

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

MONDAY, 11 SEPTEMBER 2006  
9.20 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Ms Carolyn Buff
For the Registry:	Mr Thomas George Ms Advera Kamuzora
For the Prosecution:	Mr Charles Hardaway Mr Vincent Wagana
For the accused Alex Tamba Brima:	Mr Koj o Graham Mr Osman Keh Kamara
For the accused Brima Bazzy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Mr Silas Cherkera

1 [AFRC11SEP06A - CR]  
2 Monday, 11 September 2006  
3 [The accused present]  
4 [The witness entered court]  
5 [Open session]  
6 [Upon commencing at 9.20 a.m.]  
7 WITNESS: DAB-129 [Continued]  
8 [The witness answered through interpreter]  
9 PRESIDING JUDGE: Good morning, Mr Witness. I will remind  
10 you that you are still on that oath you took on Friday to tell  
11 the truth.  
12 MR GRAHAM: Good morning, Your Honours. I apologise for  
13 the delay. We had a problem with a number of our witnesses at  
14 the safe house this morning. One had to go in there and try  
15 to -- see how best one could properly assist with the resolution  
16 of these problems. I believe, Your Honours, we have more to tell  
17 you on that after this witness has testified.  
18 PRESIDING JUDGE: Thank you. He's still your witness,  
19 Mr Graham.  
20 MR GRAHAM: That is so, Your Honour.  
21 EXAMINED BY MR GRAHAM: [Continued]  
22 Q. Good morning, Mr Witness.  
23 A. Good morning. How did you sleep?  
24 Q. Mr Witness, the last time we --  
25 A. Yes.  
26 Q. [Microphone not activated] when you were telling this Court  
27 about your movement to -- Mr Witness, please hold on a second.  
28 Let me finish before you continue to answer. You told us you  
29 went to pound rice at Gbamadu-Sowa. From there, you -- so I'm

1 asking you, when you went, after pounding the rice at  
2 Gbamadu-Sowa, did you do anything else after that?

3 A. Only to carry it.

4 Q. Where did you carry it to, Mr Witness? The rice where did  
5 you carry it? The pounded rice, where did you carry it to?

6 A. We brought it to Wenedu.

7 Q. When you carried them to Wenedu, did anything happen when  
8 you got to Wenedu?

9 A. Yes.

10 Q. Please tell this Court what happened, Mr Witness?

11 A. When we arrived at Wenedu, one time, they caught a man at  
12 the field. That man was a Kono. They brought him. We saw it,  
13 and then he was killed because of palm oil.

14 Q. Mr Witness, before you go on, you said they caught the man.

15 A. Okay.

16 Q. Who caught the man?

17 A. They -- they, the rebels, the rebels. They caught him and  
18 brought him to the commander.

19 Q. Do you know the commander that they brought the man to?

20 A. He was called Banya.

21 MR GRAHAM: Your Honours, Banya, we've heard that before.

22 Q. And you told this Court that -- and do you know why he --  
23 they brought him to the commander?

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

25 THE WITNESS: When he was brought to the commander, they  
26 tied him up.

27 MR GRAHAM:

28 Q. Mr Witness --

29 PRESIDING JUDGE: All right, there has been an objection.

1 MR GRAHAM: Yes. Your Honours, I concede to that. Thank  
2 you.

3 JUDGE SEBUTINDE: Yes, but what does it mean they killed  
4 him of the palm wine? What is that?

5 MR GRAHAM: I'm going on to address those issues, but for  
6 my learned friend's intervention.

7 Q. Mr Witness, who killed the man?

8 A. The commander gave order for him to be killed. The one who  
9 killed was called Pepe.

10 MR GRAHAM: Your Honours, Pepe is spelled P-E-P-E.

11 PRESIDING JUDGE: The one who killed was called Pepe. Was  
12 Pepe the one who was killed or Pepe did the killing?

13 MR GRAHAM:

14 Q. Mr Witness, the name you just mentioned, the man Pepe, what  
15 did he do?

16 A. He was the one sent to kill the man. He was sent by Banyana  
17 to kill the man.

18 Q. Do you know whether Pepe killed the man? Do you know?

19 A. Yes, yes. We were sitting there when Pepe was taking him  
20 to the field. Along the -- he hit him. He hit him.

21 Q. Did you see Pepe hit the man? Did you see him with your  
22 own eyes?

23 A. We saw it. We all saw it.

24 Q. When you say "we," whom are you are referring to as "we,"  
25 Mr Witness?

26 A. You said if we saw it. Yes, I saw it. We all saw it.

27 Q. You just said he hit him. What did you see him hit the man  
28 with?

29 A. They used a gun to shoot at him. They hit him with a gun

1 and shot at him.

2 Q. Mr Witness, do you yourself know why Pepe shot the man?

3 PRESIDING JUDGE: Wasn't he ordered to do that by the  
4 commander?

5 MR GRAHAM: Yes. Your Honours, I'm asking why.

6 THE WITNESS: He was giving orders. It was the commander,  
7 our commander, who gave orders for him to shoot at him, and he  
8 shot at him.

9 Q. Earlier on, you mentioned -- is it -- you mentioned -- told  
10 this Court something about palm oil. What role did --

11 A. Yes.

12 Q. -- the palm oil play in the role of killing the man?

13 A. When he was met in the field, they said -- they say you  
14 should go and find palm oil and they should go to town. They  
15 took him to the town. They tied him up. They took him to Banya,  
16 the big man, and the man in the wheel [as interpreted] -- there's  
17 a man in the field, he was --

18 Q. Mr Witness, my question simply was you had mentioned palm  
19 oil earlier on to this Court.

20 A. Yes.

21 Q. I asked you: Why did you mention the palm oil?

22 A. [Limba spoken] so palm oil. We call it palm oil.

23 Q. Okay. Thank you, Mr Witness. Mr Witness, did anything  
24 happen after Pepe killed the man?

25 A. Yes.

26 Q. What happened? Please tell this Court, Mr Witness.

27 A. The man was killed on Friday. Friday, his wife and men  
28 came. They all came. They came where we are sitting. We asked  
29 them why. They said we have no reason to stay here again. They

1 were beaten -- they were beaten. We never knew that the man who  
2 was killed, the wife was there. It was later on we realised it.

3 THE INTERPRETER: Your Honour, the witness is talking too  
4 fast. Let him go slowly.

5 MR GRAHAM:

6 Q. Mr Witness, please take your time. The interpreters have  
7 to interpret your testimony, so take your time, please.

8 Mr Witness, how did you know that this woman that you referred to  
9 was the wife of the man that was killed?

10 A. Well, we were all there together. When the wife came, we  
11 never knew, but we were all staying together. We asked the man  
12 whether they left anything on the way. The man said, "Yes." He  
13 said, "Let's go." This woman who is there, the wife whose  
14 husband was killed, he was leading. We, who were at the back,  
15 were there.

16 Q. Mr Witness --

17 A. And we heard a gunshot.

18 Q. Mr Witness --

19 A. Yes.

20 Q. -- you just told the Court that the woman, whom you  
21 described as the wife of the man who was killed, was leading you.  
22 Where was she leading you to?

23 A. We were going to take our things. We left our belongings  
24 on the way. We were about to go there to collect them, and Pepe  
25 asked, "Those of you who left things in the bush," he said, "did  
26 you leave things in the bush?" I said, "Yes." He said, "Okay.  
27 Let us go."

28 Q. Mr Witness, did you eventually get your things from the  
29 bush?

1 A. They, they who came, they who came, they hid their things.  
2 They hid their things, and they were going for them to come where  
3 we are.

4 Q. I'm asking you, did they get their things from the bush?

5 A. It was on the way that Pepe killed the woman, the wife of  
6 the man who was killed.

7 Q. How do you know, Mr Witness, that Pepe killed the wife of  
8 the man he had earlier killed?

9 A. We saw where he killed the man and he also said, "Let us  
10 go." He led the wife. I heard the gunshot. That was how we  
11 knew that it was Pepe who shot her, also, and he was giving  
12 orders.

13 Q. Thank you, Mr Witness. You said he was giving orders.  
14 What do you mean by that?

15 A. Giving what?

16 Q. You just told this Court that Pepe was giving orders. I'm  
17 asking you, what do you mean by that?

18 A. He was responsible to kill.

19 Q. How do you know that, Mr Witness, that Pepe was responsible  
20 to kill?

21 A. I saw it from one man, a Tamba. We were there. We were  
22 seated --

23 THE INTERPRETER: Your Honour, let the witness repeat  
24 slowly. He's going too fast.

25 MR GRAHAM:

26 Q. Mr Witness, please, the interpreters have had cause to  
27 complain again. Please, take your time when you are speaking.  
28 Mr Witness, did anything happen after the killing of the wife of  
29 the man that had earlier been killed by Pepe? Did anything

1 happen after that?

2 A. One day, a man called Tamba --

3 MR GRAHAM: Your Honours, Tamba, T-A-M-B-A.

4 THE WITNESS: -- killed a cow. It was at Kamasundu.

5 MR GRAHAM:

6 Q. Now, Mr Witness, hold on.

7 MR GRAHAM: Your Honours, Kamasundu is spelled

8 K-A-M-A-S-U-N-D-U. Kamasundu.

9 Q. Mr Witness, please continue with your account.

10 A. He came for us, that we should go and skin the cow.

11 Q. Mr Witness, before you go on, you just said, "He came for  
12 us." Whom are you referring to as "us"?

13 A. Tamba, who killed the cow, who we should go and skin the  
14 cow.

15 Q. Did you go alone with Tamba?

16 A. We were many, we, the civilians.

17 Q. Did anything happen after Tamba came to call you and  
18 others?

19 A. As we were going, we met with a patrol.

20 THE INTERPRETER: Your Honour, let the witness repeat that  
21 name.

22 MR GRAHAM:

23 Q. Mr Witness --

24 A. Yes.

25 Q. -- can you please repeat what you just said and please  
26 speak a little bit --

27 MR GRAHAM: Your Honours, the mic seems to be a little bit  
28 off him. If Court Management could just assist to --

29 THE WITNESS: When we came --

1 JUDGE SEBUTINDE: Mr Graham, the problem is not the mic,  
2 the problem is the speed at which the witness speaks. We can all  
3 hear him. In fact, he's too loud. It's the speed at which he's  
4 talking.

5 MR GRAHAM: Thank you, Your Honours.

6 Q. Mr Witness, please proceed cautiously, and take your time.  
7 You were telling this Court that you met a patrol. A patrol;  
8 what do you mean by a patrol?

9 A. We met with people, those people who held us.

10 Q. How did they hold you, Mr Witness?

11 A. They never held us. We went to skin the cow. They went on  
12 their own -- they went their own way. They went, we remained.  
13 We were there for the whole day.

14 Q. Mr Witness, did anything happen after that?

15 A. That's what I am saying.

16 Q. Mr Witness, the place where you said Tamba came to call you  
17 to go and assist him to skin the cow, do you know the name of  
18 where Tamba took you? Do you know the name of the place?

19 MR HARDAWAY: Objection, Your Honour. I believe he already  
20 said the name of the village where --

21 THE WITNESS: It was Kamasundu.

22 PRESIDING JUDGE: We're going over the same evidence here,  
23 Mr Graham.

24 MR GRAHAM: Thank you, Your Honours.

25 Q. Mr Witness, did you go back -- at any time, did you go back  
26 to Wendedu?

27 A. Yes.

28 Q. When did you go back to Wendedu, Mr Witness?

29 A. At what time? I didn't hear.

1 Q. I asked you, did you go back to Wendedu, and you said yes.

2 I'm asking you that; when did you go back to Wendedu?

3 A. It was on Saturday.

4 Q. When you went back to Wendedu, did you see Commander Banya?

5 MR HARDAWAY: Objection. Leading.

6 PRESIDING JUDGE: Yes, that's leading, Mr Graham.

7 MR GRAHAM: Your Honours, I believe he led earlier

8 testimony before this Court about the presence of commander --

9 PRESIDING JUDGE: It doesn't mean he was still there when  
10 he returned from Wendedu. You're leading.

11 MR GRAHAM: Thank you.

12 PRESIDING JUDGE: And I don't allow the question.

13 MR GRAHAM:

14 Q. Mr Witness, when you got back to Wendedu, did you see  
15 anyone there?

16 A. When we returned?

17 Q. Yes, Mr Witness.

18 A. The big man.

19 Q. And whom are you referring to as the big man, Mr Witness?

20 A. Their commander.

21 Q. And this commander, did he have a name, do you know?

22 A. He was Banya.

23 Q. Thank you, Mr Witness. When you got back to Wendedu and  
24 saw Commander Banya, did anything happen during the time you saw  
25 him?

26 A. That was the time we went to Korkor.

27 MR GRAHAM: Your Honours, Korkor, I believe, is spelled,  
28 K-O-R-K-O-R.

29 Q. Mr Witness, my question --

1 A. Yes.

2 Q. Okay. Do you know how far Korkor is from Wendedu?

3 A. It could be about 5 miles.

4 Q. Thank you. Mr Witness, is there a reason why you went to  
5 Korkor?

6 A. It was not also -- they went there.

7 Q. Who went there?

8 A. The commander and his men. We remained at Wendedu.

9 Q. Do you know why the commander and his men went to Korkor?

10 A. I don't know why they went, but when they came back, they  
11 came with a lot of civilians; men, women. Some were brought  
12 to Mayoar, others Gbengor, others in Timor [as interpreted] and a  
13 lot of them stayed with us.

14 Q. Mr Witness, you just mentioned some names. Can you please  
15 take your time and mention those names?

16 A. When they came, we were at Wendedu. Some left -- they left  
17 some at Mayoar, but the patrol was all the same. Some were  
18 brought to Tio. Some were taken to Gbaima.

19 Q. Mr Witness, hold on.

20 MR GRAHAM: Your Honours, Mayoar is spelt M-A-Y-O-A-R. And  
21 Tio is T-I-O.

22 JUDGE SEBUTINDE: When he says some were taken, what  
23 exactly? Who are these some?

24 MR GRAHAM:

25 Q. Mr Witness, you've mentioned the names of these places and  
26 you told us some people were taken there. Who was taken to these  
27 places that you've just mentioned?

28 A. Those who were caught at Korkor, they were civilians. They  
29 were about to go -- they were about to return when they heard

1 that ECOMOG was coming, and then they met them at Korkor.

2 Q. Mr Witness --

3 A. Yes.

4 Q. -- how did you know that those civilians were from Korkor?  
5 How do you know that?

6 A. When they came, we asked them where they came and they said  
7 they came from Korkor.

8 Q. When you say, "We asked them," whom are you referring to  
9 when you use the word "we"?

10 A. We didn't ask them. They were telling us that they came  
11 from Korkor. You see, they were a lot of people. They were all  
12 civilians.

13 Q. Thank you, Mr Witness. And, Mr Witness, you were just  
14 telling this Court about something relating to ECOMOG when  
15 I interrupted. Please continue with your account. Mr Witness --

16 A. Yes.

17 Q. -- when you told us some of these civilians were taken to  
18 Mayoar and Tio, did anything happen after that?

19 A. I did not see any other thing.

20 Q. Mr Witness, you told us about Commander Banyan. Do you know  
21 the name of any other --

22 A. He was alone. He was the only big man there during that  
23 time. Thank you.

24 MR GRAHAM: Thank you, Your Honours. I don't have any  
25 further questions for this witness.

26 PRESIDING JUDGE: Thank you, Mr Graham. Is there anything  
27 else in chief?

28 MR MANLY-SPAIN: None from me.

29 MR FOFANAH: There is none for the Kamara team as well.

1 Thank you.

2 PRESIDING JUDGE: Thank you. Yes, Mr Hardaway.

3 CROSS-EXAMINED BY MR HARDAWAY:

4 Q. Mr Witness, good morning, sir.

5 A. Yes, good morning.

6 Q. I have a couple of questions for you, sir. Please listen  
7 carefully and answer as concisely and truthfully as possible, all  
8 right?

