

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

WEDNESDAY, 27 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 Ms Wambui Ngunya Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Geert-Jan Alexander Knoops

1 [AFRC27JUL05A - CR]
2 [Wednesday, 27 July 2005]
3 [Accused Kamara and Kanu present]
4 [Accused Brima not present]
09:23:04 5 [Witness entered court]
6 [Open session]
7 [Upon resuming at 9.20 a.m.]
8 PRESIDING JUDGE: Good morning. I will remind the witness
9 of the oath. Unless there are any other matters. No.
09:25:39 10 Madam Witness, you will remember that yesterday you took
11 the oath and promised to tell the truth?
12 THE INTERPRETER: Your Honours, there is no response. We
13 don't know whether the witness hears what we are saying.
14 PRESIDING JUDGE: Mr Court Attendant, please go over and
09:26:09 15 check that the witness's earphones are working. Madam Witness,
16 can you hear me all right? Mr Interpreter, what did the witness
17 say, I didn't quite hear.
18 THE INTERPRETER: She says she hears what you are saying.
19 PRESIDING JUDGE: I will start again from the beginning.
09:26:53 20 Madam Witness, yesterday you took the oath and promised to tell
21 the truth; do you remember this?
22 THE WITNESS: Yes.
23 PRESIDING JUDGE: That promise is still binding on you
24 today and you must answer all questions truthfully; do you
09:27:08 25 understand?
26 THE WITNESS: Okay, but am fluent more in Temne, so,
27 please, be talking in Temne to me.
28 PRESIDING JUDGE: Mr Interpreter, what language are you
29 speaking to the witness in? We understood it was Temne?

1 THE INTERPRETER: Yes, it is Temne. She is saying that she
2 would like us to speak to her in Temne. It is just an emphasis,
3 Your Honour.

4 PRESIDING JUDGE: If she has any problem, I'm sure she will
09:27:47 5 convey it to us. We will proceed on.

6 Ms Ngunya, please proceed.

7 MS NGUNYA: Thank you. Good morning, Your Honours.

8 WITNESS: TF1-267 [Continued]
9 [The witness answered through interpretation]

09:27:57 10 EXAMINED BY MS NGUNYA: [Continued]

11 Q. Good morning, Madam Witness.

12 A. Good morning. How do you do?

13 Q. Fine, thank you. Just to remind you where we were
14 yesterday, you had just finished telling the Court that your
09:28:16 15 uncle went and found your brother's corpse; you remember?

16 A. Yes, that is what I said.

17 Q. Witness, I am now going to another question, okay.

18 A. Okay.

19 Q. Did anything happen to you at xxxx bush?

09:28:40 20 A. Something happened to me, but when they killed my brother,
21 that was the time that I was taken to that bush.

22 Q. Please tell the Court what happened to you.

23 A. Okay.

24 Q. Go ahead, please.

09:29:18 25 A. When the rebels run up to us where we were -- can I
26 continue?

27 Q. Please do.

28 A. When they run after us, all of us dispersed, everybody
29 dispersed where he wanted to go. We stayed there for the whole

1 of the day, until noon. That was the time that my brother said,
2 "Well, we haven't got anything to eat. There is nothing to eat."
3 And there is --

4 Q. Witness, we had finished this yesterday. We've already
09:30:04 5 told the Court about what happened to your brother. Please
6 listen to my question.

7 A. Okay.

8 Q. My question was: Did anything happen to you at xxx bush?

9 A. Yes, something happened to me. You know, I had problems
09:30:37 10 there.

11 Q. Witness, please tell the Court what problems you had.

12 A. When we went to xxx, my uncle took me to xx and he came
13 from xxx and came to check for my brother whether it was
14 possible for us to bury the corpse. He went there up to three
09:31:05 15 days. That is the time that these people said that he whosoever
16 wanted to bury this corpse, he also will be killed. And they
17 went and told our mother and said, "Well, I will not go to try to
18 bury the corpse because these people have said, the rebels have
19 said that they should not be buried, the corpse should not be
09:31:34 20 buried and that whosoever wanted to bury this corpse, that
21 individual will be killed," and because of that I would not be
22 able to go there because I had gone there three times. So that's
23 what I have come to tell you.

24 Q. Witness, who had gone to try to bury the corpse three
09:31:50 25 times?

26 A. Our uncle who was with us in the bush. Our uncle who was
27 in charge of us when we were in the bush.

28 Q. Witness, did anything happen to you after this incident?

29 A. Yes. The other time it rained so much and all the things

1 that we had were wet, so we took them and we tried to dry them in
2 the farm. Well, at that time, the place where we were staying,
3 they laid a farm there so that we could get something to survive
4 on, so we took most of our clothes and dried them in this
09:32:39 5 particular farm. We are sitting, watching these clothes,
6 including our uncle -- no, he had a hammock and he was lying down
7 on this hammock and he saw the rebels coming. They were stooping
8 and from time to time they would raise up their heads and they
9 saw my uncle laying on the hammock and they said, "Oh, these
09:33:14 10 rebels have come again. They're here." So all of us dispersed.
11 Q. Did you yourself see these rebels?
12 A. Yes. I myself, you know, saw them coming, and we run away.
13 Q. Witness, do you remember how these rebels were dressed?
14 A. Yes.
09:33:35 15 Q. Please tell the Court.
16 A. Yes. One had a cap, a soldier fatigue cap, and the other
17 one had trousers. Trousers and combat fatigue. And others had
18 big shoes that they wore.
19 Q. Witness, how many of them did you see?
09:34:07 20 A. I cannot tell the number. When we run away, they kicked me
21 and I fell down. During that time I was with my uncle when I was
22 running.
23 Q. Thank you, witness. Witness, you said they kicked you and
24 you fell down. Who kicked you and you fell down?
09:34:41 25 A. Yes. One of the rebels, and I went together with my uncle.
26 My uncle run past me and they followed him. The ones that I saw
27 were three. When they had kicked me and I had fallen down, and
28 he took all the things that I was wearing. He tore off my
29 knicker.

1 Q. Who tore off your knicker?

2 A. It was the rebel that tore off my knicker and he took his
3 penis and thrust it into my vagina and he started pounding me
4 like he was pounding mud and whenever I wanted to shake, he
09:35:39 5 squeezed me and he thrust his penis into my vagina and he did not
6 sex me as people do normally. He did it abnormally. He did it,
7 you know, to his satisfaction, and he stopped and the other one
8 came.

9 Q. Witness, what did this other one do?

09:36:04 10 A. He himself, the other one, he did the same thing as the
11 previous one.

12 Q. Witness, please explain what he did exactly.

13 A. Well, he came. He did the same thing. He thrust his penis
14 into my vagina. In fact, I tried to fight, I tried to resist,
09:36:26 15 but they forced me. They pinned me, my back, on the ground so I
16 couldn't resist any more. So he tried and satisfied himself, you
17 know. He satisfied himself. Well, you know, I resisted. I
18 didn't like that, but there was no way, and he left me, and the
19 third one came. He came. The third rebel came. When he came, I
09:36:57 20 thought that he was coming to kill me now. When I said that,
21 "Oh," myself. I said, "Well, they had killed my brother and they
22 were coming to kill me again." He took the gun and he said - he
23 said, "If you open your mouth, I will shoot you dead." I did not
24 shift at all, so I lay down. And he came again and took his
09:37:24 25 penis and thrust it into my vagina. I couldn't shake any more,
26 you know, I was feeling pain. It was so painful. In fact, I
27 thought that my vagina, it seems as though my vagina, they threw
28 some pepper into my vagina. I couldn't say anything because he
29 tried and he satisfied himself. And finally he released me.

1 When he came, he left. The fourth one came. Another rebel came
2 again. He was the fourth one. In fact, I wanted to resist this
3 time, so as to get up. But when I stooped, you know, somebody
4 pushed me right at my back, but there was a stick right in front
09:38:14 5 of me. I struck my head against the stick and I held on to it.
6 I said, "Oh, myself." That particular one, that last one, I
7 really struggled. He struggled, you know, in order to thrust his
8 penis into my vagina. There was practically no water in me. He
9 tried and tried. He struggled in order to thrust his penis into
09:38:42 10 my vagina and when he put it inside, when he tried to take it
11 out, it seems as though all my guts were coming out. He tried
12 and tried. He did his level best. And he finished to his
13 satisfaction. As well, I had nothing to do. I couldn't resist.
14 You know, I feared that he was going to kill me. When they left
09:39:04 15 me, I got up. I fell down. I tried to get up again; I couldn't.
16 You see, I was so weakened. I was so weakened.

17 Q. Witness, are you okay to continue?

18 A. Yes.

19 PRESIDING JUDGE: Madam Witness, are you all right? Would
09:39:33 20 one of the witness support --

21 THE WITNESS: No, let me try now.

22 PRESIDING JUDGE: Very well, if you want to try. If you
23 are not able, you must tell us.

24 THE WITNESS: Okay, let's continue.

09:40:05 25 PRESIDING JUDGE: Ms Ngunya, your witness wishes to
26 continue, so please do so.

27 MADAM SPEAKER: Your Honours, the witness wishes to
28 continue.

29 PRESIDING JUDGE: Yes, she has told us that. Thank you for

1 that assistance. Ms Ngunya, please continue.

2 MS NGUNYA: Thank you, Your Honour.

3 Q. Witness, did anything happen to any other member of your
4 family at this time?

09:40:48 5 A. Yes.

6 Q. Please tell the Court.

7 A. He held my hand and I got up, you know, where I was lying
8 down. When I got up, he took me where we came when we were
9 running. All of them gathered there. Well, all of them were

09:41:18 10 talking.

11 Q. Witness, who is "them" that had gathered there? Who
12 gathered?

13 A. Yes. The rebels, they gathered together.

14 Q. Witness, where did --

09:41:38 15 JUDGE SEBUTINDE: Counsel, I'm not sure who took her hand.
16 Did she say?

17 MS NGUNYA: I will clarify with the witness. Sorry, Your
18 Honour.

19 Q. Witness, you mentioned somebody took your hand. Who took
09:41:50 20 your hand?

21 A. One of the rebels held my hand and they took us where we
22 came from when we were running.

23 Q. Witness, what happened after they took you back where you
24 came from?

09:42:06 25 A. They asked me. They asked me. They said, "Where is the
26 town that is called xxx." Oh, I'm sorry, I forget. I'm
27 sorry. Excuse me. Then they said, "Who understands Krio here?"
28 I did not answer immediately. Then he shouted at me, "Am I not
29 speaking to you. Do you understand Krio?" Then I said, "Yes, I

1 understand Krio, sir." He said, "Where is the town called
2 xxxx?" I said, "It is to the a town." He said, "If it is a
3 town, please tell me, don't be afraid." I said, "It is not a
4 town. Look at the farms. This was the area where we are
09:42:59 5 supposed to lay our farms." Then he said, "Do you know me?" And
6 I said, "No, I do not know you." Then he said, "Well, I thought
7 it was a town." He said, "Well, what I'm going to tell you,
8 whosoever wants his life, should leave this place." He said,
9 "Where do you come from?" I said, "Well, I come from a place
09:43:23 10 that is called xxxx." He said, "You, with whom?" I said, "I
11 and my family." I said, "Well, when we run, I did not know where
12 they had gone." He said, "Whosoever wanted his or her life
13 should not stay here. Find somewhere else." I was with my
14 xxx. Well, little did I know that what happened to me also
09:43:48 15 happened to her. I did not know that they hurt her in the bush.
16 I did not know.
17 Q. Who is "her" who was in the bush?
18 A. Yes. My daughter, my daughter.
19 Q. Witness, what happened to your daughter?
09:44:13 20 A. She herself, when these people had gone, she came yelling
21 said, "Mother, they have finished me. They have done away with
22 me today." I said, "What happened? Did they wound you?" She
23 said, "Well, two rebels, they gang raped me." She said, "They
24 took my cloth and stuffed it into my mouth and they took their
09:44:40 25 penis and thrust it into my vagina. When the one finished, the
26 other one came again and did the same thing, took his penis and
27 thrust it into my vagina." She said, "They have finished me.
28 And during that time, blood was oozing from my vagina."
29 Q. Witness, did you see this blood oozing from her vagina?

1 A. Yes. Yes, I saw this blood oozing from her vagina. In
2 fact, this particular lady was a virgin.

3 Q. Witness, that is all. Thank you very much.

4 MS NGUNYA: Your Honours, that concludes my direct
09:45:22 5 examination.

6 PRESIDING JUDGE: Thank you, Ms Ngunya. Counsel for the
7 Defence?

8 CROSS-EXAMINED BY MR KNOOPS:

9 Q. Madam Witness, good morning. Can you recall in which year
09:45:48 10 events happened that you've just described?

11 A. Well, I can only remember the month that these people came
12 to us.

13 Q. Which month?

14 A. During the time when they were burning farms in our own -
09:46:25 15 in our countryside.

16 Q. Madam Witness, can you remember that you gave a statement
17 to the members of the Prosecution in April 2003?

18 A. Who are you talking about?

19 Q. Madam Witness, can you remember that you, in 2003, gave a
09:47:02 20 statement to the people of the Special Court?

