

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

MONDAY, 4 SEPTEMBER 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Thomas George.
Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Mr Sean Morrison (intern)

For the accused Alex Tamba
Brima:

Mr Kojo Graham
Mr Osman Keh Kamara

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

2 Monday, 4 September 2006

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.15 a.m.]

6 PRESIDING JUDGE: Well, good morning. Is the Defence ready
7 with their witnesses?

8 MR MANLY-SPAIN: Yes, Your Honour. We do need a few
9 minutes for the witnesses to be brought to the court building.

10 PRESIDING JUDGE: How long will you need, Mr Manly-Spain?

11 MR MANLY-SPAIN: Probably about ten minutes or so.

12 PRESIDING JUDGE: Yes.

13 MR AGHA: Your Honour, before the witness comes, the
14 Prosecution would like to make a few brief submissions.

15 PRESIDING JUDGE: All right. But don't make any
16 submissions on motions that have been filed in writing. We
17 haven't had a chance to read them and we don't know what position
18 we are going to take until such time as we do. So if you are
19 going to address on motions that have been made in writing, I
20 would ask you not to, Mr Agha, until we've had a chance to read
21 them.

22 MR AGHA: The only one submission which I was going to make
23 on one motion was a motion for an expedited order that the
24 Defence make a response by today. We've had --

25 PRESIDING JUDGE: As I said, we haven't read them.
26 Response to what? We've only just come back from recess. We
27 haven't had a chance to read the original motion, let alone
28 consider expediting the response.

29 MR AGHA: I only say that, Your Honour, because it ties in

1 to the witness call order and other matters. But anyway, moving
2 forward, just the first point the Prosecution would like to put
3 on record, for record purposes, which it believes needs to be
4 done, is that prior to the recess there had been various
5 suggestions of malpractice by the Prosecution investigators with
6 regard to Defence witnesses. The Prosecution has not heard
7 anything further from the Defence on that and, so far as the
8 Prosecution is aware, there have been no malpractices regarding
9 its investigators and Defence witnesses. So the Prosecution
10 would therefore simply state for the record that it regards these
11 allegations as being without substance and unfounded.

12 PRESIDING JUDGE: Yes. All right. That's on the record,
13 Mr Agha. Does the Defence have anything to add to that?

14 MR GRAHAM: Yes. Good morning, Your Honour. We welcome
15 you all back to the commencement of this trial.

16 PRESIDING JUDGE: Thank you, Mr Graham.

17 MR GRAHAM: If I may respond quickly to what my learned
18 friend said. Your Honours, indeed, we did raise the issue of
19 some form of interference with our witnesses in the Kono
20 District. Indeed, we do have statements that were given by these
21 witnesses and the giving of the names of the OTP officials, the
22 circumstances under which they contacted them. Your Honours, we
23 are just coming in and we also will be taking the proper steps to
24 inform the Court accordingly in terms of what has happened and
25 what we believe the kind of relief we will be seeking from the
26 Court. We will do that in due course. Thank you.

27 PRESIDING JUDGE: Mr Graham, I think you ought to give
28 whatever material you have to the Prosecution. They would be
29 equally concerned as you if there has been any malpractice, and

1 if you show them the material you have, they would have a chance
2 to (a) answer it, and (b) deal with it, if necessitating that.

3 MR GRAHAM: Yes, Your Honours. We will do so by the first
4 break of this morning's session. Once we have the break, we will
5 provide them with the statements.

6 PRESIDING JUDGE: Thank you, Mr Graham.

7 MR AGHA: Thank you, Your Honour. The final matter
8 actually relates to this morning's procedures and the witnesses,
9 and it is actually the order of call.

10 Now, on 4 August, which was the day before the recess, the
11 Court made it very clear that the first witnesses to be called
12 after the recess would be the balance of the remaining 15 on the
13 original witness list of 49. And this was a position which my
14 learned Defence counsel opposite me also concurred with.

15 Now, accordingly, from 4 August onwards, the Prosecution
16 instructed its investigators to carry out investigations into
17 those 15. We accepted that some of those may be dropped. On 8
18 August --

19 PRESIDING JUDGE: I'm sorry to interrupt, Mr Agha, but is
20 this the subject of a formal motion?

21 MR AGHA: There is no motion regarding this, Your Honour.

22 MR GRAHAM: Your Honours, I do object to that. Indeed, the
23 issues that my learned friend has just raised have also been
24 raised in some of the pending motions before this Court, and I do
25 not know within what context he is raising this issue.

26 MR AGHA: Well, this is the historical basis of a new
27 development that has actually happened within the next day or
28 two. But, in essence, I'll make a long story short, in that it
29 was agreed that the balance of witnesses will be the first

1 witnesses who we would investigate. We then received around, I
2 believe, 8 or 11 August, within the 21-day rolling disclosure, a
3 new list.

4 Now, this new list only contained four of the 15.

5 Our investigators had already commenced the work on
6 the 15 agreed upon and the Prosecution took the position that the
7 other 11 had been dropped, and that is the subject of a motion.
8 So in terms of the order of call, it is necessary to know what
9 their position is because, pursuant to this Court's order, they
10 should be first.

11 Now, even then, four found their way onto a list of
12 20 provided on, I believe, 11 August. Initially, these were
13 listed as number one, two and, I believe, 17 and 19 out of 19.

14 PRESIDING JUDGE: Just to get this straight; isn't this
15 something that the Defence should be clarifying in a response to
16 your motion?

17 MR AGHA: Well, it's just that, if I go a little further,
18 Your Honour, firstly, the first four are not the first four that
19 are going to be called today. They are in the order pursuant to
20 what they ought to be and under which we carried out our
21 preparations.

22 We received information from the Defence on Friday, at
23 3.00, what the first two witnesses would be and they would not be
24 from the balance 15. So we then spent the weekend, obviously,
25 preparing for the next three, bearing in mind this outstanding
26 situation.

27 This morning we received a motion at 9.00 a.m. which had
28 been filed on Friday, indicating that the original two were
29 reinstated. This morning I've spoken to my learned friend in

1 Court, and it seems that the first ones due up are listed,
2 perhaps, 12, 13 or 14 on the list. Now, if that's the case, the
3 Prosecution would not have prepared for that witness. So the
4 position of the Prosecution is it, of course, depends who the
5 witness is, and this matter of the order of call needs to be
6 resolved, because we can't prepare for witnesses who are either
7 dropped or not called at the last minute and then on Monday, at
8 9.00 a.m. given witnesses who we are totally unprepared for.

9 PRESIDING JUDGE: Well, as I said, this seems to be the
10 subject of a motion filed in writing. We haven't decided to deal
11 with this matter in open Court. We haven't read any of the
12 pleadings yet. It may well be that the Defence has got some
13 explanation as to why it has to do this. We simply don't know.
14 We would like time to -- we would like to give the Defence time
15 to file, if they are going to.

16 We are not prepared at this stage, until we read the
17 original motion and consider it, to make any ruling on this, but
18 the Defence has indicated this morning that it has witnesses that
19 it's going to call. If you feel that, because of the change in
20 the order of call, the Prosecution is in some way disadvantaged
21 then, after hearing the evidence-in-chief, you can make an
22 appropriate application, Mr Agha.

23 MR AGHA: Thank you, Your Honour. We are obliged for that
24 observation.

25 PRESIDING JUDGE: Thank you. Well, I take it the Defence
26 needs a few more minutes to call the witnesses, but anything the
27 Defence wishes to say apropos of what the Prosecution has just
28 put to the Court.

29 MR MANLY-SPAIN: Yes, Your Honour. We do not want to

1 reiterate the position, but the position is exactly as you have
2 put it. We will file a response to these motions, which the
3 Court will consider in writing.

4 PRESIDING JUDGE: I see. Thank you, Mr Manly-Spain.

5 MR FOFANAH: One more point, Your Honours. Good morning.
6 Just for the records, I --

7 PRESIDING JUDGE: Excuse me one moment. Yes, Mr Fofanah.

8 MR FOFANAH: Thank you. Just for the records, I
9 particularly want to point out that the reliefs which Mr Agha is
10 seeking, my colleague on the other side, is contained in the
11 motion dated 29 August 2006. It is titled "Urgent Prosecution
12 motion for relief in respect of violations of the Trial Chamber's
13 order of 26 April 2006." Already I think the Kanu team has
14 responded and we shall be filing our response pretty soon. Just
15 for the records.

16 PRESIDING JUDGE: All right. Thank you, Mr Fofanah. I
17 should stress the Court is not making any decision on whether the
18 application should be treated urgently or not, until such time as
19 we've had a chance to study what has been filed before the Court.

20 MR GRAHAM: Your Honour, with your kind permission, if I
21 may just add, that indeed the witnesses that are appearing before
22 this Court and our witnesses whose summaries have been disclosed
23 to the Prosecution within a 21-day period -- I mean, we did that,
24 so just by way of information to the Court.

25 PRESIDING JUDGE: All right. Thank you, Mr Graham. I
26 understand that the Defence witnesses are now ready to be called.
27 So what is the first witness?

28 MR MANLY-SPAIN: It's going to be DAB-098.

29 PRESIDING JUDGE: Well, if the curtains can be drawn, that

1 witness can be brought into Court. Is there some summary of
2 facts file that we can refer to, Mr Manly-Spain?

3 MR MANLY-SPAIN: Yes, Your Honour. It is 19 on the list
4 file.

5 JUDGE DOHERTY: Is that the list of 10 May?

6 MR MANLY-SPAIN: 19 on the summaries, I should say.

7 JUDGE DOHERTY: Is that filing of 10 May 2006?

8 PRESIDING JUDGE: That's the filing of 21 August; is that
9 correct, Mr Manly-Spain?

10 MR MANLY-SPAIN: On the summaries filed on 21st of August.
11 Number 19.

12 PRESIDING JUDGE: It seems that information I was given is
13 not correct. Apparently, the witnesses are not present in the
14 premises at the moment.

15 MR MANLY-SPAIN: I am sorry, Your Honour. I believe they
16 are here.

17 [The witness entered court]

18 PRESIDING JUDGE: Mr Manly-Spain, this witness will be
19 giving evidence in what language?

20 MR MANLY-SPAIN: Kono, Your Honour.

21 PRESIDING JUDGE: Just a minute. Come and put your
22 headphones on. Put some headphones on, so I can speak to you.
23 Those curtains are not satisfactory. We won't have a
24 considerable portion of the Court blocked off. We are going to
25 have to adjourn briefly. When we come back, we want to see those
26 curtains fixed. We will take a five-minute break.

27 [Break taken at 9.40 a.m.]

28 [Upon resuming at 9.52 a.m.]

29 PRESIDING JUDGE: All right.

1 WITNESS: DAB-098 [Sworn]

2 [Witness answered through interpreter]

3 EXAMINED BY MR MANLY SPAIN:

4 MR MANLY-SPAIN:

5 Q. Good morning, Mr Witness.

6 MR AGHA: Your Honours, before the break [microphone not
7 activated] the Prosecution has no objection to the Defence
8 leading on background information.

9 PRESIDING JUDGE: Thank you, Mr Agha. Mr Manly-Spain, is
10 this a common witness or is it a witness called by just one or --

11 MR MANLY-SPAIN: Common witness, Your Honour.

12 PRESIDING JUDGE: Thank you.

13 MR MANLY-SPAIN:

14 Q. Good morning, witness. How are you this morning?

15 A. Good morning.

16 Q. Mr Witness --

17 A. Yes.

18 Q. -- you come from xxx xxx, xxx Chiefdom [as
19 interpreted] in the xxx District.

20 A. Yes.

21 Q. And this was where you were born?

22 A. Yes.

23 Q. Mr Witness --

24 A. Yes.

25 Q. -- you are about 54 years old.

26 A. Yes.

27 Q. And you are a motor driver by profession.

28 A. Yes.

29 Q. You are a married man.

1 A. Yes.

2 Q. And you presently have two wives.

3 A. Yes.

4 Q. You also have three children presently.

5 A. Yes. I have three of them.

6 Q. Your wife and children all stay with you in xxx, in the
7 xxx District.

8 A. They are there, yes.

9 Q. You have lived all your life, except for a short period of
10 time during the war, at xxx, in the xxx District.

11 A. Yes.

12 Q. Thank you, Mr Witness. Mr Witness --

13 A. Yes.

14 Q. -- do you recall the month of March in the year 1998?

15 A. Well, except they -- they told me I would be able to
16 differentiate it.

17 Q. Thank you. Do you know where you were in 1998?

18 A. I was in xxx [as interpreted], xxx.

19 Q. And were you living alone at that time?

20 A. At that time, we are -- there was fighting when they -- we
21 heard the gunshot. Myself and others, we ran to Sandor.

22 Q. Thank you. But please ask him again whether he was living
23 alone in Tombodu at that time?

24 A. I was not alone. We were many. There were many people
25 there when they -- we heard the gunshots on the hill, so we all
26 ran away.

27 Q. Thank you. With whom did you run away?

28 A. We went with so many people, because I don't know all of
29 them, their names. It is a crowd ran -- that we ran.

1 Q. When you say "we," who do you mean?

2 A. Myself and my children, together with my wife. We were in
3 our own group, and others were in front of us, running. We were
4 unable to carry all of our loads on our heads.

5 Q. Thank you, Mr Witness. From where did you hear the firing?

6 A. I was in the town. At night, when we heard the gunshots,
7 we all ran away in disarray when the gunshots were heard from the
8 east. Everybody ran away and find his -- our own place to go.
9 The gunshot was heard on the east, so we all scattered about.
10 Myself and my people, we went to the waterside.

11 Q. Thank you. Do you know whether the hills you have referred
12 to have a name?

13 A. At xxx Road .

14 Q. xxx Road?

15 A. xxx.

16 MR MANLY-SPAIN: We have already had Koidu several times.

17 I make a guess of wor, W-O-R.

18 Q. Mr Witness, you said you ran with your family and others to
19 Sandor. Do you know how far Sandor is from xxx?

20 JUDGE SEBUTINDE: Mr Manly-Spain, I don't recall the
21 witness saying Sandor. He said waterside.

22 MR MANLY-SPAIN: I'm sorry.

23 THE WITNESS: He said we went to the waterside. I said,
24 that one.

25 MR MANLY-SPAIN:

26 Q. Okay. Where is this waterside that you went to?

27 A. We call that water xxx. We crossed that water. Where
28 xxx is. That is the place where we crossed over.

29 Q. Did you stay in this place for any period of time by the

1 waterside?

2 A. Yes. We were there until when the place was a little bit
3 calm. We are hungry. At times, I crossed, in fact, twice. It
4 was only the time when we came, we -- when we got some food,
5 like --

6 THE INTERPRETER: My Honours, the witness is speaking very
7 fast. Can he go a little bit slower, please?

8 MR MANLY-SPAIN:

9 Q. Mr Witness, we want you to go very slowly. You give us
10 your evidence in bits [overlapping speakers] --

11 A. Okay. I will not go faster again. Okay. Okay.

12 Q. Did anything happen when you were by the waterside with the
13 other people?

14 A. I and my children were there at that time.

15 Q. Did anything happen whilst you were there?

16 A. We crossed the water. The time we crossed the water --

17 Q. When you crossed the water, did you go anywhere?

18 A. When we crossed the stream, we went to xxx xxx. We
19 were there --

20 MR MANLY-SPAIN: xxx we have had before. xxx, also, I
21 believe we have had before.

22 Q. Did you stay at xxx xxx with your children?

23 A. Yes, during the war.

24 Q. Can you recall how long you stayed there?

25 A. Yes, I can remember that.

26 Q. Please tell the Court how long you were there.

27 A. I was there. At that time we had some food, up to the time
28 we were managed when we were hearing the gunshots.

29 Q. Yes. Whilst you were there, did anything happen?

1 A. No. Nothing met us there at that time.

2 Q. Mr Witness, are there any villages close to xxx -- xxx
3 xxx?

4 A. There, I don't know the names. Only at xxx, I know the
5 places there.

6 Q. You know the places at xxx. xxx, xxx.

7 A. Yes.

8 Q. Did you have cause at any time to leave xxx -- xxx
9 xxx to go anywhere, Mr Witness?

10 A. I did not get you clearly. Can you speak it again?

11 Q. Did you have cause at any time to leave xxx xxx to go
12 anywhere?

13 A. I said, we were there. We leave there to come to xxx to
14 look for food.

15 Q. Do you recall how many times you went to xxx to look for
16 food.

17 A. Twice. Twice.

18 Q. Thank you. After that, after you had gone to look for food
19 twice, did anything happen?

20 A. After that, we came -- after that, we came --

21 Q. Yes, go on.

22 A. After that, we came, they -- the third time, they caught
23 us -- they caught us on the cross road whilst we were having our
24 food on our heads.

25 Q. Thank you, Mr Witness. Mr Witness, when you say they
26 caught us, to whom do you refer?

27 A. The bunch of us that we went to look for food. That was
28 why I said that. I was not captured alone. They caught six of
29 us.

1 Q. Thank you. I am asking you: Who caught you?

2 A. The rebels caught us, captured us.

3 Q. Can you explain to the Court how it happened?

4 A. Yeah, I can. What happened is what I will say.

5 Q. Yes. Please say it.

6 A. When we were going at the junction at Gbongbor, they
7 captured us and they shot around. When we were having our food
8 on our head, we scattered everything and there was no way to go,
9 so they captured us there.

10 Q. Thank you.

11 MR MANLY-SPAIN: I believe, Your Honours, he mentioned
12 Gbongbor, G-B-O-N-G-B-O-R.

13 Q. When you were captured, did anything happen?

14 A. They brought us.

15 Q. To where did they take you?

16 A. They carried us back to Tombodu.

17 Q. Tombodu. Mr Witness, these people you are referring to as
18 rebels, did you see how they were dressed?

19 A. Oh, the way they dress. It is not good. They -- some had
20 trousers, their combat trousers. Some had their black shirt.
21 Their faces, you cannot recognise them properly. Some have guns.
22 They have their cartridges hanging on them, with their shoes.

23 Q. Thank you, Mr Witness. You said that the --

24 A. Yes.

25 Q. -- [microphone not activated] took you to Tombodu. At
26 Tombodu, did anything happen to you and the others that were
27 captured with you?

28 A. Yes. They really beat us.

29 Q. After you had been beaten, did anything happen to you?

1 A. When I was beaten there, there they beat one of our friend.
2 Even the -- the -- the oxy pot [as interpreted], they break that
3 one. He was there shivering until he died.

4 Q. Mr Witness, was this friend that was beaten one of those
5 captured with you?

6 A. Yes, they captured us together.

7 Q. You say, Mr Witness, that he died. After he died, do you
8 know what happened?

9 A. I can say my own because even my arm, there is a cartridge
10 in there. Look at it here on my arm. Look at the scar on my
11 arm, on my left arm.

12 Q. Where is it [microphone not activated] --

13 A. I said, on my arm, my left arm. Look at the scar there on
14 my left arm.

15 MR MANLY-SPAIN: If Your Honour please. I don't know
16 whether Your Honours have seen it or taken --

17 PRESIDING JUDGE: Perhaps he could hold his left arm up
18 again, Mr Manly-Spain.

19 MR MANLY-SPAIN:

20 Q. Mr Witness, please show the wound, the scar, on your left
21 hand to the Court. Please raise your left hand. Show it.

22 A. Look at it. Look at it here. Look at it here.
23 [Indicating]. It is there on my left arm. If one person can
24 come and look at it, it will be better.

25 JUDGE SEBUTINDE: Mr Manly-Spain, did the witness say he
26 has a cartridge inside the arm or he just sustained a bullet
27 wound?

