

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

WEDNESDAY, 25 OCTOBER 2006  
9.15 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding  
Teresa Doherty  
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg  
Ms Sophia Cason  
Ms Marina Pier

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

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

For the accused Alex Tamba  
Brima:

Mr Kojoo Graham

For the accused Brima Bazy  
Kamara:

Mr Andrew William Kodwo Daniels

For the accused Santigie Borbor  
Kanu:

Mr Geert-Jan Alexander Knoops

1 [AFRC25OCT06A - CR]  
2 Wednesday, 25 October 2006  
3 [The accused present]  
4 [The witness entered Court]  
5 [Open session]  
6 [Upon commencing at 9.18 a.m.]  
7 WITNESS: DORTE THORSEN [Continued]  
8 PRESIDING JUDGE: Madam Witness, I'll remind you you are  
9 still on your oath to tell the truth but, look, Mr Interpreter,  
10 you are interfering with our microphones here. I don't know what  
11 you are doing, but the witness is having trouble hearing you and  
12 I seem to be speaking over the top of you.  
13 THE WITNESS: I'm sorry, I couldn't hear anything.  
14 PRESIDING JUDGE: Well, I'll start again. Now, keep out of  
15 it, please, Mr Interpreter until I've managed to say something.  
16 Madam Witness, I'll remind you that you are still on your oath to  
17 tell the truth that you took yesterday.  
18 THE WITNESS: Yes.  
19 PRESIDING JUDGE: Go ahead, Mr Hardaway.  
20 MR HARDAWAY: Thank you, Your Honours. Good morning.  
21 PRESIDING JUDGE: Good morning.  
22 CROSS-EXAMINED BY MR HARDAWAY: [Continued]  
23 Q. Good morning, doctor.  
24 A. Good morning.  
25 Q. Today, doctor, I want to just -- I still have a few more  
26 questions for you. I just want to go, start off with the area of  
27 forced marriage; all right?  
28 A. Yes.  
29 Q. In your opinion, doctor, what is the difference between

1 forced marriage as it occurred during the war in Sierra Leone and  
2 arranged marriages of women and girls during peace time?

3 A. I think the main difference is that girls had less of a  
4 choice, or less of a possibility of removing themselves from this  
5 forced marriage during the war, whereas during peace times, they  
6 would have been able to talk with kin and ask for different  
7 support from different types of kin and possibly run away from  
8 the husband that they didn't agree to marry. During the war, it  
9 might have been more difficult for them to run away, considering  
10 the threats they were under.

11 Q. And those threats could be anything from sexual threats,  
12 physical threats as well; is that correct?

13 A. I was not thinking about sexual threats. I was thinking  
14 about being killed if they would run away.

15 Q. Thank you, doctor. Now, you would agree with me that  
16 forced marriages during the war would be a stark departure from  
17 marriage as it was typically understood under the laws and  
18 customs of Sierra Leone, wouldn't you?

19 A. Yes.

20 Q. And you would further agree with me, then, that a situation  
21 where a young girl is abducted, taken away from her family  
22 against her will, raped, declared to be a wife of a commander or  
23 a fighter, and has to perform all the duties normally expected of  
24 a wife against her will, would be in no way comparable to the  
25 customary arranged marriage between a man and a woman by their  
26 parents and their families; is that correct?

27 A. Yes, but -- and there is a but -- because it's wrong to say  
28 that all the women were abducted. It is wrong to say that all  
29 the women did not consent to being in a -- it is much more

1 complex. We cannot reduce it to saying that everybody were under  
2 a forced marriage. Some might have gone into it on their own  
3 free will but young women also had stakes in getting married.  
4 What I'm actually trying to say, and what I was trying to say  
5 with my report, is that we need to ask a number of questions  
6 before we can say anything about the circumstances of a marriage  
7 and also the degree of force; it needs a lot more questioning.

8 Q. Doctor, do you know any of the figures of women, how many  
9 women were abducted and who became bush wives to fighters during  
10 the conflict in Sierra Leone?

11 A. I cannot quote them off my sleeve, but the study by  
12 Mazurana and Khristopher Carlson actually came up with a lot of  
13 numbers that had been done in a very thorough study where they  
14 both did a large number of in-depth interviews and also a survey,  
15 a survey which is, on a very huge scale, collecting quantitative  
16 material.

17 Q. But do you personally know what those numbers would be?

18 A. Well, they were saying that about 6 per cent of the armed  
19 forces, including the pro-government forces, were actually women,  
20 so that 6 per cent of these active combatants were women, and  
21 they were saying that -- I'm saying it off my sleeve again --  
22 that more than half of these had been trained in using guns. All  
23 those who had been actively combatant had been bush wives as  
24 well. But what they were trying to say in that study, and which  
25 I think they did very well, I don't know if you have read that  
26 study, was that the whole situation of women as combatants and as  
27 participants in the war was much more complex than just putting  
28 them as victims and that women within the rebel forces and the  
29 government forces had many different statuses.

1 Q. I understand, doctor, but maybe I should clarify. I'm not  
2 speaking actually of female combatants; I'm speaking of the  
3 numbers of women who were abducted, raped and forced into  
4 marriages during the conflict in Sierra Leone specifically. Do  
5 you have any numbers of people who fit into that category?

6 A. I can only refer to that study. I will remind you that  
7 this report was written in a period of eight to ten days. It was  
8 not a long study and that was because I in fact declined doing  
9 the work. So what I did was, I wanted to raise these questions,  
10 because I think it's very important that studies on the war  
11 situation are carried out in an appropriate way, raising those  
12 kind of questions, instead of making assumptions that it is all  
13 simplified and straightforward.

14 Q. Thank you, doctor. As it relates to that, given the short  
15 amount of time, just to clarify, you did not interview any bush  
16 wives for this report; is that correct? Or anyone who purported  
17 to be?

18 A. I did not. I did not come to Sierra Leone because what I  
19 wanted to do was to raise some abstract questions not pertaining  
20 to the Sierra Leonean case which should be asked in any case.  
21 They should be asked in Burkina Faso if you're talking about  
22 arranged marriages or forced marriages. They should be asked  
23 anywhere where you do that kind of study.

24 Q. Thank you, doctor. During your research, did you learn if  
25 all the women -- I'll scratch that. I do believe that -- the  
26 women who were captured and became bush wives, were there other  
27 alternatives for them or just being the bush wife of a commander  
28 or a fighter?

29 A. What I've understood from the literature I've read, they

1 could be girl friends, they could be bush wives. Being wives  
2 would be a bit more of a settled arrangement, and they could be  
3 totally outside the marriage. And I believe that some of the  
4 younger girls who were too small, I believe that they were not  
5 bush wives, those of seven, eight, nine years. Some of those  
6 were in the small girls' units.

7 Q. Now, for those women, doctor, who were abducted and were  
8 not wives of individual commanders or fighters, did your research  
9 show what the non-bush wives had to do?

10 A. Well, the reports by Mazurana and Carlson and also the text  
11 by Mats Utas showed that these women were much more vulnerable to  
12 being raped and that they carried out a lot of work, such as  
13 carrying stuff, and they had to find food and provide for other  
14 people within their unit.

15 Q. Now, as it relates to this particular issue, did you  
16 consult the report of Mrs Bangura?

17 A. I read the report. I found it very flawed on the  
18 methodological issues and I found that the quotes she gives in  
19 her report, it talks a lot about the circumstances of these --  
20 well not even circumstances -- it tells a lot about -- that women  
21 were abducted and that they were being coerced into being bush  
22 wives and that they left or stayed with the husband after the  
23 war. But inasmuch as she didn't analyse her data, inasmuch as  
24 she didn't discuss it but left it to speak on its own, it is  
25 actually very difficult to know what she wanted to say with this  
26 material. And also, she does not contextualise the whole  
27 situation of these women and she collected the data from a large  
28 amount of regions. How can we know that everything is the same  
29 in those regions? There is a lack of contextualisation.

1 Q. Allow me to clarify. As it relates specifically to the  
2 section of what non-bush wives had to do, did you refer to  
3 Mrs Bangura's report?

4 A. I read her report and I read other reports to confirm  
5 whether or not what she said was the full story.

6 Q. And I would like to read that particular part to you,  
7 doctor, if that's all right. That would be the report of the  
8 Prosecution expert, Mrs Bangura. I believe that would be  
9 Plaintiff's exhibit 32, Your Honour. I would be referring to  
10 page 16 of that report. The Registry page, I believe, is 14491  
11 and subsection (2), headline, "What a bush wife or rebel wife was  
12 expected to do." And I read as follows:

13 "Some the 'bush wives' accepted their status for several  
14 reasons based on what non 'bush wives' were expected to do. Non  
15 'bush wives': 1. Carried the camp's heavy loads and food  
16 supplies as the group moved across the countryside. 2. Were  
17 regularly sexually abused by any rebel in the camp because they  
18 did not 'belong' to a particular rebel. They were at the  
19 disposal of any man who felt like having sex and they dared not  
20 refuse. At night these women would go to bed scared and not  
21 knowing who would demand sex from them. 3. Were not provided  
22 with food, instead they were expected to find food for others as  
23 well as for themselves. 4. Were expected to do most of the hard  
24 work in camps. They also did the general laundry and worked for  
25 the 'bush wives.' 5. Were expected and could be sent to the war  
26 front to fight if the unit needed additional fighters and; 6.  
27 Were sometimes sent as spies on reconnaissance missions to the  
28 enemy camp to gather information about troop movements. They  
29 were threatened with death if they failed to carry out their

1 assignments or did not return."

2 Doctor, based on that reading from Ms Bangura's report,  
3 would you agree that the women who were abducted were really  
4 between a rock and a hard place as in the better alternative was  
5 to be with one man in these circumstances and -- well, first off,  
6 would you agree that they would -- that they really had a hard  
7 choice to make if such a choice was available, because a better  
8 alternative was to be with one man as opposed to being left out  
9 in the open?

10 A. I can't really say anything about that because I haven't  
11 done research myself. I have my knowledge from secondary  
12 sources. I must say what I learnt from Mazurana and Carlson's  
13 study, was that all the women who were fighting were actually  
14 bush wives. They were not on their own. I would say, also,  
15 about the sexual vulnerabilities, it resembles very much the  
16 stories we hear from street-working girls, not prostitutes,  
17 street-working girls in Ghana, who are sleeping in front of  
18 shops, who are under guards by the shop guard.

19 Q. But by the same token, doctor, not every bush wife was a  
20 combatant; is that correct?

21 A. Yes.

22 Q. Now, moving on. You would agree with me, doctor, that  
23 there is still consent in arranged marriages, if not by the  
24 spouses themselves, but by the families and fiduciaries in  
25 relation to the marriage contract; is that correct?

26 A. No. There might be consent between two elders, or there  
27 might be consent between the two -- the bride-giver and the  
28 groom's senior. There might be family members who do not agree  
29 with the marriage who will actually support the girl to leave a



1 marriage, so you can't say that the family's united about this  
2 consent. There is a lot of --

3 Q. Okay. So if it is not unanimous then, still in the concept  
4 of arranged marriages there is a form of consent; would you  
5 agree?

6 A. Between the bride-giver and the senior of the groom, yes.

7 Q. And you would agree with me that there is no such form of  
8 consent as it relates to a forced marriage during armed conflict  
9 such as that which took place in Sierra Leone; is that correct?

10 A. I cannot say anything about that because we have not --  
11 Mrs Bangura does not interview any of the men. She doesn't  
12 interview the husband, she doesn't interview the close kin of the  
13 girls, so we cannot say anything about that.

14 Q. Would you agree with me, doctor, that an arranged marriage,  
15 in and of itself during peace time, is not an attack on a  
16 civilian population?

17 A. Please, once again.

18 Q. Would you agree with me, doctor, that an arranged marriage  
19 is not an attack upon a civilian population?

20 A. Well, I'm not a legal expert. I know that legal experts  
21 are making laws against arranged marriages. I also know that  
22 they are not enforced. I can't really say anything about that,  
23 as a social anthropologist.

24 Q. Now, would you also agree with me, doctor, that the  
25 practice of arranged marriage was based upon the benefits that  
26 would be available not only to the individual parties involved,  
27 but for the families and possibly the community as a whole?

28 A. Usually, yes, and also considering the future wellbeing of  
29 the young persons involved, and that's an important point to

1 make.

2 Q. And you would also agree that some of the benefits that  
3 were sought from an arranged marriage would include protecting  
4 the welfare of the children, I believe, as you have stated  
5 before, to perpetuate social, cultural, religious beliefs and  
6 economic reasons as well?

