

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

TUESDAY, 17 MAY 2005
9.59 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Ms Sharan Parmar Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	No Appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Eleanor Hutchison Ms Elizabeth Shackelford
For the accused Morris Kallon:	Mr Shekou Touray Ms Rachel Irura
For the accused Augustine Gbao:	Mr John Cammegh

1 [HS170505A-JM]
2 Tuesday, 17 May 2005
3 [Open session]
4 [The accused entered court]
09:59:28 5 [Upon commencing at 9.59 a.m.]
6 PRESIDING JUDGE: Learned counsel, good morning. I think
7 before we proceed, we have to swear the new interpreter.
8 MS EHRET: Yes, Your Honours. Thank you very much.
9 PRESIDING JUDGE: May we proceed with that formality,
10:01:04 10 please, before we go on.
11 MS EHRET: Thank you, Your Honour.
12 MS EDMONDS: Interpreter, please take your oath.
13 [ANDREW MANSARAY sworn]
14 PRESIDING JUDGE: Thank you. Thank you. You may take your
10:01:38 15 place in the cabin, please, before we start.
16 Can we proceed.
17 MS EHRET: Yes, Your Honours. We are ready.
18 JUDGE THOMPSON: If the Prosecution is ready, we will
19 proceed.
10:03:33 20 MR HARRISON: Yes, the witness has to be brought in, and
21 the curtains have to be closed. It's Witness TF1-172, who is a
22 Kuranko speaker. And for the purposes of being sworn, the
23 witness is a Muslim.
24 JUDGE THOMPSON: Will the Victims and Witnesses Unit make
10:03:59 25 sure that the witness is here.
26 [The witness entered court]
27 WITNESS: TF1-172 [Sworn]
28 [Witness answered through interpreter]
29 MS EHRET: Can we please go over the swearing in again,

1 please.

2 PRESIDING JUDGE: Maureen. Maureen, they say you should go
3 over the swearing in.

4 THE INTERPRETER: Your Honour, the witness does not seem to
10:09:20 5 be saying what the interpreter is saying. He is saying something
6 different from what the interpreter is saying. So we want to do
7 it again.

8 PRESIDING JUDGE: Are you interpreting to him?

9 THE INTERPRETER: Yes, yes. Yes.

10:09:33 10 PRESIDING JUDGE: Please, tell the witness. Let him be
11 told that he should say what the interpreter is saying, not what
12 he thinks he should say. Let that be translated to him, please.

13 MS EDMONDS: Rebecca, this is on channel 2. Is that
14 correct?

10:10:14 15 MS EHRET: Can you put him on channel 1, please.
16 It's okay now.

17 THE INTERPRETER: It's okay now.

18 PRESIDING JUDGE: It's okay, Maureen. It's okay.
19 This is your 34 --

10:11:15 20 MS PARMAR: 34.

21 PRESIDING JUDGE: 34th witness.

22 EXAMINED BY MS PARMAR:

23 Q. Good morning, Mr Witness.

24 PRESIDING JUDGE: And this is -- he's testifying in what
10:11:30 25 language?

26 MS PARMAR: The Kuranko language, K-u-r-a-n-k-o.

27 PRESIDING JUDGE: K-u-r.

28 MS PARMAR: K-u-r-a-n-k-o, Kuranko.

29 Q. Good morning, Mr Witness.

1 A. Good morning.

2 Q. How old are you?

3 A. I am 48 years old.

4 Q. What do you do for a living?

10:12:28 5 A. I am a farmer.

6 Q. Are you married?

7 A. Yes.

8 Q. How many wives do you have?

9 A. Two wives.

10:12:42 10 Q. Do you have any children?

11 A. Yes.

12 Q. How many children do you have?

13 A. Five children.

14 Q. Have you ever attended school?

10:13:09 15 A. I didn't go to school.

16 Q. Do you know how to read or write?

17 A. Well, I didn't attend school. How can you read? No, I

18 can't read.

19 Q. Where were you born?

10:13:46 20 A. In Koinadugu District.

21 Q. What village were you born?

22 A. XXXXXXXX.

23 MS PARMAR: Your Honours, XXXXXXXX is spelled

24 XXXXXXXX.

10:14:34 25 Q. Where did you live during the war?

26 A. I was in XXXXXXXX.

27 Q. Do you know what chiefdom XXXXXXXX is in?

28 A. Yes. Sanyanieni Chiefdom.

29 PRESIDING JUDGE: San?

1 MS PARMAR: Sanyanieni Chiefdom. Perhaps the interpreter
2 could assist with the spelling of that name.
3 THE INTERPRETER: Sanyanieni, S-a-n-y-a-n-i-e-n-i.
4 Sanyanieni Chiefdom.

10:15:54 5 MS PARMAR:
6 Q. How far is XXXXXXXX from Kabala?
7 A. Yes.
8 Q. Can you tell us how far XXXXXXXX is from Kabala?
9 A. Yes. 36 miles.

10:16:25 10 Q. How far is XXXXXXXX from Alikalia?
11 A. Yes.
12 Q. Can you tell us the distance between XXXXXXXX and Alikalia.
13 A. Yes. 12 miles.
14 PRESIDING JUDGE: What's the town again?

10:17:07 15 MS PARMAR: The town is Alikalia. A-l-i-k-a-l-i-a,
16 Alikalia.
17 PRESIDING JUDGE: It's close to Alitalia.
18 MS PARMAR: Not quite, but close.
19 Q. Mr Witness, did anything happen in XXXXXXXX during the war?

10:17:40 20 A. Too much.
21 Q. Please tell the Court what first happened in XXXXXXXX
22 during the war.
23 A. Yes, I can tell.
24 Q. What happened?

10:18:12 25 A. What happened is that we were in our home when we heard
26 that rebels had come from Foria. At that time, we had a guard.
27 And this guard --
28 PRESIDING JUDGE: [Microphone not activated]
29 MS PARMAR:

1 Q. Witness, try to give your answer in pieces and pause
2 between your sentences.

3 A. Okay.

4 PRESIDING JUDGE: He was in his home, you know, when he
10:18:54 5 heard the rebels had come.

6 THE WITNESS: Yes.

7 MS PARMAR:

8 Q. Can you continue from the point when you had heard the
9 rebels had come. And go slowly, please.

10:19:12 10 A. Okay. I said we had a guard. We said if the rebels come,
11 you should alert us by saying "coo" so we could hide ourselves.

12 Q. Please continue, Mr Witness.

13 A. Okay. When the rebels came, the guards whom we had put
14 there shouted "coo." And they said, "They have come." Then we
10:20:29 15 ran away.

16 Q. Where did you run to?

17 A. All of us went into the bush.

18 Q. How far were you from XXXXXXXX in the bush?

19 A. Yes. It was 1 mile. We went on top of a hill, and from
10:21:29 20 there we could see what was going on in the town.

21 Q. What did you see happening in the town?

22 A. I saw them -- the sheeps that we had, the goats that we
23 had, the chickens that we had, we saw them going over them. They
24 killed some, they ate some, and they went away with some.

10:22:55 25 Q. Who did you see doing these things?

26 A. The rebels.

27 Q. How were these rebels dressed?

28 A. All of them wore combats.

29 Q. Did you see anything else happening in XXXXXXXX at this

1 time?

2 A. Yes. I saw them. After they had finished eating, they
3 left the place at about 4.00. After they had -- after they had
4 eaten, they divided the town into two. They were in one section
10:24:04 5 of the town, and where my house was they didn't go there. They
6 burnt it down, the other half of the town where they were. They
7 didn't reach to the place where I was.

