

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

TUESDAY, 29 NOVEMBER 2005
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Ms Shyamala Alagendra Mr Mark Wallbridge (Case Manager) Ms Hannah Hinton (intern)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi Ms Salwa Chowdhury
For the accused Morris Kallon:	Mr Shekou Touray Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF29NOV05A - RK]
2 Tuesday, 29 November 2005
3 [Open session]
4 [The accused Sesay and Kallon present]
09:33:08 5 [The accused Gbao not present]
6 [Upon commencing at 9.40 a.m.]
7 PRESIDING JUDGE: Good morning, counsel. So,
8 Mr Prosecution, where are we this morning.
9 MR HARRISON: The next witness is TF1-169, as was discussed
09:41:35 10 yesterday afternoon. That is the third of the Rule 92 bis
11 application witnesses. What the Prosecution foresees doing is
12 tendering as an exhibit the transcript from the two days in which
13 that witness testified before Trial Chamber II and the two
14 exhibits tendered through that witness as exhibits in this trial.
09:42:13 15 Then he would be present for cross-examination. I was informed
16 this morning that the first accused does not intend on
17 cross-examining the witness. As I had indicated to the Court,
18 the third accused had previously told me that the third accused
19 would not be cross-examining. So as I understand it, it is the
09:42:36 20 second accused who wishes to cross-examine this witness.
21 If I can just inform the Court, as well, that for this
22 witness there was a closed session ordered by Trial Chamber II
23 and again we're asking for a closed session for the
24 cross-examination.
09:42:55 25 PRESIDING JUDGE: I take it, too, from this last comment
26 that the tendering of TF1-169's transcript of evidence is also to
27 be filed on a confidential basis.
28 MR HARRISON: Yes, that's correct. It was done in closed
29 session, so we would be asking that the transcript and the

1 exhibits be done on a confidential bases.

2 PRESIDING JUDGE: And the transcript, Mr Harrison, is - I
3 have a copy in front of me - Thursday, 7 July.

4 MR HARRISON: That's correct. It actually starts on
09:43:34 5 wednesday, 6th July. I will use the court numbering pages this
6 time.

7 PRESIDING JUDGE: Yes.

8 MR HARRISON: It starts at court numbering 13978 and goes
9 to 14077. And then on 7th July 2005 the transcript, as numbered
09:44:03 10 by the Court Management numbering system, is 14078 to 14105. And
11 the exhibits which were tendered through the witness are Court
12 Management numbering 16941 to 16944. The first exhibit is
13 labelled as P28 before Trial Chamber II, the second exhibit is
14 labelled as P29, and the Court Management numbering is 16945 to
09:44:59 15 and including 16952. And we would be suggesting that the four
16 documents be one exhibit as A, B, C and D.

17 PRESIDING JUDGE: Just for some clarification, Mr Harrison,
18 these exhibits, could you briefly say what they are? I just
19 looked at them and the first one is the one that was exhibited as
09:45:22 20 P28.

21 MR HARRISON: These are documents prepared by the witness
22 describing damages in Freetown. I would prefer to actually
23 describe it in a bit more detail in closed session if the court
24 would wish, because there is some --

09:45:40 25 PRESIDING JUDGE: Some information that could --

26 MR HARRISON: Yes.

27 PRESIDING JUDGE: Mr Jordash?

28 MR JORDASH: No observations and no objections.

29 PRESIDING JUDGE: Mr Taku?

1 MR TAKU: No objections, Your Honour.

2 PRESIDING JUDGE: If you would remain standing up. I have
3 just heard the Prosecution say that they would ask this to be
4 tendered as an exhibit. I understand you have no objection, but
09:46:17 5 further to that they just indicated that you still wish to pursue
6 cross-examination of this witness.

7 MR TAKU: Yes, Your Honour.

8 PRESIDING JUDGE: As you have heard, this witness has
9 testified in Trial Chamber II in a closed session, so we will
09:46:31 10 have to move into that scenario. But just for the members of the
11 public that are in attendance this morning, how long do you
12 expect your cross-examination to be?

13 MR TAKU: Your Honour, just one minute, let me consult.

14 PRESIDING JUDGE: Just a very rough figure.

09:46:41 15 [Defence counsel conferred]

16 MR TAKU: Your Honours, on the high side two hours, but
17 definitely it will take less than that.

18 PRESIDING JUDGE: Thank you. Mr Cammegh, any objection to
19 and no cross-examination?

09:47:05 20 MR CAMMEGH: No, no objection, no cross-examination.

21 PRESIDING JUDGE: Thank you.

22 JUDGE THOMPSON: Mr Harrison, when was the order for closed
23 session made by Trial Chamber II?

24 MR HARRISON: It is in the transcript of 6th July. The
09:47:26 25 application was made just prior to the witness coming in. You
26 will find it referred to on pages 13979 and 13980 on the
27 transcript of 6th July.

28 JUDGE THOMPSON: Thanks. Will the Court Management ensure
29 that we get the technology adjusted so we go into a closed

1 session? would the members of the public kindly retire for
2 another two hours.

3 [At this point in the proceedings, a portion of the
4 transcript, pages 6 to 19, was extracted and sealed under
09:51:16 5 separate cover, as the session was heard in camera.]

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1 [Open session]

2 [Ruling]

3 JUDGE THOMPSON: This is a brief ruling of the Trial
4 Chamber for the purposes of the resumption of this open session.
10:32:56 5 Consistent with the general requirement that criminal trials are
6 to be held in public, as mandated by Rule 78 of the Rules of
7 Procedure and Evidence of the Court, but exceptionally as
8 authorised by Rule 79(a)(ii) of the said Rules and taking into
9 account the need to protect witnesses as provided for by Rule 75,
10:33:24 10 this Chamber, in response to an application by the Prosecution
11 for the cross-examination of Witness TF1-169 to be heard in
12 closed session, did grant the said application by way of an
13 exceptional procedure and also based upon an earlier order of
14 Trial Chamber II dated 6 July 2005 for the testimony of this
10:33:55 15 witness to be heard in closed session at the AFRC trial. This
16 Chamber also ordered that the transcript of the witness's
17 testimony in Trial Chamber II be received in evidence and marked
18 as Exhibit 61A, B, C and D.

19 PRESIDING JUDGE: Mr Prosecution, are you ready with your
10:34:24 20 next witness and can you please inform the Court as to who is it
21 and where we are.

22 MR WALLBRIDGE: Morning, Your Honours.

23 PRESIDING JUDGE: Good morning.

24 MR WALLBRIDGE: Mr wallbridge for the Prosecution again.
10:34:36 25 The next witness is TF1-022, who is the 53rd witness in this
26 trial and the 52nd prosecution witness. The witness is a Muslim
27 for the purposes of the giving the oath and he will give his
28 testimony in Krio.

29 PRESIDING JUDGE: Thank you.

1 JUDGE THOMPSON: May we have the witness sworn, please.
2 WITNESS: TF1-022 [Sworn]
3 [The witness answered through interpretation]
4 JUDGE THOMPSON: You will proceed, Mr Wallbridge.
10:35:52 5 MR WALLBRIDGE: Thank you, Your Honour.
6 EXAMINED BY MR WALLBRIDGE:
7 Q. Good morning, Mr Witness.
8 A. How are you, sir?
9 Q. Fine, thank you. Now, I'm going to ask you some questions
10:36:16 10 this morning. Later other persons in this Court will ask you
11 some questions. First of all, I ask you to listen carefully to
12 the questions.
13 A. Uh-huh.
14 Q. Go slowly, take your time and tell this Court what you know
10:36:30 15 in a clear strong voice.
16 A. Okay.
17 Q. Mr witness, where were you --
18 A. Yes, yes.
19 THE INTERPRETER: Can counsel take that slowly.
10:36:54 20 JUDGE ITOE: Mr witness, you will listen to counsel. Wait
21 for him to put the question before you answer. You understand?
22 THE WITNESS: Okay.
23 JUDGE ITOE: Take it easy.
24 THE WITNESS: All right. Okay.
10:37:14 25 MR WALLBRIDGE:
26 Q. Okay. Witness, where were you born?
27 A. In Koinadugu District.
28 Q. How old are you, witness?
29 A. I am 6X.

