

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

TUESDAY, 5 SEPTEMBER 2006
9.22 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Mr Thomas George
Ms Advera Kamuzora

For the Prosecution:

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

For the accused Alex Tamba
Brima:

Mr Kojo Graham
Mr Osman Keh Kamara
Mr Ibrahim Foday Mansaray (legal assistant)

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

5 SEPTEMBER 2006

OPEN SESSION

3 [The accused present]

4 [The witness entered court]

5 [Open session]

6 [Upon commencing at 9.22 a.m.]

7 WITNESS: DAB-027 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, Mr Witness. I will remind
10 you that you are still on your oath to tell the truth you took
11 yesterday. I think I may have turned the witness's microphone
12 off as well.

13 MR FOFANAH: Good morning, Your Honours. Good morning,
14 Mr Witness.

15 PRESIDING JUDGE: Good morning.

16 EXAMINED BY MR FOFANAH: [Continued]

17 Q. Good morning. Yesterday in your testimony you said that
18 you were taken from Gandorhun to Sengema. Do you recall that?

19 A. Yes.

20 Q. Now, you said that you were under the commandship of
21 Commander Death Squad. Now, do you know if Commander Death Squad
22 was also commanded by anyone in Kono?

23 A. Yes.

24 Q. Who was his commander?

25 A. He had Colonel Wray. That was his commander.

26 MR FOFANAH: Your Honours, Wray is W-R-A-Y.

27 Q. Apart from Colonel Wray, was there any other commander that
28 you know of who was senior to Commander Death Squad?

29 A. Yes.

1 Q. Please name them.

2 A. He had Kennedy. He had Fembeh.

3 Q. Please go slowly.

4 A. Those are the commanders that he had.

5 Q. Fembeh?

6 A. Fembeh.

7 Q. Yes, you've called that name. Did you also say Kennedy?

8 A. Yes.

9 JUDGE DOHERTY: [Microphone not activated] could you
10 clarify that, Mr Fofanah, exactly what the name is?

11 MR FOFANAH: Yes, Your Honour.

12 Q. Now, what is the name you just called, apart from Fembeh?

13 A. Kennedy.

14 MR FOFANAH: Kennedy, Your Honour.

15 JUDGE DOHERTY: Thank you.

16 MR FOFANAH:

17 Q. Apart from Kennedy, was there any other one?

18 A. No.

19 Q. Now, these names --

20 A. There were many.

21 Q. These names you have just called, are they all RUF men?

22 A. Yes.

23 Q. Do you know if all of them had an overall commander who was
24 in Kono?

25 A. Yes.

26 Q. Who was their overall commander?

27 A. General Issa Sesay.

28 MR FOFANAH: Your Honours, we've had that name before.

29 Q. Now, how long did it take you to -- first of all, how far

- 1 is Sengema from Gandorhun; do you know?
- 2 A. No, I cannot tell the mileage, but it is far.
- 3 Q. How long did it take you to reach Sengema from Gandorhun?
- 4 A. From Gandorhun to Sengema?
- 5 Q. How long did it take you?
- 6 A. Well, I spent some time at Sengema.
- 7 Q. No, I mean the distance. Did it take up to a day or two?
- 8 A. It was a day. It was a day.
- 9 Q. And how did you travel to Sengema?
- 10 A. It was through Bormatarnayahum to go to Sandaru.
- 11 MR FOFANAH: Bormatarnayahum, Your Honours --
- 12 THE WITNESS: Bormatarnayahum, yes.
- 13 MR FOFANAH: That is spelt B-O-R-M-A-T-A-R-N-A-Y-A-H-U-M.
- 14 Q. So what method did you use to travel?
- 15 A. To go to Sengema?
- 16 Q. Yes.
- 17 A. We had loads.
- 18 Q. The method, did you, for example, use a vehicle, or did you
- 19 walk?
- 20 A. We walked.
- 21 Q. How many of you did this trip to Sengema, if you know?
- 22 A. We were many.
- 23 Q. Now, you have earlier told this Court that you were trained
- 24 in Bunumbu at Camp Lion base. Now, apart from that training
- 25 camp, do you know of any other training camp in Kono?
- 26 A. Yes.
- 27 Q. What was it called?
- 28 A. Joe Bush.
- 29 Q. Where was that based?

1 A. It was at Yengema?

2 Q. How did you know that there was a Joe Bush at Yengema?

3 A. I was at Bumpe, which was close to Yengema. There, they
4 had been training people.

5 Q. Did you yourself visit the Yengema training camp?

6 A. Yes.

7 Q. And did you observe anything at the training camp on your
8 visit?

9 A. Yes.

10 Q. What did you observe?

11 A. Well, I observed that because I saw -- I saw that they were
12 doing the same training that was -- that they had been training
13 at Bunumbu. That was the same.

14 THE INTERPRETER: Your Honours, would the witness go over
15 the last bit of his testimony?

16 MR FOFANAH:

17 Q. Can you go over that again, witness, please. The
18 interpreters did not get you.

19 A. Alaka, Monkey Bridge, they also had obstacles, because they
20 were all obstacles. Alaka, Monkey Bridge, because there were
21 barbed wires there.

22 Q. Did you see anybody undertaking any training at the camp?

23 A. The people that were captured to undergo training, those
24 were the ones that were there.

25 Q. Okay. So now you have told this Court that you went to
26 Sengema. On your arrival at Sengema, did you meet anyone there?

27 A. Yes.

28 Q. Whom did you meet?

29 A. The RUF rebels.

- 1 Q. How did you know that they were RUF rebels?
- 2 A. Well, I was with them. They were the ones that took me
3 there.
- 4 Q. Was there anyone in charge of the rebels, that you know?
- 5 A. The commander that took me there was called Death Squad.
- 6 Q. I mean the rebels that you met at Sengema; did they have
7 any commander, that you know?
- 8 A. Yes.
- 9 Q. Who was their commander?
- 10 A. They used to call him Konuwa.
- 11 MR FOFANAH: Konuwa, Your Honours, is K-O-N-U-W-A.
- 12 Q. Now, do you know what part of Sierra Leone Sengema is? Is
13 it in Kono District?
- 14 A. No. It was in the Mende District.
- 15 Q. Say that again. It was in what district?
- 16 A. In the Mende District.
- 17 Q. Mende, as in the tribe. So, how long did you take in
18 Sengema when you arrived?
- 19 A. I spent some time there.
- 20 Q. At Sengema, did anything happen, that you can recall?
- 21 A. No.
- 22 Q. Were you with anyone whilst at Sengema?
- 23 A. I was with the RUF.
- 24 Q. You said you were under the commandship of Death Squad;
25 did you carry any arms?
- 26 A. To Gandorhun, except to the security arm that I had.
- 27 Q. What do you mean by that, security arm?
- 28 A. We were -- they had bodyguards, so when we were captured,
29 you see, I was behind him and I was carrying a gun.

1 Q. So were you a bodyguard to Death Squad?

2 MR AGHA: Leading question, Your Honour; I object to that.

3 PRESIDING JUDGE: Yes, not allowed, Mr Fofanah.

4 MR FOFANAH:

5 Q. So who were you to Commander Death Squad?

6 A. I was his bodyguard.

7 Q. Since you said you do not recall anything happening in
8 Sengema, did you stay in Sengema throughout or did you leave at
9 any point?

10 A. I left the place.

11 Q. Where did you go to?

12 A. I came to Koidu Town.

13 Q. Did you come alone?

14 A. No.

15 Q. With whom did you come to Koidu Town?

16 A. With the RUF rebels.

17 Q. Do you recall what month and year that was when you
18 returned to Koidu Town?

19 A. It was in 1998. I cannot recall the month.

20 Q. So when you arrived at Koidu Town, whom did you meet?

21 A. The RUF rebels. These were the ones that I met.

22 Q. And the rebels that you met were they -- who was in charge
23 of them?

24 A. They were under General Issa.

25 Q. When you arrived, did you notice anything in Koidu Town, on
26 your arrival?

27 A. Yes.

28 Q. What did you notice?

29 A. I saw burnt houses. At that time, they had been mining for

1 them -- but they had been in the mining.

2 Q. Where did you see burned houses?

3 A. It was in Koidu Town.

4 Q. Did you know how many houses that were burnt? The houses
5 that you saw, did you count them?

6 A. No.

7 Q. Do you know who burnt those houses?

8 A. They said it was the RUF rebels.

9 Q. Who said that it was the RUF rebels?

10 A. Well, it was the RUF SBU that we met at the place. By the
11 time I went there, it was the RUF that attacked the place, and
12 they captured the place, so we came, we met burnt houses, and
13 those people in the town that were captured, these were the ones
14 that told us that it was the RUF that burnt the houses. In the
15 same place, there were two other houses that were burnt by the
16 RUF.

17 Q. I think we have to go over that again, because I heard him
18 say "family houses." Can you go over the last bit of your
19 testimony about the houses that you saw burnt?

20 MR AGHA: Your Honour, I'd object to that. I think he
21 asked the question, and whatever answer came has been made and
22 it's on the record.

23 PRESIDING JUDGE: Why do you want him to go over it again?

24 MR FOFANAH: Because I heard him say something that was not
25 interpreted. He mentioned the words "family houses," but it was
26 not interpreted.

27 PRESIDING JUDGE: Well, you ask him if he mentioned family
28 houses. No need to go over the whole evidence again.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Did you mention family houses in the last bit of your
2 testimony?

3 THE INTERPRETER: Your Honours, the interpreter is sorry.
4 He couldn't get what the witness said. Could he go over his
5 testimony?

6 PRESIDING JUDGE: What, you mean the last few words?

7 THE INTERPRETER: Yes, Your Honour. He's not audible.

8 MR FOFANAH:

9 Q. Did you mention the words "family houses" in the last bit
10 of your testimony?

11 A. My family house.

12 Q. What happened to your family house?

13 A. It was burnt.

14 Q. Who burnt your family house?

15 A. The RUF rebels.

16 Q. How did you know that?

17 A. They were the ones that attacked the place and they burnt
18 the houses.

19 Q. Did you see them burn the houses?

20 A. I did not see them when they were burning the houses, but I
21 found out -- I came and found the houses burning, and they were
22 the ones that were in the place.

23 Q. Apart from the burning of houses, did you notice any other
24 thing in Koidu Town?

25 A. Just the mining.

26 Q. Who and who were mining?

27 A. It was the RUF that were mining.

28 Q. And how did you know that?

29 A. I was with them.

1 Q. Now, you've mentioned the name Colonel Akim --
2 JUDGE SEBUTINDE: Mr Fofanah, sorry to interrupt, but I'm
3 not sure; mining what?
4 MR FOFANAH: Very well, Your Honour.
5 Q. Now, what do you mean when you said you saw them mining?
6 What were they mining?
7 A. Diamonds. They had been mining for diamonds.
8 Q. Just to take you a little backwards, you also said that you
9 received the information about the burning of houses from an SBU.
10 What do you mean by SBU?
11 A. It was the little boys that were captured for training;
12 these were the ones that were called SBU.
13 Q. How many SBUs did you see in Koidu Town on your arrival?
14 A. There were many.
15 Q. Were they doing anything when you saw them?
16 A. They were bodyguards. They had been doing mining for the
17 RUF.
18 Q. Mining what?
19 A. Diamond. Diamond.
20 Q. You also mentioned Colonel Akim as being an AFRC who was
21 with the RUF; when you arrived in Koidu Town, did you see him?
22 A. No.
23 Q. Apart from him, did you see any other person who was not an
24 RUF in Koidu Town?
25 PRESIDING JUDGE: Well, he just said he didn't see him. I
26 understood he said he did not see Colonel Akim.
27 MR FOFANAH: Yes, apart from him, I mean.
28 PRESIDING JUDGE: Well then you said, "Apart from him, did
29 you see anybody else."

1 MR FOFANAH: Yes, who was not --

2 THE PRESIDING JUDGE: But he didn't even see him, so it is
3 not "apart from him."

4 MR FOFANAH: Thank you very much.

5 Q. Did you see any -- did you see any AFRC person in Koi du
6 Town when you arrived?

7 A. No.

8 Q. Now, you have told this Court that the overall commander of
9 the RUF was General Issa Sesay. How did you know that he was
10 their overall commander?

11 A. I was with the RUF, so I knew that he was the RUF
12 commander, and everybody was under him.

13 Q. Do you know how long he stayed in Koi du Town, General Issa
14 Sesay?

15 A. He was at Koi du Town until the peace.

16 Q. Do you know where he stayed in Koi du Town?

17 A. Yes.

18 Q. Where was that?

19 A. It was at Lebanon.

20 JUDGE SEBUTINDE: I'm not sure I understand what you mean,
21 or what the witness means by "until the peace."

22 MR FOFANAH: Okay. I'll go over that again.

23 Q. When you said that General Issa Sesay stayed in Kono until
24 peace time, what do you mean by that, "peace time"?

25 JUDGE SEBUTINDE: The words were "until the peace."

26 MR FOFANAH: Until the peace. What do you mean by until
27 the peace?

28 A. Until the time that the disarmament took place.

29 Q. Now, do you know who was the deputy to General Issa

1 Sesay -- do you know if he had any deputy at all?

2 A. I did not know him.

3 Q. Now, during your stay at Kono, did you hear about any
4 Ibrahim Bazy Kamara as being present in Kono?

5 A. No, I did not hear about that.

6 Q. Did you hear about any Alex Tamba Brima, also known as
7 Gullit, about being present in Kono?

8 A. Well, I did not hear about that either.

9 Q. Did you hear about any Santigie Borbor Kanu, aka Five-Five,
10 about being present in Kono?

11 A. I did not know him. I did not hear about him.

12 Q. Whilst you were also at Bunumbu in Kailahun, did you hear
13 about any Ibrahim Bazy Kamara as being a member of the RUF in
14 Kailahun?

15 A. No.

16 Q. Did you also hear about any Ibrahim Bazy Kamara fighting
17 alongside the RUF in Kailahun, or Kono?

18 A. No.

19 Q. Did you hear about any Alex Tamba Brima fighting alongside
20 the RUF in Kailahun or Kono?

21 A. No.

22 Q. Did you hear about any Santigie Borbor Kanu, aka Five-Five,
23 fighting alongside the RUF in Kailahun or Kono?

24 A. No.

25 Q. Now, apart from being in Bunumbu, in Kailahun, did you go
26 to any other place in the Kailahun District?

27 A. No.

28 MR FOFANAH: That's all for the witnesses, Your Honours.

29 PRESIDING JUDGE: Thank you, Mr Fofanah. Anything else in

1 chief?

2 MR GRAHAM: Good morning, Your Honours. Just a few
3 questions for the witness.

4 EXAMINED BY MR GRAHAM:

5 Q. Good morning, Mr Witness.

6 A. Good morning.

7 Q. During the period that you were in Kailahun, did you at any
8 time witness any amputations by the RUF?

9 MR AGHA: I object to that, Your Honours; a leading
10 question.

11 MR GRAHAM: Thank you.

12 Q. Mr Witness, during the period that you were in Kailahun,
13 did you witness any form of amputations?

14 A. No --

15 MR AGHA: Again --

16 PRESIDING JUDGE: Well, it is leading, but he's answered
17 it, Mr Agha.

18 MR GRAHAM: Your Honours, I don't have any further
19 questions for this witness.

20 PRESIDING JUDGE: Mr Manly-Spain?

21 MR MANLY-SPAIN: Just a couple of questions.

22 EXAMINED BY MR MANLY-SPAIN:

23 Q. Mr Witness, you told this Court you once met with Akim in
24 Kono, whom you said was AFRC; is that so?

25 A. No.

26 Q. Do you recall saying that you met with Akim in Koidu?

27 A. No.

28 MR MANLY-SPAIN: No more questions.

29 PRESIDING JUDGE: Yes, Mr Agha.

1 MR AGHA: Thank you, Your Honour.

2 CROSS-EXAMINED BY MR AGHA:

3 Q. Witness, again, like my learned friends, I'm going to ask
4 you a few questions, and if you can answer them as concisely and
5 truthfully as possible, it would be helpful. Now, you say that
6 you were in class 5 around the time of your capture by the RUF;
7 is that right?

8 A. Yes.

9 Q. So you would agree with me that around the time of your
10 capture, you would have been about 10 to 13 years old?

11 JUDGE SEBUTINDE: What was the interpretation? We didn't
12 hear what the witness said.

13 THE INTERPRETER: Your Honour, the witness wasn't audible.

14 JUDGE SEBUTINDE: Mr Witness, could you repeat your answer,
15 please.

16 THE WITNESS: Let me repeat it again.

17 JUDGE SEBUTINDE: Yes, please. Mr Agha, perhaps you could
18 repeat your question.

19 MR AGHA:

20 Q. So if you were in class 5 at the time you were captured by
21 the RUF, you would have been around the age of 10 to 13 years
22 old; is that right?

23 A. Well, at that time, I didn't know my real age, so I
24 wouldn't be able to classify that.

25 Q. Well, how old did you think you were? Twenty-five?

26 A. No.

27 Q. Younger?

28 A. Younger.

29 Q. Younger than 20?

1 A. No, I wasn't up to that.

2 Q. So younger than 15?

3 A. At that time I wasn't up to 15.

4 PRESIDING JUDGE: Well, look, witness, at that time, did
5 you think you were any age at all, or was it something you just
6 didn't care about?

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: What does that mean?

9 THE WITNESS: I wasn't worried about my age.

10 MR AGHA:

11 Q. But the others in class 5, they were all about the same age
12 as you, were they?

13 A. Yes.

14 Q. Now, you say that you were captured by the RUF in 1997; is
15 that right?

16 A. Yes.

17 Q. I put it to you that you were captured in around February
18 1998, after ECOMOG had driven the AFRC government out of power.

19 JUDGE SEBUTINDE: Mr Agha, it doesn't seem that the witness
20 knows what you expect him to say.

21 MR AGHA: Okay.

22 Q. I say to you, Mr Witness, that you were captured in
23 around February of 1998, after the AFRC government had been
24 removed from power by ECOMOG; what do you have to say about that?

25 A. About my age, maybe, because I didn't understand the month
26 at that time, so I cannot tell the month at that time.

27 Q. Well, the question concerns a year as well. I'm saying to
28 you that you were captured by the RUF in 1998.

29 A. Okay.

1 Q. Do you agree with that?

2 A. Yes.

3 Q. You then went for training in 1998 to Kailahun, where you
4 were trained by the RUF; is that right?

5 A. No.

6 Q. No? Where did you go, then, in 1998, after you were
7 captured by the RUF?

8 A. To Koidu Town.

9 Q. So in 1998 you were firstly taken to Koidu Town; how long
10 did you stay in Koidu Town?

11 A. I was in Koidu Town until disarmament time.

12 Q. Don't you ever remember going to undertake training in
13 Kailahun at Camp Lion?

14 A. I went for training to Kailahun, Camp Lion, in 1998.

15 Q. Now, after your training in Camp Lion, you were posted
16 initially in Sengema, weren't you?

17 A. After my training, they posted me to Gandorhun.

18 Q. Did you give a statement to anyone from the Special Court
19 about what you were going to say today?

20 A. No.

21 Q. So you've never met with any investigator or someone from
22 the Defence to discuss what you've said today in Court at any
23 time?

24 JUDGE SEBUTINDE: Witness, what was your answer; yes or no?

25 THE WITNESS: Nobody met me.

26 MR AGHA: Okay.

27 Q. Well, I suggest to you that someone did meet you, and they
28 did take in writing what you told them about what you have said
29 in the Court.

1 A. No.

2 Q. Well, I have been provided with a summary of what you
3 allegedly said, and was provided to me by the learned counsel of
4 Defence, and I will read you a portion of what it says in this
5 summary. Now, this is what you allegedly said; are you
6 listening?

7 A. Yes.

8 Q. "Those captured in Kono were sent back to join other RUF
9 personnel at the various battle fronts in the town. Witness" -
10 that's you - "was posted to Sengema as bodyguard to Commander
11 Death Squad." Did you say that to anyone?

12 A. From where?

13 Q. Did you say this to anyone related to the Special Court?

14 A. In here?

15 Q. Before yesterday?

16 A. No.

17 Q. I put it to you that you did say that to someone at the
18 Special Court before yesterday; you did say that, didn't you?