8 PRESIDING JUDGE: Is he saying they burnt down houses?

9 MS PARMAR: I was about to ask what was burnt down,
10:25:02 10 Your Honour.

11 Q. Mr Witness, please tell us what was burnt in the town.

12 A. When they were going away, they burnt down 40 houses.

13 Q. How many houses are in XXXXXXXX?

14 A. It is about 8 -- 80 houses.

10:25:58 15 Q. And who burnt down these houses?

16 A. [No Interpretation]

17 MS PARMAR: I don't believe we got an English translation
18 of that --

19 THE INTERPRETER: The rebels. The rebels.

10:26:25 20 MS PARMAR: Thank you.

21 Q. Mr Witness, what do you mean when you use the word
22 "rebels"?

23 A. They said -- the others said that they were rebels.

24 Q. When did you hear this said?

10:27:12 25 A. That very day. The day that they burnt down those houses,
26 that's the day that I knew.

27 Q. Do you remember the year that this happened in XXXXXXXX?

28 A. Yes.

29 Q. What was the year?

1 A. 1980.

2 Q. Can you tell us what season it was, Mr Witness.

3 PRESIDING JUDGE: 19 what?

4 THE WITNESS: It was during the rains.

10:28:20 5 PRESIDING JUDGE: 19 what? 80? Did I hear him say 1980?

6 THE WITNESS: Yes.

7 MS PARMAR:

8 Q. Mr Witness, do you remember who was in power in the

9 Government of Sierra Leone during this year?

10:29:02 10 A. Yes.

11 Q. Who was the president of Sierra Leone?

12 A. Tejan Kabbah.

13 Q. Do you remember at what time in the season, whether it was

14 the beginning, middle, or end that this happened in Seraduya

10:29:41 15 town?

16 A. Yes. It happened during the planting time. Okay, the

17 brushing time, to be specific.

18 Q. You've told this Court that Tejan Kabbah was the president

19 of Sierra Leone. Had anything happened to the government of

10:30:31 20 Tejan Kabbah?

21 A. No.

22 Q. Did you ever see the rebels again?

23 A. I saw them after that.

24 Q. What happened when you saw them again?

10:31:32 25 A. When I saw them at that time, we had finished brushing,

26 when it was time for us to start planting.

27 Q. Please continue.

28 A. Okay. We had all started up. I didn't go to my farm on

29 that day. I went to another farm. I came across them on my way.

1 When we went into their midst, they captured us.

2 Q. Who captured you, Mr Witness?

3 A. The rebels.

4 Q. How far were you from XXXXXXXX?

10:33:43 5 A. It was half a mile.

6 Q. Who were you with at this time?

7 A. My companions, about five or six of us.

8 Q. What was the year at this time?

9 A. Yes.

10:34:32 10 Q. Can you tell us what the year was?

11 A. Yes.

12 Q. What was the year?

13 A. That same year. That same year, 1998.

14 Q. How many rebels captured you?

10:35:12 15 A. Twelve of them. Twelve of them caught me.

16 Q. What were they wearing?

17 A. They wore combat fatigues.

18 Q. Please tell Court what happened when you were captured.

19 A. When I was captured, including the 12 people, I was tied

10:36:10 20 up. The dagger that they had, they used it to penetrate my chest

21 three times. But God didn't allow that dagger to enter into my

22 body.

23 Q. Please continue.

24 A. Okay. When this was used and it couldn't go into my body,

10:37:18 25 then they told me that I have proven to them that I am a man,

26 that I am a Kamajor. Then I said, "No, I am not a Kamajor."

27 Then they said, "You're a Tamaboro." And I said, "No, I'm not a

28 Tamaboro." That's when they caught me and tied me up. They tied

29 me at my back. They knock my two shoulders so they went at the

1 back.

2 PRESIDING JUDGE: What went at the back? Let's get the
3 description more clearly.

4 MS PARMAR:

10:38:30 5 Q. Can you explain what happened to your shoulders when you
6 were tied?

7 A. Very well.

8 Q. What happened?

9 A. After I had been tied, I told them that -- I told them to
10:38:50 10 release us, for God's sake. And they asked me if I know God.
11 And they asked me where God was.

12 PRESIDING JUDGE: Wait, wait.

13 MS PARMAR:

14 Q. Please repeat what was said to you after you pleaded for
10:40:01 15 your release.

16 A. Yes. I could repeat.

17 Q. Please do so.

18 A. When they caught me, after I had said this, that they
19 should release me in the name of God, then they took a gun butt
10:40:37 20 and they gave me a blow in my teeth. And one of my tooth came
21 out.

22 Q. What happened to the other people you were with at this
23 time?

24 A. Those of us -- those people with whom I was caught, they
10:41:27 25 said they were Sankoh's rebels.

26 Q. Who said that they were Sankoh's rebels?

27 A. Those who caught me, the soldiers.

28 Q. Did anything happen to the other men that you were with at
29 that time?

1 A. Yes. When they caught us on the way, we were all tied up.
2 Q. Please continue.
3 A. When they caught us, and they asked me if Kamajors were
4 there, were Tamaboros there, are there soldiers there? Are there
10:43:18 5 ECOMOG? And I said that we are in the forest here.
6 Q. Please continue.
7 A. Okay. That we were in the forest, we are farmers. And I
8 said we do not have soldiers here. We don't have Kamajors here.
9 We do not have Tamaboros here. We do not have ECOMOG here. We
10:44:17 10 are just ordinary people living here. Then they said...
11 Q. What did they say?
12 A. After they had said that, they did not amputate our hands
13 in the forest. We went right into the town.
14 Q. Before we talk about what happened in town, did you have
10:45:37 15 anything with you when you were captured?
16 A. Yes.
17 Q. What did you have with you?
18 A. I had 250.000 Leones.
19 THE INTERPRETER: Your Honours, I need to make a
10:46:14 20 correction. I think he actually means 500.000 Leones. It was
21 250 pounds.
22 PRESIDING JUDGE: Is it pounds or Leones? If it's pounds,
23 please, let's use pounds.
24 THE INTERPRETER: He said 250 pounds.
10:46:37 25 PRESIDING JUDGE: 250 pounds.
26 THE INTERPRETER: Sierra Leonean pounds, that is.
27 MS PARMAR: Perhaps the interpreter can explain what a
28 Sierra Leonean pound is.
29 THE INTERPRETER: For people in the provinces, they use

1 that old-fashioned denomination term of pounds. It's 2 Leones
2 for a pound. So for 250 pounds, it's twice 250. So that is
3 equal to 500.000 Leones.

4 MS PARMAR:

10:47:21 5 Q. What happened to that money that you had with you?

6 A. They took it away from me. In fact, that money didn't
7 belong to me alone.

8 Q. Who took the money away from you?

9 A. The rebels.

10:48:23 10 Q. Did anything else happen to you before you left the spot
11 where you were captured to go to town?

12 A. From town to the farm? I'm asking you that.

13 Q. Did anything else happen at the place where you were
14 captured?

10:48:59 15 A. Yes.

16 Q. What happened to you?

17 A. I said we were captured, and we were tied up.

18 Q. What happened once you reached the town?

19 A. When we reached town, they had strapped me with the rope on
10:49:42 20 my waist like a tamed monkey.

21 Q. Where were you taken to in town?

22 A. Okay. When I reached town, after we had gone for quite a
23 distance, we've gone past the burnt houses and we've gone to the
24 open place, they went and found a long log. They used my own

10:50:39 25 cutlass.