21 A. Oh, yes.

22 Q. Can you remember that you told them about the events you
23 described today?

24 A. Yes.

09:47:31 25 Q. That statement you gave at the time, was that given to the
26 best of your knowledge?

27 A. Well, what I can remember, what I can recall, I said it's
28 the same thing that I've said here in Court.

29 Q. Madam Witness, in that statement, and I'll read a portion

1 from the statement.

2 MR KNOOPS: Your Honours, this is page 13891. It's about
3 the tenth sentence from above.

4 Q. Madam Witness, I respectfully ask you to listen to what I
09:48:44 5 read from your statement and I ask you to answer the question I
6 will put afterwards to you. "Witness and others in the bush were
7 chased on this day by a group of men armed with guns. Some, i.e.
8 these men, were dressed in ordinary cloth, others were dressed in
9 combat uniform which witness refers to as clothes usually worn by
09:49:27 10 soldiers. This incident happened in 1998, witness states, just
11 as the farms in xxx had been brushed and the farmers were
12 preparing to plant rice."

13 Madam Witness, can you recall making this statement to the
14 people of the Special Court at that time?

09:49:53 15 A. Yes, I said so, certainly.

16 Q. Is it correct that you also mentioned during that meeting
17 with the members of the Special Court the year 1998?

18 A. Yes, I said so, that is how it happened.

19 Q. At the time you gave this statement, Madam Witness, were
09:50:37 20 you certain about this date, 1998?

21 A. Certainly, that was the time that they entered.

22 Q. Madam Witness, the statement I just read out to you, that
23 portion, you speak about a group of men armed with guns. Can you
24 remember how many people the group was comprised of? How many of
09:51:25 25 them were there at that day they entered xxxxxx?

26 MS TAYLOR: Your Honours, the statement doesn't say that
27 the men entered xxxxxx. It says that the witness was hiding.

28 MR KNOOPS: Yes.

29 Q. Madam Witness, this statement reads, "Witness and others in

1 the bush were chased on this day by a group of men armed with
2 guns." Can you please tell the Court how many men you refer to
3 in this statement?

4 A. I will not be able to tell them the number, because if
09:52:14 5 somebody held a gun and starts running after you, you know, it
6 will be very difficult because he is behind you pursuing you. It
7 will be difficult to tell the exact number. You cannot stand and
8 try to identify the number of people. I would not be able to
9 tell.

09:52:31 10 Q. Thank you. Madam Witness, before this happened, did you
11 ever see a soldier from the Sierra Leone Army?

12 A. No.

13 Q. So you're not able to tell us how a soldier of the Sierra
14 Leone Army is dressed; is that correct?

09:53:11 15 A. As a matter of fact, I know how our soldiers dressed, but
16 to say that before this war I saw a soldier in our village, is
17 that what you are asking me about?

18 Q. Madam Witness, I asked you did you ever see a soldier of
19 the Sierra Leone Army before the incident you described incidents
09:53:41 20 in xxxxxx?

21 PRESIDING JUDGE: And the witness answered the question.

22 MR KNOOPS: Yes.

23 Q. The person you refer to, Madam Witness, you saw this one
24 person. How did you know that he was a soldier?

09:54:06 25 A. Well, I identified him through the cap that he was wearing.
26 I said he wore a cap that was a military fatigue and the other
27 one also wore trousers that was also a military fatigue. That
28 was how I knew.

29 Q. Had you ever seen a soldier in a full combat uniform

1 before?

2 A. Well, in our own village, I had never seen a soldier there
3 dressed in full combat uniform.

4 Q. And elsewhere outside your village?

09:54:58 5 A. Not at all.

6 Q. Madam Witness, do you know what a combat uniform is?

7 A. Yes, I know them.

8 Q. Can you please describe what, in your view, is a combat
9 uniform.

09:55:35 10 A. The uniform?

11 Q. Yes. Could you please describe such uniform.

12 A. Well, at times the cap, the cap, at times, is green. It
13 had black and it also had green. At times, he had black. At
14 times, he had green. That is the description of the cap.

09:56:25 15 Q. What about the rest of the uniform? Can you describe that
16 for us, please?

17 A. Yes. Well, these, they had plain civilian clothes, except
18 for the shoes. The shoes are -- the boots. They are very big
19 boots.

09:56:57 20 Q. Do you remember the colour of the boots?

21 A. They were black.

22 Q. Madam Witness, what do you mean with "civilian", the word
23 civilian you just used?

24 A. Yes, when you asked me about the things that they wore,
09:57:40 25 what I'm trying to say is that normally they dress just like we
26 dress. That is what I meant by civilian.

27 Q. Is that the way you saw them in **xxxxx** at the time you were
28 chased?

29 A. Those that went and met us at **xxxxxx** the very first time,

1 those were the ones that I knew and that I can describe well.

2 Those ones that I saw, those ones that disgraced me, those were
3 the ones that I understood properly.

4 Q. Madam Witness -- for Your Honours, it's page 13895 --
09:58:38 5 please listen carefully what I'm going to read from your
6 statement and please answer to my question afterwards. According
7 to the statement you gave earlier to members of the Special
8 Court, you said in 2003, "Some of these men were dressed in
9 ordinary cloth. Others were dressed in combat uniform which
09:59:05 10 witness refers to as cloth usually worn by soldiers." Can you
11 remember, Madam Witness, making this statement?

12 A. I said so. I said these words.

13 Q. Madam Witness, do you remember that you just said you never
14 saw a soldier from the Sierra Leone Army before the events in
09:59:45 15 ~~xxxx~~? Can you remember that?

16 A. I used to see them, but I told you at~~xxxxx~~ where we lived,
17 I did not see them there.

18 Q. Madam Witness, do you agree with me that you were not able
19 to say something about uniforms worn by soldiers which they
10:00:30 20 usually wore?

21 A. Not at all. I don't know them.

22 Q. Madam Witness, the rebels you described which came to ~~xxxx~~
23 and which persons chased you, were they all dressed in the same
24 manner as you've just described, namely, cap, civilian and boots?
10:01:34 25 These three elements?

26 A. Yes.

27 Q. Madam Witness --

28 THE INTERPRETER: Your Honours, the interpreter is still
29 interpreting. Would the attorney please wait a little bit. Your

1 Honours, would the attorney please give time to the interpreter
2 so as to interpret to the witness.

3 PRESIDING JUDGE: Mr Interpreter, has the witness finished
4 speaking? I cannot hear her clearly and have you started
10:02:30 5 interpreting yet, as I have not heard you at all.

6 THE INTERPRETER: Your Honours, the Temne interpreter was
7 in the middle of interpreting to the witness when the learned
8 attorney interrupted. So that is why I said, would he please
9 wait for us to do the interpretation before he continues asking
10:02:46 10 the question.

11 PRESIDING JUDGE: As I understand, the witness has finished
12 speaking and we have not heard you. That is what I'm trying to
13 clarify to you.

14 THE INTERPRETER: This is why, we did not understand what
10:02:56 15 the witness was saying, given the attorney --

16 PRESIDING JUDGE: I will ask the witness to repeat her
17 answers. Madam Witness, we did not hear all of your answer.
18 Would you please repeat your answer again.

19 THE WITNESS: Which one? Which question?

10:03:14 20 PRESIDING JUDGE: I will ask the lawyer to ask the question
21 again. Please put the question again.

22 THE WITNESS: Okay.

23 MR KNOOPS: Thank you, Your Honour.

24 Q. Madam Witness, I just asked you, the rebels who chased you
10:03:31 25 in xxxx, were they all dressed with these three items you
26 described: Hat, boots and civilian clothes?

27 MS NGUNYA: Your Honour, I would ask learned counsel to
28 clarify whether he means --

29 THE WITNESS: Yes --

1 MS NGUNYA: -- before she was embarrassed, as she says, or
2 a previous chasing, because it's not clear. She has been chased
3 three times. Which time is counsel talking about?

4 MR KNOOPS: I'm referring to the chase of the witness on
10:04:17 5 the first day which is mentioned in her statement in the fourth
6 sentence from above, the passage which I read out to the witness.
7 I believe I am still at that part of the cross-examination.

8 PRESIDING JUDGE: Ms Ngunya, does that answer your
9 objection?

10:04:47 10 MS NGUNYA: The objection is that the question can be put
11 in a clearer fashion.

12 PRESIDING JUDGE: You haven't actually specified that the
13 dress you have referred to was when she was being chased or at
14 what point in the evidence. Would you be more specific?

10:05:05 15 MR KNOOPS: Yes.

16 Q. Madam Witness, the first time you were chased by the
17 rebels, you said you were chased by a group of men armed with
18 guns. Do you remember that?

19 A. That was what I said.

10:05:38 20 Q. Is it correct that the rebels of that group were dressed in
21 the same way with hats, boots and the civilian clothing you
22 mentioned before? Is that correct?

23 A. That was how it happened.

24 Q. Thank you. Madam Witness, did you yourself mention the
10:06:12 25 words "combat uniform"?

26 PRESIDING JUDGE: To who, Mr Knoops?

27 MR KNOOPS: In her statement, that means to the people who
28 were --

29 THE WITNESS: What?

1 MR KNOOPS:

2 Q. Madam Witness, can you recall giving the interview in 2003
3 to the members of the Special Court?

4 PRESIDING JUDGE: She's answered that question, Mr Knoops.

10:06:50 5 MR KNOOPS:

6 Q. Madam Witness, can you remember that you mentioned that the
7 rebels were dressed in combat uniforms? Can you remember that?

8 A. I did not say that. I said the cap, the trousers and the
9 boots; those are the ones that I saw. Those ones, I can tell you
10:07:20 10 certainly that I saw them. That is to say that all of them wore
11 combat uniform, no, that is not so. Those, the other ones, wore
12 things that we -- plain cloths that we wear. The others wore
13 combat cap and the others wore boots. That is what I said and it
14 is the same thing that I said here.

10:07:46 15 Q. Madam Witness, can you remember how long you stayed in
16 xxxx -- sorry, how long the rebels stayed in xxxx?

17 A. Well, they spent a year, a whole year in xxxxx.

18 Q. It is correct that you were hiding --

19 JUDGE SEBUTINDE: Mr Knoops, was that how long did she
10:08:22 20 spend in xxxx or how long did the rebels spend in xxxx?

21 MR KNOOPS: Yes, I corrected my question, the rebels. I
22 can repeat it, Your Honour.

23 Q. Madam Witness, the year you mentioned, you are speaking
24 about the rebels who stayed for a year in xxxx; is that correct?

10:08:52 25 A. Well, when they met us where we were hiding they said that
26 we should not stay at xxxx, at the place where we were hiding,
27 that we were to leave the place. When I had left the place, it
28 took some time. I did not go to that part.

29 Q. Within that year, how many times did you see them, the

1 rebels, I mean?

2 MS TAYLOR: I think that question needs to have a
3 geographic place put next to it. The evidence of the witness is
4 that she did not go back to xxxx for some time.

10:09:30 5 MR KNOOPS: No, I agree.

6 Q. Madam Witness, is it correct that period you refer to,
7 during that year the rebels stayed in xxx and you were hiding
8 in the bush; is that correct?

9 A. It was not in the bush. When they said we are to leave our
10:10:01 10 own place where we are hiding, so we crossed to Port Loko
11 District, at Port Loko. The river, the river was between us, so
12 we crossed over. So they were over the river and we are also on
13 the other side of the river.

14 Q. Did you see these rebels in that period you speak about?

10:10:32 15 MS TAYLOR: Again, Your Honours, I rise. I think that
16 should be did she see them in Port Loko or did she see them at
17 the river. It's a very broad question, as it is.

18 MR KNOOPS: I refer to the period of a year; she refers to
19 the rebels remained in xxx. My question is: Did she see the
10:10:50 20 rebels in that year that she referred to that the rebels remained
21 in xxxx? And the geographical position, in my humble
22 submission, is not relevant.

23 PRESIDING JUDGE: Are you saying at any time during this
24 whole one year did she see them?

10:11:11 25 MR KNOOPS: Correct, Your Honour, no location. So did she
26 see in that year? She states that the rebels stayed for a year
27 in xxxxxx. My question is: Did she see the rebels in that year,
28 no matter where, in Port Loko.

29 JUDGE LUSSICK: How would she know the rebels she saw were

1 the ones from xxxxx if she did not see them in xxxxx?

2 THE WITNESS: Is the question for me?

3 MR KNOOPS:

4 Q. Madam Witness, did you see rebels?

10:11:42 5 A. Yes.

6 Q. During that year you just spoke about, the year the rebels
7 stayed in xxxx, did you see --

8 A. When I left where we were staying in our own home, God made
9 me see not any of them any more.

10:12:10 10 Q. Did you see them afterwards, after that year that you speak
11 about?

12 A. I did not see them at all.

13 Q. Madam Witness, I ask you again for your attention for a
14 portion of your statement.

10:12:47 15 A. Okay.

