

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 21 OCTOBER 2004

9.43 A.M.

TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice welsch

For the Registry:

Ms Maureen Edmonds
Mr Geoff walker

For the Prosecution:

Mr Peter Harrison
Ms Boi-Tia Stevens
Ms Maire-Helen Proulx (intern)
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 Thursday, 21 October 2004
2 [Accused Sesay and Kallon entered court]
3 [The accused Gbao not present]
4 [Open session]
09:35:23 5 [Upon commencing at 9.43 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel, we are
7 resuming the session. I am informed that we have a new
8 interpreter who has to be sworn in. Mr Walker?
9 MR WALKER: Your Honour?
09:40:17 10 PRESIDING JUDGE: Would you confirm this?
11 MR WALKER: That's correct.
12 PRESIDING JUDGE: Good. Could you then proceed to swearing
13 the interpreter, please.
14 MR WALKER: Would the interpreter take the oath, please.
09:40:34 15 [Interpreter sworn]
16 PRESIDING JUDGE: Yes, counsel for the Prosecution, are we --
17 Mr Harrison, are we proceeding today?
18 MR HARRISON: Yes, we are. The next witness to be called is
19 TF1-016. That's a category A witness. The witness will
09:42:10 20 be --
21 PRESIDING JUDGE: TF1-016?
22 MR HARRISON: Yes. The witness will be testifying behind the
23 screen and with voice distortion.
24 PRESIDING JUDGE: Right.
09:42:27 25 MR HARRISON: And I should indicate that my colleague, Ms
26 Stevens, has conduct of the examination.
27 PRESIDING JUDGE: Is the -- right. For the Prosecution is it
28 Mr Harrison or --
29 MS STEVENS: Ms Stevens, Your Honour.

1 PRESIDING JUDGE: Right. Mr Harrison, we want to get the
2 record, you know, right. This is what witness?
3 MR HARRISON: TF1 --
4 PRESIDING JUDGE: No, I know. I mean, is it the 14th or
09:43:36 5 the --
6 MS STEVENS: It's the 15th.
7 MR HARRISON: 17th.
8 MS STEVENS: No, 15th.
9 MR HARRISON: I think --
09:43:41 10 PRESIDING JUDGE: Ms Stevens, do you -- this is -- your
11 witness is the --
12 MS STEVENS: Yes, Your Honour, this is the 15th witness for
13 the Prosecution.
14 PRESIDING JUDGE: The 15th, right, thank you
09:44:23 15 WITNESS: TF1-016 sworn
16 [Witness answered through interpretation]
17 PRESIDING JUDGE: The witness will be testifying in what
18 language, please?
19 MS STEVENS: Your Honour, the witness will be testifying in
09:46:31 20 Kissy.
21 PRESIDING JUDGE: Kissy language? In Kissy?
22 MS STEVENS: Yes.
23 PRESIDING JUDGE: Is the technical disposition in place, you
24 know, for the measures that are provided for this
09:47:09 25 witness, Ms Stevens?
26 MS STEVENS: Your Honour, to the best of our knowledge, yes.
27 PRESIDING JUDGE: Mr Walker --
28 MR WALKER: Yes, Your Honour --
29 PRESIDING JUDGE: -- is that all right?

1 MR WALKER: -- the technicians have been down to make sure
2 everything's in place.
3 PRESIDING JUDGE: Is it in place now or you want us to
4 reaffirm?
09:47:26 5 MR WALKER: No, it is in place.
6 PRESIDING JUDGE: It is in place; thank you. Ms Stevens, you
7 may proceed with your examination-in-chief, please.
8 EXAMINED BY MS STEVENS:
9 MS STEVENS: Good morning, Your Honours. Members of the
09:47:52 10 Defence team, good morning. Madam Witness, good morning.
11 Q. Madam Witness --
12 A. The elders, good morning.
13 Q. Madam Witness, can you hear me clearly?
14 A. I can hear you very well.
09:48:08 15 Q. Madam Witness, you were born in Kono District, were you
16 not?
17 A. I was born in Kono.
18 THE INTERPRETER: "I was born in Kono."
19 MS STEVENS:
09:48:45 20 Q. And you spent most of your life in the Kono area; isn't
21 that correct?
22 A. I was born in Kono and I have been there all this time.
23 PRESIDING JUDGE: Ms Stevens, you have a problem?
24 MS STEVENS: Yes, Your Honour; I'm not getting the
09:49:19 25 translation.
26 PRESIDING JUDGE: You have a problem?
27 MS STEVENS: Yes, I'm not getting the translation.
28 Q. Madam Witness, I'll take the question again. You have
29 spent most of your life in the Kono area; is that

1 correct?
2 A. I have been all along in Kono up to now.
3 Q. And you do not read or write in any language; is that
4 true?
09:49:54 5 A. I don't know any other language. I don't know how to
6 read.
7 Q. You're a farmer by trade?
8 A. Yes, I'm a farmer.
9 THE INTERPRETER: "Yes, I am a farmer."
09:50:34 10 PRESIDING JUDGE: You still appear to have problems?
11 MS STEVENS: I'm still having problems, Your Honour.
12 Q. Madam Witness, do you have any children?
13 A. I have four children.
14 Q. And are you married?
09:51:20 15 A. I am married.
16 Q. And you're aware that there was a war in Sierra Leone?
17 A. Yes, I know.
18 Q. At the time the war started, were you married to your
19 current husband?
09:51:44 20 A. Yes, I was with him all along.
21 Q. Was there any time during the war period that you and
22 your husband were separated from each other?
23 A. We were separated during this war.
24 Q. What happened?
09:52:05 25 PRESIDING JUDGE: Ms Stevens, you know, you better take it
26 slowly, because -- [Overlapping speakers]
27 THE WITNESS: I was held --
28 PRESIDING JUDGE: -- your colleagues on the other side -- for
29 your learned friends on the other side, and for the

1 neatness of the record, proceed at an acceptable speed,
2 please. Thank you.

3 MS STEVENS:

4 Q. Madam Witness, I'm going to ask that question again.
09:52:34 5 what happened to cause a separation between you and your
6 husband?
7 A. I was captured.
8 Q. Captured by who?
9 A. I was captured by the rebels.
09:52:54 10 Q. Do you know which rebels captured you?
11 A. RUF.
12 Q. How do you know that the rebels who captured you were RUF
13 rebels?
14 A. They told me themselves.
09:53:15 15 Q. When did they tell you this?
16 A. When they captured me.
17 Q. How many of them captured you?
18 PRESIDING JUDGE: Ms Stevens, please, please -- [Overlapping
19 speakers]

09:53:31 20 THE WITNESS: There were 10.
21 PRESIDING JUDGE: Please. It's your witness. I think you're
22 interested in the evidence being properly recorded.
23 MS STEVENS: I apologise for the fast pace.
24 Q. How many of the rebels captured you?
09:53:52 25 A. There were 10.
26 Q. And how were they dressed?
27 A. Some of them were dressed in ordinary civilian dress and
28 others were dressed in uniform.
29 Q. Were they armed at all?

1 A. Five of them had guns with them; then five hadn't.
2 Q. When you were captured by these RUF rebels, were you by
3 yourself?
4 A. I was not by myself.
09:54:43 5 Q. Who were you with?
6 A. I was with them.
7 Q. Who is "them"?
8 A. The rebels.
9 Q. Where was your husband at this time?
09:55:10 10 A. My husband was captured, but he was lucky to escape and
11 went away.
12 Q. Apart from your husband, was any family member of yours
13 captured?
14 A. I was captured by [sic] my family, including my daughter.
09:55:43 15 Q. How many of you were captured?
16 A. Those of us who were captured, we were 13 in number.
17 Q. How many men -- were there any men in the group of 13?
18 A. They were there; men were amongst us.
19 Q. About how many men were in the group that was captured?
09:56:16 20 A. My husband was among them. He made the -- he was the
21 sixth, but he escaped; and so five -- there were only
22 five men remaining.
23 Q. And how many women?
24 A. We were 13 number including the men, except we check it.
09:57:02 25 Q. Apart from your daughter, were there any children amongst
26 the group that was captured?
27 A. My daughter was the only small girl among the number.
28 Q. How old was your daughter at the time?
29 A. She was 11-years-old.

1 Q. At the time that you were captured --
2 PRESIDING JUDGE: Learned counsel, if I may ask a question.
3 where were they captured?
4 MS STEVENS: Your Honours, I'm getting to that.
09:57:43 5 PRESIDING JUDGE: Okay, all right.
6 MS STEVENS: I'm getting to that.
7 Q. At the time that you were captured, was there anyone in
8 your group who was armed?
9 A. where we were captured, they held the guns.
09:58:14 10 Q. when you say "they", who are you referring to?
11 A. The rebels.
12 Q. There was no one in your group who carried a gun?
13 A. Those of us were captured, none had a gun with him.
14 Q. Or any other arms?
09:58:38 15 A. There was nothing else with us.
16 Q. Madam Witness, please tell this Court where you were
17 captured.
18 JUDGE THOMPSON: Learned counsel, is it "you" singular?
19 THE WITNESS: where I was captured, the town is called
09:59:05 20 Tomandu.
21 MS STEVENS:
22 Q. Is that -- were the rest of the people you were with
23 captured at the same time that you were captured, Madam
24 witness?
09:59:22 25 A. We were all captured there on the farm.
26 PRESIDING JUDGE: Was the town Tomandu?
27 MS STEVENS: Yes, Your Honour, she said Tomandu.
28 Q. Tomandu is in what chiefdom?
29 A. Lei Chiefdom.

1 Q. And in what district is Lei Chiefdom?
2 A. Kono.
3 Q. Were you living at xxxxxx at the time of your capture?
4 A. We came from Guinea to collect food.
10:00:08 5 Q. You were living in Guinea at the time; is that correct?
6 A. I was in xxxxxx, but I came to Sierra Leone to collect
7 rice.
8 Q. Why were you in xxxxxx?
9 PRESIDING JUDGE: So she was living in xxxxxx. Yes, yes,
10:00:37 10 okay.
11 MS STEVENS:
12 Q. Why were you in xxxxxx, Madam witness?
13 A. Because of the rebels, I fled to Guinea.
14 Q. Where were you living before you fled to xxxxxx?
10:00:54 15 A. I was in xxxxxx Town.
16 Q. Do you remember the time period when you fled xxxxxx Town
17 to go to xxxxxx?
18 A. It was in the dry season that I left xxxxxx for xxxxxx.
19 Q. These rebels whom you said came to Koidu Town, do you
10:01:27 20 know where they had come from?
21 A. They came from this part of the country and went there;
22 and so I collected my children and left for xxxxxx.
23 Q. Madam witness, can you please explain what you mean by
24 "this part of the country"?
10:01:52 25 A. They came from Freetown.
26 Q. How long had you been in xxxxxx before the rebels
27 captured you and your family members?
28 A. I spent three months there, but because I was so pressed
29 down by the hunger in xxxxxx, that I came over to collect

1 rice to get back.

2 Q. When the rebels captured you, Madam Witness, did they do
3 anything to you?

4 A. When we are captured on the farm -- when we are captured
10:02:53 5 on the farm, we were taken into the town and we were
6 locked up in the house.

7 Q. How many of you were locked up in the house?

8 A. By then my husband had not escaped, so we were 14.

9 Q. This was all of you who had been captured?

10:03:24 10 A. Yes, we were all together, the first group that was
11 captured.

12 Q. And how long were you kept in this house?

13 A. We were not long in the lock-up; we were taken out.

14 Q. After you were taken out of the house, did the rebels do
10:04:04 15 anything to you?

16 A. When we were taken out of the house, we were divided into
17 groups. Men were put together and the women were put
18 together.

19 Q. After you had been divided into two groups, what happened
10:04:40 20 next?

21 A. When we were separated, they asked all the men to remove
22 their shirts; and then they were carved some on their
23 backs and on their arms.

24 Q. Madam Witness, what was carved on the men?

10:05:24 25 A. They mark them with the inscription "RUF".

26 Q. Who marked them?

27 A. The rebels did that.

28 Q. How many of the rebels marked the men in your group?

29 A. One person did that marking.

1 Q. Do you remember his name?
2 A. Yes.
3 Q. Could you tell the Court the name of the person who
4 marked the men in your group?
10:06:09 5 A. I can show him.
6 Q. Could you tell this Court his name?
7 A. He is called Soh.
8 Q. What did he use to mark --
9 PRESIDING JUDGE: Soh what? Can you spell the name Soh,
10:06:35 10 please?
11 MS STEVENS: Your Honour, in the statement it is spelt S-O-H.
12 There are variations of the spelling.
13 PRESIDING JUDGE: Okay.
14 JUDGE THOMPSON: Counsel, we're not looking at the statement.
10:06:53 15 We're listening to the testimony. Spell it again.
16 MS STEVENS: It's S-O-H in one statement; in another it is
17 S-O-W. So there are variations of spelling.
18 JUDGE THOMPSON: [Microphone not activated]
19 MS STEVENS: S-O-W, yes.
10:07:19 20 Q. What did Soh use to mark the men?
21 A. It was a new razor blade that he used to mark them.
22 Q. Did he say anything as he marked the men?
23 A. Well, he said he was going to mark them "RUF", so that in
24 case any of them happen to go to Guinea, he will be
10:08:01 25 killed there.
26 Q. Before he marked the men --
27 PRESIDING JUDGE: Please wait. Yes, you may proceed, please,
28 and slowly, please.
29 MS STEVENS: I'll endeavour to reduce my pace, Your Honour.

- 1 Q. Before he marked the men, to your knowledge did he give
2 them any anaesthetic at all?
- 3 A. They did not give them any anaesthetic. After they
4 finished marking them, they left them to go.
- 10:09:12 5 Q. After he finished marking them, did he give them any
6 medication at all?
- 7 A. They did not give them any medication.
- 8 Q. As Soh was marking the men, where were you?
- 9 A. We were sitting down on the other side.
- 10:10:11 10 Q. About how -- using the dimensions of this Court, can you
11 tell us how far away you were from where the men were
12 being marked?
- 13 A. It was not a long distance. It just that they were
14 sitting on one side and the others were on the other
10:10:37 15 side.
- 16 Q. Madam Witness, using this court room, are you able to
17 assist us with how far away you were from where the
18 marking was going on?
- 19 A. It was not a long distance. We were very close together.
- 10:11:24 20 PRESIDING JUDGE: Take her back there again. Using this
21 Court, take her back. Let her look at the extent, you
22 know, of the Court and try to locate us.
- 23 MS STEVENS:
- 24 Q. Madam Witness, I want you to take a look at this court
10:11:48 25 room, okay? Take a look at this court room and indicate
26 to us about how far you were from the men when the men
27 were being marked?
- 28 A. The distance between us was just like you standing there.
- 29 Q. Madam Witness, if one group was standing where -- or was

1 situated where I am standing, where was the other group?
2 PRESIDING JUDGE: I thought she said the distance is, you
3 know, where she is sitting and where you are standing.
4 THE WITNESS: The distance between us was just like you
10:12:56 5 standing there and where I am seated.
6 JUDGE THOMPSON: [Microphone not activated]
7 MS STEVENS: Okay. It's the last part that I had missed.
8 JUDGE THOMPSON: Yeah.
9 MS STEVENS: I think that would be an estimated distance of
10:13:07 10 about 15 feet, 15 to 20 feet.
11 JUDGE THOMPSON: If you say so.
12 MS STEVENS: Estimation.
13 Q. were the women in the group marked at all, Madam witness?
14 A. They decided to mark us, but one of them said, "Please
10:13:38 15 don't mark these women."
16 Q. Did you remain in xxxxxx?
17 A. we never stayed there.
18 Q. where did you go next?
19 A. we are brought in to xxxxxx Town from the farm, and they
10:14:14 20 left us in xxxxxx Town and went to the next village.
21 Q. And did you remain in xxxxxx Town?
22 A. well, they asked us to stay in xxxxxx Town under the
23 custody of few of them, and the others went ahead to
24 another village.
10:14:41 25 Q. Did the others who went to the other village ever return
26 back?
27 A. They came back.
28 Q. when they came back, could you tell us what happened
29 next?

