-K-O-W-A.

19 Q. Did you say Adakowa?

10:54:43 20 A. Yes.

21 Q. Can you please explain who was Adakowa?

22 A. He was a man who made an announcement for people's
23 relatives who had gone missing.

24 Q. What happened to you after that, Mr Witness?

10:55:09 25 A. Every week we would come to the stadium. Every week we
26 would come to the stadium just so that we would find our people.

27 Q. Did you find your people?

28 A. Yes.

29 MR WERNER: I don't have any further questions.

1 PRESIDING JUDGE: Thank you, Mr Werner. In the light of
2 that, we will adjourn for 15 minutes. Any cross-examination will
3 commence after the break.

4 [Break taken at 10.53 a.m.]

10:50:44 5 [AFRC25JUL05B-SGH]

6 [On resuming at 11.10 a.m.]

7 PRESIDING JUDGE: Just pause, Mr Knoops. Ms Taylor, where
8 is counsel, Mr Werner?

9 MS TAYLOR: Your Honour, I apologise for Mr Werner's
11:14:30 10 absence, he has a matter that has necessitated his absence from
11 the court room. I will be remaining for the Prosecution.

12 PRESIDING JUDGE: Mr Knoops, you were on your feet, you
13 were about to start your cross-examination. Please proceed.

14 MR KNOOPS: Thank you Your Honour.

11:14:41 15 CROSS-EXAMINED BY MR KNOOPS:

16 Q. Mr Witness, good morning --

17 A. Good morning.

18 Q. -- Mr Witness, I will ask you several questions and I ask
19 you please to listen carefully to them.

11:15:25 20 A. Okay.

21 Q. Thank you. Mr Witness, did you go to school in the past?

22 A. Yes.

23 Q. Are you able to read or write?

24 A. No.

11:16:00 25 Q. Did you ever see a map or a chart?

26 A. No.

27 Q. Could you please explain whether you know how long a month
28 takes?

29 MS TAYLOR: Your Honours, that is a very vague question.

1 PRESIDING JUDGE: Yes, what do you mean by that, Mr Knoops?

2 MR KNOOPS: Is the witness able to indicate how many days a
3 month comprises.

4 PRESIDING JUDGE: Good. I thought for a minute you were
11:16:45 5 going to ask him how many minutes. Days, please be precise in
6 that question.

7 MR KNOOPS: Sorry, Your Honour, I will.

8 Q. Mr Witness, do you know how many days a month exists of?

9 A. How many days there are in a month? If you say weeks, I
11:17:10 10 will know how many weeks. But days I cannot tell.

11 Q. How many weeks?

12 A. Yes.

13 Q. Would you please tell how many weeks in your estimation is
14 in a month?

11:17:30 15 A. Four weeks.

16 Q. Thank you. Mr Witness, you have testified earlier that you
17 don't recall the year the rebels attacked Bonoya.

18 A. No.

19 Q. Do you remember, Mr Witness, that you have spoken earlier
11:18:15 20 to investigators of the Prosecution of this Court? Can you
21 remember that?

22 A. Yes, people went and asked me.

23 MR KNOOPS: Your Honours, I would like to put before the
24 witness page 13813, starting with the first sentence. I will not
11:19:11 25 mention the name of the person there.

26 Q. Mr Witness, please could you listen carefully to what I am
27 about to say and I will ask a question afterwards. According to
28 this interview report, you have said earlier to investigation of
29 the Special Court, "About 4 years ago at about 4.00 a.m. the

1 coalition of SLA soldiers and People's Army, RUF personnel
2 invaded Bonoya and arrested five of them."
3 A. Yes.
4 Q. Can you remember giving that statement?
11:20:24 5 A. Yes.
6 Q. Are these your words you used in that statement? Did you
7 use the words, "About four years ago"?
8 A. Yes.
9 Q. Did you use the word "coalition"?
11:21:05 10 A. What did you say?
11 Q. Did you use the word "Coalition"?
12 A. Yes.
13 Q. Could you please explain what you mean with the word
14 coalition?
11:21:47 15 A. This -- it is not very clear to me.
16 Q. You mean the question or the word coalition?
17 A. I am asking if they entered or they came together.
18 Q. My question is: Did you yourself mention, when you talked
19 to the investigators, did you mention the word coalition?
11:22:51 20 A. I am confused over your choice of this word.
21 THE INTERPRETER: Your Honours --
22 PRESIDING JUDGE: Mr Witness --
23 THE INTERPRETER: Your Honours, we do have a problem in
24 Madingo with that word "coalition". So if counsel has a way of
11:23:06 25 simplifying it for us, we can interpret it for the witness to
26 understand.
27 PRESIDING JUDGE: Please pause, Mr Interpreter. Mr Knoops,
28 I note that the language of the interview was Krio. The witness
29 is now being put into Madingo. It is not clear from your line of

1 questioning what language was actually used in this interview as
2 a preliminary to this line of questioning you are now putting to
3 the witness.

4 MR KNOOPS: Your Honour, according to the interview report
11:23:35 5 the language of the interview was Krio.

6 PRESIDING JUDGE: So you have heard what the interpreter
7 has said concerning the terminology. We have not determined yet
8 how this word came to be used by this witness. What language was
9 actually -- he actually spoke when this interview was conducted.

11:24:04 10 MR KNOOPS: Thank you. I could ask.

11 Q. Mr Witness, do you recall in which language you were
12 interviewed during this particular interview I refer to?

13 MS TAYLOR: Your Honour, before the witness answers that
14 question, it is to be noted that the particular time of this
11:24:29 15 interview has not been told to the witness. There are a number
16 of pre-testimony interviews and, in fairness to the witness, it
17 should be directed to his attention which particular interview is
18 being asked about.

19 PRESIDING JUDGE: Indeed, that is correct. There are
11:24:44 20 preliminary issues that have to be put to the witness before you
21 can put these statements to him.

22 MR KNOOPS:

23 Q. Mr Witness, you earlier testified that you came to Freetown
24 for the first time when you went there with the rebels; is that
11:25:12 25 correct?

26 A. Yes.

27 Q. After your release, did you come to Freetown again at a
28 certain moment?

29 A. Yes, I came on holidays to my elder sister.

1 Q. On how many occasions?

2 A. Last year I came. That was the second time I came.

3 Q. Were there any other occasions, Mr Witness, which led you
4 to Freetown?

11:26:04 5 A. And this time that I came around.