19 A. No.

20 Q. Okay. Now, you were at Sengema at some time or other,
21 weren't you?

22 MR MANLY-SPAIN: May it please Your Honour --

23 THE WITNESS: Yes.

24 MR MANLY-SPAIN: I'm sorry, Your Honour, I believe that it
25 is a question that -- the questions that are confusing the
26 witness. The questions are, "Did you say that to anyone at the
27 Special Court." That statement was not made at the Special
28 Court. He has never made a statement at the Special Court. I
29 think that is probably the problem why the witness is saying no,

1 no. The statement was made somewhere else.

2 PRESIDING JUDGE: Yes, I see your point, Mr Manly-Spain.
3 There may be some confusion there. Perhaps you could explore
4 that, Mr Agha.

5 MR AGHA: Thank you.

6 Q. Now, I just want to go back a little bit, discuss with you
7 what you may have said to someone, and was taken in writing.
8 Now, did you meet anybody from the Special Court at any place
9 outside of Freetown before you gave your evidence yesterday?

10 A. In Yengema.

11 Q. Now, did you tell them the events about what you gave in
12 evidence yesterday?

13 A. Yes.

14 Q. Now, I have a summary of what you have said to those people
15 and, according to that summary, you said, "Those captured in Kono
16 were sent back to join other RUF personnel at the various battle
17 fronts in the town. Witness" - that's you - "was posted to
18 Sengema as bodyguard to Commander Death Squad." Did you say
19 that?

20 A. Yes.

21 Q. So once you finished your training in Kailahun, you went to
22 Sengema, didn't you?

23 A. I went to Sengema, but it was after Gandorhun that I went
24 to Sengema.

25 Q. Did you mention to the people who you met that you went to
26 Gandorhun before you went to Sengema?

27 A. Yes.

28 Q. It is not in the summary, so I say to you that you did not
29 say that to those people who met you.

1 MR FOFANAH: Objection. Your Honours, I would object to
2 that. It does not follow that because it is not contained in the
3 summary the witness did not say that to the statement-taker.

4 PRESIDING JUDGE: It's one of the possible conclusions,
5 isn't it, Mr Fofanah?

6 MR FOFANAH: Yes, Your Honour.

7 PRESIDING JUDGE: Well, why isn't Mr Agha entitled to put
8 that to him? He can answer for himself.

9 MR FOFANAH: As Your Honour pleases.

10 MR AGHA:

11 Q. I say to you that you did not mention to the person who
12 took your statement that you went to Gandorhun before going to
13 Sengema; what do you say?

14 A. Well, maybe I was worried at that time, because at that
15 time they didn't understand the word, and maybe I was fast.

16 Q. You didn't go to Gandorhun until after you had been to
17 Sengema, did you?

18 A. Repeat.

19 Q. You did not go to Gandorhun until after you had been to
20 Sengema, did you?

21 A. I went to Gandorhun, before going to Sengema.

22 Q. How long did you spend in Sengema?

23 A. I spent some time there.

24 Q. You spent a year, about a year, in Sengema, didn't you?

25 A. No.

26 Q. Now, you've just mentioned that you remember in Yengema
27 giving a statement to members from the Special Court. Again,
28 I've been provided a summary of what you said, and I'll read it
29 to you. This is what you allegedly said: "The witness was in

1 Sengema Town for about a year" --

2 MR MANLY-SPAIN: May it please Your Honour.

3 PRESIDING JUDGE: Yes.

4 MR MANLY-SPAIN: Your Honour, I don't want to be getting
5 up, but what is in the summary is not what the witness said.
6 This is a summary of what he said in the language of the person
7 who prepared the summary. It is unfair for counsel to say, "This
8 is what you said," and he starts to read, "The witness was in."
9 That is not his statement.

10 PRESIDING JUDGE: Yes, I see. It is a summary in somebody
11 else's language of what was said.

12 MR MANLY-SPAIN: It's a summary. Much obliged.

13 PRESIDING JUDGE: You can put that in a general way,
14 Mr Agha, without trying to pin the exact specific words down to
15 this witness. You can address him in terms of subject matter.

16 MR AGHA:

17 Q. You mentioned to the person you spoke to from the Special
18 Court that you stayed in Sengema for about a year, didn't you?

19 A. No.

20 Q. I say that you did, and that you're lying.

21 A. I'm not lying.

22 Q. I also say that you went to Sengema before Gandorhun, and
23 that you're lying.

24 A. No.

25 Q. So according to you, after your training in Kailahun in
26 1998, you returned to Gandorhun; is that right?

27 A. No.

28 Q. You didn't? Then where did you return?

29 A. In 1998 -- it was in 1997 that I was trained in Bunumbu.

1 '98, I went into Koidu Town.

2 Q. You've earlier said that you were captured by the RUF in
3 1998. So if you were captured in 1998, how could you have been
4 trained in Bunumbu in 1997?

5 A. It was in 1997 they captured me.

6 Q. So you lied when you said it was in 1998 earlier?

7 A. I didn't say 1998. I didn't tell a lie. It was '97.

8 Q. Well, the record will speak for what you said.

9 PRESIDING JUDGE: Yes, we've got notes of that, Mr Agha.

10 MR AGHA: Thank you.

11 Q. Now, according to you now, you say that you were captured
12 in 1997. Were you captured before or after the AFRC overthrew
13 the Kabbah government?

14 A. They didn't capture me at that time when they overthrew the
15 Kabbah government.

16 Q. So the Kabbah government was still in power when you were
17 captured?

18 A. No.

19 Q. Okay. When you were captured, was it the Kabbah government
20 that was in power, or was it the AFRC government that was in
21 power?

22 A. At that time, I didn't know, because I did not understand
23 the things that were going on. At that time, I was young, when I
24 was captured; I don't remember all that.

25 Q. Now, when you returned, according to you, to Gandorhun, how
26 long did you stay there?

27 A. I took some time in Gandorhun.

28 Q. Well, was it one week, one month?

29 A. I took some time there. I don't know the actual time, or

1 how many months I took there.

2 MR MANLY-SPAIN: May it please Your Honour again. I'm
3 having a problem with the interpretation. The witness said,
4 "[Speaks Krio] at Gandorhun or Kailahun." Which means I took a
5 long time, but the interpreter is saying, "I spent some time."
6 Which is quite different. When he says [speaks Krio], it means a
7 long time. I'm going to put it to him and see what he means,
8 whether it's just some time or a long time.

9 PRESIDING JUDGE: Did you hear that, Interpreter?

10 THE INTERPRETER: Yes, Your Honour.

11 MR FOFANAH: Sorry, Your Honour. Just --

12 PRESIDING JUDGE: I will get to you, Mr Fofanah. I just
13 want to clear this up; did the witness say a long time, or some
14 time?

15 THE INTERPRETER: Long time, Your Honour.

16 PRESIDING JUDGE: Well, why did you tell us some time?

17 THE INTERPRETER: I'm sorry about that, Your Honour.

18 PRESIDING JUDGE: Yes, Mr Fofanah.

19 MR FOFANAH: In addition to that, I was just going to
20 address generally the issue of interpretation. I think there has
21 been some clear misunderstanding between what the witness says,
22 and what is being interpreted. Probably that is what has been
23 creating the confusion. So I just wanted to bring that to the
24 knowledge of -- in general, as I see it.

25 PRESIDING JUDGE: Well, I think if there is something wrong
26 with the interpretation, you ought to bring it up straightaway,
27 rather than make a general type of statement later. There is no
28 way we can possibly apply your comment to the evidence.

29 MR FOFANAH: I will do that in re-examination, Your Honour.

1 PRESIDING JUDGE: Yes. Go ahead, Mr Agha.

2 MR AGHA:

3 Q. Now, you say that you were in Gandorhun for a long time in
4 1998, but you don't know the month in 1998; is that right? That
5 you arrived?

6 A. I don't know the month in 1998. I said I was in Koidu Town
7 in 1998.

8 Q. When were you in -- well, let us start again. You came
9 from Kailahun, according to you, in 1998, and where did you first
10 go?

11 A. 1998, I was in Koidu Town. It was in '97 I left Koidu Town
12 and went to Gandorhun.

13 Q. Okay. So in 1998 you were in Koidu Town; how long did you
14 stay there?

15 A. I was there until the disarmament.

16 Q. How is that possible if you went to Sengema? You've just
17 said, witness, that from Kailahun, after your training, you were
18 in Koidu Town in 1998; is that right?

19 MR FOFANAH: Your Honours, I'm not sure that is what the
20 witness said. I mean, the witness has been very -- well, lately
21 consistent about returning to Gandorhun after his training in
22 Kono, and, just another point to that, I mean, even the summary
23 from which my learned colleague is quoting, he's very clear on
24 that. The summary did not say that the witness did not return to
25 Gandorhun or Kono. It basically says that those captured in
26 Kono, which I believe will include the witness, were sent back to
27 join other RUF personnel at the various battle fronts in the
28 town. And then it goes further to say that the witness was
29 posted --

1 PRESIDING JUDGE: But we are not on the summary now. We're
2 dealing with the direct evidence of this witness, Mr Fofanah.
3 What exactly is your objection to Mr Agha's question?

4 MR FOFANAH: Your Honours, my objection is that the witness
5 has been very clear on returning to Kono from Bunumbu where he
6 was trained, and then he has been confusing him about Gandorhun
7 and Koidu Town and about the time frame. I mean, he has
8 categorically put to the witness that he did not go to Kono or
9 Gandorhun, which is in Kono, but that he went straight to
10 Sengema. So I think it is that confusion which, I mean, has been
11 compounding --

12 PRESIDING JUDGE: Well, you're saying the witness is
13 confused. I haven't heard the witness say he was confused at any
14 question that he was asked. You must remember that this is
15 cross-examination, Mr Fofanah, and if Mr Agha is not clear on a
16 point of the witness's evidence, he's got a right to test it.

17 MR FOFANAH: Yes. I was just saying that, I mean, the
18 witness has given more than one answer to that question, about
19 returning from the training camp in Bunumbu to Gandorhun.

20 PRESIDING JUDGE: All right. Well, that's not a valid
21 objection.

22 MR FOFANAH: As Your Honour pleases.

23 PRESIDING JUDGE: You go ahead, Mr Agha.

24 MR AGHA: Thank you.

25 Q. Now, witness, I want to get this clear for once and for
26 all. You finished your training in Kailahun in 1998, according
27 to you; is that right?

28 A. In 1998 -- I finished my training in '97 in Kailahun.

29 Q. I put it to you that in your evidence yesterday you said

1 that you finished your training in 1998 and returned to Kono in
2 1998. So you're lying now; that's what I'm saying to you.

3 A. No.

4 Q. Okay. After you finished your training in Kailahun, where
5 did you go to immediately?

6 A. Kono.

7 Q. Whereabouts in Kono?

8 A. In Gandorhun.

9 Q. And how long, roughly, did you stay in Gandorhun?

10 A. I've said that before. I stayed for a long time in
11 Gandorhun.

12 Q. So that would be more than two months?

13 A. I don't know the actual month that I spent in Gandorhun.

14 Q. I'm not asking you about the actual month. I'm asking you
15 about how many months? So was it two months or longer?

16 MR FOFANAH: Again, Your Honours, I will object. The
17 witness has said he doesn't know. I mean, he cannot estimate the
18 time.

19 PRESIDING JUDGE: All right. Well, witness, you've said
20 you stayed a long time in Gandorhun. What reference points in
21 your memory do you have that established that it was a long time,
22 rather than a short time?

23 THE WITNESS: I was there because I stayed a long time
24 there. I left there, went to Sengema. From there, they captured
25 Koidu Town.

26 PRESIDING JUDGE: What we're trying to clear up, though, is
27 if you say it was a long time, and you can't give that time in
28 terms of months, what is it that makes you say it was a long
29 time, as against a short time?

1 THE WITNESS: I was there for some months, but I don't know
2 how many months I spent there.

3 MR AGHA: Thank you.

4 Q. And while you were in Gandorhun, did you go to Koi du Town?

5 A. From Gandorhun, I went to Sengema.

6 Q. Okay. And how long did you spend in Sengema, roughly?

7 A. Sengema, I was there -- I stayed a long time there.

8 Q. Longer than in Gandorhun?

9 A. Yes.

10 Q. How much longer? About twice as long?

11 A. Well, it wasn't up to a year.

12 Q. Now, whilst you were in Gandorhun, you saw Akim, who was an
13 SLA, didn't you?

14 A. Yes.

15 Q. I put it to you there were SLAs in Koi du Town at that time
16 when you were in Gandorhun, weren't there?

17 MR FOFANAH: Objection. How would he know? He's talking
18 about Koi du Town.

19 PRESIDING JUDGE: Well, he can say that, can't he,
20 Mr Fofanah? He's capable of answering, if he doesn't know.

21 MR AGHA:

22 Q. Witness, there were SLA soldiers in Koi du Town whilst you
23 were in Gandorhun, weren't there?

24 A. I don't know, because I was in Gandorhun.

25 Q. There were SLA soldiers in Yengema while you were in
26 Gandorhun, weren't there?

27 A. I don't know.

28 Q. There were SLA soldiers in Tombodu Town whilst you were in
29 Gandorhun, weren't there?

1 A. Tombodu, I didn't talk about Tombodu.

2 Q. No. So you don't know whether there were SLA soldiers in
3 Tombodu or not?

4 A. I don't know.

5 Q. So apart from your few months, which you spent in
6 Gandorhun, you can't tell anything about what you personally saw
7 the SLAs were doing in Kono, can you?

8 A. No.

9 MR FOFANAH: Objection.

10 THE WITNESS: No.

11 MR FOFANAH: The witness has not said he saw SLAs doing
12 anything. Because the question is he cannot tell anything about
13 what the SLAs were doing, anything more. He has not said that he
14 saw SLAs doing anything or he even saw them.

15 MR AGHA: Well, he answered no, Your Honour. I don't
16 understand the point of the objection.

17 PRESIDING JUDGE: The answer was no, which is not
18 inconsistent with your objection, Mr Fofanah.

19 MR AGHA:

20 Q. So SLA soldiers were in other parts of Kono, I say to you,
21 when you were in Gandorhun; what do you say?

22 A. Well, I don't know.

23 Q. I put it -- I say to you that Ibrahim Bazy Kamara was in
24 command of SLA soldiers in Kono whilst you were in Gandorhun.

25 A. Well, I don't know.

26 Q. Okay. Now, you've mentioned that after your few months in
27 Gandorhun, you went to Sengema; is that right?

28 A. Yes.

29 Q. And you spent longer in Sengema than you did in Gandorhun,

1 didn't you?

2 A. Yes.

3 Q. But not up to a year?

4 A. No.

5 Q. So I say to you that you returned from Sengema towards the
6 end of 1998; is that about right?

7 A. In Sengema, no.

8 Q. No, I'm saying you returned from Sengema to Koidu in
9 around, let us say, October, November, December 1998, that time
10 period?

11 A. Yes, in 1998, in Koidu.

12 Q. Yes, but it would have been after July, in the months
13 of August, September, October, wouldn't it?

14 A. Well, I don't know that.

15 Q. Well, I put it to you that you did return after July 1998.

16 A. Okay.

17 Q. Now, when you returned to Koidu Town, you found that there
18 had been various houses burnt, didn't you?

19 A. Yes.

20 Q. I put it to you that that was pursuant to an RUF attack on
21 Koidu Town in December 1998; is that right?

22 MR MANLY-SPAIN: May it please, Your Honour, we are worried
23 really about the questions put to the witness. We believe it's
24 confusing him. Counsel has said that this witness returned after
25 July, between July, August, September, October. Now he's saying,
26 "When you returned, you met houses burnt in Kono. That must have
27 been pursuant to an RUF attack in December of that year." How
28 can that be? And he returned before December. That is the
29 question counsel is putting.

1 PRESIDING JUDGE: Well, look, you're saying on behalf of
2 the witness that he may be confused. I'd like to see something
3 coming from the witness to that effect, that he is confused. He
4 hasn't said he doesn't understand.

5 MR MANLY-SPAIN: I'm sorry, sir, what I'm saying is that it
6 is the duty of counsel to put a correct question to the witness.
7 This question can't be correct.

8 PRESIDING JUDGE: Mr Interpreter, will you please switch
9 off while I try to hear what Mr Manly-Spain is saying, please.

10 MR MANLY-SPAIN: Yes, I'm saying, sir, that with all due
11 respect, the question is not correct. If he's saying that he put
12 to the witness, the witness returned between July and October,
13 how can he put in the next question that this -- you met the
14 houses having been burnt in Kono? He said yes. This was being
15 pursuant to an attack by the RUF in December of that year, when
16 the witness has returned in August or September. The question
17 can't be right. It's not fair to him.

18 PRESIDING JUDGE: What do you say to that, Mr Agha?

19 MR AGHA: I say that I'm putting the Prosecution's case to
20 the witness as regard we believe the time frame of the attack on
21 Koidu Town and when he arrived.

22 PRESIDING JUDGE: Yes, all right. Go ahead. I'll allow
23 that question.

24 MR AGHA:

25 Q. I put it to you that when you returned to Koidu and found
26 the burnt villages, this was the burnt houses, in Koidu Town,
27 this was after Koidu Town had been attacked by the RUF
28 in December 1998.

29 A. I don't know the month. It was inside 1998. That was the

1 time that the RUF attacked Koi du Town.

2 Q. And after the RUF attacked Koi du Town, did you stay with
3 the RUF?

4 A. In Koi du Town? Yes, I came to Koi du Town when they
5 attacked Koi du Town.

6 Q. And was it in the rainy or the dry season?

7 A. At that time, it was not raining a lot, so I cannot
8 understand.

9 Q. Well, you know the difference between the rainy season and
10 the dry season, don't you?

11 A. Yes.

12 Q. So was it towards the end of the dry season, when it was
13 just starting to rain, or was it in the middle of the dry season
14 when there was no rain, or was it in the middle of the rainy
15 season when it was pouring with rain?

16 A. At that time, it was raining sparingly.

17 Q. So would you say it would be at the beginning of the rainy
18 season that you returned to Koi du Town and/or at the end when it
19 was just finishing?

20 MR FOFANAH: Your Honours, I really do not want to
21 interrupt my colleague, but I think this issue of time frame, I
22 mean, the witness has clearly come out on a number of occasions
23 that he cannot be specific about time frames.

24 PRESIDING JUDGE: Well, why can't he come out again on this
25 occasion and say that?

26 JUDGE DOHERTY: Incidentally, Mr Fofanah, it was put to the
27 witness that it was after July, and he agreed.

28 MR FOFANAH: As Your Honour pleases.

29 MR AGHA:

1 Q. So Mr Witness, was it in the start of the rainy season or
2 the end of the rainy season, when you returned to Koi du Town?

3 A. Well, within that time, I myself wouldn't be able to know,
4 because it was raining. I do not know whether it was during the
5 rainy season or the dry season.

6 Q. But it usually rains in the rainy season; would you agree
7 with that?

8 PRESIDING JUDGE: Well, it sometimes rains in the dry
9 season. I don't think that's a fair question, Mr Agha.

10 MR AGHA: I apologise, Your Honour.

11 Q. Now, you arrived back in Koi du Town where you saw the burnt
12 houses, and you say that General Issa was in command; is that
13 right?

14 A. Yes.

15 Q. And if I'm right, you say that General Issa stayed in Koi du
16 Town until the peace; is that right?

17 A. Yes.

18 Q. Issa Sesay was in Makeni before the peace; what do you have
19 to say about that?

20 A. He was in Kono.

21 Q. I put it to you that's a lie.

22 A. It isn't a lie.

23 Q. Now, in your evidence, you also mentioned that Issa Sesay
24 was living in -- correct me if I am wrong -- is it Lebanon in
25 Koi du?

26 A. Yes, Lebanon.

27 Q. I say to you that Issa Sesay was not living in Lebanon.

28 A. He was in Lebanon.

29 Q. I say you're lying again.

1 A. No.

2 Q. Now, after the RUF had captured Koidu Town and you had gone
3 in there and saw all the burnt villages, you remember that, burnt
4 houses; you were there?

5 A. Yes.

6 Q. Did any of the RUF troops move from Koidu Town towards
7 Freetown?

8 A. Well, I knew about Koidu Town. I did not know about those
9 that moved from there to Freetown.

10 Q. But did any RUF troops move from Koidu Town towards
11 Freetown?

12 A. I don't know.

13 Q. Well, you were there, how can you not know? Either you saw
14 them move or you didn't?

15 MR FOFANAH: Objection. That is unfair. The witness has
16 said he doesn't know.

17 PRESIDING JUDGE: Yes, I think you are stuck with that
18 answer, Mr Agha.

19 MR AGHA: Okay.

20 Q. Are you aware that Freetown was attacked in January 1999?

21 A. I don't know. I don't know about that time.

22 Q. Well, were you in Koidu after you'd returned and seen the
23 burning houses before or after the attack on Freetown?

