

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 1 FEBRUARY 2005
9.45 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa
Ms Peace Mallen

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Ms Boi-Tia Stevens
Ms Melissa Pack
Ms Sharan Parmar
Ms Jennifer Beckley
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow
Mr Abdul Rahman Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Chloe Smythe

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh
Mr Ben Holden

1 [HS0102051 - SGH]

2 [Tuesday, 1st February 2005]

3 [Open session]

4 [The accused Sesay and Kallon present]

5 [Upon commencing at 9.45 a.m.]

6 PRESIDING JUDGE: Good morning learned counsel. We are
7 resuming the session. As agreed yesterday we will be
8 calling on the Prosecution to present its next witness.
9 Yes, you may proceed.

10 MS STEVENS: Good morning Your Honours. Good morning members
11 of the Defence team. Good morning Madam Witness. Your
12 Honours, this Prosecution witness TF1-195 and this is the
13 22nd Prosecution witness. This witness will be
14 testifying in Kono and she will be testifying with the
15 voice distortion mechanism.

16 JUDGE THOMPSON: Will the technicians advise us whether we
17 have the voice mechanism in place?

18 MR WALKER: I can confirm that everything is in place, Your
19 Honour.

20 JUDGE THOMPSON: Yes, right. Well then we will proceed,
21 learned counsel for the Prosecution.

22 MS STEVENS:

23 Q. Madam Witness, you were born in xxxx, were you not?

24 A. Yes.

25 MS STEVENS: The witness apparently has not been sworn in yet,
26 Your Honour.

27 WITNESS: TF1-195 [Sworn]

28 [The witness answered through interpretation]

29 EXAMINED BY MS STEVENS:

- 1 Q. Madam Witness, you were born in xxxx, were you not?
- 2 A. Yes, I was born there.
- 3 Q. And you grew up in xxxx, did you not?
- 4 A. I grew up there.
- 5 Q. And you belong to the xxxx ethnic group, do you not?
- 6 A. I'm a xxxx.
- 7 Q. You speak xxxx very well, don't you?
- 8 A. Very well.
- 9 Q. You speak some Krio?
- 10 A. I do hear a few.
- 11 PRESIDING JUDGE: I didn't get that. You speak some Krio?
- 12 What did she say?
- 13 THE WITNESS: Yes, I do speak Krio.
- 14 MS STEVENS:
- 15 Q. But you cannot read or write, is that true?
- 16 A. I cannot even put black to white.
- 17 Q. You didn't receive any formal education; correct?
- 18 A. No.
- 19 Q. Now before the war started in Sierra Leone you worked as
- 20 a petty trader, did you not?
- 21 A. Yes.
- 22 Q. And before and during the war you were married; is that
- 23 not so?
- 24 A. Yes.
- 25 Q. You currently have four children?
- 26 A. Yes.
- 27 Q. And you had these children with you during the war;
- 28 correct?
- 29 A. Yes.

- 1 Q. During the war, at the of time of the war when the war
2 started you were in xxxxx?
- 3 A. Yes, there I was with my husband.
- 4 JUDGE BOUTET: What's the place? xxxx?
- 5 MS STEVENS: xxxxx. I will spell that. That is x-x-x-x.
- 6 Q. Madam Witness, can you tell us where xxxxx is?
- 7 A. It is within the xxxxx line.
- 8 PRESIDING JUDGE: Is it xxxxxx line or [inaudible]. xxxxx
9 line, or what did I hear?
- 10 MS STEVENS:
- 11 Q. Madam Witness?
- 12 A. xxxxx line. xxxxxx settlement.
- 13 Q. And, besides your husband, who were you living with in
14 xxxxx?
- 15 A. I was there with the relatives of my husband and my
16 children.
- 17 Q. Did you stay in xxxxx until the war ended?
- 18 A. I was not there. I was not there to the end of the war.
19 Kamajors entered there.
- 20 Q. Now, when you left xxxx where did you head for?
- 21 A. When I left xxxx I went as far as xxxxx, then
22 xxxxxx, then I came back to xxxx.
- 23 PRESIDING JUDGE: As far as? When I left xxxxI went as far
24 as?
- 25 THE WITNESS: We stopped at xxxxx [phoen].
- 26 MS STEVENS: The witness said they stopped at xxxxxx.
- 27 PRESIDING JUDGE: Yes, and they continued.
- 28 MS STEVENS: She just said they stopped at xxxxx. That's
29 all she has said so far.

- 1 JUDGE BOUTET: No, she said she went to another place and then
2 back to xxxxx.
- 3 MS STEVENS: That's what she had said before and then after
4 that she said --
- 5 PRESIDING JUDGE: Yes, that's why I am asking.
- 6 MS STEVENS: If you seek some clarification I can repeat the
7 question to the witness.
- 8 Q. Madam Witness, let's take the question again. When you
9 left xxxxx where you were your headed for?
- 10 A. We left xxxx, went to xxxxxx, to xxxxxx, to
11 xxxxxx, to xxxxxx. There we stopped.
- 12 PRESIDING JUDGE: xxxxx --
- 13 MS STEVENS: xxxxxxx, xxxxxx, xxxxxxxx x-x-x-x-x-x.
- 14 PRESIDING JUDGE: And then?
- 15 MS STEVENS: And then xxxxxx.
- 16 Q. Now, Madam Witness, do you remember what season this was
17 when you left xxxxx and arrived in xxxxxx?
- 18 A. In the dry season.
- 19 Q. And do you know which chiefdom xxxxxx is located in?
- 20 A. It is in xxxx.
- 21 Q. Now, when you left xxxxx did you leave with anyone?
- 22 A. Yes. When we came we lodged at a certain man, me and my
23 husband. I decided that we should settle there for two
24 days. There we were and when we heard that the Kamajors
25 have entered Koidu, so we didn't go further. Then people
26 hid themselves and they said they were going to the bush.
- 27 Q. Madam Witness, just a second.
- 28 PRESIDING JUDGE: [Inaudible] So when they left xxxx did you
29 [overlapping speakers] --

- 1 MS STEVENS:
- 2 Q. When you left xxxx, Madam Witness, were you with anyone?
- 3 A. When we left xxxx?
- 4 Q. Yes, when you left xxxxx who were you with?
- 5 A. My husband and his younger brother.
- 6 Q. Thank you. And when you arrived in xxxxxx were you
7 still with your husband and his younger brother?
- 8 A. Yes.
- 9 Q. Where were your children at this time?
- 10 A. My children, I sent them to xxxxx. It was in two days
11 when we were routed.
- 12 Q. And how long did you spend in xxxx?
- 13 A. Just for two days.
- 14 Q. After that where did you go?
- 15 A. Except when we went into the bush.
- 16 Q. Why did you go into the bush, Madam Witness?
- 17 A. We saw civilians coming with bundles on their head, they
18 said Kamajors have entered Koidu. So we didn't go
19 further, we also joined them into the bush.
- 20 Q. Do you, Madam Witness, to the best of your knowledge,
21 know whether or not Kamajors had indeed entered Koidu?
- 22 A. I didn't know. We are heading for xxxxx.
- 23 Q. And apart from that time when you heard that Kamajors had
24 entered Koidu, did you ever hear anything more about any
25 intruders in Koidu?
- 26 A. People came with bundles on their head. They told us
27 that Kamajors have now transformed into soldiers, they
28 have got uniforms on them.
- 29 Q. Did you come to gain any understanding of what that

1 meant, that Kamajors had now turned into soldiers?

2 A. They told us that they've transformed themselves now into
3 rebels, they've started burning houses.

4 Q. As a result of hearing this news, what did you do?

5 A. We ran into the bush. We didn't take any other road. We
6 went into the bush.

7 Q. Madam Witness, who did you go into the bush with?

8 A. So many people, but the person we lodged to was one of
9 them we went with.

10 Q. When you went into the bush did your husband stay behind?

11 A. No, he was with me in the bush.

12 Q. Madam Witness, are you able to give this Court a rough
13 estimate of the number of people who fled into the bush
14 upon receiving news that soldiers were in Koidu and
15 burning houses?

16 MR NICOL-WILSON: Objection, Your Honour. That is not the
17 evidence.

18 JUDGE THOMPSON: [Inaudible]

19 PRESIDING JUDGE: Sustained.

20 JUDGE THOMPSON: It's not on the evidence at all.

21 PRESIDING JUDGE: Kamajors transformed, turned into soldiers.

22 MS STEVENS: And she did clarify what her understanding of
23 that statement was, Your Honours.

24 PRESIDING JUDGE: No. To the best of my recollection, no.

25 JUDGE THOMPSON: Same here. I thought the evidence seemed to
26 be, so far, Kamajors.

27 PRESIDING JUDGE: You were going to clarify it but you skipped
28 that question before you maybe obtained a reply.

29 MS STEVENS: Actually in my notes I do have that I asked her a

1 question did she understand what that meant and she said
2 that soldiers had entered Koidu and were burning houses.

3 PRESIDING JUDGE: That was not it. Anyway --

4 MS STEVENS: Okay. I will move on. I will move on.

5 Q. Madam Witness, can you give this Court a rough estimate
6 of the number of you that fled into the bush?

7 PRESIDING JUDGE: I thought you were clarifying the issue of
8 soldiers and Kamajors, you know, in soldiers uniforms;
9 who had turned soldiers and were wearing uniforms.

10 MS STEVENS: If Your Honour would like me to do that I will go
11 back to that.

12 PRESIDING JUDGE: Yes, we want a clarification because that is
13 where we were [overlapping speakers] where the objection
14 came from.

15 JUDGE THOMPSON: [Overlapping speakers] the evidence seemed to
16 be talking about Kamajors.

17 MS STEVENS:

18 Q. Madam Witness, let me take you back a little bit. When
19 you were in xxxxx you received news that the Kamajors
20 had turned into soldiers. Now, my question to you is
21 this: Did you come to understand what this meant?

22 A. Kamajors and soldiers, we ran away -- we ran away from
23 Kamajors, that was the reason we didn't go further. But
24 later on we were told that it was now rebels and not
25 Kamajors again.

26 Q. Madam Witness, can you give this Court a rough estimate
27 of the number of you that fled into the bush when you
28 received news that rebels were burning houses in Koidu?

29 A. Well, all those who came from Koidu Town including

1 ourselves. We are so many, I cannot -- I didn't count
2 them.

3 Q. Madam Witness, can you assist us a little bit. Can you
4 tell us whether it was more than five, more than ten,
5 more than 50, just give a rough estimate.

6 A. If I am to estimate then I will be lying because the
7 places were crowded all over, the people were so many, up
8 the hills, everywhere in the bush people were there. So
9 I didn't count anybody.

10 PRESIDING JUDGE: You can proceed please.

11 MS STEVENS:

12 Q. Madam Witness, this bush that you went into, could you
13 tell us the closest major town which is within the
14 distance of the bush?

15 A. There were towns around. xxxxxx towards xxxxxx
16 [phoen] , xxxxxx was the other side, but we are in the
17 hills.

18 Q. Do you know roughly how many miles you were away from
19 xxxxxx?

20 A. Where we were in the hills it was about two and a half
21 miles.

22 Q. What about from xxxxx, how far away were you from
23 xxxxxx?

24 A. From where?

25 Q. From xxxxxx. How far was the bush from xxxxxx?

26 A. It is also a distance. It can be one and a half miles.

27 Q. Were you still then within the xxxx area?

28 A. Yes, it was within xxxx. It's xxxx.

29 Q. Now, Madam Witness, whilst you were in the bush did you

- 1 see anything unusual?
- 2 A. Yes.
- 3 Q. Please tell this Court what you saw?
- 4 A. One afternoon we were saw vehicles passing, but we were
5 in the hills. Then we heard that they were passing with
6 Johnny Paul towards Guinea end.
- 7 Q. Do you remember the number of vehicles you saw that day?
- 8 A. Whilst what I last saw was about seven, because many past
9 first before they could tell that there are vehicles
10 passing.
- 11 Q. About how long had you been in the bush before you saw
12 the vehicles passing and heard that it was Johnny Paul
13 Koroma who was being taken away?
- 14 A. We took nearly three weeks in that bush.
- 15 Q. And, after this day, did you ever see any vehicles again
16 whilst you were in the bush?
- 17 A. After one week we again saw the same vehicles returning,
18 coming towards ~~xxxxx~~ end.
- 19 Q. Now Madam Witness, whilst you were hiding in the bush did
20 anything in particular happen to you?
- 21 A. Yes.
- 22 Q. Please tell this Court what happened to you whilst you
23 were in the bush?
- 24 A. While we were in the bush, one day my husband told me
25 that he was going to find food, that we will not die with
26 hunger. He said I should hide myself. So I went and hid
27 myself under a rock. While under the rock --
- 28 PRESIDING JUDGE: Just a moment please [inaudible].
- 29 MS STEVENS: Slow down.

- 1 PRESIDING JUDGE: My husband told me he was going to the bush
2 to find food and that they were not going to die of
3 hunger.
- 4 THE WITNESS: Yes.
- 5 MS STEVENS:
- 6 Q. Madam Witness, whilst you were hiding under the rock did
7 you see anyone at all?
- 8 A. There I was when I saw one rebel who came -- when one
9 rebel.
- 10 Q. Madam Witness, slow down please?
- 11 A. There I was, then I saw one rebel appear before me with
12 guns -- gun in his hand and pointed at me and he said,
13 "You, come out here." I was there now trembling with
14 fear.
- 15 Q. When this rebel approached you with the gun and told you
16 to come out, what did you do?
- 17 A. I came out.
- 18 Q. This rebel, was he by himself?
- 19 A. He was not by himself. They were two.
- 20 Q. And the other rebel, was he armed?
- 21 A. No, he had a stick.
- 22 Q. How were these rebels dressed? Let's start with the
23 first one who had a gun, how was he dressed?
- 24 A. He had a soldier uniform on him.
- 25 Q. And the second one, the one with the stick, how was he
26 dressed?
- 27 A. He had civilian clothes on him with combat khaki
28 trousers.
- 29 Q. And what about you, Madam Witness, were you armed?

- 1 A. I had not even a knife on me, I can't say a gun.
- 2 Q. And this gun that the man dressed in combat was carrying,
3 what was the size of the gun?
- 4 A. It was long.
- 5 Q. And the stick that the other was carrying, how big was
6 it?
- 7 A. It was like a baton with pieces tied to the end.
- 8 Q. Now, after you had been ordered to come out from your
9 hiding place --
- 10 PRESIDING JUDGE: [Inaudible] pieces tied to the end, is it
11 pieces of cloth pieces of cloth? Is that what you mean?
12 Pieces of cloth. Do we take it to be that?
- 13 MS STEVENS: I could ask the witness.
- 14 THE WITNESS: It was the red pieces.
- 15 MS STEVENS:
- 16 Q. Madam Witness, when you say red pieces, are you referring
17 to cloth, material, fabric?
- 18 A. Like a red taffeta. That was what was tied on the baton.
- 19 MS STEVENS: Do Your Honours require further clarification?
- 20 PRESIDING JUDGE: Do we agree that she is referring to cloth?
21 The Defence? Would it be --
- 22 MR JORDASH: I think so. It seems that way.
- 23 PRESIDING JUDGE: Right. Okay, it is cloth.
- 24 MS STEVENS:
- 25 Q. Madam Witness, what do you mean by rebels when you said
26 rebels came and ordered you to move out of your hiding
27 place.
- 28 A. I have said it. He pointed a gun at me and that had
29 never happened before, no soldier had ever done that to

- 1 me. So if that happened I can say he was a rebel.
- 2 Q. Now, after the rebels had ordered you to move away from
3 the stone where you were hiding did any of them say
4 anything to you?
- 5 A. When I came out the first asked me for rice and salt
6 then. I told them that I have no food, we are dying with
7 hunger. Then he commanded that I should undress.
- 8 Q. Who ordered you to undress, the one with the gun or the
9 one with the stick?
- 10 A. The one with the gun.
- 11 Q. And when he ordered you to remove your clothes what did
12 you do, Madam Witness?
- 13 A. Then I undressed, because the gun was now pointed at me
14 so I undressed.
- 15 Q. Did you remove all of your clothing or just some of your
16 clothing?
- 17 A. I removed all of my clothing then he asked me to remove
18 my underpants. Then I removed it, then I told him that I
19 was on my menstrual period.
- 20 Q. After you had stripped naked, Madam Witness, did the
21 rebels say anything else to you?
- 22 A. When I undressed then I told him that I was on my
23 menstrual period. Then he commanded again, he said I
24 should lie down. Then I removed my period pieces and I
25 lied down.
- 26 Q. After you laid down, Madam Witness, what happened next?
- 27 A. Then he brought down his trousers and asked to me open my
28 legs because he was going to have sex with me. Then I
29 opened my legs.