28 MR MANLY-SPAIN: He said something about a cartridge in his
29 arm, but let me ask him again.

1 Q. Mr Witness, how did you get that wound?

2 A. I said, the mouth of the gun, they pierce my arm with it.

3 MR MANLY-SPAIN: As Your Honour please. It is not a
4 leading question, but --

5 PRESIDING JUDGE: I will just interrupt you,
6 Mr Manly-Spain. Just for the record, the witness was pointing to
7 a scar on the dorsal aspect of his left forearm, close to the
8 elbow.

9 MR MANLY-SPAIN: Yes, thank you.

10 Q. Mr Witness --

11 A. Yes.

12 Q. -- that scar was not caused by a bullet, was it?

13 MR AGHA: I do object, Your Honour.

14 THE WITNESS: No, I -- no.

15 PRESIDING JUDGE: Yes, what is the objection, Mr Agha?

16 MR AGHA: It's a directly leading question.

17 MR MANLY-SPAIN: I thought I had his implicit permission to
18 ask it. I considered it a leading question, but that is the only
19 way I can clarify the point. Because he first said there was a
20 bullet. Then he said with the gun, the mouth of the gun, and I
21 thought [overlapping speakers] --

22 PRESIDING JUDGE: I thought he said cartridge.

23 THE WITNESS: I said -- can I explain it?

24 MR MANLY-SPAIN:

25 Q. Yes, please explain it.

26 A. I said, what they call the mouth of the gun, which is sharp
27 like a screwdriver, they pierced my hand with it. That was what
28 they used.

29 MR MANLY-SPAIN: That is his answer. Thank you.

1 Q. Mr Witness, after the person who was beaten to death --

2 A. Yes.

3 Q. -- after --

4 A. Yes.

5 Q. -- [microphone not activated].

6 A. They beat us there. Everybody was beating. The way they
7 beat us, so they put you on the ground and they step on you.

8 Q. Thank you. Do you know, Mr Witness, what happened to the
9 body of the captive that was beaten to death?

10 A. As you know, we were not in the same place, and we were all
11 bundled in the place. We just saw they start to beat him. We
12 just saw him that he fell down. He was fighting to die when he
13 died.

14 Q. After that, do you know what happened to his body?

15 A. I was there when they dragged him amongst our midst and
16 they took us -- they carried us to the house where they packed us
17 in.

18 Q. Thank you, Mr Witness.

19 A. Yes.

20 Q. In that house, can you recall how many of you were there?

21 A. I said, we were six in number, but we were there. The
22 first person fell out, so we were five in number now.

23 Q. What do you mean by "fell out," fall out or fell out?

24 A. I said, "Don't you know that in Kono, that one he died."

25 Q. Thank you. Now, Mr Witness --

26 A. Yes.

27 Q. -- you said you were kept in the house. Do you know where
28 in Tombodu this house was?

29 A. It is in the road of Worodu where the school is under the

1 mango tree. When you are going down, right on your right hand.

2 Q. Thank you. Did this place have a name?

3 A. I said, Worodu Road.

4 Q. Thank you.

5 A. Yes.

6 Q. Whilst in this place, did you see anyone?

7 A. You cannot be able to see people but you can hear them.

8 You can hear their voices but you cannot hear what they are

9 saying. We were all packed in one room. They closed the door

10 behind us.

11 Q. Thank you. And whilst you were there in this room, did

12 anything happen?

13 A. They brought us out, and they tied us by a tree. They

14 started to beat us there again. They beat me especially, until

15 they beat me on my head and blood ran my nose, face.

16 Q. Thank you, Mr Witness. Mr Witness, for how long did this

17 beating last?

18 A. You know they have time on their business. If anyone

19 comes, he will ask what -- the people that he brought, bring them

20 out here, we want to beat them. They would take us out, they

21 beat us and they spread us on the ground. They beat us. They

22 spread us. They put us on the mat outside.

23 Q. Thank you. Who are these people who were beating you?

24 A. The rebels. You cannot know them. You know their uniform,

25 how they wore it. Some have black shirts. Some have a band on

26 their head. They tied their heads with headbands.

27 Q. Whilst you were there, Mr Witness, in Tombodu, did you come

28 to know whether the rebels that were beating you, whether they

29 had a leader?

1 A. Well, later on, when they took us out and carried us to the
2 barri, they put us in a cell there and they said they were going
3 to wait for their boss.

4 Q. After that was said to you, did the boss arrive?

5 A. It took two days. The third day he came.

6 Q. Thank you. When he came, did anything happen?

7 A. At that time, they took us out from that house. He came
8 during the midday, and they brought us out. By the side of the
9 cell, they brought us out there. They said we should uproot
10 potatoes for them.

11 Q. Thank you. When the boss came, Mr Witness, you said they
12 brought you out. Did you see the boss?

13 A. We were spread on the ground there. Up there, on the big
14 rock, outside there.

15 Q. Yes. Did you see the boss?

16 MR AGHA: It's been asked and answered your Honour.

17 MR MANLY-SPAIN: It's not been answered.

18 THE WITNESS: Yes, I saw him. He was a short man.

19 MR MANLY-SPAIN:

20 Q. And did you notice how he was dressed?

21 A. Oh, he, too, had the same dressing.

22 Q. Please explain what you mean by that.

23 A. He had a uniform on. He had a pistol by the side and the
24 other gun was on his hand and he had a bullet hanging on him.

25 Q. Thank you, Mr Witness. Mr Witness --

26 A. Yes.

27 Q. -- after the boss had come and you had seen him, did
28 anything happen?

29 A. He said if he comes from his mission --

1 Q. Please go it over again, Mr Witness. The interpreter is
2 not getting it.

3 A. I said, he said, when he comes back from his work, he said
4 he should kill us.

5 Q. After he had said that, did anything happen to you?

6 A. We were there. The person that he left in his place, he
7 called us and said we should go and brush his place by Worodu
8 Road.

9 Q. Thank you, Mr Witness. Do you know the name of the person
10 that the boss left in his place?

11 A. I knew his name later on. He went and met us there, to
12 that person -- the person that was in his place, I'm coming to
13 call his name.

14 Q. Yes. Please tell the Court the name of this person that
15 you were left with.

16 A. The person that was left in his place, he was called
17 Tikelo. It was later on that we knew his name.

18 MR MANLY-SPAIN: I have, Your Honours, T-I-K-E-L-O.

19 Q. Do you know --

20 A. Yes, that is it.

21 Q. Do you know how Tikelo was dressed?

22 A. He had the same dressing. He had the trousers. The shirt
23 was a green one. A green shirt and a belt tied on his waist, and
24 his pistol by his side.

25 Q. Thank you, Mr Witness. Mr Witness --

26 A. Mmm.

27 Q. -- do you recall if you were taken to clean the place of
28 Tikelo?

29 A. We were five in number.

1 Q. And did you do so?

2 A. We brushed the place and we were there whilst brushing.

3 Because of the food business, we saw a squirrel.

4 Q. Please continue.

5 PRESIDING JUDGE: What was that? What did he say, he saw a
6 squirrel?

7 MR MANLY-SPAIN: Yes, Your Honour.

8 THE WITNESS: We saw a squirrel, so some people killed it.
9 Some were shouting when they killed the squirrel.

10 MR MANLY-SPAIN:

11 Q. You have said squirrel. Do you know that thing by any
12 other name, any local name?

13 THE INTERPRETER: Your Honours, the interpreter would like
14 to make a correction. The animal is not actually a squirrel,
15 it's a king cutter, cutting grass.

16 MR MANLY-SPAIN: Thank you. I was just about to ask the
17 question.

18 JUDGE SEBUTINDE: Is this a form of rat, rodent?

19 MR MANLY-SPAIN: It's a rodent. It's a rodent. It's a big
20 one.

21 THE WITNESS: Yes, the big one. It is a meat. When I
22 said, a squirrel, don't you know it?

23 MR MANLY-SPAIN:

24 Q. Mr Witness, thank you. I want to ask you this, another
25 question before you go on.

26 A. Yes, that one is not --

27 Q. At the time you were kept in this barri, were there only
28 the five of you?

29 A. Only the five of us were there.

1 Q. Thank you. After this animal was caught, Mr Witness, did
2 anything happen?

3 A. Well, we were there brushing when we killed that meat. We
4 were there when the big man came who said that they should kill
5 us.

6 Q. This big man came; was it the same as the one that had
7 earlier said you should be killed?

8 A. Yes.

9 Q. And did you ever come to know the name of this big man?

10 A. He came -- I did not, in fact, know earlier on that Tikelo
11 came and took that meat and showed it to him. He said "These
12 people were brushing this place when they killed this squirrel,
13 when they killed this animal."

14 Q. What happened after that?

15 A. They took it and gave it to him. They gave it to him.
16 Himself, gave it to his bodyguard and they went to his place.

17 Q. Did you ever find out the name of this big man that you are
18 talking about?

19 A. Yes, I know his name. Later on, they showed his name.

20 Q. What is his name?

21 A. His name is Semi Saffi [as interpreted].

22 Q. Please say it again.

23 A. Savage. Savage.

24 Q. Thank you. Who told you that his name was Savage?

25 A. One man -- one boy that is there, they call him Wounded.
26 You know that they don't have correct names.

27 Q. Thank you. When you say one boy that is there, he is
28 called Wounded, what was he?

29 A. He told me that there is their boss that has just come.

1 He, too, was a rebel.

2 Q. Thank you. Did you get to know the name of any other of
3 the rebels?

4 A. I knew -- you know that all of them can't be in one place.
5 They were scattered everywhere. You just wouldn't know all their
6 names. Those that you live with, you would know their names.

7 Q. Yes. Apart from Wounded, did you get to know any other
8 name?

9 A. Yes, I knew the name of another person.

10 Q. Please tell the Court that name.

11 A. His name is Superman. One of their big men that come from
12 Koidu.

13 Q. Thank you. Apart from Superman, did you get to know any
14 other name?

15 A. I knew another person's name. He was in Bendu II.

16 Q. Yes. What is their name?

17 A. His name was Officer Med.

18 Q. Thank you.

19 MR MANLY-SPAIN: I believe, Your Honours, Med is just
20 M-E-D.

21 Q. Mr Witness --

22 A. Mmm.

23 Q. -- please go back. I want you to recall the time you were
24 cleaning the compound, or the house of Tikelo, the house where
25 Tikelo was going to stay. Whilst you were doing so, did anything
26 happen?

27 A. What happened was what I've just explained, that whilst we
28 were brushing there, that squirrel came out, that person saw it,
29 and the person said, "Look at an animal there."

1 Q. Whilst you were there -- sorry, let me go on. Whilst you
2 were there in Officer Med's compound, did anything happen, apart
3 from the capture of the squirrel, the rodent?

4 A. At that time, they came with some people up there, at Teh
5 compound. They carried us up there. They spread us under the
6 sun again. Officer Med -- where officer Med was living.

7 MR MANLY-SPAIN: I believe he mentioned Teh compound, Your
8 Honours. It's T-E-H.

9 THE WITNESS: Yes, up there, by the hill.

10 MR MANLY SPAIN:

11 Q. Yes. Mr Witness, you said they came with some people; do
12 you know who these people were?

13 A. There were other people with them, who they brought from
14 Sikudu Road but we were there when we heard them shouting.

15 Q. Do you know what they were shouting?

16 A. They were shouting. We just heard the voice of the gun
17 when they shot four times.

18 Q. I asked you before, Mr Witness, but you did not answer that
19 question. I asked you whether you knew who these people were,
20 those people that were brought to Teh Compound; do you know who
21 they were?

22 A. I can't be able to know them. I said, we were lying on our
23 back. They came then directly and passed with them to the park,
24 where the water was, the stream, but if they write it, I will say
25 this one.

26 Q. Thank you. Do you know whether the rebels referred to
27 these people by any name, these people who were brought?

28 A. They said, the people they came with, "How can you know?
29 You don't know them." But you heard their voices crying. Later

1 on, one of the boy came and said that the food -- the potato that
2 he -- they have dug, he has come for it; he is going to carry it
3 to his son. He was the one that told us that they have carried
4 three people -- they have killed three people there. That one,
5 we heard it.

6 Q. Yes, thank you. Mr Witness --

7 A. Yes.

8 Q. -- you said that after this animal was caught, it was given
9 to Savage.

10 A. Yes, they gave it to him.

11 Q. Were you present when this was done?

12 A. Yes. The boy that took it, his elder brother, Tikelo, took
13 it. Tikelo said they should give it to him to carry it to his
14 brother.

15 Q. And were you there when it was given to him?

16 A. I said, we were there lying on the ground.

17 Q. At the time this animal was given to Savage, were you
18 present?

19 A. I said, we were lying there on the ground, and it didn't
20 happen in front of us. We were just lying on our back like this,
21 and the house was on the hill, and he carried it. They gave it
22 to him there.

23 Q. Mr Witness --

24 A. Yes.

25 Q. -- did you see at that time how Savage was dressed?

26 A. He was dressed in the uniform. He was a big man. He was
27 on top of them all.

28 JUDGE SEBUTINDE: Mr Manly-Spain, perhaps you could
29 ascertain from the witness what kind of uniform he is talking

1 about.

2 MR MANLY-SPAIN: Thank you.

3 Q. Mr Witness, please explain to the Court or tell the
4 Court --

5 A. Yes.

6 Q. -- what kind of uniform this man Savage was wearing?

7 A. The trousers that he was wearing, the trousers and the
8 shirt were not the same. The trousers was a combat.

9 Q. And what was the shirt? The shirt.

10 A. The trousers -- the shirt was black like this thing. The
11 shirt that has short arms, it was black like the vest.

12 Q. Thank you. Mr Witness, you said that Savage was on top of
13 them all; how did you know that?

14 A. Tikelo told me that that is his boss man that has come.

15 Q. Do you recall, Mr Witness, how many times you met with
16 Savage?

17 A. Savage himself?

18 Q. Yes, please.

19 A. The time I met him there, at times he will come, he will
20 not stay there for long. He would either go to Koidu or go to
21 Sokogbeh. He cannot stay in one place at a time. At times he
22 would leave someone to step in his shoes behind him.

23 Q. Thank you. Mr Witness, you have referred to one of the
24 rebels who you said was called Wounded. And did you meet with
25 him?

26 A. Wounded himself?

27 Q. Yes.

28 A. I met him.

29 Q. Where did you meet him?

1 A. I met him in front of the house. They were standing by us.
2 We were there. Wounded was called.

3 Q. Who called Wounded?

4 A. Savage called him.

5 Q. And did Wounded report to Savage, after Savage had called
6 him?

7 A. Yes. [Microphone not activated] there.

8 Q. [Microphone not activated]?

9 A. Yes, something happened. They called him and said that one
10 girl is crying. He said he should pass with him behind the house
11 and put him in a hole.

12 Q. When you said one girl, do you recall how old this girl
13 was?

14 A. I did not recognise the child because even Savage himself
15 said to Wounded that they should put that girl in the hole. He
16 said she disturbs at night too much and the mother of the girl
17 was there.

18 Q. Thank you. Do you know what happened to the girl, after
19 Savage had given instructions to wounded?

20 A. He said he should go and put him in the hole. He went and
21 placed that baby in the pit latrine.

22 Q. Thank you. After -- when you said he -- do you remember
23 you referred to Wounded?

24 A. Yes. I referred to him.

25 Q. After [microphone not activated]?

26 A. When [microphone not activated] the mother of the girl was
27 there. She was a Fullah Musu.

28 Q. Do you know what happened after that?

29 A. That is [microphone not activated]. I said, the woman was

1 there. I entered the room and I cannot find my baby.

2 Q. Please go over that again.

3 A. What one; the one I was just talking about?

4 Q. Yes. After the baby, the girl has been put in the hole,
5 what happened?

6 A. What happened again? I said, there, when the woman came, I
7 just heard the man saying that they should go and put that baby
8 in the pit latrine. I said, "Maybe it's your daughter. Go there
9 and find out for yourself."

10 Q. Who did you tell that?

11 A. I said it to that woman.

12 Q. After you had said it to the woman, did she do anything?

13 A. That woman, because I was there, I told her in Krio. I
14 said, "Maybe it's your daughter that is crying behind that
15 house." She went there and look at. The baby was crying, and
16 the baby was in the pit latrine, so she was unable to bring the
17 baby out.

18 Q. Do you know whether the mother of the baby did anything
19 after that?

20 A. She cried. She was there crying, until she ran and then
21 she escaped. We don't know where she went to.

22 Q. Thank you very much. Mr Witness, do you --

23 A. Mmm.

24 Q. -- know how long you stayed with Tikelo and the rebels?

25 A. We spent six months together. It was only God that took us
26 out.

27 Q. During that period, Mr Witness, did you meet with Officer
28 Med?

29 A. Yes, I met Med. He came and met us there because he was in

1 Bendu II.

2 Q. When you say "there," what do you mean? What place do you
3 mean?

4 A. He met us there, up there, by the barri.

5 Q. Whilst Med was there with you, did anything happen?

6 A. What they did there, when they captured one woman there - I
7 don't know what is between them - he came and he brought the
8 woman and placed her there, and took a big stone and put it on
9 the forehead of the woman.

10 Q. Mr Witness, please, when you say put it on the forehead of
11 the woman, what do you mean?

12 A. He took this stone and put it heavily, with all his
13 strength, on the forehead of the woman, and she died.

14 Q. Thank you.

15 JUDGE SEBUTINDE: Sorry, Mr Manly-Spain; who did this?

16 MR MANLY-SPAIN: Officer Med.

17 THE WITNESS: I said, Officer Med. I've spoken this thing.
18 They have no one name.

19 MR MANLY-SPAIN:

20 Q. Apart -- after the woman died, do you know what happened to
21 her body?

22 A. They took her and carried her down there. They dragged
23 her. And carried her to the pit, where the pack was. They call
24 the place "Savage Pit."

25 Q. When she was taken to Savage Pit, do you know what
26 happened?

27 A. That's the place they put them, in that hole. Anyone that
28 did bad, they would just take you and put you there.

29 Q. Mr Witness, you said "them." Who do you refer to as

1 "them"?

2 A. I said, all the children that are behind them, the rebels,
3 anything that you do, they would just capture you and dump you
4 into that hole. Anyone they killed, they would just remove you
5 from the midst and then they would dump you into that hole.

6 Q. This is the hole you said was called Savage Pit?

7 A. That is it.

8 Q. Did you, yourself, ever go to this pit called Savage Pit?

9 A. Yes. The pit is there, right by the park, down the park.

10 Q. Thank you, Mr Witness.

11 A. Yes.

12 Q. Mr Witness, I just want you to clarify and tell the Court
13 in which village Savage Pit is?

14 A. It's in Tombodu Town.

15 Q. Thank you very much, Mr Witness. Whilst you were at
16 Tombodu, under captivity, do you recall anything else happening
17 at Tombodu?

18 A. Something can happen but there we don't meet there. We go
19 there. We go fishing for them, and we come with the fish, so
20 they thank us. At times we go fishing, twice a day, for them.

21 Q. Thank you. Apart from fishing and cleaning, did you do
22 anything else for the rebels?

23 A. Yes. We carried loads for them. We go out to fetch food
24 for them. We can -- they usually go with us.

25 Q. Thank you. Do you recall where you carried the load to?

26 A. We -- we -- I took a battery from here and carried it to
27 the place where they called the place Burkina. They called that
28 place Burkina, by Liberia boundary.

29 Q. [Microphone not activated]. Do you recall any place you

1 took loads to?

2 A. Jagbema Fiama we went there to -- in search of food, rice,
3 we put it in a sack. At times, we put it in the five gallon
4 rubber. We have to press it and then they put it on our heads to
5 carry for them.

6 Q. Thank you, Mr Witness. Mr Witness, whilst you were at
7 Tombodu under captive, were you ever present when Savage gave
8 orders to his men to do anything, apart from what you have told
9 this Court?

10 A. He was passing order. He cannot just kill person on the
11 spot, in his absence. He gave orders, even before he leaves.

