

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

THURSDAY, 08 DECEMBER 2005
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Ms Samantha Davies
For the Registry:	Ms Susan Gunstone
For the Prosecution:	Mr Peter Harrison Ms Shyamala Alagendra Mr Alain Werner Mr Mark Wallbridge(Case Manager) Ms Hannah Hinton (intern)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash
For the accused Morris Kallon:	Mr Shekou Touray Ms Rachel Irura Mr Charles Taku
For the accused Augustine Gbao:	Ms Haddijatou Kah-Jallow

1 [RUF08DEC05B - SGH]
2 Thursday, 8 December 2005
3 [Open Session]
4 [The accused Sesay and Kallon present]
09:36:35 5 [The accused Gbao not present]
6 [Upon commencing at 9.47 a.m.]
7 JUDGE THOMPSON: Mr Wallbridge, please continue with your
8 witness.
9 WITNESS: TF1-004 [Continued]
10 EXAMINED BY MR WALLBRIDGE: [Continued]
11 Q. Good morning, Witness.
12 A. Good morning.
13 Q. Before we start this morning I will just remind you what I
14 said yesterday to go slowly and speak in a clear voice. Just
09:48:38 15 remember that people are recording what you are saying and there
16 is translation going on. Just remember to listen to the
17 questions that are asked of you. Is that okay, Witness?
18 A. Okay.
19 Q. Witness, if you remember yesterday where you had finished
09:49:27 20 talking in this Court, you were describing what the soldiers were
21 wearing after you had said that you had observed those soldiers
22 returning to Bo and it was at this point that you had come out of
23 the bush and returned to the Tikonko Junction. Can you continue,
24 Witness, and explain what you saw there?
09:50:09 25 A. When I came back on the road, when I came from the bush
26 where I was hiding, I saw two bags lying at the junction. One of
27 the bags contained wheat and the other sorghum. Then I realised
28 those were the two bags I noticed fell there when I was in the
29 bush.

1 Q. What else did you see at the junction?

2 A. Corpses were there, so many, and so many properties
3 scattered around there.

4 Q. Witness, can you describe the corpses for the Court?

09:51:27 5 A. Very well.

6 Q. Please continue.

7 A. The corpses I saw there, I noticed there were so many
8 civilians amongst them. I counted them. There were even more
9 than ten corpses there, but I was afraid. When I looked at the
09:52:20 10 road leading to Bo I saw them lying there, so many of them. I
11 decided to use the Tikonko route to go.

12 Q. Witness, I will just ask you to pause there. You said "so
13 many of them lying on the route to Bo." What was lying on the
14 route to Bo?

09:53:00 15 A. A Kamajor was among them, but the civilians were many.
16 They were civilians.

17 Q. Did you see their injuries?

18 A. There were wounded people amongst them shouting, but they
19 were almost at the point of death.

09:53:27 20 Q. What were their wounds?

21 A. Some had gunshot wounds. When somebody has been shot,
22 where the bullet enters will be small, but where it gets out will
23 be so large.

24 Q. So, Witness, you said you were afraid and took the Tikonko
09:54:08 25 route. What did you do after that?

26 A. When I took this Tikonko route, where I left them at the
27 place at the junction where they were lying, they were still
28 there lying. Then I went with that same route and entered the
29 town to enter my house.

1 Q. What did you find when you entered the town?

2 A. I saw smoke blazing from houses in all the sections. I saw
3 corpses in the town like the ones coming from the junction going
4 into xxxxxxxx.

09:55:23 5 Q. How many corpses did you see?

6 A. They were many. I was unable to count them. Coming from
7 the junction going -- coming from the junction to the town they
8 were many.

9 Q. What did you do when you reached the town?

09:56:02 10 A. When I entered xxxxxxxx from the junction to my house,
11 there is a house on my right-hand side. When I arrived there I
12 heard people shouting from there. I entered that house. When I
13 entered I saw blood in the parlour like a mud. I entered the
14 room where -- the room for the female. I saw a woman in that
09:56:47 15 room whose stomach was split open. As soon as I opened the door
16 she shouted and said, "I want to drink water", but she was unable
17 to stand. She was lying there, all her intestines were out lying
18 on the floor, but she was a unable to talk -- she was still
19 talking, rather. Beside her there were some corpses lying down
09:57:27 20 just like you would pack bricks. The corpses, I counted them.

21 There were about ten in that single room.

22 PRESIDING JUDGE: What was that, Mr Interpreter?

23 THE INTERPRETER: Excuse me, Your Honours. Did you ask a
24 question?

09:57:47 25 PRESIDING JUDGE: Yes, I heard something but it was not the
26 words being spoken. I'm not sure if you were translating
27 something or I missed something. Could you just repeat the last
28 part. There were 10 in that single room.

29 THE INTERPRETER: Yes, there was 10 in that single room.

1 PRESIDING JUDGE: Anything after that?

2 THE INTERPRETER: No.

3 PRESIDING JUDGE: Okay.

4 MR WALLBRIDGE:

09:58:18 5 Q. Okay, Witness, you said you found 10 corpses in that room.
6 But before that you mentioned the woman was still talking. What
7 did she say to you?

8 A. When I entered the room she said, "I want to drink water.
9 Give me water to drink."

09:58:57 10 Q. You said there were 10 corpses. What were their injuries,
11 do you remember?

12 A. Yes. I saw gunshot wounds on them. Some from their backs,
13 some were shot with guns on their heads. When they were killed
14 they came and placed them in lines. But the other one, they
09:59:29 15 split open her stomach. In fact, it was when she shouted that
16 made me to enter the house.

17 Q. What did you do after this, Witness?

18 A. In that same room it was 10 people, including that one
19 making 11. I left that room and entered another room. I saw a
10:00:05 20 man sitting in there. He was shot in the back of his head and
21 then the bullet came out of his forehead sitting in that room,
22 wardrobe. His child was standing by his side.

23 That child was shot in the chest and the bullet came out
24 from his back. Both of them were placed in one corner, but they
25 were dead. Both of them were dead.

26 Q. Witness, what did you do after this?

27 A. I left the second room and entered the third room in that
28 very house. I met somebody lying, but he was shot in the
29 forehead and his head was shattered and his chest. The other one

1 was shot in the head and his chest also.

2 Q. Let's just pause there. So how many corpses were there in
3 that room?

4 A. In that room there were two corpses. In the second room
10:02:13 5 there were two corpses. In the third room as well there were two
6 corpses.

7 Q. And what did you do after that?

8 A. I left the house I came out on the veranda and went
9 outside. When I came out on the street I had wanted to go to my
10:02:47 10 house. At the junction where the vehicles stop, I saw two men
11 there lying dead. They too were killed. The one was shot on the
12 side, the other was shot on the chest.

13 Q. Witness, you mentioned --

14 THE INTERPRETER: Yes, the witness has just said something
10:03:34 15 that is not very clear. Can he please repeat it?

16 PRESIDING JUDGE: His last answer, Mr Interpreter?

17 THE INTERPRETER: The last answer, yes.

18 PRESIDING JUDGE: Mr Witness, could you repeat your last
19 answer, if you can?

10:03:59 20 THE WITNESS: All right. I came outside going to my house,
21 I saw two men lying down there dead. The one that was lying in
22 the bush on the side of the road, he was shot under his side. He
23 was lying down dead. The other one was lying down -- I wanted to
24 go in between them. He too was shot in his chest. His two legs
10:04:33 25 were broken. Then he is -- yes, his head, they took a knife and
26 placed it under his skull and removed his skull completely. But
27 I did know that person. Then I went past him.

28 Q. So, Witness, you mentioned before that you met these two
29 corpses at a junction. Which junction is that?

1 A. When I leftxxxxxx Junction even in the town there is a
2 junction where vehicles stop in xxxxxx itself.

3 Q. What did you do after you saw these two men?

4 A. I left them lying there. I went straight to my house. I
10:05:45 5 met my house on fire on which I was really relying. It was
6 burning so much that I couldn't get closer to it. The larger one
7 I had not completed. It was destroyed. It was pierced all over.
8 The doors were removed. The house had eight rooms. And I
9 entered it. I met my suitcase overturned with all the things in
10:06:31 10 it inside the house. Behind the house then I saw my
11 children's -- I saw my child's birth certificates as well.

12 Q. I will just ask you to pause there. So, Witness, you
13 mentioned that the house was on fire and that you could not
14 enter. You also mentioned a house that was ruined and then you
10:07:07 15 said you entered a house. So which house was it that you
16 entered?

17 A. I had three houses in xxxxxxxx. The first one -- the first
18 instance when they went they burnt one house then it remained
19 two. The other one that was really beautiful, at this latter
10:07:36 20 part when they went and met me at that junction they burnt that
21 house down. This other one that I had not completed, but up to
22 now it is still in xxxxxx, it was ruined. The doors that were
23 on it they removed them. They were piercing the zinc, the roof.
24 It was at the back of that house that I met my suitcase
10:07:58 25 overturned. And they set my clothing -- my clothes on fire. I
26 am talking about my own section. My own compound.

27 Q. Thank you, Witness. So what did you do after that?

28 A. When I saw all of that I did not see any corpse at that
29 house, so I started looking for my people; my wives and my

1 children.

2 Q. Then where did you go?

3 A. The house that they were not able to burn, it was inhabited
4 by Limbas. It was not burnt, but I started looking in the beds.

10:09:05 5 I saw four people lying under the bed. These people are people I
6 knew. When they saw me they shouted asking if I had gone there
7 to kill them. Then I told them that it was the soldiers who had
8 come and killed so many people, but that they have gone and so
9 come out. Two men and two women. Then they came out. When they
10:09:40 10 came out, they looked around and looked around and then they ran
11 away.

12 Q. Witness, what did you do after they ran away?

13 A. I don't wait at all. I continued looking for my people; my
14 wife and my children. I heard people screaming in the bush. It
10:10:10 15 was crying to die. I thought the person was my wife. I
16 continued doing that until I reached so many corpses, but I went
17 past them. Then I went and entered one house. That is at the
18 end, at the edge of the town, when I saw a woman she was dead and
19 she was taken and placed on top of her companion. I thought she
10:10:52 20 was my wife. When they killed -- when they killed them, they
21 opened their stomach, her gut was hanging out. Then I entered
22 the parlour. Then I bowed down to look at their faces. She was
23 not my wife. Then I came out of that house. There was one
24 primary school there called DEC. I did hear screaming there as
10:11:25 25 well. As I was about to approach there, but then the people had
26 died. They were lying down there. Then I left there and went
27 down. I wanted to go to my house. There was storm at the time.

