

Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

THURSDAY, 02 MARCH 2006
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa Ms Samantha Davies
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF02MAR06A - SV]
2 Thursday, 02 March 2006
3 [Open session]
4 [The accused present]
09:39:21 5 [Upon commencing at 9.40 a.m.]
6 PRESIDING JUDGE: Good morning, Mr Jordash. Good morning,
7 Mr O'Shea and good morning, Mr Touray and good morning,
8 Prosecutors.
9 JUDGE ITOE: Good morning, Mr Cammegh.
09:41:13 10 MR CAMMEGH: Yes, thank you, Judge.
11 PRESIDING JUDGE: I was not trying to ignore you. I just
12 limited my citation to the head of the team, if I can put it that
13 way. Good morning all, in any event. Is the Prosecutor ready to
14 proceed with their witness?
09:41:30 15 MR WERNER: We are, Your Honour.
16 PRESIDING JUDGE: Can we be informed of the witness being
17 called?
18 MR WERNER: Yes, Your Honour. TF1-213 will be the 59th
19 witness and the 58th Prosecution witness, testifying in Krio and
09:41:53 20 she is a Muslim.
21 PRESIDING JUDGE: You may proceed.
22 WITNESS: TF1-213 [Sworn]
23 PRESIDING JUDGE: Mr Prosecutor, your witness.
24 MR WERNER: Thank you, Your Honour.
09:45:48 25 EXAMINED BY MR WERNER:
26 Q. Good morning, Madam Witness.
27 A. How do you do?
28 Q. I'm fine, thank you. Madam Witness, I'm going to ask you
29 some questions. If you can just take your time and answer my

1 questions.
2 A. Okay.
3 Q. Madam Witness, when were you born?
4 A. 1984.
09:46:35 5 Q. And do you know where were you born?
6 A. In Freetown.
7 Q. And how long did you stay in Freetown?
8 A. Two years.
9 Q. And do you know what happened after that? Where did you
09:46:59 10 go?
11 A. To Lengekoro.
12 MR WERNER: For the Court, Lengekoro is spelt
13 L-E-N-G-E-K-O-R-O.
14 Q. Madam Witness, do you know in which district is Lengekoro?
09:47:30 15 A. Koinadugu.
16 Q. And how long did you stay in Lengekoro?
17 A. When I was 10 years.
18 Q. And what did you do after that, Madam Witness?
19 JUDGE ITOE: Sorry, she is giving a reply as to how old, I
09:48:01 20 think --
21 THE WITNESS: My --
22 JUDGE ITOE: -- she was -- I don't know. As to how old she
23 was when she was staying in Lengekoro. She said she was there
24 when -- she stayed there 10 years, when she was 10 years. Or did
09:48:18 25 she say she stayed there for 10 years?
26 MR WERNER: Yes, so it should be 12.
27 JUDGE ITOE: That is not what I understood it to mean.
28 Anyway, go ahead.
29 MR WERNER:

1 Q. Madam Witness, do you know how old you were when you left
2 Lengekoro?
3 A. When I was 10 years.
4 Q. And what happened after that, Madam Witness?
09:48:52 5 A. That was the time that my father took me from there.
6 Q. And where did you go with your father?
7 A. To Freetown here.
8 Q. And how long did you stay in Freetown then?
9 A. When I was 11 years.
09:49:25 10 Q. Okay. And did anything happen at that time?
11 A. So he took me, he came with me back to Lengekoro.
12 Q. Okay.
13 JUDGE ITOE: Who? Who?
14 MR WERNER:
09:49:43 15 Q. Who took you and --
16 A. My father.
17 Q. And did anything happen at that time, Madam Witness?
18 A. So during '97 they overthrew.
19 Q. When you say "they overthrew," Madam Witness, do you know
09:50:12 20 who overthrew in 1997?
21 A. Well, I don't know, but I heard that they overthrew.
22 Q. And just for the sake of clarity, when were you at that
23 time -- where were you at that time when they overthrew?
24 A. At Lengekoro.
09:50:39 25 Q. And once you were back in your village in Lengekoro did
26 anything you can remember happen in your village?
27 A. So when they overthrew, that was the time that the soldiers
28 started to go to the provinces.
29 Q. And what happened?

1 A. When they started pulling out, that was the time that some
2 of the soldiers went and left some of the looted property at
3 Lengekoro.

4 Q. When you say, Madam Witness, "when they started pulling
09:51:33 5 out" what do you mean?

6 A. The time that they were leaving Freetown, when they had
7 overthrown, when they were going, when they were going to the
8 provinces. That was the time that they went and left some looted
9 property at Lengekoro. They had cloth, shoes and clothes.

09:52:03 10 Q. Did you see them there, Madam Witness, at Lengekoro at that
11 time?

12 A. Yes.

13 Q. And what happened after that, Madam Witness?

14 A. So during that time ECOMOG was at Fadugu. When they were
09:52:30 15 at Fadugu, when they are launching bombs, you would hear at
16 Lengekoro, and they pulled out and they went further.

17 MR WERNER: Just pause for one second. So Fadugu for the
18 Court: F-A-D-U-G-U.

19 Q. And what happened after that, Mr Witness?

09:53:02 20 A. So when they went, it took some time and they came back for
21 the looted property.

22 Q. When you say "they came back for the looted property," who
23 are you talking about, Madam Witness?

24 A. The soldiers who left the looted property. So when they
09:53:30 25 went and spent some time, they came back for the looted property.

26 Q. Madam Witness, when you say "soldiers," what do you mean by
27 "soldiers"?

28 A. Well, I saw them wearing combat, that is why I called them
29 soldiers.

1 Q. And the second time they came back to Lengekoro, did
2 anything happen, Madam Witness?

3 A. When they came for their looted property, when people
4 refused to give them their looted property so they said that --
09:54:22 5 so they said that if they did not give them the looted property,
6 Lengekoro would be transformed into a battlefield.

7 Q. And, Madam Witness, when you say "they refused to give them
8 back the looted property," who are you talking about?

9 A. Well, it was the civilians who took the looted property.
09:54:47 10 When the civilians came, they said that if they did not give them
11 the looted property that they left there then Lengekoro would be
12 transformed into a battlefield.

13 Q. And how did you know that, Madam Witness?

14 A. Well, because when they came the same soldiers who left the
09:55:10 15 looted property, these were the same people who came back for the
16 looted property.

17 Q. And where were you when that happened?

18 A. At Lengekoro.

19 Q. Madam Witness, did you know any of those soldiers who came
09:55:29 20 back to Lengekoro?

21 A. Yes. The one that I knew was called Yellow Man.

22 PRESIDING JUDGE: Yellow Man?

23 MR WERNER: Yes, Your Honour.

24 THE WITNESS: Yes.

09:55:57 25 MR WERNER:

26 Q. And, Madam Witness, was there a commander with this group
27 when they came back?

28 A. He was the Yellow Man. He was the commander.

29 Q. And, Madam Witness, how do you know that?

1 A. Well, when they came, I started hearing them saying, "Yes,
2 sir. Yes, sir" and everybody was respecting him. So that was
3 why I knew that he was the leader, their leader.

4 Q. And what happened after that, Madam Witness?

09:56:54 5 A. So that was the time that they wrote a letter to the chief
6 saying -- they said they were coming there soon.

7 Q. Who wrote a letter to the chief?

8 A. The soldiers.

9 Q. And which chief are you talking about, Madam Witness?

09:57:21 10 A. Lengekoro chief.

11 Q. And how do you know about that?

12 A. Well, when they sent the letter, the chief called everybody
13 and they read letter to everybody.

14 Q. Were you there?

09:57:41 15 A. Yes.

16 Q. What do you remember?

17 A. Well, that was the time that the chief wrote a letter and
18 sent it to ECOMOG asking them to come and guard us at Lengekoro.

19 Q. And, again, which chief are you talking about?

09:58:09 20 A. The chief at Lengekoro.

21 Q. And what happened after that, Madam Witness?

22 A. So when we were seated there for some time, during '98,
23 March 18th, one morning we were all seated. So two people who
24 were trying to fetch water from one stream that was called

09:58:52 25 Matinke [phon], so when they were going to fetch water they met
26 with soldiers coming. So they threw the water and they ran away.
27 So when they ran away, they returned to the town and they said
28 that the soldiers were coming. During that time I was sitting in
29 my granny's veranda and my mother was pounding rice.

1 MR WERNER: Your Honour, I do not have the spelling of
2 Matinke.

3 PRESIDING JUDGE: That's fine.

4 MR WERNER:

09:59:45 5 Q. What happened after that, Madam Witness?

6 A. So when I was seated at the veranda my aunt was pounding
7 rice and I told my auntie, my aunt, the soldiers have come and
8 she said, "Leave me." So I went and sat again at the veranda.

9 When I was sitting at the veranda, we saw them coming and they
10:00:08 10 were speaking this other language when they were coming.

11 Q. Again, Madam Witness, when you say "they were coming," who
12 were coming?

13 A. The soldiers.

14 Q. Did you see them yourself?

10:00:29 15 A. Yes.

16 Q. How were they dressed?

17 A. They were in full combats fatigue. They were dressed in
18 full combat fatigue.

19 Q. And did they carry anything?

10:00:52 20 A. They had guns and they had red bands on their head when
21 they were coming during that time.

22 Q. And what happened after that, Madam Witness?

23 A. So during that when I had spoken to my aunt, they went to
24 the chief and they asked the chief to summon everybody and they
10:01:21 25 said that they were ECOMOG. So the chief started calling people.
26 So when -- the way they saw them they said that these were not
27 ECOMOG and people started pulling out. So when they started
28 pulling out, all they --

29 JUDGE ITOE: [Overlapping speakers] too much. Go slowly,

1 please.

2 MR WERNER: Yes, Your Honour.

3 Q. Madam Witness, as you can see, the judges are trying to
4 record what you are saying. So it will assist everybody if you
10:01:52 5 could just speak slowly and pause every two or three sentences,
6 if you could.

7 PRESIDING JUDGE: Take it back to the scenario where she
8 testified that the chief started calling people.

9 MR WERNER: The chief?

10:02:17 10 PRESIDING JUDGE: Yes.

11 MR WERNER: Yes.

12 Q. Madam Witness, could you tell us again what happened when
13 the chief started calling the people, the civilians, of
14 Lengekoro?

10:02:33 15 A. So when he summoned the people, the people said that these
16 were not ECOMOG so they started running away.

17 Q. Who started running away?

18 A. The civilians.

19 Q. And what happened after that, Madam Witness?

10:03:03 20 A. So I went into the room, I took my granny's bundle with my
21 own bag.

22 Q. And what happened after that?

23 A. I went and kept them in the bush.

24 Q. What happened after that, Madam Witness?

10:03:46 25 A. I came back to town to the house where my granny was
26 staying.

27 Q. Did you see anything when you came back to the town?

28 A. When I came, at that time I found out that they had

29 captured my companions, my age group, with whom I was staying in

1 the village. They had already captured them. They had already
2 burnt the houses.

3 Q. And when you say "they have captured," who are you talking
4 about, Madam Witness?

10:04:35 5 A. It was the soldiers that had captured the civilians, my
6 colleagues.

7 Q. And do you know how many civilians were captured?

8 A. Well, we the girls, we are 25 that were captured and they
9 captured some other people.

10:05:05 10 Q. And at that time, at that precise time, did anything happen
11 to you?

12 A. Well, when they had captured my colleagues, I took my
13 aunt's child and we went and hid in the bush.

14 Q. Just pause there. Madam Witness, do you know the name of
10:05:41 15 any of the people who were captured?

16 A. Well, they captured Kumba, Binta, Madusu with Dama, with
17 Manti.

18 MR WERNER: So Kumba, for the Court, K-U-M-B-A. Binta
19 B-I-N-T-A. Madusu, M-A-D-U-S-U. Dama, D-A-M-A. And Manti,
10:06:25 20 M-A-N-T-I.

21 Q. And what happened after that, Madam Witness?

22 A. So when I went, I had taken my aunt's child and I went
23 with -- in the bush to hide.

24 Q. And what happened after that?

10:07:04 25 A. So where I hid, I kept the things, I did not know that some
26 of the soldiers were hiding there. So I was trying to hide with
27 the child and he asked me to halt.

28 Q. Madam Witness, who asked you to halt?

29 A. It was the soldier.

1 Q. And how was he dressed, Madam Witness?

2 A. Well, he was wearing civilian clothes. He had a gun, a
3 machete and a bayonet.

4 Q. Did you see anything else when you looked at him?

10:08:09 5 A. He was wearing civilian clothes. He had a gun and he had a
6 machete and a bayonet.

7 Q. What happened next, Madam Witness?

8 A. When he had halted me, he said I should put down the child.

9 Q. What happened next?

10:08:50 10 A. When I had put down the child he asked me to take off my
11 clothes.

12 Q. Who asked you that?

13 A. It was the soldier.

14 Q. What happened after that, Madam Witness?

10:09:15 15 A. I told him that I was not going to do that and he said I
16 should take off my dress.

17 Q. Just to clarify things, Madam Witness, because my
18 translation was "they said." How many soldiers were there at
19 that time?