26 Q. What was done with your own cutlass?

27 A. When that was -- when that was taken away from me, they
28 chopped my hand off.

29 Q. Who chopped your hand off?

1 A. The rebels.

2 Q. What did you do after your hand was chopped off?

3 A. When we reached, as we were tied up, they called me to
4 place my buttocks on the ground. And they asked me to place my
10:52:23 5 hand, and I placed my left hand. And then they said no. That
6 the hand I use to shove food into your backside, that hand you
7 should place.

8 PRESIDING JUDGE: Wait.

9 THE WITNESS: Okay.

10:53:24 10 PRESIDING JUDGE: He should put the hand which he does what
11 with?

12 THE WITNESS: The hand that you use to shove food into your
13 backside.

14 PRESIDING JUDGE: I don't understand. Can the interpreter
10:53:55 15 make us understand?

16 MS EHRET: It's meant as an insult.

17 THE INTERPRETER: Maybe anus can make it clearer.

18 PRESIDING JUDGE: It was a translation. I mean --

19 THE INTERPRETER: The hand that you use to shove food into
10:54:25 20 your anus.

21 PRESIDING JUDGE: I don't understand.

22 THE INTERPRETER: It's meant to be an insult. I mean, it
23 actually means the hand that you use to eat food with.

24 MS EHRET: It's meant ironically as an insult.

10:55:09 25 MS PARMAR:

26 Q. What happened after this was said to you?

27 A. After this had been said to me, and I told them, Before you
28 could chop off our hands, please allow us to follow you, that we
29 will follow you. We would go to you. Then they said -- they

1 said civilians -- they said they do not want civilians, that if
2 they see civilians, the civilians, that they will kill you. Now
3 that the -- now that they have cut -- they've chopped off our
4 hands, that was because of what I said. Because they said I was
10:56:47 5 saying the truth. The terrible horrors that we spoke about, they
6 didn't see any of them. The Kamajors we were spoken about --

7 PRESIDING JUDGE: [Microphone not activated] the records.
8 It should be clearer, the sequence of this cutting of the hand
9 and so on and so forth.

10:57:16 10 MS PARMAR: Your Honour, perhaps if the witness can just
11 finish, I'll take him back and clarify --

12 PRESIDING JUDGE: You better do. That's what I mean. You
13 better take him back before he goes too far ahead.

14 MS PARMAR: I'll just let him finish what he's saying right
10:57:34 15 now, and then we'll clarify the order --

16 PRESIDING JUDGE: No, we clarify it as we're moving on. It
17 makes the record, you know, clearer.

18 THE WITNESS: I'll come to that.

19 MS PARMAR:

10:57:43 20 Q. Mr Witness, let's go back to the place where you were
21 captured.

22 PRESIDING JUDGE: Captured? We've left that scene. We are
23 now where they have been brought to town, where they looked for a
24 log and placed it. And then, you know, they asked him to put his
10:58:03 25 hand. He put the left hand. And they said no, you should put
26 the hand which you use to eat. I mean, I don't want to go back
27 to the expression. That is where we were.

28 MS PARMAR: If Your Honour is satisfied with the
29 clarification up until that point, we can continue from the point

1 where he placed his hand on the log.

2 PRESIDING JUDGE: I thought so.

3 THE WITNESS: Okay.

4 MS PARMAR:

10:58:29 5 Q. Mr Witness, tell us step by step what happened when you
6 were told to put your right hand on the log. Tell us exactly
7 what happened next.

8 A. They called me first, and I placed my hand, and my hand was
9 chopped off. And they said -- they asked me to get up. So my
10:59:03 10 hand was hanging like this, and it was dangling. And they spoke
11 about my left hand.

12 PRESIDING JUDGE: Please wait.

13 And did we understand him to say that it was his cutlass
14 that they used to chop his hand?

10:59:33 15 MS PARMAR: That is what the witness said earlier.

16 THE WITNESS: Yes. Yes, my own very cutlass.

17 PRESIDING JUDGE: He said his hand was dangling, yes.

18 MS PARMAR:

19 Q. What happened to your hand after it was cut?

11:00:13 20 A. They chopped off my hand, and it was hanging like this,
21 dangling. And they asked me to use my left to hold my right hand
22 that was hanging.

23 THE INTERPRETER: Yes, your Lords, I want to make a
24 correction here. The right hand had actually fallen off, so they
11:00:52 25 asked him to use his left hand to take up the right hand that had
26 fallen off.

27 MS PARMAR:

28 Q. What happened after that?

29 A. And they said to me that I should stand aside. They called

1 my child. The child's hand was chopped off, too. The child got
2 up, too. They called the other one. The hand was chopped off,
3 too.

4 PRESIDING JUDGE: They called the other one, who? Just
11:02:23 5 wait, please.

6 THE WITNESS: My child who was called.

7 PRESIDING JUDGE: They called his child. His hand was
8 chopped off. He said they called the other one. What is "the
9 other one"?

11:02:51 10 MS PARMAR: Your Honour, we don't want to give the name.

11 PRESIDING JUDGE: No --

12 MS PARMAR: But we'll clarify --

13 PRESIDING JUDGE: The other one, is it another child?

14 MS PARMAR: We can ask the witness who is he referring when
11:03:04 15 he means the other one without giving any --

16 PRESIDING JUDGE: We don't want names anyway.

17 MS PARMAR: We just want to make sure the witness
18 understands.

19 THE WITNESS: The third person, he was one of our
11:03:12 20 companions. His hand was chopped off, too. His first son --

21 PRESIDING JUDGE: Wait. The third person was one of his
22 companions. Mm-hmm.

23 THE WITNESS: Yes.

24 MS PARMAR:

11:03:49 25 Q. What happened after this third person was amputated?

26 A. After the third person's hand was chopped off, his own
27 child, they called him, too. And his own hand was chopped off,
28 too.

29 Q. How old was this child?

1 A. I do not know the child's age. But she has given birth to
2 three children, and she is now carrying the fourth.
3 Q. What happened after this person was amputated?
4 A. After they had chopped off the fourth person's hand, they
11:05:42 5 said that we should go to our elders. All of us got up, and they
6 were following us. Wherever you turned, you would see combat
7 people, RPGs. And we went together with them to our elders.
8 Q. To clarify, what was the name of the town that you were in
9 at that time?
11:06:44 10 A. XXXXXXXX.
11 Q. And what district is XXXXXXXX in?
12 A. Koinadugu District.
13 PRESIDING JUDGE: Can this witness hold up that hand, see
14 the hand which he's talking about.
11:07:12 15 Hold up the hand.
16 [The witness complies]
17 PRESIDING JUDGE: For the records, please.
18 THE WITNESS: Yes.
19 MS PARMAR:
11:07:50 20 Q. Whilst you were in XXXXXXXX, did you see what was happening
21 in the town?
22 A. Yes.
23 Q. What did you see?
24 A. That's the time they burnt down the rest of the town. Even
11:08:25 25 my own house...
26 Q. Who burnt down the rest of the town?
27 A. The rebels. Those who chopped off my hands -- my hand,
28 sorry.
29 Q. What happened to your own house?