28 PRESIDING JUDGE: There was what?

29 THE WITNESS: Storm.

1 MR WALLBRIDGE:

2 Q. Witness, can you just repeat your last answer slowly?

3 A. When I left the school, when I saw those people strewn all
4 over the place dead, I wanted to go to my house. But there was a
10:12:20 5 heavy breeze. It was about to rain.

6 Q. What did you do after that, Witness?

7 A. I didn't get to my house. There is a palm fruit plantation
8 by the secondary school. There was a house there that contained
9 four rooms. I went past the secondary school and I went into
10:12:49 10 that plantation not knowing that those people had become so

11 scared that they had entered the bush. There was food that they
12 had just dished. There was a radio on there, but I knew these
13 people. When I called them out, I called them. Then I called
14 and then I called out my own name to them. Then I told them that

10:13:25 15 the soldiers had come to xxxxxx and they had killed so many
16 people, but that they had gone back to Bo. That if you are
17 hearing gunshots that those gunshots were coming from Bo. That
18 there was no soldier in xxxxxx any more. So come out. And so
19 many people came out. They came out, I do not know their number.

10:13:53 20 Then they started asking me questions; how these people came.

21 Then I explained to them what I saw.

22 Q. Witness, so what happened in xxxxxx after that?

23 A. After that very early in the morning I returned to the
24 town. Those corpses who were which were at that junction, my
10:14:44 25 children too were looking out for me because they had told them
26 that I had died. So my eldest child came running to me. Corpses
27 were strewn all over the place. He told me where his mother was
28 and then we went there. Then we were going to xxxxxx. Then I
29 said if they were going to kill me let them kill me, but I must

1 find the place. So every day, every morning, I will come to
2 **xxxxx** the corpses were still there. The elderly people who had
3 gone into the bush were still there in hiding saying that maybe
4 that these people who had killed these people might come back. I
10:15:42 5 was there when some elderly people came. The large crowd had
6 come to town then. Whatever route you took you would find a
7 corpse going bad.

8 Q. Mr Witness, I would just ask you to pause there. So you
9 said some elders came to **xxxxxx** and there was a large group of
10:16:14 10 people gathered there. How long after the events you have
11 described was this?

12 A. It was up to five days because they were frightened. They
13 would not come to **xxxxxx**, but every day I would go to **Txxxxxx**.

14 Q. Witness, what happened after the elders came?

10:16:43 15 A. When the elders came they summoned up and decided that the
16 people were stinking in the town. That those people who -- these
17 people who had been killed, we should summon some people so that
18 we would bury these people. There is a large market at that
19 junction. Then they showed us the place and said we should dig a
10:17:13 20 grave there. I had a shovel which I brought and we dug a very
21 big grave so that we would bury these people.

22 Q. Witness, you said you dug the grave at the market near the
23 junction. Which junction was that?

24 A. This explanation is about **xxxxxxxxx**. I had left **xxxxxx**
10:17:43 25 Junction long ago. I am talking about the **xxxxx** park in
26 **xxxxxxxx** Town, that's what I am talking about. At the junction
27 that's where I was standing. I was looking at the junction that
28 leads to Bo then I saw the edge of the town on this other side.
29 So if I saw soldiers approaching I would be able to run away.

1 That was why, even after the time when they killed those people,
2 I would always be at that junction. My colleagues who were brave
3 like I was, they would come and meet me there and I would explain
4 to them what I saw.

10:18:51 5 Q. So you say you dug a grave; what happened next?

6 A. When we dug the grave there was the man who brought a
7 bundle of zinc.

8 THE INTERPRETER: A lift, sorry, Your Honours, the
9 interpreter's correction.

10:19:22 10 A. One zinc and we constructed something like a stretcher.
11 And we started off where the multitude of people were killed,
12 that's the house we went to and we placed the zinc down and we
13 placed the shovel under this corpse which was going bad and we
14 took it up and placed it on top of the zinc. Sometimes we placed

10:19:46 15 two of the zinc -- two of them on the zinc because they were not
16 large enough, then we would come and deposit them in that grave.

17 On that day we buried 11 people and people became afraid, the
18 elders. And they started returning to Bo hastily. Some of them
19 were going to their villages. Before us, the youths who were

10:20:25 20 brave, we didn't go. When we finished that house, those who were
21 on the streets we would gather them too. Somebody would say,

22 "Here is somebody, here is a corpse going bad," and we would take
23 that zinc there and the shovel. Some people would use the shovel
24 and place them under the corpse, we would slant the zinc at that

10:20:54 25 corpse would be placed on top of the zinc and we would deposit it
26 in that grave. On that day --

27 Q. Sorry, Witness, I was probably cutting you off. So do you
28 remember how many corpses were collected and deposited in the
29 grave?

1 A. Very, very well, indeed.

2 Q. Can you tell this Court?

3 A. The first day with the elders we collected and deposited 11
4 corpses. But they became frightened and they returned. Those
10:22:02 5 which we discovered and buried, their number was up to nine on
6 that very day.

7 Q. And after that day did you find and deposit more corpses?

8 A. Very, very well, indeed.

9 Q. Can you tell this Court how many?

10:22:42 10 A. In the morning I said that I saw two corpses in that house.
11 That woman and her colleague we were unable to bring them because
12 the distance was quite long a little. It was by the side of that
13 house that we dug two graves and we placed them there. We placed
14 them separately. One in one gave and the other in another grave.
10:23:15 15 And we placed stones right round and the other two were placed
16 stones right round.

17 Q. Thank you, Witness. Did you collect more bodies after
18 those two women?

19 A. We saw so many of them, but we were not collecting them.
10:24:05 20 Wherever we find a corpse we had a pickaxe that we were moving
21 around with and a shovel. We would just push it if it were on
22 the way, we would just push it away a little. Then we would take
23 some earth and placed it on top of it. Then we went to that
24 junction where everything started.

10:24:28 25 [RUF08DEC05B - EKD]

26 Q. Witness, if you want to get yourself a drink, feel free.

27 So, Witness, you described how you would go to the corpses and
28 cover them with dirt. Can you tell this Court how many corpses
29 were buried like that?

1 A. Many, many, many I can explain properly.

2 Q. Thank you, Witness. You said "many". Do you have any idea
3 how many?

4 A. Those on which we placed earth, those whom I knew, there
10:26:31 5 could be over 200, because we didn't bury them on the same day.
6 When the elders returned that same week, that was some kind of a
7 job for us, just so that we would bury those people. Had we not
8 buried those people at the junction, no vehicle would have been
9 able to ply that road, because they were strewn all over the
10:27:10 10 place. So we were burying them every day.

11 Q. Witness, how many days did it take to finish burying them?

12 A. In that week alone that's the job we were doing. Somebody
13 would leave the farmhouse and come and tell us that there is
14 somebody out there and he would say, "Let's go there and bury
10:27:50 15 that person", so that the bones would not disturb somebody. So
16 we just dig a grave by the roadside and bury it. So it was not a
17 day's job. It became a job for us just so that we would do it.

18 Q. Thank you, Witness. Now I just have a couple more
19 questions for you. You said when you came out of town -- excuse
10:28:49 20 me, when you came to town there was smoke blazing from all parts.
21 You also said that your house was on fire. Can you tell this
22 Court how many houses were burnt?

23 A. Houses which were burnt in ~~xxxxxx~~, there would be up
24 to 500 houses. That's not a small village. It's not a small
10:29:31 25 town, apart from the kitchen, all of them. It was the chiefdom
26 headquarters. So on that day alone that's what they did. There
27 was some houses, the fire would be in that house for three to
28 five days.

29 THE INTERPRETER: Sorry, Your Honours. Correction

1 interpreter: Two to three days the fire would be in the houses.

2 MR WALLBRIDGE:

3 Q. Okay, Witness. You said yesterday that this incident
4 occurred in June. Can you tell the Court what year in June this
10:30:21 5 occurred?

6 A. In the year 1997.

7 Q. Witness, yesterday you said to this Court when you met the
8 first group of soldiers at the Tikonko Junction there was three
9 among them that you knew and you said two were born in Tikonko
10:31:22 10 and the third one you knew at the time the soldiers were in
11 xxxxxx before the overthrow of Kabbah and he was in your house.
12 Can you tell the Court why he was in xxxxxx?

13 A. Yes.

14 Q. Please tell the Court.

10:32:14 15 A. At that time Kabbah had not been overthrown and the
16 soldiers were in Tikonko. They were there. When you have a
17 vacant accommodation, they would come and request that from you,
18 saying, "Look at the people who have come to protect you. Give
19 them accommodation." And indeed, we would give it to them, and
10:32:50 20 that was it.

21 Q. So, Witness, was he staying at your house for that reason?

22 A. Yes.

23 MR WALLBRIDGE: Okay, thank you, Witness. I have no
24 further questions.

10:33:44 25 PRESIDING JUDGE: Thank you. Mr Jordash for the first
26 accused, any cross-examination?

27 MR JORDASH: Yes, please. Just a small amount.

28 CROSS-EXAMINED BY MR JORDASH:

29 Q. Good morning, Mr Witness.

1 A. Good morning.

2 Q. Were you a Kamajor, Mr Witness?

3 A. I was not a Kamajor.

4 Q. Did you associate with Kamajors just before the junta
10:34:21 5 period?

6 A. Like what? What do you mean?

7 Q. Well, did you socialise with Kamajors?

8 A. There was no Kamajor initiation in Tikonko. So we just saw
9 them and they said they were Kamajors.

10:35:10 10 Q. Sorry, you just saw who who said they were Kamajors?

11 A. They too said it, that they were Kamajors, that they've
12 been initiated into the Kamajor society. The attire they had on
13 that they wore that they were going up and down with.

14 Q. Who said and who was wearing these clothes? Who are you
10:35:47 15 talking about, Mr Witness?

16 A. Those that were called Kamajors are the people I'm talking
17 about.

18 Q. So did you have any Kamajors as friends prior to or during
19 the junta period?

10:36:08 20 A. Even myself, I was captured to be initiated into the
21 Kamajor society, but I refused. I didn't join them.