12 Q. And do you recall any of these orders that he gave, when
13 you were present?

14 A. He said whenever somebody is captured in his absence they
15 should wait for him he returns. Whether he knows that person
16 before or not, I wouldn't say that, because there was some other
17 people who had their own people among them.

18 Q. What did he say they should do, that his men should do?

19 A. I said, if he is going out, he will leave a message to his
20 people. We are not witnessing some, but they will say that let
21 us wait for our boss until he comes. We cannot be at all the
22 place at the time. Sometimes they will just explain to us.

23 MR MANLY-SPAIN: Thank you. Your Honour, I don't know
24 whether we can take the break.

25 PRESIDING JUDGE: Yes. Thank you. If that is an
26 appropriate time we will have a break now. We will resume at
27 11.05.

28 Mr Witness, we are going to have a short break now. I tell
29 you that during the course of your testimony, you are not

1 permitted to discuss the evidence or this case with any other
2 person. Yes, we will resume at 5 past 11.00.

3 [Break taken at 10.47 a.m.]

4 [Upon resuming at 11.10 a.m.]

5 PRESIDING JUDGE: Yes, go ahead, Mr Manly-Spain.

6 MR MANLY-SPAIN: Thank you, Your Honour.

7 Q. Welcome back, Mr Witness. Mr Witness, you have told this
8 Court that you were born in Tombodu Town, and that you have lived
9 there --

10 A. I was born there.

11 Q. -- and you have lived there almost all of your life.

12 A. Yes.

13 Q. Am I right to say that you are familiar with the people who
14 own houses in Tombodu?

15 A. Yes, I know a lot of them.

16 Q. Do you know one person called Pa Hardy?

17 A. Mr Hardy.

18 Q. Yes.

19 A. Yes, I knew him.

20 Q. And do you know whether he owned a house, in Tombodu, in
21 1998?

22 A. I used to see him in the house but I don't know whether he
23 was the one who owned the house.

24 Q. Well, do you know whether anything happened to the house
25 that you used to see him in?

26 A. Well, the house, most of the house were burnt down. They
27 burnt a lot of them. Even my own, they burnt it down.

28 Q. Thank you. But I want you to concentrate on the house of
29 Pa Hardy; do you know whether anything happened to it?

1 A. Yes.

2 Q. Please tell the Court what happened to it.

3 A. I will take it little by little.

4 Q. Thank you. Please do so.

5 A. In that house, they held -- they captured a person, a lot
6 of people and they hold them and they burnt the house. And we
7 knew that those who were there, they put them there in that
8 house. There were many.

9 Q. Yes, okay. Slowly. Who captured these people?

10 A. The rebel. It was the rebel that held them.

11 Q. Do you know who was [microphone not activated]?

12 A. Yes. When I -- I cannot remember at that time because --
13 because everything was just mixed up. So I cannot remember all
14 of them at once.

15 Q. Please listen to the question. Interpreter, please listen
16 to the question. Do you remember who was the commander of the
17 rebels who captured these people and put them in Pa Hardy's
18 house?

19 A. But I said that earlier on. So, I said it -- I said, that
20 Savage was their leader.

21 Q. Thank you.

22 JUDGE SEBUTINDE: Mr Manly-Spain, could you kindly spell
23 the name of this individual who owned this house.

24 MR MANLY-SPAIN: Thank you. It's Hardy, H-A-R-D-Y.

25 THE WITNESS: I'm not educated. I'm not educated.

26 MR MANLY-SPAIN: Thank you. I have spelt it.

27 Q. Mr Witness, do you know what happened to these people who
28 were put in this house?

29 A. We were there and when we heard that, and some people said

1 that they put them in the house. That funny thing, they put the
2 sponge on them and light it up, and they put petrol on them and
3 gasoline on them and light them, in that house.

4 Q. After they had been lit, did anything happen to them?

5 A. You knew it was -- we were all shouting. They were there
6 until -- some -- and some were -- they were shouting until it --
7 they were shouting until it's calmed down, not being that they
8 are all dead.

9 Q. Do you know what happened to the house of Mr Hardy?

10 A. I said, I -- they hold it, they put people there in this
11 house and burned them all.

12 Q. Have you ever been to that house after that event?

13 A. Yes. When it -- it was a long time before I went there. I
14 went there and I saw the house. We were afraid.

15 Q. Apart from the house, did you see anything else?

16 A. Oh, yes. Oh, we saw their bones. They were just -- they
17 were all burnt down. They were all -- the house was full if --
18 it appeared as if it were an anthill.

19 Q. Thank you, Mr Witness. Do you know whether this house is
20 still there at Tombodu?

21 A. They trained there. They made their house and they trained
22 the house and they built another one. This house is there. The
23 houses which were damaged, they are there in one room.

24 Q. Mr Witness, apart from this house of Pa Hardy that was
25 burnt, was any other house burnt down in Tombodu?

26 A. Yes. At that time, both when they damaged that house in
27 Mansaray compound.

28 Q. Please go over that again. Counsel didn't get the answer.

29 A. Then, I said, they burnt it. It was burnt, but that

1 particular one, which the jets were the one which -- bombing
2 them, which was the Mansaray compound.

3 Q. The jets bombed the military compound and did anything
4 happen to the compound?

5 A. Yes. It fell down and it shattered. It was a concrete
6 house.

7 Q. I am asking [microphone not activated]?

8 A. Say it.

9 Q. My question is whether apart from Pa Hardy's house, any
10 other house was burnt in Tombodu?

11 A. A lot of houses were burnt, not only one house was burnt.
12 A lot of them.

13 Q. Do you know when these houses were burnt?

14 A. At that time, I cannot remember the very month, but as
15 it's -- it seems it was in March, if I do not forget, because it
16 was -- it is a long time now.

17 Q. Thank you. Do you know who burned down these houses?

18 A. It were the rebels who burnt it down.

19 Q. Were you present when these houses were burnt?

20 A. No, I was not there at that time. I met -- we met them.
21 There was smoke coming out of the houses and some of were -- some
22 were already burnt.

23 Q. Did you see these burnt houses, Mr Witness?

24 A. I saw some of them. I saw smoke coming out of some of
25 them.

26 Q. How did you know that they were burnt by the rebels?

27 A. They were the people who were there.

28 Q. Mr Witness --

29 A. Yes.

1 Q. -- you have told this Court about the killings that were
2 done in Tombodu, you have told this Court about the burning of
3 houses; did you witness any other bad thing happening in Tombodu?

4 A. Yeah. When a lot of people were brought there. When we
5 are brought down in the hole, in that water well, in that -- down
6 there, and it is there that they tied the people and put them in
7 the hole.

8 Q. Do you know who these people were?

9 A. Yes; it were the rebels.

10 Q. I'm asking you -- sorry, I'm going too fast. I'm asking
11 you about the people who were put into the hole?

12 A. Well, I cannot understand you. I did not hear them.
13 When -- they cannot be doing their operation and come near them.
14 I know -- we would just hear from people. They would come with
15 your -- that was how it was.

16 Q. Thank you, Mr Witness. Mr Witness, apart from that, the
17 people being put in holes, the burning and the killing, did you
18 see any other bad thing happening?

19 JUDGE SEBUTINDE: Mr Manly-Spain, excuse me. I personally
20 don't understand with what is meant by putting in a hole.

21 MR MANLY-SPAIN: Sorry, Your Honour.

22 Q. Mr Witness, which hole are you talking about, first of all?

23 A. The same hole I am talking about, this hole that I was
24 talking about that, it was Savage Pit. It was there that they
25 used to put people.

26 Q. [Microphone not activated]?

27 A. They would tie them and throw them there in the hole. They
28 pulled -- they exhumed those people again, in front of us, when
29 the war was finished.

1 Q. [Microphone not activated] unclear about this.

2 A. Okay. Repeat it. I did not understand.

3 Q. The people that were put in the hole, were they alive or
4 dead?

5 A. They were dead.

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

7 A. Yes.

8 Q. -- I was asking about whether you saw any other bad thing
9 happening in Tombodu. Apart from what you have told us, do you
10 recall any other bad thing happening?

11 A. The one that is left now, it is only because I was saved.
12 That was the only thing God did for me, because I was saved.
13 Because I was lucky; I was saved.

14 Q. Thank you, Mr Witness. Mr Witness, you mentioned that --
15 earlier, that Superman went to visit Savage?

16 A. Yes.

17 Q. Do you know who Superman was?

18 A. He was even -- he was even superior to Savage. Savage's
19 boss was him.

20 Q. Okay, Mr Witness. Do you know -- did you see him
21 personally?

22 A. He came there twice. The third time I saw him.

23 Q. And do you recall how Superman was dressed?

24 A. Well, they were in the same uniform. The clothes was on
25 him and the shoe was on -- he was wearing the shoes, as well, and
26 their belt, the pistol -- and the pistol also.

27 Q. Do you know whether the uniform has any name, the uniform
28 you saw him wearing?

29 A. The one that is called combat, with them -- the one with

1 the mixed colour.

2 Q. Thank you. Mr Witness, you said that Superman was the boss
3 of Savage, superior of Savage; how do you know that?

4 A. Those that -- those that were there, they told us that he
5 was -- he was the boss. When they were saying that, we thought
6 of that.

7 Q. When you say those that were there, do you mean the other
8 rebels or the captives that were with you?

9 A. Some rebels. We used to hear it from them.

10 Q. Thank you, Mr Witness. Mr Witness, whilst you were there,
11 in Tombodu, do you recall any other person, any other commander
12 visiting Savage?

13 A. He -- it was Superman who went there. He was the one who
14 went to visit him. He was the one I remembered. He went there
15 twice. It was on the third visit that I saw him and it was
16 there, then, that I knew that he was Superman.

17 Q. Mr Witness, during that period, when you were in Tombodu
18 under captive, did you hear the name Santigie Kanu as being
19 leader of the rebels that were there?

20 A. I was not there. I said, sometimes we used to go to find
21 food.

22 Q. Did you hear the name of one Tamba Brima as being leader of
23 the rebels who were in Tombodu?

24 A. No, not at all. I did not hear about that. I cannot tell
25 lies. I cannot tell lies.

26 Q. And did you hear the name of one Ibrahim Bazzy Kamara, as
27 being leader of the rebels who were in Tombodu?

28 A. No. This is the one I know.

29 MR MANLY-SPAIN: Thank you, Mr Witness. I am finished with

1 you. My colleagues will ask you questions.

2 PRESIDING JUDGE: Yes. Anything else in chief?

3 MR GRAHAM: Yes. Thank you, Your Honour. Just a few
4 questions for the witness.

5 EXAMINED BY MR GRAHAM:

6 Q. Good morning, Mr Witness.

7 A. Good morning.

8 Q. Mr Witness in your --

9 A. Yes.

10 Q. -- in the Court this morning, you told the Court that you
11 were captured by some rebels. Mr Witness, do you -- did you hear
12 the rebels refer to themselves by any name?

13 A. I said earlier that some of their names were not correct.
14 Their boss was Savage. Some were there. Wounded.

15 Q. What I'm asking you --

16 A. Some were there.

17 Q. Thank you, Mr Witness. But what I'm asking is --

18 A. My thinking goes towards my family.

19 Q. Mr Witness, please listen to me. I'm not referring to
20 their names as individuals. I'm saying that, as a group, did you
21 hear anyone refer to them by name, as a group?

22 A. Their -- their group name? How can I know that? These are
23 the names I have given. Those are that I knew, those that were
24 there.

25 Q. Thank you, Mr Witness. Mr Witness, if I may ask you, have
26 you heard the name RUF before?

27 A. That -- this one, I used to hear it, but I can't -- I did
28 not understand it very well. If I come to them, sometimes I will
29 go for five days before I come back, before we come back with

1 food, and when you come, you wouldn't meet them. They would just
2 go away. I heard another side.

3 Q. Mr Witness, if I may ask; where did you hear this name RUF?

4 A. We -- we heard it in Koidu.

5 Q. Koidu. And, Mr Witness, if I may ask you; during the
6 period that you were in captivity, in Tombodu, did you hear that
7 the RUF had at any point in time come to Tombodu?

8 MR AGHA: It's a leading question, Your Honour. I would
9 object to that.

10 PRESIDING JUDGE: Yes. Not allowed, Mr Graham.

11 MR GRAHAM: Thank you, Your Honour.

12 Q. Mr Witness --

13 A. Yes.

14 Q. -- have you heard the name Kamajors before?

15 A. It was later on that I heard that one.

16 Q. Where did you hear that name from, Mr Witness?

17 A. At that time, we were in Jagbema. We heard that, that
18 Kamajor -- that they are coming, that they are going to come
19 to -- go to Koidu. We did not meet them.

20 Q. Okay. Thank you. Mr Witness, have you heard of the
21 village or place by name Peyama?

22 A. Yes. That is Kama.

23 Q. And do you know how close Peyama is to Tombodu, by way of
24 distance?

25 A. Yes. I think it's 6 miles that is between them. From
26 Tombodu to Peyama, it's 6 miles.

27 Q. Thank you, Mr Witness. Mr Witness, how do you know the
28 distance from Peyama to Tombodu is about 6 miles?

29 A. We were there. We knew all that -- I'm no longer a child.

1 Q. Thank you, Mr Witness.

2 MR GRAHAM: Your Honours, could I spell --

3 JUDGE DOHERTY: Mr Graham, could I have the --

4 MR GRAHAM: I'm sorry, Your Honours. Peyama is spelt
5 P-E-Y-A-M-A [sic].

6 Q. Mr Witness --

7 A. You are asking me this question. I told you that I'm not
8 educated.

9 Q. No, Mr Witness, I was not asking you to spell. Mr Witness,
10 have you heard of a place or village by the name Sukudu?

11 MR GRAHAM: Your Honours, I will spell: S-U-K-U-D-U.

12 THE WITNESS: Yes. It is there after Moindeh.

13 MR GRAHAM:

14 Q. And, Mr Witness, if you may assist me, do you know how far
15 it is from Sukudu to Tombodu?

16 A. Between Tombodu and Sukudu?

17 Q. [Microphone not activated], if you know?

18 A. If I have not forgotten, it can go to 5 miles.

19 Q. Mr Witness, have you heard the name of a village by a place
20 Namesedu?

21 MR GRAHAM: Your Honours, it is spelt N-A-M-E-S-E-D-U.

22 THE WITNESS: Namesedu, near -- that is near Peyama.

23 MR GRAHAM:

24 Q. Thank you, Mr Witness?

25 A. It's only one village that is -- town that is between them.

26 Q. And, Mr Witness, do you -- also, if you may assist me, tell
27 me approximately, if you know, the distance between Peyama and
28 Namesedu?

29 A. Namesedu and Peyama, it's 2 and a half miles. It is 2 and

1 a half miles.

2 Q. Mr Witness, if I may ask you whether you would know a place
3 by name, Number 11 Plant at Maima?

4 MR GRAHAM: Your Honour, Maima is spelt M-A-I-M-A. Number
5 11 Plant, P-L-A-N-T.

6 Q. Number 11 Plant at Maima, Mr Witness.

7 A. Those places, all --

8 Q. [Microphone not activated].

9 A. I was working in the MC. Why should I not the know there?

10 Q. Thank you. Mr Witness, do you know the distance between
11 Number 11 Plant at Maima and Tombodu, in terms of distance?

12 A. The miles? The mile?

13 Q. Yes.

14 A. The road to go to Maima, to Number 11, it is 2 miles.

15 Q. Thank you, Mr Witness. I will ask you again whether you
16 know a place by a name Number 6 Plant at Bongayma?

17 MR GRAHAM: And, Your Honours, Bongayma is spelt
18 B-O-N-G-A-Y-M-A.

19 Q. Number 6 Plant at Bongayma. Do you know there?

20 A. I don't know that mile because I'm not on that side.

21 Q. Thank you. And do you also know a place by name Bendu II?

22 MR GRAHAM: Your Honours, Bendu is spelt B-E-N-D-U.

23 THE WITNESS: No, no. I don't know the -- my road was not
24 there. I don't know.

25 MR GRAHAM:

26 Q. Thank you. But, Mr Witness, am I right if I say Tombodu is
27 the chiefdom headquarter of the Kama Chiefdom?

28 A. Yes.

29 Q. And, Mr Witness, all the places that I mentioned that you

1 know that you just gave us the distance, do you know under which
2 chiefdom headquarter they fall within?

3 THE INTERPRETER: Can learned counsel please take the
4 question again?

5 MR GRAHAM:

6 Q. Mr Witness, I said, the Peyama, Sukudu, Namesedu and Number
7 11 Plant at Maima, and I asked -- I said: Do you know under
8 which chiefdom headquarter they fall within?

9 A. But the town is Tombodu. It is Tombodu Kama. Those is the
10 chiefdom town.

11 Q. Thank you, Mr Witness. And, Mr Witness, during the period
12 that you were in Tombodu, did you get to know whether Savage had
13 any of his men in these places that I just mentioned?

14 A. Most of them were in those towns. They were scattered all
15 over. Every village, they were present at all the villages,
16 which was in that Kama area.

17 Q. Mr Witness, if you say they were present in most of these
18 villages, who do you mean by "they"? Whom are you referring to
19 as "they"?

20 A. I'm talking about the rebels. I said, they were -- they
21 were in those villages, in those towns, all over.

22 Q. Thank you. And, Mr Witness, these rebels that you
23 mentioned were in all these villages that I mentioned, did you
24 get to know under whose command they were operating?

25 MR AGHA: Your Honour, that's asked and answered.

26 MR GRAHAM: No, Your Honours -- Your Honours, I don't think
27 I've asked that question because these are all villages lying
28 outside the circumference of Tombodu.

29 PRESIDING JUDGE: When was this asked and answered,

1 Mr Agha?

2 MR AGHA: I believe the --

3 THE WITNESS: In Kama area. In Kama area.

4 MR GRAHAM:

5 Q. Mr Witness, please hold on a second. Please hold on.

6 PRESIDING JUDGE: He's not just talking about Tombodu now.
7 He is referring to all the other villages. When was that asked
8 and answered?

9 MR AGHA: I may be incorrect and stand to be corrected, but
10 I believe he said that these men in these areas were under
11 Savage's command.

12 PRESIDING JUDGE: I don't recall that, but go ahead
13 Mr Graham. Ask that question again.

14 MR GRAHAM: Thank you, Your Honour.

15 Q. Mr Witness, I asked whether these rebels in all these
16 villages, whether you know under whose command they were
17 operating?

18 A. I said, their leader was Savage in Kama Chiefdom.

19 Q. Thank you, Mr Witness. Mr Witness, how do you know that
20 all these rebels in these areas were operating under the command
21 of Savage?

22 A. If anything happens anywhere, in surrounding of Tombodu,
23 they will come to their leader.

24 Q. How do you know that they would come to their leader,
25 Mr Witness?

26 A. When I -- some time when I'm travelling, I would meet them
27 on the road. They will -- they will surround us. When we were
28 carrying their loads, they would tell us that they are going to
29 their boss.

1 Q. And did they tell you who their boss was?

2 A. They will come to Tombodu and those were their boss.

3 Q. Mr Witness, did you ever see them in Tombodu, coming to see
4 their boss?

5 A. At one time, we met with them. We came there and we met
6 them sitting down there. They were queued, just as we are
7 sitting here. Their boss was standing. They were explaining,
8 but we did not go close to them. We were down there. It was
9 like we were down there and they were on top of the hill.

10 Q. Thank you, Mr Witness. Mr Witness, during the period that
11 you were in Tombodu, did you yourself witness any amputations?

12 A. They cut off most of their hands and some of them ran away.
13 Some were screaming and running away. There were some of them
14 who were still there. Some of them were here who were amputated.

15 Q. Mr Witness, if you say they cut off their hands, who cut
16 off their hands?

17 A. The rebels did that to them. Who else would I call?

18 Q. Thank you, Mr Witness. And, Mr Witness, can you tell this
19 Court, approximately, if you know how many of such individuals
20 did you see, witness, being amputated in Tombodu?

