

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

WEDNESDAY, 13 SEPTEMBER 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Julia Sebutinde

For Chambers:

Ms Carolyn Buff

For the Registry:

Mr Thomas George
Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Maja Dimitrova (Case Manager)

For the accused Alex Tamba
Brima:

Mr Koj o Graham

For the accused Brima Bazzy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain
Mr Silas Cherkera

1 [AFRC13SEP06A-MC]
2 Wednesday, 13 September 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.15 a.m.]
7 PRESIDING JUDGE: Yes. Who is taking this Defence witness?
8 MR GRAHAM: Sorry. Good morning, Your Honours. Your
9 Honours, this is witness with pseudonym DSK-103 and, Your
10 Honours, is number 57 on the witness list, and I believe that is
11 on page 52 as well. Your Honours, the witness will be testifying
12 in Krio. It is number 57, page 52.
13 PRESIDING JUDGE: Yes, we will have the witness sworn.
14 WITNESS: DSK-103 [Sworn]
15 [The witness answered through Interpreter]
16 MR GRAHAM: Good morning, Your Honours. I will start by
17 humbly applying for the application of the protective measures on
18 the rolling basis for this witness, as I believe he was not part
19 of the original list of witnesses.
20 PRESIDING JUDGE: All right. We will order that the
21 protective measures granted in our order of the 9 May 2006, shall
22 also apply to this witness.
23 EXAMINED BY MR GRAHAM:
24 Q. Good morning, Mr Witness.
25 A. Good morning.
26 Q. Mr Witness, you were born at xxx xxx?
27 A. Yes sir. Yes sir.
28 Q. You were born in 1960 -- 1964; is that correct?
29 A. Yes, sir.

1 Q. And that makes you 42 -- means that you are 42 years old?

2 A. Yes sir.

3 Q. You attended the Sierra Leone Muslim board primary school
4 at xxx xxx, isn't it?

5 A. Yes sir.

6 Q. From there you went on to attend the xxx [sic]
7 secondary school.

8 MR GRAHAM: Your Honours, xxx is spelt S-C --

9 A. Yes sir.

10 MR GRAHAM: xxx [sic].

11 A. xxx.

12 Q. In xxx xxx; is that right?

13 A. Yes sir.

14 Q. And you went up to form two, after which you stopped to
15 learn how -- to learn tailoring, isn't it?

16 A. Yes sir.

17 PRESIDING JUDGE: Mr Graham, just a very minor matter, but
18 I'm just wondering of your grammatical use of "isn't it."

19 MR GRAHAM: Well, okay.

20 PRESIDING JUDGE: It doesn't seem to fit into the context
21 of your questions.

22 MR GRAHAM: Very well, Your Honours.

23 PRESIDING JUDGE: I am just thinking of the record --

24 MR GRAHAM: Yes.

25 PRESIDING JUDGE: -- and how it's going to read.

26 MR GRAHAM: Very well. With Your Honour's kind permission,
27 may I then go over those questions quickly again?

28 PRESIDING JUDGE: No, no. Please don't.

29 MR GRAHAM: Very well, I'll move on then.

1 Q. Mr witness --

2 A. Yes sir.

3 Q. -- do you remember where you were in May of 1997?

4 A. Yes sir.

5 Q. Where were you? Can you tell this Honourable Court,
6 Mr Witness?

7 A. I was in Kono at that time.

8 Q. Mr Witness, where in Kono were you, at that time? Which
9 town or village were you in Kono?

10 A. I was in Tombodu Town.

11 Q. And, Mr Witness, did you hear anything happening --
12 anything significant happening in Sierra Leone, in May of 1997?

13 A. Well, we heard.

14 Q. What did you hear, Mr Witness?

15 A. Well, we used to hear -- during 1997, when -- when they --
16 when we were in Kono, they said that they were fighting in
17 Free -- in town -- the intervention time. That was what they
18 said.

19 Q. Okay. Mr Witness, I asked you about 1997, but I will -- do
20 you -- this intervention that you've just told this Court about,
21 do you remember what year that was?

22 MR HARDAWAY: Objection, Your Honour. I believe he gave
23 that response in answer to the question of May 1997.

24 PRESIDING JUDGE: Yes. That -- that -- that's his evidence
25 so far, Mr Graham.

26 MR GRAHAM: Well. Very well, very well, Your Honours.

27 Q. Mr witness --

28 A. Yes sir.

29 Q. -- do you remember where you were in February of 1998?

1 A. Yes sir.

2 Q. Where were you?

3 A. February 1998?

4 Q. Yes, Mr Witness.

5 A. Ninety -- eh. February. I was still in Kono.

6 Q. Thank you. And during this period in February 1998 that
7 you were in Kono, do you remember anything happening, Mr Witness?

8 A. Well, I could -- I could recall what happened to me when I
9 was in Kono. What happened.

10 Q. What happened to you, Mr Witness, when you were in Kono?

11 A. Well, while I was in Kono -- so -- in Tombodu Town, that
12 was where I was. But from then we heard that -- that Koidu Town
13 had been attacked. So people were running. The people were
14 running, coming. By then we were in Tombodu Town. So we, too,
15 as we heard -- and as they were running to come, and we were
16 still in Tombodu Town, we too, we ran.

17 Q. Mr Witness, from whom did you hear that there was fighting
18 in Koidu Town?

19 A. Well, the people who were coming to where we were, they
20 told us that -- that Koidu Town had been attacked.

21 Q. And, Mr Witness, these people that you were -- you are
22 referring to -- do you know whether they were civilians or not?

23 PRESIDING JUDGE: Are you talking about the people who told
24 him about the attack, or the people who did the attacking?

25 MR GRAHAM: No, the people who told him about the attack,
26 Your Honour.

27 Q. Mr Witness, you said though the people who told you that
28 there was an attack in Koidu Town, do you know whether they were
29 civilians or not?

1 A. They were civilians like me -- myself who, they were coming
2 with their loads on their head, and they had advised them, said,
3 "If you sit down here, they have attacked."

4 Q. And these civilians, did they tell you who was attacking in
5 Koidu Town?

6 A. Well, it was not only a single civilian. Many civilians
7 told me that as they were coming. We would go there and listen
8 to them. Some would say they -- they were the RUF. Others said
9 that -- some said they only saw people in uniform. They say they
10 saw people and saw their uniform. Whether they were -- they
11 didn't -- they don't know -- they didn't know whether they were
12 the RUF or soldiers.

13 Q. Thank you, Mr Witness. So, Mr Witness, when these
14 civilians who were coming told you this, did you do anything,
15 when they told you there was fighting in -- that attack in Koidu
16 Town? Did you do anything?

17 A. Well, we, too, we prepared, myself and my family. We
18 prepared to run away from the -- run away to the next village
19 close to Tombodu.

20 Q. So did you eventually run away from Tombodu, Mr Witness?

21 A. Yes, sir.

22 Q. And from Tombodu, when you run away, did you go anywhere,
23 Mr Witness?

24 A. Yes. We run away and went into the bush with -- together
25 with my families. We went to the bush.

26 Q. And do you know the name of the place where you --

27 MR GRAHAM: Sorry, Your Honours.

28 Q. Mr Witness, you've just told this Court you ran away to the
29 bush. Does that place have a name? Do you know?

1 A. Well, the bush -- we just run into the bush. After Tombodu
2 had been -- had -- by then Tombodu had not been attacked yet, so
3 we ran away into the bush.

4 Q. So -- and when you ran away into the bush, how long did you
5 stay there, Mr Witness?

6 A. Well, we were there for about, about a week observing
7 whether -- where we were, whether they were going to burn the
8 town where we had been; that was the Tombodu Town.

9 Q. And whilst you were there, did you hear whether anything
10 had happened in Tombodu?

11 A. Yes. We were in the bush when we heard that the town had
12 been burned, that Tombodu Town had been burned. We saw the smoke
13 billowing from where we were.

14 Q. So, Mr Witness, from whom did you hear that Tombodu Town
15 had been attacked?

16 A. Well, our companions themselves who were there -- again,
17 while we were in the bush we saw the smoke billowing from the
18 town and one would know that the town was on fire, the town had
19 been burnt.

20 Q. And, Mr witness, when they told you that and you saw smoke
21 billowing from the town, did you do anything?

22 A. Well, I myself, I advised -- I advised myself that, oh, I
23 shall go forward. I shall go forward with my family. I shall
24 continue ahead with my family. We went until we reached -- we
25 reached a town called Masundu Sandor. That was the place we went
26 to.

27 Q. Mr Witness, one second.

28 MR GRAHAM: Your Honours, Masudu -- Masundu Sandor is spel t
29 [Overlapping speakers] M-A-S-U-N-D-U. Sandor, S-A-N-D-O-R

1 Masundu Sandor.

2 Q. And, Mr witness --

3 A. Yes.

4 Q. -- Masundu Sandor, do you know the distance from Tombodu to
5 Masundu Sandor?

6 A. Well, about 4 to 5 miles away.

7 Q. Thank you, Mr Witness. And, Mr Witness, when you got to
8 Masundu Sandor, did you stay there?

9 A. Yes. We stayed there until -- we were there in the bush.
10 We stayed there in the bush.

11 Q. And whilst you were at Masundu Sandor, did anything happen,
12 Mr Witness?

13 A. Yes.

14 Q. Please tell this Honourable Court what happened,
15 Mr Witness.

16 A. While we were at Masundu Sandor, we went there. We did not
17 meet anybody in the town. They, too, had run away from the town.
18 We are strangers. We settled there.

19 Q. Mr Witness, how many of you -- do you know how many of you
20 settled at Masundu Sandor?

21 A. I was with my family. Other people too. We are there.
22 They were in the bush. We did not meet them in the town. After
23 some time, maybe they went to -- in search of food. No, I
24 couldn't tell the exact number of people who were there.

25 Q. And whilst you settled at Masundu Sandor, Mr Witness, did
26 anything happen, whilst you were there?

27 A. Yes, sir.

28 Q. Please tell this Honourable Court what happened,
29 Mr Witness.

1 A. While we were at Masundu Sandor, we were there for about a
2 week. So we were in the bushes. In the night we would come into
3 the town to pass the night in the town. And in the morning we
4 went again into the bush, together with my family. So there was
5 a time we saw -- we saw soldiers coming. When they arrived, they
6 took people from the bush, removed them from the bush.

7 Q. Mr Witness, before you go on, do you know from which -- did
8 you know where these people you referred to as soldiers, do you
9 know where they were coming from?

10 A. Well, they were coming from -- from Koidu end, where we had
11 come from. They were coming towards where we were. I think they
12 were trying to pull out.

13 Q. Mr Witness, how do you know that they were coming from that
14 direction? Do you know?

15 A. Well, as we were in the bush, they came. There is a road
16 there. We know that where we came from, they, too, were coming
17 from the same end.

18 Q. Thank you, Mr Witness. And, Mr Witness you just used the
19 word, "pull out." What do you mean by, "pull out"?

20 A. Well, just as I'm explaining, we were in Masundu Sandor by
21 then. While we were at Masundu Sandor, we were there at the
22 place there. While we were at Masundu Sandor, so the soldiers
23 were coming at another time. They called a meeting with us.
24 They said they want to have a meeting with us. The meeting,
25 really, did not take place.

26 Q. Mr Witness, before you go on, these people that you called
27 the soldiers, did you observe how they were dressed?

28 A. Well, most of them were in combats. Most of them.

29 Q. And, Mr Witness, when you say, "combats," what do you mean

1 by "combats"?

2 A. Well, those were soldier clothes.

3 Q. Do you know whether any of them had on civilian clothes?

4 A. Well, you would see some in polo, and some in were in
5 combat soldier uniform.

6 Q. Mr Witness, when you say "some in polo," what do you mean
7 by "polo"?

8 A. Well, polo is ordinary clothes, like polo.

9 Q. And, Mr Witness, these people that you described as
10 soldiers, did you observe them carrying anything when they came
11 to Masundu Sandor?

12 A. Well, they held guns. Those were the things that I saw
13 them carrying.

14 Q. And, Mr Witness, you also just told this Court that someone
15 said there was -- they were going to call a meeting which,
16 according to you, did not take place. Who said that? Who told
17 you about the meeting that was supposed to take place?

18 A. The soldiers that came, those are the people that told us
19 that everybody should come from the bush. So -- so we -- that we
20 have -- we should be having a meeting with you, but the meeting
21 did not take place.

22 Q. And do you know why the meeting did not take place,
23 Mr witness?

24 A. Yes, sir.

25 Q. Can you please tell the Court why the meeting did not take
26 place, Mr witness?

27 A. Well, they asked for the chief. The chief -- they were not
28 able to get the chief that very day, so they postponed the
29 meeting.

1 Q. So do you know whether the meeting eventually took place,
2 Mr Witness?

3 A. Well, the meeting did not take place. It was postponed
4 that -- that they should come with the chief. But the chief,
5 they were not able to get him. Though the next day -- so they
6 gave another date for the meeting, the other week, that they
7 would hold the meeting the other week.

8 Q. Thank you. Mr Witness, before you go on, who told you that
9 they were going to hold the meeting another -- the following
10 week?

11 A. They themself, the soldiers that came. They said that
12 now -- "but because we could not get the chief, if you happen to
13 see the chief, tell him that, that we'll come the following
14 week". So they were not able to see the chief.

15 Q. Mr Witness, these people that you referred to as soldiers
16 who spoke to you, did any one of them mention their names to you?

17 A. What?

18 Q. Those soldiers who came to Masundu Sandor who, according to
19 you, said that they were going to postpone the meeting because
20 the paramount, the chief was not present. I am asking you, did
21 any of the soldiers mention their names to you, during the time
22 that they came to Masundu Sandor?

23 A. They did not call my name, really. They did not call my
24 name. The only thing -- they did not call my name --

25 Q. Not your name, their names?

26 A. No. Their names, they did not tell their own names.

27 Q. Did they tell you whether they belonged to any armed -- any
28 armed faction?

29 A. Well, they did not tell us that they were coming from any

1 group. But as we were running, we -- we heard that -- we were
2 afraid, and we heard that they were RUF or soldiers. So when we
3 saw them in combats, so we -- we thought they were like that.

4 Q. You thought that they were like that. "Like that," what do
5 you mean by "like that"?

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

7 PRESIDING JUDGE: Yes. What do you say to that, Mr Graham?

8 MR GRAHAM: Very well, Your Honours. I'll go on. I mean,
9 I am -- I am seeking to get some information from him. I will go
10 on even though, Your Honours, I believe that the expression used
11 "like that," is not that very clear. But I'll move on, Your
12 Honours.