9 A. Okay.

10 Q. Mr Witness, when you talked about the women and men who --  
11 the big man brought back from Korkor, when you saw them, were  
12 they carrying loads?

13 A. They came here. We all came to town. I didn't see -- they  
14 did not kill anybody there.

15 Q. Mr Witness, I'm not asking if they killed anyone. The  
16 women and men that big man brought back from Korkor, were they  
17 carrying loads?

18 A. Yes, they had loads.

19 Q. Thank you. Now, the men who were with big man during the  
20 time of your testimony, they were a mixed force of RUF and SLA  
21 soldiers, weren't they?

22 A. We -- we don't know their difference. We only see somebody  
23 in a trousers, combat, the clothes being a civilian clothes. You  
24 can see one with a shirt that is combat, and then the civilian  
25 trousers. So, we cannot tell their difference.

26 Q. I put it to you, sir, that the men under the command of the  
27 person you refer to as big man was a mixed force of RUF and SLA  
28 soldiers; what is your response, sir? Did you understand what I  
29 said, Mr Witness?

1 A. I didn't understand.

2 Q. I am putting it to you, sir, that the men under the command  
3 of the person you called big man was a mixed force of SLA  
4 soldiers and members of the RUF. I am asking you for your  
5 response to that statement, please.

6 A. Well, I will tell you that the part in which I was -- if  
7 I'm able -- I would not be able to tell that this was a soldier,  
8 or this one is a rebel. I would be lying for you. I don't know  
9 their difference. They were all mixed up.

10 Q. Thank you, Mr Witness. I thank you for your time over the  
11 past couple of days. I have no more questions for you.

12 MR HARDAWAY: Your Honours, this concludes my  
13 cross-examination.

14 PRESIDING JUDGE: Thank you, Mr Hardaway. Any  
15 re-examination?

16 MR GRAHAM: No, Your Honours.

17 PRESIDING JUDGE: Mr Witness, we'd like to thank you for  
18 coming to Court to give evidence. You will be free to go now.  
19 Please, just sit there for a moment, and the curtains will be  
20 pulled, and you can leave.

21 THE WITNESS: That's good. I thank you, also.

22 PRESIDING JUDGE: Can the Defence tell us what is the  
23 pseudonym of the next witness to come?

24 MR GRAHAM: Your Honours, I believe the next witness is  
25 DAB-135. He will be led by my learned friend Mr Fofanah.

26 [The witness withdrew]

27 MR FOFANAH: Your Honours, he's number 31 on the summaries.

28 MR HARDAWAY: Excuse me, Your Honours. In reference to  
29 what my learned friend said before the beginning of proceedings,

1 he said there were some issues as related to witnesses. I don't  
2 know if now would be an appropriate time to address that, before  
3 the next witness came in.

4 PRESIDING JUDGE: I'll leave that to the Defence.

5 MR HARDAWAY: Very well.

6 MR GRAHAM: I won't really know until WVS comes in and then  
7 I will know exactly what the situation is. I was telling  
8 Your Honours this morning that I went to the witness safe house  
9 this morning, and there seemed to have been a problem with some  
10 of our witnesses; vis-a-vis WVS in respect of some of the issues  
11 relating to their allowances. There are issues relating to  
12 allowances and also, I think, public transportation for them when  
13 they complete their testimony. There wasn't much time for me to  
14 get into the details of that. I believe WVS was working with  
15 them as at the time I left to come to the Court, and that is why  
16 I was late. I don't know what the present position is, but I'm  
17 sure that WVS will be coming in at any moment to brief us as to  
18 what the situation is.

19 JUDGE SEBUTINDE: Mr Graham, is that something you should  
20 bring to the Court's attention, other than telling us the cause  
21 of you being late? Is that something that should take up the  
22 trial time?

23 MR GRAHAM: Your Honours, not exactly. I was saying I  
24 mention it principally because, as at the time I was leaving, my  
25 understanding, as at the time I left, was that some of them were  
26 saying they were not able to come into the Court until WVS had  
27 resolved some of those issues with them. I was also just raising  
28 that in the event there is any delay in respect of this witness  
29 coming in. It might probably be related to that. As I said, I

1 don't know exactly what the situation is in regard to that. I  
2 can only speak of what I know as at the time I left the safe  
3 house. That is what I have to say in regard to this matter.

4 JUDGE DOHERTY: Mr Fofanah, which list is the next witness  
5 on? Is it the 10th May list, or the more recent witness list?

6 MR FOFANAH: The more recent one, Your Honours, the more  
7 recent one. I think he's number 31 on the list, DAB-135.

8 JUDGE DOHERTY: My list number seems to run out at 20. Can  
9 you give me a page number, please?

10 MR FOFANAH: On our record, it is page 27. It was filed on  
11 the 25th.

12 JUDGE SEBUTINDE: Which language will this witness speak?

13 MR FOFANAH: Your Honours, it is annex 2 on the filing of  
14 21st of August 2006. Your Honours, I had similar concerns raised  
15 by this witness, so I'm also not sure if he's here ready to  
16 testify, because, as my learned colleague Mr Graham has indicated  
17 to the Court, they all had similar problems.

18 JUDGE SEBUTINDE: What language will this witness speak?

19 MR FOFANAH: Your Honours, he will testify in Kono.

20 PRESIDING JUDGE: It appears there are no witnesses in the  
21 WVS room at the moment. What do you want us to do, Mr Fofanah?  
22 Do you want to call another witness, or what?

23 MR GRAHAM: Your Honours, we submitted our list of our four  
24 witnesses whom we were expecting to be in Court to testify this  
25 morning, but seeing as there are no witnesses at all in the WVS  
26 room, I am also at a loss as to exactly -- but I will pray,  
27 Your Honours, if Your Honours could probably adjourn for a few  
28 minutes, we will probably get a handle on exactly what the  
29 current situation is, then we could come back quickly to brief

1 Your Honours accordingly.

2 PRESIDING JUDGE: We don't have any option at all but to  
3 have an early tea break. Look, Mr Graham, the Court can only go  
4 so far in relations between the Defence and its witnesses. Try  
5 to sort out what the problem is, and get these witnesses into  
6 Court, will you?

7 MR GRAHAM: Your Honours, I believe this is a matter beyond  
8 us. We have our witnesses. We've done what we have to do. They  
9 are ready to come to Court. Indeed, yesterday, I was in the safe  
10 house working with this witness. I was taken aback by the  
11 developments this morning. I was completely taken aback.

12 PRESIDING JUDGE: There is a transport strike, but what is  
13 so problematical about that?

14 MR MANLY-SPAIN: May it please Your Honour, the problem is  
15 that the witnesses are refusing to come to Court.

16 PRESIDING JUDGE: Well, you can't call them then.

17 MR MANLY-SPAIN: That is simply what is going on, because  
18 they have matters to settle with WVS. It is not our fault that  
19 they are not here. We expect them to be here.

20 PRESIDING JUDGE: All the other problems didn't have any  
21 problem with WVS. Why would these witnesses have a problem?

22 MR MANLY-SPAIN: We don't know. We only heard about it  
23 this morning.

24 PRESIDING JUDGE: Please look into it, will you. This is  
25 intolerable.

26 MR MANLY-SPAIN: We are much obliged.

27 PRESIDING JUDGE: You filed an extra list of about 187  
28 witnesses. Now, we would like to get them on and hear them.

29 MR MANLY-SPAIN: That is what we would like to have happen,

1 Your Honour. We are also surprised, and we want this case to go  
2 on, but this is out of our hands.

3 PRESIDING JUDGE: All right. You make a decision,  
4 Mr Manly-Spain. I don't know what's happened. If they're  
5 demanding unreasonable conditions, you might have to make an  
6 option there.

7 MR MANLY-SPAIN: We'll find out.

8 PRESIDING JUDGE: Thank you.

9 MR MANLY-SPAIN: Much obliged.

10 PRESIDING JUDGE: We're going to have to take an early  
11 morning break. We'll come back at 10.20 and then we'll go  
12 through to the lunch break.

13 [Break taken at 10.00 a.m.]

14 [AFRC11SEP06B - MD]

15 [Upon resuming at 10.52 a.m.]

16 PRESIDING JUDGE: Yes. Well, I understand there is another  
17 Defence witness to be called; is that correct?

18 MR GRAHAM: Yes, Your Honour. Mr Saleem is the chief of  
19 WVS. He was in here, I think, about ten minutes ago, and he made  
20 us understand that one of the witnesses was on his way. But we  
21 still don't think that the witness has yet come in, as of now.

22 PRESIDING JUDGE: Well, we've heard some reports that the  
23 trouble stems from the fact that the witnesses were promised some  
24 money by someone from the Defence. It may or may not have been  
25 an investigator, and that that money has not been paid and that's  
26 why they won't come to Court.

27 MR GRAHAM: Your Honour, I challenge that statement as  
28 being untrue. Indeed, I told Mr Saleem when we came in here.  
29 There is no truth whatsoever in whoever said that. I did tell

1 him, that, indeed, that was the case. We need to know which  
2 particular witness he is talking about. Indeed, I showed him the  
3 list of what complaints the witness put forward this morning and  
4 I told him we need to know which witness.

5 Your Honour, there is no truth whatsoever -- none of our  
6 investigators have promised any of these witnesses anything. I  
7 have been with these witnesses over this weekend. We have been  
8 working towards them coming into court this morning, the whole of  
9 yesterday. I was also there this morning. That is when these  
10 issues came up, which I numbered down. I informed Mr Saleem when  
11 he was here. Indeed, I do challenge him that we need to know who  
12 are these particular witnesses, who he claims has alleged that  
13 Defence investigators promised them money. We need to know that  
14 particular witness, because I have not heard -- that was the  
15 first time I even heard anything of that sort. That was when  
16 Saleem came in here this morning and mentioned that. That is the  
17 first time. It is, indeed, news to me, and we want to know who  
18 this particular witness is.

19 Your Honour, as I have said, as far as I am concerned, the  
20 issues that the witnesses raised fall entirely within issues  
21 between them and WVS. Once they talked about their relocation  
22 allowance, when they were picked up, WVS gave them some money.  
23 When they got back to Freetown, they were given their daily  
24 allowances, and that money was deducted from the daily  
25 allowances. I think nobody probably explained to them it was  
26 going to be deducted. They also mentioned the issue of  
27 communications with their family. Since they are in a safe  
28 house, they don't have any means of communicating with their  
29 families. They also did talk about the loss of earnings and,

1 indeed, I am very familiar with that, because I recall last week  
2 one of our witness testifying, the witness for whom we used  
3 Town C when he testified. After he left, I was summoned to the  
4 safe house. When I got there, he was standing in front of the  
5 building with his luggage. He had not been given any money, and  
6 he told me -- I made it very clear to WVS that he had to go back  
7 that day. Indeed, under the circumstances, we had to arrange  
8 transportation for him to leave.

9 So these are the issues that are coming up in respect of  
10 these witnesses. I believe that, when I was there this morning,  
11 I discussed with WVS and asked them to contact Saleem to try to  
12 resolve it this morning. Indeed, I'm amazed to hear that this  
13 has been attributed to our Defence investigators. Your Honours,  
14 we have been working with these witnesses for over the past few  
15 months, and money has never been an issue. We've explained to  
16 them what we expect of them, and they are here to testify. Not  
17 one single witness that I've interacted with over the weekend,  
18 and indeed this morning, has made any mention to me our  
19 investigators did promise them money. Indeed, it is not the  
20 case, and I think it is a bit unfair for this allegation to be  
21 made at this point in time. We are ready. We have over 20, 25  
22 witnesses in the safe house and more also came in this weekend.  
23 And there are more continuing to come. That is --

24 PRESIDING JUDGE: Well, that is good, Mr Graham. That is  
25 why I gave you an opportunity to say that on the public record.

26 MR GRAHAM: I'm grateful.

27 PRESIDING JUDGE: If you have all those witnesses in the  
28 safe house, can you manage to get at least one to Court so we can  
29 go on with this trial?

1 MR GRAHAM: Yes, Your Honour. Indeed, we have our legal  
2 assistants there. We've been with them on the phone. Indeed, I  
3 also even have spoken to some of the witnesses. My understanding  
4 was is that [redacted], DAB-135, and then DAB-128. My  
5 understanding, the last time I spoke, was they were on their way.  
6 Indeed, when Saleem came in, he made us understand they were on  
7 their way to the courthouse.

8 PRESIDING JUDGE: Look, is it possible for Defence counsel  
9 to actually go and see the witnesses, find out what their  
10 grievances are, see if you can solve them and get them into a  
11 mood where they are prepared to give evidence, rather than sit in  
12 Court here waiting for something to happen.

13 MR FOFANAH: Respectfully, Your Honours, during the break  
14 we had to at least send our legal assistants across. My  
15 understanding is the witness that I'm supposed to lead in chief  
16 is supposed to be here. I mean, that was about five minutes ago.  
17 I don't know if Court Management can check with WVS here to see  
18 if he is around. That is DAB-135.

19 PRESIDING JUDGE: Why doesn't somebody with authority, one  
20 of the Defence counsel, go over and see what is happening to  
21 their witnesses, rather than sending messages?

22 MR GRAHAM: Your Honours, we will do so. We looked at --  
23 also, the time for the break was a bit short and, probably, it  
24 would have been convenient to go in there and come back. But we  
25 are ready and willing to do that once we have the time to proceed  
26 there immediately.

27 PRESIDING JUDGE: I'm grateful for that, Mr Graham. Can  
28 you please see if you can put an end to this dispute once and for  
29 all. It's really not the Court's province to be burdened with

1 problems between Defence counsel and the witnesses they can or  
2 cannot produce.

3 MR GRAHAM: Yes, Your Honours, we will do so and, in the  
4 understanding that we also will have to work with WWS, because I  
5 believe the issues are coming up -- to a certain extent, fall  
6 entirely outside our domain as Defence counsel. But, in terms of  
7 going in there to work with them and create a proper mood, Your  
8 Honours, we will do so, I said, as soon as we are given a short  
9 break. I will proceed myself, together with my learned friends,  
10 to see how best we can do that, because we also feel very  
11 frustrated and we want to go on taking our witnesses.

12 PRESIDING JUDGE: We are talking about the immediate  
13 problem. We intend to order that we get a full report from WWS  
14 about this incident.

15 MR GRAHAM: Yes, Your Honour.

16 PRESIDING JUDGE: Mr Hardaway, anything you would like to  
17 add to the discussion?

18 MR HARDAWAY: As to the general issue, no, Your Honour, but  
19 there is one point which just came to my attention. In my  
20 learned friend's explanation, I believe he had mentioned a name.  
21 I think it may have been attached to a pseudonym of a Defence  
22 witness. I don't know if my learned friend caught that or not.  
23 If that's the case, as it relates to witness security, I just  
24 bring that to my learned friend's attention, for whatever actions  
25 he may deem appropriate.

26 PRESIDING JUDGE: All right. I must say I didn't catch  
27 that name, but I presume you want it redacted from the public  
28 transcript; is that correct?