- 1 Q. Did he have sex with you at all, Madam Witness?
- 2 A. Yes, he had sex with me. While having sex with me then
3 another man came, making them three.
- 4 Q. Did you agree to have sex with him, Madam Witness -- with
5 this rebel?
- 6 A. Yes. The man had gun with him. He had asked me to open
7 my legs, then I refuse?
- 8 Q. Whilst he was having sex with you, Madam Witness, this
9 rebel, where was the gun?
- 10 A. He had the gun with him.
- 11 Q. Where were the other rebels at this time?
- 12 A. They were standing by.
- 13 Q. Were they doing anything in particular?
- 14 A. I didn't get you clear.
- 15 Q. Were they doing anything in particular or were they just
16 standing?
- 17 A. They were just standing there, looking at us.
- 18 Q. Did the second one still have his stick with him.
- 19 A. He had it with him.
- 20 Q. And the third one whom you said arrived, was he armed?
- 21 A. He had no gun.
- 22 Q. Was he carrying anything on him at all?
- 23 A. He had his stick with him also.
- 24 Q. Madam witness, can you describe to this Court how you
25 felt whilst this rebel was having sex with you?
- 26 A. I didn't feel good, because he had gun, I have nothing to
27 do.
- 28 Q. Now after this rebel, the first rebel, had finished
29 having sex with you, what happened next?

- 1 A. Then the other one took a turn. He also removed his
2 trousers and started having sex with me.
- 3 Q. And did you agree to have sex with this second rebel?
- 4 A. My attention was not to him again because I was now
5 focusing my attention to the man with the gun. So
6 whatever he was doing I was not concerned about him
7 again.
- 8 Q. Does that mean you did not agree to have sex with this
9 man?
- 10 A. It was not my will, but I have gun over me so I cannot
11 fight.
- 12 Q. The man holding the gun, Madam Witness, where was he
13 standing at this point?
- 14 A. He was by my side while the other was having sex with me.
- 15 Q. And the third rebel, where was he at this time?
- 16 A. He was also standing there.
- 17 Q. After the second rebel finished having sex with you,
18 Madam Witness, what happened next?
- 19 A. Then the third person -- the third person also came and
20 removed his trousers and also began having sex with me.
21 But my whole attention was not now focused on them,
22 except for the man that had the gun.
- 23 Q. Where exactly, Madam Witness, did this act take place?
24 Was it within a house, out in the open; where exactly did
25 this take place?
- 26 A. Right in the middle of the forest in the open.
- 27 Q. Now, after the third rebel finished having sex with you,
28 can you tell us what happened next?
- 29 A. Then the one with the gun ordered me to rise up and

- 1 follow them. Then I stood up and he stood behind me and
2 the two were in front of me who began moving.
- 3 Q. And where did you go to?
- 4 A. We went up into the hills. There I met a lot of my
5 fellow civilians whom they have captured. There were
6 many of them.
- 7 Q. And at this point in time, Madam Witness, were you still
8 naked or had you put your clothes back on?
- 9 A. I only took my Arappa and wrapped it on me.
- 10 Q. Now, let's talk about when you were taken to join the
11 other civilians who had been captured. Please, give this
12 Court an estimate of the number of civilians that you
13 saw.
- 14 A. I cannot give you an estimated number, but there were
15 many. You have men, women and children.
- 16 Q. And from this group did you know anyone in particular,
17 this group of civilians?
- 18 A. Yes. The man who lodged at ^xxxxx, his entire family
19 and his neighbours.
- 20 Q. And apart from the civilians, did you find other people
21 there?
- 22 A. We met rebels there. They were now eating rice. They
23 tied one woman.
- 24 Q. Did the civilians out-number the rebels, or did the
25 rebels out-number the civilians?
- 26 A. The civilians were many.
- 27 Q. Were there more than the rebels or less than the rebels?
- 28 A. There were more than the rebels.
- 29 PRESIDING JUDGE: Madam witness, are you all right? How are

1 you feeling? How are you feeling? How are you feeling?

2 Are you all right?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Do you want a break?

5 THE WITNESS: No. No, let's go ahead.

6 PRESIDING JUDGE: I saw some expressions of distress.

7 Distress and stress. Yes, let's go ahead, as you say,

8 let's go ahead.

9 MS STEVENS:

10 Q. Madam Witness, the rebels, were they armed?

11 A. They had guns.

12 Q. And what about the civilians, were they armed?

13 A. I didn't see them with guns.

14 Q. How were the rebels dressed?

15 A. Some had combats while other were in civilian clothing,
16 but they all -- most of them had guns.

17 Q. Did you stay for long at this hill where you were taken
18 to?

19 A. We didn't stay there long.

20 Q. And did the rebels do anything in particular to you
21 whilst you were there?

22 A. Where we went?

23 Q. Where you were at on the hill, did the rebels do anything
24 in particular to you?

25 A. After we reached the place where I met those of my fellow
26 civilians, they only gave us load to carry. They did
27 nothing else to me at that time.

28 Q. Were you yourself given a load to carry?

29 A. They emptied five gallons of rice in a sack and put it on

- 1 my head to carry.
- 2 Q. Was this a heavy load or a light load for you, Madam
3 Witness?
- 4 A. It was heavy and I had a bag on my back with tape in it
5 and shoes.
- 6 Q. And the other civilians --
- 7 PRESIDING JUDGE: Please wait. She says she had a bag -- also
8 had a bag and what else on her back.
- 9 MS STEVENS: She had a bag with a tape recorder.
- 10 PRESIDING JUDGE: With shoes and what?
- 11 THE WITNESS: They had -- there was a tape in a bag with shoes
12 which they put it on my back and I then took the rice on
13 my head.
- 14 MS STEVENS:
- 15 Q. And the civilians, Madam Witness, what sort of things
16 were they given to carry?
- 17 A. Some took rice. Some took palm oil. Some took sponge.
- 18 Q. Slow down.
- 19 A. The left the little children behind. There were a lot of
20 loads to be carried.
- 21 Q. Where did these items come from, do you know?
- 22 A. That man who lodged us, his belongings were there. Other
23 people's belongings were there, and a lot of people's
24 belongings were there in that bush.
- 25 Q. Where did you carry the loads to?
- 26 A. They carried it to ^xxxxx.
- 27 PRESIDING JUDGE: Could you spell it, please?
- 28 MS STEVENS: xxxxxx, as phonetically spelt, x-x-x-x-x.
- 29 Q. What means of transportation was used to carry the loads

- 1 to xxxxx?
- 2 A. On our heads.
- 3 Q. Does this mean you walked to xxxxxx, Madam Witness?
- 4 A. We went on foot on to the end.
- 5 Q. As you walked from the hill to xxxxx, where were the
6 rebels?
- 7 A. They are with us. They were behind us, some before us.
8 We are going with them.
- 9 Q. Did you attempt to escape at all, Madam Witness?
- 10 A. I didn't think of that. All I was thinking of was that
11 they are going to kill me.
- 12 Q. And about how far did you walk or what was the distance
13 from the hill to xxxxx?
- 14 A. It was over two and a half mile. It was a very steep
15 hill.
- 16 Q. Madam Witness, could you tell us the name of the closest
17 town to xxxxx?
- 18 A. There are towns like ^xxxxx and ^xxxxxx.
- 19 Q. Were you still then in the xxxx area?
- 20 A. Yes, within the xxxxx area.
- 21 Q. What happened to the loads once you arrived at xxxxxx?
- 22 A. When we arrived at xxxxx with the loads, all the loads
23 were placed in that xxxxx and they called one man.
- 24 Q. And did this man say anything at all when he came?
- 25 A. They called him as Lieutenant T and told him that we
26 brought these people and these loads.
- 27 Q. Did he say anything when the civilians and the loads were
28 presented to him?
- 29 A. He said, "I've told you that you should not bring

1 civilians before me. My instructions are if you capture
2 them kill them and leave them there. I don't want to see
3 civilians before me."

4 Q. When this man gave these instructions to kill the
5 civilians, what happened next?

6 A. Why -- while he was about to go, then he turned around
7 and said, "Listen, I've heard that ECOMOG have captured
8 Kailahun and Kono."

9 Q. When he said he had heard ECOMOG had captured Kailahun
10 and Kono, did he say anything else?

11 A. Yes. He said, "This is the time we are going to show
12 them that we own this country and from this moment now is
13 operation no living thing."

14 Q. After he said, "From now on it's operation no living
15 thing," what happened?

16 A. Then he turned round and went. He said, "Do away with
17 these ones." Then he went.

18 Q. Who was he referring to when he said, "Do away with these
19 ones"?

20 A. The rebels, because there were so many. They were before
21 us and behind us. He commanded then that they should do
22 away with us.

23 Q. So, they were to do away with the civilians?

24 A. Yes, he said they should kill us all.

25 Q. Madam witness, you have said there were many rebels. At
26 this point in time were there more rebels -- were the
27 number of rebels greater than the number of rebels who
28 had captured you in ~~xxxxxx~~ and taken you to the hill?

29 A. That was now the base of the rebels. That was where they

1 were.

2 MS STEVENS: May I proceed, Your Honours?

3 Q. What did the rebels do after Kono -- Lieutenant T had
4 issued his order for operation no living thing?

5 PRESIDING JUDGE: Lieutenant T, is that just a simple T?

6 MS STEVENS: A single T, yes, Your Honour.

7 Q. After Lieutenant T had issued the order for operation no
8 living thing --

9 A. What they did was that one of my fellow civilian that was
10 seated by me they asked her, they said, "The Kamajors who
11 came here the other time, where are they?" Then she
12 replied that, "I don't know anything about Kamajors."

13 PRESIDING JUDGE: [Microphone not activated]

14 MS STEVENS: The rebels she said.

15 Q. After she responded to the questions, did the rebels do
16 anything?

17 A. Having replied that, "I don't know about Kamajors," they
18 said, "Oh, so you are getting interested in the Kamajors
19 than us and you are Kabbah's people. This is the time we
20 are going to deal with you people to prove to you that we
21 own this land now."

22 Q. Did they do anything at all to you?

23 A. That was the time they began flogging us. Seriously
24 dealing with us. They beat me until they bust my head
25 and there was a wound on my mouth. They gave me serious
26 beating.

27 Q. What did they use to beat you with, Madam Witness?

28 A. Sticks, gun butts, was what they used to beat us.

29 Q. How many rebels carried out the beating?

- 1 A. There were many. We were just in their midst.
- 2 Q. What was the condition of the other civilians after they
3 had been beaten?
- 4 A. The other was wounded in her head.
- 5 Q. Who was wounded on her head, Madam Witness?
- 6 A. One of the ladies.
- 7 Q. Were the men also beaten?
- 8 A. All of us.
- 9 Q. And as the rebels were beating you, did they say anything
10 at all to you?
- 11 A. They said they would show us that they are now in control
12 of the country.
- 13 Q. After the rebels finished beating you, Madam Witness,
14 what did they do next?
- 15 A. We were there, then they brought a mortar where they
16 pound pepper.
- 17 Q. And what did they do with this mortar where they pound
18 pepper?
- 19 A. It was a small ball boy who brought it with a cutlass and
20 said, "We are going to cut off your hands."
- 21 Q. When the small boy brought the mortar, was anyone's hands
22 cut off?
- 23 A. Yes, they did cut off the hands of all the men.
- 24 Q. Who cut the hands of the men, Madam Witness?
- 25 A. That boy, he was a small boy. Then they asks us to clap
26 for him.
- 27 Q. This small boy, are you able to give an estimate of how
28 old he was?
- 29 A. To my own understanding, if he -- if he is up to 14, I

- 1 doubt it.
- 2 Q. Could you tell whether or not he had an Adams apple?
- 3 A. No.
- 4 Q. What did the small boy, who was not even up to 14 years
5 old in your estimation, use to cut the hands of the men?
- 6 A. Cutlass.
- 7 Q. And how many men --
- 8 PRESIDING JUDGE: Your description of hands, hands of men,
9 hands of the men, which hands?
- 10 MS STEVENS: Your Honour, I am getting to that.
- 11 Q. Madam witness, can you tell us how many men whose hands
12 the boy cut off.
- 13 A. The fifth person was my brother who was seated by me.
- 14 Q. How many men were there altogether? If the fifth one was
15 your brother, how many were -- how many men were there
16 altogether?
- 17 A. The number of people whose hands were cut were five.
- 18 Q. Now, starting with your brother, how many was his --
19 strike that. Starting with your brother, Madam Witness,
20 were both of his hands cut off or was it just one hand
21 that was cut off?
- 22 A. All of them, they cut off their right hands. The single
23 hand. The right.
- 24 Q. And whilst this small boy was cutting the hands of the
25 five men, where were the other rebels?
- 26 A. They were all there. They were surrounding us.
- 27 Q. And what were the women doing at this time?
- 28 A. They said we should clap for them and laugh.
- 29 Q. And did you do so?

- 1 A. Yes. We did it. They were behind us and some were in
2 front of us with guns in their hands.
- 3 Q. After the rebels finished cutting the right hand of the
4 last man, what did they do next?
- 5 A. I would have been the first person. When I stretched my
6 hand the little boy was about to cut, then the man behind
7 me said, "No, don't cut the hand of this woman."
- 8 Q. The little boy was told not to cut your hand. Did he cut
9 your hand at all?
- 10 A. He was about to chop my hands off, but because I didn't
11 put my hand on the mortar, he chopped me on my arm, on
12 the upper part of my arm.
- 13 Q. Which arm, Madam Witness?
- 14 A. My right arm.
- 15 Q. And the hands of the other women, were their hands
16 amputated at all?
- 17 A. They didn't cut anyone's hand, but it divided us.
- 18 Q. How were you divided?
- 19 A. The virgins they brought, those whose breasts are just
20 developing, they carried them all. We remained behind,
21 just six of us.
- 22 Q. Madam witness, can you please elaborate. When you say
23 the virgins that they brought, who are you referring to?
- 24 A. Young girls whose breasts are just developing newly were
25 the ones that they took them and then they left us
26 behind.
- 27 Q. Who took them away, Madam Witness?
- 28 A. Four rebels carried them towards the direction where
29 Lieutenant T went.