1 A. My own very house, I had built it, and it had six rooms. I
2 didn't build it with any government money. I didn't use any
3 diamond money. If you think about that kind of area, the farm
4 that I made, I cultivated, the money -- it was the money that I
11:09:42 5 used to build that house. And they came and burnt down that
6 house. And that didn't satisfy them.

7 Q. Please continue.

8 A. Okay. That didn't satisfy them. The store that I had
9 behind my house, I had the rest of my property there. I had 30
11:10:29 10 bags of rice there. I had 30 bags of rice there and 20 bags of
11 groundnuts. I had 10 cans of palm oil. I had not made any sales
12 at the time.

13 Q. What was the value of these goods that was in the store?

14 A. Yes. I had not sold anything at the time. I had not sold
11:12:04 15 anything at the time. I had 150.000, and somebody else had given
16 me 100.000. They took that.

17 PRESIDING JUDGE: Wait, please. Let's get things clearly.
18 He had earlier talked of 250 pounds, then -- which amounted to
19 500.000 Leones that he had on him. He said all of it was not
11:12:44 20 his. When he was tied, they took the money from him. So which
21 money is he talking of now? The 800-and-whatever. Please, let's
22 be very clear.

23 MS PARMAR:

24 Q. Mr Witness, is this last amount of money you referred to,
11:13:03 25 is that the money you were carrying with you when you were
26 captured?

27 A. Yes. That's the very money.

28 JUDGE THOMPSON: The evidence is, because we're in a store
29 now, I understand, and there are these items that he indicated

1 were. And I thought your question about the value of those items
2 was either he wanted to give us some individual value for the
3 rice or an aggregation of the total losses.

4 THE WITNESS: No, I'm not talking about any other money
11:13:49 5 after that.

6 JUDGE THOMPSON: I see. That's what clears up the
7 Presiding Judge's point, whether this money was in the store or
8 whether it was in his possession at the time.

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

11:14:04 10 Q. Mr Witness, please tell us what was the value of what you
11 had in the store with respect -- let's start with the rice. What
12 was the value of those bags of rice?

13 A. Well, the rice that I had, I could sell a bag of rice
14 50.000 Leones.

11:14:38 15 Q. And how many bags of rice did you have?

16 A. Thirty bags.

17 PRESIDING JUDGE: Okay. Let's get the next. After the
18 rice. We heard 20 --

19 THE WITNESS: I had groundnuts. Yes.

11:15:06 20 MS PARMAR:

21 Q. What was the value of those 20 bags of groundnuts?

22 A. 50.000 Leones per bag. You can calculate that.

23 PRESIDING JUDGE: Yes, we'll calculate that. And 10 cans
24 of palm oil.

11:15:42 25 MS PARMAR:

26 Q. Mr Witness, did you say you had 10 cans of palm wine or
27 palm oil?

28 JUDGE THOMPSON: I heard palm oil.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: I heard palm oil.
2 THE WITNESS: Yes, 10 rubbers.
3 JUDGE THOMPSON: Was it palm oil?
4 MS PARMAR:
11:16:04 5 Q. Was that palm oil?
6 A. Palm oil.
7 JUDGE THOMPSON: Not palm wine.
8 THE WITNESS: Palm oil.
9 MS PARMAR:
11:16:14 10 Q. What was the value of the palm oil?
11 A. 60.000 Leones. That's how I sold it.
12 PRESIDING JUDGE: Per rubber?
13 THE WITNESS: Per rubber, yes. Yes, 60.000 Leones.
14 [HS170505B - CR]
11:16:40 15 Q. What happened to these items that were in your store?
16 A. Together with the 20 bags of ground nuts that I had, the
17 ground nuts that has not yet been peeled, the husk one that is.
18 PRESIDING JUDGE: What happened to this property?
19 THE WITNESS: They didn't eat it and I didn't eat it. They
11:17:26 20 burnt them down. It was to destroy me.
21 MS PARMAR:
22 Q. Did this happen before or after you were amputated?
23 A. After they had done all of that, and that being set aside
24 then, that is when they amputated me, those very people.
11:18:20 25 PRESIDING JUDGE: Let's get it clear, was he amputated
26 before the burning of this property, or after the burning of the
27 property as he alleges?
28 THE WITNESS: They first took away the money and they tied
29 me up. Then they came to town. They chopped off my hand before

1 we could go where these things were burnt down. I was holding my
2 hand like this. And I was looking at my property, all of them
3 burnt right in my presence.

4 JUDGE THOMPSON: So the burning and the alleged taking over
11:19:15 5 of the property, all were done after the alleged amputation?

6 THE WITNESS: Yes.

7 MS PARMAR:

8 Q. Did you see anything else in XXXXXXXX at that time?

9 A. Yes.

11:20:00 10 Q. What did you see?

11 A. After they had chopped off our hands and they had placed us
12 sitting down like this -- so you will sit in a position where you
13 will open your legs and somebody will sit in between your legs.
14 At this time, we still have the rope on our waist -- around our
11:20:30 15 waist, sorry.

16 Q. Mr Witness, who was seated in front of you and behind you
17 like that?

18 A. My companion -- I sat first. Just in the manner in which
19 they chopped off our hands, that's how we were sitting down. I
11:20:59 20 was the first to sit down and somebody else sat in between my
21 legs, then his child came and sat in between his own legs, then
22 the other one came and sat down in between the other one's leg.

23 Q. So all of you who had been amputated were sitting in a line
24 in front of each other?

11:21:26 25 A. Yes.

26 PRESIDING JUDGE: And he says he was the first?

27 MS PARMAR: That's correct.

28 THE WITNESS: Yes.

29 MS PARMAR:

1 Q. Did you see anything when you were seated like that?

2 A. Yes.

3 Q. What did you see?

4 A. They came and the only person whom they met in town, he too
11:22:20 5 was captured. There was no shots.

6 Q. Please continue.

7 A. He was stabbed on his neck. They put the knife in at the
8 back of his neck. They cut it around one way and they put it at
9 the back with the end and they cut it down the other way and he
11:22:50 10 was thrown down.

11 Q. Mr Witness, let's go through that again. Who caught this
12 man?

13 A. The rebels who have chopped off our hands.

14 Q. How far away were you from this man when he was caught?

11:23:30 15 A. We met him -- we met him. He had already been captured.

16 THE INTERPRETER: Your Lords, I didn't get the last bit of
17 the witness's answer.

18 JUDGE THOMPSON: Ms Parmar, let him repeat that.

19 MS PARMAR:

11:24:01 20 Q. Mr Witness, can you please repeat your answer. How far
21 were you from the man who had been caught?

22 A. That person -- where we were caught, they ran and came
23 around to the town. That's the only person who was caught.
24 That's what they did to him.

11:24:35 25 Q. Who had run around the town?

26 A. The rebels.

27 Q. When they caught the man, was he brought to where you were?

28 A. Yes. Where I had been taken, right in the presence of
29 their bosses, that's where they did that to him.

1 Q. Explain what was done to this man.

2 A. What they did to this gentleman, those of us who had been
3 caught on the way, we had our hands chopped off. That person
4 whom they met in town, he was stabbed on his neck and they drew
11:25:39 5 the knife on the side of the neck and they sent it the other way
6 and he was torn again and they threw him down.