24 A. Repeat the question.

25 Q. When you returned to Koidu Town and saw the burnt houses,
26 was this before or after the invasion of Freetown?

27 MR FOFANAH: Objection.

28 PRESIDING JUDGE: How can he say -- he can't. He doesn't
29 know when that was, Mr Agha. How can he answer that question?

1 MR AGHA:

2 Q. Have you ever heard of the person named Alex Tamba Brima,
3 aka Gullit?

4 A. No.

5 Q. My suggestion to you, witness, is that all your evidence
6 relating from your return from Sengema to Koidu Town is after
7 July 1998; what do you have to say about that?

8 A. In 1998 from Sengema -- it was in 1997 that I was in
9 Sengema.

10 Q. Yes, but what I'm putting to you, what I'm saying to you is
11 that when you returned to Koidu Town, all the evidence,
12 everything you've said about the burning of Koidu Town, was after
13 July 1998.

14 A. No, it was inside -- in 1998.

15 MR AGHA: I have no more questions for this witness,
16 Your Honour.

17 PRESIDING JUDGE: Thank you, Mr Agha. Yes, re-examination?

18 MR FOFANAH: There is just one point.

19 RE-EXAMINED BY MR FOFANAH:

20 Q. Mr Witness, when counsel put to you that you might have
21 returned from Sengema to Kono after July 1998, you have merely
22 said "okay." What do you mean by "okay"?

23 MR AGHA: Your Honour, I object to that. I think "okay" is
24 pretty self-explanatory.

25 PRESIDING JUDGE: Yes, I think that was a clear question,
26 Mr Fofanah.

27 MR FOFANAH: If Your Honour pleases, that is the ruling of
28 the Court. That is all I have for him.

29 PRESIDING JUDGE: Any other re-examination?

1 MR GRAHAM: No, Your Honours.

2 PRESIDING JUDGE: All right. Yes, Mr Witness, thank you
3 for coming in to give evidence. You will be able to leave now.
4 Just sit there for a few moments. We'll pull the curtains across
5 and you'll be able to go then.

6 [The witness withdrew]

7 MR FOFANAH: Your Honours, the next witness is DAB-040.
8 He'll be testifying in Krio.

9 PRESIDING JUDGE: Thank you, Mr Fofanah. Would you have a
10 number in the list that's been filed?

11 MR FOFANAH: Under summaries, it is number 10. On the
12 list, number 10 as well.

13 PRESIDING JUDGE: Thank you.

14 WITNESS: DAB-040 [Sworn]

15 [The witness answered through interpreter]

16 PRESIDING JUDGE: Yes, Mr Fofanah.

17 EXAMINED BY MR FOFANAH:

18 Q. Good morning, Mr Witness.

19 A. Good morning.

20 Q. You are a Sierra Leonean, born in xxx District?

21 A. Yes.

22 Q. You were born in xxx in April 1982?

23 A. Yes.

24 Q. And you did your primary school at xxx Town, Kono?

25 A. Yes.

26 Q. You are presently in the xxx xxx xxx School, in
27 xxx Town?

28 A. Yes.

29 Q. Now, in 1997, you were in the xxx xxx xxx School in

1 Kono, in xxx, Kono?

2 A. Yes.

3 Q. What class were you in 1997, if you recall?

4 A. I was in class 5.

5 Q. Now, whilst at xxx in 1997, do you recall anything
6 happening?

7 A. In Kono?

8 Q. Yes.

9 A. Yes.

10 Q. Now, take your time and explain to the Court what you
11 recall happened in Kono?

12 A. When we were in Yengema in Kono, we were there and we heard
13 that the AFRC had overthrown a particular government which was
14 SLPP.

15 Q. And what year was that again?

16 A. It was in 1997.

17 Q. How did you hear that news, that the AFRC has overthrown
18 the SLPP government?

19 A. It was over radio.

20 Q. Now, when you heard that news, did anything happen in
21 Yengema?

22 A. When we were there, the soldiers were there. Later, they
23 called on the RUF because we were in the bush. They came
24 together in town, and all of them lived together. We were there
25 until the Kamajors came and attacked twice.

26 Q. Okay, hold it. Witness, please go slowly. Firstly, you
27 said that soldiers were in Yengema, in the Kono District, when
28 the AFRC overthrew.

29 A. Yes.

1 Q. You also said that they called the RUF who joined them in
2 Kono?

3 A. Yes.

4 Q. Now, you said there were two attacks by the Kamajors; what
5 do you mean by Kamajors?

6 A. Well, that is the way we heard people calling them, the
7 Civil Defence Forces.

8 Q. When was the first attack, if you can recall?

9 A. Well, I cannot recall the first time.

10 Q. And where was that attack, the first attack?

11 A. Well, it was in Kono.

12 Q. Now, did you see the Kamajors on the first attack, when
13 they attacked Kono?

14 A. Well, I did not see them with my eyes.

15 Q. So how did you know that it was Kamajors that attacked on
16 the first occasion?

17 A. When the attack took place, the people that were in the
18 area who were running and coming to us, these were the ones who
19 told us that it was the Kamajors who attacked.

20 Q. What part of Kono did the Kamajors attack on the first
21 occasion?

22 A. Well, I did not know the direct location where they came
23 from.

24 Q. Now, when they came for the first time, did they stay in
25 Kono, the Kamajors?

26 MR AGHA: Your Honour, I'd object to that as a leading
27 question. We've not even ascertained whether they were able to
28 get into Kono.

29 PRESIDING JUDGE: That is leading, Mr Fofanah. You can

1 rephrase that.

2 MR FOFANAH: As Your Honour pleases.

3 Q. Now, on the first occasion when the Kamajors, according to
4 you, attacked Kono, what happened?

5 A. At that time, we pulled out. We, the civilians, even the
6 soldiers who were there, they also pulled out. Some went to the
7 north around the Kabala area while the RUF forces went to the
8 east, around the Gandorhun area. Then, we ourselves moved. We
9 were in the bush around one bush which was called Kpakiyor. It
10 was 3 miles from Yengema.

11 Q. Mr Witness, just hold it a bit. You are going pretty fast.
12 I'm still talking about the first attack, because you said there
13 were two attacks. The first attack. I mean, on that first
14 occasion, did the Kamajors actually enter Kono?

15 A. No.

16 Q. How did you know that?

17 A. We were in the area. That was how I came to know that they
18 did not enter.

19 Q. Now, when was the second attack by the Kamajors?

20 A. Well, I did not state the particular time.

21 Q. But do you know when the second attack was?

22 A. I don't know.

23 Q. Now, how long did it take them from the first attack, when
24 they came for the second time to Kono?

25 A. I don't know.

26 Q. Was it up to a month between the two, the first and the
27 second attack?

28 PRESIDING JUDGE: Mr Fofanah, he said he doesn't know, and
29 not only that, he said he doesn't know when the second attack

1 was, so what would his answer to that question be worth?

2 MR FOFANAH: As Your Honour pleases. I'll rephrase the
3 question.

4 Q. Now, did you see them when they came for the second time,
5 the Kamajors?

6 A. No, I did not see them with my eyes.

7 Q. So how did you know that those who attacked for the second
8 time were Kamajors?

9 A. Well, it was the civilians who were running from that point
10 who came and met us at Yengema. These were the ones that told us
11 that the Kamajors had attacked.

12 Q. Now, when you say they attacked, did they attack anyone
13 that you know?

14 A. No.

15 Q. Do you know if the Kamajors entered Kono on the second
16 attack?

17 A. Yes.

18 Q. Do you know what part of Kono they entered?

19 PRESIDING JUDGE: Well, he didn't say he knew they
20 entered -- he said he knew whether they entered, but I mean, when
21 he says "yes" is he saying yes, I know, or yes, they entered?

22 MR FOFANAH:

23 Q. Now, did the Kamajors enter Kono, to the best of your
24 knowledge?

25 A. Yes.

26 Q. What part of Kono did they enter?

27 A. They were in Koakoyima, Koidu Town, Yengema.

28 Q. Okay, hold it.

29 MR FOFANAH: Your Honours, Koakoyima is spel t

1 K-O-R-K-O-I-M-A [sic]. And I think the others have been spel t
2 before.

3 PRESIDING JUDGE: What were the others again, Mr Fofanah?
4 I think it was Koi du Town.

5 MR FOFANAH: Yengema, Koakoyi ma.

6 Q. What other parts of Kono do you recall that the Kamajors
7 occupied when they entered?

8 A. Well, I cannot remember any other part.

9 Q. Now, where were you when they entered for the second time?

10 A. I was with my parents at Yengema at Sorie Town.

11 Q. Did you see any Kamajors at Sorie Town, Yengema?

12 A. No.

13 Q. Now, you've told the Court that before the Kamajors
14 attacked, on the first occasion, there were soldiers in Kono?

15 A. Yes.

16 Q. Now, where were the soldiers when the Kamajors came for the
17 second time?

18 A. They were at the headquarters. There they were based.
19 That was where the soldier base was.

20 Q. Where were the headquarters?

21 A. Well, at Ngai a, around Yengema Town.

22 MR FOFANAH: Ngai a, Your Honours, N-G-A-Y-A [sic].

23 Q. Now, did anything happen around Ngai a, Yengema Town, when
24 the Kamajors attacked for the second time?

25 A. Yes.

26 Q. Please explain to the Court?

27 A. When the Kamajors came, at that time, they had been
28 searching for soldiers. Anywhere they saw soldiers, they would
29 be captured, and they burnt you, or they would kill you. And if

1 they found out that there was any --

2 THE INTERPRETER: Your Honour, would the witness go a
3 little bit slow so --

4 MR FOFANAH:

5 Q. Please, go slowly, Mr Witness. The interpreters are
6 interpreting. Go slowly. You were just explaining about the
7 attack on Ngai a when the Kamajors came. So I want you to go
8 slowly so that they can interpret that bit of your testimony. So
9 when the Kamajors attacked Ngai a, what happened?

10 A. Well, they had been searching for soldiers. If they
11 captured a soldier, he would be beaten. Some were killed, some
12 were burnt. They said that they had come in search of them,
13 including the RUFs.

14 Q. Now, do you know what year that was, when the Kamajors
15 attacked for the second time?

16 A. That happened in 1997.

17 Q. Now, during that attack, do you know how long the
18 Kamajors -- did the Kamajors stay in Kono on the second attack?

19 A. I did not know.

20 PRESIDING JUDGE: I think we'll take the normal break, if
21 that is convenient, Mr Fofanah.

22 MR FOFANAH: Grateful, Your Honour. Thank you.

23 PRESIDING JUDGE: Mr Witness, we're going to take a short
24 break. I will tell you that now that you're giving evidence,
25 you're not permitted to discuss the case or the evidence with
26 anybody else; is that clear?

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: All right. Thank you. We'll adjourn
29 until 11.10.

1 [Break taken at 10.48 a.m.]

2 [Upon resuming at 11.12 a.m.]

3 PRESIDING JUDGE: Yes, go ahead, Mr Fofanah.

4 MR FOFANAH:

5 Q. Yes, Mr Witness, you were telling the Court about the
6 second attack about the Kamajors' presence in Kono. Now, do you
7 know how long the Kamajors stayed for on that second occasion?

8 PRESIDING JUDGE: Didn't he say he doesn't know if they
9 stayed at all?

10 THE WITNESS: No.

11 MR FOFANAH: On the second occasion?

12 PRESIDING JUDGE: That was my understanding.

13 MR FOFANAH: As Your Honour pleases. I'm grateful.

14 Q. Now, do you recall the year 1998? Because you've told the
15 Court that the two attacks were in 1997. Do you recall 1998?

16 A. No.

17 Q. In 1998, where were you?

18 A. That time, the RUF boys captured me. I was with them.

19 Q. Where were you in 1998? What town, if you can recall?

20 A. At Koakoyima Town.

21 Q. Where is Koakoyima Town?

22 A. In Kono.

23 Q. Now, you said the RUF -- you were with -- the RUF captured
24 you in 1998, and you were with them. So where did they capture
25 you from?

26 A. It was around one village that is called Kpakiyor.

27 MR FOFANAH: Is spelled K-P-A-K-I-Y-O-R.

28 Q. Now, where is Kpakiyor?

29 A. It's in Kono.

- 1 Q. How far is Kpakiyor from Yengema, if you know?
- 2 A. It's 3 miles.
- 3 Q. Do you know the month in 1998 that the RUF captured you?
- 4 A. I don't know the actual month.
- 5 Q. So when you were captured in Kpakiyor, were you alone?
- 6 A. I was captured with other people.
- 7 Q. How do you know that those who captured you were RUF men?
- 8 A. When I had been captured, when they were taking me, they
- 9 had to tell me that they were the RUF in this country. That was
- 10 how I came to know.
- 11 Q. Do you know how many of them captured you?
- 12 A. There were many. I did not know the entire number.
- 13 Q. How were they dressed, those who captured you?
- 14 A. They wore combat.
- 15 Q. And do you know if anyone was in charge of them?
- 16 A. The main commander, he was Major Peneto.
- 17 Q. I don't know -- can you go over that name again? Major
- 18 what?
- 19 A. Major Peneto.
- 20 MR FOFANAH: P-E-N-E-T-O, Your Honours.
- 21 Q. So now, where were you taken to when you were captured by
- 22 the RUF?
- 23 MR AGHA: Objection, Your Honour. He didn't say he was
- 24 taken anywhere.
- 25 PRESIDING JUDGE: Yes, I won't allow that question.
- 26 [Microphone not activated].
- 27 MR FOFANAH: As Your Honour pleases.
- 28 Q. Okay. Before that, how did you know that Major Peneto was
- 29 commanding the RUF who captured you?

1 A. When I'd been captured, it was to him that I was taken, so,
2 that was how I came to know that he was the commander of the
3 people who captured me.

4 Q. So where was he based, Major Peneto?

5 A. It was one town that was called Kongorwakor, in the jungle.

6 MR FOFANAH: K-O-N-G-O-R-W-A-K-O-R.

7 Q. What do you mean when you say Kongorwakor was in the
8 jungle?

9 A. Kongorwakor was the name of the town. That was the area in
10 which they were in the bush.

11 Q. How long did you take with the rebels who captured you?

12 A. When I was taken, I lived with them for eight months in the
13 bush.

14 Q. And throughout that eight-month period, where were you?

15 A. I was in command of them.

16 Q. So during these eight --

17 PRESIDING JUDGE: Did he just say, "I was in command of
18 them."

19 MR FOFANAH: Yes, I was just going to clarify that.

20 Q. Witness, did you say you were in command of them?

21 A. I was under their command.

22 Q. So did anything happen to you whilst you were under their
23 command?

24 A. At that time, when we were living together with them,
25 nothing happened to me.

26 Q. Did you do anything whilst you were with them?

27 A. No.

28 Q. Now, from Kongorwakor, did you, at any time -- did you go
29 anywhere from Kongorwakor, later?

1 A. When we were there, they used to take us on patrols. We
2 would go on food-finding.

3 Q. And do you recall on any one of those food-findings, did
4 you go to any particular place that you can recall?

5 A. Yes.

6 Q. Where did you go to?

7 A. We went to one town that is called Gandorhun. We went
8 there on food-finding.

9 Q. Do you know where Gandorhun is?

10 A. Yes.

11 Q. Where is Gandorhun?

12 A. Gandorhun is in the Kailahun Road.

13 Q. What town is Gandorhun?

14 A. Gandorhun is the town itself. It is in the Kono District.

15 Q. So when you went to Gandorhun on food-finding, did you
16 arrive at Gandorhun?

17 A. Yes.

18 Q. Did anything happen at Gandorhun?

19 A. No.

20 Q. Did you see any person at Gandorhun? Were people present
21 at Gandorhun when you arrived?

22 A. Yes.

23 Q. Who were at Gandorhun?

24 A. It was the RUF who were based there again.

25 Q. How do you know that it were the RUF forces that were based
26 there?

27 A. It was because I was with them, that was how I came to
28 know.

29 Q. Do you know if anyone was in charge of the RUF forces at

1 Gandorhun?

2 A. The commander that was there was Colonel Akim.

3 MR FOFANAH: Your Honours, we've had that name before.

4 Q. How do you know that he was the commander?

5 A. Well, it was because I was with the people. That was how I
6 came to know that he was the commander in the place.

7 Q. The rebels that you met at Gandorhun, how were they
8 dressed?

9 A. Well, some had civilian clothing, some had a combat.

10 Q. Now, at this time, were you still with Major Peneto?

11 A. Yes.

12 Q. Apart from Major Peneto and Commander Akim, was there any
13 other commander present in Gandorhun?

14 A. Well, there were commanders, but I did not know their
15 names.

16 Q. Now, you've told the Court earlier that the Kamajors
17 attacked Kono twice in 1997. Now, from Kongorwakor, after your
18 capture and after spending time with the RUF, did you return to
19 Yengema at any point in time?

20 A. Yes.

21 Q. What year was that?

22 A. That was in the year 2000 that I came back to Yengema.

23 Q. Now, when you came to Gandorhun on food-finding, did you
24 return to Kongorwakor?

25 A. Yes.

26 Q. Were you under the command of anyone when you returned to
27 Kongorwakor?

28 A. Well, the commander under whom I was, was Major Peneto.

29 Q. Did anything else happen in Kongorwakor when you returned?

1 A. Nothing happened there.

2 Q. When you returned to Yengema in 2000, did you meet people
3 at Yengema?

4 MR AGHA: Your Honour, I object to this question. It's
5 outside the indictment period, so I can't see how it would be
6 relevant.

7 MR FOFANAH: As Your Honour pleases.

8 PRESIDING JUDGE: Well, I haven't ruled. I was just saying
9 do you wish to reply to that objection on the grounds of
10 relevance?

11 MR FOFANAH: Well, it is just part of his story. I mean, I
12 think it is relevant because it would give us an idea as to how
13 he met the town after returning. That is what I was going to
14 lead him on.

15 PRESIDING JUDGE: Some things that could have happened
16 within the relevant period that he observed on his return in
17 2000?

18 MR FOFANAH: Yes, Your Honour.

19 PRESIDING JUDGE: All right, go ahead.

20 MR AGHA: But, Your Honour, 2000 is outside the period.

21 PRESIDING JUDGE: You missed what I said, Mr Agha.

22 MR AGHA: I beg your pardon.

23 PRESIDING JUDGE: I will allow the question.

24 MR FOFANAH: As Your Honour pleases.

25 Q. So upon your return to Yengema in 2000, did you meet people
26 at Yengema?

27 A. Yes.

28 Q. Whom did you meet in Yengema?

29 A. I met civilians there with some of the RUF who were already

1 there.

2 Q. Now, did you notice anything in Yengema upon your return?

3 A. Well, I was there until when major -- Colonel Monica, I
4 mean, had to call a meeting -- he had to capture people and said
5 he would have to train them -- she would have to train them --

6 THE INTERPRETER: Sorry, Your Honour.

7 MR FOFANAH:

8 Q. What year was this when you said Colonel Monica captured
9 people and said he would train them?

10 MR AGHA: I object to that, Your Honour. He said he
11 returned in 2000 when he heard this.

12 MR FOFANAH: I just want to clarify. It might be even
13 beyond 2000. I just want him to tell us.

14 PRESIDING JUDGE: Well, it's fairly clear in Yengema, in
15 2000, I met civilians there together with the RUF.

16 Colonel Monica said she would have to capture people and train
17 them. He didn't mention any other year.

18 MR FOFANAH: As Your Honour pleases.

19 Q. Now, before you returned to Yengema in the year 2000,
20 according to you, apart from Gandorhun, did you go anywhere else
21 from Kongorwakor in Kono District, apart from Gandorhun?

22 A. Well, I left Yengema and went to Tongegulama Chieftdom; that
23 was in the Kenema District.

24 Q. No, I mean before you returned to Yengema in 2000. You
25 said you were captured in 1998 and taken to Kpakiyor. You were
26 captured in Kpakiyor and taken to Kongorwakor, and then you went
27 on food search to Gandorhun. Now, after Gandorhun, did you go to
28 anywhere else on food search?

29 MR AGHA: The question has been asked and answered,

1 Your Honour.

2 PRESIDING JUDGE: What was the answer?

3 MR AGHA: The answer was he didn't remember anything else,
4 and then it was asked of him, what about Yengema.

5 MR FOFANAH: No, that was not the answer, Your Honour.
6 With respect, the witness said that he went on several food
7 searches. I'm just asking him about the other places he went to
8 on foot.