21 A. What happened in my presence, on one day, that's what I
22 know.

23 MR GRAHAM: Thank you, Your Honours. I don't have any
24 further questions of this witness. I'm grateful for the time.

25 PRESIDING JUDGE: Thank you.

26 THE WITNESS: I'm tired, I'm tired. I'm tired. My mind is
27 all in my village.

28 PRESIDING JUDGE: Go ahead.

29 MR FOFANAH: Thank you, Your Honour.

1 EXAMINED BY MR FOFANAH:

2 Q. Mr Witness, I will be asking just a few questions. I won't
3 bore you at all. Now, you've spoken about Superman in your
4 testimony. Do you know where Superman was based?

5 A. He was there in Koidu.

6 Q. Is Koidu in the Kono District of Sierra Leone?

7 A. It's in Gbense, Gbense Chiefdom.

8 Q. Is that in the Kono District of Sierra Leone?

9 A. Yes. When somebody talks of Gbense, is that not a Kono
10 name?

11 Q. Do you know if Superman belonged to any armed group in
12 Kono?

13 A. I said, I knew that only once. When he came to Tombodu, I
14 saw him only once and they said he was their boss, their boss who
15 was at Gbense. He was their boss.

16 Q. The question is: Do you know if he belonged to any armed
17 group, that you know, in Kono?

18 A. I did not know that.

19 Q. Now, when he came to Tombodu, did he come alone?

20 A. His bodyguards were with him.

21 Q. Do you also know if those bodyguards belonged to any armed
22 group that you know?

23 A. They were following him.

24 Q. Now, you've told the Court that you know Kono very well.
25 Now, how far is Tombodu from Koidu Town, if you know?

26 A. From Tombodu, to go to Koidu, it is 6 miles. It is 6
27 miles.

28 Q. Now, apart from the fact that you have told the Court you
29 did not hear the name Ibrahim Bazzy Kamara in Tombodu, did you

1 yourself personally see anyone by that name, Ibrahim Bazzy
2 Kamara, during your stay in Tombodu?

3 A. I cannot explain [microphone not activated] all those I
4 don't know their names, but those who were in Tombodu Kama, I
5 know them. That is why I called their names.

6 Q. So the answer is you did not see anyone by the name Ibrahim
7 Bazzy Kamara during your stay at Tombodu?

8 A. I don't know that -- I have not heard that name and I have
9 not seen him with my eyes. One has to say the truth.

10 Q. Thank you very much. Finally, apart from the killings,
11 burning, harassment and so forth that you've mentioned, did you
12 see or hear about any rape, any case of rape in Tombodu and its
13 environs?

14 MR AGHA: It's a leading question, Your Honour; I object to
15 it.

16 PRESIDING JUDGE: Yes. That's leading, Mr Fofanah. I
17 won't allow it.

18 THE WITNESS: I don't understand this one.

19 MR FOFANAH: In that case, I have no further questions.
20 Thank you very much, Mr Witness.

21 PRESIDING JUDGE: Thank you, Mr Fofanah. Yes, thank you,
22 Mr Agha.

23 CROSS-EXAMINED BY MR AGHA:

24 Q. Witness, I'm going to ask you a few questions. So if you
25 could kindly answer them as concisely as possible. Now, are you
26 aware that in around May 1997, President Kabbah's government was
27 overthrown by members of the Sierra Leone Armed Forces?

28 A. Yes, I heard about that one, but I did not see any person
29 with my eyes.

1 Q. What did you hear about that overthrow?

2 A. We heard this about the war. This war that -- heard all
3 about that one.

4 Q. Did you hear that Alex Tamba Brima, aka Gullit, was one of
5 the soldiers who took part in the overthrow?

6 A. I did not hear about that. I cannot tell a lie.

7 Q. Did you hear that Ibrahim Bazzy Kamara was one of the
8 soldiers who overthrew the Kabbah government?

9 A. I did not hear. You cannot understand everything.

10 Q. Did you hear that Santigie Kanu, aka Five-Five, was one of
11 the soldiers who overthrew the Kabbah government?

12 A. No.

13 Q. After the Kabbah government was overthrown, are you aware
14 that the Armed Forces Revolutionary Council government, known as
15 the AFRC, came into power?

16 A. That one, we heard about it, but it is not the same -- we
17 cannot explain all of that because if they say that one is the
18 leader, you yourself would believe. You cannot decide if you
19 don't know anything about it.

20 Q. So you heard that the AFRC government had come into power;
21 yes?

22 A. We heard about that.

23 Q. And after the AFRC government came into power, did members
24 of the Sierra Leone Army come into Kono?

25 A. At that time, I used to see them -- I used to see some of
26 them, but I cannot remember all of them. But I cannot remember
27 that those were the people who came to Sierra Leone. You cannot
28 name them? How can you understand them? You cannot know their
29 names.

1 Q. No, witness, I'm not asking you their names. I'm asking
2 you whereabouts in Kono did some of the Sierra Leone Army
3 soldiers go? For example, did they go to Koidu Town?

4 A. They were there in Koidu Town. Some were going in the
5 surrounding village. They used to go to those villages.

6 Q. Can you name some of those villages, please?

7 A. Some used to go to Yardu Gbense. As we used to hear, some
8 would go to Jagbema Fiama. Some would come to Kama. This is
9 what I know.

10 Q. Now, is Kama the same as Peyama?

11 A. This is Kama. Kama is also Peyama.

12 MR AGHA: I'm sorry, Your Honours, I am unable to spell
13 those names. I would hope to rely --

14 PRESIDING JUDGE: We have them already.

15 MR AGHA: Thank you, Your Honour.

16 THE WITNESS: But you are saying that -- I told you, I'm
17 not educated.

18 MR AGHA:

19 Q. No, no, it's not a question of education. It's a question
20 of what you hear or know or see. Are you aware that any SLA
21 soldiers went to Yengema?

22 A. I cannot differentiate that all of them were having --
23 wearing uniform. Anyone you see, they all have uniforms on. How
24 can you differentiate them?

25 Q. Now, when the AFRC came into power and told you the Sierra
26 Leone Army came to Kono, was diamond mining being carried out?

27 A. Yes, they used to work on the diamond mines. Even the
28 rebel, they were mining diamonds, but you cannot differentiate
29 them. You cannot differentiate. They were in groups. They will

1 capture people and they would make them to work for them. You
2 cannot differentiate them. But it was not themselves that used
3 to do the shovelling. You had -- they were not the ones who did
4 the work. The captives were the one who did the work for them.

5 Q. So rebels and members of the SLA made civilians mine for
6 diamonds?

7 MR MANLY-SPAIN: I don't know whether my learned friend is
8 asking a question in conclusion to the previous one, but the
9 witness, when he said the SLA make people mine, he said, "I can't
10 differentiate them. They were all dressed the same," or
11 something to the effect.

12 PRESIDING JUDGE: I think you can reword that.

13 THE WITNESS: That is what I said. That is what I said.

14 MR AGHA:

15 Q. So, as far as you were concerned, you couldn't distinguish
16 between rebels and members of the Sierra Leone Army?

17 A. They were all -- had the same uniform. How can you
18 differentiate them?

19 Q. So they were altogether, mixed up?

20 A. Yes, they were all mixed up. I cannot differentiate them.
21 That is what I'm saying.

22 Q. And this mixed-up group was making the civilians mine for
23 diamonds? Is that right?

24 A. Yes. Yes.

25 Q. And did there come a time, do you remember, when the AFRC
26 government was forced out of Freetown by ECOMOG forces?

27 A. No, I do not remember. I cannot tell lies.

28 Q. Okay.

29 A. You cannot understand everything.

1 Q. No, that's fine. Now, do you remember if a person named
2 Johnny Paul Koroma ever came to Kono?

3 A. If he reached Kono, I heard that one, but I did not went
4 there to Gbense.

5 Q. Did you hear that Johnny Paul Koroma gave orders that Koidu
6 Town should be burnt down because the civilians had sympathised
7 with the Kamajors?

8 A. I did not heard about that one. Why I have to say the
9 truth. I cannot leave the truth and lie.

10 Q. So you don't know?

11 A. No.

12 Q. Now, most of your time, from 1997, until 1998 was spent
13 living in Tombodu Town; is that right?

14 A. I said, some time we used to go to look for food. I cannot
15 sit down in Tombodu all the time. I used to go to look for food.
16 Sometime, if you go, sometime you would spend one week. Sometime
17 we -- in the second week we would return with the food. We would
18 be in the bushes looking out for food. We would be going to
19 [microphone not activated] after us.

20 Q. So would you agree with me that you were based in Tombodu
21 Town but, from time to time, went out to gather food and then
22 returned to Tombodu Town?

23 A. Yes, we were under their command. We were under their
24 command. If, if you do anything to them, if they are
25 [indiscernible] they would kill you. If they do anything,
26 anything that they do to you, you have to accept, so that you
27 cannot die. When we were captured, you are in their hands.

28 Q. Now, you say that Savage was the commander in Tombodu Town;
29 is that right?

1 A. I said he was their leader.

2 Q. Savage was a former member of the Sierra Leone Army, wasn't
3 he?

4 A. Yes; he was a rebel soldier.

5 Q. But he was a former member of the Sierra Leone Army, wasn't
6 he?

7 A. I can't say that, no.

8 Q. But Savage was in command of this mixed group?

9 A. He was the one who was around that Kama end.

10 Q. And did you hear of a person named Staff Alhaji, when you
11 were in Tombodu Town?

12 A. Yes, I saw him. But it was later that he came. At the
13 time that we went to fishing, to fish, and it was later that we
14 saw him.

15 Q. And Staff Alhaji was also under the command of Savage; is
16 that right?

17 A. Yes.

18 Q. Now you mentioned that a number of people were put into a
19 house and burnt. A house was set on fire; do you remember that?

20 A. They captured so many people and put them in the house; is
21 that it?

22 Q. Yes. Do you remember saying and they were set on fire and
23 you saw the bones. Do you remember saying that?

24 A. Yes, I can remember because I said that happened where they
25 were put in the house; I named the house; I told you where the
26 house was, that they built another house there, even now the
27 people's clothes are still there in that house. It's back there.

28 Q. And that house was burned down on Savage's orders, wasn't
29 it?

1 A. I said the bones in that house I do not know whether it
2 was -- who said it. We met it burnt down. We met it on fire,
3 not knowing that people were in it. It was later that we knew
4 all of that.

5 Q. So you found out later that Savage had ordered the burning
6 of the house with people in it; is that right?

7 A. I did not say he said that. I said, when we came, the
8 house had already been burnt, but he was their boss. Whether
9 he -- would say he did not say it? I cannot know the
10 distinction, whether he said it or not, but he was their boss.

11 Q. And the house was burnt down by the mixed group under
12 Savage's command?

13 MR FOFANAH: Objection. Your Honours, this is the second
14 or third time my colleague is using the word "mixed." I recall
15 this witness telling the Court that he cannot differentiate.
16 That he didn't know whether they were rebels or soldiers. It was
17 my colleague who has come to the conclusion --

18 THE WITNESS: No.

19 MR FOFANAH: Please, hold on. I mean, it's my colleague
20 who has come to the conclusion that by virtue of that response
21 that he doesn't know the difference, that in fact the group was
22 mixed. I will object to that conclusion coming from him. It did
23 not come from the witness.

24 PRESIDING JUDGE: Yes, Mr Agha.

25 MR AGHA: I believe, Your Honour, when I was asking about
26 the diamond mining earlier, it was clarified that as far as he
27 was concerned he couldn't tell the difference and the groups were
28 mixed, and that's how we have been referring to them since in the
29 cross-examination, without any kind of objection or interruption.

1 PRESIDING JUDGE: Yes. My note was you asked him a
2 question, you couldn't distinguish between the rebels and SLA and
3 his answer was they all had the same uniform. They were all
4 mixed up. You cannot differentiate --

5 THE WITNESS: I said, no, no.

6 PRESIDING JUDGE: Just a minute. Please. Just a minute,
7 you will get your chance to talk. It was him who said they were
8 all mixed up. It was the witness. Then you've said it was this
9 mixed group that made them mine for diamonds and the upshot of
10 his answer was affirmative. So your objection is overruled,
11 Mr Fofana.

12 MR AGHA:

13 Q. Now, Mr Witness, you also mentioned that you saw some
14 amputations in Tombodu; is that right?

15 A. I've said that. I said, some were amputated. Most of them
16 ran away. There was criminals that ran away. I do not know even
17 where they went, but I did see them being amputated, most of
18 them. Three of them. I saw three of them.

19 Q. And were these people amputated by the mixed group under
20 the command of Savage?

21 A. I can't say that because I did not find, I did not see him
22 there. He was not towards that end. I can't say that he was the
23 one who sent them but I did see them amputating people.

24 Q. So they were a part of Savage's group?

25 A. You cannot know the difference. I said there were many.
26 You wouldn't know if it is Savage's group because some of them
27 would come from some other place and come to Kama. All we did,
28 we wouldn't be in everywhere at the same time. All we did was to
29 find food.

1 Q. So would you agree with me that it was a mixed group that
2 carried out the amputations?

3 A. I can say that they were the very people. You don't know
4 the difference.

5 Q. Now, are you aware that at one point the mixed group left
6 Tombodu Town?

7 A. If they left Tombodu and went elsewhere; is that what you
8 mean?

9 Q. Yes. Did there come a time when they left?

10 A. There was a time when they would leave there to go
11 elsewhere.

12 Q. Now, did you hear that in January 1999 that Freetown was
13 attacked?

14 A. I heard that one but I did not go there. You will hear
15 something but you cannot go there. You can, you wouldn't be
16 crazy.

17 Q. I'm only asking you what you heard.

18 A. I heard that one.

19 Q. Okay. Now, did you hear that Freetown was attacked by a
20 mixed force?

21 A. I heard that the rebels have attacked there but I don't
22 know who did that. I don't know the difference.

23 Q. Did you ever learn who the commander of the attack on
24 Freetown was?

25 A. No.

26 Q. I put it to you that the commander was Alex Tamba Brima,
27 aka Gullit?

28 A. Well, I cannot tell that one because it did not reach here
29 and I did not hear about him. That is why I am saying.

1 MR AGHA: Okay. That completes the cross-examination, Your
2 Honour.

3 PRESIDING JUDGE: Thank you, Mr Agha. Is there any
4 re-examination?

5 MR MANLY-SPAIN: Yes, two questions I believe, Your Honour.

6 RE-EXAMINED BY Mr Manly-SPAIN:

7 Q. Mr Witness, when my colleague was asking you questions from
8 over there, he asked you whether after the AFRC came into power
9 did members of the SLA go to Kono and you said yes. Do you
10 remember that?

11 A. Repeat that one; I did not understand.

12 Q. I said my learned friend when he was asking you questions,
13 he asked you whether after the AFRC came to power, whether
14 members of the SLA went to Kono and you said yes?

15 A. Yes, they came to Kono. They came to Kono here. But, you
16 know, we were not in town during the day. We used to go to
17 search for food. That is why I said that one.

18 Q. I am asking you to clarify whether before the AFRC came to
19 power whether there were soldiers into Kono?

20 MR AGHA: I object, Your Honour. I didn't ask whether it
21 was before the AFRC came into power, so it doesn't arise out of
22 cross-examination.

23 PRESIDING JUDGE: Well, I think it does. I think it does.
24 It can be asked for clarification. Yes, go ahead.

25 MR MANLY-SPAIN: Much obliged.

26 Q. I'm asking you whether you know whether before the AFRC
27 came to power whether there were soldiers, SLA soldiers, in Kono?

28 A. There were soldiers there but I don't know their
29 difference. They were there but I don't know the difference

1 among them.

2 Q. The next question, the last question: You said that the
3 mixed group of soldiers and rebels were mining, they were forcing
4 people to mine for them. Do you know who the leader of this
5 mixed group of soldiers and rebels was? The ones who were
6 forcing the people to mine; do you know their leader?

7 A. Some were, officer, Mr, officer Med was with his own and
8 those were in Bendu II. And the other fellow, who was also
9 General Issa, he was also there. You know that they will show it
10 like that, everywhere.

11 MR MANLY-SPAIN: Thank you very much.

12 THE WITNESS: I want to use the loo.

13 PRESIDING JUDGE: Well, is there any more re-examination?

14 MR GRAHAM: No, Your Honour.

15 THE WITNESS: No?

16 PRESIDING JUDGE: Yes. If you will just allow me to say
17 something. We would like to thank you for coming to give
18 evidence. Your testimony is completed now and you will be able
19 to leave. If you just sit there until the curtains are pulled
20 across.

21 THE WITNESS: Okay. Thank you very much.

22 PRESIDING JUDGE: Yes, thank you too, Mr Witness.

23 THE WITNESS: I mean that.

24 [The witness withdrew]

25 PRESIDING JUDGE: Yes, who is the next Defence witness?

26 MR MANLY-SPAIN: It is going to be, Your Honour, DAB-115.

27 [The witness entered Court]

28 PRESIDING JUDGE: That is another witness giving evidence
29 in Kono, I take it, Mr Manly-Spain?

1 MR MANLY-SPAIN: Just a second. He is going to give
2 evidence in Limba.

3 THE INTERPRETER: Yes, Your Honours. What language did
4 they say the witness was testifying in again? Limba? Yes, Your
5 Honours, we would like to make an appeal at this juncture, from
6 the language booth.

7 PRESIDING JUDGE: Yes, what is it?

8 THE INTERPRETER: The list we have here of this witness
9 DAB-115 we were informed that this witness was to testify in Krio
10 and now we are being told that it's in Limba.

11 PRESIDING JUDGE: I can't hear you.

12 MR MANLY-SPAIN: I just want to clarify with him, with the
13 witness.

14 PRESIDING JUDGE: I see.

15 MR MANLY-SPAIN: He says he will testify in Krio.

16 PRESIDING JUDGE: I see. Well, that solves that,
17 Mr Interpreter.

18 THE INTERPRETER: Thank you, Your Honours.

19 MR MANLY-SPAIN: Thank you, Mr Interpreter.

20 WITNESS: DAB-115 [Sworn]

21 [Witness answered through interpreter]

22 EXAMINED BY MR MANLY-SPAIN:

23 Q. Good afternoon, Mr Witness.

24 A. Yes, good afternoon.

25 Q. I hope you are fine.

26 A. Yes, I'm fine.

27 Q. I hope also you have been waiting for the interpretation?

28 A. Okay.

29 Q. Mr Witness --

1 A. Yes.

2 Q. You were born in xxx in xxx Chiefdom?

3 A. Yes, there I was born.

4 Q. And that is in the Kono District of Sierra Leone?

5 A. Yes, it is in Kono District, in Sierra Leone.

6 Q. You are also a Limba by tribe?

7 A. Yes, I am a Limba man by tribe.

8 Q. And you are a Muslim by religion?

9 A. I'm a Muslim by religion.

10 Q. You are a farmer in your profession?

11 A. Yes, I'm a farmer.

12 Q. And you have lived all your life in xxx?

13 A. Yes, there I was even born.

14 Q. You also received your primary education in xxx?

15 A. Yes. There I did my primary education.

16 Q. And you did two years in secondary school?

17 A. Yes, sir.

18 Q. And since 1974 you have been a farmer, in xxx?

19 A. Yes.

20 Q. You have two wives?

21 A. I have two wives.

22 Q. You have 11 children?

23 A. Yes, I have 11 children.

24 Q. Do you, Mr Witness, stay presently in xxx with your
25 wives and children?

26 A. Yes, I'm at present staying in xxx with my wives and
27 children.

28 Q. In 1997, do you recall where you were staying?

29 A. I was at xxx, in 1997.

1 Q. And did you stay with anyone at that time.

2 A. Pardon? I didn't get you clearly.

3 Q. Did you stay with anyone at that time, in 1997 at xxx?

4 A. Yes, I was there with my family.

5 Q. In that year, do you recall 25 May, that is in 1997?

6 A. Yes, I can recall May '97, yes.

7 Q. And you recall particularly 25 May?

8 A. Yes, I will be able to recall.

9 Q. Do you know whether on that date anything in particular
10 happened in Sierra Leone?

11 A. Yes. We were sitting listening to a radio. Then we heard
12 that they had overthrown the government of Alhaji Tejan Kabbah.
13 We got that from the radio, sir.

