

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

MONDAY, 17 OCTOBER 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff walker
For the Prosecution:	Ms Melissa Pack Mr Jim Hodes Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [AFRC17OCT05A - EKD]
2 Monday, 17 October 2005
3 [Open session]
4 [The accused present]
09:18:41 5 [Upon commencing at 9.20 a.m.]
6 PRESIDING JUDGE: Good morning. I note we have a new
7 witness in the witness box. What language, Mr Hodes, will the
8 witness speak?
9 MR HODES: Krio, Your Honour.
09:20:15 10 PRESIDING JUDGE: If there are no other matters, I will
11 have the witness sworn in. Can we have the witness's TF number,
12 et cetera, Mr Hodes, please?
13 MR HODES: Yes, Your Honour. It's TF1-217.
14 PRESIDING JUDGE: Thank you.
09:20:38 15 WITNESS: TF1-217 [sworn]
16 [The witness answered through interpreter]
17 PRESIDING JUDGE: Thank you. Please proceed, Mr Hodes.
18 MR HODES: Thank you.
19 EXAMINED BY MR HODES:
09:21:18 20 Q. Mr Witness.
21 A. Yes, sir.
22 Q. How are you today?
23 A. Thanks be to God.
24 Q. Good. I'm going to ask you some questions. If you don't
09:21:29 25 understand the question I ask, let me know. Since I know you
26 speak and understand English, I'm going to ask you to not listen
27 to me and what I'm saying, but listen to the Krio interpreter who
28 will be interpreting what I say.
29 A. Okay.

1 Q. okay?
2 A. okay.
3 Q. And later on defence counsel may have some questions for
4 you and I ask you to do to same in terms of if you don't
09:21:58 5 understand a question, let them know and to please listen to the
6 question in Krio.
7 A. okay.
8 Q. Mr witness, where were you born?
9 A. I was born in Kono.
09:22:17 10 Q. What town?
11 A. Inside Babemba, out of Koidu Town.
12 Q. And, if you know, approximately what year were you born?
13 JUDGE SEBUTINDE: we would appreciate spellings of some of
14 these local names, please.
09:22:36 15 MR HODES: Certainly. It's Benguema which is B-E-N -- I
16 think he said --
17 Q. Was it Benguema?
18 A. Babemba, Sandor Chiefdom.
19 MR HODES: The spelling I had was just B-A-B-E-M-B-A, but
09:22:53 20 that's phonetic, Your Honour, and then I think Koidu Town and
21 Kono Your Honours already have.
22 PRESIDING JUDGE: And the chiefdom?
23 MR HODES:
24 Q. The chiefdom again?
09:23:07 25 A. Sandor Chiefdom.
26 MR HODES: Again the spelling will be phonetic, S-A-N-D-O-H
27 [sic].
28 JUDGE SEBUTINDE: Mr Hodes, there was no reference to
29 koidu, was there?

1 PRESIDING JUDGE: Yes, there was.
2 MR HODES:
3 Q. Mr witness, last question I had for you I think was if you
4 know approximately when you were born; what year?
09:23:34 5 A. The year in which I was born was in '58.
6 Q. And, Mr witness, what languages or languages do you speak
7 and understand?
8 A. I speak Krio, which I am speaking now. I speak Temne. I
9 speak Kono. Then I can speak some amount of English, not all.
09:24:10 10 Q. Can you write in any of those languages?
11 A. I write some English.
12 Q. Okay. Mr witness, where did you grow up?
13 A. In Koidu Town.
14 Q. What district is that again?
09:24:27 15 A. Kono District.
16 Q. And, Mr witness, have you been married?
17 A. Yes.
18 Q. How many times?
19 A. This is the second time.
09:24:48 20 Q. Mr witness, did you and your first wife have any children
21 together?
22 A. Yes.
23 Q. How many?
24 A. Three.
09:24:58 25 Q. Mr witness, I'm now going to take you back in time a little
26 bit and ask you, if you remember, where you were back in February
27 or March of 1998?
28 A. I was in Koidu Town.
29 Q. And, if you recall, did anything happen in Koidu Town

1 approximately February or March of 1998?

2 A. Yes, I can recall that.

3 Q. What happened?

4 A. Around February when the juntas armed, the rebels were in
09:26:05 5 Koidu Town. All of us were with them because there was no other
6 way for us to have left. But when they were looting, looting
7 houses, they broke into houses and entered to loot, and some of
8 them raped young girls --

9 Q. Mr witness, I'm going to stop you for one second. You have
09:26:48 10 just referred to "they were looting" and "they raped small
11 girls". When you say that, who are you referring to?

12 A. Well, the juntas and the rebels because they were the only
13 people that had guns. And they went and knocked at doors late in
14 the night to take away their property. Then I went to the
09:27:23 15 hospital with other people and I would see the people who were
16 stabbed, and they would tell us that this was done to them by
17 gunmen. And I, my house, in my house, they took away a van when
18 they went to loot my house, including my baling machines and
19 other furniture from my house. But I didn't know who the gunmen
09:28:12 20 were.

21 This has caused a lot of disappointment for us in
22 Koidu Town, we are discouraged about it. Then the elders of
23 Koidu Town, together with some Lebanese who were rich people,
24 they held a meeting and decided to call the Kamajors to come and
09:28:50 25 dispel the juntas and the rebels from Koidu Town. So they
26 contributed, they went for the Kamajors. Most of the juntas and
27 the rebels ran away.

28 Q. Mr witness, stop for one second. You just indicated that
29 the elders and the Lebanese held a meeting to get money. Who was

1 the money going to go to?

2 A. To give this money to the Kamajors so that they could come
3 and dispel the rebels and the juntas from Koidu Town.

4 Q. And to your knowledge, Mr witness, did that happen? Did
09:29:43 5 they give the money to the Kamajors?

6 A. Indeed they gave it to them. Because they came to
7 Koidu Town and then drove away the juntas and the rebels from
8 Koidu Town.

9 Q. To be clear for the Court, Mr witness, when you said, "they
09:30:02 10 came to the town and drove off the juntas and the rebels", who
11 are you referring to by "they"? who is "they"?

12 A. The Kamajors.

13 Q. Thank you. Go ahead, tell us what happened once the
14 Kamajors drove out the juntas and the rebels from Koidu Town?

09:30:25 15 A. So, they captured those who were not fortunate to run away.
16 They killed them and they burned them alive.

17 Q. Mr witness, again, I'm going to stop you every now and then
18 just to make sure that the Court is clear that you said, "they
19 captured them". who captured who?

09:30:57 20 A. The Kamajors captured the rebels and the juntas, who were
21 not fortunate to run away and who were still in Koidu Town, and
22 they killed them and burnt them with tyres.

23 Q. Did anything happen to the Kamajors once they were in
24 Koidu Town?

09:31:23 25 A. Yes.

26 Q. what happened?

27 A. This thing went on for a long time, wherein Kamajors will
28 capture the rebels and the juntas, the family members and
29 friends, and those whom they suspected that they were friends of

1 the juntas or relatives of the juntas, they were captured and
2 were killed. So, to our surprise, they place a pot by the big
3 mosque, the central mosque in Koidu Town. Here is the Yardu
4 Road, the main road going down, going towards the Old Yengema
09:32:15 5 Road, the Kainkordu Road going up, it was around the roundabout
6 that they placed the pot. One lieutenant went and surrendered
7 himself. He said, well, he was a government soldier. To our
8 surprise -- that time I was there, I was standing by. Therein
9 the Kamajors captured him and killed him. They opened his chest,
09:32:51 10 removed his heart and the liver, and they shared it among
11 themselves and chew it raw. This, the juntas and the rebels,
12 they were working things out not to our knowledge. So on a
13 certain Friday morning we heard gunshots. So many gunshots
14 together with bomb sounds. Not long therein we saw some of the
09:33:36 15 Kamajors running away. We, too, were running away. So we moved
16 away from Koidu Town. After some time we saw the juntas and the
17 rebels came back.

18 Q. Mr witness, I'm going to stop you again for one second.
19 You just indicated that when you saw the Kamajors leaving that
09:34:07 20 you and others left as well. Who were you with first of all?

21 A. We were many and my children were with me and my wife. I
22 was there myself.

23 Q. Did you eventually go back into Koidu Town?

24 A. Yes. When the gunshots subsided most of us came back to
09:34:45 25 Koidu Town to check. When we came back we saw -- we saw them
26 burning houses. The juntas and the rebels were burning houses
27 now.

28 Q. Did anyone say anything to you or other civilians about why
29 the houses were burning?

1 A. Well, it was not the civilians that were saying anything to
2 me, because we, all of us, ran away and came back together. The
3 juntas and the rebels, they told us that Akim Sesay, he led the
4 troops to come and capture Koidu Town again from the Kamajors --
09:35:43 5 from the Kamajors.

6 PRESIDING JUDGE: Could we have that name again?

7 MR HODES: Akim Sesay and the spelling would be A-K-I-M
8 S-E-S-A-Y.

9 PRESIDING JUDGE: Thank you.

09:35:56 10 MR HODES:

11 Q. Again, just to be clear, Mr witness, who is it that told
12 you that it was Akim Sesay?

13 A. Well, most of the gunmen there, people who held guns, these
14 were the people that told us that. But I did not see him.

09:36:16 15 Q. Did they also tell you whether or not he was a rebel or a
16 junta?

17 A. According to what I know, I know that Akim was a soldier.

18 Q. How did you know that, Mr witness?

19 A. Well, during the NPRC period, I knew him to be a soldier
09:36:51 20 and used to see him in uniform. But when the gunmen told us that
21 it was Akim that led the troop to recapture Koidu Town, I did not
22 see him. But I heard his men who were fighting for him, who said
23 they were fighting on his behalf. They were the ones that told
24 us that.

09:37:12 25 Q. Mr witness, you have used the terms "rebels" and "juntas".
26 Can you explain for us what you mean when you use those terms?

27 A. Yes.

28 Q. Go ahead. Tell us, for instance, what you mean when you
29 say "rebel"? what does that mean?

1 A. Well, the rebels, those were the RUF fighters. We referred
2 to the RUF fighters as rebels. Then the juntas were the
3 breakaway soldiers who fought against the government. Those are
4 the ones I refer to as juntas. And they said it themselves, they
09:38:11 5 themselves said it that they were juntas. And we heard it. I
6 heard it myself.

7 Q. Thank you, Mr witness. I'm going to take you back again to
8 something you had said earlier. When you returned to Koidu Town,
9 you indicated that a lot of buildings had been burned. Did any
09:38:34 10 either rebel or junta soldier or commander -- did anyone from
11 either organisation say anything as to why the homes were burnt?