- 1 A. When the others went to the next village, those who
2 stayed with us held two ladies and took them into the
3 house. But I don't know really what happened in the
4 house, and we never asked because we are very much afraid
10:15:32 5 of them.
- 6 Q. Did you ever leave Tomandu Town with the rebels?
7 A. As they left, they returned from the other village. Then
8 we too left.
- 9 Q. Where did you go?
10:16:07 10 A. We came to xxxxxx Town.
- 11 Q. And who did you go to xxxxxx Town with?
12 A. They brought us to xxxxxx Town.
- 13 Q. When you say "they", who are you referring to, Madam
14 witness?
- 10:16:32 15 A. The rebels.
- 16 Q. And as you travelled from xxxxxx to xxxxxx Town, were you
17 carrying anything?
18 A. The rice we came to collect to go back to xxxxxx, it was
19 the same rice that they took and place them on our heads;
10:17:06 20 and we were moving at a very high speed with them.
- 21 Q. How did you travel to xxxxxx Town? What mode of
22 transportation was used to travel from xxxxxx to xxxxxx
23 Town?
24 A. We walked.
- 10:17:33 25 Q. Could you tell this Court where xxxxxx Town is located -
26 which chiefdom, in which district?
27 A. Lei Chiefdom, the same Kono.
- 28 Q. And on arrival at xxxxxx Town, did you do anything with
29 the load that you had been carrying?

1 A. When we reached xxxxxx Town, all the load we carried
2 along, they took it and presented to their head.
3 Q. And who was their head?
4 A. Alpha.
10:18:30 5 Q. Did Alpha say anything at all to you when you arrived at
6 xxxxxx Town?
7 A. When we reached xxxxxx Town, they informed him about our
8 arrival
9 Q. Once he was informed of your arrival, did he do anything
10:19:31 10 at all?
11 A. When we -- they told him that they've brought us there,
12 they came together and then divided all the women among
13 themselves. Each one will come and say "This is my own
14 wife," and they distributed all the women among
10:20:10 15 themselves, but I was asked to stay.
16 Q. What happened to your daughter?
17 A. They had her married to somebody.
18 Q. Do you mean she was also given to a man?
19 A. She was also given to a man.
10:20:49 20 Q. Why were you asked to stay?
21 A. Well, after they've done this, the tapper he had -- the
22 tapper whom Alpha had, I was given over to him as wife.
23 PRESIDING JUDGE: Tapper? When you say "tapper", what does
24 that mean? A wine tapper or what?
10:21:29 25 MS STEVENS:
26 Q. Madam witness, what do you mean by tapper?
27 A. Used to tap wine for him.
28 Q. What was the name of the wine tapper, Madam witness?
29 A. He was called xxxxxx.

- 1 Q. When you were given to xxxxxx, did you agree to become his
2 wife?
- 3 A. Not my wish, because somebody is not your husband and you
4 are just taken and given to the person. I was not really
10:22:44 5 happy about it.
- 6 Q. Did you live together with xxxxxx?
- 7 A. I was all along with xxxxxx as wife to him. Even when I
8 am during my menstrual period, he still continue to have
9 an affair with me. Doesn't give me any chance at all.
- 10:23:29 10 Q. Did you live together in the same house with xxxxxx?
- 11 A. We were together in the same house.
- 12 Q. Were there other people living in the house with you and
13 xxxxxx?
- 14 A. At first there were other people with us.
- 10:24:31 15 Q. Who were these other people?
- 16 A. People who capture people.
- 17 Q. Do you know where they had come from?
- 18 PRESIDING JUDGE: Sorry, I can't -- the translation says
19 "people who capture people". I mean, what does that
10:25:11 20 mean? Some people were living with us at first. These
21 were "people who capture people". What does that mean?
22 Can she elucidate on that, please?
- 23 MS STEVENS:
- 24 Q. Madam witness, these other people who lived in the house
10:25:33 25 with you and xxxxxx, who were they?
- 26 A. They were there for just a day. I mean, they -- we spent
27 the day there and left the house.
- 28 Q. Were they rebels or civilians?
- 29 A. They were civilians.

- 1 Q. where was Alpha, the head of the rebels, staying?
- 2 A. The same house. He was living in the parlour and then we
3 were on the other side.
- 4 Q. Did Alpha carry a weapon?
- 10:26:43 5 A. He had a gun.
- 6 Q. Madam Witness, at the time that you were living with
7 xxxxxx, who cooked for him?
- 8 A. I used to cook for him.
- 9 Q. Do you know who washed his clothes?
- 10:27:50 10 A. I used to launder for him.
- 11 Q. what about the room where you slept, do you know who
12 cleaned the room?
- 13 A. I used to sweep the house, clean the house; I did
14 everything.
- 10:28:15 15 Q. Apart from cleaning the house, cooking for Alpha, washing
16 his clothes, did you do any other kind of work?
- 17 A. There was another work there which I did for him. Each
18 time he went out and harvested palm fruit, I used to
19 prepare the palm fruits, beat -- pound rice for him. I
- 10:28:53 20 used to do this work up to an extent all my hands were
21 all blistered.
- 22 Q. Could you describe what a typical day was like for you
23 when you were living with xxxxxx?
- 24 A. It was -- this was not done regularly, but the day -- on
10:29:44 25 the particular day, I will pound for the whole day until
26 in the night.
- 27 Q. Did you have sexual intercourse with xxxxxx?
- 28 A. He had sex with me to his satisfaction. Even when I was
29 in my menstrual period, when I complain, he say that is

1 not his business. He will do it regular, every day.

2 Q. Madam Witness, how did you feel about being given to a
3 man who was not your husband?

4 A. I didn't feel good. I didn't feel good, because somebody
10:31:22 5 who is not your legal husband, I was not happy at all.
6 And he will go to bed, he will sex me to the best of his
7 satisfaction. Even when I complain that I am really
8 experiencing my menstrual period, he will not really take
9 heed to it; he will still have sex with me. So I was not
10:31:42 10 happy at all.

11 Q. Were you free to move around in xxxxxx Town?

12 A. There was no time for us to go about freely, because
13 where we were taken there was no place to go, and we are
14 very much afraid that if we attempt to go somewhere, they
10:32:30 15 will do something bad with us.

16 Q. And when you say "they", who are you referring to, Madam
17 witness?

18 A. The rebels.

19 Q. About how many rebels were at xxxxxx Town?

10:33:03 20 A. There were so many, because it was they who took over the
21 whole town.

22 Q. And these rebels who filled up the town of xxxxxx, were
23 they armed?

24 A. All of them carried guns.

10:33:39 25 Q. And apart from yourself, who was a civilian who had been
26 captured by RUF rebels, did you see any other civilians
27 in xxxxxx Town who had been captured?

28 A. There are so many civilians, because each time they will
29 go out and capture civilians and bring them there. They

1 did that so many times, so there were so many civilians.
2 Q. Amongst the civilians that were captured and brought to
3 Kissy Town, were there any women brought to Kissy Town?
4 A. There were women as well as men.
10:35:07 5 Q. And what happened to these women who were brought to
6 Kissy Town?
7 A. I did not check at all, because I did not sit down or
8 begin to watch what they did with them.
9 Q. what about the men, do you know what happened to them?
10:35:43 10 A. I don't know about them.
11 Q. Did you stay in xxxxxx Town the whole time with the
12 rebels?
13 A. We spent a month with them in xxxxxx Town.
14 Q. And where did you go after that?
10:36:18 15 A. When we left there we came to xxxxxx.
16 Q. When you moved to xxxxxx, where was xxxxxx?
17 A. We came together.
18 Q. And did you continue living with xxxxxx in xxxxxx?
19 A. We were together there the same way.
10:37:17 20 Q. And did you continue to work for him as you had done
21 before in xxxxxx Town?
22 A. Same way I work for him in xxxxxx Town, the same way I
23 work for him in xxxxxx.
24 Q. And did he continue having sexual intercourse with you
10:37:42 25 then?
26 A. Even in xxxxxx he used to sex with me the same way,
27 every day -- every day and night. And even if -- when I
28 complain, he does not even accept it.
29 Q. After you left xxxxxx Town, did you ever see your daughter

1 again?

2 A. When we left xxxxxx Town, I told them that my daughter is
3 far off from me. So they went and collected her from
4 xxxxxx Town and brought her to xxxxxx.

10:38:53 5 Q. And who did she stay with in Njagbema?

6 A. With the same person from xxxxxx Town - xxxxxx.

7 Q. Whilst you were in Njagbema --

8 PRESIDING JUDGE: xxxxxxxxxxxx? Abu?

9 MS STEVENS: xxxxxxxxxxxx.

10:40:08 10 Q. Did anything happen to your daughter whilst you were in
11 xxxxxx?

12 A. Something happen with her when I was in xxxxxx, because
13 it was in the night. xxxxxx held her and sexed -- and had
14 sex with her. And when the daughter cried, when she was
10:40:31 15 crying from the pain, she held her and they suppress her.
16 And when I asked the girl, the girl said then, "This man
17 has done something with me which I don't like."

18 Q. Did she tell you what xxxxxx had done to her that she did
19 not like?

10:41:12 20 A. She complain that -- she kept on complain. She kept on
21 complaining that what xxxxxx did with her was too bad and
22 she didn't like it at all, but she did not tell me at
23 all. I did not ask her to tell me. But I told her to be
24 patient because it is war and we don't have nothing to
10:41:53 25 do.

26 Q. Do you remember how long you stayed in xxxxxx for?

27 A. I was not able to count the number of months we spent in
28 xxxxxx, but from the time we were held -- when we were
29 captured up to the time when we were freed, it was one

- 1 year and three months.
- 2 Q. And for that whole period of a year and three months,
3 Madam Witness, did you continue to live with the man to
4 whom you had been given to as a wife?
- 10:43:21 5 A. I was with him for the one year and three months.
- 6 Q. During the time that you were with this man xxxxxx, did
7 you ever try to escape?
- 8 A. I did not make any attempt to run away, because all --
9 there were so many of them around. I was afraid that in
10:44:14 10 case I escape, then I will be held again by another
11 group. So I decided to stay with him.
- 12 Q. Do you know if any of the other civilians who had been
13 captured ever tried to escape?
- 14 A. When we were in xxxxxx Town, a group -- a few of the
10:45:02 15 captives tried to run away; they run away. And I was
16 called -- I was summoned, and accused that I spoke to
17 these people in xxxxxx and asked them to run away. So I
18 was taken out and I was threatened to be killed.
- 19 Q. Madam Witness, could you tell us what happened when you
10:45:56 20 finally left xxxxxx -- why you finally left xxxxxx?
- 21 A. well, the reason why I left him is because when we all
22 came to Kono, by then an announcement was made that the
23 rebels should release all the people they had in their
24 custody. So that was the moment when I assemble my
10:46:43 25 children together and I left xxxxxx and went away.
- 26 Q. Do you know who gave the instructions that -- who
27 announced that it was now a ceasefire and everybody
28 should then go back to where they came from?
- 29 A. Their head. It was their head that made that

1 announcement.

2 Q. Do you remember the name of the head of the group who
3 made this announcement?

4 A. I not remember the head that was there, but I really
10:47:52 5 heard them say that -- I mean, the head had announced
6 that they should release all the civilians and go away.
7 MS STEVENS: I have no further questions of this witness.
8 PRESIDING JUDGE: Thank you, learned counsel. Mr Jordash, you
9 may wish to proceed with the cross-examination of this
10:48:40 10 witness.

11 CROSS-EXAMINED BY MR JORDASH:

12 MR JORDASH: Thank you very much, Your Honour.

13 Q. Good morning, Madam Witness.

14 A. Good morning.

10:48:55 15 Q. I've just got a few questions. I'll probably be very
16 quick. Okay. If you don't understand something --
17 A. Yes.

18 Q. If you don't understand something, please say.

19 A. All right.

10:49:13 20 Q. You first left Koidu when the rebels attacked; is that
21 correct?
22 A. Yes.

23 Q. And this was when the rebels had been thrown out of
24 Freetown; is that correct?
10:49:57 25 A. That was the time.

26 Q. Before going to xxxxxx, had you stayed at xxxxxx for a
27 short time?
28 A. Before I left for Guinea I was in xxxxxx.
29 Q. Are you able to tell the time in months or do you tell

1 the time by the wet and dry season?
2 A. It was in the dry season.
3 Q. Were you in xxxxxx in the first dry season of 1998?
4 A. I cannot tell, because I cannot read or write. So I
10:51:23 5 don't know.
6 Q. Do you remember the year that the rebels were in --
7 sorry, let me start that again. Do you remember the year
8 that the rebels were thrown out of Freetown?
9 A. I cannot tell that year; I don't know.
10:51:52 10 Q. Are you able to say whether you stayed in xxxxxx before
11 going to xxxxxx for one and a half months approximately?
12 A. I was there for one month before I left for xxxxxx.
13 Q. Thank you.
14 A. Yes.
10:52:31 15 Q. And then you stayed in xxxxxx for about three months; is
16 that right?
17 A. I spent three months there.
18 Q. And then you crossed back across the border to
19 Sierra Leone looking for food; is that right?
10:53:10 20 A. Yes, I left there and came to Sierra Leone in search of
21 food, because I had children with me and we suffered a
22 lot of hunger there.
23 Q. Did you hear before -- let me start that again. When you
24 crossed back into Sierra Leone, had you heard whether
10:54:09 25 ECOMOG had thrown the rebels out of Koidu? Had you heard
26 that?
27 A. I did not hear that the rebels have been thrown out of
28 Koidu, because Tomandu is very close to Guinea, very
29 close to Guinea. Because when we went, we suffered

1 severe hunger, so I came over just to get food. But I
2 did not hear that they were thrown out of Koidu.
3 Q. Okay, thank you.
4 A. Yes.
10:55:06 5 Q. Madam Witness, could you just say the name again of the
6 head of the rebels who were responsible for capturing
7 you?
8 A. The one -- the head of those who captured us on that day
9 in xxxxxx is called Bockarie.
10:55:56 10 Q. Is this Rasta Bockarie?
11 A. He is called Bockarie.
12 Q. He was one of the 10 men - is that right - who was in
13 xxxxxx?
14 A. He was one of the 10.
10:56:36 15 Q. Thank you.
16 A. Yes.
17 Q. The man who you met in xxxxxx Town, who was the leader,
18 what his name -- his full name?
19 A. Alpha.
10:57:04 20 Q. Do you know his second name?
21 A. He told me he was xxxxxx.
22 Q. The man xxxxxx --
23 A. xxxxxxxxxxxx.
24 Q. He was a rebel; is that correct?
10:58:01 25 [No interpretation]
26 MR JORDASH: I received no translation.
27 PRESIDING JUDGE: There was none.
28 THE WITNESS: He was a civilian.
29 MR JORDASH:

1 Q. How do you know he was a civilian?
2 A. I did not see him with any gun. All I saw him was to go
3 and tap the palm tree and bring wine.
4 Q. So he was working for the rebels; is that correct?
10:59:03 5 A. He was tapping palm wine for them.
6 Q. He was also taking you as his wife, just like the rebels
7 did; is that correct? Just like the rebels behaved.
8 A. Yes, he did that exactly. What the rebels did, he did
9 the same thing. So he was instructed by the head that he
10:59:52 10 should not give me any chance. That he was to have sex
11 with me on daily basis.
12 Q. So the only difference you could see between xxxxxx and
13 the rebels was that he didn't have a gun; is that right?
14 JUDGE THOMPSON: well, counsel, the evidence is that he
11:00:38 15 was a -- [Overlapping speakers]
16 THE WITNESS: Yes, he did not carry any gun.
17 JUDGE THOMPSON: wasn't that the evidence we have so far?
18 PRESIDING JUDGE: You see, I don't think we should belabour
19 that.
11:00:42 20 JUDGE THOMPSON: [Overlapping speakers]
21 PRESIDING JUDGE: we should try to shorten our proceedings.
22 JUDGE THOMPSON: [Overlapping speakers] Yes, he was a palm
23 wine tapster.
24 PRESIDING JUDGE: Just some of these questions which to me are
11:00:52 25 really not relevant to the issues. We're wasting time,
26 and we shouldn't be wasting a lot of time in these
27 proceedings. Let us go to the essence of the facts in
28 issue, and limit the cross-examination, because the
29 Tribunal, you know, has been very, very patient with

1 counsel in an examination-in-chief or in
2 cross-examination. I do not think, you know, that we'll
3 continue this way.

4 MR JORDASH: well --

11:01:18 5 PRESIDING JUDGE: You may proceed, but this is, I think, an
6 advice that I'm giving to all the parties, because some
7 of the questions which are asked are considered by the
8 Tribunal as not being too relevant to the issues.