9 PRESIDING JUDGE: All right, go ahead.

10 MR FOFANAH: As Your Honour pleases.

11 Q. So where else did you go to on food search, apart from
12 Gandorhun?

13 A. Well, we used to go around Mabayama, Gondama.

14 MR FOFANAH: Your Honours, I think it is spelt
15 M-A-B-A-Y-A-M-A. Gondama, G-O-N-D-A-M-A.

16 Q. Where else did you go to?

17 A. I cannot recall again.

18 Q. Now, you told the Court that you spent -- let me just
19 refresh your memory. Do you know how long you took with the
20 rebels at Kongorwakor, the total period you spent with them?

21 A. Yes.

22 Q. How long were you with them?

23 A. I lived with them for about eight months.

24 Q. That was at Kongorwakor?

25 A. Yes.

26 Q. So from Kongorwakor, where did you return to?

27 A. At that time, there was an order that came that the RUF
28 force should go and capture Koidu Town, so, at that time, it was
29 the Kamajors and the ECOMOG that were there.

1 Q. So who gave the order for the RUF forces to attack Koi du
2 Town?

3 A. Well, the order came from General Mosquito. It was passed
4 to General Issa, who was the battlefield commander.

5 Q. How did you know that the order came from General Mosquito
6 through General Issa?

7 A. Well, it was because I was living with them, that was how I
8 came to know.

9 Q. How did you also know that General Issa was the battlefield
10 commander?

11 A. It was because all of us were together. That was how I
12 really came to know that he was the battlefield commander.

13 Q. Do you know what that means, battlefield commander?

14 A. Well, that was how I used to hear. I did not know what
15 really that meant.

16 Q. So General Issa was battlefield commander for whom?

17 A. For the RUF forces.

18 Q. So did you go with the rebels to Koi du Town upon that order
19 from General Mosquito?

20 A. Yes.

21 Q. Now, did you arrive at Koi du Town?

22 A. Yes.

23 Q. Upon arrival at Koi du Town, did you notice anything?

24 A. Well, when we arrived at Koi du Town, I saw the town, that
25 the house had burnt. Then, even the road to go to -- from Opera
26 to go to the post office road -- I mean commercial bank, all was
27 dug, right up to Konomanyi Park. All that was dug. That is what
28 I observed.

29 Q. Do you know who dug these places?

- 1 A. Well, I did not know the actual people who dug the place.
- 2 Q. You also said you saw burning; what was burning?
- 3 A. Houses.
- 4 Q. Do you know who was burning the houses?
- 5 A. Well, I did not know who burnt those houses.
- 6 Q. Now, did anything else -- or did you observe anything else
- 7 in Koidu Town upon your arrival, apart from the burning of houses
- 8 and digging of roads?
- 9 A. That was the only thing that I observed.
- 10 Q. When you arrived in Koidu Town with the rebels, did you
- 11 meet people in Koidu Town?
- 12 A. Well, we did not meet people. The people all had run away.
- 13 Q. So who was in charge of the rebels that took you to Koidu
- 14 Town?
- 15 A. It was General Issa. He was the commander.
- 16 Q. And do you know where he was based in Kono?
- 17 A. He was based at Lebanon.
- 18 Q. Can you recall the year that you went to Koidu Town on this
- 19 movement with the rebels from Kongorwakor?
- 20 A. The year, yes.
- 21 Q. What year was it?
- 22 A. It was in 1998.
- 23 Q. Did you stay in Koidu Town after the attack?
- 24 A. Well, I was at Koakoyima.
- 25 Q. Is that in Koidu Town?
- 26 A. No.
- 27 Q. How far is Koakoyima from Koidu Town?
- 28 A. It's about 2 miles.
- 29 Q. Were you still with the rebels when you were at Koakoyima?

1 A. Yes.

2 Q. Who was your commander?

3 A. The commander with whom I was, was Major Peneto.

4 Q. Now, I asked you a question: How long did you take in
5 Koakoyima?

6 A. Well, I cannot really recall how long I stayed with them,
7 or the time that I stayed in Koakoyima, I mean.

8 Q. Now, during your stay with the rebels in Koakoyima, did you
9 observe or notice anything happening in Koakoyima?

10 A. No.

11 Q. You have told the Court that the Kamajors attacked twice in
12 1997. When you came to Koakoyima, did you see any Kamajors?

13 A. No.

14 Q. Was there any other attack apart from the first two attacks
15 you've mentioned by the Kamajors?

16 A. No.

17 Q. Now, you have mentioned General Issa Sesay and Major Peneto
18 as being commanders in the RUF. Apart from these two names, do
19 you recall any other name of RUF commanders in Koidu Town, upon
20 your return?

21 A. Yes.

22 Q. Please tell the Court.

23 A. We had Colonel Morris Kallon, CO Bai Bureh, Brigadier
24 Kailondo, Colonel Monica.

25 Q. Hold it.

26 MR FOFANAH: Your Honours, I think the names -- I think
27 we've had the names before. Monica, Kailondo, Bai Bureh. They
28 are names that we've had before.

29 Q. Yes, go on.

1 A. And the other commanders.

2 Q. Now, did you see or hear about these people yourself? Did
3 you see them, the names that you've mentioned, in Kono?

4 A. Yes.

5 Q. So how do you know that they were RUF commanders in Kono?

6 A. I came to know that they were commanders. I lived together
7 with them.

8 Q. Now, if you know, did General Issa have any deputy in Kono?

9 A. Yes.

10 Q. Who was his deputy?

11 A. He was Colonel Morris Kallon, whom they called Bilai Karim.

12 MR FOFANAH: Bilai Karim is B-I-L-A-I K-A-R-I-M.

13 Q. Was there any third in command, if you know, of the RUF in
14 Kono?

15 A. Yes.

16 Q. Who was third in command?

17 A. It was Colonel Denis Mingo, who was Superman.

18 Q. You also mentioned a training base run by Monica, in your
19 testimony; where was that training base?

20 A. It was Yengema.

21 Q. Who was Monica?

22 A. Monica was the training commander.

23 Q. Did he belong to any group, that you know? Did she belong
24 to any group that you know?

25 A. I only knew her as the commander in RUF movement.

26 Q. Did you visit this training base yourself?

27 A. Yes, I used to go there.

28 Q. How many times did you visit the training base?

29 A. I went there several times, because my brother was there

1 who had been captured. He was there in the training.

2 Q. Please take your time. Don't mention your brother's name.

3 I mean, just tell us. Now, on one of the occasions that you
4 visited the training base, did you notice anything going on at
5 the training base at Yengema?

6 A. Well, I used to meet them training people.

7 Q. What type of training did you see them administer?

8 A. I don't know what type of training they were doing.

9 Q. So how do you know that they were training people?

10 Training people to do what, first of all? What were they
11 training them to do?

12 A. They were training them to say they were to go and fight.

13 Q. Now, apart from the training of people that you observed
14 being conducted by the RUF in Kono, did you see any other thing
15 being done by the RUF in Kono?

16 A. Yes.

17 Q. What did you see?

18 A. They were mining diamonds.

19 Q. What part of Kono were they mining diamonds?

20 A. They were mining in Yengema, Koakoyima, even in Koidu Town.

21 Q. And how do you know that it were the RUF rebels that were
22 mining -- it was the RUF that were mining?

23 A. Well, during those times, how I came to know that they were
24 mining, all the mining were under their command.

25 Q. Did you involve in any mining yourself [sic]?

26 A. No.

27 Q. Now, apart from mining of diamonds in Kono, did you notice
28 any other thing being done by the RUF rebels?

29 A. No.

1 Q. So when did you leave Koidu Town, if you can recall -- at
2 Koakoyima, sorry?

3 A. It was in 2000 that I left Koakoyima.

4 Q. And from Koakoyima, where did you go to?

5 A. Well, it was my brother who took me to Yengema. That was
6 where I was.

7 Q. Mr Witness, during your capture and stay with the RUF, did
8 you hear about any Ibrahim Bazy Kamara as being with the rebels
9 who captured you?

10 A. Well, no.

11 Q. Did you see anyone called Ibrahim Bazy Kamara as being
12 with the RUF rebels during your stay with them?

13 A. I didn't see anyone. In fact, I don't know him.

14 Q. Did you see anyone by the name of Tamba Brima, aka Gullit,
15 with the rebels who captured you throughout your stay with them?

16 A. No. I don't know those people.

17 Q. Did you see or hear anyone by the name -- did you see or
18 hear about anyone by the name of Santigie Borbor Kanu, alias
19 Five-Five, as being with the rebels who captured you throughout
20 your stay with them?

21 A. These people, I used to hear about them, but I didn't see
22 them, I didn't know them, I didn't know what they were doing.

23 Q. So when did you hear about them?

24 A. It was during the time I was living with RUF forces.

25 Q. So what do you mean when you said you were hearing about
26 them?

27 A. I heard about them as AFRC men, but I didn't actually see
28 them and I don't know them. I don't even know what they did, in
29 fact.

1 Q. So who told you that they were AFRC men?

2 A. It was the people who we were living together with that
3 used to tell us.

4 Q. When you say the people that you were living together with,
5 were these people civilians or rebels?

6 A. They were RUF.

7 MR FOFANAH: Your Honours, I have no further questions for
8 the witness.

9 PRESIDING JUDGE: Thank you, Mr Fofanah. Is there anything
10 else in chief?

11 MR MANLY-SPAIN: Yes, Your Honour, just a couple of
12 questions.

13 EXAMINED BY MR MANLY-SPAIN:

14 Q. Mr Witness, were you at any time a fighter with the RUF?

15 A. Well, I was not a fighter.

16 Q. Did you do any particular thing when you were with the RUF?

17 A. No.

18 Q. Mr Witness, you said that you went on the attack on Koidu
19 in 1998, and you entered Koidu after that. When you entered, did
20 you meet any ECOMOG or Kamajors in Koidu?

21 A. They were there when the RUF forces came and dislodged them
22 from there.

23 Q. Mr Witness, you mentioned one Colonel Akim.

24 A. Yes.

25 Q. Do you know what he was?

26 A. I knew him as a commander at the time I was in Gandorhun
27 with the RUF.

28 Q. Am I right to say at the time you met with him he was with
29 the RUF?

1 A. Yes.

2 Q. Mr Witness, do you know what SLA stands for?

3 A. SLA, yes.

4 Q. What does it stand for?

5 A. SLA means Sierra Leone Army.

6 MR MANLY-SPAIN: That is all.

7 PRESIDING JUDGE: Thank you, Mr Manly-Spain.

8 MR GRAHAM: Your Honours, just a couple of questions for
9 the witness.

10 EXAMINED BY MR GRAHAM:

11 Q. Good morning, Mr Witness. Mr Witness, you told this Court
12 earlier on that in response to questions from my learned friend
13 that Morris Kallon was the second in command to General Issa.
14 Please, can you tell this Court, how do you know that Morris
15 Kallon was the second in command?

16 A. Well, how I came to know that Morris Kallon was the second
17 in command, because I was living with RUF forces, that was how I
18 came to know that he was the second in command, because he was
19 receiving command from General Issa and passed it on to the
20 others.

21 Q. Did you ever witness him receiving any command from General
22 Issa?

23 A. Yes.

24 Q. And, Mr Witness, you also told this Court that Superman was
25 the third in command; can you tell this Court how you know that
26 Superman was the third in command to General Issa Sesay?

27 A. How I came to know that he was the third in command,
28 himself was receiving order from Colonel Morris Kallon. That was
29 how I came to know that he was third in command.

1 Q. Mr Witness, if I may ask you: Did you witness, at any
2 time, Superman receiving command from Morris Kallon?

3 A. Yes.

4 Q. And can you tell this Court if you recall how many such
5 times did you witness Superman receiving any command from Morris
6 Kallon?

7 A. I think I remember twice.

8 MR GRAHAM: Thank you, Your Honours. I don't have any
9 further questions for the witness. Thank you for the time.

10 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Mr Agha.

11 CROSS-EXAMINED BY MR AGHA:

12 Q. Witness, I am now going to ask you a few questions and I
13 would like you to answer them as concisely and as truthfully as
14 possible; do you understand?

15 A. Yes.

16 Q. Now, you say that you heard over the radio that the AFRC
17 had overthrown the SLPP government in May 1997; is that right?

18 A. Yes.

19 Q. Are you aware that the SLPP government was removed by
20 members of the SLA?

21 A. Well, that was what I heard over the radio news.

22 Q. Did you hear that Alex Tamba Brima, aka Gullit, was one of
23 the soldiers who carried out the removal of the government?

24 A. No, I didn't hear that.

25 Q. Did you hear that Ibrahim Bazy Kamara was one of the
26 soldiers who carried out removal of the government?

27 A. No.

28 Q. Did you hear that Santigie Kanu, aka Five-Five, was one of
29 the soldiers who carried out removal of the government?

1 A. No.

2 Q. Now, after the SLPP government was removed in May 1997, the
3 AFRC government took its place, didn't it?

4 A. Yes.

5 Q. And the AFRC government consisted of members of both the
6 SLA and RUF, didn't it?

7 A. Yes.

8 Q. Now, when the AFRC government was in power, the SLAs and
9 RUF were working together in Kono, and everything was peaceful,
10 wasn't it?

11 A. Yes.

12 Q. As you've mentioned in your evidence, the AFRC government,
13 being the SLA and RUF, even fought off two attacks by the
14 Kamajors in Kono, didn't they?

15 A. Yes.

16 Q. Now, during the period of the AFRC government, was diamond
17 mining going on in Kono?

18 A. Yes.

19 Q. The AFRC government forced civilians to mine for diamonds,
20 didn't they?

21 A. No.

22 Q. I say to you that the civilians in Kono were forced to mine
23 diamonds by the SLA and RUF.

24 MR MANLY-SPAIN: Objection. The witness has answered
25 categorically "no."

26 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha?

27 MR AGHA: Well, I can put it to him if he understands that,
28 whereby I'm putting the Prosecution's case.

29 PRESIDING JUDGE: Yes, you can do that. I understand why

1 you're asking that question, and the witness is capable of
2 answering it.

3 Q. So I say to you that during the AFRC government in Kono,
4 the RUF and SLAs forced the civilians to mine for diamonds?

5 A. No.

6 Q. Now, whilst you were in Kono, during the AFRC government
7 was in power, were you aware of there being an AFRC secretariat?

8 A. Yes.

9 Q. The AFRC secretariat's role was to monitor the mining of
10 diamonds, wasn't it?

11 A. Well, I wasn't aware of that.

12 Q. What did you think the role of the AFRC secretariat was in
13 Kono?

14 MR MANLY-SPAIN: Objection. Objection. That is purely a
15 question asking for the witness's opinion: What did you think?
16 That is asking for his opinion.

17 MR AGHA: I can rephrase that, Your Honour.

18 MR MANLY-SPAIN: Please.

19 MR AGHA:

20 Q. According to you, what did the AFRC secretariat do in Kono?

21 A. Well, I didn't really know what they were doing.

22 Q. But it was manned by members of the SLA and RUF; is that
23 right?

24 A. What were they doing?

25 Q. Well, I suggest to you that they were monitoring diamond
26 operations in Kono?

27 A. Well, I cannot tell because I wasn't mining diamonds, so I
28 didn't know.

29 Q. Now, I suggest to you that whilst the AFRC government was

1 in power, Alex Tamba Brima was involved in mining diamonds in
2 Kono?

3 A. Well, I don't know.

4 Q. Now, I'm coming to the period when the AFRC government was
5 removed from power. So after the AFRC government was removed
6 from power in 1998, SLAs came from Freetown to Kono to join their
7 colleagues, didn't they?

8 A. Yes.

9 Q. Did you hear about an operation called Operation Pay
10 Yourself when the SLAs came to Kono?

11 A. I'm not aware of that operation.

12 Q. So when the SLAs joined their colleagues in Kono after they
13 had been forced from power they worked alongside the RUF in Kono;
14 is that right?

15 A. Yes.

16 Q. And the SLA had their own commanders; is that right?

17 A. Yes.

18 Q. I put to you that Ibrahim Bazzy Kamara was the most senior
19 SLA commander who came to Kono after the AFRC government was
20 forced from power?

21 A. I don't know.

22 Q. Can you remember any of the names of any of the senior SLA
23 officers who came to Kono, after the AFRC government was forced
24 from power?

25 A. No.

26 Q. Now, after the AFRC government was forced from power in
27 1998, about three months later, the Kamajors again attacked Kono,
28 didn't they?

29 A. Yes.

1 Q. And after this attack all the SLAs then went into the
2 Northern Jungle, didn't they?

3 A. Yes.

4 Q. So if the SLAs had been forced from government, in February
5 of 1998, they would have fled from Kono by May 1998 for the three
6 months?

7 MR FOFANAH: Objection. The question, as it is phrased, is
8 calling for speculation.

9 PRESIDING JUDGE: Isn't that something you can address at
10 the end of the trial?

11 MR AGHA: Yes, Your Honour. I withdraw the question.

12 Q. Now, after this three months when the SLAs had been forced
13 into the Northern Jungle, the RUF remained in the Eastern Jungle;
14 is that right?

15 A. Yes.

16 Q. It was after this attack by the Kamajors which caused the
17 SLA to flee to the Northern Jungle that you were captured by the
18 RUF; is that right?

19 A. Yes.

20 Q. You then stayed with the RUF for about eight months; is
21 that right?

22 A. Yes.

23 Q. It was at the end of this eight-month period that Koidu
24 Town was attacked by Issa Sesay; is that correct?

25 A. Yes.

26 Q. Now, after the attack on Koidu Town, the RUF headed to
27 Freetown; are you aware of that?

28 A. Yes.

29 Q. Did you hear about the attack on Freetown in January of

1 1999?

2 A. Yes.

3 Q. Which force carried out this attack?

4 A. Well, it was the RUF forces.

5 Q. I suggest to you that members of the SLA were also members
6 of the RUF forces who took part in the attack on Freetown
7 in January 1999.

8 A. [No audible response]

9 PRESIDING JUDGE: That calls for an answer, Mr Witness.
10 Counsel is suggesting to you that that attack on Freetown also
11 included members of the SLA; what do you say to that?

12 THE WITNESS: I don't have anything to say about that.

13 MR AGHA:

14 Q. So would it be fair to say you don't know?

15 A. No.

16 Q. Did you hear that Alex Tamba Brima, aka Gullit, was one of
17 the commanders who led the attack on Freetown?

18 A. I didn't hear about that.

19 Q. Did you hear that Ibrahim Bazy Kamara was one of the
20 commanders who led the attack on Freetown?

21 A. No.

22 Q. Did you hear that Santigie Kanu, aka Five-Five, was one of
23 the commanders who led the attack on Freetown?

24 A. No.

25 Q. Now, you say that you had heard of the three accused. In
26 what capacity had you heard of them?

27 A. I heard about them as AFRC soldiers.

28 Q. Were you aware whether they were senior AFRC soldiers?

29 A. Well, I heard about them, but I didn't know whether they

1 were senior officers or not.

2 Q. I suggest to you that Alex Tamba Brima, aka Gullit; Ibrahim
3 Bazy Kamara; and Santigie Kanu, aka Five-Five, were all senior
4 SLA officers.

5 A. Okay.

6 MR MANLY-SPAIN: Your Honour, this is what I'm complaining
7 about. The questions are not correct. He is suggesting to the
8 witness that they are senior SLA officers, and these people are
9 just corporals and sergeants. How can they be senior SLA
10 officers? That is the point I'm making. That question cannot be
11 correct.

12 PRESIDING JUDGE: It's not a matter of the question being
13 correct. I think the problem is the way in which it's put,
14 Mr Agha. If you'd said something like, "I suggest to you that
15 the three accused were senior SLA officers; do you agree or don't
16 you agree, or don't you know," that would be a fairer way to put
17 it, because the witness would know that you're not stating
18 something categorically to him as fact, but you're asking him to
19 tell the Court, from the depth of his knowledge, whether he would
20 go along with that or not. I think the problem here is the
21 witness thinks you're simply saying these are the facts, and
22 that's why he's sitting there thinking, well, he's being told the
23 facts and all he has to do is agree.

24 MR AGHA: I can rephrase the questions, Your Honour, as
25 long as the Bench understands in asking them in this manner, I'm
26 putting the Prosecution case to him.