7 A. Yes, but I do think that the social reasons behind arranged  
8 marriages are more important than the economic ones, at least in  
9 the cases I know.

10 Q. And in contrast, in a forced bush marriage during times of  
11 conflict, such as Sierra Leone, would you agree with me that the  
12 only welfare that is advanced in such a situation is the welfare  
13 of the captor?

14 A. From the readings I've done, I can't say so. Because I  
15 think what Mats Utas told in his story was that some of the women  
16 actually who went into -- on a more open-minded or more willing  
17 manner they ought to gain from their position. And it is  
18 important to remember that those who were bush wives, according  
19 to the literature I've read, were able to have a position as a  
20 first wife, or as a wife high up in the hierarchy, which they  
21 would usually not have outside the war, where they would be  
22 embedded in large families and have many seniors above them. But  
23 that also -- that is not only a case in this war, that is also  
24 the case amongst migrants, and I see in Burkina Faso women  
25 willing to put up with paying a lot of the cost that usually the  
26 husbands or the husbands' families' responsibilities, because  
27 they would rather try to be a nuclear unit abroad than being at  
28 home embedded in a large family. Now, they might have many  
29 reasons for that. One might be that they like the idea of a

1 nuclear family and find it more modern. It might also be because  
2 they don't get along with the family, and it might be because, at  
3 the status as migrants gives them another status which they find  
4 is important also if they come back to the village. So there are  
5 a lot of considerations that they do to put up with whatever  
6 they're putting up with.

7 Q. Now, in the reports that you have cited, how old are these  
8 reports?

9 A. The Mazurana/Carlson one is from 2004. The Utas one is  
10 from, let me see, 2005.

11 Q. And in their interviews, did they interview anybody, any of  
12 the bush wives who were not combatants, who were not involved in  
13 the hierarchy of the structure of the armed forces group they  
14 were with?

15 A. I think Mazurana and Carlson did, because they were doing a  
16 very large study on the -- what is it called, the DDR -- I can't  
17 remember the whole thing of it. Demobilisation, reintegration  
18 and so forth. Mats Utas has done a long-term study in Liberia.  
19 He did his PhD on Liberia and Sierra Leone. He has recently  
20 worked in Sierra Leone for two years. So I'm pretty sure that he  
21 has done a very thorough study, without having read his PhD.

22 Q. In terms of the reports, is there a percentage of which  
23 women were bush wives who were involved in beyond conflict as  
24 combatants as positions of authority, as you will, versus how  
25 many were not?

26 A. Mazurana and Carlson do give numbers and they are able to  
27 do so because they did the survey. I cannot remember them off my  
28 sleeve.

29 Q. Would you say that the percentage of women who were bush

1 wives, who were combatants, would be smaller than the number of  
2 women who were bush wives who were not combatants?

3 A. I cannot say anything about that because I have not seen  
4 the material that they analysed. I have only seen their report.

5 MR HARDAWAY: May I have the Court's indulgence for one  
6 moment, please. I thank the Court. I apologise for that delay,  
7 doctor.

8 Q. Now, if I understand correctly, the basis of your report is  
9 that there are questions that still must be answered as it  
10 relates to the issue of forced marriage and bush wives; is that  
11 correct?

12 A. I think they must be asked in any case where you are  
13 talking about arranged marriages and where you want to make any  
14 conclusions about the degree of force. You need to ask a lot of  
15 questions. And I even doubt you would be able to say anything  
16 about the degree of force, because you would get a very diverse  
17 picture.

18 Q. And your report provides no answers to that; is that  
19 correct?

20 A. It does not and it cannot, since I have not done a thorough  
21 research in Sierra Leone.

22 MR HARDAWAY: Thank you very much, doctor. Your Honours,  
23 this concludes my cross-examination.

24 PRESIDING JUDGE: Thank you, Mr Hardaway. Any  
25 re-examination?

26 MR KNOOPS: Thank you, Your Honour. A few questions.

27 RE-EXAMINED BY MR KNOOPS:

28 Q. Doctor, good morning.

29 A. Good morning.

1 Q. During the cross-examination, doctor, you were asked by the  
2 Prosecution about a few questions about the report of  
3 Mrs Bangura. And the Prosecution also asked you the question  
4 about the sources you used, the secondary sources in terms of  
5 time when they were published.

6 A. Yes.

7 Q. You mentioned the study of Mats Utas of 2005, I believe.  
8 Now, could you please turn to page 22 of the report of  
9 Mrs Bangura. You see that she has used a number of references,  
10 among which a book from Professor Joko-Smart of 1983, titled,  
11 "Sierra Leonean Family Customary Law." Are you familiar with  
12 that book?

13 A. No, I must say I have not searched for it.

14 Q. Do you know whether this book is seen within your  
15 profession as an authoritative source.

16 A. I've never heard about it. But that might be because I'm  
17 working in Burkina Faso, and not Sierra Leone. However, I have  
18 read very widely on West Africa.

19 Q. Thank you, doctor. The references also indicate that  
20 Mrs Bangura used four human rights reports from 1998 to 2001.  
21 Are you familiar with those reports, doctor?

22 A. No, I'm not.

23 Q. Did you encounter any of these reports in your sources,  
24 secondary sources?

25 A. I don't think I did. But I also didn't look for them  
26 because -- and I didn't look for them and I didn't try to check  
27 all the material Mrs Bangura used, because what I did with my  
28 report was actually raising these questions which are much more  
29 abstract and not so based on the individual Sierra Leonean case.

1 Q. Is it your opinion, doctor, that these reports reflect  
2 academic studies?

3 MR HARDAWAY: Objection, Your Honour.

4 PRESIDING JUDGE: Well, how on earth can she answer that,  
5 Mr Knoops, when she's never seen them?

6 MR KNOOPS: I'm asking in general whether the doctor has an  
7 opinion that the human rights report reflects an academic  
8 opinion?

9 MR HARDAWAY: Your Honour, I object, because I never  
10 brought up the sources of Mrs Bangura's report in  
11 cross-examination. I referred to a specific section. It does  
12 not arise out of cross-examination.

13 PRESIDING JUDGE: Do you want to answer that objection?

14 MR KNOOPS: Yes. Your Honour, the Prosecution asked about  
15 the data of the secondary sources that Mrs Bangura used, implying  
16 that these sources may be outdated, and that was the implicit  
17 suggestion in the cross-examination.

18 MR HARDAWAY: I asked about for her report and, as to any  
19 implications, I leave that for the Court to decide. But I did  
20 not bring up any references to the sources used by the  
21 Prosecution expert in cross-examination. It was focused  
22 particularly on one area. So I would submit that it does not  
23 arise out of cross-examination.

24 PRESIDING JUDGE: Well, you did open the door to  
25 Mrs Bangura's report, Mr Hardaway. And there was some reference  
26 to the sources in it, so I will allow the question. I overrule  
27 the objection.

28 MR HARDAWAY: Thank you, Your Honour.

29 MR KNOOPS:

1 Q. Doctor, just in general, not speaking about the contents of  
2 these reports, do you know whether reports, human rights reports,  
3 as mentioned in these references, in general, reflect, within  
4 your profession, an academic source?

5 A. Well, they're sources, but they're descriptions of actual  
6 facts that have been seen in whatever country. I've read human  
7 rights reports in Burkina Faso. They are not up to an academic  
8 standard in that they analyse and they don't have a theoretical  
9 perspective and they are not supposed to. They are supposed to  
10 be descriptions of what is going on there, and then that can be  
11 used in a scientific analysis.

12 Q. Thank you, doctor.

13 MR KNOOPS: They're all my questions. Thank you.

14 PRESIDING JUDGE: Thank you. Any other questions in  
15 re-examination?

16 MR DANIELS: Yes, Your Honour.

17 RE-EXAMINED BY MR DANIELS:

18 Q. Good morning, doctor.

19 A. Good morning.

20 Q. This morning during cross-examination, in answer to a  
21 question asked by my learned friend, you said it was wrong to say  
22 that most woman abducted in war situations did not do so  
23 voluntarily.

24 A. Well, it's difficult to say. What I say is that some might  
25 have done it voluntarily and some might have been, well some were  
26 abducted, from what I've read, but it's difficult to say anything  
27 about the proportions because we just don't know. We haven't had  
28 enough material to do that and I think what we need is much more  
29 thorough research, and it's probably being carried out at this

1 moment, but we need to introduce the opinions of the husbands and  
2 of the families who would usually be in-laws. That means the  
3 families of both men and women.

4 Q. Okay. And is that the same to do with whether or not they  
5 went on their own free will?

6 A. Yes, it's the same thing.

7 Q. It's the same. Okay. And you also told us this morning,  
8 that in reference to Mrs Bangura's report, you indicated that you  
9 found it flawed --

10 A. Yes.

11 Q. -- on methodological issues. Why do you say so?

12 A. Because I find when you just give a lot of excerpts from  
13 interviews, you cannot know in which context these questions were  
14 asked and there's no background given to where these girls were  
15 before; what were they doing; what kind of situations were they  
16 in; were they in a situation, for example, where arrangements for  
17 their marriage were done and they didn't agree to it, and then  
18 they might have been induced to run away or not to come back, if  
19 they had been captured. I mean, it's very difficult to say,  
20 because we just don't have enough information.

21 Q. And do you still stand by your view that her data was not  
22 analysed?

23 A. With respect to these excerpts of interviews, they were not  
24 analysed; they were just given as excerpts.

25 Q. You also made a reference to non-combatant wives and you  
26 drew an example from Ghana. You were talking about girls who  
27 will sleep outside shops. Have you done any research into that,  
28 or could you explain what you mean?

29 MR HARDAWAY: Objection. Relevance.



1           PRESIDING JUDGE: What's your reply to that objection?

2           MR DANIELS: Your Honours, the question is whether or not  
3 the girls who sleep outside the shops in Ghana, by way of  
4 example, whether they are in the same situation as non-combatant  
5 wives. We will be submitting that non-combatant wives, you know  
6 were -- we will be submitting that non-combatant wives, you know,  
7 were in the same position as those in the example given in Ghana  
8 and, therefore, whatever -- they had little of a choice to make  
9 up their mind.

10          PRESIDING JUDGE: I see. All right. I'll overrule the  
11 objection.

12          MR DANIELS: Very well.

13          PRESIDING JUDGE: Perhaps you could repeat the question.

14          MR DANIELS: Yes.

15 Q.       I was making a comparison between -- you made a comparison  
16 between the girls who sleep outside shops in Ghana and the  
17 non-combatant wives, and you said that you saw a parallel, and I  
18 want to know why you say so?

19 A.       I say so because I think the sexual vulnerability of young  
20 girls is not just a case of the war in Sierra Leone, that is a  
21 much broader aspect. I haven't done this research in Ghana  
22 myself, but I have been analysing together with people, because  
23 when I worked at Sussex we were doing this research on child  
24 migration in Burkina, Ghana, Bangladesh, and India, and we pulled  
25 together case studies and I analysed them together to get sort of  
26 cross-cultural views, also, on the analytical perspectives.

27          MR DANIELS: Thank you very much. That will be all.

28          PRESIDING JUDGE: All right. Does that complete --  
29 go ahead, Mr Graham.

1 RE-EXAMINED BY MR GRAHAM:

2 Q. Good morning, doctor.

3 A. Good morning.

4 Q. In relation to your observations about the flaws in the  
5 methodology adopted by Mrs Bangura, apart from the lack of  
6 contextualisation, did you observe, in your opinion, are there  
7 any other flaws, that you observed with her report?

8 A. There is another flaw pertaining to the way she's speaking  
9 about arranged marriages, although she's making a very clear  
10 distinction after, arranged marriages during peace time are very  
11 different from the coerced bush wife situation. She's talking  
12 about arranged marriages with a rhetoric of thought all the way  
13 through and I think it becomes very contradictory, and that is  
14 one of my worries about this whole link between traditionally  
15 arranged marriages and the use of, the notion of bush wives in  
16 Sierra Leone is that you're making this link, rhetorically, even  
17 if you don't make it explicitly.

18 EXAMINED BY THE COURT:

19 JUDGE DOHERTY:

20 Q. Good morning, doctor. I would like you to clarify two  
21 terms that you use in your report; both of them are at page 15 of  
22 your report.

23 A. Yes.

24 Q. One is a citation from Bledsoe in which the term "turned  
25 over" is used. What do you mean by turned over?

26 A. Turned over would be that all the arrangement had been  
27 settled and that the gift had been presented to the wife's family  
28 by the husband's family, and that her family had turned her over  
29 to him because of that. And it may and it may not be sums of

1 money. It can also be kola nut. I can be a length of cloth. It  
2 is not only about economic issues, it is also very symbolically.

