

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL-04-15-T
TRIAL CHAMBER I

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

THURSDAY, 15 JULY 2004
10.10 a.m.
CONTINUED TRIAL

Before the Judges:

Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For the Registry:

Ms. Maureen Edmonds
Mr. Geoff Walker

For the Prosecution:

Ms. Lesley Taylor
Mr. Abdul Tejan-Cole
Mr. Alain Werner
Mr. Christopher Santora

For the Accused Issa Sesay:

Mr. Timothy Clayson
Mr. Wayne Jordash

For the Accused Morris Kallon:

Mr. Raymond Brown
Ms. Wanda Akin

For the Accused Augustine Gbao:

Mr. Andreas O'Shea
Mr. John Cammegh

Court Reporters:

Ms. Gifty C. Harding
Mr. Momodou Jallow
Ms. Roni Kerekes

I N D E X

WITNESS/ES

For the Prosecution:

WITNESS TF1-214

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WITNESS TF1-021

Examined by Mr. Tejan-Cole	34
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[Thursday, 15 July 2004]

[The accused entered court]

[Accused Gbao not present]

[Open Session]

[Upon commencing at 10.10 a.m.]

MS. EDMONDS:

All persons having anything to do before this Special Court Trial Chamber draw near and give your attendance.

MR. PRESIDENT:

Yes, I think the session is open, and we shall proceed with the cross-examination of this witness by the Defence.

If we may ask the witness, madam, are you all right this morning?

THE WITNESS:

Yes.

MR. PRESIDENT:

You are all right this morning. Good. Thank you.

Yes, Mr. Jordash.

[WITNESS: WITNESS TF1-214 continues]

[Witness answered through interpretation]

Cross-examined by Mr. Jordash:

MR. JORDASH:

Q. I'm just going to ask you a few questions and I will be as quick as I can.

A. Okay.

Q. Starting at the beginning, I think you said yesterday that the first time you'd had contact or heard about the rebels in Kondembaia was when the vehicles were passing through the town. Is that correct? And just to be clear, where were you at?

A. Yes.

Q. Were you in the bush or were you in the town?

A. I was in town. I was sleeping. I was sleeping. When I got up, I -- the whole night vehicles were passing.

Q. And you were told, is this correct, the day -- the morning after that the vehicles passing had been rebels. Is that correct?

A. Yes, because people saw them, they said that they put on combat. It was the people who told me that the whole night vehicles were passing. The people in those vehicles put on combats.

Q. They were wearing combat, is that correct?

1 A. Yes, so I was told. They told me that they were rebels.

2 Q. I want to just deal with where exactly -- not where exactly, but where you were staying, because in
3 your statement to the investigator you said you were at this stage hiding in the bush. Were you in the
4 town or were you hiding in the bush? Let me try that again as my sentence was confused. You've
5 said to us today that at this time when the cars were passing through you were in the town. You
6 understand?

7 A. Yes, I said I was in town; I was sleeping. When I got up in the morning, they informed me. It was the
8 time that we were panic stricken.

9 Q. And this was the time that you'd heard the cars driving past all night?

10 A. I was sleeping.

11 Q. And so we are clear, these were the men in combat driving past all night?

12 A. Yes, when I got up it was so I was told.

13 Q. Do you remember making a statement to the Prosecution in March of last year?

14 A. Yes.

15 Q. In that statement, the first two lines read like this: "The first time I saw the rebels in Kondembaia was
16 after the rebels have been kicked out of Freetown by ECOMOG." Do you remember saying that?

17 THE INTERPRETER:

18 Come again, please -- come again, please.

19 MR. JORDASH:

20 Q. The first line of your statement: "The first time I saw the rebels in Kondembaia was after the rebels
21 have been kicked out of Freetown by ECOMOG." Do you remember saying that or agreeing to that?

22 A. I said when the rebels were coming from Freetown and they are going in the interior, when they were
23 forced to move from Freetown by ECOMOG, I was in my village. When they were passing they met
24 us in our village. It was the time that they were having red pieces on their heads.

25 Q. You then say: "I was hiding in the bush near Kondembaia with my husband, children and other
26 relatives. Is that correct?

27 A. Yes, I and my children and my husband.

28 Q. And then you say, "I heard cars driving past all night." Is that right?

29 A. I was lying down. When I got up in the morning, I was informed.

30 Q. You were informed about the men in combat driving past all night; is that correct?

31 A. So I was told, yes.

32 Q. Now, in your statement, you suggest you were in the bush; yes?

33 A. Yes, we were in the bush.

34 Q. Earlier today you described being in the town, hearing cars going past all day -- all night. You were
35 told the next morning it was men in combat. Okay?

36 A. No. I said I was sleeping when I woke up in the morning, they told me that the whole night vehicles
37 were passing.

- 1 Q. Was there more than one occasion when you were sleeping and you heard cars going past all night
2 and you were told in the morning it had been men in combat? Is that one occasion or two occasions?
- 3 A. It was that morning that when -- I woke up.
- 4 Q. Right. Now, what I'm asking is, in your statement in March of last year you say you were in the bush.
- 5 A. Yes.
- 6 Q. Today, earlier today you said you were in the town.
- 7 A. It is not so that I said. I said I was lying down at night when vehicles were passing by. When I got up
8 in the morning, I was informed that the whole night vehicles were passing. They were going to Kono.
- 9 Q. Where were you at this time?
- 10 A. At the time when the vehicles were passing?
- 11 Q. Yes, in the bush or in the town?
- 12 A. At that time we were going to the farm. We would stay there the whole day. In the evening we came
13 to town and slept. From when we heard the information, and it does not take -- it did not take a long
14 time, I saw them with my own eyes when they were coming to town. At that time they were having
15 red pieces on their heads. At that -- it was that time that we were panic stricken and we went to the
16 bush.
- 17 Q. Can I just stop you there, please. Just once more, were you sleeping in the bush or were you
18 sleeping in the town?
- 19 A. In town at that time.
- 20 Q. Now, did you actually see the vehicles or was your information from the noise and from what you were
21 told the next morning?
- 22 A. I did not see the vehicles, I was sleeping.
- 23 Q. Were you told the next morning that the vehicles were heading to Kono?
- 24 A. Yes.
- 25 Q. Now, I want to again refer you to your statement of March 2003. You understand?
- 26 A. Yes.
- 27 Q. In your statement you appear to say this: "I heard cars driving pass all night. The cars were heading
28 towards Kabala."
- 29 A. No.
- 30 Q. What do you mean when you say no?
- 31 A. When you said the vehicles were going towards Kabala. I was told that the vehicles were coming
32 from Kabala and were going to Kono.
- 33 Q. When you made your statement in March of last year did somebody read your statement to you after
34 it was completed?
- 35 A. What? I did not understand.
- 36 Q. You remember your statement of March of last year to the Prosecution?
- 37 A. Yes.

- 1 Q. Do you remember meeting the Prosecutor and talking to them about what you had to say about these
2 events?
- 3 A. Yes.
- 4 Q. Do you remember when your statement was completed the Prosecutor or investigator reading your
5 statement to you?
- 6 A. Yes.
- 7 Q. Do you remember being asked to confirm that what was in that statement was accurate as you
8 remembered it then?
- 9 A. Yes.
- 10 Q. And did you agree that what was in your statement at that time was accurate and true?
- 11 A. Yes.
- 12 Q. Your statement says that the cars were heading towards Kabala. Do you remember that being read
13 to you?
- 14 A. No.
- 15 Q. Do you know why your statement would say that cars were heading to Kabala when you say now that
16 the cars were heading towards Kono?
- 17 A. No.
- 18 Q. You then say in your statement that the next morning you went into Kondembaia and there you saw
19 many rebels wearing full combat. Is that correct?
- 20 Q. The day the vehicle passed? It's not that day.
- 21 Q. Was it the next morning?
- 22 A. I said when I woke up in the morning when I was informed that vehicles were passing the whole night,
23 they were going towards Kono, they were coming from Kono direction -- Kabala direction. So this is
24 how I was informed in the morning. It didn't take a long time, I myself saw them. They were in their
25 combat and they were having red head band on their heads.
- 26 Q. And then what you say in your statement is, "Some of the cars had broken down and the rebels forced
27 some civilians to push their cars towards Kono". Do you remember that?
- 28 A. It was not I that I was forced.
- 29 Q. No, your statement suggests that some civilians, not you, but some civilians were forced to push their
30 cars towards Kono. Do you remember that?
- 31 A. Yes.
- 32 Q. And the next time that I want to ask you about is when you saw the people with the loads on their
33 head -- heads coming to town. You talked about that yesterday; do you remember?
- 34 A. I said they had -- they carried loads on their heads. They were passing. They passed our village.
35 They were going towards Kabala. I did not talk about Freetown. I do not know whether they were
36 coming to Freetown. At that time everybody was running for his life.
- 37 Q. Now, the first time when you were sleeping and the heard the vehicles is in February of 1998, is that

- 1 correct?
- 2 A. What?
- 3 Q. The time when you were asleep and you heard the vehicles and was told the next day that it was men
4 in combat was in February 1998?
- 5 A. Yes.
- 6 Q. And then we move to the next morning when you yourself saw the rebels in combat with red head
7 bands; yes?
- 8 A. Yes.
- 9 Q. The next time when you see people with loads on their heads, when was that? Do you understand
10 the question?
- 11 A. No, I do not understand the question that you asked.
- 12 Q. The first -- when you hear about the rebels, when you see the rebels the next morning is in
13 February 1998. Do you agree?
- 14 A. I did not understand.
- 15 Q. The time when the rebels -- let me start that again. The time when you heard the men in combat
16 going past at night was in February 1998. Do you agree?
- 17 A. When they passed the whole night?
- 18 Q. Yes.
- 19 A. When they were passing I did not see them. I was just told that the whole night vehicles were
20 passing.
- 21 Q. Just listen to the question. Was that in February of 1998?
- 22 A. Yes.
- 23 Q. How long after that before you saw the people with loads on their heads?
- 24 A. The time that they passed?
- 25 Q. Yes, how much time had passed since February?
- 26 A. I did not count the days. I cannot remember.
- 27 Q. Was it is still in February or later than that?
- 28 A. It was around the same time.
- 29 Q. Thank you. And at this point you went to the bush for three months. Is that correct?
- 30 A. Yes.
- 31 Q. And around this time there were villages being burnt; is that correct?
- 32 A. It was true.
- 33 Q. Sokawala (*phonetic*); is that correct?
- 34 A. Yes, yes.
- 35 Q. Villages around Kondembaia?
- 36 A. Yes.
- 37 Q. By the men in combat; is that correct?