29 MR GRAHAM: That is so, Your Honour.

1           PRESIDING JUDGE: All right. We will make that order.

2           MR GRAHAM: Your Honours, also, with your kind permission,  
3 I also believe that the witness who testified, DAB-129, in  
4 respect of protective measures for him, I don't believe that we  
5 probably drew the Court's attention prior to his testimony on the  
6 issue of him being given the due protection on a rolling basis  
7 like we have been doing.

8           PRESIDING JUDGE: I am sure we did address that matter.

9           MR GRAHAM: Okay, Your Honours. My learned friends advise  
10 me it was done. Thank you.

11          PRESIDING JUDGE: Well, how much time would counsel for the  
12 Defence need to go across and iron out whatever problems there  
13 still remain?

14          MR GRAHAM: I believe 30 minutes.

15          PRESIDING JUDGE: All right. Mr Court Attendant, can you  
16 go and check to see whether any witnesses have come. Well, I  
17 understand there are no witnesses at all prepared to come.

18          What I want Defence to do is have a witness ready. If  
19 these witnesses that are causing trouble refuse to come, then it  
20 stands to reason that you can't call them. Get some witnesses --  
21 you've said you've got over 20 in the safe house. We want some  
22 witnesses to proceed with this trial. We will give Defence  
23 counsel a chance to personally look into this problem. How long  
24 would you like, Mr Graham?

25          MR GRAHAM: Your Honours, I believe 45 minutes should do  
26 fine.

27          PRESIDING JUDGE: Forty-five minutes. It's all dead time.  
28 We will give you the 45 minutes. We want you to come up with a  
29 witness. If these other witnesses won't give evidence, then that

1 is your problem.

2 MR GRAHAM: Your Honours, I do agree. I believe, in the  
3 circumstances, with great respect, the issues that the witnesses  
4 are raising are issues that fall outside the purview of the  
5 Defence. We will go in and do our best to --

6 PRESIDING JUDGE: If the conditions laid down by WVS are  
7 not good enough for these witness, you find some witnesses that  
8 they are good enough for, and bring them to Court. That is what  
9 I'm saying. You've managed to produce 45 witnesses so far  
10 without any such dispute. Produce some more that are willing to  
11 accept the conditions.

12 MR GRAHAM: Very well, Your Honours. Very well, Your  
13 Honours. We will proceed and then report back to the Court.

14 PRESIDING JUDGE: All right. We will adjourn until 11.45.

15 [Break taken at 11.05 a.m.]

16 [AFRC11SEP06C - MD]

17 [Upon resuming at 12.15 P.M.]

18 [The witness entered court]

19 PRESIDING JUDGE: Well, I see the Victims and Witnesses  
20 Unit is here. We wanted to say this in open Court, because the  
21 Defence have said certain things in open Court as well. So we  
22 want whatever is said put down on the Court record. Now, we have  
23 a witness, we don't have any Defence Lawyers. What's going on;  
24 do you have any idea?

25 MR VAHIDY: Your Honour, first I would like to apologise  
26 for what happened this morning. I could give you the facts.

27 PRESIDING JUDGE: Well, don't do that in the absence of the  
28 Defence. I want to know if anybody has seen any Defence Lawyers.

29 MR VAHIDY: I have no idea about Defence counsel, sir.

1           PRESIDING JUDGE: You haven't seen any of them with the  
2 witness?

3           MR VAHIDY: Not in the recent past.

4           MR FOFANAH: We are very sorry, Your Honour. We are trying  
5 to talk to the other witnesses about their complaints and  
6 grievances to ensure that a recurrence of what happened this  
7 morning will be stopped, at least for now.

8           My other colleagues are on their way and, unfortunately,  
9 Mr Spain's gown is right here. So that has to be sent to him so  
10 that he can dress and come.

11          PRESIDING JUDGE: Well, you did ask for 45 minutes,  
12 Mr Fofanah. We've given you an hour and a quarter so far.

13          MR FOFANAH: Yes, Your Honour, and we appreciate that. I  
14 was just saying we didn't want a recurrence. As much as we tried  
15 as much as we can to have two witnesses, we needed to talk to the  
16 other witnesses to ensure we have a smooth flow, so that the  
17 trial is not disrupted in the future. We appreciate the Court's  
18 patience and indulgence.

19          PRESIDING JUDGE: We will wait for a minute. If  
20 Mr Manly-Spain is outside waiting for his gown; is that correct?

21          MR FOFANAH: Yes, Your Honour. Thank you.

22          PRESIDING JUDGE: Was he outside Mr Fofanah?

23          MR FOFANAH: He is in, Your Honours.

24          PRESIDING JUDGE: All right. We have present in Court  
25 Mr Vahidy from the witnesses and victims section who wanted to  
26 say a few words on this morning's incident.

27          MR VAHIDY: Thank you, Your Honour. Actually, I was away  
28 from here and I returned last night. Normally I get the chance  
29 to meet every witness, but it did not happen this time.

1 I could, without sort of going to too much detail --  
2 firstly, the first two witnesses who are next on the list are now  
3 present in the waiting room. There was some, at best, I can say,  
4 a lack of communication. There were certain misconceptions in  
5 the minds of the witnesses regarding what we provide by way of  
6 fees and attendance allowances and emoluments, and there were  
7 some misconceptions. They felt that all these things applied to  
8 every witness, like, remuneration for lost wages, like, a  
9 relocation allowance, like, daily allowance. There were one or  
10 two small problems which were that, when we collect witnesses, we  
11 had only entitled to pay them according to the practice  
12 directive, 16,000 leones per day, the time they are present with  
13 us for testimony. But when they leave their families, an  
14 informal methodology has been adopted, and it has been carrying  
15 on right from the beginning, that we leave them a small advance  
16 from our impress fund, which they leave for the care of their  
17 family, and when they come here for testimony and they get their  
18 first or second daily allowance, we deduct it from that. Because  
19 there is no provision, as such, for leaving moneys with the  
20 families when witnesses come to testify, but this is a  
21 [indiscernible] media we have adopted. So there was a certain  
22 amount of resentment amongst the witnesses why this money was  
23 deducted when they were paid. This has been clarified.

24 They wanted some more assurances that, after testimony,  
25 because it is a bit difficult for us, we almost have 42 witnesses  
26 at present, that as and when witnesses finish their testimony, we  
27 try and sort of get them back fairly quickly. It's not  
28 immediate. They say we need one day, two day for shopping and  
29 things like that. We always allow that and facilitate that but,

1 because of the numbers, maybe there was a bit of undue haste,  
2 maybe, on our part, but it was nothing which was too much out of  
3 the ordinary.

4 So these small issues, they said we need very regular phone  
5 calls to call our families. We said you will have it. So it was  
6 more like a studied decision amongst witnesses maybe to see what  
7 they can work, but I think we have gotten over it. I can just  
8 say I'm sorry that it came to this, that we had to waste valuable  
9 Court time in getting this done. Actually, there is nothing more  
10 I want to say.

11 PRESIDING JUDGE: All right. Thank you, Mr Vahidy. Well,  
12 anybody on the Defence wish to add anything to that?

13 MR MANLY-SPAIN: We would all like to say we are grateful  
14 for the assistance given by WVS. We are satisfied with the  
15 assurances that they will look into the matter, that we will not  
16 have this problem any more.

17 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Anything you  
18 wanted to say, Mr Hardaway?

19 MR HARDAWAY: Nothing, Your Honour.

20 PRESIDING JUDGE: All right. We've lost virtually half a  
21 day's hearing time today. We've heard the explanation and,  
22 hopefully, it's not going to occur again.

23 In conclusion, I would simply mention what we indicated  
24 this morning: The ultimate burden of bringing a witness into  
25 Court to give evidence for the Defence rests on the Defence. If  
26 a witness is unwilling to give evidence, for whatever reason,  
27 it's the responsibility of the Defence to decide what the next  
28 step is going to be. It's nobody else's responsibility.

29 What we want to impress upon the Defence is if anything

1 like this happens again, please have witnesses in reserve you can  
2 call, if the scheduled witness is unable to give evidence, and I  
3 say unable to give evidence for any reason. We are not  
4 interested in apportioning blame. The Court, really, is not  
5 interested in the behind-the-scene arrangements that all come  
6 together to get at witness into the witness box. We are  
7 interested in hearing evidence from witnesses that the Defence  
8 call.

9 So if there are problems like this in future, we would  
10 expect the Defence to have a reserve witness ready and waiting to  
11 get into the witness box. Instead of wasting half a day, we  
12 could have heard another witness, perhaps.

13 All right. Well, thank you. Who is taking this next  
14 witness?

15 MR FOFANAH: Fofanah, Your Honours.

16 PRESIDING JUDGE: This is still the witness you mentioned  
17 this morning?

18 MR FOFANAH: DAB-135, and he will be testifying in Kono.

19 JUDGE SEBUTINDE: Mr Court Attendant, are you going to  
20 swear this witness?

21 PRESIDING JUDGE: Mr Hardaway?

22 MR HARDAWAY: Yes. Your Honour, just as a point of  
23 information, this witness is one of the witnesses who is outside  
24 the rolling 21-day period, as discussed by my colleague, Mr Agha  
25 on Friday. So just to put the Court on notice that this is one  
26 of those witnesses that was discussed.

27 PRESIDING JUDGE: Well, you have your 21 days, Mr Hardaway.

28 MR HARDAWAY: Understood, Your Honour.

29 PRESIDING JUDGE: Mr Vahidy, thank you for coming to Court.

1 We won't hold you up if you have other things to do, but if you  
2 want to stay, you are more than welcome.

3 MR VAHIDY: Thank you, Your Honour. You're very kind. I  
4 think I will excuse myself.

5 PRESIDING JUDGE: That applies to the Deputy Registrar as  
6 well.

7 MR FOFANAH: Your Honours, just before the witness  
8 testifies, there is also this issue of protective measure for the  
9 witness in the interim. I don't know if you would like to  
10 address that before he takes the oath.

11 PRESIDING JUDGE: This witness was not on the original  
12 list; is that correct?

13 MR FOFANAH: Very well, Your Honour.

14 PRESIDING JUDGE: No, I'm asking you.

15 MR FOFANAH: No, he was not.

16 PRESIDING JUDGE: All right. We are told this witness was  
17 not on the original order granting protective measures, so we  
18 will order that the protective measures given in the decision of  
19 this Trial Chamber on the joint Defence application for  
20 protective measures for Defence witnesses, dated 9 May 2006,  
21 shall also apply to this witness.

22 MR FOFANAH: Grateful, Your Honour.

23 WITNESS: DAB-135 [Sworn]

24 [The witness answered through interpreter]

25 EXAMINED BY MR FOFANAH:

26 MR FOFANAH:

27 Q. Mr Witness, can you kindly lift the mic a bit so that you  
28 can speak into the mic. Mr Witness, you are a Sierra Leonean and  
29 Kono by tribe.

1 A. Yes.

2 Q. You attend the xxx xxx Secondary School at Fiama  
3 Chiefdom, Kono District.

4 A. Yes.

5 Q. And that school is at xxx Town.

6 MR FOFANAH: xxx, Your Honours, I think we have had  
7 that before. It is xxx [sic].

8 JUDGE SEBUTINDE: Could you kindly repeat the name of the  
9 school?

10 MR FOFANAH: xxx xxx Secondary School. xxx is  
11 xxx. xxx, xxx.

12 Q. Mr Witness, that school is at xxx Town in the Fiama  
13 Chiefdom, Kono District?

14 A. Yes.

15 Q. You are presently 18 years old.

16 A. Yes.

17 Q. You also attended at primary school at xxx Town, in  
18 Fiama Chiefdom, Kono District.

19 A. Yes.

20 Q. Now, how old were you when you started attending this  
21 primary school at xxx Town?

22 A. Well, I was in my fifth year.

23 Q. Do I take it that you were five years old?

24 A. Yes.

25 Q. Now, do you recall the first day of attending primary  
26 school?

27 A. I went on one day.

28 Q. Do you recall the year?

29 A. I can't remember.

1 Q. Now, when you went to school on that day, do you recall  
2 anything happening?

3 A. Yes.

4 Q. Please tell the Court what you recall?

5 A. Well, the first day I went to school, when they gave my  
6 name to the headmaster and the headmaster agreed and showed me my  
7 class, class one.

8 THE INTERPRETER: Your Honours, the witness is going too  
9 fast.

10 MR FOFANAH:

11 Q. Hold it, hold it, Mr Witness. Please go slowly and I  
12 particularly want you to tell us if anything important --  
13 anything significant, apart from the normal registration, which  
14 you do recall, happened on that day.

15 A. Yes, something happened.

16 Q. Please tell us, apart from the normal registration.

17 A. Well, whilst there at school, I saw my mothers coming  
18 towards us saying, "Bad people have come." They told our  
19 headmaster to release us. Before we left our school to reach our  
20 houses, we heard the shooting so we ran into the bush.

21 Q. Okay. Like I said, go slowly. What do you mean by "bad  
22 people," or what do you understand?

23 A. They said rebels.

24 Q. And was this at Jagbwema Town?

25 A. Yes.

26 Q. So when your mother came to the school, where did she take  
27 you to?

28 A. We ran away. We fled into the bush, until we reached  
29 Kissy Town.

1 MR FOFANAH: Kissy Town, K-I-S-S-Y, Your Honours.

2 Q. Now, how far is Kissy Town from Jagbwema Town?

3 A. As for me, I cannot tell because I was very small.

4 Q. Okay. These people that you refer to as bad people, did  
5 you see them yourself?

6 A. Well, on the first day, I did not see them.

7 Q. Did you later see them?

8 A. At the time we left, when the last attack was made, that  
9 was the time I saw them, because that was the time I was  
10 captured.

11 Q. Okay. Now, before I come to the time you were captured, do  
12 you know if these bad people belonged to any group or  
13 organisation, that you can recall?

14 A. Well, I cannot say anything about that because I did not  
15 see them with my eyes at that time.

16 Q. But did you hear about them?

17 A. Yes, I heard about them, saying that they are the rebels.

18 Q. Okay. Now, do you recall the year 1997, May 1997?

19 A. Yes, I can recall.

20 Q. What do you recall in May 1997?

21 A. What I can recall, whilst we were at Jagbwema Town,  
22 together with the soldiers, they had the combats -- their leader,  
23 he had badges on both shoulders. So while we were there --

24 THE INTERPRETER: Your Honours, the witness is going too  
25 fast.

26 MR FOFANAH:

27 Q. Mr Witness, like I told you, please go slowly. They are  
28 interpreting what you are telling the Court, and please talk into  
29 the mic so that you are audible enough.

1 JUDGE SEBUTINDE: And, Mr Interpreter, you also, we are  
2 having problems understanding what you are saying. Please speak  
3 clearly.

4 THE INTERPRETER: Yes, Your Honours.

5 MR FOFANAH:

6 Q. Okay. So you were telling the Court what you recall  
7 happened in 1997, and you said there were soldiers in your town  
8 and their leader had buttons on both shoulders. Do you know  
9 whether the soldiers belonged to any group, that you can recall?

10 A. Well, I saw -- what I heard, they used to call them  
11 soldiers. They used to call them soldiers, but I never knew  
12 whatever soldiers they means.

13 Q. So when you saw them, did anything happen in your town?

14 A. Yes, something happened. Because, when they left, they  
15 spent the whole of the day there and passed the night there. And  
16 the following morning, while -- we did not see them. There was a  
17 panic. We were there in the town when the town was attacked, but  
18 at the time the attack was taking place, the soldiers had already  
19 gone. The time the attack happened, I was not there. My father  
20 had told me to go and harvest coffee, so I'd gone there.