10:09:36 20 A. It was only one individual who told me to take off my
21 dress.

22 Q. So what happened after that, Madam Witness?

23 A. So when I refused, so he tore - he tore all my dress and he
24 left me naked just like I was born by my mother.

10:10:05 25 Q. Just take your time, Madam Witness, and tell us what
26 happened after that?

27 A. So he laid me. When he laid me, he came on top of me but
28 during that time, see, I was a virgin and he had sex with me.

29 Q. What happened after that, Madam Witness?

1 A. When he has raped me -- when he was raped me, so I started
2 bleeding. So I was unconscious. So I wasn't able to do
3 anything.

4 Q. What happened after that, Madam Witness?

10:11:51 5 A. So he said that we were to go to town. That is the town
6 that I came from and from the spot that I hid.

7 Q. What happened after that, when you came back to town?

8 A. Well, when he told me that we were to go to town, I told
9 him that I wasn't able to go because I was bleeding. So he held
10:12:45 10 me and he said that we were to go.

11 Q. What happened after that, Madam Witness?

12 A. So when we went to town, so we met them gathered and they
13 started arguing over me.

14 JUDGE ITOE: Who? Who? Who was arguing over her?

10:13:41 15 MR WERNER: Yes, I was going to ask, Your Honour.

16 Q. When you say "they gathered", who are you talking about?

17 A. The soldiers. They were the ones that were gathered and
18 they started to argue over me.

19 Q. Madam Witness, I may have asked you already but just for
10:14:06 20 the sake of clarity, when did that happen? Do you remember when
21 did that happen, everything you are talking about? The date, do
22 you remember when that happened?

23 A. It was March 18th, Thursday.

24 Q. Do you remember the year?

10:14:27 25 A. '98.

26 Q. So you saw these soldiers, they were gathering and they
27 were arguing. What happened after that, Madam Witness?

28 JUDGE ITOE: I don't understand what she means by saying,
29 "They were arguing over me."

1 MR WERNER: Yes.

2 Q. So could you explain what do you mean, Madam Witness, when
3 you say they were arguing about me? What do you mean about that?

4 PRESIDING JUDGE: Arguing over me.

10:15:04 5 MR WERNER:

6 Q. Over me, sorry. Arguing over me.

7 A. This is what I'm coming to say. So when they were arguing,
8 so in fact they said that -- this would say that, "This is my
9 woman." And the other one would say this, "This our woman". And

10:15:19 10 the other one -- the others started talking, "What we going to
11 do? Let us chop her in bit so that everybody could have a
12 portion."

13 Q. Madam Witness --

14 JUDGE ITOE: Please wait. Can you wait?

10:15:51 15 MR WERNER: Yes, Your Honour. Sorry.

16 JUDGE ITOE: So the others said they should chop her in
17 bits.

18 MR WERNER: Yes.

19 JUDGE ITOE: And do what with the bits?

10:16:14 20 PRESIDING JUDGE: All can have a portion.

21 MR WERNER: That is what I understood.

22 PRESIDING JUDGE: Yes.

23 THE WITNESS: Well, they just said that, that I should be
24 chopped into bits. So one would say that this my woman, the
10:16:29 25 other would say this my woman and they said that they should chop
26 me in bits so that everybody would have his own bit and I do not
27 understand what they meant by that.

28 MR WERNER:

29 Q. Now, Madam Witness, are you able to say how many of these

1 soldiers did you see at that point?

2 A. Well, I wouldn't know the total because they were many.

3 Q. At that point, did you recognise any of these soldiers?

4 A. Well, except the one that chopped my hand and the other one
10:17:21 5 that raped me.

6 Q. Okay. We will come to that, Madam Witness, but just answer
7 my question. At that time when you saw all these soldiers and
8 they were arguing over you, did you recognise any of them?

9 A. I did not know anybody.

10:17:45 10 Q. What happened after that, Madam Witness?

11 A. So when they had argued over me, so that was the time that
12 the man who had been chopping hands, he was called Yellow Man,
13 and he said the best thing we could do is to chop both of her
14 hands.

10:18:22 15 Q. Now, Madam Witness, you say he was called Yellow Man. Was
16 he the same Yellow Man as the one you talked about before?

17 A. Yes.

18 Q. What happened after that, Madam Witness?

19 A. So when they said they were going to chop both of my hands,
10:18:58 20 I said, "The best thing, instead of you to chop my hands, you
21 should take me along," and one of them said that it was not I
22 that would determine what they were supposed to do.

23 Q. Who said that? Who said that was not up to you to say what
24 they should do? Who said that?

10:19:21 25 A. It was Yellow Man.

26 Q. What happened after that, Madam Witness?

27 A. He asked me to lay my left hand.

28 Q. Who asked you?

29 A. The Yellow Man.

1 Q. What happened after that, Madam Witness?

2 A. He chopped my left hand once and he chopped this again.

3 Q. Are you able to say which hand?

4 A. It's the left hand, first. He chopped it once and he did
10:20:31 5 it the second time. See, when he raised it -- he raised the
6 machete, he chopped it. You know, he chopped it and it was only
7 the vein that was here that was joined to the hand.

8 Q. Madam Witness --

9 PRESIDING JUDGE: Before you continue, for the record, the
10:20:56 10 witness is showing the left arm just by the wrist and showing
11 some scar at that location. Thank you. You may proceed.

12 MR WERNER: Thank you, Your Honour.

13 Q. What did he use to chop your left hand, Madam Witness?

14 A. It was a machete that he used.

10:21:25 15 Q. What happened after that, Madam Witness?

16 A. So I laid my right hand again. When I laid my right hand,
17 he chopped it twice. He chopped it here and right up here. It
18 was only this single vein that held on to my hand.

19 PRESIDING JUDGE: Madam Witness, because there's a bottle
10:22:01 20 right in front of you, I could not see your right hand when you
21 lifted it. Could you just move just a bit sideways so I can see
22 what you're doing. You were showing your -- yes. Don't stand
23 up.

24 THE WITNESS: [Witness complied]

10:22:12 25 PRESIDING JUDGE: Yes, okay. Thank you. Yes.

26 THE WITNESS: So when he chopped here, it was here that he
27 first chopped and he chopped here again. It was only this vein
28 that was -- that retained my hand. He chopped it and all the
29 bones.

1 PRESIDING JUDGE: For the record again, the witness is
2 showing her right arm with visible scar tissue on the top of the
3 right arm and on underneath as well. Thank you.

4 MR WERNER:

10:22:54 5 Q. Madam Witness, who chopped your right hand?

6 A. It was the same Yellow Man who chopped both of my hands.

7 Q. Madam Witness, what happened after that?

8 A. So when he had chopped both of my hands, then I said,
9 "Right, now please kill me because I'm no longer useful."

10:23:37 10 Q. What happened after that?

11 A. They said they were not going to kill me.

12 Q. Who said that, Madam Witness?

13 A. It was Yellow Man. He was the one that said so.

14 Q. Madam Witness, how was Yellow Man dressed?

10:24:30 15 A. Well, he wore white polo and he wore combat trousers and he
16 had a red band on his head.

17 Q. Did Yellow Man say anything else at that point?

18 A. Well, he wrote the letter and he said I was to take it to
19 Pa Kabbah telling him that he would soon come. So when they gave
10:25:05 20 me the letter I didn't have any hands, you know, to hold it. So
21 he raised my hand and put it under my bosom. But when he raised
22 my hand and put it in the bosom the letter fell.

23 Q. And what happened after that, Madam Witness?

24 A. They said that they were going and I told them that I was
10:25:51 25 going to follow them so that they could kill me. So I was behind
26 them. As they were going --

27 THE INTERPRETER: Your Honours, the witness is a little bit
28 fast. Would she please take the last bit of her testimony.

29 PRESIDING JUDGE: Madam Witness, because what you say needs

1 to be translated, you have to go slowly. Can you repeat your
2 last answer, when you said they said that they were going, I went
3 with them. From there. Could you repeat that answer, please.

4 THE WITNESS: Well, I will try because I had already passed
10:26:36 5 that area. I will try again. Before they chopped my hand or
6 after they had chopped my hand, is that what you meant?

7 PRESIDING JUDGE: They said that they were going, they were
8 leaving, and you said you would be going with them.

9 THE WITNESS: That is before they chopped my hand. I told
10:27:08 10 them that before -- instead of chopping my hands I said that they
11 were to go with me and they said that it was not I that should
12 determine what they should do with me.

13 MR WERNER:

14 Q. Madam Witness --

10:27:23 15 JUDGE ITOE: We have all that, Madam Witness. We've heard
16 all that.

17 MR WERNER:

18 Q. Madam Witness, if you could just from the time the letter
19 fell. From the time the letter fell, what happened after that?

10:27:43 20 A. Well, when they said that I was to take the letter to
21 Pa Kabbah and that they would come to Freetown very soon. So
22 when the letter fell and they said that they would go, at that
23 time they were trying to go and I was behind them and I told them
24 that they were to kill me.

10:28:00 25 Q. Just pause.

26 JUDGE ITOE: Up to that point, yes. You may now proceed.

27 MR WERNER: Yes, Your Honour. Thank you.

28 Q. Madam Witness, just go slowly and everything will be fine.
29 Could you tell us from that point what happened?

1 A. Well --

2 JUDGE ITOE: Did you follow them?

3 MR WERNER:

4 Q. What did you do yourself at that time?

10:28:43 5 A. Well, I told them that they should kill me. So I was
6 behind them and I told them that they were to kill me because
7 they had disabled me and I wouldn't be able to live like that.

8 Q. At that time, Madam Witness -- did you see anything at that
9 time?

10:29:14 10 A. Well, during that time they had burnt the houses at
11 Lengekoro, they had chopped some people. They had burnt all the
12 houses at Lengekoro. It was only the school and the mosque that
13 were left.

14 Q. How many houses were at Lengekoro approximately at that
10:29:43 15 time, do you know?

16 A. Well, 95 houses.

17 Q. Madam Witness, I'm just now talking about what you saw;
18 okay? Did you see anything else at that point?

19 JUDGE ITOE: What about the 95 houses? What happened to
10:30:18 20 those houses? What about the 95?

21 MR WERNER: Okay.

22 Q. What happened, Madam Witness, to these --

23 JUDGE ITOE: Is it that there were 95 houses in Lengekoro
24 or that 95 -- I mean, what happened?

10:30:34 25 MR WERNER: I thought the witness said that they burnt all
26 the houses in Lengekoro except the mosque and the school, but I'm
27 happy to clarify that.

28 JUDGE ITOE: Yes.

29 MR WERNER:

1 Q. Madam Witness, what happened to these 95 houses?

2 JUDGE ITOE: Is she saying that there were 95 houses in
3 Lengekoro or that they burnt 95 houses? Let's get that clear on
4 the records.

10:30:59 5 MR WERNER: Yes, Your Honour, I will do my best.

6 Q. Madam Witness, do you know how many houses did the rebels
7 burn in Lengekoro that time?

8 A. The village is not big. There were 95 houses in Lengekoro.
9 It's a small village.

10:31:22 10 Q. And how many houses were burnt?

11 A. This is what I had said. They burnt all the houses. The
12 total houses at Lengekoro were 95.

13 JUDGE ITOE: They only spared the school and the mosque?

14 MR WERNER: Yes.

10:31:47 15 THE WITNESS: Yes.

16 MR WERNER:

17 Q. Madam Witness, at that point did you see anything else?

18 A. Well, at that time they cut -- they cut a man --

19 THE INTERPRETER: Your Honours, would the witness please go
10:32:14 20 slow.

21 MR WERNER:

22 Q. Just wait. Just wait. I know it's frustrating for you but
23 you just have to go as slow as possible. Could you take that
24 again? Could you explain again what you saw?

10:32:33 25 A. Well, one man, they cut off one man's hand. He was called
26 Sheriff. They cut -- they chopped it. They chopped it off
27 completely, just like what happened to me.

28 Q. Did you see that?

29 A. Yes.

1 MR WERNER: Your Honour, for the records Sheriff would be
2 S-H-E-R-I-F-F.

3 Q. What happened with Sheriff? Did anything happen with
4 Sheriff?

10:33:20 5 A. Well, at last he died.

6 JUDGE ITOE: Did they chop off Sheriff's two hands or just
7 one? The two hands?

8 MR WERNER:

9 Q. How many -- did --

10:33:33 10 A. The single hand was chopped off completely. The left hand,
11 they chopped it. It was only the skin that was holding on to the
12 hand.

13 Q. Madam Witness, were all the soldiers you saw in Lengekoro
14 of the same age group?

10:34:14 15 A. No. Some were -- because during that time I was around 13
16 years when the soldiers did this to me.

17 Q. So how old, Madam Witness, were the youngest soldiers you
18 saw at Lengekoro at that time?

19 A. Some were a little bit older than I am and some were around
10:34:56 20 13 years. Some were very young. Some were a little bit older
21 than I was during that time.

22 Q. And did they carry anything?

23 A. Well, they did not take anything at Lengekoro but they had
24 guns. When they went I saw them with guns. They did not take
10:35:30 25 anything when they were going.