7 Q. To clarify, this man was stabbed on one side of his neck
8 and the knife was taken down one side.

9 JUDGE THOMPSON: Is this from the place of capture?

11:26:20 10 MS PARMAR: That's what I was trying --

11 JUDGE THOMPSON: Because the location seems unclear.

12 THE WITNESS: He was caught in town, in the middle of town.

13 MS PARMAR:

14 Q. Where was he cut in the neck by the rebels?

11:26:38 15 A. On the side of his neck and on the side of the neck on the
16 other side. Each time they stab him there, they will draw the
17 knife right down and on the other side, when he was stabbed
18 there, they drew the knife right down and they pushed him down.

19 Q. Now, did this happen in front of you?

11:27:04 20 A. Yes, just like how we were are in here looking at one
21 another.

22 Q. How old was this man?

23 A. I do not know his age because he was there with us, but he
24 was learning.

11:27:56 25 Q. Was he a young man or an older man when you say he was
26 learning?

27 A. He was a young man. I'm older than him.

28 Q. Mr Witness, did the rebels say anything to you after you
29 were amputated?

1 A. Yes.

2 Q. What was said to you?

3 A. Well, after they had chopped off my hand they said, "Take
4 up your hand." When I took my hand up they said, "Take those
11:29:08 5 hands to Tejan Kabbah." They said he had brought hands in two
6 containers. "When you reach there" --

7 JUDGE THOMPSON: Counsel, let him proceed slowly.

8 THE WITNESS: Okay.

9 MS PARMAR:

11:29:50 10 Q. Mr Witness, who had the containers of hands?

11 A. Tejan Kabbah.

12 PRESIDING JUDGE: Brought two containers.

13 THE WITNESS: Yes, hands.

14 MS PARMAR:

11:30:07 15 Q. Please continue what else was said to you.

16 A. Okay. After that, they took out a paper.

17 JUDGE THOMPSON: Has he finished what they allegedly told
18 him?

19 MS PARMAR: It appears so, Your Honour.

11:30:33 20 JUDGE THOMPSON: So we stopped with two containers of
21 hands?

22 THE WITNESS: No.

23 JUDGE THOMPSON: Okay.

24 MS PARMAR:

11:30:41 25 Q. Please continue, Mr Witness, but remember to go slowly.

26 A. Okay. After they had done that, they said they would write
27 a letter and give it to me for me to take it to Alikalia.

28 PRESIDING JUDGE: For him to give it to who?

29 MS PARMAR: We haven't got to that part. He said to take

1 it to Alikalia.

2 THE WITNESS: That I should take it to Alikalia or that I
3 should take it to ECOMOG because at that place at that time,
4 Alikalia was safe at the time. ECOMOG was there at the time.

11:32:31 5 MS PARMAR:

6 Q. Did they say what that letter should say?

7 A. They said I should take the letter -- the person whom was
8 sitting down said, "No, you don't need to waste your paper.
9 Don't waste your ink."

11:33:10 10 Q. Please continue.

11 A. Now, these people leave here. They have nowhere to go but
12 Alikalia. If they raise their hands to anybody, whatever these
13 people say, they will believe.

14 Q. What did you do after this was said to you?

11:33:59 15 A. What I did, they said it, they said we should go. They
16 said, "Take up your hands. You should take it and show it to
17 ECOMOG and then to Tejan Kabbah." That, "You shouldn't stop at
18 any place but Alikalia." I told them that -- I mean, you
19 shouldn't tell me what to do, and we started off. After this
11:34:46 20 stream where they had chopped off our hands --

21 Q. Mr Witness, let's just go slowly. Where did you first go
22 from XXXXXXXX?

23 A. When we left XXXXXXXX, after we had finished drinking --

24 THE INTERPRETER: Can he be audible a little bit, please.

11:36:11 25 THE WITNESS: We were unconscious, so we couldn't find our
26 way.

27 MS PARMAR:

28 Q. Mr Witness, I'm going to ask you to speak louder so that
29 the microphone can get your voice for the translator.

1 A. Okay. You want me to raise my voice?
2 Q. Yes.
3 A. Okay.
4 Q. Let's start again. Before you left XXXXXXXX, did you see
11:36:46 5 anything else in XXXXXXXX before you left?
6 A. Yes. When we left and we reached in the middle of them,
7 and they said, "Go up."
8 PRESIDING JUDGE: When they left what? They left XXXXXXXX?
9 MS PARMAR:
11:37:21 10 Q. Do you mean when you left the place you were sitting?
11 A. Yes, after we left there. We were going towards Alikalia.
12 Q. So you had left XXXXXXXX?
13 A. No, we are still in XXXXXXXX.
14 Q. But you had left the place where you had been sitting?
11:37:38 15 A. Yes. We've left where their bosses were.
16 Q. How did you know that these were their bosses?
17 PRESIDING JUDGE: Why don't you continue when they had left
18 this place where they were sitting and going towards Alikalia,
19 what was happening, before we go back to their bosses?
11:38:14 20 THE WITNESS: We've gone past there. We've gone past where
21 they chopped off our hands. We are going towards Alikalia now.
22 MS PARMAR:
23 Q. Were you still inside the town?
24 A. Yes. We were in the town.
11:38:31 25 Q. Please continue.
26 A. Okay. When we left there, and we've reached and they said,
27 "Climb."
28 Q. Who said, "Climb"?
29 A. The rebels said we should climb, we should go up.

1 Q. Where had you reached at this point?

2 A. On the outside, the outskirts.

3 Q. Were you at the bottom of a hill?

4 PRESIDING JUDGE: The outskirts of XXXXXXXX?

11:39:38 5 THE WITNESS: Yes.

6 MS PARMAR:

7 Q. What were you being told to climb?

8 THE INTERPRETER: Sorry, Your Honours, I think there was a

9 slight error here that we want to amend. Actually he meant let

11:40:02 10 us laugh, not to climb.

11 MS PARMAR:

12 Q. To clarify, Mr Witness, who told you to laugh?

13 A. The rebels.

14 Q. What did you do?

11:40:35 15 A. Well, my companions started laughing. I refused to laugh,

16 then I saw them cock a gun. If I refused to laugh, they would

17 shoot me. That's the time that I laughed.

18 Q. Where did you go after this?

19 A. After that, we set off. After we had reached the stream,

11:41:37 20 we drank some water.

21 Q. How far from town was this stream?

22 A. Yes, it was a far distance.

23 PRESIDING JUDGE: Ms Parmar, do you have a long way to go?

24 MS PARMAR: No, Your Honours, we're coming to the end of

11:42:25 25 this witness's story.

26 THE WITNESS: No, it's not that far a distance. From town

27 to that place, it's like half a mile.

28 PRESIDING JUDGE: To which place; to where they drank

29 water?

1 MS PARMAR: To the stream.

2 THE WITNESS: Yes.

3 MS PARMAR:

4 Q. Where did you go from the stream?

11:42:47 5 A. After that stream, we went to set off for Alikalia. After
6 we finished drinking, we couldn't move from there. Like from
7 here to there, you would lie down because at that time there was
8 blood oozing out from my hand.

9 Q. What villages did you pass through on the way to Alikalia?

11:43:41 10 A. We didn't go across any village. From there -- because
11 they chopped off our hands on Wednesday and went into the bush.
12 We didn't go into any town. We went and slept in the bush. At
13 the outskirts of the village, a farmhouse. In the morning --
14 that was on Thursday -- our relatives, they took a helicopter to
11:44:25 15 search for us. They saw us in the bush. We returned, we
16 returned to XXXXXXXX. When we reached XXXXXXXX, they summoned
17 people for them to go to the other villages, maybe they would
18 find a doctor.