9 JUDGE THOMPSON: Learned counsel, my own point is for
11:01:38 10 clarification. As far as I understand, the evidence so
11 far is that he was a civilian. Why was he a civilian?
12 He didn't have a gun and he was a palm wine tapster. He
13 tapped palm wine for them. That is the state of the
14 evidence.

11:01:52 15 So if you say that the only difference between him
16 and the rebels was he didn't have a gun, it is my own
17 view that you are misrepresenting the evidence. Because
18 the emphasis from the beginning is that he tapped palm
19 wine for Alpha and for the rebels.

11:02:11 20 MR JORDASH: well, Your Honour, can I answer both of those --
21 JUDGE THOMPSON: Yes.

22 MR JORDASH: -- statements. Firstly, Your Honour's
23 interpretation of this witness 's evidence. When I asked
24 the witness whether xxxxxx was a rebel, she said no, he
11:02:29 25 was a civilian, he didn't carry a gun. whilst I accept
26 the witness also said he was a palm tapster --

27 JUDGE THOMPSON: Palm wine, palm wine.

28 MR JORDASH: Yes.

29 JUDGE THOMPSON: Yeah.

1 MR JORDASH: But she did not say that that was why
2 she distinguished -- [Overlapping speakers]
3 JUDGE THOMPSON: [Overlapping speakers] -- in-chief, yeah,
4 quite.
11:02:49 5 MR JORDASH: And perhaps I can also answer the Honourable
6 Presiding Judge's remark in the same context. That --
7 JUDGE THOMPSON: No, I just want a specific clarification;
8 that's all.
9 PRESIDING JUDGE: No, I don't want to get into any --
11:03:03 10 [Overlapping microphones]
11 JUDGE THOMPSON: I don't want to continue that.
12 PRESIDING JUDGE: I don't want to get into any polemics. I
13 would like you to proceed, you know, but bearing in mind
14 what comments I have made here.
11:03:10 15 MR JORDASH: Your Honour, I need to be able to say why this is
16 relevant. It is relevant, I would submit, because the
17 Prosecution's case partly involves suggesting that the
18 accused are responsible for abducting civilians. Now, if
19 Mr xxxxxx was abducted but then subsequently behaved like
11:03:37 20 a rebel, the Prosecution will need to prove that those
21 people who are or purport to be abducted, yet
22 subsequently act like rebels, are in fact telling the
23 truth about being abducted. And so if there is little to
24 distinguish those abducted from the rebels, then the
11:03:59 25 Prosecution, I would suggest, have an additional burden
26 to satisfy in relation to the abductions.
27 JUDGE THOMPSON: Speaking for myself, I do not know -- except
28 my own recollection of the evidence is inaccurate, at no
29 point during the examination-in-chief or the

1 cross-examination so far has she said that he was an
2 abductee - that xxxxxx xxxxxx was. But, of course, I'm
3 not saying that you cannot raise that in
4 cross-examination. But at no point, from the record,
11:04:33 5 unless my recollection is imperfect --

6 MR JORDASH: No.

7 JUDGE THOMPSON: She virtually said he's a civilian, he lived
8 with me, he was in fact xxxxxx 's palm wine tapper or
9 tapster, whichever one we want to use; and that's how she
11:04:52 10 repeated it. And so when you said to her "the only
11 distinction", I complained, because that's not the only
12 distinction.

13 MR JORDASH: well, it's not the only distinction that we here
14 may draw, but it may be the distinction that this witness
11:05:04 15 drew. And that's what I'm trying to explore.

16 JUDGE THOMPSON: But she also said he was a palm wine tapster
17 or tapper.

18 MR JORDASH: But didn't use that as a distinguishing feature.

19 JUDGE THOMPSON: well, I thought the evidence really -- I may
11:05:15 20 well have over-interpreted the evidence in that
21 direction. But I am not quarrelling with your right to
22 pursue your line of enquiry.

23 MR JORDASH: I am almost finished with my cross-examination.
24 But I was simply seeking to explore the phenomenon, which
11:05:29 25 we say existed, of civilians acting with the rebels
26 voluntarily, in effect, rather than every civilian being
27 an abductee, which is the inference one might draw from
28 the Prosecution case.

29 JUDGE BOUTET: [Overlapping speakers]

1 PRESIDING JUDGE: It would be very difficult to combat the
2 voluntariness. I don't know if Mr Alpha will be -- and
3 Mr xxxxxx xxxxxx will be here to say in what circumstances
4 he was tapping wine for Mr Alpha and so on and so forth.
11:06:12 5 My colleague is --

6 JUDGE BOUTET: Thank you. I just want to make sure I hear
7 your arguments about relevancy. Are you suggesting that
8 it's not necessarily that this xxxxxx individual may have
9 been or not -- but using that as an example -- or
11:06:36 10 scenario that may have happened.

11 [HS211004B 11.05 a.m.]

12 MR JORDASH: Yes.

13 JUDGE BOUTET: In other words, even though, as my colleagues
14 are saying that xxxxxx is not called, you're trying to
11:09:45 15 show that there might have been a pattern of civilians
16 that had been associated with, who were not abductees, or
17 if they were, they eventually became non-abductees by
18 their conduct, this type of thing; is that your position?

19 MR JORDASH: It's our case that whilst under some commanders
11:10:03 20 not under our control there were abductees, there were
21 also within the rebel movement civilians who voluntarily
22 worked with the rebels.

23 JUDGE BOUTET: They joined in as civilians.

24 MR JORDASH: They joined in. For the same reason I adduced
11:10:20 25 the evidence through Mr Johnson concerning I think it was
26 Janet, who was in love with one of the commanders and had
27 gone on to be responsible for atrocities, it's really
28 that phenomenon, but I've literally finished raising it
29 with this witness.

1 JUDGE THOMPSON: I'm satisfied with your clarification.
2 PRESIDING JUDGE: Thank you, learned counsel, you may proceed,
3 please.
4 MR JORDASH: Your Honour, thank you.
11:10:47 5 Q. Could I just ask you, Madam Witness -- and I'm sorry for
6 all this discussion around you, but can I just ask you,
7 in your mind did xxxxxx behave like a rebel?
8 A. What really xxxxxx did with me is to have sex with me on a
9 regular basis, and this also the rebels did, but I did
11:11:35 10 not see him do anything except that.
11 Q. Okay. Thank you very much. I've got no further
12 questions.
13 A. I thank you, also.
14 PRESIDING JUDGE: Does that clarify, Mr Jordash -- does that
11:12:13 15 reply, which says that xxxxxx had regular sexual
16 intercourse with this woman just like other rebels do,
17 give a suggestion that he was also -- he behaved like a
18 rebel?
19 MR JORDASH: He certainly didn't behave like a civilian
11:12:35 20 involuntarily conscripted, I would suggest.
21 PRESIDING JUDGE: Right, thank you.
22 THE WITNESS: He used to have sex with me too much beyond even
23 my own satisfaction, but I don't know any other thing
24 which he did to people.
11:13:07 25 MR JORDASH: Thank you, madam.
26 THE WITNESS: Thank you, also.
27 PRESIDING JUDGE: Mr Touray, Mr Nicol-Wilson?
28 MR TOURAY: I'll take this witness, Your Honour.
29 PRESIDING JUDGE: Mr Touray, you'll be on for about how long?

1 MR TOURAY: I don't know.
2 PRESIDING JUDGE: You cannot say?
3 MR TOURAY: I can't say.
4 PRESIDING JUDGE: We'll break for 10 minutes, please. The
11:13:56 5 Court will rise.
6 THE WITNESS: Am I also free to go?
7 [Break taken at 11.15 a.m.]
8 [On resuming at 11.30 a.m.]
9 PRESIDING JUDGE: We're resuming our session.
11:31:39 10 THE WITNESS: All right. Mr Cammegh and Mr O'Shea are not
11 there?
12 MR JORDASH: I think they may be down at the canteen.
13 PRESIDING JUDGE: Well, okay. We'll proceed, since it's
14 Mr Touray's turn. I hope that they will come in soon.
11:31:57 15 Mr Touray, you may proceed with your cross-examination of
16 this witness.
17 CROSS-EXAMINED BY MR TOURAY
18 MR TOURAY: Thank you, Your Honour.
19 Q. Madam Witness --
11:32:08 20 A. Yes.
21 Q. -- I'm correct to say it was at the xxxxxx farm --
22 JUDGE BOUTET: I see some signals from the public gallery.
23 They don't appear to be hearing what's going on in court
24 now.
11:32:37 25 PRESIDING JUDGE: From the interpreter.
26 THE INTERPRETER: Your Honour, can you get me from the
27 interpreters' booth?
28 PRESIDING JUDGE: Yes, I'm getting you.
29 JUDGE BOUTET: Do members of the public hear what we're saying

1 now; do you hear? Yes, they seem to be.
2 PRESIDING JUDGE: Can Mr Touray proceed? Mr Touray may
3 proceed, please.
4 THE WITNESS: All right.
11:35:04 5 MR TOURAY:
6 Q. Madam Witness, you were at Koidu, not so, during the war?
7 A. I was in Koidu.
8 Q. Were you trading there?
9 A. I don't trade at all; I'm a xxxxxx.
11:35:30 10 Q. You were doing xxxxxx work there?
11 A. I was doing xxxxxxxxxxxxxx.
12 Q. Now, it's correct to say, when you heard the rebels were
13 coming, you fled?
14 A. Yes, I heard of it -- I heard of their coming, so because
11:36:06 15 I have children so I moved away, because I have children.
16 Q. You did not see them at Koidu?
17 A. I did not see them in Koidu at the first time of their
18 coming.
19 Q. Okay. So it's correct to say the first time you saw
11:37:05 20 rebels was at xxxxxx farm where you were captured?
21 A. On my farm in xxxxxx where I was captured, that is the
22 place I saw them.
23 Q. Saw rebels for the first time.
24 A. In the first place -- that was the first place I knew
11:37:38 25 them as rebels.
26 Q. Now, at the house where you were staying with xxxxxx
27 xxxxxx, you said there were civilians there also in
28 xxxxxx?
29 A. In xxxxxx -- we were captured in xxxxxx Town, but we

1 never slept there. We came to xxxxxx Town.

2 Q. At the house where you were staying at xxxxxx Town there
3 were other civilians staying with you in the house?

4 A. In the same house there were civilians.

11:39:07 5 Q. Now, how many civilians were there?

6 A. I cannot really count them, because really I was afraid,
7 so I made no attempt to count how many civilians there
8 were.

9 Q. But you knew they were civilians like you?

11:40:49 10 A. Yes, they were there like me; civilians were there, many
11 of them like me, but I don't know the number.

12 Q. And in your evidence --

13 A. I did not get you.

14 Q. Yes, just hang on, please. In your evidence you said the
11:41:25 15 civilians used to go capture people.

16 A. It was not the civilians that went out and captured
17 people; it was the rebels that went out to capture people
18 and then brought them to the camp. They did that three
19 times where I was able to take note.

11:41:57 20 Q. Thank you.

21 A. Yes.

22 Q. Did you talk to these civilians?

23 A. No attempt -- I did not make any attempt, because we were
24 in such a very tight place, any attempt you make to talk
11:42:30 25 to somebody, you will be killed, because they will say
26 you are inciting the people to run away.

27 Q. So you did not talk to them throughout your stay with
28 them at xxxxxx Town?

29 A. I only spoke to those with whom I was in the same house.

1 Q. Those are the ones I'm talking about.
2 A. I used to talk to those with whom I was in the same
3 house.
4 Q. Were they mainly men, or women?
11:43:33 5 A. There were men as well as women.
6 Q. And you said one of the rebels who was the head was also
7 staying in the same house -- Halifa?
8 A. Yes, we are together in the same house.
9 Q. Now, you said those people who captured you told you
11:44:52 10 people they were RUF.
11 A. When we were captured, they told them themselves that
12 they were RUF.
13 Q. They told themselves?
14 THE INTERPRETER: They told you -- they told her themselves
11:45:12 15 that they were RUF.
16 MR TOURAY:
17 Q. Did you believe them?
18 A. Believe in them in what way?
19 Q. What they told you, because they could have been other
11:45:47 20 groups -- could have been Kamajors, CDF, or any other
21 ones. Did you believe them, that they were RUF?
22 A. I believed them, that they were RUF.
23 Q. Is there any reason why you did not believe that they
24 were the Kamajors -- the RUF?
11:46:37 25 MS STEVENS: Your Honour, I object to this question. The
26 witness has said that she believed the rebels told them
27 that they were RUF and she believed that they were RUF.
28 I really don't see the relevance as to asking her why she
29 didn't believe they belonged to another group.

1 JUDGE BOUTET: Your objection is overruled. He is in
2 cross-examination. I'll allow the question. But
3 Mr Touray, I'd like to see that line of question not to
4 be pursued too long, however --

11:47:09 5 MR TOURAY: [Overlapping speakers]

6 Q. Madam Witness, is there any reason why you did not
7 believe -- Madam Witness, do you hear me?

8 A. I can hear you. The reason why I refused to believe that
9 they were Kamajors is because they told them themselves
11:47:48 10 twice - many, many times that in fact they were RUF, so
11 I have cause to believe in them that they were RUF.

12 Q. Because they told you so?

13 A. Yes, they told me, so I have to follow that as a rule.

14 Q. Madam Witness, they could have been SLAs pretending to be
11:48:27 15 RUF.

16 MS STEVENS: Your Honour, the witness -- the previous question
17 the witness has responded why she believed that they were
18 RUF. A similar question was posed to her as to whether
19 or not -- as to why she didn't think there were other
11:48:49 20 groups -- that these rebels belonged to another group.
21 Now the same question has really been posed to her in a
22 slightly different fashion, but it's still the same
23 question.

24 JUDGE BOUTET: And you have been overruled before, so
11:49:02 25 I overrule again.

26 MR TOURAY: As Your Honour pleases.

27 Q. Now, if these people had told you they were SLAs, would
28 you have believed?

29 A. When the word or something comes from the horse's mouth,

1 you have no way of changing that. I mean, if he says
2 that he was an RUF, you have to follow that he was an
3 RUF.
4 Q. If they had said SLA, you would have believed, that is my
11:49:44 5 question.
6 A. Whatever they said that they were, I would have believed,
7 but because they told me that they were RUF, so I had
8 cause to believe.
9 Q. Thank you.
11:50:12 10 A. Yes.
11 Q. I'm putting it to you that those people were not RUF.
12 A. But they told me that they were RUF and I have to believe
13 that.
14 Q. Now, Madam witness, you told this Court that you cannot
11:50:44 15 read.
16 A. I don't know anything.
17 Q. So if you see the letter "R", you will not be able to
18 identify it?
19 A. I don't know -- I have not learnt anything. All I know
11:51:11 20 is my famine [sic].
21 Q. So the only reason why you said some of the men were
22 marked RUF was because of what Soh told you, that he was
23 going to mark them RUF -- because of what you were told?
24 A. Yes, I have cause to believe that, because before he did
11:51:53 25 that, he told me that they were going to mark "RUF" on
26 their backs, so I have cause to believe that it was RUF
27 that they were marked with.
28 Q. Madam witness, do you always believe what you're told --
29 never doubt?

1 A. whatever come from somebody's mouth, you have to believe
2 it, because it is not you who said it -- the person who
3 said it.
4 Q. Thank you.
11:52:58 5 A. Yes.
6 Q. Now, you said your husband escaped.
7 A. Yes, my husband escaped.
8 Q. That was when you were at the farm at xxxxxx, or xxxxxx
9 Town, or xxxxxx Town; where did he escape?
11:53:36 10 A. We were on the farm when he escaped.
11 Q. On the farm, he escaped. You were captured together as
12 members of the same family?
13 A. We were captured together.
14 Q. And the so-called rebels knew of the relationship between
11:54:32 15 you and him?
16 A. I did not tell them that he was my husband.
17 Q. But you told them you were not married?
18 A. I told them that I was married but my husband was in
19 xxxxxx.
11:55:01 20 Q. That was before he escaped; not so?
21 A. He was not there any longer; we were in xxxxxx Town when
22 I said that.
23 Q. So all along the rebels did not ask you the relationship
24 between you and the man together with whom you were
11:56:05 25 captured?
26 A. They did not ask me.
27 Q. But when he escaped, nothing was done to you. You were
28 all captured together, but when he escaped, nothing was
29 done to you?