12 A. They only told us that Koidu Town will be made into a farm.
13 And the one whom I saw myself, it was in Hill Station, because I
14 xxxxxx [phon] in Hill Station. The man whom I saw, whom
09:39:19 15 I saw burning houses with his boys, was Lieutenant T in the
16 Hill Station. Including -- my house too was burned. We moved --

17 Q. Before you go on, do you know if Lieutenant T was a rebel
18 or a junta?

19 A. He was a junta. He was a soldier. Because the man,
09:40:00 20 somebody I knew as a soldier.

21 Q. Go ahead, I apologise for cutting you off. What happened
22 next?

23 A. They said they wouldn't like to see any civilian in
24 Koidu Town.

09:40:17 25 Q. Who is "they", Mr witness? Who are you referring to when
26 you said, "they didn't want to see any civilians"?

27 A. The juntas and the rebels.

28 Q. Okay. Please go ahead.

29 A. So I, my children and my wife and other people, moved and

1 settled in one nearby village called xxxxxx, about 2 miles to --
2 from Koidu Town. That was where we settled in xxxxxx. We were
3 there. But the people we saw going there frequently was Captain
4 Bai Bureh, together with his men. When he said he was one of the
09:41:19 5 commanders of the RUF, he used to go to xxxxxx

6 PRESIDING JUDGE: Could we have a few spellings there,
7 please, Mr Hodes?

8 MR HODES: xxxxxxxxxxxx. And Captain Bai Bureh,
9 again I have phonetically, I have as B-A-I and then B-U-R-E-H.

09:41:51 10 PRESIDING JUDGE: Thank you.

11 MR HODES:

12 Q. Mr witness, did anything happen in xxxxxxxx?

13 A. Yes. When we are in xxxxxx, I and one RUF lieutenant
14 called Lieutenant Jalloh.

09:42:24 15 MR HODES: Pause for a second. It's J-A-L-L-O-H,
16 Your Honours.

17 Q. Go ahead, Mr Witness, I apologise.

18 A. So we quarrelled. I quarrelled with him over my sister.
19 He threatened my sister and threatened me. No, threatened me for
09:42:48 20 the sake of my sister. He was about to capture my sister and
21 take her to xxxxxxxx. So I refused.

22 Q. Mr witness, when you said, "he was about to capture my
23 sister", who are you referring to, "he"?

24 A. Lieutenant Jalloh threatened me over my sister's issue.

09:43:16 25 Q. And at that time, Mr Witness, if you know, how old was your
26 sister at that time?

27 A. Sixteen years.

28 Q. Go ahead, Mr Witness.

29 A. So, at one time I saw them going to xxxxxxxx with five Land

1 Rovers, open trucks that is. Some girls were in the Land Rovers.
2 The smallest one among all of them was crying. So they went and
3 sat -- the rebels, because it was Captain Bai Bureh, who was an
4 RUF commander together with his men, they went and sat down
09:44:32 5 drinking. But at that time nobody bothered to go close to them,
6 but those of us who saw, like myself, I saw the youngest among
7 those girls crying. It was not long, my sister went down to go
8 and fetch water, because there was a hand pump there. She was
9 captured by Captain Bai Bureh and he said she was his wife. I
09:45:19 10 went there to plead, but he said my life or my sister, which one
11 do I choose? I didn't bother to say anything, I just returned,
12 because I had seen that if I had spoken they would have killed
13 me. So I just returned.

14 Q. Mr witness, did your sister want to go with
09:46:01 15 Captain Bai Bureh?

16 A. No. He took him using force. Took her, sorry, took her
17 using force. You couldn't have said anything more. They did
18 what they felt like doing.

19 Q. Mr witness, you talked about some girls that were in one of
09:46:34 20 the vehicles. How many girls did you see in the vehicle? Do you
21 recall?

22 A. They were about ten. Ten, I think. About ten of them.

23 Q. Again, Mr witness, if you know, did all of these girls that
24 you saw in the vehicle, did they come from xxxxxxxx?

09:47:10 25 A. No, they brought them there.

26 Q. Other than your sister, did any other girls get captured by
27 Captain Bai Bureh or his men in xxxxxxxx?

28 A. No, no. I didn't see that because I turned my back. After
29 I had gone there to plead and he had asked me to choose between

1 my life and my sister, that caused me to return.

2 Q. What, if anything, did you do after your sister had been
3 taken away by Captain Bai Bureh?

4 A. Well, we left that village. We walked from that village
09:48:08 5 and went to xxxxxxxx.

6 MR HODES: The spelling on that, Your Honour, is also
7 phonetic. It is K-O-N-D-E-W-A-K-O-R-O.

8 Q. Mr witness, did anything happen to you in xxxxxxxx?

9 A. In xxxxxxxxxxxx where we hid in the forest, we built huts
09:48:49 10 there. Nothing happened with us there. Only that we heard some
11 gun sounds. But the rebels and the juntas didn't know where we
12 had hidden at that time.

13 Q. Mr witness, did you stay in xxxxxxxxxxxx?

14 A. Yes, we were in xxxxxxxxxxxx. We were in xxxxxxxxxxxx in a
09:49:23 15 forest. It was not the town itself, but we would be on top of
16 the hill overlooking the town.

17 Q. Mr witness, did you eventually leave xxxxxxxxxxxx in the
18 forest outside xxxxxxxxxxxx?

19 A. Yes, one day we heard -- that was in April, we heard a
09:50:05 20 small radio. We heard an announcement made by one Eddie Smith, a
21 reporter, saying that ECOMOG had taken over Koidu Town. So at
22 that time we packed up our luggage in joy and we headed for
23 Koidu Town. We walked for four days.

24 Q. Mr witness, I'm going to stop you for one second. You
09:50:54 25 indicated that you heard this report on the radio in April.
26 Again, just to be clear for the Court, what year are we talking
27 about? April, what year?

28 A. It was in 1998.

29 Q. Thank you, witness. Where did you go from xxxxxxxxxxxx?

1 A. We went to the same xxxxxxxxxx where Captain Bai Bureh had
2 captured my sister. Because after we had walked for four days I
3 became tired. That's why we rested. But we met some corpses
4 there and some bones and some other bodies that had gone bad.
09:51:47 5 But at that time the town had been burned. But we sat at the
6 chief's house where the corpses -- there were no corpses. That
7 was where we sat down to rest.

8 Q. Did you speak with the chief?

9 A. No, no, no. The chief was not there.

09:52:09 10 Q. You just sat at or sat in his hut and rested?

11 A. Yes, we sat down there. We were resting, we were waiting
12 for day to break, because it was daybreak. Because we wanted to
13 enter Koidu Town, because they had said that ECOMOG was there.
14 From the announcement that we heard over the radio by a certain
09:52:38 15 Eddie Smith, but he is now a late man. He is deceased.

16 Q. When you were in xxxxxxxx, Mr witness, did anybody tell you
17 anything about the corpses or the bones that you saw in the
18 village?

19 A. No. The only thing was that some of our companions with
09:53:04 20 whom we had gone, they told us that they were going ahead to go
21 and register because ECOMOG was registering people. And when you
22 went there they would register you and your family. So my wife
23 told me that we should go. Then I said no, that we should sit
24 because we've been walking for four days now, we should sit down
09:53:33 25 and rest. Let them go. So some of the people went. I do not
26 know their number. We were sitting down there for about an hour,
27 when we saw some of them running towards us because from xxxxxxxxxx
28 to xxxxxxxxxx is not a far distance. If I could approximate,
29 it's about 2 miles. Then we saw some of them returning. I saw

1 an old man whose shoulder was oozing blood. He said that he had
2 been shot. They told us that it was not ECOMOG that was in
3 Koidu Town. They said it was the same people who were in
4 Koidu Town, that is the juntas and the rebels. We are
09:54:46 5 frightened. We took up our belongings --

6 JUDGE SEBUTINDE: Mr Hodes, I'm not sure I understand who
7 ran back to xxxxxxxxxx.

8 MR HODES: I'll clarify, Your Honour.

9 Q. Mr witness, you just testified that people came back. If
09:55:06 10 you could, explain to us who came back?

11 A. Well, it was some of the people with whom we were in
12 xxxxxxxxxx, with whom we walked and rested in xxxxxxxxxx. Some of
13 them said they were going to Koidu Town, that they were going to
14 register. When I told my wife that we should wait a little, that
09:55:37 15 we should rest a little, they hastened to go. Well, some of them
16 who went --

17 Q. Mr witness, I'm going to stop you for one second just to
18 make sure we're clear, okay? The people that were going, were
19 these civilian people or were these rebels? Who were those
09:55:57 20 people?

21 A. They were civilians. The civilians, the civilians with
22 whom we were together, they went to Koidu Town. It was some of
23 them, it was about an hour when they came running. And there was
24 an old man whose shoulder was oozing blood. And they told us
09:56:23 25 that it was the juntas and the rebels who were still occupying
26 Koidu Town; it was not ECOMOG. They said they had killed some of
27 our people. So that fright caused us to take our belongings.
28 That was a mining area, where I used to mine in xxxxxxxxxx. So
29 we took the bush path. I led and we went.

1 Q. Mr witness, when you said "we went", who are you referring
2 to when you say "we"?

3 A. My children, my three children, my wife, myself and some of
4 the people who were with us. Because we were frightened that the
09:57:19 5 juntas and the rebels might chase these people who were -- so
6 that frightened us. That was why we left the place.

7 Q. When you left xxxxxxxxxx, Mr witness, where did you go?

8 A. We went to xxxxxxxxxx, where we rested. From xxxxxxxxxx --

9 Q. Right, sorry, from xxxxxxxxxx, where did you go?

09:57:55 10 A. Well, we walked in that mining area where mining was being
11 done, but at that time was no mining. But it's a place that I
12 understand, especially the routes. There is no place there that
13 confuses me. We walked from there and we went to xxxxxxxxxx.

14 MR HODES: xxxxxxxxxx, Your Honours, again phonetic spelling,
09:58:23 15 is xxxxxxxxxx.

16 Q. Mr witness, did anything happen when you reached xxxxxxxxxx?

17 A. Yes, yes.

18 Q. If you would go ahead and tell the Court what happened.

19 A. At xxxxxxxxxx, that's where I got my problem. When we reached
09:59:02 20 xxxxxxxxxx in the morning we sat down under a certain mango tree.
21 Then I told my wife to prepare food because we had pots and some
22 rice. So, as my wife was preparing this food, I was about to
23 climb the mango tree, because in April the mangoes had become
24 ripe in Kono. So my daughter told me, warned me not to climb, so
09:59:54 25 that I wouldn't fall down. So I came down and my --

26 THE INTERPRETER: Yes, Your Honours, the witness is
27 referring to the child. We are not clear whether it is a him or
28 a she. Can he make it clear for us?

