

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

TUESDAY, 19 SEPTEMBER 2006
9.17 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Ms Carolyn Buff

For the Registry:

Mr Thomas George

For the Prosecution:

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

For the accused Alex Tamba
Brima:

Ms Glenna Thompson
Mr Ibrahim Foday Mansaray (Legal assistant)

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanuu:

Mr Geert-Jan Alexander Knoop

1 [AFRC19SEP06 - MD]

2 Tuesday, 19 September 2006

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 [Upon commencing at 9.17 a.m.]

7 PRESIDING JUDGE: Well, welcome back, Mr Knoops.

8 MR KNOOPS: Thank you, Your Honour.

9 PRESIDING JUDGE: Now, which witness is this, that is now
10 in the box?

11 MR FOFANAH: Good morning, Your Honours. The witness is
12 DAB-142. And she will be testifying -- just a moment. Your
13 Honours, I have here on record, I don't know if the witness has
14 changed, but I have Krio. I will confirm that with the
15 interpreters because, normally, they change. Mr Interpreters,
16 can you kindly indicate whether Krio is still the language the
17 witness will be testifying in?

18 THE INTERPRETER: Yes, it's still Krio.

19 PRESIDING JUDGE: Mr Court Attendant, will you swear the
20 witness?

21 WITNESS: DAB-142 [Sworn]

22 [The witness answered through interpreter]

23 EXAMINED BY MR FOFANAH:

24 MR FOFANAH: Your Honours, she is number 50, on the
25 summaries, list of summaries.

26 Q. Good morning, Madam Witness --

27 MR AGHA: Your Honours, before we proceed, if I may ask my
28 learned friends on the other side for a clarification whether
29 this, in fact, is a common witness or a witness for the first

1 accused, because he is listed as a witness in the common list and
2 for the first accused, in his individual list. So just for some
3 clarification on that.

4 MR FOFANAH: Respectfully, Your Honours, she is a common
5 witness.

6 PRESIDING JUDGE: I see. All right. Thank you,
7 Mr Fofanah.

8 MR FOFANAH:

9 Q. Good morning, Madam Witness.

10 A. Yes. How is the morning?

11 Q. Fine, thank you. Madam Witness, listen carefully. I will
12 be asking you questions and then listen to the interpreters
13 before you give your answers and try to be as precise as you can.

14 A. Okay.

15 Q. So that we don't waste time. And after I have finished
16 asking you questions, my colleagues on the other side will also
17 ask you, if they so choose, questions about your testimony.

18 Madam Witness --

19 A. Yes.

20 Q. You are at --

21 A. Yes.

22 Q. -- the xxx section of Kailahun Town.

23 MR FOFANAH: xxx, Your Honours, is spelt, xxx.

24 THE WITNESS: Yes.

25 MR FOFANAH:

26 Q. You are married?

27 A. Yes.

28 Q. You are a Mende by tribe?

29 A. Yes. Yes, sir.

1 Q. You are a Christian?

2 A. Yes.

3 Q. You are a trained nurse but at the moment --

4 A. Yes.

5 Q. -- you are engaged --

6 A. Yes.

7 Q. -- in trading?

8 A. Yes.

9 Q. Madam Witness, please listen carefully before you answer
10 the questions so that --

11 PRESIDING JUDGE: I just missed the last bit --

12 MR FOFANAH: Okay.

13 PRESIDING JUDGE: -- of that answer.

14 THE WITNESS: Okay.

15 PRESIDING JUDGE: Mr Fofanah. You started off asking her
16 if she is a trained nurse but, at the moment --

17 MR FOFANAH: Yes, she is --

18 PRESIDING JUDGE: -- but I didn't hear the rest of that.

19 MR FOFANAH: That is why I'm cautioning the witness to
20 listen to the questions before she can answer.

21 Q. Madam Witness, you are a trained nurse, but at the moment
22 you are engaged in trading?

23 A. Yes, man.

24 Q. You were born in October 1965?

25 A. Of course, yes.

26 Q. And you have six children?

27 A. Yes.

28 Q. Madam Witness, do you recall the year 1997, precisely the
29 month of May?

1 A. Yes. I recall that year and the month.

2 Q. What do you recall of that month and year?

3 A. That month and year I was in Kailahun. I was with the
4 paramount chief.

5 THE INTERPRETER: Your Honours, I didn't get that name.

6 MR FOFANAH:

7 Q. You don't have to mention names. I mean, for your safety
8 you don't have to mention names. You said you were with the
9 paramount chief; as what?

10 A. As -- as a housewife.

11 Q. And did anything happen in that month and year, which you
12 can recall?

13 A. Yes, I can recall some of it.

14 Q. Please tell the Court what you can recall?

15 A. Yes. I was in Kailahun 1987 so, one particular day I was
16 at home and I saw people --

17 Q. Hold it there, Madam Witness. The question I asked of you
18 was about May 1997. What you have given testimony on, is it 1997
19 or 1987?

20 A. 1987. 1987.

21 Q. So what happened in 1987?

22 A. I was at home. I saw people coming with joy, and I heard
23 that they had overthrown in Freetown.

24 Q. Who was overthrown, in Freetown?

25 A. I heard it was the president, President Tejan Kabbah, that
26 was overthrown in Freetown.

27 Q. Madam Witness, are you conversant with months, with dates?

28 A. I was thinking about May but, actually, it escaped me. I
29 think it's that time.

1 Q. Okay. So having heard about the overthrow of President
2 Tejan Kabbah, did you know who overthrew President Kabbah?

3 A. I don't really know the person that overthrew Tejan Kabbah.
4 I only heard people and I saw them dancing and I heard it through
5 the radio. It was later that I heard, through the radio, that
6 there was an overthrow, but I didn't actually know the person
7 that was overthrown, or the person who overthrew Tejan Kabbah. I
8 didn't know their names.

9 Q. Do you know if any government was formed after the
10 overthrow of President Kabbah?

11 A. That question, please go over that question once more.

12 Q. Do you know if any government was formed after the
13 overthrow of President Kabbah?

14 A. I heard, but I didn't come to town. I was in Kailahun.
15 All I knew was when Mosquito sent.

16 Q. Yes. Go on. Sent what?

17 A. When he came, he sent a message to the paramount chief -
18 sorry - that he was coming and he was going on a patrol.

19 Q. Now, who is Mosquito?

20 A. Mosquito was one of the rebel leaders.

21 Q. What do you mean rebel leaders? Who are the rebels you are
22 referring to?

23 A. Mosquito. He was the head, when we were in Kailahun area.
24 He was the head that I knew.

25 Q. Did the rebels have any name, that you know?

26 A. Name? It had a name. There was a name. People had names.

27 Q. Were they formed into group or organisation, that you know?

28 A. Who are you referring to?

29 Q. The rebels, the rebels of which Mosquito was in charge?

1 A. Yes. They were in groups.

2 Q. So what was the name of that group, if you know, or
3 organisation?

4 A. What I knew was that they referred to themselves as rebels.
5 That was all I knew. When they would go about, they would say
6 they were rebels.

7 Q. Okay. So now you said the only thing -- what you can
8 recall, was Mosquito went to the chief and said he was coming to
9 Freetown. Do you know --

10 MR AGHA: Objection, Your Honour. I don't think that he
11 went to the chief and said that he was going to Freetown.

12 PRESIDING JUDGE: We didn't hear any evidence like that,
13 Mr Fofanah. All I have noted is that he sent a message to the
14 paramount chief that he was coming and going on patrol.

15 MR FOFANAH: Patrol. Thank you, Your Honours. I am sorry,
16 about that.

17 Q. So do you know -- how did you get this information, first
18 of all, that he sent a message to the chief?

19 A. It was the chief who told me that that man has sent a
20 message that he was coming, he was going on a patrol.

21 Q. And do you know where he was going on a patrol? Did the
22 chief tell you where?

23 A. Yes, because he, himself, came in person, and I saw him,
24 and he was telling the Pa where he was going. I was sitting
25 there and I heard.

26 Q. So, by himself, do you mean Mosquito?

27 A. Yes, himself came, with his boys, in a vehicle.

28 Q. So did he tell you where he was going on patrol?

29 A. It was not me he told. He told the chief that he was going

1 to Freetown. I was sitting there listening to what he was
2 saying.

3 Q. And do you know whether Mosquito left for Freetown?

4 A. I didn't follow them, but I heard information that he came
5 to Freetown.

6 Q. And who gave you the information?

7 A. I was with the chief. Everything that was discussed, I
8 would sit there and listen. They sent a message that he had
9 arrived in Freetown safely.

10 Q. Now, did Mosquito have any other name, that you can recall?

11 A. Yes. He had a name.

12 Q. What was that name?

13 A. They said his name was Sam Bockarie.

14 Q. And apart from Mosquito, or Sam Bockarie, do you know the
15 names of any other rebels in Kailahun, at that time?

16 A. The rebel names, or if you actually saying whether I knew
17 another person that was a rebel?

18 Q. Yes. Including those that you knew, I mean, apart from Sam
19 Bockarie, can you tell the Court names of the rebels that you are
20 referring to? At least those who were in charge, if you can
21 recall?

22 A. Yes. I can remember some. One was Tom Sandy. He was
23 there. Senkuleh was there.

24 Q. Please, please, Madam Witness, go slowly.

25 A. Okay.

26 Q. Who was Tom Sandy?

27 A. Tom Sandy, he was an MP. He referred to himself as MP
28 commander.

29 Q. And of what group was he MP commander?

1 A. Within the RUF. He was an RUF MP commander.

2 MR FOFANAH: Your Honours, Sandy is S-A-N-D-I [sic].

3 Q. You also called another name --

4 JUDGE DOHERTY: Mr Fofanah, can we be informed what MP
5 stands for.

6 MR FOFANAH: Yes, Your Honour.

7 Q. Now, please hold it, Madam Witness. What do you mean by
8 MP?

9 A. That was what I heard them being referred to. When I
10 asked, they said it's military police. That was how they
11 referred to themselves.

12 Q. Okay. You called another name, apart from Tom Sandy. Can
13 you give that name again?

14 A. Yes.

15 Q. Yes. Give us the name?

16 A. The other person was Senkul eh.

17 Q. Can you be audible enough so that I can spell it? What was
18 the other name?

19 A. Senkul eh.

20 MR FOFANAH: Your Honours, it is S-E-N, K-U-L-E-H.

21 Q. And who was Senkul eh?

22 A. He was one of the commanders who was in Kailahun.

23 Q. Do you have any other name that you can recall?

24 A. Yes.

25 Q. Please tell the Court?

26 A. They had Augustine Gbao was there.

27 Q. Who was Augustine Gbao?

28 A. Augustine Gbao, I used to see him there, but I didn't know
29 his area of operation, where he was in Kailahun, but I used to

1 see him there.

2 Q. Now, the names that you've mentioned, how did you know that
3 they were commanders? They were rebel commanders?

4 A. How I came to know? Because, when they would call, I would
5 see them having a meeting. You would see just them there. The
6 big men, for instance, Mosquito came from Buedu. He will call
7 for them and all of them would have a meeting and I wouldn't see
8 any other younger boys among them.

9 Q. So now you said you got an information that Mosquito came
10 to Freetown. Do you know how long he took in Freetown?

11 A. I think he was there for some months, actually, but I
12 cannot tell the exact months, but he was there for some months.

13 Q. And you said you saw him personally; did he tell you why he
14 was coming to Freetown?

15 A. No, I didn't know. He only said he was coming to Freetown
16 because he had been sent for. That was what he said. He said he
17 had been sent for, but I didn't know who had sent for him and I
18 didn't ask him because he wasn't talking to me directly. He was
19 talking to the chief.

20 Q. And the period you are referring to, was it after the
21 period of the overthrow of President Tejan Kabbah?

22 A. Of course. Yes, it was after he had been overthrown. That
23 is when he made his trip to Freetown.

24 Q. And during that period, apart from the commanders that you
25 mentioned, did you hear, or did anyone mention the name of
26 Ibrahim Bazy Kamara as being one of the commanders of the
27 rebels?

28 A. Ibrahim Bazy? I don't even know him and I have never
29 heard his name concerning that. I don't actually know him.

1 Q. Did you also hear the name Tamba Brima, as being one of the
2 commanders of the RUF rebels that you have referred to during
3 that time?

4 MR AGHA: Objection, Your Honour. I don't think he's
5 referred to them as RUF rebels.

6 MR FOFANAH: Well, at least he said Tom Sandy was RUF
7 rebel. I will clarify that.

8 PRESIDING JUDGE: He said he was within the RUF, Tom Sandy.

9 MR FOFANAH: I will clarify that.

10 Q. Now, you've told the Court that Tom Sandy was RUF. Do you
11 know if the other names that you've mentioned, including
12 Mosquito, Senkuleh and Augustine Gbao belonged to that
13 organisation as well?

14 A. You mean the RUF?

15 Q. Yes. Were they RUF rebels?

16 A. Yes, when I met them, I knew they were RUF men.

17 Q. Now, did you hear the name Tamba Brima, as being one of the
18 commanders of the RUF rebels in Kailahun during this time?

19 A. No, I didn't know him as a commander.

20 Q. Did you also hear the name Santigie Borbor Kanu, alias
21 Five-Five, as being one of the commanders of the RUF in Kailahun
22 during this time?

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

24 Q. Now, when Mosquito came to Freetown, do you know if he
25 later returned to Kailahun at any point in time?

26 A. Yes, he returned after some time. He left -- he was in
27 Mandaru and he sent message that he was coming, so he came back
28 to Kailahun after he had been to Freetown.

29 Q. Can you call that place again, where he said he left?

1 A. I said when he left Freetown, he was in Daru and sent a
2 message to Kailahun that he was on his way to Kailahun Town.

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

4 Q. So did he eventually go to Kailahun Town from Daru?

5 A. Yes, he came. From Freetown, he said he had come from
6 Freetown. He entered our house.

7 Q. Now, do you know who was in power during this time, the
8 time he returned to Kailahun?

9 A. Who was in power where? Kailahun or where?

10 Q. I mean the government, was there someone in charge of the
11 government of Sierra Leone during this time, when Mosquito
12 returned to Kailahun?

13 A. When he went to Kailahun, he met the chief. What I heard
14 him saying to the powers, that Freetown was corrupt. He wouldn't
15 be able to stay there. That was what he said but I -- to be
16 honest, I didn't know the government that was in power because I
17 didn't have any information concerning that, because I didn't
18 come to Freetown.

19 Q. Now, do you recall February 1998?

20 A. Yes, I can remember the year.

21 Q. Now, in February 1998, did anything happen in Freetown,
22 that you can recall?

23 A. I was not there, except I heard they had overthrown. That
24 was all I knew. I was not in Freetown, so I didn't know what was
25 happening there.

26 Q. Did you hear about any intervention into Freetown, in
27 February 1998?

28 A. Yes. Those, the boys who were passing by were saying there
29 was an intervention, but I didn't actually know what the

1 intervention was all about, or what happened, except we would
2 hear people say there was an overthrow. That was the only thing
3 I understood.

4 Q. Now, did Mosquito return to Kailahun before or after the
5 intervention that you heard about?

6 A. Mosquito, I said -- I said Mosquito went to Freetown. He
7 was there for some time. He came back. He said he wouldn't be
8 able to be based there, so he was based in Kenema. Kenema.

9 Q. Okay. Madam Witness. Now, let's come back to 1997 or at
10 least during the period of the overthrow. You said you were in
11 Kailahun?

12 MR AGHA: Your Honour, I would object again. I don't think
13 the witness has mentioned that the period of overthrow as 1997.
14 I think she was referring to a period known as 1987 and that was
15 clarified.

16 PRESIDING JUDGE: Yes, that's quite true.

17 MR FOFANAH: I've clarified that. I said or else.

18 PRESIDING JUDGE: Ask the question again.

19 MR FOFANAH: That was an error.

20 Q. The period of the overthrow, you talked about the
21 overthrow, now, you said you were in Kailahun. Now, whilst in
22 Kailahun, during that period, did anything happen within the
23 Kailahun Township that you want to tell the Court about?

24 JUDGE DOHERTY: Actually, Mr Fofanah, the witness used the
25 word "overthrow" in relation to two periods. The period when
26 Tejan Kabbah's government was overthrown and subsequently when
27 you asked her questions concerning events in February '98.

28 MR FOFANAH: Much obliged, Your Honour.

29 Q. I'm referring to the period of, after the overthrow of

1 President Tejan Kabbah, and I mean before the intervention which
2 you said you heard about, after the overthrow of President Tejan
3 Kabbah, and before the intervention, during that period, were you
4 still in Kailahun?

5 A. Yes. I was in Kailahun. I was still in Kailahun.

6 Q. Was this Kailahun Town or Kailahun District?

7 A. In Kailahun itself. That was where I was.

8 Q. Now, whilst you were in Kailahun during this period I have
9 referred you to --

10 JUDGE SEBUTINDE: Mr Fofanah, was that Kailahun Town or
11 Kailahun District? What is the answer? She said, "Kailahun
12 itself," what is that?

13 THE WITNESS: I said Kailahun Town.

14 MR FOFANAH:

15 Q. So, whilst in Kailahun Town, did anything happen before the
16 intervention that you can recall?

17 A. Anything like what?

18 Q. Did the rebels that you have mentioned do anything during
19 this period?

20 A. In Kailahun?

21 Q. In Kailahun Town, yes.

22 A. They were there. And they were there. They were in the
23 town. All of us were there. But I wouldn't be able to tell the
24 things that they did that particular year, 1997. 19 --

25 Q. So how was your life like, during that period?

26 A. How I used to live, you mean?

27 Q. Yes.

28 A. I was with the chief but I wasn't somehow happy when I was
29 with him. I wasn't living happily with my children and family.