1 A. When he ran away, they did not do anything to me.
2 Q. You said in your evidence when other people wanted to
3 escape or they escaped, you were almost killed, because
4 they said you incited them to escape.
11:57:56 5 A. That happened in ~~xxxxxx~~ Town, not where we were captured.
6 Q. That's what I'm saying. When those people wanted to --
7 or when they escaped, you were accused of having incited
8 them to escape and they wanted to kill you. When the man
9 escaped - the man with whom you were captured - nothing
11:58:18 10 was done to you.
11 A. The moment when my husband escaped --
12 PRESIDING JUDGE: [Microphone not activated] the husband
13 escaped, abandoned the wife, and that is it. How could
14 they have held him [sic] responsible, even to go to
11:58:48 15 threaten her, because her husband escaped?
16 MR TOURAY: What about the evidence that others who tried --
17 PRESIDING JUDGE: Go ahead, learned counsel. Go ahead.
18 MR TOURAY: I'm just trying to relate the two, Your Honour.
19 JUDGE THOMPSON: My own complaint there would be that isn't
11:59:03 20 this drawing the witness into a kind of line of argument
21 which would tend to be speculative and argumentative.
22 Isn't it a matter of inference -- you can argue what
23 inferences you want the Court to draw from that.
24 MR TOURAY: I [overlapping speakers] --
11:59:25 25 JUDGE THOMPSON: It would be speculative and highly futile.
26 MR TOURAY: Thank you, Your Honour. I take the cue from the
27 Bench.
28 Q. Now, this Soh, who you said did the markings, you knew
29 his younger brother; not so?

1 A. I know Soh's younger brother -- he's also called Soh.
2 Q. You had met him before, before your capture?
3 A. All those who captured us, including this Soh, I don't
4 know any of them. I didn't know them before we were
12:00:23 5 captured.
6 Q. My question is about small Soh, not Soh who did the
7 markings as you say. Did you know him before -- before
8 you were captured?
9 JUDGE THOMPSON: You mean Soh's younger brother?
12:01:01 10 MR TOURAY: Younger brother, yes.
11 JUDGE THOMPSON: Also called Soh?
12 MR TOURAY: Yes.
13 THE WITNESS: I didn't know him.
14 MR TOURAY:
12:01:09 15 Q. When did you know him?
16 A. The moment I knew him is when we came to ~~xxxxxx~~ Town and
17 that was the time that the elder Soh introduced him to
18 me, that he was his younger brother.
19 Q. So in fact the relationship between you and Soh was
12:02:00 20 amicable -- was an amicable one -- very friendly one; not
21 so?
22 A. There was no cordial relationship between us. I don't
23 know him for any kind of relationship.
24 Q. But he introduced his younger brother to you.
12:02:29 25 A. Yes, he showed me his younger brother -- that that was
26 his younger brother.
27 Q. Madam Witness, you said you used to do some domestic
28 cooking, laundering and everything.
29 A. Yes, I used to do this domestic work -- I used to pound,

1 I used to launder, I used to clean the house, I used to
2 do those things.
3 Q. And that includes doing it for yourself.
4 A. I was not doing it for myself. I was doing it for xxxxxx.
12:03:37 5 Q. Not xxxxxx?
6 A. No, it's for the very xxxxxx -- I forgot, it's Kotor.
7 Q. You also partake of the food. You were cooking for
8 yourselves -- I mean, you and xxxxxx?
9 A. Yes, I used to eat. It's mandatory that I should eat.
12:04:12 10 Q. Yes, for yourselves. Now, from the farm where you were
11 captured, you said you carried some loads going to
12 xxxxxx Town.
13 A. The rice which we collected to take to xxxxxx, it was the
14 same rice which we took and brought to xxxxxx.
12:04:56 15 Q. So in fact it's correct to say you were carrying your own
16 load.
17 A. Yes, it was mine, but when we were captured, it ceased to
18 be my own load. It was now -- it belonged to the rebels.
19 Q. Only when you got to xxxxxx Town, then you knew it was
12:05:33 20 not yours; that is your evidence?
21 A. Yes, that was where I knew that it was not mine.
22 MS STEVENS: That was not --
23 MR TOURAY: She has answered --
24 MR STEVENS: -- the evidence.
12:05:53 25 MR TOURAY: -- please.
26 PRESIDING JUDGE: The witness has said that she was carrying
27 her load, but that when she was captured, she knew that
28 it no longer belonged to her.
29 MR TOURAY: She has said it was when she got to xxxxxx Town.

1 PRESIDING JUDGE: Show preceded that with that. We're getting
2 all the notes.
3 MR TOURAY: That's what she said now.
4 MS STEVENS: I stood up for an objection because --
12:06:14 5 MR TOURAY: That's what she said now.
6 MS STEVENS: -- the evidence was misstated. The evidence was
7 that at Kissy Town was when the load was taken away from
8 them.
9 MR TOURAY: Yes, that is what I said. That's why she knew.
12:06:27 10 MS STEVENS: The question that counsel put to her was at
11 Tomandu.
12 MR TOURAY: Sorry, the location is different, I'm sorry, but
13 I meant Kissy Town -- that is where she knew the load did
14 not belong to her.
12:06:46 15 THE WITNESS: When we got to xxxxxx Town, the load we carried
16 was no longer ours. In fact, we never saw it the moment
17 we got there.
18 MR TOURAY:
19 Q. Yes, that's your evidence. Now, Madam Witness, xxxxxx
12:07:43 20 Farm is not too far from xxxxxx Town; not so?
21 PRESIDING JUDGE: Learned counsel, Tomandu what?
22 MR TOURAY: Tomandu Farm -- the farm itself where they were
23 captured --
24 PRESIDING JUDGE: Tomandu Farm, okay.
12:08:03 25 MR TOURAY: And the town.
26 Q. Not too far?
27 A. It was not really far from the town.
28 Q. And also from Tomandu Town to Kissy Town it's not far?
29 A. The journey is really long. I don't know the number of

1 miles, but it was a very long distance.
2 Q. Very, very long distance.
3 A. It's a long distance.
4 Q. What I want to suggest is they're within the same area,
12:08:55 5 the same neighbourhood -- they are within the same
6 neighbourhood, the same area. Has my question been put?
7 They are within the same chiefdom.
8 JUDGE THOMPSON: Counsel, be a bit specific. I don't
9 understand areas being synonymous with --
12:09:37 10 THE WITNESS: It's the same chiefdom.
11 JUDGE THOMPSON: [Microphone not activated].
12 MR TOURAY: I'm talking about chiefdom now.
13 Q. It was in the same chiefdom?
14 A. The same chiefdom.
12:09:51 15 JUDGE THOMPSON: She agrees.
16 MR TOURAY: Yes, she agrees.
17 Q. And you had lived at xxxxxx Town before.
18 A. My mother comes from xxxxxx.
19 Q. So you are no stranger to xxxxxx?
12:10:30 20 A. I'm not a stranger in xxxxxx. I'm a niece to Tomandu.
21 Q. Now, madam, what I'm trying to suggest to you is there
22 was every chance for you to have escaped, but you were
23 quite happy with the relationship.
24 JUDGE THOMPSON: wouldn't you put it separately?
12:11:21 25 MR TOURAY: Yes, I will do that.
26 Q. [Overlapping speakers]
27 A. Be under the rebels -- to be under the rebels it was not
28 my wish, but there was no way I could have escaped. If
29 I had escaped, then they would have been held somewhere

1 else by the same rebels, and my daughter was with them,
2 so I had no chance of escaping.
3 Q. Did you used to go find food?
4 A. When we were at Njagbema, we went out in search of food
12:12:36 5 once.
6 Q. Am I correct to say your husband -- your real husband --
7 is Koroma -- has a Koroma surname -- a Koroma surname.
8 JUDGE BOUTET: Mr Touray --
9 MR TOURAY: I'm not disclosing any identity. I've not called
12:13:09 10 the name. I've just said he has the surname xxxxxx.
11 JUDGE BOUTET: Surname?
12 MR TOURAY: Yes, surname.
13 JUDGE THOMPSON: Go ahead.
14 THE WITNESS: You mean my real husband?
12:13:26 15 MR TOURAY: Yes, indeed his surname is a xxxxxx.
16 MS STEVENS: Your Honour, we would just ask that counsel
17 just --
18 THE WITNESS: Yes, it's true, he is.
19 MR TOURAY: Just the surname -- I don't want to know the first
12:13:41 20 name, just the surname.
21 MS STEVENS: That's fine with us. We just ask that he treads
22 cautiously.
23 MR TOURAY: The first name will disclose the identity, so I'm
24 very cautious.
12:13:51 25 JUDGE BOUTET: Yes, but even the surname as such. I'm not
26 familiar with this particular community, but it may be
27 that the surname would be sufficient to many people to
28 know who you are talking about.
29 MR TOURAY: Koroma is a very common name in this [overlapping

1 speakers]
2 JUDGE BOUTET: well, it may be.
3 MR TOURAY: Just like there's a Touray here mentioned that's
4 one, and I'm a Touray as well.
12:14:09 5 JUDGE BOUTET: I'll take your word for it. I just mention
6 that I am concerned that a surname in one community may
7 mean one specific individual.
8 MR TOURAY: No, sir.
9 Q. This man you were with is xxxxxx xxxxxx as well?
12:14:35 10 A. My husband is xxxxxx -- we don't go with the name of the
11 husband, but he's xxxxxx.
12 Q. Yes. I said the man you were with, xxxxxx, is also xxxxxx
13 xxxxxx.
14 A. He is called xxxxxxxxxxxx.
12:14:57 15 Q. I'm suggesting to you that this was a man known to you
16 all along from xxxxxx.
17 A. which man?
18 Q. xxxxxxxxxxxx.
19 A. I didn't know xxxxxx xxxxxx in xxxxxx, but when I was
12:15:31 20 captured and brought, they handed me over to him as a
21 wife. That was the only time I knew him.
22 Q. [Inaudible] came from xxxxxx.
23 A. I don't know him from xxxxxx, because I was with my
24 husband in xxxxxx.
12:15:49 25 Q. Now, you said you packed up -- at the end you packed up
26 and left xxxxxx xxxxxx 's place.
27 A. Yes, I left him. Yes, I left him, because at that time
28 it was announced that all those holding on the captives
29 should leave them. That was the time I gathered my

1 children and went back to my husband.
2 Q. Now, madam, in your statement you made -- you remember
3 your statement was taken at Koidu some time about two
4 years back?
12:17:12 5 A. My statement after two years?
6 Q. Yes, was taken about two years ago at Koidu Town.
7 A. I did not say anything after that, but if I had said it
8 then, I have forgotten, but you should show me what
9 I said.
12:17:41 10 JUDGE THOMPSON: Counsel, why don't you be a little more
11 specific - what statement to whom.
12 MR TOURAY:
13 Q. The statement you made to one Mr Bobby Gboyor?
14 JUDGE THOMPSON: whether she recalls doing that.
12:17:56 15 MR TOURAY:
16 Q. Do you recall making that statement taken by Mr Bobby
17 Gboyor two years ago at Koidu Town?
18 A. The time they went and asked us, I cannot remember that
19 now.
12:18:20 20 Q. But did you make the statements to him?
21 A. I have forgotten about it.
22 Q. But if you see the gentleman in Court, would you be able
23 to recognise him?
24 A. Even the man you are calling Bobby Gboyor, I don't know
12:18:57 25 him at all.
26 Q. The one who took your statement, if you saw him in court,
27 would you recognise him?
28 A. I cannot really remember him.
29 Q. Okay. Let me just remind you. In that statement you

- 1 said, "We moved from xxxxxx Town to xxxxxx where we
2 spent eight months from xxxxxx. I managed to escape
3 and return to Koidu." That is how you left xxxxxxxxxxxx,
4 you escaped.
- 12:19:42 5 A. If you are talking about escape -- our escape to Koidu,
6 I came together with xxxxxx xxxxxx to Koidu.
- 7 Q. Yes. So you said you managed to escape and return to
8 Koidu?
- 9 A. I escaped together with xxxxxx xxxxxx -- we escaped from
12:20:13 10 Alpha -- myself together with my daughter and xxxxxx
11 xxxxxx, we escaped from them and came to Koidu.
- 12 Q. Thank you very much. No further questions.
- 13 CROSS-EXAMINED BY MR O'SHEA
- 14 PRESIDING JUDGE: Yes, Mr O'Shea; proceed, please.
- 12:21:19 15 MR O'SHEA: Thank you very much, Your Honour, I won't be long.
- 16 Q. Madam, good morning -- or good afternoon, sorry.
- 17 A. Good morning.
- 18 Q. I have very few questions for you. I won't be long. Do
19 you know the religion of xxxxxx?
- 12:21:50 20 A. He was a Christian.
- 21 Q. Did you at any stage have any kind of marriage ceremony
22 in a church with xxxxxx?
- 23 A. I was not really; I didn't go to church with him. My
24 husband - my proper husband - was a Muslim, so I was
12:22:21 25 following the Muslim religion.
- 26 Q. And you are a Muslim yourself, aren't you?
- 27 A. Even up to now.
- 28 Q. Was there any ceremony -- any marriage ceremony in a
29 mosque at any stage with xxxxxx?

- 1 A. The husband -- my real husband married me in the mosque.
2 They did it three times according to the religious
3 ceremonies in the mosque.
- 4 Q. But those religious ceremonies were not followed in the
12:23:02 5 case of xxxxxx; correct?
- 6 A. I was not formally married; no dowry was paid for me.
- 7 Q. Do you know what tribe xxxxxx belongs to?
- 8 A. All I know about him is xxxxxxxxxxxx. I don't know about
9 his tribe.
- 12:23:31 10 Q. would it be correct to say that there was no -- at no
11 stage any customary marriage ceremony with xxxxxx? Do you
12 understand what I mean if I say "customary marriage
13 ceremony"?
- 14 A. Yes.
- 12:23:53 15 Q. would it be correct to say that there was never any
16 customary marriage ceremony with xxxxxx?
- 17 A. There was no dowry between us. He doesn't in fact know
18 my relatives. He doesn't know my mother nor anybody
19 about me.
- 12:24:21 20 Q. Yes, thank you.
- 21 A. Yes.
- 22 Q. Now, just help me. I think I have this right, but if I
23 don't, you'll correct me. You were given to xxxxxx, as
24 you put it, in xxxxxx Town; is that right?
- 12:24:45 25 A. When we arrived at xxxxxx Town, that was there I was given
26 over to xxxxxx.
- 27 Q. And when you stayed with xxxxxx, you stayed in some kind
28 of house?
- 29 A. Where we stayed in xxxxxx Town, I was together with him

- 1 there all along.
- 2 Q. Did you stay in a house with him?
- 3 A. In the same house.
- 4 Q. And who else was in that house with you?
- 12:25:43 5 A. The people who were with us, they only spent the night
6 there. After that they left and I was only together with
7 them there.
- 8 Q. You've told this Court that you did a lot housework
9 during the day, including preparing food and laundry;
12:26:04 10 A. correct?
- 11 A. I used to do that -- every aspect of housework I did for
12 my husband I did it for him there. I used to launder,
13 cook and pound for him.
- 14 Q. And where would xxxxxx be generally during the course of
12:26:34 15 the day?
- 16 A. When the time comes for tapping, he will go out and do
17 his tapping and there are other times when he would be in
18 town with me.
- 19 Q. So were there times during the course of the day when you
12:27:12 20 would be alone in the house?
- 21 A. There were times when I'll be alone, but there are other
22 times when I will be together -- myself and him will be
23 in the room.
- 24 Q. When you were doing your domestic chores and preparing
12:27:42 25 food, did you also go and fetch water sometimes?
- 26 A. As I did my domestic work, doing cooking, I used to go to
27 fetch water, I used to go fetch firewood -- every aspect
28 of those things, I used to do them for him.
- 29 Q. Would you have to go far to fetch water?