29 PRESIDING JUDGE: Mr witness, can you please pause a

1 moment. The interpreter wants to be clear when you refer to a
2 child whether it's a girl child or a boy child.

3 THE WITNESS: A girl child. I said so, that it was a girl
4 child.

10:00:34 5 MR HODES:

6 Q. Mr witness, I'm going to ask you to start at a point where
7 the interpreter actually spoke over you. You were at a point
8 where you were telling us that your child was telling you to get
9 out of the tree and you came down out of the tree. Go ahead and
10:01:00 10 pick up from there.

11 A. Then she shook the mango tree and the ripe ones dropped.
12 She came down and sat by me. We were eating these mangoes when I
13 saw xxxxxxxxxx, I man I knew, and up till now he's still
14 alive. His arm was amputated. His two daughters were by him on
10:01:40 15 both sides. He came crying. He told me that they have amputated
16 his arm. He said, "My arm was amputated by Staff Alhaji". I
17 asked him where his arms were amputated and he said at xxxxxxxxxx.
18 That was near -- close to Tombodu. The village had only xxxxxxxx
19 xxxxxxxxxx. But the man was very weak and he told me that they had
10:02:20 20 returned. Then I told my daughter that xxxxxxxxxx
21 xxxxxxxx xxxxxx because small Sefadu was just a quarter of a
22 mile to Penduma. Then xxxxxx I
23 returned.

24 Q. Mr witness, I'm going to stop you for one second. You said
10:02:47 25 that I think it was xxxxxxxx who had told you that they had
26 returned. who are you referring to when you say "they"?

27 A. well, Staff Alhaji and his group. And Staff Alhaji was a
28 soldier.

29 Q. Okay, Mr witness. Go ahead.

1 JUDGE SEBUTINDE: No, Mr Hodes, there were certain names
2 that were named, none of which we are able to spell. The
3 amputation happened at a certain place he named. We haven't got
4 the spelling.

10:03:23 5 MR HODES: I'll go over that, Your Honour. First of all, I
6 will give you the names that I have. ~~xxxxxxx~~,
7 M ~~xxxxxxx~~. Staff Alhaji, I think the
8 Court has heard that before. Staff, S-T-A-F-F. A-l, A-L.
9 H-A-D-J-I, or, H-A-J-I.

10:03:51 10 Q. Mr witness, if you could just repeat for me the name of the
11 village that ~~xxxxxxx~~ was coming from?
12 A. Manikala. He said that was where he was amputated by Staff
13 Alhaji and Manikala is a village I know. It has just two houses.

14 MR HODES: Manikala, Your Honours, is M-A-N-I-K-A-L-A.

10:04:32 15 Q. Go ahead, Mr Witness.
16 PRESIDING JUDGE: And the village that he was ~~xxxxxxxxxxxxx~~
17 ~~xxxxxxx~~ to?
18 MR HODES: That was Small Sefadu.
19 THE WITNESS: Small Sefadu. It's a quarter of a mile.

10:04:46 20 MR HODES: Spelling-wise, Small and then Sefadu is
21 S-E-F-A-D-U.
22 Q. Mr witness, go ahead. I apologise for interrupting you.
23 A. So I returned and sat under the same mango tree, because I
24 was hungry and the children were hungry as well. I was trying to
10:05:25 25 find out whether the woman had prepared the food so I would know.
26 It was then that we heard gunshots, heavy, heavy shooting in the
27 town, in Penduma. I saw those who were struggling to go. They
28 were shooting them down.
29 Q. Mr witness, I'm going to stop you real quick. They were

1 shooting them. Who was shooting who, Mr witness?
2 A. Well, later after we had been captured, what I found out
3 was that it was the juntas. Because that particular group, I
4 knew most of the men as soldiers, and there was one of them with
10:06:23 5 xxxxxxxx and I knew that he was a soldier.
6 Q. Mr witness, who were they shooting?
7 A. Well, they were shooting at the civilians with whom we were
8 in the village, those who were trying to escape. So my children
9 just came close to me, under the mango tree; we sat down there
10:06:47 10 because the firing was intensive. If I decided to run away I
11 would have left my children behind and I would have lost them, or
12 I die. So I just summoned my children and we sat down under the
13 mango tree and we were all captured, those who didn't die.
14 Q. When you say "we were all captured", again, who are you
10:07:21 15 referring to when you say "we"?
16 A. We, the civilians.
17 Q. Again, just to be clear, who is it that captured you?
18 A. Well, it was that particular group that was shooting.
19 Q. Who were they?
10:07:48 20 A. They were the juntas. That was what I came to understand
21 later because I knew some of them, and I knew the man who was the
22 commander of that group with xxxxxxxxxxxx
23 Q. Did anything happen once you were captured?
24 A. Yes.
10:08:12 25 Q. What happened?
26 A. They took the pregnant women -- well, at first, when we
27 were captured, they said they were waiting their boss, who was
28 their colonel. It was not long when I saw Staff Alhaji coming
29 from the Tombodu end. They were walking. When he came close to

1 us, I stood up to go and greet him. I greeted him and I said,
2 "Staff, good day." He didn't say anything. Then Junior slapped
3 me. He was born in Tombodu. He said, "Are you cutting short the
4 Colonel's name like that?" He said, "Don't you know that this is
10:09:21 5 our Colonel?" And I said, "Well, I don't know." I told him that
6 I don't know that he had been promoted. So because he had
7 slapped me, I went and sat down. So he went and sat on top of
8 the root of one tree. That's where he sat.

9 Q. Who was "he", who sat on the root of one tree?

10:09:47 10 A. Staff Alhaji himself, Alhaji Bayoh. Alhaji Bayoh.

11 MR HODES: Again, phonetically, Bayoh is B-A-Y-O-R or
12 B-A-Y-O-H.

13 JUDGE SEBUTINDE: Is this one and the same person as Staff
14 Alhaji.

10:10:09 15 MR HODES: It is. It is the surname, I believe.

16 Q. Go ahead, Mr Witness. What happened after Staff Alhaji
17 sat?

18 A. He had a staff in his hand. I didn't know what he
19 whispered to some of his men who were close to him. So they took
10:10:31 20 the pregnant women aside, the children and the suckling mothers.
21 They were all in one place. But before that happened -- because
22 he had not yet arrived, my wife was brought to me naked. So they
23 were all placed in one place. So the women who were not pregnant
24 and who were not suckling mothers, they were placed on one side.
10:11:18 25 we, the men, they asked us to queue in three rows.

26 Q. Mr Witness, I'm going to ask you to stop for one second
27 just to clear this up. The people of the village that were
28 captured were separated into three different groups; is that
29 correct?

1 A. Those of us who were captured, we, the men. We, the men,
2 we were put in three rows. The suckling mothers, the pregnant
3 women, the children were placed in one place. Those who were not
4 suckling mothers, who had nothing, were also placed on one side.

10:12:09 5 Q. Witness, go ahead. I apologise for interrupting.

6 A. So it was like they knew when he's wielding that staff,
7 they know what that sign meant.

8 Q. When you say he, who --

9 A. Alhaji Bayoh. Staff Alhaji Bayoh. We knew him as Staff
10:12:41 10 Sergeant Alhaji Bayoh, who served in the military and, at
11 present, he is still in the Sierra Leone military. He is still
12 there serving. So he wielded this staff like this --

13 THE INTERPRETER: The witness is using his arm to show what
14 Staff Alhaji was doing.

10:13:09 15 THE WITNESS: So they took one group and he pointed to that
16 group, the first group of men. He said they should be tied, and
17 they tied them up. They were taken to one man's house, an
18 amputee, he was a Fullah. But he got his amputation in 1971. He
19 was involved in a car accident. A thin, fair-complexioned Fullah
10:13:57 20 gentleman, but I don't know his name now. His house in xxxxxxxx
21 was where these men were taken and they were placed in the house.
22 The house was locked and the house was set on fire. They were
23 crying -- the people were crying. And it took some time, then
24 the crying died down and we saw the flames. To my understanding,
10:14:31 25 I knew that those people had been burnt alive and we saw the
26 fire. I didn't see them being put inside the house, but we knew
27 that they were placed inside the house and we saw the fire and we
28 heard the screaming. Then they came back.

29 Q. Again, Mr Witness, when you say, "they came back", who is

1 "they"?

2 A. The juntas. Because that particular group were juntas.
3 Some of them knew me well and I knew them well.

4 Q. Go ahead, Mr Witness. What happened next?

10:15:19 5 A. So then he turned to the next group and he pointed at that
6 group. Then one boy brought a bag and he overturned it and some
7 knives dropped on the ground, and he took those knives and he
8 told them, "You guys know what you're doing" --

9 Q. Mr Witness, I'm going to stop you for a second. Previously
10:15:48 10 you had referred to the men as having been placed into lines.
11 A. Three, three lines.

12 Q. Just to clear this up for the Court again, the first line
13 was taken to the house of the Fullah man?

14 A. Yes.

10:16:09 15 Q. You just indicated that the second line -- is it the second
16 line that is now being pointed at?

17 A. Yes, the second line was the one that was pointed at. Yes,
18 yes.

19 Q. Okay, go ahead, Mr Witness.

10:16:33 20 A. They were taken at the back of the school.

21 Q. By whom, Mr Witness?

22 A. The juntas.

23 Q. Before this you had said that a man had come and emptied a
24 bag full of knives, I believe.

10:16:49 25 A. Yes. When he overturned the bag, when the knives dropped
26 on the ground, he took the knives.

27 Q. Who?

28 A. The juntas took up the knives. So the junta took these
29 people behind the house -- behind the school, sorry. They slit

1 their throats. But there were two of them who attempted to
2 escape. They were shot. They were trying to run away. The
3 reason why I knew that their throats were slit, after
4 Staff Alhaji had amputated my arm I passed behind the xxxxxxxx so I
10:17:38 5 saw, but I couldn't count how many men. Our own line, he didn't
6 do nothing to that line in the interim. He told his boys --
7 Staff Alhaji told the boys that the pregnant women, the children
8 and the suckling mothers, that they should go free. He said they
9 should be released. Then they fell on the women.

10:18:15 10 Q. Let me stop you for a second, Mr Witness. Were your
11 children part of that first group of kids and pregnant women and
12 suckling mothers?

13 A. Yes.

14 Q. When Staff Alhaji ordered his men to let those people, the
10:18:42 15 kids, the pregnant mothers -- the pregnant women and the suckling
16 mothers go free, did they get to go free?

17 A. Yes, they went free. They were released and they went
18 free. Because I did not see them do anything to my boys because
19 he told his boys -- Staff Alhaji told his boys that they should
10:19:04 20 not touch them, they should not do anything to them. So they did
21 not do anything to them.