16 Q. Page 13893, with a small part on page 13894. Madam
17 Witness, please listen carefully to me.

18 A. Yes.

19 Q. I will respectfully ask you to answer one of my questions
10:13:07 20 afterwards.

21 A. Okay.

22 Q. "Witness states their homes in xxxx were invaded by these
23 rebels, some of whom had chased them. They stayed in xxxx for
24 sometime. Witness states whilst hiding in the bush she used to
10:13:29 25 hear them shooting every now and then. She said the gunshots
26 came from these rebels because they were the only ones with guns
27 in the area. Witness calls them rebels because they attacked the
28 area. She states they wore other ordinary clothes and some wore
29 combat uniforms. The attire usually worn by soldiers."

1 Madam Witness, can you recall making this statement --
2 giving this statement in 2003 to members of the Special Court?
3 A. Certainly, yes, because the life that drinks water must
4 make mistakes. Well, I know they may not have said things on my
10:14:49 5 behalf. What I said is the truth. What I want to say is that
6 perhaps I must have made a mistake and whosoever drinks water is
7 liable to make mistakes.
8 Q. Madam Witness, what do you mean with "mistake"? Do you
9 mean a mistake in this statement?
10:15:20 10 A. I am talking about the shooting that you talked about.
11 Q. Is that a mistake? Didn't you hear the shooting?
12 A. Well, I heard the shooting; I heard the shooting,
13 definitely.
14 Q. Could you know at that time that the shooting was from the
10:15:44 15 rebels?
16 A. Well, we were in the bush and we heard the shooting, and we
17 did not know whether they were the ones or they were not the
18 ones.
19 Q. Madam Witness, again, I ask you, did you in this part of
10:16:05 20 your statement use the words "combat uniform"?
21 A. I thought so, because I saw the cap, and I saw the trousers
22 and I saw the boots.
23 Q. Madam --
24 A. Okay.
10:16:36 25 Q. Madam Witness, one final question for you. In the last
26 part of your testimony, you gave evidence about your daughter.
27 Do you remember that?
28 A. Yes, I can recall, certainly.
29 Q. Can you recall whether your daughter told you who these

1 people were who violated her?

2 A. She told me that. She said it was two people; they were
3 the ones who raped her. They said that they took the cloth that
4 she tied around her waist. They took it and stuffed it in her
10:17:33 5 mouth so she could not say anything, so she could not shout when
6 they were gang raping her. During that time, when she was
7 explaining to me, these people had already gone away. And that
8 was the time that elderly people and looked at her; they checked
9 at her. They thought that in fact she would have everlasting
10:17:51 10 pain. They said since she was a virgin, they said it was that
11 wound that was there. That was the time that they started to
12 cure it.

13 Q. Madam Witness, can you remember whether your daughter was
14 able to describe how these people were dressed?

10:18:11 15 A. Yes.

16 Q. What did she tell you about that?

17 A. Not at all. She did not tell me that this was the way they
18 dressed -- this was the way they dressed or this was their
19 appearance. She only said that they were two. The ones that
10:18:43 20 gang raped her, they were two.

21 Q. So, Madam Witness, she was not able to tell you how they
22 were dressed; is that correct?

23 JUDGE LUSSICK: That's what she just said, Mr Knoops.

24 THE WITNESS: No.

10:18:59 25 MR KNOOPS: Your Honours, page 13895, last sentence.

26 Q. Madam Witness, I again read one sentence from your
27 statement you gave in 2003 to the members of the Special Court
28 and respectfully ask you to listen to this portion and I'll ask
29 you a question afterwards. In 2003 you have informed the -- or

1 at least it was stated from your mouth the following sentence:
2 "A few hours later witness daughter reported to her that she had
3 been raped by the same group of men who had chased them in the
4 bush."

10:19:57 5 Madam Witness, can you remember giving that statement in
6 2003?

7 A. I said so. My daughter came and told me that, certainly.

8 Q. Madam Witness, you just informed us that your daughter was
9 not able to describe these two people who violated her. How did
10:20:29 10 she know that these were from the same group?

11 JUDGE SEBUTINDE: Mr Knoops, she simply said that her
12 daughter did not describe the manner of dress. That's what she
13 said in evidence. So fashion your question accordingly.

14 MR KNOOPS: Thank you, Your Honour.

10:20:47 15 Q. Madam Witness, you just testified that your daughter was
16 not able to describe the fashion of the two individuals who
17 violated her. Did she tell you how she was able to say to you
18 that these people were from the same group?

19 A. Certainly, yes, that is what I said, they were the rebels.
10:21:16 20 Because they are the only ones that met us there that particular
21 day.

22 Q. Madam Witness, was your daughter present when you were
23 raped?

24 A. She was not there, because in the bush, the order was made
10:21:42 25 to disperse. In fact, where they gang raped me, she did not have
26 the guts to go there. That is what I told you earlier on.

27 Q. Thank you, Madam Witness for your testimony and for
28 answering my questions. I am very grateful for that.

29 MR KNOOPS: Thank you, Your Honours, for my

1 cross-examination.

2 CROSS-EXAMINED BY MR GRAHAM:

3 Q. Good morning, Madam Witness.

4 A. Good morning, how do you do?

10:22:22 5 Q. Fine. Madam Witness, it was your earlier testimony this
6 morning that members of the Special Court came to talk to you
7 sometime in 2003; is that right?

8 A. Yes, certainly, that is what I said.

9 Q. Thank you. Madam Witness, do you recall meeting members of
10:22:51 10 the Special Court again after your first meeting in 2003?

11 A. Which ones are you talking about? I do not understand.

12 Q. My question was that you just admitted that you met members
13 of the Special Court sometime in 2003?

14 A. Yes.

10:23:32 15 Q. And I'm asking, did you meet them again after your first
16 meeting in 2003?

17 A. Well, except this time that I came, we did not meet
18 anywhere else. Is that not what you are asking about?

19 Q. Yes, that is what I'm asking about. So, Madam Witness,
10:24:14 20 what language was used in communicating with you during your
21 first meeting with the members of the Special Court in 2003?

22 A. It is this very thing that I am speaking, that is the one I
23 spoke.

24 Q. Did they communicate with you through an interpreter?

10:24:50 25 A. Yes.

26 Q. At the time, did you observe them writing down what you
27 were telling them?

28 A. Yes, I saw them writing. I saw them writing, because I did
29 not know. I did not know what they were writing since I am not

1 literate.

2 Q. Did they read what they were writing to you after your
3 conversation with them?

4 A. Yes.

10:25:43 5 Q. And you, at the time, agreed that what they had read to you
6 was exactly what you had told them in your conversation?

7 A. Well, I did not understand. I did not understand what they
8 wrote, but they asked me, they told me what I was saying was what
9 they wrote. So they said, "When we finish writing what you are
10:26:21 10 saying, we will read it back to you." I did not know.

11 Q. I'm asking that did they read it back to you?

12 PRESIDING JUDGE: You've asked that question, Mr Graham.
13 The witness has answered that question.

14 MR GRAHAM: Your Honour, to the best of my recollection, I
10:26:47 15 thought I heard the witness say indeed they did take down what
16 she was saying, but I did not get any response from her in
17 respect of the question as to whether they read the statement
18 back to her.

19 PRESIDING JUDGE: I had an earlier question, did they read
10:26:58 20 what they wrote to you and the question was yes. Perhaps we can
21 check the official record.

22 THE WITNESS: Yes.

23 MR GRAHAM:

24 Q. And what they read to you, was it an accurate reflection of
10:27:26 25 what you had told them at the time?

26 A. Yes.

27 Q. Witness, were you given any promises by the members of the
28 Special Court that you spoke to in return for what you told them?

29 A. Yes.

1 Q. What promises were given to you in return for what you told
2 them?

3 A. Well, they did not promise to give me anything, but now,
4 you see, I am with them and they give me what to eat and I also
10:28:34 5 cry to them, you know, for the people I left behind, because
6 where I left them, you see, they have problems, but they gave me
7 something that I would give to them so as to feed themselves. So
8 that was all.

9 Q. Were you given this money to eat during the time of your
10:28:58 10 first meeting with the members of the Special Court?

11 JUDGE SEBUTINDE: Mr Graham, I don't understand, what money
12 to eat?

13 MR GRAHAM: Your Honour, I tried to find out from the
14 witness whether she was given any promises in return for her
10:29:17 15 testimony. To the best of my recollection, she said she cried to
16 them and I think said they gave her some money to eat.

17 PRESIDING JUDGE: But she didn't mention the word money.
18 Money was not mentioned.

19 MR GRAHAM: Okay, Your Honour, thank you.

10:29:30 20 THE WITNESS: Not at all.

21 MR GRAHAM:

22 Q. Madam Witness, can you tell how did the members of the
23 Special Court respond to your request to them to support, as you
24 said, your eating and also your family?

10:29:47 25 A. They said, well, they would try to cater for that. They
26 said, well, they would try to give me something which I could
27 send to them so as to get something to feed themselves.

28 Q. Did they give you anything?

29 A. Yes, they gave something to me, something minimal.

1 Q. Can you tell this Court how much you were given?

2 A. I cannot tell the amount.

3 Q. Madam Witness, how often were you given this amount by the
4 members of the Special Court?

10:31:06 5 A. Two. Two times.

6 Q. Madam Witness, when was this? Was this during the time
7 they met you, or was this during the first time that you met
8 them?

9 A. It is during this time that I came.

10:32:15 10 Q. Madam Witness, finally, have you -- apart from the amount
11 that you said were given to you by the members of the Special
12 Court, have you received any form of support apart from that?

13 A. No, I have not yet got any help from them.

14 MR GRAHAM: Thank you, Your Honours, I have no further
10:32:53 15 questions for this witness. Thank you. Thank you, Madam
16 Witness.

17 THE WITNESS: Welcome.

18 PRESIDING JUDGE: Mr Daniels, will you have questions for
19 the witness? As I note the time. If you have questions, it may
10:33:07 20 be more practical to start them after the break.

21 MR DANIELS: Very well, Your Honour.

22 PRESIDING JUDGE: Mr Court Attendant, we will take a 15
23 minute break now and resume after. Please adjourn the Court.

24 [Break taken at 10.28 a.m.]

10:52:09 25 [On resuming at 10.50 a.m.]

26 CROSS-EXAMINED BY MR DANIELS:

27 Q. Good morning, Madam Witness.

28 A. Good morning. How do you do?

29 Q. Madam Witness, could you tell us what time was the rape

1 that took place? What time of day was it? Was it in the day or
2 the evening?

3 A. It was during the day.

4 Q. When you say "day", do you mean morning or mid-day? What
10:55:58 5 time?

6 A. It was around 2.00 o'clock.

7 Q. Do I take it to mean 2.00 o'clock in the afternoon?

8 A. Yes.

9 Q. Madam Witness, you have already told us that you remember
10:56:28 10 giving the statement to the Prosecution. Do you remember?

11 A. Well, if you can tell me, read it out, if it is so, then I
12 will answer that that was so.

13 Q. [Inaudible]

14 A. Welcome.

10:57:02 15 MR DANIELS: Your Honours, I wish to refer to 13896, the
16 very last line. I would like to read to you the very last line.

17 Q. "Witness states her rape incident occurred in the morning."
18 I think there is a typographical error there. It says, "in the
19 morning house."

10:57:42 20 A. I did not say so. I said that we got wet. We got wet and
21 we took our clothes and we put them out so as to dry and that was
22 the time that these people went and met us. They met us during
23 the -- in the afternoon.

24 Q. You said you did not say so. What didn't you say?

10:57:59 25 A. That is when you said in the morning. In the morning, it
26 was -- the first time it was in the morning, but during the time
27 when I was raped, it was in the afternoon.

28 Q. It was in the afternoon. Madam Witness, at the time you
29 were raped, how many children did you have?

1 A. I have seven children.

2 Q. So I take it you have had no children since the date you
3 were raped?

4 A. Not at all. They made me to be afraid of men. In fact, I
10:59:07 5 cannot even think about having sex with a man.

6 Q. Madam Witness, you told us that at the time your
7 daughter --

8 A. Yes.

9 Q. -- was also raped, she was a virgin. Do you remember?

10:59:25 10 A. Yes. How did you know that?

11 PRESIDING JUDGE: How did you know what? There are two
12 facts in that question.

13 MR DANIELS: That she was a virgin.

14 THE WITNESS: The first thing was that she was not yet
10:59:49 15 married. In fact, she was not that full-grown.

16 MR DANIELS:

17 Q. It is your testimony that she was raped by two men?

18 A. That is what she told me.

19 Q. Did she ever get pregnant?

11:00:24 20 PRESIDING JUDGE: That's a very vague question, Mr Daniels?

21 THE WITNESS: Yes, she has given birth.

22 PRESIDING JUDGE: [Microphone not activated] as a result of
23 the incident?

24 MR DANIELS: I am coming to that.

11:00:41 25 Q. Did she give birth as a result of the incident?

26 A. Not at all. Not at all. Not at all. That is not how it
27 happened. Should I explain?

28 Q. Please do.

29 A. When this had happened, when this had happened to us, well,

1 for sometime, you know, whenever a man spoke to her, she would
2 even insult him. In fact, she did not marry quickly during that
3 time. So if I should tell you that she was impregnated having
4 been raped, that's not true.