27 PRESIDING JUDGE: You're quite -- in fact, you are obliged
28 to put the Prosecution's case if you're going to submit in your
29 final arguments certain factors regarding the weight of this

1 witness's evidence. Needless to say, and I know counsel for the
2 accused are well aware, too, that you cannot make submissions
3 about things you have not put to the witness and given him a
4 chance to answer. I understand why you're asking. All I'm
5 saying is that perhaps it could be put in a way that leaves no
6 misunderstanding that the witness knows he's required to answer,
7 from his own knowledge.

8 MR AGHA: Thank you, Your Honour.

9 MR MANLY-SPAIN: I want to get it clear whether Mr Agha is
10 saying that the Prosecution's case is that the three accused are
11 senior SLA officers. That is the point I'm making: Senior SLA
12 officers. Having regard to the evidence as to their ranks which
13 has been led, is he saying that these accused are senior SLA
14 officers? That is the question he asked and that, he says, is
15 the case of the Prosecution.

16 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha?

17 MR AGHA: Yes, Your Honour. The case of the Prosecution is
18 that, once the AFRC government disbanded and went into the bush,
19 it turned into a military organisation, and the three accused
20 were senior officers within that organisation in positions of
21 command.

22 PRESIDING JUDGE: Well, that's the Prosecution case,
23 Mr Manly-Spain.

24 MR MANLY-SPAIN: Yes, sir, I understand that. But they
25 were never senior SLA officers. Let him put to the witness the
26 name of the organisation that the SLA transformed into; that
27 would be fairer.

28 PRESIDING JUDGE: Yes, you're saying --

29 MR MANLY-SPAIN: [Overlapping speakers].

1 PRESIDING JUDGE: Yes, I see your point. Do you understand
2 what the objection is, Mr Agha?

3 MR AGHA: I can understand what the objection may be, but
4 we're suggesting that the status and position changes, and they
5 had bush ranks.

6 PRESIDING JUDGE: Yes, but was that -- I think
7 Mr Manly-Spain is saying the bush ranks were not SLA; is that
8 what you're saying?

9 MR MANLY-SPAIN: Exactly so.

10 MR AGHA: Okay. We'll try and deal with that, Your Honour,
11 in a way that satisfies my learned friends.

12 MR FOFANAH: Excuse me. Just one more point, Your Honours.
13 Again, for the second time, the word "okay" has arisen. I mean,
14 I may be wrong, but okay, as I understand it in Krio, is a way of
15 stating a new trial position. It's like accepting something that
16 you can neither agree or disagree with.

17 PRESIDING JUDGE: But we're not hearing the evidence in
18 Krio on the Bench, Mr Fofanah. We're hearing the evidence in
19 English, and the translation we got was, "Okay." There is no
20 doubt whatsoever in English what okay means. You're saying that
21 the interpreter should be interpreting --

22 MR FOFANAH: Accurately, Your Honour. Especially in view
23 of the previous answer given by the witness, because he had said
24 earlier that he didn't know that -- I mean, that that was the
25 case, that the accused persons were senior members in the SLA.
26 Mr Agha came and put another question and he merely said, "Okay."
27 As I understand it, okay is actually a way of stating a new trial
28 position, and I think the interpretation given as okay in English
29 is inaccurate.

1 MR MANLY-SPAIN: Sorry, sir, if I can add to that. I think
2 the correct interpretation should be, "Okay, if that's what you
3 say."

4 PRESIDING JUDGE: Okay. That's a question of complaining
5 about interpretation. Let's deal with one thing at a time.
6 You're putting a question to him which, in essence,
7 Mr Manly-Spain is saying is misleading because you were referring
8 to the three accused as senior members of the SLA when
9 Mr Manly-Spain says that, correctly speaking, it should have been
10 senior members of some other organisation. So, can you put that
11 to him, then we'll deal with the question of okay.

12 MR AGHA:

13 Q. Would you agree with me that the three accused were senior
14 commanders?

15 A. Well, I don't know. So, I cannot tell.

16 Q. Did you ever hear of the West Side Boys?

17 A. I used to hear about them.

18 Q. Did you hear that they were committing any crimes?

19 A. Well, I used to hear about West Side Boys, West Side Boys,
20 but I didn't hear about the crimes they committed, and I didn't
21 know.

22 Q. I suggest to you that Ibrahim Bazzy Kamara was in command
23 of the West Side Boys?

24 A. Well, I don't know about that, because there are people
25 that I don't even know. I never saw them and I don't know them.

26 MR AGHA: Thank you, Your Honour. That ends the
27 cross-examination.

28 PRESIDING JUDGE: Thank you, Mr Agha. Interpreter, what
29 does "okay" in Krio mean?

1 THE INTERPRETER: Your Honours, okay means all right. So,
2 the purpose of the interpreter here is to say exactly what the
3 witness says.

4 PRESIDING JUDGE: I know the purpose of the interpreter
5 [overlapping speakers].

6 THE INTERPRETER: Yes. So okay means all right.

7 PRESIDING JUDGE: All right. Thank you. Yes, any
8 re-examination?

9 MR MANLY-SPAIN: Your Honour, we really do not agree with
10 that. It depends on the [microphone not activated] the person
11 uses the word -- the phrase or the word "okay." If you put
12 something to him that he cannot say yes or no to, he says, "Okay,
13 if that's what you say."

14 PRESIDING JUDGE: Well, Mr Manly-Spain, we're going by the
15 official interpretation.

16 MR MANLY-SPAIN: I'm sorry, sir, but I should state that we
17 will be having the wrong interpretation every time a witness says
18 okay when a question is put to him. We'll be having it wrongly
19 on the file.

20 PRESIDING JUDGE: All right.

21 THE INTERPRETER: Your Honours, can I be heard?

22 PRESIDING JUDGE: Yes, Mr Interpreter go ahead.

23 THE INTERPRETER: Yes, let's say that somebody says that
24 you are a thief -- somebody says to the accused that you are a
25 thief, and the accused says, "Okay." So I think the purpose of
26 the interpreter is to say, "Okay." If they said that you are not
27 a thief, and the accused says, "Okay," so we also have to say
28 "Okay." That is to say, "I am not a thief." So the purpose of
29 the interpreter here is to say exactly what the accused says,

1 Your Honours. I think that is the purpose of our being here.

2 MR MANLY-SPAIN: Your Honour, I'm sorry, that really is not
3 interpreted.

4 PRESIDING JUDGE: All right. Mr Manly-Spain, we've noted
5 your comments.

6 MR MANLY-SPAIN: Yes.

7 PRESIDING JUDGE: We've noted your comments. They're on
8 the record. Now, is there anything in re-examination?

9 MR FOFANAH: Yes, Your Honours.

10 RE-EXAMINED BY MR FOFANAH:

11 Q. Mr Witness, in answer to questions from the Prosecution,
12 you said that the SLAs went to the Northern Jungle. What do you
13 mean by Northern Jungle?

14 A. The northern part of the country, that is what I meant.

15 Q. You also said that the RUFs went to the Eastern Jungle.
16 What do you mean by that?

17 A. The Eastern Jungle means the eastern part of the country.
18 Jungle is a bush.

19 MR FOFANAH: That is all for him. Thank you.

20 PRESIDING JUDGE: Yes, any other re-examination?

21 MR GRAHAM: No, Your Honours.

22 PRESIDING JUDGE: Thank you, Mr Witness, for coming along
23 and giving evidence. Your testimony is completed now. You will
24 be able to leave in a few minutes. Just sit there till the
25 curtains have been drawn.

26 [The witness withdrew]

27 MR FOFANAH: Your Honours, the next witness is DAB-039, and
28 he's number 13 on the list.

29 PRESIDING JUDGE: Thank you, Mr Fofanah.

1 MR FOFANAH: He will be testifying in Kono. Your Honours,
2 may I crave your indulgence for the second accused to use the
3 convenience?

4 PRESIDING JUDGE: Yes. Certainly, Mr Kamara can leave the
5 courtroom.

6 WITNESS: DAB-039 [Sworn]

7 [The witness answered through interpreter]

8 EXAMINED BY MR FOFANAH:

9 Q. Good afternoon, Mr Witness.

10 A. Good afternoon.

11 Q. Mr Witness, you are a Sierra Leonean, and you are a miner,
12 a diamond miner, in xxx Town, Kono.

13 A. Yes.

14 Q. You attempted primary education, but you stopped at
15 class 7.

16 A. Yes.

17 Q. You were born in xxx, xxx Chiefdom in the Kono
18 District.

19 A. Yes.

20 Q. Mr Witness, up to 1997, you were a diamond miner?

21 A. Yes.

22 Q. Now, do you recall the year 1997? Did anything happen in
23 Sierra Leone in 1997, that you can recall?

24 A. Yes.

25 Q. What was it?

26 A. Well, whilst we were in Kono, we heard that the AFRC had
27 overthrown, so we saw them come there. They came and, at the
28 time, I was in Koidu. I was in Kobowa Town by Old Yengema Road,
29 so we were there.

1 Q. Hold it there, Mr Witness. Firstly, you have to go very
2 slowly.

3 MR FOFANAH: Your Honours, Kobowa is spelled K-O-B-O-W-A.

4 THE WITNESS: Okay,

5 MR FOFANAH:

6 Q. Mr Witness, the interpreters have to interpret. You said
7 you were at Kobowa Town at Old Yengema Road. Is that in Kono
8 District?

9 A. Yes.

10 Q. So, you said the AFRC came to Kono.

11 A. Yes.

12 Q. Did anything happen when they came?

13 A. When they came, they did not do anything to anybody. We
14 just used to see them as they went up and down. They would go up
15 and come down. So there came a time --

16 Q. Now, before you go on, I mean, how were these people
17 dressed? The people that you called the AFRC? When you saw them
18 in your town, how were they dressed?

19 A. Well, they all had the soldier uniform on with a red cap on
20 their heads. That is what we saw. They were going up and down.
21 There was a time -- and there was a time they closed the roads.
22 They blocked the road and there was no food. We used to go to
23 the Kamajor area to look -- we used to go to look for food.

24 Q. Okay. Hold it. Hold it there. You've just said that they
25 blocked the road. What do you mean by that; who blocked -- what
26 road was blocked?

27 A. The Kamajors, in the highway. Nobody --

28 MR FOFANAH: There seem to be two interpretations,
29 Your Honour.

1 PRESIDING JUDGE: Mr Interpreter, we're getting very
2 confused by this interpretation. How many people up there are
3 interpreting the evidence? Hello?

4 THE INTERPRETER: Your Honours, we really are very sorry
5 because of this sudden change from Krio to Kono. It's causing us
6 some problems in this booth, because we have to get the Kono
7 interpreters up here. We had spoken to the witness this morning
8 and he had elected to talk Krio in Court and, all of a sudden, he
9 has changed to Kono. We have to get the interpreters, that is
10 why we are having this confusion. But we really are very sorry.
11 We'll get things fixed up very soon.

12 PRESIDING JUDGE: I understand. When you say very soon,
13 what period of time are we --

14 THE INTERPRETER: Three -- three to five minutes.

15 PRESIDING JUDGE: That's the problem, Mr Fofanah.
16 Apparently the witness was going to speak in Krio and has now
17 changed his mind, apparently, and is speaking in Kono. So the
18 interpreters have not geared up for that.

19 MR FOFANAH: Unfortunately, I didn't know about that. The
20 disclosure showed he had always said he was going to give his
21 testimony in Kono. In that regard, may we -- may I respectfully
22 ask for an early lunch break so that we may come shortly --

23 PRESIDING JUDGE: All right. In the circumstances,
24 Mr Interpreter, we'll give you some time to organise the Kono
25 interpretation. We'll adjourn now and we'll come back early.
26 We're adjourning 15 minutes early, so we'll come back 15 minutes
27 early at 2.00.

28 THE INTERPRETER: Thank you very much, Your Honours.

29 PRESIDING JUDGE: Now, Mr Witness, we're going to adjourn

1 now. You've just been sworn into evidence, so I have to caution
2 you that you are not permitted to discuss this case, or the
3 evidence, with anybody while you're in the course of giving
4 evidence. Do you understand that?

5 THE WITNESS: Okay.

6 PRESIDING JUDGE: All right. Well, we all understand what
7 okay means. Yes, we'll adjourn the Court now to 2.00.

8 [Luncheon recess taken at 12.28 p.m.]

9 [AFRC05SEPT06B - MD]

10 [Upon resuming at 2.10 p.m.]

11 PRESIDING JUDGE: Mr Fofanah, just before you begin, I've
12 got some other matter to deal with.

13 MR FOFANAH: Very well, Your Honour.

14 PRESIDING JUDGE: Since this Trial Chamber resumed the
15 hearing yesterday, we are up to witness number six, and it's
16 occurred to us that in relation to the majority of those
17 witnesses, there are no outstanding protective measures. We are
18 aware that the Defence has filed an application for protective
19 measures for witnesses included in lists, which would include
20 those witnesses that we've heard yesterday and today, so until
21 the pleadings close on that application, and we understand that
22 there is still a Defence reply to be received to the Prosecution
23 response, we will make some interim orders to cover the witnesses
24 that have already appeared in Court this week.

25 That being said, we order that the protective measures
26 ordered by the Trial Chamber, in its decision on joint Defence
27 application for protective measures for Defence witnesses, dated
28 9 May 2006, be applied retroactively to witnesses DAB-098,
29 DAB-115, DAB-114, DAB-040, and the current witness DAB-039. We

1 note that another witness DAB-027 was included in the original
2 order for protective measures. Yes, Mr Fofanah.

3 MR GRAHAM: Your Honour, just by way of information,
4 indeed, the Defence did file the reply to the Prosecution
5 response which effectively closes proceedings in respect of that
6 matter. Just by way of information to the Court, that will be
7 filed this afternoon.

8 PRESIDING JUDGE: It will be filed this afternoon?

9 MR GRAHAM: I think it's been filed. We filed it as of
10 lunch-time.

11 PRESIDING JUDGE: All right. It hasn't found its way to
12 us, but thank you for that, Mr Graham.

13 MR FOFANAH: Your Honours, may I -- probably I did not get
14 it clear enough. Does the interim orders cover those who will be
15 coming, the witnesses who are --

16 PRESIDING JUDGE: We will deal with them as they appear,
17 until such time as we hand down a formal decision on the Defence
18 application.

19 MR FOFANAH: But it covers this witness before the Court?

20 PRESIDING JUDGE: I just read this witness's number out.

21 MR FOFANAH: Thank you very much. I'm sorry.

22 Q. Mr Witness, good afternoon.

23 A. Yes, good afternoon.

24 Q. Mr Witness, when the Court break off, you were telling the
25 Court about the AFRC overthrowing the government in 1997; do you
26 recall that?

27 A. Yes.

28 JUDGE DOHERTY: [Microphone not activated].

29 MR FOFANAH: Say again, Your Honour?

1 JUDGE DOHERTY: I have noted your question was concerning a
2 blocking of the road and he replied to that question, not about
3 governments.

4 MR FOFANAH: No, I was coming to that. I was just trying
5 to refresh his memory a bit. Thank you very much, Your Honour.

6 Q. Yes. Then shortly after that you also explained that the
7 AFRC soldiers deployed in Kono and that, during that time, you
8 were staying there and you heard that Kamajors had blocked the
9 main Highway. Now, the question which I put to you was: What
10 main Highway did you refer to?

11 A. That road, I mean the route to Freetown.

12 Q. Now, when you said that Kamajors blocked that main Highway,
13 did you see the Kamajors yourself?

14 A. No.

15 Q. So how did you know that the people who blocked the main
16 Highway were Kamajors?

17 A. Well, they used to come and tell us that.

18 Q. Do you know where the Kamajors came from, when they blocked
19 the road?

20 A. They came from the Mende region.

21 Q. So, during the time of the road block, were you still at
22 Kobowa Town?

23 A. Yes.

24 Q. And by Mende region, do you have any specific places in
25 mind, where the Kamajors came from?

26 A. Well, as for all the Kamajors that were closer to us, some
27 were at Kangama, Moimandu and Gondama, but those who came --

28 MR FOFANAH: Kangama, Your Honours, is spelt K-A-N-G-A-M-A.
29 Moimandu is spelt M-O-I-M-A-N-D-U and, Gondama, G-O-N-D-A-M-A.

1 Q. So how do you know that these Kamajors came from Kangama,
2 Moimandu and Gondama?

3 A. Well, they told us that.

4 Q. Who told you? Who told you that?

5 A. Those who tried to pass through that route, without
6 success, used to come and tell us that information.

7 Q. Do you know if the Kamajors continued to block that road,
8 during the AFRC period?

9 A. Within a month.

10 Q. Now, did you have cause, or did you stay at Kobowa Town,
11 throughout the period of the road block?

12 A. I did not understand.

13 Q. Did you stay at Kobowa Town throughout the one-month period
14 that you have referred to, when the road was blocked?

15 A. Yes.

16 Q. After that period, did you go anywhere?

17 A. Yes.

18 Q. Where did you go to?

19 A. We used to go in the Kamajors' zone in Kangama, Moimandu,
20 Gondama. We used to buy certain items there, such as food, then
21 bring them back home.

22 Q. When you say "we," yourself and whom used to buy these food
23 items?

24 A. Together with our friends.

25 Q. Now, did you see Kamajors in any of these places when you
26 went to buy these food items?

27 A. Yes.

28 Q. Did you have any encounter with any Kamajor on any of your
29 trips?

1 A. Yes.

2 Q. Please tell the Court.

3 A. Well, as we were going, when we went to the Kamajors' zone
4 to buy those items and bring them back, food, so the other
5 Kamajor, he told me that -- saying I shouldn't go back again to
6 Koidu Town. He said because they will be going there to attack
7 there. And, therefore, he said so, let us stay where they are.
8 He said because if I stay there, because, when they go, if they
9 drag the soldiers away from there, you will be able to get some
10 items and they will give some of it to us. I observed that. I
11 say, I will not be able to sit down here to wait for that
12 particular mission. I said, "I'm going," so I left.

13 Q. Okay. Hold on there. You said the Kamajor told you that
14 they were going to attack soldiers; where?

15 A. Koidu Town.

16 Q. So as a result of that, you left and returned back where?

17 A. I went back to Koidu Town.

18 Q. So what particular --

19 MR HARDAWAY: Excuse me, Your Honour. I apologise for
20 interrupting my learned friend, but I don't believe there's been
21 any evidence that the witness left Kobowa and went to Koidu Town.
22 I may be mistaken, but I think the first mention of Koidu Town is
23 just then, that there has been no direct evidence whether he left
24 Kobowa and went to Koidu Town.

25 MR FOFANAH: Respectfully, I didn't say he left Kobowa and
26 went to Koidu Town. He's told the Court that they used to go to
27 Kamajor areas, and he mentioned Kangama, Gondama and Moimandu, to
28 buy food items. And it was on one of these occasions that the
29 Kamajor told him not to return to Koidu Town, that they will be

1 attacking Koidu Town. So the question was whether he returned to
2 Koidu Town from whatever place it was.

3 PRESIDING JUDGE: What was your last question; was it when
4 did he returned to Koidu Town or did he return to Koidu Town?

5 MR FOFANAH: I will rephrase it. I will rephrase it.

6 Q. Now first of all, Mr Witness, do you recall the particular
7 place where this Kamajor gave you this information not to return
8 to Koidu Town? What place was it?

9 A. Where we used to go to buy those items, the place I've just
10 mentioned. There is the place.

11 Q. But you mentioned three places. Did he tell you -- did he
12 give you the information in all of these three places? You've
13 mentioned Kangama, Gondama and Moimandu. Which one of them was
14 it?

15 A. Gondama. That was the place where he told me that -- give
16 me that information. There, I met that Kamajor, where he told
17 me.

18 PRESIDING JUDGE: All right. [Microphone not activated]
19 this witness to say that the Kamajors came from those three
20 places. I didn't hear him say that he went there himself.