6 Q. Can you recall any meetings in Freetown with the
7 investigators of the Special Court.

8 MS TAYLOR: Your Honour, if I can be of assistance to my
9 learned friend, if he is wanting to ask about this particular
11:26:24 10 interview, the location of the interview is listed on page 13813.

11 MR KNOOPS: I know, that is familiar to me, Your Honour,
12 but that is not the way I would like to --

13 PRESIDING JUDGE: Very well put your question.

14 MR KNOOPS: -- approach this topic, Your Honour.

11:26:50 15 Q. Mr Witness, do you recall that you were interviewed in
16 Freetown by the investigators of the Special Court?

17 A. What time was that?

18 Q. I asked you can you recall that you spoke with
19 investigators of the Special Court here in Freetown prior to your
11:27:23 20 testimony today?

21 PRESIDING JUDGE: Mr Knoops, in fairness to the witness, I
22 think you need to be a bit more precise than that.

23 MR KNOOPS:

24 Q. Mr Witness, can you recall that shortly before your
11:27:54 25 testimony this week you have spoken earlier before with
26 investigators of the Special Court in Freetown?

27 MS TAYLOR: Your Honour, I hate to keep rising to my feet,
28 but I fear the word "investigators" might be what is confusing
29 the witness.

1 THE WITNESS: [Indiscernible]

2 MS TAYLOR: Your Honour, if I may just finish this. It is
3 evident from the material that was disclosed in relation to the
4 proofing immediately prior to this witness giving evidence that
11:28:33 5 it was not investigators speaking to the witness at the time in
6 Freetown. And I fear that the witness may be confused by being
7 able to identify who are investigators. Perhaps if my learned
8 friend simply uses generic members of the Office of the
9 Prosecutor or something.

11:28:52 10 MR KNOOPS: Okay, there is no problem with that.

11 Q. Mr Witness, can you recall that you, prior to your
12 testimony in this Court, spoke with members of the Prosecution in
13 Freetown?

14 A. Asked me where?

11:29:31 15 Q. In Freetown.

16 A. It's just my lawyer. I met him here, but he did not ask me
17 anything. Except with the -- except now that I am testifying,
18 but prior to that, no.

19 Q. Can you recall any meetings with members of the
11:30:10 20 Prosecution, say, a few weeks ago?

21 A. Will you tell me the place where we met with these
22 Prosecution people? If it is true I will answer. If it is not
23 true I will also answer to that question.

24 Q. In Freetown?

11:30:34 25 A. Where exactly in Freetown?

26 Q. Mr Witness, this is a question we would like to ask you to
27 answer. Do you recall any meetings with the Office of the
28 Prosecution in Freetown a few weeks ago. Somewhere in Freetown.

29 A. That's what I am saying. You show me the place and I don't

1 know any place here. If you tell me exactly where the question
2 may -- if it is true, I will answer.

3 Q. You don't recall any place in Freetown where you met people
4 of the Prosecution prior to your testimony this week?

11:32:06 5 A. Together with whom? If you tell me those who I was
6 involved, I will answer yes if it is true.

7 Q. Mr Witness, I have to remind you that we are now in a
8 position to ask you questions and I respectfully ask you to
9 answer the questions and not to answer me questions. Could you

11:32:31 10 please think whether you had a meeting with any member of the
11 Prosecution a few weeks ago somewhere in Freetown prior to
12 your --

13 A. You asked me to remember -- remember whom? I don't know
14 the individual. How can I think about somebody whom I don't
11:32:59 15 know.

16 Q. Mr Witness, can you recall any meetings with the
17 Prosecution of the Special Court outside Freetown prior to your
18 testimony this week, the last few months?

19 A. Where else? If you show me the place that you want I will
11:33:33 20 tell you. But I don't know the place. What do you want me to
21 tell you? I cannot tell you anything.

22 Q. Mr Witness --

23 PRESIDING JUDGE: Just a minute, Mr Knoops. We seem to
24 have come to an impasse on this. Mr Witness, do you understand
11:33:49 25 the questions that the lawyer is asking you?

26 THE WITNESS: I understand, but I am asking you to tell me
27 the place. If you don't tell me the place, how can I give you an
28 answer?

29 PRESIDING JUDGE: Mr Knoops, are you unwilling or would you

1 like to clarify this with the witness?

2 MR KNOOPS: I would like to ask a question in a different
3 line if Your Honours --

4 PRESIDING JUDGE: Very well.

11:34:26 5 MR KNOOPS:

6 Q. Mr Witness, how many times before your statement this week
7 in court did you speak with members of the Prosecution of the
8 Special Court? Can you recall whether you have spoken to them at
9 all?

11:34:38 10 A. With whom?

11 Q. My question is in general.

12 A. If you tell me the individual that spoke to me and the name
13 of the individual I will answer if that is the name.

14 Q. Does that mean, Mr Witness, that you recall having spoken
11:35:22 15 to somebody of the Prosecution? Is that a yes or no?

16 A. I have told you, you tell me the name so that I can
17 remember with the individual that I spoke with and if you don't
18 give me the name of an individual, how can I remember.

19 PRESIDING JUDGE: Mr Witness, the lawyer is not asking
11:35:53 20 you -- he is saying do you remember talking to anyone in the
21 Prosecution office. Anyone at all.

22 THE WITNESS: Your question has doubted me. Put it well so
23 that I can understand it.

24 PRESIDING JUDGE: What part of my question has doubted you?

11:36:49 25 THE WITNESS: Yes --

26 THE INTERPRETER: Will the witness take that again, please?

27 THE WITNESS: Keep repeating the question, I will tell you
28 where the doubt is.

29 JUDGE LUSSICK: I think, I could be wrong too, Mr Knoops,

1 but I think the confusion is that the witness is under the
2 impression you are trying to get a name or some names, specific
3 names from him, and he is asking you to mention the name and he
4 will confirm it or otherwise. As I said, I could be wrong, but
11:39:26 5 that may be where the confusion is.

6 MR KNOOPS: I have no intention to test, Your Honours, the
7 witness on names.

8 JUDGE LUSSICK: Well I know that, but I am just suggesting
9 to you that perhaps if you made it clear to him.

11:39:43 10 MR KNOOPS:

11 Q. Mr Witness, just to be clear, we don't ask you to mention
12 the name of the person you might or might not have spoken to of
13 the Prosecution. We just ask you to remember whether you had an
14 interview with somebody of the Office of the Prosecution before
11:40:16 15 you came to Freetown to testify.