1 Q. Are you married?
2 A. I only married a woman.
3 Q. How many children do you have?
4 A. They were nine, but one of them died so there remained
10:37:53 5 eight.
6 Q. What is your occupation?
7 A. I was a driver.
8 Q. And what is your occupation now?
9 A. I am doing nothing. There is no work.
10:38:12 10 Q. What languages do you speak?
11 A. I speak Krio. That is fluent in my mouth.
12 Q. Witness, can you read?
13 A. I cannot read anything.
14 Q. Okay. Witness, where you were in 1999?
10:38:38 15 A. I was in the dead east in Freetown at Kissy.
16 Q. What happened in Freetown in that year?
17 A. 1999, January 6th I can tell you what happened.
18 Q. Could you please tell the Court what happened on January 6,
19 1999 in Freetown.
10:39:15 20 A. If God agrees, by Allah's grace.
21 Q. Please continue, witness.
22 A. In 1999, I was in the house.
23 Q. What happened after that?
24 A. At 3 o'clock midnight --
10:39:58 25 Q. Please continue, witness.
26 A. We heard gun firing from dead east coming towards Freetown.
27 Q. And what did you do after you heard the firing?
28 A. I woke up my wife and told her that the people had entered.
29 [RUF29NOV05B - EKD]

1 Q. And who were the people that had entered?
2 A. It was the RUF.
3 Q. How do you know it was the RUF?
4 A. We had been with them for a while and I should know them.
10:40:50 5 Q. Mr witness, I will just take you back. You said earlier
6 that people had entered --
7 A. Yes.
8 Q. -- after you heard the firing.
9 A. Yes.
10:41:06 10 Q. If you can just tell the court what happened after you
11 heard the firing.
12 A. When I heard the gunshot, in the morning, I told my wife.
13 I said trouble had come.
14 Q. And what was that trouble?
10:41:25 15 A. When I heard the sound of the gun, that was why I was
16 afraid. My wife was pregnant. I had two children.
17 Q. So following from when you say they entered and you said
18 that it was the RUF, what did you see in Freetown after that?
19 A. We see them moving about, threatening people.
10:42:07 20 Q. What were they doing when they were moving about, apart
21 from threatening people?
22 A. I saw some carrying guns, some cutlasses. They were moving
23 about asking us, "where is the money?"
24 Q. Did they ask you these things?
10:42:43 25 A. It was my wife that they asked, who was a woman that was
26 pregnant. The pregnant was nine months.
27 Q. Do you know what else they did after they entered?
28 A. When they entered, they were telling us that, "Let us make
29 fire," and knock, knock certain things so that ECOMOG will not be

1 able to come to them.

2 Q. Witness, you said that they said let us make fire so that
3 ECOMOG will not come to them. You also said something else.
4 what was that?

10:43:41 5 A. well, to just threaten us because they came with the power.

6 Q. So what happened after this, after this happened?

7 A. After that had happened, on the 22 --

8 Q. what year was that?

9 A. -- January. 1999.

10:44:24 10 Q. So what happened on January 22nd, 1999?

11 A. They settled at Salad Ground, between Regent and where we
12 were and Gloucester.

13 Q. when you say "they settled", who do you mean by "they"?

14 A. The RUF.

10:45:05 15 Q. what happened after they settled in that area?

16 A. One day ECOMOG attacked them and flushed them out of that
17 place.

18 Q. what happened after ECOMOG flushed them out of that place?

19 A. One man escaped from them.

10:45:30 20 Q. what do you mean by "one man escaped from them"?

21 A. He carried a gun.

22 Q. what did this man do?

23 A. During that time where we hide, behind us, he stood by the
24 gate and said, "Give me the money, give me the money."

10:46:16 25 Q. witness, I will just take you back. You said he stood --

26 A. Yes.

27 Q. [Overlapping speakers] so where were you?

28 A. I hid my wife and my two children. But they were
29 neighbours.

1 Q. Witness, I will just remind you to go slowly. I am going
2 to ask you now --
3 A. Yes.
4 Q. -- so you hid with your family?
10:46:43 5 A. Yes.
6 Q. where did you hide?
7 A. In my house.
8 Q. why were you hiding in your house?
9 A. when we heard, we saw everywhere the burnt houses and we
10:47:03 10 heard firing.
11 Q. was this on January 22nd still?
12 A. Exactly.
13 Q. okay. Now you said a man was standing at your gate.
14 A. Not my own gate, a neighbour's gate.
10:47:29 15 Q. where was your neighbour's?
16 A. He is at the back of our house.
17 Q. what was that person saying?
18 A. He said they should be given -- we should give him money
19 and if we refused he will fire and fire.
10:47:57 20 Q. what did that person look like?
21 A. I did not see him with my eyes.
22 Q. what happened after this person -- first of all, sorry, did
23 you hear this man say those things?
24 A. Yes.
10:48:15 25 Q. what happened after he said those things?
26 A. He fire. He shot once and the cartridge hit one woman.
27 Q. what happened after that?
28 A. My wife's brother went and met her.
29 PRESIDING JUDGE: Is it a cartridge or a bullet,

1 Mr Interpreter?
2 THE INTERPRETER: Your Honour, correct interpretation, it
3 should be a bullet.
4 MR WALLBRIDGE:
10:48:57 5 Q. Witness --
6 A. Yes.
7 Q. -- you just explained to the Court that the man fired.
8 A. Yes.
9 Q. And a bullet hit a woman.
10:49:11 10 A. It hit her, but it didn't break the bone.
11 Q. Okay. So what did you do after that?
12 A. The youth took her to the hospital.
13 Q. What happened after that?
14 A. My wife's brother went and begged that fellow that he
10:49:41 15 should not kill anybody here.
16 Q. Where was that? Where did your brother go -- your sister's
17 brother, sorry -- I mean your wife's brother?
18 A. He was the one who met the man where he was shooting. He
19 told him not to fire -- to shoot at anybody. The people are his
10:50:06 20 relatives.
21 Q. What happened after he -- so he said this to the man who
22 had shot the woman; is that correct?
23 A. He told him not to shoot; the people are his relatives. He
24 begged him.
10:50:26 25 Q. What happened after he begged him?
26 A. He told him, "Why are you coming to beg me? We are in the
27 bush and you are in the town."
28 Q. Did you hear this, witness?
29 A. I was in the place. I heard it.

1 Q. what happened after that?
2 A. when the boy turned his back, he fired him in the back.
3 Q. Did you see this, witness?
4 A. where I hid, one man called me.
10:51:22 5 Q. Sorry, witness, I will just repeat my question.
6 A. Okay.
7 Q. You said the man at the gate shot or fired at your wife's
8 younger brother.
9 A. Exactly.
10:51:39 10 Q. Did you actually see this?
11 A. Except when they called me and informed me that they had
12 shot at your wife's brother.
13 JUDGE ITOE: So he did not see it?
14 MR WALLBRIDGE: Yes, I think --
10:51:59 15 JUDGE ITOE: Is that the reply?
16 MR WALLBRIDGE: I think that's correct.
17 Q. what happened after they called you and told you that your
18 wife's younger brother --
19 A. The boy still came and said, "Pa, they had shot your wife's
10:52:14 20 brother. Let us try to take him to the hospital."
21 Q. what did you do after this boy came and told you that?
22 A. My wife was crying, the children were crying. I became
23 tormented.
24 Q. what did you do next?
10:52:42 25 A. I went behind our place. I untie a hammock that was there.
26 I tie it on the stick, on both ends.
27 Q. After you tied the hammock on a stick, what did you do
28 next?
29 A. I called two -- five youths.

1 Q. what happened after you called the five youths?
2 A. I begged them in order to save that boy, place him in a
3 hammock to take him to the hospital.
4 Q. Witness, when you say "to save that boy", are you talking
10:53:27 5 about your wife's younger brother?
6 A. He is the one. In order for him not to die at that moment.
7 Q. Did you see his injuries?
8 A. I saw them.
9 THE INTERPRETER: Correction, interpreter: I saw it.
10:53:54 10 MR WALLBRIDGE:
11 Q. what were his injuries?
12 A. The bullet broke his backbone.
13 Q. So you said before you asked some youths --
14 A. Yes. Yes.
10:54:21 15 Q. -- to help you.
16 A. Yes.
17 Q. what happened after that?
18 A. we carried him to come to the hospital.
19 Q. when you say "we carried him", how many others were with
10:54:44 20 you?
21 A. Five people; I make six.
22 Q. So did you carry him?
23 A. Yes.
24 Q. where were you carrying him to?
10:55:09 25 A. As we reached at the Low Cost Junction --
26 Q. So, witness, I will just take you back so it's clear.
27 A. All right.
28 Q. So you left the house with the five others?
29 A. Yes, because I was not able to carry him. My feet -- my

1 foot was broken. I had an accident. An accident.