- 1 Q. Do you know what happened to them?
- 2 A. We didn't see them again.
- 3 Q. And what happened to the remaining six of you?
- 4 A. Then they carried us along the route that is leading
5 towards ^xxxxxx xxxxxx. There they went and placed us.
- 6 Q. How many rebels escorted you?
- 7 A. There were many.
- 8 Q. And these rebels who escorted you to the roadside, were
9 they armed?
- 10 A. They had guns, some had sticks.
- 11 Q. Once you got to the roadside, did the rebels do anything?
- 12 A. Well, we reached the ^xxxx Road. It was a big motor
13 road. Then they asked us to disarm ourselves. Then we
14 undressed again.
- 15 Q. When they said, "Disarm yourselves," what did that mean?
- 16 A. To undress, the way you give back to a child and lie
17 down.
- 18 Q. Were any of you the women armed at all?
- 19 A. No.
- 20 Q. Once the rebel ordered you to undress yourselves, what
21 did you do?
- 22 A. We undressed. They had guns. They said we should
23 disarm.
- 24 Q. And after you finished undressing, did they say anything
25 else to you?
- 26 A. Yes. They said we should lie down. I was thinking that
27 it is now time for them to kill us.
- 28 Q. Did you lie down?
- 29 A. Nobody could say that. Yes.

1 Q. What about the other woman, did they lie down as well?

2 A. All of them undressed and lie down.

3 Q. Let's talk about you yourself, Madam Witness. After you
4 had laid down, what happened?

5 A. The one who, in fact -- the one who, in fact, asked me to
6 lay down, undressed, put down his trousers and lied on me
7 and he began having sex with me. He had gun with him
8 also.

9 [HS010205B - RK 11.18 a.m.]

10 Q. Did you agree at all to have sex with him?

11 A. I didn't refuse because he had gun with him.

12 Q. And as he was having sex with you, where were the other
13 rebels?

14 A. They were there. They were many. The other one who was
15 standing by, was standing near us.

16 Q. Did they still have their guns and sticks with them?

17 A. Yes.

18 Q. After this rebel finished having sex with you, what
19 happened next?

20 A. The other one with the stick also took it on. He
21 undressed and began having sex with me.

22 Q. And this one who had a stick, did you at any point in
23 time agree to have sex with him?

24 A. Yes. The other one was there and he was holding the gun.

25 Q. And where were the other rebels, the many rebels whom
26 you've talked about, where were they at this point in
27 time when the second rebel was having sex with you?

28 A. They were there, but the others -- where the other
29 civilians were there they also were. We were on the main

1 road.

2 Q. How far away were the other civilians, Madam Witness?

3 A. When we came to the town we were on the main road, the
4 others passed somewhere else.

5 Q. From where you were could you see the other civilians?

6 A. I did see them, but my attention was not too much to
7 them.

8 Q. After the second rebel finished having sex with you, did
9 he do anything to you?

10 A. The stick which was -- the stick which was in his hands
11 was what he shoved on me and turned his back and began to
12 go.

13 Q. Where on your body did he shove the stick?

14 A. In my vagina.

15 Q. Was this painful for you, Madam Witness?

16 A. It pained me so much that over five years I'm now still
17 in the pain.

18 Q. After he shoved the stick inside of you, did he remove it
19 at all?

20 A. He didn't remove it. It was the other man who came and
21 said that, "We are not authorised to kill these women,
22 but now, look, you're about to kill them. We were just
23 asked to beat them to their death, but not like this."

24 Q. Madam witness, did you get to see the other women again?

25 A. The man who came and said they shouldn't have killed us
26 was the one who removed the stick from us and asked us to
27 rise up and go.

28 Q. Apart from yourself, was a stick shoved in the private
29 organs of any of the other women?

- 1 A. Those who were behind us, I didn't see anybody move, only
2 one person I saw rose up and ran away, the second was me.
3 All the remaining, they didn't rise up.
- 4 Q. Did these other women also have sticks shoved into their
5 private organs?
- 6 A. I could believe so, because I heard no gunshots on them,
7 I didn't see them cut their throats, but they were dead,
8 so I believe so.
- 9 Q. Did you ever see those women again?
- 10 A. I didn't see them up to this date.
- 11 Q. When you got up and left, could you describe for us your
12 condition?
- 13 A. When I rose up, I went and slept in the swamp in search
14 of my husband, but I bled. That made me unconscious.
15 That was the following day I could find my husband -- go
16 and find my husband.
- 17 Q. Did you eventually find your husband?
- 18 A. I went and found him. As soon as he saw people he asked
19 what was wrong and I told him, "I've been battered."
- 20 Q. Did you seek any medical treatment at all after this
21 incident?
- 22 A. Yes, I was brought down to Freetown with ECOMOG to
23 Connaught. I was there for five years in their hand.
- 24 Q. Do you remember how soon after the incident that you
25 received medical treatment?
- 26 A. I cannot remember, but I was here until the time the
27 rebels entered Freetown.
- 28 Q. Madam witness, I want to know from the time when you were
29 raped, how much time passed from that time up until the

1 time that you came to Freetown? Did you come to Freetown
2 immediately, a week, or two weeks, three weeks after the
3 incident. That's what I want to know?

4 A. Three days. On the fourth day we arrived there in
5 Freetown with ECOMOG.

6 Q. Madam witness, you have told us that at the time you were
7 leaving the place where you were raped, you did not see
8 the other women move at all. Do you know if the rebels
9 had sexual intercourse with the other women at all?

10 A. That was the instruction they gave us. They said we
11 should all undress and we all did undress. But I was now
12 paying attention to my own ordeal. I never paid
13 attention to their own.

14 Q. Madam witness, do you remember when this incident
15 happened?

16 A. It was during the intervention period.

17 Q. What do you mean by intervention? Can you elaborate on
18 that?

19 A. The time the people's army were removed from here and
20 they went up to Kono.

21 Q. When you say here, where are you referring to?

22 A. Here, Freetown.

23 Q. Finally, Madam Witness, you told us earlier that during
24 the war you were married. Are you still married?

25 A. I'm not married for now. My husband have divorced me
26 saying the rebels have battered me.

27 MS STEVENS: I have no further questions of this witness.

28 JUDGE THOMPSON: Yes, learned counsel.

29 MR JORDASH: I would like to raise an objection, but I think

1 it is probably better if the witness is allowed to
2 withdraw.

3 JUDGE THOMPSON: Raise an objection?

4 MR JORDASH: Yes, Your Honour.

5 JUDGE THOMPSON: To?

6 MR JORDASH: To matters in the examination-in-chief.

7 PRESIDING JUDGE: We'll take a break and resume to hear the
8 objection.

9 JUDGE THOMPSON: We have to give you leave because -- when we
10 come back.

11 MR JORDASH: Your Honour, yes.

12 PRESIDING JUDGE: Well, since there is an objection on the
13 floor the witness should not be brought in until the
14 objection is made. So we will rise and resume in the
15 next couple of minutes, please. The witness should be
16 kept away. The Court will rise, please.

17 [Recess taken at 11.35 a.m.]

18 [On resuming at 11.55 a.m.]

19 PRESIDING JUDGE: Learned counsel, we're resuming the session.
20 Mr Jordash, you indicated before the recess that you had
21 an objection or an application to make. You may proceed,
22 please.

23 MR JORDASH: Your Honour, thank you. I should say from the
24 outset that I've had a very brief conversation with my
25 learned friends from the Prosecution. They see some
26 force in this objection, but I'll let them outline where
27 it is they agree and where they don't. But the
28 objection, simply put, is that there were additional
29 allegations contained in this witness's testimony.

1 Firstly, an additional incident of rape.

2 JUDGE THOMPSON: If you could go at a measured pace so we
3 could get to where you are. Yes, one.

4 MR JORDASH: An additional allegation of rape which allegedly
5 took place 2.5 miles from xxxxx.

6 JUDGE THOMPSON: Allegedly took place 2.5 miles from
7 xxxxxxx.

8 MR JORDASH: Yes. I used the word allegedly, but certainly
9 for the first accused, we're not seeking to dispute that
10 evidence.

11 JUDGE THOMPSON: No, but I understand. This is the first
12 allegation you referred to.

13 MR JORDASH: And then subsequent to that incident, an
14 allegation of forced labour, the carrying of --

15 JUDGE THOMPSON: Forced labour.

16 MR JORDASH: I can put my objections very simply.

17 PRESIDING JUDGE: First the forced labour, please.

18 JUDGE THOMPSON: Let's get the allegations serially.

19 MR JORDASH: Well, the allegations --

20 JUDGE THOMPSON: The new allegations that you're complaining
21 about.

22 MR JORDASH: Well, the allegation of forced labour occurred
23 following the rape.

24 JUDGE THOMPSON: What I have so far is that your objection is
25 that there are additional allegations in the witness's
26 testimony and then you went on to enumerate.

27 MR JORDASH: The second additional allegation is one of forced
28 labour.

29 JUDGE THOMPSON: Yes, forced labour took place.

1 MR JORDASH: This is subsequent to the incident of rape.
2 JUDGE THOMPSON: Allegedly subsequent. If you could just put
3 it in time context for us, if you can.
4 MR JORDASH: The incident of forced labour occurred following
5 the rape when the --
6 PRESIDING JUDGE: It's the second incident of rape.
7 MR JORDASH: No, no. Following the first instance of rape.
8 PRESIDING JUDGE: Following the first incident of rape.
9 MR JORDASH: When the witness was led from the bush with
10 items, I think, carried on her head.
11 JUDGE THOMPSON: Right. Forgive the interruption. It is just
12 to make sure we're with you, counsel, so we know exactly
13 what the main thrust of your objection is. Now, you've
14 given us two allegedly new allegations. The third -- is
15 there a third?
16 MR JORDASH: No, it's the two.
17 JUDGE THOMPSON: Just the two.
18 MR JORDASH: There's just the two.
19 JUDGE THOMPSON: Well then, you can proceed with your
20 submissions.
21 MR JORDASH: I can put it very simply that this witness was
22 being examined in chief from 9.45 to 11.35.
23 JUDGE THOMPSON: Just a minute, this witness -- 9.45 to 11.35,
24 yes.
25 MR JORDASH: So one hour ten minutes of the
26 examination-in-chief concerned the new allegations. And
27 40 minutes of chief involved what had been disclosed.
28 And in effect, the issues that this -- the allegations
29 that this witness testifies to have effectively been

1 supplemented by a long examination-in-chief. And with
2 this witness, I don't intend, I think to ask more than
3 one or two questions, and I will not seek to dispute her
4 evidence, however, when the Prosecution have a burden to
5 discharge in proving that these offences were widespread
6 or systematic, then the addition of allegations in this
7 way through witnesses, contentious or otherwise, is
8 problematic. If this was done 102 times, well, we'd have
9 almost a doubling of the allegations which the accused
10 must or might have to deal with. Those are my
11 submissions.

12 PRESIDING JUDGE: The other Defence counsel, do you have
13 anything?

14 MR NICOL-WILSON: Your Honour, on behalf of the second accused
15 we support the submissions made by learned counsel for
16 the first accused.

17 MR CAMMEGH: Can I make three brief points, please. The first
18 one is this that in my respectful submission, this is
19 another wholesale breach of Rule 66 in relation to the
20 two areas that Mr Jordash just pointed out. Secondly, if
21 Your Honours were to agree with that contention, one is
22 dismayed, to say the least, that this has arisen so soon
23 after Your Honours' recent ruling in relation to the
24 breach regarding the last witness.

25 PRESIDING JUDGE: Can you take that again.

26 MR CAMMEGH: Yes. One is dismayed, disappointed, that if this
27 is seen as a breach by Your Honours, it follows so soon
28 after the ruling Your Honours gave the other day in
29 relation to the breach concerning the testimony of the

1 last witness. This is -- this is particularly
2 discouraging when, of course, there has to be - in order
3 for the efficacy of this trial to continue unimpeded -
4 there has to be an element of trust between the Defence
5 and the Prosecution.

6 My third point is this: In my respectful
7 submission, this is an opportune moment for Your Honours
8 to, to put it colloquially, lay down the law. I say
9 opportune because the two aspects raised in this
10 statement deserve to be dealt with. Action, in my
11 respectful submission, is merited by Your Honours and
12 I would respectfully suggest, if Your Honours feel that
13 you have the power to do so, to rule the evidence in
14 relation to those two aspects, the first rape and the
15 incident of the forced labour, as inadmissible. We
16 cannot keep rising to our --

17 PRESIDING JUDGE: The first rape --

18 MR CAMMEGH: The first rape.

19 PRESIDING JUDGE: And?

20 MR CAMMEGH: And the incident concerning the allegation of
21 forced labour, carrying the bag on the lady's head.

22 I understand the Prosecution may have already
23 taken a view in relation to the rape. Mr Jordash just
24 gave me that information. It is more with disappointment
25 than anger that one rises to one's feet. But this is a
26 situation that cannot be allowed to continue, and
27 unfortunately, my respectful suggestion is that now is
28 the moment for Your Honours to act in a peremptory
29 fashion.

1 JUDGE THOMPSON: In other words, saying -- what I understand
2 you to be saying is that the time is opportune for us to
3 apply the remedy of exclusion.

4 MR CAMMEGH: Indeed it is, in our submission.

5 JUDGE THOMPSON: All right. Is that the position of
6 Mr Jordash? You didn't tell us what to do, because
7 you've actually complained, you objected. Are you
8 implying also that we have the authority, in the
9 circumstances, to exclude the evidence if we agree with
10 you?

11 MR JORDASH: Yes, I would submit that Your Honours do. But
12 I would qualify that slightly.

13 JUDGE THOMPSON: Well, do then. Because I thought I -- you
14 didn't. I understood that.

15 MR JORDASH: No, I didn't seek a remedy only simply because
16 I'd understood from the Prosecution that they were not
17 seeking to rely upon it. It was a very quick
18 conversation I had with --

19 JUDGE THOMPSON: But this Court has to act. It has to know
20 what remedy it can --

21 MR JORDASH: Well, could I just --

22 PRESIDING JUDGE: And it will not depend on an agreement
23 between the Prosecution and the Defence. It will be a
24 directive from this Court as to what to do. Because what
25 may constitute an agreement between both of you may well
26 not be within the framework of the law which the Court is
27 prepared to accept. We have made this very clear before.
28 And we said that you're free to agree amongst yourselves,
29 but not to exclude the legal arbitration of the Court

1 because it could be against the agreement just as it
2 could also be in favour of your agreement.

3 MR JORDASH: Certainly, although, of course it is for the
4 Prosecution to decide which evidence they want to adduce
5 as part of their case. And if the Prosecution wish not
6 to rely upon evidence --

7 JUDGE THOMPSON: But if they already -- again, this is a
8 question of a well-settled practice that we have a way of
9 presenting evidence: Examination-in-chief,
10 cross-examination, re-examination. We've gone through
11 the motions of that and in the process there has not been
12 an objection taken during the course of the
13 examination-in-chief. So the evidence is in. I mean,
14 you agree with that understanding?

15 MR JORDASH: Well, Your Honour. I wouldn't submit --

16 JUDGE THOMPSON: Isn't the evidence in, already on the
17 records?

18 MR JORDASH: It's on the record but not necessarily something
19 which the Prosecution want to have taken into account.

20 JUDGE THOMPSON: I think that is very novel. You have got to
21 enlighten the Court. The authorities are clear that this
22 is the way that we take evidence: Examination-in-chief,
23 the Prosecution presents their case. I don't think there
24 is anything that we need to get argumentative about.
25 They have in fact led evidence in respect of this
26 witness. No objection was taken to any of the -- at any
27 stage. We're not saying that you're precluded from
28 making this application now, but my understanding is that
29 the Prosecution has led their evidence in chief. So if

1 it's not before the Court, what will you be
2 cross-examining on? Let me hear your novel position.

3 JUDGE BOUTET: I would like to intervene here. The evidence
4 is in court now, whether the Prosecution likes it or not.
5 They have introduced this evidence; we have the evidence
6 in front of us. They had the absolute discretion not to
7 lead this evidence before. Now it's before us. I mean,
8 we cannot just say, well, we'll ignore that because the
9 Prosecution will eventually not rely on that, will not
10 ask the Court to accord any weight to that evidence. It
11 is in front of us.