22 Q. Where did these people from this first group go when they
23 were released, do you know?

24 A. No, I don't know. But by then they had not moved. By then
10:19:27 25 they had not moved when they started cutting, amputating our
26 hands. But he let them go free. My own children did not move
27 because I was there in the other line. So they were waiting.

28 Q. And also just to be clear, Mr Witness, were all of the
29 different groups and lines close to each other?

1 A. Yes, they were close. They were close to each other. We
2 were not placed far apart. We were close.

3 Q. Okay, Mr witness. At this point in your testimony I
4 believe you said that Staff Alhaji ordered the people from the
10:20:17 5 first group to go free. What happened after that?

6 A. Well, he pointed to the women. So the boys, some of them,
7 started making themselves and they started raping the women.

8 Q. You've just referred to people as "boys". Who were the
9 "boys"?

10:20:47 10 A. Staff Alhaji's boys, the juntas.

11 Q. Go ahead, Mr witness.

12 A. So they pounce on the women. The boys fell -- pounce on
13 the women, the juntas. They raped them in full view, including
14 my wife. Eight people. Staff Alhaji told me that, "You didn't
10:21:13 15 know how to do it. You watch what they be doing to your wife."
16 I tried to plead but in vain. They pounce on my wife. Eight of
17 them raped her in my view. Six women were killed there,
18 including my wife. Junior killed my wife. Stabbed, she was
19 stabbed. They were there, T Joe, and they held my wife -- Tamba
10:21:51 20 Joe. He was a government soldier. He is still serving in the
21 military.

22 MR HODES: Just a minute. Your Honour, "Tamba Joe" is
23 spelt, again phonetically, T-A-M-B-A J-O-E.

24 Q. What is it that Tamba Joe did during this, Mr witness?

10:22:18 25 A. They raped my wife and they killed her. He and Junior.

26 Q. Did anything happen after this, Mr witness?

27 PRESIDING JUDGE: Mr witness, are you all right?

28 THE WITNESS: Yes. After that he said that -- he pointed
29 to our own line, Staff Alhaji, and he said they should tie me up.

1 So my legs were tied. He told me that he was going to amputate
2 my legs, that you'll never play football in this country again.
3 I pleaded; I pleaded. In my presence he amputated two people's
4 hands.

10:24:27 5 MR HODES:

6 Q. Again, Mr Witness, when you say "he", who amputated the two
7 people's hands?

8 A. Staff Alhaji. He said his own turn has come for him to do
9 his own work.

10:24:50 10 Q. What happened next, Mr Witness?

11 A. After he had amputated the two people's hands, because we
12 were nine in our own row; we were nine. Then my turn has come
13 for him to amputate my legs. I pleaded. He looked at me and he
14 said let them untie me. That time I had a watch on, just like

10:25:21 15 the one I have on. I thought he was going to release me and he
16 said, "Come". I went close to him. He said, "Let me have that
17 watch, remove that watch and give it to me." But I was nervous,
18 I was struggling to remove the watch but I was unable. Then he
19 cut the chain, the strap; he cut off the strap. That was the
10:25:58 20 first wound I had. Here, look at it; look at the mark here.

21 This was the first wound when he cut the strap.

22 MR HODES: Your Honour, for record purposes the witness is
23 pointing to a spot which I have seen, a small scar --

24 THE WITNESS: This is the scar.

10:26:17 25 MR HODES: A small scar on his left arm. I don't know if
26 the Court would like Court Management to view it just to reflect
27 that.

28 PRESIDING JUDGE: I think we have a clear indication from
29 the witness from his own movement, an indication. Thank you.

1 MR HODES: Thank you.

2 PRESIDING JUDGE: Thank you, Mr Witness.

3 THE WITNESS: So then he asked me to place my hand on the
4 ground. He said, "These are the watches that you use to bluff
10:26:50 5 women. So you'll never put on a watch on that hand." I was
6 already tormented, so I placed my right hand. He raised the
7 cutlass. By the time he dropped it down, by the time he brought
8 it down on the ground, I removed my hand. So the cutlass landed
9 on the ground. And he said, "Eh, you are placing your hand and
10:27:30 10 then removing it." Then I pleaded. He hit me on the head, on
11 the forehead, with the cutlass and blood started oozing. This is
12 the mark.

13 MR HODES: Again for the record, Your Honours, he does have
14 a scar almost in the middle of his forehead, which he is
10:27:55 15 indicating right now.

16 PRESIDING JUDGE: Thank you. That should be on the record,
17 please. Witness has indicated the middle of his forehead.

18 THE WITNESS: Then he said, "Place your hand on the
19 ground." So I placed the left hand from which he removed the
10:28:23 20 watch. I knelt down, I placed the hand on the ground. By then I
21 was really very strong, and because of this amputation I became
22 strained, I started to -- he chopped the hand 11 times before the
23 hand could remove. That was in April. I will not forget that
24 month; I will never forget April. In the broad daylight, the sun
10:28:58 25 was right in the sky, shining brightly in the sky. He cut off my
26 hand.

27 MR HODES:

28 Q. Mr Witness, I'm going to stop for one second to ask you to
29 raise your left hand so the Court can see --

1 PRESIDING JUDGE: I think we have seen, counsel --

2 THE WITNESS: Look, this is it. This is the hand that

3 xxxxxxxx amputated, xxxxxxx with whom I grew up in

4 xxxxxx. xxxxxx did this to me. I know xxxxx, my children know xxxxxx, xxxxxx

10:29:32 5 own children know me. His children called me xxxxxx. My own

6 children call xxxxxxx. He cut my hand off, Alhaji Bayoh.

7 [AFRC17OCT05B - SV]

8 MR HODES: Again, for record purposes, Your Honour, the

9 witness is missing his left hand.

10:29:50 10 JUDGE LUSSICK: It looks as though it has been amputated

11 about a third of the way up the forearm. It's more than just the

12 left hand.

13 MR HODES: Thank you, Your Honour.

14 THE WITNESS: So then he said, "Go." So I got up to go and

10:30:12 15 I heard him telling my children, "Follow your father", because my

16 children were there watching. So I turned my back to go. I came

17 back, because I was already tormented, I was confused, to take

18 the half -- the hand. I bowed down to take the hand. He chopped

19 me on the back. He said, "Leave that hand. That is the hand we

10:30:53 20 want. Tejan Kabbah has brought 10 containers of hands. He will

21 give you. Go to him, he will give you one hand." And where --

22 MR HODES:

23 Q. Stay down, Mr witness.

24 A. Where he chopped me --

10:31:08 25 MR HODES: Whether or not the Court will let us do this,

26 but the witness does have a scar on his back, on the left side of

27 his back from where Staff Alhaji cut him when he went back to try

28 to take his hand. Would the Court be so inclined to --

29 PRESIDING JUDGE: If the witness wishes to show it to the

1 Court, the Court will see it. If the witness wishes to retain
2 his privacy, the Court will also respect that.

3 MR HODES: That's fine.

4 Q. Mr witness, if you want to show the Court -- the only thing
10:31:42 5 I'm going to ask you to do is not stand all the way up. For your
6 protective measures there is a screen that is there. But go
7 ahead and stand up so you can show the Court where that scar is.

8 A. I will do it. A liar to say that -- a liar's. The witness
9 is always close by, the evidence is very close by. So here is
10:32:14 10 it. I want somebody to come and see.

11 MR HODES: Perhaps Court Management could assist and help
12 him with his shirt, Your Honour, because I don't know whether or
13 not the Court can see the scar.

14 PRESIDING JUDGE: Mr Court Attendant, could you please
10:32:28 15 assist the witness who has turned. Please assist him.

16 THE WITNESS: The mark is here. Here is it. It's a big
17 mark.

18 MR HODES: For record purposes I would just ask that the
19 record reflect that the witness has shown a scar that's
10:33:06 20 approximately two inches to three inches long to the left centre
21 of his back, lower back, middle back area.

22 Q. Mr witness, go ahead and tell us what happened after
23 Staff Alhaji cut you in the back with his cutlass?

24 MR INTERPRETER: Yes, My Lord. I want to make some
10:33:30 25 correction here before we get tired. Please. Your Honour --

26 PRESIDING JUDGE: Just pause, Mr Witness. Please wait a
27 moment. Mr Interpreter, what --

28 THE INTERPRETER: Yes, the witness used a proverb really
29 which is equivalent the proof of the pudding lies in the eating

1 when he was about to show the scar. He made that statement [Krio
2 spoken]. But the equivalent in English is the proof of the
3 pudding lies in the eating.

4 PRESIDING JUDGE: Thank you, Mr Interpreter. I will ask
10:34:04 5 the witness to continue.

6 THE INTERPRETER: Yes, Your Honour.

7 PRESIDING JUDGE: Mr Witness, please continue with your
8 answer.

9 THE WITNESS: So I turned to go. I said, "Thanks to God
10:34:20 10 because this is the way you want me to be." I was on my way with
11 my children and not far from them I fell down because the blood
12 was oozing too much from me.

13 MR HODES:

14 Q. Mr Witness, I'm going to stop you. You just said you made
10:34:41 15 a statement to someone.

16 PRESIDING JUDGE: Mr Hodes, did you say the witness made a
17 statement? I did not recall hearing that.

18 MR HODES: That's why I was confused. That's why I'm
19 trying to clarify, Your Honour.

10:34:58 20 Q. When you reached for the hand and you were struck by
21 Staff Alhaji, did you say something?

22 A. Yes, I said, "Thank you, God. This is what you want me to
23 be."

24 Q. And were you saying that to him or just openly? To
10:35:18 25 Staff Alhaji, I should say.

26 A. I was there standing but I was faced -- standing faced to
27 him. I said, "Thank you, God. God, thank you, this is the way
28 you want me to be."

29 Q. Go ahead, Mr Witness. I apologise for interrupting.

1 A. So I turned my back to go, my children following me. Not
2 far, I did not go for long then I fell down and they were
3 laughing.

4 Q. Who is "they", Mr witness?

10:36:01 5 A. The juntas. The juntas.

6 Q. What happened next?

7 A. Then my children were struggling to raise me up but they
8 were not able. I tried and I rose up. I went a little distance
9 and I fell down again, but very close to them again, because I
10:36:33 10 was already weak. They shot at our back and then my children
11 were really just say, "They are coming, they are coming, they
12 have not gone far off from us." They asked me to get up. My
13 children scared me. Say, "Look, they are coming." So I got up
14 and we were going. We went for some time after Small Sefadu,

10:37:13 15 between the old Penduma Barracks and Pa Sao's [phon] garden, his
16 mango garden, there is a roundabout there, a traffic roundabout.
17 A roundabout. I fell down there. I put my head into the grass
18 because the sun was really very hot. My daughter saw that
19 finally I was not able to walk. She ran away. She ran away
10:37:53 20 towards Koakoyima. She met the ECOMOG at Small Lebanon. She
21 explained to them that, "My father's hand has been amputated but
22 he could not walk, he is there lying down." So at that time
23 Major Tanko had come, had come to that checkpoint.