2 Q. Where were you taking your wife's younger brother?

3 A. To come to the Connaught, that was where the hospital was.

4 Q. And you mentioned just before you went to Low Cost

10:56:21 5 Junction?

6 A. It was there we saw seven RUF.

7 Q. And what happened when you saw these seven RUF?

8 A. They said we should put the boy down, we were the ones that
9 were encouraging ECOMOG.

10:56:54 10 Q. What did you do after they said this to you?

11 A. We saw them coming in front of us. They said, "If you
12 move, we would kill you."

13 Q. And how do you know they were RUF?

14 A. I had already known them.

10:57:34 15 Q. What happened after they said if you moved they would kill
16 you?

17 A. We placed -- we put the boy down, we stood up.

18 Q. Then what happened, witness?

19 A. They said, well, we should be searched. They searched my
10:57:59 20 pocket and they removed 5,000. They took off my hand watch that
21 cost hundred thousand when I bought it. They took it way from my
22 hand.

23 Q. And what happened after they did this?

24 A. We were undressed. They said they were going to kill all
10:58:24 25 of us.

26 PRESIDING JUDGE: They undressed you or you were asked to
27 undress?

28 THE WITNESS: They said we should remove all of our
29 clothes.

1 MR WALLBRIDGE:

2 Q. And what happened after they said you should remove all
3 your clothes?

4 A. They even told us to remove the pants. They said it was
10:58:57 5 there that we kept the money.

6 Q. And did you remove your clothes?

7 A. No, there was no way to deny, except when I did that.

8 Q. And what happened after you removed your clothes?

9 A. We left the boy lying down there in the sun.

10:59:32 10 Q. And why did you leave the boy lying down there in the sun?

11 A. They said if we did not leave the boy there they would kill
12 us and kill the boy, because we were the ones that were
13 encouraging ECOMOG.

14 Q. And when you say you left the boy there, is that your
10:59:56 15 sister's younger brother?

16 A. It was he.

17 Q. So after they said to leave your sister's younger brother
18 there, what did you do next?

19 A. They line us, they ordered us to go and meet the commando.

11:00:32 20 Q. And what happened after they told you to go and meet the
21 commando?

22 A. Well, we hadn't power. We went -- we follow them, we went
23 through Rogbalan Mosque.

24 Q. Where did you follow them to?

11:00:55 25 A. They took us to Winter Street by Kissy.

26 Q. And what happened when you got to Winter Street in Kissy?

27 A. When we are passing, I watch at the Rogbalan Mosque. I
28 observed that there were a lot of people lying down in a pool of
29 blood.

1 Q. And what happened after you saw those people --
2 JUDGE ITOE: At which mosque is this?
3 MR WALLBRIDGE:
4 Q. Sorry, witness, which mosque is this?
11:01:50 5 A. Rogbalan Mosque in the extreme east in Kissy.
6 Q. Witness, you said you saw a lot of corpses there. Can you
7 estimate how many people?
8 A. They wouldn't even allow me to stand for even five minutes.
9 They were shouting at me, saying, "what are you watching? what
11:02:32 10 are you watching out?"
11 Q. what happened after that, witness?
12 A. As we went nearer to the commando, about 10 yards from the
13 commando, then one of them said, "Commando, we have come."
14 Q. Did you meet the commando there?
11:03:16 15 A. Precisely.
16 Q. what did he look like?
17 A. The commando told and ordered, saying, "Cut off their hands
18 so that they will leave us here."
19 Q. Mr witness, I will just take you back.
11:03:46 20 A. I'm happy.
21 Q. So you were brought to the commando?
22 A. Yes.
23 Q. And the group that brought you there said, "Commando, we
24 have come."
11:04:02 25 A. Yes.
26 Q. And so what happened after that?
27 A. The commando said, "Make them to sit on the ground. Queue
28 them on the ground."
29 Q. what happened after the commando said, "sit them on the

1 ground"?

2 A. They had little girls, 10-year-old.

3 THE INTERPRETER: The interpreter is sorry, this part of

4 the witness's testimony is incomprehensible. would the Court

11:04:56 5 order him to please repeat.

6 PRESIDING JUDGE: Mr Witness, can you repeat your last

7 question, please?

8 THE WITNESS: Yes. Shall I continue?

9 PRESIDING JUDGE: Yes.

11:05:10 10 THE WITNESS: He said, "Commando, these two ladies, we'll

11 give you one for you to marry. The other one will go and kill

12 that of your friend again."

13 MR WALLBRIDGE:

14 Q. Witness, I will just ask you to go slowly. So we will go

11:05:30 15 back again.

16 A. Okay.

17 Q. who said "we have brought you two ladies" to the commando?

18 A. The ones that had already arrested us, those are the people

19 I'm talking about.

11:05:50 20 Q. so where had the two ladies come from, do you know?

21 A. They were part of our own group. I did not know them.

22 Q. And then you said that -- so what happened after one of the

23 group said to the commando, "we have brought you these two

24 ladies"? Could you just repeat that again, but slowly?

11:06:24 25 A. They were to be given in marriage. They were people's

26 children. They were not the ones that gave birth to them.

27 Q. when you say "given in marriage", given to who?

28 A. That forcefully the commando should be with them.

29 PRESIDING JUDGE: Can you go over that, Mr Prosecutor? It

1 is a bit difficult to follow there, that part, I must say.

2 MR WALLBRIDGE:

3 Q. Mr witness, I will just ask you again, just to go slowly.

4 So you said that one of the group that arrested you had

11:07:23 5 brought --

6 A. Yes, yes.

7 Q. Said to the commando he had brought two ladies, one for him
8 as a wife and one that they were going to kill; is that correct?

9 A. They said the other one was for his friend.

11:08:00 10 Q. Okay. Thank you, witness.

11 A. Okay.

12 Q. And you said that these two ladies were with the group that
13 had arrested you, but you did not know them. Is that correct?

14 A. The ones, those were the people that were just going around
11:08:27 15 capturing people.

16 Q. And so where did they -- do you know where the two ladies
17 had come from?

18 A. Those were the people they captured on the street. I did
19 not know them. I only met -- we only met together.

11:09:05 20 Q. Did you meet them before or after you were captured?

21 A. No, I had not seen them before.

22 Q. The group that captured you, were the ladies present with
23 them before you met that group or after you met that group?

24 A. After they had captured us, as we were going, later they
11:09:47 25 captured those other ones and they march us together.

26 Q. Thank you, witness. So what happened after one of the
27 group captured you said to the commando, "we've brought one of
28 these ladies for you as a wife"?