26 Q. What happened after that, Madam Witness?

27 A. So during that time I was hopeless, I wasn't able to do
28 anything. I had been falling and I became very giddy.

29 Q. So what happened?

1 A. So when I was going, I was trying to go to the bush where
2 my granny was hiding. See, I was trying to find where my granny
3 was. There was one house at the last side. There I met the
4 soldiers again, gathered together. So when I met them, at that
10:36:27 5 time they had already chopped off my hands. I am butting myself
6 against the stakes.

7 Q. And were they the same soldiers you told about in
8 Lengekoro? Were they the same soldiers?

9 A. Yes.

10:36:49 10 Q. And what happened?

11 A. So when they saw me, during that time they were drinking
12 palm wine. See, one of them said there is a person coming and
13 they said, "We'll forget about her, she's already dead."

14 Q. What happened after that, Madam Witness?

10:37:20 15 A. So I went struggling in the bush, falling, and there was no
16 longer any blood -- much blood in me.

17 Q. And what happened?

18 A. So I was trying to go. That was the time that I saw some
19 civilians hiding. When they saw me, my hands, they ran away from
10:38:00 20 me.

21 Q. What happened after that, Madam Witness?

22 A. So during that time I wasn't able to do anything, I felt
23 giddy. So I lay down.

24 Q. And what happened after that, Madam Witness?

10:38:41 25 A. So I was lying down there within Lengekoro village. So I
26 started hearing gunfire and shells started falling near me.

27 Q. What happened after that, Madam Witness?

28 A. So I got up. See, I was trying to locate my mother but I
29 did not know where mother -- my granny was. So I started

1 shouting her name in the bush.

2 Q. And what happened after that?

3 A. I went and met a big stream.

4 Q. And what happened when you met the big stream? What

10:40:03 5 happened?

6 A. Well, they made a country bridge with sticks on top it. So

7 I was trying to cross it, so I fell in the water.

8 Q. Did you feel anything when you fell in the water.

9 A. Well, when I fell in the water, when I saw -- I felt pain

10:40:38 10 when the water went into the wound of my hands.

11 Q. And what happened after that, Madam Witness?

12 A. While in that water -- I was not able to get up, so I drank

13 some water. When I drank it I was not able to get out of it

14 again, so I just laid on it.

10:41:19 15 Q. And what happened next?

16 A. I lay on that water. I turned, I got out of it and there

17 was a stone nearby so I went on top it.

18 Q. What happened after that, Madam Witness?

19 A. While lying on that stone I started shouting my

10:41:54 20 grandmother's name.

21 Q. And what happened after that?

22 A. So while shouting my grandmother's name I did not know that

23 it was on top there where my grandmother hid. When she heard me

24 she wanted to come to me, but people told her not to come for

10:42:25 25 fear that soldiers were there.

26 Q. And what happened after that, Madam Witness?

27 A. So there was a man among them. He said, "I would go, if

28 they kill me that would not be a problem."

29 Q. What happened after that, Madam Witness?

- 1 A. The man came and met me where I lay. When he met me he
2 shouted, but the man, he was having a hoe [phon].
- 3 Q. Could you just repeat the last bit of that answer about the
4 man, Madam Witness, please?
- 10:43:30 5 A. The man who met me, the way he saw my hands, the conditions
6 in which I was, he shouted then that he was with a
7 [indiscernible]. So he made a medicinal herbs for me and used it
8 to tie my hands.
- 9 Q. What happened after that, Madam Witness?
- 10:44:05 10 A. When he had found the medicine, he went and called my
11 grandmother.
- 12 Q. And what happened after that, Madam Witness?
- 13 A. After calling my grandmother, when my grandmother saw me my
14 grandmother fainted.
- 10:44:28 15 Q. What happened after that, Madam Witness?
- 16 A. My grandmother was having a dress. They tore it to tie my
17 hands. When they tied it the hands were yet flexible.
- 18 Q. And what happened after that?
- 19 A. They took a piece of stick and put it -- and put my hands
10:45:17 20 on it and tied it so that I would not feel the pain.
- 21 Q. Did you go anywhere after that, Madam Witness?
- 22 A. Well, my grandmother's child, they called her husband. He
23 took me from that bush and took me to the village where they did
24 that havoc to me.
- 10:45:51 25 Q. And what happened after that, Madam Witness?
- 26 A. When they brought me to the village, they were waiting for
27 a vehicle to take me to Kabala Hospital.
- 28 Q. And did you go to Kabala Hospital?
- 29 A. Yes.

1 Q. How long did you spend in Kabala Hospital?

2 A. Well, a day. The second day they travelled with me.

3 Q. Did you see anyone you knew in Kabala Hospital?

4 A. Well, I saw -- I met Manti there. She too, they chopped

10:47:12 5 both of her hands.

6 MR WERNER: Manti, M-A-N-T-I.

7 PRESIDING JUDGE: You have spelled it out. That's okay.

8 MR WERNER:

9 Q. Madam Witness, did you speak with Manti?

10:47:36 10 A. Well, yes, because when I asked her she said it was the
11 soldiers that chopped her hands.

12 Q. And did she tell you where that happened?

13 A. At Lengekoro.

14 Q. Did you see anyone else?

10:47:56 15 A. I saw Dogeh.

16 Q. Could you repeat the name again?

17 A. Dogeh.

18 MR WERNER: For the record, D-O-G-E-H.

19 Q. And did you speak with Dogeh?

10:48:25 20 A. Yes.

21 Q. What did he tell you?

22 A. He said it was the soldiers that chopped her feet and her
23 left hand.

24 Q. Madam Witness, is Dogeh a man or a woman?

10:48:45 25 A. It's a man.

26 Q. And did Dogeh tell you where that happened?

27 A. At Lengekoro.

28 Q. Did you see anyone else at Kabala Hospital at that time,
29 Madam Witness?

1 A. Pa Dansa.
2 MR WERNER: Dansa, D-A-N-S-A.
3 Q. Did you speak with Pa Dansa, Madam Witness?
4 A. Yes.
10:49:31 5 Q. And did he tell you anything?
6 A. He said it was the soldiers that chopped him over and over,
7 all over his body.
8 Q. And did he tell you where that happened?
9 A. At Lengekoro.
10:50:00 10 Q. Did anything happen later to Pa Dansa?
11 A. He was chopped all over his body and they chopped both of
12 his hands.
13 Q. Did you meet anyone else, Madam Witness, at Kabala
14 Hospital?
10:50:20 15 A. Sandi.
16 MR WERNER: That's S-A-N-D-I, Sandi.
17 Q. Did you speak with Sandi, Madam Witness?
18 A. Yes.
19 Q. What did Sandi tell you?
10:50:46 20 A. The soldiers cut off his privates.
21 Q. And did he tell you where that happened?
22 A. At Lengekoro.
23 Q. And did anything happen later to Sandi?
24 A. Well, he died.
10:51:14 25 Q. Did you see anyone else, Madam Witness, in Kabala Hospital
26 at that time?
27 JUDGE ITOE: I would imagine that Sandi is a man.
28 MR WERNER: Yes.
29 Q. Madam Witness, could you tell us --

1 MR WERNER: Yes, yes.

2 JUDGE ITOE: I would imagine he's a man.

3 MR WERNER: Yes. Okay, I'm going to clarify that,
4 Your Honour.

10:51:44 5 Q. Madam Witness, is Sandi a man or a woman?

6 A. He is a man.

7 Q. Did you see anyone else, Madam Witness, at Kabala Hospital?

8 A. Well --

9 JUDGE ITOE: Do you want an exhaustive enumeration?

10:52:11 10 MR WERNER: It's almost over, Your Honour.

11 JUDGE ITOE: I don't think we have much time for most of
12 that.

13 MR WERNER: I will not have more than 10, 15 minutes and I
14 will be over with this witness, Your Honour.

10:52:21 15 JUDGE ITOE: It's okay. The enumeration has been quite
16 long, I think.

17 MR WERNER: Almost over.

18 [RUF02MAR06B - SGH]

19 MR WERNER: Understood.

10:52:26 20 Q. Madam witness, did you see anyone else at Kabala Hospital?

21 A. Well, it was one man whose two hands were cut off. Issa.

22 Q. Did you speak with Issa, Madam Witness?

23 A. Well, Issa, it was at Badala that they cut off both of his
24 hands.

10:52:57 25 Q. Could you say the same of name of this village again, Madam
26 Witness?

27 A. Badala.

28 MR WERNER: B-A-D-A-L-A, Badala.

29 Q. Did he say to you who did that to him?

1 A. Well, I did not know. We did not come from the same
2 village.
3 Q. That's fine.
4 A. He did not explain that to me.
10:53:34 5 Q. Did you see anyone else, Madam Witness, at Kabala?
6 A. Well, there were many. But those that we came from the
7 same village, they are the ones that I have just called but they
8 are many.
9 Q. What happened after that?
10:53:54 10 A. So CCSL went and took us from Kabala and brought us to
11 Freetown at Connaught.
12 Q. Do you know what CCSL stands for, Madam Witness?
13 A. It is a christian -- I don't know how to pronounce it. I
14 didn't go to school.
10:54:20 15 Q. What happened?
16 A. They brought us to Connaught.
17 Q. Could you explain to this Court what happened to you in
18 Connaught?
19 A. When we came to Connaught they treated all my companions.
10:54:51 20 The doctor refused to treat me.
21 Q. And why did they refuse to treat you?
22 A. Because all of us that came, my own hands are more damaged
23 than all of them.
24 Q. So what happened after that, Madam Witness?
10:55:23 25 A. So the doctor told me that my hands, there is no way to
26 manage them. They have to be cut off. Because they were not
27 useful again.
28 Q. So what happened after that?
29 A. So I was there for two months. I was straining with my

1 hands. They did not give me tablet until --

2 THE INTERPRETER: Your Honour, could the witness take the
3 last bit?

4 MR WERNER:

10:55:53 5 Q. Just explain again what happened or did anything happen
6 after these two months?

7 A. Well, one white woman came from Canada.

8 Q. What happened?

9 A. So the white woman said that she will not cut my hand, but
10:56:17 10 if she sured them I would not be able to hold anything with my
11 hands.

12 Q. And what happened after that?

13 A. She sured them.

14 Q. And what happened after that?

10:56:50 15 A. I felt a little bit better. She made another operation on
16 them again.

17 Q. Where did you go, Madam Witness?

18 A. I was there for seven months. After the operation they put
19 iron in my hands so that my hands will be strong.

10:57:35 20 Q. And how are you hands today, Madam Witness?

21 A. My hands, most of the bones are spoilt. It is iron that
22 they put in them so that I will be able to hold a cup. But I am
23 feeling the pain.

24 Q. Now, Madam Witness, you told us about a woman called Binta
10:58:13 25 and another woman called Kumba. Did you see Binta and Kumba
26 again?

27 A. Yes.

28 Q. When did you see them?

29 A. It was in the year 2000 in Kabala. 2001 that I saw them in

1 Kabala.

2 Q. Did you speak with them, Madam Witness?

3 A. I only talk to Kumba. She told me the story when she was
4 held and because she too they captured her in the bush and took
10:58:58 5 her to the bush.

6 Q. What did Kumba tell you?

7 A. Kumba explained to me that that group that did havoc to us
8 was the group of Superman. That was what she told me.

9 Q. Did she tell you anything else?

10:59:41 10 A. She said Superman belonged to that group. Yellow Man, who
11 did this havoc to me.

12 Q. Could you repeat just that part again?

13 A. She said Yellow Man, who did this havoc to me, belonged to
14 that group.

11:00:08 15 Q. Now, Madam Witness, did anything else happen at Lengekoro?

16 A. Well, when they had done this havoc to us, we were in
17 Freetown here, they attacked there again.

18 Q. And who are "they," Madam Witness?

19 A. The same soldiers who did the havoc to us attacked there
11:00:37 20 again.

21 JUDGE ITOE: How does she know they attacked there?

22 MR WERNER: Yes, I am going to clarify that, Your Honour.

23 Q. How do know that, Madam Witness?

24 A. Well, it was Kumba who told me. Because she was captured,
11:00:57 25 she was with them.

26 Q. And during that attack did anything happen to anyone you
27 know?

28 A. Well, in our family we were seven that the soldiers did
29 this type of thing and they killed one of us. One among us.

1 THE INTERPRETER: Pardon, Your Honour, two. Instead of
2 one.
3 PRESIDING JUDGE: Two were killed?
4 MR WERNER: Yes.
11:01:39 5 Q. And be mindful of the fact that you should not give any
6 last name. Could you just tell us who were these two people who
7 died during that attack?
8 A. The surname or am I to begin with the first name?
9 Q. Forget about the surname. Just the first name?
11:02:16 10 A. Well, my father's elder brother, his name was Mansay, he
11 was killed.
12 MR WERNER: Mansay, M-A-N-S-A-Y.
13 Q. Anyone else, Madam Witness?
14 A. My grandfather's sister, she too was killed. Her name was
11:02:37 15 Doro [phon].
16 Q. I do not have that name. So maybe the translator can give
17 a phonetic spelling. I don't have that name.
18 PRESIDING JUDGE: That's okay. That's okay.
19 MR WERNER: Madam Witness, that is all the questions I have
11:02:59 20 for you. Thank you very much.
21 PRESIDING JUDGE: Counsel for first accused, Mr Jordash,
22 ready to proceed in cross-examination?
23 MR JORDASH: Could I just take -- have a word with Mr --
24 PRESIDING JUDGE: Yes. Yes, please.
11:03:54 25 MR JORDASH: Could I just take instructions, please?
26 [Defence counsel conferred]
27 MR JORDASH: No questions, thank you.
28 PRESIDING JUDGE: Thank you. Thank you, Mr Jordash.
29 Counsel for the second accused?