1 MR AGHA: Your Honour, I'd object to these questions on the
2 basis of relevance. Is it really relevant to the indictment what
3 she was doing or feeling in Kailahun at this time?

4 PRESIDING JUDGE: Well, what do you say to that,
5 Mr Fofanah? She has already said she can't be able to tell you
6 anything that happened in 1997. Now you've asked her about her
7 personal life and there's been an objection on the basis of
8 relevance; what do you say?

9 MR FOFANAH: Your Honours, respectfully, the witness's
10 testimony about what happened to her during that period will give
11 a vivid picture of the situation in Kailahun in 1997, which
12 period the indictment talks about. And I believe that will at
13 least give an idea as to what events took place which might
14 border on the issues raised in the indictment.

15 PRESIDING JUDGE: Well, we don't want to hear about her
16 personal problems she had with the chief. That is irrelevant.

17 MR FOFANAH: She just said she was unhappy. I don't think
18 she said she was unhappy with the chief.

19 PRESIDING JUDGE: She said she was not happy with the
20 chief, so that is the end of that topic. You can move on.

21 MR AGHA: Your Honour, also by way of clarification and I
22 stand to be corrected, I don't think Kailahun is charged in the
23 indictment for this period in 1997 between the overthrow and the
24 intervention. So I am not quite sure of the relevance of that.

25 MR FOFANAH: The -- the history of the indictment, I mean,
26 it does not just -- the -- the -- the indictment, respectfully
27 Your Honours, does not just contain count charges. I mean, it
28 has a history.

29 PRESIDING JUDGE: All right. Well, look, let's not go into

1 it now. I've overruled you on asking personal questions about
2 her relationship with the chief. Now, can you move on from
3 there?

4 MR FOFANAH: I will, Your Honour. Thank you.

5 Q. Now after the return of Mosqui to to Kailahun, do you know
6 where he was based?

7 A. Yes. He said he was going back to Kenema, and, indeed, he
8 was based there.

9 Q. So, how long did he spend in Kailahun, when he returned?

10 A. When he left Freetown? That's what you mean? He didn't
11 stay long there. I only saw him for three days. He didn't stay
12 long there. He only paid a visit. He didn't stay long and he
13 went back and was based in Kenema.

14 Q. And after the intervention, did you continue to stay in
15 Kailahun?

16 A. Who, me?

17 Q. Yes.

18 A. Yes.

19 Q. With whom were you staying in Kailahun after the
20 intervention?

21 A. I was still with the chief.

22 Q. And during that period, after the intervention in 1998, did
23 anything happen which you can recall?

24 A. Anything happen where?

25 Q. In Kailahun.

26 A. Yes. After the intervention, I saw people coming back to
27 Kailahun. People were coming back.

28 Q. Who were the people coming back to Kailahun?

29 A. They said they were pulling out. Some soldiers came. And

1 RUF men.

2 Q. Did they tell you where they were pulling out from?

3 A. Everybody was in disarray. We were just standing, looking
4 at them. They were scared. Some said they came from Kenema,
5 some said they came from Bo. Some from Freetown. That was what
6 was happening.

7 Q. And do you know any of the soldiers who came to Kailahun,
8 after the overthrow?

9 A. Yes, I know some of them. I saw some of them, but I didn't
10 know them. I saw some of them. Most of them. And I know some
11 of them.

12 Q. So, those that you knew, can you tell us their names?

13 A. I saw --

14 THE INTERPRETER: Your Honours, can the witness give that
15 name again?

16 MR FOFANAH:

17 Q. Can you please be audible and repeat the name that you just
18 mentioned?

19 A. John Paul Koroma. I saw him and his men there. They said
20 they were coming from Freetown. Some of them, some of them said
21 they had come from Daru, the soldiers. When they came, together
22 with the rebels in Kailahun.

23 Q. And the rebels who came with them, can you recall any name?

24 A. Yes. The person, I think it -- it was Issa. And they came
25 ahead of Paul Koroma and another man called Morigba. I saw them
26 in Kailahun.

27 Q. Did Issa have any other name?

28 A. No. He's -- that's the name I know. Issa.

29 Q. So, when Johnny Paul and his men, together with the rebels,

1 came to Kailahun, were they resident in Kailahun, if you know?

2 A. No. They came in Buedu. Some of them said they had been
3 arrested. We heard -- heard that information, that people had
4 been arrested and taken to Buedu, especially the SLAs. They said
5 they wanted to escape to go to Liberia. I heard that and I got
6 that from one of my brothers, that I asked.

7 Q. What do you mean by SLAs?

8 A. Sierra Leone police. Soldiers. That was what they were
9 calling them. SLA or so, Sierra Leone Army.

10 Q. So, who arrested the SLAs?

11 A. According to their movements, that I saw, it was Mosquito
12 who did that arrest, that particular day. He arrested them. He
13 said they wanted to escape.

14 Q. And do you know the names of some of the SLAs who were
15 arrested?

16 A. I knew some. Some of them, I wasn't close to them, I
17 didn't know their name, but there were some whose names I knew,
18 that had been arrested.

19 Q. So, the names that you knew, can you tell the Court?

20 A. Yes. Because I heard that they had arrested Paul and taken
21 to -- him to Buedu, together with one of his men, who was Tamba
22 Brima, with some other boys. Most of his men, who were with him,
23 they were arrested. Because it -- the place was full, because
24 they were arresting people. By the time I was leaving the
25 backyard they said they had -- had arrested people and they were
26 going in vehicles.

27 Q. This Paul that you have referred to, is it the same as
28 Johnny Paul Koroma? John Paul Koroma, that you mentioned?

29 A. No. There was a man who was John Koroma.

1 Q. So who was Paul?

2 A. They told me that he was a soldier, and I think, I think he
3 was a big man, because the -- the way I saw him, when they got
4 there, Mosquito introduced him to the chief as one of the big
5 men. That was what he told the chief.

6 Q. So apart -- apart from the arrest of these SLAs you have
7 referred to, did anything happen? Did anything else happen,
8 which you can recall?

9 A. When they were arrested, he took all of them to Buedu. He
10 said he was going to put them in a cell. I didn't go there, so I
11 didn't know what he did to them. And it was the soldier fear and
12 when you asked somebody, the person would say, "I cannot tell
13 you."

14 Q. Is Buedu in the Kailahun District?

15 A. Yes.

16 Q. Now, did you see these SLAs again, after their arrest?

17 A. No. To be honest, all the people were arrested and taken
18 away, I didn't see any of them. I never saw any of them in
19 Kailahun Town.

20 Q. Did you continue to stay in Kailahun during the year 1998,
21 after the intervention, Kailahun Town?

22 A. I was there, in Kailahun Town.

23 Q. Now, whilst at Kailahun, did you hear of any killings, in
24 Kailahun?

25 A. Yes. I heard about killings. I heard.

26 Q. So who -- who was killed, or who were killed?

27 A. They killed some men. They said they were Kamajors.

28 Q. Who killed these men?

29 A. It was Mosquito who came and gave that command;

1 Sam Bockarie.

2 Q. And were you present when he gave the command for these men
3 to be killed?

4 A. I wasn't at the scene, but I was somewhere listening to
5 them. I was up -- they were up and I was down, listening.

6 Q. Do you know how many men were killed?

7 A. I wasn't there when they were killed, but I think there
8 were many. I didn't know the actual number but there were many.
9 There were more than 20 or 30. I don't know the exact amount,
10 because I've forgotten.

11 Q. Now, during this period, also, do you know if women were
12 forced into marriage, marriages in Kailahun?

13 A. They were married there. We would see them. They would
14 come with their wives and they would say, "These are our wives."

15 Q. The question is: Did you hear about forced marriages in
16 Kailahun during this period?

17 A. Yes, because if you did not go to somebody's parents and
18 say that that individual is your wife, then you captured that
19 individual's power, yes.

20 Q. So, did you hear or see anyone who was forced into marriage
21 during this time?

22 A. Well, I myself that I am sitting here, see, I was under
23 forced marriage, so I've given an example about myself.

24 Q. So, who forced you into marriage?

25 A. Well, the chief that I was sitting with. See, I did not
26 like him, but I had to be with him. There was no way out.

27 Q. Now, was the chief member of any group? The chief that you
28 were married to, was he a member of any group?

29 A. Yes. He was RUF. He was an RUF man. He belonged to the

1 RUF group.

2 Q. So how did he force you into marriage?

3 A. I said a marriage, where you don't have a father-in-law and
4 mother-in-law, I don't think that's a good marriage. See, I did
5 not plan to stay with him, but -- but, he said, whatever the case
6 may be, he wanted me -- he wanted me to be his wife, and he
7 forced me.

8 Q. So for how long were you forced to be his wife?

9 A. I can recall -- I can recall the year. The day and the
10 month I cannot recall, but the year was 1996. That was the time
11 that they captured me. That is the time that I was handed over
12 to him.

13 Q. Now, apart from a forced marriage which you have told the
14 Court about, did you hear about any rape in Kailahun, during this
15 period?

16 JUDGE SEBUTINDE: Mr Fofanah, it would be helpful if you
17 would establish from the witness who captured her and handed her
18 over to the chief.

19 MR FOFANAH: I was going to do that but then when she
20 mentioned '96 -- I will do just that.

21 Q. So who captured you in 1996?

22 A. It was one man that was called Mayelie, but I heard that he
23 had died. He was the one that captured me.

24 MR FOFANAH: Mayelie, Your Honours, is M-A-Y-E-L-I-E.

25 Q. So who was Mayelie?

26 A. I think he was also a commander.

27 Q. Commander of who?

28 A. RUF.

29 Q. Now, was it Mayelie, that handed you over to the chief?

1 A. He came with me. And when he came with me, they gathered
2 us, that were -- that they brought, who were not many. There
3 were nine in number, and that was the time the chief came and
4 identified me, saying, "This my own wife," and that was all.

5 MR AGHA: Your Honour, I'd object again to this line of
6 question on the basis of relevance. She says she was captured in
7 1996 and then was forced to marry. I don't see how this is
8 relevant to the charges in the indictment against the accused.

9 PRESIDING JUDGE: Yes, what is the relevance?

10 MR FOFANAH: Yes, suffice to say she continued to be, I
11 mean, a victim of forced marriage up to '98, the period of the
12 indictment. But I will move forward.

13 Q. Now, let's come back to the period after the intervention.
14 Now, did you hear about any case or cases of rape in Kailahun,
15 during that period?

16 A. Kailahun itself? I will say the truth. To say that
17 somebody was raped in Kailahun, I did not see that because there
18 was a law, in Kailahun. I cannot talk about any other side but,
19 in Kailahun, I'd never seen.

20 Q. Did you see or hear about children, who were below 15
21 years, being used as soldiers or rebels by the RUF in Kailahun
22 during this period?

23 A. About that, I used to see little boys passing by. I used
24 to see little boys around them.

25 Q. The boys that you saw, were they, to the best of your
26 knowledge, below 15 years?

27 A. Some, yes. Some were below 15 years.

28 Q. You said they were passing by around them; what do you mean
29 by that?

1 A. Repeat the question.

2 Q. You said you saw the boys passing by around the rebels;
3 what do you mean by that?

4 A. I said I used to see them passing. If you see somebody
5 passing with another, then when you see one individual pass, the
6 other would pass.

7 Q. So, to the best of your knowledge, were the children, the
8 boys whom you saw, were they rebels?

9 A. Yes, because I did not see them wearing uniform. I used to
10 see them wearing ordinary clothes.

11 Q. And what uniform do you mean, that you did not see them
12 wear?

13 A. Well, the -- the government -- the government soldiers
14 would wear uniform, but these ones that I saw did not wear any
15 uniform.

16 Q. What kind of uniform are you referring to?

17 A. What I mean, I say, if you wear uniform, I will see that
18 you wear uniform, but they used to wear ordinary clothes when
19 they went there. I did not know whether they would wear clothes
20 somewhere else, but when they went to Kailahun, they would wear
21 clothes, civilian clothes.

22 Q. Can you describe the uniform that you have in mind?

23 A. Yes, because, for instance, if you went to school, you'd
24 wear a uniform. If you are in a government place that you are
25 working, you have the type of uniform that you wear. But I
26 wouldn't see them wearing the same sort of clothes. That is what
27 I meant.

28 Q. Thank you, Madam Witness. Did you -- also during this
29 period, did you see or hear about people being abducted?

1 A. Which type of people? Women, men?

2 Q. Women, men, children, who were not rebels. Did you see
3 them being abducted by the rebels?

4 A. Yes, some boys used to come with people. I used to see
5 them coming with people.

6 Q. Who were the boys that came with people?

7 A. Well, that -- I would just see people passing. Most of the
8 time, I wouldn't go there because I was afraid. Most of the
9 time, when something happened, I wouldn't go there. Perhaps I
10 would stand somewhere and start watching. I would not follow
11 them, as a matter of fact. I would just see them passing.

12 Q. Now these boys that you referred to, who you saw passing,
13 did they carry arms?

14 A. Some had weapons, yes. Some had weapons in their hands,
15 and I saw them passing by.

16 Q. The children whom you've also spoken about, did they carry
17 arms?

18 A. To say the truth, in Kailahun Town, I did not see a small
19 child holding a gun.

20 Q. So did you leave Kailahun for any place, during 1998, after
21 the intervention?

22 A. Well, I had my village. Sometimes I would go there. I
23 would go there for two, three days and I'll return. I would not
24 go there to sit there for long.

25 Q. So, where is your village?

26 A. My -- my fatherland is xxx xxx. Xxx xxx, Kailahun
27 District. That's my fatherland. There, my village is.

28 MR FOFANAH: xxx xxx is spelt xxx. xxx is
29 xxx.

1 Q. And the rebels that you have referred to, were they also
2 present in your village at xxx xxx?

3 A. Yes. Yes. They are there.

4 Q. Whilst there, did they carry arms?

5 MR AGHA: Your Honour, I'd object again to these questions.
6 Is it really relevant that the rebels were in her village and
7 they were carrying arms, to the charges against the accused in
8 the indictment.

9 PRESIDING JUDGE: What do you say, Mr Fofanah?

10 MR FOFANAH: Your Honours, I'm a bit surprised. The
11 charges in the indictment and to which the witness has referred
12 to alleges killings and other grave crimes. I'm merely trying to
13 solicit from this witness if those whom he have -- whom she has
14 referred to could be linked in anyway with the allegations
15 contained in the indictment. And in any case, the indictment
16 talks about Kailahun District, not just Kailahun Town.

17 MR AGHA: I don't believe the Prosecution ever led any
18 evidence on the particular village she is speaking about, Your
19 Honour.

20 PRESIDING JUDGE: No, there has been no evidence led on Di a
21 Bewalah, but --

22 MR FOFANAH: Widespread allegations of --

23 PRESIDING JUDGE: Are -- are you trying to allege there
24 were some crimes there?

25 MR FOFANAH: No. I'm just saying that the indictment is
26 referable to Kailahun as a district and the evidence that we have
27 had the Prosecution, so far, I mean talked about crimes being
28 committed in Kailahun as a district.

29 PRESIDING JUDGE: So if the Prosecution applied to amend

1 the indictment to include Dia Bewalah you would have no
2 objection; is that right?

3 MR FOFANAH: Well, I will take the cue that Kailahun
4 District is only referable to Kailahun. And then I will move on.
5 Kailahun as a town and -- and nowhere else outside Kailahun from
6 what the Prosecution --

7 JUDGE SEBUTINDE: Mr Fofanah, we went through this
8 yesterday with Mr Daniels, concerning particular locations where
9 the Prosecution has not led evidence and where the Defence, in
10 their wisdom are now leading evidence. We went through this
11 yesterday and at least Mr Daniels indicated to us that he had
12 taken the cue.

13 MR FOFANAH: Yes. I mean I have that list, Your Honour,
14 respectfully. It just does not mention Kailahun -- I mean town,
15 as a place where they were not leading evidence on. It mentions
16 a district but I will take the cue. And then I think I have no
17 further questions for the witness.

18 JUDGE DOHERTY: Incidentally, Mr Fofanah, are you saying
19 that in view of the comments from the Bench you are now -- the
20 indictment is limited only to Kailahun Town, rather than Kailahun
21 District?

22 MR FOFANAH: From the indication from the Prosecution
23 because he said they did not lead evidence on places outside
24 Kailahun Town. That's what I understand.

25 JUDGE DOHERTY: That is not what I recall Mr Agha saying.
26 I recall Mr Agha specifically referring to the village named by
27 the witness.

28 MR FOFANAH: In that case I'll rest my case. I have no
29 further questions for the witness. Thank you.

1 PRESIDING JUDGE: Is there anything else in chief?

2 MR KNOOPS: A few questions, Your Honour, if I may.

3 EXAMINED BY MR KNOOPS:

4 Q. Madam Witness, good morning.

5 A. How do you do, sir?

6 Q. Madam Witness, I recall that you said that after the
7 intervention, ECOMOG intervention in 1998 --

8 MR AGHA: No mention of ECOMOG, Your Honour.

9 PRESIDING JUDGE: Yes. There was no mention -- she never
10 ever mentioned ECOMOG, Mr Knoops. I won't allow that question.