16 A. Meet me where? To meet me where to ask me?

17 Q. Can you, Mr Witness, recall giving an interview in Bonoya?

18 A. Those who went to collect us asked us.

19 Q. Could you please explain what you mean by the words "they
11:41:09 20 who came to collect us"?

21 A. No.

22 Q. Why do you say "those who came to us to collect us asked
23 us"?

24 A. [Overlapping speakers] They asked us -- but how many years
11:41:52 25 it has taken since they entered.

26 Q. So you recall being asked questions by somebody; is that
27 correct?

28 A. To agree to what?

29 PRESIDING JUDGE: Mr Interpreter, the word agree was not

1 used by counsel.

2 THE WITNESS: I want him to explain to what I agreed to.

3 PRESIDING JUDGE: Mr Interpreter, where did the word
4 "agree" come from?

11:42:45 5 THE INTERPRETER: From the witness.

6 PRESIDING JUDGE: Mr Knoops, I don't recall you using the
7 word agree. Put your question again, please.

8 MR KNOOPS: Thank you, Your Honour.

9 Q. Mr Witness --

11:42:52 10 A. Yes.

11 Q. -- I am sorry if you misunderstood me or I put the question
12 wrong to you. My question is: Do you recall people coming to
13 you asking you questions about what happened in Bonoya a few
14 years ago.

11:43:17 15 A. Yes.

16 Q. Can you remember when these people came to you? Was that a
17 month ago, a few months ago or perhaps longer ago?

18 A. What happened when?

19 Q. Mr Witness, I will just ask you, can you remember that
11:44:01 20 people came to you in Bonoya to ask you questions about what had
21 happened there?

22 A. No. Nobody asked me in Bonoya until when I came to
23 Freetown and I was questioned on Friday and today. What I told
24 you was the number of years that they went -- the number of years
11:44:40 25 they arrested us, that is what I gave. And beyond that I did not
26 give any other explanation.

27 Q. You are saying that you gave this information only on
28 Friday and this week, not earlier before that Friday? Before
29 last Friday?

1 A. No.

2 Q. You just told the Court that people were coming to you to
3 collect you. Can you remember saying that?

4 A. Yes.

11:45:38 5 Q. What do you mean with "to collect you"?

6 A. Those people working there for the Special Court they sent
7 some people. Two people went to Bonoya. Those are the people I
8 am referring to.

9 Q. How did you know that these two people were from the
11:46:14 10 Special Court?

11 A. I came to know that only after arriving in Freetown. It
12 was here in Freetown that I knew that they came from the Special
13 Court.

14 Q. Can you remember, Mr Witness, when that took place?

11:46:38 15 A. No.

16 Q. Can you remember giving those people in Bonoya a statement?
17 Can you remember giving them a statement in Bonoya?

18 A. Well, if you explain the words -- if you explain them, then
19 I will tell you if it's true that these are the things they said
11:47:30 20 to me when we went to Bonoya.

21 Q. Can you recall, Mr Witness, that you spoke with them at
22 that time in Bonoya about what happened to you?

23 A. Well, let him explain. Explain that. You are just saying
24 something you are not telling me what. How do you want me to
11:48:05 25 accept what you say.

26 JUDGE LUSSICK: I think he is asking you to put the
27 statement to him in his own way, Mr Knoops.

28 MR KNOOPS:

29 Q. Mr Witness --

1 A. Yes.

2 Q. -- did you tell these two individuals of the Special Court
3 in Bonoya that about four years ago at about 4.00 a.m. the
4 coalition of SLA soldiers and People's Army, RUF personnel,
11:48:45 5 invaded Bonoya and arrested five of them?

6 A. Yes, it's true.

7 Q. Do you remember saying at that time to the people of the
8 Special Court?

9 A. Yes.

11:49:14 10 Q. Can you remember in which language you spoke with these
11 people?

12 A. I spoke in Krio.

13 Q. Mr Witness, do you know what the word coalition means in
14 Krio?

11:50:14 15 A. Yes, what happened at that time?

16 Q. No, I am asking you. Can you say what the word in Krio is
17 for the word coalition?

18 A. Please allow me to drink. Now you can continue with your
19 words, your questions.

11:51:01 20 Q. You remember my last question, Mr Witness?

21 A. That is why I asked you to wait for me to drink and so that
22 I could give you the opportunity to re-start your questions.
23 Your question.

24 Q. Mr Witness, can you -- do you know what the word coalition
11:51:24 25 in Krio means?

26 PRESIDING JUDGE: The word is in English, Mr Knoops, so
27 there must have been a different word in Krio, or it would appear
28 to logically follow that it was a different word in Krio.

29 THE INTERPRETER: Your Honours, we do not have a word for

1 "coalition" in Madingo. We would have to describe it and explain
2 to the witness.

3 PRESIDING JUDGE: Just pause, Mr Interpreter. Just pause.
4 Mr Knoops, you have heard the interpreter what he said about
11:51:59 5 Madingo. Once I understand -- your line of questioning is to do
6 with the use of this word. Then I think an explanation in
7 Madingo is not what you are seeking, but if you wish to follow
8 the interpreter's suggestion, then please do so. If your line of
9 questioning is in a different way, then we cannot accede to the
11:52:29 10 request of the interpreter.

11 MR KNOOPS: I cannot give a description of the word
12 coalition.

13 JUDGE SEBUTINDE: Additionally, Mr Knoops, it seems to me
14 if this word does not exist in Madingo, I don't know if it exists
11:52:49 15 in Krio, but probably it does not, then to me logically it
16 suggests that coalition is not a word that this witness used. It
17 is an English word and coalition is not the word that the witness
18 used when making this statement. So whatever line of questioning
19 you are pursuing I think is a dead end. It is obvious and it is
11:53:12 20 clear, coalition was not a word this witness used. It is a word
21 of the interpreters that wrote this document.

22 MS TAYLOR: Your Honours, may I also add it is plain from
23 the face of this document, which is unsigned, is that it is
24 written in the third person.

11:53:29 25 MR KNOOPS: That is correct. I noticed that, yes. Your
26 Honours, if the Court pleases I will come back to this topic in
27 another context and I will move on.

28 PRESIDING JUDGE: Perhaps that would be appropriate if you
29 wish to take that line, Mr Knoops.

1 MR KNOOPS: Thank you.

2 PRESIDING JUDGE: Mr Interpreter, we do not want you to
3 interpret the word or try and explain the word coalition.
4 [Microphone not activated]

11:53:54 5 THE INTERPRETER: Thank you, Your Honours.

6 MR KNOOPS:

7 Q. Mr Witness you just told the Court that two people of the
8 Special Court came to you in Bonoya.

9 A. Yes.

11:54:14 10 Q. Were you the one who contacted the Prosecution or did they
11 come to you?