21 MR FOFANAH: He said that, respectfully.

22 PRESIDING JUDGE: He went there himself?

23 MR FOFANAH: Yes.

24 PRESIDING JUDGE: All right.

25 MR FOFANAH: Together with his friends, according to them.

26 PRESIDING JUDGE: All right. My mistake.

27 MR FOFANAH: Thank you.

28 Q. So from Gondama, where did you return to?

29 A. I went back to Koidu Town.

- 1 Q. Was this the first time you were going to Koi du Town,
2 because you had told the Court you came from Kobowa Town?
- 3 A. It is in Koi du Town itself where Kobowa Town is found. A
4 street.
- 5 Q. Okay. So you returned to Kobowa Town, in Koi du Town, from
6 Gondama; is that what you are telling the Court?
- 7 A. Yes. I went back to Koi du.
- 8 Q. Now, on your return to Koi du, did you meet people there?
- 9 A. Yes.
- 10 Q. Whom did you see or meet?
- 11 A. Well, my fellow civilians who were there, soldiers who were
12 there. So we were there. Soldiers were there. My fellow
13 civilians, also, were there.
- 14 Q. What kind of soldiers do you refer to when you say soldiers
15 were there?
- 16 A. AFRC soldiers.
- 17 Q. Did you stay at Kobowa Town on your return?
- 18 A. Yes.
- 19 Q. Whilst at Kobowa Town, did anything happen?
- 20 A. Well, not there. It was only -- we only heard that
21 soldiers here attacked at Gandorhun, that they were dislodged
22 from Gandorhun.
- 23 Q. So who told you that soldiers were attacked and dislodged
24 from Gandorhun?
- 25 A. The civilians that were there, they fled and came and told
26 us that information.
- 27 Q. Do you know how far Koi du Town is from Gandorhun?
- 28 A. Yes.
- 29 Q. How far is it?

1 A. It's about 17 miles.

2 MR HARDAWAY: Excuse me, Your Honour; was that 17 or 70?

3 PRESIDING JUDGE: I understood 70. What is it?

4 MR FOFANAH: I will clarify it.

5 Q. Can you repeat the mileage again. How far is Koidu Town
6 from Gondama -- from Gandorhun, sorry. I'm sorry, from
7 Gandorhun.

8 A. Seventeen miles, 17.

9 Q. Thank you. So did they tell you whether the Kamajors
10 stayed in Gandorhun, after dislodging the soldiers?

11 MR HARDAWAY: Objection, Your Honour. There is no evidence
12 led as to who led the attack in Gandorhun.

13 MR FOFANAH: He said he dislodged the soldiers.

14 JUDGE SEBUTINDE: He didn't say who. You didn't ask him
15 who. He said the soldiers were dislodged.

16 MR FOFANAH: I thought he said by Kamajors, but I will ask
17 him, Your Honour. Thank you.

18 Q. So who dislodged the soldiers from Gandorhun?

19 A. The Kamajors. But they, too, did not sit there for long.
20 They left.

21 Q. Do you know how long they spent in Gandorhun, the Kamajors?

22 A. Well, I cannot say that one, but I knew that they left
23 because they did not stay there.

24 Q. Now after that attack, was there any other attack on Kono,
25 that you know of?

26 A. Yes.

27 Q. Please tell the Court.

28 A. Well, they came again at Jaima Nimi koro and attacked there,
29 but they were unsuccessful to dislodge the soldiers from there.

1 Q. How far is Jai ma Ni mi koro from Koi du Town, i f you know?

2 A. Well --

3 Q. Do you know the mi leage? I f you don' t, no probl em. Do you
4 know the mi leage?

5 A. Well, what I knew, from Bumpe to Koi du Town is about 8
6 miles. Starting from Bumpe to Jai ma, roughl y, i t' s about four to
7 fi ve.

8 Q. So your evi dence is that from Koi du Town, passi ng through
9 Bumpe, i t' s about 14 miles to Jai ma Ni mi koro?

10 A. Maybe.

11 Q. Now, was there any other attack, apart from the two attacks
12 that you' ve menti oned, by the Kamaj ors?

13 A. Except i n Koi du.

14 Q. Now, were you i n Koi du at the ti me of the thi rd attack?

15 A. I want to talk, but I' m feeli ng too -- too col d for my
16 feet. I' m sufferi ng from my feet. I' m feeli ng too much col d on
17 my feet.

18 PRESIDING JUDGE: There is an air conditioni ng vent there
19 that, perhaps, coul d be blocked off. I f the wi tness section
20 coul d get, perhaps, a cloth or somethi ng, to put over that vent,
21 or a cloth to put over hi s feet.

22 THE WITNESS: Okay.

23 MR FOFANAH:

24 Q. They wi ll attend to that shortl y, Mr Wi tness. I n the
25 meanti me, the questi on was wheth er you were i n Koi du Town when
26 you sai d the Kamaj or attacked?

27 A. Well, they must be al ready gone because I was too
28 terrifi ed. I went to my vi llage. I went to Sandor.

29 Q. So how di d you know then that Kamaj ors attacked Koi du Town,

1 when you had left?

2 A. Well, at the time when I tell we used to visit the
3 Kamajors, they used to tell us that they will be coming there.
4 They used to tell us they would be coming there, so when they
5 attacked there, those soldiers who left there and went to Yomadu,
6 some of them left and went towards our own area, telling us that
7 Kamajors have come, Kamajors have come. That is the reason why
8 we have left.

9 Q. Now, from Kobowa Town, were you staying alone?

10 A. That big town, me alone to be in that area?

11 Q. I mean whether you had a family?

12 A. Well, at that time, my people were not very close to me.
13 My people left for Sandor. That is the reason why I also decided
14 to chase them, to go after them.

15 Q. What do you mean when you say "my people"?

16 A. You asked me. You say if my people were there in Kobowa
17 Town. That is what I just told you. At that time, my people
18 were no longer there; they had gone already.

19 MR FOFANAH: Your Honours, I don't know if it is the
20 interpretation. Probably. Because I think, sometimes, again,
21 the Krio word for people might be relations. But I don't want to
22 choose for the witness.

23 JUDGE DOHERTY: I understood we adjourned early so we would
24 have a Kono interpreter. Are you saying the witness is giving
25 evidence in Krio?

26 MR FOFANAH: No. He is giving evidence in Kono, but the
27 interpretation coming from the questions is that he said his
28 people left. I will rephrase the question and see.

29 Q. What do you mean, Mr Witness, when you said your people

1 left?

2 A. Well, you asked me, saying at the time I was in Kobowa Town
3 if my relatives were there. At that time, when the Kamajors
4 came, I said no. My relatives were no longer there.

5 Q. Okay. Thank you, Mr Witness. So you said you fled Koidu
6 Town and went to Sandor. Now, when you arrived at Sandor, whom
7 did you meet?

8 A. Well, my mother was there, my elder brother and the other
9 people that were there; the owners of the town.

10 Q. Whilst at Sandor, did anything happen that you can recall?

11 A. Yes.

12 Q. What happened?

13 A. Well, when I went there, I saw the soldiers coming and
14 going, so when the soldiers came at Yomadu, which, in three days,
15 then the RUF also said they were going back to Koidu Town. So
16 the soldiers decided that they are not going back there. So they
17 started going -- going -- they started going, going up. They
18 passed through there. We used to see some of them passing there.

19 Q. Okay. Hold it, hold it. You've just mentioned the RUF;
20 where did the RUF come from?

21 A. Well, when they all left Koidu Town and came to Yomadu, at
22 the time the Kamajors came there. After three days, Kamajors
23 left Koidu Town and went back to their homes. So when they
24 went -- so later --

25 Q. Hold on. Hold on, Mr Witness. So your evidence is that
26 the RUF were also based in Koidu Town, together with the
27 soldiers; is that what you're telling the Court?

28 A. They are already left. When the Kamajors came and
29 dislodged them, they all came to Yomadu.

1 Q. No, before the Kamajors came, were there RUF rebels in
2 Koi du Town -- before Kamajors came to Koi du?

3 A. Yes, they were there. I used to see them.

4 Q. And were they in the town, together with the soldiers?

5 A. Yes, they were there.

6 Q. So where did you say the soldiers fled to from Koi du Town?

7 MR HARDAWAY: Objection, Your Honour: Asked and answered.

8 PRESIDING JUDGE: Refer us to the relevant passage, please,
9 where it was asked and answered.

10 MR HARDAWAY: He said -- I don't have the exact names, Your
11 Honour, but he said after the soldiers fled, they fled north.
12 I'll be honest, I did not catch the two names of the villages,
13 but he did state that the soldiers had left. I would, perhaps,
14 defer to the question.

15 JUDGE SEBUTINDE: Yes, but the question was where did they
16 flee to. I'm sure you would benefit from the response. So would
17 we.

18 MR HARDAWAY: Very well, Your Honour.

19 PRESIDING JUDGE: Go ahead.

20 MR FOFANAH:

21 Q. So where did the soldiers flee to?

22 A. We saw them going upwards. They're saying that they will
23 not be going back there. So the RUF decided to go back to Koi du.
24 They went back. They started looking out for the Kamajor
25 positions.

26 Q. Okay. What do you mean "upwards"? When you said the
27 soldiers fled from Koi du Town and went upwards; what do you mean?

28 A. They left Yomadu. They passed through there. They said
29 they were going towards our own area, towards Kurubonla.

1 Q. You said the RUF returned to Koidu Town?

2 A. Yes.

3 Q. How did you know that?

4 A. They came back and told us that, as first, we used to hear
5 the voice of the jets coming, passing all over us, dropping some
6 bombs. So they say while they see us, we are going, they used to
7 tell us, saying, "We are not going back there, so we are going."

8 Q. What jet do you mean, when you said they were flying over
9 you and dropping bombs?

10 A. ECOMOG's jets.

11 Q. Did you see any particular bombs being dropped yourself?

12 A. No. We heard the boom sound, but we never saw it.

13 Q. And did anything happen as a result of the bombing?

14 A. Well, I cannot understand that one. We used to hear the
15 sound only. See, at times -- whilst flying in the air, we used
16 to see it.

17 Q. Now, when the bombs are dropped and you hear the sound, did
18 anything happen as a result of that sound, that you know?

19 A. Well, I cannot understand that one because I was not there.
20 We used to see it flying in the air. We did not hear the voice
21 again because each time the bomb was dropped, we heard the
22 explosion.

23 PRESIDING JUDGE: Mr Fofanah, where are we now exactly?
24 Where did this bombing take place? We seem to be all over Sierra
25 Leone in the last few sentences.

26 MR FOFANAH: Your Honour, I will ask him. I think we are
27 still within the Kono area, but I will ask him.

28 Q. Now where did you -- what part of -- where were these bombs
29 dropped?

1 A. Well, as for the jets, it was seen flying in the air. One
2 can understand -- the only thing is in Koidu area. Koidu, Ngai a,
3 going towards Koakoyima, passing through the main line, comes
4 towards Yomadu and goes away.

5 Q. So how did you know that all these areas were bombed by
6 ECOMOG jets?

7 A. We used to see flying in the air, dropping bombs. In that
8 area, we used to hear the sound coming from that direction.

9 Q. Okay. So let's come back to Koidu Town where you said the
10 RUFs returned to. First of all, you told the Court Kamajors
11 returned back to their bases after three days; do you recall
12 saying that?

13 A. Yes.

14 Q. Now, where were you when the RUF returned to Koidu Town?

15 A. I was in Dugbema.

16 MR FOFANAH: Your Honours, Dugbema is spelt D-U-G-B-E-M-A.

17 Q. Where is Dugbema?

18 A. Just after Yomadu, when you go towards Worodu.

19 Q. Is Dugbema in the Kono District?

20 A. Yes, in Sandor Chiefdom.

21 Q. So do you know how long the RUF spent in Koidu Town when
22 they returned?

23 A. Well, I cannot able to say it, because I was there, right
24 in the middle of the bush, except that we used to see some people
25 fleeing, giving us a message or information.

26 Q. What information did they give you?

27 A. They said those guys are there. People are there.

28 Q. What do you mean by "those guys"?

29 A. The RUFs.

1 Q. Now, apart from what you heard about the RUFs, did you hear
2 any other thing happening in Koidu Town?

3 A. Ask me again. I did not understand.

4 Q. You said the RUF was based in Koidu Town, the group. Now,
5 did anything happen, that you know of, whilst the RUF was at
6 Koidu Town?

7 A. Well, I cannot say that because I used to -- I was only
8 trying now to -- to hide myself. That is all my -- that is what
9 we were doing when we heard that the ECOMOG has come. They
10 passed through Bumbuna. They came by Yifin, Gbenekoro. We had
11 wanted to go there, but we heard that the CDF hunters are there.
12 So as you -- when one who goes there, they would give you some
13 hard time, saying -- because they never had any trust in us
14 again. They used to take us as -- take us to be those people,
15 so --

16 Q. Hold it, hold it. Now, you've just talked about ECOMOG
17 coming through Yifin and Gbenekoro.

18 MR FOFANAH: Gbenekoro, Your Honours is G-B-E-N-E-K-O-R-O.

19 Q. Now, what ECOMOG are you referring to?

20 A. Well, the ECOMOG that came, they came first. Some passed
21 to go to Kono. Some of them went towards Bumbuna. So those who
22 went to Bumbuna, SLAs were among them. So the SLAs that went as
23 far as Yifin and Gbenekoro, those are the one they we used to go
24 and surrender to. The commander who was there was Colonel Robert
25 Yirra.

26 Q. How far is Gbenekoro from Kono?

27 A. Well, if I say that, it will be a big lie to say it here,
28 because it is a long distance and it is through a forest path.
29 So it's difficult to say it.

1 Q. But what part of Sierra Leone is Gbenekoro, if you know?

2 A. It's in the Koranko area. It's not too far away from
3 Sandor, but it's in the Koranko Chiefdom.

4 Q. So when you left, did you leave Dugbema, your village? Did
5 you leave Dugbema?

6 A. Yes. When we heard that ECOMOG has come -- Gbenekoro -- so
7 we together with my mother, we decided to go there and then we
8 left quietly and peacefully, passing through the bush and went
9 there. There we went and surrendered ourselves to them.

10 Q. When was this?

11 A. Except that one, I cannot tell that because, at that time,
12 except that, when I'm -- whilst explaining, they -- you need to
13 check it yourself, so you will be able to know the period.

14 Q. And you said the ECOMOG that you surrendered to also had
15 SLA troops?

16 JUDGE DOHERTY: Mr Fofanah, my recollection is the witness
17 said "we surrendered to them" and I'm not sure who "them" is.

18 MR FOFANAH: If Your Honour pleases, but I think he had
19 earlier said --

20 Q. Now, what do you mean by "them," when you said you
21 surrendered to them?

22 A. The SLA that came together with the ECOMOG who were based
23 at Gbenekoro, those are the ones that I'm talking about, saying
24 we went and surrendered to them, when we left Dugbema, passed
25 through the bush.

26 Q. Who was in charge of this troop of SLAs and ECOMOG?

27 A. Yes.

28 Q. Who? Who was in charge?

29 A. Colonel Robert Yirra.

1 MR FOFANAH: Yirra, Your Honours, is Y-I-R-R-A [sic].

2 Q. Do you know what nationality Colonel Yirra was?

3 A. What? Repeat again.

4 Q. What nationality was he?

5 A. I know his tribe.

6 Q. What is his tribe?

7 A. He's a Koranko.

8 Q. Now, do you know whether the RUF continued to stay in Kono
9 after you left?

10 A. Well, when the ECOMOG came, they dislodged them. They were
11 now living in the bushes while the ECOMOGs were there. So we
12 came out to Gbenekoro, the SLA soldiers took us and carried us to
13 Kayima. We went to Kayima. While there, we were now in their
14 possession.

15 MR FOFANAH: Kayima, Your Honours, K-A-Y-I-M-A.

16 Q. How did you know that the ECOMOG soldiers dislodged the RUF
17 rebels?

18 A. Well, whilst we were there, soldiers used to tell us, the
19 SLA soldiers, because whatever thing they will tell to do, they
20 used to send a message to them there, through the wire. Whether
21 they repelled them, they will tell us, unto the time the ECOMOGs
22 were repelled from Kono. We knew that again, too, from the
23 soldiers, because they told us again that -- well, first have
24 sent us a message saying they have been dislodged, saying -- but
25 whilst we were at Kayima, in the possession of the SLAs, some
26 people had choose to run away from the RUF. He used to come and
27 tell us, saying there is a certain man there known as Tamba
28 Brima. He said he never decided -- he never agreed to fight in
29 any town there. So some of his friends, some used to argue

1 bitterly, saying because he was born there, therefore, that is
2 the reason why he does not want us to cause any havoc there. So
3 people used to come there to tell us -- come and us. Me, as for
4 me, somebody told me that.

5 Q. Okay. You've just mentioned the name Tamba Brima and you
6 said he used to confront other people about not wanting to fight.
7 Can you go over that again?

8 A. How?

9 Q. What did Tamba Brima do, or what did they tell you about
10 him?

11 A. They're saying he does not agree for others to attack the
12 other villages around there. So some of his soldiers who were
13 there, some of them used to come there. He used to tell them,
14 saying they should not go there. So some of the people used to
15 come and tell us that message, saying that guy and his friend
16 used to argue. Just because he does not allow his comrades to
17 come there to cause havoc.

18 Q. And by "that guy," do you mean Tamba Brima?

19 A. Yes.

20 Q. So where did they tell you Tamba Brima --

21 A. At that time, they used to call him Gullit. People used to
22 come and tell us that. As for me, I never knew him before. One
23 day. Except I don't know whether he is there. I only heard his
24 name, what people told me about him.

25 Q. So what -- did they tell you where he was based, Tamba
26 Brima?

27 A. Well, I don't know where he was when that person gave us
28 that information, he always said used to tell his friend, "Don't
29 go there. Don't go there." But as for me, I never knew where he

1 was. In fact, I don't know him.

2 Q. Okay. Have you ever heard about -- now, did the RUF do
3 anything in Koidu Town or in Kono whilst you were there?

4 A. Well, at that time I was not there again. I always used to
5 hear them about them. When the ECOMOG were dislodged. I heard
6 that ECOMOG had been dislodged. So we, too -- well, the SLAs at
7 Kayima, they said our friends have given us a message saying they
8 have been dislodged. So some of their big guns, they used to
9 shoot with a big voice. These tormented us. We were just
10 sitting there observing, looking at them curiously, saying --
11 conversing to each other. They used to tell us that -- they said
12 those guys have -- they have gained [indiscernible] in the midst
13 of our friends. So that there came a time again when the family
14 told us our friends have been dislodged. So they go -- if you
15 know that they are under our command and you are there for us,
16 time you owe us, let us go. Let us go to Bumbuna.

17 Q. Okay, Mr Witness. Now, throughout your stay in the Kono
18 District, did you hear about any Ibrahim Bazzy Kamara as being
19 present in Kono District?

20 A. I don't know that. I don't know him.

21 Q. Did you hear about him?

22 A. Well, nobody -- no-one told me about him.

23 Q. Did you hear about any Santigie Borbor Kanu, alias
24 Five-Five, being present in Kono, whilst you were there?

25 A. Well, I used to hear this name, but no-one told me that is
26 what he did or that is what he did. But I used to hear the name
27 Five-Five. The only name I heard was Savage. [As interpreted]

28 Q. What did you hear about Savage?

29 A. As for him, people used to say he is a man that is -- was

1 too bad. People used to say that to us. As for me, I was not
2 there, I did not see him. Therefore, I cannot say much about
3 him. I don't want to lie against him.

4 Q. So what kind of bad things did they tell you about Savage?

5 MR HARDAWAY: Objection, Your Honour. No testimony there
6 were bad things, just that he was a bad man.

7 PRESIDING JUDGE: Yes, you better rephrase that,
8 Mr Fofanah.

9 MR FOFANAH:

10 Q. When you said that they said Savage was a bad man, do you
11 know what they meant by that?

12 A. He used to amputate people.

13 Q. Is that all you know about him?

14 A. As for me, that is what they told me because some of his
15 habit, I wasn't there, so I cannot say much what he did there.

16 Q. Do you know where Savage was based?

17 A. I was told that he was in Tombodu.

18 Q. Is that in Kono District?

19 A. Yes, but it's one of the chiefdoms at the side of Koidu
20 Town.

21 Q. Thank you very much, Mr Witness.

22 MR FOFANAH: I don't have any further questions.

23 PRESIDING JUDGE: Thank you, Mr Fofanah. Anything else in
24 chief?

25 MR MANLY-SPAIN: Just a couple of questions.

26 EXAMINED BY MR MANLY-SPAIN:

27 Q. Mr Witness, good afternoon.

28 A. How are you?

29 Q. Thank you. Mr Witness, when you said they told you about a

1 person called Five-Five, that you heard about him, did they tell
2 you where he was?

3 A. Five-Five, I said I don't know him.

4 MR MANLY-SPAIN: No more questions.

5 PRESIDING JUDGE: Is there anything else in chief?

6 MR GRAHAM: No, Your Honours.

7 PRESIDING JUDGE: Thank you, Mr Hardaway.

8 MR HARDAWAY: Thank you, Your Honours.

9 CROSS-EXAMINED BY MR HARDAWAY:

10 Q. Mr Witness, good afternoon, sir.

11 A. Yeah, how are you?

12 Q. I'm fine, sir. Thank you. I have a few questions for you.

13 I just want you to listen to them carefully and answer them as
14 truthfully and as concisely as possible. A lot of times the
15 answers can be yes, no, or I don't know; do you understand, sir?