11 MR KNOOPS: Thank you.

12 Q. After, in 1998, you have testified, with respect to 1998,
13 that the rebels as well as soldiers returned to Kailahun. Can
14 you recall testifying that?

15 A. Yes.

16 Q. Can you tell the Court whether or not you know what the
17 relationship was between the rebels and the soldiers upon arrival
18 in Kailahun?

19 MR AGHA: I would object to that question. That would be
20 speculation on behalf of the witness.

21 PRESIDING JUDGE: What do you say to that, Mr Knoops? That
22 objection.

23 MR KNOOPS: I'm asking whether that is within her
24 knowledge, first of all.

25 PRESIDING JUDGE: Yes, I will allow that.

26 MR KNOOPS: Thank you, Your Honour.

27 Q. Madam Witness, do you know anything about the relationship
28 between the rebels and the soldiers after they arrived in
29 Kailahun Township?

1 A. I think that I said that when they reached Kailahun, what I
2 knew, they had to arrest them and -- and they took them to Buedu.
3 So if there was any relationship, I think that that was where
4 they headed. I did not know. I did not see any good
5 relationship among them when they arrived in Kailahun.

6 Q. How long did they stay in Kailahun? I mean, the rebels and
7 the soldiers?

8 A. The soldiers, the population that went with John Paul
9 Koroma, I said when they went, they did not even, they did not
10 even spend two days. That was the time that they came and took
11 them to Buedu and I was not based in Buedu. Buedu is different
12 from Kailahun. There they went and stayed. 17 miles from
13 Kailahun to go to Buedu. I've never been there. There they were
14 but I understood that they had been arrested and they were in a
15 cell, in their hands.

16 Q. Thank you, Madam Witness. Madam Witness, you also
17 testified in the beginning of your testimony that at a certain
18 moment you told the Court that the rebels arrived and they were
19 in groups; is that correct?

20 A. When they came where? When they came from here? Where?
21 The group?

22 Q. The first time that you saw the rebels?

23 A. I don't get that question clear.

24 Q. It's my understanding that it is your testimony that the
25 first time you saw the rebels they were in groups; is that
26 correct?

27 A. When they were coming to Freetown or when they left
28 Freetown? When they were going back to Kailahun, is that what
29 you meant? Please tell me what you meant?

1 Q. When they came from Freetown.

2 A. Yes. When they left Freetown, the place was mixed up.
3 Everybody was just going on his own. You would see rebels, you
4 would see soldiers, you would see when they pulled out from
5 Freetown. Some from Daru, Kenema, Bo. Some were with their
6 family. They were not able to stay there and they came back.

7 Q. Madam Witness, when you speak about rebels in this context,
8 can you please describe how they were dressed?

9 A. At that time, how I would know that this individual was a
10 rebel, if he did not wear uniform, I did not see any other
11 uniform except for civilian clothing, because at that time the
12 place was mixed up. Civilians were there. They were also there.
13 You would not say that everybody was a rebel, because civilians
14 were amongst them because those are the ones that were captured.

15 MR KNOOPS: Thank you. No further questions.

16 PRESIDING JUDGE: Does that conclude the in-chief?

17 MS THOMPSON: Your Honour, I've just got a couple of
18 questions.

19 EXAMINED BY MS THOMPSON:

20 Q. Madam Witness, you said earlier that you didn't -- did not
21 know Tamba Brima as a commander and later you'd heard that he'd
22 been arrested? Had you seen Tamba Brima before, in Kailahun?

23 A. Tamba Brima, the time that I saw him was a single moment, a
24 single time, when I saw him. That was the time that I said that
25 I was passing to go to hospital. I met them sitting with my
26 brother. And that was the time that I was introduced to him.
27 They said that he was his friend, but he said he was in a jail.
28 He only came to visit them. That was how I came to know him that
29 day and, from that day, see, I would go to the house but I would

1 not see him. So, finally, I did not see him up to this time
2 today.

3 Q. When you saw him that time, can you -- do you remember who
4 he was with?

5 A. Yes. I said he was sitting with Mr Paul Koroma, one Paul
6 Koroma, fair in complexion, with some other people. They were
7 four and five in number, sitting down. I met them there.

8 Q. These other people, can you recall who they were?

9 A. Like Koroma, I knew he was a soldier, but when I met them
10 sitting together he wore civilian clothing. I only saw one
11 soldier with the uniform, so I did not -- could not tell whether
12 all of them were soldiers. The only one that I saw was the one
13 wearing the uniform and I knew that was an officer. And I knew
14 that Paul Koroma was an officer because he was a member of my
15 family and I knew him before.

16 Q. What I was getting at actually, apart from Paul Koroma,
17 whether you can recall the names of the other people; that's all.
18 Can you recall them, the names of the other people?

19 A. I cannot recall because it has taken so long and if you
20 knew somebody before and you are acquainted with that individual
21 then you would be able -- to be able to recall his or her name,
22 but I cannot recall their names.

23 MS THOMPSON: Madam Witness, thank you very much. That is
24 all the questions from me.

25 PRESIDING JUDGE: Yes, Mr Agha.

26 CROSS-EXAMINED BY MR AGHA:

27 Q. Yes, witness, I have a few questions for you and these can
28 be answered very shortly. You can simply say yes, no or I don't
29 know. And if I require any further explanation I can ask that

1 from you; do you understand?

2 A. Okay.

3 Q. Now, there is something I just need to clarify. You say
4 that Johnny Paul Koroma came to Kailahun. And that -- was that
5 the Johnny Paul Koroma who was the head of the AFRC government?

6 A. Perhaps.

7 Q. Now, I say to you that Johnny Paul Koroma and Tamba Brima
8 were arrested because they were concealing diamonds from Sam
9 Bockarie. Did you hear about that?

10 A. I did not hear about diamonds.

11 Q. I put it to you that Tamba Brima was arrested because he
12 refused to fight.

13 A. I wouldn't be able to say what he did that led to his
14 arrest.

15 Q. Now, you say you saw Tamba Brima, one time I think, sitting
16 with your brother and a person named Johnny Paul. Do you
17 remember that?

18 MS THOMPSON: Your Honour, he didn't say Johnny Paul. He
19 said Paul Koroma.

20 MR AGHA: Paul Koroma.

21 PRESIDING JUDGE: He said Paul Koroma.

22 MR AGHA: Paul Koroma. I beg your pardon.

23 JUDGE SEBUTINDE: What -- what is the question?

24 MR AGHA: Okay.

25 Q. The question is, do you remember the instance when you said
26 that you saw Tamba Brima one time sitting with Paul Koroma, and
27 that Tamba Brima had come from detention; do you remember that?

28 A. The time, or which time do you mean?

29 Q. Well, the time you saw them, the one time you saw Tamba

1 Bri ma?

2 A. Should I explain?

3 Q. Yes. That is fine. That is fine. So when you saw Tamba
4 Bri ma that one time, with Paul Koroma, were they sitting and
5 talking freely? What were they doing?

6 A. I said he was sitting by John Paulie Koroma [as
7 interpreted]. One tall fellow, tall in complexion, he was
8 sitting by him. When I greeted him, afterwards he introduced me
9 to Tamba Bri ma saying that I was his sister and he said later
10 that that man had come. They arrested him and that he was in the
11 cell. So I knew that he was a prisoner when I met him sitting
12 there. I did not feel that he had his freedom, because I saw
13 somebody leaning on the wall performing the functions of a
14 security.

15 Q. But he wasn't in any cell or dungeon, was he?

16 A. Well, Buedu now, according to what we used to hear -- when
17 I saw him, not at all. That day that I saw him, he was not in
18 the cell, but he said that he was in a cell.

19 Q. Did you ever personally see him in a cell or dungeon?

20 A. I heard that they were at Buedu dungeon, but I did not go
21 there.

22 Q. So you did not personally see him in a dungeon; is that
23 right? Yes or no?

24 A. I did not see him, I, myself.

25 Q. And when you were introduced by your brother to Tamba
26 Bri ma, did you also hear him referred to all as Gullit?

27 A. No. He did not show me that name, as a matter of fact.

28 Q. I say to you that Tamba Bri ma was also known as Gullit; how
29 would you reply?

1 A. Well that, perhaps, where he was, that was where he had
2 that name. But, in Kailahun, I did not hear anybody call that
3 name when they reached there. Even when he was captured, when
4 they introduced him to me, if they had called that name, I would
5 have said it here, because I came here to say the truth.

6 Q. But did you ever hear him referred to as Gullit outside of
7 Kailahun?

8 A. I have never heard him -- people calling him by that name.
9 If I heard that name, I would have said it here. If I heard that
10 name, then it must have been into my mouth. Then I would have
11 called it when I came here.

12 Q. Now, were you aware that he was a member of the AFRC
13 government?

14 MR FOFANAH: Respectfully, Your Honours, the word AFRC has
15 consistently been coming from my colleague. I mean, the witness
16 has not mentioned AFRC at all.

17 MR AGHA: I'll ask it quite simply.

18 Q. Are you aware that Tamba Brima was PLO 2 of the defunct
19 AFRC government?

20 A. I knew that name, PLO 2, but I did not know whether it was
21 -- he came from government and went to Kailahun. But I only knew
22 that he was a soldier.

23 Q. So you are saying that you didn't know Tamba Brima was
24 PLO 2?

25 A. I said, when they had taken them, I later came to know that
26 he was PLO 2 but, when he was introduced to me, they only showed
27 me Tamba Brima. So when they called PLO 2, I started doubting
28 who had that name.

29 Q. And did you know that, as PLO 2, he was also a member of

1 the AFRC government?

2 A. I did not know about that, as a matter of fact. What I
3 knew was that the man was a soldier.

4 Q. And before coming to give your evidence today, did you
5 speak to anybody from the Special Court on the side, anybody at
6 all, to give a statement of what you were going to say today, in
7 Kailahun, or anywhere?

8 A. Repeat the question.

9 Q. Before coming to the Special Court today, did you speak to
10 any Special Court personnel about what you said today, at any
11 time, whether in Kailahun or anywhere else?

12 A. Well, in Kailahun, people would go there. They called us
13 and talked to us, so I do not know which person that you mean,
14 really.

15 Q. But did that person who spoke to you, did they record in
16 writing, take any statement from what you told them?

17 A. Yes, somebody went there. They called me and talked to me.
18 See, I saw the individual writing. They asked me and I
19 explained, and the individual was writing.

20 Q. Well, the Prosecution has been provided with a summary of
21 what was allegedly said by you to the person who was writing down
22 what you were saying, and I'll read it to you, a part. This is
23 what you allegedly said; are you listening?

24 A. I'm listening.

25 Q. "The other people were Tamba Brima of the PLO 2 of the
26 defunct AFRC government." Now, is that correct? Did you say
27 that?

28 A. I cannot recall that.

29 Q. I say to you that you did say that.

1 A. I don't know who I said that to.

2 Q. I say to you that you are lying when you said you only saw
3 Tamba Brima that once, and you didn't know that he was a member
4 of the AFRC government.

5 A. Would you allow me to talk?

6 Q. Well, do you say that you are lying or not lying?

7 A. I don't lie. I'm a Christian. I never lie.

8 Q. Now, whilst you were in Kailahun, some RUF fighters were
9 also put in a cell and a dungeon, weren't they?

10 A. Well, that -- well, that is amongst themselves. It used to
11 happen over and over.

12 Q. And these RUF fighters were put in a cell because they
13 refused to fight, didn't they?

14 A. Well, everybody had his own crime for which he was put in
15 prison. I wouldn't go and ask them, "Why were you put in a
16 cell?" because I wouldn't go over -- near them too much.

17 Q. So you didn't know why they were in the cell; is that
18 right?

19 MR FOFANAH: Your Honours, the question has been asked and
20 answered. I don't know where my learned friend colleague is
21 going with this.

22 PRESIDING JUDGE: All right. She's just answered it,
23 anyway, hasn't she? She agrees that she doesn't know.

24 MR AGHA:

25 Q. Now, witness, earlier you mentioned, and I'm afraid I
26 didn't get it so clearly, that a number of people were shot, on
27 Sam Bockarie's order. Now, were these people -- where were these
28 people shot?

29 A. I did not say that I was there when they shot at people.

1 Q. Well, where was the place they were shot? Were they shot
2 in Kenema Town? Were they shot in Buedu? This is what I didn't
3 hear from the evidence.

4 A. Repeat the question.

5 Q. During your evidence, you've said that some people were
6 shot, on Sam Bockarie's orders. You said you didn't see it. But
7 what I was not able to take down was where they were shot.

8 Whereabouts? Were they shot in Kailahun Town? Were they shot in
9 Buedu? Where were these people shot?

10 A. Which type of people?

11 Q. The people you heard Sam Bockarie order to shoot?

12 A. Yes, I think that that thing took place in Kailahun.

13 Q. This is at Kailahun Town?

14 A. Right in Kailahun Town.

15 Q. But didn't you say you heard the gunshots? I withdraw that
16 question.

17 A. I did not hear gunshots.

18 Q. I say to you that the people who were shot, were shot by a
19 mixed group of SLA soldiers and RUF fighters; what is your
20 response to that?

21 A. What I knew, it was Mosquito who said that the people
22 should be shot at. I was not there. I was not able to stand in
23 a scene and see what was happening. I later came to the place.

24 Q. So you don't know who were the actual people who carried
25 out the shooting, do you?

26 A. I knew that it was Mosquito who do the shooting, because he
27 was the one that gave the command.

28 Q. So, according to you, Mosquito personally carried out the
29 shooting; is that right?

1 A. Mosquito, he came and said that he was going to shoot at
2 individuals. I said that it was Mosquito who shot at the people
3 because he said that he came to shoot at the people.

4 MR AGHA: No further questions, Your Honours.

5 PRESIDING JUDGE: Thank you, Mr Agha. Any re-examination?

6 MR FOFANAH: There is none. None, Your Honours.

7 PRESIDING JUDGE: All right. Thank you, madam, for coming
8 to Court and giving evidence today. It's appreciated and you
9 will be able to leave in a few moments when the curtains are
10 pulled. Just sit there for the moment. We are going to have the
11 morning break now. We will come back at 11 o'clock.

12 [Break taken at 10.40 a.m.]

13 [Upon resuming at 11.02 a.m.]

14 [The witness entered court]

15 MS THOMPSON: Your Honour, before the witness is sworn,
16 this is actually DAB-138. I should say he's moved up slightly up
17 the list. And that's because the other two witnesses, though
18 here, indicated their preference to give their evidence in Kissi,
19 this morning. A Kissi interpreter is within the Court precinct
20 but is being, I guess, familiarised with the procedures and will
21 not be available until after lunch. So DAB-138 has moved up.

22 I must also say that, after him, unless he takes us through
23 to lunch. There is no witness after him. We've only got the two
24 Kissi speakers.

25 PRESIDING JUDGE: And they are after lunch, are they?

26 MS THOMPSON: They have to be after lunch, Your Honour.

27 PRESIDING JUDGE: Thank you. Where will we find this
28 witness in the list?

29 MS THOMPSON: Number 43, Your Honour. Your Honour, I

1 should say, also, as far as the Kissi speakers are concerned,
2 they were interviewed in Krio, but indicated this morning they'd
3 rather give evidence in their native language.

4 PRESIDING JUDGE: I see. Thank you, Ms Thompson.

5 WITNESS: DAB-138 [Sworn]

6 [The witness answered through interpreter]

7 EXAMINED BY MS THOMPSON:

8 Q. Mr Witness, I'm going to ask you a few questions, okay.
9 Please listen to my questions carefully. They'll be short.
10 Answer them in short sentences. Bear in mind that what you say
11 is being interpreted and, once it has been interpreted, we have
12 to write it down. So please take your time. When I finish my
13 own questions, my friends here might also have some questions for
14 you and my friends on the other side might also have some
15 questions for you; okay? Now, Mr Witness, you are 26 years of
16 age.

17 A. Yes.

18 Q. Mr Witness, might I ask you also to speak up so that the
19 interpreters can actually hear you when you speak, okay. Try and
20 talk into the mic. You are from Bo District.

21 A. Yes, sir.

22 Q. You are the father of two children.

23 A. Yes, sir.

24 Q. You were not born in Bo, so can you tell us how long you've
25 lived in Bo District?

26 A. Yes.

27 Q. How long?

28 A. Well, I came to Bo from 1992. I came from Kono.

29 Q. You can read and write, but only a little?

1 A. Yes.

2 Q. Okay. Now, Mr Witness, can you recall the month of May, in
3 the year 1997?

4 A. Yes.

5 Q. Can you recall if anything happened in Sierra Leone?

6 A. Yes.

7 Q. What was it?

8 A. Well, it was the fight between Kamajors and the AFRC
9 soldiers.

10 Q. Where did that fight take place?

11 A. The fight started from the township to the brigade.

12 Q. When you say township, where are you referring to?

13 A. Bo.

14 Q. And when you say brigade, where exactly are you referring
15 to?

16 A. The Bo Brigade.

17 Q. Where was that situated?

18 A. The Bo Brigade is in the Bo Highway. Freetown Highway.

19 Q. Okay. Is that far from the township?

20 A. Yes, it's a little bit -- it was double distance, but not
21 too much.

22 Q. If you were to walk, how long will it take you?

23 A. Well, I can say it's not a long distance.

24 Q. Now, that was in Bo, but do you recall anything happening
25 elsewhere in Sierra Leone?

26 A. Well, I know more about Bo, because I was in Bo, where I
27 was when the war took place.

28 Q. Okay. All right, Mr Witness. Around about May of '97, was
29 there a military deployment in Bo; do you know?

1 A. Yes.

2 Q. Do you know the names of any of the officers who were
3 there?

4 A. I knew the name of one ABK, who was one soldier and one
5 other Staff Levy.

6 Q. Now, after May 1997, specifically around the time of June
7 of 1997, can you describe what life was like in Bo? Not for
8 yourself personally, but what life was like, living in Bo?