12 A. I don't even know them. They went to me. I don't know
13 them. I don't know them. How could I have sense to call them to
14 come to me. If you don't know somebody, how can you ask the
11:54:39 15 individual to come to you?

16 Q. You just testified that you were taken by them to Freetown;
17 is that correct?

18 PRESIDING JUDGE: Did he actually say he was taken by the
19 interviewers to Freetown?

11:55:00 20 MR KNOOPS: Collected, collected to Freetown.

21 PRESIDING JUDGE: What I have written is "those who to
22 collect asked us," but I don't know where they were collected to.
23 It could have been any variety of places, Mr Knoops. I think you
24 must take care with that question.

11:55:13 25 MR KNOOPS: Your Honours, I remember that the witness said
26 that he was brought. He went directly after to Freetown with
27 them.

28 PRESIDING JUDGE: Very well then, Mr Knoops. Please
29 proceed.

1 MR KNOOPS: Thank you, Your Honour.

2 Q. Mr Witness, is it correct that you were taken by these two
3 people from the Special Court to Freetown?

4 A. Yes.

11:55:47 5 Q. Was that directly after they came to you in Bonoya in terms
6 of hours, days, months?

7 A. No.

8 Q. You mean you don't know or --

9 A. I don't know when it happened. I can't recall when it
11:56:16 10 happened.

11 Q. Did these people of the Special Court first return to
12 Freetown without you and then came back to collect you? Or did
13 they stay with you there before you went to Freetown?

14 A. They came back and then they returned to collect us from
11:56:51 15 Bonoya.

16 Q. And who do you mean "With us"?

17 A. To say what? I can't understand your question.

18 Q. Mr Witness, you just said that, "they went back and came to
19 collect us"; is that correct?

11:57:54 20 A. I said they went back and then brought three of us to
21 Freetown. They brought us here.

22 Q. And Mr Witness, who were these three? I don't want to
23 mention -- let you mention names?

24 MR KNOOPS: But perhaps, Your Honours, in light of the
11:58:19 25 protective measures --

26 THE WITNESS: I don't know them.

27 MR KNOOPS:

28 Q. Were any family members of you brought to Freetown? Again
29 I don't want you to mention names.

1 A. I don't know.

2 Q. Mr Witness, why are you smiling now? I just ask you
3 whether --

4 A. I have just remembered something, that is why I am
11:58:57 5 laughing.

6 Q. Mr Witness, I just respectfully ask you to answer the
7 question with yes or no, whether any family members of you were
8 brought to Freetown by the members of the Special Court. And
9 again, I don't want you to names, just please answer the
11:59:38 10 questions with yes or no.

11 A. It did not happen that way.

12 Q. What did happen then if anything happened? Were family
13 members of you brought later to the Special Court after you went
14 there?

12:00:07 15 A. No.

16 Q. Are you sure about that?

17 A. Yes.

18 Q. Were members of your family interviewed by the Prosecution
19 of the Special Court?

12:00:45 20 MS TAYLOR: Your Honour, this line of questioning has gone
21 on for some time now and I do wonder what the relevance is.

22 THE WITNESS: I was not -- it was only either they asked
23 them. After they had questioned me I went back home.

24 MS TAYLOR: Your Honour, I do question the relevance of any
12:01:05 25 information as to whether this witness's family members happen to
26 be in Freetown or whether they were interviewed by the Prosecution.

27 PRESIDING JUDGE: Mr Knoops, there is an objection on the
28 grounds of relevance, what is your reply?

29 MR KNOOPS: Your Honour in that event, I would respectfully

1 ask you to turn off the microphone of the witness because if I am
2 going to explain this it is obvious the witness is aware about
3 the strategy of the line of questioning of the Defence case.

4 PRESIDING JUDGE: Is there someone with the witness?

12:01:53 5 WVS OFFICER: Yes, Your Honours.

6 PRESIDING JUDGE: Would you please take off the witness's
7 earphones and I will tell you when to put them back on again.

8 PRESIDING JUDGE: Your reply, Mr Knoops.

9 MR KNOOPS: Thank you, Your Honour. I'm grateful for that.
12:02:21 10 Your Honour, we would like the witness to establish whether the

11 witness is either a relative of Witnesses 156 or 158. In
12 addition to that, Your Honours, I would like to verify whether
13 the witness had any contact on the substance of his statement
14 with other persons i.e. family members. He just mentions, for

12:02:45 15 instance, his lawyer with whom he had contact with, and as Your
16 Honours may have noticed the Witnesses 156 and 158, which are
17 also on the list, have the same family names. I am also willing
18 to deal with that in closed session if that is the preference of
19 the Prosecution, but I do think that considering the way the

12:03:09 20 witness until so far has answered my questions, it may be of
21 relevance to verify if he had prior contact about his testimony
22 here in court or about his statement or whether he had learnt
23 from statements of other witnesses. And therefore it can be
24 important to determine whether his statement is indeed

12:03:38 25 authentic [sic], independent to any other statement given from
26 witnesses to members of the Special Court. That is my objective,
27 Your Honours.

28 PRESIDING JUDGE: Have a seat, Mr Knoops, we will consider this.

29 MR KNOOPS: Thank you.

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: Ms Taylor, you will note that counsel has
3 raised specific matters relating to Prosecution witnesses.

4 MS TAYLOR: Yes.

12:04:27 5 PRESIDING JUDGE: In light of his reply, is there anything
6 you can say that will assist the Court in making this decision?

7 MS TAYLOR: I am afraid I can't answer the question one way
8 or the other. I do know in relation to what my learned friend
9 said that the witness is illiterate and therefore could not have
12:04:42 10 looked at any other statements. Whether there is any
11 relationship I am not in a position to inform the Court. Given
12 the difficulty that the witness has had and the language
13 difficulties, if those questions are to be pursued I think it
14 could be done more effectively with the names being put in a
12:04:58 15 closed session than hedging around the issue.

16 PRESIDING JUDGE: Very well. We will consider the request.

17 MR KNOOPS: Your Honour, if I may assist the Court a little
18 bit more further. I am not sure if Your Honours already noticed
19 but the Defence is in a possession of the disclosed statements of
12:05:21 20 156 and 158 and the statements are all relating to the events in
21 Bonoya and given on the same day, 12th April 2003. They speak
22 about the same events and I think it's fair to assume that, and
23 that's also what the statements are going to.