19 PRESIDING JUDGE: Who summoned people?

11:44:55 20 THE WITNESS: Our people, our own people. They went out to
21 search for a doctor.

22 MS PARMAR:

23 Q. Please continue, Mr Witness.

24 A. Okay. They didn't find a doctor. They came back and we
11:45:29 25 slept. In the morning, on Friday, they took our property and
26 they said they were going to accompany us to Foria.

27 MS PARMAR: I will just spell Foria for Your Honours,
28 F-O-R-I-A.

29 PRESIDING JUDGE: What happened in Foria? We want to know

1 what happened in Foria.

2 MS PARMAR:

3 Q. Please continue, Mr Witness.

4 A. They said, "You've left there and you've come here." That
11:46:18 5 they would send a helicopter for you, those who have been
6 mutilated and who have been amputated by the rebels.

7 Q. Who told you that they would send a helicopter for you?

8 A. Well, they said these people had come from Foria. On
9 Friday we left our own place; we went.

11:46:52 10 Q. Mr Witness, just to clarify, the people from Foria said
11 they would send for a helicopter for you?

12 A. No. The message came from Freetown here.

13 Q. Where did you go from Foria?

14 A. When I left my own place, I went to Kulanko. I didn't see
11:47:30 15 anybody there. Everybody had run away. We met the Chief. He
16 saw us and he started crying. I told him, "They have chopped off
17 our hands." "But don't stay here, go into the bush," and we went
18 past there. We went to Solia, we went past to there. We entered
19 Foria. That was in the evening. We entered Foria on Friday. On

11:48:22 20 Saturday they said the helicopter would arrive and we were very
21 happy. Yes, indeed, the helicopter came. The helicopter came
22 from Alikalia and it's reached Foria. When he saw on the ground,
23 he didn't see any ECOMOG there, so he declined from landing; it
24 went back. It took some other people from Kabala and those were
11:49:04 25 the people who went ahead of us and they told us that we should
26 go to Alikalia. There was no medicine, there was nothing, and we
27 set off under that hot, burning sun. We reached here in the
28 evening. We stopped there -- we went past there.

29 Q. Just to clarify, Mr Witness, from Seraduya you went to

1 Kulanko; from Kulanko you went to Solia; from Solia you travelled
2 to Foria; and then from Foria you reached Alikalia?
3 A. No, Solia, Yanwulia.
4 Q. Sorry, Yanwulia?
11:50:12 5 A. Yes.
6 Q. Tell us, how long did you stay at Alikalia?
7 A. Yes.
8 Q. For how long were you there?
9 A. I spent five days. On the sixth day --
11:50:42 10 Q. Please continue what happened on the sixth day.
11 A. On the sixth day the helicopter arrived. They chopped off
12 our hands. Nine days we didn't receive any medicine; our hands
13 started going bad. That's when they sent a helicopter for us.
14 The helicopter brought us here. That was on Thursday.
11:51:22 15 Q. Who had sent the helicopter?
16 A. Well, it came from here, Freetown. You know, as a farmer,
17 we didn't know anything about helicopters.
18 Q. Did you know who was flying the helicopter?
19 A. At that time, I couldn't discern anything. I was
11:51:53 20 unconscious.
21 Q. Where did you go when you reached Freetown?
22 A. Connaught.
23 Q. How long did you stay at Connaught?
24 A. Twelve days.
11:52:16 25 Q. Did you see others who were being treated at Connaught?
26 A. Day in, day out they would bring people.
27 Q. What had happened to those people who were brought to
28 Connaught?
29 A. Most of them had the same problem like I had. They said

1 their hands were chopped off by rebels and I said, "Me, too."
2 Q. Where did you go from Connaught?
3 A. I was sent to Waterloo.
4 Q. How long did you stay at the camp in Waterloo?
11:53:35 5 A. Say, "How many months did you spend there?"
6 Q. How many months did you spend at Waterloo?
7 A. Ah-ha. I spent eight months there.
8 PRESIDING JUDGE: In Waterloo?
9 THE WITNESS: Yes, Waterloo camp. That's where we were.
11:54:08 10 MS PARMAR:
11 Q. Who else stayed at the camp in Waterloo?
12 A. We were there.
13 Q. Who were "we"?
14 A. Amputees, war-wounded.
11:54:51 15 Q. Did anything happen in the camp at Waterloo after eight
16 months?
17 A. Very well.
18 Q. What happened at the camp?
19 A. What happened in that camp? We were there during the month
11:55:21 20 of Ramadan. The rebels came again and they drove us -- it was
21 the rebels who drove us out of there.
22 Q. Mr Witness, thank you very much.
23 MS PARMAR: Your Honours, those are all the questions the
24 Prosecution has for this witness.
11:56:27 25 THE WITNESS: Okay. I'm listening to you.
26 PRESIDING JUDGE: Learned counsel, we'll rise for five
27 minutes.
28 [Break taken at 11.55 a.m.]
29 [HS170505C 12.05 p.m. - AD]

1 [On resuming at 12.10 p.m.]

2 PRESIDING JUDGE: We are resuming the session, learned
3 counsel. Mr Jordash, you may proceed with cross-examination of
4 the witness please.

12:14:06 5 CROSS-EXAMINED BY MR JORDASH:

6 MR JORDASH: Thank you. Good afternoon, Mr Witness.

7 Q. I would like to ask a few questions.

8 A. Yes.

9 PRESIDING JUDGE: Mr Jordash, just explain to him briefly.

12:14:25 10 He doesn't appear to be paying attention. I hope he is listening
11 to you.

12 MR JORDASH:

13 Q. Can you hear me, Mr Witness?

14 A. Very well.

12:14:41 15 PRESIDING JUDGE: Okay.

16 MR JORDASH:

17 Q. I would just like to ask you a few questions. So you
18 understand, Mr Witness, I am not seeking to --

19 A. Yes.

12:14:53 20 Q. -- I am not seeking to challenge anything you have said. I
21 would simply like to ask a few details about what you have said.
22 Do you follow me?

23 A. Yes.

24 Q. When the rebels first came to ~~XXXXXXXX~~ it was 1998.

12:15:35 25 A. Yes.

26 Q. And it was the dry season, almost entering the rainy
27 season?

28 A. Yes. That was close to the rainy season.

29 Q. And is it right that you ran away to the bush?

1 A. Very well.

2 Q. And did you stay in the bush for several months?

3 A. Four months.

4 Q. And the attack in which you had your hand chopped off
12:17:07 5 occurred after that four months?

6 A. No. We were there and when we heard about them we ran
7 away.

8 Q. When you were hiding in the bush?

9 A. Yes. We were hiding in the bush.

12:17:56 10 Q. How long did you hide in the bush before you met the rebels
11 who cut off your hand?

12 A. Okay, we were in the bush; we were brushing our farm when
13 we were in the bush. We cut down sticks when we were in the bush
14 and when they came running we left the town.

12:18:35 15 Q. Do you know how many months had passed from the time you
16 saw the first rebels to the time you met the rebels who cut off
17 your hand?

18 A. Yes. We ran away when the rice was being harvested, and
19 when they started harvesting, up to the time they finished, we
12:19:31 20 were on the run. We were still running away in the bush.

21 Q. Had the rainy season come and gone, or was it still the
22 rainy season of 1998 when you met?

23 A. No, the time that they chopped off our hands --

24 Q. Yes, had the rainy season come and gone or --

12:20:04 25 A. No.