- 1 A. It was a far place to fetch water.
- 2 Q. When you used to go to fetch water, did you go alone?
- 3 A. At the time when we were at xxxxxx, there was no little
4 child with me, so I used to go alone.
- 12:28:42 5 Q. And if I understood your evidence correctly, you were
6 with xxxxxx for one and a half years; is that right?
- 7 A. I was with him for one year and three months.
- 8 Q. Of that period of one year and three months, how much
9 time was spent in xxxxxx Town?
- 12:29:14 10 A. In xxxxxx Town we spent a month.
- 11 Q. And then did you go to xxxxxx?
- 12 A. I did not go with xxxxxx to xxxxxx -- in fact, he doesn't
13 know there.
- 14 Q. So you say you spent a month in xxxxxx Town. Where did
12:29:42 15 you spend the remainder of the one year and three months
16 that you were with xxxxxx?
- 17 A. When we were captured, we were brought to xxxxxx Town,
18 from there to xxxxxx and then to Kono. I counted all
19 those and it got up to one year and three months.
- 12:30:13 20 Q. All right. When you were in xxxxxx, how long were you
21 there?
- 22 A. I did not count the number of months we spent at
23 xxxxxx, but I put all together from the time I was
24 captured up to the time of my release, it was one year
12:30:38 25 and three months.
- 26 Q. In xxxxxx, were you staying in a house with Kotor?
- 27 A. I was in the same house with him.
- 28 Q. Okay. The house I was referring to earlier, was that the
29 house in xxxxxx that you were thinking of? When

- 1 I asked you questions about your domestic chores, were
2 you thinking of the house in xxxxxx?
- 3 A. The same duties that I performed in xxxxxx Town were the
4 same duties I performed when we reached xxxxxx.
- 12:31:29 5 Q. So when you were in xxxxxx, were there times that you
6 were alone in the house?
- 7 A. To be alone in the house, it was only during the day, but
8 in the night I was together with xxxxxx.
- 9 Q. And in xxxxxx -- in the house in xxxxxx, you also
12:32:08 10 went to fetch water?
- 11 A. There I used to fetch water, I used to cook, I used to
12 launder -- I did everything.
- 13 Q. And when you went to fetch water, did you go alone?
- 14 A. I used to go alone. I was alone there, so I used to go
12:32:37 15 alone. There was no little child with me there, so
16 I used to go alone.
- 17 Q. And did you have to go far to fetch water?
- 18 A. The distance was long.
- 19 Q. Forgive me, what was the name of the third place you
12:32:53 20 mentioned after xxxxxx?
- 21 A. The third place was in Koidu. After xxxxxx I didn't go
22 to any other place, I went to Koidu Town.
- 23 Q. And were you with xxxxxx in Koidu Town?
- 24 A. The same -- I was with him.
- 12:33:25 25 Q. And everything that I have asked you in relation to the
26 other two places, does that also apply in Koidu Town?
- 27 MS STEVENS: That question, Your Honour, doesn't --
- 28 THE WITNESS: The same duties I performed in the two places
29 were the same duties I performed in Koidu Town.

1 MS STEVENS: I wanted to see what the nature of the answer was
2 before I broke it down.
3 JUDGE BOUTET: I presume, given the answer, you have no
4 objection now. I know you stood up.
12:34:02 5 MS STEVENS: Yes, that's fine.
6 JUDGE BOUTET: Thank you.
7 MR O'SHEA: Thank you, madam, that's all the questions I have.
8 Thank you, Your Honours.
9 THE WITNESS: Yes.
12:34:47 10 PRESIDING JUDGE: Ms Stevens, any re-examination?
11 MS STEVENS: None for this witness.
12 PRESIDING JUDGE: No re-examination for this witness.
13 Q. Madam Witness --
14 A. Yes.
12:34:59 15 Q. You say you were captured with your daughter, who was
16 11 years old?
17 A. I was captured together with my daughter, who was
18 11 years old.
19 Q. Where is she now?
12:35:20 20 A. She's in xxxxxx.
21 Q. With you?
22 A. She's with me.
23 Q. Thank you.
24 PRESIDING JUDGE: Madam witness, thank you very much for
12:36:16 25 coming --
26 THE WITNESS: Yes.
27 PRESIDING JUDGE: Thank you for the assistance you've given to
28 all the parties in court and we are through with you now.
29 You may go, but if the necessity arises that you come

1 again, you'll be informed, but for now you can go. Thank
2 you very much. Have you heard me, Madam witness?
3 THE WITNESS: I have heard you.
4 [The witness withdrew]
12:36:57 5 PRESIDING JUDGE: Thank you. Ms Stevens, I hope there is a
6 witness ready for this afternoon.
7 MS STEVENS: Yes, there's one waiting in the wings and we're
8 ready to take on that witness.
9 PRESIDING JUDGE: We cannot start with that now, because we
12:37:18 10 want to take the witness and at least be done with the
11 examination-in-chief without breaking up. If we start
12 now, we'll go beyond 1.00 o'clock, so the Court will rise
13 and we'll resume sitting at 2.30. The Court will rise,
14 please.
12:37:52 15 [Luncheon recess taken at 12.38 p.m.]
16 [Upon resuming at 2.45 p.m.]
17 [HS221004C]
18 PRESIDING JUDGE: Good afternoon, learned counsel, we are
19 resuming the session. And yes, Prosecution, still Ms
14:41:18 20 Stevens?
21 MS STEVENS: Yes, with the next witness which is TF1-197.
22 PRESIDING JUDGE: TF1?
23 MS STEVENS: 197. And that witness will be testifying in
24 Kono.
14:41:40 25 PRESIDING JUDGE: Will testify --
26 MS STEVENS: In Kono.
27 PRESIDING JUDGE: In Kono.
28 MS STEVENS: Yes.
29 PRESIDING JUDGE: And this will be your 16th witness?

1 MS STEVENS: Yes, Your Honour.
2 PRESIDING JUDGE: Yes, can the witness be brought in now?
3 WITNESS: TF1-197 sworn
4 [Witness answered through interpretation]
14:44:31 5 PRESIDING JUDGE: Yes, Ms Stevens, the witness has been
6 sworn in.
7 EXAMINED BY MS STEVENS:
8 MS STEVENS:
9 Q. Good afternoon, Mr Witness.
14:44:36 10 A. Yes, afternoon. [In English]
11 Q. Mr witness, I'm going to ask you to try to speak a little
12 bit louder and to speak into the microphone. Do you
13 understand?
14 A. Okay. [In English]
14:44:58 15 [Technical difficulty]
16 THE INTERPRETER: There is problem with the mike.
17 MS STEVENS:
18 Q. Mr witness, can you hear me?
19 A. Yes.
14:45:43 20 THE INTERPRETER: I think there is still problem with the
21 language section - the mike.
22 MS STEVENS:
23 Q. You were born in xxxxxx in xxxxxx Chiefdom --
24 PRESIDING JUDGE: I think they are complaining that there is
14:45:56 25 still a language problem; I don't know.
26 JUDGE BOUTET: with the mike in the -- [Overlapping
27 microphones]
28 THE INTERPRETER: with the witness and the interpreter's
29 booth.

1 MS STEVENS:
2 Q. Mr witness, I understand you to be saying that you want
3 to talk -- [Overlapping microphones]
4 THE INTERPRETER: There is a problem. There is a problem.
14:46:07 5 There is a problem with the line between the witness and
6 the interpreter.
7 PRESIDING JUDGE: Is there an interpreter there who will
8 interpret?
9 THE INTERPRETER: Yes, but there is problem with the line.
14:46:12 10 PRESIDING JUDGE: Okay. Mr witness, you will talk in
11 Kono, mm?
12 THE WITNESS: Okay. [In English]
13 PRESIDING JUDGE: You will testify in Kono, and then they will
14 translate you and visa versa.
14:46:43 15 THE WITNESS: Okay. [In English]
16 PRESIDING JUDGE: Okay?
17 THE WITNESS: Right. [In English]
18 PRESIDING JUDGE: Right.
19 THE INTERPRETER: The line is now okay.
14:47:55 20 PRESIDING JUDGE: All right. okay, thank you.
21 THE WITNESS: Okay. [In English]
22 MS STEVENS:
23 Q. Mr witness, you were born in xxxxxx Chiefdom in Kono
24 District; correct?
14:48:09 25 A. Yes.
26 Q. And you grew up in Kono District?
27 A. There I grew up.
28 MS STEVENS: I did not get the translation.
29 THE INTERPRETER: Yes, there he grew up.

1 PRESIDING JUDGE: Are you getting the translation now?
2 MS STEVENS: If I could crave Your Honour's indulgence to take
3 the question again.
4 PRESIDING JUDGE: Yes.
14:49:06 5 MS STEVENS:
6 Q. Mr witness, you grew up in Kono District?
7 A. Yes.
8 Q. And can you read and write in any other -- in any
9 language at all?
14:49:17 10 A. No.
11 Q. You're married?
12 A. Yes.
13 Q. And you have children?
14 A. Yes.
14:49:36 15 Q. How many children do you have?
16 A. Five children.
17 Q. Are you currently employed?
18 A. For now I'm not employed.
19 Q. And during the time of the war, which started in 1991 in
14:50:05 20 Sierra Leone, were you working?
21 A. By then I was doing something; I was trading.
22 Q. Where was that? Where were you trading?
23 A. Well, I was based in xxxxxx.
24 Q. And did you stay in xxxxxx throughout the war?
14:50:41 25 A. No.
26 Q. Why not?
27 MR TOURAY: Sorry, Your Honour, I'm not getting it.
28 MS STEVENS: Mr witness, if you could hold for a moment.
29 PRESIDING JUDGE: A technical problem again. Mr Touray is in

1 trouble this time.

2 JUDGE BOUTET: Mr Touray, are you on the English channel or
3 the flow channel?
4 [Overlapping speakers]

14:51:15 5 PRESIDING JUDGE: It's okay now, yeah.

6 JUDGE BOUTET: So let's see again. Carry on.

7 MS STEVENS:

8 Q. Mr witness, you stated that you did not stay in xxxxxx
9 throughout the war. My question to you now is why not?

14:51:33 10 A. Because when the war started, those who were fighting,
11 they were doing things which was not good.

12 Q. When you say "those who were fighting," who are you
13 referring to?

14 A. By that time it was the RUF.

14:52:23 15 Q. Do you know who they were fighting?
16 A. The force police [sic], they were fighting with the
17 soldiers.

18 Q. Was there something specific about the conduct of the
19 rebels that made you leave xxxxxx?

14:53:10 20 A. Yes.
21 Q. Could you tell this Court what it was?
22 A. Yes.
23 Q. Please do.
24 A. There was a time when our president was overthrown in
14:53:46 25 this country. Then from the time they brought him back
26 again, those people moved from here and went up to Kono.
27 That made me not to stay in xxxxxx this last time -- this
28 last time.
29 Q. And where did you go to?

- 1 A. well, I left and went to xxxxxx.
- 2 Q. About how far is xxxxxx from xxxxxx?
- 3 A. It is within 6 miles or 7 miles.
- 4 Q. And how soon after the rebels had invaded Koidu did you
14:54:54 5 go to xxxxxx?
- 6 A. well, the last time I could remember was when they
7 brought back Kabbah and when they drove out the rebels
8 from Freetown.
- 9 Q. Mr witness, in terms of weeks are you able to tell us how
14:55:37 10 soon after the rebels came to Koidu that you left to go
11 to xxxxxx?
- 12 A. well, they took a time. Almost two weeks, almost.
- 13 Q. And these rebels that you said invaded Koidu, do you know
14 what group they belonged to?
- 14:56:19 15 A. Yes, what I can understand is that when they entered
16 Koidu, they entered with heavy firing.
- 17 Q. Do you know if they belonged to any group?
- 18 A. Yes.
- 19 Q. Please tell this Court what group they belonged to.
- 14:57:12 20 A. well, those who entered Koidu were RUF and AFRC.
- 21 Q. Now, how do you know that this group comprised of AFRC
22 and RUF members?
- 23 A. well, when we are in xxxxxx, they entered there; when I
24 left Koidu.
- 14:58:05 25 Q. How many times did these rebels come to xxxxxx whilst
26 you were in xxxxxx?
- 27 A. well, they went there twice.
- 28 Q. Now, let's talk about the first time when the rebels came
29 to xxxxxx. when the rebels came to xxxxxx, did you see

1 them?

2 A. Yes.

3 Q. And did they do anything when they came to xxxxxx?

4 A. well, when they first entered, they call us all that we
14:59:09 5 should come and hear what they have come to tell us.

6 Q. And did they tell you anything?

7 A. Yes.

8 Q. Please tell us what they told you.

9 A. well, the day they came in, the first person who talked
14:59:45 10 to us and explained about himself was in uniform. He
11 told us that he is a soldier. Then the other person was
12 dressed in military trousers, and the top was plain
13 trousers -- plain shirt. Then the soldier, who was
14 dressed as a soldier, told us that he was a soldier. He
15:00:25 15 told us that any time we seen them, let us not run; let
16 us come closer to them, because at times when people see
17 them they run away. Then the other young man, who was
18 dressed in the military trousers, told us that he is an
19 RUF man, and that any time we see them we should not go
15:00:52 20 run away. At that time they went with two vehicles.
21 when they talk to us, they went back.

22 Q. Mr witness, do I understand you to say that two people --
23 two of the rebels addressed you in xxxxxx? Is that your
24 evidence?

15:01:21 25 A. Yes.

26 Q. And about how many rebels altogether came to xxxxxx?

27 A. There were plenty; they went with two vehicles. They
28 could number to 10 or 20.

29 Q. Apart from these two whose attire you have described, how

1 were the others dressed?
2 A. well, the second visit when they visited us in xxxxxx,
3 they went with a great force at that time.
4 Q. Mr witness, I'm still on the first visit to xxxxxx.
15:02:55 5 First visit to xxxxxx, how were the rest of the rebels
6 dressed?
7 A. During their first visit, some were dressed and their
8 head tied with red headbands, some with white headbands.
9 Q. Do you remember what time of the year the rebels first
15:03:37 10 came to xxxxxx - whether it was in the dry season or in
11 the rainy season?
12 A. well, at that time I think it was the dry season, because
13 by then it was not raining too much again.
14 Q. Do you remember about how much time had passed, since you
15:04:18 15 left xxxxxx, that the rebels came to xxxxxx for the first
16 time -- or that you saw the rebels in xxxxxx for the
17 first time?
18 A. Could not -- I did not understand. I want you to repeat
19 your question again.
15:04:50 20 Q. About how much time had passed since the time that you
21 left xxxxxx and the time that the rebels visited xxxxxx
22 for the first time?
23 A. Lengthy time, but it was in a month.
24 Q. And after the rebels left, did you continue to remain in
15:05:44 25 xxxxxx?
26 A. Yes, when they first visited us, we stayed there, because
27 they didn't do anything to us.
28 Q. Now, let's talk about the second time that you saw rebels
29 in xxxxxx whilst you were living in xxxxxx. Do you

1 remember roughly about how many days or weeks had passed
2 between the first time you saw rebels in Tombodu and the
3 second time that you saw rebels in Tombodu?
4 A. By then I did not count the days or weeks, but it was in
15:07:01 5 a -- over a month. It was within the same month that
6 they visited back the same time.
7 Q. And this second time around, Mr witness, did you see the
8 rebels?
9 A. Yes.
15:07:28 10 Q. And can you please describe for this Court the conduct of
11 the rebels this time around?
12 A. Yes.
13 Q. Please tell us -- describe their conduct when they came
14 the second time around.
15:07:59 15 A. well, first and first, as you see Tombodu is a place --
16 before you enter there, you had two roads. when they
17 were coming at that time, when they reached closer to the
18 township, they came with gun firing, they came with a lot
19 of vehicles. By then, as they were coming, vehicle --
15:08:36 20 vehicle was in motion when they were jumping out of the
21 vehicle, firing guns in all directions, and people were
22 running into the bushes. They were running after people,
23 chasing them. The two roads that lead to Tombodu were
24 all attacked by them. They were firing and vehicles are
15:09:00 25 so many. Then we ran into the bush.
26 Q. Compare -- how were they dressed this time around?
27 A. The area where I was, some were dressed fully as military
28 men and some were not dressed as military men -- others
29 were like civilians.