1 MR NICOL-WILSON: Your Honour, I will need to take
2 instructions from my lead counsel who has just walked outside.

3 MR HARRISON: Perhaps I can just run outside and see if I
4 can bring him in.

11:04:52 5 PRESIDING JUDGE: Maybe we can ask the officer of the Court
6 to do that. We thank you for your offer.

7 JUDGE ITOE: But why do you not look for lead counsel
8 yourself? You may better know where he is positioned, don't you
9 think so?

11:05:07 10 MR NICOL-WILSON: My Lord, I wanted to be in Court when
11 [inaudible].

12 JUDGE ITOE: Well, we are waiting for him and nothing will
13 happen without him.

14 PRESIDING JUDGE: Mr O'Shea, will you have any
11:05:19 15 cross-examination? If you feel that you are unable to answer at
16 this time, that's fine.

17 MR O'SHEA: Your Honour, I can answer. I have no questions
18 for this witness.

19 PRESIDING JUDGE: Thank you. Can the witness protection
11:05:42 20 unit assist the witness with water? She is okay.

21 JUDGE ITOE: Why is there no regular glass there today?
22 They should put a good glass. That one is small.

23 MR TOURAY: I am sorry, Your Honour.

24 PRESIDING JUDGE: Mr Touray, we are were waiting for you
11:07:01 25 because there is no cross-examination by the first accused, no
26 cross-examination by the third accused. We were asking your
27 assistant if there was any cross-examination. He was waiting for
28 you to seek instruction and/or for you to respond to that
29 question.

1 MR TOURAY: May I just confer with my colleagues?

2 PRESIDING JUDGE: Thank you.

3 [Defence counsel conferred]

4 MR TOURAY: Just a few questions Your Honour.

11:07:51 5 PRESIDING JUDGE: That is fine, thank you. Will you
6 proceed.

7 CROSS-EXAMINED BY MR TOURAY:

8 Q. Good morning, Madam Witness.

9 A. How do you do?

11:08:26 10 Q. Now, you first saw Kumba, you said, in 1998, March.

11 A. Well, when I said I saw Kumba, it was during the time that
12 all of us were captured. It was in 1998, March, that was the
13 time that all of us were captured.

14 Q. And it was only in 2001 you saw her again in Kabala?

11:09:29 15 A. Yes. Well, in the year 2001, that was the time that I saw
16 her, and up to now she is still in Kabala.

17 Q. So she was, in fact, with -- she was, in fact, abducted for
18 three years?

19 A. Yes.

11:10:05 20 Q. And it was only then at that time she told you that
21 Yellow Man belonged to Superman's group?

22 A. Yes.

23 JUDGE ITOE: That is in 2001.

24 MR TOURAY: 2001, yes.

11:10:10 25 THE WITNESS: Yes.

26 MR TOURAY:

27 Q. And in fact it is true, is it not, that it was Binta who
28 told you that Yellow Man captured -- I mean, did those things to
29 you. It was Binta who told you that the one who did those things

1 to you was Yellow Man.

2 A. It was not Binta, it was Kumba.

3 Q. Kumba told you that. Kumba told you that.

4 PRESIDING JUDGE: So she is saying to your question it was
11:11:16 5 not Binta, it was Kumba.

6 MR TOURAY: It was Binta that told her that Yellow Man did
7 those things to her.

8 JUDGE ITOE: To the witness?

9 MR TOURAY: To her the witness, yes. No further questions.

10 PRESIDING JUDGE: Thank you. Any re-examination?
11:11:39

11 MR WERNER: None, Your Honour.

12 PRESIDING JUDGE: Thank you. Madam Witness, that concludes
13 you evidence in this Court. We thank you very much for coming
14 and giving this evidence and we wish you good luck. So wait to
11:12:11 15 come out of the Court until the witness protection unit assists
16 you, and that concludes your evidence today. Thank you very
17 much.

18 The Court will adjourn at this time for the break in the
19 morning and then we will carry on with the next witness. Can we
11:12:27 20 be informed of who the next witness is and what is the expected
21 duration, so we have some indication as to how we are working,
22 and the language to be used.

23 MR HARRISON: The witness is TF1-113, the language is Mende
24 and the estimated time for the direct examination is three to
11:12:49 25 four hours.

26 PRESIDING JUDGE: Thank you.

27 MR HARRISON: And I should also say that for this
28 particular witness there was an order for a portion of the
29 witness's testimony to be in closed session, that order being

1 granted by Trial Chamber II. It was to do with some introductory
2 information that that witness had to give.

3 PRESIDING JUDGE: But there was an order in
4 Trial Chamber II.

11:13:19 5 MR HARRISON: Yes.

6 PRESIDING JUDGE: No such orders in this Chamber?

7 MR HARRISON: No, that's correct.

8 PRESIDING JUDGE: So the Court will recess for the morning
9 recess.

11:13:28 10 [Break taken at 11.14 a.m.]

11 [Upon resuming at 11.45 a.m.]

12 PRESIDING JUDGE: Yes, Madam Court Officer, you can
13 proceed, thank you.

14 WITNESS: TF1-113 [sworn]

11:45:51 15 PRESIDING JUDGE: Yes, Mr Harrison, you are ready to
16 proceed?

17 MR HARRISON: Yes. As I indicated before the break the
18 Prosecution is asking for a closed session for what will be
19 approximately the first 10 minutes of testimony.

11:46:06 20 PRESIDING JUDGE: And what is the basis for your submission
21 just for the record?

22 MR HARRISON: The basis is that there is a certain portion
23 of evidence that should it be disclosed would make it apparent to
24 a number of people the identity of this witness.

11:46:22 25 PRESIDING JUDGE: But that issue was litigated in Trial
26 Chamber II?

27 MR HARRISON: Yes.

28 PRESIDING JUDGE: And Trial Chamber II issue a closed
29 session order or decision with respect to this witness for that

1 part of the evidence?

2 MR HARRISON: Yes, that is correct. The date is 18th July
3 2005 at page 68 of the AFRC transcript.

4 PRESIDING JUDGE: You have it front of you?

11:46:55 5 MR HARRISON: The transcript?

6 PRESIDING JUDGE: Yes.

7 MR HARRISON: Yes, I do.

8 PRESIDING JUDGE: Can you read that portion if you can?

9 MR HARRISON: It is words of the Presiding Judge speaking
11:47:16 10 at page 68.

11 "Thank you. Just pause. Although the oath was
12 administered in public, there has been an application that the
13 preliminary matters in the witness's evidence be heard in closed
14 session. That has not been opposed and it has been granted by
11:47:32 15 the Court for the safety and to protect the identity of the
16 witness. Although we are now in open session we're going to go
17 into closed session. I do not know how long that will take. It
18 will depend on the nature of the evidence.

19 "Please proceed to a closed session."

11:47:51 20 PRESIDING JUDGE: Thank you. Mr Jordash, do you have any
21 comment?

22 MR JORDASH: No comments, thank you.

23 PRESIDING JUDGE: Thank you. Mr Touray?

24 MR TOURAY: None, My Lord.

11:47:58 25 PRESIDING JUDGE: Thank you. Mr O'Shea or Cammegh?

26 MR O'SHEA: No, Your Honour.

27 PRESIDING JUDGE: Thank you.

28 JUDGE THOMPSON: This is the ruling of the Chamber on the
29 present application.

1 [Ruling]

2 Having heard both sides on the application by the
3 Prosecution for certain portions of the testimony of Witness
4 TF1-113 to be heard in closed session, the application is granted
11:48:53 5 pursuant therefore to Article 17(2) of the Statute of the Court
6 and Rule 75 and 79(A)(ii) of the Rules of Procedure and Evidence,
7 it is hereby ordered, consistent with a similar order made in
8 Trial Chamber II, that the referred portion of the witness
9 testimony of Witness TF1-113 shall be heard in closed session.

11:49:25 10 PRESIDING JUDGE: Thank you. So we should proceed now to a
11 closed session because these are the preliminaries and this is
12 this part of her evidence you want that to be done.

13 MR HARRISON: Yes, correct. And if I could just re-state
14 the Prosecution's estimate is roughly 10 minutes. It is very
11:49:35 15 brief.

16 PRESIDING JUDGE: Very well. Thank you. Can the witness
17 protection unit assist the Court officer to close the curtains
18 please?

19 Is the system in place to do a closed session, Madam Court
11:50:13 20 Officer? A few minutes more. Thank you.

21 [At this point in the proceedings, a portion of the
22 transcript, pages 37 to 40 was extracted and sealed under
23 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MS EDMONDS: Court is now in open session.

3 PRESIDING JUDGE: Just for the record, and to avoid any
4 possible confusion or mistake, when Justice Thompson gave the
12:07:19 5 decision about closed session were we in a closed session then or
6 were we still in a public and open session?

7 MR HARRISON: I stand to be corrected, but I did
8 understand --

9 PRESIDING JUDGE: I think we were in open session then.

12:07:29 10 JUDGE ITOE: We were in open session.

11 PRESIDING JUDGE: We were? Very well. Thank you. So now
12 we can proceed with the witness. We were wondering if we had to
13 repeat the decision, because if it had been given in closed
14 session we would now have to give it in open session. So there
12:07:50 15 is no need to go through that again so you may proceed. Thank
16 you.

17 MR HARRISON:

18 Q. Witness, you talked about going to Giema. Who was at Giema
19 when you were there?

12:08:10 20 A. During the time we went to Giema it was the RUFs that were
21 there. All of us were there.

22 Q. Do you remember the names of any of them?

23 A. Yes. When we were in Giema the overall commander there was
24 Issa Sesay. He was the general commander. Augustine Gbao was
12:08:53 25 there but he was the G5. But Issa Sesay was there as the overall
26 commander.

27 Q. When you use the term "overall commander", what do you mean
28 by that?

29 A. He was the head of all the RUF rebels there. If he tells

1 you to do something, that is what exactly you will do. When I
2 was there, he was there.

3 Q. You talked about Augustine Gbao being the G5 commander.
4 What do you mean by that?

12:10:11 5 A. In the rebel movement, if they say G5, as I had, he was the
6 go-between between the civilians and the soldiers. He had
7 agents, so many agents with him. Whatever the civilians were
8 doing, he will know about it. Augustine Gbao will know about it.

9 Q. What sort of things did the G5 do?

12:11:04 10 A. The G5, if they needed civilians to carry properties they
11 will go to his office, he will allocate people for that. If they
12 needed people for farming, they will go to his office then he
13 would provide people for that. If civilians are reported for
14 something they will go to his office then he will look into it.

12:11:30 15 If civilians were beaten they would report to his office.

16 Q. When you were using the word "he" in that answer, who were
17 you talking about?

18 A. Just now?

19 Q. Yes.

12:12:09 20 A. It was Augustine Gbao.

21 Q. How long were you in Giema?

22 A. I was there for quite some time. Up to three years, I.
23 What made us to leave there, the Kamajors used to threaten us
24 there, they went there. That was what took me out from there,

12:12:46 25 but we spent some time there.

26 Q. From Giema where did you go?

27 A. I came to Bunumbu Kpombai in the Kailahun District. I was
28 there together with my children.

29 PRESIDING JUDGE: In Kailahun District?

1 MR HARRISON: That's correct.

2 THE WITNESS: Yes.

3 MR HARRISON:

4 Q. How long did you stay at Bunumbu?

12:13:43 5 A. I stayed in Bunumbu for almost two years because in the
6 first year we made a farm, then the second year --

7 THE INTERPRETER: Your Honours, can the witness go back to
8 the last bit. She is going too fast.

9 PRESIDING JUDGE: And remind the witness that she needs to
12:14:12 10 speak slowly so it can be translated properly.

11 MR HARRISON:

12 Q. As the Court was saying, there are actually two things
13 going on here. There are interpreters who are interpreting your
14 words into various languages and there's also people here trying
12:14:21 15 to write down everything that is being said by you and others.

16 So if you could try to remember that and respond a little more
17 slowly that would assist us. You'd been asked about --

18 A. Okay. I speak very fast, that's why.

19 Q. And usually it is no problem. It is just in here it is a
12:14:52 20 bit of a difficulty. You were telling us about the time you
21 spent at Bunumbu. Could you tell us how long it was you were at
22 Bunumbu?

23 A. I was in Bunumbu for a year. The second year I left there.

24 Q. Do you remember any events that happened during the time
12:15:36 25 were at Bunumbu?

26 A. Yes. We were in Bunumbu. By then we had just started the
27 planting season. Then we saw the rebels come. They said there
28 was an overthrow.

29 THE INTERPRETER: Your Honours, the witness is still going

1 too fast.