12 JUDGE THOMPSON: It is very novel and strange procedure.

13 PRESIDING JUDGE: That is why I'm again trying to say that
14 these agreements between the Prosecution and the Defence
15 are good, they are welcome, when they facilitate our
16 processes. But they should not lead us to commit a
17 breach of what the law requires us to do.

18 JUDGE THOMPSON: So I would like -- I don't know whether
19 I really want even to take you on that because I seem to
20 be quite clear in my mind that once the evidence is in,
21 the evidence is already admissible. I mean, otherwise --
22 because you cannot have it both ways. What are you
23 asking us to exclude? Exclude from where? If it were
24 not in evidence, if all that she has testified to -- what
25 we have now is an oral viva voce testimony. We don't
26 have the witness statements that you have. What is
27 before this Court, consistent with the principle of
28 orality, is what she has testified to. That is what we
29 know in trying to ascertain the truth. Your objection is

1 to exclude, exclude from what?

2 MR JORDASH: Well, Your Honours, I understand what

3 Your Honours's are saying, and I'm not seeking to go
4 behind that, but now I understand that more clearly, I
5 have to at least let the Court know why the objection
6 didn't take place. Because if the onus is on --

7 JUDGE THOMPSON: Precisely. That is my point, because what
8 has been done now may well be permissible - I'm not
9 saying - under the general principle of judicial
10 flexibility in international criminal tribunals, but what
11 is being done now is a bit novel. To wait until the
12 evidence has gone in, no objection has been taken and you
13 ask the Court to exclude. It is possible that,
14 exceptionally, courts will do that.

15 JUDGE BOUTET: We have made no decision yet. The objection of
16 Mr Cammegh still stands. But my comments were to address
17 your proposal that the Prosecution now will not rely on
18 this. I say to you and the Prosecution, it's no more
19 within their own discretion. They had the discretion not
20 to call that evidence, but they have called it; it is
21 there and we have to deal with it now. Whether or not we
22 will exclude is something we'll have to give
23 consideration to. We've not made that decision yet, but
24 it is not based on the fact that the Prosecution agrees
25 or disagrees. This is, to me, not in issue.

26 MR JORDASH: Well, Your Honours --

27 JUDGE THOMPSON: It might have been before the evidence was
28 led but once it is led, we have it and it is on record.

29 MR JORDASH: Well, with Your Honours' leave, I would like an

1 opportunity to research this point, because my instinct
2 tells me that I might be right, but I don't have the
3 legal authorities before me.

4 JUDGE THOMPSON: Well, I can assure you that unless I see
5 jurisprudence that really shows that you are right, I
6 think the settled practice is how we have expounded the
7 law.

8 MR JORDASH: Your Honour, if I could have overnight to have a
9 look at this point, I would be happy to have a look at it
10 and address Your Honours in the morning. But could I say
11 why I didn't objection to this witness's evidence? Which
12 was that firstly, we heard evidence being adduced about a
13 rape and contained within her statement is an allegation
14 of rape. So we simply thought that the description given
15 was of the same rape, just that the details had altered
16 for one reason or another. So we had to wait until that
17 evidence had been adduced and the evidence had moved on
18 to the second rape to be sure that we were talking about
19 two different incidents. And secondly, what I didn't
20 want to do was object too soon to cause distress to this
21 victim. What I didn't want this victim to feel was that,
22 in some way, we didn't believe her when my stance on it
23 was not one of credibility.

24 JUDGE THOMPSON: You could have graciously required her to
25 leave temporarily.

26 MR JORDASH: But it was the combination of the two factors,
27 really. But the main one was we weren't sure until
28 halfway through this witness's evidence that there was
29 this failure to disclose.

1 JUDGE BOUTET: So you're saying that in the disclosed
2 statements there is somewhere in there allegations of
3 rape but without any specificity whether it was one, two
4 or more.

5 MR JORDASH: There is an allegation of rape at xxxxx which was
6 the latter rape. There wasn't an incident 2.5 miles from
7 xxxxxxxx. The first 55 minutes of chief --

8 JUDGE BOUTET: Yeah, but if that is the case, Mr Jordash, then
9 why is it that you didn't objection to that? Because, if
10 in the statement the rape that is alleged at xxxxxx, the
11 first hour and a half, or first hour and ten minutes, as
12 you say, did not relate to that so --

13 MR JORDASH: Well it may have done. The witness just may have
14 got the name wrong, so we were giving her the benefit of
15 the doubt. I mean, if it had been more contentious, I
16 would have been to my feet. But given that this
17 witness -- we don't seek to challenge her evidence
18 insofar as these events occurred, it was difficult to
19 jump up and object without being certain that the
20 objection was well founded.

21 PRESIDING JUDGE: Prosecution, please.

22 MR HARRISON: Yes, I would like to try to make certain things
23 quite clear from the outset. The first matter is one of
24 procedure. It's frequently the case that evidence makes
25 it on to the transcript and subsequently a ruling is made
26 that it is inadmissible. Frequent examples that you, no
27 doubt, have much experience with would be: A witness
28 answers a question saying, "John Smith told me that Mary
29 ran over the dog." The objection is made after the

1 answer makes it onto the transcript where the lawyer will
2 say, well, that's clearly hearsay, it's inadmissible.
3 The mere fact that it made onto the transcript does not
4 prevent the Court from going forward with its ruling and
5 saying that evidence is inadmissible and will take no
6 part in the Court's deliberations. That is the
7 procedural matter that I wish to address. Simply because
8 it is on the transcript doesn't mean that's the end of
9 the matter.

10 JUDGE THOMPSON: Let me stop you. That's not the issue now;
11 the issue is the entire examination-in-chief.

12 MR HARRISON: No, it's not. You're mistaken. That is not
13 correct.

14 JUDGE THOMPSON: The issue now is that you've concluded the
15 entire examination-in-chief. Counsel did say: "That
16 concludes the examination-in-chief." The question we
17 want you to address is, and you want to cite, because I
18 think you ought to be able to tell us, from the
19 jurisprudence that you know, where after
20 examination-in-chief, a particular witness has completed
21 his or her testimony, no objection has been taken during
22 the course of the examination-in-chief and then an
23 objection is taken after the examination-in-chief to
24 exclude the entire evidence or portions of it.

25 MR HARRISON: Okay. So long as we're only talking about
26 portions of it. I think that's all the application is
27 extended to.

28 JUDGE THOMPSON: Yes. Portions.

29 MR HARRISON: Portions.

1 JUDGE THOMPSON: And when you're making your submission,
2 please guide us in terms of the authorities, either
3 probably nationally or at the international level. Our
4 subjective perceptions of the law as it ought to be, do
5 not necessarily bind us. We lawyers go in for the *lex*
6 *lata* as opposed to the *lex ferenda*. So if you can -- I'm
7 speaking to be satisfied that you can point to some
8 authority or something analogous which says that it is
9 possible exceptionally. Because I'm referring to what I
10 know is the norm. To move and do exactly what Mr Jordash
11 wants us to do, I certainly will keep an open mind.

12 JUDGE BOUTET: I would add to that that yes, it's a portion,
13 but a substantial portion of the evidence of an hour and
14 45 minutes, if I'm not mistaken, or there's an hour and
15 ten minutes of the evidence that is now being requested
16 to be expunged or excluded. So yes, it's not the
17 totality, but a fairly good part of the totality.

18 Furthermore the example you've given, I would
19 suggest to you has no application here, because the
20 example you gave is when the evidence is being led, at
21 that time there's an objection and we make pronouncement
22 then. We don't wait until the end of the whole evidence
23 has been adduced and the examination-in-chief has been
24 concluded to hear the application that's done at that
25 time. The scenario here is totally different. The
26 evidence is in, has not been declared inadmissible. Now,
27 there's an application to say for fairness, for the
28 Defence for the reasons they are alleging, they asked
29 this Court to ignore that evidence. Which is not a

1 comparison to the example you have given.

2 JUDGE THOMPSON: And of course, to add before you answer us
3 together, to suggest that because the Prosecution is
4 going to indicate that they are not likely to use that
5 piece of evidence necessarily binds the Court. The
6 evidence is under the control of the adjudicating
7 tribunal. Once it is in, we exercise judicial control on
8 it, again, unless you can point to some authority in the
9 jurisprudence that says, exceptionally, the Court must,
10 in fact, yield to the position that you're advocating.

11 MR HARRISON: Let me continue trying to be as frank as I can
12 with the Court. I understood you very clearly that you
13 wished me to cite some particular authority. I cannot do
14 that right now. What I can tell you is that in national
15 jurisdictions voir dires are much more commonly used than
16 they are here. This may have been a circumstances where
17 a voir dire might have been an appropriate means, a
18 vehicle of proceeding. But that's typically the way a
19 common law national court would probably address this
20 matter. My understanding is that voir dires are much
21 less frequently used in international criminal courts,
22 largely because there are professional judges. It is
23 probably not as much assistance as the Court was
24 expecting.

25 JUDGE BOUTET: Yeah, but again, a voir dire, you hear the voir
26 dire before the evidence is led. You don't do that after
27 the evidence is out.

28 MR HARRISON: Precisely. But typically what happened is, at
29 the outset, one of the parties would say we think there

1 ought to be a voir dire here, or partway through the
2 evidence. With respect to the point that I understood
3 Mr Justice Boutet to be making, what the Prosecution
4 indicated was this: We would not oppose an application
5 made by the Defence to exclude or rule inadmissible
6 evidence of the first allegation of sexual assault and
7 the allegation of forced labour.

8 The Prosecution has reviewed the statement and
9 it would appear that the existing statement makes
10 explicit a sexual assault taking place which would be
11 more consistent with the second in time, sexual assault
12 or rape suffered by or allegedly suffered by this
13 complainant. That was the position that the Prosecution
14 was and is prepared to take, with respect to that
15 evidence. The Prosecution maintains that position, but
16 if it's the Court's view that some further assistance
17 ought to be given to the Court then I suggest that the
18 matter be stood down and during the lunch break we would
19 take all steps we could to come back to the Court with
20 some further guidance.

21 JUDGE THOMPSON: Does your admission of candour also include
22 an admission that perhaps, at the end of the day, in
23 respect of this matter, what would be the same here that
24 the Prosecution perhaps has acted out of some lack of
25 care, because if you're now saying, ex post facto, that
26 the pieces of evidence which are being objected to were
27 inadmissible, then perhaps one could say that you're now
28 saying on reflection, professionally and with candour,
29 you're accepting some responsibility for it.

1 MR HARRISON: We certainly accept responsibility but I would
2 just like to emphasise for the Court the particular
3 circumstances of this witness. She has given evidence,
4 as I understood it, of, on the very same day, sexual
5 assaults taking place against her in slightly different
6 locations. And I understood it to be by different
7 individuals, but individuals who were very closely
8 related and part of the same group. Now it's a very
9 difficult exercise when reviewing witness's evidence to
10 draw a line when they say, on one occasion, there were
11 six people who carried out the sexual assault, as opposed
12 to nine people on a different occasion, where it may not
13 be as explicitly clear that what they're talking about is
14 nine people did the assault, but three at one place, six
15 at another, separated in time perhaps by an hour, or
16 perhaps shorter or longer. It becomes a difficult
17 exercise to know if the witness is simply recalling the
18 exact same instance in a different way.

19 JUDGE THOMPSON: The Bench is not insensitive to that. We've
20 had a lot of experience on that.

21 MR HARRISON: But the candid answer is do we accept some
22 responsibility: The answer is yes.

23 JUDGE THOMPSON: All right.

24 JUDGE BOUTET: I do have one question, and this is to pursue
25 the objection made by Mr Cammegh. They are making as
26 part of their objection that this is yet another breach
27 of Rule 66. To have a breach of Rule 66 would mean that
28 you, Prosecution, had the information before and it was
29 not disclosed to the Defence. I take your latest

1 argument or part of your argument to be "we didn't know,
2 it just came out today and this is a surprise to us." So
3 we didn't know about the two rapes. We're not talking
4 about the one. The objection to that is it ought to have
5 been disclosed to us and I would like to hear what is the
6 position of the Prosecution in this respect.

7 MR HARRISON: Yes, we're prepared to say that it ought to have
8 been disclosed. Even if there was any uncertainty
9 whatsoever about whether it was two instances separated
10 in time involving slightly different people, or whether
11 it was an instance of nine people as opposed to six. In
12 either event it ought to be disclosed. We're prepared to
13 say that.

14 JUDGE BOUTET: But did you have the information before the
15 witness testified?

16 MR HARRISON: Yes, yes.

17 JUDGE BOUTET: When?

18 MR HARRISON: As of two days ago.

19 PRESIDING JUDGE: The information was there. If the
20 information weren't there, it would not have been led in
21 evidence today. I mean, the -- it is -- I mean two days.
22 It would as well have been disclosed to the Defence.
23 After all, when we rose on Friday, the Defence barely had
24 two days to digest evidence which was disclosed to them
25 before we resumed sitting yesterday. So, is there any
26 indication from this end?

27 MR CAMMEGH: I'm sorry to use these words, but I'm disturbed
28 by what Mr Harrison has just said. I mentioned the word
29 trust earlier. I'm sure there's no personal liability of

1 his own. We all know and trust Mr Harrison; let me make
2 that clear. But this goes right to the heart of the
3 integrity of the Prosecution's case, does it not? If
4 they are sitting on information, which discloses not just
5 another rape, but let's face it, evidence that goes to a
6 completely fresh count, forced labour, and they don't
7 disclose it, then the priority, in my respectful
8 submission, is not, as Judges, what power do we have,
9 what procedure are we able to invoke to render something
10 admissible? In my submission, that is no longer the
11 point. The point and the priority must be this is
12 inadmissible and it doesn't matter whether we're making
13 new law or invoking or inventing a new procedure. The
14 fact is that if Your Honours' find that, in effect, the
15 Defence have been ambushed this morning, which I say
16 wholeheartedly we have, then is it not, respectfully,
17 incumbent upon Your Honours to invoke your discretion to
18 ensure primarily, two things. Number one, that this
19 trial continues on a fair footing, with equality of arms;
20 and number two, that this Chamber does not suffer, again,
21 the attempted admission of improperly gained testimony.
22 Because that is what this is, and I'm sorry to it put it
23 in such stark language, but the line must be drawn
24 somewhere, and in my submission, today is the time for
25 that line to be drawn.

26 JUDGE THOMPSON: Let me just say that in fact I have myself,
27 in my own judicial rationalisation of things, have always
28 felt that if we have any clear case, clear and
29 unequivocal case of trial by ambush on the part of the

1 Prosecution that would for me, as a judge, consistent
2 with my oath, require exclusion of the evidence. I have
3 no doubt in my mind that I'll be doing justice if I did
4 exactly that, because I need to be satisfied that what we
5 have here is trial by ambush.

6 MR CAMMEGH: Of course, and that is the first step. It is for
7 Your Honours, in my submission, to decide first of all
8 whether that has happened. Now, do I suggest mala fides
9 on the part of the Prosecution? I'm not going to go that
10 far, but the Defence have still been ambushed, whether it
11 is carelessness or something more insidious, that is for
12 Your Honours to decide, but the end result is the same.
13 We have heard evidence today which has ambushed us. And
14 can I just reiterate something Mr Jordash said, because
15 this is very important. Mr Jordash and I were carefully
16 monitoring this witness's testimony. You may have seen
17 that there were several occasions when we had little
18 asides between ourselves discussing what was going on.
19 And it is quite right that we took a deliberate decision
20 not to object until the moment that Mr Jordash did so for
21 the very simple reason that while the evidence of the
22 first alleged rape was being given, we saw reference to a
23 rape at the foot of page 2, I think it is. And we
24 thought well, this isn't very close to what the witness
25 has in her statement, but maybe she is just going a
26 little bit off proof. We'll wait and see what happens.
27 Jumping up and objecting too soon is never a good idea.
28 But when we heard about the incident at xxxxx and
29 realised oh, hang on a minute, we've gone right to the

1 front to the top of the statement at page 1 and it seems
2 that now we're an hour and something --

3 PRESIDING JUDGE: Would that not also be a good moment to make
4 that observation, to make the observation at that
5 pertinent moment, you see?