22 Q. Who captured you?

23 A. The Kamajors themselves. They will come and say, "Let's go
24 and join."

10:36:41 25 Q. So they came to Tikonko, did they? Is that where this
26 happened?

27 A. I was not captured. They said I should go and join the
28 Kamajors.

29 Q. Who said?

1 A. The Kamajors that were initiated and knew me and I knew
2 them.

3 Q. Where were these Kamajors based?

4 A. They came from the riverside. They said they came from the
10:37:23 5 riverside.

6 Q. So were there Kamajors --

7 A. Down the river.

8 Q. Which river is this?

9 A. Around the Bonthe District. They came from there.

10:37:37 10 Q. There were Kamajors in the surrounding areas of Tikonko at
11 around the junta period; am I right?

12 A. Yes.

13 Q. In many of the villages around Tikonko Kamajors were based;
14 is that right?

10:38:07 15 A. No, they came from down the river, around the
16 Bonthe District.

17 Q. How far is that from Tikonko?

18 A. It will be up to 60 miles. Tikonko is in the centre.
19 Tikonko is in the Bo District. This down the river that I'm
10:38:42 20 talking about -- this down the river that I'm talking about is in
21 the Bonthe District.

22 Q. Well, what about in the surrounding villages; do you say
23 there was no Kamajors there?

24 A. I want -- I will not say there were no Kamajors there,
10:39:19 25 because I was not going to those places. I will not just get up
26 and say, "I will go there" and go there.

27 Q. Didn't Kamajors used to come from the surrounding villages
28 into Tikonko at around the time just before the junta period?

29 A. I did see Kamajors coming there, but I didn't ask them

1 whether they were coming from those villages. What I am saying,
2 they never initiated a Kamajor society in Tikonko. They came
3 from down the river. Before they can -- before they arrived in
4 Tikonko they will go through those villages. They came from
10:40:25 5 where those societies were initiated. But for you to hear that
6 Kamajor society was initiated in Tikonko, it didn't happen and I
7 did not see it.

8 MR JORDASH: Sorry, I haven't told your learned legal
9 officer about the pages. Can I just refer to page 14385 and
10:40:52 10 14386?

11 PRESIDING JUDGE: What is this?

12 MR JORDASH: It's the testimony of this witness in the AFRC
13 trial.

14 PRESIDING JUDGE: Can you repeat the pages, please?

10:41:06 15 MR JORDASH: 14385 and 14386. I do apologise. Whilst we
16 are waiting for this I can ask the witness a couple of other
17 questions. For the Prosecution, it is the 23rd June 2005
18 transcript I will be referring to.

19 Q. Am I right that xxxxxx was a chiefdom headquarter town?

10:41:41 20 JUDGE ITOE: He had said so.

21 MR JORDASH: Yes.

22 Q. Was it a large town which --

23 A. Yes.

24 Q. You didn't know everybody in the town, did you?

10:41:51 25 A. In xxxxxx?

26 Q. Yes.

27 A. There xxxxxx. How will I not know somebody there?

28 Q. Well, I suggest you didn't know everybody in xxxxxxxx Town;
29 is that right?

1 JUDGE ITOE: He is saying you don't know all the people
2 living in xxxxxx.

3 PRESIDING JUDGE: What's your response, Mr Witness?

4 THE WITNESS: There I was born. I will know people there
10:42:37 5 unless otherwise you are a stranger there or little children
6 leaving from other villages to go there. But I know all the
7 sections in there.

8 MR JORDASH:

9 Q. Well, let's have a look at what you said in the AFRC trial,
10:43:00 10 shall we. 23rd June 2005, do you remember giving evidence in the
11 AFRC trial, Mr Witness?

12 A. Very well.

13 Q. Good. What I am going to read you is word for word what
14 you said; okay? Do you understand?

10:43:23 15 A. Very well.

16 Q. Line 24:

17 "Q. Mr Witness, you know or you knew at the time probably
18 everybody who lived at xxxxxx; is that so?

19 "A. Yes. I wouldn't know all of them, because like I
10:43:42 20 said, it's not a small town. It's a very large town. It
21 is not like you would stand here and see" --

22 Sorry, Mr Witness.

23 PRESIDING JUDGE: Don't go too fast, Mr Jordash. He still
24 needs to get the translation.

10:44:02 25 MR JORDASH: Sorry.

26 Q. "It's a very large town. It's not like you would stand
27 here and see the other end. It's a chiefdom headquarter
28 town. People who settled there, you didn't be able to know
29 all of them."

1 So was that true, what you said in the AFRC trial?

2 A. That's the truth. That is what I'm saying.

3 Q. Reading on:

4 "Q. Do you know how [sic] many people at Tikonko at that
10:44:42 5 time?

6 "A. Yes, yes.

7 "Q. Did you know any Kamajors that were living there?

8 "A. They were not settled there. They did come there.
9 They would come and go. They would come from the
10:45:10 10 surrounding villages but there was no base there for
11 Kamajors."

12 Was that true, Mr Witness?

13 A. That's the truth.

14 Q. Thank you. So Kamajors would then come from the
10:45:28 15 surrounding villages into Tikonko, and was this the case just
16 before the junta period?

17 A. You said what?

18 Q. Did Kamajors come from the surrounding villages just before
19 the junta period? Did they come into Tikonko?

10:45:58 20 A. Yes. That's the reason why when they took power, they said
21 Kamajors were there so they were going there.

22 JUDGE ITOE: Mr Jordash, he had given a response to this
23 question: Before the junta period Kamajors used to come to
24 Tikonko.

10:46:38 25 MR JORDASH: From the surrounding villages.

26 JUDGE ITOE: Yes, that's so.

27 PRESIDING JUDGE: [Microphone not activated].

28 THE INTERPRETER: Your microphone, Your Honour.

29 PRESIDING JUDGE: Thank you. Are you suggesting what was

1 in the transcript is different?

2 MR JORDASH: No, maybe I am being slow, but I thought the
3 witness had said they weren't coming from surrounding villages.
4 That's the point I was trying to establish.

10:47:08 5 PRESIDING JUDGE: You mean here in this trial?

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: Well, maybe it's not from surrounding
8 villages, he's been saying they were coming from up-river and so
9 on.

10:47:16 10 MR JORDASH: From 60 miles or so away and so I was trying
11 to establish if it was surrounding villages.

12 PRESIDING JUDGE: Okay, that's fine.

13 THE WITNESS: Yes.

14 MR JORDASH:

10:47:24 15 Q. Were you captured by the Kamajors around the time or just
16 before the junta period?

17 A. Captured like what?

18 PRESIDING JUDGE: It's only that he has changed that to say
19 he wasn't captured.

10:47:44 20 JUDGE ITOE: Changed, yes, he used the word "captured."

21 PRESIDING JUDGE: First it came out as captured, then he
22 says I was invited to -- asked to join them. So it is not
23 capture in that sense.

24 JUDGE ITOE: Exactly. That is the state of the evidence,
10:47:58 25 Mr Jordash.

26 MR JORDASH: I'm right and I'm wrong.

27 PRESIDING JUDGE: The word "captured" came out but he
28 explained what he meant by "captured". "Captured" meaning at
29 that time that he was asked to join them but he said he refused.

1 MR JORDASH: I accept that.

2 Q. When were you asked to join the Kamajors, Mr Witness?

3 A. During that time -- they told me so many times during the
4 time the Kamajor activity started.

10:48:36 5 Q. Is there any reason, do you know, why they asked you in
6 particular or were they asking lots of people?

7 A. Well, they saw me in that town that I am somebody who is
8 responsible for others. Besides, when somebody is doing some
9 business they always want somebody who will be giving advice to

10:49:25 10 them. When I was in ~~xxxxx~~, my business was to do my business
11 with the bush. They said if I join them I will give them a
12 valuable advices that we give them leeway in whatever thing they
13 were doing. That was the reason why they forced me to join them.
14 But I refused to join them.

10:49:56 15 Q. And were they asking men around and in Tikonko, as well as
16 yourself, to join?

17 THE INTERPRETER: Can counsel please repeat the question?
18 The interpreter is sorry.

19 MR JORDASH:

10:50:16 20 Q. Were the Kamajors asking other men in and around Tikonko to
21 join them to help defend against the soldiers?

22 A. Very, very well.

23 Q. And were people in and around Tikonko keen to help defend
24 against the soldiers? Did they want to help?

10:51:12 25 A. Yes.

26 MR JORDASH: Thank you, I've got no further questions.

27 PRESIDING JUDGE: Thank you. Mr Touray for second accused?

28 MR TOURAY: Thank you, Your Honour. May I just have a few
29 seconds?

1 PRESIDING JUDGE: Yes.

2 MR TOURAY: Good morning, Your Honours.

3 CROSS-EXAMINED BY MR TOURAY:

4 Q. Good morning, Mr Witness.

10:52:53 5 A. Good morning, Pa.

6 PRESIDING JUDGE: Mr Witness, when you are answering the
7 question try not to touch the microphone because it makes noises
8 and we are losing some of what you are saying. Thank you.
9 Mr Touray, sorry.

10:53:18 10 THE WITNESS: Okay.

11 MR TOURAY:

12 Q. I notice this is an open session so I will try to avoid
13 calling certain names, but you said there were soldiers in
14 Tikonko before the overthrow -- before the AFRC came in.

10:53:56 15 A. Yes, soldiers were there.

16 Q. And you said people pleaded with you, if you have vacant
17 accommodation, to give them accommodation?

18 A. Yes.

19 Q. So there was some authority in the town responsible for
10:54:39 20 that; finding accommodation for the soldiers whom you say they
21 were there to protect you people?

22 A. There were chiefs there for that. But the soldiers
23 themselves, if they see a place where they think they can be
24 accommodated, they will come and ask you to give it to them. To
10:55:20 25 come forcefully and ask you to give it to them.

26 Q. But the chiefs also played a part in finding accommodation
27 for those soldiers?

28 A. Very well.

29 Q. So their presence in the town was well known to the

1 authorities in the town. That is, the chiefs in the town.