1 A. Those who burnt the towns?

2 Q. Yes.

3 A. Yes.

4 Q. Thank you. The first attack on Kondembaia happened after the burning of these villages. Is this -- is
5 that correct?

6 A. Yes.

7 Q. Do you remember how long after the burning of those villages; was it still February?

8 A. I did not understand.

9 Q. Yesterday you talked about Sundu, Sundu. Do you remember?

10 A. Yes, I remembered (*sic*).

11 Q. Sundu had escaped from the rebels; is that correct?

12 A. It is true.

13 Q. And the rebels had surrounded Kondembaia and were attacking it. Is that correct?

14 A. This is how he told me, I was not there.

15 Q. How long after the burning of the villages did this incident happen? Do you understand?

16 A. No, I don't understand.

17 Q. When you saw Sundu, was that still February?

18 A. Sundu, who met us in the bush?

19 Q. Yes.

20 A. The distance is not far from themselves (*sic*).

21 Q. Do you remember seeing the people with the loads on their head?

22 A. It was Sundu who saw them. It was he that informed us. He said when they were held they were
23 asked to sit down on the ground and they said that they would cut off his leg. After a short while they
24 saw a lot of people carrying loads on their heads. It was the time that they left Sundu and run away
25 from -- ran away. So they sat down there and later got up and went into the bush until they met us --
26 they met us in the bush.

27 Q. Can I ask you this, was the attack on Kondembaia and Sundu at the same time or around the same
28 time as you had first seen or first heard about the villages being burnt?

29 A. At the same time.

30 Q. Thank you.

31 A. I did not understand.

32 Q. But let me ask you again so that we understand each other. You have talked about the villages such
33 as Sokawala being burnt; yes?

34 A. Yes.

35 Q. You've talked about Sundu escaping to the bush after an attack on Kondembaia; yes?

36 A. Yes.

37 Q. Were these two events around the same time in February? You don't understand. Do you

1 understand the question?

2 A. I did not understand.

3 Q. When you went to the bush because you had seen the people with loads on their head, how long was
4 it before you saw Sundu coming to the bush?

5 A. It had taken three months. It is around three months.

6 Q. Thank you. Do you mean that you were in the bush for three months; is that what you are saying?

7 A. Yes, we were in the bush at that time.

8 Q. Sundu came to the bush --

9 A. It was there that he left us and came to town. He came to find mango.

10 Q. Just listen to the question. Sundu came to the bush, when in the three months you were there, the
11 beginning, the middle or the end; do you remember?

12 A. It was in the middle of that time. The three months had not yet finished.

13 Q. Thank you. The second attack on Kondembaia, I just want to ask you about that; okay? Do you
14 understand?

15 A. Yes.

16 Q. You'd received a message that everyone should return to Kondembaia because the jets were coming.
17 Is that correct?

18 A. Yes.

19 Q. And so you returned to the town. Is that right?

20 A. Yes, all of us came to town, I and my family.

21 Q. And you were sleeping in the town and working on the farm during the day. Is that correct?

22 A. Yes. We sleep in the village, in the morning we went to our farms to work. In the evening we
23 returned back to town.

24 Q. And then the rebels arrived one day. Is that correct?

25 A. Yes.

26 Q. And the rebels were wearing combat again; is that correct?

27 A. Yes.

28 Q. And the rebels came from Tokoro, southwards to Kondembaia; is that correct?

29 A. Yes.

30 MS. TAYLOR:

31 If I may just ask the --

32 MR. PRESIDENT:

33 Does she understand southwards?

34 MS. TAYLOR:

35 That was my question.

36 MR. JORDASH:

37 I do beg your pardon, sorry.

1 MR. PRESIDENT:

2 Southwards, southwards --

3 MR. JORDASH:

4 Thank you.

5 MR. PRESIDENT:

6 -- is too hard.

7 MR. JORDASH:

8 Q. The -- from what you remember the rebels came from Sokawala, along the main road to Kondembaia.
9 Is that correct?

10 A. Yes, it is our farm road. I came from that farm. It is the same road that leads to the town.

11 Q. So just to be clear, the rebels who'd attacked Sokawala were wearing combats; that's correct?

12 A. Yes.

13 Q. And then some rebels now have moved from Sokawala to Kondembaia and they are also wearing
14 combats?

15 A. Yes.

16 Q. And the commander of the rebels who'd arrived in Kondembaia from Sokawala, he too wore
17 combats?

18 A. He had a combat trousers but he was putting on a brown T-shirt or polo.

19 Q. Thank you. And yesterday you said that one of those rebels had commented that they did not want a
20 civilian government. Is that right?

21 A. Yes, they told us that. They said because we said we want a civilian government that is why we are
22 going to amputate us. They would not leave us like that.

23 Q. Thank you. You mentioned yesterday -- and it's probably my lack of understanding -- something
24 about tapes and being told to put them down and step on them. Do you remember that?

25 A. Yes. Where I was captured they took the tapes of my husband. The man who captured me, when we
26 arrived he asked me for the money, I said I don't have money. When they entered inside they took
27 the two tapes. They gave me one of the tapes. I was holding it and when we arrived at a point he
28 asked me to drop the tape on the floor, let me step on it. I dropped it. He took it from me and
29 smashed it on the ground and stood on up of it. He said this is how I should do it.

30 Q. Thank you. You mentioned yesterday that -- and I think this is correct -- somebody gave us money for
31 food. Is that what you said?

32 A. I don't understand what you are saying. Is it in the provinces?

33 Q. Yesterday when you were talking about the second attack on Kondembaia, you talked about being
34 undressed and then you talked about somebody giving you money for food. Do you remember saying
35 that?

36 A. At Kondembaia?

37 Q. Yes.

- 1 A. No, I did not say anything about money. I said the man who captured me, held me asked me to give
2 him money.
- 3 Q. Okay. Now, I'd nearly finished. I just want to ask you about your visit to see the Prosecution in
4 February of this year; okay? Do you remember that visit?
- 5 A. Where?
- 6 Q. In Koinadugu.
- 7 A. Was I the one that I saw him?
- 8 Q. That's yes, I'm suggesting you saw the Prosecution or somebody from the Prosecution in Koinadugu
9 February 2004?
- 10 MR. PRESIDENT:
- 11 The word Prosecution.
- 12 MR. JORDASH:
- 13 I beg your pardon.
- 14 MR. PRESIDENT:
- 15 She doesn't appear to understand the word Prosecution.
- 16 THE WITNESS:
- 17 I don't understand the word pros -- I don't understand the word Prosecutor.
- 18 MR. JORDASH:
- 19 Q. Do you remember seeing somebody from the Special Court in Koinadugu in February of this year?
- 20 A. From the time that I was here, inside Kabala town?
- 21 Q. Do you recall going to Kabala town to see somebody from the Special Court?
- 22 A. Yes.
- 23 Q. Now, at that time were you living in the Koinadugu area, just the area, or were you living in Freetown
24 area?
- 25 A. Who?
- 26 Q. You.
- 27 A. What do you mean by that, staying where? Staying, what does that mean?
- 28 Q. Let me ask a different question. Did you travel to Kabala by -- well, how did you travel to Kabala?
- 29 A. If I travelled to Kabala?
- 30 Q. Yes.
- 31 A. What travelling do you mean?
- 32 Q. Did you walk to Kabala to see the person from the Special Court?
- 33 A. That -- I don't know how to understand that question.
- 34 Q. You understand what walking is, do you?
- 35 A. Yes.
- 36 Q. So did you walk to Kabala to see the person from the Special Court or --
- 37 A. What you are talking about, going to see -- going to see the Special Court, is it Kabala special court or

1 where?

2 Q. Just take -- listen to the questions. You have told us that you went to Kabala in February to see
3 somebody from the Special Court. Is that true?

4 A. To go and see somebody who came from the Special Court?

5 Q. Yes.

6 A. No, I did not leave here to go there to see somebody who came from the Special Court. Somebody
7 went there and met me but I did not leave here to go and see somebody that came from the Special
8 Court.

9 Q. Okay, let me try this: In Kabala in February you saw somebody from the Special Court; is that correct?

10 A. Who left here to go to Kabala?

11 Q. Just listen to the question. You saw somebody from the Special Court in Kabala -- you saw
12 somebody from the Special Court in Kabala -- you saw somebody from the Special Court in Kabala in
13 February of this year. You told us that; is that correct?

14 A. I don't understand that question and I cannot answer that question.

15 Q. Well, just listen to the question. You know Kabala?

16 A. Mmm.

17 Q. You know the Special Court?

18 A. Yes.

19 Q. You know February?

20 A. Yes, because there is no special court in Kabala.

21 Q. You know people from the Special Court? You have seen people from the Special Court; is that
22 correct?

23 A. In Kabala?

24 Q. Yes.

25 A. No, Kabala special court, me? I did not see anybody there.

26 JUDGE BOUTET:

27 I think her evidence was she saw somebody in Koinadugu not Kabala. So there might be some
28 confusion. That may be the reason why you are getting this kind of answer, so --

29 MR. JORDASH:

30 Okay, I'll try again. Thank you, Your Honour.

31 MR. JORDASH:

32 Q. Let's just try this again. Did you see somebody in Koinadugu in February and that person being from
33 the Special Court?

34 A. In Kabala?

35 Q. Just listen to the question. Did you see somebody in Koinadugu -- did you see somebody from the
36 Special Court in Koinadugu in February of last year?