3 Q. I understand. Thank you. The second term is on the same  
4 page, on the next paragraph, and it's five lines from the bottom.  
5 It's either complementarities, I think is the word. I'm not sure  
6 how to pronounce it. What does that mean?

7 A. The complementarities between husbands and wives is that  
8 they have responsibilities and obligations, so a woman has to  
9 cook for her husband and has to do her laundry, his laundry,  
10 unless she has a younger wife who will do it. So they have  
11 certain tasks. But the husband also has obligations to his wife  
12 of providing millet, providing medical care, providing school  
13 fees sometimes. That is also -- of course those kind of  
14 responsibilities and obligations are embedded in the context, so  
15 that we need to ask questions about that to know what are the  
16 obligations of husbands and wives, vis-a-vis one another.

17 JUDGE DOHERTY: Thank you. Those were the only questions.

18 THE WITNESS: Thank you.

19 PRESIDING JUDGE: Anything arising with the Defence over  
20 the questions asked from the Bench?

21 MR GRAHAM: No, Your Honours, except I had -- I'm very  
22 sorry, I had one more question to ask Dr Thorsen just before the  
23 learned Justice Doherty asked the question. With your kind  
24 permission, if I may be permitted to ask that question.

25 MR HARDAWAY: I would object, Your Honour.

26 PRESIDING JUDGE: Yes. Unless it's about what was asked  
27 from the Bench. You had finished your questions in  
28 re-examination.

29 MR GRAHAM: Very well. I am grateful.

1           PRESIDING JUDGE: Anything arising with the Prosecution  
2 from what was asked from the Bench?

3           MR HARDAWAY: None from the Prosecution, Your Honour.

4           PRESIDING JUDGE: All right. Thank you. Well, madam  
5 witness, thank you for coming to Court to give your evidence.  
6 That completes your testimony. You will be allowed to leave now.  
7 Perhaps you can assist the witness from the courtroom, please.

8   [The witness withdrew]

9           MR KNOOPS: Your Honours, at this stage, we would like to  
10 tender the report of Dr Thorsen as a Defence exhibit.

11          PRESIDING JUDGE: Any objections, Mr Hardaway?

12          MR HARDAWAY: Yes, Your Honour. The Prosecution objects  
13 based upon two grounds: One is the fact that based upon the  
14 doctor's own testimony she has never been in Sierra Leone, she  
15 has not conducted any research in Sierra Leone, and even through  
16 her own admission her report has answers, no questions, as it  
17 were. In fact, her report is pretty much saying that more  
18 questions need to be answered. The Prosecution feels that based  
19 upon her lack of knowledge of specifically the conflict in Sierra  
20 Leone, and not being present, along with the fact that the report  
21 provides no answers through the doctor's own testimony that,  
22 respectfully, it can provide even no weight to the Court, and we  
23 would object to its admission, based upon those grounds.

24          PRESIDING JUDGE: Well, I think it's a matter for the Court  
25 to decide what weight, if any, is attached to the report.

26          MR HARDAWAY: I understand, Your Honour. I don't mean to  
27 usurp, just stating the Prosecution's position.

28          PRESIDING JUDGE: Yes. No, I understand that. Yes, do you  
29 want to reply to that objection?

1 MR KNOOPS: Yes, Your Honour, I do. Thank you. To begin  
2 with the last, I agree fully with the Prosecution that the nature  
3 of the testimony of Dr Thorsen is to raise certain fundamental  
4 questions but, by raising them, I think she also provides  
5 potential answers, namely, the complexity of the question which  
6 lies before the Court and may assist the Court in arriving at a  
7 conclusion on this particular subject.

8 The nature of her report is that she made an analysis of  
9 the concept of forced marriage and bush wives and, as such,  
10 comments on a Prosecution expert report. Also, in view,  
11 Your Honours, of your decision of 5 August last year, page 14395,  
12 and 14396, the paragraph 30, and 31, we believe that in view of  
13 the case law Your Honours have established in that decision of  
14 5 August, the report is clearly admissible, and it's up to the  
15 Court to decide ultimately about its weight at the later stage of  
16 the trial. In our humble view, her report can assist the Trial  
17 Chamber in arriving at any conclusion with respect to the counts  
18 on forced marriage. Thank you.

19 PRESIDING JUDGE: Yes, thank you. Pardon me for one  
20 moment.

21 [Trial Chamber conferred]

22 JUDGE SEBUTINDE: Mr Knoop, you referred to a decision  
23 of August. What is that decision? August of which year?

24 MR KNOOPS: 5 August 2005, decision on Prosecution request  
25 for leave to call an additional witness (Zainab Hawa Bangura)  
26 pursuant to Rule 73bis(E) and on joint Defence notice to inform  
27 the Trial Chamber of its position, vis-a-vis the proposed expert  
28 witness Mrs Bangura, pursuant to Rule 94bis. It's a decision  
29 which starts at the Court Management page 14385, and I

1 specifically refer to the paragraph 30 and 31; 30 goes to  
2 Your Honours' view on the distinction between the admissibility  
3 of the evidence of Mrs Bangura and the weight to be attached to  
4 her report; while paragraph 31, Your Honours, says that despite  
5 Mrs Bangura's educational background being in the field of  
6 insurance, her extensive experience is a material factor that  
7 qualifies her as an expert with relevance, specialised knowledge  
8 on the issue of forced marriage during the Sierra Leone conflict.  
9 And Your Honours deal extensively with the observations the  
10 Defence made prior to the submission of that specific report.  
11 And we rely on this decision in order to say that the conclusions  
12 to be attached to the testimony and, above all, the report of  
13 Dr Thorsen, should be made at the later stage and not right now  
14 at the admissibility stage, as she qualifies, in our view, as an  
15 expert in this field.

16 JUDGE SEBUTINDE: Mr Knoops, the decision you've just  
17 quoted, dealt with the issue of whether or not to treat  
18 Mrs Bangura as an expert.

19 MR KNOOPS: That's correct.

20 JUDGE SEBUTINDE: It had very little to do with the content  
21 of her report at that stage. Now, the issue in this instant case  
22 is not that the Prosecution doubts the expertise of Dr Thorsen,  
23 it is what they doubt is the relevance of the content of her  
24 report and testimony on the grounds that she already gave. And  
25 you don't appear to make that distinction.

26 MR KNOOPS: With all due respect, Your Honour, if Your  
27 Honour looks at paragraph 30 of your decision, you will see that  
28 Your Honours' decision on the distinction between weight and  
29 admissibility is based on the five Defence objections relating to

1 the content of the report of Mrs Bangura; no relevant sources and  
2 data for her conclusions; no substantiation of these conclusions;  
3 the list of references is inadequate and insufficient to provide  
4 a proper basis; and also the Defence contention that the report  
5 is not relevant to the AFRC case, as it mainly confined to  
6 research in the province of Kailahun District, which Mrs Bangura  
7 alleges was the only district that was under RUF control.

8 So we did contend that the information in the report of  
9 Mrs Bangura bore no relevance to the instant case, and  
10 Your Honours did decide that that is something to be left for the  
11 weight of the evidence. So it is our submission that this case  
12 may assist the Chamber in finding the report of Dr Thorsen  
13 admissible. Thank you.

14 PRESIDING JUDGE: We've considered the positions of the  
15 parties in respect of the tender of Dr Thorsen's report. Under  
16 Rule 89(C), the Trial Chamber is entitled to admit any relevant  
17 evidence. We consider the contents of Dr Thorsen's report to be  
18 relevant and is, therefore, admissible. However, admission of  
19 the report of course does not mean that the Trial Chamber will  
20 accept all of its findings. Furthermore, whatever weight ought  
21 to be attributed to it, will be assessed by the Trial Chamber at  
22 the end of the trial and in the light of all the evidence  
23 adduced. Accordingly, the report will be admitted into evidence  
24 as Exhibit D38.

25 [Exhibit No. D38 was admitted]

26 MR KNOOPS: I have, for the Court, four clean copies,  
27 Your Honour. Thank you.

28 PRESIDING JUDGE: Yes. What's the situation now,  
29 Mr Knoops? Do you have any more witnesses?

1 MR KNOOPS: Your Honour, this was the last Defence expert.  
2 It means that the common Defence case, as far as experts is  
3 concerned, can be concluded.

4 PRESIDING JUDGE: I see. There was mention of a second TRC  
5 witness?

6 MR KNOOPS: TRC-03, I believe. He's not being called.

7 PRESIDING JUDGE: I understand. All right. Thank you.  
8 That leaves outstanding the cross-examination of two witnesses  
9 for the second accused Kamara. Tomorrow is scheduled DBK-131 and  
10 Friday is scheduled DBK-126. I'm not quite sure whether the  
11 Prosecution has completed all its investigations on the latter  
12 witness, but would it be possible to hear both of those tomorrow?

13 MR AGHA: Yes, Your Honour, indeed, the Prosecution, as  
14 indicated yesterday, if the witness scheduled for Thursday is  
15 able to come today, then we can proceed today, or even, we would  
16 try and press on with either of them, if they're available today.  
17 At least we can make a start.

18 PRESIDING JUDGE: Thank you, Mr Agha. What's the  
19 situation, Mr Daniels? Is there any chance of getting these  
20 witnesses here today, or one of them?

21 MR DANIELS: Your Honours, this morning I had word with  
22 counsel, Mr Agha, indicating that DBK-126 is within the witness  
23 house. As I left the office this morning we are trying to see  
24 whether she can come in this morning. So maybe if we could have  
25 a short break, I will be able to report to the Court on our  
26 return.

27 PRESIDING JUDGE: All right. We will take say -- how long  
28 do you think you will need, Mr Daniels?

29 MR DANIELS: About ten minutes.



1           PRESIDING JUDGE: All right. Well, we will adjourn until  
2 say 20 past 10. Thank you.

3                           [Break taken at 10.07 a.m.]

4                           [AFRC25OCT06B - MD]

5                           [Upon resuming at 10.22 a.m.]

6           PRESIDING JUDGE: Yes, Mr Daniels.

7           MR DANIELS: Your Honours, as you rose, we tried to make  
8 contact with the witness. Apparently she had already scheduled  
9 some domestic matters she was attending to and this has come as a  
10 great surprise to her. We are trying to see whether, if she  
11 cannot come today, whether she will be able to come tomorrow.  
12 But that we have left with the WVS as we don't want to be in  
13 violation of the Court's orders to be in direct contact with her.  
14 We know the Court's position that welfare matters have nothing to  
15 do with the Court, and so, I am sure with the support of the WVS  
16 we can resolve this matter by tomorrow.

17           PRESIDING JUDGE: All right. Does the Prosecution have  
18 anything to say further on that?

19           MR AGHA: Just that we are a little surprised because we  
20 thought before the break that she was available and she had gone  
21 to be collected. Obviously, she is not here she is not here, and  
22 she is scheduled for Friday so she may have had other  
23 arrangements. But, obviously, it's disappointing that she can't  
24 be brought. And perhaps if she is able to come we can find that  
25 out for sure within maybe half-an-hour and continue thereafter  
26 but I leave that for the Bench.

27           PRESIDING JUDGE: Well, I agree with you, Mr Agha, it is  
28 very disappointing, but what were you told exactly, Mr Daniels?

29           MR DANIELS: WVS are here, they can confirm. I mean, I am

1 only repeating what they told me. They are telling me that she  
2 had -- she was not ready psychologically. She was fixed -- she  
3 knew she was coming on Friday and so this has come as a total  
4 surprise for her and, for that reason, she was refusing to come.  
5 We are equally disappointed. I spoke to WWS just before you came  
6 in in order that we continue to let her know the importance of  
7 her testimony, you know, and that she cannot keep the Court  
8 waiting. But if counsel wants a further adjournment we have no  
9 objection. Just that we do not want to waste the Court's time in  
10 thinking that maybe tomorrow may be a more practical day.

11 PRESIDING JUDGE: Well, the lady from WWS, can you help the  
12 Court? Is witness DBK-126 going to be available later today or  
13 not?

14 NANCY SESAY: I don't think she is going to be available to  
15 attend today because according to her she was supposed to come to  
16 Court on Friday. And it's like a surprise to call her to come  
17 today so she is not prepared to come to Court today. She was  
18 asking that. So according to her she was even asked that she  
19 come on Friday. We will try to talk to her to come tomorrow.