2 MR HARRISON:

3 Q. It is just a question I think of trying to remember that
4 the interpreters will be helped if you were to perhaps say one or
12:16:22 5 two sentences and then pause, so that the interpreters can
6 translate. And then you can continue on with your answer?

7 So I think what you had indicated was that you had been in
8 Bunumbu for one year. The second year you left and then you
9 were --

12:16:42 10 A. I said Bunumbu.

11 PRESIDING JUDGE: Your last question if there was any
12 particular event and she was describing the planting season.

13 MR HARRISON:

14 Q. Yes, and you were talking about the rebels and the
12:16:58 15 overthrow. If you could just, first of all, explain what you
16 mean by the overthrow?

17 A. Overthrow I am talking about, they said JPK had overthrown
18 Tejan Kabbah from the power -- seat of power. That is the reason
19 why the rebels should come and join them. That they've called
12:17:29 20 the rebels to join them.

21 Q. When you talk about joining them, what do you mean by that?

22 A. The rebels and the SLAs came together. The rebels -- the
23 SLAs left and went to Kailahun. The rebels, too, left Kailahun
24 and came to Freetown. That is what I meant.

12:18:28 25 Q. While you were at Bunumbu who else was at Bunumbu?

26 A. Well, during the times -- during the time we were in
27 Bunumbu we were only there with the MPs, the RUF MPs.

28 Q. Where did you go from Bunumbu?

29 A. When I left Bunumbu I went to Kailahun. There I was. By

1 then I've harvested my rice.

2 Q. And when you just referred to Kailahun were you referring
3 to Kailahun Town or Kailahun District?

4 A. Kailahun Town.

12:19:48 5 Q. How did you go to Kailahun Town?

6 A. When we were going to Kailahun they gave us a pass. The
7 pass. I went to the MPs' office and they gave us a pass.
8 Wherever you had wanted to go unless you were given a pass.

9 Q. When you talk about this pass, what are you talking about?

12:20:33 10 A. That was an arrangement the RUFs had. When you are leaving
11 a town to go to another town, unless you have that paper on you.

12 Q. When you say unless you had that paper on you, what would
13 happen if you did not have the paper?

14 A. They would not venture to move to any place if you don't
12:21:15 15 have that paper on you.

16 THE INTERPRETER: Your Honours, the witness has used an
17 expression that is not very clear to the interpreter. Can she
18 please take it again.

19 MR HARRISON:

12:21:33 20 Q. What the interpreters have asked is there was a particular
21 term that you used that was not clear to them. Could you please
22 try to take your time and say that again?

23 PRESIDING JUDGE: Slowly, please.

24 THE WITNESS: Okay. When you were leaving one place and
12:21:59 25 you were going to another place, if you hadn't that pass you
26 would be in trouble. They would either say that you have been
27 connap, as they said in the rebel language, or --

28 PRESIDING JUDGE: Slowly, slowly.

29 MR HARRISON: I am not doing this to try to encourage any

1 objection, but I think I can control this witness just by using
2 hand gestures. I am asking for the opportunity to do that so
3 that the interpreters can keep pace and that the people trying to
4 record can keep pace as well.

12:22:35 5 PRESIDING JUDGE: We will see.

6 MR HARRISON:

7 Q. If you could just try to continue on with your answer and
8 please try to keep in the front of your mind that it is important
9 that you speak slowly. Please continue.

12:22:59 10 A. When you left a town where you were for another town, if
11 you hadn't that paper, that RUF paper, they would either say you
12 have been connap or they would arrest you and keep you in custody
13 or they would beat you until something else happens to you.

14 Q. Let me just ask one brief question. There was a particular
12:23:29 15 word that was used and I thought it was translated as "connap".
16 I am not sure what that is.

17 A. Those were the good words for the RUF. Whatever you did,
18 if you hadn't that paper, the connap means if you left a place
19 from the SLAs and you went to them, they would accuse you of
12:24:00 20 being a spy. That you were the people who were living there and
21 going out there, saying things to them. That was what they
22 meant, that you have been connap. And that connap you would have
23 to explain. That's when you would be able to free yourself.

24 Q. Do you recall the year that you moved to Kailahun Town?

12:24:37 25 A. Yes. I went to Kailahun in 1997. I was in Kailahun then.

26 Q. Did anything happen while you were in Kailahun Town?

27 A. Yes. We were in Kailahun in my house. My siblings were in
28 Daru. One of them came carrying a load on his head -- on his or
29 her head.

1 JUDGE ITOE: On his head or her head?

2 MR HARRISON:

3 Q. If you could just --

4 A. Then I asked him or her --

12:25:48 5 Q. If I could just pause for a moment. Witness, there is a
6 little bit of a confusion. Was the person who carried the load
7 on the head a male or a female?

8 A. He was a male.

9 Q. If you could just continue on.

12:26:23 10 A. He came and met me at the house. Then I asked him why he
11 had come. He said they were there one of these days when
12 Issa Sesay and Mosquito had held a meeting at Daru.

13 Q. Please continue.

14 A. He said they have held a meeting, that whoever had come
12:27:31 15 from his or her home town should return there because the war was
16 over.

17 Q. What happened next?

18 A. When he told me that I gave him a room for him to lodge.
19 So many people started coming in from -- into Kailahun Town from
12:28:17 20 the places.

21 Q. From what other places?

22 A. Some of them came from Daru. Others came from Kenema.
23 Wherever they went they had come from there.

24 [RUF02MAR06C-RK]

12:28:59 25 Q. What happened next?

26 A. We were there together in Kailahun. Some of them went to
27 their villages. Everybody went to his or her village. Those who
28 were supposed to stay in Kailahun stayed.

29 Q. What happened next?

1 A. We were there for up to two to three weeks. One day I saw
2 an MP commander and G5s going to those villages, bringing back
3 those people and taking them to the G5 office.

4 MR CAMMEGH: If I could ask my learned friend to ask the
12:30:09 5 witness to repeat that answer because I didn't get it down.

6 MR HARRISON:

7 Q. The last answer if you could take your time and say it
8 again to assist the Court in recording what it was you were
9 saying.

12:30:37 10 A. Ask the question again.

11 MR CAMMEGH: The answer began "after two or three weeks,
12 one day I saw..." I thought it was something about MPs but I did
13 not get the rest.

14 MR HARRISON: I think the context was two or three weeks
12:30:54 15 later.

16 THE WITNESS: Okay.

17 Q. I think you have it, witness. I will allow you to go
18 ahead?

19 A. Okay. When these people entered, we were in Kailahun for
12:31:07 20 two to three weeks.

21 PRESIDING JUDGE: Slow. Yes, please.

22 THE WITNESS: In two to three weeks then we saw MP
23 commanders and G5 commanders they were arresting people from
24 their villages and bringing them back to Kailahun.

12:31:30 25 MR HARRISON:

26 Q. Just pause for a moment. When you say you saw MP
27 commanders and G5 commanders, do you recall the names of any of
28 them?

29 A. Their agents were there. The head commanders I could

1 remember their names. Those who were in Kailahun, I can remember
2 their names.

3 Q. What were those names?

4 A. At that time Joe Fatoma was the MP commander.

12:32:36 5 Q. Do you recall any other names?

6 A. Yes. Augustine Gbao was the G5 commander.

7 Q. Of those two, was one senior to the other?

8 A. Yes.

9 Q. Who was that?

12:33:08 10 A. Augustine Gbao.

11 Q. If you could just remember to just try and take your time.
12 I stopped you where you were saying that you had seen G5 and MP
13 commanders going to look for these civilians. What happened
14 next?

12:33:30 15 JUDGE THOMPSON: Did she complete the enumeration? You
16 stopped her at a point when she was giving us the names of those
17 she remembered. I'm asking whether she completed the enumeration
18 as far as her memory goes?

19 MR HARRISON:

12:33:47 20 Q. The Court is asking if there are other names of commanders
21 of MPs or G5 that you can remember today.

22 PRESIDING JUDGE: At the time at that location in Kailahun
23 where this is taking place.

24 MR HARRISON: Yes.

12:34:08 25 THE WITNESS: At that time in Kailahun those are the two
26 people who were in control.

27 JUDGE THOMPSON: Thank you.

28 MR HARRISON:

29 Q. I am the one who interrupted you and I apologise. Could

1 you just try to continue on with what happened next after you
2 remember seeing MPs and G5s going out to look for these
3 civilians?

4 A. They would bring them to the G5 office.

12:34:53 5 Q. Where was the G5 office?

6 A. The G5 office was at the roundabout in Kailahun.

7 Q. Please continue.

8 A. When they brought them to the office, I went there and
9 asked Joe Fatoma, "Why have you brought all these people here?"

12:35:47 10 Q. Did Joe Fatoma say anything to you?

11 A. Yes.

12 Q. What did he say?

13 A. Joe Fatoma said that the order had come from Buedu that
14 Mosquito had said he should summon these people and investigate
12:36:08 15 them to screen them for Kamajors.

16 Q. Who was it who was to do the investigation?

17 A. The G5 commander, Augustine Gbao.

18 Q. What happened next?

19 A. They were investigated and 67 people were set aside that
12:36:57 20 they were Kamajors; the G5 office which did that. They
21 investigated these people and they set aside 67 people among
22 them. They said they were Kamajors.

23 Q. What happened next?

24 A. When they set them aside, they set the others free and they
12:37:37 25 went. These were with them in Kailahun. They placed them in a
26 cell. That is where they were.

27 Q. Where was this cell?

28 A. In Kailahun Town.

29 Q. What happened next?

1 A. When they were with them, they would bring them out. They
2 would weed for them. They would brush the town. They would work
3 for the whole -- when they worked for the whole day, they would
4 take them to the bush to find food and they would bring that food
12:38:26 5 and cook it for them.

6 Q. When you say that "they would weed" and that "they would
7 brush" and that "they would find food," who are you referring to?

8 A. The civilians whom they had captured, who were in their
9 custody. They were the ones who were being used that way. That
12:39:04 10 is what the RUF soldiers did do them.

11 JUDGE ITOE: Is she referring to the 67?

12 MR HARRISON:

13 Q. If you understood what the court was asking when you talk
14 about the civilians, are you talking about the 67 that you
12:39:37 15 mentioned earlier?

16 A. They are the ones that I'm talking about, those whom they
17 had captured and who were in the cells which they had.

18 Q. What happened next?

19 A. They were there. We were all there in Kailahun. At one
12:40:04 20 time it was -- we heard that there was an intervention in
21 Kailahun Town.

22 Q. You used the word "intervention," what do you mean by that?

23 A. Okay. What they meant by that intervention: They were in
24 Freetown. We just saw them taking luggage along to Kailahun,
12:40:39 25 rebels, SLA soldiers, civilians. We asked them and they said
26 they are dislodged from Freetown that ECOMOG and Kamajors
27 dislodged them from Freetown. That ECOMOG and Kamajors have
28 dislodged them from Freetown.

29 Q. You had indicated that you remember this intervention

1 taking place and what is it that happened after the intervention?

2 A. When they said the intervention has taken place, we were
3 there when they brought so many civilians, some of them carrying
4 loads, SLAs. That evening, the first evening when they came, we
12:41:52 5 saw them with some people, Johnny Paul Koroma. They all entered
6 Kailahun that evening.

7 Q. If you could remember to just try to take your time.
8 You're talking about the evening when many people came along with
9 JPK. Could you please continue with what happened?

12:42:33 10 A. When they entered that evening I was sitting in my house
11 when Augustine Gbao called me that they have come and we should
12 go and cook and I went to his house.

13 Q. What happened next?

14 A. We went and greeted them. Then they were introduced to us,
12:43:19 15 that these were the strangers who have arrived.

16 Q. When you talk about "the strangers who have arrived", who
17 are you referring to?

18 A. Johnny Paul Koroma.

19 Q. What happened next?

12:44:01 20 A. We cooked for them that evening and we returned to our
21 houses.

22 Q. What happened next?

23 A. When we slept, in the morning he was taken from Kailahun to
24 Kangama. After all of that, more strangers were coming in,
12:44:36 25 civilians were coming in. RUF rebels, they were bringing
26 civilians in Kailahun, the same Kailahun.

27 JUDGE ITOE: Who was taken to Kangama in the morning?

28 MR HARRISON:

29 Q. Did you hear that question from the Court? Who was taken

1 to Kangama in the morning?

2 A. I said Johnny Paul Koroma.

3 Q. And you said that they were bringing civilians to Kailahun.

4 What do you mean by that? Who was bringing civilians?

12:45:32 5 A. The RUF soldiers.

6 Q. And who were these civilians?

7 A. Those civilians, they were bringing them from Makeni.

8 Because when they brought them, they would drink water from my

9 house and I would question them. Some would say they were coming

12:45:58 10 from Freetown, some would say from Makeni and others would say

11 from Kono.

12 Q. When you say the soldiers were bringing them, what do you
13 mean by that?

14 A. The civilians? They were bringing them. Apart from that

12:46:25 15 time, wherever they went and captured there, they would use the

16 civilians to carry their luggage for them and they would bring

17 them along.