37 A. Yes.

- 1 Q. Where in Koinadugu did that take place?
- 2 A. What?
- 3 Q. Where in Koinadugu did that take place?
- 4 A. I -- if it's inside Koinadugu town, we don't have any special court there. That is to say the person
5 came from the town, Koinadugu? No.
- 6 Q. Okay.
- 7 A. If it's from Freetown here --
- 8 Q. Let me remind you. In February of this year you were given 25,000 Leones from somebody from the
9 Special Court. Do you remember that?
- 10 A. 25?
- 11 Q. 25,000 Leones. Do you remember that?
- 12 A. In Koinadugu?
- 13 Q. Well, do you remember being given 25,000 Leones in February?
- 14 A. I don't understand that month that you are talking about.
- 15 Q. Well, just concentrate on the money then. Do you remember being given 25,000 Leones by
16 somebody from the Special Court?
- 17 A. I do remember somebody came from the Special Court but -- I do remember that somebody came
18 from the Special Court and went there, but to say that somebody from Koinadugu town, no.
- 19 Q. If you will just forget locations for a minute. Do you remember being given 25,000 Leones by
20 somebody from the Special Court?
- 21 A. That question, I cannot answer it.
- 22 Q. Okay. Are you unemployed at the moment?
- 23 A. I?
- 24 Q. You. Do you work at the moment?
- 25 A. Except the job that I learnt, this is what I'm doing.
- 26 Q. And how much do you earn in a week?
- 27 A. The job that I do?
- 28 Q. Yes, how much do you earn with the job that you do in one week?
- 29 A. The facts -- what I do is that I give debts to people and I do not make cash sales. I give debts to
30 people and at the end of the week I collect. Okay, sorry, that is for one month. I give them -- what I
31 sell in debts and I collect at the end of the month -- I collect the money at the end of the month.
- 32 Q. How much money do you make through your job in one week?
- 33 A. Well, that's -- the brillion that I make, these are things that I buy in rolls with the ink. I buy the brillion
34 that I dye in rolls and the ink too. All these things are bought.
- 35 Q. Let me just stop you there. I'm asking you a very specific question, not what you do, but how much
36 money you make from doing it. Could you answer that question, please?
- 37 A. The money that I earn, you know, from that job that I learnt?

1 Q. Yes.

2 A. The money -- the money is just -- sometimes I go, if it's billion, I buy them in rolls with some other
3 things.

4 Q. How many Leones in a week do you take to your home?

5 A. Well, because it's a -- it's a little bit difficult for me to tell you the profit because by the time I finish
6 selling the profit would have finished.

7 Q. Much less than 25,000 Leones, is it?

8 A. The profit?

9 Q. The profit.

10 A. It's more than that.

11 Q. Just finally, do you really not remember receiving 25,000 Leones from the Prosecution -- from the
12 people from the Special Court, is that true?

13 A. Mmm.

14 Q. Was that -- is it true you don't remember or you don't want to answer?

15 A. 25,000, I cannot remember.

16 Q. Thank you.

17 MS. TAYLOR:

18 Your Honour, it's just a matter of fairness that I thought I might raise. The information from which my
19 learned friend is -- has been cross-examining for the last five minutes indicates that the figure of
20 25,000 Dollars were funds required to facilitate the --

21 JUDGE BOUTET:

22 Did you say Dollars or Leones?

23 MS. TAYLOR:

24 I beg your pardon, Leones; my mistake, Leones -- was required to facilitate the attendance of this
25 witness and for other things, including a loss of wages. I wonder whether it might have been fair to
26 ask the witness whether she recalls receiving any amount of money. It's not clear that the 25,000
27 dollar -- 25,000 Leones went directly to this witness or whether it was disbursed in any other way. So
28 I just wondered as a matter of fairness whether my friend might consider putting that question.

29 MR. PRESIDENT:

30 But the point is that it's for her to answer the question. Does she know anything about 25,000 Dollars,
31 I mean, thousand Leones.

32 MS. TAYLOR:

33 That's the point -- that's the point, Your Honours. It's might be a sum that's not quite 25,000 Leones.
34 The 25,000 Leones which my friends have been -- my learned friends have been told about were not
35 necessarily given directly to the witness. And I wonder whether it might be fairer if my friend is trying
36 to elicit a specific answer that he could ask about the receipt of some Leones but not necessarily
37 25,000 Leones.

1 MR. JORDASH:

2 Sorry, I will ask the witness. It's a shame that we haven't had that information disclosed to us, but I
3 will ask the witness.

4 MR. JORDASH:

5 Q. Do you remember receiving any money, any money from somebody from the Special Court?

6 A. Inside Freetown?

7 Q. Well, just listen to the question again. Do you remember receiving any money from somebody from
8 the Special Court?

9 A. In that case, except when I came here for my feeding -- my feeding.

10 Q. So when you came, where is here? Do you mean Freetown?

11 A. Mmm.

12 Q. When was that?

13 A. When I came to town here?

14 Q. Yes.

15 A. It's when --

16 Q. When did you receive money for your food in Freetown?

17 A. It has taken a long time, from the time I came.

18 MR. JORDASH:

19 Sorry I missed that answer.

20 MR. JORDASH:

21 Q. Could you repeat that answer, please?

22 A. From the time I came here.

23 Q. Who was that from; do you know?

24 A. For my feeding?

25 Q. Yes.

26 A. Here?

27 Q. Yes. Okay, let me ask you another question. How much did you receive?

28 A. For my feeding?

29 Q. Yes.

30 A. I used to get money, you know, for my feeding, but that's --it is not something that I should count
31 because they would give me money to buy rice.

32 Q. Is this on several occasions, more than one?

33 A. Yes, from the time that I came.

34 Q. When was that?

35 A. When?

36 Q. When.

37 A. From the time that I came here?

- 1 Q. Yes.
- 2 A. From the time that I came here.
- 3 Q. A straightforward question, when did you come here?
- 4 A. It has taken a long time since I came.
- 5 Q. How many weeks or months?
- 6 A. It has -- this --
- 7 Q. Do you understand the question? All I'm asking is how many weeks or months since you came here?
- 8 A. This coming Monday will make me eight weeks.
- 9 Q. Thank you. And you've been receiving money during that eight weeks?
- 10 A. Yes.
- 11 Q. Do you receive it weekly, daily, or what?
- 12 A. Weekly.
- 13 Q. Sorry, I'm not sure whether that was weekly; yes?
- 14 A. Yes.

15 MR. JORDASH:

16 I have got nothing further. Thank you. I have finished. Thank you, Your Honours.

17 MR. PRESIDENT:

18 Thank you.

19

20 We have noted that the witness is slighting under some stress and appears to be sobbing again as
21 she did yesterday. So we'll rise for 15 minutes and resume thereafter to continue with the
22 cross-examination. And we would ask the social affairs unit of the Witness Protection Unit and the
23 psychologist to be by her and to raise her morale to be able to continue with this exercise.

24

25 So the Court will rise for 15 minutes.

26 [Recess taken at 11.18 a.m.]

27 *(Pages 1 to 14 by Gifty C. Harding)*

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--- On resuming at 11.49

MR. PRESIDENT:

We are resuming this session. Learned Counsel for the second Accused, your cross-examination, please.

MS. AKIN:

Yes, Your Honour.

MR. PRESIDENT:

MS. Akin.

MS. AKIN:

Yes.

Cross-examined by Ms. Akin

MS. AKIN:

Q. Good morning, Ms. Witness. I have few questions for you today.

A. Okay.

Q. You have testified and told the Court that the men that you saw in Kondembaia were in full combat. Is that correct?

A. Yes, it is true.

Q. Now, full combat to you is a full military uniform; is that correct?

A. Yes.

Q. Now these soldiers who were in full military uniform in Kondembaia did not wear civilian clothing; did they?

A. No.

Q. You saw these soldiers yourself; didn't you?

A. Yes, I saw them.

Q. In fact, these soldiers you say were wearing red headbands as well on their heads; is that correct?

A. Yes.

Q. Ms. Witness, you know don't you, that the soldiers in full military uniforms had been at one time in the Sierra Leone Army. Is that correct?

A. I don't understand the question.

Q. The soldiers that you saw in your town, Kondembaia in the full military uniforms, in full combat uniforms, were they soldiers that had been in the army of Sierra Leone?

A. They were rebels.

Q. You know the AFRC; don't you, Ms. Witness?

A. No, I don't know.

Q. Had you ever heard of the AFRC?

A. Yes, I do hear that but I don't understand them.

Q. Is it your testimony, madam, that you heard the term AFRC but you did not understand what it

1 means?

2 A. Yes.

3 Q. When you described soldiers in full military uniforms who attacked your town, Kondembaia, were
4 these the rebels that you were speaking of?

5 A. They were rebels.

6 Q. You were not in Kono at any time when the soldiers attacked Kono; were you?

7 A. I was not in Kono. In fact, I do not know Kono.

8 Q. So it is fair to say, madam, that the only that thing that you know about what happened in Kono is
9 from what you heard from the people living there. Is that right?

10 A. I do not understand the question.

11 Q. Okay, I will rephrase the question for you then.

12 MR. PRESIDENT:

13 Ms. Akin, make it shorter, please, so that she can understand it.

14 MS. AKIN:

15 Thank you.

16 Q. Madam, do you know whether the soldiers in uniforms who attacked the civilians in Kono were
17 AFRC?

18 A. I had not been to Kono so when they attacked there -- I wasn't there, so I wouldn't know.

19 Q. You spoke to people who had been in Kono; is that correct?

20 A. Talking to them?

21 Q. Back in February of 1998, you spoke to people who had been in Kono; did you not?

22 A. Are you talking about the civilians?

23 Q. Yes, Ma'am.

24 A. Yes. We used to discuss with them when passing because we are on the main road. So when they
25 were passing with their bundles, we used to talk to them.

26 Q. And these persons could not tell you whether the soldiers in uniforms were AFRC or some other type
27 of rebels?

28 MS. TAYLOR:

29 I object to the question, Your Honour. In my submission, the question should be, "Did these people
30 tell," not whether they were able to tell you. It's not been established whether there was any
31 discussion about the matter.

32 JUDGE THOMPSON:

33 Sustained.

34 MS. AKIN:

35 Q. Did the people tell you, madam, whether or not the soldiers in full combat who attacked Kono were
36 AFRC or some other group?