20 PRESIDING JUDGE: Well, I hope you will make it clear to  
21 her we want her in Court tomorrow, not on Friday but tomorrow.  
22 Can you tell her that?

23 NANCY SESAY: Yes, My Lord, we will do our best.

24 PRESIDING JUDGE: Well, it's a Court order now. We are  
25 changing the date. We are entitled to review our orders and  
26 we've changed the date from Friday to tomorrow, Thursday. Can  
27 you make that clear to her?

28 NANCY SESAY: Yes, My Lord we will do that.

29 PRESIDING JUDGE: Thank you. All right. Well, we don't

1 have any option but to adjourn until tomorrow and hopefully we  
2 will have both witnesses then. Yes, did you want to say  
3 something further, Mr Agha?

4 MR AGHA: No, you just covered what I was going to say.  
5 That it may be the cross-examination of this lady may finish  
6 early so if the other witness is also here, tomorrow being a full  
7 day, then we can perhaps press on with that. That's the point I  
8 was going to make.

9 JUDGE SEBUTINDE: Could I say something just for the  
10 record. Yesterday, the Presiding Judge foresaw this situation  
11 occurring today, and asked Mr Hardaway if arrangements could be  
12 made to inform these witnesses to come today rather than tomorrow  
13 and Friday. It was the OTP, Mr Hardaway, who said he couldn't  
14 say and he had these 82 questions I believe for the expert  
15 witness. And in our opinion that closed the subject. So I think  
16 to be really fair to the Defence side, this, the blame should be  
17 shared probably for this apparent wastage of Court time because  
18 if we had all decided that the testimony would end at the time it  
19 ended of Dr Thorsen, the situation might have been different.

20 MR DANIELS: Very well, Your Honour. We are prepared to  
21 take 50 per cent of the blame.

22 MR AGHA: Likewise, we will take 50, Your Honour.

23 PRESIDING JUDGE: All right. Well, we will call it a draw  
24 for today. All right. We will adjourn until 9.15 tomorrow.

25 MR KNOOPS: Your Honour, just the last remark, I am flying  
26 back tomorrow afternoon to Europe to, amongst others, work on the  
27 trial brief, and Mr Manly-Spain will take over for tomorrow. You  
28 will therefore probably not see me tomorrow in Court again but Mr  
29 Manly-Spain will be here.

1           PRESIDING JUDGE: All right. Thank you, Mr Knoops. Bon  
2 voyage. That brings up another point that we might mention in  
3 passing. We will at some stage be calling a status conference to  
4 do with the final arguments and with the closing arguments and  
5 final trial briefs, but we would expect that the parties would be  
6 working on their final trial briefs now in any event, but we will  
7 announce further a date for a status conference on that very  
8 topic. All right. Thank you. We will adjourn until tomorrow  
9 morning.

10                           [Whereupon the hearing adjourned at 10.30 a.m. to be  
11 reconvened on Thursday, the 26 th day of October  
12 2006, at 9.15 a.m.]

13                           [AFRC25OCT06C - MD]

14                           [Witness entered Court]

15                           [The accused Brima not present]

16                           [Upon resuming at 11.25 a.m.]

17                           WITNESS: DBK-126 [Continued]

18                           [The witness answered through interpreter]

19                           CROSS-EXAMINED BY MR AGHA:

20           PRESIDING JUDGE: Well, I want to thank the parties for  
21 being so flexible and reconvening after we had adjourned the  
22 Court. Just for the record, this Court had adjourned until  
23 tomorrow morning, in the belief that the witness, DBK-126, was  
24 not available today. Not long after adjourning, we learned that  
25 the witness was, in fact, available and we have accordingly  
26 reconvened the Court.

27           Now, the first accused, Mr Brima, has expressly waived his  
28 right to be present for the rest of the proceedings to date. I  
29 see Mr Brima's counsel is in Court and pursuant to Rule 60 these

1 proceedings will continue in Mr Brima's absence.

2 Now, Madam Witness, I want to remind you that you are still  
3 bound by that oath to tell the truth that you took previously in  
4 Court; is that clear? Madam Witness, I want to remind you that  
5 you are still bound to tell the truth. You took an oath last  
6 time you were in Court and you are still bound by that oath; is  
7 that clear? Can you say "yes" or "no", please, for the record?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: Thank you. Yes, Mr Agha.

10 MR AGHA:

11 Q. Good morning, witness. Today I'm going to ask you a few  
12 questions and the majority of these questions can be answered  
13 with a "yes" or a "no" or "I don't know" answer. If further  
14 clarification is required I can ask you for that; do you  
15 understand? Do you understand, witness?

16 A. I'm not getting the translation.

17 PRESIDING JUDGE: What is the problem Mr Interpreter?

18 THE INTERPRETER: I think the problem is that the witness  
19 is channeling so it would be helpful if the Court Officer --

20 PRESIDING JUDGE: All right. Well, we will get the channel  
21 checked, Mr Interpreter. Perhaps try again, Mr Agha.

22 MR AGHA:

23 Q. So witness, I'm going to ask you a number of questions this  
24 morning. The majority of them can be answered with a "yes" or a  
25 "no" or "I don't know" answer. If I require further  
26 clarification, I will ask you for that, so do you understand?

27 A. Yes.

28 Q. Okay. Now, you say that you are a single mother with a  
29 seven year old son; is that right?

1 A. Yes.

2 Q. And how many other children do you have?

3 A. I have three others whom I'm taking care of at the house.

4 Q. And you said in February 1998 you were a hairdresser and I  
5 think after the intervention you went to carry on doing your  
6 hairdressing in Kono; is that right?

7 A. Yes.

8 Q. So before the intervention your job was as a hairdresser in  
9 Freetown; is that right?

10 A. Yes.

11 Q. And you can read and write, can't you?

12 A. Yes.

13 Q. And you heard about the takeover of the Kabbah government  
14 over the radio in May 1997, didn't you?

15 A. Yes.

16 Q. Now, one of the reasons why you fled to Kono was because  
17 you heard that intervention was coming, wasn't it?

18 A. Yes.

19 Q. And you heard about the intervention and what was meant by  
20 this from discussion with boys in your street, didn't you?

21 A. Yes.

22 Q. So from these discussions, from the radio and from the  
23 newspaper, did you hear that Ibrahim Bazzy Kamara was an  
24 honourable?

25 A. I did not hear that.

26 Q. Did you hear that Ibrahim Bazzy Kamara was a part of the  
27 AFRC government?

28 A. I did not hear that and I don't even know about that.

29 Q. What about Alex Tamba Brima; did you hear that he was

1 referred to as an honourable?

2 A. No.

3 Q. Did you hear that he was a part of the AFRC government?

4 A. No.

5 Q. What about Santigie Kanu, aka Five-Five, did you hear that  
6 he was an honourable?

7 A. No.

8 Q. Didn't you hear that Santigie Kanu, aka Five-Five, was a  
9 member of the AFRC government?

10 A. No. The AFRC government, I only knew about the leader but  
11 besides him I didn't know about any other person and any other  
12 thing.

13 Q. And did any of your customers mention this to you while you  
14 were doing their hair?

15 A. No. We only heard about Johnny Paul. All of us heard  
16 about Johnny Paul.

17 Q. I say to you that you are lying and you know full well that  
18 Ibrahim Bazzy Kamara, Alex Tamba Brima and Santigie Kanu, aka  
19 Five-Five, were all honourables in the AFRC government?

20 A. I don't know anything about those people. The only person  
21 that I knew about was Johnny Paul Koroma who was the leader for  
22 AFRC. In fact, at the time of the AFRC every day they will come.  
23 The ECOMOG will come and bomb. In fact, I didn't want to know so  
24 I just left the place because I didn't want anything to meet me  
25 in Freetown.

26 Q. Thank you, witness. If you can just confine your answers  
27 to the question. Now, you then went from Freetown to Kono;  
28 that's right, isn't it?

29 A. Yes.

1 Q. And then the Kamajors came after about a week, didn't they?

2 A. Yes.

3 Q. And from there you went to Tombodu Town, didn't you?

4 A. Yes.

5 Q. And after remaining there for some time, you headed back to  
6 Koidu Town; is that right?

7 A. Yes.

8 Q. And on the way you were captured by Abravo; is that right?

9 A. Yes. Yes.

10 Q. And you then say that you were taken to Masingbi Road, in  
11 Koidu Town, where you were made the chief's cook, don't you?

12 A. Yes, yes.

13 Q. And you say that the chief was George Johnson, alias Junior  
14 Lion; is that right?

15 A. He was.

16 PRESIDING JUDGE: Mr Agha, do we have to go through all the  
17 evidence-in-chief again? It's a matter of record what she said.

18 MR AGHA: I am just trying to bring her mind back to it  
19 since it's been a few days but I will try and cut away from that,  
20 Your Honour.

21 Q. I say to you you are lying and that the chief was Ibrahim  
22 Bazzy Kamara; what do you have to say about that?

23 A. No, I was there and I know. I was there. In fact, Johnson  
24 captured me, I will never forget that one. He captured me.

25 Q. Throughout your time at Masingbi Road you were the cook for  
26 Ibrahim Bazzy Kamara, weren't you?

27 A. No. That man was never at that place. Chief captured me  
28 to be cooking for him so I was cooking for the chief. I told  
29 you.



1 Q. Throughout your evidence the person you referred to as  
2 chief is, in fact, Ibrahim Bazy Kamara, isn't it?

3 A. Was I the one that went to the jungle or I went there  
4 together with you people? I told you the chief. I didn't tell  
5 you -- I don't know the chief? Don't I know the chief for whom I  
6 was cooking?

7 Q. Witness, could you kindly answer the question, "yes" or  
8 "no", as we set out to do?

9 A. You asked me this thing and I said it. I'm not telling --  
10 I'm not speaking lies. I'm speaking the truth.

11 Q. I suggest to you that in your evidence you just replaced  
12 Junior Lion with Ibrahim Bazy Kamara, didn't you?

13 A. Chief. Junior Johnson, Junior Lion was the one who  
14 captured me. I will never forget that.

15 Q. I am not asking who captured you?

16 MR DANIELS: Your Honours, I believe the question has been  
17 asked once, twice, thrice and it has been answered.

18 PRESIDING JUDGE: I don't think that particular question  
19 was asked before, Mr Daniels. Do you want to repeat the  
20 question?

21 MR AGHA: Yes.

22 Q. I will ask the question to you witness and you can simply  
23 reply by "yes" or "no" or "I don't know." Now, I say to you that  
24 throughout your evidence, the person you refer to as chief is not  
25 Junior Lion but is, in fact, Ibrahim Bazy Kamara and you've  
26 substituted the two; is that right?

27 A. I know that it was chief. I will never forget him.  
28 Because all the strains that I am going through now, was because  
29 of him because he captured him. That is the first thing. If

1 even I sleep and he wake me up and I will tell you everything  
2 that happened in the jungle from the beginning to the end.

3 Q. Witness, witness, my questions you can answer very simply  
4 and if you could kindly do that it would make your evidence a lot  
5 shorter. Now, I say to you you are lying when you say you did  
6 not see Ibrahim Bazy Kamara at Masingbi Road in Koidu Town,  
7 aren't you?

8 A. He was never there. It was chief who was there and it was  
9 for him that I was cooking all the days that I spent in the  
10 jungle; I was cooking for him.

11 Q. And Abravo was one of Ibrahim Bazy Kamara's securities,  
12 wasn't he?

13 A. Abravo was chief's security. They were all together. In  
14 fact, it was Abravo that came down and arrested me and it was  
15 chief who said "Sit down there."

16 Q. Now, after Masingbi Road and moving from Five-Five Spot you  
17 went to Tombodu Town, didn't you?

18 A. Yes.

19 Q. Ibrahim Bazy Kamara was with you in Tombodu Town, wasn't  
20 he?

21 A. He was not there.

22 Q. At Tombodu Town Alex Tamba Brima was in command of the  
23 soldiers, wasn't he?

24 A. These people, none of them were there.

25 Q. So you then, from Tombodu, moved to Mansofinia with other  
26 soldiers, didn't you?

27 A. No.

28 Q. No? Where did you go after Tombodu?

29 A. After Tombodu, I went together with soldiers, chiefs and

1 others, we went together.

2 Q. But you went to Mansofinia, didn't you?

3 A. Yes, I went there.

4 Q. And at Mansofinia Alex Tamba Brima was in command of the  
5 soldiers, wasn't he?

6 A. No.

7 Q. And you were still cooking for Ibrahim Bazy Kamara at  
8 Mansofinia, weren't you?

9 A. I've told you that it was chief. It was chief. In fact,  
10 that man that you are referring to was a prisoner of war. How  
11 would I be cooking for a prisoner of war? I'm talking about the  
12 chief and you are talking about prisoner of war.