29 A. What happened? He said, "well," said that one, "we'll

1 arrange it later. Cut off their hands so that they would go."
2 Q. Witness, I will just remind you to go slowly. Who said,
3 "we'll cut off their hands"?
4 A. The commando.
11:10:50 5 Q. Who was he referring to?
6 A. There were three RUF boys standing. Those were the RUF
7 boys that he was talking to.
8 Q. What happened after he said that to those three boys?
9 A. These three boys, the one held an axe, the one a cutlass,
11:11:22 10 the other one held a polythene bag, that polythene bag.
11 Q. Again, witness, I will just ask you to go slowly. So then
12 what happened after the commando said that to the three boys?
13 A. Said -- he said they should cut off our hands. I think I
14 have told you already.
11:11:59 15 Q. That's right, witness. So what happened after he said
16 that? What happened next?
17 A. The other one stood, holding a gun, pointing like this.
18 Q. The one with the gun, was he part of the group that you
19 mentioned before, the group of three boys?
11:12:28 20 A. He was with the commando, the three boys and another man
21 that was standing by them. I did not know him. I have never
22 known him before.
23 Q. You said there were three boys. Do you know how old the
24 boys were?
11:12:58 25 A. The boys, I did not know where they were given birth. But
26 according to the way I observed them, the one could be 10 years,
27 the other eight years, the other 11. The way I saw them.
28 Q. What were they wearing?
29 A. They wore short trousers which was combat, and they had a

1 red T-shirt on and a red headband. That was the way they dressed
2 and that made me to understand that they were RUF.
3 Q. You said one of the group pointed the rifle at you. What
4 happened after that?
11:14:03 5 A. He pointed it at us, if at all, somebody would have run
6 away.
7 Q. what happened after that?
8 A. They called upon the first person. They said he should sit
9 down. They ordered him to sit down, say, "Sit down."
11:14:42 10 Q. Witness, I will just ask you quickly to clarify. You
11 said --
12 A. Okay, just go on.
13 Q. You said they ordered one person to sit down. Was that
14 person --
11:15:04 15 A. That they should cut off his hand.
16 Q. Thank you. Was that person with your group originally?
17 A. Yes, among the number of six. He was one of them.
18 Q. What happened after they told him to sit down?
19 A. They said he should put his hand on a big log. That was
11:15:36 20 where he placed his hand.
21 Q. Who said he should place his hand on a big log?
22 A. The commando.
23 Q. Did he place his hand on the log?
24 A. Because there was no alternative, the boy placed his hand
11:16:03 25 and it was cut off at once.
26 Q. What happened after his hand was cut off?
27 A. I saw the boy that held the polythene bag. He took the
28 hand and put -- placed it in the bag.
29 Q. Who cut his hand off?

1 A. I said they were three boys. One of those boys who had the
2 axe was the one that cut off the hand.
3 Q. Okay. Thank you, witness. What happened after they placed
4 the hand in the polythylene [sic] bag?
11:17:20 5 A. Then he said, "You, come and sit here so that your hand
6 will be cut off."
7 Q. Who said that?
8 A. The commando.
9 Q. Who did he say it to?
11:17:39 10 A. He said it to me. He said I should go and sit down so that
11 they would cut off my hand.
12 Q. What did you do after that, witness?
13 A. There was no alternative. I placed my hand on the log and
14 turned this way.
11:18:02 15 Q. What happened after that?
16 A. He struck it twice. I felt it.
17 Q. What happened after he struck it twice?
18 A. He did not complete cutting it off. I raise it up, and the
19 other part was hanging. Then he ordered me. He said, "Put it
11:18:39 20 down." Then I place it back again.
21 Q. Then what happened after you placed it back again?
22 A. The remaining part that was not cut off, he completed
23 cutting it off. The boy took the hand and placed it in the
24 polythene bag.
11:19:11 25 Q. Witness --
26 A. Yes, yes.
27 Q. -- so what happened after that, after your hand was placed
28 in the polythylene [sic] bag?
29 A. He called upon the next person.

1 Q. Was that person in your group?
2 A. Precisely.
3 Q. What happened after he called the next person?
4 A. The commando said because he was a young boy, a small boy,
11:19:59 5 let them just cut off the two fingers like that, like that.
6 Q. Witness, what do you mean when you say cutting it off like
7 that?
8 A. What?
9 Q. I'll just repeat.
11:20:28 10 A. The finger? He said it should be cut in a way it could be
11 described as one lob. That was the way they used to observe
12 people. You will observe that there are other people that they
13 had no two fingers so if the fingers were cut off --
14 Q. Continue, witness.
11:20:54 15 A. When the finger was cut off, the commando was not
16 satisfied. He ordered that the hand should be cut off at once.
17 Q. What happened after he ordered that the hand should be cut
18 off at once?
19 A. The boy had not wanted his hand to be cut off. He stood up
11:21:25 20 and said, "Commando, please. I'm pleading."
21 Q. What happened after he said he was pleading?
22 A. That if he could be used to carry their load, that could be
23 better. But he was just a young boy who had just been taken from
24 school, so he wouldn't love his hand to be cut off.
11:21:59 25 Q. Okay. Witness, I will just remind you to go slowly.
26 A. That is what I want.
27 Q. So what happened after he pleaded?
28 A. After, he made an attempt to plead to them. He bowed down.
29 But the one that held the gun fired -- shot him here. I saw that

1 with my own eyes.

2 Q. what happened after he was shot?

3 A. He fell.

4 Q. what happened after that?

11:22:55 5 A. I myself took a rag and tied my hand, went and stood like
6 right over there. Then he said, "what are you waiting? what are
7 you waiting?"

8 Q. Mr witness, who said that?

9 A. The commando said, "what are you waiting? what are you
11:23:26 10 waiting? Are you not going? Are you not going? Are you not
11 going?" Then I decided to go.

12 Q. where did you go after that?

13 A. I was about to return where I left my wife and two
14 children, so that if I would have died, I would have died by
11:23:52 15 them.

16 Q. Did you make it back to your wife and two children?

17 A. I risk it. I went there. But as I was going, I hadn't
18 trousers, no shirt, no cap. It was an old woman that came and
19 brought an old trousers, who wore it on me.

11:24:36 20 Q. what happened after you were given the trousers?

21 A. The old woman said, she said, "Look, there is a hospital
22 there." I think it was Marie Stopes. She said, "Go there,
23 you'll be treated". Then the old woman returned to her house.

24 Q. Sorry, witness, I will just ask you to repeat the name of
11:25:07 25 the hospital.

26 A. Marie Stopes. Sometimes that's the way they call it; I
27 don't know. Marie Stopes. It was down at Rogbalan there, that
28 was where the hospital was located.

29 Q. And did you go there?

1 A. As I came -- I came near to the gate, they locked the gate.
2 People were saying, "Do you see the insane people's hands? These
3 people have started cutting off the insane people's hands." So
4 they locked the gate.

11:25:58 5 Q. What did you do after that?
6 A. Still I returned.
7 Q. Where did you return to?
8 A. To where I left my wife and children.
9 Q. Did you get there?

11:26:18 10 A. There was no alternative. Three days I went hungry, I
11 hadn't food. I moved slowly, slowly, slowly, like that, and went
12 into one unfinished house.
13 Q. And after the three days what did you do?
14 A. I did not say three days. I said when I went, I entered
11:26:50 15 into one unfinished house. I held my hand like this. I was
16 hopeless.
17 Q. What happened after that?
18 A. I heard people making loud noise. It was the RUF
19 themselves that were pulling out. After they been dislodged at
11:27:17 20 the Salad Ground at Regent.
21 Q. You said it was the RUF pulling out. Did you see this?
22 A. I was in my hibernation. I saw that all, I saw them all.
23 I sat holding my hand like this. I saw them all.
24 Q. What were they doing?
11:27:50 25 A. I saw them make three lines as they were coming. Three
26 lines. The one line were the commanders. The other ones, the
27 people with the combats. The other lines were small, small,
28 little, little children and women, so that they could not escape.
29 That was what I saw.

1 Q. what happened after you saw this?
2 A. After they passed, I went to -- I tried to go to my wife,
3 but you had to climb a hill.
4 Q. So what did you do?
11:28:58 5 A. I tried. As I was going I saw a cassava stick. I uprooted
6 it. So I held the cassava stick and uprooted it. I took the
7 cassava and bite the cassava with my mouth, but it was bitter so
8 I vomited.
9 Q. what did you do after that?
11:29:31 10 A. I tried until I arrived at the mosque. It was there I sat
11 and waited near our own place where we were.
12 Q. And what happened after you waited?
13 A. I got up and went. It was closer to my wife's place. My
14 wife saw me coming with tattered trousers. He said, "who is
11:30:12 15 coming?"
16 Q. Did you meet your wife?
17 A. I met her. She began by crying.
18 Q. what did you do after you met your wife?
19 A. My children were crying, she was crying. She said if
11:30:37 20 somebody is in this country with just two hands --
21 THE INTERPRETER: Your Honour, the interpreter finds it
22 difficult to catch up with witness's testimony. He would like
23 him --
24 PRESIDING JUDGE: To repeat his last question.
11:30:51 25 THE INTERPRETER: -- to repeat -- yes, Your Honour.
26 PRESIDING JUDGE: His last question, I mean.
27 THE INTERPRETER: Yes, Your Honour.
28 PRESIDING JUDGE: Could you please take the witness back to
29 that again.