2 A. Yes. Which town had existed without a soldier during the
3 time they had the power? Even the villages, they were there.

4 Q. Mr Witness, I'm talking about the period before the junta
10:56:35 5 came into power.

6 A. Very, very well.

7 JUDGE ITOE: What is very, very well?

8 THE WITNESS: When you say "very, very well", like when the
9 white people say "very, very well" in support of something.

10:57:15 10 JUDGE ITOE: Can learned counsel take the question again,
11 please?

12 MR TOURAY:

13 Q. In other words, the chiefs knew that these soldiers were in
14 town very, very well; not so?

10:57:26 15 A. Yes.

16 Q. And in fact, they were helping to find accommodation for
17 them. That's what I am saying.

18 A. Well, that one, it was a must when soldiers were --
19 wherever soldiers are in the town, it was a must that you find a
10:57:53 20 place for them. Even a woman, if you have a woman, a beautiful
21 woman, they will come to you and say, "That woman should visit us
22 later." So it will become a concern and a must to you to do so
23 and she will go and not come unto the next day.

24 Q. That was in 1994? That was happening in 1994?

10:58:45 25 A. Yes, from 1994. When we were in ~~xxxxx~~ they were based
26 there completely.

27 Q. Now they were there to protect the citizens or the populace
28 of ~~xxxxxxx~~?

29 A. Well, during that time -- well, in 1994 when the war was in

1 Tikonko, the soldiers were there; didn't leave. They called
2 them. They said Kabbah has won the election. So many of them
3 left Tikonko. It came to some times they said they will take
4 over that very government.

11:00:12 5 Q. Mr Witness, stop debating, just answer my question, please,
6 then we move on. Those soldiers were --

7 A. Okay.

8 Q. -- there to protect you, the populace of the town?

9 A. That was what they said.

11:00:36 10 Q. Now have you ever heard of ULIMO soldiers fighting
11 alongside with the SLA against the rebels around that time,
12 around 1994?

13 A. I could remember that. Those ULIMO soldiers, it came a
14 time they returned. They went back.

11:01:39 15 Q. They were in Tikonko, were they not?

16 A. They were there.

17 Q. Thank you. And they were there for about, roughly, very
18 long, about two years?

19 A. I could not remember the length of the time they were

11:02:10 20 there. I could not remember that.

21 Q. But for a very long period?

22 A. Yes.

23 Q. Thank you.

24 JUDGE ITOE: Certainly under?

11:02:29 25 MR TOURAY: For a very long period but he could not
26 remember the time.

27 Q. And these soldiers were dressed in military fatigues, were
28 they not? Combat?

29 A. Very, very well, that was what they wore.

1 JUDGE ITOE: Mr Touray, you mean the soldiers who were
2 staying with --

3 MR TOURAY: Yes.

4 PRESIDING JUDGE: ULIMO soldiers.

11:03:23 5 MR TOURAY: ULIMO soldiers.

6 JUDGE ITOE: ULIMO soldiers?

7 MR TOURAY: Yes.

8 Q. And they were fighting against the RUF?

9 A. Well, I will not be able to say much about that, because
11:03:56 10 even the ULIMO soldiers you said they came and stayed there for
11 so long, they didn't stay so long because they went back. Those
12 that were called --

13 Q. You've answered that. So let's move on. You've answered
14 that. Let's move on, please.

11:04:19 15 PRESIDING JUDGE: Well, let the witness answer the
16 question. You've asked a question, he's giving an answer,
17 Mr Touray. You've asked the question, let him answer it.

18 MR TOURAY: He has answered that they did not stay --

19 JUDGE ITOE: Mr Touray, if you observe the witness, as you
11:04:33 20 are observing, when he said they stayed there for too long, for a
21 very long time, he was acceding to your suggestion. But he
22 laughed and -- because when I sought clarification he laughed at
23 it and he didn't appear to be very convinced with his answer.
24 You see, we have him --

11:04:52 25 MR TOURAY: Well, we can spend the whole day here so let's
26 carry on.

27 JUDGE ITOE: Let us do. We may. There is no problem. We
28 are here for that.

29 MR TOURAY: Yes, Your Honour.

1 Q. So please give your answer as much as you want to. You are
2 free to talk. Just say what you want to say.
3 A. No, I have asked that one. Let's go ahead. Ask me another
4 question. I am prepared to answer.
11:05:38 5 Q. The question I asked you was whether in fact they were
6 fighting against the RUF. That is, the SLA and ULIMO together
7 were fighting against the RUF on the other side.
8 A. I wouldn't say much about that.
9 Q. So you don't know?
11:06:21 10 A. No.
11 Q. Now, in fact, one of the three men you said you recognised
12 was somebody -- was a soldier you gave accommodation to at that
13 time?
14 A. Yes, yes.
11:07:01 15 JUDGE ITOE: He has answered that question.
16 MR TOURAY: He has answered?
17 JUDGE ITOE: Yes, he answered it before now.
18 THE WITNESS: I have answered.
19 MR TOURAY: That is out of the three he said he recognised
11:07:11 20 one soldier who he had earlier given accommodation to during that
21 period.
22 PRESIDING JUDGE: Yes.
23 MR TOURAY: And I'm saying --
24 JUDGE ITOE: It is on record already.
11:07:21 25 MR TOURAY: I am saying he was part of this group of
26 soldiers, these ULIMO soldiers. That is my suggestion.
27 PRESIDING JUDGE: Okay, but your last comment was not put
28 to the witness yet. You were about to do that, I guess.
29 MR TOURAY: Pardon, My Lord.

1 PRESIDING JUDGE: Your last comment was not put to the
2 witness. You were about do it, I take it. You can put it to the
3 witness.

4 MR TOURAY:

11:07:41 5 Q. He was one of those ULIMO soldiers, in fact, who stayed in
6 town?

7 A. That man, he was an SLA. Whether he was a ULIMO soldier,
8 but the name he carried is from this country.

9 Q. Now, without mentioning any name, would you recall the 1996
11:08:35 10 election, general election?

11 A. I could remember some.

12 Q. Did you take part in that election, that is by way of
13 voting or something?

14 A. I voted very well.

11:09:12 15 Q. Was it an SLPP candidate who won in that year?

16 A. Yes.

17 Q. So is it true that at the time the AFRC overthrew the SLPP
18 government, the sitting member of parliament for Tikonko was an
19 SLPP; not so?

11:09:56 20 A. Yes.

21 Q. Before that you will agree, would you not, that in fact
22 Tikonko was a very strong APC seat?

23 PRESIDING JUDGE: Mr Touray, if I may just -- when you say
24 "before that", you mean before the election or before the
11:10:43 25 overthrow?

26 MR TOURAY: No, before the election, before the 1996
27 election.

28 Q. For a very long period you had an APC candidate? I don't
29 want to call a name, but you know.

- 1 A. Yes.
- 2 Q. Thank you. Takes you a long time to answer.
- 3 PRESIDING JUDGE: Maybe it took a long time to translate.
- 4 MR TOURAY:
- 11:11:43 5 Q. When the junta overthrew the SLPP government, in Bo there
6 was the secretariat of the junta, in Bo Town?
- 7 A. Yes.
- 8 Q. And about the time of the alleged incidents you have
9 narrated, you had officials of the junta in Bo?
- 11:12:40 10 A. Yes, very well. They were there and I knew some of them.
- 11 Q. Like AF Kamara, the Secretary of State?
- 12 A. Very, very well.
- 13 Q. Like Boysie Palmer?
- 14 A. He was also called Fangadema [phon].
- 11:13:17 15 Q. That's AF Kamara?
- 16 A. Yes.
- 17 Q. And you also had Boysie Palmer, the brigade commander?
- 18 A. Yes.
- 19 Q. You also had ABK, or Kamara, who was the OC secretariat?
- 11:13:44 20 A. Yes.
- 21 PRESIDING JUDGE: What's the last name, Mr Touray?
- 22 MR TOURAY: ABK.
- 23 PRESIDING JUDGE: ABK.
- 24 MR TOURAY: AB Kamara.
- 11:13:56 25 Q. These were people you used to meet yourself?
- 26 A. Yes.
- 27 Q. Even before the alleged incident of the visit of the
28 soldiers to Tikonko?
- 29 A. Yes.

1 Q. Now, by the overthrow of the SLPP government do you know
2 what happened to the -- your sitting member of parliament then,
3 who was an SLPP? I don't want to call his name, but you know
4 him.

11:14:45 5 MR TOURAY: Can I? May I? Can I call the name,
6 Your Honour?

7 PRESIDING JUDGE: Pardon.

8 MR TOURAY: I don't think there is any risk.

9 PRESIDING JUDGE: You may know, we don't know.

11:14:55 10 MR TOURAY:

11 Q. Daramy Rogers.

12 A. Well, I couldn't say much about him.

13 Q. Was he not your member of parliament?

14 JUDGE ITOE: That's the SLPP member of parliament?

11:15:33 15 MR TOURAY: That's it.

16 THE WITNESS: I couldn't recall. I don't know that.

17 MR TOURAY:

18 Q. Was Dr Sam-Kpakra not another one?

19 A. I heard those names.

11:16:02 20 JUDGE ITOE: Doctor who?

21 MR TOURAY: Sam-Kpakra.

22 JUDGE ITOE: What was he?

23 MR TOURAY: Member of parliament, SLPP also for Tikonko
24 area. Including the Honourable Daramy Rogers.

11:16:28 25 Q. Now, do you know Joe Amara Bangali?