11:01:18 5 Q. How many children does she have now?

6 A. She's got one child. She's now pregnant again.

7 Q. Thank you.

8 A. Welcome.

9 Q. Madam Witness, you will recall that one of my colleagues
11:01:50 10 read to you your statement where it was said that you had been
11 raped by the same group of men who chased them in the bush.

12 MR DANIELS: This is at 13895, Your Honours.

13 Q. Now when you said the same group of men, was it the same
14 men that raped you? Was it the same men that also raped your
11:02:17 15 daughter? Do you know?

16 JUDGE SEBUTINDE: Mr Daniels, you have misquoted what the
17 statement says.

18 THE WITNESS: Oh --

19 JUDGE SEBUTINDE: Witness wait. The statement says that
11:02:31 20 the daughter said that the same men who raped mother had raped
21 the daughter, but you've twisted it around.

22 MR DANIELS: I was reading, respectfully. I will read the
23 very last line of page 13895. With your permission, I will read.
24 It says, "A few hours later, witness daughter reported to her
11:02:59 25 that she had been raped by the same group of men who had chased
26 them into the bush." Very well, then I stand corrected.

27 THE WITNESS: She did not say so.

28 MR DANIELS:

29 Q. Madam Witness, what is the state of your health at the

1 moment?

2 A. I'm not well in health. In fact, I have problems with my
3 vagina. It happens to me occasionally. In fact, the people --
4 they say that in fact I have a wound and it has still not healed
11:03:55 5 up.

6 Q. Has the Special Court promised to assist you seek medical
7 attention?

8 A. Yes. They are trying to do that.

9 Q. Have you started to receive any medical attention?

11:04:15 10 A. Yes, they have.

11 MR DANIELS: That will be all. Thank you very much.

12 THE WITNESS: Welcome.

13 PRESIDING JUDGE: Ms Ngunya, is there any re-examination of
14 the witness?

11:04:34 15 MS NGUNYA: No, Your Honour.

16 PRESIDING JUDGE: Madam Witness, that is the end of your
17 evidence here today. We thank you for coming to the Court to
18 give your evidence. You are now at liberty to leave. Please sit
19 where you are for a moment. Mr Court Attendant, if you could
11:05:00 20 assist the witness, please.

21 THE WITNESS: Well, I --

22 PRESIDING JUDGE: I'm sorry, Madam Witness, is there
23 something you want to say to us?

24 THE WITNESS: I just want to bless you people a little. I,
11:05:39 25 on my own part, I plead with these people who are trying to help
26 us. Because of having helped us, we say thanks to you and we
27 pray that such a war will not happen in this country any more.
28 So we thank you very much and we pray that God will help you so
29 as to make sure that this thing comes to an end. That's all that

1 I have to tell you people.

2 PRESIDING JUDGE: Madam Witness, thank you very much for
3 your prayers. We appreciate them.

4 THE WITNESS: Welcome.

11:06:22 5 [The witness withdrew]

6 PRESIDING JUDGE: Ms Taylor.

7 MS TAYLOR: The next witness is TF1-179. This witness will
8 give evidence in Krio. The witness is a Muslim. The witness
9 will be led in evidence by Ms Alagendra.

11:07:26 10 WITNESS: TF1-179 [Sworn]

11 [Witness answered through interpreter]

12 EXAMINED BY MS ALAGENDRA:

13 Q. Good morning, Mr Witness.

14 A. Good morning.

11:10:08 15 Q. Witness, I have a few questions to ask you this morning.

16 A. Yes.

17 Q. Witness, how old are you?

18 A. Well, I am xxxx years.

19 Q. Do you remember the month and the year that you were born?

11:10:29 20 A. Well, yes.

21 Q. Would you tell the Court, please?

22 A. I was born in xx, xxxx.

23 Q. Witness, where were you born?

24 A. Well, I was born in xxxxxxx.

11:11:02 25 Q. Witness, are you able to spell xxxxxx for the Court?

26 A. Well, yes.

27 Q. Would you please spell it?

28 A. xxxxxx.

29 Q. Witness, in which district isxxxxxxx?

1 A. It is in xxxxx District.

2 Q. Witness, what is the level of your education?

3 A. Well, I stopped at standard six.

4 Q. Witness, where were you living in the year 1992?

11:11:59 5 A. I was in xxxxxx.

6 Q. Witness, can you spell xxxxx for the Court?

7 A. No.

8 MS ALAGENDRA: Your Honour, I believe it is spelt xxxxx.

9 Q. Witness, in the year 1992, did you move to live in another

11:12:33 10 place?

11 A. Yes.

12 Q. Where did you move to, Witness?

13 A. Well, I went back to my home town, xxxxxx.

14 Q. When you returned to xxxxxx, can you describe to the Court

11:12:55 15 what the situation was like at that time in xxxxx?

16 A. Well, when I returned to xxxxxx, the situation at that

17 time was normal by then.

18 Q. Witness, when you returned to xxxx in 1992, for how long

19 did you continue to stay in xxxxx?

11:13:30 20 A. Well, I was in xxxxxx from 1992 up to 1998.

21 Q. Where did you go to in 1998.

22 A. Well, within that 1998 when the war broke out, I was in the

23 bush for complete two months with my family.

24 Q. Witness, why did you go to the bush from xxxxx in 1998?

11:14:17 25 A. Well, during that time they said the junta had entered

26 xxxxx, so at that time we had heard of them, so we run and hid

27 in the bush.

28 Q. Witness, when you ran to hide in the bush, did you go by

29 yourself alone?

1 A. No. I went with my family, my brother-in-law and others.
2 Q. Witness, your family that you went to the bush with, can
3 you tell the Court what was their relationship with you?
4 A. Well, I went with my father, my wife, my sisters, and my
11:15:12 5 brother-in-law, my uncle.
6 Q. Witness, at that time, did you have any children?
7 A. Yes.
8 Q. When you went to the bush, witness, where were your
9 children?
11:15:28 10 A. Well, they were with me in the bush.
11 Q. How many of your children went with you in the bush?
12 A. Well, they were five in number.
13 Q. Witness, while you were hiding in the bush with your family,
14 did you hear anything about what was happening in your village,
11:16:02 15 xxxxx at that time?
16 A. Yes.
17 Q. What did you hear, Witness?
18 A. Well, during that time, while we were in the bush, we heard
19 gun sounds in the town. They were there from their entry at
11:16:31 20 night 'til the other day.
21 Q. Witness, did you return to xxxxx at any time?
22 A. Yes.
23 Q. When did you return to xxxxxx?
24 A. Well, they were there for two days, so I, my mind, I
11:17:03 25 decided to go and look to see if they'd not burnt my house. When
26 we heard that they had passed through Kenema village, so we had
27 the opportunity to go to town.
28 Q. Witness, when you returned to xxxxx at that time, what
29 did you see?

1 A. Because I was not able to walk all over the place, but I
2 find my house being burnt down.

3 Q. Did you know if at that time any civilians had been
4 attacked in xxxxxx?

11:17:57 5 A. Well, during that time, yes, we went with some civilians
6 who went to look for food. That was the mango season. We did
7 not take food with us in the bush, so they went to town to look
8 for food, so they went after they have left that place, they were
9 coming to town. One boy came running, who was - I've forgotten
11:18:36 10 his name now. He came running. He said they were coming, so we,
11 too, ran away. When they came, they entered the town. Some of
12 them were among in the town where they killed one man, one woman
13 there. They killed one woman and shot at one man.

14 Q. Witness, when you say they killed one woman and shot
11:19:09 15 another, who was "they"?

16 A. Well, they killed xxxxx. They shot at xxxxx at her
17 foot.

18 Q. Witness, can you repeat the first name for the Court who
19 was killed, the name of the first woman you mentioned who was
11:19:33 20 killed?

21 A. They killed xxxxxx.

22 MS ALAGENDRA: Your Honours, I believe it is spelt N-M-A.
23 The second word is xxxxxx.

24 Q. Witness, can you repeat the name of the second person you
11:20:06 25 said was shot?

26 JUDGE LUSSICK: I think he said shot at.

27 MS ALAGENDRA: Shot at. Sorry, Your Honour.

28 THE WITNESS: Yes, xxxxx.

29 MS ALAGENDRA: Your Honours, I believe it is spelt

1 I-B-A-R-I.

2 Q. Witness, do you know who killed xxxxxx and who shot
3 at xxxxx?

4 A. Well, no.

11:20:43 5 Q. Did you see xxxxxx being killed?

6 A. I went and met her corpse.

7 Q. Witness, you told the Court that when you were in xxxx,
8 someone came and told you that people were coming back to the
9 village; is that correct?

11:21:16 10 A. Yes.

11 Q. Who did he say was coming back to the village?

12 A. The group who were just mixed up; the rebels, the juntas,
13 they were together.

14 Q. Witness, what did you do after you were told that these
11:21:42 15 people were returning back to the village?

16 A. Well, we ran away and returned to the bush.

17 Q. When you returned to the bush, Witness, how long did you
18 remain in the bush?

19 A. So, when I returned to the bush, so I decided to let my
11:22:17 20 brother-in-law take the family and the children up from the bush,
21 so that I and my elder son will remain in the bush and he took
22 the children towards Makeni.

23 Q. Witness, when your brother-in-law took the children towards
24 Makeni, who did you remain in the bush with? Can you tell the
11:22:50 25 Court the relationship you have with those people?

26 A. Well, one, my father. Two, my two sons; my children.
27 Three, my uncle. Four, my grandmother. My uncle's xxxxx -
28 son, xxxxx, with me.

29 Q. Witness, for how long did you and these family members you

1 have called out remain in the bush?

2 A. Well, for almost two months.

3 Q. What did you all do after the two months?

4 A. When we experienced that there was no way to get food, so I
11:24:13 5 decided and said, "Let me leave with his family. Let me abandon
6 here with these people.

7 Q. Did you leave with your family, Witness?

8 A. Yes.

9 Q. Where did you go?

11:24:42 10 A. To Makeni.

11 Q. Did you all arrive in Makeni?

12 A. No. Because the first group that went to my brother-in-law
13 to go to Makeni, so --

14 THE INTERPRETER: My Honours, let the witness repeat his
11:25:09 15 answer.

16 PRESIDING JUDGE: Just pause, please, for a moment,
17 Mr Witness. The interpreter needs you to repeat what you have
18 said so that he can interpret it. Please repeat it slowly.
19 Thank you.

11:25:30 20 THE WITNESS: So when my brother-in-law had gone with my
21 wife, my children and my uncle's children, all of them -- am I to
22 continue?

23 PRESIDING JUDGE: Yes, please.

24 THE WITNESS: So he came to collect us. When he came, when
11:25:57 25 he came to collect us, so we moved. When we moved, we made our
26 battle on the 10th May to go to Makeni.

27 MS ALAGENDRA:

28 Q. Witness, when you say 10th May, can you tell the Court what
29 year?

1 A. In 1998.

2 Q. Thank you, Witness.

3 A. All right, thank you. So while going -- but the Pa was not
4 able to walk.

11:26:55 5 Q. Witness, how old was your father at that time?

6 A. He gave that to me, I cannot tell.

7 Q. Please proceed, Witness.

8 A. Okay. So because the Pa was not able to walk, I carried
9 him on my bike, on the bike. So I, my uncle, I told him to go
11:27:28 10 before. The children, the one held the cow's rope, the other one
11 held the rope of the cow behind. So my brother-in-law, he held
12 the sheep. We said, "Well, we should take them to Makeni. If we
13 sell this animal we will get money to get food." It was
14 during -- after -- we had our water side in the stream. They

11:28:05 15 call it ~~xxxx~~. As soon as we crossed there, the son said to us,
16 "We are not able to sit down." They all laid down on the road,
17 by the roadside. Where my uncle and my grandmother were before,
18 they sat somewhere waiting for us, because the bicycle had to be
19 pushed by the road path. So I was coming little by little until
11:28:40 20 we met them where they sat. So, as we have said that we should
21 move, my brother-in-law was before and I was behind him. The boy
22 held the cow's rope near them. I followed. The other child
23 followed me. Our grandmother remained behind. While being
24 behind, as soon as we begged the curve to come to the village, we
11:29:19 25 saw men stood up together and they halted us with guns.

26 Q. Witness, can you tell the Court, who were these men who
27 grabbed you?

28 PRESIDING JUDGE: I thought he said halted us. Did he say
29 "grabbed"?

1 JUDGE LUSSICK: No.

2 MS ALAGENDRA: I apologise, Your Honour. If I may repeat
3 the question to the witness.

4 PRESIDING JUDGE: Yes, please do so.

11:29:50 5 MS ALAGENDRA:

6 Q. Witness, you told the Court some men came and halted you.
7 Who were these men, Witness?

8 A. Well, they were the juntas.

9 Q. Witness, how many of them were there?

11:30:10 10 A. Well the one -- those that I saw were seven in number.
11 They were well armed.