37 A. They used to pass with bundles. People used to pass with their bundles. They used to tell us that

1 rebels had attacked such and such a place.

2 Q. Did they ever tell you, these people, that the rebels groups had names?

3 A. No, because during that time people were just passing by, running away.

4 Q. Did you ever see soldiers from the Sierra Leone Army at this time?

5 A. I don't understand this question.

6 Q. You know an army, madam, don't you?

7 A. Yes. I used to see soldiers wearing combat and people used to tell me that they were soldiers.

8 Q. Now, I want to take you to the time that you were in your town, Kondembaia and these soldiers in full
9 combat were attacking Kondembaia. You've testified about that time; correct?

10 A. Yes.

11 Q. I know this is painful so forgive me for having to go back there, but I want to ask you if remember the
12 boss man that you talked about yesterday, the commander who was under the cotton tree. You
13 remember that man?

14 A. I don't know his name.

15 Q. But you remember telling us your story and telling us about that man; right?

16 A. I don't know the man's name. The time they took us to the cotton tree, we met him sitting down.

17 Q. I'm not asking for his name, but he was the boss man; was he not?

18 A. Yes. He was the commander because he was the one passing commands and whatever he said
19 would be done by his subordinates. And if he said, "kill this," the individual will be killed, and if he
20 said, "cut off this person's hand," the hand would be cut off. And even when they chopped off my
21 hand, he was the one that passed the order. Whatever he said, would be done.

22 Q. Yes, it was the soldier who was in charge; isn't that what happened?

23 A. Yes.

24 Q. This soldier who was in charge had on military trousers that you've described. Is that correct?

25 A. Yes.

26 Q. These military trousers were army trousers; is that right?

27 MS. TAYLOR:

28 Your Honour, I object to this question. It's not been established that the --

29 THE WITNESS:

30 Yes, that was what he wore that day.

31 MS. TAYLOR:

32 It has not being established that the witness can recognise army trousers. The witness --

33 MR. PRESIDENT:

34 She recognises combat uniform. She does.

35 MS. TAYLOR:

36 Yes. My question is to make sure that the witness -- nothing unfair is being put to the witness. She
37 can recognise combat trousers but not necessarily the army officer --

1 JUDGE THOMPSON:

2 I think the objection is sustained -- the objection is overruled because there is enough in this witness's
3 evidence to indicate that she understands what combat uniform is, full military dress and I think even
4 in her evidence-in-chief it was led that she clearly understands that. And, in fact, the evidence I recall
5 was that this particular individual wore combat trousers, but wore some civilian type of dress. The
6 evidence is --

7 MS. TAYLOR:

8 I understand Your Honour's ruling. My point was this: It's one thing to say that you recognise combat
9 and it's another thing to say that you recognise the uniform in particular.

10 JUDGE THOMPSON:

11 Let us -- now, the objection is overrule because at this point in time that objection seems to be a
12 distinction without a difference.

13 MS. TAYLOR:

14 As Your Honours pleases.

15 MS. AKIN:

16 Your Honours, I would just ask the Court if we can establish whether or not the debate or the colloquy
17 between counsel and Your Honours is being translated to the witness because I would prefer not,
18 because some of the colloquy could indeed make powerful suggestions to a witness and I do not
19 believe that it would be appropriate for a witness to hear such a colloquy.

20 JUDGE THOMPSON:

21 The point is taken and I hope we get the --

22 MR. PRESIDENT:

23 I hope we have the technology in place to do this, but just go ahead, please. Ms. Akin, please, go
24 ahead.

25 MS. AKIN:

26 Q. Ma'am, the boss man --

27 MR. PRESIDENT:

28 I'm sorry, I hope I'm pronouncing your name well. Is it Aikin or Akin?

29 MS. AKIN:

30 It's Akin, Your Honour.

31 MR. PRESIDENT:

32 Akin, okay.

33 MS. AKIN:

34 I'm happy to be called whether or not the pronunciation is correct or --

35 MR. PRESIDENT:

36 Right, Ms. Akin, go along with your cross-examination, please.

37

1 MS. AKIN:

2 Thank you, Your Honour.

3 MS. AKIN:

4 Q. This boss man, the commander that was under the cotton tree in Kondembaia, in your town, I want to
5 bring your attention to him on that day. You testified that this man had on army pants and a brown
6 T-shirt. Do you remember that?

7 A. Yes.

8 Q. Now this soldier who was sitting on the rock as you told us, he was the one who shot your sister's
9 husband, Abass Kargbo in the head and killed him. Is this correct?

10 JUDGE THOMPSON:

11 Counsel, do you want to refrain from mentioning the name?

12 MS. AKIN:

13 I apologise.

14 JUDGE THOMPSON:

15 Knowing that protective measures are in place.

16 JUDGE BOUTET:

17 I know it was mentioned yesterday but just be careful.

18 MS. AKIN:

19 I will, and thank you for that reminder.

20 MS. AKIN:

21 Q. This boss man was the one who shot your sister's husband in the head and killed him; is that correct?

22 A. Yes, he shot him in the head. He took out the pistol -- he had a pistol, took it out, stood right on top
23 of the rock because when they were tied, their hands were passed at their backs, himself and the
24 other boy. They were strongly tied, tightly tied. So they were put to the ground. When they were
25 there on the floor, he got from the rock and he took the pistol and shot him in the head.

26 Q. And this same commander with the army trousers, he was the one who was shouting insults to the
27 people in your town; wasn't he?

28 A. In the town all of them were shouting insults, whenever they used to enter towns. As they were
29 entering, so they were shooting and using insults. So I can't remember, I can't say I would
30 differentiate them.

31 Q. But you do remember this boss man, this commander; don't you?

32 A. He was the commander because the order that he used to give to that was what they were adhering
33 to.

34 Q. It was the commander in army trousers who ordered that they amputate your child; wasn't it?

35 A. Yes, he sent his subordinate to bring a cutlass. When we went, he came back and said, "Well, I didn't
36 see a cutlass." He shouted on him and said, "Go back and bring the cutlass." So when he was going
37 to bring the cutlass, that was the time he stood up and left us. When he went, from then I didn't see

1 him again with my eyes. So when the cutlass was brought by the boy, my child was drawn and
2 dropped on the ground and his hand was chopped off. The child was crying and said, "Mama, they
3 are chopping off my hand." I said, "My child, I don't have power."

4 MR. PRESIDENT:

5 Please, can you call in -- where is Ms. Barrie? Please, can you sit by that lady and assist her.

6
7 Learned counsel, the Court will rise for 10 minutes, please. The Court rises.

8 [Break taken at 12.15 p.m.]

9 [On resuming at 12.27 p.m.]

10 MR. PRESIDENT:

11 We are resuming this session. Madam witness, are you all right?

12 A. Yes.

13 MR. PRESIDENT:

14 Ms. Akin, can you continue with your cross-examination, please.

15 MS. AKIN:

16 Thank you, Your Honour.

17 Q. Madam witness, when is the first time that you met with anyone from the Special Court?

18 A. Like where? I don't remember.

19 Q. Tell me the first time that you met with anyone from the Special Court, the very first time?

20 A. It was from last year.

21 Q. Do you remember their names?

22 A. No, the first person that met me there, I can't remember the name.

23 Q. Do you know the name Louise Taylor, an investigator? Do you know that name?

24 A. Even if I know I have forgotten it. Names are difficult to remember.

25 Q. Do you know the name of an interpreter from the Prosecutor's Office named Ismael Dramme?

26 A. The one that interviewed me?

27 Q. Yes, that's what I'm trying to find out.

28 A. The person that came from the Special Court and the person that interviewed me -- is it between
29 myself and the person or what are you saying?

30 Q. I want to find out about that interview, the person who interviewed you from the Special Court. Do you
31 remember where that first interview took place?

32 A. Yes.

33 Q. And where was that, Ms Witness?

34 A. It was in the camp.

35 Q. And was this camp in Freetown?

36 A. Yes.

37 Q. And you told Mr. Jordash, the first counsel to question you today, that they wrote down what you told

- 1 them in the interview; is that right?
- 2 A. Yes.
- 3 Q. And after they wrote it down they read it back to you. Do you remember telling Mr. Jordash that?
- 4 A. Yes.
- 5 Q. How many interviews did you have with that investigator?
- 6 A. In the camp?
- 7 Q. In the camp and anywhere else that you may have met with them?
- 8 A. In the camp it was only once.
- 9 Q. Did you meet with that investigator at any other place other than the camp?
- 10 A. In the camp, the one that went there was a woman.
- 11 Q. Did you meet with that woman at any other place other than the camp?
- 12 A. No, I can't remember. The woman that met me in the camp, I can't remember meeting with her
- 13 elsewhere.
- 14 Q. Do you remember telling us about Sundu?
- 15 A. Yes.
- 16 Q. Was Sundu a man or a woman?
- 17 A. She is a woman.
- 18 Q. Now, I want to ask you. Your child that was amputated, your child was a boy or a girl?
- 19 A. She is a girl.
- 20 Q. Did you ever receive any money from anyone at the Prosecutor's Office of the Special Court?
- 21 MS. TAYLOR:
- 22 Your Honour, I wonder whether it is necessary that we go over this material. It's been
- 23 cross-examined on at length by my learned friend, Mr. Jordash and I wonder whether it's proper for
- 24 each counsel to simply repeat the same area of cross-examination.
- 25 MR. PRESIDENT:
- 26 They represent different clients. They represent different Accused persons. So, I think she is entitled
- 27 to ask in the question in defence of her client.
- 28 MS. TAYLOR:
- 29 As Your Honours please.
- 30 MS. AKIN:
- 31 Q. Did you receive any money from any one who works for the Prosecutor of the Special Court?
- 32 A. The money they gave to me was for my feeding.
- 33 Q. Did they give you money for any other reason other than for your feeding?
- 34 A. No.
- 35 Q. Are you aware, ma'am, that the Office of the Prosecutor has indicated that 25,000 Leones have been
- 36 used to facilitate your appearance before this Special Court?
- 37 A. I don't understand that much 25,000 Leones just to come to the court. I don't understand this.