6 MR CAMMEGH: When we get to **xxxxx**?

7 PRESIDING JUDGE: Yes, and you saw that she was on the second
8 incident of rape.

9 MR CAMMEGH: Well, Your Honour, in an ideal world it would
10 have been, but of course we didn't know that a second
11 rape or the rape referred to was going to be mentioned.
12 It puts the Defence in a very difficult position. It
13 always helps to be a little bit psychic in these
14 situations, because if you can second-guess what the
15 evidence is about to be, you can make the objection
16 before the damage is done. But as it turned out, the
17 damage had already been done because a rape, not referred
18 to in the statement, had gone out into the open and, with
19 respect, whether we objected before the second rape went
20 in or not, wouldn't have been made any difference,
21 because that rape was contained within the statement and
22 the Prosecution would have been very fair -- or it would
23 have been very fair for the Prosecution to lead that.
24 But damage had already been done and that is the nature
25 of being surprised, unfortunately. And can I also repeat
26 that this was harrowing evidence and I certainly didn't
27 want to interrupt this lady who clearly was testifying to
28 some of the most disturbing facts that this Chamber has
29 heard since last July. I think it is our duty to extend

1 some understanding and empathy with witnesses and not to
2 cause them undue distress by asking them to leave the
3 room. That is my personal position.

4 But, Your Honour, there it is. I stand by what
5 I said earlier on. With respect, I suggest there is a
6 breach of Rule of 66 and inherent in that there must be,
7 as Your Honour Justice Thompson just said, there has to
8 be a power to do what you will with the evidence if you
9 find that there has been an ambush. That is my position.

10 MR JORDASH: Just one very quick thing. Having given the
11 matter some thought and having briefly read through
12 Archbold International, I think Your Honours are
13 absolutely right and I retreat from my submissions
14 earlier.

15 JUDGE BOUTET: I was to consult with my colleagues to see if
16 we were to grant you some time to research this issue, as
17 such, and you're telling us you don't need any more time.
18 Your position is slightly altered as a result of that.

19 MR JORDASH: I think if the evidence is before the Court, it
20 has got to be within Your Honour's discretion.

21 PRESIDING JUDGE: The Court will rise, please. We'll resume
22 in a few minutes.

23 [Break taken at 12.37 p.m.]

24 [On resuming at 12.50 p.m.]

25 PRESIDING JUDGE: Learned counsel, we have resumed the session
26 only to announce that we are adjourning until 2.30 for
27 further deliberations on this issue. We shall resume the
28 session at 2.30. The Court will rise, please.

29 [Luncheon recess taken at 12.52 p.m.]

1 [HS010205C - SGH]

2 [On resuming at 2.47 p.m.]

3 PRESIDING JUDGE: Good afternoon, learned counsel. We are
4 resuming the session and the ruling of the Chamber.

5 MS STEVENS: Your Honour, before you address the Court on the
6 ruling, if I could please say a few words on the matter.
7 It is not delving into the merits of the matter at all.

8 PRESIDING JUDGE: Right. Okay.

9 MS STEVENS: Thank you. Your Honour, the Prosecution simply
10 wishes once again to accept responsibility for the
11 failure to disclose the information to the accused. We
12 want to reiterate that it was not intentional and for the
13 Defence to suggest otherwise, to cast aspersions on the
14 integrity of any prosecution counsel, is deeply
15 regrettable. We have always had a cordial relationship
16 with the Defence and we hope that we will continue to
17 enjoy a cordial relationship with the Defence and one
18 worthy of trust on both sides. Thank you.

19 PRESIDING JUDGE: Thank you. This said, the ruling of the
20 Chamber on Mr Jordash's application, which was -- in a
21 sense it's Mr Cammegh's application for the evidence
22 which was not disclosed to be expunged, which was
23 generally supported by Mr Cammegh and by Mr Jordash later
24 on, and it would be delivered and I say it is the
25 unanimous opinion of this Chamber which will be delivered
26 by the Honourable Mr Justice Thompson.

27 DECISION

28 JUDGE THOMPSON: This is the unanimous ruling of the chamber
29 on the application by the Defence this morning for the

1 exclusion of certain pertinent portions of the evidence
2 of TF1-195 to wit: One, that relating to a rape which
3 allegedly took place about two miles from xxxxxxx, and,
4 two, that in relation to forced labour allegedly
5 following the first incident of rape as testified by the
6 witness. The Chamber is of the opinion that the
7 aforesaid matters complained of clearly constitute a
8 breach on the part of the Prosecution of their disclosure
9 obligations under Rule 66 of the Rules of Procedure and
10 Evidence of the Court and the rationale of the said rule,
11 as expounded in our recent decisions on the subject,
12 namely, that both parties must act in good faith at all
13 times in respect of their disclosure obligations.

14 The Chamber therefore orders that the aforesaid
15 portions of the witness's testimony be excluded and not
16 given any consideration by the Court as part of the
17 Prosecution's case. A reasoned written ruling will be
18 delivered in due course.

19 Learned counsel for the Defence will now proceed
20 with cross-examination.

21 MR JORDASH: Your Honour, I've got no questions for this
22 witness.

23 JUDGE THOMPSON: We'll let the witness come in.

24 [The witness entered court]

25 Thank you. Mr Jordash, your witness.

26 MR JORDASH: No questions, thank you.

27 JUDGE THOMPSON: Mr Touray.

28 MR TOURAY: Your Honour, my friend Nicol-Wilson will be
29 conducting the cross-examination of this witness.

1 JUDGE THOMPSON: Right, learned counsel, proceed then.

2 CROSS-EXAMINED BY MR NICOL-WILSON:

3 Q. Madam Witness, I'm going to ask you some few questions
4 and please answer them as precisely as you can.

5 MR NICOL-WILSON: Your Honour, I'm not getting the
6 translation?

7 JUDGE THOMPSON: Will the Translation Unit activate the system
8 for us, please?

9 MR HARRISON: I think the witness's mike is not turned on.

10 JUDGE THOMPSON: I see. Thank you, counsel.

11 MR NICOL-WILSON:

12 Q. Madam witness, I'm going to ask you some few questions.

13 A. Okay.

14 Q. When were you first contacted by officials from the
15 Office of the Prosecutor?

16 A. All I can say is I didn't know them before except when I
17 came into this Court.

18 Q. Did someone from the Office of the Prosecutor approach
19 you to make a statement before coming to court?

20 A. Except the one seated by me, but she took statement from
21 me here.

22 Q. How many statements did she take from you?

23 A. She asked me whether I was ready to give testimony. I
24 said yes.

25 Q. Now, before going to ^xxxxxxx, you were residing at
26 xxxxx; is that correct?

27 A. Yes.

28 Q. And why did you leave xxxxxx?

29 A. We were driven out by the Kamajors, then I came down.

- 1 Q. How were the Kamajors conducting themselves when they
2 arrived at xxxxx?
- 3 A. When they came around 4.00 o'clock they told us that
4 they'd come for peace not knowing that they came to
5 assemble us together.
- 6 Q. And after you were assembled, was anything done to you?
- 7 A. In the morning they told us, the civilians, to march out
8 because they didn't come there for us.
- 9 Q. So you were driven out of xxxxx by the Kamajors?
- 10 A. Yes.
- 11 Q. Now, the first time you saw a rebel was when you were
12 hiding under this rock close to xxxxxxx -- in the bush
13 close to xxxxxxx, that was the first time you saw a
14 rebel?
- 15 A. Yes.
- 16 Q. Would you therefore agree with me that a rebel --
- 17 JUDGE THOMPSON: Counsel, let's go at a moderate pace.
- 18 MR NICOL-WILSON: Sorry, Your Honour.
- 19 JUDGE THOMPSON: Continue, please.
- 20 MR NICOL-WILSON:
- 21 Q. Would you therefore say a rebel is anyone who terrorises
22 a civilian?
- 23 A. If a rebel is somebody who makes a civilian afraid? I
24 didn't get you clear.
- 25 Q. Would you say a rebel is someone who terrorises a
26 civilian?
- 27 A. Yes. If somebody takes up a gun for you, he is a rebel.
- 28 Q. You will therefore agree with me that anybody who carries
29 a gun and decides to terrorise a civilian, as far as

1 you're concerned, that person is a rebel?

2 A. Yes.

3 Q. When you went to xxxxxx, you said in your
4 evidence-in-chief that you met one Lieutenant T?

5 A. Yes.

6 Q. How was Lieutenant T dressed?

7 A. He had a civilian trousers with a white vest.

8 Q. The goods that you were carrying were handed over to
9 Lieutenant T by the rebels; is that correct?

10 A. Yes.

11 JUDGE BOUTET: Counsel, as you know we have made our decision
12 not to admit a portion of the evidence led in chief. Now
13 if you are moving into that direction in your
14 cross-examination, that evidence that you are going to be
15 leading now will be in evidence.

16 MR NICOL-WILSON: I will withdraw the question, Your Honour.

17 JUDGE BOUTET: Thank you.

18 MR NICOL-WILSON: Your Honour, that will be all for this
19 witness.

20 JUDGE THOMPSON: Thank you. Learned counsel for the third
21 accused?

22 MR CAMMEGH: No questions.

23 JUDGE THOMPSON: Ms Stevens, do you have any re-examination?

24 MS STEVENS: I have no further questions of this witness, Your
25 Honour.

26 JUDGE THOMPSON: Thank you.

27 PRESIDING JUDGE: Madam witness --

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: We have come to the end of your testimony --

1 of your evidence.

2 THE WITNESS: Yes, okay.

3 PRESIDING JUDGE: The Tribunal wants to thank you for coming
4 to give evidence before it in order to assist us to get
5 to the truth of this matter.

6 For the time being we are discharging you, but the
7 necessity may arise for us to call you back, we don't
8 know as yet. We are not saying we are going to call you
9 back, but there might be a necessity for us to call you
10 back. If we do, we count on you to be willing to come
11 again and to talk to us. For the time being you are
12 discharged.

13 We wish you a safe journey to the town where you
14 live, the town and the place where you live. Okay?

15 THE WITNESS: In Jesus's name.

16 PRESIDING JUDGE: Thank you. The Prosecution, do we have
17 another short witness or other short witnesses?

18 MR HARRISON: Yes. As soon as this witness is removed, the
19 next one will be brought in and I will introduce that
20 witness to the Court.

21 PRESIDING JUDGE: Okay. Then we shall rise for some time in
22 order to enable --

23 MR HARRISON: It will only be two minutes, very brief.

24 PRESIDING JUDGE: That's okay. We'll rise and as soon as the
25 next witness -- I hope there will be nothing like a
26 closed session or so. No, I hope not.

27 MR HARRISON: You and me both.

28 PRESIDING JUDGE: We will rise now.

29 [Break taken at 3.07 p.m.]

1 [Upon resuming at 3.18 p.m.]
2 PRESIDING JUDGE: This will be the 23rd Prosecution witness.
3 MR HARRISON: That's correct. 23rd and the number is TF1-192
4 and having conduct of the matter for the Prosecution is
5 Ms Melissa Pack, P-A-C-K.
6 PRESIDING JUDGE: Melissa Pack?
7 MR HARRISON: Correct.
8 WITNESS: TF1-192 [Sworn]
9 EXAMINED BY MS PACK:
10 PRESIDING JUDGE: Yes, Ms Pack, you may proceed.
11 MS PACK:
12 Q. Witness, I want you to start by telling the Court which
13 village you are from?
14 A. I'm from xxxxxxxx.
15 Q. Which district is xxxxxxxx village in?
16 A. xxxx District.
17 Q. And which chiefdom in xxxx District?
18 A. xxxxxxx Chiefdom.
19 Q. Witness, tell us which is the biggest town in the
20 chiefdom of xxxxxxx?
21 A. xxxxx-xxxxxx.
22 Q. Witness, about how old are you?
23 PRESIDING JUDGE: Ms Pack, can we have the spelling, if you
24 have it on your records, can we have the spelling of the
25 biggest town in the xxxxxxx Chiefdom.
26 MS PACK: Yes, it was xxxxxx-xxxxxx and the spelling that I
27 have is x-x-x-x-x-x-x-x-
28 Q. What languages do you speak, Witness?
29 A. Krio.

1 Q. Are you able to read or write English?

2 A. No.

3 Q. Witness, I'm going to ask you about the time that your
4 village was attacked. At that time were you living with
5 your family?

6 PRESIDING JUDGE: Was your village attacked?

7 THE WITNESS: Yes.

8 MS PACK:

9 Q. Before the attack on your village, were you living with
10 your family in the village?

11 A. No, we were in the bush.

12 Q. When -- in what year was your village attacked?

13 A. In '98.

14 Q. Which season in 1998?

15 A. At that time it was during the rainy season.

16 Q. Was it the beginning or the end of the rainy season?

17 A. It was at the beginning.

18 Q. You say you were living in the bush with your family
19 before the attack on your village; is that right?

20 A. Yes.

21 Q. About how many months before the attack on your village
22 did you move to the bush?

23 A. About two months.

24 Q. Why had you moved there?

25 PRESIDING JUDGE: Can you go slowly, please, Ms Pack, because
26 we are taking down some notes of what this witness is
27 testifying to.

28 MS PACK: Yes, of course.

29 PRESIDING JUDGE: You said you went to the bush about two

1 months before the attack?

2 THE WITNESS: Yes.

3 MS PACK:

4 Q. And I'll repeat the question, Witness. Why had you moved
5 to the bush about two months before your village was
6 attacked?

7 A. Well, because it was because we heard about these evil
8 people. They told us that they were coming. That is why
9 we went into the bush.

10 Q. Now you said --

11 JUDGE THOMPSON: Learned counsel, do proceed at a moderate
12 pace.

13 MS PACK: My apologies, Your Honour.

14 JUDGE THOMPSON: Thank you. Continue.

15 MS PACK: I'm grateful.

16 Q. Witness, you said that you returned to your village after
17 two months?

18 A. Yes. Yes.

19 Q. What made you return to your village?

20 A. It was the coming of the ECOMOG. It was the ECOMOG that
21 asked us now to come back because there were trees that
22 were clutter the road and so they said we are to clear
23 them. So that is what made us return.

24 Q. Why did they want you to clear the trees on the road?

25 A. They said those that were on the next farm, when they
26 brushed on their farms so they dropped all the trees on
27 the road so they were disturbing their vehicles,
28 [inaudible] the route.

29 Q. Which road did they want you to clear?

- 1 A. That's from ^xxxxxx to ^[inaudible] Town. That's to
2 go to xxxxxx.
- 3 Q. You say that ECOMOG wanted you to clear the road. What
4 did you then do?
- 5 A. So we went, we cleared up the road as they asked us to
6 do.
- 7 Q. When you say we went to clear the road, who do you mean?
8 Who went with you?
- 9 A. We, the youths, that were in the town were the ones that
10 went and cleared the road.
- 11 Q. After you cleared the road, where did you go?
- 12 A. We slept in that very town that night.
- 13 Q. Which town are you talking about?
- 14 A. xxxxxxxxx.
- 15 MS PACK: Would Your Honours like me to spell xxxxxxxxx?
- 16 JUDGE THOMPSON: That would help, yes, certainly.
- 17 MS PACK: The record I have of it is that it is spelt
18 x-x-x-x-x-x-x-x-x.
- 19 PRESIDING JUDGE: Is it one word?
- 20 MS PACK: Yes, all one word.
- 21 PRESIDING JUDGE: x-x-x.
- 22 MS PACK: x-x-x-x-x-x-x-x-x-x, xxxxxxxxx.
- 23 Q. Witness, you and how many other of the youths in the
24 village stayed in the village that night?
- 25 A. We were around 20.
- 26 Q. Did any members of your family return to the village that
27 night?
- 28 A. Yes.
- 29 Q. Who, don't give any names?