26 Q. Was it, do you know, the middle, the beginning or the end?

27 A. It was close to the ending of the rainy season.

28 Q. Thank you, Mr Witness. I have nothing further.

29 A. Okay.

1 JUDGE THOMPSON: Mr Touray, your turn.
2 CROSS-EXAMINED BY MR TOURAY:
3 MR TOURAY: Okay.
4 Q. Good afternoon, Mr Witness.
12:21:15 5 A. Okay.
6 Q. Now, these so-called rebels you met, could you tell us how
7 many of them, roughly?
8 A. There were more than 50 -- 500, sorry.
9 Q. 500. How many rebels were involved in the chopping off of
12:22:01 10 your hand?
11 A. There were many; they surrounded us.
12 Q. Did all of them take part in the cutting off of your hand?
13 A. No, one person.
14 Q. Only one person.
12:22:38 15 A. It was one person who chopped off our hands. There was a
16 person who chopped off people's hands. They called him Cutty
17 Hand.
18 Q. And you heard them mention a Captain Blood; not so?
19 A. Yes.
12:23:12 20 PRESIDING JUDGE: What?
21 MR TOURAY: He heard them mention Captain Blood, somebody
22 called Captain Blood.
23 JUDGE BOUTET: You are asking him if he has heard that?
24 MR TOURAY: Yes.
12:23:24 25 THE WITNESS: Yes, I heard that. I heard another name
26 [inaudible].
27 THE INTERPRETER: Can he say that other name? It is not
28 audible.
29 MR TOURAY:

1 Q. What was the other name you heard? Was it Killer?
2 A. Yes, Killer.
3 Q. And you also heard the name Cut Hand?
4 JUDGE BOUTET: What is the name again, Mr Touray?
12:24:00 5 MR TOURAY: The other one was Killer. I am suggesting Cut
6 Hand.
7 JUDGE BOUTET: Cut Hand?
8 MR TOURAY: Yes.
9 PRESIDING JUDGE: He said Cutty Hand.
12:24:13 10 MR TOURAY: Yes.
11 THE WITNESS: Yes.
12 Q. And many of these people you saw wore combats?
13 A. Well, those whom I saw, they were all wearing combats.
14 What I saw -- those whom I saw them carrying were civilians.
12:24:41 15 Q. No further questions.
16 A. Yes.
17 JUDGE THOMPSON: Mr Cammegh, your witness.
18 MR CAMMEGH: I have no questions.
19 JUDGE THOMPSON: Thanks.
12:25:19 20 THE WITNESS: Okay.
21 JUDGE THOMPSON: Miss Parmar, re-examination?
22 MS PARMAR: No, Your Honours, there will be no
23 re-examination.
24 JUDGE THOMPSON: Thanks.
12:25:33 25 PRESIDING JUDGE: Okay, Mr Witness.
26 THE WITNESS: Yes.
27 PRESIDING JUDGE: We have finished with you. We would like
28 to thank you for coming before this Court to testify on the
29 matters which are within your personal knowledge --

1 THE WITNESS: Indeed. What happened is what I talked
2 about.

3 PRESIDING JUDGE: -- in relation to the events you brought
4 to our attention here. We thank you very much and we will be
12:26:40 5 releasing you now. But necessity may arise for us to have you
6 here again some time. That is not the case now, but it could
7 well arise.

8 THE WITNESS: Okay.

9 PRESIDING JUDGE: We are sure that you will be able to come
12:27:00 10 if we do request you to do so. Once again, thank you. We wish
11 you a safe journey to your place of abode.

12 THE WITNESS: I will thank you too. Like you are here now,
13 you are the type of people who weren't amongst us. If we have
14 such people amongst us in the country, that country would have
12:27:39 15 peace. I know if you people were here I am not sure if they
16 would have chopped off my hand. But you know, we the people who
17 are here are each other's keeper. Those who chopped off my hand,
18 there was no white man among them; there was no other nation
19 among them -- there was no Liberian, there was no Monrovia,
12:28:16 20 there was no Guinean. They were Sierra Leoneans. I am thanking
21 you too, and may the Good Lord bless you.

22 PRESIDING JUDGE: Thank you, Mr Witness. Have a safe
23 journey home.

24 THE WITNESS: Amen.

12:28:44 25 PRESIDING JUDGE: We wish you and your family the very
26 best. Okay?

27 THE WITNESS: Amen.

28 PRESIDING JUDGE: Before we do some housekeeping,
29 Mr Harrison, we are asking ourselves whether we have a witness as

1 short as this.

2 MR HARRISON: The answer is no. And, in fact, the answer
3 goes on a bit longer than that.

4 PRESIDING JUDGE: Oh.

12:30:06 5 MR HARRISON: The witness I indicated would be present and
6 the backup witness was TF1-212, and that was by virtue of the
7 agreement that was reached with counsel yesterday afternoon after
8 the Court had recessed. I met that witness this morning and I
9 had to release her because her child is quite ill. So I in fact
12:30:28 10 told her this morning to attend to the ill child, who I

11 understand is getting medical attention as we speak. I am not
12 sure of the severity of that illness. There is certainly a
13 possibility that during the lunch break I may learn some more
14 information and I may be able to arrange for her to come back

12:30:52 15 later this afternoon. But the short answer to the question is,
16 no, it is not as short as this witness. But whether or not it
17 would take more than two hours to complete the direct exam -- I
18 think it could be under two hours; 90 minutes to two hours for
19 the direct examination.

12:31:06 20 PRESIDING JUDGE: And the witness will be testifying in
21 what language?

22 MR HARRISON: Krio.

23 PRESIDING JUDGE: Krio.

24 MR HARRISON: But I would have to make inquiries over the
12:31:16 25 lunch break to determine if it is in fact possible to arrange for
26 the witness to be separated from her child and attend.

27 PRESIDING JUDGE: Okay. Because of this, we will give you
28 ample time from now until about 3.00 p.m. to be able to see
29 whether the witness whose child is ill could be available. If

1 that is the case we will take the witness at 3.00 p.m. or some
2 time thereafter. We should be able to be done with the direct
3 and also start the cross-examination and get somewhere before
4 tomorrow, so that we round up at around 12.00 p.m. tomorrow or a
12:32:17 5 bit thereafter.

6 MR HARRISON: I am not sure if you want any guidance from
7 Defence counsel as to how long they anticipate being with that
8 particular witness.

9 PRESIDING JUDGE: No, we cannot. It will depend on -- We
12:32:28 10 don't want to push them too far. Once you can be done in two
11 hours, then they can start their cross-examination some time this
12 afternoon. Depending on whether you are able to get her, we will
13 come back here and see what the situation is. It is then that we
14 shall determine whether we should go on with any witness at all
12:33:00 15 or whether we should close the session and reconvene during the
16 next session for this trial. So, learned counsel, we would be
17 breaking for lunch and we will be back here by 3.00 p.m., during
18 which time we will continue with the housekeeping and see how we
19 proceed at that time. Thank you.

12:33:34 20 [Luncheon recess taken at 12.32 p.m.]

21 [HS170505D 3.20 p.m. - AD]

22 [On resuming at 3.20 p.m.]

23 PRESIDING JUDGE: Good afternoon, learned counsel. We are
24 resuming the session. Yes, Mr Harrison, the housekeeping
15:22:36 25 continues.