12 Q. Do you remember how they were dressed, the seven men?

13 A. They all wore combat uniform.

14 Q. Witness, these seven men, do you know if they belonged to
11:30:30 15 any group?

16 MR KNOOPS: I object. This witness didn't speak before
17 about a group or any groups. So this is a leading question.

18 PRESIDING JUDGE: That is correct, Ms Alagendra. He did
19 not mention a group. He did use a different word, though.

11:31:03 20 MS ALAGENDRA: Your Honour, I will proceed with the next
21 question, Your Honour.

22 Q. Witness, can you tell the Court what happened after these
23 men halted you?

24 A. Well, when these men halted us, so they said I held -- my
11:31:27 25 father and the bike, they said I should drop it -- them. I
26 refused. I said, "Don't let me drop them. Allow me to drop them
27 carefully." The other one said, "You think we are joking?" So
28 he hit me on my back. The other one hit me on my wrist bone. So
29 I managed to pick the Pa and place him at the roadside. The man

1 took the bicycle and they flung it. During that time, I took our
2 uncle and placed him by my father. So my brother-in-law, again,
3 he place him near my uncle. They placed me the other side. The
4 man laid me on the ground. I said, "I'm going to be -- if we're
11:32:26 5 going to be finished." One of the men said, "No, you should
6 wait." I lay down there. When one of the commanders said, "Get
7 up," so I got up and sat. So they too -- they scattered all our
8 belongings. After having scattered all our belongings, they said
9 if we have money, they began by shouting us. I had given my
11:32:56 10 brother-in-law \$10, so this money, my brother-in-law said that he
11 was going to change it, but when this problem had happened, there
12 was --

13 THE INTERPRETER: My Lord, let the witness --

14 PRESIDING JUDGE: Mr Witness, you're going a bit too fast
11:33:22 15 for the interpreter. So if you could speak a little more slowly
16 and allow the interpreter to interpret as you go along.
17 Mr Interpreter, do we need the witness to repeat part of his
18 answer?

19 THE INTERPRETER: Yes, Your Honours, the last bit.

11:33:43 20 PRESIDING JUDGE: What part? When you say, "The last bit,"
21 which words?

22 THE INTERPRETER: The dollar. Where he talked about the
23 dollar.

24 PRESIDING JUDGE: Mr Witness, could you please repeat what
11:33:57 25 you said, starting when you said you had given your
26 brother-in-law \$10. Please start again from that point.

27 THE WITNESS: Okay. During that time, I had given him, the
28 money, to change it for me, but he did not change it. So when
29 they took the money from our pocket, all right, they said, "You

1 said you have no money." So, one among them said -- went and
2 asked the old man, said, "Where is the money?" The old man said,
3 "I have no money. I am an old man." Then the other man said,
4 "Leave them to go." Among the seven men, one of them said this.
11:34:54 5 He said, "Leave them to go." The other man stopped only held us,
6 he held me with the bicycle. He said, "No, I wouldn't release
7 them. I'm going to amputate their hands." So, the first man, he
8 struck the old man's hand. The other man stood behind me and he
9 pressed me down. He said, "What are you trying to do? Do you
11:35:27 10 want to run or do you want to fight?" I said, "No, I don't want
11 to do anything, all right." So he cut my uncle's hand off. He
12 went to my brother-in-law and he cut his hand too, off. Then
13 they pushed my two children aside and they said they were not
14 going to do them anything, that they will go with them. They
11:35:56 15 came to me and they struck my hand and the flesh hung. I managed
16 with this situation. After that, they went back to the old man,
17 but he was unable to get up. When he was lying there, they
18 started hacking him, the same man, they mutilated him. So
19 later --

11:36:23 20 MS ALAGENDRA:

21 Q. Witness.

22 A. Yes.

23 Q. You told the Court that your hand was chopped. Which hand
24 did they chop, witness?

11:36:32 25 A. Well, it was my right hand that they chopped off.

26 MS ALAGENDRA: Your Honour, if I may request that the Court
27 record reflect that the witness's right arm has been amputated.

28 PRESIDING JUDGE: Yes, that will be recorded.

29 MS ALAGENDRA: Thank you, Your Honour.

1 Q. Witness, you said that after your arm was amputated, one
2 amongst the seven men went and chopped chopped the old man. Who
3 is the old man you are talking about, Mr Witness?

4 A. My father. After that they went back where my uncle's
11:37:28 5 child was and God was able to save him, because he went and hid
6 adjacent to my own mother, but they were unable to see them. It
7 was the same man that went and killed that old woman. He said
8 these were the old people that used to talk a lot. After they
9 have done all this, they said that we should come to Tejan Kabbah
11:37:54 10 so that he will give us hands. That aside, let us go to the
11 ECOMOG and convey the message that they were on their way coming
12 to Makeni.

13 Q. Who said that, witness, to tell ECOMOG that they were on
14 their way to Makeni?

11:38:10 15 A. The seven men that halted us. One amongst them gave us
16 this message.

17 Q. Witness, at that time did anything happen to your sons?

18 A. Well, when they said they were going with them, when they
19 went, they went with them, because they tied their clothes
11:38:39 20 together. They went with them where they were based. During
21 that time we have been injured already. We did not see them any
22 longer. We got up. We managed. As we crossed the river, it was
23 where my brother-in-law fell. He said he was tired. I said,
24 "Oh, shall we all die here? I wouldn't leave you here. If we
11:39:07 25 are to die, let all of us die here." Then he said, "No, don't
26 die here." He said, "If all of us were to do die here, there is
27 nobody to take care of these other people. Their elder brothers
28 have been captured. So since you have strength, go to the
29 village, xxxxx, so that you convey the message that they

1 should come and help me." If they come and help me, I, during
2 that time, I accepted. I said it was true. I moved, but as I
3 was going, I could not see clearly, because the sun had risen up.
4 It was around 10.00 in the morning. So I was just walking in the
11:40:07 5 bush until when I was helped by God. I met a cow's road and I
6 followed that road until I came to a place known as xxxx.
7 During that time I met nobody there, only the goats and sheep
8 that we found that were there. I walked. I went. I met one of
9 my sister's sibling child. The child said, "My mother is in the
11:40:49 10 bush. What can I do. There is nowhere, except I go there."
11 Then I told the child that, "If you are to go, go and deliver
12 this message to the people of xxxx that my brother-in-law is
13 lying by the riverside. He is tired. Tell them that they should
14 go there and rescue this man and come with him in town here."
11:41:12 15 God helped. I managed. I walked. I went to a town called
16 Medina. There again -- there I was given water. I told them,
17 "Are you sitting here with your families? Leave this place.
18 These guys are around." I passed, still, with my hand. And in
19 Medina, I met one of my brother's child. Then the child said,
11:41:52 20 "Uncle, I wouldn't leave you like that. I will go with you. If
21 anything happen with you along the road, I will know." I
22 continued going towards Makeni. I walked and walked and walked.
23 I arrived in one town called xxxxxx. When I arrived there
24 around 5.30, there was no way again. The dispenser wasn't there.
11:42:28 25 When I went to the hospital, I was told that the dispenser was
26 not there. He went xxxxxx to make sure whether as to the
27 information he got was correct that these men had entered
28 xxxxxx.
29 Q. Witness, can you tell the Court at this time where was your

1 uncle whose hand was also amputated at the same time yours was?

2 A. Well, all of us sat by the side of the road. All of us sat
3 there. All of our hands were amputated together, but he could
4 not bear the pain. So as we were going, when we were called
11:43:19 5 behind, when we were called from the rear to give us the message
6 that we should convey to Tejan Kabbah so as to give us hands,
7 during that time he got - went behind the house and went under a
8 big tree. He sat there and died.

9 Q. Witness, you told the Court that the seven men took your
11:43:47 10 sons with them. Have you seen your sons since then?

11 A. No. I did not see them again, because when I had arrived
12 at the hospital, I was in the hospital. I was there. Well, a
13 man that was captured that was able to escape from them, he said,
14 "Your children that were taken along have been killed by them."
11:44:13 15 It was during that time that I almost went off my mind, because I
16 observed that I had only one hand. I had no money where I needed
17 somebody that would have catered for me. That was the time I was
18 about to go insane, but I was helped by the mothers from Makeni.
19 They took us to the government hospital in Makeni. They took us
11:44:38 20 from the government hospital in Makeni and took us on their own
21 mission. They called the Muslims and the Christians together to
22 preach us give us strength and courage. They understand.

23 PRESIDING JUDGE: Ms Alagendra, there are a few spellings
24 that we don't have. This might be an appropriate time to give
11:45:00 25 them to us.

26 MS ALAGENDRA: Your Honour, one of the places mentioned by
27 the witness was **xxxxx**, which I believe is spelt
28 **xxxx**.

29 THE WITNESS: **xxxxxxx**, yes.

1 MS ALAGENDRA: Your Honour, the second place that the
2 witness mentioned was **xxxxx**, which is spelt **xxxxx**. The
3 witness mentioned Makeni, Your Honour, which is spelt
4 M-A-K-E-N-I.

11:46:06 5 Q. Witness, did anything happen to your grandmother who was
6 with you in the bush?

7 A. Yes, she was killed.

8 Q. How do you know she was killed?

9 A. Well, my other sibling, when he ran, he came and told me in
11:46:17 10 the hospital.

11 Q. What did he tell you?

12 A. He said they had killed their grandmother.

13 Q. Did he say who had killed your grandmother?

14 A. Well, the seven men who captured us, it was one amongst
11:46:43 15 them who had killed my grandmother.

16 Q. Thank you, Witness.

17 MS ALAGENDRA: Your Honour, I have no further questions.

18 PRESIDING JUDGE: Thank you, Ms Alagendra. Counsel for the
19 Defence. Mr Knoops, do you have questions for the witness?

11:46:58 20 CROSS-EXAMINED BY MR KNOOPS:

21 Q. Mr Witness, good morning.

22 A. Good morning.

23 Q. Witness, do you remember that you in 2003 you gave a
24 statement to members of the Special Court?

11:47:19 25 A. Yes.

26 Q. And according to your remembrance, did you give that
27 statement to the best of your knowledge; is that correct?

28 A. Yes.

29 Q. Mr Witness, is it fair to say that at the time that you

1 gave that statement your memory was quite fresh?

2 A. Well, at that time - well, actually, I will be able to tell
3 you that I was able to recall some. I was confused, sorry.

4 Q. As you look back on your statement now, do you think any
11:48:14 5 mistakes were made in that statement.

6 MS TAYLOR: Your Honour, I don't know that the witness can
7 answer that question in the abstract.

8 PRESIDING JUDGE: You will have to put specifics to the
9 witness.

11:48:24 10 THE WITNESS: Well, you know -- see, I can't tell.

11 MR KNOOPS: Thank you.

12 Q. Mr Witness, I'm going to read several portions of your
13 statement which you gave at that time and respectfully ask you to
14 listen carefully to them and afterwards, I will come back with
11:48:43 15 the question. First of all, I'm going to read from your
16 statement. Do you understand?

17 A. Yes.

18 MR KNOOPS: Your Honours, I quote from the statement of the
19 witness, page 13877, the fifth sentence from below starting with
11:49:08 20 the word, "Reaching."

21 Q. Mr Witness, I'm now going to read from your statement from
22 what you had said at that time in 2003. Please listen:
23 "Reaching at a point between Mabenji village and the road leading
24 to Mamaka village, I saw some armed men materialise from the low
11:49:41 25 grass near the road and ordered us to stop. At that time I was
26 carrying my old father on [redacted] bicycle as he could not
27 walk.

28 MS TAYLOR: Your Honour, I would just caution my learned
29 friend not to mention the names of the family members if he

1 proposes to read any further.

2 MR KNOOPS: I will, thank you.

3 Q. Mr Witness, can you remember giving this statement?

4 A. Yes.

11:50:33 5 Q. Do you agree that this statement was correct?

6 A. Yes.

7 Q. I will read the second portion of your statement at 13878,
8 starting from the first sentence. Please listen carefully,

9 Mr Witness, to what you told the members of the Special Court at
11:51:06 10 that time and I'll come back to you with the first portion and
11 ask you the same question relating to the two portions. "One of
12 the rebels said he was going to kill all of us but another one
13 told him to abandon the idea as they have dispossessed us of all
14 our belongings prior to this. One of the rebels told me to just
11:51:34 15 drop off my old father from the bicycle, but I refused, and let
16 him go gently. As soon as I did see the stubborn rebel struck my
17 father on his right arm with a machete he had. My father fell to
18 the ground. I made a move to confront this rebel, but friends
19 restrained me. There were about seven of the rebels who
11:52:09 20 confronted us. I believe they had split themselves into small
21 groups and scattered all over the area."

22 Mr Witness, can you remember giving this statement at that
23 time in 2003?

24 A. Yes.

11:52:31 25 Q. You agree that this statement is actually what you said?