13 Q. Mr Witness, who told you, when you said you were running,
14 that those people were RUF or soldiers?

15 A. Well, they were people, they -- they were running like me,
16 like myself. They used to run like myself. As they came, they
17 would ask them, "What happened?" They would tell us, "Why do you
18 stand? Run away. And you stand to ask?"

19 Q. Okay, Mr Witness. And when you heard -- before I go on,
20 those soldiers who came to Masundu Sandor, do you know whether
21 any one, any particular -- do you know whether anyone was in
22 charge of them?

23 A. Yes, I know one, one whom I was able to recognise. From
24 the time -- from the time when they've -- there -- there was no
25 fighting. I had known him before.

26 Q. And before I go on, how -- what -- please tell this Court
27 if you know the name of that person, please tell this Court.

28 A. Well, it was Staff Alhaji.

29 MR GRAHAM: Your Honours, Staff Alhaji, S-T-A-F-F. And

1 Al haji, A-L-H-A-J-I.

2 Q. And, Mr Witness, before I go on to talk about Staff Al haji,
3 you have just told this Court that you have known Staff Al haji
4 before. How have you known Staff Al haji, or how did you know him
5 before?

6 A. Well, how I had known him before, well, he was a man. I am
7 a tailor. I was a tailor, at the same time mining. So there
8 were times they would be at the checkpoints where we used to pass
9 to go to mine. There, at those checkpoints, we found them at
10 those checkpoints.

11 Q. Mr Witness, before -- and during this -- and how did you
12 know that his name was Staff Al haji?

13 A. That is what I'm saying. While we went on to mine, before
14 the fight I had known him to be Staff Al haji, so --

15 Q. Thank you, Mr Witness. Mr Witness, how did you know that
16 he was in charge of the soldiers that you said came to Masundu
17 Sandor?

18 A. Well, please go over your question.

19 Q. My question to you, Mr Witness, was that, how did you know
20 that Staff Al haji was in charge of the people you referred to as
21 soldiers, who came to Masundu Sandor?

22 A. He -- he was the only person that I was able to recognise
23 among the soldiers that I saw.

24 Q. Thank you. And, Mr Witness, you told this Court earlier on
25 about the meeting that was postponed. Did the meeting eventually
26 take place the following week?

27 A. Yes. The meeting was to take place the following week, but
28 it did not take place the other week again.

29 Q. Thank you, Mr Witness. So did anything happen after that,

1 in Masundu Sandor?

2 A. The meeting, why it did not take place, it was because they
3 heard that ECOMOG had come to Koidu, so the meeting did not take
4 place.

5 Q. Mr Witness, before you go on, how do you know that the
6 meeting did not take place because they heard that ECOMOG had
7 come to Koidu? How did you know that?

8 A. According to the time which was given to us that they would
9 come, that they would come to hold the meeting with us, by then
10 we did not see them. Then we heard some bombardments at the
11 place there, that ECOMOG had entered Koidu. So the meeting did
12 not take place at all. They were tormented.

13 Q. Thank you. And, Mr Witness, when you heard ECOMOG, do you
14 know what ECOMOG means, Mr Witness?

15 A. ECOMOG, they were people who were outside who come to help,
16 for anything, from another countries to come and help. That's
17 what I understand about them.

18 Q. And did you know who they were supposed to come and help,
19 Mr Witness?

20 A. Yes, sir.

21 Q. Please tell this Court, Mr Witness?

22 A. We were expecting ECOMOG, that they would come to help us
23 during that time.

24 Q. Okay. Mr Witness, thank you. And after you heard that --

25 MR GRAHAM: Sorry, Your Honours.

26 Q. When you were in Masundu Sandor and the meeting did not
27 take place because of, according to you, ECOMOG had taken over,
28 did you -- did anything happen in Masundu Sandor after you had
29 heard that information about ECOMOG?

1 A. The information about ECOMOG, it -- that gave cause for
2 the -- for the meeting not to take place, not to take place.
3 Because we saw most of them. They would come. They would come.
4 They would come.

5 Q. Thank you, Mr Witness. I'm saying that, did you do
6 anything else? Did you do anything in Masundu Sandor after you
7 heard this information about ECOMOG? You yourself, did you do
8 anything?

9 A. I did not do anything. But we were in the place where
10 we -- we hid, together with my family. And we would see them
11 come and know -- and to know if at all one had to run where to
12 go, because you cannot just run where -- when you don't know
13 where you are running to.

14 Q. And I am saying now, Mr Witness, please tell -- whom did
15 you see go and come whilst you were hiding?

16 A. Well, the same people, the soldiers whom we saw.

17 Q. Thank you. And whilst you were hiding in this bush,
18 Mr Witness, did anything happen?

19 A. While we were in our hiding place some -- something --
20 nothing happened, really, where we were in hiding. But I, as the
21 man, I was with my family in the bush. So I used to come to see
22 how the town was firing [as interpreted] on.

23 The following day, by then, as they were coming, some would
24 come and pass. They would come and pass. But another group came
25 and based in the town.

26 Q. Mr Witness, before you go on, when you say, "another
27 group," what do you mean by "another group"?

28 A. They used to come by in groups as they were pulling out,
29 because of the news that ECOMOG had come. So they used to come

1 in groups. So as they came in groups, they would pass.

2 Q. These people who used to pass -- before I go on to the
3 group that you said came to stay in Masundu Sandor, these groups
4 that you said you saw them pass, did you observe how they were
5 dressed?

6 A. The same -- the same way of dress. The same way of dress.
7 The same dress.

8 Q. And, Mr Witness, this group, how did you know that another
9 group had settled -- settled in Masundu Sandor?

10 A. Each time they settled in a place, wherever you were in
11 hiding, one would know that, that these men, these people had
12 based, were now based in this place. Because they would cause
13 noise.

14 Q. Thank you. And, Mr Witness, when this group settled in
15 Masundu Sandor, did anything happen?

16 A. Yes.

17 Q. Can you please tell this Court what happened, Mr Witness?

18 A. What happened there, when they came in groups, the other
19 groups would come, some would pass and advance. They would come.
20 While the other group that -- that came, I think they passed the
21 night in the town there in Masundu. That was the place they
22 passed the night, in the Masundu Town. So when they were ready
23 to pull out, they burnt the town. Where we had kept our clothes,
24 our machines, everything was burnt down. The last batch that
25 left.

26 Q. Mr Witness, how do you know that they burnt the town? How
27 do you know that?

28 A. Each time the town was burnt, you would see the smoke
29 billowing. You would know that this place is on fire. That is

1 how we got to know that this place had been burnt.

2 Q. Thank you. And, Mr Witness, do you -- at the time that all
3 these things were going on that you were observing, did you
4 know -- do you know how long you had stayed in the bush, hiding
5 in the bush with your family?

6 A. Well, being in the bush, yes. About -- it was about a
7 week. We were in the bush throughout in the place there, in
8 Masundu when --

9 Q. Thank you. And, Mr Witness, whilst you were in the bush,
10 did you ever leave there to go anywhere?

11 A. No. We were in the bush. After the town had been burnt, I
12 was thinking. I said, "Oh, my machine." My sewing machine had
13 been burnt. So after the place had been burnt -- so by then the
14 fire was already dying out, so there was no more noise. So I
15 decided to go and see whether I would be able to pick up my
16 machine, whether I could make the machine again.

17 Q. And this -- so did you go to -- did you go to get your
18 sewing machine?

19 A. I went to see. As I was going to the town -- not men
20 that -- they were in the very houses which, which they had burnt.

21 Q. Who was in the very houses which they had burnt,
22 Mr Witness?

23 A. Well, the soldiers whom we saw -- I mean, they were hiding
24 behind the houses which they had burnt. If you were coming out
25 of the bush, you would not know that there were soldiers there in
26 hiding.

27 Q. So how did you know that they were still hiding behind the
28 burnt houses, Mr Witness? How did you know that, that the
29 soldiers were still hiding there?

1 A. Well, I went directly to the house -- to -- to look out for
2 my property, but I did not see them at all. And then they saw me
3 coming. So as I went, I fell.

4 Q. Mr Witness, you fell where?

5 A. Well, where I fell, they run. They were chasing me to
6 capture me. So I was really determined to run, but they had gone
7 around where I had passed. So I was captured, the very area end
8 to where I was run -- towards where I was running. So that was
9 the place they captured me.

10 Q. And, Mr Witness, can you tell -- do you know how many
11 captured you?

12 A. Well, about -- about four of them. Those that went for me.
13 The ones that went for me.

14 Q. And when they captured you, did anything happen?

15 A. Well, when they captured me, they tied me. They captured
16 me. They tied me, and they were walking around with me.

17 Q. Mr Witness, with what did they tie you up with?

18 A. They tied me up with a rope. They had the rope that they
19 used to tie.

20 Q. And when they tied you up, did they do anything else to
21 you, Mr Witness?

22 A. Well, when they tied me up, then they started to beat me
23 up. So then, they went with me. They said they were going to
24 find food.

25 Q. Mr Witness, before you go on, with what did they beat you
26 up with?

27 A. Well, they had their own belt. Some of them used the gun,
28 the butt of the gun, and they would -- they would beat me with
29 it. They had the belt and they would beat me with it.

1 Q. So after you were tied up and beaten up, did the rebels --
2 sorry, did the -- did these people do anything else to you?

3 A. Yes.

4 Q. What did they do to you, Mr Witness?

5 A. Well, when they tied me, they said, "Okay, now we will --
6 we will capture you to go and find food. You are the very first
7 person." So they went with me. They tied me. They did not
8 leave me behind. They were with -- I -- I was with them. So --

9 Q. And did they -- did they -- did you take them anywhere?

10 A. Well, I did not know the villages myself. They would go
11 with me, and anywhere they went with me, okay. So we went until
12 we met a village, you see.

13 Q. And do you know the name of this village, Mr Witness?

14 A. No, no.

15 Q. And did anything happen when you got to this village,
16 Mr Witness?

17 A. Well, when we got to that village, then they captured --
18 they -- they -- they caught -- they caught sheep and goat. They
19 cut off their throat and put it into a bag.

20 Q. Did you see them do this yourself, Mr Witness?

21 A. Well, me, yes. They -- they left me with some other men.
22 They said, "This -- this -- you would capture this man." So the
23 other men went inside. They came with sheep and goat, and I
24 carried them.

25 Q. Mr Witness, after they did this and you carried them, did
26 you go anywhere?

27 A. Well, after they had got what they wanted, we said -- they
28 said we would find food. When they had got it, they gave -- they
29 put it into a bag and I carry -- carried it. We went back to

1 Masundu Sandor.

2 Q. Thank you, Mr Witness. And, Mr Witness, when you got back
3 to Masundu Sandor, did anything happen?

4 A. Yes.

5 Q. Mr Witness, can you please tell this Court what happened?

6 A. Well, as we had reached Masundu -- when we got to Masundu
7 Sandor, I never knew it was the time -- I came to understand that
8 there were many in the town.

9 Q. So when you say you began to understand that there were
10 many in the town, whom are you referring to, Mr Witness?

11 A. Sir, sir.

12 Q. Okay. Mr Witness, let me ask you again. You just told
13 this Court that when you got back to Masundu Sandor, it was then
14 you realised there were many of them. And I am asking you --

15 A. Yes.

16 Q. -- there were many of who at Masundu Sandor?

17 PRESIDING JUDGE: Mr Interpreter, we don't need to hear the
18 Krio translation. It is quite confusing. All we need is the
19 English translation. Don't pipe through the Krio translation to
20 us as well. It's not helpful.

21 THE INTERPRETER: Yes, Your Honour.

22 THE WITNESS: Then it came to the point I saw civilians. I
23 saw soldiers. I saw children, suckling mothers. They were all
24 there.

25 MR GRAHAM:

26 Q. And when you saw all these people, did anything happen at
27 Masundu Sandor?

28 A. Yes. Yes. So as I had brought the luggage, they gave me
29 to carry it. At the back of the yard where I met them, they were

1 preparing to cook. The suckling mothers were there. So they
2 told me to put the bundles behind.

3 Q. And before I go on, Mr Witness, these civilians and
4 suckling mothers that you saw at Masundu Sandor, did you get to
5 know where they were from?

6 A. No, I -- I've never met them.

7 Q. And you've just told this Court -- so when you got back to
8 Masundu Sandor, did anything happen, after you put down your
9 luggage?

10 A. Yes.

11 Q. Can you please tell this Court what happened, Mr Witness?

12 A. So as I had -- as -- as I put the -- the luggage down, they
13 called me. I think the -- their superiors, where they were --
14 they were sitting in one corner. In the corner, they were
15 sitting there, the superiors.

16 Q. Mr Witness, before you go on, how did you know that the
17 people sitting in the corner you just described, were the
18 superiors?

19 A. Well, according -- according to the way I saw them, I saw
20 them with table, sets table. There were lots of ammunition on
21 the side. So -- so straight away I -- I saw somebody I knew,
22 Staff Alhaji. As I saw him, then I bent down.

23 Q. And, Mr Witness, before you go on, can you describe Staff
24 Alhaji to this Court?

25 A. Yes.

26 Q. Please do, Mr Witness.

27 A. Staff Alhaji, he is tall. He is a man. As you see him,
28 he -- his voice, he has a heavy voice. His moustache made it in
29 a way that you -- he has -- he's tall. He has weight, you see.

1 Q. And what did you say about his moustache, Mr Witness?

2 A. According to -- as the way he, he shaved his -- his
3 beard -- the way he shaved it, you would know that this man --
4 and his height, his voice. He has -- he has a commanding voice.

5 Q. Thank you, Mr Witness. Mr Witness, when these people you
6 described as superiors called you, did anything happen?

7 A. Well, as they called me, I -- I met -- they were in one
8 bunch. I saw one of my companions. As they called me, I saw one
9 of my colleagues, that they had cut his hand. Since they had not
10 cut my hand, but I had see seen them cutting my companions's
11 hand. He was going.

12 Q. Mr witness, whom did you see cutting your companion's hand?

13 PRESIDING JUDGE: Well, did he say by the time he had seen
14 his colleague, the hand had already been cut? Did he say he saw
15 someone cut it, or that he saw his colleague and that they had
16 cut his hand?

17 MR GRAHAM: Well, Your Honours, that is what he said.

18 A. As -- as -- as they called me, I -- I saw that they were
19 cutting my companion's hand. I don't --

20 PRESIDING JUDGE: That is different to what he said before.

21 He said --

22 THE WITNESS: Yes, I'm coming. I'm coming.

23 MR GRAHAM:

24 Q. Mr Witness, can you please clarify this for the Court.
25 This - your colleague that you said his hand was cut - did you
26 see when -- did you see the time his hand was being cut? Did you
27 see it with your own eyes?