13 Q. You smuggled these prisoners of war food later, didn't you?

14 A. Yes, because I -- I was feeling -- I was sympathising with  
15 them because I was feeling sorry for them. I gave them the  
16 crumbs only.

17 Q. Now, whilst you were at Mansofinia, it was Ibrahim Bazy  
18 Kamara who was reporting to SAJ Musa, wasn't it?

19 A. I never went to SAJ. It was at Mansofinia that I was and  
20 chief left me there and went to SAJ. I never went to SAJ.

21 Q. I didn't say you ever went to SAJ. I said that Ibrahim  
22 Bazy Kamara went and reported to SAJ, didn't he?

23 A. I didn't know him and I didn't see him there. I don't  
24 know. The only thing that I know is that when we got to  
25 Mansofinia, I was cooking for chief at Mansofinia and he left me  
26 there and went to SAJ at Kurubonla.

27 Q. Now, you left Mansofinia for the jungle, didn't you, with  
28 the other troops?

29 A. Yes.

1 Q. And Alex Tamba Brima was in command of those troops, wasn't  
2 he?

3 A. No. It was Colonel FAT.

4 Q. And it was a lie that Tamba Fasuluku was looking after the  
5 civilians during the march from Mansofinia to Camp Rosos, isn't  
6 it?

7 A. I didn't get that clearly.

8 Q. In your evidence you said Tamba Fasuluku was looking after  
9 the civilians on the march?

10 A. Yes. Yes.

11 Q. I'm saying to you that that's a lie.

12 A. I am telling you that for the rest of the jungle, and  
13 anything I tell you about the jungle is the truth. I know  
14 everything about the jungle. Of all the captured civilians who  
15 were there, soldiers, soldier relations, brothers or sisters, I  
16 know several things more than every other person that was  
17 captured in the jungle, so whatever I tell you I would like you  
18 to take it to be the gospel truth. I know that more, much more  
19 than any other person that was captured in the jungle. In fact,  
20 I even know about the jungle much more than --

21 Q. Mr Witness, please, can you just answer the question? Now  
22 --

23 A. I even know about the jungle much more than these people  
24 that are -- that are in the Court now -- that are captured by the  
25 Court.

26 Q. I say to you that Santigie Kanu, aka Five-Five, was in  
27 charge of the civilians from the march from Mansofinia to Camp  
28 Rosos; what do you say "yes" or "no"?

29 A. No, I didn't come here to tell lies. I came here to say

1 the truth. No.

2 Q. Now, you say that en route from Mansofinia you went by  
3 Karina; is that right?

4 A. Yes.

5 Q. I say to you that it was Alex Tamba Brima who was in  
6 command of troops which attacked Karina?

7 A. It did not happen that way.

8 Q. The soldiers with you attacked Karina, didn't they?

9 A. They did not attack Karina. We only passed. In fact, we  
10 did not use the main road or the main route. We bypassed the  
11 Karina Town itself.

12 Q. Ibrahim Bazy Kamara also took part in the attack on  
13 Karina, didn't he?

14 A. No, he was not with us even.

15 Q. The person you refer to as chief took part in the attack on  
16 Karina, didn't he?

17 A. Yes.

18 THE INTERPRETER: Your Honours, could the witness get  
19 closer to the mic?

20 PRESIDING JUDGE: Madam Witness, can you lean a little  
21 closer to the mic, please? The interpreter is having trouble  
22 hearing you.

23 MR AGHA:

24 Q. I say that you are lying and you know full well that Alex  
25 Tamba Brima, Ibrahim Bazy Kamara and Santigie Kanu, aka  
26 Five-Five, all took part on the attack on Karina, didn't they?

27 A. No. In fact, Karina, we never attacked there. Our men  
28 only passed. That is the first thing. The second one, these  
29 people were never there.

1 Q. So if you only passed why did you say the person you called  
2 chief, Junior Lion, took part in the attack on Karina?

3 A. That's why I said that we did not attack Karina. We only  
4 passed through. If there was -- it was getting close to morning.  
5 The jet was passing around so we just passed the town. We never  
6 attacked.

7 Q. You even went into Karina and took part in the looting that  
8 went on there, didn't you?

9 A. No. No, no. I never looted. In fact, I don't even know  
10 what is looting because why, in fact, when we were in the jungle,  
11 I was very lazy to walk. Most of the times they were shouting at  
12 me that I should walk fast, so I don't even know what is looting.  
13 I am not part of that sort of thing.

14 Q. Witness, it's not a question of walking, you went into  
15 Karina and you stole property, didn't you?

16 A. I did not enter into Karina itself. We did not enter the  
17 town. The town is like this way, there is one road passing close  
18 to the town. At times you see some houses but not the entire  
19 town. There is a town on this other side and there is the road  
20 by the -- by the town. So we used that road by the town. Not --  
21 we did not enter the town itself.

22 Q. You also went into Karina and assisted with the mobilising  
23 of the captured and abducted women, didn't you?

24 A. No.

25 Q. You say that Adama Cut Hand and her husband, Olangba, were  
26 with you whilst you bypassed Karina, don't you?

27 A. Yes, we were all together.

28 Q. I say to you that you are lying and that Adama Cut Hand was  
29 one of the SLAs who attacked Karina?

1 A. We did not attack Karina. We only passed the town. We did  
2 not -- they did not attack Karina. It was getting to dawn at  
3 that time because the jet was coming. We only passed the place.  
4 We did not attack that place. Would you, would you stand there  
5 and wait for the jet to bomb? We only passed.

6 Q. Witness, I also put to you that Adama Cut Hand's husband,  
7 Olangba also attacked Karina, didn't he; "yes" or "no"?

8 A. No. No.

9 Q. Adama Cut Hand was called Adama Cut Hand because she used  
10 to regularly amputate people's arms; right?

11 A. No. I only know about one, one -- in fact she did not --  
12 she only amputated one person's hand at one time and in fact she  
13 did not do it directly. She authorised Arthur to do that. She  
14 only did that once that I know of.

15 Q. I say to you she is called Adama Cut Hand because she  
16 regularly amputated people's arms; do you agree or you don't  
17 agree?

18 A. No, I don't agree.

19 Q. Now, after Karina, you then moved to Mandaha with the  
20 troop, didn't you?

21 A. Yes.

22 Q. And these troops were under the command of Alex Tamba  
23 Brima, weren't they?

24 A. I've told you that these men were not, they had not been  
25 captured yet. It was Colonel FAT. I've said this from the time  
26 I started testifying here. I told you. Why you bringing this  
27 again? I have told you before that it was Colonel FAT.

28 PRESIDING JUDGE: Madam Witness, you could have answered  
29 that question by just saying "no." You make it easier on

1 yourself and everyone here if you will just answer the question.

2 MR AGHA:

3 Q. Okay. Witness, I say to you that Ibrahim Bazzy Kamara was  
4 one of the commanders who attacked Mandaha. What do you say;  
5 "yes," "no," or "you don't know"?

6 A. No, no, no.

7 Q. I say to you that Santigie Kanu, aka Five-Five, was also  
8 one of the commanders who attacked Mandaha; what do you have to  
9 say about that?

10 A. No.

11 Q. I say that you are lying and you know full well that Alex  
12 Tamba Brima, Ibrahim Bazzy Kamara and Santigie Kanu all attacked  
13 Mandaha?

14 A. They were never there. I'm speaking the truth. They were  
15 never there. They had not been brought yet. They were not  
16 there. They were not there.

17 Q. You say that the troop by Bendembu, Batkanu and Mateboi,  
18 don't you?

19 A. Yes.

20 Q. All these three villages were attacked by Alex Tamba Brima  
21 and the troops under his command, weren't they?

22 A. No. There, they did not attack there. We only passed.  
23 All those places were not attacked. We only passed through. We  
24 were going to locate a base.

25 Q. I say to you that Ibrahim Bazzy Kamara and Santigie Kanu,  
26 aka Five-Five, were also commanders who attacked all those  
27 villages. What do you say, "yes" or "no" or "you don't know"?

28 A. I have told you this one. At that time these people had  
29 not joined us. It did not happen that way.



1 Q. But you personally didn't go on any of the attacks, did  
2 you? Did you?

3 A. It was not an attack. We were only passing. We were  
4 jungling. At that time we were going to locate a base. It was  
5 deep in the rainy season. We did not attack. We were just  
6 walking, going.

7 Q. So, according to your evidence, when you set out to find a  
8 base you didn't attack a single village or position, the troop  
9 you were with; is that right?

10 A. Yes, we never attacked.

11 Q. It's a lie that FAT Sesay was in command of this troop as  
12 it moved through the jungle from Mansofinia to Camp Rosos, isn't  
13 it?

14 A. It was Colonel FAT who was in command.

15 Q. At Camp Rosos Alex Tamba Brima was in command of the  
16 soldiers, wasn't he?

17 A. No.

18 Q. At Camp Rosos Ibrahim Bazy Kamara was second in command of  
19 the soldiers, wasn't he?

20 A. These men had not been captured yet. They were not there.  
21 It did not happen that way.

22 Q. At Camp Rosos, Santigie Kanu, aka Five-Five, was also a  
23 commander, wasn't he?

24 A. No.

25 Q. You are lying when you say that FAT Sesay was a commander  
26 at Rosos, aren't you?

27 A. I know Colonel FAT so how would I tell a lie? I was in the  
28 jungle. I knew what was happening. I saw everything.

29 Q. So are you lying or are you telling the truth?

1 A. I am speaking the truth. I'm telling you the truth but you  
2 don't want to take it. You don't want to accept it.

3 Q. Now, whilst you were at Rosos, was Tamba Fasuluku still  
4 looking after the civilians?

5 MR DANIELS: Let me object here.

6 THE WITNESS: When we were at the base --

7 PRESIDING JUDGE: Please wait, Madam Witness, there is an  
8 objection. What is the objection?

9 MR DANIELS: Well, I am looking through our records and I  
10 do not come across the name Tamba Fasuluku. The name I have come  
11 across is Fasuluku. And I am referring in particular to the  
12 testimony of the witness of 12 October 2006, at page 54 on line  
13 6, where the question -- or line 4 to 6 -- the question was "Was  
14 there anyone looking after the soldiers and the children, the  
15 women and the children, I beg your pardon?" And the answer was  
16 "It was Sly and Fasuluku. Fasuluku was taking care of me." I  
17 don't see how the word Tamba ever came.

18 PRESIDING JUDGE: What do you say to that?

19 MR AGHA: I can rephrase it.

20 PRESIDING JUDGE: Yes.

21 JUDGE DOHERTY: I actually have Tamba Fasuluku in my  
22 record.

23 MR DANIELS: With the greatest respect, I did give a  
24 quotation and I don't know, and I am referring to the Court  
25 record?

26 PRESIDING JUDGE: Actually, that name comes up a few times  
27 in the evidence. I've got another reference to him being in  
28 charge of the civilians and the witness gave a description of him  
29 but simply called him Fasuluku.

1 MR DANIELS: That is the point I am making, Your Honour.

2 MR AGHA: I can rephrase.

3 PRESIDING JUDGE: All right. It might be better, yes.

4 MR AGHA:

5 Q. So was Fasuluku still in charge of the civilians at Camp  
6 Rosos?

7 A. Well, as I explained, because I just have to explain, when  
8 we are at the base, everybody would leave by families. For  
9 example I was at the chief's house so I was under the chief's  
10 family. Like when we were jungling, when the armed men would be  
11 in the -- in the front, Fasuluku would be --

12 THE INTERPRETER: Your Honour, the witness is going too  
13 fast for the interpreter's comfort.

14 MR AGHA:

15 Q. Witness, I am asking you about Rosos, forget about the  
16 jungling. When you were at Camp Rosos was Fasuluku still in  
17 charge of civilians; "yes" or "no," or "you don't know"?

18 A. That's what I'm trying to explain to you. That's what I'm  
19 explaining to you. That he would only -- he would only be in  
20 charge of the ones who were jungling, but when we got to Rosos we  
21 were not jungling anymore. We were now at the base. So chief  
22 was taking care of me then.

23 Q. So when you started jungling again from Colonel Eddie Town  
24 to Freetown, Fasuluku was again looking after the women and  
25 civilians; is that right?