- 1 A. My sister.
- 2 Q. Where were the rest of your family at this time?
- 3 A. They were in the bush.
- 4 Q. Tell the Chamber, witness, what happened that night.
- 5 A. Well, that Saturday night we were sleeping around 2.00
6 o'clock at night. We were lying down I and my friend and
7 we saw two people who came in the Kamajor uniform. They
8 went and captured us and told us that they were ECOMOG
9 and that they had come to save us.
- 10 Q. Pause there, Witness. Witness, what happened after that?
- 11 A. So after that they went with us outside. When they took
12 us outside they put us in one of my friend's father's
13 house's veranda.
- 14 Q. Were there others also outside on this veranda?
- 15 A. Yes.
- 16 Q. Did you see other men outside?
- 17 A. Yes. When they came with us we met some other people
18 there.
- 19 Q. Did you see other men outside?
- 20 A. Yes.
- 21 Q. What were these men wearing?
- 22 A. Well, they had combats on.
- 23 Q. Were there any in Kamajor dress outside?
- 24 A. Yes. They told me that went and met us were the ones
25 that had Kamajor uniform on them.
- 26 Q. Did anyone else have Kamajor uniform on?
- 27 A. No, I did not see that with my eyes.
- 28 Q. How many of these men wearing the combat clothes you
29 describe did you see outside?

- 1 A. Well, there were over 50.
- 2 Q. Can you say about how old these men were?
- 3 A. No.
- 4 Q. Were they armed?
- 5 A. Yes, yes.
- 6 Q. What arms did they have?
- 7 A. They had small arms and they had some ammo boxes which
8 they had.
- 9 Q. What language were these men speaking, these men outside?
- 10 A. It was Krio.
- 11 Q. Do you know who these men were?
- 12 A. No.
- 13 Q. Did they have a commander?
- 14 A. Yes.
- 15 Q. What was he wearing?
- 16 A. He also had uniform on him.
- 17 Q. What type of uniform?
- 18 A. Combat.
- 19 Q. Was he armed?
- 20 A. Yes, he had a pistol.
- 21 Q. And where was he sitting? Where was he when you first
22 saw him?
- 23 A. He was sitting in one of my friend's father's house on
24 the veranda.
- 25 Q. How far away was that from where you were?
- 26 A. Well, the distance was short. It was just like where I
27 am sitting here to where those people are sitting there,
28 to the entrance.
- 29 MS PACK: The record can reflect the witness is demonstrating

1 a distance from the witness stand to the witness entrance
2 door of the courtroom, the chamber.

3 Q. What were you doing there on the veranda? What were you
4 doing there?

5 A. Well, they asked us to sit there for a while.

6 Q. Were there others with you there apart from the men in
7 combat uniform?

8 A. I don't understand, sir.

9 Q. Had others like you been brought there, other villagers?

10 A. Well, except we that were in that village.

11 Q. After the while had passed, after you'd been on the
12 veranda for a while, what happened next?

13 A. Well, after being on the veranda for a while they said we
14 should be taken from there and taken to the Chief's
15 veranda.

16 Q. How many of you were taken to the Chief's veranda?

17 PRESIDING JUDGE: Did they take them to the Chief's veranda.

18 Please follow the evidence systematically.

19 MS PACK: Of course, your Honour.

20 PRESIDING JUDGE: They said we should be taken to the Chief's
21 veranda.

22 MS PACK:.

23 Q. Were you in fact taken to the Chief's veranda?

24 A. Yes.

25 Q. How many of you were taken to the Chief's veranda?

26 A. Well, let me say, we were 20 that were taken, that were
27 taken to the Chief's veranda. We are all that -- who are
28 brought.

29 Q. Were these 20 all people from your village?

1 A. Yes, all of us were in the village, but some old people
2 were with us because all these people were in the village
3 with us.

4 Q. What happened when you got to the village Chief's house?

5 A. When we arrived at the Chief's veranda they said -- they
6 said they killed one Limba man. They said they were
7 coming to make sacrifice before they start any other
8 thing.

9 Q. Who are you talking about? Who is "they"?

10 A. The bad people.

11 Q. The men in combat uniform?

12 A. Yes. These were the people that said they were coming to
13 make sacrifice.

14 Q. What did these people then do?

15 A. Well, after they came with them so they said we should
16 pay attention. So they laid the woman on the ground and
17 they took the knife and they started slitting her throat
18 and she started shouting in Limba, ^A-Kanu, A-Kanu.

19 Q. What were you, the villagers, doing when this was going
20 on?

21 A. Well at that time we have already been captured.

22 Q. After this Limba woman's throat was cut, what happened
23 next?

24 A. After cutting the throat of this Limba woman, they took
25 us to the other side.

26 Q. What happened there?

27 A. So when we are taken to the other side, when we reached
28 there, they said everybody should undress as how he was
29 born.

1 Q. When you are talking about the other side, what are you
2 referring to?

3 A. After when the old woman has been killed, we that were
4 put on the Chief's veranda -- so they took us from there
5 and they sent us to another veranda. There was only one
6 house between them. So they took us there and said all
7 of us should sit down and that we should undress.

8 Q. Who said you should undress?

9 A. It was the bad people that captured us. These were the
10 ones that said we were to undress.

11 Q. What did you then do?

12 A. So after undressing they said we are coming to start
13 doing some operation, but they said before being so they
14 said everybody should enjoy themselves, everybody should
15 feel fine.

16 Q. What happened after that?

17 A. After that they started taking each individual and one
18 woman was given to him and I was before -- and before
19 they came to me they said there was no more any woman.
20 So they said okay let me sit down and pay attention. So
21 I started watching.

22 Q. So you were not put in a pair with a woman?

23 A. No, because by the time they came to me all the woman had
24 finished.

25 Q. How many women were there about?

26 A. Well, the woman, let me say roughly there were ten.

27 Q. After the villagers were put in pairs, the men and the
28 women, what happened then?

29 A. So they said that the men should start sexing the women.

- 1 Q. What then happened?
- 2 A. So the women the men have been given, the men -- there
3 was a small boy that was my friend. The lady that was
4 given to him -- the lady reported that the fellow was a
5 eunuch. So these bad people took a knife and started
6 slashing this fellow's private. So that they did so,
7 they took a knife and starting slitting the lady's
8 privates, so that this lady would not meet with any other
9 individual in her life.
- 10 Q. This is one account you are giving in relation to one of
11 the men and one of the women. How were you able to see
12 this?
- 13 A. I was there.
- 14 Q. How far away were you from this man and this woman when
15 this happened?
- 16 A. Well, it was just by me. We are close.
- 17 Q. How old was this man and this woman that you are talking
18 about at the time?
- 19 A. Well, the fellow was very young. I'm by far older than
20 he is and I couldn't tell his age. Even the young lady
21 was young and I couldn't tell her age.
- 22 Q. What did the men say as they were doing this to the
23 woman?
- 24 A. I don't understand the question. The men that were with
25 us?
- 26 Q. The men who were you with you as they were lacerating the
27 woman, what did they say? What were they saying? If you
28 can't remember, please say?
- 29 A. I cannot remember that side.

- 1 Q. The other villagers, did they then have sexual
2 intercourse, the men and the women in the village?
- 3 A. Yes. Out of all those that were captured it was only I
4 that escaped. That did not have a woman and all the rest
5 had women, you know, to copulate with.
- 6 Q. What were the men in combat clothing doing while this was
7 going on?
- 8 A. They were just there, standing around us so that we could
9 not escape.
- 10 Q. How could you see what was going on?
- 11 A. We were together with these people. They had captured us
12 for long and we were with them, so anything that they did
13 we would see.
- 14 Q. What are the names of the men who were forced to have
15 sexual intercourse with the women in your village, the
16 ones you remember?
- 17 A. Well, can I call their names?
- 18 Q. Yes, go on?
- 19 A. Okay. xxxxxxx and xxxxx, ^xxxx, then ^xxxx xxxx,
20 xxxxxx xxxxxx, then xxxx xxxxx, xxxxx and xxxxxx. With
21 some others whose names I have forgotten.
- 22 PRESIDING JUDGE: Who were these? The names he has been
23 enumerating, who were these?
- 24 MS PACK: I asked the witness what the names were of the
25 men --
- 26 THE WITNESS: Those of us that were captured and whose hands
27 and feet were cut off.
- 28 MS PACK:
- 29 Q. We will get to that in a moment, Witness.

1 A. Okay.

2 Q. The names you have just given us, were they also the
3 names of the men who were forced to have sexual
4 intercourse with the women in the village?

5 A. Yes.

6 Q. Witness, after the women were forced to have sexual
7 intercourse, where were they taken?

8 A. After having sex with them they took them to -- they took
9 them to my father's farmhouse.

10 Q. This was just the women or were others with them?

11 A. No, they took two male children along.

12 Q. Are you able to say about how old the children were?

13 A. They were little children. I could not tell their age,
14 but they were little children.

15 Q. What happened to the women after they were taken to your
16 father's farmhouse?

17 A. When they took them to my father's farmhouse, they locked
18 them in the farmhouse and they had been taking them one
19 by one and beating them. They would take them, beat them
20 and then after which they would take another one and beat
21 them.

22 Q. How do you know that this is what happened?

23 A. Where I was, it was not that far from where my father's
24 farmhouse was.

25 Q. Did you see what happened, did you hear what happened, or
26 both?

27 A. Well, at that time it was night. I wasn't able to see
28 but I heard, I heard the sounds. I heard the sounds.

29 Q. The sounds of what?

- 1 A. The sounds of the people crying when they were being
2 beaten.
- 3 Q. What happened to one of the women in particular?
- 4 A. One amongst the women, they took a pistol and they thrust
5 it in her vagina and it was there till morning.
- 6 Q. How do you know that this happened to this woman?
- 7 A. When I came in the morning I saw that with my own eyes.
- 8 Q. You saw her?
- 9 A. Yes, I saw her with my eyes.
- 10 Q. What happened to the women then?
- 11 A. I don't understand.
- 12 Q. Tell the Chamber, if you know this, what was going to
13 happen to the women then?
- 14 A. Well, the woman after -- when they had thrust the pistol
15 into her vagina, the rest were -- they just were sent
16 into my father's farmhouse and locked up. After that,
17 they sent one individual and said the farmhouse should be
18 set ablaze. But the individual that was sent to set the
19 farmhouse ablaze knew one of the women that were in this
20 farmhouse. So because of that he spared the place and he
21 saved all the others and he departed.
- 22 Q. Pause there. When did you find out that the women -- or
23 the farmhouse was not set alight?
- 24 A. Well, we did not see any smoke. Then, secondly, the one
25 that was sent to set the farmhouse ablaze said when he
26 went there I he did not see anybody there. So that is
27 why he did not set the farmhouse ablaze. So that is how
28 I came to know.
- 29 Q. Who sent this man to set ablaze the farmhouse?

1 A. It was the commander.

2 Q. Was your sister led away to the farmhouse with the other
3 women?

4 PRESIDING JUDGE: Where was his sister at the time, please.

5 Ask him the bare question. Where was his sister.

6 MS PACK:

7 Q. Where was your sister when this was going on?

8 A. Well, I will not be able to tell where she was at that
9 moment because at that time it was night. But I believe
10 that she was with the group which captured us that night.

11 PRESIDING JUDGE: [Inaudible] speculate. You cannot say where
12 she was.

13 MS PACK:

14 Q. Witness, what happened to you after the women were taken
15 away?

16 A. Well, after taking the women away, because we, all of us,
17 had undressed, they came to me, they divided the group
18 into two.

19 Q. What was done or said by the men when they divided the
20 group into two?

21 A. After dividing the group they said well -- they said now
22 they are coming to start because I was the first person,
23 say, that was in our own line. The man came and said I
24 should put -- I should lay my hand on ground so that he
25 could cut it.

26 Q. Who instructed you to lay your hand on the ground so he
27 could cut it?

28 A. One of the bad men who captured us that night told me to
29 put my hand on the ground for him to cut it off.

- 1 Q. What happened next?
- 2 A. So I tried to lay my left-hand and he said no, let me put
3 the right one. It is the right one that is useful, the
4 left one is not useful. So I laid the right one so he
5 chopped it off. He said in fact it is now that they
6 would begin. They bring persons --
- 7 Q. Pause there please. Wait a moment. So this man asked
8 you to put your right hand on the ground and then what
9 did he do?
- 10 A. Yes. When I laid it on the ground --
- 11 PRESIDING JUDGE: [Inaudible].
- 12 THE WITNESS: He chopped it off.
- 13 PRESIDING JUDGE: Please. It seems he is under some stress.
14 He is under some form of stress.
- 15 MR HARRISON: There is a person from the witness management
16 unit, perhaps they could assist.
- 17 PRESIDING JUDGE: Yes, please, if they can. Mr Harrison, if
18 you could.
- 19 MS PACK: I'm grateful, Your Honour.
- 20 MR HARRISON: This is a young person. I am wondering whether
21 the Court would agree to stand down for five minutes so
22 that he could step outside?
- 23 MR JORDASH: If it assists I certainly wouldn't oppose and
24 would think that is a sensible suggestion, if it helps.
- 25 PRESIDING JUDGE: Can he continue? He says he can continue.
26 Okay.
- 27 MS PACK:
- 28 Q. Witness, I am not going to be asking you many more
29 questions about this but please say if you would like to

1 pause a moment at any time. Are you ready to go on?

2 A. Yes.

3 Q. You were describing, Witness, how the man had asked you
4 to put your right hand on the ground. I want you to tell
5 the Chamber please what happened then?

6 A. Yes. So when he said I should put my right hand on
7 ground, I put it on ground, he chopped it off. After
8 cutting it off he said he would come with a pestle to
9 approach by my hand on top there so that it would be
10 caught. He brought the pestle, they put it on top and
11 chopped my hand off. I don't know if the bone has
12 finally -- so -- and I called out for my friend.

13 Q. Your hand, was it cut off or was the bone broken in your
14 hand -- in your arm?

15 A. They cut the bone and it broke.

16 Q. So after this man had done that to you, what happened
17 next?

18 PRESIDING JUDGE: Let us get it clear on the record. We are
19 hearing the hand was cut, or chopped off and things like
20 that. Was the hand really chopped off? Can we see
21 demonstratively.