1 MR WALLBRIDGE:
2 Q. Witness, I will just remind you again to speak very slowly.
3 A. Yes. All right.
4 MR WALLBRIDGE: Sorry, Your Honour, I didn't quite catch
11:31:20 5 that.
6 PRESIDING JUDGE: He testified that his wife saw him
7 coming. Take him from there.
8 THE WITNESS: She saw me coming. The condition in which I
9 went with was not the condition I was in. So when she saw me in
11:31:34 10 that condition she began by crying. She said that maybe -- she
11 said that her brother has died, so if now they have cut my hand,
12 she is finished. She was crying and I was crying too. Have you
13 understood?
14 MR WALLBRIDGE:
11:31:55 15 Q. Thank you, Witness. So what did you do --
16 JUDGE ITOE: Mr wallbridge, can you wait, please?
17 MR WALLBRIDGE:
18 Q. Okay, witness, sorry. So what did you do after you met
19 your wife?
11:32:36 20 A. Not too long I saw my eldest sibling. They informed him
21 that their father's hand had been cut off.
22 Q. What happened after they were informed that your hand had
23 been cut off?
24 A. Except when they prepared small food in order for me to
11:33:09 25 have stamina to walk. I ate, to be frank.
26 Q. What did you do after you ate?
27 A. I told them, I said we should go away, we should not sit
28 down here. So we went as far as Grass Field.
29 Q. What happened after you got to Grass Field?

1 A. My child pay to a doctor who treated me. They wrap the
2 bandage. The next day we went to the Connaught Hospital.
3 JUDGE THOMPSON: Mr wallbridge, if that concludes an
4 episode or is about to conclude an episode, we may well recess
11:34:04 5 for 15 minutes.
6 MR WALLBRIDGE: Your Honour, I probably have one more
7 question.
8 JUDGE THOMPSON: Good, okay. Then we'll hear it
9 THE WITNESS: Because I'm now trying to finish. I'm trying
11:34:18 10 to finish.
11 MR WALLBRIDGE:
12 Q. Thank you, Witness. So you went to Connaught Hospital.
13 what did you see there?
14 A. When we went at PW junction, ECOMOG placed us in a Land
11:34:37 15 Rover and took us to the Connaught Hospital. Myself and my two
16 children. Just bear it up, we're now coming to the end.
17 Q. Witness, at the Connaught Hospital -- you arrived at the
18 Connaught Hospital?
19 A. They took me there. They registered me.
11:35:08 20 Q. were there other people at the hospital?
21 A. There were many there. In fact, I did not even have a
22 place to sit.
23 Q. You say there were many there. Who were these people?
24 A. Those that cut off, if they cut somebody's hands, they
11:35:40 25 brought him. If they cut somebody's hands or feet, they brought
26 them there. Our brothers and sisters were the only ones that
27 were just there.
28 Q. Okay, witness, I just have one more question. If you
29 remember you were --

1 A. Go on. Go on. I'm here for that.
2 Q. You said that when you took your wife's younger brother for
3 treatment, you were ordered to leave him. Do you know what
4 happened to your wife's younger brother?
11:36:27 5 A. He was shot.
6 Q. And then -- sorry, I will make it clear. After you left
7 him, do you know what happened to him after that?
8 A. Some people met me at the hospital and told me that your
9 sister -- no, your wife's brother has died. Because I knew him.
11:36:59 10 Then I said, "well, there is no chance now. How can I go?"
11 Because at that time it was all silent, nobody was walking about.
12 MR WALLBRIDGE: Thank you, witness. No more questions for
13 the witness, Your Honours.
14 THE WITNESS: Yes, sir.
11:37:19 15 JUDGE THOMPSON: The Court will recess for 15 minutes.
16 [Break taken at 11.37 a.m.]
17 [RUF29NOV05C - SGH]
18 [Upon resuming at 12.02 p.m.]
19 JUDGE THOMPSON: Mr Jordash, do you want to begin?
12:03:43 20 MR JORDASH: Thank you, Your Honour.
21 CROSS-EXAMINED BY MR JORDASH:
22 Q. Good afternoon, Mr Witness.
23 A. Yes, good afternoon.
24 Q. I shall ask you a few questions.
12:04:03 25 A. I will be happy.
26 Q. I won't keep you long though.
27 A. In God's name.
28 Q. The man who shot your wife's brother was an SLA soldier; am
29 I right?

1 A. I didn't see him in person. I didn't see him in person.
2 where I was in hiding, if I say I saw him I would be telling you
3 lies.

4 Q. Were you told by your neighbour that he was an SLA soldier?
12:04:50 5 A. No, I didn't have any such talk with any neighbour.

6 Q. Okay. What I am going to do, Mr Witness, is ask you --
7 A. Yes.

8 Q. -- is ask you about a statement you made with the
9 Prosecution in February of 2003.

12:05:33 10 A. Uh-huh.

11 Q. Do you remember meeting some people from the Special Court
12 in February of 2003?
13 A. Where?
14 Q. Freetown.

12:06:02 15 A. In what way? To meet them in what way?
16 Q. Well, to meet and talk to them about your experience with
17 the rebels?
18 A. Nobody met with me.

19 Q. When was the first time you met with someone from the
12:06:31 20 Special Court?
21 A. I didn't get that.

22 Q. Okay. Can you remember when the first time was when you
23 met people from the Special Court?
24 A. If you remind me about the place maybe I will have the idea
12:07:02 25 and I would think, but you have not reminded me.

26 MR JORDASH: Can I just check, before I do, that the
27 Prosecution don't have a problem with me mentioning the location
28 of the first interview? Thank you.

29 Q. It was at ~~XXXXX~~, Mr Witness. That was where I think you

1 met someone from the Special Court in 2003?
2 A. At ~~XXXXX~~?
3 Q. Yes.
4 A. Well, I have forgotten. I don't think so.
12:07:50 5 Q. Do you remember meeting somebody called Corinne Dufka, a
6 woman, a white woman?
7 A. Yes.
8 Q. And did she talk to you about what had happened to you in
9 January of 1999?
12:08:09 10 A. She went and took statements from me.
11 Q. Did you speak Krio during the time when she took the
12 statement from you?
13 A. There was an interpreter.
14 Q. Who interpreted from Krio to English so the white woman
12:08:40 15 could understand?
16 A. That's how it happened.
17 Q. Was the statement read back to you after it had been
18 completed?
19 A. She read it out.
12:09:14 20 Q. And did you put your finger-print on it to indicate --
21 A. That's how it happened.
22 Q. Did you put your finger-print on it just to indicate that
23 it was what you wanted to tell the white woman?
24 A. That's how it happened.
12:10:19 25 Q. Can you remember if later that year, 2003, you met a man
26 called Paul Flynn from the Special Court?
27 A. Paul Flynn?
28 Q. Paul Flynn, a white man.
29 A. I do not understand the name.

1 MR JORDASH: Can I again maybe suggest the location?
2 PRESIDING JUDGE: Maybe the name of the interpreter that
3 was there at that time.
4 MR JORDASH: I will try that, yes, Your Honour.
12:10:45 5 Q. Do you remember meeting Bobby Gboyor?
6 A. Bobby Gboyor?
7 Q. He was an interpreter.
8 A. To the same woman who took the statement?
9 Q. No. This is a second interview in November 2003 a white
12:11:10 10 man and an interpreter called Bobby Gboyor?
11 A. Two black men went there. Two black men.
12 Q. You do remember meeting somebody, though, from the
13 Special Court in late 2003, may be about two years ago now?
14 A. That came from the Special Court to meet me? When he went
12:11:56 15 to meet me, is that what you mean?
16 Q. Yes, do you remember meeting for a second time but this
17 time you met just men?
18 A. Yes, they were all men.
19 Q. And did those men read to you your first statement?
12:12:21 20 A. They didn't read them.
21 Q. Weren't you asked to confirm whether your first statement
22 was correct or not?
23 A. They didn't even ask me about the statement. They just
24 reminded me that I have to go and they gave me a telephone
12:13:00 25 number. That was all.
26 Q. Can you remember any occasion, Mr Witness, where you were
27 asked to confirm whether your first statement was accurate or
28 not?
29 A. Nobody went there to repeat anything about statement to me.