1 Q. What I want to know is if you were aware of this amount of Leones?

2 A. To give me money?

3 Q. To pay for your transportation and to accommodate you, for wages for when you are unable to work.

4 MS. TAYLOR:

5 Your Honour, I wonder whether there might be a time specific, rather, put on this question.

6 MR. PRESIDENT:

7 Ms. Akin, can you sit down whilst she is on her feet, please.

8 MS. TAYLOR:

9 Your Honours, I wonder whether as a matter of fairness it might be put as a time-specific question to
10 the witness. The information which my learned friend is in possession of is a time-specific piece of
11 information and the witness has already said that since she came to Freetown, she has been given
12 bags of rice and money for feeding. As a matter of fairness, so as not to confuse the witness, I would
13 ask that that the exact point that my learned friend is referring to is made clear to the witness.

14 JUDGE THOMPSON:

15 Well, I think -- I'm sure that learned counsel for the Defence agrees that one of the objects of cross-
16 examination is not to confuse witnesses, but to elicit evidence that would support the Defence position
17 and, in that context, if you could rephrase the question and probably break the question down,
18 because I thought when you asked the question saying, wages, this that -- why not put them in, you
19 know, individually and separately so that you can get the answers. But I think it's legitimate to cover
20 this ground again.

21 MS. AKIN:

22 Thank you, Your Honour. Specifically what I am trying to get at is exactly what payments were made
23 at any time and, for what as it's plainly clear from the disclosure made by the Prosecutor, that that
24 information can't be obtained from that form and that's why I'm pursuing this line of questioning.

25 JUDGE THOMPSON:

26 I have no doubt about the legitimacy and the permissibility of the question. It's just to avoid any
27 confusion, because clearly, if you put it in a confused way, you probably end up getting a confused
28 answer. That doesn't help the Court.

29 MS. AKIN:

30 Thank you.

31 Q. Madam, were you ever given any money for transportation?

32 A. For my feeding and my transportation.

33 Q. Who gave you that money?

34 A. For my feeding?

35 Q. Yes.

36 A. It's here.

37 Q. What do you mean by it's here?

1 A. I don't understand that.

2 Q. Do you know a person by the name of Koroma with the Special Court?

3 A. Koroma?

4 Q. Yes.

5 A. There are so many and there are several names. I can't remember them. There are several people,
6 I can't their names exactly.

7 Q. I can understand that.

8 A. Probably I have been seeing him passing, I don't know.

9 Q. You told us that you also received rice and you receive rice every week that you are here in Freetown
10 for purposes of coming to the Special Court; is that correct?

11 A. For the food, I have been eating.

12 Q. Yes. Who gave you the money for the rice, Ms. Witness?

13 A. That question I can't answer it.

14 Q. Why can't you answer it?

15 A. I have already said that when I reach here they have been giving me food and I have been eating.

16 Q. Were you given money by anyone from the Special Court for anything else, that is anything other than
17 for food and for transportation?

18 A. No.

19 Q. You told us about your job. What exactly is it that you do, your work?

20 A. Now or previously?

21 Q. Now?

22 A. What sort of work?

23 Q. You told us you have a job, working; is that correct?

24 A. That is what I'm saying, what sort of work are you talking about? I don't understand much.

25 Q. Ms. Witness, that's what I want you to tell me. Tell me about your work. What do you do?

26 MR. PRESIDENT:

27 Ms. Akin, this witness, in reply to earlier questions said that she does -- she dyes, you know, and then
28 sells and, so on and so forth. Can you start from there and maybe lead her that way?

29 MS. AKIN:

30 Thank you, Your Honour.

31 Q. Ma'am, you told us earlier that you use ink and that you dye. What is it that you dye?

32 A. It's a *gara* cloth. I'm doing tying and dyeing *gara* cloth.

33 Q. For how long have you had this job?

34 A. I have been learning it even before then 'til now. I'm still doing it.

35 MS. AKIN:

36 Can I have the interpreter repeat that answer, please?

37

1 JUDGE THOMPSON:

2 Interpreter, please, repeat that Answer .

3 THE INTERPRETER:

4 I have been learning that ever since 'til now. I'm still doing it.

5 MS. AKIN:

6 Q. I want to take you back to the time that you came to Freetown in January of 1999. Do you remember
7 that time?

8 A. Yes.

9 Q. Was that the time that you were brought to the stadium in Freetown?

10 A. No, I had been here before then. Going to the stadium was when the war reached in Freetown. We
11 ran from Waterloo.

12 Q. At some point were you brought to the stadium in Freetown?

13 A. Yes.

14 Q. Do you remember when that was?

15 A. It was the year that the war reached here. I can't remember the time now.

16 Q. Did you come with your husband?

17 A. Yes, my children and my husband. We were all together.

18 Q. At that time how were you feeding yourself?

19 A. Except in the morning I would go to the town begging. Whosoever could feel sorry for me would give
20 me some money I will go to the house and cook. I would do the same thing for the following day.
21 Except I beg before I could get anything to eat.

22 Q. Did you go to any particular places to ask for money?

23 A. Whilst begging?

24 Q. Yes.

25 A. Yes, I was going to people. Whosoever could afford even a 100 Leones, 200 Leones, if you have 500
26 Leones, they would give it to me.

27 Q. Did you go to any groups to ask for money?

28 A. Because at that time even ourselves whilst we were in the camp we were writing letters to some
29 offices. Then after some time like the Muslims, the Christians were sympathising with us at that time.
30 Whosoever could have some rice would bring to us, or whatsoever they had they would send it for us.

31 Q. Did you ever go to any political groups for assistance?

32 A. No.

33 Q. You told us yesterday, Ms. Witness, that your husband is an old man. How old is your husband?

34 A. No, I don't know his age.

35 MR. PRESIDENT:

36 She wouldn't know. She went into marriage. The man she says, is old.

37

1 JUDGE THOMPSON:

2 They don't even register their birth sometimes.

3 MR. PRESIDENT:

4 We don't think that is --

5 MS. AKIN:

6 I just wanted to establish --

7 MR. PRESIDENT:

8 What we know in our society is that a man is never too old to get married. That is what it is.

9 MS. AKIN:

10 I have been told that --

11 MR. PRESIDENT:

12 Go ahead, Ms. Akin.

13 MS. AKIN:

14 Q. Ms. Witness, do you know the difference in the age between you and your husband?

15 A. My husband is old now. He is of age. Even one of his children is older than I do.(sic)

16 Q. Does your husband have other wives?

17 A. Yes.

18 Q. How old were you when you married your husband?

19 A. My father told me that I was 16.

20 Q. And at that time that you were 16 can you give me approximately how old your husband was at that
21 time?

22 MR. PRESIDENT:

23 Madam, I don't want this witness to answer that question. That question is overruled. This is a girl of
24 16, you expect her to start speculating on the age? I wonder if she was even given the opportunity to
25 determine the age before marrying him. So, please, leave those grounds. They are delicate.

26 MS. AKIN:

27 Q. Is your husband in Freetown now with you?

28 A. No, I left him up country. He is with the children, with my children.

29 MS. AKIN:

30 May I just have a moment to confer with my colleague?

31 MR. PRESIDENT:

32 Yes, please, Ms. Akin. Go ahead, please.

33 MS. AKIN:

34 Ms. Witness, thank you for your appearance here, and those are all the questions that I have for you.

35 Thank you, very much.

36 MR. PRESIDENT:

37 Mr. Cammegh, will you be long?

1 MR. CAMMEGH:

2 I won't let you down. I will be very brief.

3 MR. PRESIDENT:

4 Well –

5 MR. CAMMEGH:

6 I promise.

7 MR. PRESIDENT:

8 Right.

9 MR. CAMMEGH:

10 Your Honours would not be delayed.

11 MR. PRESIDENT:

12 Unduly. They could be delayed but not unduly, you are saying.

13 MR. CAMMEGH:

14 Yes.

15 MR. PRESIDENT:

16 Right, go ahead, please.

17 Cross-examined by Mr. Cammegh:

18 MR. CAMMEGH:

19 Q. Madam.

20 A. Yes.

21 Q. We are grateful for you coming to testify in this Court. I take it that you must have been pleased to
22 have received some financial assistance from the Prosecution. Were you please to receive that?

23 A. For what reason?

24 Q. For testifying at this Court?

25 A. Nobody gave me money for that.

26 Q. Can I just ask you this? Would you have been willing to come to this Court if the Prosecution had not
27 given you any money?

28 MR. CAMMEGH:

29 I'm not hearing any translation.

30 JUDGE THOMPSON:

31 Would the translators please, translate?

32 THE INTERPRETER:

33 I did not come here for money.

34 MR. CAMMEGH:

35 Q. If you could just please, listen to the question. Would you have been willing to come to this Court if
36 the Prosecution had not paid you anything?

37 A. They did not give me anything. The Prosecution did not give me money. They did not even tell me

1 about money issue.

2 Q. Can I ask you very briefly about ECOMOG? You told us that there was a time when ECOMOG
3 occupied Kondembaia; do you remember that?

4 A. Yes.

5 Q. My simple question to you is this: Did you on any occasion hear of any ECOMOG forces harming any
6 of the local population near where you live?

7 MS. TAYLOR:

8 Your Honour, I object to that. I wonder what the relevance of it is.

9 MR. PRESIDENT:

10 He is on cross-examination. He has a wide field to cross-examine so we will listen to him. The
11 objection is overruled.

12 JUDGE THOMPSON:

13 Yes.

14 MR. CAMMEGH:

15 Has the translator put the question?

16 THE INTERPRETER:

17 Will you, please, go over the question again?

18 MR. CAMMEGH:

19 Q. Did you on any occasion, whilst you were living in the Kondembaia area, hear of ECOMOG forces
20 harming any of the local population -- the local civilian population?

21 A. I did not see, I did not hear that.

22 Q. My final question is this: Were there any occasions when ECOMOG forces wore clothes other than
23 military uniform that you knew about?