18 Q. And did you see how these civilians were treated?

19 A. Yes.

12:47:12 20 Q. Please describe that for the Court.

21 A. Whenever they brought the civilians, they would take them

22 to the G5 office.

23 Q. Why did they do that?

24 A. They would bring them to the G5 office and they would

12:47:48 25 investigate them. But they called it screening. They said,

26 "We're going to screen you." The RUF soldiers, that was what

27 they were saying.

28 Q. What does that mean, to screen them?

29 A. That they were going to investigate them. Just like I have

1 come here, they would ask you where you are from, what work
2 you're doing. That was what they were asking them about. That's
3 how they investigated them.

4 Q. Then after this screening what happened to the civilians?

12:48:48 5 A. After they had been investigated completely, all the
6 youths, the female, male, those children whose ages are up to
7 nine going to 10, there was a base where they took them.

8 Q. Do you know what happened at this base?

9 A. I didn't go to that base, but that's what we heard, that
12:49:33 10 they were taking them to the base.

11 Q. And do you know where this base was?

12 A. Yes.

13 Q. Where was it?

14 A. Bunumbu.

12:50:07 15 Q. Now unfortunately I interrupted you again. You were
16 telling us about Johnny Paul Koroma going to Kangama in the
17 morning. I would ask you to just continue. What do you remember
18 happening next?

19 A. When they took him to Kangama, that was where he stayed
12:50:39 20 together with his family. When they took him from Kailahun, that
21 was where he went. That was where he stayed. That was his own
22 station. That was where he was settled. After all of that, the
23 Kamajors came and dislodged them from Segbwema up to Daru. When
24 they came to Pendembu they were very angry.

12:51:40 25 Q. You said, "When they came to Pendembu they were very
26 angry." Who were you talking about?

27 A. The RUF soldiers, indeed.

28 Q. Why were they angry?

29 A. They said the Kamajors had chased them out.

1 Q. What happened next?

2 A. After that, one morning I left Kailahun for Baoma to buy
3 wares.

4 Q. Can you try to assist the Court by saying about how long
12:52:52 5 after JPK went to Kangama that you went to Baoma?

6 A. When they went, it was not long because that's the time it
7 was when they were chasing them and they were coming from the
8 Kono end, they were still chasing them using Kenema -- the Kenema
9 end to come to Pendembu. So it was after two weeks. That's what
12:53:25 10 I'm talking about.

11 Q. What happened next?

12 A. When I left Baoma in the morning there was no business.
13 And as I was coming I met Joe Fatoma on the way and I asked him
14 what had happened. And he said, "Those people who were with us
12:53:48 15 in the jail, we've brought them out and they've all gone to
16 work."

17 Q. Joe Fatoma told you that these people from the jail had
18 gone to work. What happened next?

19 JUDGE ITOE: Let's be clear. The 67 people?

12:54:16 20 MR HARRISON:

21 Q. The Court is asking of you if you can indicate --

22 A. Yes.

23 Q. -- whether these people from the jail were the 67 that you
24 had described earlier?

12:54:32 25 A. Yes. Then he said that they have gone to work. Mosquito
26 had come from Buedu and had gone to Pendembu and he'd said that
27 they should summon all of them, he wants to meet them in the
28 jail. So he summoned all of them and returned them to the jail,
29 he, Joe Fatoma.

1 Q. Who is it that Joe Fatoma returned to the jail?
2 A. Those 67 people.
3 Q. What happened next?
4 A. Up to 4.30, Mosquito and Issa and others left -- came from
12:55:25 5 Pendembu and they arrived then they asked those people --
6 inquired about those people and they said they were in jail. At
7 that time I had left my house, going to the market to buy pepper.
8 Q. Pause for a moment, please. I will just ask you to go back
9 just a little bit and we'll just try to take it a little bit more
12:55:50 10 slowly. You'd said that Mosquito and, I think, Issa had come.
11 Who do you mean by Issa?
12 A. Issa Sesay.
13 Q. And where did they come to?
14 A. When they had come and gone to Pendembu, they left there in
12:56:08 15 the evening and returned to Kailahun.
16 Q. Please continue. What happened next in Kailahun Town?
17 A. Okay. This evening I had left my house, going to buy
18 pepper, and I heard shooting at the roundabout.
19 Q. Where is this roundabout?
12:56:56 20 A. The roundabout is in Kailahun by the clock tower.
21 Q. You say you heard shooting. What happened next?
22 A. After I'd heard these gunshots, I ran to the roundabout.
23 When I came there, I met a large crowd. There were two corpses
24 there. Mosquito had a pistol. When I stood there, we were
12:57:33 25 there, there were eight people whom he shot in their heads. The
26 MP commanders were there.
27 Q. Just pause for a moment, please. Let's just go back to the
28 time when you come to the roundabout. Who did you see at the
29 roundabout? Or, sorry, what did you see at the roundabout?

1 A. At that time when I reached there, there were two corpses
2 there.

3 Q. What happened next?

4 A. I was there when Mosquito shot the others in their heads
12:58:21 5 with a pistol.

6 PRESIDING JUDGE: "The others," you mean eight people or
7 more?

8 THE WITNESS: Those whom I witnessed who were killed were
9 eight in number, but I met two corpses there, lying on the
12:58:42 10 ground.

11 PRESIDING JUDGE: Thank you.

12 MR HARRISON:

13 Q. And who else was present when you arrived at the
14 roundabout?

12:58:59 15 A. The other big men who were there were Issa Sesay, Mosquito,
16 Augustine Gbao, MP commander and their bodyguards. They were all
17 there. Civilians were there too, many of them.

18 Q. Just take your time and describe what it is you saw happen.

19 A. Like what I have just explained?

12:59:51 20 Q. Yes, please. Just take your time and describe what it is
21 that you remember seeing happen.

22 JUDGE ITOE: It is 1 o'clock. I don't know, I don't know
23 how long this episode may take us.

24 MR HARRISON: My estimate would be roughly 20 to
13:00:10 25 30 minutes. This is as convenient a time in the next hour to
26 take a break.

27 PRESIDING JUDGE: Very well. Court will adjourn until
28 2.30. Court is adjourned.

29 [Luncheon recess taken at 1.00 p.m.]

1 [RUF02MAR06D - RK]

2 [Upon resuming at 2.43 p.m.]

3 PRESIDING JUDGE: Mr Harrison, you are ready to continue
4 examination-in-chief of your witness.

14:43:45 5 MR HARRISON: Yes.

6 PRESIDING JUDGE: Please do so.

7 MR HARRISON:

8 Q. Witness, we would like to try to continue from where we
9 left off just before the lunch break. You told us about an event
14:43:57 10 at the roundabout at Kailahun Town. Could you just take your
11 time and try to describe to the Court what it was you saw happen
12 at the roundabout?

13 A. What I witnessed at the roundabout was when they killed
14 those 10 people there, Mosquito -- when Mosquito and Issa were
14:44:31 15 returning to Buedu --

16 Q. Just pause for a moment. Just take your time and describe
17 for the Court who did the killing and how did it happen?

18 A. In my presence I saw Mosquito kill those people.

19 Q. How many did you see being killed?

14:45:37 20 A. In my presence I saw him kill eight people but I met two
21 people lying on the ground.

22 Q. How were they killed?

23 A. He has shooting them through their heads using his pistol.

24 Q. And you described already other people being there, such as
14:46:39 25 Issa Sesay and Augustine Gbao. Where were they in relation to
26 Mosquito?

27 A. They were all standing in the roundabout, all of us.

28 Q. Please continue; what happened next?

29 A. After they had killed those people, after he had killed

1 those people as they were going --

2 MR CAMMEGH: I'm so sorry, was that "he killed" or "they
3 killed" those people? I didn't catch it.

4 MR HARRISON:

14:47:48 5 Q. The uncertainty is whether you said "he killed" or "they
6 killed" the ten people. Could you assist the Court?

7 A. After he had killed them and as they were going --

8 Q. Please continue.

9 A. -- he said the rest of the people -- he told the MP
14:48:25 10 commander, MP Commander Joe Fatoma, he said the rest of the
11 people should be killed, all of them.

12 Q. Who said that the rest of the people should be killed?

13 A. Sam Bockarie, Mosquito.

14 Q. And what did you understand as to whom he was referring to?

14:49:37 15 A. Those 67 people who had remained in that cell, he said all
16 of them should be killed, otherwise he would be killed.

17 Q. When you said "otherwise he would be killed" --

18 THE INTERPRETER: Your Honours, the interpreter would like
19 to make a correction.

14:50:22 20 PRESIDING JUDGE: Please proceed.

21 THE INTERPRETER: The number she gave us, 57 and not 67.

22 PRESIDING JUDGE: Thank you.

23 MR HARRISON:

24 Q. You were saying that an order was given that he would be
14:50:45 25 killed unless the civilians were killed. Who was the "he" that
26 you were referring to?

27 A. He was talking to the MP Commander, Joe Fatoma.

28 Q. What happened next?

29 A. After that he, Issa Sesay and his bodyguards, they boarded

1 a vehicle and went to Buedu.

2 Q. Again you use the term "he", then Issa Sesay and the
3 bodyguards. Who is the "he" that you're referring to?

4 A. Mosquito, Sam Bockarie.

14:52:14 5 Q. What happened next?

6 A. We were there until 6.30 in the evening.

7 Q. Please continue.

8 A. Then I heard gunshots at the police station, where these
9 people were in the cell.

14:52:59 10 Q. What happened next?

11 A. Then I left my house in haste and went up there, because my
12 relatives were among them.

13 Q. Where did you go?

14 A. At the police station, where --

14:53:40 15 THE INTERPRETER: Your Honours, she said something that is
16 not very clear.

17 PRESIDING JUDGE: Can you repeat your last answer, Madam
18 Witness? You were asked the question where did you go?

19 THE WITNESS: At the police station, where they were
14:54:01 20 killing those people. The rest of the people, where they were
21 killing them.

22 MR HARRISON:

23 Q. When you say "the rest of those people," to whom are you
24 referring?

14:54:23 25 A. Those civilians whom they had captured, who were in the
26 cell.

27 Q. What happened next?

28 A. I went there. I was standing at the station. They were
29 bringing them out, one after the other out of the cell, and they

1 would kill that person. When they bring one person out, they
2 would shoot that person and he would fall down; then they would
3 bring out another and shoot him down.

4 Q. Where did this shooting happen?

14:55:11 5 A. At the police station in Kailahun, Kailahun Town.

6 Q. Where did the bodies fall?

7 A. At the police station there is a bush -- there was a gutter
8 there. They would put them right at the edge of it. When they
9 shoot that person, he would fall in that hole.

14:56:03 10 PRESIDING JUDGE: Can you clarify that, please. I'm not
11 sure I understand the description per se.

12 MR HARRISON:

13 Q. If you could just take your time and try to describe the
14 area where you saw the bodies fall to the ground.

14:56:25 15 A. At the police station there was a big gutter there. That
16 is where they were dropping them. When they shoot a person, that
17 is where he would fall.

18 Q. Did you see any of the shooting?

19 A. I saw it. I myself went there running, because my
14:56:57 20 relatives were among them. I indeed went there to see it all.

21 Q. Do you know who was doing the shooting?

22 A. Yes.

23 Q. Please tell the Court.

24 A. It was the MP personnel, the MP agents, they were doing the
14:57:32 25 shooting. It was the MP commander who was passing the order and
26 they would bring them out and kill them.

27 Q. How many people did you see doing the shooting?

28 A. Those who were doing the shooting were four in number.

29 Q. Do you know who these four were?

1 A. I did know them.

2 Q. Can you tell the Court about them?

3 A. Those four MPs who were doing the shooting, there were two
4 SLAs among them and two RUFs soldiers. They were the ones doing
14:58:40 5 the shooting.

6 Q. Were there any commanders there at the time?

7 A. Yes.

8 Q. Who were they?

9 A. The commander who was in charge at that time was Augustine
14:59:17 10 Gbao.

11 Q. And why do you say that?

12 A. We were there in Kailahun at that time and he was the G5
13 commander. I think whatever was happening to the civilians he
14 would know and, indeed, he was there at the time.

14:59:59 15 Q. At the police station where this shooting took place, which
16 person was the most senior person who was actually at the police
17 station?

18 A. The senior person at that police station was Joe Fatoma who
19 was the MP commander. There were RUF soldiers there but he was
15:00:52 20 the big man whom I saw there at the time that they were shooting
21 those people.

22 Q. At the time of the shooting of those people, do you know
23 where Augustine Gbao was?

24 A. Yes. He was still in Kailahun on that evening. He was in
15:01:41 25 Kailahun. We were there together. He was there when they
26 started killing those people in Kailahun Town and he was there
27 until they finished killing them. He was still there.

28 Q. Do you know how many people were shot and killed at the
29 area of the police station?

1 A. Yes.

2 Q. Please tell the Court.

3 A. 57 people were killed at that police station.

4 Q. What happened to the bodies?

15:02:54 5 A. They didn't do anything with them. They abandoned them
6 there until they went bad. They were all abandoned there until
7 they went bad.

8 Q. You said that some of the people who were being held in the
9 cells were your relatives. Were any of your relatives killed?