28 A. Immediately when they called me, as I was going where --
29 where they were, then I saw the man going on that side. I saw

1 him. He was going -- he -- he -- he held his hand. Then I said
2 to myself, "This is the very same thing they will do to me."

3 Q. Okay. Thank you, Mr Witness. And when you saw your
4 colleague, did anything happen after that?

5 A. Well, they called me too. They said where I was.

6 THE INTERPRETER: Your Honours, can the interpreter -- can
7 the witness go over that bit again?

8 PRESIDING JUDGE: Mr Witness, the interpreter did not get
9 what you've said. Could you please repeat your answer.

10 THE WITNESS: I said, as they had cut this man's hand, so
11 my -- me -- me too -- as he was going, he held his hand.
12 Straight away then, I said to myself, "Oh, this is the very same
13 thing they're going to do to me."

14 PRESIDING JUDGE: All right. Well what happened after
15 that?

16 [AFRC13SEP06B - MD]

17 THE WITNESS: Well, as I reached, then they asked me
18 questions. How -- where I had been all along. So I told them
19 that we were finding hiding places, so that was why we -- we run.
20 So they told us that we were for Tejan Kabbah.

21 MR GRAHAM:

22 Q. And, Mr Witness, after they told you that, did anything
23 happen?

24 JUDGE SEBUTINDE: Mr Graham, I'm really not happy about
25 "they did this" and "they did that." I know it's the vernacular
26 way of talking, but this is evidence for the record.

27 MR GRAHAM: Your Honours, I could well go on. I believe
28 that the witness has made it very clear. I could well go on to
29 ask him at every point in time what he means by that, but I

1 believe --

2 Q. Mr Witness, when you say they -- who asked you where you
3 had been, in the first -- who asked you that?

4 A. Well, it was the one -- the one who had the cutlass to cut
5 hands. He asked me where I had been. The other -- the others
6 were seated down. He asked me the question.

7 Q. And after you told him where you had been, did anything
8 happen, Mr Witness?

9 A. Yes. Then he said -- he said, "Well, now, we are going to
10 remove your hand. So you would go to Tejan Kabbah so that he
11 would give you another one," another hand. So he told me to put
12 my hand, so that he would cut my hand.

13 Q. And when he told you that, did anything happen after that?

14 A. He cut my hand, my right hand. Then --

15 Q. Mr Witness, before you go on, what -- do you know what he
16 used in cutting your right hand?

17 A. He used a cutlass, cutlass.

18 MR GRAHAM: Your Honours, I would ask the witness.

19 Q. Mr Witness, sit down. Can you please raise and show your
20 right hand out of your jacket sleeve to this Honourable Court,
21 please? If he can get the assistance of WVS?

22 A. This is the right hand that they cut.

23 PRESIDING JUDGE: Well, for the record, the witness is
24 showing his right forearm. It's been amputated approximately
25 halfway along. There is about four inches below the elbow left.

26 MR GRAHAM: Thank you, Your Honour.

27 Q. And, Mr Witness, did anything happen after they amputated
28 your hand, your right hand?

29 A. Yeah.

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

2 A. Well, he had to tell me to put my left hand, so that he
3 will cut my left hand again. So his fellow companion, they
4 argued over it, and he -- they said that they should leave me
5 with one hand. So --

6 Q. Mr Witness, before you go on, who were the fellow
7 companions of this individual who amputated your hand?

8 A. Among themselves.

9 Q. And after this exchange had taken place between this
10 individual and his companions, did anything happen after that,
11 Mr Witness?

12 A. Yes.

13 Q. Please tell this Court what happened.

14 A. Well, the -- the next man said not -- that they should not
15 cut my two hands, they should cut one of my ears. So they had to
16 cut off one of my ears.

17 Q. And, Mr Witness, if -- you don't have to get up from where
18 you are sitting. If you can take off your headphones, and then
19 turn your head to the right, to let the Court see your left ear,
20 Mr Witness.

21 MR GRAHAM: Your Honours, with your kind permission, WVS
22 might assist the witness.

23 Q. Mr Witness, please sit; don't get up.

24 A. Okay.

25 PRESIDING JUDGE: Well, the witness is showing us the left
26 side of his head. The left ear is completely missing. There's
27 just a hole where the aural canal begins. Go ahead, Mr Graham.

28 MR GRAHAM: Thank you.

29 Q. And, Mr Witness, do you know whether the person who cut

1 your arm was the same person who cut off your left ear?

2 A. Yes, the one who held the cutlass.

3 Q. My question was -- okay. Thank you. And, Mr Witness,
4 after they cut your ear, did they do anything else to you?

5 A. Well, they drove me away. They said, "Okay, you go to
6 Tejan Kabbah to give you orders." So as I was going --

7 Q. And when they drove you away, did you leave Masundu Sandor,
8 Mr Witness?

9 A. Yes. When they drove me, I wanted to -- to use the road
10 where cars passed. But they said I should not use the road, I
11 should use the bush where I was from. That was where I should
12 pass.

13 JUDGE SEBUTINDE: Mr Graham, is this driving in a car or
14 what?

15 MR GRAHAM: Well, Your Honour, I'm going to ask him.

16 Q. So, Mr Witness, did you leave? How did you then leave
17 Masundu Sandor?

18 A. Well, I walked. I walked and I met those who we were in
19 the bush. My relatives, I went to meet them in the bush.

20 Q. And when you met your relatives, Mr Witness, did anything
21 happen?

22 A. Well, they run away from me. They run away.

23 Q. And do you know why they run away from you?

24 A. Yes.

25 Q. Why did they run away, Mr Witness?

26 A. Well, as they saw me with blood, they run away from me.
27 They -- they run away from me in two ways: They thought that I
28 was I was going to tell them where they were. Everybody was
29 scattered, so I -- I left.

1 Q. Mr Witness, where did you leave to go?

2 A. Well, I went -- I went to Koi du. They call the place
3 Lebanon, in Koi du. That was where I travelled to go.

4 Q. And, Mr Witness, did you get to Lebanon?

5 MR GRAHAM: Your Honours, Lebanon is spelt as in the
6 country Lebanon.

7 Q. Did you get to -- eventually get to Lebanon?

8 A. Well, yes. I went there but I had no -- no one with me
9 where -- where we were hiding. They had scattered. I was the
10 only one, so I decided to go because we have heard that ECOMOG
11 were in Koi du. So I decided --

12 Q. So did you go to ECOMOG, Mr Witness?

13 A. Yes, I went there.

14 Q. And when you went to ECOMOG, did anything happen at ECOMOG,
15 Mr Witness?

16 A. Well, when I went to the ECOMOG, when I travelled, I was
17 still feeling pain. So -- so I met them at night. It was at
18 night that I was able to -- to reach there, to the ECOMOGs.

19 Q. And I'm asking you: When you got to ECOMOG, did anything
20 happen?

21 A. Well, I was hands up. I was -- as I was coming, I was
22 crying. As I saw the tent, I knew it was the ECOMOG. I was
23 crying, so they -- they halted me, so I stood up.

24 Q. And did ECOMOG do anything to you, Mr Witness? Sorry, did
25 they take you anywhere?

26 A. When I got to them, they pointed a flashlight on me. Then
27 they asked me who I was, so I explained to them.

28 Q. My question was: Did they take you anywhere? Did ECOMOG
29 take you anywhere?

1 A. Yes. Yes, they took me. They -- they were finding
2 medicines. They give me tetanus injection.

3 Q. So from when you met ECOMOG where -- do you know where you
4 met ECOMOG? Do you know the name?

5 MR HARDAWAY: Objection, Your Honour. I believe that's
6 been asked and answered.

7 PRESIDING JUDGE: Wasn't it at Lebanon?

8 MR GRAHAM: Yes. He said Lebanon but, if you recall very
9 well, he said when he got there, there was none of his people, so
10 he moved somewhere else. I mean, it wasn't very plain but, Your
11 Honours, I will move on.

12 PRESIDING JUDGE: What answer are you referring to,
13 Mr Hardaway?

14 MR HARDAWAY: I was referring to Lebanon in Koidu, Your
15 Honour, because he was there because of ECOMOG.

16 PRESIDING JUDGE: I thought that was the answer but,
17 apparently, there may be another one, so I will allow the
18 question.

19 MR HARDAWAY: Very well, Your Honour.

20 MR GRAHAM:

21 Q. For clarification, Mr Witness, did you know the place where
22 you met ECOMOG, the name of the place where you met ECOMOG?

23 A. It's where the ECOMOGs are, where I met them, it's in
24 Koidu. I met them in Koidu. Although where they had their --
25 their tent, where I met them, so they -- they took me -- took
26 me -- took me into Koidu Town to find injection.

27 Q. Thank you. Mr Witness, apart from taking you to Koidu Town
28 for treatment, did ECOMOG take you anywhere else for treatment?

29 MR HARDAWAY: Objection, Your Honour. And the basis, as

1 with a lot of this line, is relevance.

2 PRESIDING JUDGE: Well, what do you say to that, Mr Graham?

3 MR GRAHAM: Well, Your Honours, the evidence is relevant to
4 the extent that the witness's statement indicates that he was
5 subsequently taken somewhere else by ECOMOG and, there, he heard
6 certain things, which I believe is relevant for this Court.

7 PRESIDING JUDGE: Well, let's get to them, will you?

8 MR GRAHAM: Yes, Your Honours, but for the objection from
9 my learned friend, I was moving on.

10 Q. Mr Witness, please, I asked you that, apart from the
11 treatment that ECOMOG gave you at Koidu Town, did they take you
12 anywhere else for further treatment?

13 A. No. We were there for about a week.

14 Q. And after a week, did you go anywhere else, Mr Witness?

15 A. We did not go anywhere. There we were, in the town there.

16 Q. And did you leave Koidu Town to go anywhere else, after
17 this period, Mr Witness?

18 A. I hadn't got to go anywhere because the ECOMOG -- I was
19 just with them, in the place.

20 PRESIDING JUDGE: Well, if you ask that question again,
21 Mr Graham, I won't allow it.

22 MR GRAHAM: Very well, Your Honours.

23 Q. And whilst you were there in Koidu Town, Mr Witness, did
24 anything happen?

25 A. Nothing happened there. Just that I was there with ECOMOG.
26 Then ECOMOG told me to be with them. So they were -- moved
27 around with me to get medicine for me that night --

28 Q. Okay, Mr Witness.

29 A. -- until the next morning.

1 Q. We have heard that already. Mr Witness, whilst you were
2 with ECOMOG, did you meet anyone there that you knew?

3 MR HARDAWAY: Objection. Leading.

4 PRESIDING JUDGE: It is leading. I will allow the
5 question.

6 MR GRAHAM:

7 Q. Witness, whilst you were with ECOMOG, did you meet anyone?

8 A. Well, I was there with them, with them, until they asked me
9 to wait.

10 Q. And, Mr Witness, did you meet other people? Did you meet
11 other amputees at ECOMOG?

12 A. I was the second person whose hand was amputated. So the
13 next day, we started seeing most of them coming; those that were
14 amputated.

15 Q. Where did you see them coming from, Mr Witness?

16 PRESIDING JUDGE: Look, is this -- all right. Go ahead. I
17 take it you are getting around to asking him did he speak to
18 anyone?

19 MR GRAHAM: No, Your Honours, not at all.

20 Q. Mr Witness, do you know where these people that you said --
21 did you know where they were coming from?

22 A. Well, yes. One of them was a friend of mine, whom I had
23 known before. He, too, was in the meeting where we -- but I saw
24 him now later with his hand amputated.

25 Q. And did he tell you who amputated his hand, Mr Witness?

26 A. While we were there, we were discussing together. So he
27 explained to me and therein he asked me, asked me, and I told him
28 that it was Staff Alhaji and his group that did that to me. He
29 too said that -- he said that it was Savage and others. But I

1 told him that I don't know who Savage was, but because we were
2 coming from the same place, I don't know that.

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

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

7 MR FOFANAH: Just two questions, Your Honour.

8 EXAMINED BY MR FOFANAH:

9 Q. Mr Witness, did you later get to know the name of the
10 person who actually amputated your hand and ear?

11 A. I don't know the one who really used the cutlass to cut my
12 hand, but I only knew one of them who was among this group, and
13 that is Staff Alhaji, and he's the only one that I recognise to
14 have been among that group.

15 Q. And throughout this period, did you hear the name Ibrahim
16 Bazy Kamara mentioned as being one of those who were responsible
17 for what happened to you?

18 A. Well, I don't know. I don't know him.

19 MR FOFANAH: Thank you.

20 MR MANLY-SPAIN: Just a couple of questions, Your Honour.

21 EXAMINED BY MR MANLY-SPAIN:

22 Q. Mr Witness, you told this Court that you knew Staff Alhaji
23 when he was manning checkpoints; is that so?

24 A. Yes.

25 Q. At the time he was manning the checkpoint, did you know
26 what work he was doing?

27 A. The work that he was doing, we knew that. Soldiers were
28 always at the checkpoints. Each time there was a cleaning, a
29 general cleaning. If nobody -- if anybody refused to go to there

1 and you were captured --

2 Q. Mr Witness, I just want you to answer whether you knew
3 which work he was doing, not to explain what he was doing.

4 A. Yes.

5 Q. Did you know what work he was doing?

6 A. Yes.

7 Q. Please tell the Court what work he was doing.

8 A. At the time I knew him?

9 Q. At the time he was manning the checkpoints.

10 A. Well, the work that he was doing, I know that he was doing
11 the soldier work.

12 MR MANLY-SPAIN: That is all, Your Honour. Thank you,
13 Mr Witness.

14 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Yes,
15 Mr Hardaway.

16 MR HARDAWAY: Thank you. Good morning, Your Honours.

17 CROSS-EXAMINED BY MR HARDAWAY:

18 Q. Good morning, sir.

19 MR GRAHAM: Your Honours, please, I'm sorry to intervene,
20 but the first accused wants to use the restroom.

21 PRESIDING JUDGE: Yes, Mr Brima can leave the Court.

22 MR HARDAWAY:

23 Q. Mr Witness --

24 A. Sir.

25 Q. -- I have some questions for you. I just want you to
26 listen to them carefully and then answer as concisely and as
27 truthfully as possible; all right?

28 A. Yes.

29 Q. I want to take you back to the attack on Tombodu, sir.

1 This attack was done by the same people who you testified had
2 attacked Koidu, wasn't it?

3 A. As we heard that the soldiers -- I got the information from
4 the people that were running that they had attacked Tombodu.