24 A. No.

25 MR. CAMMEH:

26 Madam, that's all I have for you. Thank you, very much.

27 MR. PRESIDENT:

28 Thank you, Mr. Cammegh. The Prosecution, please, any re-examination?

29 MR. WERNER:

30 There is no re-examination, Your Honour.

31 MR. PRESIDENT:

32 No re-examination.

33 MR. WERNER:

34 Might this witness be excused.

35 MR. PRESIDENT:

36 We would be adjourning to 3.00 o'clock and we would be taking the next witness at 3.00. So like we
37 counselled earlier on, it's always good for the Prosecution to have one witness and a stand-by witness

1 just in case, you never know. So we are still imparting that counsel to the Prosecution and, on this
2 note, we shall rise.

3 MS. TAYLOR:

4 Your Honour, just before you rise, the Prosecution --

5 MR. PRESIDENT:

6 Pardon me?

7 MS. TAYLOR:

8 I'm just asking Your Honour, just before you rise, to inform Your Honours that we have taken your
9 counsel. The next witness on the list was No. TF1-064. We were advised this morning that there was
10 a problem obtaining sufficient translators for the language in which the witness would testify, which is
11 the language of Kono. We were asked by Court Management whether we would be able to have the
12 next witness on the list which is TF1-021 and that witness, that is the fifth witness on the list, would be
13 here at 3.00 to testify. I simply want to let Your Honours know that we are jumping one witness and
14 going on to the fifth, and we would put the fourth witness on the list after the fifth.

15 MR. PRESIDENT:

16 That's alright. There is no problem. The Court will rise, please.

17 *[Luncheon recess taken at 1.07 p.m]*

18 *[Pages 15 to 28 by Momodou Jallow]*

[On resuming at 3.13 p.m.]

1 MR. PRESIDENT:

2 I see, Mr. Jordash on his feet. Yes, Mr. Jordash.

3 MR. JORDASH:

4 I just wanted to raise one small matter. It relates to a radio announcement or radio programme on

5 Radio UNAMSIL which was heard yesterday by my client, Mr. Sesay.

6 MR. PRESIDENT:

7 Which was?

8 MR. JORDASH:

9 It was a programme which detailed the evidence of Witness TF1-196. And I'm really raising it at this

10 stage because firstly, it was inaccurate in that --

11 MR. PRESIDENT:

12 Let me get you. This was the evidence of which witness?

13 MR. JORDASH:

14 This is TF1-196.

15 MR. PRESIDENT:

16 You say it was released --

17 MR. JORDASH:

18 Yesterday.

19 MR. PRESIDENT:

20 -- UNAMSIL.

21 MR. JORDASH:

22 Yes, Radio UNAMSIL.

23 JUDGE BOUTET:

24 Are you talking about radio broadcasts?

25 MR. JORDASH:

26 Yes. The issue is this: There are many journalists in the public gallery and I do not criticise them at

27 all and, in fact, we've been following the newspaper coverage closely and it has been, in our view,

28 excellent in its accuracy. However, a radio broadcast by Radio UNAMSIL yesterday referred to the

29 evidence of TF1-196. TF1-196, in summary, talked of an attack which involved a man called

30 Mosquito who said he was AFRC and spoke also of identifying another rebel who was from the

31 Grafton Police Barracks. It was reported on Radio UNAMSIL as an attack by the RUF. And our

32 concern really is that any reporting which arises from the evidence in this case should be accurate

33 because the Defence are still engaged in investigations and we are concerned that any inaccurate

34 reporting would affect those investigations and ultimately Mr. Sesay's trial and his right to a fair trial.

35 As I said a moment ago, the reporting from the journalists in the public gallery has been accurate and

36 thorough. It is simply this Radio UNAMSIL broadcast which we complain about and simply just raise it

at this stage as a concern that such inaccurate broadcasting might affect Mr. Sesay's investigation, first and foremost, and ultimately his trial.

JUDGE BOUTET:

You will appreciate that we are also for the freedom of the press. We have no control over what newspapers may be writing in Sierra Leone or anywhere in the world and we expect that they are professionals and they will report the factual situation as it exists; however, we don't intend to control the broadcast or whatever reports or description. We invite them to be professional in their description, in their reporting, but we certainly do not intend to interfere because it would not be appropriate for the Court to try to silence out reporters whether it's in the -- whatever media it is, as such, be it press reporting or other form of reporting. If that is the case, I do understand your concern. I would be concerned too, but you appreciate that we have limitations too and we encourage the press to attend, we encourage the press to report and to report accurately. That is what I can say at this moment.

Now, are you talking of the broadcasting because I haven't listened to radio broadcasts? Are you talking of live broadcasting of what is going on or are you talking of a report upon the procedures in Court, which is different.

MR. JORDASH:

It was a report, as I understand it, I didn't hear it, but it was [inaudible].

JUDGE BOUTET:

It was a report about the proceedings and not a direct description -- or proceedings because I understand that these proceedings are being broadcast, not live but with a delay of an hour, so...

MR. JORDASH:

As I understand it, the Radio UNAMSIL broadcast what was said to be a report from a newspaper --

JUDGE BOUTET:

From a newspaper.

MR. JORDASH:

From a newspaper first and foremost, Radio UNAMSIL then reported concerning that newspaper and the report was inaccurate.

JUDGE BOUTET:

As I say to you, Mr. Jordash, I fully understand your position, but I just want to tell you that we don't intend to impose any limitation except invite reporters of whatever category or nature to be careful and to be professional in their approach and we expect them to report the facts as they do exist and as they are being reported in Court.

JUDGE THOMPSON:

Let me add to what my brother said in fact and consistent with what he said. From my perspective, undoubtedly the issue raises one of accurate and responsible journalism and it has to be seen in the

1 context of the constitutional right of press freedom and it would seem, therefore, that at this stage I
2 would, in my view, think that judicial intervention is not appropriate as you yourself, I'm sure, are
3 aware that one of the hallowed statements in times of the freedom of the press is that there should be
4 no prior constraints on publication, but, of course, it is important that we appeal to the press to ensure
5 that what they publish is accurate reporting. Perhaps it may be necessary to approach the press
6 council to ensure that proceedings of a delicate nature like this are reported most accurately. But at
7 this point in time I'm pretty sure that the situation does not call for any judicial intervention on our part.

8 MR. JORDASH:

9 And I wasn't requesting any because I simply -- like I said, all the reporting except for I think this and
10 one other has been excellent, it is simply this one report we complain about it. And we certainly do
11 not seek any restraint on the journalists because they are doing an excellent job, just this one report.

12 JUDGE THOMPSON:

13 Thank you.

14 JUDGE BOUTET:

15 Thank you, Mr. Jordash, and I appreciate your concern and I would again urge the media to be careful
16 as to when and how they are reporting this kind of issue particularly when they're attempt to dis -- to
17 report matters as such may impact on and may have a negative impact on an accused who is
18 presumed to be innocent in this Court until proven guilty.

19 MR. JORDASH:

20 Thank you.

21 JUDGE BOUTET:

22 And this kind of relationship that you have described could be certainly -- in the public perception of
23 justice could be distorted because of that, and I thank you.

24 MR. JORDASH:

25 Thank you.

26 MR. PRESIDENT:

27 Well, on this issue I would like to say that our hearings -- most of our hearings are public and the
28 press is part of that public and the press has a duty to inform the public of the proceedings, because it
29 isn't the whole public that comes here to follow these proceedings. But in so doing I would harp on
30 the note, you know, of objectivity and correct reporting, very faithful reports on the proceedings and
31 nothing more, I mean, it is -- it would be better you reported faithfully what transpired and then you
32 made a comment so that one can know that this is a distinction, you know, between maybe a faithful
33 report of the proceedings and a comment which may be added, but what I'm saying is that we would,
34 like my colleagues have pointed out, would call on the press to be very objective in reporting the
35 proceedings of, you know, this Tribunal and to ensure that the rights of the Accused are not
36 prejudiced in any way in those reports.

1 And finally, I think in matters like this you could liaise with the Press and Publicity Section of the Court.
2 If you have complaints like this, you can see them and they may take appropriate action to make such
3 corrections on certain aspects of proceedings which may not have been properly reported by the
4 press, that is why that section of the Special Court is there. So if necessity arises -- well, as a last
5 resort there will be judicial intervention, but like my colleagues said, at this point in time we do not
6 intend -- we would only ask our friends of the press to remain objective in their reporting. Thank you.

7
8 Yes, Mr. Brown.

9 MR. BROWN:

10 Yes, Your Honour. I wanted to contribute two points to this discourse. The first was to say that I do
11 believe expressions of your endorsement of high aspirational norms for all those associated actually
12 may be quite helpful in this context. I wanted to say that I was aware by hearsay of the matter of
13 which learned counsel informed the Court but had not had a chance to get access to the report. I was
14 concerned -- I was trained, Your Honours, never to bring a newspaper into a courtroom, so on my
15 desk is a newspaper story from the day in which in this Court there was extraordinarily traumatic
16 testimony from a witness. Next to it was a photograph of these Accused taken on some other day,
17 not when we were here, when obviously something had happened because both counsel and the
18 accused were laughing and the caption of the picture says: "RUF Accused find the Court matters
19 something of jest." What is important there is, of course, that there may be other administrative
20 issues because that photograph could not have been taken, presumably, without leave of the Court
21 on a prior occasion. And we would like at appropriate times to bring those matters to the Court's
22 attention in an appropriate way, because while I join with the Counsel Jordash's concern about
23 UNAMSIL, I am loathe to say I cannot join at this moment in this general endorsement of the fairness
24 of the reportage thus far in this matter.

25 JUDGE THOMPSON:

26 Let me just make one short point.

27 MR. BROWN:

28 Yes, Your Honour.

29 JUDGE THOMPSON:

30 From the way you framed the problem it is clearly evident that we're here treading on extremely
31 delicate ground where we're in an area of the perennial tension between the freedom of the press and
32 the right of an accused person to a fair trial. As I say, I don't think we are yet in any situation which
33 calls for any kind of judicial intervention, but we are very sensitive, as Judges, to this particular area.
34 Sometimes the boundary between the two is so difficult to define, but I can assure you that this
35 Chamber will certainly ensure that whenever there are these competing values, the right to a fair trial
36 must prevail.