21 Q. And you said these soldiers took only one day in the town  
22 before they vanished?

23 A. They spent the day there. They passed the night. In the  
24 morning, when we woke up, we did not see them. They said they  
25 had returned that night.

26 Q. So you also spoke about an attack. What was the attack?

27 A. Well, the way the attack happened, we were in the town and  
28 we saw people come from Gbetema end, running. And they came and  
29 they said, "Now we've left the rebels behind." My father did not

1 complete what they were saying when the town was attacked. So  
2 when the town was attacked, we run away and we went into our  
3 coffee. We were in our coffee farm. We were there until I was  
4 captured. In fact, we were many who were captured.

5 Q. Okay.

6 A. Twenty of us.

7 Q. Hold it there.

8 MR FOFANAH: Gbetema, Your Honours, is spelled  
9 G-B-E-T-E-M-A.

10 Q. So now, before you ran into your coffee farm, did you see  
11 those who attacked?

12 A. Well, yes. We saw them, because the area we came from,  
13 they came from behind us. And the way they were, the combat that  
14 they had on, it was assorted. Someone would wear a combat shirt  
15 and a civilian trousers, or sometimes the combat trousers and  
16 civilians clothes.

17 Q. Do you know if these rebels had any commander, any leader?  
18 Was anyone in charge of them?

19 A. Well, where we were captured, the first -- the person that  
20 was leading them at first was called Killer. They said he was  
21 their commander.

22 MR FOFANAH: Killer, Your Honours, is K-E-L-L-A-H [sic].

23 Q. Now, I'm still talking about the attack before you ran into  
24 the bush. Do you know if they belonged to any organisation? Did  
25 you hear about the rebels belonging or --

26 A. Well, the time we were running away, I just looked at them  
27 quickly, but I thought -- I just ran away. I couldn't tell their  
28 distinction.

29 Q. Did they carry any arms?

1 A. Yes, they had guns.

2 Q. And do you know if they finally entered your town, Jagbwema  
3 Town?

4 A. Yes, they entered because, the area where we were on the  
5 hills, we used to see fire in the town.

6 Q. Now, where did you run to when you left the town?

7 A. When we left the town, we went into our coffee plantation.

8 THE INTERPRETER: Can I learned counsel please - I think he  
9 called a name that I did not get clearly.

10 MR FOFANAH:

11 Q. Can you go over the name of the place you told the Court  
12 about just now, the place that you ran to?

13 A. It's called Mansion. Mansoneh [as interpreted].

14 THE INTERPRETER: Your Honours, can we confirm the name  
15 that the witness is using with my colleagues?

16 MR FOFANAH:

17 Q. Can you go over the name again, Mr Witness?

18 A. I said -- okay, we brushed under the coffee plantation.  
19 That is where we stayed and we used to call that place Mansion.

20 Q. Do you know how far that was from Jagbwema Town?

21 A. Yes. It could be a mile plus.

22 MR FOFANAH: Your Honours, respectfully, we are having some  
23 other background. I hope that doesn't affect the records because  
24 I heard someone say one, and the other said ten. Just for the  
25 records, the interpretation.

26 PRESIDING JUDGE: Yes, Mr Interpreter, there are two voices  
27 coming over and it's confusing. You've just heard what counsel  
28 said.

29 THE INTERPRETER: It's a mile plus.

1 MR FOFANAH:

2 Q. So you said you ran to the coffee plantation with many  
3 other people. Whilst at the plantation, did anything happen,  
4 which you can recall?

5 A. Yes, something happened that I can remember, because when  
6 we ran away and went into that coffee plantation, my mother told  
7 my elder sibling to go and fetch water and when they went  
8 there --

9 THE INTERPRETER: Your Honours, the witness is speaking  
10 very fast.

11 MR FOFANAH:

12 Q. Mr Witness, again, go slowly. I mean, go as slowly as you  
13 can. As long as you are audible enough, we will get what you are  
14 saying. Go slowly, please. Yes, so what happened to your elder  
15 sibling, who was sent to go and fetch water?

16 A. I did not go to fetch water. It was my elder sibling who  
17 went to fetch water and they chased them there and they came  
18 running and somebody -- one person among them came and told us  
19 that these people have come, so we too ran away.

20 Q. So when you said one person came back, who was the person?  
21 Without calling his or her name.

22 A. A woman.

23 Q. Did your sister come back?

24 A. Yes.

25 MR WAGONA: This sister has not been mentioned before, Your  
26 Honours.

27 JUDGE SEBUTINDE: The elder sibling.

28 MR FOFANAH: I will rephrase that. I will rephrase.

29 PRESIDING JUDGE: All right.

1 MR FOFANAH:

2 Q. Now, this elder sibling that you mentioned, was that person  
3 a woman or a man?

4 A. A woman.

5 Q. Now, did she come back after fetching the water?

6 A. Yes. She returned and told us that they've come.

7 Q. And what do you mean when you said "they've come?" Who has  
8 come?

9 A. Well, she said that the rebels had come. So when she said  
10 they've come, she meant the rebels. Those people who had chased  
11 us out were the same people who were again chasing us.

12 Q. Did they finally reach the Mansion at the coffee  
13 plantation, the rebels?

14 A. Yes, they reached there.

15 Q. Did you see them?

16 A. I saw them.

17 Q. How were they dressed?

18 A. They had on assorted dresses. Sometimes they had on a  
19 uniform shirt and civilian trousers. If the person had on the  
20 military trousers, he will be wearing a civilian shirt.

21 Q. Now, did they finally arrive at the Mansion, where all of  
22 you were?

23 A. Yes, they reached there.

24 Q. And did anything happen, which you can recall, upon their  
25 arrival?

26 A. When they arrived there, they captured us, because we were  
27 running away and they said we should hide, and they said if we go  
28 beyond that point they will kill us. So we stopped.

29 Q. How many of you were captured by the rebels?

1 A. Twenty of us.

2 Q. Now, do you know how old you were when this happened, when  
3 you were captured?

4 A. The time I was captured? At that time we were in the bush,  
5 it was not up to a year, but I was in my -- I was in my seventh  
6 year.

7 Q. So, Mr Witness, who captured you?

8 A. The person who captured me was called Black Jesus.

9 Q. And do you know if Black Jesus had any commander, anyone in  
10 charge of him?

11 A. He had a boss.

12 Q. Do you know the name of the boss?

13 A. That's the name I called a while ago. I said Killer.

14 Q. Can you go over that again? Is it -- please go over the  
15 name again. Killer?

16 A. Killer, Killer.

17 Q. Your Honours, I think instead of Kellah, it should actually  
18 be Killer. K-I-L-L-E-R. So do you know if these -- at this  
19 time, I mean when you were captured, do you know if the rebels  
20 belonged to any faction or any group or organisation?

21 MR WAGONA: Objection, Your Worships. The witness had  
22 answered --

23 PRESIDING JUDGE: There are no Worships here. This is a  
24 slightly higher court.

25 MR WAGONA: Your Honours, sorry, but I was saying that the  
26 witness has already been asked that question and he has answered  
27 it, Your Honours.

28 MR FOFANAH: Respectfully, that was with regards to the  
29 earlier attack. I mean, I was just trying to see if it was the

1 same group of rebels that came to the Mansion, and I'm trying to  
2 confirm for the second time if this particular group belonged to  
3 any group or organisation.

4 PRESIDING JUDGE: Yes, go ahead. You can ask that  
5 question.

6 MR FOFANAH: I am grateful, Your Honour.

7 Q. So do you know if the group which was commanded by Killer,  
8 and to which Black Jesus belonged, do you know if they had any  
9 name?

10 A. Well, I -- the only name I knew was that they were rebels.  
11 I did not know where they came from or what they were. The only  
12 name I knew was rebels.

13 PRESIDING JUDGE: Well, Mr Fofanah, I know we haven't sat  
14 for very long but I am conscious of the fact that the detainees  
15 have got certain luncheon arrangements that I don't really want  
16 to interfere with. So we might adjourn now and we will resume at  
17 the normal time of 2.15. Is that satisfactory, or do you want to  
18 develop this point?

19 MR FOFANAH: I will just ask one question and then hang it  
20 on that, Your Honour.

21 Q. So, Mr Witness, you have told the Court that 20 of you were  
22 captured. Now, did the rebels, who captured you, stay at the  
23 Mansion?

24 A. Those who captured me, if they stayed at the mansion?  
25 Well, when we were captured, when they captured the 20 of us,  
26 they were there but, in fact, they are not included in that  
27 number. Those of us who were captured, that 20, in fact, they  
28 weren't there. There were many.

29 Q. Did they stay, did they stay at the plantation for a while?

1 A. Well, when we were captured, we did not stay long and they  
2 told us to go to town.

3 MR FOFANAH: I will stop there at this point, Your Honours.  
4 I am grateful.

5 PRESIDING JUDGE: It's all right.

6 Q. Mr Witness, just to get your evidence into its right  
7 perspective, you were seven years old when all this was  
8 happening, is that correct?

9 A. Yes, I was seven because I asked my mother and that was  
10 what she told me.

11 PRESIDING JUDGE: I understand. Well, look, we are going  
12 to have a break for lunch now. I have to tell you, you are not  
13 allowed to talk about the evidence, or the case, with any other  
14 person while you are in the course of giving evidence yourself.  
15 Is that clear? Did you understand what I just said?

16 THE WITNESS: Yes, I understood.

17 PRESIDING JUDGE: And is it clear to you, what I just told  
18 you?

19 THE WITNESS: Yes, I do.

20 PRESIDING JUDGE: We will adjourn the Court until 2.15.

21 [Luncheon recess taken at 12.50 p.m.]

22 [Upon resuming at 2.17 p.m.]

23 PRESIDING JUDGE: Go ahead, Mr Fofanah.

24 MR FOFANAH: Thank you, Your Honour.

25 Q. Good afternoon, Mr Witness.

26 A. Good afternoon.

27 Q. Mr Witness, we stopped off at the point where you told the  
28 Court that after capturing you, the rebels took you to Jagbwema  
29 Fiama Town -- Jagbwema Town, sorry, not Fiama -- Jagbwema Town;

1 do you recall that?

2 A. Yes, I can recall.

3 Q. Now, before you were taken to the town, apart from  
4 capturing you at Mansion, that is the plantation, did the rebels  
5 do anything there at the Mansion?

6 A. Well, they did something, but there were two people,  
7 because my elder sister was there, she was pregnant. One of them  
8 said, "This pregnant woman is carrying a baby boy in her  
9 stomach." The other said, "No, it's a female."

10 THE INTERPRETER: Your Honour, the witness is talking very  
11 fast.

12 MR FOFANAH:

13 Q. Please, please, Mr Witness, go as slowly as you can. I  
14 mean, probably you talk fast much earlier, but please try to go  
15 slow. They are trying to interpret what you're saying. Now,  
16 you've just told the Court that your sister was pregnant, and  
17 there was argument about it. Yes, please continue from that  
18 point.

19 A. Then they said they should open her stomach. Then their  
20 boss, Killer said, "That is not why we came here. We should not  
21 open her stomach, because if we did, she will die."

22 Q. So did anything happen to your sister, as a result of that?

23 A. No, they did not do anything to her, because he had said  
24 they should not do anything to her.

25 Q. So when you returned back with the rebels to Jagbwema Town,  
26 did you go with your sister?

27 A. No, we did not go together. They released them, that they  
28 should go.

29 Q. How many of you were taken to Jagbwema Town by the rebels?

1 A. We were 13 who were brought to town.

2 Q. When you came back to Jagbwema Town, did you meet people  
3 there?

4 A. We met other civilians there who had been captured, and the  
5 rebels, they were the only people who were there.

6 Q. So did anything happen when Killer and Black Jesus brought  
7 you to town?

8 A. Yes.

9 Q. Please go on.

10 A. When we were brought to town, we were divided. Men on one  
11 side, and women on the other side. And I was called up, and I  
12 went. And he asked me, "Why did you go to the bush?" Then I  
13 said, "Well, when we were here, our food had been exhausted. So  
14 our father said that we should go into the coffee plantation to  
15 find food. But, before that, we heard gunshots and that was why  
16 we ran away."

17 Q. So to whom did the rebels take you when you arrived at  
18 Jagbwema Town?

19 A. Major Kangoma.

20 MR FOFANAH: Kangoma, Your Honours, is spelt K-A-N-G-O-M-A.

21 Q. Who was Major Kangoma?

22 A. Well, he was a Mende man but he, too, was a rebel.

23 Q. How did you know that he was a rebel?

24 A. The way I knew that he was a rebel, when he saw me, he  
25 called me and asked me why I went to the bush and, when I  
26 explained, he said I was telling lies. He hit me with a gun butt  
27 and kicked me; then I went and fell.

28 Q. Now, do you know if the rebels, whom you met in town, had  
29 any overall commander?

- 1 A. Well, it was only Kangoma that I knew as their leader.
- 2 Q. Do you know if Major Kangoma belonged to any armed group?
- 3 A. It was -- it is only one group that I knew, that rebel  
4 group. I did not know any other group.
- 5 Q. Now, once again, do you know if this rebel group had any  
6 name, around this time?
- 7 A. No.
- 8 Q. So what else happened in Jagbwema Town after you had been  
9 interrogated by Major Kangoma?
- 10 A. Well, those of us who were there, the gentlemen, they -  
11 amongst us, they took one man -- they took one away and killed  
12 him.
- 13 Q. Who took the man away?
- 14 A. Well, I did not know his own name. They only said that  
15 this man is being too panicky, something must be done with him.  
16 That's why they took him and went and killed him.
- 17 Q. Okay. The first question is: Who took the man away?
- 18 A. The person who took him away was also a rebel.
- 19 Q. The man who they took away, was he a rebel or a civilian?
- 20 A. He was a civilian.
- 21 Q. And was he killed by the rebels?
- 22 A. Yes, they killed him.
- 23 Q. How did you know that?
- 24 A. Because when they took him away, they did not take him far  
25 away and they shot him. And when they shot him -- when they shot  
26 him, they came back and said they had killed him.
- 27 Q. The man who killed this civilian, do you know if he was  
28 taking instructions from anyone?
- 29 A. Yes, I was there.

1 THE INTERPRETER: Your Honours, that was not very clear.

2 Let him repeat.

3 MR FOFANAH:

4 Q. Did the rebel who killed the civilian take instructions  
5 from anyone, that you know?

6 A. Yes, he was taking it from somebody. Somebody would send  
7 him to go and do something and he would go and do that thing.

8 Q. Do you know that person from whom he took instructions?

9 A. Well, he, too, was an elder but I did not know his name.

10 Q. So did anything happen to you in Jagbwema Town, apart from  
11 what you've explained to the Court?

12 A. Yes.

13 Q. Please tell the Court.

14 A. Captain Death Squad came and took us, three of us, I, and  
15 my elder sister and my younger sister, and they said we should go  
16 and pound a drum of rice, husk rice.

17 Q. Where did Captain Death Squad take you to?

18 A. In that same Jagbwema Town, but we were upwards towards the  
19 chief's compound.

20 Q. Who was Captain Death Squad?

21 A. He, too, was a rebel.

22 Q. Now, did you pound the rice -- was the rice provided, the  
23 one drum husk rice, by Captain Death Squad?

24 A. He gave it to the three of us and all three of us pounded  
25 the husk rice completely.

26 Q. How long did that take you?

27 A. When we started during the day, we continued until  
28 nightfall, under the moonlight.

29 Q. Apart from that, did you do anything else under the

1 instruction of Captain Death Squad?