24 MR HODES: Major Tanko, Your Honours, is, I believe,
10:38:30 25 phonetically T-A-N-K-O.

26 THE WITNESS: He came with his own soldiers. They came and
27 took me and placed me on the stretcher, took me away. They took
28 me to their clinic and they medicated -- they put some medication
29 on the hand. I was with them for three days. They brought me to

1 Makeni. My children were with Major Tanko because he didn't want
2 them to bother me. And I met some amputees who were amputated,
3 including xxxxxxxx whom xxxxxxxx, xxxxxxxx,
4 xxxxxxxx, I met all of them there. They brought us
10:39:40 5 together to Makeni. Makeni, there was no doctor who is
6 knowledgeable in these operations. So we are brought down to
7 Freetown. In Freetown the government and the MSF France, they
8 joined together and brought doctors who were white doctors. They
9 were the ones that did the operations. After we were well we
10:40:15 10 were taken to the Waterloo displaced camp. So if the Court wants
11 ask -- this is all that I could remember that happened to me.
12 One cannot remember everything.
13 Q. Mr Witness, I'm going to ask you just a couple of brief
14 questions right now. The first one is: You mentioned before
10:40:49 15 that the man who cut your hand off, Staff Alhaji, is still a
16 member of the Sierra Leone Army; is that correct?
17 A. Yes, he's there. I can remember last year both of us
18 attended the TRC court. He pleaded. The TRC have the cassette.
19 I think it was the SLBS that covered that program. If they could
10:41:30 20 ask anybody who was working with the TRC they will tell you that
21 it's true. He pleaded. And the only thing I asked him, I asked
22 him for my hand. He said he was not normal.
23 Q. And, Mr Witness, you indicated that your children were
24 present when Staff Alhaji was cutting your left hand off?
10:42:11 25 A. They were seated by. Even when they were killing their
26 mother they were seated by.
27 Q. That's what I was going to ask you, Mr Witness. Were your
28 children present, first of all, when your wife was being raped?
29 A. It was not a far distance. They were all where the women

1 were gathered, the pregnant women, the suckling mothers, the
2 children, they were in one group. They were placed in one group.
3 And here the other women were placed, including their mother.
4 when the juntas came, Staff Alhaji ordered them to rape the women
10:43:01 5 in the full view of the children, in full view of we the men that
6 remained at that time. By then nothing had happened with me. I
7 didn't know that he would cut my hand. The children were there
8 watching.

9 Q. Thank you, Mr witness.

10:43:19 10 MR HODES: I have no further questions at this time.

11 PRESIDING JUDGE: Thank you, Mr Hodes. Will there be
12 questions in cross-examination, as I note the time is close to
13 when we usually have our mid-morning break.

14 MR MANLY-SPAIN: Yes, Your Honour.

10:43:36 15 PRESIDING JUDGE: Very well. In that case we will have the
16 mid- morning break and cross-examination on resumption of the
17 Court. Mr witness, we will be taking a break now and the other
18 lawyers will have some questions for you afterwards. Do you
19 understand?

10:43:51 20 THE WITNESS: I understand and I'm ready to answer to their
21 questions.

22 PRESIDING JUDGE: Thank you, Mr Witness. Mr Court
23 Attendant, please adjourn court for 15 minutes.

24 [Break taken at 10.45 a.m.]

11:01:51 25 [Upon resuming at 11.00 a.m.]

26 PRESIDING JUDGE: Mr Manly-Spain, I note you are on your
27 feet. Are you the first counsel to lead the cross-examination?

28 MR MANLY-SPAIN: Yes, Your Honour.

29 PRESIDING JUDGE: Please proceed on.

1 CROSS-EXAMINED BY MR MANLY-SPAIN:

2 Q. Mr Witness, good morning.

3 A. Yeah, good morning.

4 Q. I'm going to ask you a few questions to clarify certain
11:02:20 5 points; okay?

6 A. Okay.

7 Q. Mr Witness, before February 1998 was any force in control
8 of Koidu Town?

9 A. Before February 1998?

11:02:44 10 Q. Yes, Mr Witness.

11 A. Yes.

12 Q. Do you know which force?

13 A. Well, it was the juntas and the rebels.

14 Q. Mr Witness, after February 1998 you said that the Kamajors
11:03:20 15 removed the juntas and the rebels from Koidu Town; is that so?

16 A. That's what I said.

17 Q. Can you tell this Court how they removed them?

18 A. Well, they were shooting.

19 Q. And were you in Koidu Town when this happened?

11:03:58 20 A. I was there.

21 Q. And were any people killed when the Kamajors went to remove
22 the rebels and the juntas?

23 A. Yes.

24 Q. Were any houses burnt during that period?

11:04:34 25 A. No.

26 Q. Mr Witness, you said that the Kamajors were again removed
27 by juntas and rebels led by one Akim Sesay?

28 A. That's true. I said I didn't see Akim in person, but his
29 boys, his junta boys, who were saying that it was Akim who led

1 the troop to repel the Kamajors. Yes, they told us that and I
2 heard that. I didn't see Akim with my own eyes.

3 Q. When they spoke about Akim, did they say that he was a
4 commander of the junta and rebel forces?

11:05:43 5 A. They told us that it was Akim who led the troop. That's
6 all.

7 Q. You spoke, Mr witness, of one Lieutenant T. Are you able
8 to spell this name. T?

9 A. That's what we heard him being called. That's what we
11:06:20 10 heard him being called. To spell the name, whether to spell it
11 or not to spell it, I do not know. But that's what we heard him
12 being called; T.

13 Q. Thank you very much. Mr witness, before February 1998, did
14 you know the population of Koidu Town?

11:06:45 15 A. I do not know, just like I do not know how many people are
16 in Freetown.

17 Q. Thank you. Before February 1998, did you know how many
18 houses there were in Koidu Town?

19 A. No, and I was not on the census team that I should have
11:07:14 20 counted the houses.

21 Q. During this entire period, apart from Staff Alhaji, did you
22 come across any other commander of rebel and/or junta troops?

23 A. Yes.

24 Q. Do you remember the name of this commander?

11:07:50 25 A. I saw Sam Bockarie. I saw him at the community centre
26 where he held a meeting with the elders. The second place where
27 I saw him was when they arrested some thieves who were shooting
28 at the community centre upper field. I saw him there. I saw
29 Komba Gbundema. I saw him at the commander mining site. I saw

1 Captain -- this Captain Bai Bureh. I saw him.
2 Q. Okay, Mr witness. Mr witness, would you agree with me that
3 Sam Bockarie you mentioned was RUF?
4 A. Well, that's what we heard and he himself said so. He
11:08:55 5 himself said so and he said it at that meeting.
6 Q. And would you also agree with me that Captain Bai Bureh was
7 also RUF?
8 A. Yes. He himself said so. I heard it in my presence.
9 Q. And would you agree with me that Komba Gbundema was also
11:09:28 10 RUF?
11 A. Yes, he did say so and he told us that he was in charge of
12 the mining.
13 Q. Mr witness, had you known these three people before 1998?
14 A. Well, it was at that time that I knew them. I didn't know
11:09:49 15 them before that time. I knew them at that time.
16 Q. Had you heard their names before 1998?
17 A. That's true, yes.
18 Q. Mr witness, were you in Kono in 1994/1995? Koidu, I mean.
19 MR MANLY-SPAIN: Sorry, Your Honour.
11:10:20 20 Q. Koidu Town.
21 A. I was there. I did come there. I would come there and go
22 back to my village. I would come there and go back to my
23 village.
24 MR MANLY-SPAIN:
11:10:32 25 Q. Do you remember that in that time the RUF captured Koidu
26 Town and occupied it?
27 A. Yes, 1992.
28 Q. Thank you very much, 1992. Thanks very much.
29 Mr witness, in 1992 when the RUF captured Koidu Town, houses were

1 burnt there?

2 A. They didn't burn houses in Koidu Town. They didn't burn
3 houses there in 1992.

4 Q. Before 1998 were any houses burnt in Koidu Town?

11:11:27 5 A. No.

6 Q. Never. Thank you. Mr Witness, after February 1998, were
7 you listening to the radio?

8 A. Well, after February 1998, we didn't have time to listen to
9 radio that much until around April when we were in Kondewakoro.

11:12:06 10 That's when we had time to listen to the radio a little bit.

11 Q. Okay. You told the Court about one Eddie Smith. That you
12 heard Eddie Smith on the radio say that ECOMOG was then in charge
13 of Koidu Town; is that not so?

14 A. That's true.

11:12:42 15 Q. What radio station did you hear this? Over what radio
16 station?

17 A. Well, I think that it was no other radio station but the
18 BBC.

19 Q. You heard it over the BBC?

11:12:52 20 A. Yes.

21 Q. Mr Witness, after April 1998 where were you?

22 A. After April 1998 where I was? I was in the hospital.

23 Q. In Freetown?

24 A. I was in Freetown.

11:13:27 25 Q. Thank you. Mr Witness, when you say that the rebels came
26 to Koidu Town, do you know how many rebels were there -- went
27 there?

28 A. I did not know. Would you stand by to count?

29 Q. Okay. When they went to Penduma, is it Penduma?

1 A. Penduma.

2 Q. That's where they met you. Do you know how many met you
3 there?

4 A. There were many. And really there were many.

11:14:29 5 Q. Do you know how many people they met with you in Penduma?

6 A. We were plenty as well. We were many.

7 Q. Are you able to estimate, was it up to 100 people that were
8 with you?

9 A. We were not up to that.

11:14:55 10 Q. Okay. Mr witness, all throughout this period, apart from
11 Captain Bai Bureh, Komba Gbundema, Sam Bockarie, Staff Alhaji,
12 did you come across any other rebel or junta commander in Koidu
13 Town or wherever you were?

14 A. Yes.

11:15:38 15 Q. Who was that?

16 A. Staff Alhaji.

17 Q. Yes. Sorry if I didn't mention Staff Alhaji, but apart
18 from Staff Alhaji also. Did you come across any other person?

19 A. Except Lieutenant Jalloh.

11:16:04 20 Q. Lieutenant Jalloh?

21 A. Yes.

22 Q. Wasn't it Lieutenant Jalloh that took away your sister?

23 A. I never stated that. I said Lieutenant Jalloh was
24 threatening me over my sister to -- he wanted to take her away,
11:16:28 25 but it was Captain Bai Bureh who took away my sister from me.