14 Q. Yes. Thank you. Do you know who had the radio said had
15 overthrown Alhaji Tejan Kabbah from power?

16 A. Okay. They said it was one Gborie.

17 Q. And did they say who Gborie was?

18 A. Yes. Gborie, they said he was a soldier by then.

19 Q. Thank you. Mr Witness, after that date, did you continue
20 to stay in Peyema?

21 A. Yes, I continued to stay there.

22 Q. And did anything happen whilst you were at Peyema, after
23 that date?

24 A. Yes, something happened.

25 Q. Please explain to the Court what happened?

26 A. Well, what we saw, we saw people carrying loads, bundles,
27 leaving Koidu and the surrounding towns going through Peyema to
28 Guinea. So there was a very -- there was a panic. They said
29 there was much more harassment in Koidu. That was the reason why

1 people were moving and going. These people, the Marakas, the
2 Madingos and other tribes, were moving towards Guinea.

3 Q. [Microphone not activated].

4 A. All right. Yes.

5 Q. Marakas, M-A-R-A-K-A-S. You said Madingos?

6 A. Yes, yes.

7 MR MANLY-SPAIN: M-A-N-D-I-N-G-O-E-S [sic].

8 Q. Who else, anybody else?

9 A. With so many other different people from this country, the
10 Limbas, this and that, they were all carrying bundles.

11 Q. Do you know where they were going to?

12 A. Yes, they were heading to Guinea because that too was a
13 route to Guinea. All of them that were passing by were going to
14 Guinea.

15 Q. Where were they passing by?

16 A. When they leave Koidu, they would go through Peyema because
17 when you go through Peyema, because Peyema, it's in Kama
18 Chiefdom. They had a boundary with Sandor. When you cross the
19 river you go to Sandor, so they will cross over the river and to
20 get a passage to Guinea.

21 Q. Thank you, Mr Witness. Apart from people who were carrying
22 bundles and things, did you see any other people in Peyema at
23 that time?

24 A. Yes. At the time we sat and saw people with guns, with
25 different clothings. When they went there, they burnt a house
26 owned by one Mr Fengai.

27 Q. Do you recall when this happened, what year?

28 A. The year?

29 Q. Yes.

1 A. It was '97.

2 Q. Mr Witness --

3 A. Yes.

4 Q. -- you said they burnt the house of Mr Fengai?

5 A. Yes.

6 Q. Where was this house, first of all?

7 A. Where the house was? It was standing opposite the barri at
8 Peyema. There the house was that they burnt. The very first
9 house that was burnt.

10 Q. Thank you. Mr Witness, you said these people --

11 A. Yes.

12 Q. -- with guns et cetera. Did you see them yourself?

13 A. Yes, I saw them. They had guns.

14 Q. Did you notice how they were dressed?

15 A. Yes. I saw the way they were dressed.

16 Q. Please explain to the Court how they were dressed?

17 A. All right. The way they were dressed, some had combats,
18 some wear the clothes. Some wear the trousers. Some were
19 wearing civil clothing. Some would be like that and then
20 carrying guns. So that was the sort of dressings they had. They
21 hadn't a permanent way of dress.

22 Q. Thank you. Your Honours, I believe he said some were
23 having the trousers and some were having the clothes. If I am
24 permitted to explain when people refer to clothes here, they mean
25 the top, the shirt. Thank you. Mr Witness, you said you saw
26 these people?

27 A. Yes.

28 Q. Do you know who they were?

29 A. The people?

1 Q. Yes.

2 A. Well, to us, they were rebels.

3 Q. Thank you. Do you know whether these rebels were known by
4 any name?

5 A. Yes.

6 Q. What was this name?

7 A. RUF.

8 Q. Mr Witness --

9 A. Yes.

10 Q. -- when they came to Peyema at that time --

11 A. Yes.

12 Q. -- did you do anything?

13 A. To do something like what?

14 Q. That is what I cannot ask you, unfortunately. Mr Witness,
15 when they came to Peyema at the time, did anything happen?

16 A. When they came?

17 Q. Yes.

18 A. Yes. They burnt one Tikako, who had -- who is already dead
19 house.

20 Q. Yes, you mentioned that before. Apart from that, did
21 anything happen?

22 A. Yes, something else happened. They amputated one Sheku
23 Kargbo's arms. Then he went to me because my house is located at
24 the edge of the town. Then they asked -- I asked him. He said
25 they have amputated him. I then asked him: Who are the people
26 who did this? At the same time, I saw fire. Then he said it was
27 Savage and his people who did that, and then place fire on the
28 house.

29 Q. Thank you, Mr Witness. Mr Witness, after the Sheku Kargbo

1 told you about how his hand was amputated, did you do anything?

2 A. Yes. I decided that we should go to ECOMOG for his arms
3 not to get rot, so that they can prepare another arm for him. I
4 took him together with my family, that we should leave Peyema and
5 then go.

6 Q. Did you go anywhere?

7 A. Yes. We were trying to go to where ECOMOG was at
8 Koakoyima.

9 Q. And do you know where or what district Koakoyima is?

10 A. Koakoyima?

11 Q. Yes.

12 A. It's in Kono District.

13 Q. Do you know, Mr Witness, how far ECOMOG's base at Koakoyima
14 was from Peyema?

15 A. The ECOMOG base, to Peyema, let me say the mileage, because
16 they were first based at Mortema before they moved to Koakoyima,
17 but for me to -- let's say from Peyema to Sefadu is 12 miles.
18 Then from Sefadu to Koakoyima is about 3 miles.

19 Q. So the total would be about 15 miles?

20 A. Fifteen, yes.

21 MR MANLY-SPAIN: I believe, Your Honours, we have already
22 had Sefadu.

23 PRESIDING JUDGE: Yes.

24 MR MANLY-SPAIN:

25 Q. Thank you. Mr Witness --

26 A. Okay.

27 Q. -- on your way to the ECOMOG base, did anything happen?

28 A. Yes.

29 Q. What happened?

1 A. The ECOMOG, at the ECOMOG base, when we were moving there,
2 it was during that time we saw Staff Alhaji coming along with so
3 many troops. They came but they didn't do anything to us. They
4 said they were going on food-finding. So that one I saw it.

5 Q. Yes, thank you. You said you saw Staff Alhaji and troops
6 coming; do you know where they were going to?

7 A. Yes. They said they were going to Sandor, to find food.

8 Q. Thank you. Do you recall how Staff Alhaji was dressed?

9 A. Staff Alhaji? He had a mixed dressing too. He had a
10 combat shirt and a different trousers.

11 Q. Thank you. Did you see how the troops that were with him
12 were dressed?

13 A. Yes. I saw the way they were dressed.

14 Q. And how were they dressed?

15 A. Like I've been saying it, they had mixed up dressings.

16 Q. Thank you, Mr Witness. You said you passed, you crossed
17 Staff Alhaji on the way. Did you ever arrive at the ECOMOG base?

18 A. No. The day we left Peyema Town, it took us four days to
19 go to ECOMOG because the obstacles to reach there was so heavy
20 for us. Some of the obstacles, if you are not careful, you will
21 be killed. So Peyema, for that 15 miles, it took us four days
22 before we could reach there.

23 Q. Mr Witness, what are these obstacles that you have spoken
24 of, referred to?

25 A. Okay. When you leave from here to there, you will get an
26 information from the civilians who say hey, they are there. Then
27 you should go -- use another route. So you will be using
28 different routes and that would take you several days because you
29 are not going straight to the place.

1 Q. Thank you. When you said the civilians will tell you "hey,
2 they were there, they are there," whom do you understand that the
3 civilians are referring to as they are there?

4 A. The rebels. Where they were based. The different places
5 they were based.

6 Q. Thank you. Did you finally arrive at the ECOMOG base at
7 Koakoyima?

8 A. Yeah. Well, during that four days that we took, we arrived
9 there.

10 Q. And when you arrived there, do you know what -- can you
11 tell what happened?

12 A. When we arrived there, I went and spoke to ECOMOG for them
13 to accept the man that I brought, whose arms were amputated, for
14 him to be brought to Freetown, so I gave him that assistance.

15 Q. What happened after that?

16 A. When we arrived, when we arrived at ECOMOG's place, they
17 took him along. They took him and brought him to Freetown.

18 Q. Mr Witness --

19 A. Yes.

20 Q. -- did you do anything?

21 A. If I did anything?

22 Q. After you left Kargbo with ECOMOG, did you do anything?

23 A. No, we were now with ECOMOG until the time we were
24 dislodged there.

25 Q. Do you know who dislodged you and ECOMOG from there? That
26 is, from there, that is Koakoyima?

27 A. The person that removed us, it was the very, these very
28 same rebels. It was the rebels who dislodged the ECOMOG troops
29 from there, together with all of us. We took our bundles and

1 left.

2 Q. Please just clarify for me; what place are you referring to
3 as "there"?

4 A. Where we were, because when we first arrived to the place
5 where ECOMOG was, we were all at Koakoyima, together with ECOMOG.

6 Q. Thank you. Mr Witness, you said ECOMOG were dislodged by
7 the rebels from Koakoyima. Do you know who the commander of the
8 rebels who dislodged ECOMOG from Koakoyima?

9 A. From Koakoyima, no, because I wouldn't be able to
10 understand because everybody was carrying his own bundle. You
11 were fighting for your survival. Will you be able to ask? I
12 didn't have the chance to ask about the commander. The only
13 thing I was fighting for was to run away with my family, to
14 protect them.

15 Q. Thank you. Mr Witness, did you ever go back to Peyema
16 after this?

17 A. Yes. When -- after the disarmament, we went back, when
18 there was peace, we returned to xxx which is our home.

19 Q. Thank you. Where were you during the disarmament?

20 A. Okay. When the disarmament was going on I was in Makeni,
21 when the disarmament started. There, I saw Issa. He came with a
22 very big vehicle with AA on top of it and then I asked: Who is
23 this? They said, this is General Issa. There, I knew
24 General Issa.

25 Q. Thank you, Mr Witness. Upon your return to xxx Town
26 after the disarmament, did you notice anything about xxx?

27 A. If I noticed anything about xxx? At xxx, yes, we met
28 houses burnt, so many things destroyed. When there was now peace
29 so many things were destroyed there, when we returned.

1 Q. Okay. Please take your time and explain what you saw. You
2 said so many houses, so many things destroyed. Please just
3 explain that to make it clear.

4 A. Okay. The houses were burnt -- we met, they were burnt.
5 All right? Even the roads were not good because it was quite
6 some time we didn't go there. We were not doing communal labour,
7 so the place, unless when we went back and started rebuilding it.

8 Q. Thank you. Mr Witness, did you ever come to know the
9 people who or person who burnt down xxx, the houses in xxx,
10 I mean?

11 A. Okay. Recently, there was a man who went there with video
12 machine. He said he's from Special Court. He has taken it there
13 to show the film show for the people of Kono District. So we
14 were all recalled from our villages, so we gathered together for
15 this film show. When this film show was being shown, we started
16 seeing these people.

17 Q. Hold on for a minute. I'm asking you not recently. At the
18 time you returned to xxx, did you find out who burnt down the
19 houses in xxx?

20 A. Well, it was Savage. They said it was Savage.

21 Q. Who told you it was Savage?

22 A. Well, it was Sheku 6 whose hands were amputated told me
23 that it was Savage and his men who amputated his arms. Then,
24 when I saw fire, he told me it was Savage's men.

25 Q. Mr Witness, apart from the cutting of Sheku's hands, and
26 the burning of the houses, do you know whether anything other --
27 whether anything else happened in xxx Town when the rebels
28 went to xxx?

29 A. No, I can't say. I don't know any other thing that

1 happened because I was not stationed there. What I knew about is
2 what I've spoken about.

3 Q. Okay, Mr Witness. Mr Witness, at the time the rebels, you
4 say, attacked Koakoyima, at the time you were there before you
5 left, do you know of any other commander leading the rebels apart
6 from Savage?

7 A. Because the attack, the way it started, it started around
8 12.00. They said we should enter our houses. From there they
9 said we should come out to prepare food. Later on they said we
10 should go in again. After that, there was firing, so you
11 wouldn't stay around to start asking for a commander because you
12 would be there protecting, fighting to protect your own life, so
13 I didn't stay back to ask who the commander was.

14 Q. Thank you, Mr Witness. Mr Witness, after you returned to
15 xxx, did you hear about the name of one Santigie Borbor Kanu
16 as being one of those who attacked xxx?

17 A. Santigie Borbor Kanu? No, no, I did not hear about that.

18 Q. And did you hear the name Alex Tamba Brima as one of these
19 people who commanded the rebels who attacked xxx?

20 A. Okay. Where I came to understand, when that film show was
21 shown, there somebody was saying the person that is sitting there
22 is Tamba Brima. The person there is Brima Kamara, this one is
23 Five-Five. I saw that over the video show. For me to know about
24 that, it was on that day that film show was shown to us.

25 Q. Okay. Can you just let us take it in sequence. Just
26 answer my question. Did you hear when you returned --

27 A. All right, sir.

28 Q. -- that Alex Tamba Brima was one of those who commanded the
29 troops to attack xxx; did you hear that? Forget about the

1 video.

2 A. No, sir, no sir. No sir.

3 Q. Did you hear about one Brima Bazzy Kamara, as one of the
4 commanders of troops who attacked Peyema at the time?

5 A. No, I did not hear that.

6 Q. Thank you. Mr Witness, you can now explain to us about the
7 video show that you are telling us. Please start from the
8 beginning how this happened.

9 A. Okay. Now, the video, the man who went, he said he came
10 from the Special Court, he went and met the chief. The chief
11 announced to everybody that we should gather at night, they would
12 be playing for us a film show. So at night we gathered there.
13 When this film show was going on, they started telling us that is
14 Hinga Norman that was arguing. He started talking about the
15 evidence that was that we saw General Issa --

16 MR HARDAWAY: Your Honour --

17 PRESIDING JUDGE: Yes.

18 MR HARDAWAY: -- I object to this line of questioning as to
19 the relevance of the -- basically based on relevance, as to the
20 film show or any outreaches which relates to this line of
21 questioning.

22 PRESIDING JUDGE: Yes, Mr Manly-Spain.

23 MR MANLY-SPAIN: Unfortunately, I did not hear my learned
24 friend's grounds of appeal, grounds of objection.

25 PRESIDING JUDGE: Well, it goes to relevance.

26 MR MANLY-SPAIN: Well, we say, Your Honour, in reply, that
27 it is relevant. It is part of the -- I think it's res gestae of
28 the matter. It is something that happened which has affected the
29 witness, on which he has given a statement. We are leading this

1 piece of evidence because it has been the trend that whenever I
2 leave something out that is in the statement, or in the summary,
3 the cross-examination will come and counsel will ask: Did you
4 give a statement to the Defence and did you state there and you
5 have not said it now. So I'm being cautious, but I respectfully
6 submit that it is relevant as it has affected the witness, and it
7 will affect the case for the Defence what he has to say.

8 PRESIDING JUDGE: Yes, I see your point, but really, it's
9 not relevant to the timeline, the subject of his evidence. For
10 instance, if you say that a film show shown considerably later
11 than that is relevant, then why not ask him if he has ever read
12 any newspapers about it as well; whether he has read any history
13 books about it; they would be equally as relevant.

14 MR MANLY-SPAIN: As long as counsel is not going to ask him
15 whether he said that before and he has not said it now.

16 PRESIDING JUDGE: I think the witness has been very clear,
17 that at the time that he returned to xxx he did not know those
18 names in connection with the -- in connection with the crimes
19 committed there.

20 MR FOFANAH: May it please Your Honour, if I may just add
21 to the response given by my colleague. I think it borders more
22 on identification because the witness has said that he did not
23 know those people and their names before, but that when the movie
24 was shown they were clearly identified as the accused persons
25 before the Court. So I think it's proper, in my humble
26 estimation, that he gives what -- he gives evidence on what he
27 knows about the imputations that those who showed the movie led
28 them to believe on that particular occasion because it boils
29 down -- it comes down to the issue of identification.

1 PRESIDING JUDGE: All right. There is some relevance
2 there. I will allow that question.

3 MR HARDAWAY: Well, Your Honour, as relates to it --

4 PRESIDING JUDGE: I've ruled on it. I'm allowing it.

5 MR HARDAWAY: Very well, Your Honour.

6 MR MANLY-SPAIN: Much obliged, Your Honour.

7 Q. Mr Witness, just complete that part and that will be the
8 end of your evidence about this video show. Just continue.

9 THE INTERPRETER: Your Honours, we would ask that the
10 witness go slowly.

11 THE WITNESS: The way the show was going on that's the way
12 the man continued to explain. The three people that were
13 sitting, he did say this one is Tamba Brima. He said this one is
14 Brima Kamara. Then he said this is Five-Five. It was only from
15 the film show I was able to see those people, so that was what we
16 saw from the video show.

17 Q. Just to conclude, Mr Witness; when did this happen? When?

18 A. When? Let me say it's very recent. This month would be
19 the third month. Two months, let me say, because they are just
20 from there.

21 MR MANLY-SPAIN: Thank you. Your Honour, that is all from
22 this witness.

23 PRESIDING JUDGE: Well, I take it, Mr Manly-Spain, this
24 witness is a common witness?

25 MR MANLY-SPAIN: Yes.

26 PRESIDING JUDGE: So, anything else in chief?

27 MR GRAHAM: Your Honour, just a couple of questions.

28 EXAMINED BY MR GRAHAM:

29 Q. Good afternoon, Mr Witness.

1 A. Good afternoon, sir.

2 Q. Mr Witness, if you can tell this Court --

3 A. Yes.

4 Q. -- apart from Peyema and Tombodu, do you know whether
5 Savage and his men were in control of any other villages around
6 Tombodu?

7 A. Well, this was an information we got, clearly. They said
8 Savage was based in Tombodu. We got that information. That was
9 the only place I heard they were, Savage. Everybody that was
10 coming would say Savage is in Tombodu.

11 MR GRAHAM: Thank you, Mr Witness. Your Honours, I don't
12 have any further questions for the witness. Thank you for the
13 time.

14 PRESIDING JUDGE: Yes, Mr Fofana.

15 MR FOFANAH: Just one. Thank you.

16 EXAMINED BY MR FOFANAH:

17 Q. Do you, in furtherance to that, do you also know if Savage
18 was answerable to anyone?

19 A. If he used to answer? What do you mean?

20 Q. Was there anyone to whom Savage was reporting or to whom he
21 was taking command or orders; do you know?

22 A. No. I only heard about Savage. I only heard his name. I
23 don't know any answer.

24 MR FOFANAH: Thank you. That's all.

25 PRESIDING JUDGE: All right. Well, I take it, Mr Hardaway,
26 you will have some questions?

27 MR HARDAWAY: That is correct, Your Honour, and I can
28 reasonably state that it would take longer than maybe 15 minutes,
29 so this would be an appropriate time.

1 PRESIDING JUDGE: All right. Thank you. Well, Mr Witness,
2 we are going to adjourn for lunch now. I will tell you now that
3 during the course of your evidence you are not permitted to
4 discuss the evidence or the case with any other person; is that
5 clear?

6 THE WITNESS: All right.

7 PRESIDING JUDGE: All right. Thank you. We will adjourn
8 and we will return at 2.15.

9 [Luncheon recess taken at 12.48 p.m.]

10 [AFRC04SEPT06B - CR]

11 [Upon resuming at 2.20 p.m.]