1 MR. BROWN:

2 Thank you.

3 MR. PRESIDENT:

4 Yes, Mr. O'Shea.

5 MR. O'SHEA:

6 Yes, thank you, Your Honours. I would just like to add a short note on this. Mr. Jordash is quite right
7 to raise this issue and also quite right not to seek any specific relief and, indeed, Your Honours are
8 indeed correct and wise in emphasising the right to freedom of expression which the press have. Of
9 course, the press needs to be reminded, however, that the rights of freedom of expression is subject
10 to reasonable limitation in an open and democratic society. And that what the press -- and there is no
11 suggestion whatsoever here by myself or any of my co-counsel that this is the case here, but the
12 press needs to be reminded that there are limitations, and what the press cannot do is to compromise
13 the safety of witnesses or to interfere with the administration of justice by deliberate misreporting.
14 And again, there's no suggestion of that here, but I just thought it appropriate to add that reminder as
15 a postscript.

16 MR. PRESIDENT:

17 Thank you. I suppose we can now proceed. Your comments, Mr. Jordash, are taken and they're
18 appropriate in the circumstances and I'm sure that we are -- the gallery and the Court is in total
19 communication and total communion on this discourse and that we would at least expect, as they
20 have been doing, a lot of objective reporting, you know, on our proceedings. We have nothing to hide
21 here, there's nothing to hide here except for particular legal reasons we go under closed sessions.
22 Ordinarily our proceedings are public and if we are reported to -- if we're faithfully reported, you know,
23 as to what has happened here and in a manner which does not prejudice the interests, as were said,
24 of the accused persons or the integrity of the proceedings, we don't mind it. We're calling on the
25 press to do just that. They know what they have to do and we expect them to do what they should do.
26 Yes, could the Prosecution call its witness, please.

27 MR. TEJANCOLE:

28 Yes, Your Honour. Your Honour, the Prosecution calls its next witness. TF1-021. TF1-021.

29 JUDGE BOUTET:

30 This is a protected witness?

31 MR. TEJANCOLE:

32 Yes, Your Honour.

33 [The witness entered court]

34 MR. PRESIDENT:

35 Mr. Walker, have you verified his religion?

36 THE WITNESS:

37 Swear on the Koran.

1 WITNESS: WITNESS TF1-021
2 [Witness sworn]
3 [Witness answered through interpretation]
4 MR. PRESIDENT:
5 Yes, learned counsel for the Prosecution.
6 MR. TEJANCOLE:
7 Thank you, My Lord.
8 Examined by Mr. Tejan-Cole:
9 MR. TEJAN-COLE:
10 Q. Mr. Witness, will you tell this Honourable Court how old you?
11 A. Sixty-seven.
12 JUDGE BOUTET:
13 Is the witness giving evidence in English or through translation?
14 MR. TEJAN-COLE:
15 Through translation in Krio.
16 Q. Will you tell this Court where you were born?
17 A. 1 Quaker Lane, Cline Town.
18 Q. Did you attend school?
19 MR. PRESIDENT:
20 One what?
21 MR. TEJAN-COLE:
22 1 Quaker, Q-U-A-K-E-R.
23 MR. PRESIDENT:
24 Quaker Oats.
25 THE WITNESS:
26 Quaker Lane.
27 MR. PRESIDENT:
28 Quaker Lane in Freetown.
29 MR. TEJAN-COLE:
30 Cline Town.
31 Q. And the Cline Town that you referred to is in Freetown?
32 A. Yes, it is Freetown.
33 Q. Did you attend school?
34 A. Partially, partly.
35 Q. Will you tell us up to what level.
36 A. Up to form three.
37 Q. Mr. Witness, do you recall the 6th of January 1999?

- 1 A. Yes, My Lord.
- 2 Q. Do you recall what day of the week it was?
- 3 A. On a Friday.
- 4 Q. Now on that date at about 12.30 p.m. could you tell us where you were?
- 5 A. I was right inside the mosque, Masjeed Douheed Rogbalana Mosque.
- 6 Q. Could you repeat the name of the mosque again, please?
- 7 A. Masjid Douheed Robella Mosque.
- 8 Q. Where is this mosque?
- 9 A. Ramsey Street, Kissy.
- 10 Q. Where is Kissy?
- 11 A. Eastern part, after Shell Company in Freetown, Kissy/Freetown.
- 12 Q. Were you alone in the mosque at that time?
- 13 A. The mosque was packed full. People who came to hide there and plenty were there for prayers.
- 14 Q. So there were people there who came to hide in the mosque and there were others there who came
- 15 for prayers?
- 16 A. Yes, sir. That is what happened, yes, sir.
- 17 Q. Could you tell roughly how many people were in the mosque at the time, could you estimate?
- 18 A. There were a lot of them there, there were so many.
- 19 Q. Can you describe these people who were in the mosque on that day these people who [inaudible]?
- 20 A. Yes. The people that jumped over the fence and then came in.
- 21 Q. [Overlapping microphones]
- 22 A. There were men, women, suckling mother – men, women, suckling mothers, pregnant women,
- 23 children, plenty.
- 24 Q. At about 12.30 p.m. on that day did anything happen in that mosque?
- 25 A. Yes, sir.
- 26 Q. Would you tell this Court what happened.
- 27 A. Yes. I saw people jumping over the fence coming down to the mosque, they were plenty. They were
- 28 all armed.
- 29 Q. Could you tell how many people jumped and came into the mosque?
- 30 A. At that time I was with fear. I couldn't count anybody; there were more than 15 or 20.
- 31 Q. Could you describe to this Honourable Court how these people were dressed?
- 32 A. Yes, sir.
- 33 Q. How were they dressed?
- 34 A. They disguised themselves by wearing plastic bags on their head, some were with blue, all over blue
- 35 and they had cowries on their heads, some they had coal all over their faces, some wore white chalk
- 36 all over their faces but you couldn't recognise them.
- 37 Q. You said these men were armed, could you tell the Court what they were armed with.

1 A. Well, I don't know about gun. I saw guns in their hands but I don't know what type of gun is it, how it
2 was.

3 Q. Did all of them have guns?

4 A. Some had, some had machete.

5 Q. Now you said you saw these men jump over and came into the mosque, did anything happen when
6 they came in?

7 A. Yes, sir.

8 Q. Would you tell the Court what happened?

9 A. Some of them went to me directly and asked if I was of the one leading the people in prayers. I said,
10 "Yes" and they told me, "Today your life has finished," and I said to them that "I'm asking you kindly to
11 spare us. Let's pray the Friday prayer, after the Friday prayers whatever you would like to do with us
12 would leave us to God." So I had some money which we contributed. I told them, "Hold this as
13 cigarette money and give us time to pray". They took the money from me, it was about
14 80,000 Leones. After it was counted they saluted me but told me they would kill me. Then they said,
15 "We kill you right now," and I told them, "If God agrees." And they asked me, "Where is my God --
16 where is your God? Bring him now here, we want to see the God." If you don't bring him, shift a bit,
17 push back, then indeed I shifted a bit. They told me "Go more, go more," and they started firing
18 randomly, right, left, all about the mosque. I was still standing there.

19 Q. Did anything happen as a result of their firing?

20 A. Yes, inside the mosque after they had gone, we found out that 36 people were dead.

21 JUDGE THOMPSON:

22 How many people?

23 THE WITNESS:

24 Thirty-six dead. I went around the mosque to see another seven dead. I went to the school -- there is
25 an Islamic school and a mosque, I went there and met another seven dead. Then I came by the
26 gates, I counted all the dead people that I saw all the way to 71. Then I saw one of the gunmen, he
27 called me, "You come here. You were the first we shot and you're still standing here, look at the way
28 you are standing, you're scaring me." Before this period one man who was struggling to die kicked
29 me at the back of my feet and I fell down.

30 Q. When did this man who was struggling to die kick you?

31 A. When I stood before them, when they were firing, he had already fell down. He was trying to struggle
32 'til he's dead and he kicked me and I fell down.

33 Q. When these armed men came into the mosque, did they say anything to you?

34 A. When I fell down when he kicked me, they jumped, stood on my belly and said, "Now, we're not going
35 to leave any soul around here to vote for this government for Tejan Kabbah." We came as force and
36 said we want peace, everybody was dancing, we want peace, everybody was dancing we want
37 peace. And we said -- he said he was not going to make a peace with us. We are junta, we are

1 people's army, he was not going to make peace with us. So for that, "We'll leave no soul around in
2 that mosque."

3 MR. CAMMEGH:

4 Your Honour, I'm sorry to interrupt. I'm finding it slightly difficult to understand the English translation.
5 I wonder if the translator could speak a little more clearly.

6 MR. PRESIDENT:

7 Mr. Translator, please speak clearly, take your time, so that counsel, learned counsel can get you
8 very, very clearly in your translations. Is that all right?

9 THE INTERPRETER:

10 Yes, it is, My Lord.

11 MR. TEJAN-COLE:

12 Q. Now did these armed men did they say anything to you -- whilst they were in the mosque, did they say
13 anything to you about where they had been before they came into the mosque?

14 A. No, My Lord.

15 MR. PRESIDENT:

16 Yes.

17 MR. BROWN:

18 I was a little slow rising, but, Your Honour, it seems to me that the question, "Did they say anything
19 else?" would be appropriate since we've had a question about what they said in the Mosque and not
20 leading questions as to the subject matter that the learned counsel would like to hear from the
21 witness.

22 MR. PRESIDENT:

23 Objection is sustained. Please go ahead, rephrase your question, please.

24 MR. TEJAN-COLE:

25 Your Honour, in light of the witness's answer I will move on.

26 MR. PRESIDENT:

27 No, you will not move on. The answer is deleted from the records.

28 MR. TEJAN-COLE:

29 Your Honour, the witness said no, so the answer is --

30 MR. PRESIDENT:

31 It was a leading question.

32 MR. TEJAN-COLE:

33 As Your Honour pleases.

34 MR. PRESIDENT:

35 It is deleted, the response is deleted from the record.

36 MR. TEJAN-COLE:

37 As Your Honour pleases.

1 MR. PRESIDENT:

2 Rephrase your question.

3 MR. TEJAN-COLE:

4 Q. Mr. Witness, could you tell us how long did these armed men stay in the mosque, how long were they
5 in the mosque? You gave us -- you mentioned that they came into the mosque and you subsequently
6 mentioned that they left. Could you tell us the total --

7 MR. PRESIDENT:

8 Look, we've been talking about ambushing and ambushing. We're very serious about this.

9 MR. TEJAN-COLE:

10 I'm sorry, My Lord.

11 MR. PRESIDENT:

12 Please, let's adopt, you know, the rules of the game. There's no point in saying since he's answered
13 you will go along. Let's respect, you know, the rules of examination-in-chief, cross-examination and
14 re-examination. Please, it's important.