9 A. Well, the situation was not good in Bo. It was for
10 everybody because we were suppressed by the Kamajors.

11 Q. When you say you were suppressed by the Kamajors, can you
12 please explain what you mean?

13 A. Yes. It was during that time we had certain people who
14 would walk with Kamajors, and who would say that these were the
15 youth, and these individuals belonged to the AFRC government.
16 These are collaborators and the Kamajors used to run after us,
17 some of us, and would capture us, kill some, beat others with the
18 machetes, tie people. And that made a lot of young men try to
19 leave the township of Bo, and some moved from Bo to go to Mile
20 91. And even when we went to Mile 91, the Kamajor pressure was
21 still on us.

22 Q. Was there any fighting taking place in Bo at this time?

23 A. Yes, because, at one time, we were in Bo when they said
24 that the Kamajors were to go and -- may scatter the Bo Brigade.
25 They went to Fenton Road and they opened fire, and they said that
26 they were going to advance and that they were going to put -- set
27 fire to the Bo Brigade, and so they went towards that town, that
28 there was that pressure.

29 Q. Okay, Mr Witness. Do you remember what time, what month in

1 1997, that took place?

2 A. I cannot recall the month again, but it was in 1997. I
3 have just forgotten the month.

4 Q. Okay. Now, when you say Kamajors came, do you know who
5 Kamajors were fighting in Bo at that time?

6 A. The Kamajors had been looking for the AFRC soldiers. They
7 said they were coming to fight against the AFRC soldiers and try
8 to oust them from the township of Bo.

9 Q. Who do you refer to as AFRC soldiers?

10 A. The military.

11 Q. Now, you said they came to look for them. Did they
12 actually fight?

13 A. Well, the firing was -- there was firing. Well, it was
14 coming from the -- the Kamajors. I did not follow them see, but
15 the situation.

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

18 MS THOMPSON:

19 Q. Mr Witness, remember at the beginning I said you have to
20 take it slowly so that what you say can be interpreted properly,
21 and then we can write it down. Okay? Now, the interpreter lost
22 you somewhere in the middle of your answer. I think the question
23 I asked you was: Did Kamajors and the military actually fight?

24 A. Yes. Yes, at one time, the Kamajors and military fought,
25 along the Fenton Road towards the police station. They fought at
26 once, inside Bo. The soldiers used the AA to stop the Kamajors,
27 not to advance to go to the brigade.

28 Q. Where were you when this was happening?

29 A. I was in my own area, in my own house. See, I used to see

1 the situation in the town.

2 Q. How far were you from the situation?

3 A. Well, my house, to AGIP -- where AGIP is, it is not that
4 far. I was close Sanfa Lane, Bo.

5 Q. Mr Witness, I don't want you to give your location. I just
6 need you to tell us how far your place was to where the fighting
7 was taking place?

8 A. I was not that far.

9 Q. Now, I'm going to ask you specifically about the military.
10 During this time, did you witness anything being done by the
11 military?

12 A. No. No.

13 Q. Did you come to hear about the military doing anything?

14 A. No, I did not hear that, that the military did any bad
15 thing. I did not hear anything about that.

16 Q. Did you hear that they killed people unlawfully?

17 A. Yes, I knew that it was Kamajors name that I heard, that
18 had been killing people in Bo.

19 Q. Did you hear about the military?

20 A. I want you to go over it.

21 Q. Apart from what you've told us, can you recall anything
22 else happening in Bo, about this time?

23 A. Yes.

24 Q. Can you tell us, please?

25 A. Yes. Like, one particular time, we heard one of our town
26 criers in the township of Bo, by the name of --

27 THE INTERPRETER: Your Honours, I did not get the name of
28 the town crier.

29 MS THOMPSON:

1 Q. Mr Witness, can you start from after the time -- where you
2 mentioned the name of the town crier and the witness -- the
3 interpreter did not get you. So if you repeat the name and then
4 carry on from there.

5 A. Okay. Okay. I said at a particular time we heard one of
6 our town criers, by the name of Zebra, who was killed by Kamajors
7 around Mahoi Boima Road. He was hacked with machetes. They said
8 he was a collaborator of the AFRC government. From that time,
9 when he was killed, in the township of Bo, a lot of people -- a
10 lot of youth men started leaving the township of Bo, because they
11 said that as long as Zebra had been killed they said they would
12 not spare us, so we had to go away because they said that some of
13 us were close to him. So a lot of us moved out.

14 MS THOMPSON: Mahoi Boima Road, Your Honours, is M-A-H-O-I,
15 one word, second word B-O-I-M-A Road.

16 JUDGE SEBUTINDE: Ms Thompson, who was Zebra?

17 MS THOMPSON: Zebra was a town crier who was killed.

18 JUDGE SEBUTINDE: What is that?

19 MS THOMPSON: The name of the person who was killed.

20 JUDGE SEBUTINDE: No, no. What is a town crier? As in
21 crying?

22 MS THOMPSON: I will let it come from the witness, Your
23 Honour.

24 Q. Mr Witness, you mentioned Zebra, a town crier; what did he
25 do as a town crier?

26 A. What we mean by town crier, if we had a meeting, we had a
27 certain man. We would give him the mic and he would run, the
28 microphone, he would run, and he would be the individual to go
29 around the town saying that we have so-and-so programs, and

1 anything that we had, you know, that, if we --

2 THE INTERPRETER: Your Honours, let this witness go a
3 little bit slow so as to enable me to do my work. He is too
4 fast.

5 MS THOMPSON:

6 Q. Mr Witness, please go over what you said again, slowly.
7 The interpreter did not get you.

8 A. Okay. Okay. I said, what we mean by town crier, he was
9 somebody that was designated as a youth men. When the youth men
10 were in Bo, at any time that we had a meeting, anything that
11 would come up in the Bo township, he was the one we gave the
12 microphone to. He is the individual that will announce to the
13 people that we would have such-and-such a meeting, that we would
14 have such-and-such a football game, and if we had any other
15 activities in the Bo township, he was the individual who would
16 announce it to the people. And this man was called Zebra, you
17 see, and this is the individual that was killed by the Kamajors.

18 Q. Mr Witness, apart from that, can you recall anything
19 happening in Bo, anything else happening in Bo in 1997?

20 A. Yes. I can recall at -- let me say, along this Prince
21 William Street -- in Prince William Street, when the Kamajors
22 went and captured a soldier in the swamp and they hacked him.
23 That happened there. And they killed some of our other friends
24 again, and they designated them as collaborators, and they had
25 been working under Scout, and they had been searching for us and
26 they killed a lot of men.

27 Q. When you said, "They had been working under Scout," is that
28 the Scout organisation?

29 A. Yes.

1 Q. Now, Mr Witness, just a couple more questions for you.
2 During this time, do you know the names of any of the commanders
3 of the military in Bo at that time? Can you recall any of those
4 names?

5 A. At that time, you know that when the war was raging on,
6 there were a lot of soldiers who were coming around the township
7 of Bo and, you see, I did not have any access to go to the
8 barracks, to know the names of the commanders. Anyone could just
9 come and meet us around.

10 Q. Did you continue to stay in Bo?

11 A. Well, it came to a certain time that I knew the situation
12 was bad for us. They had been pointing at us that we were
13 collaborators, RUF, AFRC, government, so that gave me the cause
14 to leave Bo and I moved to Kambia.

15 Q. Were you a member of any fighting faction, Mr Witness?

16 A. No, no. I was not a fighter, belonging to any of the
17 groups.

18 Q. Mr Witness, in the time that you were in Bo, did you hear
19 the name Tamba Brima, as one of the men who was giving orders in
20 Bo? Orders to military -- orders to the military in Bo?

21 A. No, I did not hear that name. I did not know about those
22 men.

23 Q. What about the name Ibrahim Bazzy Kamara?

24 A. No, no idea.

25 Q. What about Santi gie Borbor Kanu?

26 A. No idea.

27 MS THOMPSON: Thank you very much, Mr Witness. Those are
28 all the questions I have for you.

29 PRESIDING JUDGE: Is there anything else in chief?

1 MR KNOOPS: Your Honour, I have one question for the
2 witness, please.

3 EXAMINED BY MR KNOOPS:

4 Q. Mr Witness, good morning.

5 A. Good morning.

6 Q. When you speak about the military in Bo and, specifically,
7 you spoke about the AFRC, which you qualified as the military,
8 how many individuals you speak about? In other words, how much
9 was this group of military?

10 A. The military, the soldiers are so many, so I cannot tell
11 you the number of the military.

12 Q. Could you try to make an estimation, were there ten, 50,
13 100s, 200s? Any guideline you can give us on the number of the
14 military?

15 A. You know the brigade was there and the soldiers would come
16 in and go away. Roughly, except I give you a rough number, but I
17 cannot tell you the number of soldiers that were in the township
18 of Bo.

19 MR KNOOPS: Thank you, Your Honour.

20 MR FOFANAH: Just a couple of questions, Your Honour.

21 EXAMINED BY MR FOFANAH:

22 Q. Now, you told the Court about the Kamajors. Were you based
23 in Bo Town throughout this period?

24 A. Well, I was not in Bo until the end of the war.

25 Q. So apart from the attacks you've mentioned, did you hear
26 about any other attack outside of Bo?

27 A. Yes. Except the Bo Taiama Highway, which was blocked by
28 the Kamajors, so much that we did not have anywhere to go to.
29 Mile 91, who had harassment, around those sites. When we came

1 from Bo and we said we wanted to go to Mile 91, we met the
2 Kamajors who had been threatening us, and if they saw you wearing
3 black boots, they would say you were a soldier. And they hacked
4 two boys, men, in front of me, at the Bo Taiama Highway because
5 of wearing black boots. They said he was a soldier.

6 Q. And apart from the Bo Taiama Highway, did you know of any
7 other incident of this nature in the Bo District?

8 A. Well, no. From the time I left there, I went into the
9 Conakry.

10 MR FOFANAH: Thank you. No further questions, Your Honour.

11 PRESIDING JUDGE: Thank you. Yes, Mr Wagona.

12 MR WAGONA: Thank you, Your Honours.

13 CROSS-EXAMINED BY MR WAGONA:

14 Q. Good morning, witness.

15 A. Good morning.

16 Q. I have just a few questions for you. Now, the Bo Brigade
17 you mentioned, that was in Bo, was that the AFRC Brigade?

18 A. Well, we knew the brigade to be the national army brigade.
19 That is before the overthrow. So we knew the brigade to be a
20 national brigade of the military in the country.

21 Q. Did you hear of a Colonel Boysie Palmer being in Bo at that
22 time?

23 A. No, I did not hear about him too much.

24 Q. Did you hear of a Captain AB Kamara being in Bo at that
25 time?

26 A. Yes. I heard some soldiers who had been calling those
27 names. They have some names that they used to call, which used
28 to get around.

29 Q. Did you hear that he was in charge of the AFRC secretariat

1 in Bo?

2 A. During that time, the secretariat had moved from there and
3 had gone to the brigade and all the soldiers had left the
4 township of Bo, and they went to the brigade.

5 Q. And did you also hear of AB, Major AB Kamara being in Bo at
6 that time?

7 A. No, I did not know about that man. I did not even know
8 that man's name.

9 Q. While in Bo, during the AFRC government, do you remember
10 that President Kabbah's SLPP used to have an office in Bo?

11 A. Well, it's this latter part that I came to see the SLPP
12 office along Fenton Road.

13 Q. When was that?

14 A. Well, let me say, when I came from Conakry, I met this
15 office at Fenton Road.

16 Q. And while in Bo, during the AFRC government, did you learn
17 of an incident in Bo Town when soldiers went to the Demby Hotel
18 and brought out guests and molested them; do you remember hearing
19 about that?

20 A. No.

21 MR WAGONA: That's the end of my questions for you,
22 witness. Thank you, Your Honours.

23 PRESIDING JUDGE: Thank you, Mr Wagona. Is there any
24 re-examination?

25 MS THOMPSON: No, Your Honour.

26 PRESIDING JUDGE: Yes, Mr Witness. Thank you for coming to
27 Court to give evidence. You will be able to go now. The -- just
28 sit there until the court attendant arranges for the curtains to
29 be drawn and then you can leave.

1 [The witness withdrew]

2 PRESIDING JUDGE: Well, Ms Thompson, did I understand you
3 to say that there's no other witness available at the moment?

4 MS THOMPSON: Yes, Your Honour. As at the break time the
5 languages section did say to us that the Interpreter would not be
6 ready. He is here but would not be ready, as in court ready,
7 before lunch. That was the last word we had.

8 PRESIDING JUDGE: Are you there, Mr Interpreter?

9 THE INTERPRETER: Yes, Your Honours.

10 PRESIDING JUDGE: What's the situation with the Interpreter
11 not being ready until after lunch?

12 THE INTERPRETER: Well, Your Honours, the problem we have
13 is that we only have one Kissi interpreter and we need more, so
14 we are scouting around to get the -- the others. So that by the
15 time the Court reconvenes in the afternoon, we will have got the
16 others. We only have one in the Court and that is a full-time
17 employee, so we need to get the others. That is why we explained
18 that the Court be adjourned up to that time, so that we could get
19 the relevant people to do the work.

20 PRESIDING JUDGE: Well, where do you have to get them from?
21 Mr Interpreter.

22 THE INTERPRETER: Yes, Your Honour.

23 PRESIDING JUDGE: I'm asking you a question: Where do you
24 have to get these interpreters from?

25 THE INTERPRETER: We've telephoned them. They are coming,
26 Your Honours, because they are in town. And the other is in the
27 office already. We have one in the office and the two others are
28 coming.

29 PRESIDING JUDGE: Well, if they are in town, why do you

1 need until quarter past 2.00 for them to be here?

2 THE INTERPRETER: Well, Your Honours, they are not
3 full-time employees. We only have one Kissi that is full-time
4 employee. So the others are contract -- contracted.

5 PRESIDING JUDGE: Yes, and --

6 THE INTERPRETER: Well, because of that they are not
7 normally in the Court, the other two, because they have their own
8 different works. The other that we have is a full-time employee
9 of the Court and we've sent for them. They will soon be here,
10 Your Honour.

11 PRESIDING JUDGE: Well -- well, that's what I'm saying. If
12 they are just coming from town why do you need until 2.15 for
13 them to be available?

14 THE INTERPRETER: Well, Your Honour, the problem is that we
15 did not know that the Kissi witness will be coming today.

16 PRESIDING JUDGE: But you are missing the point. The time
17 is 11.30. Why do you need until 2.15, if all the distance
18 they're travelling is just from the town?

19 THE INTERPRETER: Your Honours, they need to be
20 familiarised with the situation because they are not trained.
21 What we are saying is that they are not as trained as the ones we
22 have here, so we need to train them. We need to tell them the
23 modalities. That's why. So when they come, we need to tell them
24 what and what to do and what not to do. This explains why we
25 want to be given more time.

26 PRESIDING JUDGE: Mr Hardaway, you wanted to say something.

27 MR HARDAWAY: Well, yes, Your Honour. If there is one in
28 the Court now, I would suggest, perhaps, if we start with the one
29 witness and then perhaps during the break, presuming that the

1 other witness doesn't finish, they would have the time over the
2 lunch break to bring everyone else in. But if there is a
3 full-time employee speaking Kisssi, perhaps we can start with the
4 next witness on the list and that would obviously continue over
5 till after lunch.

6 PRESIDING JUDGE: Do you hear that, Mr Interpreter?

7 THE INTERPRETER: Yes, Your Honours, I do.

8 PRESIDING JUDGE: There's -- that -- that sounds okay,
9 doesn't it; that can be done?

10 THE INTERPRETER: No, Your Honours. Professionally that
11 seems impossible. I -- we actually have this interpreter in, but
12 I am loathe to bring him to Court to -- for him to start the job
13 immediately because he is not one of us. He just came in this
14 morning. So he needs some kind of training before he comes in,
15 in the afternoon and I spoke to the lawyers this morning.

16 PRESIDING JUDGE: No -- no -- no, I don't think you
17 understand what we are saying. Didn't -- did you not tell me
18 that there was a full-time employee, a Kisssi interpreter,
19 available now?

20 THE INTERPRETER: Yes. There is only one.

21 PRESIDING JUDGE: Well -- well, can't -- why can't we start
22 the witness with this one interpreter? And then later on, after
23 the lunch break, you can go through the modalities with the other
24 two?

25 THE INTERPRETER: Your Honours, we have never done that
26 before and that would be too much for him alone to handle.

27 JUDGE DOHERTY: Mr Interpreter, can you clarify for me:
28 When you have a witness interpreting, how many interpreters are
29 required for that one witness?

1 THE INTERPRETER: Six. Two for each language and we do
2 have two for the relay as well.

3 JUDGE DOHERTY: No, the question I'm asking is when a
4 witness is giving evidence, how many interpreters are in the
5 interpreter's box, interpreting?

6 THE INTERPRETER: Four. Two at one particular time. After
7 thirty minutes, they change over.

8 PRESIDING JUDGE: Well, Mr Interpreter, this next witness
9 coming along, is it correct to say that he originally said that
10 he would give evidence in Krio?