5 Q. And the information you received, sir, were these the same
6 people that you had heard earlier that had attacked Koidu?

7 A. Well, those were the ones. We saw them in uniform, in
8 soldier uniform, with guns, you see.

9 Q. Thank you, sir. Mr Witness, did you see or hear of any
10 children as taking part in the attack on Tombodu?

11 A. Children?

12 Q. Yes. Children or young people.

13 A. Well, Tombodu, we did not see children, as I am saying.

14 Q. Sir, you had mentioned houses being burned down in Tombodu.
15 I want to ask you: Did you see or hear of any killings in
16 Tombodu as a result of this attack?

17 A. We saw them burn houses -- we heard them -- we were far
18 off. We were out of the town before the burning took place,
19 so --

20 Q. Did you hear of any killings as a result of that attack on
21 Tombodu?

22 A. While we were far off, we heard that -- that people were
23 killed.

24 Q. Did you hear of any rapes in Tombodu as a result of this
25 attack?

26 A. No.

27 Q. Did you hear of any mutilations, or amputations, in Tombodu
28 as a result of the attack you testified to?

29 A. No. Not until I had left.

1 Q. So you did hear of amputations -- amputations and
2 mutilations in Tombodu as a result of the attack, but you only
3 heard of it after you left Tombodu; is that what you're saying,
4 sir?

5 A. Yes. After I had left and had gone, so those that went to
6 meet me in Koidu explained to me that he, too, his hand was cut
7 off.

8 Q. Did you hear of any abductions from Tombodu as a result of
9 this attack, sir?

10 A. Yes, they captured people.

11 Q. And did you hear of them being forced to carry loads or
12 forced to do work for the people who attacked Tombodu?

13 A. After I had left Tombodu, so really, I -- they didn't know
14 what was happening there. So everybody was dispersed, so I don't
15 really know.

16 Q. Thank you, Mr Witness. Mr Witness, I now want to take you
17 to Masundu Sandor. You had testified that you had witnessed
18 houses being burnt in Masundu Sandor; do you remember that?

19 A. Yes.

20 Q. Did you see or hear of any killings in Masundu Sandor?

21 A. Masundu Sandor, I only saw them amputating hands. Myself
22 and the first person were the only people whose hands were
23 amputated after -- before I left there.

24 Q. Did you hear later, sir, of any killings at Masundu Sandor,
25 during the time you were there?

26 A. The time when I was there, I did not see -- see people
27 being killed, only that their hands were amputated, before I left
28 Masundu Sandor, finally.

29 Q. Did you hear of any rapes in Masundu Sandor, sir, while you

1 were there?

2 A. No.

3 Q. And did you see any abductions in Masundu Sandor, sir,
4 other than yours?

5 A. I had left. I did not see that at all.

6 Q. And you had testified, sir, that you had been forced to
7 carry loads for the people who had captured you; is that correct?

8 A. Yes.

9 Q. Did you see or hear of anyone else, in Masundu Sandor, who
10 was forced to carry loads or do work for the people who attacked
11 there?

12 A. No. After my, my own treatment, I forgot about them. They
13 said I should go.

14 Q. Mr Witness, were there any children or young people
15 involved in the attack on Masundu Sandor?

16 A. Well, Masundu Sandor, while I was there, I only saw them
17 burning the place while they were pulling out.

18 Q. So you saw children burning houses in Masundu Sandor as you
19 were pulling out; is that your testimony?

20 A. No. I said -- what I said was that -- I said, well, as the
21 men were getting information that ECOMOG was advancing towards
22 Koidu, they, too, were coming to us towards where we were at
23 Masundu Sandor. So the night they passed there, the other troop,
24 the last troop, where it was the troop, the group that burnt the
25 town. The other troop came again. So those that came later,
26 they came and -- and hid behind the houses that they had already
27 burned, so I fell in their own hands.

28 Q. Thank you, Mr Witness. Mr Witness, the group that attacked
29 Masundu Sandor, who I believe you described as soldiers, they

1 were the same group of people that attacked Tombodu, weren't
2 they?

3 MR FOFANAH: Objection. Your Honours, there is nothing on
4 the record that indicates that Masundu Sandor was attacked. I
5 mean, I stand guided by the transcript. He only talked about
6 meeting soldiers who amputated him. The word "attack" was never
7 used by this witness. This is the second time my learned
8 colleague is using the word "attack" on Masundu Sandor.

9 PRESIDING JUDGE: Do you wish to reply to that,
10 Mr Hardaway?

11 MR HARDAWAY: Yes, Your Honour. He'd also mentioned that
12 the houses were burned by the soldiers who were passing through.
13 I believe it is a reasonable inference that can be considered an
14 attack.

15 PRESIDING JUDGE: We overrule the objection. Go ahead,
16 Mr Hardaway.

17 MR HARDAWAY: Thank you, Your Honours.

18 Q. Mr Witness, I will repeat the question for you, sir. The
19 group that attacked Masundu Sandor, this was the same group of
20 people who had earlier attacked Tombodu, weren't they?

21 A. Well, a group, they were in group. They came in groups and
22 they will pass, as I'm saying. I don't know whether it was the
23 group that attacked Tombodu that burnt Masundu Sandor, so --

24 Q. But they were soldiers that attacked Masundu Sandor;
25 correct?

26 A. Well, the soldiers were the ones we saw. When they came,
27 the following day, later we saw smoke. Then, while we were in
28 the bush, we saw smoke billowing from there. So by then -- there
29 were soldiers.

1 Q. And you were captured by soldiers at Masundu Sandor,
2 weren't you, sir?

3 A. They were soldiers, in uniform, combat. And some of whom I
4 know -- among whom I know one.

5 Q. And I want to get to that now, sir. You said that you had
6 known Staff Alhaji prior to Masundu Sandor; is that correct?

7 A. Yes.

8 Q. Staff Alhaji was a soldier, wasn't he?

9 A. Yes.

10 Q. And he was a soldier when he was at Masundu Sandor, wasn't
11 he?

12 A. Himself?

13 Q. Yes.

14 A. Whether he was a soldier?

15 Q. Yes, sir.

16 A. Yes. He was dressed as a soldier. By the time -- the time
17 they went to Masundu Sandor, he was dressed as a soldier.

18 Q. Now, later on, sir, you had spoken to your friend, who had
19 said that Savage and others had amputated his hand; is that
20 correct?

21 A. Yes. We were discussing, while we were there.

22 Q. And you said, sir, and please correct me if I am wrong,
23 that this was done in the same area where you had your hand
24 amputated; is that correct?

25 A. Well, the man, we discussed and they asked -- we were
26 asking ourselves -- he asked about Staff Alhaji's group. But
27 Savage, really, I don't know him in person. I have never seen
28 him before. But, when he called Savage, he understood that --
29 that he belonged to Staff Alhaji's group.

1 Q. Thank you, Mr Witness. And have you ever heard the name
2 Ibrahim Bazzy Kamara, as being the senior commander in Kono
3 District; the senior commander of the AFRC?

4 A. No.

5 Q. I put it to you, sir, that Ibrahim Bazzy Kamara was the
6 senior commander in Kono, representing the AFRC, during the
7 attacks on Tombodu and Masundu Sandor; what is your response,
8 please?

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

10 MR HARDAWAY: Thank you, Mr Witness. I thank you for your
11 time and attention today. I have no more questions of you, sir.
12 Your Honours, this concludes my cross-examination.

13 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any
14 re-examination?

15 MR GRAHAM: No, Your Honours.

16 PRESIDING JUDGE: All right. Thank you. Mr Witness, thank
17 you very much for coming into our Court to give evidence. You
18 will be able to leave in a few moments. If you just sit there,
19 we will adjourn the Court and then arrangements will be made for
20 you to leave. We will adjourn this Court until 10 past 11.
21 11.10. Thank you.

22 [The witness withdrew]

23 [Break taken at 10.42 a.m.]

24 [Upon resuming at 11.12 a.m.]

25 [The witness entered court]

26 MR FOFANAH: Your Honours, the witness before you is
27 DAB-125, and she can be found on number 23 of the common Defence
28 witness summaries, filed on 21 August 2006. Number 23. She will
29 be testifying in Kono.

1 PRESIDING JUDGE: Yes.

2 WITNESS: DAB-125 [Sworn]

3 [The witness answered through interpreter]

4 EXAMINED BY MR FOFANAH:

5 Q. Madam Witness, listen carefully to the questions and then
6 go slowly. Speak slowly and try to be as audible as you can, in
7 your answers to the Court. Madam Witness, you are about 24 years
8 old.

9 PRESIDING JUDGE: Just a minute, Mr Fofanah. What is the
10 protective measures situation?

11 MR FOFANAH: I am sorry. I was to address that first. She
12 is unprotected, Your Honours. We are respectfully applying that
13 Your Honours grant her the interim protective measures you have
14 been giving to other witnesses lately.

15 PRESIDING JUDGE: Yes. We will make that order,
16 Mr Fofanah. The protective measures order that we made on 9 May
17 2006 shall also apply to this witness.

18 MR FOFANAH: Grateful, Your Honours. Thank you.

19 Q. So, Madam Witness, I was saying you are about 24 years old.

20 A. Yes.

21 Q. You are married with two children.

22 A. Yes.

23 Q. You were born in xxx Village --

24 MR FOFANAH: xxx, Your Honours, is spelt xxx

25 [sic].

26 THE WITNESS: Yes.

27 MR FOFANAH:

28 Q. You were born at xxx Chiefdom.

29 MR FOFANAH: xxx is spelt xxx.

1 A. Yes.

2 Q. That is in xxx Chiefdom, Kono District.

3 A. Yes.

4 Q. You live with your family at xxx Village.

5 A. Yes.

6 Q. Apart from being a housewife, you also do farming.

7 A. Yes.

8 Q. You did not go to school, so you cannot read or write.

9 A. Yes.

10 Q. Now, you recall the dry season of 1998, sometime around

11 April?

12 A. Yes.

13 Q. Where were you around that time?

14 A. I was in Worodu.

15 Q. Now, did anything happen whilst you were at Worodu, which
16 you can recall?

17 A. Well, I can remember one Sunday morning, I saw people
18 coming with run. They said rebels have come, but I only saw one.
19 When they came, when I saw that person, he was in a combat,
20 having a gun with him.

21 Q. Hold it, hold it. Hold it, Madam Witness. You have to go
22 very slowly. I mean, they are interpreting whatever you are
23 telling the Court. First of all, let me get this straight. I
24 don't know if it was a problem of interpretation. Did you say
25 you heard people coming with, what, with run or you heard people
26 running; which one? Can you go over that? Whilst at Worodu,
27 what did you hear or see, on Sunday?

28 MR HARDAWAY: Objection, Your Honour, it has been asked and
29 answered. The answer is clear. My records show, and of course I

1 I leave it to the Court, that she saw people who said that --

2 PRESIDING JUDGE: Just a minute, please, madam. We are
3 hearing from counsel at the moment. Look, what is your answer to
4 that objection? I think her evidence so far is quite clear,
5 Mr Fofanah. Why do you want to ask her again?

6 MR FOFANAH: Your Honours, the interpretation which I got
7 was she saw people coming with run. I don't know what that
8 meant.

9 PRESIDING JUDGE: She saw people.

10 MR FOFANAH: Coming with run. I don't know if run was
11 something which we heard or they were carrying, that's why I was
12 trying to --

13 PRESIDING JUDGE: All right. I will overrule you, Mr
14 Hardaway. Apparently there is some confusion about whether they
15 were walking or running.

16 MR HARDAWAY: Very well.

17 PRESIDING JUDGE: Go ahead, Mr Fofanah.

18 MR FOFANAH:

19 Q. You said you saw people; what were the people doing, the
20 people that you saw?

21 A. When they run, I heard gunshot once.

22 Q. So from what direction did you hear the gunshot?

23 A. They were coming from the north, from Guinea -- from Guinea
24 Road, they entered Worodu.

25 Q. What did you mean when you said they were coming from
26 Guinea Road; is there a Guinea road in Worodu?

27 A. Yes, by Mansofindia. People leave there to go Mansofindia
28 to go to Guinea. So they left Mansofindia. They came from the
29 north.

1 MR FOFANAH: Mansofi ndia, Your Honours, is

2 M-A-N-S-O-F-I -N-D-I -A.

3 Q. So when you heard this gunshot, were you still in the
4 village?

5 A. We went out. We fled to the bush.

6 Q. Yourself and whom fled to the bush?

7 A. Mysel f and my people.

8 Q. What do you mean when you say yourself and your people?

9 A. Yes. We heard gunshots, so we ran. They said the rebels
10 have entered, so myself and my family fled to the bush.

11 Q. Okay. Thank you. Now, apart from the gunshots you heard,
12 did you see the rebels, sorry, did you see those who fired the
13 gun yourself?

14 A. I only saw a car. They said the rebels have come.

15 Q. Where did you flee to, with your family?

16 A. We fled to the bush and then we went to Koranko Town, Kroo
17 Town.

18 Q. Can you go over the last town? I mean, you said you went
19 to Koranko Town.

20 MR FOFANAH: Koranko, Your Honours, as in the tribe

21 K-U-R-A-N-K-O [sic].

22 Q. Now, what part of Koranko Town did you go?

23 A. Kroo Town.

24 MR FOFANAH: Kroo Town, K-R-O-O.

25 Q. And where is Kroo Town?

26 A. In Nieni Chiefdom.

27 Q. Do you know what district Nieni Chiefdom is?

28 A. Well, I can't say that one because we were in war.

29 MR FOFANAH: Nieni, Your Honours, is N-I -E-N-I.

1 Q. Now, you said you fled to Koranko Town, to Kroo Town in
2 Koranko Town, Nieni Chiefdom. How far away is Kroo Town from
3 Worodu, if you know?

4 A. Well, I can't say it, because the people that interpreted
5 between us, he knows they are, so he said it. He said it to the
6 people and they wrote it. So I can't say anything.

7 Q. How long did you take -- how did you move from Worodu to
8 Kroo Town? Did you walk or how did you move?

9 A. Yes, we walked on foot. Yes, we walked on feet. We left
10 the bush and then we walked on foot.

11 Q. And how long did it take you from Worodu to arrive at Kroo
12 Town, in Koranko Town?

13 A. Myself?

14 Q. How long did you take, yes?

15 A. The time that I took, from Worodu to go there? Do you want
16 to know that?

17 Q. Yes, yes. How long did it take you?

18 A. From Worodu to Kroo Town?

19 Q. Yes.

20 A. I took only a day because we left early in the morning. We
21 entered there very late in the evening.

22 Q. Okay. Now before we come to Kroo Town, just one or two
23 questions on Worodu. You said that you heard gunshots fired by
24 rebels. How did you know that those who fired the gunshots were
25 rebels?