1 Q. You have told this Court that you fled when the rebels
2 came. Do you know what the other residents of xxxxxx
3 did?
4 A. The rest of the civilians -- when those rebels came, we
15:10:20 5 all ran to the bushes.
6 Q. About what time of the day was it when the rebels
7 attacked Tombodu?
8 A. It was in the early morning hours.
9 Q. And did they leave Tombodu at all that day?
15:11:02 10 A. They almost stayed for the whole day, even though they
11 went back in the evening. But they were there for the
12 whole day.
13 Q. Now, Mr witness, did you and the other residents of
14 xxxxxx ever return back to xxxxxx that same day?
15:11:35 15 A. Yes, in the evening.
16 Q. And at the time that you returned in the evening, were
17 the rebels still there?
18 A. When we return in the evening, they were no longer there.
19 Q. Upon your return to xxxxxx, did you observe anything
15:12:29 20 unusual?
21 A. Yes.
22 Q. Please tell us what you saw.
23 A. Yes.
24 Q. Mr witness, can you tell us what you observed upon your
15:13:02 25 return to xxxxxx? Or will you please tell us what you
26 saw.
27 A. Well, what I could see with my own eyes, within where I
28 was seeing -- the route I took to the bush was the same
29 pathway I took to come back home. The incident I saw

1 that there was, very close to our house where we stayed,
2 I met a corpse lying by our house.
3 Q. And before you left xxxxxx and fled into the bush that
4 day, was this corpse lying by your house?
15:14:01 5 A. No.
6 Q. Please describe for us the condition in which you found
7 this corpse.
8 A. well, the man, the way we met him lying, he was shot in
9 the chest with blood all over his body. He was
15:14:41 10 shoot [sic] in the front and the bullet came from the
11 back, and the whole body was messed up with blood.
12 Q. Mr witness, do you know who this dead man was?
13 A. The man, I didn't know him by name, but according to what
14 I was told, that he was Maraca man.
15:15:36 15 Q. Mr witness, what about your house -- in what condition
16 did you find your house?
17 A. I met the doors were all broken.
18 Q. Before you fled into the bush, was this the condition of
19 your house?
15:16:26 20 A. No.
21 MR O'SHEA: Your Honours, may I just make an inquiry of the
22 Prosecution? I put it no further than that at this
23 stage. We have one witness statement for this witness.
24 Is the Prosecution under the impression that we have two?
15:16:50 25 I'd just like to know that. Sorry, we have three.
26 THE WITNESS: [No interpretation]
27 MR O'SHEA: If I could just put my inquiry in this way. How
28 many statements should we have?
29 MS STEVENS: I'm aware of three statements -- the existence of

1 three.

2 MR O'SHEA: All right, we'll see how it goes.

3 JUDGE BOUTET: You have them or not?

4 MR JORDASH: I have three -- we have three.

15:17:25 5 PRESIDING JUDGE: She says she is aware of three.

6 MR JORDASH: Yes. The difficulty which seems to be arising is

7 that my learned friend appears to be reading from a

8 statement and adducing evidence about damage to this

9 witness's house. We don't have a statement which deals

15:17:42 10 with damage to a house. We have a statement which deals

11 with a, I think, Maraca being dead, and I think that is

12 the corpse my learned friend has just referred to. But

13 there is no follow-up evidence about damage to a house.

14 That appears to have arisen from nowhere, but my learned

15:18:06 15 friend's questions appear to indicate she knew it was

16 coming. And I'm not suggesting she did, but that was the

17 indication, and I think that was the concern on the

18 Defence side.

19 JUDGE BOUTET: So what is your position, that she has another

15:18:19 20 statement that you don't have?

21 MR JORDASH: I am not making a statement at all about that.

22 But I am concerned that if my learned friend is about to

23 adduce evidence about damage to this witness's house and

24 she is aware of that evidence, we should have it

15:18:34 25 disclosed prior to it being adduced through Mr Witness.

26 THE WITNESS: [No interpretation]

27 PRESIDING JUDGE: Wait, wait.

28 MS STEVENS: Mr Witness, please wait.

29 THE WITNESS: [No interpretation]

1 MS STEVENS: Mr witness, please wait.
2 [Trial Chamber confers]
3 JUDGE THOMPSON: Learned Counsel Stevens, what is your
4 response to your colleague's observation? It is not yet
15:20:42 5 an objection; it's an observation I take it.
6 MS STEVENS: Your Honour --
7 JUDGE THOMPSON: At this stage, is it an observation or an
8 objection?
9 MR JORDASH: If it's --
15:20:53 10 JUDGE THOMPSON: At this stage. I am not saying it cannot
11 develop into --
12 MR JORDASH: I'll leave it as an observation.
13 JUDGE THOMPSON: An observation. I want to hear your response
14 -- or the Bench would like to hear your response to that.
15:21:05 15 MS STEVENS: Your Honour, the statement does make reference to
16 rebels invading Tombodu, and it is part of the
17 Prosecution's case that attacks were widespread and
18 systematic. I was merely eliciting from the witness what
19 his observations were upon his return back to Tombodu. I
15:21:28 20 do not intend to go any further beyond what I have
21 already elicited from the witness.
22 JUDGE THOMPSON: But their complaint so far, by way of an
23 observation, is that you are about to elicit evidence of
24 what he observed about his own house, and that nothing
15:21:50 25 that you've disclosed to them refers to that; or that if
26 there are three statements, there is no reference to this
27 particular piece of evidence.
28 PRESIDING JUDGE: Let me take it from where my learned
29 brother, you know, stopped. Is there anything in any of

1 the three statements you have that -- or do you have a
2 document there which has anything like the destruction of
3 a house, besides the mention of a Maraca man whose corpse
4 was seen? Do you have any document like that?

15:22:35 5 MS STEVENS: No, I don't, Your Honour.

6 PRESIDING JUDGE: So the question you are asking does not
7 emanate from a record you have in any of those three
8 statements?

9 MS STEVENS: None, Your Honour. It merely emanates from the
15:22:48 10 evidence that there was an attack in Tombodu, and, like I
11 said --

12 PRESIDING JUDGE: Because the question you put, I remember:
13 when you came back from the bush, did you notice anything
14 about your house? He said yes, and then he started
15:23:01 15 describing it. You see, that's the clarification in
16 which I wanted.

17 JUDGE THOMPSON: And I think - if we're right [sic], counsel
18 on the other side will correct us - you are saying that
19 is a material piece of evidence.

15:23:14 20 PRESIDING JUDGE: which should have been disclosed.

21 JUDGE THOMPSON: Is that what you're saying?

22 MR JORDASH: well, if this Court -- if the Prosecution were
23 aware that this corpse --

24 JUDGE THOMPSON: Do sit down, learned counsel.

15:23:25 25 MR JORDASH: -- referred to was positioned in front of this
26 witness's house, and the follow-on from that was this
27 witness observing damage to the house --

28 JUDGE THOMPSON: Yes.

29 MR JORDASH: -- whilst, of course, there is the principle of

1 orality --

2 JUDGE THOMPSON: Quite right.

3 MR JORDASH: -- there is the principle of disclosure.

4 JUDGE THOMPSON: Yeah.

15:23:43 5 MR JORDASH: And it would, I would respectfully submit, be
6 incumbent on the Prosecution to disclose that evidence if
7 they're aware of it. And my concern is that a specific
8 question about a house - the witness's house, following
9 evidence about a corpse, appears to suggest prior
15:24:00 10 knowledge.

11 JUDGE THOMPSON: In other words, the distinction here is not
12 just that this in itself is maybe a new piece of
13 evidence, but, even if it was part of a supplemental
14 evidence to the observation of a corpse, it's still
15:24:17 15 important to have been disclosed.

16 MR JORDASH: Absolutely.

17 JUDGE THOMPSON: Do I get you rightly?

18 MR JORDASH: Your Honour, yes, absolutely. If it's damage to
19 a witness's house, damage to houses -- [Overlapping
15:24:31 20 speakers]

21 JUDGE THOMPSON: Quite right.

22 MR JORDASH: -- it ought to be disclosed -- [Overlapping
23 speakers]

24 JUDGE THOMPSON: So in other words, whether it is supplemental
15:24:38 25 or main, it ought to have been disclosed.

26 MR JORDASH: Indeed.

27 JUDGE THOMPSON: Learned counsel, how do you answer to that?

28 MS STEVENS: Your Honour, as I said, I do not intend to pursue
29 this line of questioning. I do not intend to seek from

1 the witness what was -- if at all there was anything
2 other than the damage that he saw at his house. That's
3 all I intend to elicit from this witness.
4 The idea here being that the witness -- there was an
15:25:10 5 attack in Tomboodu; the witness fled. He did mention that
6 the route that he took was the same route -- the route
7 that he took exiting was the same route that he took back
8 up on entering. He mentioned that he found a corpse
9 laying by the house. I do not intend to go any further
15:25:30 10 beyond the witness's observation vis-a-vis what he saw on
11 the route going out, the route coming back in, the
12 corpse, his house.
13 JUDGE THOMPSON: But the question, really, is that the
14 observations in respect of his house are not embodied in
15:25:51 15 the statement that was disclosed to the other side. Is
16 that your position?
17 MS STEVENS: Yep.
18 JUDGE THOMPSON: You agree that that was not?
19 MS STEVENS: Yes, Your Honour.
15:26:03 20 JUDGE THOMPSON: And so they are alleging, therefore, that we
21 may well have here a breach of Rule 66(A)(i) of
22 disclosure rules. Are you formulating an objection?
23 MR O'SHEA: Can I just add a bit of clarity, if I can.
24 JUDGE THOMPSON: Yes, yes, go ahead.
15:26:23 25 MR O'SHEA: I think Your Honours have already seized the point
26 or the distinction, but I just want to ensure that your
27 Honours have seized the distinction. The distinction
28 here is that this new piece of information is not
29 something that has just fallen out of the witness's

1 mouth. It is something which counsel has deliberately
2 elicited from the witness's mouth. What about your
3 house?
4 So what we're saying is that if counsel has some
15:26:56 5 knowledge about the condition of the house prior to this
6 witness giving testimony, and is going to put a question
7 of that nature, then we are entitled to get that
8 additional information. So there's a different --
9 JUDGE THOMPSON: I think we're properly seized of the
15:27:13 10 distinction.
11 MR O'SHEA: Yes, yes.
12 JUDGE THOMPSON: In fact, that's why we're using language like
13 "main" and "supplementary". In other words, if this
14 particular piece of information was so vital to the
15:27:25 15 prosecution's case, and it may well have been omitted in
16 an earlier statement, there should have been -- could
17 have been, perhaps, a supplemental statement to which
18 disclosure in respect of which you're entitled.
19 MR O'SHEA: Yes.
15:27:41 20 JUDGE THOMPSON: Prior disclosure. So I think we're seized of
21 it; we know what the position is. It's for the
22 prosecution to persuade us that this is not new material
23 which could have been disclosed as supplemental material,
24 or should not have been in the original statement. And
15:28:05 25 if it's being led now, whether it's proper to allow
26 examination-in-chief on that particular statement or this
27 particular question to continue.
28 MR O'SHEA: May I have a moment?
29 JUDGE THOMPSON: Yes, certainly.

1 MR O'SHEA: Your Honours, we're quite happy for Ms Boi Stevens
2 to continue. We'd just like to make that note of caution
3 for her.

4 JUDGE BOUTET: Yes, but --

15:28:38 5 MR O'SHEA: In other words, we're not raising an objection on
6 this specific -- we're not going to raise an objection
7 now on this specific issue, but we --

8 JUDGE BOUTET: But the observation was made with respect to
9 damage to the house of this witness. So you're not
15:28:56 10 making anymore comment about that.

11 MR O'SHEA: Yes.

12 JUDGE THOMPSON: Are you reserving any right later on to do
13 something about that?

14 MR O'SHEA: If it develops, yes. At the moment --

15:29:06 15 JUDGE THOMPSON: Yes.

16 MR O'SHEA: -- it's fine.

17 JUDGE THOMPSON: All right.

18 MR O'SHEA: But it's more the methodology which is concerning
19 us at the moment.

15:29:12 20 JUDGE THOMPSON: Okay. Well, I'm sure the Bench would be
21 content with that. Let's see how it evolves. Okay.

22 PRESIDING JUDGE: Well, suffice it to say, in any event, you
23 know, that your observation is on the record, and that we
24 would proceed since you're not formulating an objection
15:29:33 25 for now. And on the understanding, of course, that your
26 observation is on the record. So if at any time you want
27 to formulate an objection on this, then we'll listen to
28 you at the time. [Overlapping speakers]

29 JUDGE THOMPSON: 'Cause you can revisit it --

1 PRESIDING JUDGE: You can revisit the issue.
2 JUDGE THOMPSON: -- at an appropriate time.
3 PRESIDING JUDGE: Yes.
4 MR O'SHEA: Well, I'm just trusting that my learned friend has
15:30:00 5 taken note of our observation and will prevent the
6 situation arising again.
7 PRESIDING JUDGE: The Bench also trusts the Prosecution, and
8 I'm sure the Prosecution would like to reassure the Bench
9 and, of course, their learned colleagues that they would
15:30:16 10 conform strictly, you know, to the rules of the game. Mr
11 Jordash, did you have any --
12 MR JORDASH: I second what my learned friend has said.
13 However, if we're about to enter this witness's house to
14 see a further catalogue of alleged crimes, then I
15:30:35 15 maintain the objection. But if we're leaving it at that,
16 then I'm happy to leave it at this.
17 PRESIDING JUDGE: Good.
18 JUDGE BOUTET: In this respect, then, I do have a question,
19 either from you or from Mr O'Shea.
15:30:49 20 I don't know, because the Prosecution has said they
21 don't have any information in the statement. All that
22 I've heard is they have relied on the evidence of this
23 witness that there's been an attack on the village, as
24 such. And one may assume that in attack there might be
15:31:07 25 damage over and above a body. So it may be based on the
26 assumption that there's been an attack, therefore, 'As
27 the result of an attack, has there been damage to your
28 house?', which is a very reasonable question given that
29 we're proceeding on the basis of an attack. It doesn't

1 mean that you have necessarily something in your hands
2 that says there's been damage. But this is not an unfair
3 question based on the evidence.

4 So that's why I'm trying to find what is your
15:31:30 5 objection? In other words, if the Prosecution is simply
6 -- this could be a fishing expedition, too. I don't know
7 what their case is, but I'm just relying on what they've
8 stated. The witness has said he saw this dead body, but
9 this is as a result of an attack on the village. So a
15:31:41 10 normal question which would follow is, 'As a result of
11 the attack, was your house damaged?', even though it's
12 not in the statement. You are saying she could not ask
13 that question?

14 MR JORDASH: well, what concerned me was the leap from 'corpse
15:32:06 15 outside a house' to a specific question about damage to
16 his house. Now, to my mind that wasn't necessarily --
17 that was a large leap, which, on a cynical Defence view,
18 indicates some type of prior knowledge. Now, if my
19 learned friend said she has no such prior knowledge, then
15:32:33 20 I am content to accept that reassurance. What I am
21 concerned about now, I suppose, is the next stage. If we
22 are about to embark on a whole series of questions about
23 damage to the house and damage inside his house, and
24 further alleged crimes inside the house going beyond
15:32:48 25 damage to the property, it might be nice if that had been
26 disclosed at an earlier stage.

27 JUDGE THOMPSON: well, that is why I suggested perhaps the
28 best thing is that you can advise yourselves to reserve
29 the liberty to revisit this issue, whether in the context

1 of a properly formulated objection, if it develops to a
2 point at which it appears to you to become prejudicial to
3 your clients or to violate some rule of disclosure. And
4 that was my suggestion, not to foreclose your options at
15:33:25 5 this stage. I'm not prepared to go into the merit of the
6 objection at this stage -- of the observation at this
7 stage.

8 MR JORDASH: I accept Your Honour's words of caution, I think,
9 entirely are correct.

10 JUDGE THOMPSON: Continue, learned counsel.

11 MS STEVENS:

12 Q. Mr witness, when you -- after you returned back to
13 xxxxxx and you found the dead corpse, you saw the status
14 of your house, did you remain in xxxxxx?

15:34:14 15 A. well, I didn't stay in xxxxxx when I met my house and
16 the corpse by my house. But I want to put up a question
17 to this man.

18 Q. Mr witness, for now I will ask the questions, okay.
19 Afterwards you will get the opportunity to respond to
15:34:50 20 questions put to you by the Defence. You understand?