12 MR HARDAWAY: Thank you, Your Honours.

13 PRESIDING JUDGE: I will just remind the witness. Witness,
14 you are still on your oath to tell the truth that you took this
15 morning.

16 CROSS-EXAMINED BY MR HARDAWAY:

17 Q. Good afternoon, Mr Witness.

18 A. Yeah, good afternoon to you.

19 Q. I have a few questions for you this afternoon. I would ask
20 that you listen to them carefully and then answer them as clearly
21 and as concisely as possible, all right?

22 A. All right, sir.

23 Q. A lot of these questions could be answered either yes, no
24 or I don't know; do you understand, sir?

25 A. All right, sir.

26 Q. Mr Witness, you had stated that you had heard over the
27 radio that the SLPP government of President Kabbah had been
28 overthrown; is that correct?

29 A. Yes, it is correct. Yes, sir.

1 Q. And you also testified that you heard the name Gborie as
2 being involved in the overthrow of the government; is that
3 correct?

4 A. Yes, sir.

5 Q. Did you also hear on the radio or through newspapers, at
6 that time, the name of Alex Tamba Brima as being one of those
7 responsible for overthrowing the government?

8 A. No.

9 Q. Did you hear over the radio or through any other form of
10 communication at that time the name Ibrahim Bazzy Kamara as being
11 one of those responsible for overthrowing the SLPP government?

12 A. No.

13 Q. Did you ever hear the name over the radio or through any
14 other form of media, the name Santigie Borbor Kanu as being one
15 of those responsible for overthrowing the SLPP government?

16 A. No.

17 Q. I put it to you, sir, that Alex Tamba Brima, Ibrahim Bazzy
18 Kamara and Santigie Borbor Kanu were, in fact, involved in the
19 overthrow of the SLPP government back in May 25th, 1997. What is
20 your response?

21 A. Well, I can't understand that one. I heard about Gborie.

22 Q. All right, sir. After the 1997 coup in which President
23 Kabbah was overthrown, the AFRC, the Armed Forces Revolutionary
24 Council came into power; is that correct?

25 A. It is correct, because when Paul Koroma took part, he
26 called them. He invited the RUF to join them.

27 Q. During the time of the AFRC government, sir, did you ever
28 hear the name of Alex Tamba Brima as being part of the AFRC
29 government?

1 A. To start with, I first started hearing about Tamba Brima
2 through a video. It was shown to me, the video.

3 Q. I understand, sir. Please listen carefully to the
4 question. During the AFRC government, which in this time we're
5 referring to 1997 --

6 A. Mmm.

7 Q. -- did you hear the name Alex Tamba Brima as being part of
8 the AFRC government?

9 A. I did not hear that.

10 Q. During the AFRC government, again, during 1997, did you
11 ever hear the name Ibrahim Bazzy Kamara as being part of the AFRC
12 government?

13 A. No, sir.

14 Q. During the AFRC government, again in 1997, did you hear the
15 name Santigie Borbor Kanu as being part of the AFRC government?

16 A. I did not get that -- I did not hear that, sir.

17 Q. Very well. I put it to you, sir, that Ibrahim Bazzy
18 Kamara, Santigie Borbor Kanu and Alex Tamba Brima were, in fact,
19 members of the AFRC government, members of the Supreme Council of
20 the AFRC government. What is your response?

21 A. Well, I can't say it's a lie, but I did not get that sort
22 of story. If you are saying that, it might be correct, but I did
23 not hear that, sir.

24 Q. Thank you, Mr Witness. I want to move on now to another
25 area of your testimony. You had testified that people carrying
26 loads were going through Peyema on their way to Guinea. Do you
27 remember that, sir?

28 A. Yes, I remember that part.

29 Q. And they were running away; is that --

1 A. Yes, they were running away. They were carrying bundles.
2 They were running away.

3 Q. Why were they running away, sir?

4 A. Well, when we asked them, they said they were being
5 harassed, so that was the reason they were running away.

6 Q. Did they say who they were being harassed by?

7 A. Yes. They said the rebels. They said they were harassing
8 them.

9 Q. Did they ever say to you, sir, that they were being
10 harassed by the rebels and the junta?

11 A. Yes. They said the juntas were harassing them.

12 Q. What do you mean -- what did you understand the word
13 "junta" to mean?

14 A. Okay. To my own understanding, what I believe is junta was
15 that whoever was called a junta was that the person who was
16 fighting on the side of the government and they broke out and
17 they were no longer fighting on the side of the government, that
18 was what I meant or I understood by the word "junta."

19 Q. Now, when you say they were being harassed by the rebels
20 and the junta, were they -- were the rebels and the junta working
21 together to harass the people who were fleeing into Guinea?

22 A. Yes, because when they overthrew the government, the person
23 that they installed invited the rebels and they came to them and
24 they all united and, therefore, the punishment was meted out by
25 the juntas. They meted out the punishment on us.

26 Q. Just so we're clear, the juntas are the rebels and the
27 government soldiers working together, a mixed group; would you
28 agree with me?

29 A. To say the government -- what do you mean.

1 Q. In the AFRC government?

2 A. Uh-huh.

3 Q. So juntas were the AFRC government and the rebels working
4 together?

5 MR MANLY-SPAIN: I believe the witness --

6 THE WITNESS: They were working together.

7 PRESIDING JUDGE: Well, he has answered.

8 MR MANLY-SPAIN: [Microphone not activated] the witness had
9 defined juntas and counsel is putting another definition to him.
10 He said juntas were those soldiers fighting on the part of the
11 government who were no longer doing so, if I can remember.

12 JUDGE SEBUTINDE: But the issue is whether these juntas
13 were fighting together with the rebels, and I think that is the
14 answer that the witness has given. It doesn't detract from the
15 earlier definition of junta that he gave.

16 MR MANLY-SPAIN: As Your Honour pleases.

17 MR HARDAWAY:

18 Q. Mr Witness, I would now like to go into the part of your
19 testimony where the armed men entered Peyema; all right?

20 A. Um-hmm.

21 Q. Now, you had stated that the armed men who came into Peyema
22 were wearing mixed clothing?

23 A. Yes, they had different clothes on.

24 Q. According to you, some were in civilian clothing and some
25 were in military combats; is that correct?

26 A. It is correct.

27 Q. And you had classified these people who came in as rebels;
28 correct?

29 A. Yes, because you will see this one wearing military

1 trousers. Some were wearing military shirts. You didn't
2 understand them, so you would just call them rebels.

3 Q. And these were the men under the command of Savage?

4 A. That was what Sheku Kargbo whose arm was amputated told me.

5 Q. These men who entered Peyema, they were SLAs. They were
6 government forces mixed in with the people you called rebels,
7 weren't they?

8 A. Tejan Kabbah's government, those who did not turn up to
9 ECOMOG joined those men, so we know those are the men. Whosoever
10 we saw. So if you saw SLA, that means the Sierra Leone Army and
11 that was not what happened.

12 Q. I don't know if I understand your answer, Mr Witness. I
13 will ask --

14 PRESIDING JUDGE: I don't think he understood your
15 question, Mr Hardaway.

16 MR HARDAWAY: I will clarify.

17 PRESIDING JUDGE: I think he thought you were referring to
18 the current --

19 THE INTERPRETER: Yes, let him ask again.

20 PRESIDING JUDGE: I think he thought you were referring to
21 the current SLA members who were serving in the Sierra Leone Army
22 rather than those who may have broken away.

23 THE WITNESS: Yes.

24 MR HARDAWAY: I will clarify, Your Honour, thank you.

25 THE WITNESS: Those who broke away from the government and
26 joined the RUF, those were the juntas. Those were the people who
27 went and harassed us. Those who were fighting for the government
28 went to ECOMOG, because they decided not to join the RUF.

29 MR HARDAWAY:

1 Q. As a point of clarification, Mr Witness, those -- when you
2 say "government," those who fought for the government and joined
3 ECOMOG, you are referring to the government of President Kabbah;
4 is that correct?

5 A. Yes, President Tejan Kabbah, his soldiers that he had.
6 When he was overthrown, some went and joined with ECOMOG and were
7 fighting for the President. And some of us who did not accept,
8 they entered into the bush and joined the RUF, that is another
9 form of --

10 Q. Now, the soldiers who went and joined the RUF, they were
11 soldiers from the AFRC government; is that correct, the
12 government that overthrew President Kabbah?

13 A. Yes, sir.

14 Q. And the armed men who came into Peyema were RUF and
15 soldiers from the AFRC government; is that correct?

16 A. Yes, they were soldiers from the AFRC government.

17 Q. Thank you, Mr Witness. Now, it was during this time that
18 they were looting -- that houses were being burned; is that
19 correct?

20 A. Yes, it is correct.

21 Q. During the time that the armed men were in Peyema, did you
22 ever hear the term Operation Pay Yourself?

23 A. Yes, we used to hear Operation Pay Yourself. Because when
24 they came, they would search your pockets and take whatever you
25 had. They enter into your room and take whatever you had. They
26 said they had Operation Pay Yourself. Because they were not
27 paying them.

28 Q. Mr Witness, during the time that the armed men were in
29 Peyema, did you ever hear the term Operation No Living Thing?

1 A. I did not hear that, because if they had said Operation No
2 Living Thing, I myself wouldn't be alive by now, because I would
3 have been killed, because I'm a living thing.

4 Q. Thank you, Mr Witness.

5 A. Yes, sir.

6 Q. Now, you had stated that Sheku Kargbo had told you that
7 Savage gave the order to amputate his hands; is that correct?

8 A. Sheku told me that it was Savage who made his hands to be
9 amputated and put -- set the houses ablaze. If I said people, it
10 could have been -- it could mean several people. I said Sheku -
11 not people - Kargbo whose arm was amputated. He's currently in
12 Freetown, but I don't know the area where he resides.

13 Q. Thank you for the clarification, Mr Witness. Did Sheku
14 tell you, other than of his amputation and of the houses being
15 burned down, did he tell you of any other orders given by Savage?

16 A. He said Savage ordered his hand to be amputated and set the
17 house ablaze. Even as I sit here, I can still imagine the way
18 the house was burning.

19 Q. Mr Witness --

20 A. Yes, sir.

21 Q. -- other than the houses being set on fire in Peyema, and
22 the amputation of Sheku other than those two and other than what
23 you may have heard or seen in the movie that you talked about,
24 other than that, did you see or hear in Peyema of any rapes being
25 committed?

26 A. At Peyema?

27 Q. Yes.

28 A. I never heard, nor did I see.

29 Q. Did you ever see or hear of any abductions in Peyema?

1 A. No.

2 Q. Any killings, sir?

3 A. No.

4 Q. Any mutilations, other than the amputation of Sheku?

5 A. No.

6 Q. You also stated -- to move on, sir, you also stated that
7 you had run into a troop and with Staff Alhaji. Do you remember
8 that, sir?

9 A. I can remember that, sir.

10 Q. How did you know that Staff Alhaji was in command of that
11 troop?

12 A. Okay. Because when we saw them, they had to stop, and
13 Alhaji said, "Let's go." And they followed him. So that was why
14 I said he commanded them.

15 Q. Now, his troop was -- you've classified his troop as
16 rebels; is that correct?

17 A. Because they carried guns and some of the forms of load,
18 and said they were going to fetch for food.

19 Q. Mr Witness --

20 A. That's why I said they were rebels.

21 Q. -- Mr Witness, the troop under the command of Staff Alhaji
22 was a combination of rebels and SLA soldiers from the AFRC
23 government, weren't they?

24 A. Yes.

25 Q. Thank you, sir. Now, did you ever see or hear of Savage
26 reporting to Ibrahim Bazy Kamara while in Kono District?

27 A. To say Savage was reporting to whom?

28 Q. Ibrahim Bazy Kamara.

29 A. No, no. No.

1 Q. I put it to you, sir, that Ibrahim Bazzy Kamara --

2 A. Yes, sir.

3 Q. -- was the superior of Savage in Kono District; your
4 response, please?

5 A. Well, I can cannot say it is a lie, but I don't know that.
6 I did not hear that. If you're saying that, it might be right,
7 but I don't know that.

8 Q. Thank you, Mr Witness. Mr Witness --

9 A. Yes, sir.

10 Q. -- you were aware that in January of 1999 Freetown was
11 attacked; is that correct, sir?

12 A. That January 1999 Freetown was attacked, yes, we heard that
13 they came to Freetown. We heard that by rumour; that's true.

14 Q. You heard it by rumour?

15 A. Yes. Yes, I heard about that.

16 Q. Did you hear, sir, that the attack on Freetown was led by
17 Alex Tamba Brima, aka Gullit?

18 A. No, sir.

19 Q. I put it to you, Mr Witness, that the attack on Freetown
20 in January 1999 was led by Alex Tamba Brima, aka Gullit; your
21 response?

22 A. Okay. Now you are telling me about Freetown. I was not in
23 Freetown. I was in Kono. All of this I don't know there that
24 you are talking about Freetown.

25 Q. Thank you, Mr Witness.

26 MR HARDAWAY: With the Court's indulgence for a moment,
27 please.

28 PRESIDING JUDGE: Yes.

29 MR HARDAWAY: I thank the Court. Mr Witness, I thank you

1 for your time and your evidence today. I have no more questions
2 of you. Your Honours, this concludes my cross-examination.

3 PRESIDING JUDGE: Thank you, Mr Hardaway. Defence, are
4 there any questions in re-examination?

5 MR MANLY-SPAIN: I believe there is none, Your Honour.

6 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain.

7 Mr Witness --

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: -- we would like to thank you for coming
10 to Court and giving evidence. That completes your testimony now,
11 so you will be able to leave. If you will just sit there for one
12 moment, the curtains will be pulled across, and you will be able
13 to leave the courtroom.

14 THE WITNESS: All right, sir.

15 [The witness withdrew]

16 PRESIDING JUDGE: What is the number of the next Defence
17 witness?

18 MR MANLY-SPAIN: It is DAB-114, Your Honour.

19 PRESIDING JUDGE: Mr Manly-Spain, I take it that's also a
20 common witness?

21 MR MANLY-SPAIN: Common witness.

22 PRESIDING JUDGE: And giving evidence in Kono; is that
23 correct?

24 MR MANLY-SPAIN: Let me just clarify that. Let me just --
25 yes, Your Honour. The summary number is 17, Your Honour.

26 WITNESS: DAB-114 [Sworn]

27 [The witness answered through interpreter]

28 EXAMINED BY MR MANLY-SPAIN:

29 Q. Good afternoon, Mr Witness.

1 A. Good afternoon.

2 Q. Mr Witness, you are a native person, born at xxx Town,
3 xxx Section, xxx Chiefdom in the Kono District?

4 A. Yes.

5 Q. You are over 60 years old.

6 A. Yes.

7 Q. You have three wives and nine children.

8 A. Yes.

9 Q. All your children are alive -- your wives and children are
10 alive.

11 A. Yes.

12 Q. You live in xxx.

13 A. Yes.

14 Q. What work do you do?

15 A. I'm a farmer.

16 Q. Mr Witness, I want you to recall the year 1998.

17 A. Yes.

18 Q. Did you live in xxx?

19 A. Yes.

20 Q. And with whom did you stay in xxx?

21 A. I was born there.

22 Q. Did you stay in your house alone?

23 A. No, I have so many people.

24 Q. Can you remind us who these people are, without calling
25 their names, just who they -- how they are related to you?

26 A. I have women and men.

27 Q. Who are they to you?

28 A. My wives, my sisters, with my children.

29 Q. Thank you. In the year 1998, did they all stay with you at

1 xxx?

2 A. During that time we were all there.

3 Q. Whilst you were there, do you recall anything happening at

4 xxx?

5 A. What happened in my presence, I will explain it.

6 Q. Please explain, but go slowly so that the Court will be
7 able to hear what you say, and the interpreter will be able to
8 interpret what you are saying.

9 A. It's not bad.

10 Q. Thank you. Please go on.

11 A. There was a time when I was in xxx when the war broke
12 out. There was a time when we were sitting down, we saw a
13 vehicle coming, filled with people. They passed through Yomadu,
14 like a Land Cruiser. The other day, we saw another vehicle
15 coming like a Land Rover. That too was filled with people. When
16 that Land Rover came, they slept at Peyema. When they came, the
17 uniform that they were wearing was mixed up. Some wore civil
18 dresses, and some wore uniforms. The day that they arrived, they
19 spent the night shooting, and, in the morning, there was one man
20 called Isiaka Bangali [as interpreted]. He was a brick-maker.
21 And they met him and asked him to produce the diamonds. Then he
22 said, "I do not have diamonds. I am a brick-maker." And they
23 told him he would indeed bring out the diamonds. By the time he
24 knew it, he had been shot.

25 Q. Thank you, Mr Witness. Mr Witness, I want you to go back a
26 little bit. I want you to go back a little bit and tell us about
27 the people who you saw on board the Land Cruiser. Do you know
28 who they were?

29 A. The people I saw in the Land Cruiser, they all wore

1 uniform. They were SLA.

2 Q. And did they stay at Peyema for any period of time?

3 A. They did not stay in Peyema; they went to Yomadu.

4 Q. Why did you say they were SLAs?

5 A. What led me to say they were SLA, because they were all
6 wearing the same uniform.

7 Q. What kind of uniform was that?

8 A. The soldier uniform.

9 Q. Thank you very much. Apart from wearing the same uniform,
10 the soldiers' uniform, do you know whether they carried anything
11 with them?

12 A. I did not see anything on top of their head.

13 Q. Okay. Thank you very much. Mr Witness, you said this
14 other group came later and started firing and things happened
15 until --

16 A. Yes.

17 Q. -- Bangali was shot. Do you know who were in this other
18 group, the second group that came, the ones that were doing the
19 shooting?

20 A. What made me to know that, because when they started firing
21 gun, we knew that they were rebels.

22 Q. Did you see them yourself?

23 A. I saw them myself.

24 Q. Did you notice how they were dressed?

25 MR HARDAWAY: Objection, Your Honour; asked and answered.

26 THE WITNESS: It is what I've said. Some were wearing
27 uniforms.

28 PRESIDING JUDGE: [Microphone not activated].

29 MR HARDAWAY: He said also -- I thought it was referring to

1 the second group, which would have been the Land Rover, and he
2 had already answered that.

3 MR MANLY-SPAIN: I'm not too sure about that --

4 PRESIDING JUDGE: Apparently that is correct, yes.

5 MR MANLY-SPAIN: That is why I'm clarifying it.

6 PRESIDING JUDGE: Well, if it's been answered, I'd move on,
7 Mr Manly-Spain.

8 MR MANLY-SPAIN: I'm not sure it has been answered, but we
9 will go on.

10 Q. Were you present when this Alie Bangali was shot?

11 JUDGE SEBUTINDE: Isiaka Bangali.

12 THE WITNESS: I was there on the spot.

13 MR MANLY-SPAIN:

14 Q. Mr Witness, I want you to clarify this, but what is the
15 name of this person? Bangali, what is his first name?

16 A. He is a Kono boy. His name is Bangali.

17 Q. Do you know his first name?

18 A. His name is Iya there.

19 Q. Thank you. Whilst you were in Peyema that day when these
20 men came shooting, did you see any other thing happen?

21 A. On that day, I said I saw that one when they shot him. By
22 then, I was passing.

23 Q. Did anything happen after that?

24 A. Yes.

25 Q. Please explain to the Court.

26 A. Then I left there. I went into the bush. The people who
27 shot that man, there was one boy, he was a Caterpillar operator.
28 His name was --

29 THE INTERPRETER: Can the witness kindly repeat the name

1 that he just mentioned? Your Honours, the witness mentioned the
2 name that we did not get clearly and he's still explaining. Can
3 he kindly repeat the name?