24 PRESIDING JUDGE: Yes, thank you, Mr Knoops, I have just
12:05:57 25 looked at it. If you just wish to have a seat whilst we consider
26 the point.

27 MR KNOOPS: Thank you.

28 [Trial Chamber conferred]

29 PRESIDING JUDGE: The question is allowed. We consider

1 this a relevant question. If it's intended to put questions
2 concerning names etc., we will consider any application you have
3 to make.

4 MR KNOOPS: Thank you, Your Honour, I think I prefer in
12:08:59 5 order to protect the identity of the witness to put this subject,
6 this line of questioning in closed session. I apply therefore
7 for a closed session and I think in the line of questioning, my
8 preference is not to establish this application at the end of my
9 cross-examination but I would rather prefer to do it at this very
12:09:44 10 moment. Because it can affect the line of questioning of the
11 Defence which will be put to the witness afterwards.

12 PRESIDING JUDGE: Thank you, Mr Knoops. Now Ms Taylor, you
13 have heard counsel's application to continue this line of
14 cross-examination in closed session.

12:10:02 15 MS TAYLOR: I have no objection.

16 PRESIDING JUDGE: Thank you.

17 [Ruling]

18 PRESIDING JUDGE: In the light of the application to
19 protect the identity of the witness and the no objection by the
12:10:17 20 Prosecution, we will allow this line of questioning relating
21 purely to family membership etc, to be in closed session for the
22 protection of the identity and the security of this witness.

23 Mr Court Attendant, please proceed to in closed session.

24 PRESIDING JUDGE: If there is a court monitor, the court
12:11:07 25 monitor may remain.

26 MR WALKER: The Court is now in closed session.

27 [At this point in the proceedings, a portion of the
28 transcript, pages 48 to 60, was extracted and sealed under
29 separate cover, as the session was heard in camera.]

1 [Open session]

2 [AFRC25JUL05D-SGH]

3 [On resuming at 2.18 p.m.]

4 PRESIDING JUDGE: We have to welcome Mrs Knoops. Good
14:21:15 5 afternoon, Mrs Knoops. Good afternoon, counsel. We are now back
6 in public session; is that correct, Mr Court Attendant?

7 MR WALKER: It is correct, Your Honour, yes.

8 PRESIDING JUDGE: And is the witness ready?

9 MR WALKER: I believe so.

14:21:30 10 PRESIDING JUDGE: Thank you. Mr Knoops, please proceed on
11 with your cross-examination.

12 MR KNOOPS: Your Honour, before we move on, the Defence
13 would like to make an oral application to the Honourable Trial
14 Chamber which relates to two requests we would like to make to
14:21:56 15 the Chamber before we would like to continue. In this regard, I
16 would respectfully apply again to switch off the microphone of
17 the witness because what I will apply for could affect his
18 testimony in the event Your Honours would not grant my
19 application.

14:22:42 20 PRESIDING JUDGE: [Microphone not activated] Yes, we will
21 agree to that, but I will note in passing, this is not a
22 precedent. This is not going to be an automatic rule.

23 Could the member of the Witness Protection Unit who is with
24 the witness please remove the witness's earphones temporarily?
14:23:16 25 Thank you very much. Please proceed on, Mr Knoops.

26 MR KNOOPS: Thank you, Your Honour, I am much obliged.
27 Your Honours, in the light of the statement the witness gave this
28 morning, especially the events described during closed session,
29 the Defence respectfully requests your Chamber to give an order

1 not to continue with the statement, the evidence of Witness 157,
2 at the same time, excluding his evidence from this trial. We
3 will ask the same beforehand for Witness 158, which is, as we
4 believe, scheduled after hearing examination-in-chief of Witness
14:24:04 5 157.

6 I have two main arguments for my application, which I will
7 unfortunately not be able to file in writing, and therefore I ask
8 Your Honours to allow me to elaborate on my arguments in an oral
9 way.

14:24:30 10 I have two main arguments and I have, I believe, two
11 precedents which may assist the Court in order to --

12 PRESIDING JUDGE: Just pause, Mr Knoops.

13 [Trial Chamber confers]

14 Before you continue Mr Knoops, we have considered what you
14:31:10 15 are about to say. It appears to the Trial Chamber that the
16 relief you are seeking involves issues of both fact and law and
17 we, as a Bench, would wish to have both reasoned application and
18 response and time to consider. We therefore do not preclude the
19 application you wish to make, but we direct at this time that the
14:31:32 20 evidence continue and a formal motion and response be filed in
21 accordance with the Rules to make the application which you wish
22 to make orally.

23 MR KNOOPS: Thank you, Your Honour.

24 PRESIDING JUDGE: I will therefore ask that the witness
14:31:49 25 have his earphones back on, unless there is some other matter
26 which you need to draw my attention to prior to the witness
27 continuing?

28 MR KNOOPS: Your Honours, is your ruling --

29 PRESIDING JUDGE: You cannot make your application now.

1 You can make it later in the proper manner.

2 MR KNOOPS: Yes.

3 PRESIDING JUDGE: And the witness continues.

4 MR KNOOPS: Right. I understand the ruling is confined to
14:32:16 5 Witness 157.

6 PRESIDING JUDGE: It is, although I get an implication,
7 from what you are telling me, that when you make your formal
8 motion it will include 158.

9 MR KNOOPS: Yes.

14:32:39 10 PRESIDING JUDGE: Shall I --

11 MR KNOOPS: Yes, Your Honour. Will you allow me, Your
12 Honour, one minute to consult my colleagues? Thank you. Sorry
13 you can continue Your Honour. Thank you.

14 PRESIDING JUDGE: I am now addressing the booth with the
14:33:24 15 witness. Would the witness support member please assist in
16 putting the witness's earphones back on? Please proceed,
17 Mr Knoops.

18 MR KNOOPS: Thank you, Your Honour.

19 Q. Mr Witness, good afternoon.

14:33:46 20 A. How do you do?

21 Q. Mr Witness, we are again back in open session. It means
22 that I urge you not to mention the names of the two persons you,
23 before the break, mentioned during closed session. Do you
24 understand?

14:34:05 25 A. I do not even know their names.

26 Q. Mr Witness, you indicated that you were interviewed by
27 members of the Prosecution in Boroni -- Borono, sorry.

28 JUDGE SEBUTINDE: Bonoya.

29 MR KNOOPS: Sorry, Bonoya. Excuse me. Bonoya.

1 Q. At one occasion?

2 PRESIDING JUDGE: Ms Thompson, is your client all right?

3 MS THOMPSON: He is fine, Your Honour.

4 MR KNOOPS:

14:35:41 5 Q. Do you remember that you were interviewed another time at
6 the same place?