26 A. Yes.

27 Q. Mr Witness, do you agree that the word "junta" is not
28 mentioned in either of the two portions?

29 A. Well --

1 Q. Please answer the question with yes or no.
2 A. Repeat.
3 Q. You want me to repeat both portions again?
4 JUDGE LUSSICK: I think he means the last question, do you
11:53:19 5 agree that the word "junta" is not --
6 MR KNOOPS: Yes.
7 Q. Mr Witness, do you agree with me that the word "junta" is
8 not in either of the two portions I just read out? Do you agree
9 with that?
11:53:52 10 A. This question that you asked, I still do not understand.
11 Q. Mr Witness, you just testified on questions of the
12 Prosecution that on this particular occasion referred to in your
13 statement that the group was mixed, "the rebels and the junta
14 together, and speaking about the events which kept you there, you
11:54:28 15 said they were the juntas, they were well-armed and they wore
16 combat uniforms". Can you recall giving that statement a few
17 minutes ago?
18 A. Yes.
19 Q. Mr Witness, do you agree that these words you today told us
11:55:02 20 of are not in your statement in the portions I just read out to
21 you? Do you agree?
22 A. No.
23 Q. You do not agree?
24 A. That what I said here is not in my statement, I do not
11:55:14 25 agree.
26 Q. So you're saying that you mentioned these words "junta,
27 mixed group and junta," and they were the juntas, that you
28 mentioned them to the Prosecution; is that what you are saying,
29 Mr Witness?

1 A. Because, yes. What I -- why I said they were junta,
2 because they were in full combat. Even the time that wherever
3 that we went, wherever we met, wherever we went and where they
4 met us and when they said that if we moved, they would kill us,
11:56:16 5 they were all in combat. I did not know whether they were mixed
6 with the rebels or with other people, I do not know.

7 Q. So you are now saying that you don't know whether they were
8 mixed; is that correct?

9 A. Yes, to my part, it is correct.

11:56:39 10 Q. Mr Witness, why did you say in your evidence just given to
11 the questions of the Prosecution, why did you mention them the
12 words "they were mixed, rebels and junta together" if you are now
13 saying it is not correct? Why did you say that then before?

14 A. Because I don't know the difference.

11:57:12 15 Q. Mr Witness, I put it to you that the word "junta" was only
16 heard by you after your first statement you gave to the members
17 of the Prosecution; is that correct?

18 A. It is only now that I am hearing that word?

19 Q. When was it, Mr Witness, that you heard the word "junta"
11:57:51 20 for the first time? When was it?

21 A. Well, at the time that we were in the hospital.

22 Q. You mean the hospital you talked about just a few minutes
23 ago during your testimony?

24 A. Yes, where I was taken care of at xxxxxx.

11:58:34 25 Q. Mr Witness, who told you there about the word "junta"?

26 A. Well, those whom they captured and escaped. These were the
27 ones that came and told me.

28 Q. Mr Witness, is it correct that you spoke with the people
29 you just referred to about your statement given to the members of

1 the Prosecution in 2003; is that correct?

2 MS ALAGENDRA: Your Honour, if I may object to that
3 question. I ask that my learned friend clarify which people that
4 the witness spoke to about his statement.

11:59:21 5 MR KNOOPS: The people in the hospital he just referred to.

6 MS ALAGENDRA: Your Honour, the witness has been testifying
7 about an incident in the hospital in 1998. This is a statement
8 of 2003.

9 JUDGE LUSSICK: I must say, perhaps if you could rephrase
11:59:39 10 that, Mr Knoops. I had trouble understanding the question
11 myself.

12 MR KNOOPS:

13 Q. Mr Witness, go back slowly to your statement.

14 A. Yes.

11:59:52 15 Q. When was it that you heard the word "junta" for the first
16 time?

17 A. It was from 1996.

18 Q. Where did you hear the word "junta"? When was it? Where,
19 exactly?

12:00:23 20 A. Well, now, like, what you told me, junta, I almost heard
21 about it when I was in my home town, xxxxxxx, with my companions,
22 because those that are in the big towns, they were familiar with
23 it.

24 Q. Mr Witness, in 1996, you were in xxxxx; is that correct?

12:01:09 25 A. Yes.

26 Q. Did you know, Mr Witness, whether the war at that time had
27 already started?

28 A. Yes. The war -- during the time when I was at Loma, that
29 was the time that the war started in 1991. At that time I was at

1 xxxxx.

2 Q. Mr Witness, what were you told by the people in the
3 hospital you refer to in that time about the "junta".

4 MS TAYLOR: Your Honour, I object to that. I think the
12:01:53 5 witness has said that he was told about the junta in hospital in
6 1998, which is a different time to being in xxxxx in 1996.

7 MR KNOOPS:

8 Q. Mr Witness, what was told to you in 1998 about the junta?

9 A. Well, what they told me about the junta in 1998, they said
12:02:18 10 they were the soldiers.

11 Q. Did you, Mr Witness, at that time, ever see the soldier
12 from the Sierra Leone Army?

13 A. Yes.

14 Q. When was that?

12:03:04 15 A. I don't understand.

16 Q. When did you see, for the first time in your life, a
17 soldier from the Sierra Leone Army?

18 A. That's who came from that? Well, that is to come from the
19 army. I don't understand this question. You should repeat that.

12:03:41 20 Q. Mr Witness, did you ever see a soldier from the Sierra
21 Leone Army? Yes or no?

22 A. Yes.

23 Q. Can you please describe how a soldier from the Sierra Leone
24 Army looks? How is he dressed or she?

12:04:03 25 A. Okay. Sierra Leone soldiers, they have their combat. They
26 have their boots. You see, initially, they had guns, now they do
27 not have guns. Now, if you see them with guns, it means they are
28 on duty. That's how I know them. They dress in full combat,
29 full uniform.

1 Q. Can you please describe what full uniform is? You said
2 combat.

3 A. Well, when you are talking about full uniform, you start
4 from the boot, the trousers, up to the clothes that they wear and
12:04:54 5 up to the cap, and even the badge. They have them.

6 Q. What colour is the badge, Mr Witness?

7 A. Well, that question, yes, I will answer it because -- but,
8 I know that the colour of the uniform, I cannot describe
9 because -- because I don't know the difference in colour that I
12:05:36 10 will be able to tell here.

11 Q. What do you mean? You cannot recognise colours? Is that
12 what you are saying?

13 A. Yes. But if they bring the colours before me, I will be
14 able to identify. They have mixed colour. The uniform is mix
12:06:05 15 coloured.

16 Q. Mr Witness, do you know what a military fatigue is?

17 A. No.

18 MR KNOOPS: Your Honours, I will read out page 13879,
19 second paragraph.

12:06:44 20 Q. Mr Witness, I will read again a portion of your statement
21 given in 2003 to the members of the Special Court and ask you
22 respectfully to listen carefully to this sentence and ask a
23 question afterwards to you.

24 PRESIDING JUDGE: Mr Knoops, have we established the
12:06:58 25 language that this statement was taken in?

26 MR KNOOPS: I can ask, Your Honour.

27 Q. Mr Witness, can you recall in which language you were
28 interviewed in 2003 by the members of the Special Court?

29 A. Yes.

1 Q. Which language were you --

2 A. It was in Krio.

3 Q. Were you able to correctly understand what the questions
4 were to you?

12:07:38 5 A. Yes.

6 Q. Were you able to see your statement after your interview?

7 A. When they finished interviewing me, I was not able to see
8 my statement again.

9 Q. Mr Witness, was that statement, as a whole, read out to you
12:08:13 10 after your interview had been conducted?

11 A. When they finished interviewing me, yes, they read it back
12 to me.

13 Q. You agreed with the contents at that time?

14 A. Yes.

12:08:29 15 Q. Mr Witness, on this particular occasion, you have stated
16 the following to the members of the Special Court: "The rebels
17 were dressed in both military fatigues and plain clothes."
18 According to this statement, this is what you told members of the
19 Special Court. Can you recall giving this statement?

12:09:04 20 A. Okay. Would you please repeat that for me?

21 Q. According to what you have said that time, you have
22 informed the Prosecution, members of the Special Court, you have
23 said the following: "The rebels were dressed in both military
24 fatigues and plain clothes."

12:09:44 25 A. Yes.

26 Q. Do you remember saying this to the members of the Special
27 Court?

28 A. Well, that I cannot recall again because during that time
29 my head was confused.

1 Q. Witness, do you agree that you just testified before the
2 Chamber you don't know what a military fatigue is. Do you
3 remember saying that?

4 A. That's to say that I do not know the uniform that the
12:10:39 5 soldiers wear?

6 Q. No, I, just a few minutes ago, asked you if you know what a
7 military fatigue is. You answered to the question that you are
8 not familiar with what a military fatigue is. Do you remember
9 that?

12:11:02 10 A. No.

11 Q. You don't remember saying that to me?

12 A. I said a while ago that I did not understand a uniform worn
13 by soldiers. What I said, the colour. You were asking me to
14 describe the colour. That is what I said, I couldn't explain
12:11:23 15 because it's combat. I said now I would not be able to describe
16 the different colours that this same uniform had, but I did not
17 tell you that I did not know the uniform worn by soldiers.

18 Q. Mr Witness, you just testified here that you did not know
19 what a military fatigue is. This is what you have said.

12:12:00 20 Mr Witness, I put it to you that you yourself never used the
21 words "military fatigue" yourself in your statement. Please
22 answer my question with a yes or no.

23 A. No, I said --

24 Q. What do you mean with no. You didn't use the words
12:12:16 25 "military fatigue"?

26 A. I said soldier's uniform, but I said I did not know the
27 colour that was the uniform, but I said that it was combat.

28 Q. So you now agree that you did not use the words "military
29 fatigue" in your statement; is that correct? Yes or no?

1 A. I said a uniform worn by soldiers. Soldierman uniform,
2 soldierman uniform. But, what I'm trying to say is that I did
3 not know the colour of the uniform, because we have three colours
4 on the uniform.

12:13:14 5 Q. Mr Witness, I put it to you that you don't know what a
6 military fatigue is and that you never used this word in your
7 statement and that you don't know what a military combat uniform
8 is.

9 PRESIDING JUDGE: That is three questions in one,
12:13:26 10 Mr Knoops.

11 MS TAYLOR: Your Honour, I object to this line of
12 questioning proceeding any further. The witness has consistently
13 said that he used the word or the term "soldierman uniform". The
14 interview was conducted in Krio. The statement is in English.
12:13:40 15 It was read back to him, presumably in Krio. It is not known
16 whether there is a synonym for soldierman uniform in Krio, the
17 same way that there are synonyms for that in English. In my
18 submission, it is unfair for the witness to continually have the
19 question put to him, "You did not use the specific English term
12:14:02 20 military fatigue" when he has consistently said, on my count
21 three times now, "I used the word soldierman uniform". In my
22 assessment, this questioning is now bordering on harassment of
23 the witness.

24 MR KNOOPS: Your Honours, I explicitly asked the witness
12:14:22 25 whether he knew what a military fatigue is. I assume that that
26 was correctly translated to this witness and the witness was very
27 pertinent in saying, "I do not know what a military fatigue is,
28 yet this word shows up in his statement --

29 THE WITNESS: No.

1 MR KNOOPS: I think we are entitled to ask the witness as
2 to how the words "military fatigue" shows up in his statement.
3 The witness has testified that he totally understood his
4 statement, that the statement was read back to him and that he
12:14:56 5 didn't see any discrepancies or mistakes in his statement. That
6 was the testimony of the witness just before I confronted him
7 with this term and I must say, the witness is, in my humble
8 submission, unwilling to answer a simple question. He is an
9 unwilling witness. It has nothing to do with harassment of the
12:15:19 10 witness. I'm just asking the witness a simple question which he
11 can answer with yes or no.

12 JUDGE LUSSICK: I think the big problem there, Mr Knoops,
13 is he has answered the question. The statement refers to
14 "military fatigues." Now, if he is talking to an interpreter and
12:15:42 15 saying "soldierman uniform," that might have come out of the
16 interpreter's "military fatigues," but this witness has certainly
17 said that he used the term "soldier's uniform." On another
18 occasion he said, "I used the term soldierman uniform". He is
19 not saying he ever used the term "military fatigues."

12:16:12 20 JUDGE SEBUTINDE: Additionally, Mr Knoops, I think
21 Ms Taylor's observation is quite pertinent as we sit here
22 listening. We don't know what the Krio term for "military
23 fatigues" is, or, in fact, if there is such a term. What we do
24 know what this witness has said is that he use the term
12:16:35 25 "soldierman uniform". To me, it appears as if you are arguing at
26 cross-purposes. You are picking an English term out of the
27 statement and putting it to the witness as if he spoke or he used
28 the English term. Even as the interpreter is interpreting that,
29 we don't know what he is saying to the witness by way of

1 interpreting "military fatigues" and so you keep arguing.
2 Really, the important thing is what is it that the witness said
3 or didn't say. Now, the term that you are putting to him is an
4 English term and he wasn't speaking in English. He has told you
12:17:17 5 and the interpreter has interpreted in Krio for us the term that
6 the witness used, which was "soldierman uniform." I think you
7 can't go beyond that.

8 MR KNOOPS: Your Honour, I agree with your view, but in my
9 humble submission, we may assume that the interpretation of this
12:17:41 10 statement in Krio was conducted correctly. I quote from, because
11 the witness confirms that he was interviewed in Krio.