26 A. I know him very, very well. I know him.

27 Q. He was for a long time the APC member of parliament for
28 that area.

29 JUDGE ITOE: Let's have the name again, please.

1 MR TOURAY: Joe Amara Bangali.
2 PRESIDING JUDGE: Can you spell that, please?
3 MR TOURAY: Joe is --
4 PRESIDING JUDGE: Not Joe.
11:16:54 5 MR TOURAY: Amara, A-M-A-R-A.
6 THE WITNESS: Yes.
7 MR TOURAY: Bangali, B-A-N-G-A-L-I-E [sic].
8 PRESIDING JUDGE: Thank you.
9 MR TOURAY:
11:17:09 10 Q. Now when the junta took over he became the minister of
11 finance for the AFRC government, wasn't it?
12 A. Yes.
13 Q. So that was his home town?
14 A. Yes. In fact, it was in his father's house those many
11:17:40 15 people were killed.
16 Q. Thank you. It was in his father's house that those many
17 people were killed, an AFRC minister. Who did the killing? The
18 Kamajors did it. Simple.
19 A. They hadn't that strength to do that. The Kamajors had no
11:18:12 20 strength to do that. The soldiers who came from Bo did that.
21 That's the reason why I didn't run to hide. I stayed behind and
22 observed them, that they went there to kill those people.
23 Because if I will have hidden myself, they will have said the
24 people who killed them were Kamajors. That was the reason why I
11:18:42 25 stood by to observe them. All what they did I saw them.
26 Q. The Kamajors did the killing. They did it, Mr Witness.
27 A. It was not the Kamajors. They didn't do it. They didn't
28 do it.
29 PRESIDING JUDGE: So that concludes your cross-examination,

1 Mr Touray?

2 MR TOURAY: Pardon, My Lord.

3 PRESIDING JUDGE: Does that conclude your
4 cross-examination?

11:19:15 5 MR TOURAY: That concludes it.

6 PRESIDING JUDGE: Thank you. Any cross-examination by
7 third accused?

8 MS KAH-JALLOW: Your Honours, no cross-examination.

9 PRESIDING JUDGE: Thank you. Any re-examination?

11:19:37 10 MR WALLBRIDGE: No, Your Honour.

11 PRESIDING JUDGE: Thank you. Mr Witness, this concludes
12 your evidence in this Court. We thank you for having come to
13 testify and we wish you very good luck in the future. Thank you.
14 Mr Prosecutor. Mr Harrison.

11:19:57 15 THE WITNESS: All right. May the Lord bless you too.

16 PRESIDING JUDGE: Thank you very much.

17 I don't know if you have a very short witness that we could
18 take on. If we could finish today by usual lunch-time we would
19 appreciate it.

11:20:24 20 MR HARRISON: There is a witness that we anticipate would
21 be roughly 30 minutes in direct examination.

22 PRESIDING JUDGE: 30?

23 MR HARRISON: Yes, 30 in direct examination, and it may
24 even be slightly shorter than that. We also have another witness
11:20:39 25 waiting who would be somewhat longer, and we would estimate
26 roughly 90 minutes for the second one in direct examination.

27 PRESIDING JUDGE: In direct, yes. I think it would be
28 prudent to say at this stage that certainly your second witness
29 in waiting you could dispense of her or him for today and have

1 him or her for the next session. But the shorter witness we are
2 prepared to take.

3 MR HARRISON: That person is here and the counsel is in the
4 courtroom to deal with it if you wish. If you wish to take a
11:21:09 5 break now or not.

6 PRESIDING JUDGE: Yes, we will take a short break now and
7 we'll come back and we'll go on with that short witness.

8 THE INTERPRETER: Your Honours, the interpreters are sorry.
9 Can we be informed about the language of the next witness?

11:21:23 10 MR HARRISON: The next witness will be 004 -- sorry, 008,
11 the one that we'd originally indicated would be the next witness,
12 And the language is Mende.

13 PRESIDING JUDGE: Thank you. Court is adjourned.

14 [Break taken at 11.22 a.m.]

11:44:10 15 [Upon resuming at 11.45 a.m.]

16 JUDGE THOMPSON: Prosecution, are we set to proceed?

17 MS ALAGENDRA: Yes, we are, Your Honour.

18 JUDGE THOMPSON: Well, let the witness be sworn.

19 WITNESS: TF1-008 [Sworn]

11:45:50 20 [The witness answered through interpretation]

21 JUDGE THOMPSON: Please begin.

22 MS ALAGENDRA: Your Honour, for the record this is the 58th
23 witness in the trial and the 57th prosecution witness.

24 EXAMINED BY MS ALAGENDRA:

11:46:19 25 Q. Good morning, Witness.

26 A. Yes, good morning. How are you?

27 Q. Well, thank you. Witness, I have a few questions for you
28 this morning.

29 A. Okay, just ask me, I would answer.

- 1 Q. I am going to ask you to try to answer the questions slowly
2 so that the people who are trying to take down what you are
3 saying can do so. Is that okay?
4 A. Okay.
- 11:46:57 5 Q. Witness, what is the date of -- what is your date of birth?
6 A. I was born in 1971.
7 Q. Where were you born, Witness?
8 A. I was born in the Tikonko Chiefdom, Bo District.
- 9 Q. Can you tell the Court in which area or village of Tikonko
11:47:37 10 Chiefdom that you were born?
11 A. I was born in xxxxxxxx.
12 MS ALAGENDRA: Your Honour, for the record xxxxxxxx is
13 spelt xxxxxxxx and the number xxxxxx, Your Honour; one, seven.
14 Q. Witness, where were you living in the year xxxxxx?
11:48:18 15 A. In 1997, I was in xxxxxxxx.
16 Q. Did anything happen in xxxxxxxx in xxxxxx?
17 A. Something happened there.
18 Q. What happened, Witness?
19 A. One day we were there when troops came from Bo and they
11:48:51 20 brought a van that had an AA.
21 Q. Witness, the troops who came in, who were they, do you
22 know?
23 A. The troops that came, they were Mosquito's group. They
24 were the ones that came.
- 11:49:24 25 [RUF08DEC05C - SV]
26 Q. Witness, who is Mosquito?
27 A. Mosquito, he's not a real mosquito; he is a human.
28 Q. Yes, but do you know who he was at that time?
29 A. Mosquito came and said that he was an RUF, that he was a

1 rebel.

2 Q. When in 1997 did Mosquito's group enter xxxxxx?

3 A. In 1997, one month after the overthrow.

4 Q. How many people were in Mosquito's group that entered

11:50:39 5 xxxxxxxx?

6 A. The group that came, I can't know the number, but they were
7 there. They were many.

8 Q. Witness, just to take you back to the previous question.

9 You said that Mosquito's group entered xxxxxx one month

11:51:23 10 after the overthrow; is that correct?

11 A. Yes. After one month, that's the time they came. It was
12 after that month, that's the time they came.

13 Q. The overthrow of who, Witness?

14 A. At that time it was Corporal Gborie who did the overthrow,
11:51:54 15 and it was not long Paul Koroma sat in the chair.

16 JUDGE THOMPSON: He didn't get your question.

17 MS ALAGENDRA: Yes, I'm going to repeat the question, Your
18 Honour.

19 Q. Witness, can you explain again, Mosquito's group entered
11:52:16 20 xxxxxx one month after the overthrow of who?

21 A. At that time when Corporal Gborie did the overthrow, at
22 that time it was not long after then Johnny Paul Koroma sat in
23 the chair. We understood from what Johnny Paul Koroma was
24 saying --

11:52:52 25 PRESIDING JUDGE: What's your question again, if I may?

26 MS ALAGENDRA: Your Honour, the question was after the
27 overthrow of who, but the witness --

28 JUDGE THOMPSON: He probably is trying to get there. Once
29 more we may be confronted with the idiosyncratic tendencies here.

1 Probably he's trying to get there, so perhaps give him a little
2 leeway.

3 MS ALAGENDRA: Yes, Your Honour. If I may put the question
4 back to the witness.

11:53:25 5 PRESIDING JUDGE: Yes, please.

6 MS ALAGENDRA:

7 Q. Witness, when you say "overthrow" can you explain who was
8 overthrown?

9 A. At that time it was Tejan Kabbah who was overthrown.

11:53:47 10 Q. Mosquito's group that entered xxxxxx, how were they
11 dressed?

12 A. Mosquito's group that went to xxxx, they had trousers,
13 combat trousers, and the shirt was a civil shirt.

14 Q. Was the group armed?

11:54:25 15 A. They had guns.

16 Q. Was Mosquito armed, Witness?

17 A. He had a weapon; he had a shotgun called pistol. That's
18 what he had.

19 Q. What happened after Mosquito's group entered xxxxx?

11:55:03 20 A. At that time Mosquito's group entered xxxxxxxx, they
21 went straight to a man's house called xxxxxxxx. He was
22 arrested and placed on the ground.

23 Q. Who was xxxxx xxxxxx

24 A. xxxxxxxx was a section xxxxx.

11:55:40 25 Q. What happened after that?

26 A. When he was placed on the floor, he had some money and they
27 took it away from him. It was about 800,000 Leones.

28 Q. Witness, who took his money?

29 A. It was Mosquito who took his money from him.

1 Q. Did Mosquito say anything?
2 A. Before he took the money from him he called him a "fucking
3 civilian".
4 Q. Witness, apart from using abusive language, did Mosquito
11:56:50 5 say anything else?
6 A. What he said was -- he said that he was the one who has
7 captured this place, that this place was under his control. He
8 didn't say anything in my presence.
9 Q. What happened after that?
11:57:28 10 A. At that time his boys were going around the town setting
11 houses on fire and shooting around.
12 Q. Witness, do you know how many houses they set on fire?
13 A. I do not know the number but it was more than 30. It was
14 more than 30.
11:57:58 15 Q. What happened after Mosquito's group started shooting
16 around?
17 A. When they were shooting around, they left and went to a
18 man's place called xxxxxx Bockarie. They arrested him. He had an
19 X Bass tape and they wanted that X Bass tape. They asked him for
11:58:32 20 the tape and he refused to give it to them and he was shot.
21 JUDGE ITOE: What was the name of the man again?
22 MS ALAGENDRA:
23 Q. Witness, can you repeat the name of the man again who was
24 shot?
11:58:51 25 A. Txxxxxxx Bockarie, xxxxxx Bockarie.
26 PRESIDING JUDGE: Do you have the spelling of that name,
27 Madam Prosecutor?
28 MS ALAGENDRA: Your Honour, the spelling I have is xxxxxx
29 Bockarie.

1 JUDGE ITOE: Is it Bockarie or Bocki? Let's get it clear.

2 THE WITNESS: Bockarie, Bockarie.

3 MS ALAGENDRA:

4 Q. Witness, what did you do after the shooting started?

11:59:37 5 A. When they started shooting around, at that time that they
6 killed that fellow, I was afraid and I went into the bush to look
7 for my people.