26 A. They told us that the rebels have come. The rebels have
27 come.

28 Q. Who told you? Who told you that the rebels have come?

29 A. We were going with run. I heard it behind my back. They

1 said, "The rebels have come. The rebels have come." And then I
2 asked, "What happened?" Then I heard gunshot behind me, so we
3 run away.

4 Q. Did those who tell you that the rebels have come tell you
5 what rebels these were?

6 A. Because they said they were in the combat, having a gun
7 with them, and then they had a boot on their feet. So they were
8 rebels. They burnt down houses.

9 Q. Your Honours, I don't know -- can I go on? The sound --

10 PRESIDING JUDGE: Yes, go on.

11 MR FOFANAH: Grateful, Your Honour.

12 Q. Yes, now, where did they burn down houses?

13 A. Worodu.

14 Q. Did you see them burn houses in Worodu?

15 A. Yeah. When we were going, we saw the smoke behind us.

16 Q. Thank you. Now, did these rebels have any name that you
17 knew of?

18 MR HARDAWAY: Objection, Your Honour. I don't think there
19 has been any -- when she testified as to who they were, she
20 described who they were and I don't think that she said there was
21 any name.

22 PRESIDING JUDGE: She has mentioned the rebels,
23 Mr Hardaway.

24 MR HARDAWAY: She has mentioned -- very well, Your Honour.

25 MR FOFANAH:

26 Q. So do you know if the rebels who attacked your village have
27 any name? Were you told about any name for the rebels?

28 A. No, because nobody stayed in the town.

29 Q. Okay. But were you later told by anyone if they had any

1 name?

2 A. No, I did not hear that one because we did not take long.
3 We did not took long in the bush, so we fled.

4 Q. Thank you, Madam Witness. Now, let's come to Kroo Town,
5 where you fled to in the Koranko area. Now, when you arrived at
6 Kroo Town, did you meet people at Kroo Town?

7 A. Yes. We met people in the town. People were many there.
8 People that -- people that left other villages, we went there and
9 met in Kroo Town.

10 Q. Now, how were the people dressed, those that you met at
11 Kroo Town?

12 A. The people that I met there, the people that I met in Kroo
13 Town, they were having civilian clothing.

14 Q. Thank you. Did you stay in Kroo Town, when you arrived
15 there with your family?

16 A. Yes, we were there.

17 Q. How long did you take in Kroo Town?

18 A. Well, the man that interpreted between us, with that man,
19 he knew the time. He showed all the time and they wrote it,
20 because they asked me. I said I could not remember.

21 Q. Madam Witness, we are merely interested in what you know,
22 not what somebody else said. You are here to give, I mean,
23 evidence yourself, what you know. So please, take your time and
24 explain to the Court what you know; do you understand?

25 A. Okay.

26 Q. What you saw, what you heard, what happened to you or
27 members of your family, or anyone, is what we are interested in.
28 Now, at Kroo Town, when you arrived there, the question which I
29 last put to you was whether you know how long you spent there, in

1 terms of time. Time; how long did you take?

2 A. Well, I said it. I said the man that we were there with in
3 Kroo Town, he showed the time to the people. I can't remember
4 the time because I was very small at that time.

5 Q. Very well. Very well. We'll move on. Now, how old were
6 you when rebels drove you out of your village, xxx; do you
7 know?

8 A. My year?

9 Q. Your age, at that time.

10 A. Well, my dad usually tell me my [indiscernible]. My father
11 always tell me my age.

12 Q. At that time -- you've said that it happened in the dry
13 season of 1998; do you know how old you were in 1998?

14 A. I said it was my dad who usually told me my age, because I
15 don't know all these ones.

16 Q. Did your father tell you your age in 1998?

17 A. No, he did not tell me.

18 Q. Okay. So at Kroo Town, did anything happen, which you can
19 recall?

20 A. Well, we were in Kroo Town for long when they attacked
21 there, in the evening.

22 Q. Who attacked Kroo Town when you were there?

23 A. The rebels. They shot guns and there we fled again into
24 the bush. Still, they burnt down houses there.

25 Q. And how did you know that they were rebels, those who shot
26 guns?

27 A. Well, they shot a gun, so we were in the town. They burned
28 the houses and we were there, in that town.

29 Q. Did you see them yourself?

- 1 A. Yes. I turned my back and then I saw him shooting behind
2 us.
- 3 Q. Who did you see shooting?
- 4 A. The rebel. I saw him shooting.
- 5 Q. How was that rebel dressed?
- 6 A. He was wearing a combat, in a full -- and he had a boot on
7 and then he was having a gun with him.
- 8 Q. You said he was wearing a combat; did he wear the combat
9 from head to toe?
- 10 A. He had the trousers and the shirt. I did not see any cap
11 on his head.
- 12 Q. Very well. Now, apart from the man whom you said you saw,
13 did you see any other rebel?
- 14 A. No, I did not and I ran to the bush.
- 15 Q. Did you see the burning of Kroo Town yourself?
- 16 A. No, but we were in the bush. We saw the smoke during -- in
17 the morning, we saw the smoke still.
- 18 Q. How far away did you run to, from Kroo Town, after the
19 attack?
- 20 A. How the distance was? Distance was so far. But when there
21 is a fire at night, we see it, wherever you are.
- 22 Q. Do you know the place you fled to, from Kroo Town?
- 23 A. In that bush? In that bush?
- 24 Q. Yes.
- 25 A. Yes. The people that we were with, we went to their farm,
26 behind their farm.
- 27 Q. Whilst in the bush, did anything happen, which you can
28 recall?
- 29 A. Well, whilst we were in that bush, when we returned back,

1 they took all our property behind us.

2 Q. When you returned back where? Where did you return back
3 to?

4 A. When we returned to the town, because we left our place.
5 The people came there when they attacked the place, so we went
6 back to the town to look for our property, but we did not see any
7 one of them.

8 Q. Now, those who attacked Kroo Town, did they stay in Kroo
9 Town, the rebels who attacked?

10 A. No. When they attacked, they went back. So people went
11 and peeped in the town. So they went to us and said the
12 strangers that are in the town, they are not there. So you
13 people in the bush, go back to the town and look for your
14 property.

15 Q. Now, upon your return to Kroo Town, what did you see?

16 A. I saw burnt houses. There were so many.

17 Q. Could you estimate how many burnt houses you saw?

18 A. I did not count them but there were so many.

19 Q. Apart from burnt houses, did you see anything else?

20 A. No. Except the things, the property that they took, there
21 were so many again.

22 Q. What properties did they take?

23 A. They took our [i ndiscernible] our provision, those who were
24 selling, our clothing. They took everything.

25 Q. And by "they," do you mean the rebels?

26 A. Yes, they were the one that took the property.

27 Q. Now, did you hear, or did you know if these rebels were led
28 by anyone, the rebels who attacked Kroo Town?

29 A. No, because when they attacked, no civilian would be able

1 to stand and look. You would all run away.

2 Q. When you came back into Kroo Town, was your family still
3 with you?

4 A. Yes. Myself and my mother, we run together. So when we
5 came back to the people that we went, they showed us where my
6 father was, so we met together.

7 Q. Now, where was your husband and your children around this
8 time?

9 A. I was not having a husband and I was not having any child
10 at that time.

11 Q. Very well. Thank you. When you came back to Kroo Town,
12 did you stay in Kroo Town?

13 A. Well, there was nothing at hand by then, so my father told
14 us that we should return back because there, we will be able to
15 uproot bush yams. There was no money, no nothing to wear.

16 Q. Where did your father tell you to return back to? To
17 return to?

18 A. Our town, in Gbordubush [as interpreted].

19 Q. Is it Gbordubush or Worodu?

20 A. Worodu. Worodu.

21 Q. So did you go back to Worodu?

22 A. Yes. We were in the bush. We were in the bush in Worodu.
23 When we came, we were in one town. The town, they called it
24 Fengaya. We were there.

25 MR FOFANAH: Fengaya, Your Honours, is spelt F-E-N-G-A-Y-A.
26 Fengaya.

27 Q. Now, where is Fengaya?

28 A. Well, between the Kono people and the Koranko people.

29 Q. How far is Fengaya from Worodu, if you know?

1 A. Well, I cannot sure the distance [as interpreted].

2 Q. Okay. So from Fengaya, where did you go to?

3 A. Fengaya. We were in Fengaya. They said the SLAs, they
4 were in Kayima, because they were there. They said they have
5 gone. So very early in the morning, we saw the civilians coming.
6 They said -- he said, "The SLAs have gone."

7 Q. Now, you've called the name of a place just now. You said
8 the SLAs were -- have gone. Where was the place?

9 A. Kayima. They were in Kayima.

10 MR FOFANAH: We've had that, Your Honours. K-A-Y-I-M-A.

11 Q. So who told you that the SLAs in Kayima had gone?

12 A. What? Well, when we came to Fengaya, we heard that SLAs
13 were in Kayima, but I did not see them with my eyes.

14 Q. Okay. Now, whilst at Fengaya, did anything happen to you?

15 A. We were there. They said the SLAs had gone, so we panicked
16 and then we entered the bush again, in Gbordua.

17 JUDGE SEBUTINDE: Madam Interpreter, is that "gone" or
18 "gun?" Did you say the SLAs had gun, as in G-U-N?

19 THE INTERPRETER: The SLAs had gone, G-O-N-E.

20 MR FOFANAH:

21 Q. Very well. Now, where did the SLAs go to?

22 A. Well, they said they had gone to Bumbuna.

23 MR FOFANAH: We have heard Bumbuna. It is spelt
24 B-U-M-B-U-N-A.

25 Q. Now, you said you did not see the SLAs who were based at
26 Kayima. What does SLA mean to you? Do you understand what SLA
27 means?

28 A. Well, they told us -- they said they were surrendered
29 soldiers. They said they had come to fight for the civilians, so

1 they were there in Kayima.

2 Q. Were you told why the SLAs left Kayima?

3 A. They said for what they left there?

4 Q. Yes. Did they tell you why, why they left Kayima, the
5 SLAs?

6 A. They told me that they were there for the civilians. They
7 were fighting for the civilians. That was what they told me.

8 Q. Yes, you've told that to the Court. Now, you said they
9 left. Somebody came and told you that the SLAs at Kayima had
10 left. Were you told why they left Kayima, for Bumbuna?

11 A. Well, we were not in the same place. We had a town between
12 us, so we saw a civilian coming. He said the rebels had entered
13 there.

14 Q. Where did the rebels enter?

15 A. There, in Kayima, where the SLAs were. When they fled, the
16 rebels entered there. The civilians came very early in the
17 morning and told us that the rebels have entered Kayima.

18 Q. Now, those civilians who told you about rebels entering
19 Kayima, did they tell you how they were dressed, the rebels?

20 A. The rebels?

21 Q. Yes. Did they tell you how they were dressed, those who
22 entered Kayima?

23 A. No. They said they just heard firing. So they thought
24 that they were the SLAs, so he had no chance -- so the civilian
25 said he heard the firing. It was continuous, so he saw heavy
26 smoke. So he, too, went back to us.

27 Q. Fine. Is Kayima in the Kono District?

28 A. Yes.

29 Q. So now let's come back to Fengaya. From Fengaya, did you

1 go anywhere?

2 A. When they told us that message, that the SLAs have fled and
3 the rebels have entered, so we fled again into our bushes. In
4 Worodu bush, we went there.

5 Q. Did anything happen to you whilst you were in the bush?

6 A. Well, the rebels sent a message. They left some civilians,
7 and they told them that they should tell the people that, the
8 people, if they don't leave their bush, they will not kill you,
9 but they will beat you. Anything you would have on, they would
10 take it from you.

11 MR HARDAWAY: Excuse me, Your Honours. Just for
12 clarification of the record, if we can get a time reference for
13 this part of the evidence.

14 PRESIDING JUDGE: Mr Fofanah?

15 MR FOFANAH: I will cover that, Your Honours.

16 Q. Madam Witness, when we started you said the first time you
17 left Worodu when rebels attacked, it was in the dry season of
18 1998. Now, I want you to come back to the period when you came
19 to Fengaya and then the Worodu bush. Do you recall what time it
20 was; what year?

21 A. Well, that time which you called, I was not the one that
22 showed it. It was the interpreter that we were working together
23 in that town, but we were together in -- during the war. He
24 showed that time.

25 Q. Okay. So this person who was interpreting was also with
26 you during the war period?

27 A. We were all together. He, too, was a civilian.

28 Q. Did this person flee with you to Kroo Town, from Worodu?

29 A. Yes, we ran together to Kroo Town.

- 1 Q. Did he come with you to Fengaya?
- 2 A. No. We left them in Kroo Town and came to Fengaya.
- 3 Q. Now, do you know how many months you spent in Kroo Town?
- 4 A. Well, you asked me the last time. I said I don't know.
- 5 The man that we were together, he knew that month, the man that
- 6 interpreted between us.
- 7 Q. Okay. Now, what season was it when you came back to
- 8 Fengaya. Was it in the dry season or in the rainy season?
- 9 A. In the dry season.
- 10 Q. Thank you. Now, you said rebels sent civilians who took
- 11 messages to you that you should come out of the bush into town;
- 12 do you remember saying that?
- 13 A. Yes. Civilian. They were civilians.
- 14 Q. So did you subsequently come back to town, to Worodu
- 15 Village?
- 16 A. Yes. Because there was no other way to go. We went to
- 17 Worodu Town.
- 18 Q. And when you came back to Worodu, did you see people? Did
- 19 you meet people there?
- 20 A. Well, we met people there.
- 21 Q. And who were these people that you met at Worodu?
- 22 A. They were civilians there, rebels were there.
- 23 Q. And what do you mean by rebels?
- 24 A. The rebels that pulled out.
- 25 Q. How were they dressed, the rebels?
- 26 A. They were having combat uniform on, a boot and then a gun
- 27 with them.
- 28 JUDGE SEBUTINDE: Madam Interpreter, was that boot or
- 29 booth?

1 THE INTERPRETER: Boot, B-0-0-T.

2 MR FOFANAH:

3 Q. Okay. So, Madam Witness, were you able to estimate how
4 many of these rebels were in Worodu, number?

5 A. Well, I did not count them because, when I came, I usually
6 spent the day in the bush and then, at night, I come back to the
7 town, sleep there. Very early in the morning, I leave the town
8 to enter the bush again.