22 THE WITNESS: There. There is the hand.

23 MS PACK:

24 Q. Witness, do we see a scar at the place where your hand
25 was struck?

26 A. Yes.

27 MS PACK: Your Honour, for the record, there is a scar.

28 PRESIDING JUDGE: [Inaudible].

29 MS PACK:

- 1 Q. Witness, who ordered the amputations to start?
- 2 A. It was the commander.
- 3 PRESIDING JUDGE: What question did you ask, Ms Pack?
- 4 MS PACK: Who ordered the amputations to start?
- 5 PRESIDING JUDGE: To start, okay.
- 6 MS PACK: Yes.
- 7 THE WITNESS: It was the commander.
- 8 MS PACK:
- 9 Q. How many men were doing the amputating?
- 10 A. In our own line there were three men.
- 11 PRESIDING JUDGE: There were three men doing the amputation?
- 12 MS PACK: That is right, Your Honour.
- 13 THE WITNESS: Yes. For our own line there were three men.
- 14 MS PACK:
- 15 Q. And it is right, isn't it Witness, you described a few
16 moments ago that you men were divided into two lines?
- 17 A. Yes.
- 18 Q. You were in one of those two lines?
- 19 A. Yes.
- 20 Q. Who was the first in your line to be amputated, To be
21 struck?
- 22 A. I was the first person to have my hand cut off.
- 23 Q. Who was the next person to be struck?
- 24 A. One of my friends.
- 25 Q. What happened to him?
- 26 A. Well, he too, when they came they told him to put his
27 hand so that they could cut it. They chopped the one
28 hand. Then the other one, they also asked him to put it
29 on the ground. This -- the person who chopped that other

- 1 one, they told him that God has the sky, on the Earth
2 they are the owner. So by the time he says something
3 they chopped the other hand. I was sitting behind him.
- 4 Q. Pause there. Was it the same man who had struck your arm
5 who also struck your friend's arm?
- 6 A. Yes, yes.
- 7 Q. After he had done this to you both what did he say to
8 you?
- 9 A. After having done this to me and my friend, they left us
10 and we went into the bush to look for our families.
- 11 Q. Pause there. Before you went to the bush to look for
12 your families what did this man who had struck you say to
13 you and your friend?
- 14 A. After the man had cut our hand he told us that my friend
15 and I should go to our father Pa Kabbah to give us false
16 hand. That is the message that he give us before he
17 released us.
- 18 Q. You have just told us that you and your friend then went
19 into the bush?
- 20 A. Yes.
- 21 Q. Did you return to your village at some point?
- 22 A. Yes. The other morning we went there, we went to the
23 village.
- 24 Q. What did you see when you returned to your village?
- 25 A. When we reached we met the hands that the chopped off.
26 They were where the [inaudible] site where they cut the
27 hands and we stayed there for a while and we sent one of
28 our friends to ~~xxxxxxx-xxxxxxx~~ where the ECOMOG were.
- 29 Q. Why did you send them there?

1 A. In order for ECOMOG to come and help us and take us where
2 we will have medical attention.

3 Q. You said you came back to the village and you saw hands,
4 hands in the place where cutting was taking place. Did
5 you also see other villagers when you returned back to
6 the village, to your village?

7 A. Yes.

8 Q. About how many of your villagers did you see when you
9 went back?

10 A. Well, it was 20.

11 Q. Could you see what had happened to them?

12 A. Yes.

13 [HS010205D - EKD - 4.15 p.m.]

14 Q. What had happened to them?

15 A. Well, the other morning when we came, I saw some men,
16 they cut their hands and some ears. I saw all that have
17 had the same problem that I had.

18 Q. Please, as far as you can remember, name the villagers
19 you saw who had been injured in this way?

20 A. Like xxxx xxxx, xxxxxx xxxxx, xxxx xxxx xxx and
21 xxxxxx xxxxx. Then xx xxxx, then xxxx xxxxx, and the
22 other ones I cannot remember their names.

23 Q. When did you next see your sister?

24 A. The other morning.

25 Q. That same morning you returned to your village?

26 A. Yes.

27 Q. What had happened to her?

28 A. They cut one of the hands. The other hand was chopped,
29 but it was not chopped off completely, but she cannot do

- 1 anything with it.
- 2 Q. You've told us that one of the villagers went to go and
3 get help from ECOMOG. Whilst you were waiting what
4 happened?
- 5 A. When we are sent my friend's mother to ECOMOG for them to
6 come and assist us, we left there, the same bad people
7 who cut us hand came and met us. When they arrived they
8 picked up all the hands that they had cut off and they
9 said -- they ask us what we are doing. We told them that
10 we've sent somebody to ECOMOG to come and collect us.
11 They said it was good but if they met us the other time
12 they would kill us, and they left us and went away. They
13 carried all the hands that they cut off.
- 14 Q. What did you do after this, you and the other villagers?
- 15 A. So from there we decided to find where ECOMOG troops were
16 in order for them to help us for us to get medical care.
- 17 Q. So where did you go?
- 18 A. We walked from xxxxxx xxxxx to xxxxxxxx junction.
- 19 Q. Where did you end up?
- 20 A. Well, from xxxxxxxx xxxxxxxx they took us and brought us to
21 xxxxxx and slept in xxxxxxx. They brought us to Connaught
22 Hospital where we are treated until we are completely
23 well.
- 24 Q. That's Connaught Hospital in Freetown?
- 25 A. Yes.
- 26 Q. Did all of you villagers survive the journey from
27 xxxxxxx xxxxxxxx?
- 28 A. Well, no, not -- two people died on the way.
- 29 Q. Who?

- 1 A. Well, the one was xx xxxx, the other one was called xx xxxx
2 [phoen]. They were the two old people among us.
- 3 Q. How did they die?
- 4 A. It was because their hands were cut off. Xx xxxx, his
5 hands were cut off at the elbow here, while xx xxxx, it
6 was the feet. They could not reach where the ECOMOG was,
7 so they died on the way.
- 8 Q. Witness, one last thing. You've shown the Chamber your
9 arm. I want to ask you are you able now to use your
10 right arm for anything?
- 11 A. I cannot use my right hand to do anything because the
12 bone was cut and I cannot use it any longer.
- 13 MS PACK: Those are all the questions I have for you, thank
14 you. Your Honours, those are all my questions of this
15 witness.
- 16 JUDGE THOMPSON: Thank you, counsel. Mr Jordash?
- 17 PRESIDING JUDGE: The Court will rise for a few minutes before
18 Mr Jordash starts his cross-examination. The Court will
19 rise. Maybe he doesn't have any.
- 20 [Break taken at 4.20 p.m.]
- 21 [Upon resuming at 4.48 p.m.]
- 22 HIS HONOUR: Learned counsel, we are resuming the session.
- 23 JUDGE THOMPSON: Mr Jordash, your witness.
- 24 MR JORDASH: No questions, thank you.
- 25 JUDGE THOMPSON: Thank you. Mr Touray, your witness.
- 26 MR TOURAY: No questions for this young man, Your Honour.
- 27 JUDGE THOMPSON: Thank you. Mr Cammegh, your witness.
- 28 MR CAMMEGH: No questions, thank you.
- 29 JUDGE THOMPSON: Thank you very much. Then, re-examination?

1 Of course, no cross-examination, no re-examination.

2 PRESIDING JUDGE: Of course none, Ms Pack, except by some
3 extraordinary leave. I am afraid we wouldn't grant it
4 anyway.

5 JUDGE THOMPSON: Let the Prosecution call the next witness and
6 see if we can take this witness away.

7 PRESIDING JUDGE: Yes. Mr Witness, I think you look like
8 you're the shortest witness in our memory here. We thank
9 you for coming to give your evidence before this Tribunal
10 on your experiences and what you lived through. We have
11 come to the end of your evidence and the Court is now
12 releasing you to go home. We may need you here in
13 future. If that happens we would be very glad to have
14 you back. So we wish you a safe journey and a happy stay
15 with your family. I think the witness can be taken home
16 now -- can be taken away now, please.

17 [The witness withdrew]

18 MR HARRISON: I wonder if the Court clerk can assist us in
19 reminding the audio visual staff that the next witness is
20 by voice distortion.

21 JUDGE THOMPSON: Will the experts make sure they have the
22 machinery in place for the voice distortion process,
23 please, and advise us accordingly.

24 MS EDMONDS: Voice distortion is on.

25 JUDGE THOMPSON: We are so advised.

26 PRESIDING JUDGE: This is the 24th prosecution witness?

27 MR HARRISON: Yes, that's correct.

28 PRESIDING JUDGE: Is prosecuting counsel Ms Sharon Parmar?

29 MR HARRISON: Yes, there is obviously no need for me to

1 introduce Ms Parmar to the Court.

2 PRESIDING JUDGE: We are getting very familiar with our
3 customers in brackets, you know the prosecuting team.

4 [The witness entered Court]

5 JUDGE THOMPSON: Let the witness be sworn, please.

6 WITNESS: TF1-218 sworn

7 [Witness answered through interpretation]

8 THE INTERPRETER: My Lord, the witness is not getting the
9 translation from this end.

10 JUDGE THOMPSON: Will the translation unit take some action to
11 remedy the temporary difficulty.

12 THE INTERPRETER: The witness is not getting the translation.

13 MS PARMAR: Your Honours, it appears the witness is speaking
14 very softly. Perhaps someone from the witness support
15 unit could just ask her to speak loudly.

16 PRESIDING JUDGE: It is not everybody who feels easy with a
17 microphone. Light it up for her.

18 EXAMINED BY MS PARMAR:

19 MS PARMAR:

20 Q. Good afternoon, Madam Witness.

21 A. Good afternoon.

22 PRESIDING JUDGE: Ms Parmar this is --

23 MS PARMAR: Your Honours, this is witness TF1-218.

24 PRESIDING JUDGE: Testifying in what language?

25 MS PARMAR: The witness is testifying in the language of
26 Limba.

27 Q. Madam Witness, how old are you?

28 A. I am 46 years this year.

29 Q. Are you married?

1 A. My husband is dead.

2 Q. Do you have any children?

3 A. Yes, I have four children.

4 Q. Have you ever attended school?

5 A. I did not go to school.

6 MS PARMAR: Your Honours, my microphone does not seem to be
7 projecting my voice even though it's on.

8 JUDGE BOUTET: I am hearing your voice directly, not through
9 the speaker system. We heard your voice right at the
10 beginning and then it appears to be cut off. How it
11 happened I don't know.

12 MR HARRISON: I think this may have happened on a prior
13 occasion when microphones in the interpreters' unit are
14 left on and somehow that seems to override the
15 microphones here. I think that happened two witnesses
16 ago.

17 MS PARMAR:

18 Q. Madam Witness, can you read or write?

19 JUDGE BOUTET: We have it now.

20 THE WITNESS: I cannot write, I cannot read.

21 MS PARMAR: Can you hear me now, Your Honours?

22 JUDGE THOMPSON: Yes.

23 MS PARMAR:

24 Q. Madam Witness, can you please tell the Court what is a
25 civilian?

26 A. Yes, yes.

27 Q. What is a civilian?

28 A. A civilian does not do anything that destroys a person.

29 Q. Where did you live during the war?

- 1 A. I was living in xxxx in xxxxxx [phoen].
- 2 Q. Where did you go from xxxxxx?
- 3 A. We went to the bush.
- 4 Q. Where did you go from the bush?
- 5 A. We returned to xxxxxx.
- 6 Q. What happened in xxxxxx?
- 7 A. When we went to xxxxxx I slept there for two days.
- 8 Q. What happened after those two days?
- 9 A. In the evening we are sitting together with my children.
- 10 Then I ask my child to go and get water for us from the
- 11 water well.
- 12 Q. What happened when your son returned with the water?
- 13 A. As he was going out from the parlour, he came -- he met a
- 14 man dressed in combat. He ran to me inside the house and
- 15 told me that they have come.
- 16 Q. Who had come, Madam Witness?
- 17 A. I asked him who were they. He only said, "They are
- 18 coming." They opened the door. As he opened the door,
- 19 he had a gun and a knife.
- 20 Q. Who was it who had a gun and a knife?
- 21 A. It was a man that was in combat uniform.
- 22 Q. Who was this man in combat uniform?
- 23 A. Well, as for me, when I saw him in combat uniform, I ran
- 24 away from him.
- 25 Q. Where did you run to?
- 26 A. I ran to the bush near me -- near the bush at xxxxxx.
- 27 Q. What could you hear when you were hiding in the bush?
- 28 A. I heard my child crying that "they have held me" and that
- 29 I had to come out from the bush and approach them.

- 1 Q. Who was it that was holding your daughter?
- 2 A. It was the man that had the combat uniform with a gun and
3 a knife. He was the one that held my child.
- 4 Q. What happened when you returned to your child?
- 5 A. After capturing my child, the young man in combat uniform
6 took my bag, opened it and removed all the better
7 articles. The ones he didn't want he threw away. The
8 others, he went away with them.
- 9 Q. What were the articles this man took?
- 10 A. My clothes inside my bag. He was only trying -- as he
11 was trying to separate the better things from the rotten
12 ones, my child managed to escape and ran towards the
13 parlour.
- 14 Q. Was this man alone in your house?
- 15 A. He was alone when he met me.
- 16 Q. Madam Witness, what happened next?
- 17 A. Saw this child going -- as I was about to go the
18 direction of my child, I came across another man. He too
19 was in combat, he had a gun. And as we met together he
20 kicked me.
- 21 Q. Madam Witness, please try to go slowly to assist the
22 translator.
- 23 A. Okay.
- 24 Q. Where were you when you met the second man?
- 25 A. I was going -- I was turned in by the window, looking
26 outside, looking at how this man was taking these things
27 from my bag. He was outside.
- 28 Q. To clarify, Madam Witness, the second man was outside of
29 your house?

1 A. It was outside. The place was dark and -- it was dark,
2 it was at night, he was outside and one was inside. As I
3 was looking at how this first man was removing my things
4 from the bag, he was looking at me. And as my child was
5 thrown in towards that direction, I came across him. We
6 met, he kicked me and I had to fall down on the ground.

7 [HS020105E - JM 5.08 p.m.]

8 Q. Who was the second man?

9 A. He also had combat uniform.

10 Q. Where were you kicked?

11 A. When we met on that -- as I was going out, he kicked me,
12 and then he ordered me to go into the next house.

13 Q. What happened after he ordered you to go to another
14 house?

15 A. As we were going, he pushed me, and -- he pushed me into
16 another room. And inside that room, I met some other
17 people there.

18 Q. Where was this other room that you were taken to?

19 A. It was a nearby house, a nearby house. At the xxxxxxxx
20 junction.

21 Q. When you reached the house, who did you see in this room?

22 A. We were all civilians that they had captured, and we were
23 locked into that house.

24 Q. How many civilians did you see locked in the house?

25 A. There were many. There were many.

26 Q. Where were these civilians from?

27 A. These were all captured civilians. Whosoever was
28 captured was brought to that place and said "come and
29 wait here." The others were captured in the bush.

1 Q. Who else, other than civilians, were there in the house?

2 A. There were others who are Korankos, others who are
3 Limbas.

4 Q. Once you were in the house, what were you told?

5 A. One of the -- one of the men asked us whether we knew
6 him. We answered that we didn't know him, and he said
7 "we are the rebels. We have come. We are the rebels."

8 Q. How many of these men were in the house with you?

9 A. Those I know were not many. There was one who was xxxx,
10 xxxxxx, xxxxx. These were the men. The women were xxxxx,
11 xxxxx. The others, I don't know them.

12 JUDGE THOMPSON: Counsel, was she talking about civilians?
13 Was that the purpose of the question?

14 MS PARMAR: No, Your Honour, I was going to clarify with the
15 witness the question I had asked.

16 JUDGE THOMPSON: I thought she got your question wrong.

17 MS PARMAR: That's correct, Your Honour.

18 Q. Madam Witness, I would like you to tell us how many of
19 the men who said they were rebels were in the house with
20 you.

21 A. Those I can remember, those who took us into that house,
22 there were three.

23 Q. When you use the word "rebel," what do you mean by
24 "rebel"?

25 A. Well, for me, I saw them holding a gun with a knife. And
26 they asked me whether I knew him. And they told us that
27 he was a real rebel, that they were rebels.