26 Q. You're quite sure about that?

27 A. Yes, I'm sure.

28 Q. Mr witness, I just want to confirm with you, did you say
29 when you were giving evidence-in-chief that when they took these

1 men away to the Fullah's house, the Fullah man's house, when the
2 juntas and rebels took the men away to the Fullah man's house,
3 you did not see them being put into the Fullah man's house? Did
4 you say that?

11:17:21 5 A. That's true but we heard screaming.

6 Q. I'm asking you --

7 A. Yes, that's true. Yes, that's what I said.

8 Q. What you said about -- what you've told this Court about
9 what happened to them is merely what you believe happened to
11:17:41 10 them?

11 A. Yes, because they burnt them and we heard the story later.

12 Q. Okay. Mr witness, this entire thing that happened in
13 Penduma, how long did it take? I'm asking you from the time the
14 juntas and rebels entered the town firing heavily, as you say,
11:18:13 15 until the time you left with your children. How long did that
16 take?

17 A. Well, I wouldn't know how long, but it was a long process.
18 It was a long time. That I stood by to watch -- in fact the
19 watch that I had, I didn't have time to look at it.

11:18:37 20 Q. Was it a whole day?

21 A. Well, until it came to my own incident it didn't last a
22 whole day. I didn't know in my absence whether it took a whole
23 day, but I do not know the specific time.

24 Q. But could you remember when the firing started, the time of
11:19:01 25 the day the firing started?

26 A. In the morning. In the morning.

27 Q. And could you remember by what time of the day your
28 incident took place?

29 A. My own incident? It was around the afternoon hours.

1 Around the afternoon hours.

2 Q. Mr witness, have you ever had any military training?

3 A. No.

4 Q. Were you ever a member of the Sierra Leone Army?

11:19:43 5 A. No.

6 Q. Did you ever tell anybody that you were a member of the
7 Sierra Leone Army at one time?

8 A. That didn't happen.

9 Q. You never told anybody that?

11:20:04 10 A. No.

11 Q. Mr witness, in answer to my learned friend prosecuting, you
12 said that only your sister was taken that day by Captain Bai
13 Bureh and his men; is that so?

14 MR HODES: Your Honours, I rise to --

11:20:37 15 THE WITNESS: That's not what I said. Can I clarify that
16 question, sir? I said in the village. Not the children who
17 were -- whom they brought with them but in the village when they
18 do, it was only my sister whom they captured.

19 MR MANLY-SPAIN:

11:20:58 20 Q. But that was the question I asked. That was what I asked
21 you?

22 A. Okay. Okay.

23 Q. I said you said that that day when Captain Bai Bureh and
24 his men went only your sister was taken?

11:21:12 25 JUDGE SEBUTINDE: Yes, but, Mr Manly-Spain, you have not
26 specified taken from where.

27 THE WITNESS: In the village. It was not only my sister
28 who was taken away. There were other girls in the vehicle. But
29 in the village, it was only my sister who was captured.

1 MR MANLY-SPAIN: I am grateful to Your Honour.
2 Q. I am talking now about xxxxxxxx.
3 A. Yes, sir.
4 Q. That's where your sister was taken from?
11:21:40 5 A. Yes.
6 Q. And you told this Court today that that day when
7 Captain Bai Bureh and his men went to xxxxxxxx only your sister
8 was taken. Is that so?
9 A. Yes, in the village, yes in xxxxxxxx.
11:22:04 10 Q. Mr witness, isn't it the case that you made a statement to
11 members of the Office of the Prosecution of the Special Court?
12 A. That's what I told them.
13 Q. No, I'm asking you did you make a statement which was
14 recorded by the office of the Special Court, the Office of the
11:22:28 15 Prosecution of the Special Court?
16 A. Yes, they went to me.
17 Q. Can you recall what you said in that statement? You made
18 only one statement; is that not so?
19 A. I made one statement.
11:22:53 20 Q. Can you remember what you said in that statement?
21 A. Well, what I said here, I think that's what I said.
22 Q. Well, I want to remind you of what you said in that
23 statement.
24 A. Yes.
11:23:14 25 MR MANLY-SPAIN: Your Honours, may I please refer to his
26 statement. It starts at page 15266. I want to refer to page
27 15267.
28 PRESIDING JUDGE: Mr Manly-Spain, this statement is in the
29 English language.

1 MR MANLY-SPAIN: Yes, Your Honour.

2 PRESIDING JUDGE: I have not heard this witness speaking
3 English.

4 MR MANLY-SPAIN: Your Lordship, at the beginning he said he
11:23:54 5 could speak and write some English.

6 JUDGE SEBUTINDE: Yes, but you need to establish some kind
7 of background. We don't know how this statement was taken, in
8 what language, whether there were interpreters. You have not
9 laid sufficient background for it.

11:24:09 10 MR MANLY-SPAIN: I'm very grateful, Your Honour.

11 Q. Mr witness, do you remember where this statement was taken
12 from you?

13 A. At Lumpa.

14 Q. And do you remember who took down the statement?

11:24:28 15 A. Well, I wouldn't know the name of the white woman but she
16 does speak Krio.

17 Q. Do you remember which language you spoke to this woman?

18 A. I was speaking Krio to her.

19 Q. And do you remember that it was written down in English?

11:24:55 20 A. Well, the woman was writing. Really, yes, I saw her
21 writing. Whether she was writing Krio or in English, but I saw
22 her writing.

23 Q. But did she read it over and explain it to you at the end?

24 A. Well, Chris explained things to me here. He read it out to
11:25:25 25 me here. The woman just took a statement from me.

26 Q. Did you sign your statement?

27 A. I can't remember that.

28 MR MANLY-SPAIN: Your Honour, can I now refer to page 15267
29 of the statement.

1 PRESIDING JUDGE: I don't know who Chris is,
2 Mr Manly-Spain. There has been a reference to Chris.
3 MR MANLY-SPAIN:
4 Q. Mr witness, who is Chris?
11:26:01 5 A. He was my lawyer.
6 Q. Does he work for the special court?
7 A. Yes, but I think he's not around now.
8 PRESIDING JUDGE: Yes, you can put whatever passage it was
9 you wish to refer to, Mr Manly-Spain.
11:26:22 10 MR MANLY-SPAIN: I want to read the second paragraph, Your
11 Honour.
12 JUDGE SEBUTINDE: Kindly repeat the page number.
13 MR MANLY-SPAIN: Page 15267.
14 Q. Mr witness, I want you to listen to this carefully and then
11:26:36 15 I'll ask you whether you said that to the Prosecution, the person
16 who took down your statement. "We stayed in wendedu for about
17 two weeks. The rebels were still coming and going but they
18 weren't too bad, or at least I didn't see them kill anyone. But
19 then I had a problem with an RUF rebel named Lieutenant Jalloh.
11:27:23 20 The problem happened as Lieutenant Jalloh was abducting my 16
21 year old sister [By direction of the court, this word/name has
22 been extracted and filed under seal]".
23 PRESIDING JUDGE: Mr Manly-Spain, this is a protected
24 witness. Please remember that when using any names in
11:27:41 25 statements.
26 MR MANLY-SPAIN: I'm very sorry, Your Honour. Terribly
27 sorry, Your Honour.
28 PRESIDING JUDGE: For purposes of record, I wish it to be
29 known that anyone in the public gallery who has heard that name

1 is not to repeated outside. That is a direction of the Court.

2 MR MANLY-SPAIN: Much obliged.

3 Q. Mr witness, did you say that to the woman who took down
4 your statement?

11:28:03 5 A. I told her that I had problems with Lieutenant Jalloh when
6 he was threatening me over my sister, but I did not say that he
7 was the one who took away my sister from me. I stated that it
8 was Captain Bai Bureh who took away my sister from me. They were
9 all together with Captain Bai Bureh. They were walking together.
11:28:30 10 They all came together. Lieutenant Jalloh, he was an RUF
11 fighter.

12 Q. Okay, I will continue, Mr witness. "That day about 40
13 rebels came into Wenedu and abducted 10 girls." Now, did you
14 say that to the person who took your statement?

11:28:55 15 A. I told her that about 40. She said if I could estimate --
16 give her an estimate. I said about 40. But I did not tell her
17 that it was there that they abducted those girls. That they
18 brought them, they were in the Land Rover, the open Land Rover.

19 Q. Okay. Did you continue to say this to the person who took
11:29:26 20 down your statement: "It seemed like taking girls was the only
21 reason they came into the village because it was the only thing
22 that they did that day. They didn't kill anyone, abduct any boys
23 or even take any food." Did you say that to the person who took
24 your statement?

11:29:49 25 A. I told her that --

26 Q. No, please answer my question. If you said that to her,
27 yes; if you didn't say that to her, no.

28 A. But I need to clarify this.

29 Q. It's not a matter of clarifying. I have put to you --

1 JUDGE SEBUTINDE: Mr Manly-Spain, allow the witness to
2 complete a sentence before you speak over him. We cannot hear
3 either the witness or yourself with this kind of going on.

4 MR MANLY-SPAIN: No, Your Honour, I'm sorry.

11:30:17 5 JUDGE SEBUTINDE: Kindly allow one person to speak and end
6 before you interrupt.

7 MR MANLY-SPAIN: Your Honour, I pray that you listen to me
8 for a minute. I had to stop the witness because I realised he
9 was not answering the questions I put to him.

11:30:32 10 JUDGE SEBUTINDE: How can you realise that when he hasn't
11 even spoken.

12 MR MANLY-SPAIN: He had done so before.

13 JUDGE SEBUTINDE: Mr Manly-Spain, what I have said I have
14 observed before. I don't know whether you're channeled onto the
11:30:46 15 krio channel, in that you reply to the krio answer before we've
16 heard the English translation. It could be so. We are just
17 requesting you kindly allow the witness to speak first before you
18 ask another question or before you stop him. Please do not argue
19 with me. That is the ruling from the Bench.

11:31:01 20 MR MANLY-SPAIN: As Your Honour pleases. I am not trying
21 to argue for one minute, Your Honour. I was just craving your
22 indulgence to hear my own side of it. That was all.
23 Q. Let me put this to you again, Mr Witness, and I want you to
24 answer yes or no, whether you said that what I am going to read,
11:31:24 25 whether you said it to the person who took your statement. "It
26 seemed like taking girls was the only reason they came into the
27 village. Because it was the only thing they did that day."

28 A. I did tell her that.

29 Q. I'm not finished yet. "They didn't kill anyone, abduct any

1 boys or even take any food." Did you tell the person who took
2 your statement, what I have just read?