26 A. Yes.

27 Q. Now, you say initially civilians from the Camp Rosos area  
28 would come and offer to work with you, don't you?

29 A. Yes.

1 Q. And that some of these civilians were spies for the  
2 Kamajors and ECOMOG, weren't they?

3 A. Yes.

4 Q. And as a result of these spies spying, ECOMOG planes would  
5 drop bombs on Camp Rosos; is that right?

6 A. Yes.

7 Q. You are lying about civilians from Camp Rosos area coming  
8 to work for you, aren't you?

9 A. What? I didn't get that.

10 Q. I say to you you are lying when you say that civilians from  
11 the Camp Rosos area came to work with you?

12 A. I'm not telling lies. I'm speaking the truth. And when  
13 they came, and when they came we didn't know they had come to go,  
14 to just spy at us, to go and explain where we were.

15 Q. Witness, when the troop arrived at Camp Rosos they moved  
16 all civilians out of the area to stop them spying, didn't they?

17 A. What? I didn't get that.

18 Q. When the troop arrived at Camp Rosos they moved all the  
19 civilians out of the area to stop them spying, didn't they?

20 A. When we got to Camp Rosos we never met any civilians there.

21 Q. You then went into the surrounding areas and killed the  
22 civilians and burnt down their houses, didn't you, the troop you  
23 were with?

24 A. We were living in the houses, so how would we have burnt  
25 the houses in which we lived? If -- if we burnt where we lived  
26 the smoke would billow in the sky and the jet would see where we  
27 were and it would bomb. How would we burn where we were living?

28 Q. So you removed the civilians from all these houses and took  
29 them over yourself, didn't you?

1 A. No. As I was explaining, if they had known that we were at  
2 a particular place coming to us then they would run away. If  
3 ECOMOG would be coming to attack us at our location they would  
4 also run away and go. They were afraid of us and we also were  
5 afraid of them.

6 Q. They were afraid of you because you used to go and steal  
7 their food, didn't you?

8 A. Who would go and steal food? I never steal any food.

9 Q. So far as you are aware there was no food-finding missions,  
10 as they are called, whilst you were at Camp Rosos; is that right?

11 A. Yes.

12 Q. Now, how did you survive? How did you eat?

13 A. Yes, I used to eat. Chief would give me, he would send his  
14 boys and they would give me things to cook.

15 Q. So his boys would have gone out and got that food, wouldn't  
16 they?

17 A. Well, I don't know. All I knew was that chief would give  
18 it to use. Send his boys and say go and give to [redacted] and I  
19 will cook, and I will be there, at times they would go for  
20 food-finding.

21 MR DANIELS: The witness has mentioned a name which could  
22 reveal her identity and if it could be redacted from the record?

23 PRESIDING JUDGE: Yes, Mr Kamara [sic]. Witness, remember  
24 that you are a protected witness. You shouldn't give your name  
25 in Court. So that name that the witness has just uttered should  
26 be redacted from the transcript.

27 MR AGHA:

28 Q. I say you are lying and you know full well that  
29 food-finding missions were going on whilst you were at Camp

1 Rosos; what do you have to say?

2 A. Yes, soldiers would go on food finding.

3 Q. Now, you say that ECOMOG bombed you at Rosos; do you  
4 remember that?

5 A. 1,115 bombs. I will never forget that. It is over that,  
6 even, it was those that I counted because we were marking, I was  
7 marking the places. Until the time we left Rosos they were still  
8 bombing.

9 Q. So where were you marking the places?

10 A. When we were at Rosos they -- I would take -- I would take  
11 a coal and I used to mark. Whenever it would -- morning will  
12 come they would -- they would bomb for the rest of the day but  
13 mostly the bombs were overhead.

14 Q. So you were running around --

15 A. So, in fact, we were making it fun. We were counting using  
16 a coal to mark on the ground.

17 Q. If you were bombed so heavily why wasn't Rosos completely  
18 demolished, over 1,115 bombs?

19 A. The bombs were going overhead. They were passing Rosos and  
20 they landed in the bushes. So we just pushed away, a little away  
21 from where the bombs were landing, and went elsewhere. So when  
22 they were launching we were just -- we were counting. So when  
23 they will hit we said when -- whenever there was any, any break  
24 in the bombing we would say, well, they are gone to eat.  
25 Probably they will rest for some 30 minutes. Then we will say  
26 they are gone to eat. Then after that 30 minutes they will start  
27 bombing again. They will bomb for the rest of the day and for  
28 the rest of the night. That was the way I was counting.

29 Q. So most of these bombs were missing you, weren't they?

1 They were missing Camp Rosos then?

2 A. Yes, they were overhead bombs.

3 Q. Now, you described one most gruesome thing and that was a  
4 bomb which hit the man at the communication set; do you remember  
5 that?

6 A. It was the jet.

7 Q. And that bomb that killed the man working the communication  
8 set?

9 A. The bomb buried the man in his grave, yes.

10 Q. And you were cooking nearby at the time; is that right?

11 A. I was cooking nearby the place. In fact, the fragment  
12 entered the pot. I was cooking casava leaf sauce. I will never  
13 forget that.

14 Q. And did you ever hear this man use the radio set?

15 A. I used to go there and, but I didn't know what he was  
16 talking.

17 Q. But he was talking into the set; is that right?

18 A. Yes.

19 Q. And did you hear any of the names he was speaking to, like  
20 Sam Bockarie, Denis Mingo?

21 A. Well, I did not hear. It's like I would -- I would just  
22 pass through. I never had any time to stand there but all I know  
23 is that he was in charge of the communication set.

24 Q. And you said that the bomb that killed him you believe it  
25 followed the solar; is that right?

26 A. It was the solar, yes. The jets, sir, the solar, so it  
27 just went and turned around and it came back, so it bombed where  
28 the solar was and when the bomb landed it buried the boy just in  
29 his grave. They had to dig him up. Even the shirt that he had

1 was red and black. I can still remember.

2 Q. What was this solar? What was it?

3 A. The solar is on which they -- the sun penetrates and it  
4 gives power. It gives current to the communication set.

5 Q. Now, you say that there was no military training at Camp  
6 Rosos, don't you?

7 A. No.

8 Q. There was or there wasn't any training, military training,  
9 at Camp Rosos?

10 A. They never conducted training.

11 Q. I say that you are lying and that civilians were trained to  
12 fight whilst they were at Camp Rosos?

13 A. How could civilians be trained? In fact, you don't know  
14 what I'm saying. In fact, at dawn everybody will go in the bush.  
15 There is one man, he always carry a cane, everybody should move  
16 to the bush, so that when the jet come it will not bomb us, so  
17 early in the morning we will go into the bush.

18 Q. I say that soldiers were training civilians at Camp Rosos,  
19 weren't they?

20 A. No.

21 Q. And soldiers were also training young children to fight at  
22 Camp Rosos, weren't they?

23 A. No.

24 Q. I say that you are lying and that civilians, including  
25 children, were trained by the soldiers to fight at Camp Rosos.  
26 Are you lying or are you telling the truth?

27 A. Where will you train children? So that the jet will come  
28 and bomb you? There was no training. There was no training. In  
29 the morning everybody will go into the bush. I was the only one



1 who will stay in the town. I refuse going to the bush.

2 Q. Okay.

3 A. There was no training going on.

4 Q. Thank you. Now, after Camp Rosos, you went to  
5 Colonel Eddie Town, didn't you? Do you remember that?

6 A. Yes.

7 Q. And you say that you smuggled food to Alex Tamba Brima and  
8 Ibrahim Bazy Kamara, don't you?

9 A. I didn't smuggle until the time when they were brought at  
10 home, when they were with us at home, then when I prepared food I  
11 used to give to them.

12 Q. Why would you do that, if you didn't know them?

13 A. Because I was in empathy with them. They were tied.

14 Q. Now, according to chief, as you call him, he wanted to kill  
15 the prisoners, didn't he?

16 A. Yes.

17 Q. So the chief would have been angry if he had found out you  
18 were giving them food, wouldn't he?

19 A. Well, chief, I was able to prevail on him so I was used to  
20 him. We were together. I was preparing food for them. In fact,  
21 sometimes I used to tell him: Please, don't give them food  
22 today. Then I will say, I will said "I will give them my own  
23 portion of the food." Then he would say nothing.

24 Q. So the chief was happy for you to decide about the feeding  
25 of the accused, Alex Tamba Brima, Ibrahim Bazy Kamara; is that  
26 right?

27 A. That -- that never happened. I was doing this because I  
28 was able to pacify chief so I was preparing his food. So I can  
29 do a lot of things that I feel like doing in his house.

1 Q. Now, at Colonel Eddie Town, was that the first time you had  
2 seen Ibrahim Bazy Kamara in your life?

3 A. Yes.

4 Q. I say that's a lie and that you have been cooking for him  
5 since Masingbi Road?

6 A. No, I'm not telling lies. It was from Colonel Eddie Town.  
7 In fact, I was not preparing food for him. I -- it was only out  
8 of empathy that I give food to him. In fact, I was not preparing  
9 food for him.

10 Q. But you forged a good relationship with Ibrahim Bazy  
11 Kamara when you were giving him this food out of empathy, didn't  
12 you?

13 A. I was just giving food to him because I felt sorry for him  
14 because he was chained. I have sympathy. So when we were in the  
15 jungle, especially when he said his name is [redacted], I took  
16 him to be maybe we have the [redacted] so that was why. That was  
17 why.

18 Q. So you didn't have -- you weren't friendly with him and he  
19 was a friend of yours then, when he was a prisoner at Colonel  
20 Eddie Town?

21 JUDGE DOHERTY: Just pause, Madam Witness. The witness has  
22 revealed her surname and that should be redacted. Madam Witness,  
23 I repeat what has already been said to you. You have to think of  
24 your own safety and avoid mentioning names that identify you.

25 THE WITNESS: Sorry. I'm saying this because I want you to  
26 know that I'm telling the truth. That is why I'm explaining so  
27 that you will know that this is exactly what happened. I don't  
28 mean to say it. I'm just doing this so that you will know that  
29 I'm giving a true story of what happened. That is why.

1 MR AGHA: Okay, okay.

2 Q. So you didn't forge any kind of friendship then with  
3 Ibrahim Bazzy Kamara, whilst you were at Colonel Eddie Town, did  
4 you?

5 A. He was never my friend. I only sympathised with him and  
6 provide food for him. Prisoners of war, we don't have time with  
7 them. I have my friends.

8 Q. Now, from Colonel Eddie Town you set out with SAJ Musa and  
9 the troop to Freetown; do you remember that? Yes?

10 A. Yes.

11 Q. And I say to you that Santigie Kanu, aka Five-Five, was  
12 looking after the women en route from Colonel Eddie Town to  
13 Freetown; what do you have to say?

14 A. What? Did he have the what? He himself was being watched.  
15 He was handcuffed so how could he look after people?

16 Q. Now, you say that FAT took over command of the troops after  
17 SAJ Musa was killed at Benguema, don't you? Do you remember  
18 that?

19 A. Yes.

20 Q. I say to you that you are lying and that Alex Tamba Brima  
21 took over command of the troops after the death of SAJ Musa at  
22 Benguema?

23 A. This time that you are referring to, in fact, they have  
24 escaped. They ran away. They ran away because they had wanted  
25 to kill them. They ran away.

26 Q. I say to you that Ibrahim Bazzy Kamara became Alex Tamba  
27 Brima's second in command after the death of SAJ Musa?

28 A. No, no. It was Colonel FAT. In fact, they ran away. I  
29 saw them once at Benguema. I never saw them again. Even when we

1 entered Freetown I never saw them. Never.

2 Q. Witness, it's sufficient for you to say "yes" or "no" to  
3 the question, or "I don't know." There is really no need to go  
4 into these long explanations and we can move much faster that  
5 way; okay?

6 A. I am explaining because I want you to understand what  
7 exactly happened. I told you that even if I'm woke up from the  
8 sleep I will explain the jungle. I will never forget the history  
9 of the jungle in my lifetime.

10 Q. I say to you that Santigie Kanu, aka Five-Five, became  
11 third in command after SAJ Musa's death; what do you have to say  
12 about that?

13 A. No. In fact, I don't want you to be calling that name.

14 Q. It's a lie that chief or Junior Lion pointed a gun at FAT  
15 and told FAT to lead the troop into Freetown, isn't it?