2 A. Ah --

3 THE INTERPRETER: Your Honours, can he please repeat his  
4 answer?

5 THE WITNESS: They sent us also to go and launder some  
6 clothes for them, so when we went, they -- as we were going, they  
7 sent some people after us, and we went and did the laundering and  
8 we returned.

9 MR FOFANAH:

10 Q. Do you know if Captain Death Squad was answerable to anyone  
11 in town?

12 A. I did not know that because he, too, was a boss, but I did  
13 not see him taking instructions from anybody.

14 Q. Now, throughout your stay in Jagbwema Town, upon your  
15 return, do you know how these rebels were dressed?

16 A. Yes. They were still dressed in this -- their assorted  
17 attires, just like I said a while ago. If somebody had on a  
18 military trousers, he would be putting on a civilian shirt. If  
19 he had on a military shirt, he would be having on military  
20 trousers.

21 Q. How long did you take in Jagbwema Town with the rebels?

22 A. Well, on that day we were captured, we slept there and we  
23 spent that day pounding that rice and when, the next day when  
24 they brought us, they took us to Tueyor and, at Tueyor, when we  
25 arrived there, they asked us to pound a bucket of rice each, and  
26 we did that as well.

27 MR FOFANAH: Tueyor, Your Honours, is spelt T-U-E-Y-O-R.

28 Q. How far is Tueyor from Jagbwema Town, if you know?

29 A. It could be 3 miles.

1 Q. Apart from pounding the rice in Tueyor, did you do anything  
2 else there?

3 A. Yes. They sent us to go and launder some clothes, because  
4 when we went there, we met some dirty clothes so they asked us to  
5 go and launder them. While we went and did the laundry, in fact,  
6 when we were working, they didn't feed us.

7 Q. Do you recall what year it was when all of this happened to  
8 you, both in Jagbwema Town and Tueyor?

9 A. No, I cannot remember that.

10 Q. Do you know what government was in power around this time  
11 in Sierra Leone?

12 A. At the time that we were captured and were with them?

13 Q. Yes.

14 A. I did not know that. I did not know that.

15 Q. Whilst with the rebels, did you hear, or did you hear the  
16 words AFRC?

17 A. Well, even if they said it, I cannot remember.

18 Q. Did you also hear the words RUF?

19 PRESIDING JUDGE: Well, that question is not correct. You  
20 say did he also hear. He hasn't said he heard anything, let  
21 alone make it plural.

22 MR FOFANAH: I'm very grateful for that. I'm sorry for the  
23 confusion.

24 Q. Apart from not hearing the words AFRC, did anyone mention  
25 the words RUF to you?

26 A. Yes, I heard that one.

27 Q. What did you hear about the RUF?

28 A. Well, they used to say RUF, RUF. When they say RUF, it's  
29 rebels. That's what they were saying. I did not know what it

1 meant, whether it meant anything at all, apart from that.

2 Q. Who said RUF to you?

3 A. They are young boys who were among them. When they were  
4 going around, if they found us sitting down, they would call us  
5 and they would tell us, "If you say you are going to run away,  
6 we'll kill you. We are RUF. If you say you are going to escape,  
7 we'll kill you. We are RUF." That was what they were saying.

8 Q. And were these young boys rebels, to the best of your  
9 knowledge?

10 A. They were rebels.

11 Q. Were they armed?

12 A. Yes, all of them had.

13 Q. Now, how long did you spend at Tueyor?

14 A. Well, we were in Tueyor for three days. On the fourth day,  
15 they said we should go to Kailahun. They arranged some loads for  
16 us, and they said we should take them to Kailahun.

17 Q. Who arranged loads for you to take to Kailahun?

18 A. The rebels.

19 Q. Did you go to Kailahun with the rebels?

20 A. Yes, we went. Yes, we went.

21 Q. Did you arrive at any particular place in Kailahun, that  
22 you can recall?

23 A. Yes.

24 Q. What was the place called?

25 A. Buedu.

26 Q. When you arrived at Buedu, did you meet anyone there?

27 A. When I arrived at Buedu, we met the rebels there. We met  
28 civilians there. Those people who were captured initially, in  
29 fact, we met them there.

1 Q. When you say you met the rebels there, what do you mean by  
2 rebels?

3 A. Those who captured us, their colleagues. They were there.

4 Q. Do you know how those rebels whom you met at Buedu were  
5 dressed?

6 A. Just like the others. That's how they, too, were dressed.

7 Q. Now, apart from Buedu, did you go anywhere else in  
8 Kailahun?

9 A. Yes. There was one village there called Farandu.

10 MR FOFANAH: Farandu, Your Honours, F-A-R-A-N-D-U.

11 Q. How far was Farandu from Buedu?

12 A. I can't say anything about that, because I did not know the  
13 place.

14 Q. Did anything -- did you do anything in Farandu?

15 A. Yes, we went there, and it took us -- they used to take us  
16 to the farm to scare birds away. That's what we would do for the  
17 rest of the day.

18 Q. If you can recall, how long did you take in Kailahun?

19 A. Well, I was there for two days.

20 Q. Do you mean Kailahun Town?

21 A. No. It was not Kailahun Town itself, but they used to say  
22 Kailahun. Kailahun Chiefdom. That's where we were because the  
23 town itself, I cannot say Kailahun, if I had not gone there.

24 Q. Okay. So did you go anywhere else apart from Farandu and  
25 Buedu?

26 A. Well, they used to take us to a place, to some villages,  
27 but I don't know their names, and they were speaking Mende. They  
28 were just speaking Mende, and I do not understand Mende, so I  
29 wouldn't know the names of these villages and towns.

1 Q. Did anything happen to you whilst you were in these places  
2 that you have mentioned?

3 A. Well, in Farandu, when I was there, I fell ill, and we  
4 really worked for them. Sometimes we would work for the whole  
5 day, and the food that they used to give us had no sauce, and, in  
6 fact, it wouldn't be enough for us, so that's the kind of strains  
7 we went through.

8 Q. How long did you take in Farandu?

9 A. I said two days.

10 Q. From Farandu, where did you go to?

11 A. They took us -- they took us and we went -- they took us  
12 and they said we should return to Kono, and we were going to  
13 Kono. We used a route, and they said they were hungry, and they  
14 brought out husk rice, and they asked us to pound out rice. And  
15 when we did that they --

16 THE INTERPRETER: Your Honours, can the witness please  
17 repeat?

18 MR FOFANAH:

19 Q. Please go slowly. Or hold it there. Hold it there,  
20 please. Go slowly. You said they took you to Kono, but on the  
21 way you were hungry and they gave you rice to pound; where was  
22 this?

23 A. Manjama.

24 MR FOFANAH: M-A-N-J-A-M-A.

25 Q. So apart from that, did anything else happen in Manjama?

26 A. When we were walking, they would capture people; they would  
27 kill people; they would burn houses. Even in Manjama, they burnt  
28 houses there.

29 Q. Did you see them burning houses yourself?

1 A. Yes, I saw most of them burning houses.

2 Q. Did you also see them kill people?

3 A. I saw -- I saw them killing people. They would bring them  
4 right in my presence and shoot that person to death.

5 Q. So who was doing this? Who was killing -- who was killing  
6 people and burning houses?

7 A. Rebels.

8 Q. Were they the same rebels, or, I mean, did they -- were  
9 they the same rebels, same group of rebels who had captured you?

10 A. The same rebels who had captured me.

11 Q. Mr Witness, if I may ask you, did you, at any time, join  
12 the rebels?

13 A. Pardon me?

14 Q. Did you, yourself, join the rebels to fight?

15 A. No. We were just following them, to carry their loads for  
16 them. Wherever they wanted to go they would ask us to carry  
17 their loads for them, but I did not actually join them to fight.

18 Q. Did you finally come back to Kono?

19 A. Yes, I returned to Kono.

20 Q. What part of Kono did you return to?

21 A. Well, we returned, and we were in Gbane in Gandorhun.

22 MR FOFANAH: Your Honours, Gbane, I think we have had  
23 before. It is G-B-A-N-E-H [sic].

24 Q. So when you returned to Gbane, in Kono, were you with this  
25 same group of rebels?

26 A. Well, not all of them, with some of them. We were with  
27 some of them, and we mingled with some others.

28 Q. What do you mean some others; you mingled with some others?

29 A. For instance, the group in which we were, they divided that

1 group. They sent some to some other place and, the others, they  
2 sent to some other place.

3 Q. Do you know who was in charge of this group at Kono, the  
4 one that you were with?

5 A. That's the name I have called, Kangoma. He's the one I  
6 know.

7 Q. Now, when you came back to Kono, how long did you take in  
8 Kono?

9 A. I was with them two years, six months, that coincided with  
10 the peace, and my people went for me and brought me.

11 Q. Now, whilst you were with the rebels, do you  
12 recall February 1998?

13 A. No, I cannot remember.

14 Q. Do you recall the intervention -- the ECOMOG intervention  
15 in Freetown?

16 A. Well, we were down there, when we heard that fighting was  
17 going on here, but I didn't actually know what type of fighting,  
18 whether -- who the rebels were fighting against -- but we heard  
19 that fighting was going on.

20 Q. So where were you when you heard about this fighting?

21 A. Gandorhun.

22 MR FOFANAH: Your Honours, we've had Gandorhun before.

23 Q. Now, whilst you were in Kono, as well as throughout your  
24 stay with the rebels in Kailahun, Jagbwema Town and other parts  
25 of Kono, did you hear the name Ibrahim Bazzy Kamara being  
26 mentioned to you as one of the rebels that captured and caused  
27 you to do what you did?

28 A. I did not hear that name.

29 Q. Did you also hear the name Tamba Brima, alias Gullit, as

1 being one of the rebels who captured you, or ordered your  
2 capture, and did what they did to you?

3 A. No, I did not hear that name. I did not hear that name.

4 Q. Did you hear the name Santigie Borbor Kanu, alias  
5 Five-Five, as being one of the rebels who captured you, or who  
6 ordered rebels to do what they did to you?

7 A. No, I did not know all three of them -- none of them. I  
8 did not hear those names.

9 Q. Whilst at Kono, did you see or observe any burning of  
10 houses at Kono?

11 A. Kono, they used to burn houses there. I saw them burning  
12 houses.

13 Q. Who used to burn houses in Kono?

14 A. Those rebels.

15 Q. And by "those rebels," are you referring to the group of  
16 men who captured you?

17 A. Those who captured me, because we were not in the same  
18 place, we were not staying in the same place. We used to go  
19 around. Sometimes we would stay in one place for two days and  
20 they would move us to another place. We spent three days there  
21 and we would move. That's -- and as we were going, they were  
22 burning down houses.

23 Q. Did you have cause to go to Koidu Town at any time during  
24 your capture with the rebels?

25 A. Well, I did not come to town until the peace was signed.

26 Q. I mean Koidu Town.

27 A. And that's what I'm saying, that I did not come there  
28 during the war, but when peace had come, I came there.

29 Q. Thank you.

1 MR FOFANAH: Your Honours, I have no further questions for  
2 the witness. Thank you very much, Mr Witness.

3 PRESIDING JUDGE: Thank you, Mr Fofanah. Anything else in  
4 chief?

5 MR GRAHAM: No, Your Honour.

6 THE WITNESS: There is nothing else.

7 CROSS-EXAMINED BY MR WAGONA:

8 Q. Good afternoon, witness.

9 A. Yes, good afternoon.

10 Q. I will ask you a few questions and, please, answer them  
11 truthfully.

12 A. Okay.

13 Q. Now, from what you have told Court, is it your evidence  
14 that the people you described as rebels, the ones who captured  
15 you, is it your evidence that those people abducted people?

16 A. Yes, it is my testimony that they arrested me.

17 Q. They forced people to carry loads for them?

18 A. Yes, it happened.

19 Q. To do laundry and pound rice and do other work for them?

20 PRESIDING JUDGE: That evidence is already on the record,  
21 Mr Wagona. Go ahead if you want him to change his mind, but he's  
22 already said all that.

23 MR WAGONA: Thank you, My Lords.

24 Q. Now, I suggest to you that all this happened in 1998; what  
25 do you say?

26 A. 1998. Well, at that time I was not well-educated, and I  
27 cannot recall. I cannot deny, I cannot say yes, nor no, or I  
28 cannot say it's a lie.

29 Q. And you told the Court that, by then, you were aged only

1 seven years; do you remember that?

2 A. Yes. As for that, I can recall.

3 Q. Have you heard about SLA?

4 A. Never heard it.

5 Q. Now, I put to you that those people you talked about who  
6 did all those things in your village were SLA and RUF.

7 A. As for me, I saw the RUF. I did not hear any name like  
8 SLA.

9 Q. And I also put it to you that the people you talked about,  
10 namely, Black Jesus, Killer and all the other people you  
11 mentioned, were all part of a mixed force of SLA and RUF?

12 A. Well, as for me, I never knew their difference. All I  
13 heard was rebels. I cannot differentiate that, so I cannot  
14 justify it.

15 Q. And you said you have never heard about the name Ibrahim  
16 Bazy Kamara?

17 A. No, not at all.

18 Q. I put it to you that during the time these things were  
19 happening, the ones you talked about, Ibrahim Bazy Kamara was  
20 based in Kono District, and was one of the superiors of the  
21 people you say are rebels who committed those --

22 JUDGE DOHERTY: That's two questions in one; put them one  
23 at a time.

24 MR WAGONA: Much obliged, Your Honour.

25 Q. I put it to you, Mr Witness, that Ibrahim Bazy Kamara was  
26 based in Kono District at the time those things were happening in  
27 your village?

28 A. Well, as for me, I never knew him. In fact, I never heard  
29 his name. I never saw him with my own eyes.

1 Q. I also put it to you that the same Ibrahim Bazy Kamara was  
2 one of the superiors of the people you described as rebels who  
3 attacked your village.

4 A. Well, I said I never heard his name. I did not see him, so  
5 I don't say anything about him.

6 MR WAGONA: Thank you, Your Honours. That's the end of my  
7 cross-examination. Thank you, witness.

8 PRESIDING JUDGE: Thank you, Mr Wagona. Any  
9 re-examination?

10 MR FOFANAH: None, your Honours.

11 PRESIDING JUDGE: Thank you. Well, Mr Witness --

12 QUESTIONED BY THE COURT:

13 JUDGE SEBUTINDE:

14 Q. Mr Witness, there is one or two questions that I want to  
15 ask, merely to clarify the time when these events took place.  
16 Now, you said that these events took place when you were seven  
17 years old; is that right?

18 A. Well, it's true. Because I asked my people -- relatives,  
19 and that's what they told me, so it is true.

20 Q. And did you also say that these events took place in 1997?

21 A. That was what I said.

22 Q. Did you also say that you are now 18 years?

23 A. Yes, that was what I said.

24 Q. But, you see, if you were seven years in 1997, you are only  
25 16 years old now. Or else, if these events took place when you  
26 were seven, then these events should have taken place in 1995,  
27 which would make you 18 now.

28 A. Well, myself, I cannot justify that. I never knew about  
29 that. Only my elders that I asked, and what they told me, that

1 is what I'm saying. But myself, I never knew the exact date, but  
2 by then, I was very small.