4 MR MANLY-SPAIN:

5 Q. You mentioned about a boy and you called his name. What is
6 the name of this boy?

7 PRESIDING JUDGE: I thought he just said he was a
8 Caterpillar operator.

9 MR MANLY-SPAIN: Yes.

10 Q. What is the name of the Caterpillar operator?

11 A. I said his name is Sorie. That was the name we knew.

12 Q. Do you know whether anything happened to Sorie?

13 A. He died.

14 Q. You said you went into the bush; what did you go to do
15 there?

16 A. My people were in there.

17 Q. What were you doing there?

18 A. When they started shooting, we ran into the bush.

19 Q. Thank you.

20 JUDGE SEBUTINDE: I'm sorry, Mr Manly-Spain. This witness
21 gave evidence concerning the death of Sorie.

22 MR MANLY-SPAIN: Yes.

23 JUDGE SEBUTINDE: Which the interpreters did not interpret
24 to us fully, because they didn't know the name.

25 MR MANLY-SPAIN: Yes.

26 JUDGE SEBUTINDE: Now all he said was that Sorie died. Is
27 that all that there is in evidence?

28 MR MANLY-SPAIN: I will clarify the point.

29 Q. Mr Witness, please, can you tell this Court how Sorie died?

1 A. Sorie, I said they shot him with a gun.

2 Q. Who shot him?

3 A. The rebels shot him.

4 Q. Thank you. Mr Witness, having gone to the bush, did you
5 spend any period of time in the bush?

6 A. I was there up to the evening; then I came back. We slept
7 behind one house.

8 Q. Can you, Mr Witness, go back a little and tell us what time
9 of the day the rebels attacked Peyema?

10 A. They entered -- I can't remember the time.

11 Q. Okay, Mr Witness. Mr Witness, when you went back into the
12 town and you say you slept at the back of the house, did you do
13 anything, apart from sleeping there?

14 A. In the morning, we came to the town. We came and buried
15 him, and then I went back to my people and took him, and then we
16 went to Sandor. Sandor Ngefeh. We left Ngefeh.

17 MR MANLY-SPAIN: We already have Sandor. Ngefeh is new to
18 me.

19 JUDGE SEBUTINDE: I'm not sure, who did they bury?

20 MR MANLY-SPAIN: I was going to ask him. I just wanted to
21 clarify the spelling of Sandor Ngefeh. I can hazard a guess.
22 G-E-F-E-H [sic] would be fine, according to its pronunciation.
23 Sandor Ngefeh.

24 Q. Yes, who did you bury? Who did you say you buried?

25 A. We buried Sorie.

26 Q. Where did you bury him?

27 A. We buried him at the cemetery.

28 Q. Thank you. At the time you returned to bury Sorie, were
29 there any of the rebels in Peyema?

1 A. They all went.

2 Q. After you had buried Sorie, did you go anywhere?

3 A. I went into the bush, directly to my people.

4 Q. Did you meet them there?

5 A. I met them there. There I took them and went to Ngefeh.

6 Q. Has Ngefeh got another name? Has Ngefeh got another name?

7 A. Ngefeh, it's in the bush, by a big river.

8 Q. Did you stay there for any period of time with your family?

9 A. We were there for two days. We left there during the day
10 to Sandor. Sandor, up Sandor.

11 Q. The place where you went to in Sandor, has it got a name?

12 A. I said Taiyeh. It's a town. Taiyeh.

13 Q. Taiyeh?

14 A. Taiyeh.

15 MR MANLY-SPAIN: I have, Your Honours, T-A-I-Y-E-H.

16 Q. Did you stay in Taiyeh in Sandor for any period of time
17 with your family, Mr Witness?

18 A. We were there until the war finished when the disarmament
19 came.

20 Q. Thank you.

21 A. We were there in the bush.

22 Q. Did you go back to Peyema at any time?

23 A. When I left there, except when the disarmament came in
24 there, before I came.

25 Q. You came where?

26 A. Peyema.

27 Q. Thank you. Mr Witness, while you were at Taiyeh Village,
28 did you hear anything about Peyema?

29 A. There was one man whose name was Tamba, who came from

1 Tombodu. We asked him. We said, "What is happening there?" He
2 said they came with one person in your town, the people that they
3 amputated their arms.

4 Q. You said they came with one person in your town. They told
5 you they came with one person in your town. Who went with that
6 person to your town?

7 A. I did not say one person. He said they cut -- they
8 amputated the arms of people in Peyema.

9 Q. Did they tell you who amputated the arms of people in
10 Peyema?

11 A. They said Savage's people. They said his boys. Tamba
12 explained that one to us.

13 Q. Thank you. Did Tamba tell you who Savage was?

14 A. They said he's a rebel.

15 Q. Apart from that, Tamba telling you that the hand of one boy
16 was cut, did he tell you anything else about Peyema?

17 A. I did not say one person. Four people.

18 Q. Four people's arms were cut. Did Tamba tell you anything
19 else about Peyema, whilst you were at Taiyeh?

20 A. He only explained that one to me.

21 Q. Did you know the people whose arms were amputated?

22 A. I knew them. We were all in Peyema.

23 Q. Did you know their names?

24 A. I knew their names.

25 Q. Can you please tell this Court their names?

26 A. The one was called Helicopter.

27 Q. Yes.

28 A. The other one was called Junisa Kargbo.

29 Q. Is there any other name that you recall?

1 A. They are there. I said four people.

2 Q. Yes, you --

3 A. Can I call their names?

4 Q. Yes, you've told us two. Can you call the other two, if
5 you know their names?

6 A. I said four people. I said I recall all their name.

7 Q. Yes, please call their name.

8 A. Helicopter, Issa Kargbo, Junisa Kargbo. Junisa Kargbo.
9 Orsheik, Orsheik Kargbo, and Yapo.

10 MR MANLY-SPAIN: Helicopter is quite clear. Junisa is
11 J-U-N-I-S-A. Orsheik is O-R-S-H-E-I-K.

12 THE WITNESS: Yapo.

13 MR MANLY-SPAIN: Yapo is usually Y-A-P-O.

14 Q. Do you know where these people are now? Helicopter, do you
15 know where he is now?

16 A. They said they are all there in Freetown, but since I came,
17 I've never seen them. They said they are here.

18 Q. Thank you, Mr Witness. Mr Witness, when you returned to
19 Peyema after you say the disarmament, did you notice anything
20 about Peyema?

21 A. Yes.

22 THE INTERPRETER: Your Honours, I cannot get the witness.
23 Can he please go over the statement that he has made?

24 MR MANLY-SPAIN:

25 Q. Mr Witness, can you please go over your last statement,
26 about when you returned to Peyema, did you notice anything --

27 A. When I entered Peyema that time, I look at the situations.
28 All the houses were burnt. Even myself, I said four houses were
29 burnt.

1 Q. Mr Witness, do you remember the time or the year in which
2 you returned to Peyema?

3 A. I returned there 2002.

4 MR MANLY-SPAIN: Did he say 2002? Okay.

5 THE WITNESS: That was the time I went there.

6 MR MANLY-SPAIN:

7 Q. Yes. You said you observed that all the houses had been
8 burnt. At the time you returned to Peyema, did you meet any
9 people there?

10 A. There were nobody there. I and my brothers, we were three.
11 We were the first people. There were nobody in there.

12 Q. Mr Witness, did you come to know who burnt the houses in
13 Peyema?

14 A. It was the rebels that burnt the houses.

15 Q. How did you know that?

16 A. Because when they came in, they shot in the air. So if we
17 saw houses being burnt too, wouldn't we say that they were the
18 rebels that burnt them?

19 Q. These rebels that you're referring to, do you recall who
20 their commander was, if you do?

21 A. What Tamba explained to us, he said Savage was their head.

22 Q. Mr Witness, during the time you were in Taiyeh, did you --

23 A. Taiyeh.

24 Q. -- did you hear of any person, known as Santigie Kanu, as
25 having burnt houses in Peyema?

26 THE INTERPRETER: Can learned counsel kindly repeat the
27 question?

28 MR MANLY-SPAIN:

29 Q. I said, whilst you were in Taiyeh, Taiyeh, did you hear

1 that somebody called Santigie Kanu was responsible for burning of
2 houses in Peyema?

3 A. No, I did not hear that one like that. When that man
4 explained to me, only called that man's name.

5 Q. Which name? Which name did he call?

6 A. What he said to us, Savage's people were the one that went
7 there.

8 Q. Mr Witness, after you returned to Peyema, and you saw the
9 houses having been burnt down, did anybody tell you that somebody
10 called Santigie Kanu led troops to Peyema and burned down the
11 houses?

12 A. That one, nobody told me because even if it is true, before
13 they burnt, they did not tell me that one. They only called that
14 name to me.

15 Q. What name?

16 A. I said they said Savage. He's the one they called his name
17 to --

18 Q. Did they call to you the name of one Tamba Alex Brima, as
19 being one responsible for burning of the houses?

20 A. Except now that I'm hearing this name, but I don't know
21 him.

22 Q. What about the name of Brima Bazzy Kamara? Did they tell
23 you about that name, or that person?

24 A. Except now that I'm hearing that one also.

25 Q. Thank you, Mr Witness.

26 MR MANLY-SPAIN: That is all for him.

27 PRESIDING JUDGE: Thank you. Is there anything more in
28 chief?

29 MR FOFANAH: Just one question.

1 EXAMINED BY MR FOFANAH:

2 Q. Now, this name Savage that you said the person told you
3 about, did he tell you whether he was accountable to anyone,
4 whether he was under the command of anyone in Kono?

5 A. I can't tell that one, because if you run from the town,
6 when you come back -- when you run away from the town, you will
7 not get back there.

8 MR FOFANAH: That's all. Thank you.

9 PRESIDING JUDGE: Yes, Mr Hardaway.

10 MR HARDAWAY: Thank you, Your Honour.

11 CROSS-EXAMINED BY MR HARDAWAY:

12 Q. Mr Witness, good afternoon, sir.

13 A. Yes.

14 Q. I have a few questions for you. I just want you to listen
15 carefully and then answer concisely. The questions more often
16 than not can be answered either yes, no, or I don't know; do you
17 understand, sir?

18 A. Okay.

19 Q. Mr Witness, you had testified that the people in the Land
20 Rover were wearing mixed clothing, is that correct, when they
21 came into Peyema?

22 A. Yes.

23 Q. Some were wearing military uniforms, and some were wearing
24 civilian clothing; is that correct?

25 A. Yes, that's true. I'm speaking the truth. The very truth.

26 Q. Now, the ones who were wearing the military uniforms, sir,
27 were they the same type of military uniforms that the SLA
28 soldiers were wearing when they drove by in the Land Cruiser?

29 A. They had them on. Some had civilian clothing.

1 Q. Please listen carefully to my question, sir. The group who
2 you called the rebels, those who were wearing the military
3 uniforms, they were the same type of uniforms --

4 A. Those SLAs.

5 Q. -- worn by the SLAs who drove by in the first car; is that
6 correct?

7 A. That's true. They did not even stop.

8 Q. Mr Witness, during the time that --

9 JUDGE SEBUTINDE: Mr Hardaway, I'm not convinced that the
10 witness understood what you asked, and that he answered your
11 question.

12 MR HARDAWAY: I'll clarify, Your Honour, thank you. I'll
13 focus on that.

14 Q. Mr Witness --

15 A. Yes.

16 Q. -- the group you called the rebels, all right, some of them
17 were wearing military uniforms; is that correct?

18 A. Yes.

19 Q. The uniforms that these rebels were wearing, they were the
20 same uniforms worn by the SLAs who drove through Peyema earlier;
21 is that correct?

22 A. They were mixed.

23 Q. What do you mean by mixed, sir?

24 A. Some of them wore ordinary clothing.

25 Q. Mr Witness, please listen carefully: The group called the
26 rebels, okay --

27 A. I'm listening.

28 Q. -- forget about those wearing civilian clothing. I only
29 want to talk about those rebels wearing military uniforms, okay?

1 A. Yes.

2 Q. The military uniforms that those rebels were wearing were
3 the same uniforms worn by the SLA soldiers who drove by earlier;
4 yes?

5 A. No, the uniforms were not the same.

6 Q. How were they different, sir?

7 A. You know the uniforms, how they are. Because it is mixed
8 up, mixed up. When there is a run, you would not stand to look
9 whether -- how they are, so you have to run.

10 Q. Well, you said, sir, that the uniforms worn by the rebels
11 were different. I'm asking you how are they different than the
12 uniforms worn by the SLAs who you saw drive through Peyema?

13 A. SLA, their own uniform, they were not wearing civilian
14 dressing. That was how I came to know they were SLAs. The
15 others that came, some were wearing uniforms, and some were
16 wearing civilian dress -- clothes. Some were wearing the
17 military shirt and some the ordinary trousers and some the
18 military trousers and the ordinary shirt.

19 Q. Thank you, Mr Witness. When the second group came in who
20 you called the rebels, when they arrived in Peyema, did you ever
21 hear the term Operation Pay Yourself?

22 A. The time I heard that, I was in Taiyeh. I was in Taiyeh.
23 I was not in Peyema again. I heard all this when I was in
24 Sandor.

25 Q. How did you hear in Taiyeh about Operation Pay Yourself?

26 A. I said Tamba who went and told me that, he explained
27 everything to me, because I did not return back. I just went.

28 Q. So everything that he explained to you is what happened in
29 Peyema; correct?

1 A. All what I explained, and everything that I'm explaining is
2 the same truth. That's why yesterday I went to church.

3 Q. Mr Witness, please listen to the question carefully. When
4 you were told in Taiyeh about Operation Pay Yourself, it was
5 referring to the events that happened in Peyema; yes or no?

6 A. Which one? I did not understand it.

7 Q. You were saying that Tamba told you about Operation Pay
8 Yourself; is that correct?

9 A. I said he explained that to me.

10 Q. Okay. And he explained it as it relates to Peyema; is that
11 correct?

12 A. Yes.

13 Q. Okay. Did Tamba also explain to you Operation No Living
14 Thing?

15 A. I said when he left Tombodu he explained everything to me;
16 all these things he explained to me.

17 Q. Very specifically, sir, this can be answered yes, no, or I
18 don't know. Did Tamba explain to you Operation No Living Thing?

19 A. No, that one I don't understand.

20 Q. Did Tamba explain to you of any amputations in Peyema,
21 other than what you have already testified to?

22 A. He explained that one to me.

23 Q. Did he explain any killings to you in Peyema?

24 A. That one, I said I was there when all the two incident
25 happened in my presence.

26 Q. But did Tamba explain to you of any other killings, other
27 than what you witnessed?

28 A. What he told me, he said they caught two girls, and they
29 carried him to --

1 MR HARDAWAY: I didn't get that last part, Mr Interpreter.

2 THE INTERPRETER: He captured two girls and he took them to
3 Tombodu.

4 MR HARDAWAY: Okay.

5 Q. Did Tamba explain to you of any rapes or mutilations that
6 occurred in Peyema?

7 A. No, that one he did not explain it to me.

8 Q. Thank you, Mr Witness.

9 MR HARDAWAY: With the Court's indulgence for one moment.

10 Q. Mr Witness, I thank you for your time, sir. I have no
11 further questions of you.

12 MR HARDAWAY: Your Honours, this concludes my
13 cross-examination.

14 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any
15 re-examination from the Defence?

16 MR MANLY-SPAIN: None, Your Honours.

17 PRESIDING JUDGE: All right. Well, Mr Witness, that is the
18 completion of your testimony. We wish to thank you for coming
19 into Court to give evidence. If you'll just sit there for a
20 moment, the curtains will be drawn and you will be able to leave
21 the courtroom.

22 THE WITNESS: Okay.

23 [The witness withdrew]

24 MR FOFANAH: Your Honours, the next witness is supposed to
25 be DAB-027. I don't know --

26 PRESIDING JUDGE: Is there a number for that, Mr Fofanah?

27 MR FOFANAH: Say again, Your Honour?

28 PRESIDING JUDGE: Is there a number in the witness order
29 for that?

1 MR FOFANAH: Just one moment. Yes, number 9, Your Honours.
2 DAB-027. He will be testifying in Krio. I communicated that to
3 the interpreters this morning.

4 WITNESS: DAB-027 [Sworn]
5 [The witness answered through interpreter]

6 EXAMINED BY MR FOFANAH:

7 Q. Mr Witness, good afternoon.

8 A. Good afternoon.

9 Q. Please listen carefully to the questions that I will be
10 asking you and then you give full and frank answers to the Court.
11 You are a Sierra Leonean born in xxx Town, xxx District?

12 A. Yes.

13 Q. At the moment, you are a PPO at xxx xxx xxx
14 school, xxx?

15 A. Yes.

16 Q. You don't know your date of birth?

17 A. Yes.

18 Q. You have been in xxx, the town where you were born --

19 A. Yes.

20 Q. Please listen before you give the answers. You have been
21 in xxx, the town where you were born, throughout your life?

22 A. Yes.

23 Q. Do you recall the year 1997?

24 A. Yes.

25 Q. Where were you in 1997?

26 A. In xxx.

27 PRESIDING JUDGE: Just before you go ahead, Mr Fofanah, I'm
28 sure there's a simple explanation for this, but I notice that he
29 took the oath on the Bible and he's going to an Islamic secondary

1 school. Is that correct, or was the oath wrongly administered?
2 Should it have been on the Koran?

3 MR FOFANAH: That explains the fluidity of religion here.

4 THE WITNESS: No, it was not wrong.

5 MR FOFANAH: I mean, there are Muslims who do go to
6 Christian schools, purely Christian schools, and vice versa.

7 PRESIDING JUDGE: All right. Thank you, Mr Fofanah. You
8 go ahead.

9 MR FOFANAH:

10 Q. So I was saying, Mr Witness, if you recall the year 1997?

11 A. Yes.

12 Q. And you also told the Court that you were in Yengema Town
13 in Kono in 1997?

14 A. Yes.

15 Q. Now, in 1997, did you recall anything happening in Sierra
16 Leone?

17 A. Yes.

18 Q. What was it?

19 A. In 1997, I was in Yengema when the RUF soldiers attacked.
20 From 1997, I left Yengema and went to my village called Bendu.
21 In Bendu, where I was, I was captured there --

22 Q. Hold it, hold it, Mr Witness. Go slowly. The judges are
23 listening and they have to write. Now, let's just take it from
24 there. You said the RUF attacked Yengema in 1997?

25 A. Yes.

26 Q. By RUF, what do you mean?

27 A. The rebels.

28 Q. Yes, go on.

29 A. From Yengema, I went to Bendu. I was captured by the RUF

1 in Bendu. They took me to --

2 Q. Wait. Go slowly. I will be asking you questions as you go
3 along. Now, how far is Bendu --

4 MR FOFANAH: Bendu, Your Honours, is spelt B-E-N-D-U.

5 Q. How far is Bendu from Yengema?

6 A. Well, I don't know how many miles from Yengema to Bendu.

7 Q. Is it far, or is it a short distance?

8 A. It is a far distance. It is a far distance.

9 Q. Were you alone when you went from Bendu to Yengema?

10 A. No.

11 Q. How many of you, if you can recall, went to Bendu?

12 A. We were six in number.

13 Q. When you arrived at Bendu, did anything happen?

14 A. Yes.

15 Q. Now, before coming to Bendu, let me just ask you a question
16 backwards. Now, these RUF rebels who you said attacked Yengema,
17 did you see them yourself?

18 A. Yes. I was in Yengema Town.

19 Q. How were they dressed?

20 A. They were dressed in civilian attire. They had no clothing
21 on. They had no soldier uniforms. They were wearing civilian
22 uniforms.

23 Q. So how did you know that they were RUF rebels?

24 A. By what they said and by the way they were dressed. Some
25 tied their heads with red piece of cloth, and they had on
26 different dresses. This is how we knew that they were RUF
27 rebels.

28 Q. What do you mean when you said by what they said? What do
29 you mean by that?

1 A. Repeat it.

2 Q. You said you identified them as RUF rebels by what they
3 said, among other things. So, what do you mean by what they
4 said?