16 A. I was there. I was there. I was there. I was there.

17 Q. So you are saying it's not a lie?

18 A. No. I was there. I was there. I was present there.

19 Q. It's also a lie that FAT was in command of the troop during  
20 the Freetown invasion, isn't it?

21 A. Colonel FAT was the head. He started it. After the death  
22 of SAJ he took over again.

23 Q. I say to you that it was Alex Tamba Brima who was in  
24 command of the troops who invaded Freetown?

25 A. I told you that those ones, since they wanted to kill them,  
26 at Benguema, because of the SAJ incident, I never set eyes on  
27 them since we entered Freetown until Waterloo, I never set eyes  
28 on them.

29 Q. I say to you that Ibrahim Bazy Kamara was a commander who

1 I led the invasion into Freetown?

2 A. Well, I'm really tired. I don't even -- it's like what I'm  
3 saying is not true, as if I am lying.

4 Q. That's exactly what you are doing, witness, you are lying.  
5 So I say to you that Santigie Kanu, aka Five-Five, was third in  
6 command of the troops that attacked Freetown; what do you have to  
7 say?

8 A. How could I lie when I was in the jungle? I was there. I  
9 saw it all. I know it all. Then now, you say I'm lying?

10 Q. So "yes" or "no"?

11 PRESIDING JUDGE: You haven't answered the question, Madam  
12 Witness. Could you please answer the question you were asked?  
13 Just repeat it, Mr Agha.

14 MR AGHA:

15 Q. Yes. My question --

16 A. These questions that you are asking, you have asked them  
17 several times and you continue to ask me as if what I'm saying is  
18 a lie, and I've told you that among all the civilian women, in  
19 fact, inclusive men, I knew about the jungle more than all of  
20 them, so if I'm giving my testimony and you say I'm lying well, I  
21 will just listen to you.

22 PRESIDING JUDGE: Now look, Madam Witness, you listen to  
23 the question and you answer it. I have to caution you. If you  
24 fail to answer a question you are -- just a minute. Don't  
25 interrupt me. Listen here.

26 THE WITNESS: I am --

27 PRESIDING JUDGE: Madam Witness, if you do not answer a  
28 question you can be fined 2 million leones and put in prison for  
29 six months. Now don't say that you haven't been warned. Now ask

1 the questi on again.

2 MR AGHA:

3 Q. Now, Santigie Kanu, aka Five-Five, was third in command of  
4 the troops which invaded Freetown, wasn't he?

5 A. No, he was never there. He was never there.

6 Q. Now, when you entered Freetown you went to State House,  
7 didn't you?

8 A. Yes.

9 Q. And you were taking food, according to you, to the chief,  
10 weren't you?

11 A. Yes.

12 Q. I say to you that you were taking food to Ibrahim Bazy  
13 Kamara whil st he was in State House, weren't you? Weren't you?

14 PRESIDING JUDGE: What is your answer to that question,  
15 Madam Witness?

16 MR AGHA: Should I repeat the question?

17 PRESIDING JUDGE: Yes, ask again.

18 MR AGHA:

19 Q. Witness, you were taking food to Ibrahim Bazy Kamara in  
20 State House, weren't you?

21 A. Presently, I can't say anything. I'm unable to say  
22 anything now.

23 Q. Well, you either were or you were not taking food to  
24 Ibrahim Bazy Kamara at State House? Which was it, you were or  
25 you were not?

26 MR DANIELS: If I could try to assist the Court now.

27 THE WITNESS: Right now my heart is bitter.

28 MR DANIELS: Madam Witness, I think what the Court are  
29 trying to tell you is that you have the option to answer "yes,"

1 "no," or "I don't know." You don't have to go into detail to  
2 explain. This is what the Court are trying to tell you so if you  
3 answer the questions shortly we shall leave here shortly. The  
4 lawyer on the other side is only doing his job. He has to take  
5 you through these questions time and time again until he goes  
6 through all the crime bases until he finishes. So you have to  
7 understand that. He is only doing his job. He has nothing  
8 personal against you. Do you understand? Madam Witness?

9 THE WITNESS: Yes, I am tired. I am unhappy.

10 JUDGE SEBUTINDE: Madam Witness, would you feel better if  
11 we took a five minute break?

12 THE WITNESS: That's right.

13 PRESIDING JUDGE: Well, I think we will take ten minutes.  
14 We will come back at 12.30. We will adjourn for now. Madam  
15 Witness, you are not permitted to talk to anybody about the case  
16 in the interim period.

17 [Break taken at 12.20 p.m.]

18 [Upon resuming at 12.35 p.m.]

19 PRESIDING JUDGE: Yes, Mr Daniels.

20 MR DANIELS: Respectfully, Your Honour, over the short  
21 break, we gathered from WVS interacting with the witness that  
22 indeed she thought that the Court had passed sentence on her, you  
23 know, in asking her to pay a fine of 6 -- pay a fine of 2 million  
24 and she probably stood a chance of going to jail for two years  
25 so, you know, I think that if the Court would just reassure her  
26 that it was more a caution than anything else and I think we  
27 shall make progress.

28 PRESIDING JUDGE: Well, thank you, Mr Daniels. And thank  
29 you for your assistance as well. Now, Madam Witness, if you

1 hadn't have been so intent on interrupting me when I was trying  
2 to give you some advice, you would have understood what I was  
3 saying, and that is always a salutary lesson on never  
4 interrupting a Judge when he is trying to tell you something.  
5 What I was trying to tell you is this: That if you refuse to  
6 answer a question you leave yourself liable to a fine of 2  
7 million Leone and also imprisonment for up to six months. That  
8 is the penalty for refusing to answer a question in Court. Now,  
9 I didn't sentence you to prison for six months, I'm just  
10 cautioning you. I am giving you a warning that if you choose  
11 deliberately to not answer a question you could very well find  
12 yourself in big trouble to the tune of 2 million Leone fine or up  
13 to six months in prison. Now, I hope I've made myself clear.  
14 Did you understand what I said?

15 THE WITNESS: Yes.

16 PRESIDING JUDGE: When the Prosecutor is asking you  
17 questions, you don't have to give detailed answers. If the  
18 answer calls for a "yes" or a "no" or "I don't know," that is all  
19 you are required to say.

20 Yes, go ahead, Mr Agha.

21 MR AGHA:

22 Q. So, witness, just before we left off, I said to you that  
23 you were going -- are you okay, witness?

24 A. Yes.

25 Q. Now, just before we broke off, I said to you that you were  
26 going to State House to provide food for Ibrahim Bazzy Kamara,  
27 weren't you?

28 A. Yes.

29 Q. And you saw Alex Tamba Brima in State House, didn't you,



1 when you were taking that food?

2 A. What? I did not get you clearly.

3 Q. When you took the food to State House, you saw Alex Tamba  
4 Brima, didn't you?

5 A. No.

6 Q. You saw Ibrahim Bazy Kamara in State House, aka Five-Five,  
7 didn't you?

8 A. I don't think so.

9 MR GRAHAM: Sorry, Your Honours, there seems to be  
10 confusion in the witness.

11 JUDGE DOHERTY: That's not the --

12 MR AGHA: Sorry, what I meant to say is:

13 Q. You saw Santi gie Kanu, aka Five-Five, in State House,  
14 didn't you?

15 A. No.

16 Q. Now, you say that you were one of the last batch which  
17 retreated from Freetown; is that right?

18 A. Yes.

19 Q. And as you were retreating from Freetown, did you see or  
20 hear that the SLAs were killing innocent civilians?

21 A. No.

22 Q. And as you were retreating at the rear from Freetown did  
23 you see or hear that the SLAs were amputating the arms of  
24 civilians?

25 A. No.

26 Q. And as you were leaving Freetown from the rear, did you see  
27 or hear that the SLAs were setting buildings on fire?

28 A. No.

29 Q. Did you see any buildings on fire as you retreated from

1 Freetown, at all?

2 A. No.

3 Q. As you were retreating from Freetown, did you see or hear  
4 that the SLAs were abducting civilians?

5 A. No.

6 Q. I say to you that you are lying and that you know full well  
7 that the SLAs were killing civilians, amputating arms, abducting  
8 civilians and setting fire to houses as they retreated from  
9 Freetown?

10 A. No, it did not happen that way.

11 Q. Now you are a very close friend of Ibrahim Bazy Kamara,  
12 aren't you?

13 A. No, he's not my best friend.

14 Q. But you are a friend of his, aren't you?

15 A. He is not my friend.

16 Q. You are a friend of Ibrahim Bazy Kamara's family, aren't  
17 you?

18 A. No.

19 Q. You've come to this Court to lie on behalf of Ibrahim Bazy  
20 Kamara, haven't you?

21 A. No.

22 Q. Do you respect this Court?

23 A. Yes.

24 Q. And you say you've come here to tell the truth, don't you?

25 A. Yes.

26 Q. So can you explain to me why you were charged for contempt  
27 of this very Court as contained in order in lieu of indictment?

28 A. It was a contempt of Court. They said we abused a witness  
29 and we shouted at the witness.

1 MR AGHA: With the permission of the Court, I would like to  
2 present a document to the Court for its information, and also to  
3 my learned friends on the other side.

4 PRESIDING JUDGE: Well, what document is that?

5 MR AGHA: It is the decision on the report of the  
6 independent counsel pursuant to Rule 77(C)(iii) and 77(D).

7 PRESIDING JUDGE: Well, what's the purpose of that? Can't  
8 you put questions to the accused based on the information you  
9 have?

10 MR AGHA: I can, based in the document.

11 PRESIDING JUDGE: Why do you want to give it to the Defence  
12 and the Court?

13 MR AGHA: The Court may want to follow along as I read it  
14 and then I would like to tender it as an exhibit.

15 PRESIDING JUDGE: You are going to -- well, there may be  
16 some problems there, Mr Agha. But I'm not sure what way you want  
17 to proceed.

18 JUDGE SEBUTINDE: Also, Mr Agha, wasn't this, this document  
19 you are speaking of, wasn't it superseded by other Court  
20 decisions?

21 MR AGHA: Indeed it was, and I was going to come to those  
22 later.

23 JUDGE SEBUTINDE: And therefore is it of much relevance as  
24 opposed to those other documents?

25 MR AGHA: I have one other document which I can refer to  
26 which would probably be more --

27 PRESIDING JUDGE: It's more or less -- the document you are  
28 talking about, isn't that just the opinion of another counsel  
29 involved in a contempt proceedings?

1 MR AGHA: Well, it also sets out certain issues which are  
2 quite important. I can ask the witness, if you like.

3 PRESIDING JUDGE: I think it's better to put the matter.  
4 Now, Mr Knoops, there hasn't been any question for you to object  
5 to yet.

6 MR KNOOPS: It is tempting, Your Honour. I just want to  
7 make a remark for the Court record that the report of the  
8 independent counsel was never revealed to the Defence and despite  
9 requests. It's quite relevant I think to know for the Court.

10 MR AGHA: It's actually a decision and I think it's  
11 available on the --

12 MR KNOOPS: I am referring to the underlying report of  
13 independent counsel. It was never revealed to the Defence,  
14 despite --

15 PRESIDING JUDGE: No, no. That is my recollection as well.  
16 In any event, Mr Agha, this is cross-examination. Why not just  
17 question the witness?

18 MR AGHA: Yes, I shall do that. Okay.

19 Q. Now, you were watching this trial in the public gallery  
20 while some of the Prosecution witnesses gave evidence, weren't  
21 you?

22 A. Yes.

23 Q. And you are now a witness in this case, aren't you?

24 A. Yes.

25 Q. And you, along with four others, were charged with contempt  
26 of this Court, weren't you?

27 A. Yes.

28 Q. And the reason why you were charged is because you were  
29 accused of interfering with a protected witness and threatening

1 and intimidating that witness, wasn't it?

2 A. Yes.

3 Q. And in fact, to those charges you pleaded guilty, didn't  
4 you?

5 A. Yes.

6 Q. And as part of the sentencing judgement in the contempt  
7 proceedings, which is the document I'd refer to, of 21 September  
8 2005, at paragraph 5, I will read you a part of it. It says:  
9 "Counsel explained that [redacted]," that's you, "has provided  
10 close support to the accused, Bazzy" --

11 JUDGE DOHERTY: Mr Agha, we have already been through this  
12 twice.

13 MR AGHA: Oh, I beg your pardon.

14 JUDGE DOHERTY: That will have to be redacted.

15 MR AGHA: I am sorry.

16 PRESIDING JUDGE: Just say "yourself".

17 MR AGHA: Okay.

18 Q. "Counsel explained that you have provided close support to  
19 the accused, Bazzy Kamara's family and that emotions were highly  
20 charged at the start of the AFRC trial." Now, have you or have  
21 you not been providing support to Ibrahim Bazzy Kamara's family?