1 The only thing they told me that the day they would need me they
2 would come and call me. That's what they said.

3 Q. Could I just suggest to you, Mr Witness, that you met two
4 men at Seaview in late 2003 and read through, together, your
12:14:25 5 first statement. Just think back here. I know it's a long time
6 ago.

7 A. Tell him that I do not tell lies. I cannot answer to
8 something that I didn't do because he's asking me. Tell him that
9 I don't know. Tell him that.

12:14:58 10 PRESIDING JUDGE: I am not sure that Seaview would mean
11 anything to him either.

12 MR JORDASH: I had to try.

13 PRESIDING JUDGE: Maybe the office of the Court, or
14 something of that nature, the first meeting was likely in
12:15:18 15 ~~XXXXX~~. So the next one, if he was brought over to a location
16 within the Special Court, maybe you can try it that way.

17 MR JORDASH: Well, the location of the interview --

18 PRESIDING JUDGE: I know Seaview was outside the Court
19 compound but, if I am not mistaken, it was OTP offices at the
12:15:34 20 time, wasn't it?

21 MR JORDASH: That I don't know.

22 PRESIDING JUDGE: I think that's the way it was called,
23 Mr Harrison.

24 MR HARRISON: Yes. I was just going to suggest that there
12:15:44 25 is a particular road right in front of Seaview that a lot of
26 people know and I am trying to be cryptic because I'm not sure if
27 defence counsel wants to use it, but there is a well-known road
28 in front of Seaview that may trigger anyone's memory. I can say
29 the name of the road, but I'd leave it to defence counsel.

1 MR JORDASH: Never ask a question you don't know the answer
2 to, I think.

3 PRESIDING JUDGE: As I said, I knew that Seaview was where
4 their offices were located before they moved within the compound
12:16:24 5 here. That's what I know of. That's why I said offices of the
6 Court, in that sense. I see you are learning from that but I
7 thought you knew. It's okay.

8 MR JORDASH: We don't get told anything, us defence.

9 THE WITNESS: Are you talking to me?

12:16:42 10 PRESIDING JUDGE: We will be talking to you now,
11 Mr witness.

12 MR JORDASH: I'm just going to try again.

13 THE WITNESS: Nobody would force me answer to something
14 that I do not understand. It won't happen.

12:16:57 15 PRESIDING JUDGE: That is fine, Mr witness. We will ask
16 you a question now and we'll see.

17 MR JORDASH:

18 Q. Let me just try again. I don't mean to --

19 A. All right. Let's go on.

12:17:15 20 Q. I'm not suggesting you're lying, Mr witness. I am
21 certainly not suggesting that; okay?

22 A. The only person I'm afraid of is God. I won't tell lies.
23 I know what God said about somebody who tells lies. I do not
24 tell lies. Tell him that. I am a Muslim. I do pray. I am
12:17:37 25 afraid to tell lies so that God would not hold me responsible for
26 that. You hear?

27 Q. I hear you very loud and clear, Mr witness. The interview
28 in late November which I suggest you had was at the Prosecutor's
29 offices; do you remember?

1 A. Which office? where? where? Tell me the place.
2 PRESIDING JUDGE: It's off Spur View. Spur Road, I mean.
3 Not Spur View, Spur Road.
4 MR JORDASH: Thank you.
12:18:32 5 Q. Off Spur Road is where I suggest?
6 A. So, you see, that's where I catch you. I have never known
7 that place Spur Road. Never.
8 PRESIDING JUDGE: Not very far from the British High
9 Commission.
12:18:47 10 THE WITNESS: I have never gone there.
11 JUDGE ITOE: Mr Jordash, why don't you accept the tip from
12 Mr Harrison?
13 PRESIDING JUDGE: well, I gave him the tip already.
14 MR JORDASH: That's the same tip, I think.
12:19:03 15 JUDGE ITOE: Yes. That's Seaview, you know. I think you
16 can try that. why not?
17 MR JORDASH: well, the witness says he has never been to
18 Spur Road.
19 JUDGE ITOE: I see.
12:19:15 20 PRESIDING JUDGE: And he doesn't know Spur Road.
21 JUDGE ITOE: Seaview, I was somewhere else because the sea
22 is not particularly very, very visible from Spur Road. Not the
23 one I know. It is visible but not very conspicuously visible.
24 Anyway, I didn't know Mr Harrison was referring to Spur Road.
12:19:46 25 JUDGE THOMPSON: Mr Jordash, I have a different approach. I
26 was wondering whether you wanted a quick stand down probably to
27 consult with Mr Cammegh for some creative solution.
28 MR JORDASH: I think that might just overcomplicate things.
29 You know what Mr Cammegh is like.

1 Q. Mr Witness, I am sorry to detain you. We are just trying
2 to find a way that I can ask you sensible questions.

3 A. That's why I am happy.

4 Q. Okay. Do you not remember at all ever having gone through
12:20:29 5 your first statement and its contents in late 2003?

6 A. Since that woman left there nobody went there. Journalists
7 do go there to interview me for something different not
8 pertaining to the Court. But nobody has ever come from this
9 Court to go and ask me this question or that question. No.

12:21:03 10 PRESIDING JUDGE: Mr Jordash, maybe you could try to see,
11 by looking at the statements, some content to see if he
12 remembers. Without now going through -- because clearly the
13 witness doesn't appear to remember that. I presume that's what
14 you are aiming at; to see what he may or may not have said on
12:21:22 15 that second occasion.

16 MR JORDASH: Partly yes. Yes, that's right. I do
17 apologise, I don't have the page numbering for that particular
18 page.

19 PRESIDING JUDGE: The last one?

12:21:35 20 MR JORDASH: The last one, please. I do apologise.

21 MR HARRISON: 10081.

22 MR JORDASH: Thank you. Does that follow sequentially from
23 the other statements?

24 PRESIDING JUDGE: Yes.

12:21:40 25 MR JORDASH: Thank you.

26 Q. I just want to read, if I can, Mr Witness, three lines from
27 a piece of paper which contains notes from an interview which I
28 suggest was an interview with you in late 2003 off Spur Road.
29 This is what it says:

1 "The witness stated his existing statement is correct
2 except for reference to 'XXXXX Road' which should in fact
3 read 'XXXXX Road'?"
4 A. That's right. If you say that I will go with you. If you
12:22:56 5 say that. But Spur Road, no.
6 Q. Do you remember when you told people from the Prosecution
7 that XXXXX Road as contained in your --
8 A. XXXXX, Calaba Town.
9 Q. Do you remember giving the Prosecution that correction
12:23:30 10 correcting your original statement?
11 A. The first statement -- let me tell you clearly. The first
12 statement, the one who took it, the boy who was short, he was the
13 one who said the boys, but I don't know the boy and I wouldn't
14 answer to something that is a lie because you are asking me. The
12:23:56 15 boy who was shot, who had not yet died, knew him and he was the
16 one who called the boy who shot him. I didn't see him in person.
17 Q. Okay. What I am going to do, Mr Witness, is move on and if
18 I can return to that in --
19 A. Yes, it would be better. It's not bad. Even if it is
12:24:19 20 still tomorrow it's not bad, it's all right.
21 Q. I am hoping it won't be tomorrow. And I will return to
22 that, if I may, in a closed session because it does have
23 identifying details contained in that section of the statement I
24 would like to refer to. Let me ask you this, if I can,
12:24:52 25 Mr witness. Am I right that when you were captured you were
26 captured with a person called Alie?
27 A. When I was captured? Well, that's where I want to tell you
28 that nobody captured me. I am unable to call anybody's name
29 right now. Tell him that.

1 Q. What I'm suggesting is that one of the civilians captured
2 with you --

3 A. With whom I was captured?

4 Q. Yes, was called Alie; do you remember?

12:25:49 5 A. Well, if you say I was captured, that is difficult for me.
6 Say those with whom you went together. If you tell me that, I
7 will be able to answer you. And his name is Alie, yes. But I
8 wouldn't answer because I don't want to call names.