9 Q. So, as a matter of fact, when you came back to Worodu Town,
10 you were only passing the night there, you were not there during
11 the day; is that what you are telling the Court?

12 A. Yes, because I was afraid of them. If they see any young
13 girl, they will hold you, and then you will be with them as their
14 wife. So I usually -- I never come out for them to see me.

15 Q. So around what time of the day did you normally leave your
16 hiding place in the bush to come to town?

17 A. At times, after 6.00 or when they are calling prayers now,
18 that is the time I come.

19 Q. After 6.00; is that p.m. or a.m.?

20 A. In the evening.

21 Q. So did anyone tell you whether the rebels who were in town
22 had anyone who was in charge of them, whether they had a
23 commander?

24 A. Well, nobody told me that because I did not ask anyone
25 about them.

26 Q. How long did the rebels take in Worodu around this time,
27 when you were going back and forth?

28 A. Well, I don't know it. That man would know that time.

29 Q. So did you consequently come to settle in Worodu? Did you?

1 Did you, after going back and forth for some time, did you
2 consequently come to Worodu and settle down?

3 A. I sleep there. In the morning, I go to the bush, because
4 if they see a young lady, they will catch you with force.

5 Q. Madam Witness, I know you don't remember time quite well,
6 but if can I ask you: How long did the rebels take in Worodu on
7 this particular occasion?

8 A. It's more than a month.

9 Q. And during that period you were still going back and forth
10 from the bush to town?

11 A. Yes, because I don't want them to catch me.

12 Q. So where were you passing the night in town?

13 A. Well, we -- our house was just by the side of the bush. So
14 in the morning, I will leave early in the morning and then go to
15 the bush.

16 Q. Were you sleeping in the house alone, around this time?

17 A. My family were there. My mother was there, my father was
18 there.

19 Q. So after this one month, did you come back and settle in
20 Worodu?

21 A. Well, I was in my hiding place. The Kamajors were sending
22 messages. They said they were coming to attack the rebels, so we
23 pulled out and went to --

24 THE INTERPRETER: Your Honours, can the witness repeat the
25 last statement?

26 MR FOFANAH:

27 Q. Where did you go to when you pulled out?

28 A. There is a village there in Kono. They call it Bendu.
29 There we went.

1 MR FOFANAH: Bendu, B-E-N-D-U, Your Honours.

2 Q. Now, you mentioned the word Kamajor; what do you mean by
3 Kamajors?

4 A. Well, they were the ones that usually come to drive the
5 rebels from the civilians, but they did not come. They only sent
6 a message.

7 Q. Have you seen a Kamajor before?

8 A. I have not seen it. I did not see it at that time. When
9 they sent that message, I did not see that.

10 Q. So how did you know that they were the ones that come to
11 drive rebels away?

12 A. Well, the rebels told us that the rebels -- the Kamajors
13 are coming to drive us here. So if they drive us here, we are
14 going to kill all of you here. That was what they said.

15 Q. And did Kamajors come at any time, into Worodu?

16 A. When the rebels say that, if the Kamajors come, they will
17 kill all of us, so we pulled out. So later on, they did not meet
18 us there.

19 Q. Whom did you pull out with, to Bendu?

20 A. Myself and my family; my mother and my father.

21 Q. Were the rebels with you during this pull out?

22 A. No, we left them there. It was only the civilians that
23 fled.

24 Q. When you arrived at Bendu, did you meet people there?

25 A. Yes, we met civilians there.

26 Q. Whom did you -- apart from civilians, were there any -- did
27 you see any armed person in Bendu?

28 A. I did not see any gunman there.

29 Q. Did you spend any time in Bendu?

1 A. Yes.

2 Q. What season was it when you arrived at Bendu? Was it the
3 dry or rainy season?

4 A. It was in the dry season, between the rainy season and the
5 dry season, when the rainy season was coming.

6 Q. So whilst at Bendu, did anything happen? Whilst at Bendu,
7 did anything happen, that you can recall?

8 A. Well, we were in Bendu when the Kamajors attacked them.
9 The rebels came to us in Bendu and catch me.

10 Q. Did you say the Kamajors attacked Bendu?

11 A. I said, Worodu. The Kamajors attacked Worodu. The rebels
12 pulled out, so they came and met us in Bendu. The Kamajors
13 attacked Worodu.

14 Q. And how do you know that the Kamajors attacked Worodu?

15 A. The rebels that came to Bendu, they said it was the
16 Kamajors that drove us.

17 Q. Fine. The rebels who attacked Bendu, do you know if they
18 were led by anyone?

19 PRESIDING JUDGE: Did she say they attacked Bendu? I
20 thought she said --

21 MR FOFANAH: No, Worodu. I'm sorry, about that.

22 THE WITNESS: Worodu.

23 MR FOFANAH: Let me clarify that. I think she said that
24 the Kamajors attacked Worodu and then the rebels pulled out and
25 they went and attacked Bendu. That's what I understood. I can
26 clarify that.

27 JUDGE SEBUTINDE: No, she said the rebels ran to Bendu and
28 met them there -- met her there.

29 MR FOFANAH: As Your Honours please. I will clarify. I

1 will go over it.

2 Q. Now, these rebels whom you said met you at Bendu, how did
3 they come to Bendu?

4 A. When they -- when they pulled out, they can come from
5 anywhere.

6 Q. And when you saw them, were they carrying any arms?

7 A. Yes. They had guns.

8 Q. So you said they captured you when they entered Bendu?

9 A. Yes.

10 Q. Who captured you?

11 A. The person who catch me at the time, he was called Anthony.
12 The rebel -- I don't know -- I don't know his rebel name, but I
13 heard them calling him Anthony.

14 MR FOFANAH: Anthony, Your Honours [microphone not
15 activated] --

16 Q. So who was calling him Anthony?

17 A. His friends.

18 Q. And by his friends, do you mean the rebels?

19 A. Yes. Because those who were there, they were many. They
20 called him Anthony. Anthony.

21 Q. How was Anthony dressed when he captured you?

22 A. He was in a combat. There -- a combats, a boot and he had
23 a gun in his hand.

24 Q. Did he do anything to you?

25 A. Well, well he vaginated me. He was my first man in this
26 world.

27 Q. And where did he do that to you?

28 A. In Bendu there. The night they went there, it was the
29 evening that he held me.

1 JUDGE SEBUTINDE: Madam Interpreter, was that word raped?

2 THE INTERPRETER: Yes.

3 JUDGE SEBUTINDE: Because there is no such word in English
4 as "vaginated." Did you mean rape?

5 THE INTERPRETER: Yes, My Honour.

6 MR FOFANAH:

7 Q. So was anyone around when you were raped by Anthony?

8 A. My family was there. At that time, when -- in the early --
9 in the morning, I hide. I run away.

10 Q. You ran away from Bendu in the morning; is that what you
11 are saying?

12 A. Yes.

13 Q. Where did you go to?

14 A. I run into the bush.

15 Q. Did you run alone?

16 A. Yes. They held both of -- they held two people. They
17 all -- they captured two people, but Anthony caught me and went
18 with me in the house, so I don't know whether the other lady
19 slept in the house. Early in the morning, I left.

20 Q. But this was after you were deflowered by Anthony; not so?

21 A. Yes.

22 Q. So when you went into the bush, did you go anywhere else?

23 A. Yes. When I -- when I ran away from him, I went into the
24 bush and they caught -- they caught my mother, and they said they
25 were going to kill her. And my younger sister was also there and
26 they caught her also.

27 JUDGE SEBUTINDE: Can you repeat that Madam Interpreter?
28 The two of you were speaking over each other.

29 THE INTERPRETER: There were two of us. My younger sister

1 was there and she was also caught.

2 MR FOFANAH:

3 Q. And how did you know that your mother and your sister were
4 caught?

5 THE INTERPRETER: My Honour, can counsel repeat his
6 questions?

7 MR FOFANAH:

8 Q. How did you know that your mother and your sister were
9 caught?

10 A. Well, they threatened my mother. They said except she
11 showed where I was. She caught somebody's foul and then gave it
12 to him. When my mother -- when I came out, my mother explain it
13 to me.

14 Q. Very well. So when you came out of the bush, where did you
15 go to?

16 A. When I left the bush, still in the Koranko Town, I went to
17 Kroo Town.

18 Q. So from Bendu you returned to Kroo Town. Around what
19 season was this?

20 A. During the rainy season, we went back to Kroo Town.

21 Q. Yourself and whom went back to Kroo Town?

22 A. Still myself and my family.

23 Q. Now, apart from the rape, which you have told this Court
24 about, did anything happen -- did anything else happen, that you
25 know about, in Bendu?

26 A. No. When -- when I left there, because I left there. In
27 the evening, we slept there, very early in the morning. So we
28 were in Kroo Town. They told us that they are going back there.
29 If they did not see me there, they are going to burn every houses

1 there. So my father said very early in the morning we should go.

2 Q. And when you left, do you know if they did anything to
3 Bendu, as a result of your flight?

4 A. When I -- when we left -- well, I did not see anything,
5 whether they did anything there.

6 Q. Now, apart from Anthony, throughout this period of your
7 encounters with the rebels, did you hear about any other name,
8 apart from Anthony?

9 A. No. When we were captured in Bendu; is that what you mean?

10 Q. No, throughout your stay with the rebels from Worodu to
11 Bendu to Kroo Town, did they tell you -- did you hear any other
12 name, I mean, as being one of the rebels?

13 A. Well, I can't tell their names because I did not stay in
14 the town. Because, like a young girl, if they see you, they will
15 capture you under threatening [as interpreted].

16 Q. So from Kroo Town, did you, to cut it short, return later
17 to Worodu?

18 MR HARDAWAY: Objection, Your Honour.

19 THE WITNESS: Yes, we went back there.

20 PRESIDING JUDGE: Just --

21 MR HARDAWAY: The basis is relevant, Your Honour. Using
22 the time-frame that my learned friend has established, it is
23 clear that her testimony, at this point, is outside of the
24 indictment period for Kono.

25 MR FOFANAH: Your Honours, I beg to differ. I mean, the
26 rainy season, I mean, like we've earlier told the Court, starts
27 in May. The witness said she returned to Kroo Town in the rainy
28 season. She did not state any month.

29 MR HARDAWAY: There was also a dry season in between there

1 as well, Your Honours, she testified to.

2 PRESIDING JUDGE: Isn't this argument somewhat redundant,
3 seeing she's answered the question anyway?

4 MR HARDAWAY: Very well, Your Honour.

5 MR FOFANAH: As Your Honour pleases.

6 Q. So you said you consequently returned to Worodu, do you
7 remember that?

8 A. Yes. Because when we returned to Worodu, we met the
9 Kamajors there. By the time we reached there, the next day they
10 said there is disarmament.

11 Q. So the Kamajors that you met before you came back, before
12 disarmament, were they armed?

13 MR HARDAWAY: Objection, Your Honour. Relevance. Again, I
14 say it's outside the indictment.

15 PRESIDING JUDGE: What is your reply to that, Mr Fofanah?

16 MR FOFANAH: Your Honours, the reply is simple; he met the
17 Kamajors. I mean, that simply means before disarmament, the
18 Kamajors were there.

19 MR HARDAWAY: She said it was the next day it was
20 disarmament. [Overlapping speakers].

21 MR FOFANAH: Yes, so that was before.

22 MR HARDAWAY: So it's still outside -- she meets the
23 Kamajors, the next day is disarmament. It's outside the time
24 period, Your Honour.

25 MR FOFANAH: That was before, Yours Honours.

26 PRESIDING JUDGE: What is your point in asking the
27 question? Her answer, as Mr Hardaway said, was met Kamajors
28 there. The next day, they said there was disarmament.

29 MR FOFANAH: Exactly, Your Honours.

1 PRESIDING JUDGE: Where is the relevance in asking if the
2 Kamajors were armed?

3 MR FOFANAH: Your Honours, I mean, the next day was
4 disarmament. I suggest that, before disarmament, the Kamajors
5 were in the village. I mean, we have not established as to how
6 long they took before disarmament. I'm saying, when the witness
7 left Worodu, Bendu, to return to Kroo Town, it was still in the
8 rainy season. So I was just going to ask her, with your
9 indulgence, if, when she returned, she knew how long the Kamajors
10 had taken in the village before disarmament.

11 JUDGE SEBUTINDE: But --

12 PRESIDING JUDGE: That wasn't your --

13 JUDGE SEBUTINDE: If she says we returned to Worodu and the
14 next day was disarmament, it means, necessarily, she was in there
15 one day before disarmament, and this would put this question
16 outside the indictment period.

17 MR FOFANAH: Yes, but not necessarily the period that the
18 Kamajors spent in the town.

19 PRESIDING JUDGE: I don't understand your strategy,
20 Mr Fofanah. You mean to say you want to go backwards from here,
21 to establish how long they had been in the town before
22 disarmament?

23 MR FOFANAH: Yes, Your Honour, just to know, because it
24 appears to me that a number of combatants were coming in and out
25 of the village, and many things happened in the village. So if
26 the witness would be of assistance, as to how long the
27 Kamajors -- she may or may not know --

28 JUDGE SEBUTINDE: Again, this is a witness who has
29 demonstrated that she has a problem with times. So when you are

1 asking, be very direct in the kind of evidence you want from her.

2 MR FOFANAH: As Your Honour pleases.

3 PRESIDING JUDGE: All right. Mr Hardaway, we will rule on
4 it. I will allow him the question. You can ask that question,
5 Mr Fofanah, but if you don't link it up to any relevance, we will
6 cut you short.

7 MR FOFANAH: Very well, Your Honours.

8 Q. Now, Mr Witness, let me just give you a recollection of
9 what you last said. You said, when you came back from Kroo Town,
10 to Worodu, you met the Kamajors, but then the next day after your
11 arrival was disarmament; do you recall saying that? Madam
12 Witness, I was just going over the last bit of your testimony so
13 that you understand it before I ask you the question. You said,
14 when you left Kroo Town, to return to Worodu, you met the
15 Kamajors in Worodu, but then the next day after your arrival was
16 disarmament. Do you understand that?

17 A. Yes.

18 Q. First of all, what do you mean by disarmament?

19 A. They said they are going to take all the guns from the
20 people.

21 Q. What people?

22 A. Well, we saw the Kamajors going towards the south. They
23 said they are going to hand over all the guns in Koi du, so we
24 only slept there. The next day, we went.

25 Q. So when you came to Worodu, I mean from Kroo Town on this
26 occasion, were you told how long the Kamajors had taken in Worodu
27 before disarmament?