7 A. Yes.

8 Q. Approximately how much time after the first meeting with
9 the members of the Prosecution did that occur?

14:36:34 10 A. I didn't keep record of it so I cannot recall.

11 Q. Mr Witness, can you remember you went to Freetown with the
12 members of the Prosecution of the Special Court between the first
13 and the second time after [indiscernible]?

14 A. When we finished they came.

14:37:03 15 Q. Did you go to Freetown after your first meeting in Bonoya?

16 A. No.

17 Q. Do you remember that you earlier stated that you were
18 brought to Freetown by members of the Prosecution?

19 A. Yes.

14:37:48 20 Q. Was that after your first meeting with them when you were
21 taken to Bonoya? You earlier stated that you were assembling
22 wood and you were asked to come to them?

23 A. I didn't tell you I wanted to come to them.

24 JUDGE SEBUTINDE: Mr Knoops, I think the witness has
14:38:27 25 replied two questions before, that his coming to Freetown was not
26 after the first time. It was not after the first time. His
27 answer was no, it was not after the first time. So maybe you
28 could move on from there.

29 MR KNOOPS: Thank you, Your Honour.

1 Q. Mr Witness, do you remember how long - how much time you
2 spent in Freetown when you were brought there by members of the
3 Prosecution you told us of?

4 A. Yes.

14:39:09 5 Q. Can you tell us, please, how much time you spent in
6 Freetown?

7 A. Yes.

8 Q. Do you remember how much time it was?

9 A. This time that we came?

14:39:40 10 Q. Yes.

11 PRESIDING JUDGE: He has already answered that as well.

12 THE WITNESS: I said two weeks and three days.

13 PRESIDING JUDGE: Yes, he said that already, Mr Knoops.

14 How long, and I think if you are referring to a different time I
14:39:55 15 think he is confused.

16 MR KNOOPS: Your Honour, indeed. I recall the witness
17 saying that with respect to the last, before he came for his
18 testimony.

19 PRESIDING JUDGE: That is correct but he said to you, "This
14:40:11 20 time?", and you said, "Yes", so he gave you the same answer. If
21 there is a different time, put it to him.

22 MR KNOOPS: Yes.

23 Q. Mr Witness, please listen carefully. How many times were
24 you brought to Freetown in total after your first meeting in
14:40:34 25 Bonoya with the members of the Prosecution?

26 A. I came for holidays once to my relatives.

27 Q. You earlier stated that you went to Freetown with two other
28 people and members of the Prosecution. We will not mention those
29 people, as we agreed. Was that this year, or years ago that

1 particular trip I speak about is the trip you were brought with
2 two other people --

3 A. Which one are you talking about? Are you talking about
4 this one? You seem to confuse me, I do not seem to understand.

14:41:36 5 JUDGE SEBUTINDE: Mr Knoops, I remember this witness
6 stating -- you asked him this morning. He stated that when he
7 was coming to give his testimony, when he was picked to come and
8 give his testimony three of them were brought to Freetown, him
9 and two other people that he couldn't mention in open session.
14:42:00 10 Now when you asked him this question that you just asked, he is
11 probably thinking you are referring to that time, Unless you make
12 it clear that you are not, or you are referring to a different
13 time.

14 MR KNOOPS:

14:42:23 15 Q. Mr Witness, I am sorry for the confusion. I ask you once
16 again, and please tell me when you don't understand a question.
17 When you met for the first time --

18 A. I didn't understand. Repeat it.

19 Q. When you met the members of the Prosecution in Bonoya, was
14:42:56 20 that this year?

21 MS TAYLOR: Your Honours, I think that is simply
22 compounding the problem. He has given evidence that he has met
23 members of the Prosecution on a number of occasions. Unless my
24 learned friend can be specific with the question that he is
14:43:12 25 asking, I fear it is simply going to confuse the witness further.

26 MR KNOOPS:

27 Q. Mr Witness --

28 PRESIDING JUDGE: Mr Knoops, just a moment. What I
29 consider has not been established is whether he came to Freetown

1 at the behest of the Prosecution on more than one occasion: i.e.
2 on this trip, at the behest of the [indiscernible], he has given
3 evidence, which he has now repeated, that he came and stayed with
4 a relative. So that is a different trip. But what I have not
14:43:55 5 worked out yet was whether there was yet a third trip.

6 MR KNOOPS: Thank you, Your Honour.

7 Q. Mr Witness, how many trips did you make from Bonoya to
8 Freetown with members of the Prosecution?

9 A. I said this was my first time of coming. That is apart
14:44:38 10 from the holidays that I came here to spend. But to say for the
11 Prosecution, this is my first time.

12 Q. Was this, Mr Witness, the occasion you referred to that you
13 went with two other people to Freetown? Were you speaking about
14 the same occasion?

14:45:07 15 A. Yes.

16 Q. Thank you. Mr Witness, going back to your testimony you
17 testified on Friday that you recall that rebels and soldiers
18 entered Bonoya; is that correct?

19 A. Yes.

14:45:57 20 Q. Before that happened, did you ever see an SLA soldier?

21 A. They entered in the night. I did not know them. I only
22 knew them later.

23 Q. Mr Witness, did you ever see an SLA soldier before that
24 particular night?

14:46:26 25 PRESIDING JUDGE: Perhaps expand the initials SLA so he
26 fully understands what you mean.

27 MR KNOOPS: Yes.

28 Q. Did you ever see a soldier from the Sierra Leonean Army
29 before that particular night?

1 A. Yes.

2 Q. When was that?

3 A. Pay yourself.

4 Q. I didn't understand the answer.

14:47:08 5 PRESIDING JUDGE: I think he said pay yourself, which I
6 presume is a reference to another piece of evidence.

7 MR KNOOPS:

8 Q. What do you mean with "pay yourself"?

9 A. When they were looting -- when they were looting people's
14:47:35 10 property. When they were taking away people's property. That
11 was the time they said it was an Operation Pay Yourself.

12 Q. Are you now speaking about period after that particular
13 night when the rebels and soldiers came to Bonoya or a period
14 before?

14:48:13 15 A. Before that night.

16 Q. Did you hear about the Operation Pay Yourself or did you
17 see yourself SLA soldiers before that night?

18 A. I saw them myself.

19 Q. Could you please describe how the soldier from the Sierra
14:48:35 20 Leone Army looks? How is he dressed?

21 MS TAYLOR: Your Honour, is that on the particular occasion
22 he saw them or in general?

23 MR KNOOPS: It is on the particular occasion before the
24 night the witness described in Bonoya.

14:48:44 25 THE WITNESS: Yes.