9 Q. Okay. Was Alie's sister abducted by the rebels who were in
12:26:06 10 Freetown?

11 A. It's not to Alie because she is his sister, but I saw
12 children behind us. But I don't know. If you are asking Alie
13 that's a question, not me.

14 Q. Well, I want to read something from your first statement to
12:26:39 15 you and see if you remember. It's not a trick question and I am
16 not suggesting that you're lying; okay?

17 A. That's it. If I tell lies, you tell me.

18 MR JORDASH: Your Honours, page 11078 and it is the third
19 paragraph.

12:27:09 20 Q. Just listen to this, if you would, Mr witness.

21 A. I'm listening to you.

22 PRESIDING JUDGE: Is it the third paragraph?

23 MR JORDASH: Third paragraph beginning with "Alie". I have
24 mislabeled.

12:27:22 25 PRESIDING JUDGE: I have only in two paragraphs and I have
26 none starting with "Alie". I.

27 MR HARRISON: It is just one page on at 79, there is a
28 paragraph that starts with the word "Alie".

29 MR JORDASH: Thank you very much. I do apologise. 10079,

1 third paragraph.
2 PRESIDING JUDGE: Yes, okay.
3 MR JORDASH:
4 Q. This is what your statement says, Mr witness:
12:27:57 5 "Alie's sister" --
6 A. Speak on.
7 Q. "Alie's sister was abducted by those rebels. She will know
8 the name of that commander. She was held for several
9 months by them and I think she was finally released from
12:28:20 10 okra Hills."
11 Do you remember telling the Prosecution that Alie's sister
12 was abducted by those rebels?
13 A. Tell him that I don't want to call names here. Tell him
14 that. Alie or no Alie, I don't want to call names. The girls
12:28:57 15 whom I saw, the rebels captured them as convoys. I do not know
16 if it is Alie who has that question. It is not me. You see, if
17 Alie were here.
18 Q. Do you remember -- although you don't want to call names
19 here, do you remember calling that name to the Prosecution to the
12:29:24 20 white woman who you met?
21 A. That they took that girl along and that girl would know who
22 took her along; is that it? Is that what you're saying? No, it
23 is not between the two of us.
24 Q. Did you hear that she was released from Okra Hills?
12:29:52 25 A. At that time I was at the ~~XXXXX~~ ~~XXXXX~~ when they left. we
26 were not in the same place.
27 Q. But did anyone tell you that she had been released from
28 okra Hills?
29 A. Because I didn't see her with my own eyes, I didn't believe

1 it.

2 Q. You were told but didn't believe it because you hadn't seen
3 it yourself?

4 A. I wouldn't believe in something that I did not see with my
12:30:27 5 own eyes. I would have to see and make sure, then I'll believe.
6 If they say it and I start following what they said, that it was
7 so and so, no.

8 Q. Okay. That's fine. We can move on, Mr Witness, thank you.

9 A. I will be happy.

12:30:51 10 Q. The people you identified as RUF were the people you saw
11 without uniform; is that correct -- without combat?

12 A. Correct. RUF, they were dressed like mad people. They
13 would tie things round their heads; they wouldn't wear decent
14 clothing; they are smelly. They are RUF, you understand. Tell
12:31:21 15 him that.

16 Q. I am told. So the people you identified as RUF looked as
17 if they'd been living in the bush for some time?

18 A. Tell him thanks for that. They have been in the bush.
19 They have nearly been transformed into animals.

12:31:56 20 Q. And that's the way you identified the RUF?

21 A. Yes.

22 Q. That's the way you identified the men who took you?

23 A. That's what happened. They never respected people. They
24 wouldn't dress well. They wouldn't even -- to eat decent food,
12:32:21 25 they wouldn't. That's the RUF.

26 Q. And that's the way you identified the three boys who
27 captured you?

28 A. Those who chopped off our hands, that's how I knew them.

29 Q. Thank you. The only question I have remaining is that

1 which deals on with 10077 and the information about who shot this
2 witness's relative. It's about seven lines down, seven and
3 eighth line down.

4 PRESIDING JUDGE: What is the problem with that issue
12:33:43 5 again, Mr Jordash?

6 MR JORDASH: Firstly, that there's a neighbour of this
7 witness mentioned, his name, and the name of the witness's
8 relative. I thought better to put it all in the way it reads so
9 the witness has got the best opportunity to --

10 PRESIDING JUDGE: So you want to put that statement to the
11 witness and ask him questions about it?

12 MR JORDASH: Simply ask him if he made that, yes; refresh
13 his memory.

14 JUDGE THOMPSON: Is any other counsel likely to
12:34:53 15 cross-examine in closed session? Mr Touray?

16 MR TOURAY: I don't think so, Your Honour.

17 JUDGE THOMPSON: What about Mr Cammegh?

18 MR CAMMEGH: Unless something unforeseen happens during
19 Mr Touray's cross-examination, I'll have no questions at all.

12:35:19 20 PRESIDING JUDGE: Given your suggestion, Mr Jordash, I
21 think we have no option but indeed to move into closed session.
22 I will ask the Court officer to make sure that we are in a closed
23 session.

24 For the members of the public attending, at this particular
12:35:35 25 moment, this will be a short closed session. We are likely to
26 resume activities after lunch break at 2.30 and will be in a
27 public session. Thank you.

28 JUDGE THOMPSON: Yes, Mr Harrison?

29 MR HARRISON: I tried to get to my feet before the public

1 gallery left, but I should have told the Court that the next
2 witness, there will be an application made for that witness's
3 testimony to be in closed session.

4 PRESIDING JUDGE: Yes, but what I said still applies
12:36:54 5 because we are likely to go come in open session to complete
6 cross-examination.

7 MR HARRISON: I wasn't sure if the Court would like that
8 information.

9 PRESIDING JUDGE: Yes, yes. That is okay. So while we are
12:37:12 10 waiting, Mr Harrison, this next witness is TF1-093?

11 MR HARRISON: Yes, you're correct.

12 PRESIDING JUDGE: Okay.

13 [At this point in the proceedings, a portion of the
14 transcript, pages 57 to 61, was extracted and sealed under
15 separate cover, as the session was heard in camera.]

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1 [Open Session]

2 MR WALKER: The Court is now in open session, Your Honour.

3 JUDGE THOMPSON: This is a brief ruling of the Trial
4 Chamber for the purposes of the resumption of this open session.

12:50:56 5 Consistent with the general requirement that criminal
6 trials are to be held in public as mandated by Rule 78 of the
7 Rules of Procedure and Evidence of the Court, but that
8 exceptionally as authorised by Rule 79(A)(ii) of the said Rules,
9 and taking into account the need to protect witnesses as provided
12:51:17 10 for by Rule 75, this Chamber, in response to an application by
11 counsel for the first accused for certain portions of the
12 cross-examination of witness TF1-022 to be heard in closed
13 session, did grant the said application by way of an exceptional
14 procedure.

12:51:53 15 Mr Touray, are you prepared to proceed?

16 MR TOURAY: [Microphone not activated].

17 JUDGE THOMPSON: Right, we will begin.

18 MR TOURAY: Thank you, Your Honour.

19 CROSS-EXAMINED BY MR TOURAY:

12:52:05 20 Q. Now, Mr witness, how are you?

21 A. Thank God I have just been operated. Now I have some
22 pains; I feel them at the back here. But I am feeling a little
23 bit better now here. This was operated here.

24 Q. My sympathy. Now, you did say when these people you
12:52:38 25 referred to as the RUF were pulling out of Regent, that is, Salad
26 Ground, they were in three columns?

27 A. That was the way it happened. That was what I said.

28 Q. And said the first column consisted of the commanders.

29 A. They were carried in hammocks. They were leading. They

1 were ahead.

2 Q. Then you said the other column was those in combats?

3 A. Yes.

4 Q. And you said the other column consisted of women and small
12:53:30 5 children?

6 A. They were in the middle. That was where the children were,
7 the women, so that they could not escape. That was what I said.

8 Q. And then these commanders that were carried in the
9 hammocks; you know they were the big men in charge?

12:54:02 10 A. If they were damaged they would not walk by themselves.
11 They would be carried on hammocks. They would not be left
12 behind. I knew that was the way it happened because I was in
13 hiding.

14 Q. [Microphone not activated] were the big men?

12:54:24 15 A. Yes. The juniors were not carried.