28 Q. What else were you told when you were in the house?

29 A. They told us to laugh, and that our lives were ended and

- 1 that we should laugh.
- 2 Q. What happened next, Madam Witness?
- 3 A. They removed all our things and left us naked and lined
4 us up.
- 5 Q. What happened after you were lined up?
- 6 A. He asked one lady called xxxxxxx and asked, "where is your
7 husband"? And then she said "this is my husband." And
8 then he said they should have intercourse with this
9 husband. "Let us see how you are doing this thing
10 together with your husband."
- 11 Q. What did the woman and her husband do?
- 12 A. The man was ashamed because there are so many people in
13 the room, so he didn't want to have sexual intercourse
14 with the wife. But because of the gun, he was forced to
15 have sexual intercourse in the presence of other people.
- 16 Q. How was this man forced with the gun?
- 17 A. They hit the butt of the gun on his wrist and pointed the
18 gun at him, that if he does not have sexual intercourse
19 with the wife, they are surely going to kill him.
- 20 Q. What then happened in the room?
- 21 A. After -- after the man had had intercourse with his wife,
22 he asked the child, "where is your father ?" And the
23 child pointed towards the father and the mother and told
24 the child to take some water and wash the private part of
25 his father.
- 26 Q. Who was this child?
- 27 A. He was a girl.
- 28 Q. What did the girl do?
- 29 A. What he did was he was asked to take water and wash the

- 1 penis of her father.
- 2 Q. How old was this girl?
- 3 A. The one who washed his father's penis? He was a
4 young -- she was a young girl. I cannot tell her age
5 because we only met when we were all running away. So I
6 could not be able to tell her age.
- 7 Q. So what did this young girl do?
- 8 A. Young girl, after having -- after the husband and wife
9 had intercourse, this young girl washed the penis of her
10 father.
- 11 Q. What happened next in the room, Madam Witness?
- 12 A. They asked me for my husband. I told them my husband had
13 been killed. Well, the rebel that had the gun said,
14 "since your husband is not here, I am going to have
15 sexual intercourse with you."
- 16 Q. What did this man do next?
- 17 A. He pushed me -- he pushed me, and then he put the gun
18 aside and the knife on the other side, and then he lifted
19 my feet and forced to have sex with me.
- 20 Q. Madam Witness, I'm going to ask you again to go slowly
21 over your answers.
- 22 A. Okay.
- 23 Q. Where did the rebel push you?
- 24 A. On the floor.
- 25 Q. Were you alone?
- 26 A. We were many.
- 27 Q. How did the man have sexual intercourse with you?
- 28 A. Well, he opened my legs and started forcing me to have
29 sex with him. He said if I refused, he was going to kill

- 1 me.
- 2 Q. How long did this man have sexual intercourse with you?
- 3 A. It was -- it was on me for a very long time because I do
4 not know the actual time. But it was a very long time he
5 was on me.
- 6 Q. What, then, happened, Madam Witness?
- 7 A. He called the other rebel that was outside and said
8 "come, this woman is not old."
- 9 Q. Please tell us what happened next.
- 10 A. The other rebel said "no. We have got rice. We have got
11 clothes. We have got everything. Let us leave her.
12 Let's go." That was the one who was outside, made that
13 comment.
- 14 Q. How were you feeling at this time?
- 15 A. Well, I am actually feeling it. I have pains.
- 16 Q. What then happened to you, Madam Witness?
- 17 A. Well, the one that had sexual intercourse with me went
18 outside.
- 19 Q. What happened after he went outside?
- 20 A. I also saw the man that had taken my things. They
21 brought back my things and placed them where I was lying.
- 22 Q. What then happened to you, Madam Witness?
- 23 A. The same man that brought these things again forced me to
24 have sexual intercourse with him.
- 25 Q. Madam Witness, how did you finally manage to leave the
26 room?
- 27 A. After they had had sexual intercourse with me, the two
28 people, I was trembling, so I got up. I stood there for
29 some time trembling.

- 1 Q. What did you then do?
- 2 A. One man said, "let us kill them all."
- 3 Q. Where did you go after he said that?
- 4 A. I still stood in the room waiting.
- 5 Q. And what happened after you waited?
- 6 A. "Instead of us shooting at these people, let us go for an
7 axe." There was an axe at the back of this house.
- 8 Q. Who said "instead of shooting these people, let us go for
9 an axe"?
- 10 A. It was the rebels.
- 11 Q. What happened to you after this was said?
- 12 A. They went for the axe, and he was about to open my feet.
- 13 Q. What did you do?
- 14 A. There was a man there who was a Kono. He held this axe
15 from this rebel.
- 16 Q. While the Kono man was holding the axe from the rebel,
17 what did you do?
- 18 A. The rebel held this Kono man and said that this man has
19 molest him somehow.
- 20 Q. Madam Witness, tell us what you did at this time.
- 21 A. As they were fighting, I ran outside. And as I was
22 running, they shot at me.
- 23 Q. Who shot at you?
- 24 A. The one who was waiting outside. One of the rebels that
25 was outside.
- 26 Q. What happened when you were shot at?
- 27 A. I ran to one of the water sites between **xxxxx**, that is
28 in one of the valleys. There's a hill there. There is
29 another hill there. So I went there to hid myself.

- 1 Q. Before you reached your hiding place, what happened to
2 you when the rebels shot at you?
- 3 A. That was how I ran away. I was naked. Everywhere blood
4 was oozing out of me, so I ran to hid myself in that
5 valley.
- 6 Q. Where was blood oozing out of you?
- 7 A. From my vagina, and also from my hand.
- 8 Q. Why was your hand bleeding?
- 9 A. Because they did not have sexual intercourse with me as
10 how a husband and wife are having intercourse.
- 11 Q. Madam Witness --
- 12 PRESIDING JUDGE: You asked about her hand, counsel.
- 13 MS PARMAR: Precisely, Your Honour.
- 14 Q. Madam Witness, I asked about your hand. What made your
15 hand bleed?
- 16 A. That was the place where I was shot by the rebels. That
17 is why -- that was why blood was coming out from that
18 hand.
- 19 Q. For how long did you hide in the valley?
- 20 A. Well, I did not know time. That was the place I slept
21 until the morning. It is only the morning that we had to
22 leave that place.
- 23 Q. What happened the next morning?
- 24 A. Morning, the man that took the axe from the rebel met me
25 there. He met me where I was hiding in the bush.
- 26 Q. What happened once he met you?
- 27 A. He came and took something and covered my nakedness.
- 28 Q. Where did you go once you were covered?
- 29 A. He said, let us now walk and go towards xxxxxx.

1 Q. Where were your children at this time?

2 A. Well, the elder one was in the room where people were
3 killed. The younger ones -- the younger one, one went
4 right under the bed. And the other ran towards the
5 bananas that were planted outside.

6 Q. You said your older child was in the room where people
7 were killed. Which room is this?

8 A. That was the very room which they had sexual intercourse
9 with us.

10 Q. How do you know people had been killed in this room?

11 A. When we came from the bush with a man -- as we came from
12 the bush with a man that had covered me, we went to the
13 room and saw this child covered with blood. That is how
14 we knew that people had been killed in that room.

15 Q. What did your child tell you when you saw him covered in
16 blood?

17 A. I asked him, I said -- I said, "hey, son, what happened
18 to you?"

19 Q. What did he tell you?

20 A. He said as they were shooting these people, he was lying
21 flat on the ground. And most of the people who were shot
22 fell on him. So he was still lying on the ground while
23 the others were being shot.

24 Q. Who was shooting the people?

25 A. The rebels. And one of the rebels asked "where is this
26 woman's kid? Had he been killed?" And one of the rebels
27 answered, "Yes, we had killed that child before; he was
28 the first one killed," not knowing the child was lying
29 flat on the ground while others were on top of him.

- 1 Q. Who else did you see when you returned to xxxxxxxx
2 Junction?
- 3 A. Well, when this man saw that my child was covered with
4 blood, he said "let us go to xxxxxx." As we were going,
5 we saw a lot of houses that were burnt.
- 6 Q. Before you left, what did you see at the house?
- 7 A. We saw corpses. These are people that had been killed.
8 They were all lying there.
- 9 Q. How many corpses did you see?
- 10 A. Those I was able to count, there were about five. But
11 there were many. I was only able to count five.
- 12 Q. How had these people died?
- 13 A. Well, one was lying flat, and the other was lying with
14 his chest down. And the other was lying sideways.
- 15 Q. Who else did you see in xxxxxxx at this time?
- 16 A. Those that were killed?
- 17 Q. No. Any others that you saw.
- 18 A. Well, as they were shooting all over the town, every
19 corner of the town, we heard gunshots that night.
- 20 Q. The next morning when you returned to xxxxxxx, who else
21 did you see other than the Kono man and your son?
- 22 A. Those I saw that were killed, they were.
- 23 Q. Where did you go after you left the house at xxxxxxx
24 Junction that morning?
- 25 A. We went to xxxxxx together with my children and the man
26 who had saved me.
- 27 Q. Was anyone else with you on the way to Motema?
- 28 A. Yes, my uncle met me there. I showed him my hand, and he
29 said, "oh, my son." He said, "I'm sorry for you."

- 1 Q. How was your uncle?
- 2 PRESIDING JUDGE: Did she meet the uncle in xxxxxx?
- 3 MS PARMAR:
- 4 Q. Madam Witness, where did you meet your uncle?
- 5 A. That was our way to xxxxxx. We all met at xxxxx. We
- 6 all moving to -- we all went to xxxxxx.
- 7 Q. When you met your uncle, what condition was he in?
- 8 A. He had -- his hand had been amputated.
- 9 Q. Who had amputated his hand?
- 10 A. Well, he told me that it was the rebels that had
- 11 amputated his hand.
- 12 Q. Madam Witness, at the time these things happened to you
- 13 in xxxxxx, who was the president of Sierra Leone?
- 14 A. During that time, we were in xxxxxx, and we heard that
- 15 Tejan Kabbah had been overthrown.
- 16 Q. When you returned to xxxxxx, had you heard anything else
- 17 about who was in power?
- 18 A. Well, as the rebels who were driven from Freetown, we
- 19 didn't hear anything. That was the only man we heard of.
- 20 Q. So Madam Witness, the time this happened in xxxxxxxx was
- 21 when the rebels had been driven from Freetown. Is that
- 22 what you're saying?
- 23 A. Because as they were driven from this place, they all
- 24 went there, all the civilians were in the bush. They
- 25 were in the town. We were all in the bush. All of us
- 26 who were in xxxxxx, we had all run to the bush. They
- 27 were the only people occupying the town.
- 28 Q. What happened when you travelled to xxxxxx?
- 29 A. When we went to xxxxxx, we went to the ECOMOG. And we

1 slept there for four days.

2 Q. What happened on the fifth day?

3 A. They sent a message to Freetown telling them that a lot
4 of civilians have been amputated here and that they have
5 no medication here. So let them send some medicine for
6 them.

7 Q. Where did you go on the fifth day?

8 A. Well, as they sent to Freetown, ECOMOG left Freetown, and
9 they went there in three lorries.

10 PRESIDING JUDGE: They went there, where? You say they went
11 there. Where? Mr translator, ECOMOG went there, where,
12 with three lorries. Or is it the witness?

13 THE WITNESS: They came to xxxxxx.

14 MS PARMAR:

15 Q. Where were you taken from xxxxxx?

16 A. In the morning, they took us all into these vehicles and
17 brought us to Freetown here at the Connaught Hospital.

18 Q. How many of you were taken to Connaught Hospital?

19 A. There were many. I cannot tell the number. But we are
20 many.

21 Q. What happened to you at Connaught Hospital?

22 A. When I went to Connaught, they gave me medication, and in
23 fact, they treated my hand where I was shot.

24 Q. How long did you stay at Connaught Hospital?

25 A. I was in the Connaught Hospital for two months.

26 Q. How is your hand today, Madam Witness?

27 A. I cannot use that hand to do anything.

28 MS PARMAR: May I have a moment, Your Honours.

29 [Prosecution counsel confer]

1 MS PARMAR:

2 Q. Madam Witness, thank you very much.

3 MS PARMAR: Your Honour, those are all the questions for the
4 Prosecution.

5 THE WITNESS: Yeah.

6 PRESIDING JUDGE: First question: I mean, do the Defence
7 teams want to cross-examine this witness?

8 MR JORDASH: Not for the first accused.

9 PRESIDING JUDGE: Mr Touray, does your Defence team
10 intend -- does your Defence team intend to cross-examine
11 this witness?

12 MR NICOL-WILSON: No, Your Honour.

13 PRESIDING JUDGE: Mr Cammegh?

14 MR CAMMEGH: No, thank you.

15 PRESIDING JUDGE: We shall soon be adjourning. I hope that
16 you have a witness and another stand by, maybe, for
17 tomorrow morning.

18 MR HARRISON: I just wondered if we could have a brief trial
19 management discussion. There's two witnesses that are
20 ready, one of which is 263; the other one is 012. I'd
21 indicated to counsel for the Defence that in our view,
22 012 is going to be a relatively brief witness. We
23 anticipate no more than a day. 263, we think, is likely
24 to be quite a different story, and we would imagine
25 perhaps two days, perhaps somewhat longer depending upon
26 the cross-examination. And I was wondering if the Court
27 wished to give any guidance as to how long it would be
28 sitting tomorrow and what the schedule may be for Friday.
29 If it's a half day tomorrow and no sitting on Friday, our

1 suggestion would be 012, the briefer of the two
2 witnesses. If the Court wished to give the Prosecution a
3 direction, we would of course accept it.

4 PRESIDING JUDGE: May we say we would like to take the shorter
5 witness tomorrow. But to have the other witness at stand
6 by.

7 MR HARRISON: Certainly, no problem, having a stand by. But
8 there's no way that witness would finish if they started
9 Thursday morning or late Wednesday.

10 PRESIDING JUDGE: Cannot finish even on Friday?

11 MR HARRISON: It would be a very, very late day on Friday. Or
12 perhaps the Defence can give some guidance as to how long
13 they anticipate cross-examination.

14 PRESIDING JUDGE: Mr Jordash, you were on your feet. I don't
15 know whether you had an input in this debate?

16 MR JORDASH: Only to hopefully assist by saying that TF1-263
17 appears to cover from 1997 through to 2000 in a wide
18 variety of places, and I couldn't imagine even if we were
19 to start that witness tomorrow -- well, let me rephrase
20 that, even if we were to start that witness first thing
21 tomorrow, there's a good chance we couldn't finish him or
22 her by Friday. It's one of those witnesses who travelled
23 the whole breadth of the indictment.

24 PRESIDING JUDGE: We'll take the short witness.

25 Mr Harrison, this said, you know, let's take the short
26 witness. If there is another short witness, why not also
27 we could take that witness on Thursday? And then maybe
28 finish on Friday. Check your records and consult with
29 the Defence to see which witnesses, because we want to

1 put up with at least -- with at least two witnesses,
2 short witnesses, so that at least we wrap it up on Friday
3 with having heard at least two witnesses between tomorrow
4 and Friday.

5 So please consult with the Defence and see how we
6 can get out of it.

7 Madam Witness, how are you?

8 THE WITNESS: Good.

9 PRESIDING JUDGE: We are finished with you. We thank you for
10 coming to tell us your story. We may want you to come
11 here again. If that will have to happen, we will come
12 back to you, and we would like to have you back here
13 again so that you can talk to us. But for now, you can
14 go home. And we wish you a safe journey back home and
15 the best of our regards to your family.

16 So thank you, very much, Madam.

17 THE WITNESS: Yeah.

18 PRESIDING JUDGE: Learned counsel, this said, the Chamber will
19 rise now and resume its session tomorrow at 9.30. The
20 Chamber will rise.

21 [The witness withdrew]

22 [Whereupon the hearing adjourned at 6.10 p.m. to be
23 reconvened on Wednesday, the 2nd day of February, 2005,
24 at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-195	1
EXAMINED BY MS STEVENS	1
CROSS-EXAMINED BY MR NICOL-WILSON	52
WITNESS: TF1-192	56
EXAMINED BY MS PACK	56
WITNESS: TF1-218	78
EXAMINED BY MS PARMAR	78