26 MR KNOOPS:

27 Q. Could you please describe how a soldier from the Sierra
28 Leone Army looks like?

29 A. I saw them, but I didn't know who they were. But later I

1 knew that they were Sierra Leone soldiers. I did not know where
2 they were born. I did not know, but they were soldiers. They
3 were Sierra Leone soldiers. Yes, they were Sierra Leone
4 soldiers.

14:50:00 5 Q. Mr Witness, I am speaking now about a situation before the
6 night the rebels and soldiers came to Bonoya. Can you please
7 describe the soldiers from Sierra Leone Army you saw before that
8 night in Bonoya?

9 A. If I saw them -- you see you are speaking Guinean Madingo.
14:50:52 10 It is quite different from Sierra Leone Madingo. If you speak
11 yours I do not understand properly. But if I speak mine, you
12 will understand me. So you see, that's why you have to make it
13 clear.

14 Q. Mr -- Witness --

14:51:06 15 PRESIDING JUDGE: Mr Interpreter, is the witness saying
16 that you speak Guinean Madingo and that he understands Sierra
17 Leonean Madingo?

18 THE INTERPRETER: That is what he is saying.

19 THE WITNESS: Let's go ahead. I do understand. Sometimes
14:51:34 20 it gets confusing, that is why.

21 MS TAYLOR: Your Honours, I am sorry to interrupt your
22 deliberations. The interpreter just addressed a remark to Your
23 Honours and none of you had your headphones on.

24 PRESIDING JUDGE: Mr Interpreter, please repeat what you
14:51:52 25 said, we didn't hear it. I apologise.

26 THE WITNESS: Let us go ahead. I do understand some, but
27 sometimes it gets confusing for me. But I can cope. Let's go
28 ahead.

29 PRESIDING JUDGE: Just a moment, Mr Interpreter, please

1 wait.

2 Have counsel anything to say on this? This affects
3 counsel, of course, and the evidence as much as it affects the
4 Bench.

14:52:17 5 MS THOMPSON: Your Honour, if I -- if I -- I think perhaps
6 what we should have done, because for some of these languages
7 they do cross and go across the borders and perhaps what should
8 have happened, maybe from now on, is a few words to be said
9 between the witness and the interpreter to see if they understand
14:52:31 10 each other. Because their dialect problems - and this is not the
11 first time we have encountered it - I certainly have encountered
12 it with Krio which is what I understand. If there are problems,
13 no matter how minor, it may seem minor, but it may affect the
14 evidence later on. And I think I speak for all of the Defence
14:52:50 15 and perhaps maybe the Prosecution share this view, if there is a
16 problem now then it might be think [overlapping speakers]

17 PRESIDING JUDGE: We have to do something immediately.

18 MS THOMPSON: Yes. [Overlapping speakers] someone who can
19 actually understand [overlapping speakers]

14:52:59 20 PRESIDING JUDGE: The practicalities of later are later.
21 But what do I do right now? [Overlapping speakers] There are two
22 of you on your feet, who do I [overlapping speakers]

23 MS THOMPSON: I was just about to say, I would say
24 discontinue with this witness.

14:53:15 25 PRESIDING JUDGE: Do you wish to consult with your
26 colleagues to see if there is a consensus and whilst you are
27 doing so I will hear counsel for the Prosecution.

28 MS TAYLOR: Your Honour, I am aware that there that there
29 has been a problem with Madingo interpretation particularly. I

1 have had discussions with the head of the Translation Unit about
2 the problem. She has told me that she had made her best
3 endeavours to find a Madingo interpreter. She is currently in
4 The Hague so we are absent the head of the Translation Unit. I
14:53:47 5 do have grave concerns, given what has been an obvious difficulty
6 between the questioning and the interpretation that is coming
7 back from the witness. I have no immediate solution to a way to
8 solve the problems, but if the interpreter is saying that him and
9 the witness are speaking different dialects, that obviously is
14:54:11 10 going to pose a problem for the evidence for all parties
11 concerned. Unless that matter can be resolved, my submission
12 would be that we should find a witness who is not Madingo
13 speaking.

14 JUDGE LUSSICK: I was about to suggest the same thing that
14:54:30 15 this line of Madingo speaking witnesses --

16 THE INTERPRETER: Your Honours, there is --

17 JUDGE LUSSICK: Just a moment. Ought to be suspended until
18 this question is resolved and perhaps the Prosecution can look
19 for an alternative witness to call in the meantime.

14:54:47 20 MS TAYLOR: Your Honours, I note the time, it is ten to
21 three this afternoon. I think perhaps we can find another
22 witness this afternoon, who I believe is Krio-speaking, but I
23 will need to just make some inquiries. Alternatively, we can
24 start again at 9.15 a.m. tomorrow morning and I will ensure there
14:54:59 25 is a Krio-speaking witness.

26 PRESIDING JUDGE: We have not actually heard from the
27 Defence yet. Let me have it on the record the Defence's attitude
28 and then we will make the decision. Counsel.

29 MR KNOOPS: Your Honour, I am grateful. It will perhaps

1 not be surprising that the Defence objects against the
2 continuation of the explanation even the cross-examination of
3 this witness. And, as Your Honours may have noticed, we have
4 several other matters which are of fundamental value and which
14:55:37 5 pertains to the protection of the rights of the accused. Now, I
6 think the situation may emerge that we can no longer, with the
7 way the interpretations are being conducted, ensure the rights of
8 the accused. In addition to the other issues, we would like to
9 put before the Honourable Trial Chamber pertaining to this
14:56:02 10 witness it could be in a proper moment to suspend the
11 cross-examination while Defence is, at the same time, able to
12 file its submissions. So, consulting my colleagues today, have
13 also strong objections as to the continuation of the witness. We
14 also express our concerns with respect to what has proceeded
14:56:27 15 before the start of my cross-examination, namely the
16 evidence-in-chief which is given by this witness.

17 Therefore, until this matter is cleared, we would like to
18 ask the Court to have time to file our submissions before
19 re-starting or not re-starting with Witness 157.

14:56:49 20 PRESIDING JUDGE: It would appear, therefore, that you are
21 supporting Ms Taylor's observation.