28 A. Well, I did not ask about that, concerning it.

29 Q. Throughout the period of your encounters with rebels and

1 Kamajors, did you hear the name Ibrahim Bazzy Kamara as being one
2 of the armed men who led the attacks on your village?

3 A. Well, as for me, I did not hear it because I was not
4 staying in the town.

5 MR FOFANAH: Your Honours, may I seek an indulgence for a
6 moment.

7 Q. Madam Witness, thank you very much. I have no further
8 questions.

9 PRESIDING JUDGE: Thank you, Mr Fofanah. Anything else in
10 chief?

11 MR GRAHAM: Yes, Your Honours, a few questions.

12 EXAMINED BY MR GRAHAM:

13 Q. Madam Witness, good afternoon.

14 A. Good afternoon.

15 Q. Earlier in your testimony, you told this Court you were
16 hiding because when the rebels see you, they would take you to be
17 their wife. What do you mean by that?

18 MR HARDAWAY: Objection, Your Honour. The answer speaks
19 for itself.

20 PRESIDING JUDGE: Well, I don't know the point in asking
21 that, but I'll allow the question. Go ahead, Mr Graham.

22 MR GRAHAM:

23 Q. What do you mean by that, Madam Witness?

24 A. To do what?

25 Q. What do you mean by the rebels would take you to be their
26 wife when they saw you?

27 A. Well, I was not alone. Any young girl they will see, when
28 you are captured, they will captured you. I was not alone.

29 Q. Thank you. And, Madam Witness, these people whom you saw,

1 whom you describe as rebels, did you observe whether they were
2 using any form of communication equipment?

3 A. Communication? What type?

4 Q. Any type at all.

5 A. Communication, communication. Like phone? Like phone?

6 Q. Yes, Madam Witness.

7 A. Even if they had it, I did not see them during the day. I
8 was -- I was, every time, going early in the morning into the
9 bush.

10 Q. Thank you, Madam Witness. And, Madam Witness, you told us
11 about the attack on Worodu. Did you hear whether the rebels
12 committed any rape in Worodu?

13 A. Yes. When we were in the bush, they will run after people
14 in the bush. They bring them to town and use them as their
15 wives.

16 Q. And, Mr Witness, did you hear whether the rebels committed
17 any mutilations or amputations in Worodu?

18 A. They did not amputate anyone in Worodu, but they beat
19 somebody and then they break his jaw bone.

20 Q. How do you know that, Madam Witness?

21 A. The man is there. He himself told us that.

22 Q. And, Mr Witness, during the attack on Worodu, did you hear
23 whether the rebels had taken any civilians from Worodu, to be
24 used forcefully as domestic labour or for diamond mining?

25 A. Yes. That happened. They usually take people from our
26 town. They carry them to work for them.

27 Q. Thank you, Madam Witness. And, Madam Witness, during the
28 time that you went to Kroo Town, did you hear of any killings by
29 the rebels in Kroo Town?

1 A. Even if they killed people there in Kroo Town, I myself did
2 not see them until I left there. They only took property from
3 that place.

4 Q. Thank you, Madam Witness. And, Madam Witness, during the
5 time that you were at Fengaya, did you hear of any killings by
6 the rebels at Fengaya?

7 A. No.

8 Q. Thank you.

9 A. I was not there when the rebels attacked that place.

10 Q. Thank you, Madam Witness.

11 MR GRAHAM: Your Honours, I don't have any further
12 questions for the witness. Thank you very much for the time.

13 MR MANLY-SPAIN: No questions on behalf of the third
14 accused.

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

16 MR HARDAWAY: Thank you, Your Honours.

17 CROSS-EXAMINED BY MR HARDAWAY

18 Q. Madam Witness, good afternoon?

19 A. Yeah, good afternoon.

20 Q. I have a few questions for you, ma'am, and I just want you
21 to listen to them carefully and just answer them as concisely and
22 as honestly as you can; all right?

23 A. Okay.

24 Q. Madam Witness, prior to your coming to the Special Court
25 today, did you ever talk to anyone at the Special Court and tell
26 them what happened, what you are testifying to today?

27 A. If somebody asked me?

28 Q. Yes. Did you ever -- I will rephrase. Did you ever give a
29 statement to anyone from the Special Court prior to your evidence

1 here today?

2 A. Today? For today?

3 Q. Before you came to the Court, did you ever tell anyone from
4 the Special Court about what happened to you?

5 A. Yes, somebody asked me about that today.

6 Q. Madam Witness, the Prosecution is given a summary of what
7 your -- of what your evidence will be, and I want to read you a
8 part of your summary and ask you some questions about it; all
9 right?

10 A. Okay.

11 Q. In your summary, and this is after you go back to Worodu,
12 it states, "In early 1999, rebels sent captured civilians into
13 the bush to tell other civilians in hiding to come into Worodu
14 Town, or be dealt with if the rebels found them hiding, and that
15 so witness," being yourself, "and her parents returned to
16 Worodu." My question for you, ma'am, is: Did you tell the
17 people, before you came here today, that that took place in 1999?

18 A. Well, the time that you had shown, the man that interpreted
19 between us, he showed that time. Because I have already said
20 there that I don't know that time. He showed that time. So I
21 cannot show that time. So he wrote it down.

22 Q. So everything after that, ma'am, going from when you were
23 raped by Anthony, to when you went back to Worodu, when you went
24 to Kroo, and the Kamajors, all of that happened after 1999, the
25 time the man showed you; is that correct?

26 MR FOFANAH: Objection.

27 PRESIDING JUDGE: That is not a fair question, Mr Hardaway.

28 MR HARDAWAY: I will rephrase, Your Honour.

29 PRESIDING JUDGE: She said 1999 is not her idea. She

1 didn't know what the time was.

2 MR HARDAWAY: The Court's indulgence for one moment,
3 please.

4 Q. Madam Witness, I put it to you that your capture, and rape
5 by Anthony, your going to Bendu, your return to Kroo, and your
6 encounter with the Kamajors, I put it to you, ma'am, that all of
7 that took place after -- in 1999; what is your response, please?

8 A. Well, I cannot say. I won't answer to that. The person
9 who interpreted between us, he showed that time.

10 Q. Thank you. Madam Witness, I put it to you that the group
11 you described as rebels, in your evidence, was a mixed force of
12 SLA soldiers and the RUF; what is your response, please?

13 A. Like which type of group? Like which group?

14 Q. All the groups that you are testifying about which you said
15 were wearing combats. I put it to you, ma'am, that those groups
16 were a mixed force of the SLA and the RUF; what is your response,
17 please?

18 A. Well, that was why we came. We were in the village. It
19 was only the people that would tell us that the rebels are there.
20 The people -- they went and attacked us in Worodu and Kroo Town.
21 It was people that told us that they were rebels. I myself did
22 not see them. They said, "The rebels have come."

23 Q. Thank you, Madam Witness. I thank you for your time and
24 your evidence here today. I have no more questions of you.

25 MR HARDAWAY: Your Honours, this concludes my
26 cross-examination.

27 PRESIDING JUDGE: Thank you, Mr Hardaway. Any
28 re-examination?

29 MR GRAHAM: No, Your Honours. Your Honours, please, with

1 your kind permission, I would want to make an application before
2 the Court in respect of the witness who is coming.

3 PRESIDING JUDGE: Let's get this witness away first,
4 Mr Graham.

5 Madam Witness, we'd like to thank you very much for coming
6 along today to give your evidence before this Court. Your
7 testimony is finished now, and you will be able to leave. If
8 you'll just sit there for a few moments, we'll have the curtains
9 drawn and you can leave the Court.

10 THE WITNESS: Okay.

11 [The witness withdrew]

12 PRESIDING JUDGE: Yes. This next witness you are referring
13 to, what is the pseudonym?

14 MR GRAHAM: The pseudonym for the next witness is DAB-131,
15 Your Honours. DAB-131. Yes, Your Honour, I was saying earlier
16 that I wanted to make an application from -- to the Court, in
17 respect of the next witness. Your Honours, I am looking at the
18 time, and it's 12.30. Your Honours, the next witness arrived in
19 Freetown at midnight of Monday evening. We've not really had
20 much time to deal with him because the WWS had to also do their
21 normal intake. We are pleading with the Court that the 15
22 minutes that we have today could well be put on the time
23 tomorrow. So with the Court's kind permission, that would enable
24 us to have some time with the witness today and then prepare him
25 very well for Court tomorrow. But in order to preserve the time
26 of the Court, we would seek that the Court would add on the 15
27 minutes that we lose today onto the time tomorrow, subject to any
28 objection from my learned friend, it would be of great assistance
29 to the Defence in preparing the witness for an effective Defence

1 in respect of that. That is my humble prayer before Your Honours
2 this afternoon.

3 MR AGHA: Yes, Your Honours, the Prosecution would object.
4 The Prosecution had this number in its list, and if this witness
5 had come in late another number could have been put there and we
6 could have proceeded so the stance of the Prosecution is if the
7 witness is here, then there is no reason at all why we cannot
8 proceed with this witness.

9 JUDGE SEBUTINDE: Mr Graham, did you say the witness
10 arrived on Monday?

11 MR GRAHAM: Yes, Your Honours, he arrived midnight of
12 Monday.

13 JUDGE SEBUTINDE: Of Monday.

14 MR GRAHAM: Yes, and there was an issue of them having to
15 look for another safe house for them. So indeed, all of
16 yesterday we haven't been able to make any contact. I just made
17 my first contact with him this morning, in the premises of the
18 Special Court.

19 JUDGE SEBUTINDE: And do you have any other witnesses
20 waiting?

21 MR GRAHAM: Yes. We have other witnesses in line as well.

22 JUDGE SEBUTINDE: Which you would be ready to examine right
23 away?

24 MR GRAHAM: Your Honours, you mean as of today?

25 JUDGE SEBUTINDE: Now. Now.

26 MR GRAHAM: We gave the list to the WVS. I think it was
27 DAB-134 should also have been brought by WVS but, as I said, Your
28 Honours, I did not anticipate having this situation. It's just a
29 humble prayer before the Court. If we have to move on we will.

1 JUDGE SEBUTINDE: Yes. You see, it's the principle of your
2 preparedness. If you are not prepared with one witness there
3 should be one that you are prepared for, and I think it's the
4 principle that the Prosecution is trying to push here, the
5 principle of keeping the trial running.

6 MR GRAHAM: Yes.

7 JUDGE SEBUTINDE: And not unnecessarily adjourning the
8 trial but we will have a discussion.

9 MR GRAHAM: Yes, Your Honour, I am grateful.

10 PRESIDING JUDGE: Well, Mr Graham, why not call the next
11 witness DAB-134? And that will give you time to talk to DAB-131
12 as well.

13 MR AGHA: Your Honours, I would only like to mention at
14 this point that DAB-134 was the last of the seven or eight
15 witnesses we were given for this list this week. The next one
16 after 131 is, in fact, meant to be 124, then 126, then 042, then
17 127 then 134. So I would have thought at least a couple of those
18 would have been ready, if 131 isn't ready, or why was 131 given
19 to us in the first place?

20 JUDGE SEBUTINDE: But, Mr Agha, we are trying to move the
21 trial forward. The Prosecution has asked if there is another
22 witness that is ready that witness should come and the Defence is
23 saying 134 is ready. What is your objection about that?

24 MR AGHA: What I'm suggesting, Your Honour, is let them
25 bring any witness and then we will hear the content of the chief
26 because we were only told yesterday at 5.00 p.m. this one would
27 be on the list. He is certainly down about number six or seven.

28 JUDGE SEBUTINDE: In any event, there is only 15 minutes
29 left.

1 MR GRAHAM: Your Honours, I think at this time we are ready
2 to proceed with DAB-131 because the WVS just indicated to me they
3 have to go and bring in the next witness. So we withdraw
4 application and then we are ready to proceed with DAB-131.

5 PRESIDING JUDGE: All right. Well, that witness is on his
6 way; is that right?

7 MR GRAHAM: Your Honour, DAB-131 is already within the
8 precincts of the Court.

9 PRESIDING JUDGE: All right. Where is he, Mr Graham? What
10 reference is there in the witness? It's all right. I have got
11 it. Thank you.

12 MR FOFANAH: Respectfully, Your Honours, may the first
13 accused be allowed -- permitted to use the restroom?

14 PRESIDING JUDGE: Yes, certainly. The first accused can
15 leave the room.

16 JUDGE SEBUTINDE: And what language will this witness use?

17 MR GRAHAM: I believe he will be testifying in Krio.

18 [The witness entered court]

19 WITNESS: DAB-131 [Sworn]

20 [The witness answered through interpreter]

21 MR GRAHAM: Your Honours, I will commence by humbly praying
22 to the Court that the interim relative protective measures be
23 applied to the witness, it's my humble submission.

24 PRESIDING JUDGE: Yes. We will order that the protective
25 measures ordered by this Trial Chamber on 9 May 2006 shall also
26 apply to this witness.

27 MR GRAHAM: Thank you, Your Honours. Your Honours, this
28 very witness, because of time constraints, we didn't take much
29 information on his background, so I may not be able to -- I may

1 just have to ask him a few questions as opposed to our normal
2 train of not having any objections from my learned friends from
3 the other side in respect of background material.

4 EXAMINED BY MR GRAHAM:

5 Q. Mr Witness, where were you born?

6 A. Yes, sir.

7 Q. Where were you born?

8 A. In xxx Town.

9 Q. And that is in the Kono District?

10 A. Kono District. Kono District is where I was born. xxx
11 Town.

12 Q. Okay. Mr Witness, I would want you to take your time as
13 the interpreters will have to interpret your testimony to the
14 Court. So you can take your time and then speak audibly into the
15 mic. And do you know on what date you were born, Mr Witness?

16 A. Yes.

17 Q. Can you tell this Court your date of birth?

18 A. I was born on Thursday, August 1966.

19 Q. Thank you, Mr Witness. And, Mr Witness, did you, have you
20 attained any form of education?

21 A. Yes, I went to school a little bit.

22 Q. Which school did you go to, Mr Witness?

23 A. I attended a government secondary school, xxx xxx in
24 the south.

25 Q. Thank you. And, Mr Witness, what do you presently do for a
26 living?

27 A. I'm a petty trader.

28 Q. Thank you, Mr Witness. And, Mr Witness, do you remember
29 where you were in May of 1997?

1 A. Yes, I was in the Kono District, Koidu Town.

2 Q. And what were you doing in Kono, in May of 1997?

3 A. Well, at that time I was with my father.

4 Q. And during this period, May 1997, Mr Witness, did you hear
5 about anything significant happening in Sierra Leone?

6 A. Yes. Until the -- unless the time when the AFRC took over,
7 took power, took over the country, that was the time when I was
8 with my father in the Kono District.