15 MR. TEJAN-COLE:

16 Your Honour, I'm doing my utmost to respect the rules --

17 [Overlapping microphones]

18 MR. PRESIDENT:

19 It is important that we do this.

20 MR. TEJAN-COLE:

21 I'm doing my utmost, Your Honour. I meant no disregard or no disrespect in saying that I'm moving
22 along in light of the answer the witness has given. Your Honour has given a ruling, I respect Your
23 Honour's ruling and I will abide by Your Honour's ruling.

24 May I proceed, Your Honour?

25 MR. PRESIDENT:

26 Counsel may proceed.

27 MR. TEJAN-COLE:

28 Thank you, Your Honour.

29 Q. You mentioned that these armed men came into the mosque, you subsequently also mentioned that
30 they left the mosque, could you tell us how long in total they spent in the mosque? Can you tell?

31 A. At that time of the atrocities I didn't record time, I didn't note time, I just saw them as they were going
32 and we were ready, we came back.

33 Q. Were you able to identify -- you said you counted 71 people dead, were you able to identify any of the
34 people who were killed on that day?

35 A. One Mohammed Tombu, another one we used to call Pa Bangura, he was a Christian, he had the
36 cross -- the crucifix in his arm and a songbook in his hand. Another Mamie, another mosque
37 member's wife, well the bullet hit her on the left side of her head, and another Ya Memuna. But I was

1 not able to stand there and check all of them because I was trembling with fear, I didn't have any
2 place to pass, the whole area was littered with the armed people. And there were others at the back
3 of the mosque, there were seven people there. I knew one who was called Ibrahim, he was an Imam,
4 he was shot in the head, and my own child, whom I had left, I met -- when I went back he had died
5 and my house had been burnt. The fire that was lit on the house caused him to get roasted up and
6 part of my things.

7 Q. Now what happened to the 71 people who you said were killed on that day? Did anything happen to
8 them?

9 A. Some of them -- their relatives then come and look for them -- the relatives took them and went and
10 buried them, some of them until Friday, Saturday, Sunday and Monday. I came back to see what had
11 happened, some bodies had been decomposed, some had been swollen and others that had gone
12 bad, burst. We took them and dragged them to the cemetery at Parsonage Street and some of the
13 tombs were open where they put corpses and we put them there and covered them and we buried
14 them.

15 Q. Now you also said in your evidence that you gave the armed men who came in the sum of
16 80,000 Leones. Could you tell the Court how you got that money?

17 A. Yes. This was a contribution from the congregation which had filled the mosque and we --

18 THE INTERPRETER:

19 My Lord, the witness is speaking too fast and I need to get what he's saying so that I can interpret
20 correctly.

21 MR. TEJAN-COLE:

22 Q. Would you repeat that answer for the interpreter.

23 A. This money was a contribution from the people who hidden themselves in the mosque and the people
24 who had come for prayers and we asked them to give some little contribution, some people placed
25 1,000, some 3,000, some 500. We put this together and kept it there so that if anybody comes
26 around to disturb us, we would always give it to them. They took it but they still continued with their
27 action.

28 The place is very chilly in here.

29 MR. TEJAN-COLE:

30 Your Honour, that will be all for this witness.

31 MR. PRESIDENT:

32 The witnesses is complaining that the place is chilly.

33 JUDGE BOUTET:

34 Can the Court Management provide something to the witness.

35 THE WITNESS:

36 There is something that I'm using at moment, a blanket that I'm using to cover my feet, my legs.

1 JUDGE BOUTET:

2 There's no other blanket the witness can have? Is it better now?

3 THE WITNESS:

4 Much, better, My Lord.

5 MR. TEJAN-COLE:

6 Your Honours, that's all for this witness.

7 MR. PRESIDENT:

8 Yes, first Accused anything -- counsel for first Accused.

9 MR. JORDASH:

10 No questions, thank you. Could I just take very brief instructions?

11 MR. PRESIDENT:

12 Please.

13 MR. JORDASH:

14 Thank you.

15 *[Defence counsel and Accused Sesay confer]*

16 MR. JORDASH:

17 No questions and thank you for the time.

18 MR. PRESIDENT:

19 Thank you, counsel. Second Accused please.

20 MR. BROWN:

21 Might I ask for one moment, please, to confer?

22 MR. PRESIDENT:

23 Please go ahead, please.

24 *[Defence counsel and Accused Kallon confer]*

25 MR. BROWN:

26 Your Honour, I have no questions.

27 MR. PRESIDENT:

28 All right. Thank you.

29 MR. CAMMEGH:

30 And nor do we.

31 MR. PRESIDENT:

32 Yes, Mr. Cammegh.

33 MR. CAMMEGH:

34 Nor do we, Your Honour

35 MR. PRESIDENT:

36 No questions. All right. Thank you.

37

1 MR. PRESIDENT:

2 I think we have come to the end of the testimony of this witness. There is no need for any
3 re-examinations because there is no cross-examination, so is the Prosecution ready with the next
4 witness?

5 MS. TAYLOR:

6 Your Honour, unfortunately not. As I explained immediately before the break, we were expecting to
7 call witness TF1-064 today and the witness that has just been heard to be called after that witness,
8 and because of translation problem, which I understand will be sorted out by tomorrow morning, we
9 are not in a position to have called in the sixth witness on the list. The problem with the translation
10 was completely unforeseen even by the translation team until today. The Prosecution does bear in
11 mind what Your Honour has said about ensuring that adequate witnesses were available. We did our
12 best this morning thinking that we were going to call witness 064 and have witness 021 as the
13 backup, unfortunately that hasn't been possible and it has not been possible to bring in witness 055
14 who is the sixth witness on the list. The Prosecution does apologise to the Chamber. We are mindful
15 of the Court hours; we will do our best, Your Honour. I can say no more about that.

16 [Trial Chamber confer]

17 MR. PRESIDENT:

18 Well, I think the apologies which have been furnished by the Prosecution are as acceptable as they
19 are to the Bench as they would be to the Defence because I'm sure the Defence would have been
20 prepared to move on, but we accept the apologies and only expect that the Prosecution will take
21 necessary steps to avoid situations like this in future and to anticipate there are some witness
22 statements which are short, some are direct, so you might envisage that the evidence mightn't take
23 very long so you might instead of just having one or two witnesses, have three because you never
24 know, it could be as short as it has been today as it could be with some other witnesses. So please
25 take the necessary steps, you know, so that we move on as fast as we can.

26 MS. TAYLOR:

27 We will do so, Your Honour, and we will try and balance these needs with the needs of the witnesses.

28 MR. PRESIDENT:

29 All right. Thank you. We would like -- yes, Mr. O'Shea.

30 MR. O'SHEA:

31 Your Honours, through Your Honours may we just know from the Prosecution which witness they
32 intend to call tomorrow. Is it 064 or is it number six --

33 MR. PRESIDENT:

34 Mr. O'Shea, I was just going to say that tomorrow we have a decision to deliver in the CDF case and
35 we have an afternoon engagement, so we intend to adjourn this trial to Monday when we will have to
36 take the next witness. I am sure that the Prosecution will -- you can communicate with the
37 Prosecution and know what witness they intend to call on Monday. So for tomorrow this trial will not

1 resume tomorrow, it will resume on Monday.

2 So are there any other --

3 MR. O'SHEA:

4 I'm grateful, Your Honour. I'll ask the Prosecution directly today what the position is on Monday.

5 MR. PRESIDENT:

6 Yes. And I think for the records -- and it is important that the Chamber let learned counsel know that
7 we intend to hear witnesses on Monday, Tuesday, Wednesday in the morning, Thursday and Friday
8 next week, so please, in organising your schedules bear this in mind and in advance and, of course,
9 the message goes more to the Prosecution for them to know what this timetable is like. It is very well
10 respected.

11 Yes, Mr. O'Shea.

12 MR. O'SHEA:

13 Your Honour, I take it from what Your Honour has just said that there will be no motion activity insofar
14 as the RUF trial is concerned tomorrow.

15 MR. PRESIDENT:

16 As far as?

17 MR. O'SHEA:

18 As far as this trial is concerned.

19 MR. PRESIDENT:

20 Tomorrow?

21 MR. O'SHEA:

22 Yes.

23 MR. PRESIDENT:

24 No, no, I'm sorry. That releases you so that you can spend your day usefully. Are there any other
25 inquiries from counsel? Thank you very much. The Court will rise. The Court rises, please.

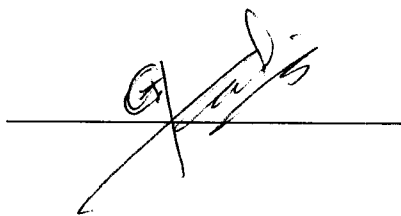
26
27 [Whereupon the hearing adjourned at 16.07, to be reconvened
28 on Monday, the 19th day of July 2004]

29 *(Pages 29 to 42 by Roni Kerekes)*
30
31
32
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CERTIFICATE

We, Gifty C. Harding, Momodou Jallow and Roni Kerekes, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*machine writer*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

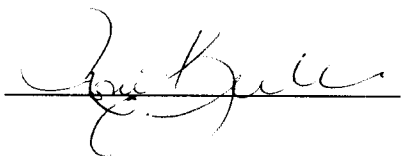
We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

A handwritten signature in black ink, appearing to be 'Gifty C. Harding', written over a horizontal line.

Gifty C. Harding

A handwritten signature in black ink, appearing to be 'Momodou Jallow', written over a horizontal line.

Momodou Jallow

A handwritten signature in black ink, appearing to be 'Roni Kerekes', written over a horizontal line.

Roni Kerekes