15:03:37 10 A. They killed all of them. My siblings were there, three.
11 My brothers and siblings were there, four. They killed all of
12 them.

13 PRESIDING JUDGE: Can the Witness Protection Unit provide
14 some assistance to the witness.

15:04:24 15 MR HARRISON: I can indicate that there will be roughly 30
16 to 50 minutes left of examination. If there is a short break now
17 I can try to shorten it even more.

18 PRESIDING JUDGE: We will do that to allow the witness to
19 regain her composure. Court adjourned for five minutes.

15:05:14 20 [Break taken at 3.05 p.m.]

21 [Upon resuming at 3.37 p.m.]

22 PRESIDING JUDGE: So, Madam Witness, can we proceed ahead
23 now? Do you feel that you can answer the questions?

24 THE WITNESS: Yes.

15:37:00 25 PRESIDING JUDGE: If there is any problem, please let us
26 know, and we will pause at that particular moment. We appreciate
27 what you're doing. Thank you. Mr Harrison.

28 MR HARRISON:

29 Q. Of the people who were killed near the police station, do

1 you know if any of them were Kamajors?

2 A. I did not see a Kamajor among them, because they hadn't any
3 Kamajor attire on when they entered.

4 JUDGE ITOE: Did not have any Kamajor attire or so when
15:38:15 5 they entered? What was it? "Attire"?

6 MR HARRISON: Yes, I think that was correct.

7 THE WITNESS: No, they were civilians. I didn't even see
8 them carrying a gun.

9 MR HARRISON:

15:38:47 10 Q. I would like to take you to a topic that was mentioned by
11 you earlier. You talked about civilians being taken to the G5
12 office for a screening and that among them there were children
13 nine and ten years old. Do you remember saying that?

14 A. Yes.

15:39:29 15 Q. Did you see those children?

16 A. Yes.

17 Q. What would happen to children of that age?

18 A. Those who about that age, they were taking them to the
19 base. They were going to train them, the RUF. So we'll just see
15:40:00 20 them -- we'll just see them following a big man and they would
21 call that person an SBU. We would see them following their
22 bosses and they called them SBUs. The girls were there as well
23 and they called them SGUs.

24 Q. Did you ever see SBUs with commanders?

15:40:42 25 A. Yes.

26 Q. Where was that?

27 A. That was the job of the RUF. They never allowed big --
28 older ones to follow them, except the kids. All the bosses.

29 Q. Where did you see SBUs?

1 A. I saw SBUs behind Issa Sesay, Augustine Gbao. I saw them
2 behind Mosquito. All those who were bosses, those who were
3 called Vanguard, they were following them.

4 Q. I'm asking you where you were when you saw them?

15:42:06 5 A. I saw them in Kailahun when I was there. When I went to
6 Buedu I saw them there.

7 Q. You said you saw them with Issa Sesay. Can you say when
8 that was?

9 A. They were following him until the end of the war.

15:43:07 10 Q. Are you able to say about how many were following
11 Issa Sesay?

12 A. I didn't count them, but there were many who were with him.

13 Q. Are you able to assist the Court by saying about how old
14 these SBUs were?

15:43:51 15 A. Some of them were not up to 10 years. I myself had my
16 children who were captured and they took them to the base. So I
17 know --

18 THE INTERPRETER: Your Honours, the witness is going very
19 fast this time.

15:44:17 20 MR HARRISON:

21 Q. If you could just pause for a moment and I will try to be a
22 little bit more careful with my questions so that they are more
23 helpful to you.

24 PRESIDING JUDGE: Madam Witness, you were saying some were
15:44:32 25 not up to 10 years and then you went on to talk about your own
26 children. Can you take it from there and slowly, please?

27 JUDGE ITOE: "I myself had children who were captured."
28 Can you take it from there?

29 THE WITNESS: I myself had my children -- my child who was

1 captured. He was about nine years old and he was taken to --

2 THE INTERPRETER: Eight years old, the interpreter's
3 mistake.

4 THE WITNESS: He was eight years old and he was taken to
15:45:04 5 the base. Up 'til now, I have not seen that child.

6 MR HARRISON:

7 Q. You said that you saw SBUs with Augustine Gbao. Can you
8 say where that was?

9 A. Yes.

15:45:49 10 Q. Where was that?

11 A. At that time that he was in Kailahun he had SBUs.

12 Q. When you say at that time in Kailahun, are you able to
13 assist the Court with a year?

14 A. He was in Kailahun from 1996 until 1997.

15:46:41 15 Q. Can you say about how many SBUs you saw with
16 Augustine Gbao?

17 A. I do not know their number, but they were with him. There
18 were two of them who did something to me that I can recall, his
19 own SBUs.

15:47:13 20 Q. Take your time and just try to tell the Court slowly what
21 it is that you can recall.

22 A. At the time of the overthrow, we were there in Kailahun.
23 He was the big man in Kailahun District when we were there.

24 Q. Please continue.

15:48:00 25 A. So at one time when I left Kailahun to go to Bunumbu, we --
26 I, together with my children, we were going there for food. So
27 his bodyguards met me on the way together with my children. He,
28 Augustine Gbao.

29 JUDGE ITOE: Is it his bodyguards or Augustine Gbao?

1 MR HARRISON:

2 Q. The Court is asking --

3 A. His bodyguards.

4 Q. What happened next?

15:49:16 5 A. Then they said they were going on a mission at the border.

6 My child was there and they asked that child to go with them.

7 Q. These bodyguards that you're talking about, are you able to
8 say how old they are or were?

9 A. The one who was talking to me, he was not up to 10 years.

15:49:56 10 He was called Morie.

11 Q. What happened next?

12 A. Then I said to him that today is not the day for a mission.

13 Today is for praying; we are going to look for food. Then he
14 said the child would follow them forcefully.

15:50:45 15 Q. What happened next?

16 A. Then I refused to allow the child to go with them, so we
17 quarrelled there.

18 Q. What happened next?

19 A. They left us in Bunumbu and they went on their mission and
15:51:22 20 they returned in the evening to Kailahun.

21 Q. Please continue.

22 A. When they returned to Kailahun, he went and reported me to
23 Augustine Gbao, saying that I had sabotaged them on what they
24 were saying, that I had spoilt their mission.

15:52:06 25 Q. Who was it who reported to Augustine Gbao?

26 A. That same bodyguard, that SBU Morie.

27 Q. What happened next?

28 A. In the morning, Augustine Gbao sent three SBUs to go and
29 bring me along from Bunumbu.

1 Q. Please continue.

2 A. We reached Kailahun at 2.30 and I was with the -- I had
3 slept with the MPs. I was in their custody.

4 Q. What happened next?

15:53:16 5 A. In the morning, the formation that they usually hold, the
6 soldiers, they asked that I be brought there outside in the open.

7 Q. What happened?

8 A. When they brought me out there, then he asked his
9 bodyguards what had happened between us. They spoke but he did
15:53:54 10 not allow me to explain my own side of the story.

11 Q. Please continue.

12 A. Then he said they should beat me up. They stripped me
13 naked except the chemise that I had. They beat me up.

14 Q. Who was it that said that you should be beaten?

15:54:34 15 A. Augustine Gbao.

16 Q. And what happened to you?

17 A. When they took me to the cell, I spent the day there until
18 the evening and my brothers came and stood surety for me and I
19 was released. They beat me and serrated my body completely. All
15:55:29 20 the clothes that I had, they stripped me naked in the open, even
21 in the eyes of those I could give birth to.

22 Q. You've also told the Court about the existence of SGUs.
23 Did you ever see those?

24 A. Yes.

15:56:04 25 Q. Where was that?

26 A. They were with the wives of those big men. They would
27 launder their clothes, they would sweep around, they would cook
28 for them. That was their job.

29 Q. Did you ever see SGUs?

1 A. I saw them during the war, during the RUF war. I saw them.
2 Q. Where were you when you saw them?
3 A. When I went to Buedu at meetings. When we went there, we
4 would go to these big men, we would find them there. Even in
15:57:00 5 Kailahun, we would find them there.
6 Q. Are you able to say what years it was that you saw them?
7 A. The SBUs and the SGUs, it was since 1991 when the war
8 started. That's exactly what they did to our children, so much
9 so that our children were not able to go to school.
15:57:56 10 Q. You mentioned 1991 being when it started. Can you say how
11 long it went on?
12 A. I said until the end of the war. My own very child they
13 went, they took that child along and up until now I have not
14 found that child.
15:58:43 15 Q. You said you saw SGUs with big men. Who are you talking
16 about? Who are these big men?
17 A. Those big men, that very Issa Sesay who is sitting down
18 there, they were there with his wife. They were with Mosquito's
19 wife. They were with Augustine Gbao's wife and the Liberian big
15:59:12 20 men they were with their wives. The Vanguard's who had come from
21 Liberia saying they were helping us with the fighting. That was
22 their job.
23 Q. Can you tell the Court how many SGUs you saw with
24 Issa Sesay's wife?
15:59:57 25 A. I didn't count them.
26 Q. Can you assist the Court with saying about how old those
27 SGUs were?
28 A. The girls who were there were not up to ten years old.
29 There were some who were nine years. I saw them behind them.

1 Q. Are you able to say about how many SGUs you saw with
2 Augustine Gbao's wife?

3 A. I didn't count them.

4 Q. Are you able to say about how old those SGUs were?

16:01:05 5 A. Yes. Those girls who had their breasts full none was among
6 them. All of them that followed them had no breasts at all.
7 Their breasts were not full.

8 Q. You talked about civilians being taken to the G5 office
9 where they were screened and you've told us about children. What
16:01:51 10 happened to older people?

11 A. The older people who were captured, they were just there.
12 Whoever took this person along, you would be for that person, but
13 they were doing the farming. They were doing the government
14 farm, the RUF farming and the individual farming. They were
16:02:22 15 doing it secretly. It is -- it was a kind of slavery.

16 Q. What were you talking about when you said it was a kind of
17 slavery?

18 A. At one time the G5s sat down and asked the civilians to
19 cultivate a farm. The farm from Pendembu to Togba --

16:03:19 20 THE INTERPRETER: Your Honours, she has call the name of
21 something that I do not understand, I think a town.

22 MR HARRISON:

23 Q. I think you had mentioned the town of Pendembu; is that
24 right?

16:03:34 25 A. From Pendembu going towards Giehun there is a forest there
26 called Togbabeni.

27 Q. I'm sorry, perhaps you could just pronounce the name of
28 that place and the forest again.

29 A. It is called Togbabeni.

1 MR HARRISON: I'm sorry, I cannot even try a phonetic
2 spelling.

3 PRESIDING JUDGE: That is okay.

4 MR HARRISON:

16:04:09 5 Q. Please continue with what you're trying to explain to the
6 Court.

7 A. And they said that we the civilians should cultivate a
8 farm. Around 1998 going to 1999, that is what I'm talking about
9 now. So they brushed the farm, the whole of Kailahun District.

16:04:32 10 They brought civilians from all those towns in the Kailahun
11 District. Those civilians, it was the G5 personnel who went for
12 those civilians. They cultivated the farm completely. If they
13 took you from Jojoima and brought you to do that farming or they
14 took you from Buedu for that farming, if you are not lucky, you
16:05:23 15 would spend a whole week there. When you spent the whole day on
16 the farm, if you only had a dress on that you had come with, you
17 will still be having that clothes on. When you spend the whole
18 day on the farm, when you returned you would fend food for
19 yourselves to feed yourselves. They wouldn't want to know
16:06:57 20 whether you need some food to eat, or you would -- should sleep
21 in a comfortable place. That was why I said it was a kind of
22 slavery.

23 Q. Are you able to say about how many people worked on farms
24 in these conditions?

16:07:48 25 A. Yes, I said the whole RUF in the Kailahun District. Every
26 town or village they were bringing people from there. They were
27 bringing people from those towns and villages to work on the
28 farms.

29 Q. You mentioned something called the government farm. What

1 did you mean by that?

2 A. The RUF farm, the big men. Augustine Gbao and G5 put
3 people together and they asked people to make the farm and that
4 year we made that farm.

16:09:09 5 MR HARRISON: That concludes the examination-in-chief.

6 PRESIDING JUDGE: Thank you.

7 Mr Jordash, are you ready to proceed with your
8 cross-examination?

9 MR JORDASH: Your Honour, yes. Could I request that we go
16:09:25 10 into a closed session for approximately 15 minutes, please. I
11 don't --

12 PRESIDING JUDGE: You mean right away?

13 MR JORDASH: Yes. I would prefer to do it at the beginning
14 then at the end and I don't envisage going into closed session
16:09:45 15 again.

16 PRESIDING JUDGE: What is the purpose of the closed
17 session, if I may ask?

18 MR JORDASH: To ask about some personal details which
19 relate to --

16:09:53 20 PRESIDING JUDGE: Does that relate to what was discussed
21 this morning in the closed session?

22 MR JORDASH: Precisely the same. The first few questions
23 Mr Harrison asked, they relate to that, to the family details.

24 PRESIDING JUDGE: So the portion you want to have in a
16:10:11 25 closed session are essentially of the same nature as the
26 questions and matters being raised during the closed session this
27 morning?