11 THE INTERPRETER: Your Honours, we actually did not get any
12 information in relation to this witness. It was at 10.30 last
13 night that they called me to say that this witness was coming to
14 speak Kissi, and I had to call my colleagues and we had the Kissi
15 interpreter and he came in this morning, and I spoke to the
16 lawyer -- to the lawyers about that, and the lady co-ordinating
17 witnesses in the Defence unit. So I told them that I cannot
18 bring in that interpreter and send him to court immediately,
19 without familiarising him with the procedures of the Court.

20 PRESIDING JUDGE: Incidentally, Mr Court Attendant, this is
21 all being said in open Court, so you can please pull those
22 curtains across. All right.

23 Well, Ms Thompson I -- I suppose you will be asking that we
24 adjourn until 2.15?

25 MISS THOMPSON: Yes, Your Honour. And I -- I do apologise
26 because all interviews and preparations were conducted in Krio,
27 but I can only assume that when it comes to actually giving live
28 evidence in unfamiliar proceedings, people tend to want to do so
29 in the language they are more comfortable in. But I -- I think

1 on behalf of the Defence we have to apologise. This was not
2 something that we knew about or planned.

3 PRESIDING JUDGE: Yes, thank you.

4 MR FOFANAH: Your Honours, in case you may need the DABs
5 and the reference numbers during the break, to familiarise with
6 the summaries, the first one coming is DAB-143, and he is number
7 49 on the summaries. The second one is DAB-140, and he is number
8 47 on the summaries.

9 PRESIDING JUDGE: That is helpful. Thank you, Mr Fofanah.

10 MR FOFANAH: Grateful, Your Honour.

11 PRESIDING JUDGE: Well, we are going to adjourn. I take it
12 there's nothing more the Prosecution wishes to say?

13 MR HARDAWAY: Nothing more, Your Honour.

14 PRESIDING JUDGE: All right. Well, it's a great shame.
15 This is just time wasted, time down the drain, but we don't have
16 a choice. So we are going to have to adjourn till 2.15.

17 [Luncheon recess taken at 11.40 a.m.]

18 [upon resuming at 2.17 p.m.]

19 [The witness entered Court]

20 PRESIDING JUDGE: Mr Court Attendant, did you say there
21 were two interpreters to be sworn in? Bring the other one here
22 as well.

23 MR GEORGE: One, Your Honour.

24 PRESIDING JUDGE: Only one?

25 MR GEORGE: Yes.

26 PRESIDING JUDGE: All right, Mr Interpreter. Do you have a
27 copy of the oath -- oath there?

28 THE INTERPRETER: Yes.

29 PRESIDING JUDGE: Read the oath, please.

1 [Interpreter sworn]
2 WITNESS: DAB-143 [Sworn]
3 [The witness answered through interpreter]
4 EXAMINED BY MR FOFANAH:
5 Q. Good afternoon, Mr Witness.
6 JUDGE SEBUTINDE: Mr Fofanah, we assume this is 143?
7 MR FOFANAH: Yes, Your Honour, 143. His summary is -- his
8 summary is on page -- is on -- is at number 49.
9 Q. Good afternoon, Mr Witness.
10 A. Are you well?
11 Q. Yes, thank you. Mr Witness, you reside at a place called
12 xxx, xxx?
13 A. Yes.
14 Q. xxx is at Kissi Tongi Chiefdom? Kissi Tongi, K-I --
15 A. xxx, yes.
16 Q. xxx, thank you. It can be found at Kissi Tongi Chiefdom
17 in the Kailahun District?
18 A. Yes.
19 MR FOFANAH: Kissi Tongi, Your Honours, is spelt, K-I-S-S-I
20 T-O-N-G-I.
21 Q. Kissi Tongi Chiefdom is also known as Buedu?
22 A. Yes.
23 Q. You are a blacksmith by profession?
24 A. Yes, I am a blacksmith.
25 Q. You are married to two wives and five children?
26 A. I have two wives and five children.
27 Q. Mr Witness, please wait until I finish the question and
28 then you can give your answer. Also wait for the interpreters to
29 interpret so you can understand what I'm asking you.

1 A. Okay.

2 Q. Mr Witness, you were born in 1964 at xxx Town?

3 A. Yes.

4 Q. You have never been to school?

5 A. No.

6 Q. You speak Kissi and some Krio?

7 A. Yes, and some amount of Krio.

8 Q. Mr Witness, do you recall May 1997?

9 A. Yes. Yes, I know about that month.

10 Q. Did something happen in Sierra Leone in May 1997 which you
11 can recall?

12 A. Yes. At that time I was in my garden when I heard
13 people --

14 THE INTERPRETER: Your Honours, could the witness take
15 it -- he's -- he's too fast.

16 MR FOFANAH: Hold it, hold it, Mr Witness.

17 Q. Please, I've asked you to speak as slowly as you can so
18 that they can interpret what you're saying. Go slowly, please?

19 A. Okay, I've heard you.

20 Q. Yes. Once again, do you remember May 1997?

21 A. Yes.

22 Q. Did anything happen in that month and year?

23 A. I heard that Chief Pa Kabbah was driven away.

24 Q. What do you mean by "driven away?"

25 A. Well, "driven away" means he was overthrown.

26 Q. By whom? Who overthrew him?

27 A. I don't know, really, who overthrew him.

28 Q. Now, where were you after hearing this news about the
29 overthrow of President Kabbah?

- 1 A. I was in Buedu Town.
- 2 Q. Now, were you alone at Buedu Town at that time?
- 3 A. No, there were other people there.
- 4 Q. Who were the other people?
- 5 A. I saw rebels there.
- 6 Q. These rebels that you saw, how were they dressed?
- 7 A. Some -- some had some uniforms, torn uniforms and some had
8 jeans on them.
- 9 Q. And what do you mean by "uniforms"?
- 10 A. Uniforms worn by government soldiers.
- 11 Q. These rebels, did they have any name, that you can recall?
- 12 A. Yes, some of them, their elder -- their leaders were there
13 and we knew about them.
- 14 Q. Who were their leaders, that you knew of?
- 15 A. One is called Mosquito. The other one called Issa Sesay.
16 And the other one, Sheku Coomber. The other one, Morris Kallon.
- 17 Q. Hold it. Hold it. I have to spell some of these names.
- 18 MR FOFANAH: Sheku Coomber, Your Honours, S-H-E-K-U.
- 19 THE WITNESS: Okay.
- 20 MR FOFANAH: C-O-O-M-B-E-R. The other names we've heard
21 before.
- 22 Q. Yes, you said Morris Kallon. Is there any other one you
23 can recall?
- 24 A. Those I have called.
- 25 Q. Apart from them, do you have any other name?
- 26 A. There were many people, but I don't know their names.
- 27 Q. Thank you. Now --
- 28 A. Yes.
- 29 Q. -- the rebels that you have indicated to the Court as

1 Leaders, did they belong to any organisation, that you know?

2 A. No.

3 Q. You said they were leaders; whom were they leading?

4 A. They were the leaders of the rebels, all the people that
5 were there.

6 Q. And how did you know they were their leaders?

7 A. Well, we were just with them as servants.

8 Q. What do you mean when you said you were "with them as
9 servants?"

10 A. Because whatever they told of them, we'll do it for them.

11 Q. So, can you explain to the Court what you mean by that?
12 What were the things that you were doing for them during that
13 period?

14 A. Yes.

15 Q. Go on.

16 A. If they had loads, we would take them, and take them to the
17 sea, to the waterside, where they would sell them to get their
18 living.

19 Q. And apart from that, did you do anything else?

20 A. No, I did not do any other thing.

21 Q. So the leaders that you have mentioned, Mosquito, Issa
22 Sesay, Sheku Coomber and the others, did they stay in Buedu, at
23 Taadu?

24 A. They were not in Buedu, not Taadu. They were in Buedu.

25 Q. How do you -- you were at Taadu, and they were at Buedu.
26 How did you know they were based at Buedu?

27 JUDGE SEBUTINDE: Mr Fofanah --

28 MR HARDAWAY: Objection.

29 JUDGE SEBUTINDE: I thought -- I thought you had led

1 evidence to the effect that Taadu is also [Overlapping speakers]

2 Excuse me, Mr Witness.

3 THE WITNESS: During that time I was Buedu, sir.

4 JUDGE SEBUTINDE: Mr Witness, please. Did you not lead
5 evidence a while ago that this place, Taadu, is also known as
6 Buedu?

7 MR FOFANAH: No, no, no. I think it was the chiefdom. I
8 said the chiefdom was also known as Buedu.

9 JUDGE SEBUTINDE: You said Buedu Town. Is the chiefdom --
10 is the chiefdom known as Buedu Town?

11 MR FOFANAH: No. Respectfully, I said Taadu Town, and then
12 I said Kissi Tongi Chiefdom, also known as Buedu. I stand guided
13 by the records.

14 JUDGE SEBUTINDE: So I -- I just want it clear, the two are
15 different. Taadu and Buedu Town are different?

16 MR FOFANAH: Yes, that's my understanding, but I will
17 clarify it, if Your Honours so demand.

18 PRESIDING JUDGE: Well, Mr Hardaway has an objection; is
19 that right?

20 MR HARDAWAY: Yes, Your Honour. While the witness stated
21 he currently lives in Taadu, there has been no -- no evidence led
22 that he lived there at the time of his evidence. And that's my
23 objection.

24 PRESIDING JUDGE: Well, I -- I think you better clarify
25 that, Mr Fofanah, because I understood this witness to say he was
26 in Buedu Town when he saw these leaders, whom he named.

27 MR FOFANAH: I'll -- I will do that, Your Honours.
28 Grateful.

29 Q. Now, Mr Witness, where were you when you saw the leaders

1 that you have named, Mosquito, Sheku Coomber, and the others?

2 Where were you?

3 A. In that issue, I tell you at that time, I am in my village,
4 Taadu, there was nobody there. All of us were in Buedu Town.
5 Everybody converged into Buedu Town.

6 Q. Now, is Buedu also the name of a chiefdom?

7 A. That is the seat of our paramount chief.

8 Q. Okay. Thank you.

9 A. Yes.

10 Q. Mosquito, does he have another name?

11 A. The name that he was called was Sam Bockarie.

12 Q. Now, when you were at Buedu Town with the leaders that you
13 have mentioned, did anything happen during the period of the
14 overthrow? I mean after May 1997.

15 A. Well, I used to see them there.

16 Q. And when you saw them, did they do anything during that
17 period?

18 A. I did not see them do anything.

19 Q. Now, do you also -- have you also heard about the
20 intervention into Freetown, in 1998?

21 A. I saw them. They run away in their vehicles, and they told
22 us that they have been driven away from this town.

23 Q. And by "this town," you mean Freetown?

24 MR HARDAWAY: Objection. Leading.

25 PRESIDING JUDGE: That's leading.

26 THE WITNESS: We were in Buedu, and they met us there and
27 told us that they were driven away from Freetown.

28 MR FOFANAH:

29 Q. Thank you.

1 A. Yes.

2 Q. So who met you in Buedu Town and told you that they were
3 driven away from Freetown?

4 A. Well, at that time, we saw SLAs, and Mr Paul Koroma.

5 Q. What do you mean by SLAs?

6 A. Well, I don't know what they're called, but that was what
7 they told us, that they were government troops, and those were
8 the people they called the SLAs.

9 Q. You also called the name Paul Koroma; who was Paul Koroma?

10 A. Well, what we were told, that he was their leader.

11 Q. Now, did they base at Buedu Town when they arrived?

12 A. They were there for some time.

13 Q. Now, apart from the SLAs that you saw, did the SLAs come
14 with any other people into Buedu Town?

15 A. Like what sort of people?

16 Q. Okay, let me -- the SLAs that you saw, were they armed when
17 you saw them?

18 A. I saw them empty-handed. They were in -- in the vehicle.

19 Q. Now, apart from these SLAs, did you see any other armed
20 personnel with them?

21 A. Yes. The rebels they found there had guns with them.

22 Q. When you said "the rebels they found there," whom are you
23 referring to?

24 A. The rebels.

25 Q. Okay. You said they did not stay long in Buedu. Do you
26 know if they -- where they went to from Buedu Town, the SLAs?

27 A. Well, I saw some of them, and they went to Kangama.

28 Q. How did they go to Kangama, if you know?

29 A. No, I did not check them at all.

- 1 Q. You said you saw the SLAs in a vehicle in Buedu Town?
- 2 A. Yes. I saw them.
- 3 Q. Do you know where they were based in Buedu Town?
- 4 A. Yes. When all of them went, they were along the Dawah
5 Road.
- 6 Q. Was anyone that you can recall staying at Dawah Road, apart
7 from the SLAs?
- 8 A. Yes, the leaders. All the leaders were there.
- 9 Q. And by "leaders," whom do you mean?
- 10 A. The rebels -- the leaders of the rebels. That was their
11 base, along the Dawah Road.
- 12 MR FOFANAH: Dawah, Your Honours, is spelt D-A-R-W-A-H
13 [sic].
- 14 Q. Is Dawah Road in Buedu Town?
- 15 A. In Buedu Town.
- 16 Q. So when the rebels, when the SLAs left Buedu Town for
17 Kangama, did you continue to stay in Buedu Town?
- 18 A. I was in Buedu Town that day.
- 19 Q. After that day, did you go anywhere else?
- 20 A. On that day?
- 21 Q. No, after the day; after the day you saw the SLAs.
- 22 A. No, I left there and went to my village in xxx and there
23 I was up to this time.
- 24 Q. So whilst at xxx, did you continue to see the leaders
25 that you have mentioned?
- 26 A. No, xxx, they never went there. It was the time when I
27 was in Buedu that I met them. But xxx is in the bush. It's a
28 village in the bush.
- 29 Q. Mr Witness, after the period of the intervention, did you

1 go to Kailahun Town?

2 MR HARDAWAY: Objection, Your Honour. Leading.

3 PRESIDING JUDGE: Yes, there have been objections to
4 leading.

5 THE WITNESS: No, I did not go to Kailahun.

6 PRESIDING JUDGE: Don't lead, Mr Fofanah.

7 MR FOFANAH: I'm sorry about that. Thank you.

8 Q. Now, did you hear the name Ibrahim Bazzy Kamara as being
9 one of the leaders of the rebels that you have referred to?

10 A. I don't know about that.

11 Q. Did you also hear the name Tamba Brima as being one of the
12 leaders of the rebels that you have referred to?

13 A. I don't know about that.

14 Q. Did you hear the name Santigie Borbor Kanu, also known as
15 Five-Five, as being one of the rebels you have referred to?

16 A. I don't know about that.

17 Q. Now, during your stay at Buedu Town, did you see or hear
18 about any children being used as soldiers by the rebels?

19 A. Yes, there were children who were made into soldiers.

20 Q. Do you know how old these children were?

21 A. No, they are not my children. I don't know about their
22 ages.

23 Q. And when you said they were used as rebels, what do you
24 mean?

25 A. You asked me whether you -- whether I saw little children
26 being made into -- into rebels. Then I told you I used to see
27 little children with guns in their hands.

28 Q. Thank you.

29 A. Yes.

1 Q. These little children, to the best of your knowledge, were
2 they attached to any of the leaders you have mentioned?

3 A. Yes, they were all engaged to them.

4 Q. Did you witness or hear about any killings in Buedu Town
5 during this period?

6 A. I did not see anywhere where a person was killed.

7 Q. But did you hear about any killings?

8 A. No.

9 Q. Now, apart from Buedu Town, did you see or hear about any
10 killings in Kailahun District during this period?

11 A. Well, I did not see anything.

12 Q. Did you see or hear about women being forced into wives by
13 the rebels -- being made wives by -- by the rebels?

14 A. No, I did not see that.

15 Q. Did you see or hear about any case of rape, in either Buedu
16 Town or the entire Kailahun District, during this period?

17 A. Up to the years, within the period you have told me about,
18 I did not see that.

19 Q. Did you see or hear about anyone being abducted by the
20 rebels to engage in forced labour?

21 A. They used to send people to carry luggage for them.

22 Q. By the "they," who are you referring to as the "they?"

23 A. Even I myself, seated here, they asked me to carry load for
24 them.

25 Q. So who asked you to carry load for them?

26 A. The leaders. They placed the loads on our heads, oil, to
27 go and sell, their own palm oil, to take them to the riverside to
28 sell.

29 Q. Did you hear about any attempt by these rebels, these

1 Leaders, to terrorise civilians during this period?

2 A. No, I did not see that happen.

3 Q. And whilst -- during the period of your stay at Taadu and
4 Buedu Town, do you know, or did you hear about the leaders
5 leaving any of -- any part of Kailahun? Did they continue to
6 stay in Kailahun throughout that period?

7 A. Well, I tell you, I was not in Kailahun.

8 Q. Okay. Thank you very much, Mr Witness. I have no further
9 questions for you.

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

12 MS THOMPSON: No, Your Honour.

13 PRESIDING JUDGE: Yes, Mr Hardaway.

14 MR HARDAWAY: Thank you, Your Honours.

15 CROSS-EXAMINED BY MR HARDAWAY:

16 Q. Mr Witness, good afternoon, sir.

17 A. Are you well?

18 Q. I'm fine, sir. Thank you. I just have a few questions for
19 you, sir. I just want you to listen to them carefully, and then
20 answer them as clearly and as truthfully as possible, all right?

21 A. Okay.

22 Q. Now, Mr Witness, it is your evidence that, after the
23 intervention, the soldiers came to Buedu Town, stayed for a
24 certain period with the rebels and then they left; is that
25 correct?