22 MR KNOOPS: Yes, Your Honours, we support the submission of
23 the Prosecution in this regard.

24 PRESIDING JUDGE: Very well let us consult quickly.

14:56:58 25 [Trial Chamber Deliberated]

26 [Ruling]

27 In the light of what has transpired and in the light of
28 both Prosecution and Defence submissions, we unanimously decide
29 that we will suspend all Madingo-speaking witnesses until this

1 interpretation problem is resolved. This present witness will
2 need to be recalled because his cross-examination has not been
3 completed. And we will deal with the problem as to whether he
4 has to give evidence de novo in the light of any submissions or
15:01:10 5 remarks made by counsel at the relevant time. In the meantime, I
6 will give the witness the usual warning, but in slightly stronger
7 terms, in the light of the evidence, than I would normally give.
8 And I will consider him still to be under oath, Ms Thompson,
9 because he is under oath, the cross-examination is not finished
15:01:33 10 and will also ask -- I will deal with that first and then we
11 will come to the next witness.

12 Mr Witness, can you hear what I am saying? We have heard
13 what you have said and we hear the worry in your voice and we are
14 concerned about your interpretation. We are therefore going to
15:02:01 15 ask that another interpreter that speaks your dialect Madingo be
16 available to the Court.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE: That means that you will have to come
19 back to the Court at sometime in the future. We do not know
15:02:19 20 exactly when.

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: I want to give you a very strong warning.
23 You have taken the oath and promised to tell the truth.

24 THE WITNESS: Yes.

15:02:41 25 PRESIDING JUDGE: Between now and the time you come back
26 and finish your evidence in the Court, you are not to discuss
27 your evidence with any person.

28 THE WITNESS: Yes.

29 Q. And I am going to go further than that, I am going to say

1 you are not to discuss what has happened in court with other
2 people.

3 THE WITNESS: Okay. Okay.

4 PRESIDING JUDGE: That means people back home in the
15:03:12 5 village who want to know what it is like. You have to tell them
6 you have to wait until you are finished completely.

7 THE WITNESS: Okay.

8 PRESIDING JUDGE: Do you understand that?

9 THE WITNESS: Okay.

15:03:22 10 PRESIDING JUDGE: Thank you very much, Mr Witness, for the
11 time you have spent with us. And the Witness Support Unit will
12 be in touch with you.

13 THE WITNESS: Okay.

14 PRESIDING JUDGE: In the light of counsel's concerns, I
15:03:36 15 have added the extra rider that I would not normally add to a
16 witness.

17 Ms Taylor, perhaps we could adjourn briefly to allow you to
18 check the availability of your next witness.

19 MS TAYLOR: Yes, I might just say, Your Honour, that the
15:03:58 20 next witness we could have is not Madingo-speaking - the problem
21 being we are in the middle of the Bombali witnesses - Madingo
22 being a language common to Bombali - is, in fact, TF1-158. That
23 witness will give evidence in Krio. Now the ruling that Your
24 Honours' gave you limited to the current witness. I don't know
15:04:18 25 if Your Honours wish to say something about that or my learned
26 friends wish to make an application in relation to that. The
27 other witness or the witness that was next on the list to be
28 called in the order that has been advertised to my learned
29 friends is TF1-267. And that witness is Temne-speaking. I

1 understand that the Temne interpreters are just a little bit
2 harder to have on-call, as it were, than the Krio interpreters.
3 But I will ensure that the Temne interpreters are available for
4 tomorrow, but I believe that I will be in a position to call
15:04:43 5 Witness TF1-158.

6 PRESIDING JUDGE: There has been an indication from the
7 Defence that there is something to do with him or her, I don't
8 know if it is a him or a her. Just let me see what Mr Knoops has
9 to say.

15:05:05 10 MR KNOOPS: Your Honours, thank you. Your Honours, of
11 course we would not like to raise the impression that we are not
12 constructive in this trial, yet we have strong objections to
13 continuing right now with Witness 158. As Your Honours may have
14 noticed, we were about to file an oral application on several
15:05:34 15 fundamental issues which also may of influence on the
16 admissibility of the evidence Witness 158 may give. In the light
17 of that, we would respectfully submit or request to allow us
18 first to file our written application this afternoon regarding
19 157 and 158, and therefore not continue at this very moment with
15:06:07 20 158, but rather with 267. That is my suggestion.

21 [Trial Chamber conferred]

22 [Ruling]

23 PRESIDING JUDGE: This is a ruling on an objection to the
24 calling of Witness TF1-158. We consider that no good reason has
15:10:37 25 been given to refuse to hear Witness TF1-158. The witness has
26 not been called nor testified. That being the case, no objection
27 to the witness's evidence can be entertained and there cannot be
28 any objection to his evidence at this stage. The witness can be
29 called. How long will you take, Ms Taylor?

1 MS TAYLOR: If I can have ten minutes.

2 PRESIDING JUDGE: Thank you. We will adjourn for ten
3 minutes please, Mr Court Attendant.

4 [Break taken at 3.08 p.m.]

15:37:02 5 [On resuming at 3.30 p.m.]

6 PRESIDING JUDGE: Ms Taylor, we understand your witness is
7 still travelling, or on his way, or not available immediately, in
8 any event.

9 MS TAYLOR: Yes, I do apologise, Your Honour. It was our
15:37:02 10 understanding he was on stand-by, but it appears he is still at
11 his accommodation. I was told five minutes ago it was going to
12 take 15 minutes for that witness to come this afternoon.

13 PRESIDING JUDGE: There doesn't seem to be anything to be
14 gained by rushing him up here, and rushing him in here and then
15:37:03 15 rushing him out again at 4.00. Therefore, we'll adjourn the
16 matter until tomorrow.

17 However, before I do direct that the Court be adjourned,
18 the Bench wishes it to be put on record that this is the second
19 time that this Court has experienced problems with Mandingo
15:37:03 20 interpretation resulting in a loss of Court time and difficulties
21 for witnesses. On this occasion, the Prosecution, Defence and
22 the witness have complained about the poor interpretation. This
23 has caused great inconvenience and delay for the trial. It
24 appears two whole sitting days may have been thrown away. As has
15:37:03 25 already been noted, the present witness may have to give his
26 evidence over.

27 We do not want a repetition of this, and we direct the
28 Registrar to take this matter up with the relevant department and
29 rectify the situation as a matter of urgency.

1 We will adjourn the Court until tomorrow at 9.15. We note
2 that there will be a new witness.

3 [Whereupon the hearing adjourned at 3.34 p.m.,
4 to be reconvened on Tuesday, the 26th day of
15:38:02 5 July 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-157	3
EXAMINED BY MR WERNER	3
CROSS-EXAMINED BY MR KNOOPS	29