3 Q. But are you sure that these events took -- the time when  
4 these events took place was 1997?

5 A. Yes, I believe.

6 JUDGE SEBUTINDE: Thank you.

7 PRESIDING JUDGE: Anything arising from that? Defence?  
8 Prosecution?

9 MR FOFANAH: Your Honours, just probably one question  
10 arising from Her Honour's questioning.

11 FURTHER EXAMINED BY MR FOFANAH:

12 Q. Mr Witness, are you familiar with the days of -- with the  
13 months of the year?

14 A. Yeah, the 12 months, I knew them.

15 Q. Yeah, but at the time this incident happened, were you able  
16 to -- did you know the months of the year?

17 A. I cannot say, because I was very small, so I was worried,  
18 and I was not too conscious of what was happening very close to  
19 me, so I cannot know. I would not be able to know.

20 Q. Were you also familiar with time, as to year, and the like?

21 A. I said I don't know. As for me, I don't know.

22 MR FOFANAH: Thank you. That is all.

23 PRESIDING JUDGE: Well, Mr Witness, thank you for coming to  
24 Court to give evidence. You will be able to leave now. Just sit  
25 put for a few moments. We'll pull the curtains and then you can  
26 leave the courtroom.

27 [The witness withdrew]

28 PRESIDING JUDGE: What's the next Defence witness? I've  
29 got a list here that said it would be DAB-034; is that correct?

1 MR GRAHAM: Your Honours, DAB-123. He is number 27 on the  
2 common Defence witness summaries. And, Your Honour, he would, I  
3 believe, be testifying in Krio; DAB-123.

4 WITNESS: DAB-123 [Sworn]

5 [The witness answered through interpreter]

6 PRESIDING JUDGE: Mr Graham, is this witness covered by the  
7 original protective measures order?

8 MR GRAHAM: No, Your Honours. I was just about to -- no,  
9 he's not, Your Honour.

10 PRESIDING JUDGE: All right. We'll order that this witness  
11 is now covered by the protective measures made in our decision on  
12 joint Defence application for protective measures for Defence  
13 witnesses dated 9 May 2006.

14 MR GRAHAM: Thank you, Your Honours.

15 EXAMINED BY MR GRAHAM:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon.

18 Q. Mr Witness --

19 A. Yes, sir.

20 Q. -- you were born on xxx September 1968, isn't it?

21 A. Yes, My Lord.

22 Q. And you were born at -- in xxx xxx Town, isn't it?

23 A. So it is.

24 Q. Thank you. And that is in the xxx Chiefdom in the  
25 Kono District; is that right?

26 A. Yes.

27 Q. Also, where you were born, xxx xxx is the chiefdom  
28 headquarter for the xxx Chiefdom; is that right?

29 A. Yes.

1 Q. And you are currently a resident of Freetown, isn't it?

2 A. So it is.

3 Q. And that you are also a second-year student in the  
4 education faculty of a university located in Freetown, isn't it?

5 A. So it is.

6 Q. And that your father is the present village head of xxx  
7 xxx, which is in the -- of xxx xxx Village in the --

8 JUDGE SEBUTINDE: Mr Graham, is this a protected witness or  
9 not? Is this not identifying data?

10 MR GRAHAM: Not necessarily, Your Honours, but I will  
11 proceed cautiously, Your Honour.

12 Q. Mr Witness --

13 A. Yes.

14 Q. -- you are currently married, aren't you?

15 A. Yes.

16 Q. Do you have any children, Mr Witness?

17 A. Yes, I have children.

18 Q. Mr Witness, let me, when I ask the questions, please let me  
19 finish. Listen to the interpretation before you answer, please.

20 And I asked you, how many children do you have presently,  
21 Mr Witness?

22 A. I have two children.

23 Q. And, Mr Witness --

24 A. Yes.

25 Q. -- do you recall where you were in May of 1997?

26 A. Yes.

27 Q. Can you tell this Court, where were you, Mr Witness?

28 A. Before 1997, in 1992 --

29 Q. Mr Witness, please listen to me. My question was May 1997.

1 That is the period I'm asking. Now, do you remember where you  
2 were in May of 1997?

3 A. I can recall quite well.

4 Q. Where were you, Mr Witness?

5 A. I was in the same village, which is xxx xxx.

6 Q. Thank you. And, Mr Witness, do you recall anything  
7 significant happening in May of 1997?

8 A. Yes.

9 Q. Please tell this Court what you recall happened?

10 A. Well, in May 1997, I was in the village with my women and  
11 my family. So before -- a week before the attack took place when  
12 the rebels came and attacked the village --

13 Q. Mr Witness, go ahead. Go ahead with your account, please.

14 A. Well, in April, that was April the 17th, I can still  
15 recall, one night, around 2.00 a.m., a lot of civilians were in  
16 the village -- in this village, some other people came from the  
17 other sides, they came to spend the night to go to Sewafe. So,  
18 that same two days ago, the ECOMOG and the Kamajor leaders came.  
19 They passed through Sandia, which was a section headquarter town,  
20 so --

21 Q. Mr Witness --

22 A. -- from Ngo Town --

23 Q. Before you go on, you just told us they made an attack.  
24 What year did this attack take place?

25 A. The attack took place in April 17, 1997.

26 Q. April 17th, of 1997. Do you remember --

27 MR HARDAWAY: Excuse me, Your Honour. Objection to any  
28 questioning as it is before May of 1997. I don't believe April  
29 is covered in the indictment, as least as it relates to

1 these accused.

2 PRESIDING JUDGE: What do you say?

3 MR GRAHAM: Your Honour, yes, that is true. He just  
4 mentioned August. There are some issues I'm coming to, going on  
5 with the witness, and I believe the next question will help  
6 clarify whatever the confusion is.

7 Q. Mr Witness, during this time of the attack that you just  
8 referred to took place, do you know which government was in  
9 power?

10 A. The government that was in power during that time was -- we  
11 heard over a radio that they had overthrown President Kabbah's  
12 government, so it was AFRC government that we had been hearing  
13 about. So it did not take long. We heard that they had been  
14 ousted from power and that Tejan Kabbah's government had been  
15 reinstated. So we were in the bush in the village with Kamajors.

16 Q. Mr Witness, please be patient. You are giving different  
17 accounts. My question to you was that when this attack that you  
18 just referred to took place, which government was in power and  
19 just, please, limit your answer to the question that I've just  
20 asked you. What government was in power at the time?

21 A. It was Pa Kabbah's government.

22 Q. And was this after the AFRC government had been removed  
23 from power?

24 A. Yes, yes.

25 Q. And, Mr Witness, before I go on to address the issue of the  
26 attack, you mentioned Bamba Foi ndu. Do you know the distance  
27 between Bamba Foi ndu -- the distance from there to Koi du Town?

28 A. Yes. From Bamba Foi ndu to Koi du is about 33 to 34 miles.

29 Q. How do you know that, Mr Witness, that the distance is

1 about 34 miles?

2 A. It's a place in which I was born and lived there. From  
3 Sewafe to -- from my village to Sewafe, it's 7 to 8 miles. So I  
4 usually walked from there to Sewafe, so that's why.

5 Q. Okay. But, Mr Witness, do you also know --

6 JUDGE SEBUTINDE: Excuse me. Was that 34 or 3 to 4 miles?

7 MR GRAHAM: No, Your Honours.

8 JUDGE SEBUTINDE: What did the interpreter say?

9 MR GRAHAM: I will ask the witness to clarify.

10 Q. Mr Witness, can you clarify again the distance from Bamba  
11 Foi ndu to Koi du Town? What is the distance?

12 A. It is between 33 to 34 miles.

13 MR GRAHAM: Your Honour, it is 33 to 34 miles.

14 Q. And, Mr Witness, do you know the distance from Sewafe Town  
15 to Bamba Foi ndu?

16 A. Yes, it's about 7 miles.

17 Q. How do you know that the distance from Bamba Foi ndu to  
18 Sewafe is 7 miles, Mr Witness?

19 A. It's a place in which I live. I would always work there,  
20 most of the time, so I know.

21 Q. Thank you.

22 A. Welcome.

23 Q. And, Mr Witness, where is your wife presently resident?

24 A. Now, as I'm talking, the woman is in the village.

25 Q. Which village, Mr Witness?

26 A. It's xxx xxx Village.

27 Q. Okay. Mr Witness, do you remember where you were  
28 in February and March of 1998?

29 A. February and March 1998, I was in the same village, xxx

1 xxx.

2 Q. And during this period that you were in xxx xxx  
3 in February/March of 1998, did you see anything?

4 A. Yes.

5 Q. What did you see, Mr Witness?

6 A. Well, first, it was the Kamajors that came to the village.  
7 They came from Fomaya, from Gorama Mende Chiefdom.

8 Q. Mr Witness, before you --

9 MR GRAHAM: Your Honours, Fomaya is spelt F-O-M-A-N-Y-A  
10 [sic].

11 Q. And, Mr Witness, who are the Kamajors?

12 A. Well, it was a militia group which came and said that it  
13 was going to fight on our behalf, so they came and met us. We  
14 knew them.

15 Q. And, Mr Witness, if you said "they," what do you mean by  
16 "they"?

17 A. That is the Kamajor fighters, who came and said that they  
18 were going to fight on our behalf. These was -- these are the  
19 ones that I meant.

20 Q. How many of them do you recall seeing during this time that  
21 you are referring to? How many Kamajors did you see?

22 A. They were in large numbers, like 50 to 60. They came and  
23 patrolled.

24 Q. And, Mr Witness, before I address what you've just said,  
25 did you observe the way they were dressed, the Kamajors?

26 A. Yes.

27 Q. Can you please tell this Court how you observed that they  
28 were dressed, Mr Witness?

29 A. They had their country cloth, which we knew that it was a

1 symbol for Kamajors, that was what they wore with their attire  
2 and everything, so when you say them, we would know that they  
3 were Kamajors.

4 Q. Mr Witness, all of the Kamajors you saw, were all of them  
5 wearing the same attire?

6 A. Yes, yes.

7 Q. And these Kamajors you've just spoken to the Court about,  
8 were they carrying anything with them, Mr Witness?

9 A. Well, some had machetes, few had guns.

10 Q. Thank you. And, Mr Witness, did they tell you why they  
11 came to your village, the Kamajors?

12 A. Yes.

13 Q. Please tell this Court what they said as to why they came  
14 to your village.

15 A. Well, they said they came on a patrol because all that  
16 area, according to them, they said that it was a rebel-held area.  
17 That is why they came and checked whether it was true, because  
18 they knew that the rebels had taken the whole of the Kono  
19 district, but that particular village was by their area, which  
20 was Kenema District. That was the reason why they came and  
21 checked. We told them that we were not bad people, and that we  
22 did not have any people who would cover us, because we were on  
23 the other side of the Sewa River. That was what we told them.

24 Q. Mr Witness, when they said -- used the word -- the Kamajors  
25 said rebels, did you understand, at the time, what they meant by  
26 rebels?

27 A. Yes.

28 Q. Please tell this Court, what did they mean by rebels?

29 A. Well, it was the RUF, it was our brothers who took guns to

1 fight, so these were the ones that were referred to as rebels,  
2 and everybody knew that.

3 Q. When you said that everybody knew that, whom are you  
4 referring to as everybody knew that they were -- the RUF were  
5 referred to as rebels? What do you --

6 A. Well, by this statement, I meant that particularly we, that  
7 were on that side, we knew what they did, and we knew that they  
8 were the RUF, and that they were the ones that we knew in that  
9 particular area.

10 Q. Thank you. You say you knew what they did. What did they  
11 do?

12 A. Well, the rebels came and attacked us one night. They  
13 came, amputated people's hands, and they attacked our village  
14 around 2.00. See, they banged at the doors.

15 Q. Okay. Mr Witness, before you go on to this attack to talk  
16 about, I want to ask you, is this -- was the time that you saw  
17 the Kamajors, was that the first time that you had seen them  
18 coming to your village?

19 A. Yes. Yes. That was the first time that they came to our  
20 village.

21 Q. And did you see them again at your village after this first  
22 visit that you've just told this Court about? Did you see the  
23 Kamajors in your village again?

24 A. Yes.

25 Q. Do you recall how many times you saw the Kamajors after the  
26 first visit you've just described to this Court?

27 A. Yes, they were -- it was more than three or four times.  
28 Later, they posted some Kamajors to the village.

29 THE INTERPRETER: Your Honours, would the witness go a

1 little bit slow.

2 MR GRAHAM:

3 Q. Mr Witness, please take your time when you are giving your  
4 testimony because the interpreters would need you to be patient,  
5 so they can interpret your testimony to the Court. And,  
6 Mr Witness, you've just told us they came in again some period  
7 after the first visit. Do you know why they came back to your  
8 village?

9 A. Yes.

10 Q. Please tell this Court why did the Kamajors come back to  
11 your village after the first visit?

12 A. They came -- they summoned a meeting with the elders, so  
13 they said that they knew that we are not bad people, so we should  
14 know how to arrange security arrangements for us, so that was  
15 what they came for. So we used to contribute food.

16 Q. Thank you. Mr Witness, Your Honours, I believe the second  
17 accused wants to use the restroom, please.

18 PRESIDING JUDGE: He can leave the Court.

19 MR GRAHAM: Thank you.

20 Q. And, Mr Witness, I'm taking you back to the first visit by  
21 the Kamajors to your village. During the time that the Kamajors  
22 made this first visit to your village, do you know, at the time,  
23 whether they were led by anyone?

24 A. Yes.

25 Q. Who led the Kamajors to your village during their first  
26 visit, Mr Witness?

27 A. It was one of their bosses who were called Pumuyi but I do  
28 not know his other name, but he was called Pumuyi.

29 MR GRAHAM: Your Honours, please, Pumuyi is spelt

1 P-U-M-U-Y-I. Pumuyi, Your Honours.

2 Q. And, Mr Witness, how did you know that he was the leader of  
3 the Kamajors that visited your village during the first time?

4 A. He was a spokesman. He was the leader. It was not  
5 difficult to know the leader, because he was the one that would  
6 say do this and do not do this. He was the one that introduced  
7 them.

8 Q. Thank you. And, Mr Witness, you also told us about a  
9 meeting that took place in your village by the Kamajors. When  
10 did this meeting take place? Sorry, where? Sorry, Your Honours,  
11 where did this meeting take place?

12 A. It was at Sewafe, which was a chiefdom headquarter town.  
13 It was there that all the village heads who came from the other  
14 chiefdoms came and held a meeting.

15 Q. And, Mr Witness, were you present at this meeting?

16 A. No, I did not go.

17 Q. How then did you know, Mr Witness, that the meeting took  
18 place?

19 A. Well, I was there. I was a secretary for the old people  
20 who were the chiefs in the village and some elders were there who  
21 went, so I took the minutes. I did not go, but they came and  
22 briefed me so I knew everything.

23 Q. Okay. Mr Witness, and what did they brief as what took  
24 place at the meeting for which you took minutes? What did they  
25 brief you?

26 A. Well, in the meeting, they talked about security business,  
27 because we had proved that we did not have enemies among us, so  
28 we were to try so that we could be given Kamajors who could be  
29 stationed there, and we would provide their feeding. That was

1 the purpose of the meeting.

2 Q. And, Mr Witness, in your briefing, did they mention the  
3 names of any Kamajors that were present at that meeting?

4 A. No, they did not call their names, but the entire Kamajor  
5 leader for the Kono District was one Mr Sahr Amara. He was the  
6 first colonel leader at Sewafe Town, whom I knew very well.

7 Q. Mr Witness, you've just mentioned a name --

8 MR GRAHAM: Your Honours, I think the name is spelt S-A-H-R  
9 and then Amara A-M-A-R-A.

10 Q. And, Mr Witness, how do you know that Sahr Amara was the  
11 head of the Kamajors in the Kono District? How did you know  
12 that?