26 A. Yes.

27 Q. Mr Witness, you mentioned one of the rebel leaders as being
28 Sam Bockarie; do you remember that?

29 A. Yes, I could recall.

1 Q. Mr Witness, did you ever hear or see Sam Bockarie order the
2 mass killing of 67 people, to be carried out by the rebels and
3 the SLA?

4 A. I did not see anybody being killed.

5 Q. I put it to you, sir, that Sam Bockarie ordered the mass
6 killing of 67 civilians, and that that killing was taken out by a
7 mixed force of SLA soldiers and rebels; what is your response,
8 sir?

9 A. I did not see that at all.

10 Q. Thank you, Mr Witness. I have no more questions of you.
11 Thank you for your time.

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

14 PRESIDING JUDGE: Thank you, Mr Hardaway. Well, is there
15 any re-examination?

16 MR FOFANAH: There is no re-examination, Your Honours.

17 PRESIDING JUDGE: Thank you, Mr Fofanah. Well, Mr Witness,
18 we'd like to thank you for coming here and giving evidence.
19 You'll be allowed to leave now. We'll just have those curtains
20 behind you pulled across and then you can go.

21 MR FOFANAH: Your Honours, may I seek the Court's
22 indulgence to permit the second accused to use the convenience?

23 PRESIDING JUDGE: Yes, certainly. Mr Kamara can leave.

24 [The witness withdrew]

25 MR FOFANAH: Your Honours, the next witness is DAB-140.
26 He's number 47 on the summaries. He will testify in Kissi.

27 PRESIDING JUDGE: Thank you, Mr Fofanah.

28 WITNESS: DAB-140 [Sworn]

29 [The witness answered through interpreter]

1 EXAMINED BY MR FOFANAH:
2 Q. Good afternoon, Mr Witness.
3 A. Yes. How are you?
4 Q. Fine. Mr Witness, you live in xxx Town, Kailahun
5 District?
6 A. Yes, in xxx Town.
7 Q. You are a farmer?
8 A. Yes, I'm a farmer.
9 Q. You are married to two wives, and you have eight children?
10 A. I have two wives and eight children.
11 Q. You were born in 1957 in xxx Town?
12 A. Yes.
13 Q. Mr Witness, do you recall 1997, May?
14 A. The month you called that -- I don't know very much about
15 the name, but I know about the years. About seven years, up to
16 the eighth year now.
17 Q. Thank you. Mr Witness, before you answer the questions,
18 listen carefully, and then you go slowly whilst you are giving
19 your testimony. Is there anything significant that you recall
20 happened in 1997 in Sierra Leone?
21 A. I would not know everything that you talk about, but what
22 happened in my presence, from that day -- from the seventh year
23 up to the eighth year, I could remember some of it.
24 Q. Seventh -- okay. You have been in xxx Town throughout;
25 not so?
26 A. Yes, I was in the very xxx Town.
27 JUDGE SEBUTINDE: Throughout what? Throughout what?
28 MR FOFANAH:
29 Q. Since your birth, have you left xxx Town, apart from your

1 visit here?

2 A. In xxx? I left xxx and I was in the bush in my
3 village.

4 Q. Why did you leave xxx and went into the bush?

5 A. Well, the time when the war came to us, my father was sick.
6 He was not able to get up. So I was in the bush, and I was
7 captured in the bush and brought back to town.

8 Q. So what war are you referring to, when you said the time
9 when the war came?

10 A. The last war. The first war, I was in Liberia but I came
11 back. But the last war is the one I'm referring to. That was
12 the time when my father was in the bush, and I went into the
13 bush, and I went -- and they went into the bush and captured me
14 and brought me back to town.

15 Q. Who captured you?

16 A. One -- there was a boy, but I don't know his name now. But
17 they were there, together with their leaders, and they sent them
18 into the bush to look out for people who were hiding in the bush
19 and bring them back to town.

20 Q. Do you know the name of their leaders? The leaders of the
21 boy who was sent to capture you; do you know their names?

22 A. The boy that I know about, the leader that I know of, who
23 sent the boy to go and capture me in the bush, his name was
24 Bockarie and he sent them to go into the bush to wherever there
25 were people to capture them and bring them back to town.

26 Q. Apart from the name Bockarie, does that person have any
27 other name, the person who sent the boy to capture you?

28 A. The name that he was known by, the popular name was -- the
29 name was Mosquito, and that was the name he was known by.

1 Q. And how did you know that it was Mosquito, also called
2 Bockarie, who sent this boy to capture you?

3 A. When I was captured and brought me with -- together with
4 other people who were many, he came and addressed me that you are
5 one of the people that among your own group, where you are coming
6 from, that part, the section. So whatever job I want to be done,
7 you will be their leader, you will be there to lead them to
8 perform that duty.

9 Q. Do you know if Mosquito was leading any group or
10 organisation?

11 A. There were leaders. But we heard their names. But he was
12 the very person that told me that he was there. He at Burkina,
13 this area in Burkina, that he was the leader there and whatever
14 he want people to do, he's there as their leader and he will lead
15 them to do it.

16 Q. Where was Burkina?

17 A. In the Kailahun District. The 12 chiefdoms, we were apart
18 from them, but all the chiefdoms. They named that section, the
19 whole 12 chiefdoms, they named the chiefdom, the whole area, as
20 Burkina.

21 MR FOFANAH: Burkina, Your Honours, I think, as in the
22 country, B-U-R-K-I-N-A.

23 Q. Now, you said yourself and other people were captured and
24 brought to Sam Bockarie, to Bockarie, sorry, who is also called
25 Mosquito. Now, apart from him, did you -- did you see or
26 identify any other leader, that you can recall?

27 A. Before that, we were able to see that leader?

28 Q. Yes. Did you see or know any other leader?

29 A. Another person met us, but he was the very person that

1 called us. But he had already accepted us and designated us. At
2 each time he wanted us, we would report there in the morning.
3 Every morning we used to report to him. If you refuse to come,
4 they will send people to bring you there by force.

5 Q. Do you know who was in power when you were captured; who
6 was leading Sierra Leone?

7 A. We heard at one time through him. He announced -- we
8 went -- we met them dancing, and we were in the bush, and we
9 heard gunshots. We went down looking for bush yams. We heard
10 gunshots in the town and we came back to the town. We heard them
11 shouting and laughing, and they told us that the government that
12 we used to have, that -- that we have overthrown the government
13 that used to be with us, and we've overthrown that government,
14 and so that is why we are jubilating, because that government has
15 been overthrown.

16 Q. And do you know the government that they were referring to,
17 which was overthrown?

18 A. At that time, the one -- what we knew. We -- we knew
19 nothing about what used to happen in the town, because there was
20 nobody leaving here to meet us, but we were all listening to
21 them, because whatever they told us is -- was what we listened
22 to.

23 Q. Now, apart from being forced to do things for Mosquito, as
24 you have explained, did you do anything else, during your
25 capture?

26 A. I did so many other things, because we used to take
27 luggage, so many. I mean, even if the luggage was too heavy, if
28 you refused to take them, either you'd be beaten -- even where
29 I'm sitting, I still experience the pain. Either you take a load

1 or you are being killed or beaten.

2 Q. Did you hear about the intervention into Freetown in May,
3 in 1998?

4 A. We heard about that. And even that, it was through him
5 that he told us that, now that his power was still getting
6 momentum, and that we should not go anywhere, and he will call
7 the people and then he will introduce them to us, that those two
8 were his own strangers.

9 Q. And do you know what people he was referring to when he
10 said he will have strangers?

11 A. There was a day when we saw a very big vehicle. We were in
12 our houses. I mean, he had so many vehicles in Buedu, but we
13 never went to his place. Wherever he asked us to report, that
14 was the area we reported.

15 Q. So this vehicle that you saw, do you know who were in the
16 vehicle?

17 A. That large vehicle, when it went, we went there to go and
18 see, because he told us that each time -- he told us that each
19 time we heard a vehicle come, you have to take time, and those of
20 you that I've asked to report to me, and each time I ask you to
21 come, you come to me and you find out what the vehicle had come
22 there to do.

23 Q. So, on this occasion, did you see anyone in the vehicle?

24 A. We went there. We saw so many people. People in khaki
25 dress. So many people. It was a very large vehicle.

26 Q. And what do you mean by khaki dress?

27 A. They were soldier uniforms and we -- but [i ndi scerni ble]
28 very few people held guns, the soldiers.

29 Q. Can you go over that again? Did they -- were they armed,

1 the soldiers?

2 A. They were not many who had guns. They were about -- in the
3 -- in the number of 60 people, there were about seven or eight
4 people who had guns with them.

5 Q. Now, apart from the soldiers who you saw, did you see
6 anyone else who was armed, during this time?

7 A. At that time, the Sam Bockarie we -- I'm talking about --
8 all his men had guns. They were all armed. Whether you saw him
9 with a gun, or you'll be carrying a weapon, like knives.

10 Q. And the people you have referred to as wearing khaki dress,
11 do you know if they had a leader?

12 A. We did not know -- we did not know about their leader but
13 whatever he -- they asked us to go back to our homes, that you
14 should go back to your homes, and they will tell you later what
15 the people here have come to do. So we never waited to see.

16 Q. And did they tell you later what the people went to Buedu
17 Town for?

18 A. Well, after we had returned, at every morning we were to
19 report. We were --

20 THE INTERPRETER: Your Honours, could -- the witness is
21 going too fast this time.

22 MR FOFANAH:

23 Q. Hold it, Mr Witness. Please go over it slowly. Did the
24 rebels tell you -- did they tell you about the reason why the
25 strangers were in town?

26 A. Yes. At the end, he told us.

27 Q. What did he say?

28 A. At the end when he told us that -- that -- that I have a
29 colleague during this war, that after they had been removed from

1 power, and he was now driven away from Freetown. The person that
2 person I'm talking about is Johnny Paul, and he has just come
3 with his own group.

4 Q. Did you see Johnny Paul yourself?

5 A. When he told us that that was his group, we went back home,
6 and after two days, the third day, that was the day when we saw
7 Johnny Paul himself. That was the time he sent people to call
8 us.

9 Q. Who sent people to call you?

10 A. Sam Bockarie sent people --

11 THE INTERPRETER: Your Honours, he -- Your Honours --

12 [Overlapping speakers]

13 MR FOFANAH:

14 Q. Hold it, Mr Witness.

15 THE INTERPRETER: He's going too fast.

16 MR FOFANAH: Mr Witness, please speak very slowly. You are
17 being interpreted. Can you go over what you just said, slowly,
18 so that we can understand you.

19 A. Okay. The time when we saw Johnny Paul?

20 Q. Yes, go on.

21 A. We saw him at his residence. He was there at -- in Buedu,
22 tied up.

23 Q. Tied up with what?

24 A. He was on the floor, on the ground.

25 Q. With what was he tied up?

26 A. He was tied at the back. He was tied at the back and he
27 was lying with his back down. I don't know the type of cord that
28 was tied -- that they tied him with but he was on the floor.

29 Q. Do you know why he was tied and was lying on the floor?

1 A. When we were about to go and watch and Mosqui to went and
2 asked us to send us back home, and we were very curious to know,
3 and then he told us that this man has brought some diamonds.

4 Q. And by "this man," who was he -- whom was Mosqui to
5 referring to?

6 A. One of his bodyguards close to him, Wray. That was Wray.
7 Wray told us that.

8 Q. What did Wray say?

9 A. That if -- if you see that man lying on the ground there,
10 lying on the ground, our leader has said that this man has come
11 with diamond and he doesn't want to share it with us, that is why
12 he has been tied and on the -- lying on the ground.

13 Q. Now, apart from Koroma, whom you saw lying on the ground
14 tied, did you see any other one -- any other person being tied
15 like him?

16 A. At that time there was no other person. We were so many
17 there and there was -- he was the only person lying down on the
18 ground. We were driven away to go back, that we were civilians.

19 Q. Do you know if anything later happened to him?

20 A. After that, before the end of the day, he -- he rang a bell
21 to invite us -- they rang the bell for us to assemble.

22 Q. And when you assembled, did you continue to see the man who
23 was tied on the floor?

24 A. When we got there, he told us that -- that the relationship
25 between -- between the rebels and the soldiers -- we had a -- a
26 discussion. But the case, we have spoken about it, we have
27 discussed it, and that is the end of it, and so we should not be
28 worried.

29 Q. And what do you mean by that? What was the relationship

1 between the rebels and the soldiers, at that time?

2 A. Because they -- he was captured because of money, but we
3 were driven away. That -- that -- after we returned later --
4 after when we returned later he told us in fact that that was not
5 a matter for the civilians. That in fact the matter had been
6 settled between them and there was no more cause for them to get
7 worried.

8 Q. Did the man who was tied, Johnny Paul, did he continue to
9 stay in Buedu Town during your stay there?

10 JUDGE SEBUTINDE: Mr Fofanah, it's not clear who made this
11 address to these people.

12 THE WITNESS: After he had been let to go.

13 JUDGE SEBUTINDE: [Microphone not activated] It's not
14 clear to me --

15 MR FOFANAH: I'll clarify.

16 JUDGE SEBUTINDE: -- who said these words.

17 MR FOFANAH: I'll clarify that, Your Honours. I'm
18 grateful.

19 Q. Now, you've said a number of things about somebody
20 addressing you in your meetings. Who was addressing you?
21 Yourself and the other people in town, who was addressing you?

22 A. Each time we were called together, this Sam Bockarie
23 himself would talk to us. That, in fact, whatever he told us, if
24 we disobey him, then that would be a problem for us and that
25 wherever he sent us, he would indicate that he was in charge, and
26 that he sent us to do it.

27 Q. Now, the question I asked you before that was whether
28 Johnny Paul, the man who was tied, continued to stay in Buedu
29 Town, to the best of your knowledge?

1 A. When he was let loose, he told us that he has let him
2 loose, because he was in Buedu Town with us for a very short
3 time.

4 Q. When you say "he," you mean the man who was tied?

5 A. Yes. He was there with his group for a very short period.

6 Q. Do you know where he left with his group to?

7 A. How -- how I came to know that he was still in Buedu is --
8 how we got to know the money, the money -- about the money --

9 THE INTERPRETER: Your Honours, the witness is again going
10 too --

11 MR FOFANAH:

12 Q. Mr Witness, please, please. You have to go slowly. Like I
13 said, we want to understand what you are saying. And whatever
14 you say in Kissi is being interpreted to us in English. So go
15 slowly. My question to you -- and try to be as precise as you
16 can -- answer the questions directly. Do you know where John
17 Paul and his men left for, after they left Buedu?

18 A. Before he left Buedu, he called a meeting.

19 Q. Who called the meeting?

20 A. Mr Johnny Paul and his soldiers, and they called the
21 announcement, announcement, and we had a market day there, where
22 we all often hold a market day, and there they called us to
23 assemble, and we assembled together.

24 Q. Did he address you; Johnny Paul?

25 A. That very day, apart from when he was being tied. That was
26 the very day I really saw him in person; that he was the very
27 Johnny Paul, that day. So that I could remember him at any time
28 I see him.

29 Q. And can you describe the Johnny Paul that you saw?

1 MR HARDAWAY: Objection.

2 THE WITNESS: The one I saw --

3 MR HARDAWAY: He has already said that it was Johnny Paul
4 tied up and it's Johnny Paul who called the meeting. I fail to
5 see the relevance of this question.

6 MR FOFANAH: I will -- I will take the cue. I will move on
7 to another question.

8 Q. Now, what did Johnny Paul say in this meeting?

9 A. Johnny Paul, in the meeting, he told us that I, too -- what
10 happened was not really my fault. So it was not fault -- my
11 fault to leave there, but everything, we can blame it on the war.
12 So I am going away with my own group. So he left there and went
13 with his group.

14 Q. And do you know where they left for?

15 A. We -- he left us, but we did not really follow him. After
16 the meeting, we saw him going towards the Kangama direction.

17 Q. Now, was he led or accompanied by any other group of armed
18 men?

19 A. He went with his group, the only group. When we came to
20 the junction where vehicles park, we all assemble at that
21 junction, and he came down with his group towards the Kangama
22 Road. We saw no other person going with him.

23 Q. Now, the troops that you have referred to who were with
24 Johnny Paul, did you hear the name Ibrahim Bazy Kamara as being
25 one of the soldiers who were with Johnny Paul Koroma?

26 A. We -- for us to know somebody's name, the soldiers, each
27 time they said they're soldiers, it was only the leaders that we
28 knew. In fact, you would not have the mind or the gut to go and
29 ask somebody's name.

1 Q. So what is your answer to that; did you hear or you did not
2 hear the name Ibrahim Bazy Kamara?

3 A. I did not hear it. I did not hear it.

4 Q. Did you hear the name Tamba Brima as being one of the
5 soldiers who went with Johnny Paul to Buedu?

6 A. Among the leaders, apart from Momoh, I don't know any other
7 name. Nobody was -- name was given to us and we have not
8 discussed with them.

9 Q. Who was Momoh? You've just said, "Apart from Momoh."

10 A. No. Apart from Johnny Paul. It was a mistake.

11 Q. So do I also take it that you did not hear the name
12 Santigie Borbor Kanu as being one of the soldiers who went with
13 Johnny Paul to Buedu Town?

14 A. Among the group of people who went there if I -- to be
15 precise, to say the truth, apart from Johnny Paul Koroma, if I
16 tell you anybody's name, I would be telling a lie. It was only
17 the old group the -- the rebels that we stayed long together
18 with. But, among the soldiers, we did not stay long together, so
19 I wouldn't know their names.