3 A. Yes, I told her that.

4 Q. Did you go on to tell her, "I don't know the names of any
11:32:24 5 of the other girls besides my sister"?

6 A. Yes, I told her that.

7 Q. Thank you. But today you are telling this Court that the
8 only person abducted from xxxxxxxx that day was your sister; is
9 that so?

11:32:46 10 A. Yes, it was my sister.

11 MR HODES: Your Honours, at this time I'll rise because for
12 purposes of completeness, again, if defence counsel goes down
13 just a couple of lines, very clearly the witness says, "I saw
14 other young women. I got the impression they were girls that had
11:33:06 15 been picked up in other villages." So for purposes of
16 completeness I don't know whether or not the Court would require
17 defence counsel to go ahead and ask whether or not the witness
18 also made that statement at that time.

19 PRESIDING JUDGE: That's a matter for you in
11:33:22 20 re-examination, Mr Hodes.

21 MR MANLY-SPAIN: As Your Honour please.

22 Q. Finally, Mr Witness, I want to read the last four lines of
23 this paragraph to you. "In front of me Lieutenant Jalloh saw my
24 sister and said, 'We are going to take this girl. She is going
11:33:51 25 to be my wife.' I tried to intervene by saying he should leave
26 her, but he said 'Hey, see my face, I am Lieutenant Jalloh. If
27 you say let me not take your sister I will kill you.' Then they
28 put the 10 girls into one Land Rover and drove off."

29 Mr witness, please answer yes or no; did you say this to

1 the person who took down your statement?

2 A. I can't remember saying that, but I did not say that. It
3 was Captain Bai Bureh who captured my sister. Lieutenant Jalloh
4 was threatening me over my sister to take her away, but it was
11:34:50 5 Captain Bai Bureh who captured my sister and they were all
6 together. whether he was with him later or not, the person who
7 captured my sister is the person I knew.

8 MR MANLY-SPAIN: That will be all.

9 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Any other?
11:35:12 10 Ms Thompson, please proceed.

11 CROSS-EXAMINED BY MS THOMPSON:

12 MS THOMPSON: Yes, Your Honour.

13 Q. Just a couple of questions by way of clarification,
14 Mr witness. You've been answering questions about what happened
11:35:22 15 at wenedu to my learned friend. How many trucks did you see
16 come on that day?

17 PRESIDING JUDGE: which day, Ms Thompson?

18 THE WITNESS: Five.

19 MS THOMPSON: The day in ~~xxxxxxx~~

11:35:36 20 THE WITNESS: Five.

21 MS THOMPSON:

22 Q. Earlier on today did you say you saw an open truck, one
23 truck?

24 A. well, all the Land Rover trucks were open, all of them. It
11:35:51 25 was not just one. All of them were open.

26 Q. Yes, but earlier this morning, when you were answering
27 questions to my learned friend from the Prosecution, did you say
28 you saw an open truck, meaning one truck?

29 JUDGE LUSSICK: I had a note he said all five.

1 PRESIDING JUDGE: That was my recollection too,
2 Ms Thompson.

3 MS THOMPSON: Okay.

4 Q. In the statement which you made to the lady who was
11:36:29 5 interviewing you from Lumpa -- you've been asked about whether
6 you have any military training. I'm going to put a statement to
7 you -- a passage from that statement. Then I'll ask you a
8 question about it later; okay?

9 MS THOMPSON: Your Honours, I'm looking at page 15268.
11:36:55 10 Fourth paragraph.

11 PRESIDING JUDGE: Yes, we have that before us.

12 MS THOMPSON: It's the fourth paragraph.

13 Q. "I knew Staff Alhaji Bayoh. He had been in the SLA for a
14 very long time. I know this because I used to be an SLA soldier.
11:37:12 15 I knew him well. He enlisted in 1975. I enlisted in 1977 and
16 served until 1990. For some time we were both based in
17 wilberforce Barracks. He was a provost-sergeant. He was always
18 wicked. He always had a long moustache which he twisted when he
19 got agitated. He was doing the same thing the day he attacked
11:37:44 20 us." Can you tell us, Mr Witness, whether in fact you did say to
21 the person who was interviewing you?

22 A. I didn't tell her that. What I said was that I had known
23 Alhaji for a very long time. He joined the military in 1975. At
24 that time we were small boys. xxxxxxxx. At that time
11:38:08 25 my own xxxxxxxx had joined the military. My own xxxxxx xx
26 joined the military and he was with Staff Alhaji at wilberforce.
27 They were all staying there. If you check the records of the
28 military, my name is not there, my face is not there, I have no
29 ID card.

1 Q. Mr Witness, calm down. The question I asked was did you
2 tell the interviewer that. I take the answer is no.

3 PRESIDING JUDGE: The witness has answered the question,
4 Ms Thompson. He said, "I did not tell".

11:38:40 5 MS THOMPSON: That's what I'm just saying Your Honour, "I
6 take it the answer is no." I have no further questions.

7 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Fofanah, do
8 you have questions of the witness?

9 MR FOFANAH: Yes, Your Honour, just a few questions.

11:38:52 10 PRESIDING JUDGE: Please proceed, Mr Fofanah.

11 CROSS-EXAMINED BY MR FOFANAH:

12 MR FOFANAH:

13 Q. Good morning, Mr Witness.

14 A. Yes, good morning.

11:39:00 15 Q. Now, was Staff Alhaji and his group part of the group of
16 fighters that was under the command of Akim Sesay? Remember you
17 said a certain Akim Sesay led the troops that captured Koidu in
18 1998?

19 A. I said they told me. I didn't see him.

11:39:25 20 Q. Now, to the best of your knowledge was Staff Alhaji and his
21 group part of the group of fighters that was commanded by this
22 person you were told about, Akim Sesay?

23 A. Well, I don't know, I don't really know. But they told me
24 that he was the commander of that particular group which I saw
11:39:49 25 and he was the one who amputated my arm.

26 Q. And this was the period between March and April of 1998;
27 not so?

28 A. Please enable me to understand the question. March and
29 April, which March and April are you talking about? Please put

1 me through so that I can understand your question. March and
2 April. Which incident are you referring to?

3 Q. I meant the reference to juntas and rebels taking over
4 Koidu Town. Was that period between March and April of 1998?

11:40:32 5 A. My arm was amputated in April. It was in April that they
6 amputated my arm. 1997. 1997 was when they took over. When the
7 ECOMOG repelled them from Freetown they were based in Koidu in
8 Kono. They were not able to repel them from Kono. They were
9 just in Kono.

11:41:03 10 Q. Well, at least the Kamajors removed them from Kono at some
11 point in 1998; not so?

12 A. That's right, that's true. They were repelled. The
13 Kamajors did not stay long and they too were removed.

14 Q. And it was shortly after that that this person that you
11:41:23 15 call Akim Sesay led troops into Koidu; not so?

16 A. Yes, according to what I heard, that he led the troop.

17 Q. Now, was Lieutenant T part of that troop, the one which you
18 heard was led by Akim Sesay?

19 A. Well, I did not know, but they were all working hand in
11:41:53 20 hand. Because we did see them, the rebels and the juntas, they
21 were all together working hand in hand. That's how we were
22 seeing them.

23 Q. Was Komba Gbundema part of that troop?

24 A. Well, they were all working hand in hand. For instance, at
11:42:20 25 commander mining, where Komba Gbundema was working, the juntas
26 were working there and the RUF were working there. But the
27 civilians were working there as well at that time.

28 Q. Was Captain Bai Bureh part of the troop that you are
29 referring to?

1 A. They were all working hand in hand, sir.

2 Q. What about Sam Bockarie, alias Mosquito?

3 A. Well, he said he was the commander for all the RUFs.

4 That's what he said at a meeting at the community centre.

11:43:04 5 Q. To the best of your knowledge was he also commander of the

6 combined troops that you've referred to, juntas and RUF rebels?

7 A. Well, I did not know that. I did not know the secret. I

8 did not know.

9 Q. Was Lieutenant Jalloh also part of this troop?

11:43:28 10 A. Well, I did see him with Captain Bai Bureh and I'm sure

11 they were all together.

12 Q. And these were the only commanders that you knew during

13 this period - not so - March to April 1998?

14 A. They were the ones I saw. They were the ones I knew. I do

11:43:59 15 not know any other persons. They were the ones I saw, including

16 the one that amputated my arm. Like Victor Teh, who was an MP,

17 he was there but he's deceased now, because his relatives told me

18 that he was killed in Kabala and he was buried in Makeni. Like

19 Junior, Tamba Joe, Staff Alhaji, all those, I did see them.

11:41:45 20 [AFRC17OCT05C - AD]

21 Q. I am going to put the statement to you. I just want you to

22 confirm if you recall making that. You have testified before at

23 Trial Chamber I; not so?

24 A. Yes, I have talked there.

11:44:39 25 Q. I just want to read out the statement and just to refresh

26 your memory, tell me if you recall making it.

27 MR FOFANAH: Your Honours, I want to refer to the

28 transcript of 22 July 2004, page 9. I don't know the court

29 number, if you can kindly help me with the Court number,

1 Mr Hodes.

2 MR HODES: That would be 15282.

3 MR FOFANAH: The bottom pages, page 9. I want to read from
4 line 21.

11:45:24 5 PRESIDING JUDGE: Yes, we have that before us, Mr Fofanah.
6 Please proceed.

7 MR FOFANAH: Thank you very much.

8 Q. Witness, listen carefully and tell me if you recall this
9 incident at Trial Chamber I. The question was put to you:

11:45:39 10 "Q. Mr, witness, before the Kamajors came into Koidu, at
11 this time you were just describing, do you know who the
12 commanders of the rebels and the juntas were in Koidu at
13 this time?"

14 Your answer was:

11:45:53 15 "A. well, I know - I knew - I know some. One - can I call
16 their names?

17 "Q. Yes, you can call their names.

18 "A. One, I saw one Lieutenant Tee who was a member of the
19 Sierra Leonean Army; two, I saw Komba Gbundema, he was a
11:46:10 20 member of the RUF; three, I saw Captain Bai Bureh, he was a
21 member of the RUF; four, I saw Sam Bockarie, he was a
22 member of the RUF. These are the people that I saw. And
23 where I was able to see Sam Bockarie, it was where we were
24 playing football at community centre, where they killed
11:46:31 25 thieves. It was there that I saw him.

26 "Q. Mr witness, these people that you just named, how do
27 you know that they were the commanders?

28 "A. Their followers informed us, told us and they told us
29 and we knew that they were the bosses.