13 A. Every Friday, every week, I would go to Sewafe and so we'd  
14 go to the Kamajor office, and I knew the man personally.  
15 Everybody knew him. He was the one that was appointed as leader,  
16 so I knew him.

17 Q. Thank you. Mr Witness, did the -- the elders who briefed  
18 you, did they tell you that Mr Amara was present at that meeting?

19 A. Yes, yes.

20 Q. And did they tell you what he said at that meeting,  
21 Mr Witness?

22 A. Yes.

23 Q. Please tell this Court what they told you that Mr Amara  
24 said at the meeting, Mr Witness?

25 A. He told the chief that they should co-operate with the  
26 Kamajor fighters, so that whosoever was suspected as an enemy  
27 should be reported and that the Kamajors should be encouraged.  
28 They should be fed. They should not be discouraged. They should  
29 be in the villages and that they should be handled carefully so

1 that they could protect the people.

2 Q. Thank you, Mr Witness. Mr Witness, you told us that the  
3 Kamajors came from the Fomaya. Do you know where Fomaya is? In  
4 which district Fomaya is? Do you know?

5 A. Yes, I know the place well.

6 Q. Please tell us in what district is Fomaya located?

7 A. Fomaya is in the Kenema District, [i ndi scerni ble] Chiefdom.  
8 It's about 6 kilometres from Bamba Foi ndu.

9 Q. Thank you. How do you know that Fomaya is about 6  
10 kilometres from Bamba Foi ndu, Mr Witness?

11 A. It's a place that I walk through all the time. See, I  
12 would go there, buy food, and I would come, we would go there to  
13 play football.

14 Q. Thank you. And, Mr Witness, your village, Bamba Foi ndu,  
15 it's -- do you know whether the location of Bamba Foi ndu is of  
16 any significance?

17 A. Yes, yes. Very, very important.

18 Q. Mr Witness, please tell this Court the importance of the  
19 location of the village Bamba Foi ndu?

20 A. Well, one, we have got -- we have the Kono/Masingbi  
21 Highway. There is a one town called Koal Town. We had feeder  
22 roads that went to --

23 THE INTERPRETER: Your Honours, would the witness go a  
24 little bit slow, so as to allow the interpreter to do his work.

25 MR GRAHAM: Yes.

26 Q. Mr Witness, please, please, take your time. The  
27 interpreters need to interpret your testimony to the Court.  
28 Please take your time. Your Honours, he mentioned Ngo Town.  
29 Ngo Town is spelled N-G-O. And, Mr Witness, continue with your

1 account as to the importance of the location of the --

2 JUDGE SEBUTINDE: Yes, but we haven't got the previous one  
3 that was not interpreted, so you can't continue. He must repeat  
4 his testimony.

5 MR GRAHAM: Very well, Your Honours. Very well.

6 Q. Mr Witness --

7 A. Yes.

8 Q. -- you will need to repeat the answer you gave. I asked  
9 you about the importance of the location of Bamba Foi ndu. Please  
10 tell this Court the importance of the location? Your Honour,  
11 before he goes on, I believe the third accused wants to use the  
12 restroom.

13 PRESIDING JUDGE: Yes, he can leave.

14 MR GRAHAM:

15 Q. Go on, Mr Witness, and, please, take your time.

16 A. This village has a boundary with a lot of villages, that's  
17 one. Two, it is along a road that is from one section to the  
18 other. That is from Sandia to Ngo Town.

19 MR GRAHAM: Your Honours, Sandia is spelled S-A-N-D-I-A and  
20 Ngo Town is N-G-O.

21 Q. And, Mr Witness, apart from the -- you've told us that --  
22 of what other significance is the location of Bamba Foi ndu, apart  
23 from what you've told us?

24 MR HARDAWAY: Objection, Your Honour, leading. It seems  
25 that there is some other importance.

26 PRESIDING JUDGE: Yes, that is leading, Mr Graham.

27 MR GRAHAM: Okay.

28 Q. Mr Witness, you've told us about the location of the  
29 village along the road to Sandia and Ngo Town and also the

1 boundaries linked to other villages. Apart from these two that  
2 you've told us, do you know about any other importance of the  
3 location of Bamba Foi ndu, apart from the two that you've  
4 mentioned to this Court?

5 A. Yes.

6 Q. Please tell the Court.

7 A. This village shares a boundary with the River Sewa, and  
8 this River Sewa, during the war, people that were over the other  
9 side of the river, they called them -- they referred to them as  
10 bad people because -- and Bamba Foi ndu is near the river.

11 Q. Okay. Mr Witness, before you go on on Sewa River, do you  
12 know the names of any of the villages that borders Bamba Foi ndu,  
13 as you've said -- you've told this Court?

14 MR HARDAWAY: Objection, Your Honour. The grounds is  
15 relevance, the relevance of the names of these other villages.

16 MR GRAHAM: Your Honour, as the witness's testimony is  
17 further going to show a lot of attacks took place in the villages  
18 surrounding Bamba Foi ndu, and the core of the witness's testimony  
19 will relate to those areas. What I'm doing is to lay the  
20 foundation for the surrounding villages because subsequently, all  
21 the evidence that he is coming to give will relate to these  
22 areas, and that is the relevance, if my learned friend wants to  
23 know.

24 PRESIDING JUDGE: Yes, go on.

25 MR GRAHAM: Thank you, Your Honour.

26 Q. Mr Witness --

27 A. Yes.

28 Q. -- can you please mention some of the villages that border  
29 Bamba Foi ndu?

1 A. Yes.

2 Q. Please do.

3 A. First, you have Fandehun Village, which is by the river.

4 Q. Mr Witness, when you mention the name, after that, you  
5 pause a little bit, so I can spell that for the convenience of  
6 the Court. You mentioned Fandehun Village.

7 MR GRAHAM: Your Honours, that is spelt F-A-N-D-E-H-U-N.

8 Q. Go on, Mr Witness.

9 A. You had Ndogboiya.

10 MR GRAHAM: Your Honours, Ndogboiya is spelt  
11 N-D-O-G-B-O-I-Y-A.

12 Q. And, Mr Witness, what other villages, can you -- if you  
13 know?

14 A. We had Yomanja.

15 MR GRAHAM: Your Honours, Yomanja is spelt Y-O-M-A-N-J-A.

16 Q. Which other villages, Mr Witness, if you know?

17 A. We had Sandia.

18 Q. Sandia, we've had that before.

19 A. We had Ngo Town.

20 Q. Your Honours, we've had that before. And what other -- are  
21 there any additional villages as well?

22 A. We had Nyagoya.

23 MR GRAHAM: Your Honours, Nyagoya is spelt, and  
24 phonetically, N-Y-G-O-Y-A [sic].

25 Q. Mr Witness, is that all?

26 A. Yes.

27 Q. Thank you. Mr Witness, you also just mentioned to this  
28 Court the river Sewa, the Sewa River. The Sewa River, do you  
29 know the distance from your village to the Sewa River,

1 Mr Witness?

2 A. Yes, sir.

3 Q. Please tell the Court the distance, Mr Witness?

4 A. It's 2 miles.

5 Q. How do you know that the distance is 2 miles, Mr Witness?

6 A. We always work there every day. Some people would do  
7 mining there, so we are almost always there.

8 Q. Thank you, Mr Witness. Mr Witness, the Sewa River, what --  
9 do you know anything about the Sewa River?

10 A. Yes.

11 Q. Mr Witness, please tell the Court what you know about Sewa  
12 River?

13 A. Well, at that particular time, as it is called, River Sewa  
14 served as a buffer zone, in the sense that all the people over  
15 the -- across the river, they were there. If they were there,  
16 they were under the rebel control, and we, who were on the other  
17 side, we were in the Kamajor zone, and we were by ourselves. So  
18 at that time, anybody who went across that river and you came  
19 back, and Kamajors interrogated you and there was nobody to talk  
20 for you, then there would be trouble for you. But, because at  
21 that time, whosoever was across that river was considered a  
22 rebel. So, at that time, the river Sewa was a boundary.

23 Q. And, Mr Witness, if you say there will be trouble for you,  
24 what do you mean by that?

25 A. Because the Kamajors at that time, when they were there,  
26 especially Sandia, which was a crossing point, so whosoever came  
27 from there and came, they will consider you as a rebel.

28 Q. And did you ever see anyone who had crossed the Sewa River  
29 whom the Kamajors considered as a rebel?

1 A. Yes. On two occasion, when I went to Sandia, which is 2  
2 and a half miles, I would meet -- they would have tied somebody,  
3 some people there, and later on they would take something from  
4 him or free him. And there was a time they killed somebody, but  
5 I did not see him, whom they considered a rebel. So, at that  
6 time, whosoever came across from that river, until somebody was  
7 there to defend you, otherwise, you would be killed.

8 Q. And, before you go on, Mr Witness, you told us that at some  
9 point in time the Kamajors were posted to your village. Do you  
10 remember -- sorry. Apart from your village, do you know whether  
11 the Kamajors were posted in any other villages, apart from Bamba  
12 Foi ndu?

13 A. Yes, yes.

14 Q. Mr Witness, which other villages were the Kamajors posted,  
15 apart from your village?

16 A. They were posted at Ngo Town, Sandia, which was the  
17 headquarter. Those -- that is the area they were so many.  
18 Fandehun, they were few in Ndogboi, and so all the other villages  
19 had them.

20 Q. And, Mr Witness, how did you know that all these villages  
21 had Kamajors posted there? How did you know that?

22 A. These are villages to which I went, and who were on the  
23 main road, they would come and greet us, and we went there, so I  
24 would see them every day.

25 Q. And these Kamajors that you saw every day, did you see them  
26 carryi ng anythi ng wi th them?

27 A. Yes.

28 Q. What did you see them carryi ng, Mr Wi tness?

29 A. They used to hold guns. There were times the two -- and if

1 there were two, one would be holding the gun, and the other one  
2 the cutlass.

3 Q. And do you know whether they were all dressed in their  
4 traditional clothing, like you told this Court earlier?

5 A. Yes.

6 Q. Mr Witness, during this period that you said the Kamajors  
7 had a checkpoint at Sandia Town, do you know whether they were  
8 joined by any other individuals or group?

9 A. Well, it was later when ECOMOG troops came and joined them.  
10 Yes, ECOMOG came later, in April.

11 Q. And, Mr Witness, in April of what year did ECOMOG come to  
12 join the Kamajors, if you know?

13 A. The year -- I think it's about 1998.

14 Q. Thank you, Mr Witness. And, Mr Witness, how did you know  
15 that ECOMOG joined the Kamajors later? How did you know that?

16 A. Well, at one time, they came to our village.

17 Q. Who came to your village, Mr Witness?

18 A. The ECOMOG and Kamajors' boss who was Amara, they stopped  
19 there in their vehicle. In fact, one of them, their vehicles had  
20 a breakdown. They were going to Sandia.

21 Q. And where did the vehicle break down, Mr Witness?

22 A. In our village itself.

23 PRESIDING JUDGE: Where are you going with this evidence?  
24 We've heard a lot about the Kamajors. I presume you're going to  
25 make this relevant at some stage?

26 MR GRAHAM: Yes, yes, Your Honour.

27 PRESIDING JUDGE: Well, what's the relevance of a vehicle  
28 breaking down?

29 MR GRAHAM: Well, Your Honours, the relevance relates to

1 the location of the armed groups that I'm about to talk to -- I'm  
2 about to -- he's about to give his testimony on. Because he says  
3 he's now definitely, by his evidence, has put ECOMOG in his  
4 village, which is Bamba Foindu -- and that is maybe relevant to  
5 subsequent testimony he is about to give as to the nature of the  
6 attacks that took place in Sandia.

7 PRESIDING JUDGE: Please move along, Mr Graham, will you?

8 MR GRAHAM: Yes, Your Honour.

9 Q. Mr Witness --

10 A. Yes.

11 Q. -- did anything -- how did you know that it was ECOMOG who  
12 came to join? How -- what do you -- how do you know it was  
13 ECOMOG?

14 A. They had come as far as Sewafe, which was the headquarter.  
15 I saw their badge and they had spoken together and I heard it  
16 over the radio that they were the West African peacekeeping  
17 force. I saw their badges and they were at Sewafe, so the  
18 Kamajor boss came with them and brought them to Sandia. They, in  
19 fact, told us that they were -- Mr Amara himself told us about  
20 it, so they were the people.

21 Q. Okay. Thank you. And, Mr Witness, do you know whether the  
22 ECOMOG that you saw, whether they had a leader? Do you know  
23 whether they had a leader?

24 A. Well, at that moment, they did not tell us whether they had  
25 a leader, because Mr Amara, who was a Kamajor leader, he told us  
26 that they were going to Sandia, and so we should be feel free, so  
27 they did not introduce any data to us at that moment.

28 Q. And do you know whether anyone was in charge of the  
29 Kamajors at Sandia?

1 A. Yes. Yes.

2 Q. Please tell the Court, Mr Witness.

3 A. At that time, the Kamajors' CO who was there was called  
4 Mansaray, and his other nickname was Bad Malayka. I knew him  
5 very well from Sewafe.

6 Q. And, Mr Witness, could you mention the first name, that is  
7 the name you mentioned before the Bad Malayka. What name did you  
8 mention?

9 A. Mansaray. He was called Mansaray.

10 MR GRAHAM: Mansaray, M-A-N-S-A-R-A-Y. And Bad Malayka,  
11 Your Honours, is spelt, Bad as in bad, and Malayka M-A-L-A-Y-K-A.

12 Q. And, Mr Witness, how did you know that Bad Malayka was the  
13 one in charge of the Kamajors at Sandia?

14 A. When he was transferred there, they made an introduction to  
15 us, and each time he would come to the village to me, almost I  
16 knew him, because we were used in Sewafe, because he was  
17 nobody -- he was not a strange person to me.

18 Q. Thank you. And, Mr Witness, do you remember the day, 17th  
19 of April 1998?

20 A. Yes. Quite well.

21 Q. And do you know where you were on April 17th, 1998?

22 A. Yes.

23 Q. Where were you, Mr Witness?

24 A. I was in the same Bamba Foi ndu that night.

25 Q. And were you alone that night?

26 A. No. I was with my family and some other relatives who had  
27 come to pass the night there.

28 Q. And, Mr Witness, do you remember whether anything happened  
29 on this day, April 17th, 1998?

1 A. I can remember very well.

2 Q. Mr Witness, please tell this Court what happened on April  
3 17th, 1998, at your village.

4 A. Well, in April 17, 1998, that night -- but before that  
5 night, a week to that time, rebels attacked Fandehun, which is  
6 about 1 and a half miles, so we were afraid. So on the 17th now,  
7 that night, around 2.00 a.m., we had full assurance that the  
8 ECOMOG was around, there was no problem, so I heard a bang on my  
9 door.

10 Q. Mr Witness, before you go on, Your Honours, the village he  
11 mentioned, you've heard that before, Fandehun. Mr Witness, go on  
12 with your account. You heard a bang on your door; did anything  
13 happen after that?

14 A. Yes.

15 Q. Please tell the Court what happened, Mr Witness?

16 A. I heard people crying. People -- the people whom we had  
17 lodged on the parlour, because the rooms were full, so we had --  
18 they said they were beating them, so they broke into my house. I  
19 hid under my table. They came in. They removed me from there.  
20 I saw somebody with gun, and he asked me: "Where is the money or  
21 gun that you have?" And I said, "No." Then I told them that I  
22 was a farmer, that I have nothing. So he looked under my  
23 mattress, and my wife was selling rice, and there was some money  
24 under the mattress. There was a gun. I was under gunpoint.  
25 They took people out, but at that time --

26 Q. Mr Witness, when you said they took you at gunpoint, what  
27 do you mean by that?

28 A. Well, forcefully, with somebody holding the gun, kicking,  
29 slapping, and they asked us to come out of the house, and that is

1 what I mean.