16 A. Yes, I can understand.

17 Q. All right, sir. Thank you. How did you hear about the
18 overthrow of the SLPP government by the AFRC?

19 A. We were in Koi du Town.

20 Q. How did you hear about the overthrow, sir, not where did
21 you hear about it?

22 A. Well, as for me, first, I was in the swamp. I was bowing
23 over a shaker, because that's the place -- whilst you are
24 working, there are so many people there. Some had radios. So
25 when -- we were just there when we heard the news. They were
26 making the announcement that the AFRC has overthrown.

27 Q. So you heard about it over the radio?

28 A. Yes.

29 Q. Mr Witness, at any time, did you ever hear the name Alex

1 Tamba Brima, aka Gullit, as being one of those who overthrew the
2 SLPP government?

3 A. As for me, I did not hear that one.

4 Q. Did you hear the name Ibrahim Bazy Kamara, as one of those
5 responsible for overthrowing the SLPP government?

6 A. As for me, I don't know him. As for me, for say I had
7 business with them. In fact, when we were coming closer, I go
8 other direction.

9 Q. Please listen carefully, Mr Witness. I'm not asking if you
10 had any business with them; I'm just asking did you hear that
11 Ibrahim Bazy Kamara was one of those people who overthrew the
12 SLPP government?

13 A. I did not hear it.

14 Q. Did you hear the name Santigie Borbor Kanu, also known as
15 Five-Five, as being one of those who overthrew the SLPP
16 government?

17 A. As for me, I used to hear Five-Five, but I never heard that
18 they overthrew the government. Nobody told me that. So I cannot
19 give witness about that, but I used to hear the name Five-Five,
20 but I did not hear that for someone to say he did that to me, he
21 did that to me. I never heard about that.

22 Q. All right. Let's explore that issue a little further.
23 What did you hear about the person called Five-Five?

24 A. Well, I never heard nothing else again about him. But that
25 name itself, I used to hear it. But for to say that is what he
26 did, that is what he did, as for me, I don't know that, anything
27 about that.

28 Q. Do you remember who told you about the name Five-Five?

29 A. Well, as for me, during the disarmament it was during the

1 disarmament, in fact, when I heard that name, during the peace
2 time.

3 Q. All right, sir. Now, you were aware that the AFRC
4 government was made up of SLAs that overthrew the SLPP government
5 and the RUF; correct?

6 A. Repeat again. Let me understand.

7 Q. Were you aware, sir, that the AFRC government was made up
8 of SLA soldiers that overthrew the Kabbah government and the RUF
9 rebels?

10 A. As for me, what I heard was that it was the AFRC that did
11 it. So when they overthrew them, they called the rebels, saying
12 they should come out of the bush. So when they came out of the
13 bush, together, they had wanted to put the soldiers under their
14 control, but that's brought about the conflict, because they told
15 them they should come out of the bush. But when they came out,
16 they were so desperate, more than the soldiers. So the soldiers
17 themselves, they never told us that, but they used to see them in
18 their face that they were suspicious about these RUF. We used to
19 see that in their faces, because sometime when you meet in
20 certain places, except when some soldiers return --

21 Q. Mr Witness, even with what you said about there was
22 suspicion in their faces, did you ever see the RUF and the SLA
23 work together, while in Kono?

24 A. Well, at the time -- the time the RUF [indiscernible]
25 repelled them, you used to see them going up and down, going up
26 and down.

27 Q. Now, Mr Witness, you were a diamond miner; is that correct?

28 A. Yes. As for me, since I was not able to be educated, there
29 was no money, that was the only work that I did.

1 Q. During the time the AFRC was in power, the SLA and the RUF
2 worked diamond mining together, didn't they?

3 A. Well, as for me, I used to see the RUF -- RUF passing,
4 organising the miners. I heard that too. Because they used to
5 go for manpowers in the areas here where we were. They used to
6 go there for manpowers. They used to tie a rope around the waist
7 of people. They tie a rope around a waist of man. They put it
8 on this one and pass it on to this next man, bringing them
9 together, saying they should come and dig for Issa at number 11.
10 As for me, I saw that with my own eyes, bringing people. In
11 fact, myself, I was -- once upon a time, I narrowly escaped from
12 one of them.

13 Q. Mr Witness, please listen to the question: The RUF and the
14 SLA were working together to mine diamonds in Kono, weren't they?

15 A. I cannot understand that. I cannot say that one. I don't
16 know whether they were together. I only heard the name RUF,
17 saying Colonel Issa, Peleto.

18 Q. Mr Witness, I put it to you, sir, that the SLA and the RUF
19 worked together in Kono District during the AFRC government to
20 mine diamonds; what is your response?

21 A. Well, I have nothing to say. What I saw, that's what I've
22 explained.

23 Q. The AFRC in Kono forced civilians to mine diamonds for
24 them, didn't they?

25 A. Repeat again. Let me understand.

26 Q. The AFRC government, in Kono District, forced people to
27 mine diamonds for them, didn't they?

28 A. It was the RUF that I saw forcing people, beating people to
29 work for them. He spent the whole of the day working for them.

1 Sometimes they only just make a handful of gari for one man, and
2 when the gravel is extracted --

3 Q. Mr Witness, the time that you say the RUF was doing this,
4 the AFRC government was in power; correct?

5 A. Well, I cannot explain that. Because it came a time --
6 they said Johnny Paul has fled from Freetown and left. So when
7 Johnny Paul fled, we heard that -- at that time, I said the RUF
8 where in charge, were now the boss, because they were now in
9 charge of everything. What everything you heard now was about
10 them.

11 Q. Now let me bring it into more focus for you, sir. In 1997,
12 did you see people being forced to mine diamonds; yes, no, or I
13 don't know?

14 A. Well, except when the peace was signed, that was the time,
15 I saw them forcing people.

16 Q. Mr Witness, please listen carefully. In 1997, after May
17 1997, did you see people in Kono District being forced to mine
18 diamonds; yes, no, or I don't know?

19 A. No, no. No, I did not see that.

20 Q. I put it to you, sir, that during the AFRC regime, that
21 people were forced to mine diamonds in Kono District for the AFRC
22 government, which composed SLA soldiers and the RUF rebels; what
23 is your response?

24 A. I don't believe. Even myself, I turn when the overthrow
25 was done. I was there doing mining, but nobody caught me. It
26 was only the attack that I was scared of when I fled.

27 Q. We will get to the attack in a moment, sir.

28 MR MANLY-SPAIN: Sorry. Your Honour, I wish to ask
29 permission for the third accused to go to the toilet.

1 PRESIDING JUDGE: Yes, certainly.

2 MR HARDAWAY: Thank you, Your Honours.

3 Q. Mr Witness, after the AFRC government came into power, were
4 you aware of a secretariat, an AFRC secretariat, in Kono
5 District?

6 A. Repeat it again. Let me understand.

7 Q. After the Kabbah government was overthrown and the AFRC
8 came into power, did you know or see of an AFRC secretariat in
9 Kono District?

10 A. As for me, I don't know about that because I was not a
11 soldier. Because I don't know anything about that.

12 Q. Did you continue to mine diamonds after the Kabbah
13 government was overthrown, sir?

14 MR MANLY-SPAIN: This question has been answered.

15 MR HARDAWAY: I haven't asked that question.

16 PRESIDING JUDGE: When was that?

17 MR MANLY-SPAIN: He said after the overthrow of the Kabbah
18 government nobody forced anybody to mine, even himself was
19 mining. Nobody forced him. It was only when they were fighting
20 that he ran away. Three, four questions ago.

21 PRESIDING JUDGE: What was your question, Mr Hardaway?

22 MR HARDAWAY: My question was: After the overthrow of the
23 Kabbah government, did he continue to mine? I should have
24 rephrased it: Did he continue to mine diamonds?

25 PRESIDING JUDGE: All right. I'll overrule that objection.
26 Go ahead and answer that question, please, Mr Witness.

27 MR HARDAWAY:

28 Q. Do you need for me to repeat it, sir?

29 A. Yes, yes. Repeat it.

1 Q. After the Kabbah government was overthrown, in May of 1997,
2 and the AFRC took power, did you continue to mine diamonds in
3 Kono District?

4 A. I was doing diamond work when the overthrow was done so --

5 Q. Did you --

6 MR FOFANAH: With respect, Your Honours, I think he has not
7 answered. He said when the overthrow occurred he was --

8 PRESIDING JUDGE: He didn't finish the answer.

9 MR FOFANAH: Exactly.

10 MR HARDAWAY: Very well, Your Honour. Please continue your
11 answer, Mr Witness.

12 PRESIDING JUDGE: You said you were doing mining when the
13 overthrow was done; did you have something to add after that,
14 Mr Witness?

15 THE WITNESS: I did not understand.

16 PRESIDING JUDGE: Go ahead. Ask again, please,
17 Mr Hardaway.

18 MR HARDAWAY: Very well.

19 Q. Mr Witness, after the overthrow of the Kabbah government,
20 and when the AFRC took power, you continued to mine diamonds in
21 Kono District, didn't you?

22 A. No.

23 Q. When did you stop mining for diamonds after the AFRC came
24 into power, sir?

25 A. At the time -- the time -- the time Kamajor had planned to
26 attack Koidu, since I left, that was the reason why I decided to
27 go away. Since then, I never did any diamond mining again until
28 the war came to an end.

29 Q. But before the Kamajors attacked Koidu Town, you were still

1 diamond mining; yes?

2 A. Yes. At the time they never came, yes, we were then doing
3 diamond work until, but since they told me that they would be
4 coming, that was -- see, I left so, since I left diamond work
5 except when the war came to an end.

6 Q. While you were diamond mining, sir, and before the attack
7 on Koidu Town by the Kamajors, did you ever have to report any of
8 your diamonds to the government, the AFRC government?

9 A. No. In fact, I didn't work under any soldier.

10 Q. Going, moving on, sir, to the attack on Koidu Town. What
11 year was that attack by the Kamajors?

12 A. As for me, anything that has to do with dates, as this
13 moment where I'm sitting there, I cannot able to say it because
14 some of those events, there will be no dates in my mind, the time
15 will not be in my mind. All that, some of the important events,
16 could be remembered.

17 MR HARDAWAY: With the Court's indulgence for one moment,
18 please.

19 PRESIDING JUDGE: Yes.

20 MR HARDAWAY:

21 Q. Mr Witness, you have testified that you had heard of a
22 person Tamba Brima, also known as Gullit, speaking about not
23 causing havoc in Kono; do you remember that part of your
24 evidence?

25 A. What I said about him, I said I was told that when they
26 said let us go there to fight, he will say they should not go
27 there. So I said that somebody came from there and told me that.

28 Q. Do you know what year it was? Let me rephrase. You don't
29 know what year that was when you heard Tamba Brima, aka Gullit,

1 was mentioning this, do you?

2 A. I did not understand.

3 Q. Okay. In fact, I will ask you a different question, sir.
4 When you heard of Tamba Brima, aka Gullit, mentioning what you
5 had testified to, that was after the overthrow of the SLPP
6 government, wasn't it?

7 A. I still not understood what you are saying.

8 Q. All right. Remember in your evidence, sir, when you talked
9 about Tamba Brima, aka Gullit; do you remember that, sir?

10 A. Yes.

11 Q. When he said what you had testified to earlier, that was
12 after the overthrow of the Kabbah government, wasn't it?

13 A. Well, that fellow, that fellow, I don't know him. I said I
14 don't know him.

15 Q. I'm not asking you if you know him, sir. I'm just asking
16 you: After whatever you had testified to, that Tamba Brima, aka
17 Gullit, he said what he said after the overthrow of the Kabbah
18 government, didn't he?

19 A. No. The time, it was the time we were under the SLAs
20 control at Kayima, that was the time the person went and said
21 that [indiscernible] the time of the ECOMOG who passed through
22 all the way to Gbenekoro came through Kayima so whilst there at
23 Kayima, during that time, when that person say that to me.

24 MR HARDAWAY: With one moment, Your Honour.

25 Q. Mr Witness, when you said that this was with the SLAs this
26 was with the SLAs when they were with ECOMOG; is that right?

27 A. Yes.

28 MR HARDAWAY: Thank you, sir. I thank you for your time.
29 I have no more questions for you. Your Honours, this concludes

1 my cross-examination.

2 PRESIDING JUDGE: Yes. Thank you, Mr Hardaway. Anything
3 in re-examination?

4 MR FOFANAH: There is none, Your Honours. Thank you.

5 PRESIDING JUDGE: Thank you, Mr Fofanah. Well, Mr Witness,
6 we'd like to thank you for coming to Court today and giving
7 evidence. You will be able to leave in a minute. The Court
8 attendant will pull the curtains across and you will be free to
9 go. Thank you again.

10 THE WITNESS: Okay.

11 [The witness withdrew]

12 MR FOFANAH: Your Honours, the next witness is DAB-108. He
13 is number 20 on the list. Number 20. Your Honours, he will be
14 testifying in Kono.

15 PRESIDING JUDGE: Thank you, Mr Fofanah. While the witness
16 is coming into Court, this is another witness that's not covered
17 by the original order for protective measures, so we will order
18 that the order for protective measures, made in the Trial
19 Chamber's decision on joint Defence application for protective
20 measures for Defence witnesses, dated 9 May 2006, shall be
21 applied also to witness DAB-108.

22 MR FOFANAH: Grateful, Your Honours

23 WITNESS: DAB-108: [Sworn]

24 [The witness answered through interpreter]

25 EXAMINED BY MR FOFANAH:

26 THE INTERPRETER: Your Honours, we were told the witness
27 was going to testify in Kono and as the oath was being
28 administered we heard his response in Krio, as we were speaking
29 in Kono to him, so we don't know what the situation is.

1 PRESIDING JUDGE: Well, what is the situation, Mr Fofanah?

2 MR FOFANAH: Well, on record I have Kono, and up to
3 yesterday he was going to testify in Kono. I don't know.

4 JUDGE SEBUTINDE: Why don't you ask the witness; he is
5 there.

6 MR FOFANAH: Yes, I will. Thank you.

7 Q. Mr Witness, what language do you prefer to testify in?

8 A. Kono.

9 PRESIDING JUDGE: All right. Mr Interpreter, does that
10 present any problems?

11 THE INTERPRETER: In Kono?

12 PRESIDING JUDGE: In Kono, yes.

13 MR FOFANAH:

14 Q. Very well. Good afternoon, Mr Witness.

15 A. How are you?

16 Q. Okay. I'm just going to ask if I can proceed, since we
17 have the interpreter. May I crave your indulgence for a moment.
18 Mr Witness, please listen carefully to the questions as well as
19 the interpretation before you give your answer; do you
20 understand?

21 A. Okay.

22 Q. Mr Witness, you were born in September 1972 at
23 xxx Town?

24 A. Yes.

25 Q. xxx Town is in xxx Chiefdom, Kono District, eastern
26 Sierra Leone?

27 A. Yes.

28 Q. Mr Witness, you are one of three children born to your
29 parents, who are alive?

1 A. Yes.

2 Q. Mr Witness, you speak both Kono and Krio languages?

3 A. Yes.

4 Q. You went to school but you did not proceed beyond class 7
5 at the primary level?

6 A. Yes.

7 Q. You are, however, trained in electrical maintenance of
8 freezers, air conditioners and the like?

9 A. Yes.

10 Q. You are married with one wife and a child?

11 A. Yes.

12 Q. Your present occupations include farming and mining of
13 diamonds?

14 A. Yes.

15 Q. And you mine diamonds in the Kono District of Sierra Leone?

16 A. Yes.

17 Q. Now, Mr Witness, can you tell the Court what village you
18 hail from?

19 A. Yes.

20 Q. What is the village?

21 A. xxx.

22 MR FOFANAH: xxx, Your Honours, is spelt xxx.

23 Q. Now, where is xxx?

24 A. It's in xxx.

25 Q. xxx, is that a chiefdom in Kono District?

26 A. Yes.

27 MR FOFANAH: xxx, Your Honours.

28 Q. Now, do you recall the year 1997?

29 A. Yes.

1 Q. In 1997, where were you?

2 A. Where I was? I was in my village.

3 Q. Did you continue to live in your village until 1998?

4 A. Yes.

5 Q. Now, in 1998, around March and April, or at least in the
6 dry season of 1998, do you recall anything that happened in your
7 village?

8 A. Yes.

9 Q. Please carefully explain to the Court what you recall?

10 A. Well, what I can recall now, 1998, whilst in the village,
11 together with my mother and my siblings, there came a time people
12 used to come to town. We heard gun shooting. We used to see
13 them arresting people to take away their food from there. Whilst
14 we were sitting there at one time, I told my mother and my
15 father that this particular --

16 Q. Mr Witness --

17 A. Okay, is fine. Is fine.

18 JUDGE SEBUTINDE: You also should go slowly. We do not
19 understand some of your words.

20 THE INTERPRETER: Yes, Your Honour.

21 MR FOFANAH:

22 Q. Mr Witness, please go slowly, because they have to
23 interpret whatever you say. You say you were in your village at
24 Kombaya in 1998, in the dry season. What happened when you were
25 there?

26 A. Well, at that time, once I was there, together with my
27 mother, we heard that the war is coming. So whilst there in the
28 village, we saw people coming with guns in their hands. They
29 used to arrest people, take away their food from them. So they

1 take away their food from them. They used to beat them and then
2 do other bad things again to them. So --

3 MR INTERPRETER: Your Honour --

4 MR FOFANAH:

5 Q. Hold it, hold it. I've told you, Mr Witness, go quietly.

6 I mean, just go as slowly as you can. Now, these people whom you
7 said you saw with guns in their hands, taking food from people, I
8 mean, what kind of clothes did they wear? How were they dressed?

9 A. Well, I saw them in the kind of dress like a uniform.

10 Q. Now, where did you see these people?

11 JUDGE SEBUTINDE: Mr Fofanah --

12 THE WITNESS: In their village.

13 JUDGE SEBUTINDE: -- he said in a uniform. What is a
14 uniform?

15 MR FOFANAH:

16 Q. What kind of uniform are you referring to?

17 A. Combat uniform. Combat, combat. Combat clothes.

18 Q. Now, when you first saw them, how many of them did you see?

19 A. Well, I don't know their number.

20 Q. Now, you said they were harassing people for food. I mean,
21 where were you when this happened?

22 A. I was in my village.

23 Q. Now, as a result of that, did you do anything when you saw
24 them?

25 A. I didn't do anything.

26 Q. How many times did they come to your village, the armed
27 men?

28 A. Several times.

29 Q. How long did you stay in the village during this time, when

1 the armed men were coming and going?

2 A. Well, I passed here, there.

3 THE INTERPRETER: Your Honours, correction interpreter. I
4 spent a year there.

5 MR FOFANAH:

6 Q. Okay. So whilst there, I mean, whilst these things were
7 happening, did anything personally happen to you, that you can
8 recall?

9 A. No. Nothing happened to me at that time.

10 Q. Did anything later happen to you?

11 A. Yes.

12 Q. What happened to you?

13 A. Well, I was captured. They captured me Somorya Town, going
14 towards Guinea.

15 Q. Hold it.

16 MR FOFANAH: Somorya, Your Honours, is spelt S-O-M-O-R-Y-A.

17 Q. Now, do you know what chiefdom Somorya Town is in?

18 A. Sandor.

19 Q. Were you alone when you were captured?

20 A. We are many. We are plenty.

21 Q. Who captured you, if you know?

22 THE INTERPRETER: Your Honours, could the witness repeat
23 the name. I did not understand the name.

24 MR FOFANAH:

25 Q. Would you kindly repeat the name of the person whom you
26 said captured you?

27 A. Staff Gbonda.

28 MR FOFANAH: Gbonda, Your Honours, is G-B-O-N-D-A. How do
29 you know the person who captured you was Staff Gbonda?

1 A. How I came to know, he went and captured me because he met
2 me sitting down. He captured us and carried us to the place
3 where these captives were sitting.

4 Q. Do you know Staff Gbonda before?

5 A. I knew him before.

6 Q. Where?

7 A. In Koidu Town.

8 Q. Now when he captured you, how was he dressed?

9 A. He had the combat clothes and he was dressed in combat
10 fatigue, but it was not -- he had on a combat shirt and the
11 trousers was not a combat trousers.