9 Q. And, Mr Witness, how did you hear that the AFRC had taken
10 over power in the country?

11 A. Well, it was spread all over the country. It was not a
12 hidden thing. Everybody knew about it.

13 Q. And did you get to know who were responsible for the
14 takeover, in May 1997, in Freetown?

15 A. Well, we got the news over the radio, that it was -- the
16 soldiers had taken over power in the country, the AFRC. Then the
17 head of state was Johnny Paul Koroma and others. That was what
18 we heard over the news.

19 Q. You've just told this Court that Johnny Paul Koroma and
20 others; whom are you referring as others, Mr Witness?

21 A. Well, the RUF members, because they called them from the
22 bush to come and join the government which had taken over power.

23 Q. How, Mr Witness, did you know that the RUF had been called
24 from the bush?

25 A. Well, it was over the wires. It was not a hidden thing.
26 They call -- everybody in the country knew of it.

27 Q. And, Mr Witness, did you know who called the RUF to come in
28 from the bush?

29 A. Well, I think it was the government which had taken over

1 power, and I would not be able to call the person. It is long
2 time.

3 Q. And do you know whether the RUF responded to the call to
4 them to come from the bush?

5 A. Yes. At that time, we saw them, and they joined up. In
6 fact, they even went on visits to Kono.

7 Q. And when you say you saw them join up, what do you mean by
8 join up, Mr Witness?

9 A. Well, the government which was in control, they called them
10 and they joined together, they lived together. That is what I
11 mean by they joined up.

12 Q. Thank you. And, Mr Witness, after you heard about this
13 takeover in Freetown, in May of 1997, how long did you continue
14 to stay in Kono after May 1997?

15 A. Well, I was born in Kono and, as I stated here in the
16 Court, I was in Kono throughout. From the time when the AFRC
17 took over control, I was in Kono until -- until the last minute.

18 Q. When you say until the last minute, until the last minute
19 of what?

20 A. Until the last minute when the RUF were disarmed in Kono,
21 because I was captured. The RUF captured me in Kono.

22 Q. I will come to that, Mr Witness. So, Mr Witness, during
23 this period that you said you were in Kono all throughout, after
24 May of 1997, how was life in Kono in 1997, during the period
25 after May 1997?

26 A. Well, the country was really okay. Life was really easy.
27 During that time, there were no problems. Between that time --
28 after some time in 1998, January until February, that was --
29 there were problems in the country. That was the time we had

1 soldiers in Kono. We were deployed there with the RUF, members
2 of the RUF.

3 THE INTERPRETER: Their Honours, the witness is going too
4 fast. Let him repeat.

5 MR GRAHAM:

6 Q. Mr Witness, I counselled you when you came. Please, the
7 interpreters need to interpret your testimony to the Court. So
8 please take your time. You were just telling this Court that
9 everything was fine until January/February of 1998. Did anything
10 happen during that period when you were in Kono in 1998,
11 January/February?

12 A. Yes. At that time, the country -- Kono was mixed up a
13 little. It gave us cause to move. There was a problem in Kono.

14 Q. And, Mr Witness, when you say Kono was mixed up, what do
15 you mean by that?

16 A. There was a problem in Kono. The problem, soldiers -- the
17 AFRC soldiers, they moved from Kono.

18 MR GRAHAM: Your Honours, I'm looking at the time.

19 PRESIDING JUDGE: We will go until 1 p.m. today, seeing
20 it's a half day, Mr Graham.

21 MR GRAHAM: Thank you.

22 Q. Mr Witness, do you remember where you were, in February of
23 1998?

24 A. Yes, sir.

25 Q. Where were you, Mr Witness?

26 A. I was in Koidu Town, sir.

27 Q. And during this period in February 1998, did you hear
28 anything significant happening in Freetown, in the country? Did
29 you hear anything significant happening in the country?

1 A. Yes, sir.

2 Q. What did you hear, Mr Witness?

3 A. Well, the AFRC government, the Nigerian troops that came to
4 help the government to take over the government back, that was
5 the problem I heard over the air, in the country.

6 Q. And, Mr Witness, these Nigerian troops that you referred
7 to, did you know them by any other name?

8 A. ECOMOG.

9 Q. And, Mr Witness, do you know what ECOMOG stands for?

10 A. Well, it was only ECOMOG that we knew of. I don't know
11 what, really, ECOMOG really means.

12 Q. And did you know what they did in Sierra Leone, during the
13 period of February 1998?

14 A. Who?

15 Q. The ECOMOG.

16 A. Well, the ECOMOG came to push away the AFRC from power. By
17 then we were in Kono. That was what we heard over the news.

18 Q. Thank you, Mr Witness. And when you heard the news that
19 ECOMOG had removed the AFRC from power, do you know whether
20 anything happened in Koidu Town, in Kono, where you were?

21 A. Yes, sir.

22 Q. Mr Witness, can you please tell this Court what happened?

23 A. Yes, sir. What I saw, while I was in Kono, I will tell the
24 Court and what happened, sir.

25 Q. Please tell the Court, Mr Witness.

26 A. Well, what I saw, the time when I was in Kono, when ECOMOG
27 came over to take over the power from the AFRC, we were in Kono
28 when we got information that that Operation Pay Yourself --

29 Q. Mr Witness, take your time. Go ahead.

1 A. We were in Kono. We heard Operation Pay Yourself. At that
2 time, we had soldiers on the ground.

3 Q. Okay. Mr Witness, before you go on, where did you hear
4 Operation Pay Yourself?

5 A. I was in Kono.

6 Q. Mr Witness, how did you hear Operation Pay Yourself?

7 A. Well, it was over the country. It was not a hidden thing.
8 It was over the news. All over the country.

9 Q. And did you know what Operation Pay Yourself meant,
10 Mr Witness?

11 A. Well, no, sir. That was just the language they used.
12 Because I am a civilian, I don't know about that.

13 Q. And, Mr Witness, do you know who made this Operation Pay
14 Yourself?

15 A. Well, I can't tell, because I was not there. I just heard
16 it over the news, that the soldiers who were on the ground, we
17 saw them. The AFRC soldiers.

18 Q. Okay. Mr Witness, these AFRC soldiers you say you saw on
19 the ground, this was, as you said, in Koidu Town, in Kono?

20 A. [No audible response].

21 Q. And, Mr Witness, how did you know that those that you saw
22 on the ground were AFRC soldiers?

23 A. Well, at that time, we had PL02 on the Masingbi Road, that
24 was where he was based, who called Tamba Brima. He was on the
25 ground. PL02.

26 Q. Thank you, Mr Witness. Mr Witness, you said Tamba Brima
27 was PL02 on the ground. Do you understand --

28 A. Yes, that was what -- how they called him.

29 Q. And do you know what PL02 meant, Mr Witness?

1 A. Well, it was the only name that he was called, that he was
2 the PL02. I don't know what it means.

3 Q. Thank you, Mr Witness. And you said PL02, Tamba Brima, was
4 on Masingbi Road. How -- I stand to be corrected -- how did you
5 know that the person you referred to was Tamba Brima, PL02?

6 A. Well, he was on the Masingbi Road. It was not a hidden
7 thing to the Kono people. That was the main Masingbi Road. The
8 Colonel Sinah who was there, he was at the headquarter, he was
9 the brigade commander. PL02 was along Masingbi Road.

10 Q. Thank you, Mr Witness. Mr Witness, during this -- you just
11 mentioned one Colonel Sinah.

12 MR GRAHAM: Sinah, Your Honours, is spelt S-I-N-N-A-H
13 [sic].

14 Q. You just told this Court that Colonel Sinah was the brigade
15 commander -- I stand to be corrected; how do you know that
16 Colonel Sinah was the brigade commander, Mr Witness?

17 A. Well, we are Kono people. It was not a hidden thing. Who
18 was at the brigade in Kono, they will tell the people --

19 THE INTERPRETER: Your Honours, the witness is still
20 going -- I cannot -- I was not able to get the last bit of his
21 testimony.

22 MR GRAHAM:

23 Q. Mr Witness, once again, please, take your time. Take your
24 time. The interpreters have to interpret your testimony. I had
25 asked you: How did you know that Colonel Sinah was the brigade
26 commander?

27 A. Well, he was there at the -- at Ngai a. It was not a hidden
28 thing. We know.

29 MR GRAHAM: Your Honours, Ngai a, we've heard that before.

1 N-G-A-I -Y-A.

2 Q. And do you know whom he was commanding, Colonel Si nah?

3 A. Well, Colonel Si nah -- Colonel Si nah was commanding the
4 soldiers in Kono, because they had a brigade there at Ngai a, at
5 the headquarter.

6 Q. Which soldiers was he commanding? These soldiers, did they
7 have a name?

8 A. Well, the AFRC soldiers, sir.

9 Q. And during this period, Mr Witness, do you know whether --
10 so, Mr Witness, have you heard the name SLA before?

11 A. Yes. SLA was there before.

12 Q. And what do you understand by SLA, Mr Witness?

13 A. They were the Sierra Leone soldiers, sir.

14 Q. Thank you. And during this period, were there SLA soldiers
15 in Kono? Do you know whether there were SLA soldiers in Kono
16 during this period?

17 A. Well, during that period, sir -- well, this Colonel Si nah
18 was a SLA. He was the commander of the brigade.

19 Q. And this brigade was made up of -- sorry, Your Honours.
20 And you've just told this Court that, previously, that Colonel
21 Si nah was this charge of the AFRC soldiers in Kono. You've also
22 just told us that he was also in charge of SLA soldiers. Do you
23 know whether there was any difference, at that time, in Kono,
24 between the SLA soldiers and the AFRC soldiers that were under
25 the command of Colonel Si nah?

26 A. Well, that -- that part I cannot tell, because I'm not a
27 soldier. But we used to get information about the SLA and the
28 AFRCs.

29 Q. What kind of information did you used to get about --

1 A. What people used to say.

2 Q. Mr Witness, when I ask you a question, please let me finish
3 with my question, and then you can patiently also --

4 A. Okay. Okay, sir.

5 Q. I said, what did you hear about the SLA and the AFRC?

6 A. In Kono?

7 Q. Yes, Mr Witness.

8 A. Well, the SLA and the -- the SLA and the AFRC, were all in
9 Kono, sir. They were all in Kono Town, sir.

10 Q. Thank you, Mr Witness. Mr Witness, you told us about Tamba
11 Brima, who was on Masingbi Road. Did you, at the time, know what
12 he was doing at Masingbi Road?

13 A. Well, Tamba Brima was along the Masingbi Road. I don't
14 know what he was doing there because he was there -- because he
15 is a Kono man, and that is his place of birth. He was there with
16 his troops, sir.

17 Q. And Tamba Brima, that you mentioned, Mr Witness, do you
18 know him by any other name?

19 A. No, sir, only PL02. That was what he was called in Kono.

20 Q. And do you remember the last time you saw Tamba Brima,
21 PL02, in Kono -- in Koidu Town, in Kono?

22 A. Yes, sir.

23 Q. Please tell this Court. When was the last time that you
24 saw him in Kono?

25 A. Well, the last time I saw Tamba Brima in Kono was the same
26 thing I have been saying -- I have been saying. It was the time
27 when the soldiers were doing the Operation Pay Yourself and, from
28 there, Tamba Brima took -- borrowed a vehicle and drove away. I
29 don't know the direction he went to.

1 Q. And did anyone tell you whether they knew where Tamba Brima
2 had left to go?

3 A. No, sir. He only drove away. We don't know the direction
4 that they went in, with his troops.

5 Q. And did you know, and when you said you heard Operation Pay
6 Yourself on the radio, did you see anything happen in Koidu Town,
7 in relation to what you had heard, about Operation Pay Yourself?

8 A. Yes, sir.

9 Q. Mr Witness, please tell this Court.

10 A. Well, at that time in Kono the town was in a turmoil
11 because the soldiers were in the town, mixed up. They were
12 taking property from people and dispersed people from there.
13 From there, they borrowed -- they borrowed vehicle and went away
14 and, after that, they called up a Lebanese man, called up --

15 Q. Before you go on to that aspect, you just told this Court
16 that it was during the time of the Operation Pay Yourself that
17 you saw Tamba Brima. You also told this Court about looting as a
18 result of Operation Pay Yourself. Did you, when you heard about
19 the Operation Pay Yourself, and at that time you saw Tamba Brima,
20 did you see him participating in any looting in Koidu as a result
21 of the Operation Pay Yourself?

22 A. No, sir.

23 Q. Did you, Mr Witness, see Tamba Brima order anyone during
24 that period in Koidu Town to engage in any looting as a result of
25 the Operation Pay Yourself?

26 A. No, sir. Tamba Brima was a big man. He was in the area.
27 He was there in that area with his soldiers.

28 Q. And --

29 A. Kono had so many soldiers. They were all mixed up.

1 Everywhere there were soldiers. Tamba Bri ma was along the
2 Masingbi Road.

3 Q. Thank you, Mr Witness. And, Mr Witness, I asked you during
4 this period, did anyone tell you that they had heard that Tamba
5 Bri ma, PL02, as a result of the Operation Pay Yourself, had asked
6 any -- had commanded or ordered anyone to engage in looting in
7 Koi du Town?

8 A. No, sir.

9 MR GRAHAM: Thank you, Mr Witness. Your Honours, I am
10 looking at the time, and I humbly submit that is an appropriate
11 time to break.

12 PRESIDING JUDGE: Yes. Mr Witness, we are going to adjourn
13 now until tomorrow morning. This Court uses Wednesday afternoons
14 to attend to other matters that come up in the course of the
15 Court's business, so we are going to adjourn until tomorrow
16 morning. Now, in the meantime, you are not permitted to discuss
17 your evidence, or this case, with any other person; is that
18 clear?

19 THE WITNESS: Okay, sir.

20 PRESIDING JUDGE: Well, we will adjourn the Court until
21 9.15 tomorrow morning.

22 [Whereupon the hearing adjourned at 1.00 p.m.,
23 to be reconvened on Thursday, the 14th day of
24 September 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

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| WITNESS: DSK-103 | 2 |
| EXAMINED BY MR GRAHAM: | 2 |
| EXAMINED BY MR FOFANAH | 31 |
| EXAMINED BY MR MANLY-SPAIN | 31 |
| CROSS-EXAMINED BY MR HARDAWAY | 32 |

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