20 Q. When Johnny Paul and his troops were leaving Buedu Town
21 were they armed?

22 MR HARDAWAY: Objection, Your Honour. I believe he stated
23 that there were armed men with Johnny Paul Koroma when he left.

24 PRESIDING JUDGE: I didn't know he said when he left.

25 MR HARDAWAY: I stand guided by the Court.

26 PRESIDING JUDGE: Go ahead, Mr Fofanah.

27 MR FOFANAH:

28 Q. When the soldiers were leaving with Johnny Paul from Buedu
29 Town towards Kangama, were they armed?

1 A. The very day he was captured, when he was captured. All
2 the money they talk about, whether it was true or not, no soldier
3 had arms with him. They were all moving about. They were all
4 moving about empty-handed. They hadn't guns with them.

5 Q. And did that situation continue to be the same up to the
6 time they left Buedu Town?

7 A. From the junction when we met. Then we came back, and our
8 own boss, Sam Bockarie, told us to go back. And Johnny Paul was
9 going back. I did not see even a whip in his hand, let alone a
10 knife or any other thing.

11 Q. Thank you. Now, Mr Witness, the rebels whom you've said
12 were led by Mosquito, Sam Bockarie, did you see or notice any
13 children among them who were carrying guns?

14 A. Sam Bockarie's group, there were children among them, who
15 were about 10 and 12 years, who were armed with guns.

16 Q. And did these children -- were they attached to any of the
17 leaders, apart from Sam Bockarie?

18 A. The children, who were boys and girls, with all the other
19 people he went with, there were adults among them. Some of the
20 adults, I know them, and they led the little children to do bad
21 things.

22 Q. So what kind of bad things did you see them -- did you see
23 them do bad things?

24 A. Bad things. The first thing, they burnt down our mosque in
25 Buedu.

26 Q. And when you say "they," who were the "they" who burnt down
27 your mosque in Buedu?

28 A. The rebels. The very boy that set fire on the mosque and
29 on the customs.

1 Q. Now, apart from the burning of those places, did they burn
2 any other building that you know about?

3 A. They burnt down many, many houses, together with the
4 paramount chief's house, the Fullahs, and the person that was
5 leading them was called Wray. He was a Liberian. Wray Johnson.
6 He led them to do the burnings.

7 MR FOFANAH: Wray, Your Honours, W-R-A-Y. Johnson as in
8 Johnson.

9 MS THOMPSON: Sorry, Your Honour, before my learned friend
10 goes on, the first accused would like to use the convenience.

11 PRESIDING JUDGE: Yes. Mr Brima can leave the courtroom.

12 MR FOFANAH:

13 Q. You've said that Wray Johnson was a Liberian; how did you
14 know that?

15 A. He told us that the boys that I have come with, that some
16 of them came here with the war, and these are the very people
17 that are my bodyguards and we are working together. And these
18 are the people that I sent. We are all mixed up together. So
19 that they would be able to take all his luggage that he had
20 looted here to Liberia.

21 Q. Do you know if Wray Johnson was answerable to Sam Bockarie?
22 Wray Johnson and his men, his troops?

23 A. He himself, Wray Johnson, each time they went there -- he
24 was a Sierra Leonean. Like, Sam Bockarie was a Sierra Leonean,
25 he was his own brother, but he made himself into a Liberian by
26 speaking Liberian. He is a Kissi. He is -- he is not a
27 Liberian, but he made himself a Liberian so that he could
28 frighten us.

29 Q. The question, Mr Witness: Do you know if Wray Johnson, who

1 was a Liberian, and who was leading the men that burnt the
2 houses, do you know if he was answerable to Sam Bockarie?

3 A. Whatever Sam Bockarie told him, that was what he will do.

4 Q. Apart from the burning of houses, and arming the children
5 that you've told the Court about, what other bad things did you
6 see being done by the rebels in Buedu Town?

7 A. In Buedu Town, the bad things that I saw that are really
8 noteworthy, they dug a pit very close to the back. It was a big
9 pit. There, they put people, and each time they put somebody
10 there, that person would never be seen again.

11 Q. Do you know how deep this pit was?

12 A. The time when that pit was dug, each time he said that,
13 every morning when he asked us to report, they would say that
14 either we would be killed or we would be beaten. I went there
15 and saw that pit myself and that - he told us that the pit, each
16 time somebody disobeyed, "This is the place I'll put you, and you
17 will be there until you die."

18 Q. Now, having seen the pit, do you know how deep it was?

19 A. I did not measure. If I'm to compare the depth of that
20 pit, it is about the height -- the height of a palm tree, a tall
21 palm tree.

22 Q. Thank you. Did you hear, during this period, of any
23 killings in Buedu Town by the rebels?

24 A. Killings, there were so many killings. And the reason why
25 we were really afraid of his orders is because each time he rang
26 a bell, we were to report there. He had no distinction. And
27 each time, at that time he was now preparing to leave, so he made
28 no distinction.

29 Q. So did you personally witness killings yourself, by the

1 rebels?

2 A. Myself seated here, the very day I went to report there,
3 they told my daughter at my back, who was about 12 years. They
4 sent -- they sent my daughter, who was about 12 years of age,
5 there, they really had sex with her and after which they
6 abandoned her into that pit.

7 Q. Mr Witness, are you okay?

8 A. Hold on. Let me have a rest.

9 Q. You can have a glass of water, if you so choose. So, if I
10 may continue, Mr Witness, you said --

11 JUDGE DOHERTY: Mr Fofanah, let us make sure the witness is
12 able to continue. Mr Witness, are you feeling any better now?

13 THE WITNESS: Yes. I will be able to talk.

14 JUDGE DOHERTY: If you are not able you must tell us,
15 Mr Witness.

16 THE WITNESS: I will be able to speak and tell you the
17 rest.

18 JUDGE DOHERTY: Thank you.

19 MR FOFANAH:

20 Q. Mr Witness, my questions are not meant to hurt you in any
21 way, but we just want to know the details of what you are telling
22 the Court. You said they raped your daughter; who raped your
23 daughter?

24 A. One -- there was a boy among them called Kailondo. He was
25 a bodyguard to Sam Bockarie.

26 MR FOFANAH: Kailondo, Your Honours, is spelt
27 K-A-I-L-O-N-D-O.

28 Q. Were you present when this happened?

29 A. When she was captured the place -- they put her in a room,

1 and that was the time they were fencing the town. They put her
2 in a room and, when she was removed, there was a Kissi boy in the
3 house that, in fact, your daughter -- the position -- the way I
4 saw her he has been -- she has been overused. They have lain
5 with her, they have sex with her so much, and I think she's dead
6 and she has been put into that hole.

7 Q. So, after this incident, did you personally see your
8 daughter before she was placed in the hole?

9 A. When it happened, when I saw her being placed -- put into
10 that room, after they had used - overused her, not alone that I
11 went there to see her myself.

12 Q. Did you also witness or hear about any other case of rape
13 in Buedu Town by the rebels, during this time?

14 A. People were captured. Those who were there without --
15 without relatives and so many people have been left there and --

16 THE INTERPRETER: Your Honours, could the witness take over
17 the last bit of his testimony.

18 MR FOFANAH:

19 Q. Mr Witness, please be as precise as you can. The question
20 was: Apart from the rape that you witnessed, that you heard
21 about or witnessed, involving your daughter, did you hear or see
22 any other rape in Buedu Town during this time?

23 A. During that time. I saw people after that. After that, I
24 saw three people. My daughter was the fourth. They were putting
25 them into that hole. And what they did -- and people told me
26 that, "What they did to your daughter is the same thing they did
27 to you." And she was a fat person that was being put into that
28 hole. And they said that each time somebody disobeyed, we'll
29 treat him the same way that we have treated this, and it used to

1 happen.

2 Q. Now, I asked you a question --

3 JUDGE SEBUTINDE: Do clarify: We are talking about the
4 offence of rape. I'm not sure that that is what this witness has
5 answered.

6 MR FOFANAH: I was just going to go back to that because --

7 Q. Mr Witness, you explained the first one involving your
8 daughter clearly, that they used her. Now, the other ones that
9 you've told the Court about, the first three, to the best of your
10 knowledge, were they raped?

11 A. They, too. The thing is, whatever they did, they would
12 tell us. The boys that raped them were in Buedu Town. There
13 were three. That, in fact, it was not only your daughter, there
14 was -- they have raped three other people and they're dead and
15 they placed them in the same hole, the same way we've treated
16 them. The three boys, one is called Jerry. He is called Jerry.

17 Q. And were these three boys rebels, like Kailondo?

18 A. They were rebels, indeed, and they had guns with them. And
19 they told me that, "Brother, you are crying for nothing." He
20 says, "These three people, we've killed them and their presence
21 tomorrow, they will put them into that pit, so that you should
22 know that the power we have is really enormous."

23 Q. Do you also know if these three boys were answerable to Sam
24 Bockarie, Mosquito?

25 A. The three boys, the very boys, they know any other place.
26 These very people were his own very people in his compound where
27 he was. Only those of us who went there to report, we were able
28 to see them, and each time we met with them, whatever respect you
29 had for Sam Bockarie, if you don't give it to them, it's the

1 same. If you don't accord them with the same respect, they'll
2 treat you badly.

3 Q. Mr Witness, I asked you earlier about killings, whether you
4 personally witnessed or hear about killings in Buedu Town during
5 this period. Now, apart from the explanation you've given about
6 the four people being thrown into the pit, did you see or hear
7 about killings in Buedu Town?

8 A. That was -- there was a time the very pit where he put
9 people, it was fenced right around with bamboo, bamboo mats.

10 Q. So, did you see or hear about killings in Buedu Town during
11 this period?

12 A. In Buedu Town, that -- we were all mixed up, but he was
13 really killing so many, but we were there together. We were
14 Mendes, Kissis, Konos, but we did not know each other, but there
15 were killings going on. But he went along killing but, really,
16 we would not know. But we are all mixed up. We had many
17 different tribes.

18 Q. So how did you know that there were killings going on
19 during this period?

20 A. How I knew about it, that there were killings going on?

21 Q. Yes, Mr Witness.

22 A. My very brother with whom I was -- who was close to me,
23 that was the day they went to call me, but they did not meet me
24 in time. But they did not meet me on time. They found him in my
25 compound, and they asked him: "Why didn't you knock on the door
26 and you did not open?" And there was a man there called Alpha,
27 he was a civilian. He was taken away and he was put into that
28 pit.

29 Q. Okay, Mr Witness. Did you see or hear about people being

1 abducted by the rebels during this time?

2 A. They will capture people, abduct them, and bring them from
3 other town -- they will capture -- they will take zinc and take
4 them to Liberia, and they will take them to Liberia, and you
5 would be there in the evening, and you come back in the night.
6 The very night that you take these zincs to Liberia, you will
7 come back that very night.

8 Q. What is zinc, Mr Witness?

9 A. Corrugated irons that we used to cover. In the night, they
10 will go and remove it from houses, and even if you were 50 in
11 number, they will all take that corrugated iron. They will
12 take -- ask you to take it to Liberia, and if you refuse, you
13 will be killed.

14 Q. So, who asked people to take the corrugated iron sheets to
15 Liberia?

16 MR HARDAWAY: Objection, Your Honour. He never said that
17 they were asked.

18 THE WITNESS: Even that he had --

19 PRESIDING JUDGE: What's that objection, Mr Hardaway?

20 MR HARDAWAY: He was never -- the witness never said that
21 they were asked. The witness's testimony is, according to my
22 notes, they were captured and took zinc into Liberia. There was
23 nothing said about ever being asked.

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

25 Q. So who captured people and gave them corrugated iron sheets
26 to take to Liberia?

27 MR HARDAWAY: Objection, Your Honour. He has stated
28 earlier, asked and answered, it's the rebels.

29 THE WITNESS: I told you it was the rebels that took us.

1 MR FOFANAH: Yes, he has been saying "they", "they." I was
2 just trying to clarify.

3 Q. Now, did you see or hear about people being forced into
4 marriage in Buedu Town during this period?

5 A. That time, that very time, apart from the corrugated irons
6 that we sent, but the pump -- the water was pumped. All the
7 doors, they were all broken down and asked us to take them, to
8 carry them to the Guinea boundary. We would go there and leave
9 them at the Guinea boundary and if you refused, you will be
10 killed. Even in that issue, they killed two people amongst us.

11 Q. Hold it. Hold it, Mr Witness. My question was about
12 forced marriages; do you understand what forced marriage is?

13 A. Yes.

14 Q. So what do you understand by forced marriage?

15 A. There was a time when, if you reached there in the night,
16 during the night, when people were about to go to bed, they would
17 knock on doors and whoever had his wife, they will take your wife
18 away, and you will not see that again. Even with me, it happened
19 to me. One of my wives was taken away. I don't know where she
20 is. But I don't know whether -- I have not heard of that she's
21 dead but I have not seen her.

22 Q. Sorry about that. Mr Witness --

23 A. Yes.

24 Q. -- now, apart from the forced marriage you've spoken about,
25 and the abductions, did you see people being forced to do
26 anything?

27 MR HARDAWAY: Objection, Your Honour. Asked and answered.
28 He has stated earlier about Wray Johnson --

29 THE WITNESS: Yes.

1 MR HARDAWAY: -- and also to his own forcing of carrying
2 loads.

3 PRESIDING JUDGE: I'm not sure. Are you asking apart from
4 that? Or what are you asking?

5 MR FOFANAH: Yes. I was asking -- actually going to ask
6 him about forced labour, but I will rephrase the question.

7 Q. Did you see incidents of forced labour in Buedu Town?

8 MR HARDAWAY: Same objection, Your Honour. It has been
9 asked and answered.

10 PRESIDING JUDGE: Yes, he said he has.

11 MR FOFANAH: I'm grateful. Just two more questions and
12 I'll round up.

13 THE WITNESS: In Buedu Town we did so many work.

14 MR FOFANAH: Hold on.

15 THE WITNESS: We did so many types of work.

16 PRESIDING JUDGE: Mr Witness, please. Mr Fofanah is
17 conducting your questioning. Please listen to his questions and
18 answer the question he asks you. Thank you.

19 MR FOFANAH: Grateful, Your Honours.

20 Q. Mr Witness --

21 A. Yes.

22 Q. -- do you know if the events and incidents that you have
23 recounted happening in Buedu Town, did you hear any of these
24 events -- by that I mean forced marriage, abduction, killing and
25 rape -- did you hear about them occurring in other parts of
26 Kailahun District, apart from Buedu Town?

27 A. Where I had been is -- I can only talk about the place
28 where I was, and each time -- I did not travel. I only know
29 about the place where I was. I was held up and I -- there was no

1 way for me to leave, so I don't know about the other areas.

2 Q. Were Ibrahim Bazy Kamara, Tamba Bri ma and Santigie Borbor
3 Kanu, were they involved in any of these crimes that you have
4 outlined? Did you hear those names?

5 JUDGE DOHERTY: You've got two questions there, Mr Fofanah.
6 One at a time.

7 MR FOFANAH:

8 Q. Did you hear the names Ibrahim Bazy Kamara, Tamba Bri ma
9 and Santigie Borbor Kanu, as being one of those who committed the
10 crimes that you have mentioned?

11 A. I have told you that all -- I don't know their names. The
12 only people I know about are the ones that I've just told you
13 about. I don't know about their name. We never asked about
14 their names. We only -- the only thing they told us that this
15 one was a commando. This one was -- this was like this. Each
16 time we heard their names but we don't know them by -- in person.
17 So even we -- if we had heard their names, but we don't know them
18 in person, so you can't say that you know that person.

19 Q. So did you hear the names that I have mentioned to you or
20 did you not? The names -- first of all, did you hear the name
21 Ibrahim Bazy Kamara during this period?

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

23 PRESIDING JUDGE: I don't know if it was. I'm quite
24 confused by his last answer. I'm not sure if he's saying "I
25 heard their names but I don't know them."

26 MR HARDAWAY: He had stated earlier, in relation to my
27 learned friend's last question, which is during this period, he
28 had stated he had never heard of Ibrahim Bazy Kamara.

29 PRESIDING JUDGE: You don't want him to change his answer,

1 Mr Hardaway?

2 MR FOFANAH: If that is the answer, then I have no further
3 questions.

4 PRESIDING JUDGE: All right.

5 MR FOFANAH: I will take it at that. Thank you.

6 PRESIDING JUDGE: All right. Any other in chief?

7 MR KNOOPS: A few questions, Your Honour.

8 EXAMINED BY MR KNOOPS:

9 Q. Good afternoon, Mr Witness. Mr Witness --

10 A. Yes.

11 Q. -- you told us about the time that Johnny Paul came with
12 his group to Buedu Town. Do you know how large this group was?

13 A. I saw the group. I was not there up to the time when they
14 alighted for me to count them and he, too, told -- he did not
15 show that this is the group that I brought here, and we had no
16 right to ask him how many they were in number.

17 Q. Thank you. Mr Witness, was there, at that time, a
18 paramount chief in Buedu Town?

19 A. The -- the paramount chief was not there. They themselves,
20 Sam Bockarie placed somebody as their leader, that you are the
21 chief, but -- but he was not really formally elected. He said,
22 "I am giving you the authority today as chief of this place. I,
23 Sam Bockarie."