8 Q. Did you leave the bush and return to xxxxxxxx at some
9 point after that?

12:00:16 10 A. At that time that I went into the bush, I was there when I
11 received information there was a child who left and met us at our
12 hiding place and said they had shot Sheriff in his belly and his
13 guts came out, and they also shot him on his foot.

14 MS ALAGENDRA: Your Honour, I believe "Sheriff" is spelt
12:00:51 15 S-H-E-R-I-F-F.

16 Q. What did you do when you heard this?

17 A. When I heard that I came immediately from the farmhouse and
18 went to the place where Sheriff was shot, where the boy told us
19 that he was, where they shot him. He was not there. I just saw
12:01:21 20 drops of blood.

21 Q. Did you get to the place where Sheriff was?

22 A. Where Sheriff was, I went and reached there. Where he was
23 lying by the side of the bush, there was a lot of blood
24 underneath him, just like water would settle down underneath
12:02:00 25 somebody. Then I took him up, but his intestines were out, but I
26 placed -- I pushed it inside and I took a piece of cloth and tied
27 it. Then I told him to lie down there.

28 Q. Did Sheriff tell you who shot him?

29 A. Sheriff said when I asked him that, "Sheriff, why are you

1 lying here", he said it was Mosquito's troop who had come that
2 shot him with a gun. But where he was lying, he couldn't get up
3 at all. So I took him and placed him by the side of the road.

4 Q. You said that you returned to xxxxxx. Can you tell
12:03:03 5 the Court what you saw when you returned to xxxxxx?

6 A. When I returned to xxxxx, when I took Sheriff and
7 took him to town, I saw people who had been injured and there are
8 some people who --

9 THE INTERPRETER: Your Honours, the witness has used an
12:03:29 10 expression that is not very clear. Can he please take it again?

11 PRESIDING JUDGE: Mr Witness, can you repeat your last
12 answer. You said you had seen people injured and you've added
13 something; what is it you've said, please?

14 THE WITNESS: When I went I saw injured people, some of
12:03:51 15 them, and others who had been beaten.

16 MS ALAGENDRA:

17 Q. Witness, when you returned to xxxxxx was Mosquito's
18 group still in the village?

19 A. They were still in the town, shooting around.

12:04:29 20 MS ALAGENDRA: Thank you, Witness. Your Honour, I have no
21 further questions for the witness.

22 PRESIDING JUDGE: Thank you. Mr Jordash, any
23 cross-examination?

24 MR JORDASH: No questions, thank you.

12:04:38 25 PRESIDING JUDGE: Mr Touray or Mr Taku, second accused?

26 MR TAKU: Just one minute, Your Honour.

27 CROSS-EXAMINED BY MR TAKU:

28 Q. Good afternoon, Witness.

29 A. Yes. Good afternoon. How do you do?

1 Q. Fine, Witness.
2 A. Thank God.
3 Q. Mr Witness, you were a Kamajor; correct?
4 A. No, I was not a Kamajor.
12:05:30 5 Q. Witness, did you make a statement to the Prosecutor, that
6 is, did you meet one Miatta Samba from the Prosecutor's office on
7 25 November 2002?
8 A. 2002?
9 Q. Yes.
12:06:31 10 A. I do not understand that Miatta person you're talking
11 about.
12 Q. Did you meet a lady from the Prosecutor's office by the
13 name Miatta Samba at the Bo Police Barracks on 25 November 2002?
14 A. 2002, yes.
12:07:09 15 Q. And did they record a statement from you?
16 A. She did write it on paper.
17 Q. Did they record a statement from you?
18 A. What I was saying they wrote, but they didn't read it out
19 to me afterwards.
12:07:47 20 Q. The question, Witness, is that --
21 PRESIDING JUDGE: He just told you that they wrote it.
22 MR TAKU: Yes, Your Honour.
23 Q. In what language was the statement -- did you communicate
24 with the lady from the Prosecutor's office whose name I just
12:08:02 25 called?
26 A. I was speaking Mende.
27 Q. Do you remember whether you spoke -- the interview was in
28 Krio?
29 A. No, it was Mende.

1 Q. But that statement that was recorded -- did you sign, did
2 you thumbprint?
3 A. Because I am not literate they would ask you to come and
4 sign after the statement has been taken.

12:09:05 5 Q. And did you sign it?
6 THE INTERPRETER: Your Honours, that was not audible
7 enough.
8 MR TAKU:
9 Q. Did you sign the statement, Witness?

12:09:21 10 A. The statement that I gave? The statement that I gave, I
11 did sign it. But they did not read it out to me. Just like
12 you've said, what I said was what was written down.

13 Q. Witness, did Mr Christopher Santora of the Office of the
14 Prosecutor, did he meet you again on 25 August 2005? Did you
12:10:21 15 talk to him?
16 JUDGE THOMPSON: There's no record of him having met him
17 once.
18 MR TAKU: Your Honour?
19 JUDGE THOMPSON: There's no record so far of the witness
12:10:38 20 having met Mr Santora once. So when I heard did you meet him
21 again...
22 MR TAKU: Sorry, Your Honour.

23 Q. Did you meet somebody by the name of Christopher Santora
24 from the Office of the Prosecutor on 25 August 2005?

12:11:06 25 A. This year?
26 Q. Yes.
27 A. Repeat it for me.
28 Q. Yes, Witness.
29 A. This year?

1 Q. Yes, Witness, this year.

2 A. No. Nobody has gone to me to speak to me this year.

3 Q. So it would be incorrect, Witness, to suggest that on 25
4 August 2005 Mr Christopher Santora from the Office of the
12:11:46 5 Prosecutor met you; is that what you're saying?

6 A. If he went -- even if he went and spoke to me, I wouldn't
7 recall now.

8 Q. Do you know how many times anyone from the Office of the
9 Prosecutor has spoken to you, Witness?

12:12:32 10 A. If I have not forgotten, twice.

11 Q. Can you remember the last time anybody from the Office of
12 the Prosecutor spoke to you?

13 A. The last time they went to me -- the last time they went to
14 me and told me that we were coming to this Court, that when they
12:13:09 15 were ready they would come for us.

16 Q. When was that, Witness?

17 A. I can't recall the time.

18 Q. Now, Witness, you just stated that the statement that was
19 recorded from you on 25 November 2002 -- you just told the
12:13:42 20 honourable Court that it was not read to you. Is that correct?

21 A. No.

22 Q. Was it read to you or was not read to you?

23 JUDGE THOMPSON: [Microphone not activated] because I
24 thought you were looking for confirmation of a previous answer.

12:14:18 25 MR TAKU: Your Honour?

26 JUDGE THOMPSON: I say you were either looking for
27 confirmation or refutation of a previous answer, because it is on
28 record.

29 MR TAKU: Yes, Your Honour. That's what I want him to do.

1 Q. Witness, listen again. Did you tell the honourable Court
2 that the statement that was recorded from you on 25 November 2002
3 at the Bo Police Barracks, did you tell Their Lordships that that
4 statement was never read back to you?

12:15:01 5 A. When they first read it, they read it again. It was this
6 latter one when I came, they didn't read it out to me.

7 Q. So your answer is that at one point in time it was read
8 back to you; correct?

9 A. Yes.

12:15:27 10 JUDGE THOMPSON: So he is now saying that it was read back
11 to me.

12 MR TAKU: Yes, Your Honour. Your Honours, page 14473. The
13 last sentence, Your Honour.

14 Q. Witness, do you remember telling the --

12:16:00 15 JUDGE ITOE: 144 what?

16 MR TAKU: 14473, Your Honour.

17 JUDGE THOMPSON: Perhaps for an avoidance of possible
18 confusion and complication at a later stage, which option are you
19 proceeding on? Legal option -- what are you intending to do with
12:16:28 20 this document?

21 MR TAKU: I'm trying to decide at this point, Your Honour
22 [overlapping speakers].

23 JUDGE THOMPSON: What are you intending to do?

24 MR TAKU: Prior inconsistent statement, Your Honour.

12:16:38 25 JUDGE THOMPSON: So you're going under that rubric?

26 MR TAKU: Yes, Your Honour.

27 JUDGE THOMPSON: All right.

28 PRESIDING JUDGE: Then follow the procedure. If you are
29 doing this then put that statement to him in the very language

1 that the statement is --

2 MR TAKU: Yes, Your Honour.

3 Q. Witness, did you remember telling the Prosecutor this:

4 "Kamajors were not in xxxxx at this time, and I myself

12:17:03 5 had joined the Kamajor at that time."

6 Do you remember saying that to the Prosecutor in that

7 statement that was read over to you?

8 A. I didn't say that, no.

9 Q. I'm putting to you, Witness --

12:17:28 10 JUDGE THOMPSON: Just a minute, counsel. Let's have the

11 answer. I deny that I told the Prosecutor that. Is that the

12 last line? The last sentence, is it?

13 MR TAKU: Yes, Your Honour.

14 THE WITNESS: Which one are you talking about?

12:17:55 15 MR TAKU:

16 Q. Witness, I am putting to you, Witness, that you said that

17 to the Prosecutor because you signed the statement.

18 A. No, I didn't say that. I didn't sign it to them.

19 Q. Witness, do you know one xxxxxxx

12:18:47 20 MR TAKU: Your Honours, xxxxx.

21 THE WITNESS: There was a soldier once called xxxxxx

22 not xxxxx.

23 MR TAKU: Thank you, Witness.

24 Q. Was he a Sierra Leone Army officer, SLA?

12:19:44 25 A. He was a Sierra Leone soldier.

26 Q. Was he the head of the Sierra Leone Army base in xxxxxxx

27 17?

28 A. Yes, at that time he was the head.

29 Q. And were the SLAs in xxxxxxx when Mosquito's men

1 allegedly arrived?

2 A. They were there.

3 Q. And did you, Witness, at any moment take Sheriff for
4 treatment at the SLA headquarters?

12:21:32 5 A. At that time, yes, I was the one who took him up and
6 brought him to the headquarters.

7 Q. Witness, were the Kamajors around xxxx around the
8 period that you've testified about?

9 A. In town they were not there because I did not see them in
12:22:20 10 town.

11 Q. Were they around xxxxxxx?

12 A. Yes.

13 Q. Witness, when Mosquito's forces arrived -- allegedly
14 arrived at xxxxxxx, what happened to the Sierra Leone
12:23:05 15 soldiers who were in that location? Did they pull out?