28 MR JORDASH: Certainly the same. They would identify her.

29 PRESIDING JUDGE: I'm just questioning to make sure that we

1 are on the same ground, as it were. If it is a different ground,
2 I would ask you to expand on it, but if it is the same.

3 MR JORDASH: Precisely the same.

4 PRESIDING JUDGE: Our decision on the closed session this
16:10:46 5 morning will apply to your obligation as well and, therefore, we
6 will move into a closed session now. For members of the public
7 you have heard this application that the closed session should be
8 a duration of about 15, 20 minutes. So, Mr Court Officer, could
9 you ensure that the technical arrangements are made for the
16:11:11 10 closed session. Thank you.

11 [At this point in the proceedings, a portion of the
12 transcript, pages 74 to 84, was extracted and sealed under
13 separate cover, as the session was heard in camera.]

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1 [Open session]

2 [Upon resuming at 5.04 p.m.]

3 PRESIDING JUDGE: So we are back in open session,
4 Mr Jordash, and for your information, the sitting hours are up to
17:04:51 5 5.30. I say this so you are not taken by surprise when we
6 adjourn at 5.30.

7 MR JORDASH: It would be a welcome surprise anyway.

8 PRESIDING JUDGE: Having said that, you may proceed.

9 MR JORDASH: Thank you, Your Honour.

17:05:04 10 Q. Madam Witness, I want to ask you about some of the meetings
11 you had with the Prosecution. Am I correct that you met the
12 Prosecution in March of 2003?

13 A. Yes.

14 Q. You may not remember this but the date - is this right -
17:05:36 15 was 27th March 2003?

16 A. Yes.

17 Q. And can you remember who it was you met?

18 JUDGE ITOE: Was it 23rd March?

19 MR JORDASH: 27th.

17:06:03 20 THE WITNESS: Those who obtained the statement from me?

21 MR JORDASH: 2003.

22 Q. Yes, those who obtained the statement -- do you remember
23 giving a statement on that date?

24 A. Yes.

17:06:14 25 Q. And do you remember who you gave it to?

26 A. No, I don't know his name.

27 Q. So there was a man there. Was there anybody else there at
28 the time?

29 A. There was a man. There was a female, white man -- white

1 woman.

2 Q. And was the man speaking to you in your language?

3 A. He was speaking to me in Krio.

4 Q. And the white person was doing what?

17:07:09 5 A. She was writing on a paper.

6 Q. And the black person was doing the translating; is that
7 right?

8 A. Yes.

9 Q. And were you asked to give your best recollection of what
17:07:42 10 your experiences had been during your time with the rebels?

11 A. She said it. But it is something that has taken place in
12 ten years and you'll not be able to recall everything to get it.
13 As I'm seated here, if anything that comes in my mind I will say
14 it. That which does not come to my mind, I will not say it.

17:08:23 15 PRESIDING JUDGE: Madam Witness, I just want to warn you
16 that we are back in an open session. That is, there are members
17 of the public. So when you speak, you have to be careful about
18 naming persons that may identify you. So we are now back in that
19 open session. You understand what I'm saying?

17:08:41 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: Thank you.

22 MR JORDASH:

23 Q. But the statement you gave in March 2003 was at that time
24 the best you could remember; am I right?

17:08:58 25 A. Can you repeat your question?

26 Q. Did you do the best you could to remember what had happened
27 to you and your experiences with the rebels when you first met
28 the Prosecution in March of 2003?

29 A. That which I could recall I told the person.

1 Q. Thank you. When you told them the best you could remember,
2 did one of the people present read it back to you at the end of
3 the story?

4 A. He read it back to me.

17:10:38 5 Q. Did you listen carefully to it?

6 A. I listened, but he was speaking in Krio. I listened to it.

7 Q. And did you make any corrections you wanted to make?

8 A. No. Immediately he read it back to me he asked me to sign
9 and I signed it.

17:11:17 10 Q. Were you happy to sign it as your story?

11 A. Yes.

12 Q. I want to ask you about something it says in this first
13 statement.

14 MR JORDASH: Your Honours, page 10750.

17:12:02 15 Q. It is referring to the detention of the 67 people in
16 Kailahun. The 67 people who were alleged to be Kamajors, okay?
17 It says this - second paragraph, Your Honours:

18 "The captives were placed in detention at the native court
19 detention facility at Tongoyama section."

17:12:58 20 Are you with me so far, madam?

21 A. I'm listening.

22 Q. Is that correct? Does that remind you of what your
23 statement says?

24 A. Yes. Even today it's what I said. When they were captured
17:13:18 25 at first they were placed in the court prison in the Tongoyama
26 section. They were there for some time before they were removed
27 and taken to the police station.

28 Q. Okay, listen to the rest. "My relatives were there for up
29 to two months and I used to go there and bring them food." Does

1 that remind you of what your statement says?

2 A. My brothers who were there, I took food for them. They
3 used to come to my house, those of my brothers. I used to obtain
4 permission for them to come to my house.

17:14:20 5 Q. Did that permission extend to your husband's brothers; did
6 they use to come to your house too?

7 A. No, I did not obtain any permission for them. And at that
8 time my husband was not there. So they will not allow anybody to
9 go to them. I used to go to mine.

17:14:51 10 Q. Well, did you used to go there and go to detention facility
11 and bring food to your relatives?

12 A. I used to take food for them, but when I took food there I
13 used to hand it over to the person who was in charge of them and
14 he will take it to them. They did not allow us to enter in
17:15:18 15 there.

16 Q. This is the next sentence in this statement, madam: "I had
17 relatives" -- sorry, "I had 17 relatives - note - ranging in age
18 from 15-60. Most of my relatives being held were young men."
19 Your statement says, does it not, that you had 17 relatives who
17:15:54 20 were being detained? Is that not what you told the
21 Prosecution --

22 A. My own blood relatives, my brothers were three. They were
23 three.

24 Q. But you told the Prosecution, didn't you, in March of 2003
17:16:09 25 you had 17 -- [Overlapping speakers]

26 A. No, no. I said my own brothers were three. Even in two
27 days' time, my brothers were three there among them.

28 Q. So are you saying you didn't tell the Prosecution that you
29 had 17 relatives being detained? Is that what you're saying?

1 A. Even if he wrote that down, I don't know. But I did not
2 tell him that. I told him that my brothers were three among
3 them.

4 Q. Okay, thank you.

17:16:47 5 PRESIDING JUDGE: Mr Jordash, so would we avoid confusion
6 as well. I want to know what is the purpose of these lines of
7 questions? Is it to refresh the memory of the witness or you
8 intend to do something else?

9 MR JORDASH: That was to contradict the witness.

17:17:01 10 PRESIDING JUDGE: That's fine. I don't want to limit you.
11 I just want to know what it is you are intending to do, so we
12 understand clearly and there is no confusion.

13 MR JORDASH: Certainly.

14 PRESIDING JUDGE: Thank you.

17:17:15 15 MR JORDASH:

16 Q. Okay, madam, let me ask you this, then. You do remember
17 giving evidence in the AFRC trial. Do you remember that?

18 A. Yes.

19 Q. And are you aware, madam, as you give evidence now that
17:17:42 20 what you say and what I say and what anybody in this courtroom
21 says is recorded? Are you aware of that?

22 A. Yes.

23 Q. What I am going to do is read to you the record of what you
24 said in the AFRC trial. So you understand, it is a record of
17:18:13 25 what you said so you can be sure you did say it if I read this to
26 you. Okay.

27 MR JORDASH: Do Your Honours have the transcript from the
28 AFRC trial?

29 PRESIDING JUDGE: Which part? What is the page?

1 MR JORDASH: Page 12566.

2 THE WITNESS: If you have many relatives, but the real ones
3 are three. I said that my own real blood relations were three.
4 My father and my brothers.

17:18:47 5 MR JORDASH:

6 Q. Well, madam, you've told us in the closed session that in
7 total there was - let me just get this right - three of your
8 blood relatives and four brothers of your husband killed in this
9 alleged Kamajor incident. This is what you said in the AFRC

17:19:31 10 trial --

11 A. I can't believe whether I deny that. That is what I said.
12 I said that my husband's relatives were four and mine were three.
13 I have not said any other thing apart from that.

14 Q. We are going to see if you did say something different.

17:19:53 15 Listen to this, please?

16 PRESIDING JUDGE: What's the page again?

17 MR JORDASH: Page 12566.

18 THE WITNESS: It is fine.

19 MR JORDASH:

17:20:04 20 Q. These are your words, madam. Your words. "I was present
21 when he" --

22 PRESIDING JUDGE: What's the line?

23 MR JORDASH: Sorry, line 11, Your Honour. Let me go
24 further higher up so the witness can understand the context.

17:20:23 25 PRESIDING JUDGE: And please make it clear to her that this
26 is a reading from the transcript of the record of what happened
27 in the AFRC when she gave evidence.

28 MR JORDASH: Certainly.

29 Q. What I am going to read you, madam, now is a record word

1 for word of what you said in the AFRC trial.

2 MR HARRISON: I'm sorry to interrupt, but I have quickly
3 read this passage and there are some concerns about this
4 information being done in open session. There is some
17:21:04 5 information here -- we know there is a number of people who the
6 Prosecution says were killed. We don't know the extent of the
7 relations that other people may have had and by going through the
8 specifics here it may indicate to other people in the community
9 the identity of this witness.

17:21:29 10 PRESIDING JUDGE: But I don't know -- I'm not sure what you
11 mean by this simply because if I look at the copy of the
12 transcript I have in front of me it clearly indicates that it was
13 then in open session. So why was it in open there and no problem
14 and it would be a problem here. So I am not sure. You may be
17:21:49 15 right.

16 MR HARRISON: I can't give you a compelling reason for why
17 the Prosecution did not foresee why this should not be in closed
18 session in the AFRC trial. I am simply advising the Court now
19 that there are some concerns about this particular passage being
17:22:06 20 put to the witness in open session with the risk of it possibly
21 revealing her identity.

22 PRESIDING JUDGE: Which paragraph are we talking about?

23 MR HARRISON: I am assuming we are going from 11 to 17. I
24 don't know if we go any further than that. Those lines and those
17:22:24 25 were the ones that I quickly reviewed.

26 MR JORDASH: Well, I would disagree with my learned friend
27 for one, it has been given in open session before with no seeming
28 concern on behalf of another prosecutor, and I acknowledge that
29 from the outset. But two, it is evidence which, according to the

1 witness and her evidence thus far, isn't correct. So it is
2 evidence which doesn't relate to her family, because we know the
3 members of family which the witness say were killed and that's
4 been dealt with in the closed session. In my respectful
17:23:29 5 submission, evidence which is inconsistent with what she said
6 couldn't possibly identify her, because she does not say they are
7 her family. This evidence here suggests that -- is inconsistent
8 with what she has told us happened to her family. The evidence
9 of what happened to her family has been dealt with in closed
17:23:54 10 session. This, according to the evidence we have heard so far,
11 doesn't relate to her.

12 PRESIDING JUDGE: Yes, but the issue is not really that,
13 Mr Jordash. The question is - and I don't dispute what you are
14 trying to raise here - the question is whether or not this is a
17:24:11 15 portion that may identify. So whether or not in some ways or
16 others, it may lead to the identification of the witness. This
17 is really the issue. I don't want to get into arguments as to
18 whether what she said before is or is not compatible with. This
19 is not the issue. The question is how can we use this without
17:24:31 20 compromising your cross-examination and, at the same time, trying
21 to protect the identity of the witness. That is all. Because
22 you asked this Court to sit in a closed session to deal with
23 these kinds of issues and now we are dealing with these same kind
24 of issues. I would be prepared to go in a closed session if need
17:24:50 25 be to deal with that so we will avoid any possible confusion. I
26 mean, this is clearly related to some of the questions you have
27 asked before related to --

28 MR JORDASH: My objection is not one that I need to stand
29 on. I'm happy to --

1 PRESIDING JUDGE: I know it was in open session, but the
2 questions that were asked in closed session were not necessarily
3 asked in the other chamber. So that is what I mean. In fairness
4 to the witness so she could be able to respond quite clearly and
17:25:20 5 fairly to your question if you put that to her. I mean, it might
6 be the best way to do it to avoid this.

7 MR JORDASH: I am happy to go into closed session. I
8 withdraw the opposition to that.

9 PRESIDING JUDGE: So for the same reason that we have
17:25:34 10 before, we will just go into a very short closed session to deal
11 with this aspect and it will be for members of the public we will
12 be reaching time to close for the day. So we will just do that
13 and then at the end we will come back in open session and adjourn
14 to tomorrow morning.

17:25:48 15 MR JORDASH: It will be a five-minute closed session, yes.

16 PRESIDING JUDGE: That will take us to 5.30. Mr Court
17 Officer, can you please proceed to have a closed session. And
18 the closed session is ordered for the same reasons as we ordered
19 before and the same decision applies. Thank you. So, members of
17:26:15 20 the public, we will resume tomorrow morning at 9.30 in public.

21 [At this point in the proceedings, a portion of the
22 transcript, pages 94 to 99, was extracted and sealed under
23 separate cover, as the session was heard in camera.]

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