21 A. I'm understanding, but, you know, I wanted to put a
22 question to the man who was making observation.

23 PRESIDING JUDGE: [Microphone not activated] Do you
24 understand?

15:35:16 25 THE WITNESS: [No interpretation]

26 PRESIDING JUDGE: Yes, answer questions, you know, for now, to
27 the best of your ability. You understand?

28 THE WITNESS: Okay.

29 PRESIDING JUDGE: I don't know to which man you are asking.

1 There are some three white people there. I don't know
2 which one you're referring to. Maybe it was your first
3 aggressor.
4 THE WITNESS: No, I wanted to ask the man who raised objection
15:35:49 5 on my -- on the damage on my house.
6 PRESIDING JUDGE: Okay, all right.
7 THE WITNESS: And things that concern my very self.
8 MS STEVENS: Mr witness --
9 PRESIDING JUDGE: That's all right, you'll just take -- we'll
15:36:04 10 continue. You'll only answer questions, you know, put to
11 you by the lawyer who is on her feet, Ms Stevens. Okay?
12 Then we'll proceed.
13 THE WITNESS: Okay.
14 PRESIDING JUDGE: Yes, Ms Stevens, you may proceed, please.
15:36:21 15 MS STEVENS:
16 Q. You did not stay in xxxxxx. where did you go?
17 A. At that time I went to the bush.
18 Q. Where was this bush in relation to xxxxxx Town?
19 A. Very close to xxxxxx, within xxxxxx bushes.
15:37:01 20 Q. Did you go by yourself?
21 A. No.
22 Q. With whom did you go?
23 A. One of the sons of the place and his family.
24 PRESIDING JUDGE: One of the sons.
15:37:34 25 THE INTERPRETER: "One of the sons of the land and his
26 family."
27 MS STEVENS:
28 Q. Where was your family at this time, Mr witness?
29 A. We are with them -- some of them.

1 Q. Was your family with you in the bush?
2 A. Yes.
3 Q. Now, when you and your family members went to the bush,
4 were you finally safe there?
15:38:26 5 A. No.
6 Q. Please tell us why you were not safe in the bush?
7 A. Even within the bush there they visited us again,
8 harassing us.
9 Q. And who are you referring to when you say "they" --
15:39:03 10 "they" were harassing you? Who was harassing you?
11 A. It is the same people that I talked about in the first
12 place: RUF and AFRC.
13 Q. Mr Witness, when the AFRC and RUF, to whom you have
14 referred to, went to the bush, did they do anything?
15:40:07 15 A. Yes.
16 Q. What did they do?
17 A. In that bush at one time we built our booths. At one
18 time, while we are in that booth -- it was not clearly
19 daytime, but it was about to be clear. While we are
15:40:56 20 lying in -- under the booth, the man came and held the
21 door of the booth and begun to beat the booth. They
22 called us all to come out. We are brought out and they
23 tied our faces with pieces. When we are blindfolded,
24 they started beating us with sticks and gun butts.
15:41:48 25 Well, during that time, there were black ants around
26 the area, and they held us and laid us in those black
27 ants.
28 When they started beating us, they asked us to
29 produce diamonds, palm oil and rice. They said because

1 we had lot of money on us in the bush -- they said if we
2 don't present the money, they know that there is a
3 businessman among us who had money. At that time we are
4 all screaming, crying; everybody was crying. At that
15:42:49 5 time, after beating us mercilessly, they said if we don't
6 produce the money they are going to kill us.

7 [HS211004D 3.45 p.m.]

8 At that time I had a market, I was selling cigarettes.
9 At that time, after beating us mercilessly, I was so
15:46:18 10 beaten that I was bleeding from my nose, through my eyes.
11 Then they began firing between our legs. Then I also
12 thought it wise that, before they kill all these people
13 for my own sake, because I was doing business, then
14 I told them that I am doing business. Then their leader
15:46:59 15 told them to stop beating us. Then they called me alone
16 among the rest. There was a big road leading towards the
17 bush -- they carried me there.

18 At the junction of that road, they clamped my feet
19 under me, and I fell. Then they took sticks again and
15:47:37 20 began beating me. Then they told me to produce the money
21 where I hid it. Then I told them that the money's there.
22 Then I told them that there is the market -- I have the
23 market with me.

24 Q. Mr witness, when they told you to produce the money if
15:48:01 25 you had some money, did you do so?

26 A. I presented the market first.

27 Q. This market or business that you're referring to, what
28 kind of goods did it comprise of?

29 A. I had cigarettes, Maggi cartons and cigarette cartons.

1 Q. And did you produce any money?
2 A. At first I didn't produce the money; I presented the
3 market and it was checked.
4 Q. Did you eventually produce the money?
15:49:24 5 A. At the time I produced the money was when I was stabbed
6 in the head - that's the area I'm showing you - I was
7 bleeding from the head, from the ear, from the nose; they
8 said I should produce the money.
9 JUDGE BOUTET: Madam Prosecutor, the witness was saying,
15:49:50 10 "I was bleeding from the head and this is what I'm
11 showing you" and put his hands to his head, but I didn't
12 see where it was. Can you ask him to show it again,
13 please, and at least show that for the record?
14 MS STEVENS:
15:50:06 15 Q. Mr witness, could you point to the part of your head, or
16 tell us which part of your head that you sustained a scar
17 when the rebels beat you?
18 A. [No interpretation]
19 [Witness points to scar]
15:50:29 20 JUDGE BOUTET: It's on the left-hand side of your head -- at
21 the top of your head.
22 MS STEVENS: No translation came through. The record can
23 reflect that the witness was pointing to the left-hand
24 side of his head.
15:50:54 25 JUDGE BOUTET: To a scar.
26 MS STEVENS: A scar on the left-hand side of his head, towards
27 the front portion of his head.
28 JUDGE BOUTET: Thank you.
29 MS STEVENS:

1 Q. And at that time, when they stabbed you in the head, did
2 you produce the money then?

3 A. I presented the money and all the documents that I had on
4 me. It was seized from me and checked. I had also a
15:51:34 5 bicycle. They took the bicycle from me, the bicycle
6 which I bought for my son -- all I had on me, everything
7 I had in the bush, I showed them and they took everything
8 away from me.

9 Q. Mr witness, when you said "everything they took", could
15:52:02 10 you please tell us what they took from you?

11 A. Yes.

12 Q. Please tell us.

13 A. At that time, what they took from me, I had Maggi, two
14 cartons, and also cigarette 55 was about three cartons,
15:52:46 15 and the money I presented with some other items and my
16 bicycle also.

17 Q. What was the amount of the money that was taken from you?

18 A. Well, that money was 500,000 Leones -- 500,000 Leones.

19 Q. Now, after you gave them the money and --

15:53:35 20 JUDGE THOMPSON: He didn't say that. He said they took it
21 from him.

22 MS STEVENS: I realised that as I was formulating the second
23 part of the question, Your Honour.

24 Q. Now, after they took the money from you, they took the
15:53:50 25 other goods from you, did they do anything to you?

26 A. Well, they didn't do any other thing with me. At that
27 time, when I was heavily beaten and they took away all my
28 property and the money from me, they left me there
29 helplessly and they went away.

1 Q. You indicated to this Court that there was a leader
2 amongst these rebels. Do you remember the name of their
3 leader?
4 A. Yes.
15:54:56 5 Q. What was his name?
6 A. Musa.
7 Q. Do you know his surname?
8 A. That's the only name I know -- they called him Musa.
9 Q. Did you know him before?
15:55:41 10 A. Well, I don't know him before, but the people who were
11 together, especially those who led us to the bush, told
12 us that he knew him and they were all at Maima.
13 Q. And do you know whether Musa had a boss?
14 A. Yes.
15:56:13 15 Q. Who was his boss?
16 A. Because that of my friend, who led us to the bush, told
17 us that their leader, who was at Maima, was called Staff
18 Alhaji.
19 Q. Mr witness, you also indicated that these rebels were
15:56:54 20 AFRC and RUF rebels. Please tell us how you know that
21 these were AFRC and RUF rebels.
22 MR O'SHEA: I think that question has been answered
23 actually -- it was put before.
24 JUDGE THOMPSON: Sustained.
15:57:37 25 MS STEVENS: Your Honour, when I asked the witness whether
26 they were finally safe in the bush, he said no, they were
27 captured by AFRC/RUF rebels. That is what I have down in
28 my notes.
29 JUDGE THOMPSON: My records show that the question had been

1 put.

2 MR JORDASH: Could I come to the rare assistance of my learned
3 friend for the Prosecution? That's not my understanding;
4 I would have to disagree with my learned colleague on
15:58:12 5 this occasion.

6 JUDGE THOMPSON: Let us hear Mr Jordash on that.

7 JUDGE BOUTET: Because my recollection on that, too, is that
8 question was asked, but at the very beginning of the
9 evidence --

15:58:15 10 [MULTIPLE SPEAKERS TRANSCRIPT INCOMPLETE]

11 JUDGE BOUTET: It was not that specific incident per se.

12 MR JORDASH: That's my understanding.

13 MR O'SHEA: That, I accept. It was at the beginning of the
14 evidence, and he was asked how did he know they were AFRC
15:58:32 15 and RUF.

16 JUDGE BOUTET: Now we are in the specificity of this
17 particular incident.

18 JUDGE THOMPSON: All right. Then we'll let the Prosecution
19 put the question again. Learned counsel for the
15:58:52 20 Prosecution, you can proceed.

21 MS STEVENS:

22 Q. Mr witness, these rebels who beat you, who took your
23 money from you, who took your bicycle from you, who took
24 all the valuables from you, do you know which group they
15:59:22 25 belonged to?

26 A. Yes.

27 Q. Which group did they belong to, Mr witness?

28 A. Because at that time they started arguing over the
29 articles when I was with them, that they should share

1 it -- one saying that they should carry it to his boss,
2 the other saying also to his own boss.

3 Q. Did they mention the names of the boss at all?

4 A. well, the man who was leading them by the name of Musa
16:00:35 5 said he was going to carry his own share to their boss,
6 Alhaji, and the other man says he was going to carry his
7 to their boss, the Commando.

8 Q. Did they say or do anything else to give you the
9 impression that they were with the AFRC and the RUF?

16:01:28 10 A. well, for Musa, he was fully dressed in military fatigue,
11 and for the others, they were dressed in that mixed-up
12 fashion -- military trousers and civilian clothes on top.

13 Q. After the rebels left, what did you do?

14 A. well, I returned back to my people where -- the force
16:02:12 15 that were flogging us, I went back to meet my people.

16 Q. And did you remain in the bush near xxxxxx after that?

17 A. well, when they did all that to us, I had a swollen head
18 and every part of me was aching. Me and my family and
19 the rest of the people who were with us in the bush, they
16:02:53 20 have just made a small distance from where we were.

21 Q. At the time of this incident, Mr witness, do you recall
22 which season it was -- whether it was the dry season or
23 the rainy season?

24 A. At that time it was the dry season -- it was raining, but
16:03:43 25 not as frequently as in the rainy season.

26 Q. And did you continue to remain in xxxxxx in Kono District?

27 A. well, the way they treated us, when we went further into
28 the bush, we moved from there.

29 Q. Did you ever leave xxxxxx District -- Kono District, I'm

1 sorry -- Kono District?
2 A. I left Kono District.
3 Q. Where did you go?
4 A. I went to xxxxxx.
16:04:48 5 Q. How soon after this incident which you encountered with
6 the rebels that you went to Guinea?
7 A. Well, I didn't check the time, but it took a length of
8 time -- not too long, but it was a little bit longer when
9 we left for xxxxxx, because we were travelling on road,
16:05:40 10 Q. So I made sure that I had some swelling come down and the
11 pain relieved before moving with my people.
12 Q. What season was this, Mr Witness?
13 A. In the dry season.
14 Q. Did anyone accompany you to xxxxxx?
16:06:25 15 A. Yes.
16 Q. Who accompanied you to xxxxxx, Mr Witness?
17 A. At that time I went with my wife, my children, and some
18 other people.
19 Q. And did you and your family members and the others with
16:06:58 20 whom you went to Guinea ever return back to Kono
21 District?
22 A. Yes, because the people who were together went together
23 again to Guinea.
24 Q. And at some point you returned back to Kono District; is
16:07:32 25 that your evidence?
26 A. Yes, I did return, because at that time it was announced
27 that ECOMOG has arrived in Kono.
28 Q. When you returned back to Kono District, was your family
29 with you?

1 A. Yes.
2 Q. Did you ever return to Koidu?
3 A. No.
4 PRESIDING JUDGE: What is "no"?
16:08:44 5 MS STEVENS: Did you ever return to Koidu, and he said "no".
6 THE WITNESS: I did not return to Koidu Town, because when you
7 said Kono, Kono is a big area. I returned to Kono, but
8 I did not return to Koindu Town.
9 MS STEVENS:
16:09:11 10 Q. Yes, Mr Witness, my question was specific to Koidu Town.
11 Did you attempt to go to Koidu Town?
12 A. Yes.
13 Q. And did you ever reach Koidu Town?
14 A. I did not reach in Koidu Town.
16:09:39 15 Q. Why not?
16 A. I was again captured.
17 Q. Where were you captured, Mr Witness, this time around?
18 PRESIDING JUDGE: Learned counsel --
19 THE WITNESS: At that time I was going towards Koidu -- I was
16:10:09 20 finding my way to Koidu --
21 PRESIDING JUDGE: At the second time of his capture, the Court
22 will rise for some time please. You will continue your
23 examination-in-chief from the second captivity, okay?
24 The Court will rise, please.
16:10:35 25 [Break taken at 4.10 p.m.]
26 [On resuming at 4.32 p.m.]
27 PRESIDING JUDGE: Yes, Ms Stevens, you may continue.
28 MS STEVENS:
29 Q. Mr Witness, before we left for the break --

1 PRESIDING JUDGE: Second captivity.
2 MS STEVENS:
3 Q. -- you were telling us about the second time that you had
4 been captured. Please tell this Court where you were
16:33:22 5 captured?
6 A. well, I was captured around xxxxxx.
7 Q. Do you remember the exact area around xxxxxx?
8 A. well, I was captured along the road.
9 Q. who captured you, Mr witness?
16:34:18 10 A. well, it was those rebels that captured me, and they had
11 guns with them.
12 Q. How many rebels captured you?
13 A. well, there were many. They could go up to six.
14 Q. were they armed when they captured you?
16:34:51 15 PRESIDING JUDGE: He said they had guns.
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: He said they had guns.
18 MS STEVENS: Okay.
19 PRESIDING JUDGE: Yes. Yes, please proceed.
16:35:01 20 MS STEVENS: I will proceed. I must not have heard him.
21 Q. These rebels who captured you, Mr witness, how were they
22 dressed?
23 A. well, they were dressed in that of their same code of
24 dress -- some had uniform on them and some did not have
16:35:34 25 uniform on them.
26 Q. And were you alone, Mr witness, when the rebels captured
27 you?
28 A. well, at that time I was with my younger brother.
29 Q. were either of you armed at all at the time the rebels

1 captured you?
2 A. No.
3 Q. what were you doing at the time that the rebels captured
4 you?
16:36:38 5 A. I was not doing anything. I was just finding a way to go
6 to xxxxxx.
7 Q. Do you remember which season this was at the time that
8 you were captured?
9 A. It was within the dry season.
16:37:12 10 Q. And roughly around what time of the day were you
11 captured, Mr witness?
12 A. At that time it was in the morning hours.
13 Q. After the rebels captured you and your younger brother,
14 what did they do?
16:37:59 15 A. well, at that time we were captured and they said they
16 were taking us to xxxxxx to their boss.
17 Q. Did they in fact take you to xxxxxx to their boss?
18 A. Yes.
19 Q. Do you know the name of their boss?
16:38:30 20 A. Yes.
21 Q. what was his name?
22 A. well, he was called Staff Alhaji.
23 Q. when the rebels brought you to their boss Staff Alhaji,
24 did Staff Alhaji say anything to you at all?
16:39:22 25 A. First of all, what he said, he said, "We are coming to
26 Koidu because we heard that ECOMOG have arrived," and
27 because of that he asked his men to tie us up.
28 Q. And did his men tie you up?
29 A. Yes, we were tied to a mango tree with wire.

- 1 Q. After you had been tied to a mango tree with a wire, did
2 the rebels do anything to you?
- 3 A. He commanded his men to be flogging us.
- 4 PRESIDING JUDGE: Was it Alhaji? "He" -- he who.
- 16:40:38 5 MS STEVENS:
- 6 Q. Mr witness, who are you referring to "he" -- he, the
7 person who gave the order?
- 8 A. It was Alhaji's command that they should flog us.
- 9 Q. And were you flogged?
- 16:41:02 10 A. Oh, at that day, we were well beaten -- they well flogged
11 us.
- 12 Q. What do you mean by saying they "well flogged" you?
- 13 A. Well, at that time, the wires were bound together and it
14 was with that wire again that they were flogging us with.
- 16:41:35 15 Q. How many rebels flogged you, Mr witness?
- 16 A. There were two -- one was flogging me and the other my
17 younger brother. When they beat us to their
18 satisfaction, they were commanded again to go and have a
19 rest and then they come again and flog us.
- 16:42:18 20 Q. For how long did this flogging continue, Mr witness?
- 21 A. It was a long period, because when they beat us, as they
22 are satisfied, he will ask them to have a rest and, after
23 some time, he will invite them again to have us beaten.
- 24 Q. After the beating stopped, Mr witness, what was your
16:43:07 25 condition?
- 26 A. At that time every part of my body was swelling because
27 of the heavy beating we had from the rebels with wire.
- 28 Q. Now, as the rebels were flogging you with this wire,
29 Mr witness, where was Staff Alhaji?