16 A. At that time I didn't see them in town except later.

17 Q. When did you see them in town later?

18 A. At that time the shooting had started dying down. It was
19 when they left there, that's when I saw them.

12:23:49 20 Q. At what time precisely, if you can remember?

21 A. It was around 5 o'clock.

22 Q. What date?

23 A. I can't recall the date.

24 Q. Witness, are you saying that the SLAs were not present at
12:24:29 25 the time Mosquito's forces entered?

26 A. At that time they had pulled out. They were not there.

27 Q. Do you know where they pulled out to?

28 A. Where they pulled out and went I didn't know, but they were
29 in hiding.

1 Q. And is it your evidence that they came back after the
2 situation was quiet?

3 PRESIDING JUDGE: He just told you so. When the shooting
4 ceased they came back at 5 p.m. or around 5 p.m.

12:25:39 5 MR TAKU: Just one minute, Your Honours.

6 Q. Witness, I'm putting to you, Witness, that it was the
7 Kamajors that came and pushed the SLA out of ~~xxxxx~~. What
8 do you say to that?

9 A. It was not the Kamajors who pushed them out. It was not
12:27:05 10 the Kamajors who came and pushed them out.

11 Q. And I'm putting to you, Witness, that Mosquito was never
12 present in that location in June 1997. He was in Kenema.

13 JUDGE ITOE: What's the answer?

14 THE WITNESS: What did you say?

12:28:00 15 MR TAKU:

16 Q. I'm putting to you, Witness, that Mosquito was never
17 present in that location in June 1997. What do you say to that?

18 A. Mosquito was there. He went there. I myself saw him. He
19 went there.

12:28:43 20 Q. And, Witness, I'm putting to you that these forces that you
21 say were Mosquito's forces were indeed the Kamajors. What do you
22 say to that?

23 A. Mosquito's group, they were not Kamajors who went there.
24 Those who went there, they had combats on and they had machine
12:29:14 25 guns. It was Mosquito's group.

26 Q. And I'm putting to you, Witness, that indeed you were one
27 of those Kamajors.

28 PRESIDING JUDGE: That he was what?

29 MR TAKU: One of these Kamajors.

1 PRESIDING JUDGE: One of those Kamajors that attacked?

2 MR TAKU: Yes, that alleged attack in that location,
3 Your Honour.

4 THE WITNESS: No. I am not a Kamajor.

12:29:46 5 MR TAKU:

6 Q. Indeed, those were the Kamajors that attacked and pushed
7 out the SLAs from xxxxx. What do you say to that?

8 A. No. I didn't see Kamajors there.

9 MR TAKU: Your Honours, before we finish -- one minute,
12:30:17 10 Your Honour.

11 Q. Witness, and I'm putting to you, Witness, that it was only
12 shortly before you came to testify, that is on 30th November
13 2005, that you made another statement saying that you had never
14 joined the Kamajors?

12:31:03 15 MR TAKU: Your Honours, let me see the page. That's an
16 additional information provided by witness on the proofing on
17 30th November 2005.

18 THE WITNESS: No, no, no, no, no. I had never joined the
19 Kamajors.

12:31:18 20 PRESIDING JUDGE: We don't have that if you're referring to
21 anything, and you have not put that to the witness either. So I
22 don't know where you're coming from with this document now. I'm
23 not saying you could not, but I'm saying you have not put it to
24 the witness and I don't know what you're talking about.

12:31:36 25 JUDGE THOMPSON: Which statement are you referring to,
26 counsel?

27 MR TAKU: Let me put it to him, Your Honours. Let me put
28 that to him. It is "Additional Information Provided By Witness"
29 on 30th November 2005.

1 JUDGE THOMPSON: Do we have that?

2 MR TAKU: We have a copy here, Your Honour. We don't have
3 the page numbering.

4 MS ALAGENDRA: If I can give a page number, Your Honour.

12:32:02 5 It's 17063.

6 PRESIDING JUDGE: And what is it? It's a one page
7 statement?

8 MS ALAGENDRA: Yes, Your Honour.

9 PRESIDING JUDGE: And what is the date?

12:32:19 10 MS ALAGENDRA: It's 30 November 2005.

11 MR TAKU: The last bit, Your Honour.

12 Q. Witness, by the way, did you meet --

13 JUDGE THOMPSON: Could you just hold on, please.

14 MR TAKU: Yes, Your Honour.

12:32:42 15 PRESIDING JUDGE: We're trying to see if we can get a copy
16 of it for now. Yes, Mr Taku, you may proceed.

17 MR TAKU:

18 Q. Witness, you stated that you spoke to the --

19 PRESIDING JUDGE: Did he say that he did meet on 30

12:33:55 20 November? Has he admitted that?

21 MR TAKU: That's the question I want to put to him, Your
22 Honour. I want to put that question to him, whether he made that
23 statement.

24 PRESIDING JUDGE: Okay.

12:34:07 25 MR TAKU:

26 Q. Witness, did you, on 30th November 2005 make an additional
27 statement, supplementary statement, to the Prosecutor? Last
28 week?

29 A. Yes.

1 Q. You made that statement last week when you came to testify
2 in this session; correct?
3 A. Yes.
4 Q. Would I be correct, Witness, that it was only then that you
12:34:57 5 told the Prosecutor that you had never joined the Kamajors?
6 MR TAKU: Yes, page 17063, Your Honours, at page 2.
7 THE WITNESS: No. At first they didn't ask me about that.
8 It was here that they asked me whether I was a Kamajor, and I am
9 not a Kamajor.
12:35:48 10 MR TAKU: At this point, Your Honours, we will tender --
11 PRESIDING JUDGE: Have you completed your
12 cross-examination?
13 MR TAKU: Yes, Your Honour, I want to tender it before we
14 complete.
12:36:00 15 PRESIDING JUDGE: That's okay. What is it you want to
16 tender?
17 MR TAKU: We'll tender page 14473, Your Honour, the last
18 sentence. We've underlined that.
19 JUDGE THOMPSON: That is the statement made on 26th
12:36:26 20 November 2002?
21 MR TAKU: Yes, Your Honour. We've underlined it in black,
22 in which the witness says:
23 "Kamajors were not in ~~xxxxxx~~ at this time and I myself
24 had joined the Kamajor at that time."
12:37:03 25 PRESIDING JUDGE: Madam Prosecutor, you wish to see this?
26 MR TAKU: Show the Prosecutor.
27 JUDGE THOMPSON: Mr Jordash, any objection?
28 MR JORDASH: No.
29 JUDGE THOMPSON: You haven't seen the document?

1 MR JORDASH: No, but I can trust Mr Taku.
2 JUDGE THOMPSON: What about Ms Jallow? Any objection?
3 MS KAH-JALLOW: No objections, Your Honours.
4 JUDGE THOMPSON: And the Prosecution, when they finish.
12:37:39 5 MS ALAGENDRA: I have no objections, Your Honour.
6 PRESIDING JUDGE: That's okay. No objections. So we are
7 at Exhibit 71.
8 JUDGE THOMPSON: The statement is received in evidence and
9 marked Exhibit 71.
12:37:59 10 [Exhibit No. 71 was admitted]
11 MR TAKU: Just one last question, Your Honour, to this
12 witness before I complete my cross-examination.
13 PRESIDING JUDGE: I thought you had completed but, anyhow.
14 MR TAKU: Yes, just one last question, Your Honour.
12:38:15 15 PRESIDING JUDGE: Go ahead.
16 MR TAKU:
17 Q. I put to you finally, Witness, that on 25th August 2005
18 when you met the Prosecutor you did not retract the statement
19 made --
12:38:33 20 PRESIDING JUDGE: I mean, you've already asked him the
21 question this was the first time in this statement of 30 November
22 that he has ever said that he was not a Kamajor.
23 MR TAKU: Yes, Your Honour.
24 PRESIDING JUDGE: So I don't know what it adds to it, but
12:38:48 25 anyway.
26 THE WITNESS: Who me?
27 MR TAKU: We are just saying, Your Honour, that when he had
28 another opportunity to meet the Prosecutor on 25th August 2005,
29 he didn't retract the previous statement that he is a Kamajor.

1 JUDGE THOMPSON: Well, I think there was an answer on the
2 record that --
3 PRESIDING JUDGE: He never made such statement --
4 JUDGE THOMPSON: Quite. You've asked him about that.
12:39:10 5 JUDGE ITOE: He said he never made a statement like that.
6 JUDGE THOMPSON: Quite, yes.
7 MR TAKU:
8 Q. I put to you, Witness, that you made that statement: that
9 you were a Kamajor?
12:39:21 10 A. No, I didn't say that.
11 Q. In other words, are you saying, Witness, that the
12 Prosecutor wrote down something you never said; he invented the
13 story?
14 PRESIDING JUDGE: No, that's not what he said. He's saying
12:39:34 15 he didn't say that.
16 JUDGE THOMPSON: That's not a fair question.
17 PRESIDING JUDGE: No arguments with the witness.
18 MR TAKU: With that, Your Honour, we'll end our
19 cross-examination.
12:39:44 20 JUDGE THOMPSON: It's certainly not fair.
21 PRESIDING JUDGE: Madam Prosecutor, any re-examination?
22 I'm sorry, third accused.
23 MS KAH-JALLOW: That's okay, Your Honours. I would like to
24 ask just one or two very short questions.
12:40:01 25 CROSS-EXAMINED BY MS KAH-JALLOW:
26 Q. Mr Witness, good afternoon.
27 A. Good afternoon. How are you?
28 Q. My understanding is that you were born in xxxxx in the Bo
29 District?

1 A. Yes.

2 Q. You resided in xxxxxx District?

3 A. Yes.

4 Q. Have you lived there all your life?

12:40:44 5 A. Yes.

6 Q. So would it be correct to say that prior to the events of

7 1997, you had never met this person that you allegedly said was

8 called Mosquito? Shall I rephrase the question? Prior to this

9 instance, had you ever met this person that you said introduced

12:41:08 10 himself as Mosquito?

11 A. I've never met him before. It was only on that day.

12 Q. You cannot say here with a certainty that that person that

13 introduced himself as Mosquito was Mosquito; is that correct,

14 Mr Witness?

12:41:46 15 A. Myself, when he came and said he was Mosquito and I've

16 heard about him that he was Mosquito, I would be able to accept

17 that he was Mosquito.