5 A. The commanders who were going around were saying -- because
6 they were calling their names. They were saying commando,
7 commando. That is how I knew they were RUF.

8 Q. Do you recall the names of any of these commanders --
9 commandos?

10 A. One was called Blackstone. They called him Sahr Quee.

11 Q. Excuse me, was it Blackstone who was again called Sahr
12 Quee?

13 A. Yes.

14 MR FOFANAH: Sahr Quee, Your Honours, is spelt S-A-H-R
15 Q-U-E-E.

16 Q. So, apart from Sahr Quee, alias Blackstone, was there any
17 other rebel that -- the name of any other rebel, RUF commando
18 that you recall?

19 A. At that point?

20 Q. When they attacked Yengema, yeah.

21 A. From that point, no.

22 Q. Okay. So let's come to Bendu. You said you came to Bendu
23 with six people. Now, at Bendu, did anything happen that you can
24 recall?

25 A. Yes.

26 Q. Now, before you explain what happened in Bendu, do you know
27 the chiefdom headquarter town for Yengema, the chiefdom
28 headquarter town.

29 A. Jaiama Nimikoro.

1 Q. Now, how far is Bendu from Jiama Nimikoro?

2 A. It's a far distance. I don't know what it is from Bendu to
3 Jaiama Nimikoro.

4 MR FOFANAH: Your Honours, I don't know if you've had
5 Jaiama Nimikoro before. It is J-A-I-A-M-A N-I-M-I-K-O-R-O.

6 Q. So what happened in Bendu when you arrived?

7 A. I was there when the rebels attacked. I was in a bush. I
8 and my younger brother came to go and find food, banana. We were
9 there when they captured us, I and my younger brother. From
10 there --

11 Q. When you said the rebels attacked you, what do you mean by
12 rebels?

13 A. The RUF.

14 Q. RUF rebels, yes. So, after attacking yourself and your
15 brother, did anything happen?

16 A. They captured us and brought us to the village, because
17 they had captured us in the bush and they brought us to the
18 village. We were not the only ones. We were many that were
19 captured. Both old and young, we were all captured, including
20 girls.

21 Q. Now, when this thing happened in your village from Yengema,
22 what class were you?

23 A. I was in class 5.

24 Q. So I take it you were in that same class when you were
25 captured by rebels in Bendu?

26 A. Yes.

27 Q. Okay. So they brought you to the village from the bush.
28 Did anything happen in the village, Bendu?

29 A. No. They took us to Jagbema.

1 MR FOFANAH: Jagbwema, I don't if Your Honours have heard
2 it before. It is J-A-G-B-E-M-A.

3 Q. Now, how far, if you know, is Jagbema from Bendu?

4 A. Yes. It's 6 miles from Bendu to Jagbema.

5 Q. Now, do you recall how many rebels captured you and your
6 brother?

7 A. No.

8 Q. Was it a large or a small group of rebels?

9 A. There were many.

10 Q. So when you came to Jagbema Fiamma, did you meet anyone in
11 the village or town?

12 A. I met people in the town.

13 Q. Who were these people that you met?

14 A. The RUF rebels.

15 Q. How did you know that they were RUF rebels?

16 A. Well, the RUF, when they captured me, that was where they
17 brought me, to their commanders.

18 Q. Do you know who was in charge; who was the commander in
19 charge of these RUF rebels at Jagbema?

20 A. Yes. It was Rambo.

21 Q. Now, when you were brought to Jagbema, did anything happen,
22 that you can recall?

23 A. Yes. From Jagbema, I was taken to Tueyor. They summoned a
24 meeting at Tueyor. We were all taken there. We were many, so
25 they took us there.

26 Q. Okay. Hold it. How long did you stay in Jagbema before
27 going to Tueyor?

28 MR FOFANAH: Tueyor, Your Honours, is spelt T-U-E-Y-O-R.

29 Q. How long did you take in Jagbema before you were taken to

1 Tueyor?

2 A. I spent some days there.

3 Q. How many of you were taken to Tueyor from Jagbema?

4 A. I do not know the number, but we were many.

5 Q. Can you describe to the Court the manner of people, the
6 kind of people who were taken, in terms of ages, if you can
7 recall?

8 A. Repeat.

9 Q. Can you tell the Court whether the group -- I mean, the
10 people who were taken together with your very self to Tueyor,
11 whether, in terms of their age, if you can describe them?

12 A. The people who took us or those of us who were taken?

13 Q. Those of you who were taken.

14 A. Okay. I can't know the ages, because they were young
15 people, old people. From old, young, they took us to Jagbema.

16 Q. In terms of sex as well, can you describe to the Court who
17 were taken?

18 A. They took us to Tueyor. They said they had a meeting.

19 Q. Okay. Do you know how far Tueyor is from Jagbema?

20 A. Yes.

21 Q. Tell us.

22 A. Yes. Three miles from Tueyor to Jagbema.

23 Q. Now, did the meeting -- did you go to Tueyor at all?

24 A. Yes.

25 Q. And did the meeting take place at Tueyor?

26 A. Yes.

27 Q. Did you attend that meeting?

28 A. Yes.

29 Q. Who organised the meeting?

1 A. Rambo organised the meeting in Tueyor.

2 Q. Now, can you tell the Court what transpired at this
3 meeting?

4 A. Yes.

5 Q. Please go on.

6 A. Okay. From the meeting, we were called to be taken to
7 Kailahun. They had a place called Bunumbu. We were to go and do
8 training. We moved from Tueyor and we were taken to Kailahun.
9 From Kailahun, we were distributed. The older ones were taken to
10 the various villages. We were taken -- the young boys and the
11 young girls, some young men, we were taken to Bunumbu training
12 base.

13 MR FOFANAH: Bunumbu, Your Honours, is B-U-N-U-M-B-U.

14 Q. Now, you have said the overall commander at Jagbema was
15 Rambo. Now, do you know who this Rambo was? First of all, what
16 group he belonged to?

17 A. Well, Rambo was at Jagbema.

18 Q. What group, if you know, did he belong to; group of
19 fighters?

20 A. Well, the man was a commander. I never knew whether they
21 had groups or he had -- he was -- belonged to a group. That they
22 had groups there. I knew that Rambo was there, some other
23 commanders were there and they were calling that particular
24 ground PC Ground.

25 Q. What do you mean by PC Ground, do you know?

26 A. PC Ground was a place which was just like a combat camp
27 where all the bosses, the big men, were based.

28 Q. Now, you said that the rebels who were taking you from
29 place to place were RUF rebels. Now, was Rambo the commander of

1 these RUF rebels?

2 A. Yes. Where they took us, yes.

3 Q. Now, you've told the Court that you were taken to Bunumbu.

4 Do you know what district Bunumbu is in Sierra Leone?

5 A. It is in Kailahun District.

6 Q. You've also told the Court that when you arrived there,
7 they had to separate you; those of you who were young and small,
8 you were taken for training and other people were taken
9 elsewhere. Where were you taken for training?

10 A. It was in Bunumbu Town.

11 Q. Did you undergo any training at all?

12 A. Yes.

13 Q. What form of training was it?

14 A. Well, there were trainings that were called Alakan [as
15 interpreted]. There were some that were called roll march.
16 There were some referred to as FFAAP [as interpreted], and there
17 were -- that was referring from all positions. There were roll
18 march. The roll march is that you go to the bush, you walk there
19 at night, around -- up to 6.00. There were different, different
20 types of training, but those are the ones I can recall that he
21 gave to us.

22 Q. So can you describe these trainings that you have referred
23 to as a form of military training?

24 MR AGHA: I object to that question, Your Honour. The
25 witness isn't in a position to answer that question.

26 MR FOFANAH: Excuse me, Your Honours.

27 PRESIDING JUDGE: Yes, I won't allow your interpretation to
28 come out through the witness's lips, Mr Fofanah.

29 MR FOFANAH: I'm grateful for that. Thank you.

1 Q. Mr Witness, can you go over the forms of training again so
2 that I will see how to locate them. You were describing various
3 forms of training that you went through. One after the other,
4 please.

5 A. FFAP, that is one of the training types.

6 Q. Do you know what that means, FFAP?

7 A. Yes.

8 Q. What does it mean?

9 A. FFAP, that is the type of training where you normally go to
10 the bush. It is just like we are going to do a bypass to attack
11 a town. For instance, if we move from Freetown going towards
12 Calaba Town, we don't take the straight route. We enter into the
13 bush so that we don't allow ourself to enter any town. We use
14 the bypass, the bush road, until we enter Calaba Town. That is
15 what I'm referring to as FFAP.

16 Q. Were you trained in FFAP at Bunumbu?

17 MR AGHA: Your Honour, that question has been answered.
18 He's just explained what the training was.

19 PRESIDING JUDGE: Yes, move on, Mr Fofanah. He's made that
20 clear.

21 MR FOFANAH:

22 Q. Apart from FFAP, did you undertake any other training?

23 A. Yes.

24 Q. Please go on.

25 A. Like roll march.

26 Q. Do you know what that means?

27 A. Yes.

28 Q. Please explain to the Court.

29 A. It's like sometimes they call us. We come to town, and

1 when we come to town, they give us sticks that appear as if they
2 were guns. And any time a command is given, if we meet, maybe
3 just a place in town, or maybe it has just rained and there is --
4 the town is -- you fall down on the ground, you roll, roll, roll
5 around. That is what they refer to as roll.

6 Q. Was there any other one, apart from the roll march, FFAP?

7 A. Yeah, there were some other ones that were called
8 obstacles. There were some obstacles.

9 Q. How was that done?

10 A. For instance, if there is a monkey bridge, they will make
11 something very high, and you will walk with your hand, and you --
12 you hold something into your hands, something is being held in
13 one hand, you leave it, then it is being held into the other
14 hand, then you leave it. Sometimes they use barbed wires.
15 Sometimes you lay on the ground, flat on the ground, then you
16 crawl -- you crawl until you cross that barbed wire, and
17 sometimes the dog holes -- for instance, if you are being chased
18 by an enemy, when you get there, you can just find yourself in
19 there so that you are not frightened by the enemy's attack.

20 Q. Do you recall any other one apart from this?

21 A. Alaka.

22 MR FOFANAH: Your Honours, I think, phonetically, it will
23 be A-L-A-K-A.

24 Q. What does Alaka mean?

25 A. Alaka, they will take, for instance, a group. Because
26 sometimes they have a squad, they have the SBUs that are called
27 the small ones and they have the elders, which are called the
28 guards. If it is Alaka for the SBUs, they will, for instance,
29 cycle us around. For instance, like we are in here, and

1 everybody will have -- they will whip you. They would whip
2 everybody. They beat people up and you go on crawling. As you
3 are crawling, you are being beaten up, until after some time you
4 will be released.

5 Q. So who was training you?

6 A. Well, the training commander at that particular place was
7 called woman Monica.

8 Q. Woman; did you say woman?

9 A. Yes, woman Monica.

10 MR FOFANAH: I think that is clear enough in terms of
11 spelling, Your Honours.

12 Q. How long did you undergo this training for?

13 A. A month and some weeks.

14 Q. Now, do you know how many of you went through this
15 training?

16 A. No.

17 Q. Were you few or many in number?

18 A. We were plenty.

19 Q. Now, after the training, did anything happen?

20 A. After the training, we were taken to Kono to our various
21 places, and we are now staying there.

22 Q. Do you know what month or year you arrived in Kono from
23 Kailahun, Bunumbu?

24 A. It was in '98.

25 Q. But do you recall the month?

26 A. No.

27 Q. What part of Kono did you come back to from Kailahun?

28 A. In Kono, I was at Gandorhun.

29 MR FOFANAH: Your Honours, I think we've had Gandorhun

1 before.

2 Q. Did you come alone from Kailahun to Kono?

3 A. No.

4 Q. How did you come and with whom?

5 A. Myself and all of those who were trained together, and we
6 were now graduated and we were all moved from Bunumbu, then we
7 came to .

8 Q. When you say you were moved, who moved you from Bunumbu to
9 Gandorhun?

10 A. At that time, they would now give us pass, or documents
11 that would allow you to move from Bunumbu to come direct to
12 Gandorhun.

13 Q. Now, when you came to Gandorhun, did you meet people in
14 Gandorhun?

15 A. Yes.

16 Q. Who were they?

17 A. It was the RUF rebels.

18 Q. Now, just one quick question. Do you know what the
19 training camp at Bunumbu was called? Do you know the name?

20 A. Yes.

21 Q. What was the name?

22 A. It was Bunumbu Camp Lion Training Base.

23 Q. Now, you said when you came to Gandorhun in Kono, you met
24 RUF rebels. Now, were they -- how were they dressed when you --
25 the rebels that you met?

26 A. Well, they were in civilian clothing. Some had guns, but
27 they never had on military fatigue. They had mixed-up dresses.

28 Q. Were they under the command of anyone that you know?

29 A. In Gandorhun?

1 Q. Yes.

2 A. Yes.

3 Q. Who was their commander?

4 A. The man who was there as commander was Akim.

5 MR FOFANAH: Your Honours, A-K-I-M.

6 Q. Now, this Akim, was he an RUF rebel?

7 A. No. He was AFRC.

8 Q. Now, apart from Akim, whom you said was an AFRC, was there
9 any other AFRC at Gandorhun when you came?

10 A. No. No, he was the only person I knew about.

11 Q. Was there any other commander in Gandorhun, apart from
12 Akim?

13 A. Yes.

14 Q. Who was it?

15 A. They had Femeh there [as interpreted].

16 MR FOFANAH: I think he said Fembeh.

17 Q. Was it Fembeh or Femeh?

18 A. Fembeh. Fembeh.

19 MR FOFANAH: F-E-M-B-E-H, Your Honours.

20 Q. Fembeh, was he an RUF or AFRC?

21 A. He was RUF.

22 Q. Fembeh and Akim, who was senior in rank, if you know?

23 A. Fembeh. It was Fembeh.

24 Q. Apart from Fembeh, was there any other commander in
25 Gandorhun, that you know?

26 A. No.

27 Q. Now, when you came to Gandorhun, after the training, did
28 you continue to serve the RUF as a trainee?

29 A. Yes.

1 Q. Where were you based?

2 A. Well, from Gandorhun, I was taken to Sengema.

3 MR FOFANAH: Sengema, Your Honours, is S-E-N-G-A-E-M-A
4 [sic].

5 Q. Now, who took you to Sengema?

6 A. It was under an RUF command.

7 Q. Before you were taken to Sengema, were you under the
8 command of any particular commander at Gandorhun?

9 A. Yes.

10 Q. Do you know his name?

11 A. Yes.

12 Q. What was his name?

13 A. Death squad.

14 Q. Was it dead or death?

15 A. Death Squad.

16 Q. And that was the name of your commander?

17 A. Yes.

18 Q. Now, how many of you, if you know, were under the
19 commandership of Death Squad?

20 A. We were plenty.

21 MR FOFANAH: Your Honours, I actually have a long way to
22 go. We are now moving from Gandorhun to Sengema.

23 PRESIDING JUDGE: Yes, I think it's an appropriate time to
24 adjourn. Mr Witness, while you're giving evidence, you're not
25 permitted to discuss this case outside of the Court with any
26 other person. I tell you that, because we're now going to
27 adjourn until tomorrow morning at 9.15.

28 MR AGHA: Your Honours, before we adjourn, may I ask for an
29 order that we be given the next six witnesses in order of call,

1 because we've got -- out of the 20? Because, obviously, we've
2 gone reasonably quickly today, so we will need to be in a
3 position to prepare for tomorrow and the next day.

4 MR FOFANAH: Your Honours, I have already given Mr Agha at
5 least a list containing a total of about 11 witnesses. They
6 include the witnesses who were called today. I don't know if
7 he's merely seeking -- these are things we can actually discuss
8 as counsel to counsel, but he is always using the Court.
9 Actually --

10 MR AGHA: [Overlapping speakers] to cut in is that we need
11 to prepare. This witness is number nine and we were told a
12 witness number nine on the order list at the first break. We do
13 really need to know the witnesses in advance, especially if
14 they're moving quite expeditiously. Otherwise, we will be
15 compelled to seek adjournments, which we don't want to do. We
16 know of two names for tomorrow, which hopefully won't change
17 overnight. If they become exhausted, we won't know who the next
18 witness will be.

19 PRESIDING JUDGE: We're not familiar with the background
20 behind this, without having to read everything that has been
21 filed over the recess. We're not in any position to go ordering
22 the pseudonyms of certain witnesses to be presented in a definite
23 order, unless there has been some undertaking by the Defence to
24 do that.

25 MR AGHA: Your Honour, there is already an order in the
26 field, dated 17 July. It says, "On each Friday, the Prosecution
27 must be provided at as near as may be an order of call" --

28 PRESIDING JUDGE: Yes, I'm familiar with that order.

29 MR AGHA: That's not happening.

1 MR FOFANAH: Your Honours, just one point. Firstly, this
2 is not a Friday. I have just indicated to my colleague, and to
3 the Court as well, I actually gave him a list comprising 11
4 witnesses who are presently in the safe house. Out of the 11
5 witnesses, this is the fourth one. It means we have at least
6 seven witnesses who will be called between now and probably
7 Wednesday. I don't know if Mr Agha --

8 PRESIDING JUDGE: Isn't that your order of call, Mr Agha,
9 that you're asking for?

10 MR AGHA: I'm asking -- I have 20 here -- if he could
11 indicate to us, my learned friend --

12 PRESIDING JUDGE: But you asked the next six witnesses.
13 Mr Fofanah, I understand, has just said he has given you the next
14 seven witnesses.

15 MR AGHA: Well, actually, he hasn't. He's given us two
16 witnesses following this witness. I'd be very happy to receive
17 by email the balance of five by 5.00 p.m.. I have no problem
18 with that at all.

19 PRESIDING JUDGE: Mr Fofanah, I take it Mr Agha is saying
20 you did not give him 11 witnesses.

21 MR FOFANAH: I mean -- I actually have it here. I mean, I
22 don't know --

23 PRESIDING JUDGE: So you haven't given it to him yet? I
24 was under the impression --

25 MR FOFANAH: I'm sure I did. I mean, because it might have
26 been -- I absolutely cannot lie to this Court, but if he says I
27 didn't, I mean, I will give it to him shortly after here. I
28 really thought I did.

29 PRESIDING JUDGE: All right. I'm sure you wouldn't raise

1 that point if you did have that order already, Mr Agha. It looks
2 as though there has been some misunderstanding. Mr Fofanah, will
3 you attend to that as soon as we adjourn the Court.

4 MR FOFANAH: Immediately I will pass it to him.

5 PRESIDING JUDGE: You will give that to him immediately we
6 adjourn.

7 MR FOFANAH: Yes.

8 PRESIDING JUDGE: All right. Thank you. We will adjourn
9 until 9.15 tomorrow morning.

10 [Whereupon the hearing adjourned at 4.07 p.m.,
11 to be reconvened on Tuesday, the 5th day of
12 September 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DAB-098	9
EXAMINED BY MR MANLY SPAIN:	9
EXAMINED BY MR GRAHAM:	39
EXAMINED BY MR FOFANAH:	46
CROSS-EXAMINED BY MR AGHA	47
RE-EXAMINED BY Mr Manly-SPAIN	56
WITNESS: DAB-115	58
EXAMINED BY MR MANLY-SPAIN	58
EXAMINED BY MR GRAHAM	72
EXAMINED BY MR FOFANAH	73
CROSS-EXAMINED BY MR HARDAWAY:	74
WITNESS: DAB-114	84
EXAMINED BY MR MANLY-SPAIN:	84
EXAMINED BY MR FOFANAH:	96
CROSS-EXAMINED BY MR HARDAWAY:	96
WITNESS: DAB-027	101
EXAMINED BY MR FOFANAH:	101