1 "Q. And of the people you just mentioned, do you know who
2 was the highest boss?
3 "A. No. No, because each one of them showed that he was
4 the boss."
11:47:03 5 Mr witness, do you recall that?
6 A. Yes.
7 Q. So how do you now come to the conclusion that it was
8 Sam Bockarie who was the leader of the RUF in Kono?
9 A. He said it.
11:47:16 10 Q. Okay. And these were the only commanders you recall once
11 again; not so, the ones I have read out?
12 A. Yes, yes.
13 Q. One last question, Mr Witness. Now, were the soldiers whom
14 you saw burning Koidu Town in April 1998 part of the group
11:47:44 15 commanded by these people that I've named, namely Akim Sesay;
16 Capital Bai Bureh; Komba Gbundema and Sam Bockarie? The soldiers
17 and rebels that you saw burning Koidu Town in April 1998, were
18 they part of the group that was commanded by Akim Sesay; Captain
19 Bai Bureh; Sam Bockarie and Komba Gbundema?
11:48:18 20 A. Well, I don't know that. I don't know their secret and I
21 was not with them. I am not with them, so I don't know that.
22 Q. When this burning was going on, did you see these
23 commanders that I have named? Did you see Sam Bockarie when the
24 burning was going on of Koidu?
11:48:39 25 A. No.
26 Q. Did you see Captain Bai Bureh?
27 A. Captain Bai Bureh, where I saw him was in Wendedu.
28 Q. Did you see Komba Gbundema?
29 A. Yes, I saw him in the mining. I used to see him command

1 the mining.

2 Q. Did you see any commander at all when the burning was going
3 on?

4 A. Lieutenant T. I have told you, Lieutenant T.

11:49:13 5 Q. You saw him when the burning was going on?

6 A. That's right.

7 Q. And that Lieutenant T was part of this group that you heard
8 was led by Akim Sesay; not so?

9 A. That I don't know. All what I know is that the man was
11:49:38 10 soldier. He was a soldier. From 1990, I had known him as
11 soldier. So I don't know he was part of that, or part of this,
12 or part of that. I don't know that.

13 Q. Finally, did you see any of the soldiers whom you heard
14 came with Lieutenant Akim Sesay burning houses in Kono during
11:50:09 15 this period?

16 A. I don't understand this question. Please go over that
17 question again so that I could answer you.

18 Q. What I want to ascertain, you have told us that burning of
19 Kono started when soldiers came and removed Kamajors and that
11:50:35 20 group.

21 A. That is true, yes.

22 Q. That group, according to what you heard, was led by
23 Akim Sesay; not so?

24 A. Yes. That was what his boys told me, according to them.
11:50:52 25 They said they were fighting along with Akim Sesay.

26 Q. These boys who told you they were fighting alongside
27 Akim Sesay in fact were involved to the burning of Koidu Town?

28 A. Well, yes, because we saw them burning houses. The attack
29 on that Friday in the morning when they entered. This is what

1 made us to leave and go out of Kono.

2 Q. Did any of them tell you that they also belonged to the
3 RUF, those who were involved in the burning?

4 A. Well, no one -- they did not distinguish themselves that I
11:51:41 5 belonged to this or that. But I know that -- everybody know that
6 Akim -- the whole country knows that Akim was a soldier.

7 Q. Now if I put it to you that Akim was a soldier who became
8 an RUF before events of May 1997, will you agree with me?

9 A. Well, that was what we heard. I heard that.

11:52:12 10 Q. You heard he was a soldier who became an RUF before 1997;
11 not so --

12 A. I had known him to be a soldier, but I heard that he had
13 joined the RUF. I heard that in Freetown here.

14 Q. Thank you very much.

11:52:30 15 MR FOFANAH: I have no further questions.

16 PRESIDING JUDGE: Thank you, Mr Fofanah. Any
17 re-examination, Mr Hodes?

18 MR HODES: Just one issue.

19 PRESIDING JUDGE: Thank you.

11:52:42 20 RE-EXAMINED BY MR HODES:

21 Q. Mr witness, I'm just going to ask you basically one
22 question and it's in reference to the questions asked of you by
23 one of the Defence counsel about the girls being abducted. I am
24 going to ask you if you recall the statement that you gave to the
11:52:57 25 investigator, and the statement that you made at that time was
26 this: "I didn't know what villages they had gotten the girls
27 from nor did I recognise any of them." Do you recall making that
28 statement to the investigators?

29 A. That -- that what? I don't know who?

1 Q. I will clear this up.

2 A. Yes.

3 Q. In reference to the girls that you saw in the car, van or
4 the truck in wendedu.

11:53:43 5 A. Yes, that was the very day my sister was captured. That
6 was the day that Captain Bai Bureh captured my sister, that very
7 day. They were sitting down drinking and my sister was passing
8 by with a pail of water on the head when Captain Bai Bureh
9 captured her. That was the day.

11:54:03 10 Q. Your testimony today was that she was the only girl
11 abducted from wendedu village that day; is that correct?

12 A. Oh, yes. The other ones were brought there. They were
13 brought in the truck and an open Land Rover. My sister was the
14 only person that was captured in wendedu.

11:54:34 15 Q. Just to clear things up, because defence counsel was asking
16 about the statement that you had given previously.

17 A. Yes.

18 Q. In that same statement, Mr witness, do you recall saying,
19 "I didn't know what villages they had gotten the girls from, nor
11:54:51 20 did I recognise any of them."

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

22 THE WITNESS: No, No. No, I don't know.

23 MR MANLY-SPAIN: I believe counsel is now cross-examining
24 his own witness. I wasn't going to get up, but I believe if
11:55:09 25 counsel wants to be fair to the witness and to the Court there is
26 a statement in this paragraph which he must put to the witness.
27 we have not quarrelled as to whether they went there with other
28 girls; all we have put to him is that he said that day they went
29 there for no else but to capture girls. In the witness's

1 statement the he said, "The rebels came in about five trucks and
2 inside some of them I saw other young women, other young women."
3 If counsel can put that to the witness, that is fine to us. We
4 are not saying that he did not say they came with other women,
11:55:52 5 but we are saying on top of that he said that they abducted only
6 girls, that is what they went there for that day. I think it
7 would be fair for counsel to put this statement, whether he said
8 they came with other young women.

9 JUDGE SEBUTINDE: Mr Manly-Spain, we don't think that you
11:56:16 10 can tell counsel opposite how to ask a question or what question
11 to ask. We do agree that counsel should not appear to
12 cross-examine his own witness, but surely it is his prerogative
13 to ask whatever question he wants to ask in re-examination. He
14 knows what it is that he wants to re-examine upon.

11:56:42 15 MR MANLY-SPAIN: I was merely trying to help.

16 JUDGE SEBUTINDE: Okay.

17 MR MANLY-SPAIN: I believe that the reason for
18 re-examination is to clarify a point if there is ambiguity or
19 otherwise.

11:56:47 20 JUDGE SEBUTINDE: And that is what he is trying to do.

21 MR MANLY-SPAIN: No, Your Honour.

22 JUDGE SEBUTINDE: You do not --

23 MR MANLY-SPAIN: No.

24 JUDGE SEBUTINDE: Mr Manly-Spain.

25 MR MANLY-SPAIN: Sorry, Your Honour.

26 JUDGE SEBUTINDE: You do not as defence counsel tell
27 prosecution counsel what questions to ask and vice versa. These
28 are the rules of the game.

29 MR MANLY-SPAIN: As Your Honour pleases.

1 JUDGE SEBUTINDE: As for Mr Hodes, Mr Hodes, when you are
2 putting a pre-trial statement made by a witness you don't
3 paraphrase as you appear to have been doing; you actually read or
4 quote from the statement and you ask the witness if that is what
11:57:25 5 he said. If on the other hand you want to ask a question outside
6 of the statement, you are free to do that. But I don't think it
7 is proper for you to paraphrase what is in the statement and then
8 ask if that is what he said.

9 MR MANLY-SPAIN: May it please Your Honour. I believe I
11:57:43 10 didn't put it correctly. I apologise. My objection is that the
11 question my learned friend is asking does not go to clarifying
12 any point. What I have asked in examination-in-chief is quite
13 clear, it is not ambiguous.

14 JUDGE SEBUTINDE: Mr Manly-Spain, how do you know what it
11:58:05 15 is that Mr Hodes is trying to clarify?

16 MR MANLY-SPAIN: He has already asked the question. That
17 was when I got up. The first question I did not --

18 JUDGE SEBUTINDE: You don't know, Mr Manly-Spain, what it
19 is; whether it one or two or three points that he is trying to
11:58:21 20 clarify. Let him finish.

21 MR MANLY-SPAIN: Yes, I will wait and see.

22 PRESIDING JUDGE: Mr Hodes, you rose to raise matters in
23 clarification, as you are entitled to do in re-examination. You
24 have now gone beyond that point now.

11:58:54 25 MR HODES: That is fine, Your Honours. I have no further
26 questions.

27 PRESIDING JUDGE: Thank you, Mr Hodes. Mr Witness --

28 THE WITNESS: I want this Court to give me some time to
29 ease myself.

1 PRESIDING JUDGE: Just a minute, Mr witness. Just before
2 you say any more, I was going to tell you that that is the end of
3 all your evidence here in Court today. There are no more
4 questions and we thank you for coming to the Court and for giving
11:59:37 5 your evidence. Just pause one moment. Mr Hodes, the witness's
6 evidence is now completed. Could someone assist the witness to
7 leave the Court, please?

8 [The witness withdrew]

9 PRESIDING JUDGE: Thank you, Mr Witness. Mr Hodes?

12:00:45 10 MR HODES: Your Honour, at this time we have no additional
11 witnesses to call.

12 [Trial Chamber conferred]

13 PRESIDING JUDGE: In the circumstances, therefore, we will
14 adjourn the case for mention to wednesday the 26th of October at
12:03:34 15 9.15 a.m.

16 MR HODES: Your Honours, I rise just to let the Court know
17 that obviously we have not rested.

18 JUDGE LUSSICK: You cannot close your case because we have
19 outstanding decisions.

12:03:49 20 MR HODES: Exactly.

21 JUDGE LUSSICK: That is why we are adjourning until
22 wednesday week in the hope that we can do those outstanding
23 decisions.

24 PRESIDING JUDGE: We are as conscious of the situation as
12:04:01 25 you are, Mr Hodes.

26 MR HODES: I assumed so, but I just wanted to make that
27 clear. Thank you.

28 PRESIDING JUDGE: If there are no other matters, I will ask
29 Mr Court Attendant to adjourn the Court to the 26th. Mr Court

1 Attendant, please adjourn the Court until wednesday the 26th at
2 9.15 a.m.

3 [whereupon the hearing adjourned at 12.05 p.m.,
4 to be reconvened on wednesday, the 26th day of
5 october 2005, at 9.15 a.m.]
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-217	2
EXAMINED BY MR HODES	2
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