22 A. No.

23 Q. So why were you following a protected witness outside who  
24 had given evidence against the accused and intimidating them? I  
25 mean, it says you were providing close support and now you say  
26 you were not, so why did you act how you did?

27 A. I don't get you clearly.

28 Q. I will try and be clearer, if I may.

29 MR DANIELS: Your Honours, I don't know whether some of

1 these matters are legal matters, and I don't think the witness is  
2 in a position to adequately comment and maybe these could be left  
3 for the closing address. You know, this is my observation, my  
4 objection.

5 PRESIDING JUDGE: Well, I think it's a proper matter for  
6 cross-examination but I just think that perhaps you could put the  
7 question in a more understandable form, Mr Agha.

8 MR AGHA: Okay.

9 Q. Your counsel, during the contempt proceedings, said that  
10 you had provided close support to the accused Bazy Kamara's  
11 family. Now, is that a correct statement?

12 A. No.

13 Q. So you never told your counsel, during these contempt  
14 proceedings, that you had provided close support to Ibrahim Bazy  
15 Kamara's family?

16 A. No, I never told him that.

17 Q. I say to you that you are lying and you did tell your  
18 counsel that?

19 PRESIDING JUDGE: That question requires an answer,  
20 witness. You can say "yes," "no," or "I don't remember."

21 THE WITNESS: I don't know.

22 MR AGHA: Thank you.

23 Q. Now, there were four other ladies, if I'm correct, who were  
24 also charged with contempt along with you?

25 JUDGE DOHERTY: Mr Agha, it was three other ladies and a  
26 gentleman.

27 MR AGHA: Excuse me.

28 Q. There were three other ladies who were also charged for  
29 contempt along with you, wasn't there?

1 A. Yes.

2 Q. And all these three other ladies were the wives of the  
3 three accused, weren't they?

4 A. Yes.

5 Q. So you have been meeting with the wives of the accused and  
6 been making up the evidence which you are going to give before  
7 this Court, haven't you?

8 A. No.

9 Q. I say to you that you are lying?

10 A. No, I'm not telling lies.

11 Q. So what were you doing sitting in the public gallery with  
12 the wives of the three accused?

13 A. I was just a Court visitor.

14 Q. So why did you go outside with them and threaten and  
15 intimidate the witness in a vehicle if you were just a Court  
16 visitor?

17 A. This matter has been judged and it was -- we have been  
18 freed and they said we are free to come to this Court whenever we  
19 want to come here as long as you don't put up any confusion  
20 attitude, you are free to come. I am surprised to hear this talk  
21 again from this Court.

22 PRESIDING JUDGE: All right. That's not the question you  
23 were asked. Now, listen carefully, Madam Witness, to this  
24 question and answer it: You were not asked what you just  
25 answered. The question will be repeated to you again.

26 MR AGHA:

27 Q. Now, you say you were just a visitor in the public gallery,  
28 so why did you, as a visitor, go outside with the wives of the  
29 three accused and threaten and intimidate a Prosecution witness

1 who was in a vehicle?

2 A. I have no idea about that.

3 Q. You weren't just an ordinary visitor in the gallery, were  
4 you?

5 A. Yes.

6 Q. You had come along with the wives of the three other  
7 accused, hadn't you?

8 A. I did not come together with them on that day. I came  
9 alone.

10 Q. And when you heard, from the Prosecution witness, things  
11 you didn't like, you and the other wives went outside to  
12 intimidate that witness, didn't you?

13 A. No. It did not happen that way. I did not see anybody. I  
14 did not see any witness. I didn't know any witness. All I know  
15 is my colleagues were in front of me and I was at the back and we  
16 were all going out together.

17 Q. So if it didn't happen in that way why did you plead guilty  
18 for that contempt which you were charged with?

19 A. Because I didn't want problems.

20 Q. You had a lawyer advising you during that contempt  
21 proceedings, didn't you?

22 A. Yes.

23 Q. And, in fact, he's one of the lawyers for the first  
24 accused, isn't it?

25 A. Yes.

26 Q. So it's a lie you didn't want to cause trouble and that is  
27 why you pleaded guilty, isn't it?

28 A. I don't understand.

29 Q. I say to you that you pleaded guilty because you knew full



1 well that you were guilty of what you had been accused of; that's  
2 right, isn't it?

3 A. It is so.

4 MR AGHA: Your Honour, at this stage I would request that  
5 the sentencing judgement be exhibited before this Court. I have  
6 copies of it if that's of assistance.

7 PRESIDING JUDGE: Is that really necessary, Mr Agha? It's  
8 a matter that is on Court record in any event, isn't it?

9 MR AGHA: It is, Your Honour. I won't press the  
10 application. That completes my cross-examination at least.

11 PRESIDING JUDGE: Thank you, Mr Agha. Do you have any  
12 re-examination, Mr Daniels?

13 MR DANIELS: A couple of questions.

14 RE-EXAMINED BY MR DANIELS:

15 Q. Madam Witness, good afternoon.

16 A. Yes, good afternoon.

17 Q. My learned friend was referring you to a contempt matter in  
18 this Court. Did you threaten any witness in this Court, in  
19 respect of that matter?

20 A. I know -- I don't remember threatening any witness. I  
21 don't know any witness and I didn't threaten any witness.

22 JUDGE SEBUTINDE: Mr Daniels, are you saying threatening  
23 another witness in respect of the contempt proceedings; was that  
24 the question?

25 MR DANIELS: That is so.

26 JUDGE SEBUTINDE: Did that arise out of cross-examination?

27 MR DANIELS: Well, the question asked by my learned friend  
28 was whether or not you threatened a witness in the vehicle.

29 JUDGE SEBUTINDE: But that's not what you asked. You asked

1 whether this witness threatened a witness regarding the matter of  
2 contempt. Not regarding this case. You see the difference?

3 MR DANIELS: Regarding the matter of contempt because  
4 that -- the issue arose out of that particular witness. But I  
5 will carry on.

6 Q. Madam Witness --

7 JUDGE DOHERTY: Just a minute, Mr Daniels, I am now seeking  
8 clarification arising from my learned colleague's question. Are  
9 you putting to the witness that despite a finding of the Court  
10 that it was never appealed, she didn't actually do what she  
11 pleaded guilty of?

12 MR DANIELS: Well, I was just going on to the issue for her  
13 to explain, if she can, why she pleaded guilty because I think it  
14 is more than a guilty plea.

15 JUDGE SEBUTINDE: If, indeed, that is what you've set out  
16 to do, you haven't done that at all in my opinion. You are  
17 simply asking her to contradict the conviction, as it were.

18 MR DANIELS: Yes, I was going to do that, Your Honour.

19 MR AGHA: Your Honour, at this stage I would object because  
20 the appropriate time to contradict the decision, well, it was a  
21 guilty plea, would have been to have appealed presumably, and the  
22 witness had every opportunity to do that at that stage. I'm not  
23 quite sure what the --

24 MR DANIELS: Your Honours, I am not questioning the  
25 conviction. I'm just asking how the conviction came about and it  
26 is the Prosecution who raised this matter and so therefore we  
27 have a right to re-examine.

28 PRESIDING JUDGE: Yes, but I hope you are not thinking of  
29 putting to the Court that this witness now is going to allege

1 that she did not do that which she pleaded guilty to, which was  
2 not appealed, and which, in respect of which she was convicted.

3 MR DANIELS: I would like to know the reasons why she  
4 entered into a guilty plea.

5 JUDGE SEBUTINDE: And already in that regard there are  
6 several answers on the record. The very last one being relevant.  
7 Remember when Mr Agha asked her why she pleaded guilty and she  
8 said it was so, because she was. That is the answer on the  
9 record. She pleaded guilty because she was.

10 PRESIDING JUDGE: And another answer was "I didn't want  
11 problems."

12 MR DANIELS: Maybe she could explain what she meant by she  
13 didn't want problems.

14 MR AGHA: It's most unfair, Your Honour. She had a lawyer  
15 at the time advising her on what the things were to do. I mean.

16 PRESIDING JUDGE: I am not quite sure what you are asking.  
17 If you are trying to go behind the conviction we won't allow the  
18 question; but is that what you are asking or not?

19 MR DANIELS: I am arriving at the circumstances that gave  
20 rise to her pleading guilty.

21 PRESIDING JUDGE: Well, she was advised to do so by her  
22 lawyer, wasn't she?

23 MR DANIELS: Well, I indeed wasn't counsel then. I would  
24 like to hear from her. I believe I won't push the point. Very  
25 well. Maybe I can leave it.

26 JUDGE DOHERTY: And another aspect, Mr Daniels, you appear  
27 to be wandering into the field of privilege.

28 MR DANIELS: I will leave it at this. Maybe we can address  
29 the legal matters in our closing brief.

1 PRESIDING JUDGE: All right. Thank you, Mr Daniels.

2 MR KNOOPS: Your Honour, may I just make an observation  
3 with respect to your remarks, the Honourable Justice Doherty.  
4 It's my feeling because also the name of the wife of the third  
5 accused was mentioned, that it's my feeling that it's not quite  
6 appropriate to go into the lawyer's client privilege. It is my  
7 observation for the record that cross-examining a witness and  
8 asking her about her direct contacts with a lawyer and his advice  
9 is not appropriate for the current proceedings. It's my  
10 understanding that there was a plea agreement. I was not counsel  
11 either there of one of the wives. There was a plea agreement.  
12 The documents were never disclosed to the Court or the Defence.  
13 The report of the independent counsel was never disclosed to the  
14 Court or perhaps the Court not to the Defence and it's my  
15 understanding that there was a plea bargaining from both sides.  
16 I am fully aware and I totally agree that it's not a proper way  
17 to go into the matter further or to deduce any inferences from  
18 the advice she got from counsel or vice versa. I hope that I am  
19 not intruding the Court because it's not my turn to make remarks  
20 because --

21 PRESIDING JUDGE: No, it's not your witness either.

22 MR KNOOPS: That's correct.

23 PRESIDING JUDGE: You didn't call this witness.

24 MR KNOOPS: But now that the name of the wife, or the  
25 former wife of the first accused was mentioned, I thought it  
26 would be wise to raise that point and to clarify I think also the  
27 position of Mr Daniels.

28 PRESIDING JUDGE: All right. Thank you, Mr Knoops. In any  
29 event, as Mr Daniels pointed out, it is a matter that can be

1 addressed in final submissions. You didn't have any further  
2 questions, Mr Daniels, in re-examination?

3 MR DANIELS: No, Your Honour.

4 JUDGE DOHERTY: Madam Witness, I want to ask the following  
5 questions.

6 QUESTIONED BY THE COURT:

7 Q. In your evidence you have told us that you were captured.  
8 Were any other people captured during the time you were with the  
9 SLA?

10 A. I have no idea.

11 Q. You also mentioned, Madam Witness, that you saw some people  
12 at task force in a box. Please describe the box.

13 A. It's like a big box, as long as that table. It has a  
14 cover. It is where those provision people store their rice when  
15 it is harvested.

16 JUDGE DOHERTY: Thank you, those were my questions.

17 PRESIDING JUDGE: Mr Daniels, anything arising from the  
18 questions from the Bench?

19 MR DANIELS: No, Your Honour.

20 PRESIDING JUDGE: All right. Thank you, Madam Witness.  
21 That completes your testimony. Just before we adjourn the Court,  
22 we will be expecting witness DBK-131 tomorrow morning,  
23 Mr Daniels?

24 MR DANIELS: That is so, Your Honour. And should there be  
25 any developments we shall be in close contact with the Trial  
26 Chamber but we don't anticipate any problems.

27 PRESIDING JUDGE: All right. Thank you, Mr Daniels. Yes,  
28 we will adjourn until 9.15 tomorrow morning.

29 [The witness withdrew]

1 [Whereupon the hearing adjourned at 1.05 p.m.,  
2 to be reconvened on Thursday, the 26th day of  
3 October 2006, at 9.15 a.m.]  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

EXHIBITS:

Exhibit No. D38 23

WITNESSES FOR THE DEFENCE:

WITNESS: DORTE THORSEN 2

CROSS-EXAMINED BY MR HARDAWAY 2

RE-EXAMINED BY MR KNOOPS 12

RE-EXAMINED BY MR DANIELS 15

RE-EXAMINED BY MR GRAHAM 18

EXAMINED BY THE COURT 18

WITNESS: DBK-126 28

CROSS-EXAMINED BY MR AGHA 28

RE-EXAMINED BY MR DANIELS 65

QUESTIONED BY THE COURT 69