12 JUDGE SEBUTINDE: But the witness has answered your
13 question, that's my point, Mr Knoops. The witness has answered
14 you and clarified the terminology that he used, so we do uphold
12:18:05 15 the objection.

16 MR KNOOPS: Thank you. Your Honour, one of the accused
17 wants to be excused if allowed for the bathroom.

18 PRESIDING JUDGE: Yes. Please make sure he's escorted.

19 MR KNOOPS:

12:18:39 20 Q. Mr Witness, I come back to this statement of you. Do you
21 agree that the term - I quote: "The group was mixed rebels and
22 junta together" was not used by you during your interview by
23 members of the Prosecution; is that correct?

24 A. I used it. I used it, yes.

12:19:19 25 Q. You're sure that this is what you told the members of the
26 Prosecution, isn't it?

27 A. Yes.

28 Q. Can you please explain to the Court what you mean by the
29 words, "They were well armed". You just testified that these men

1 were well armed, isn't it?

2 A. Mmm-hmm. Well, what I meant by that because the kits that
3 they had, some were hanging like this, that's chains. That guns
4 chains, where they had the cartridges. They had bags. Some,
12:20:19 5 they had grenades, the things that resembled a ball, because I do
6 not know, some of them had them here, you see. Some, I saw them
7 the way they had the things that they were fighting with,
8 complete. So well so I did not know. I did not know those
9 things, so I knew these things that they put into that gun, that
12:20:47 10 belt, I saw one hanging. The others really had this that
11 resembled a ball. So, you see, all the seven people that
12 attacked me whom I saw with my own eyes, that is the way they all
13 dressed.

14 Q. Mr Witness, you agree with me that in your statement I just
12:21:16 15 read out to you, it's mentioned that rebels were dressed in both
16 military fatigues and plain clothes, mindful, Your Honours of the
17 translation of the word "military fatigues" as interpreted by the
18 witness. Do you agree that when you were interviewed by members
19 of the Prosecution, you said at that time that the rebels were
12:21:45 20 wearing military clothes and civilian clothes. Is that what you
21 tried to say to the members of the Prosecution, isn't it?

22 A. No, the words that I used, I said the groups were mixed,
23 the rebels who called themselves rebels did not wear uniforms.
24 Some of them did not wear uniform. So, if they were mixed
12:22:23 25 together, so I will not be able to know the difference, so that's
26 all that I'm able to say. I was not able to know the difference
27 between them.

28 Q. Mr Witness, were you able to see any difference between the
29 seven men you spoke about who were, in your submission, well

1 armed?

2 A. If what?

3 Q. Were you able to differentiate between the seven men who
4 were, in your submission, well armed?

12:23:08 5 JUDGE SEBUTINDE: Mr Knoops, what is that question?

6 Differentiate --

7 THE WITNESS: What does this question mean? I don't
8 understand it.

9 MR KNOOPS:

12:23:20 10 Q. You just testified that it was, for you, not possible to
11 make a distinction between the several groups, the mixture you
12 talked about. Now, my question is were you able to see a
13 difference between these seven men who were, in your submission,
14 well armed in terms of dress.

12:23:46 15 JUDGE LUSSICK: Do you mean a difference --

16 THE WITNESS: A difference in the way they dressed?

17 JUDGE LUSSICK: Just a minute. Do you mean a difference
18 between the seven individuals were all different from one
19 another, or do you mean in this group of seven was different from
12:24:03 20 the rest of --

21 MR KNOOPS: No, Your Honours. I mean the seven individuals
22 he talked about, was he able to make a distinction in terms of
23 how they were dressed?

24 JUDGE LUSSICK: A distinction from what?

12:24:13 25 MR KNOOPS: From each other.

26 JUDGE LUSSICK: You're putting to him were they all dressed
27 the same or differently?

28 MR KNOOPS: Yes, Your Honour.

29 JUDGE SEBUTINDE: Then, Mr Knoops, ask the question

1 directly in a manner that is understandable.

2 MR KNOOPS: Yes, Your Honour.

3 JUDGE SEBUTINDE: Directly, not circumventing the question.

4 MR KNOOPS: Thank you.

12:24:40 5 Q. Mr Witness, the seven individuals you spoke about who were
6 well armed, were they dressed in the same way? Were they all
7 dressed the same way, all seven?

8 A. No.

9 Q. Can you please explain what you mean with the word "no"?

12:25:16 10 A. The way they dressed, because some of them had two guns.
11 The others had one. That's the only way that I can differentiate
12 them, but with regards to the way they dressed, the uniform is
13 the same uniform, so the guns, again, they hung which had the
14 belt. It was only one individual that had it. Well, the others
12:25:48 15 had two guns. They hung one here and they hung the other one
16 here, you see? The others had only one each.

17 Q. But in your submission, they were dressed in the same way -
18 all seven were dressed in the same way; is that what you are
19 saying?

12:26:17 20 A. They all had uniform, that's what I know.

21 Q. Mr Witness, I believe you just testified that you were not
22 able to correctly see or recognise colours; is that correct?

23 JUDGE LUSSICK: That's not correct, Mr Knoops. He said he
24 wasn't able to describe the colours.

12:26:44 25 THE WITNESS: No.

26 MR KNOOPS:

27 Q. Mr Witness, you said before you were not able to describe
28 colours; is that correct?

29 A. That is what I said.

1 Q. Please tell us how you were able to say that the seven men
2 were all dressed in the same way? How were you able to notice
3 that?
4 PRESIDING JUDGE: We don't get a difference between the
12:27:08 5 colour --
6 THE WITNESS: I was able to notice that.
7 PRESIDING JUDGE: Sorry, the witness has answered.
8 MR KNOOPS: I didn't understand the answer of the witness.
9 PRESIDING JUDGE: He said, "I was able to notice that."
12:27:33 10 Which I understand to mean he saw it.
11 MR KNOOPS:
12 Q. Would you please tell us how you were able to see that they
13 were dressed in the same way. Can you please describe how they
14 were dressed and how you were able to come to that conclusion.
12:27:48 15 JUDGE SEBUTINDE: Mr Knoops, really, here, we must come in.
16 The man has described at least more than three times and said
17 they were dressed in the same uniform. He has previously
18 described that uniform as soldierman's uniform. He has said it
19 was mixed colours, which he cannot describe to the Court. What
12:28:09 20 else do you want in that line?
21 MR KNOOPS: Your Honour, I will move on. Thank you.
22 Q. Witness, after your interview in 2003 to the members of the
23 Special Court, were you interviewed again by the same members of
24 the Special Court or different members of the Special Court?
12:28:57 25 A. Well, the interview, that they interviewed me, other
26 people, yes. But the ones, they were the ones that interviewed
27 me the first time, but the others who interviewed me the last
28 time, I did not even know them, but they came from the Special
29 Court here.

1 Q. Mr Witness, can you recall that you spoke to members of the
2 Prosecution on the 13th and the 15th of July?

3 PRESIDING JUDGE: Which year?

4 MR KNOOPS: 2005, sorry.

12:29:26 5 THE WITNESS: Pardon?

6 MR KNOOPS:

7 Q. Can it be correct, Mr Witness, that you gave additional
8 information to members of the Special Court on the 13th and 15th
9 July 2005? Say, a month ago?

12:29:53 10 A. The 13th July.

11 Q. Sorry, that's about three weeks ago.

12 MS TAYLOR: Your Honour, I think that might be confusing.
13 It's actually the 27th of July today, so it's not three weeks
14 ago.

12:30:15 15 MR KNOOPS: I said about three weeks ago.

16 Q. Two weeks ago, one week ago. Can you remember that in July
17 of this year you gave additional information to members of the
18 Special Court?

19 A. Well, I cannot recall that. I have not retained that in my
12:30:47 20 memory, except if you read that to me, but I cannot recall,
21 again.

22 Q. Mr Witness, in that additional information given by you to
23 members of the Special Court in paragraph 4, it says --

24 JUDGE SEBUTINDE: Mr Knoops, could you be so kind as to
12:31:17 25 tell us the date. We don't have a copy of that statement. Tell
26 us the date and the paragraph you are reading from.

27 MR KNOOPS: Your Honours, it is not a statement. It is
28 additional information provided by the witness on the 13th and
29 15th July 2005. Unfortunately, I don't have a page number.

1 MS TAYLOR: Your Honours, the page number is 14172. I do
2 have extra copies for Your Honours if that would be of
3 assistance.

4 PRESIDING JUDGE: Thank you, Ms Taylor. Just pause.

12:31:59 5 MR KNOOPS: Your Honour, in the meantime, one of the other
6 accused wishes to make use of the men's room, if he may be
7 allowed?

8 PRESIDING JUDGE: Yes, off you go, but please have him
9 escorted.

12:32:49 10 JUDGE SEBUTINDE: Mr Knoops, I think you can proceed.

11 MR KNOOPS:

12 Q. Mr Witness, in that additional information sheet we are
13 provided with, it says under paragraph 4 - please listen to me -
14 "I saw my father, my brother-in-law and my uncle being amputated
12:33:13 15 by the rebels. I saw my father being killed by the rebels." Can
16 you recall, Mr Witness, giving this additional information to the
17 members of the Special Court?

18 A. Yes.

19 Q. Was this a correct statement, to the best of your
12:33:32 20 knowledge?

21 A. Yes, because it's the words that I said. I said I was
22 standing when they chopped the old man and they chopped off my
23 uncle's hand and they chopped off my brother-in-law's hand. My
24 own children were sitting, their mother and the others they ran
12:33:56 25 away. I said it here. ~~xxxx~~, he was the one who God helped to
26 escape from these people.

27 Q. Mr Witness, I'm just asking you whether this additional
28 statement you gave is correct. You just said yes. I thank you
29 for that. My question to you, Mr Witness is: Do you agree that

1 you didn't speak on the 13th or 15th July 2005 about a mixture of
2 rebels and junta and that you didn't speak about they were the
3 juntas. Do you agree that you didn't speak about that on the
4 13th and 15th of July this year? Is that correct?

12:34:46 5 A. I said so. But when you said three weeks ago and I did not
6 talk, I did not say anything within these three weeks. That is
7 where I was confused a little.

8 Q. So your answer is yes, you agree you didn't speak these
9 words?

12:35:07 10 A. Yes.

11 MR KNOOPS: Thank you, Mr Witness, I have no further
12 questions.

13 JUDGE SEBUTINDE: We are really getting wary of this.
14 Before you have finished speaking, the witness is answering. We
12:35:17 15 don't know what he is answering to. What was that last question
16 and what was the answer relating to?

17 MR KNOOPS: My last question to the witness, Your Honour
18 was whether he agreed with me that he didn't speak about the
19 junta and the mixture of rebels and the junta and the words,
12:35:34 20 "They were all the junta" on the 13th or 15th July 2005 and he
21 said, "Yes, I agree with that."

22 JUDGE SEBUTINDE: He said yes before you finished your
23 question. That's what he said. I'm not sure what he said yes
24 to.

12:35:50 25 PRESIDING JUDGE: I have written down, "I did say so." I
26 think I would like to have -- I and my learned brother have both
27 written down, "I did say so." I would like this question put
28 again and a clear answer. Mr Witness, I have asked the lawyer to
29 ask you the question again. Please allow the lawyer to finish

1 speaking before you answer the question.

2 THE WITNESS: Okay.

3 MR KNOOPS:

4 Q. Mr Witness, you agreed with me that the sentence I just
12:36:22 5 read out to you from your additional statement on the 13th and
6 15th July 2005 was correct. Is that correct?

7 PRESIDING JUDGE: That is not the question you put,
8 Mr Knoops.

9 MR KNOOPS: Then I will move on.

12:36:41 10 PRESIDING JUDGE: Put the question as you put it.

11 MR KNOOPS:

12 Q. Mr Witness, do you agree with me that during your
13 additional interview on the 13th --

14 PRESIDING JUDGE: Mr Knoops, if you haven't got a record,
12:36:59 15 if you're sort of working from your memory, I think the fairest
16 thing would be to have the transcript read out and the correct
17 question put. To me, it is paraphrased differently. Can we have
18 the correct record of the last question put to the witness,
19 please.

12:38:30 20 COURT REPORTER: [Question and answer read back]

21 PRESIDING JUDGE: It's quite contradictory.

22 JUDGE LUSSICK: That last answer doesn't follow from his
23 previous answer, Mr Knoops. He said exactly the opposite of what
24 you were suggesting to him.

12:38:46 25 MR KNOOPS:

26 Q. Mr Witness, you were saying that you use the words "They
27 were the junta." You used the words "a mixture of rebels and
28 junta" during your additional interview on the 13th and or the
29 15th July; is that correct?

1 A. Yes.

2 MR KNOOPS: Thank you. I have no further questions.

3 PRESIDING JUDGE: Thank you, Mr Knoops. Mr Graham, you're
4 next counsel.

12:39:26 5 CROSS-EXAMINED BY MR GRAHAM:

6 Q. Good afternoon, Mr Witness.

7 A. Good afternoon.

8 Q. Mr Witness, I'm going to refer the statement - first of
9 all, you did admit earlier on in your testimony today that you
12:39:54 10 made a statement to members of the Special Court sometime in
11 2003; is that right?