2 Q. Thank you. And --

3 JUDGE SEBUTINDE: Did the witness say there was a gun under  
4 the mattress?

5 MR GRAHAM: Yes, Your Honours. I thought I heard him say  
6 he was put at gunpoint. I did not --

7 JUDGE SEBUTINDE: Mr Interpreter, did you say there was a  
8 gun --

9 THE INTERPRETER: Could the lawyer go over and ask him  
10 again to go over that?

11 THE WITNESS: I said they came and asked me about money and  
12 the gun, and I told them that no, I don't know about those  
13 things. So they took -- they raised the mattress. There was  
14 money there, which my wife placed there, from the sales of her  
15 rice. So they took everything and then removed me out of there.  
16 I did not say that I had a gun. I said they raised the mattress  
17 and removed the money that my wife has placed there.

18 MR GRAHAM:

19 Q. Mr Witness, these rebels that you said --

20 MR HARDAWAY: Objection, Your Honour, there is no  
21 indication from the witness that the group, the person who broke  
22 in, were rebels.

23 PRESIDING JUDGE: He hasn't said yet, has he?

24 MR GRAHAM: Thank you, Your Honour.

25 Q. Mr Witness --

26 A. Yes.

27 Q. -- who attacked your village on April 17th, 1998? The  
28 attack you've told us about, who attacked your village?

29 A. That village, it was the RUF. It was the RUF rebels. And

1 I have evidence about it.

2 Q. And before you go on, how did you know, Mr Witness, that it  
3 was the RUF rebels who attacked your village on April 17th, 1998,  
4 Mr Witness?

5 A. Well, it was a long story, but when we are going, after I  
6 had been captured and they amputated people's hands, and the  
7 people identified themselves, and there were some figures among  
8 them who named themselves, which I know, after the attack.

9 Q. Mr Witness, before we get there, did anything happen after  
10 they took your money from the -- under the mattress? What  
11 happened after that?

12 A. I was put in the open court. There was a house that had  
13 collapsed and then in that open [as interpreted]. They were  
14 all -- we were all placed there, and we sat there on the ground.  
15 So we sat down there, and we saw them gathering people there.  
16 And some among them said, "Where are your brothers, ECOMOG?  
17 Where are your brothers, ECOMOG?" And I said, "Sir, your  
18 colleagues have been to Sandia these days, and you have beaten  
19 us. You have taken our properties and you asked us to off-load.  
20 You asked us to take off our clothes." And then, one of them  
21 slapped me with the cutlass. And they asked me whether I was  
22 drunk. I said, no, I wasn't drunk.

23 Q. Before you go on -- Your Honours, the first accused wants  
24 to use the restroom, please.

25 PRESIDING JUDGE: The first accused. Yes, he can leave the  
26 room.

27 MR GRAHAM:

28 Q. Mr Witness, so after that -- after, they had gathered you  
29 in the open court, but do you remember how many of such RUF

1 rebels were in your village during the attack?

2 A. That particular night, I cannot recall, except when I  
3 was taken the other day, that was the time that I was able to  
4 know that they were 80 to 100 in number, because I was taken  
5 along.

6 Q. Mr Witness, coming back to after they had put you in the  
7 open court, did anything happen after that?

8 A. Well, I was tied. They tore somebody's clothes and I was  
9 tied. And they laid me, and I lay down and I raised my head.  
10 And they started capturing my companions. And I -- they sat down  
11 and they started amputating their hands, and they started crying.  
12 They said if you wanted to cry too much, they will say that you  
13 are causing noise.

14 Q. Mr Witness, who amputated your friends?

15 A. It was the RUF. It was the RUF.

16 Q. Did you see the RUF carrying out these amputations?

17 A. Yes. I was lying down very close to them, about 20 -- it  
18 was not up to 20 feet where I was laid. I was lying down when I  
19 saw them cutting their hands, and they put women in one booth.

20 Q. When you say booth, what do you mean by that, that they put  
21 the woman in one booth? What do you mean by that, Mr Witness?

22 A. It's a local hut, where they usually put rice in the dry  
23 season. They say it was empty. That was where they were put.  
24 Even my wife was among them, and the children.

25 Q. Mr Witness, do you know how many people were amputated,  
26 that -- during the time that you've just described to this Court?

27 A. Yes.

28 Q. Can you please tell this Court how many people were  
29 amputated?

1 A. They would be around 11. Some died on the spot. Some were  
2 wounded. The amputated ones were around 11.

3 Q. Mr Witness, how did you know that some died on the spot?

4 A. Well, when they came to me -- with me on my father's  
5 veranda, I met some of the big men, and they started interviewing  
6 me. In fact, that was the very area where they killed one Limba  
7 man, who was called Sera [as interpreted]. In fact, it was  
8 before me that his throat was slit. It was before me that they  
9 killed him. It was one Pa Sayo Johnny, Sayo Kumalah he was not  
10 able to withstand the tension, so he died. Later, I came to  
11 discover that the people who were amputated, I say, they met me  
12 at Masingbi. They met me at Masingbi, and they were bringing  
13 them to Freetown.

14 Q. Mr Witness, before we get there, do you know what the RUF  
15 rebels used to cause the amputations you've just described to  
16 this Court?

17 A. Yes. They had one machete. If you saw that one -- I said,  
18 they used to beat some people. It was a flat machete. Say, that  
19 one, in the morning, when -- the morning I saw the machete with  
20 my own eyes.

21 Q. Mr Witness, do you know how long the rebels -- the RUF  
22 rebels stayed in your village, Bamba Foidu, during the time of  
23 this attack you've just described to the Court?

24 A. Yes, yes.

25 Q. Please tell the Court, Mr Witness?

26 A. About three to four hours, because it was around two to  
27 five, something. That was the time that we took off, that they  
28 took us along.

29 Q. Now, when you say "They took us along," what do you mean?

1 Who are you referring to as "us"?

2 A. It was the RUF. It was the RUF. These were the people  
3 that took us. We were four, four men. Say, three elderly men  
4 and a small boy. They tied us and they took us along.

5 Q. And, Mr Witness, where did they take you?

6 A. Well, they said we were going to Masingbi Highway, and  
7 indeed, we went to Masingbi Highway. There, they fought the  
8 Kamajors and the ECOMOG. And they escaped and some said that we  
9 were going to go to Makeni.

10 Q. Okay. Mr Witness, before you go on to what the attack  
11 you've just told us, this Court, apart from the amputations that  
12 you've told this Court about, did anything -- did the rebels do  
13 anything else in Bamba Foi du village before they left, after the  
14 three, four hours you've told this Court?

15 A. Well, in the village, they took -- they did not fire any  
16 gunshot. They only took files, some files, and there was --  
17 there was a woman, into whose vagina they thrust a stick. But I  
18 did not see where they were, because where I was captured, see,  
19 I -- they had been talking, but I did not know what they had been  
20 doing in the corner. See, they used to amputate people's hands,  
21 and the others that they captured.

22 Q. Mr Witness, these RUF rebels you've just told us about, do  
23 you know whether they had a leader at the time?

24 A. Yes.

25 Q. And do you know the name?

26 A. Yes.

27 Q. Please tell this Court, Mr Witness, the name of the RUF  
28 leader.

29 A. Along the way, when we were going the other day, I noticed

1 one big man, short one, who was fair in complexion. His  
2 bodyguard was called Colonel Bai Bureh. See, I watched and  
3 observed him, and I asked some of his bodyguards. They said --

4 MR GRAHAM: Your Honours, Bai Bureh is spelled B-A-I, and  
5 Bureh is B-U-R-E-H. Bai Bureh.

6 Q. Mr Witness, continue with your account. Okay. Mr Witness,  
7 how did you know that Bai Bureh was the leader of the RUF rebels  
8 that attacked your village? How did you know that?

9 A. Well, when we were going, we rested in one village. This  
10 village, it was that time that I saw bodyguards with him. He sat  
11 down. He had civilian clothes on with sported crepes, with  
12 shorts. He was good looking. He had his bodyguards; they had  
13 guns. When I asked, they said it was Flame Thrower. They had  
14 guards, and I knew that he was the -- they were the boss.  
15 Initially, when they came -- the RUF came from the bush, they  
16 said they called --

17 THE INTERPRETER: Your Honours, would the witness go a  
18 little bit slow?

19 MR GRAHAM:

20 Q. Mr Witness, once again, please, take your time. Go on with  
21 your account, Mr Witness.

22 JUDGE SEBUTINDE: Get him to repeat what has not been  
23 interpreted first.

24 MR GRAHAM: Okay.

25 Q. Mr Witness, you -- can you continue your account as to what  
26 you've told us about the leader and him being with his  
27 bodyguards. Can you continue from there?

28 A. I said, when we were going, that is the time that I saw  
29 where we were gathered, where we were ambushed. I saw some

1 civilians. I saw this man. He was fair in complexion. He was  
2 called Bai Bureh. He had bodyguards, who were fighting amongst  
3 themselves. They were saying that, no, "I'm with Bai Bureh." So  
4 I asked other young men who their platoon division was and they  
5 said it was Colonel Bai Bureh, and they said he was the leader  
6 among them. And I noticed one Sullay, Lieutenant Sullay, who was  
7 at Sewafe. The RUF who were from the bush, they called them  
8 People's Army. So he was at Sewafe. He was the lieutenant in  
9 charge, so I knew him.

10 Q. Thank you, Mr Witness.

11 A. Yes.

12 MR GRAHAM: Sullay is S-U-L-L-E-Y [sic].

13 Q. Mr Witness, before I go on, during the time that the RUF  
14 rebels attacked Bamba Foidu village, did you observe whether any  
15 houses were on fire?

16 A. No, no. They did not burn any house and no gunshot was  
17 fired during that night.

18 Q. Mr Witness, you've just mentioned one Lieutenant Sullay.  
19 Who is Lieutenant Sullay, Mr Witness?

20 A. That Lieutenant Sullay was at Sewafe Town, the chiefdom  
21 headquarters. He was in charge of the People's Army, during that  
22 time that they came from the bush. I knew him very, very well.  
23 In fact, during that time, when he saw me, he asked me where we  
24 were.

25 Q. Mr Witness, and Lieutenant -- when you say the People's  
26 Army, what do you -- do you know what the People's Army is,  
27 Mr Witness?

28 A. Well, at that time, when they said that the RUF came from  
29 the bush, they came, they used to be called People's Army. That

1 was the name by which they were called and we also called them  
2 People's Army. So I think, instead of RUF, they called them  
3 People's Army. That is the way we used to call them.

4 Q. Mr Witness, you just told this Court when they came from  
5 the bush, they used to call them People's Army. Who used to call  
6 them People's Army?

7 A. It was -- well, that name was a general name which all the  
8 Sierra Leoneans used to call them, People's Army. So, in fact,  
9 they instructed people to call them by that name. At that time,  
10 they came together. In fact, they did nothing to people, they  
11 were all together.

12 Q. And how do you know that they instructed people to call  
13 them by that name, Mr Witness?

14 A. Well, when I was in Kono, when they came from the bush,  
15 they addressed everybody, and they said it was their name. So we  
16 would not call them rebels any more. So they used to advise us  
17 to call them by that name.

18 Q. Mr Witness, this Lieutenant Sullay, do you know whether he  
19 was also with the People's Army, or the RUF?

20 A. He was an RUF.

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

22 A. From the time when he came to Sewafe, we were all together.  
23 He was in the bush. Then, finally, where the attack happened, I  
24 saw him and he was an RUF. So, he was an RUF.

25 Q. Thank you. Now, Mr Witness, you also told this Court that  
26 you were led away from Bamba Foi du village with three other  
27 individuals. Where were you --

28 PRESIDING JUDGE: Four others.

29 MR GRAHAM: Thank you, Your Honour.

1 Q. Mr Witness, where were you taken?

2 A. In the first village, it was Yomanja. They said we should  
3 follow them there. We were going by Masingbi Highway.

4 Q. So did you go to Yomanja?

5 A. Exactly. We entered there.

6 Q. Do you know which chiefdom in which Yomanja is located?

7 A. Yes, in the same Ni mi yama Chiefdom, but it was in the other  
8 section.

9 Q. Thank you. Mr Witness, did anything happen when you got to  
10 Yomanja?

11 A. Yes. Yes.

12 Q. Mr Witness, can you please tell this Court what happened  
13 when you got to Yomanja?

14 A. Yes.

15 Q. Please tell this Court, Mr Witness?

16 A. When we were going, because we were tied, we, the  
17 [i ndi scerni ble] ones, we were in front, together with colleagues.  
18 As we got to the village, just like they did at Bamanko --  
19 Bamandu, they started surrounding the houses. In fact, they came  
20 up with us, the middle of the town, because most of the villages  
21 had an open section in the centre. Where -- there, we stood.  
22 They started bringing people out, just like they did at Bamba  
23 Fo idu. So, during the course of that, one Kamajor, whom I knew  
24 very well, he too -- he too went there to take his people to  
25 Sewafe. So we were there. The Kamajor hid his gun at the back.  
26 As they were bringing people down, beating them, this Kamajor  
27 gave a shot; he fired a gun. When he fired this gun, the RUF  
28 fired two shots behind him, and so he run into the bush. So at  
29 that time, not long, but still, they were beating people and then

1 amputating hands. First -- and, during that time, one prominent  
2 Madingo town [as interpreted] in Sewafe is one of the people whom  
3 they hacked to death. Even the paramount chief, too, was there  
4 in the village. They were there, held, to go to Sewafe. So they  
5 captured people, but they did quickly. They were not long there,  
6 because --

7 THE INTERPRETER: Your Honours, please, let the witness  
8 take his account slowly. He's going too fast.

9 MR GRAHAM:

10 Q. Mr Witness, I caution you to please be patient and take  
11 your time when you are giving your testimony.

12 PRESIDING JUDGE: Mr Interpreter, where do you want the  
13 witness to pick up, exactly?

14 THE INTERPRETER: After they captured some people and they  
15 were taking them to Sewafe.

16 PRESIDING JUDGE: Finish what you were saying after that,  
17 Mr Witness. They captured some people and were taking them to  
18 Sewafe. What happened after that?

19 THE WITNESS: Well, I saw the people whom they captured.  
20 We all went together. We were going together. It was not  
21 Sewafe. The village -- the Sewafe people that settled there, in  
22 the morning, to go to Sewafe Town, even the paramount chief  
23 himself was in that village that night. So that is what I said.

24 PRESIDING JUDGE: Is that a convenient point?

25 MR GRAHAM: That is so, Your Honours. I'm grateful.

26 PRESIDING JUDGE: Mr Witness, we're going to have to  
27 adjourn until tomorrow. In the meantime, you're not permitted to  
28 discuss the case or the evidence with any other person; is that  
29 clear?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: We'll adjourn until 9.15 tomorrow

3 mornin g.

4 [Whereupon the hearing adjourned at 4.05 p.m., to be  
5 reconvened on Tuesday, the 12th day of September  
6 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DAB-129	2
EXAMINED BY MR GRAHAM:	2
CROSS-EXAMINED BY MR HARDAWAY	13
WITNESS: DAB-135	29
EXAMINED BY MR FOFANAH:	29
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