1 A. He was seated in the verandah.
2 Q. Was he by himself?
3 A. They were there seated in the verandah, in a chair.
4 Q. And from where you were positioned, were you able to get
16:44:34 5 a good view of him on the verandah?
6 A. Yes, because the mango was just by the side of the house.
7 Q. Mr witness, if you will, using the dimensions of this
8 courtroom, could you please give us an estimated distance
9 between where you were on the mango tree -- by the mango
16:45:12 10 tree and where Staff Alhaji was on the verandah?
11 A. Yes.
12 Q. Please do so.
13 A. The distance between me and Alhaji was just like from the
14 edge of my table where the bottle is to the point where
16:45:58 15 the first man on my right is seated, because the mango
16 tree was just by the side of the house wherein Alhaji
17 could be seen and he also can see me.
18 MS STEVENS: If the records could reflect that the witness has
19 given an estimated distance of about six to eight feet --
16:46:15 20 PRESIDING JUDGE: Les.
21 MS STEVENS: About six feet.
22 PRESIDING JUDGE: Six feet.
23 MS STEVENS: Estimated distance.
24 MR JORDASH: I'm six foot, and I think you would get nearly
16:46:42 25 two of me in that distance --
26 PRESIDING JUDGE: You're six foot what?
27 MR JORDASH: I'm six foot one and a half, actually.
28 PRESIDING JUDGE: You should be basketballing -- you are in
29 the wrong profession. You should have been a reacher,

1 shouldn't you.

2 MR JORDASH: It's been said before.

3 JUDGE BOUTET: Eight to ten feet.

4 MS STEVENS: I accept. From this vantage point, it seemed a
16:47:09 5 bit shorter, but I accept eight to ten feet.

6 Q. whilst you were tied up by the mango tree, did you
7 observe Staff Alhaji do anything whilst he was on the
8 verandah?

9 PRESIDING JUDGE: Let me ask him a question. Mr Witness --
16:47:42 10 Mr witness, would it be correct to say that Staff Alhaji
11 was watching you being beaten?

12 THE WITNESS: Yes, because he was seated in the verandah
13 looking at us.

14 PRESIDING JUDGE: Please proceed, Ms Stevens.

16:48:33 15 MS STEVENS:

16 Q. Did you observe Staff Alhaji do anything at all whilst he
17 was on the verandah?

18 A. Yes.

19 Q. Tell us what you observed?

16:49:03 20 A. Because the time we met them, there were two in the
21 verandah. Then they brought one woman and the woman was
22 there, because as soon we're tied -- as I explained
23 earlier, we were tied facing the verandah -- then he
24 brought out something like a gun from his pocket. Then
16:49:40 25 he commanded the woman, who was having a child on her
26 back -- then he asked the woman to put the child on the
27 verandah, and the woman placed the child on the verandah.
28 Then he commanded the woman to undress. At that time the
29 woman undressed. Then he began pointing and touching the

1 private of the woman. Then he told the woman to lie
2 down. At that time the woman lie down and he, Alhaji,
3 came and used the woman before us. At that time he used
4 the woman, they brought another Limba man again. He was
16:50:58 5 also beaten. As he had completed what he was doing, then
6 he ordered his men to loose us. we are loosed.
7 Q. Okay, Mr witness, if I can stop you there. Before Staff
8 Alhaji used the woman, when he removed his gun, did you
9 see him do anything with the gun?
16:51:54 10 A. He pointed the gun in the ears of the woman, but he did
11 not fire.
12 Q. Do you know if he said anything to the woman?
13 A. The only thing he did to that woman was having sex with
14 the woman, but he didn't flog the woman before me.
16:52:27 15 I didn't see that.
16 Q. My question to you, Mr witness, was whether or not, after
17 Staff Alhaji pointed the gun at the woman, if you are
18 aware whether he said anything to her.
19 A. The only thing he told the woman was for the woman to lie
16:53:02 20 down on the ground and he had sex with the woman.
21 Q. After the rebels finished flogging you and your brother,
22 what did they do next?
23 A. He asked them to loose us.
24 Q. And did they do that?
16:53:54 25 A. Yes.
26 Q. And did they do anything to you after that?
27 A. Yes.
28 Q. what did they do?
29 A. Then he commanded his men to take us to their boss.

1 There he said they should go and kill us.
2 Q. who gave the order that you should be taken to their
3 boss?
4 A. It was Alhaji who ordered his men that they should take
16:54:56 5 us to his boss.
6 Q. were you taken to Staff Alhaji's boss?
7 A. Yes.
8 Q. Do you know the name of Staff Alhaji's boss to whom you
9 were taken?
16:55:29 10 A. He was not named to us. I don't know his name.
11 Q. where was this boss -- Staff Alhaji's boss to whom you
12 were taken?
13 A. He was in Tombodu towards the end of the Barri, there
14 they took us.
16:56:02 15 Q. Now, when the rebels took you to Staff Alhaji's boss, did
16 the boss say anything to you?
17 A. Yes.
18 Q. what did he say?
19 A. when they took us to the boss, he told -- they told him
16:56:50 20 that Staff Alhaji had ordered them to bring us to him for
21 them to kill us, but the boss said, "No, we're not going
22 to kill them today. we're going to keep them for
23 tomorrow," and he ordered that they should put us into
24 this cell.
16:57:07 25 Q. were you put into a cell?
26 A. Yes.
27 Q. And for how long were you kept in the cell?
28 A. we were there for the whole night.
29 Q. How many of you were in the cell?

1 A. We're about nine.
2 Q. Please tell us what happened when you were in the cell?
3 A. [No interpretation]
4 THE INTERPRETER: Your Lordship --
16:59:09 5 MS STEVENS:
6 Q. Mr witness, please slow down and just stop every now and
7 then. Slow down. [Microphone not activated]
8 THE INTERPRETER: The rain is coming, will you hear me?
9 PRESIDING JUDGE: Yes, we're hearing you. We're hearing you.
16:59:42 10 Let's proceed, please.
11 THE WITNESS: We were in the cell when we had people crying
12 outside saying that, "They're killing us."
13 MS STEVENS:
14 Q. Do you know what happened to those people whom you heard
17:00:12 15 saying, "They're killing us"?
16 A. In the evening hours, when the sun is now almost set,
17 they took us out of the cell. We're about six.
18 Q. When you were taken out of the cell, where were you taken
19 to?
17:01:04 20 A. They took us toward the park where we sat with them.
21 Q. Were you given any instructions at all?
22 A. We met dead bodies there.
23 Q. And what happened to these dead bodies?
24 A. The corpse we met there were three in number. Stones
17:01:53 25 were tied on them -- they were lying there in the open.
26 Q. And do you know who these three men were?
27 A. They were all men.
28 Q. Did you know their names or where they came from?
29 A. No.

1 Q. In what condition did you find these corpses?
2 A. They all had blood on them.
3 Q. And, Mr witness, do you know if these corpses were buried
4 at all?
17:03:38 5 A. well, at that time we were asked to take the bodies.
6 Q. who asked you?
7 A. Those who released us from the cell.
8 Q. And who were the people who released you from the cell?
9 A. It was those rebels.
17:04:07 10 Q. where did you take the bodies to?
11 A. There was a pit by the park where we were seated -- a big
12 pit filled with water. There they took the corpse and
13 threw them in there.
14 Q. was this pit known to you by any particular name?
17:05:02 15 A. Come again?
16 Q. Do you know if this pit was referred to by any particular
17 name?
18 A. The time we took these corpse to the pit and threw them
19 there, I never knew the name, because we were just
17:05:40 20 ordered to throw them there. I don't know the name of
21 the pit.
22 Q. Did you ever come to know later that this pit was
23 referred to by any particular name?
24 A. It was later I was informed that that pit was called
17:06:08 25 Savage Pit.
26 Q. After you dumped the bodies in this pit called Savage
27 Pit, did you ever return back to the cell?
28 A. Yes, we were taken back to the cell and closed on us.
29 [HS211004E 5.07 p.m.]

1 Q. Mr witness, who eventually -- how were you eventually
2 released from the cell?
3 A. well, while we were in the cell there, we were praying
4 fervently - Muslims, Christians, we are all praying.
17:05:11 5 Q. And after your prayers, what happened?
6 A. well, after the prayer, it appeared as if it was
7 daybreak.
8 Q. Did anyone come to release you at all from the cell?
9 A. well, what exactly happened, when it appeared that as if
17:06:07 10 it was daybreak, what happened, when we touched the door,
11 the door just open.
12 Q. what gave you the impression, Mr witness, that it was
13 daybreak?
14 A. well, while we were in the cell -- it was not daybreak,
17:06:44 15 as such, but it appeared as if it was becoming daybreak.
16 when we came out, we saw the whole town now on fire.
17 PRESIDING JUDGE: They saw the door opened. The door -- the
18 door opened. what happened? what --
19 JUDGE THOMPSON: That's left hanging.
17:07:05 20 PRESIDING JUDGE: Yes.
21 MS STEVENS: I'm coming to that, Your Honour.
22 JUDGE THOMPSON: Okay.
23 PRESIDING JUDGE: Because he's already in town and there is
24 fire in town.
17:07:14 25 MS STEVENS: I was pursuing a particular line of questioning.
26 Q. Mr witness, when you came out of the cell, what did you
27 observe?
28 PRESIDING JUDGE: They tested the door, it opened. To their
29 surprise, I would imagine. The door, you know, which was

1 locked, this time was open. They tested it and it was
2 open. What did they do? You see, the point I'm driving
3 at is was he -- did people release him or they escaped
4 from captivity. That is it. Let's get the notes clear.

17:08:18 5 JUDGE THOMPSON: And, counsel, I don't know whether you're
6 abandoning the earlier line, because the whole thing --
7 this particular episode begins from while we were in the
8 cell 'we're praying fervently, Christians and Muslims
9 alike'.

17:08:35 10 THE WITNESS: Yes.

11 JUDGE THOMPSON: After the prayers, it appeared as if it was
12 daybreak. Didn't say it was daybreak; it appeared as if
13 it was daybreak. 'When we touched the door, it just
14 opened'.

17:08:46 15 THE WITNESS: Yes.

16 JUDGE THOMPSON: That seems to be the sequence. I don't know
17 whether you are abandoning that episode and moving on to
18 something else. Am I right? I mean, that's how you --
19 because that was what I got.

17:08:59 20 MS STEVENS: I was actually --

21 JUDGE THOMPSON: It was the prayers and as if there's some
22 miracle going to happen, from my own perspective.

23 MS STEVENS: I was trying to find out -- [Overlapping
24 speakers]

17:09:12 25 THE WITNESS: That was exactly what happened.

26 MS STEVENS:

27 Q. Okay, Mr witness, do you know -- you and the others in
28 the cell were praying, and after that, at some point in
29 time, you found the door unlocked. Do you know who

1 unlocked the door?

2 A. No. And when we stopped praying, as we touched the door,
3 it opened. We don't know whether somebody opened it or
4 it opened by itself, but as we touched it, it was open.

17:10:12 5 Q. And at that point did you leave the cell?

6 A. Yes.

7 Q. Upon leaving the cell, Mr Witness, what did you observe?

8 PRESIDING JUDGE: Were they released from the cell?

9 Mr Witness, were you released from the cell or you
17:10:41 10 escaped from the cell?

11 THE WITNESS: We were not released; we escaped on our own. By
12 the time we came out -- we came out, we saw a big fire in
13 the town.

14 PRESIDING JUDGE: Yes, learned counsel, you may proceed,
17:11:29 15 please. This time in town with a big fire.

16 MS STEVENS:

17 Q. And when you came out of the cell, Mr Witness, were there
18 any rebels around?

19 A. No, I didn't see anybody.

17:11:56 20 Q. Were any of the buildings on fire?

21 A. Yes, the houses are on fire.

22 Q. Do you have any knowledge as to how the fire started?

23 A. No.

24 Q. And at that point, Mr Witness, what did you do?

17:12:40 25 A. When we came out of this cell, I saw that huge fire. I
26 was afraid, so I hid myself.

27 Q. Did you leave xxxxxx at all that day?

28 A. Yes, I don't wait for daybreak; I went into the bush.

29 Q. Are you aware which group the rebels that you found in

1 xxxxxx belonged to?

2 A. Yes.

3 Q. Please tell us which group, Mr witness.

4 A. Well, it was RUF and AFRC, because they drove us out of

17:14:11 5 the town.

6 Q. And which town are you referring to when you say the RUF

7 and AFRC drove you out of?

8 A. xxxxxx.

9 Q. About how many rebels did you see in xxxxxx?

17:14:43 10 A. They were many. I didn't know their count. Even when

11 they were carrying us, I didn't know how many of them.

12 There were many.

13 Q. Mr witness, can you help us a little bit here. Were they

14 more than 10, more than --

17:15:12 15 PRESIDING JUDGE: Let me -- we are informed by the Court

16 Management Section that we have a serious problem with

17 staffing - the stenographers and recorders. And that

18 they have been praying the Tribunal for some weeks, you

19 know, to wrap up sessions at 5.30. So we shall find

17:15:39 20 ourselves, you know, ending our sessions at 5.30 instead

21 of 6.00 o'clock, because of the lack of personnel in

22 Court Management. While this will last for as long as it

23 will take them to recruit more staff, and for those who

24 are going away because of illnesses to be replaced or to

17:16:07 25 come back.

26 So I just wanted to remind learned counsel that we

27 would be rounding up at 5.30. You may continue with your

28 examination-in-chief tomorrow if you can't wrap up in the

29 next 10 minutes. That is the information I wanted to

1 communicate not only to you, but to learned counsel on
2 both sides. So you may proceed. From today we will be
3 sitting only up to 5.30 until further notice. But the
4 first sessions in the mornings and our hours in the
17:16:53 5 afternoon remain unchanged as to when we come in. I hope
6 I'm fully understood, please.

7 MR JORDASH: Yes, Your Honour.

8 PRESIDING JUDGE: Right, okay.

9 MS STEVENS: I take note, Your Honour.

17:17:07 10 Q. Mr witness, I want you to help us a little bit with the
11 number of rebels that you saw in xxxxxx when you were
12 captured the second time. Were they more than 10, were
13 they more than 50, were they up to a hundred? If you
14 could help us, please.

17:17:41 15 A. What I'm telling the Court is that the time they captured
16 me and took us to xxxxxx, there were many; I couldn't
17 count them. There was no time to count those people.

18 MS STEVENS: Your Honour, I am getting into a new area now. I
19 realise the time. I mean, we're still early - 5.20.

17:18:17 20 PRESIDING JUDGE: Yes.

21 MS STEVENS: I could continue, but I am in the Court's hands.

22 PRESIDING JUDGE: No, I'm afraid not. We're in the situation
23 where we find ourselves and the Chamber has exceptionally
24 granted the request of the Court Management Section, you
17:18:44 25 know that we function this way for some time. So if you
26 have to go into a new chapter, it will certainly go
27 beyond 5.30. So I think it's advisable that we start
28 from there, while we take on the new chapter tomorrow
29 morning when we resume at 9.30. Is that all right, Ms

1 Stevens?
2 MS STEVENS: That is fine with us, Your Honour.
3 PRESIDING JUDGE: All right, okay. well, learned counsel,
4 that is what it is. We would rise and, like the French
17:20:26 5 would say, malgre nous, and we shall resume tomorrow at
6 9.30.
7 [whereupon the hearing adjourned at 5.20 p.m., to be
8 reconvened on Friday, the 22nd day of October 2004, at
9 9.30 a.m.]
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ELLA K DRURY - SCSL - TRIAL CHAMBER I

C E R T I F I C A T E

We, Ella K Drury and Maureen P Dunn, 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.

Ella K Drury

Maureen P Dunn

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-016	2
EXAMINED BY MS STEVENS	3
CROSS-EXAMINED BY MR JORDASH	21
CROSS-EXAMINED BY MR TOURAY	30
CROSS-EXAMINED BY Mr O'SHEA	45
WITNESS: TF1-197	52
EXAMINED BY MS STEVENS	52