12 A. Yes.

13 Q. Mr Witness, I'm going to proceed to read to you an extract
14 from your statement. Will you please confirm whether you recall
12:40:11 15 making that statement or not.

16 MR GRAHAM: Your Honours, with your permission, I will go
17 on to page 13878 of the witness's statement. I will read from
18 the very last line going on to the next page. With Your Honour's
19 permission it reads.

12:40:34 20 Q. Mr Witness, if you would listen, please: "I do not know
21 the name of the rebel who amputated us. He alone amputated our
22 arms, killed my father and my mother. I do not know the name of
23 the commander of the rebels operating in that area. I later
24 heard that it was SAJ Musa's men who were operating there,
12:40:59 25 although I did not see him. I do not even know SAJ Musa, even if
26 I saw him." Mr Witness, do you recall making this statement?

27 A. Yes.

28 Q. I just want to ask a question: Mr Witness, who was it who
29 told you it was SAJ Musa's men who was operating in that area?

1 A. Well, the men that they captured and they went with them
2 and who were able to escape from them. That was where we got the
3 information.

4 Q. Mr Witness, during the time when you were under the control
12:41:55 5 of those persons you described as the rebels, did you, at the
6 time, know who was their commander?

7 A. No.

8 Q. Did you observe any one of them acting as the one in charge
9 or in control of the rebels?

12:42:25 10 A. Well, except the one who amputated us, killed our father
11 and my grandmother. Because he was the one that I saw axing.

12 Q. Is it your testimony that the rebel who cut off your hands
13 as well as that of your close family members was the one who
14 seemed to be in control of the rebels that attacked you; is that
12:43:00 15 right?

16 A. Well, I don't know.

17 Q. Thank you. Witness, I again refer to your statement you
18 made to the Office of the Prosecution, I think, also during the
19 same period of 2003.

12:43:26 20 MR GRAHAM: Your Honours, I will go back to page 13879,
21 reading from the very last paragraph, the first sentence. With
22 Your Honours permission I will read as follows.

23 Q. Mr Witness, if you will listen, "The rebels were dressed in
24 both military fatigues and plain clothes."

12:43:51 25 A. Well, that is what I said. Initially I said --

26 PRESIDING JUDGE: Wait, Mr Witness.

27 MR GRAHAM:

28 Q. I haven't finished my question. "I said the rebels were
29 dressed in both military fatigues and plain clothes." You

1 remember saying that, don't you?

2 PRESIDING JUDGE: Mr Graham, I think this has already been
3 put by Mr Knoops, in which case, it cannot be put again.

4 MR GRAHAM: Your Honour, the contents may probably be
12:44:23 5 different.

6 PRESIDING JUDGE: Well, if there is a different question,
7 ask it, but the question you have asked has been asked. If you
8 are putting something else, put it.

9 MR GRAHAM: Thank you, Your Honour.

12:44:34 10 Q. Mr Witness, I was referring to the statement that you made
11 that the rebels were dressed in both military fatigues and plain
12 clothes. My question is: Which rebels are you referring to?

13 A. I did not tell you that this was the way that the rebels
14 were dressed. I did not say that rebels dressed with military
12:45:05 15 uniform. No, I did not say so.

16 Q. Am I right in saying that the statement I referred to was
17 never made by you?

18 A. That it was rebels that cut off our hands? I said the ones
19 that I saw, they were dressed in military uniform, army uniform.
12:45:37 20 That is what I told you. I did not know whether they were rebels
21 or junta. I did not say so. So, it's only God alone that knows.
22 I did not know.

23 MR GRAHAM: Your Honour, I don't think I have any further
24 questions for this witness.

12:45:56 25 PRESIDING JUDGE: Thank you, Mr Graham. Mr Daniels, you
26 have questions for the witness?

27 MR DANIELS: Thank you, Your Honour.

28 CROSS-EXAMINED BY MR DANIELS:

29 Q. Good afternoon, Mr Witness.

1 A. Good afternoon.

2 Q. Mr Witness, you told this Court that two of your children
3 were abducted in 1998. Do you remember?

4 A. Yes.

12:46:40 5 Q. How old were they at the time?

6 A. Well, the other one was 21. The other one was 17.

7 Q. Mr Witness, in your statement at page 13876, you said,
8 "When I came to xxxx, rebels of the RUF were very active in
9 the xxxxx area." Do you remember saying that to those who took

12:47:19 10 your statement from you?

11 MS TAYLOR: Your Honour, I think in fairness to the
12 witness, the time period should be given.

13 PRESIDING JUDGE: And the full sentence should be read.

14 MR DANIELS: Respectfully, I will read the whole sentence,
12:47:35 15 but there is no time period.

16 JUDGE SEBUTINDE: What page is this?

17 MR DANIELS: Page 13876. I'm referring to 2003 when you
18 made your statement.

19 Q. You told --

12:47:54 20 PRESIDING JUDGE: Just pause. Ms Taylor has made an
21 objection and you have made a reply. Ms Taylor, in light of your
22 objection, you have referred to a time. Counsel says there is no
23 time specified.

24 MS TAYLOR: In my submission there is. It is in the first
12:48:08 25 sentence. My learned friend started with the second sentence.

26 PRESIDING JUDGE: You've heard the reply, Mr Daniels.

27 JUDGE LUSSICK: I think, also, Mr Daniels that 1992 is
28 consistent with his sworn evidence today when he returned to
29 xxxxx.

1 MR DANIELS: Very well. I will start from the second
2 sentence from "when".

3 Q. "When I came toxxxxx, rebels of the RUF were very active
4 in the xxxxxx area." I take it you are referring to 1992; is
12:48:45 5 that correct?

6 A. No.

7 Q. Please tell us what time period were you referring to?

8 A. The time that I was talking about that was during 1994.
9 Because at that time, they would come and they would pass through
12:49:20 10 and, in fact, they used that as a thoroughfare during that time.
11 When they wanted to go to xxxxxx, they would pass there. When
12 they wanted to return there, they would pass there again. At
13 times, they would pass through xxxxx.

14 Q. Did you know who the RUF rebels were?

12:49:50 15 A. Well, by the way that they were, that was how we were able
16 to understand them, but I would not be able to understand them,
17 because during that time they themselves had uniform, both,
18 junta, RUF, they had uniform, so I was not able to understand
19 them, but the time it was the RUF that were there initially.

12:50:24 20 Q. Do you know what RUF stands for?

21 A. No.

22 Q. When you said they were very active, what do you mean by
23 very active?

24 A. I, in my statement, I did not say that I mentioned the word
12:50:54 25 "they are very active".

26 Q. So you are telling this Court that you never used the words
27 "very active" today, the person who took the statement from you?

28 A. At all.

29 Q. Thank you. Mr Witness, at page 13878 you made a statement.

1 I will read it to you.

2 MR DANIELS: Your Honours, I'm referring to the fifth line
3 down, starting with, "My father".

4 Q. "My father fell to the ground. I made a move to confront
12:51:46 5 this rebel but friends restrained me. There were about seven
6 rebels who confronted us. I believe they have split themselves
7 into small groups and scattered all over the area." Do you
8 remember making this statement?

9 A. Well, there is a mistake. It was not that they held me.
12:52:25 10 It was the seven men who were in the group when they asked us to
11 stand, that was there at the back of the other, it was the one
12 who was doing the action.

13 Q. Did you make the statement, "I made a move to confront this
14 rebel". Did you make that statement?

12:52:40 15 JUDGE SEBUTINDE: Mr Daniels, this question was asked by
16 Mr Knoops --

17 THE WITNESS: Yes.

18 JUDGE SEBUTINDE: [Overlapping speakers} and the witness
19 gave his answer yes.

12:52:50 20 MR DANIELS: Yes, My Lord, but Mr Knoops did not ask the
21 next question I'm going to ask.

22 JUDGE SEBUTINDE: That is where you should now begin, not
23 take us back to what Mr Knoops said.

24 MR DANIELS:

12:53:00 25 Q. What do you mean by you made a move to confront the rebel?

26 A. They have asked me this question of me. I said when they
27 amputated my Pa, at that time they had not amputated me, but the
28 one, the man was standing behind me. So when I wanted to get up
29 so as to grip for the man, that was the time that he held my

1 shoulders and made me to sit down again with force. He said he
2 asked me what I wanted do. He said did I want to fight or did I
3 want to run. I said, "No." "What do you want to do?" Then I
4 said nothing.

12:53:44 5 Q. Do you think the rebel felt threatened by your
6 confrontation?

7 MS TAYLOR: Your Honour --

8 PRESIDING JUDGE: Mr Daniels, you're asking him to
9 speculate. If you want to ask him if there was some reaction,
12:53:57 10 that's different. But the feelings of another person, he cannot
11 read another person's mind.

12 MR DANIELS: Very well.

13 PRESIDING JUDGE: Incidentally, Mr Daniels, will you have
14 many questions? I just note the time. If there is only a few,
12:54:14 15 of course, we will endeavour to complete it.

16 MR DANIELS: Yes, I have a few more.

17 PRESIDING JUDGE: We will endeavour to complete it then.
18 If it goes over time, I may interrupt you.

19 MR DANIELS: Very well.

12:54:27 20 Q. You also, in your statement, said that - and I'm referring
21 to the same page 13878, that's almost halfway - "As we were about
22 to leave with amputated and bleeding hands, one of the rebels,
23 whose name I do not know, called us back, saying they would give
24 us a letter for President Alhaji Kabbah and ECOMOG forces in
12:55:16 25 Makeni." Do you now know the name of the person who amputated
26 you? Do you know the name of the person?

27 A. No. Because the person that don't stay in the same place
28 they have not gone in the same place and you are not in the same
29 town, how are you able to know him? We just met him on the way.

1 He met you and he greet you and did something bad to you. I did
2 not know him.

3 Q. You also told us in your testimony that your children were
4 killed, brutally killed. You were told by someone that your
12:55:59 5 children had been brutally killed.

6 A. Yes.

7 Q. Up to now, you don't know whether this is a fact, do you?

8 A. Well, from that time up to now I have not been able to see
9 them. Remember, now the war is over. You see? From that time
12:56:27 10 up to now, I have not been able to see them with my own eyes. I
11 should believe what they said.

12 Q. You also told us that when you were making your statement
13 to the people from the Special Court, you were confused. Do you
14 remember? You said so today in your testimony?

12:56:49 15 A. Yes, I was confused.

16 Q. You also told us that when you heard of the death of your
17 children in hospital, you nearly went off your mind. Do you
18 remember saying this?

19 A. Yes.

12:57:16 20 Q. Do you have a history of -- do you have psychiatric
21 treatment sometimes?

22 MS TAYLOR: Your Honours, I object to this. There is no
23 relevance to any fact in issue, in my submission.

24 PRESIDING JUDGE: What is the relevance of the witness's
12:57:35 25 medical treatment?

26 MR DANIELS: The witness he himself has said at the time he
27 nearly lost his mind. I don't know whether maybe he has a
28 history of --

29 JUDGE SEBUTINDE: He also gave the reason why he lost his

1 mind, Mr Daniels. I don't know if you've forgotten.

2 MR DANIELS: I have not.

3 JUDGE SEBUTINDE: So the reason he gave does not relate to
4 a sickness of mind at all.

12:57:59 5 MR DANIELS: Very well, very well. That will be all then.

6 PRESIDING JUDGE: Thank you, Mr Daniels. Ms Alagendra, do
7 you have any re-examination of the witness?

8 MS ALAGENDRA: There will be no re-examination, Your
9 Honour, thank you.

12:58:30 10 PRESIDING JUDGE: Mr Witness, we thank you for your
11 evidence here in the Court today and we thank you for coming to
12 the Court. Your evidence is now finished and you will not have
13 to come back to Court. Do you understand?

14 THE WITNESS: Yes, sir.

12:58:43 15 PRESIDING JUDGE: Please remain where you are. The court
16 attendant will assist you to leave.

17 MS TAYLOR: Your Honours, I do know that we are over time,
18 but I just want to inform Your Honours we have a witness
19 available for tomorrow. There have been some discussions between
12:59:01 20 the parties and there are a few issues I would like to raise with
21 you first in the morning about the remaining witnesses for the
22 remainder of the session, with Your Honours' leave.

23 PRESIDING JUDGE: Yes, we will deal with that as a
24 preliminary matter, Ms Taylor. As I understand, Defence counsel
12:59:19 25 have been made aware of the situation. We will deal with that
26 first.

27 THE INTERPRETER: Your Honours, in what language will the
28 next witness be testifying tomorrow?

29 MS TAYLOR: English.

1 THE INTERPRETER: Thank you.

2 PRESIDING JUDGE: I understand that we must pause to ensure
3 the identity of the witness is secure before actually adjourning.

4 [Whereupon the hearing adjourned at 12.50 p.m.,
5 to be reconvened on Thursday, the 28th day of
6 July 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-267	3
EXAMINED BY MS NGUNYA	3
CROSS-EXAMINED BY MR KNOOPS	10
CROSS-EXAMINED BY MR GRAHAM	23
CROSS-EXAMINED BY MR DANIELS	26
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