24 Q. What about the section chiefs? Were there section chiefs
25 in Buedu Town at that time?

26 MR HARDAWAY: Objection, Your Honour. Grounds of
27 relevance.

28 THE WITNESS: There was a section chief in Buedu.

29 PRESIDING JUDGE: What -- you objected on the grounds of

1 relevance. Mr Knoops, what do you reply, if anything?

2 MR KNOOPS: Your Honour, I can indicate the question after
3 this, but then I would lead the witness, so if you could bear one
4 second with me.

5 PRESIDING JUDGE: You'll link it up?

6 MR KNOOPS: Yes, Your Honour.

7 PRESIDING JUDGE: All right; go ahead.

8 MR KNOOPS: Thank you, Your Honour.

9 Q. Mr Witness, please be so kind --

10 A. Yes.

11 Q. -- just to answer my question and not elaborate on your
12 answer, so please listen carefully to my question. Were there
13 section chiefs --

14 A. Yes.

15 Q. -- in Buedu Town at the time Johnny Paul came to Buedu
16 Town?

17 A. There was a section chief there, the time when Johnny Paul
18 went to Buedu.

19 Q. Was this section chief free to go elsewhere?

20 A. [Indiscernible] he went nowhere. The chief that he
21 appointed, they never went anywhere.

22 Q. Did Mosqui to give any orders to the section chief?

23 A. He told these two people that these people that I have
24 instituted to -- is for them to send people, so that I could send
25 them anywhere. In the morning, if the -- if the people don't
26 come to report here, you, the two chiefs, I will kill you. So
27 each time they call people to report, they were sure to be there
28 early in the morning.

29 Q. And, at that period that these chiefs had to report in the

1 morning, was Johnny Paul there as well?

2 A. We started reporting. We started reporting even before
3 Johnny Paul came. Johnny Paul went there before -- after -- it
4 was not Johnny Paul that gave us that power. It was Mosquito,
5 Mosquito that gave us that authority that we should report.

6 Q. Mr Witness, do you know what would happen if the chief
7 would not report to Mosquito every morning?

8 A. The chiefs was with us. In fact, he was at -- one day he
9 fell ill and he was not able to go there early in the morning.
10 Before we could report and we asked, he asked us about him, and
11 we said we don't know about him. After which, we were captured
12 and placed somewhere that we should know something about him. He
13 was sick, but he sent people to go and bring him. We were
14 already placed in the very tight place and later they brought him
15 before we were released.

16 Q. Did you see this yourself, Mr Witness?

17 A. Yes. Yes. I used to go and report in the morning. They
18 asked me about -- said who -- whereabouts this person. Then I
19 said that he was not -- I have not seen him this morning, and
20 they said, "Well, sit down there." They asked us all to sit
21 down. That, in fact, if we don't see that -- this person, it
22 means that he has gone somewhere else. So we were seated there
23 and the people were sent to go and bring him. Even though he was
24 sick, he was brought there before we could be released.

25 Q. Mr Witness, do you know what exactly the reason was for
26 this reporting every morning?

27 A. The reason, the reason why you want -- why he wanted us to
28 report in the morning?

29 Q. Yes, that's my question.

1 A. He gave us three points. The first point, if we don't
2 report, that he will burn the whole town. The second, that he
3 will kill all of us. The third, that he will go somewhere else
4 and nobody would know where he will go. These were the three
5 points that really made us -- frightened us so that we reported
6 every morning.

7 Q. At the time of this reporting, were the troops of Johnny
8 Paul in Buedu Town?

9 A. Johnny Paul's group never stayed there for long. Johnny
10 Paul, in fact, was in trouble. He was not long there. He was
11 really, I mean, not pleased. He was not there for long.

12 Q. Mr Witness, you spoke about Johnny Paul being tied up at a
13 certain moment in Buedu Town. Do you know whether, at that
14 moment, his troops were present when he was tied up?

15 A. His soldiers were there, but they hadn't the power, because
16 they were not carrying guns.

17 Q. What happened to these soldiers at that moment?

18 A. What happened to the soldiers at that time?

19 Q. Yes.

20 A. Like, what he told us, when the people reached there, when
21 the vehicle reached there, but by then we were not there. He
22 disarmed all of them, that -- because they've come to my own area
23 and, whatever power I have, I will inflict it on you. I am your
24 custodian, so all the guns you have should be with me.

25 Q. Mr Witness, my last subject touches upon the pit you've
26 told us of. Now, I have a few questions about this big pit.

27 First --

28 THE INTERPRETER: Your Honours, could counsel please go
29 over that again?

1 MR KNOOPS:

2 Q. My last subject, Mr Witness, touches upon the big pit you
3 told us about. I have a few questions about the big pit.

4 A. That is why I am seated here, so that I will tell you more
5 about it. Each time I recall about that pit, I will have more to
6 say about it.

7 Q. First of all, when this big pit was made, were the troops
8 of Johnny Paul still in Buedu Town?

9 A. What I'm telling you about this pit, Johnny Paul was not
10 there when this pit was dug. Johnny Paul came there, but he had
11 no knowledge about this pit, because Sam Bockarie had the
12 command. He had power to do everything. Everything was in his
13 care.

14 Q. So you're saying that this pit was made before Johnny Paul
15 came to Buedu Town; is that what you're saying?

16 MR HARDAWAY: Objection. Leading.

17 THE WITNESS: Johnny Paul found this -- this dug -- this
18 pit was already dug before Johnny Paul came. By the time Johnny
19 Paul came there, there were already rapes being carried on in
20 that area.

21 PRESIDING JUDGE: Don't lead, Mr Knoops.

22 MR KNOOPS: I'm sorry, Your Honour.

23 PRESIDING JUDGE: And if you can control this witness to
24 answer your questions, please, otherwise he's going to be in that
25 witness box for a long time.

26 MR KNOOPS: Quite right, Your Honour. By the way, in my
27 humble submission, the witness already answered my question and
28 my second question was just for clarification, but I will refrain
29 from leading, Your Honour. Thank you.

1 Q. Mr Witness -- and this concludes my examination of this
2 witness -- did you see any one of the troops of Johnny Paul being
3 thrown in this big pit?

4 A. I don't know the number of people Johnny Paul took along.
5 I don't know whether one of his people were captured. I don't
6 know.

7 Q. Thank you, Mr Witness.

8 MR KNOOPS: That concludes my examination. Thank you,
9 Your Honour.

10 PRESIDING JUDGE: Anything else in chief?

11 MS THOMPSON: Nothing on behalf of Bri ma.

12 PRESIDING JUDGE: Yes, Mr Hardaway.

13 MR HARDAWAY: Thank, Your Honour. I'll be brief.

14 CROSS-EXAMINED BY MR HARDAWAY:

15 Q. Mr Witness, good afternoon, sir.

16 A. Yes.

17 Q. I just have a couple of questions for you. Please listen
18 carefully to the question, and then answer just the question
19 directly, all right, sir?

20 A. Thank you. I can hear clearly.

21 Q. If I require a further explanation, I will ask you.

22 Mr Witness, did you ever see or hear -- while in Buedu Town, did
23 you ever see or hear of Sam Bockarie ordering the mass killing of
24 67 people?

25 A. That, I did not hear anything about it. Even if it
26 happened, I was in the bush. But I heard about it, but I did not
27 see. I was still in the bush. I was still in the bush in
28 hiding, but I heard of it. I heard it, but it was a hearsay that
29 I really know of.

1 Q. What did you hear about that, sir?

2 A. That, when he came, he met people in the town, and he
3 killed people. But what type of people, I don't know, because I
4 was in the bush.

5 Q. I put it to you, sir, that Sam Bockarie, aka Mosquito,
6 ordered the killing of 67 people, and that this killing was
7 carried out by a mixed force of soldiers and rebels. What is
8 your response, sir?

9 A. That is why what I said, that by then I was not in town. I
10 was in the bush. I don't know who gave it. I heard of it,
11 that -- that people were killed, 67 -- 65 people. At that time,
12 Sam Bockarie was in town but, by then, I was in the bush. I had
13 not come to town.

14 Q. Mr Witness, thank you for your time and your evidence
15 today. I have no more questions of you.

16 MR HARDAWAY: Your Honours, this concludes my
17 cross-examination.

18 PRESIDING JUDGE: Thank you, Mr Hardaway. Any
19 re-examination?

20 MR FOFANAH: There is no re-examination, Your Honours.

21 PRESIDING JUDGE: Mr Witness, thank you for coming to
22 Court. That completes your testimony. You will be free to leave
23 very soon. We're going to adjourn the Court and arrangements
24 will be made for that curtain to be pulled and you can leave the
25 courtroom. Thank you. We'll adjourn the Court -- do you have
26 something before we adjourn, Mr Knoops?

27 MR KNOOPS: Your Honour, if I may address the Bench shortly
28 about the suggested programme for tomorrow morning, because the
29 Defence has -- speaking, by the way, on behalf of my learned

1 friends on this side of the Bench. First of all, Your Honours
2 will notice that the Defence teams have filed today a motion
3 indicating that they have dropped about 44 witnesses off the
4 common list. I'm not sure whether Your Honours were able to --

5 PRESIDING JUDGE: No, I don't think we've had a chance to
6 see it yet, Mr Knoops.

7 MR KNOOPS: Officially, Your Honour, we will address the
8 honourable Bench tomorrow with a response motion with respect to
9 your order for clarification of the witness list, the common
10 witness list which, in Your Honours' view, may be excessive. In
11 anticipation thereof, and after reviewing several documents, the
12 Defence has filed today a motion which was, by the way, filed by
13 the first and the second accused, dropping 44 witnesses from the
14 common witness list. This, of course, may have an impact on the
15 order which we initially had in mind.

16 Secondly, I think it's important to stress that, from the
17 call order for this week, and Your Honours are aware there were
18 15 witnesses on the call order, three witnesses off the call
19 order, namely 11, 12 and 15, that's DAB-139, DAB-137 and DAB-141,
20 have failed to report at the witness house, and these witnesses
21 were, by the way, amongst those who were given money to make
22 their way to Freetown. Until lunch-time, efforts were made by
23 the Defence to ascertain their whereabouts. Witness number 13
24 off the call order for this week, that's DBK-060, has been
25 dropped.

26 In conclusion, the Defence suggest, therefore, considering
27 this drastic review of the common witness list, that we continue
28 tomorrow with witness DAB-095, which is number 38 on the
29 summaries list. This witness may take some time, because this is

1 what is known to be an insider statement, and will be led by
2 myself.

3 We hope this will clarify our position at this moment with
4 respect to the common witness list. Of course, we will respond
5 formally to the order of the Chamber of last week, and I'm not
6 sure whether I am complete in my submissions to the Chamber. I
7 look to Ms Thompson and Mr Fofanah, having just arrived here,
8 whether I summarised the current position of the Defence
9 correctly.

10 Ms Thompson, Your Honour, informs me that, in addition to
11 today, there is also a drastic cut in the individual witness list
12 of the Kamara Defence team, with about 14 witnesses, and also the
13 Brima Defence team is reviewing their individual witness list.
14 It may result in a new schedule, from the perspective of the
15 Defence. But, as for tomorrow, if there is no objection from our
16 learned friends from the Prosecution side, we are able and
17 willing to continue with DAB-095 tomorrow morning.

18 PRESIDING JUDGE: Mr Hardaway, are you in a position to
19 respond to that?

20 MR HARDAWAY: I would say provisionally, Your Honour, given
21 the fact that DAB-095 is not on the list of the original 15,
22 there is no way we would even have begun to prepare. We base it
23 on the call order, as it is submitted, and we try to accommodate
24 the Defence as relates to certain fluctuations, moving some
25 people up, moving some people down. Given the fact that this is
26 an insider and based upon the summary that the testimony may go
27 eight to ten hours, and the fact he is not on the list, the
28 Prosecution would object to him being brought up at this time.
29 We have had no chance for full investigation, even with the

1 disclosing data, I believe, released -- I'm not sure if that's
2 within -- I can't answer if that's within the 21-day rules, but I
3 presume it is not.

4 MR KNOOPS: Your Honour, I don't see a reason why we
5 couldn't start with the examination-in-chief of this person and
6 the Prosecution has, of course, time to investigate what it would
7 like to investigate.

8 PRESIDING JUDGE: Is that a possibility, Mr Hardaway?

9 MR HARDAWAY: That I'm not in a position to address,
10 Your Honour, not without speaking with my colleague, Mr Agha, who
11 I presume will be taking this witness.

12 PRESIDING JUDGE: Thank you.

13 [Trial Chamber conferred]

14 JUDGE SEBUTINDE: Mr Knoops, you've referred to a witness
15 list call order for this week, which, unfortunately, the Bench
16 doesn't have a copy of. However, it appears from Mr Hardaway's
17 submissions that this next witness, 095, is not on that call
18 order; is that correct?

19 MR KNOOPS: That's correct. That's also my information,
20 Your Honour.

21 JUDGE SEBUTINDE: So we are wondering why you would start
22 with a witness who is not on the call order when you have the
23 option of witnesses who are on the call order? Why is that so?

24 MR KNOOPS: Your Honour, that's what I just explained. The
25 remaining witnesses on this call order are not available. These
26 are the three I mentioned: 139, 137 and 141, and 060 have been
27 dropped. Actually, we exhausted the call order for this week, to
28 put it differently.

29 JUDGE DOHERTY: Mr Knoops, I have a document, document 554,

1 filed on 15 September, which is a confidential joint Defence
2 disclosure. The witness you referred to is on that list. Is
3 this what we're talking about? Is this the document you are
4 referring to as the call order?

5 MS THOMPSON: Your Honour, if I might help, no. The call
6 order is the one that is served on the Prosecution every Friday.
7 In fact, I passed that on to Mr Knoops and perhaps he couldn't
8 read my writing. But, on that list, three have failed to report,
9 two have officially been dropped. The other one, there is a
10 question mark over it, and we'll review it later this afternoon,
11 but I think he also will be dropped. Basically, we're talking
12 about six people off that list. If those three who are supposed
13 to report do report tonight, then we can carry on with them
14 during the week. But --

15 JUDGE DOHERTY: I'm clear on what you're saying,
16 Ms Thompson. What you call this list is something between
17 yourselves and the Prosecution? We are not privy to this
18 document?

19 MS THOMPSON: Yes, what we serve on Friday evenings,
20 Your Honour.

21 JUDGE DOHERTY: I see. Thank you.

22 MR FOFANAH: Just one point to add to that, with your
23 indulgence. Your Honours, respectfully, this was a modality put
24 in place to ensure we don't break the trial whilst waiting for
25 other witnesses. As it has been the usual practice, subject to
26 the Court's indulgence, witnesses for whom the Prosecutor does
27 not have adequate information, or for whom investigations have
28 not been done, normally, as the Court, I mean, wishes, may be led
29 in chief and then the cross-examination may be deferred, just to

1 save time, in case the witnesses do not come by, as of tonight.
2 That is why we are respectfully suggesting that.

3 PRESIDING JUDGE: Yes. Thank you, Mr Fofanah. Mr Agha.

4 MR AGHA: Your Honour, I've been listening upstairs to the
5 discussions. And, simply to say that I would, under these
6 circumstances, suggest that we do proceed with the
7 examination-in-chief, at least, of this witness tomorrow,
8 although we haven't had the notice or the time. But, as with
9 previous practice, if we feel we need the time within the 21
10 days, we could always make an appropriate application to adjourn
11 and then, hopefully, within the meantime, more witnesses will be
12 able to come along.

13 PRESIDING JUDGE: That's quite correct, Mr Agha. That
14 seems to be what is being contemplated by the Defence as well.
15 We'll also bear in mind that there is a possibility that there
16 may be another three witnesses available to give evidence, in any
17 event, but that won't be known until tomorrow, I understand.

18 MR AGHA: Your Honour, may I make a humble request, or at
19 least a submission, in that we've had difficulties with the
20 witness call order and the witness list for some time now. It
21 would seem, from what I learned colleague Mr Knoops has just said,
22 there has been quite a dramatic change in that list.

23 Now, for the sake of good order, could we request an order
24 from the Court that, by tomorrow, let's say 5 p.m., we do have a
25 fully revised witness list, from all parties, giving the order of
26 call, so that we can actually reconcile and find out where we
27 actually stand?

28 PRESIDING JUDGE: Let's put ourselves in the picture first,
29 Mr Agha. There is a document filed today. We don't know what's

1 in it. We don't know what effect or impact that's had on the
2 current call order. Let's have a look at that and we'll look at
3 your application tomorrow morning.

4 MR AGHA: Thank you, Your Honour.

5 PRESIDING JUDGE: All right. Well, thank you to both
6 parties for informing us of the current witness situation. We'll
7 adjourn now until tomorrow morning. We note that DAB-095 will be
8 available, and there may be three other witnesses as well that
9 could give evidence. We'll adjourn until 9.15 tomorrow morning.

10 [The witness withdrew]

11 [Whereupon the hearing adjourned at 4.12 p.m.,
12 to be reconvened on Wednesday, the 20th day of
13 September 2006, at 9.15 a.m.]

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2	WITNESSES FOR THE DEFENCE:	
3	WITNESS: DAB-142	2
4	EXAMINED BY MR FOFANAH	2
5	EXAMINED BY MR KNOOPS	27
6	EXAMINED BY MS THOMPSON	29
7	CROSS-EXAMINED BY MR AGHA	30
8		
9	WITNESS: DAB-138	38
10	EXAMINED BY MS THOMPSON	38
11	EXAMINED BY MR KNOOPS	46
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16	EXAMINED BY MR FOFANAH	54
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19	WITNESS: DAB-140	65
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