26 THE INTERPRETER: Your Honour's mic is not on.

27 PRESIDING JUDGE: It is on; it is right on here. You are
28 accusing the judge falsely. I know I have the habit of not
29 putting it on, but it is right on here now. Are you hearing me,

1 Mr Interpreter?

2 THE INTERPRETER: [Microphone not activated]

3 PRESIDING JUDGE: There must be a technical problem.

4 JUDGE THOMPSON: [Microphone not activated]

15:23:06 5 MR CAMMEGH: Your Honour's mic isn't on.

6 JUDGE THOMPSON: I was just saying I do not know whether
7 you have any pragmatic solutions for us at this stage.

8 MR CAMMEGH: Having the microphone on would have helped.

9 MR HARRISON: Perhaps I will just proceed and if I am not
15:23:25 10 being heard the interpretation unit can let me know if there is
11 some error with my microphone as well.

12 PRESIDING JUDGE: It is like I am doing a press
13 conference -- I have two today.

14 MR HARRISON: Where we are standing at the present time is
15:23:40 15 that I did arrange for the witness to come so that I could speak
16 to the witness myself. It is Witness TF1-212.

17 PRESIDING JUDGE: Yes.

18 MR HARRISON: I have spoken to that witness and the
19 circumstances are that the child of that witness -- it is a young
15:24:01 20 child, a child that is too young to go to school -- was ill as of
21 last night. The child did receive some medical treatment this
22 morning and there is some hope that that medical treatment will
23 be successful and resolve whatever the outstanding problems are.
24 But the witness's clear preference as expressed to me was that
15:24:20 25 she be permitted to go and be with the child forthwith. I am
26 asking the Court to accept that as some guidance from the
27 witness. The Prosecution concurs that if it is a young child
28 involved then it is the Prosecution's view that the parent ought
29 to be with the young child.

1 PRESIDING JUDGE: The Defence please.

2 MR JORDASH: These things happen and I think the
3 Prosecution stance is a reasonable one.

4 PRESIDING JUDGE: I am sure Messrs Touray and Cammegh
15:24:59 5 concur with Mr Jordash.

6 MR TOURAY: Indeed, Your Honour.

7 PRESIDING JUDGE: And with Mr Harrison, of course.

8 MR CAMMEGH: Yes.

9 MR HARRISON: The other part of the information that I feel
15:25:11 10 obliged to inform you of is that there certainly are other
11 witnesses that the Prosecution could call, but the frank report
12 that we would make is that we don't think there is any reasonable
13 possibility that any of those witnesses would complete in their
14 entirety prior to one o'clock tomorrow. Certainly, the direct
15:25:31 15 evidence would complete, but I very much doubt that their
16 evidence in its entirety would be finished.

17 [Trial Chamber confers]

18 PRESIDING JUDGE: Well, I think we share the submissions
19 and the concerns of Mr Harrison about the caretaking involvement
15:26:14 20 of this witness as far as the child is concerned. There is
21 nothing we can do about it. One can think of the situation where
22 she is giving evidence here and something goes very seriously
23 wrong with the child in hospital. That would not be too good for
24 us, would it? I don't think so. Because we cannot have another
15:26:42 25 witness to be able to complete by tomorrow at 1.00, the only
26 option that is left open to the Chamber is to adjourn to the next
27 session. The next session, as we have it on record, is the
28 status conference on the 1st of July 2005. So, the status
29 conference will be on Friday, the 1st of July at 10.00, and then

1 the trial proper begins on Monday the 4th of July. So, that is
2 the time frame for the next session.

3 This said, I think the Chamber would like to thank learned
4 counsel on both sides for a very able contribution and
15:27:46 5 co-operation with the tribunal, with the Chamber in getting so
6 far this session. For those who are travelling out of Sierra
7 Leone, we wish you a very safe trip and journey, and please give
8 our regards to your respective families. We wish that you have a
9 very nice trip and we expect to see you here as fit as usual and
15:28:22 10 as active as ever - or as active as you have ever been - when you
11 do resume here on the 1st of July 2005. This said, we would rise
12 and, once more, thank you. For us locals -- we are here;
13 Mr Touray is here -- we are fast approaching the rainy season
14 and, although we are not travelling, I suppose what I am saying
15:28:55 15 applies to you as well, Mr Touray.

16 MR TOURAY: Thank you.

17 PRESIDING JUDGE: I wish you the very best in the course of
18 the exercise of other miscellaneous duties that you have around
19 town. We expect to see you here like others on the 1st of July.
15:29:14 20 Thank you very much.

21 MR TOURAY: Thank you.

22 PRESIDING JUDGE: Is there any other thing we want to
23 raise?

24 MR JORDASH: Simply, can I --

15:29:19 25 PRESIDING JUDGE: Yes, Mr Jordash.

26 MR JORDASH: It is really only because I might forget when
27 we are out of court, but if I can just remind the Prosecution
28 that we would like a witness list sooner rather than later for
29 the next session.

1 PRESIDING JUDGE: You will agree with me that the Chamber
2 bulldozed the Prosecution's witness list this time.

3 MR JORDASH: I am seeking that bulldozing power.

4 PRESIDING JUDGE: Okay. We would not, as much as we can,
15:29:49 5 want to perturb the witness list in the order in which it has
6 been presented. But, as I said last time, circumstances could
7 dictate our not following it. We hope it does not happen often.
8 The message is received by Mr Harrison and I am sure he is going
9 to make it available. Mr Cammegh, did you have anything to say?
15:30:11 10 I thought you had -- I saw you looking at me very curiously. So,
11 I was imagining that you had a shot to aim at me.

12 MR CAMMEGH: No, Your Honour, not at all. While I am on my
13 feet, I wonder if Your Honour is in a position to confirm the
14 closing day of the next session? My understanding is that it is
15:30:33 15 the 6th of August.

16 PRESIDING JUDGE: It is the 5th. But let me say this: It
17 could be on the 3rd or the 4th of August.

18 MR CAMMEGH: Very well.

19 PRESIDING JUDGE: Because there are a few things we have to
15:30:52 20 readjust. We are going to confirm this by electronic
21 communication to you on your address.

22 MR CAMMEGH: Thank you very much. Can I just make one
23 second point? I note that the status conference is on Friday the
24 1st of July.

15:31:09 25 PRESIDING JUDGE: Yes.

26 MR CAMMEGH: I don't know if Your Honour is aware, but the
27 flights from London are Mondays and Fridays.

28 PRESIDING JUDGE: Yes. This is a point. We have only been
29 thinking of those who come from Brussels on Thursdays. We forgot

1 all about those who come from London.

2 MR CAMMEGH: I simply make that point in the hope that
3 perhaps that could be reconsidered and that the status conference
4 could be adjourned to the following Monday the 4th.

15:31:37 5 PRESIDING JUDGE: I think the Chamber is agreeable that the
6 status conference takes place on Monday the 4th --

7 MR CAMMEGH: Thank you very much.

8 PRESIDING JUDGE: So as to arrive on -- the SN Brussels
9 passengers to arrive -- what is that airline again?

15:32:20 10 MR CAMMEGH: Astraeus.

11 PRESIDING JUDGE: Astraeus, yes. Monday is all right.

12 MR CAMMEGH: Thank you very much.

13 PRESIDING JUDGE: This said, the Chamber will rise, please.

14 [Whereupon the hearing adjourned at 3.32 p.m.,
15 to be reconvened on Monday, the 4th day of July
16 2005]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-172	2
EXAMINED BY MS PARMAR	3
CROSS-EXAMINED BY MR JORDASH	32
CROSS-EXAMINED BY MR TOURAY	34