12 Q. Was he alone when he captured you?

13 A. They were many.

14 Q. How were the others dressed?

15 A. Some had shirts, some had uniforms.

16 Q. Did they carry any arms with them?

17 A. Yes.

18 Q. So how far is Somorya from your village Kombaya? How far
19 is Somorya from Kombaya?

20 A. If I've not forgotten, 28 miles.

21 Q. So what were you doing in Somorya when you were captured by
22 the rebels?

23 A. I was on my way to Guinea. The very night I arrived there,
24 the following morning I was captured.

25 Q. Now, when they captured you, together with the other
26 people, did anything happen to you?

27 A. No.

28 Q. Were you taken anywhere after you were captured?

29 A. Yes.

1 Q. Where were you taken to?

2 A. Tombodu.

3 Q. Do you know how far the distance between Somorya and
4 Tombodu?

5 A. Twenty-eight miles.

6 Q. Is Tombodu in the Kono District?

7 A. Yes.

8 Q. Now, did you arrive at Tombodu, together with the man who
9 captured you?

10 A. Yes.

11 Q. Do you know how many of you finally arrived at Tombodu,
12 those of you who were captured?

13 A. Yes.

14 Q. How many of you arrived at Tombodu?

15 A. Fifty-eight of us.

16 Q. And by 58, you are referring to those of you who were
17 captured?

18 A. Yes.

19 Q. So when you arrived at Tombodu, did you meet anyone there?

20 A. Yes.

21 Q. Whom did you meet?

22 A. Well, I met fighters there.

23 Q. What do you mean by fighters?

24 A. The rebels.

25 Q. How do you know that they were rebels?

26 A. I came to know. They had kill us, because that is what I
27 used to hear saying --

28 THE INTERPRETER: Your Honours, can the witness please
29 speak up audibly. He is not audible enough for the interpreter

1 to interpret accurately.

2 MR FOFANAH:

3 Q. Can you come closer to the mic, please, Mr Witness, and
4 please talk loud enough for the interpreters to hear. So how did
5 you know that those whom you met at Tombodu were rebels?

6 A. I met them with guns.

7 Q. How were they dressed, those whom you met at Tombodu?

8 A. Some of them had uniforms, some hadn't.

9 Q. Do you know if those who captured you belonged to any group
10 of armed men?

11 A. Yes.

12 Q. What group did they belong to?

13 A. The group that they are in, it's in the RUF group.

14 Q. Those who were also at Tombodu whom you met, the armed men,
15 do you know what group they were in?

16 A. They were all RUFs.

17 Q. Now, when you arrived at Tombodu, did anything happen to
18 you, I mean, together with the other 57 people that you have
19 referred to?

20 A. Fifty-eight. Yes, something happened to us.

21 Q. Now, let's get this clear: Was it 58, including yourself,
22 or 58 excluding you?

23 A. Yes.

24 Q. Which one is it? Can you explain? Was it 58, including
25 the witness, or 58 excluding --

26 A. All of us were 58 in number.

27 Q. Thank you. So when you arrived, did anything happen to
28 you?

29 A. Yes.

1 Q. Please explain to the Court?

2 A. On arrival at Tombodu, we met those people there. We
3 reached there in the evening hours. Then, whilst sitting at the
4 back of the house, we heard the sound of a vehicle. The vehicle
5 came. I was sitting, in fact. In fact, I heard Savage has come,
6 Savage has come, but for me I never knew him.

7 Q. Mr Witness, I've told you to go slowly please. I mean,
8 they are interpreting. So what kind of vehicle did you see when
9 you were in Tombodu?

10 A. Land Rover.

11 Q. And you said you heard someone say Savage has come?

12 A. Yes.

13 Q. Who was the person who said Savage has come?

14 A. I don't know his name.

15 Q. But was he a civilian like yourself or an armed man?

16 A. He was a fighter.

17 Q. So after hearing that Savage has come from the Land Rover
18 did anything happen?

19 A. Yes.

20 Q. Please go on and explain.

21 A. What happened to us, whilst we were sitting down there,
22 Savage's bodyguards, two of them, the one who was called junior,
23 the other one was called Killer, they came and said I'm a
24 Kamajor. They said we should all pass to the verandah, so whilst
25 we were sitting there in the centre, they arrested us and they
26 stripped us naked, and tied us up, that we should bow our heads
27 down, so we were undressed. Some of them had cutlasses, some of
28 them had sticks. They were young boys. There were young boys
29 among them and they started mutilating us.

1 Q. Okay, hold it. Hold it. Now, when you said they stripped
2 you of your clothing, your clothes, and they tied you up, was it
3 all of you who were captured, all 58 of you?

4 A. Yes, yes.

5 Q. And how do you know that these people who captured you and
6 who tied you up were RUF rebels?

7 A. As far as [indiscernible] people came, said they are bad
8 people. These are the RUF at that time.

9 Q. So after you were tied and stripped naked, did anything
10 happen to you, all of you, that you know?

11 A. Yes. Yes.

12 Q. What happened to you?

13 A. We heard that they took one of my friend and they carried
14 him and killed him. They said one man for one bullet, so whilst
15 they carried ten people there in that night and killed all of
16 them. So whilst we were there, there was a gentlemen there
17 called [indiscernible] so he came and talked to Savage saying
18 they should release us.

19 Q. Slowly, hold it. Go slowly. Now, you said they said one
20 man for one bullet and they took ten of you, ten of the captives
21 away. And how do you know that, I mean, the ten captives who
22 were taken away were killed?

23 A. They took them, one by one, singly. Whilst they were
24 carrying them they were going screaming. Whilst they were going
25 carrying them, they were screaming. That was how I came to know
26 they took ten people and carried them.

27 Q. But how do you know that they were killed?

28 A. The gun they used to shoot, so when they said one man for
29 one bullet, so when they were take him there, we only heard one

1 shot. They only shoot once.

2 Q. Okay. So apart from these ten people -- these ten people,
3 did anything happen to those of you who remained?

4 A. Yes.

5 Q. What happened to you?

6 A. They took us again. They carried us to the NA court barri
7 and imprisoned us there. We slept there. Whilst there in the
8 morning hours, they took ten of us among us again. We thought
9 that they were going to be taken to the hospital for medication,
10 not knowing that they were going to be killed.

11 Q. He said NA court barri. I mean, I think court barri, for
12 the Court. NA court barri.

13 A. It's in, it's there in Tombodu Town, the NA court barri, it
14 is there in Tombodu Town.

15 Q. Is it a building?

16 A. Yes, it's a building.

17 Q. Your Honours, with your indulgence, may I crave your
18 indulgence for the second accused to use the gents?

19 PRESIDING JUDGE: Yes, he can leave, Mr Fofanah.

20 MR FOFANAH: Thank you.

21 Q. So, I mean, after taking you to this building, did anything
22 happen to you, all of you who were taken there?

23 A. Yes, something happened there.

24 Q. What happened?

25 A. They took us and carried us, because there was a
26 secretariat -- a secretariat there with them. Whilst we were
27 there they take him again and talk to Savage saying they should
28 release us. Then Savage said hey, say these people are here
29 advocating for to be released. These people, if we release them,

1 they will, sitting here one day, they take a knife and slit a
2 throat, so it was Savage himself who was very sad at that time.

3 Q. Okay. Victor Teh. I think the Teh is T-E-H, I mean. Who
4 is this Victor Teh?

5 A. He was a soldier.

6 Q. And you said he pleaded on your behalf?

7 A. For us, yes.

8 Q. As a result of the pleading did anything happen? As a
9 result of the pleading by Victor Teh?

10 A. What happened after that he listen, Savage himself, he say
11 they should exclude 15 among us, so we were excluded. So there
12 were many people. They carried them. There is a house there
13 presently called Monument House. The rest of the people were put
14 there in the house and burnt.

15 Q. How do you know that, that the rest of the people were
16 burnt in the Monument House?

17 A. How I came to know, we were sitting there. Those who went,
18 Junior and -- they came and told us, say, you too, if you come,
19 if you don't take orders we will carry you to be burnt at that
20 time.

21 Q. Now, how do you know Victor Teh? You said he's a soldier.
22 How do you know he was a soldier?

23 A. I knew him. He was my friend. We were grew up together in
24 Tombodu Town, but he was older than me.

25 Q. So those of you who remained after this incident, the 15 of
26 you who remained, did anything later happen to you?

27 A. They took us there and distributed among the commanders
28 there in the headquarter.

29 Q. Do you know the name of any of the commanders?

1 A. I don't know their names because Savage was their boss
2 there at that time.

3 Q. Now how do you know the other rebels, Junior and Killer;
4 how do you know them?

5 MR AGHA: Your Honours, I'd object to that. I don't think
6 he's described those two as rebels.

7 MR FOFANAH: He said they were RUF rebels.

8 JUDGE DOHERTY: I heard him say they were bodyguards.

9 JUDGE SEBUTINDE: He did say they were Savage's bodyguards,
10 two of Savage's bodyguards.

11 MR FOFANAH: As Your Honour pleases.

12 Q. Now, how do you know that Junior and Killer were Savage's
13 bodyguards?

14 A. They used to stand very close to him. When he stood, the
15 one would stand at this side and the other one would stand at the
16 other side.

17 Q. Do you know what group of armed men that Junior and Killer
18 belonged to?

19 A. I don't know.

20 Q. So now, after the distribution of all 15 of you to various
21 commanders, did you continue to stay in Tombodu?

22 A. They were distributed among -- in fact, we were four there
23 in the headquarter, at table four or five of us. We were sitting
24 there. They brought out the rice about --

25 THE INTERPRETER: Your Honours, the witness is going too
26 fast.

27 MR FOFANAH:

28 Q. Mr Witness, again. Again, please go very slowly. We are
29 almost about to conclude. Go very slowly so that they can

1 interpret what you are saying. Now, you said four of you were in
2 the headquarters; what headquarters do you mean?

3 A. There, in Tombodu, Savage's headquarter, at Mr Teh's house.
4 Mr Teh's old house.

5 Q. Did you do anything whilst you were there?

6 A. I didn't do anything.

7 Q. Did anything happen to you whilst you were there?

8 A. Nothing happened to my very self.

9 Q. What about the other three people who were with you in the
10 headquarters; did they do anything for Savage?

11 A. We used to pound rice.

12 Q. Does that include yourself?

13 A. Yes, I was there. Together we pounded the rice.

14 Q. Apart from pounding rice, did you do anything else?

15 A. No. I didn't do anything again.

16 Q. Now, how long did you stay in Tombodu?

17 A. Four days. On the fifth day we heard that ECOMOG has come
18 in Koidu Town. They have captured there.

19 Q. So after that, did anything happen?

20 A. What happened again, whilst sitting down, their commander
21 who was Savage said everyone should pull out and go towards
22 Sandor.

23 Q. Did you pull out as a result of that instruction?

24 A. Yes, we left.

25 Q. Did you go with the rebels?

26 A. Yes, we left together.

27 Q. Where did you go to?

28 A. We went to Sukudu.

29 Q. Sukudu, S-U-K-U-D-U. Where is Sukudu?

1 A. In Kama Chiefdom.

2 Q. Is that in Kono District?

3 A. Yes.

4 Q. Whilst at Sukudu, did anything happen?

5 A. No.

6 Q. From Sukudu, did you go anywhere else?

7 A. Yes. Whilst we were going, I hid myself from them, so they
8 took my mother and my father. So I went towards Guinea but I
9 never saw my father again, my mother again, and my father.

10 Q. Did you return later to Kono, after escaping from the
11 rebels?

12 A. Yes, I came back.

13 Q. What year was that?

14 A. What?

15 Q. What year was that when you returned to Kono?

16 A. '98.

17 Q. Now, whilst at Tombodu, and the other places that you have
18 mentioned in the Kono District, did you hear about any Ibrahim
19 Bazzy Kamara as being part of the RUF rebels that you have
20 mentioned who were at the places you've stated?

21 A. I do not know them. I do not know them.

22 Q. Did you hear about any Tamba Brima, as being part of the
23 RUF rebels at Tombodu and other places you've mentioned?

24 A. I know him, but I didn't see him facially. I heard about
25 his name.

26 JUDGE SEBUTINDE: Mr Interpreter, what is that you said? I
27 what his name?

28 THE INTERPRETER: I heard about his name.

29 MR FOFANAH: He heard.

1 Q. So who told you about him?

2 A. People, people.

3 Q. And what did they say about him?

4 A. Well, they didn't tell me anything about him.

5 Q. Whilst at Tombodu and the other places in Kono District,
6 did you hear about any Santigie Borbor Kanu, alias Five-Five?

7 A. I don't know him.

8 MR FOFANAH: That is all for the witness, Your Honours.

9 PRESIDING JUDGE: Thank you, Mr Fofana. Any other
10 questions in chief?

11 MR GRAHAM: Your Honour, just a few questions.

12 EXAMINED BY GRAHAM:

13 Q. Good afternoon, Mr Witness.

14 A. How are you?

15 Q. I'm fine, thank you. During the period that you were in
16 Tombodu did you yourself see Savage at any time?

17 A. Not always.

18 Q. So should I take that to mean that you saw him at certain
19 times?

20 A. Yes.

21 Q. And, Mr Witness, during this time that you saw Mr -- you
22 saw Savage, did you see him using any form of communication
23 equipment?

24 A. No.

25 Q. And you also told us about Junior and Killer. During the
26 time that you saw Junior and Killer in Tombodu, did you see any
27 one of them use any form of communication equipment?

28 A. I didn't see that.

29 Q. But did anyone tell you that they had seen Savage using any

1 form of communication equipment whilst you were in Tombodu?

2 A. Nobody told me about that.

3 Q. Again with regard to Junior and Killer, did anyone tell you
4 that they had seen Junior or Killer using any form of
5 communication equipment whilst you were in Tombodu?

6 A. I didn't see that with my own eyes.

7 MR GRAHAM: Thank you, Your Honours, I don't have any
8 further questions for the witness. Thank you for the time.

9 PRESIDING JUDGE: Thank you, Mr Graham. All right. Thank
10 you. Well, I presume, Mr Hardaway, you will have a few questions
11 of this witness?

12 MR HARDAWAY: This witness will be cross-examined by my
13 learned friend Mr Agha.

14 PRESIDING JUDGE: I beg your pardon, Mr Agha.

15 MR AGHA: Yes, Your Honour, I have a few brief questions
16 which perhaps can be dealt with now, Your Honour.

17 PRESIDING JUDGE: All right. Go ahead, please.

18 CROSS-EXAMINED BY MR AGHA:

19 Q. Mr Witness, I will ask you a few questions and if you could
20 kindly answer them as concisely and truthfully as you can. Do
21 you understand?

22 A. Yes, I understand.

23 Q. Now, you said that in March and April of 1998 you were in
24 Kombaya Village when armed men came for food; do you remember
25 that?

26 A. Yes, I can remember that.

27 Q. Now after a while when these armed men came for food you
28 went and hid in the bush, didn't you?

29 A. Yes.

- 1 Q. And you hid in the bush until June 1998, didn't you?
- 2 A. Yes.
- 3 Q. And in June 1998 you set out to flee to Guinea, didn't you?
- 4 A. Yes.
- 5 Q. Now, you mentioned that you and another group of inductees
6 were captured; do you remember that?
- 7 A. Yes, yes.
- 8 Q. And you also mentioned a Staff Gbonda; do you remember
9 that?
- 10 A. Yes, yes, I can recall.
- 11 Q. Now, Staff Gbonda was a member of the Sierra Leone Army,
12 wasn't he?
- 13 A. Yes.
- 14 Q. And it was Staff Gbonda who led you to Tombodu Town with
15 the other abductees, wasn't it?
- 16 A. Yes.
- 17 Q. And were there other men with Staff Gbonda as he took you
18 to Tombodu, apart from the abductees?
- 19 A. Yes.
- 20 Q. So Staff Gbonda had men under his command while he was
21 taking you to Tombodu, didn't he?
- 22 A. Yes, yes.
- 23 Q. Now, as you approached Tombodu, Staff Gbonda handed you
24 over to Junior, didn't he?
- 25 A. Yes.
- 26 Q. Junior was a member of the Sierra Leone Army, wasn't he?
- 27 A. No.
- 28 Q. I suggest to you that he was a member of the Sierra Leone
29 Army?

1 A. Well, I never knew about that.

2 Q. Now, you mentioned a Victor Teh, who you knew from Tombodu;
3 do you remember that?

4 A. Yes.

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

6 A. Yes.

7 Q. And Victor Teh was under the command of Savage, wasn't he?

8 A. Yes.

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

10 A. Well, that was the time I knew him. I never knew him to be
11 Sierra Leone Army or what, who was he.

12 Q. But the men with Savage, some were members of the Sierra
13 Leone Army, and some were not members of the Sierra Leone Army;
14 would you agree with that?

15 A. Yes, yes.

16 Q. And Savage was the overall commander in Tombodu Town,
17 wasn't he?

18 A. Yes.

19 Q. I suggest to you that Ibrahim Bazy Kamara was the most
20 senior member of the Sierra Leone Army in Kono at the time when
21 you were in Tombodu Town?

22 A. Well, as for me, I did not see him at that time. Again, I
23 never knew him.

24 Q. Now, you say that men were killed under Savage, his
25 command; is that right?

26 A. Yes, yes, that's true.

27 Q. And these men were killed by Savage's men, who you just
28 mentioned were a mixture of Sierra Leone Army and other men;
29 right?

1 A. Yes.

2 Q. Now, you also mentioned that you left Savage, left
3 Tombodu Town. Now, when you left Tombodu Town, was Savage with
4 you?

5 A. We were not with them.

6 Q. So you didn't leave Tombodu Town with Savage?

7 A. At all.

8 Q. How did you manage to leave Tombodu Town?

9 A. We left there together with some people because where we
10 were, those people, they gave us some loads to be carried and
11 they told us to go together with them.

12 Q. And who were those people? Were they Savage's people who
13 gave you the load to carry?

14 A. Yes, yes.

15 Q. And where did you carry this load to?

16 A. They said there was a place there, in Sandor, called
17 Combat Camp.

18 Q. And did you reach Combat Camp?

19 A. As for me, I did not reach there.

20 Q. Now, this load you had to carry, were you made to carry it?

21 A. We carried them but, for me, I did not reach.

22 Q. Yes, but were you forced to carry the load?

23 A. Yes.

24 Q. Now, when you left Tombodu Town carrying the load, Savage
25 stayed in Tombodu Town; is that right?

26 A. They all left. Nobody left there. Nobody stayed there.

27 Q. So did Savage leave after you?

28 A. Well, there were so many routes. We did not take the same
29 route.

1 Q. And where was Savage heading?

2 A. Yeah, he too was trying to cross the stream. He was going
3 towards Sandor.

4 Q. And he left with his men; is that right?

5 A. Yes.

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

7 PRESIDING JUDGE: Thank you, Mr Agha. Is there anything
8 arising for re-examination?

9 MR FOFANAH: None, Your Honour.

10 PRESIDING JUDGE: Thank you. Mr Witness, we would like to
11 thank you for coming to Court to give evidence and we are going
12 to adjourn the Court now. So if you just sit there for a few
13 moments, you will be allowed to leave.

14 THE WITNESS: Okay. Is fine.

15 PRESIDING JUDGE: All right. We will adjourn until 9.15
16 tomorrow morning.

17 [The witness withdrew]

18 [Whereupon the hearing adjourned at 4.07 p.m.,
19 to be reconvened on Wednesday, the 6th day of
20 September 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DAB-027	2
EXAMINED BY MR FOFANAH:	2
EXAMINED BY MR GRAHAM:	13
EXAMINED BY MR MANLY-SPAIN:	13
CROSS-EXAMINED BY MR AGHA:	14
RE-EXAMINED BY MR FOFANAH:	33

WITNESS: DAB-040	34
EXAMINED BY MR FOFANAH	34
EXAMINED BY MR MANLY-SPAIN	55
EXAMINED BY MR GRAHAM	56
CROSS-EXAMINED BY MR AGHA	57
RE-EXAMINED BY MR FOFANAH:	68

WITNESS: DAB-039	69
EXAMINED BY MR FOFANAH	69
EXAMINED BY MR MANLY-SPAIN:	91
CROSS-EXAMINED BY MR HARDAWAY	92

WITNESS: DAB-108	101
EXAMINED BY MR FOFANAH	101
EXAMINED BY Graham:	
CROSS-EXAMINED BY MR AGHA:	118