16 Q. And these big commanders do they -- they wore combat? They
17 were in combat?

18 A. Thank you. They wore combats.

19 Q. Now, according to the evidence, the man who came down and
12:55:07 20 shot your brother's -- the wife of your brother came from that
21 group up Salad Ground.

22 PRESIDING JUDGE: I think it is the wife of his --

23 THE WITNESS: No. No.

24 PRESIDING JUDGE: [Microphone not activated] You said the
12:55:19 25 wife of the brother. It is the other way around. It is the
26 brother of the wife.

27 MR TOURAY: The brother of the wife, yes.

28 THE WITNESS: He escaped.

29 MR TOURAY:

1 Q. [Microphone not activated]
2 A. He escaped. I don't know whether it was from there because
3 he came, the damaged one. I did not know. I cannot tell you
4 whether he came from that end.
12:55:43 5 Q. [Microphone not activated]
6 A. Yes, sir.
7 Q. Now, you have never seen those seven rebels you met up
8 with -- you never seen them before, the seven rebels you said you
9 met up with in the group? You never seen them before that time?
12:56:12 10 A. The way they were -- the way they damaged areas, destroyed
11 areas, where they were known they did not go there. The areas
12 that they were not known, those were the areas they went to.
13 Those seven people I have never seen them before.
14 Q. [Microphone not activated]
12:56:28 15 A. Yes, sir. Yes, sir.
16 Q. And the three boys, you said you saw one with the axe, the
17 other one with the gun, and I think you said one had a cutlass or
18 so?
19 PRESIDING JUDGE: Yes.
12:56:41 20 MR TOURAY:
21 Q. You have never seen them before as well?
22 A. It was that very January the 22nd on Friday, that was the
23 very day I saw them. Because I was fending for my living, so I
24 did not concentrate myself on other people's activities, but I
12:57:06 25 have never seen them before. Yes, sir.
26 Q. The two girls you said that were married off to the
27 commandos you have never seen before. You never knew them
28 before?
29 A. Not at all. They were just forcing people. If they meet

1 one person they would say, "where are you going? where are you
2 going?" They will capture that person and take that person away.
3 would I know that person? No. we only had that problem that
4 day.

12:57:53 5 Q. And you have never lived with rebels before at all?

6 A. Not at all. I don't like them. I don't want them. I
7 don't even understand them. I have never lived with them before.

8 PRESIDING JUDGE: [Microphone not activated] conclude the
9 cross-examination.

12:57:59 10 MR TOURAY: Yes, that's correct.

11 PRESIDING JUDGE: Thank you. Mr Cammegh, I take it that
12 you have no questions in cross-examination?

13 MR CAMMEGH: I have no questions in cross-examination, but
14 I would like to wish the witness well.

12:58:16 15 PRESIDING JUDGE: Thank you. Mr Wallbridge?

16 MR WALLBRIDGE: No questions, Your Honour.

17 PRESIDING JUDGE: Mr Witness, that concludes your evidence.
18 We again thank you for coming to tell your evidence and we wish
19 you good luck.

12:58:49 20 THE WITNESS: Yes. I, myself, would thank you. You have
21 made us happy because there is peace now reigning. We are 330
22 that were damaged, but we are not together again. If it were not
23 for this Court they would come and just kill us. But we thank
24 you. May God bless you all in Jesus' name.

12:59:12 25 PRESIDING JUDGE: [Microphone not activated] 2.30 p.m.

26 [The witness withdrew]

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

28 [Upon resuming at 2.47 p.m.]

29 JUDGE THOMPSON: Mr Harrison.

1 MR HARRISON: This is what will be the 54th witness and the
2 53rd Prosecution witness. Before the lunch break I'd indicated
3 to the Court that the Prosecution would be making an application
4 for closed session for this witness, who has already been granted
14:49:16 5 Category C status, the insider designation. The witness number
6 is TF1-093. For the benefit of the Court, the Prosecution's time
7 estimate of the direct examination is about 90 minutes.

8 PRESIDING JUDGE: You are prepared to make your
9 application?

14:49:54 10 MR HARRISON: Yes. In general, the application is being
11 made to ensure that the witness' identity is protected because
12 there is a particular relationship between this witness and a
13 figure that would make it relatively obvious to a number of
14 people the identity of the witness.

14:50:16 15 PRESIDING JUDGE: And you said this is witness 54 for 53?

16 MR HARRISON: Correct.

17 PRESIDING JUDGE: We will proceed to hear -- yes, Mr Taku.

18 MR TAKU: With your kind permissions, Your Honours, and
19 permission from Mr Harrison, I just wanted to seek a direction if
14:50:45 20 I could tender the alleged inconsistencies in the testimony of
21 TF1-045.

22 PRESIDING JUDGE: That's the witness yesterday. That's the
23 one we talked about yesterday?

24 MR TAKU: The order was granted yesterday, but the witness
14:51:03 25 testified before yesterday.

26 PRESIDING JUDGE: Yes, but that's the one we discussed the
27 tendering of documents that we talked about yesterday?

28 MR TAKU: Yes, Your Honour.

29 PRESIDING JUDGE: The witness testified the day before?

1 MR TAKU: Yes, Your Honour.

2 PRESIDING JUDGE: You have given copies or shown that to
3 the Prosecution?

4 MR TAKU: Yes, Your Honour.

14:51:22 5 PRESIDING JUDGE: Mr Harrison?

6 MR HARRISON: My recollection is that Mr Taku and I
7 discussed and I believe certain documents were removed and what
8 is being tendered, there is no issue taken with the right of
9 counsel for the second accused to tender that. But the
14:51:42 10 Prosecution is reminding the Court we would like to review the
11 documents for the second accused as well as those for the first
12 accused with a view of submitting the Prosecution's own
13 underlined portions -- [Overlapping speakers]

14 PRESIDING JUDGE: which we have done in the previous case.
14:52:00 15 We are not adverse to that, as we said yesterday on this.

16 MR HARRISON: That has not taken place by the Prosecution,
17 but we see no reason to prevent Mr Taku tendering the exhibit
18 now. If that's what the Court wishes.

19 PRESIDING JUDGE: This is in accordance with our previous
14:52:15 20 direction in this respect, so we will.

21 MR TAKU: Yes, Your Honour.

22 PRESIDING JUDGE: If I may, before we do, Mr Taku,
23 Mr Jordash, you had some as well. Have you filed yours on this?

24 MR JORDASH: In relation to TF1-045, there has been a
14:52:31 25 response from the Prosecution. There is one underlining which is
26 still, I think, something which I need to discuss with
27 Mr Harrison.

28 PRESIDING JUDGE: Okay. Why not wait to file all of this
29 together, so it looks like it is more consistent. Otherwise they

1 will be spread apart in the records. Unless you feel that it
2 must be tendered right away, Mr Taku, I would prefer that we do
3 it together when Mr Jordash proceeds with his and then yours and
4 then we'll put it altogether.

14:53:02 5 MR TAKU: Exactly, Your Honour.

6 MR JORDASH: I was waiting to do also TF1-104. There has
7 been agreement, but I was waiting to do it together with TF1-045.

8 PRESIDING JUDGE: Mr Taku, we're not saying no. We're just
9 saying please wait.

14:53:22 10 MR TAKU: Will do, Your Honour.

11 PRESIDING JUDGE: Thank you.

12 MR TAKU: Thank you.

13 PRESIDING JUDGE: So we're now back where we were. Madam
14 Court officer, can we now move to a closed session to hear the
14:53:32 15 application, please.

16 [At this point in the proceedings, a portion of the
17 transcript, pages 69 to 114, was extracted and sealed under
18 separate cover, as the session was heard in camera.]

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EXHIBITS:

Exhibit No. 61A	7
Exhibit No. 61B	7
Exhibit No. 61C	7
Exhibit No. 61D	8

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-169	8
CROSS-EXAMINED BY MR TAKU	8

WITNESS: TF1-022	21
EXAMINED BY MR WALLBRIDGE	21
CROSS-EXAMINED BY MR JORDASH	43
CROSS-EXAMINED BY MR TOURAY	62

WITNESS: TF1-093	72
EXAMINED BY MS ALAGENDRA	72