18 Q. But, Mr Witness, the question is: You cannot say with a

19 certainty that the person that introduced himself was Mosquito,

12:42:08 20 because you've just told the Court that you've never met Mosquito

21 before; you've never seen his pictures. Well, you've said you've

22 never him before prior to that incident, the alleged incident?

23 A. Well, before that time I have never met him, but on that

24 day he introduced himself as Mosquito. I am not in a position to

12:42:41 25 say he was not the Mosquito.

26 Q. Are you saying you're not in a -- he's not or he is

27 Mosquito. Can you clarify? Can you say that?

28 JUDGE THOMPSON: I think the state of the record is that he

29 believed he was Mosquito.

1 JUDGE ITOE: He believed he was.
2 JUDGE THOMPSON: He believed he was Mosquito.
3 JUDGE ITOE: Yes.
4 JUDGE THOMPSON: That's what he says.
12:42:58 5 MS KAH-JALLOW: But, Your Honours, he has also said that
6 prior to that meeting --
7 JUDGE THOMPSON: He had not.
8 MS KAH-JALLOW: -- he had never met Mosquito.
9 JUDGE THOMPSON: That's a matter for --
12:43:05 10 JUDGE ITOE: [Overlapping speakers].
11 JUDGE THOMPSON: -- for the court, logical rationalisation.
12 But he said that somebody told him he was Mosquito and he
13 believed that, and that's all he could do.
14 MS KAH-JALLOW:
12:43:15 15 Q. I'm putting it to you, Mr Witness, that --
16 JUDGE ITOE: Maybe, Ms Jallow, that's a matter for you to
17 raise in submissions.
18 JUDGE THOMPSON: Quite right.
19 JUDGE ITOE: You know, it was this, it was that. But if
12:43:24 20 you expect to get an answer, a reply that suits you in this
21 circumstance, I can assure you you mightn't have it.
22 MS KAH-JALLOW:
23 Q. I'm putting it to you, Mr Witness, that because you were
24 part of the Kamajors and that you were involved in the
12:43:42 25 altercation between the Kamajor --
26 JUDGE ITOE: No, no separate them. Ask him was he part of
27 the Kamajor.
28 PRESIDING JUDGE: Slowly.
29 MS KAH-JALLOW: Sorry.

1 Q. Were you part of the Kamajor?

2 A. No.

3 Q. You --

4 MS KAH-JALLOW: I'll leave it at that then, Your Honours.

12:44:00 5 PRESIDING JUDGE: Thank you. That completes your
6 cross-examination?

7 MS KAH-JALLOW: Yes, it does, Your Honour.

8 PRESIDING JUDGE: Yes, Madam Prosecutor, any
9 re-examination.

12:44:08 10 MS ALAGENDRA: Your Honour, before I decide whether or not
11 to re-examine, I just have an issue to clarify with the Court and
12 with Defence counsel.

13 PRESIDING JUDGE: Yes.

14 MS ALAGENDRA: The Defence counsel have referred the
12:44:18 15 witness to the additional information of 30 November.

16 PRESIDING JUDGE: That's right.

17 MS ALAGENDRA: That's Exhibit 71. We would like the
18 portion which Defence counsel has relied on and has referred to
19 in questioning the witness to also be admitted into evidence.

12:44:37 20 PRESIDING JUDGE: In your re-examination are you seeking
21 that to be done?

22 MS ALAGENDRA: Yes, I am, Your Honour. The question is I
23 will simply be re-asking the same question which the witness has
24 already answered, that he did meet with the Prosecution and, yes,
12:44:53 25 he did say that he never joined the Kamajors.

26 PRESIDING JUDGE: That's the question that was put to him,
27 anyhow.

28 JUDGE THOMPSON: Yes, that's the question.

29 MS ALAGENDRA: And that was the answer he's given.

1 JUDGE THOMPSON: Already we have Exhibit 71 and if there's
2 something in some other document that helps us to clarify -- is
3 it 71 that we have?

4 MS ALAGENDRA: I'm sorry, Your Honour. The Defence did not
12:45:19 5 admit the 30 November statement. I apologise.

6 JUDGE THOMPSON: I see.

7 PRESIDING JUDGE: They just admitted the --

8 MS ALAGENDRA: The earlier, the 2002 statement.

9 PRESIDING JUDGE: That's right.

12:45:26 10 JUDGE THOMPSON: That's 71.

11 MS ALAGENDRA: Yes. I apologise, Your Honour. I'm
12 referring to the 30 November 2005, which they referred to.

13 JUDGE THOMPSON: That's not yet admitted, that's right.

14 MS ALAGENDRA: No. So we are simply seeking that the
12:45:38 15 portion which the Defence have referred to be admitted into
16 evidence and whether they have any objections to it simply being
17 underlined and submitted by the Prosecution.

18 JUDGE THOMPSON: I thought the instrumentality is again
19 re-examination.

12:45:51 20 JUDGE ITOE: Re-examination. You should re-examine your
21 witness.

22 JUDGE THOMPSON: On that, quite.

23 MS ALAGENDRA: Yes, Your Honour. I will proceed then.

24 JUDGE THOMPSON: Yes, quite.

12:46:02 25 RE-EXAMINED BY MS ALAGENDRA:

26 Q. Witness, you testified earlier that you met with the
27 Prosecution on 30 November 2005, a few days ago; is that correct?

28 A. Yes.

29 Q. You also testified earlier that when you met with them on

1 30 November 2005 you stated that you had never joined the
2 Kamajors; is that correct?

3 A. Yes.

4 Q. Thank you, Mr Witness.

12:46:50 5 MS ALAGENDRA: Your Honour, at this stage the Prosecution
6 would seek to admit paragraph 2 into evidence, at page 10763.

7 PRESIDING JUDGE: Mr Jordash?

8 MR JORDASH: I object for the same reasons I objected
9 yesterday.

12:47:08 10 PRESIDING JUDGE: Objection overruled. Fine. Mr Taku?

11 MR TAKU: Yes, Your Honour. My problem is with the
12 foundation. She says that the witness admitted to them that he
13 was not a Kamajor.

14 JUDGE ITOE: What foundation?

12:47:26 15 MR TAKU: They should link that to the statement.

16 THE WITNESS: [No interpretation]

17 PRESIDING JUDGE: Just a moment, Mr Witness, please.

18 MR TAKU: Because they say they are tendering the statement
19 but they should be able to link what the witness told them and
12:47:47 20 the document they intend to tender.

21 JUDGE ITOE: But the witness admitted that he was received
22 and interviewed by the Prosecution on 30th November 2005 and that
23 he made a statement and that, in that statement, he said that he
24 never had joined the Kamajor movement.

12:48:04 25 MR TAKU: But Your Honours --

26 JUDGE ITOE: What other foundation would learned counsel
27 want to --

28 PRESIDING JUDGE: [Overlapping speakers] cross-examination
29 to the witness whether he made that statement. So I don't know

1 what - I mean, the foundation is the totality of the evidence,
2 not only the questions that she's asked. We already have in
3 evidence that the witness -- because you put that question to the
4 witness.

12:48:27 5 MR TAKU: Yes, Your Honour. I read a statement --

6 JUDGE THOMPSON: And it's your cross-examination that
7 brought this sequence which has not yet been broken. It's a
8 continuing sequence. You put to him Exhibit 71. Right? The
9 last line or sentence of that exhibit. Right?

12:48:49 10 MR TAKU: Yes, Your Honour.

11 JUDGE THOMPSON: And you asked him questions on that. And
12 they now say -- and you went on further to say that he made a
13 subsequent statement.

14 MR TAKU: Yes, Your Honour.

12:49:00 15 JUDGE THOMPSON: Which is now what they seek to tender.

16 And you went on, also, further to say that he never retracted
17 what had been asserted in Exhibit 71. And the chain continues.
18 The chain continues. So where is this lack of nexus or a break
19 in the chain?

12:49:23 20 MR TAKU: The lack of nexus is in the question asked. The

21 question that I asked the witness was that witness states that
22 the statement in paragraph 3 of statement dated 26th November
23 2002 which he state that he joined the Kamajor is not correct.
24 The witness stated that he had never joined the Kamajors. In

12:49:46 25 other words, there's a nexus between the question I asked and the
26 statement dated 26th November 2002.

27 JUDGE THOMPSON: So where is the break in this nexus? The
28 logical break? The hiatus, so to speak. Because it was you who
29 introduced that theme and the theme is continued in Exhibit 71,

1 the last sentence. Then you took the liberty of even referring
2 to the statement that they now seek to tender.

3 MR TAKU: Yes, Your Honour.

4 JUDGE THOMPSON: Where the same theme is re-echoed but in a
12:50:23 5 negative sense. In other words, an alleged refuta]. Then now
6 they examine on this very thing and they seek to tender the very
7 document that you had referred to, the second one, but not
8 tendered. So where is this break in the nexus?

9 MR TAKU: The break in the nexus, Your Honours, is that the
12:50:45 10 exhibit tendered raises two issues. The first issue is that he
11 made a statement saying that he was a Kamajor. The Prosecutor
12 now wants to tender this to prove that the witness told the
13 Prosecutor that he has never joined the Kamajors. Now, what
14 about the second arm of the issue raised, that he made the
12:51:12 15 statement at all on 26th November 2002 to the --

16 PRESIDING JUDGE: You have tendered that exhibit. I don't
17 understand you. I mean, Exhibit 71 is a statement that you asked
18 this Court to accept. And in that statement you've asked the
19 Court to accept the statement for the purpose that on that day he
12:51:29 20 has said whatever it is that he says; that Kamajors were in
21 Sembehun at this time and I myself joined the Kamajors. You've
22 asked the Court to admit this. This is in evidence, an exhibit,
23 at your request.

24 MR TAKU: Yes, Your Honour. But the question the
12:51:46 25 Prosecution did not pose is whether in the first instance this
26 witness had made that statement at all. [Overlapping speakers]

27 JUDGE THOMPSON: They cannot do that because they're
28 precluded by the rule against consistent statements. They cannot
29 do that in examination-in-chief, they cannot do that in

1 re-examination. There is clearly a nexus and I think it's, with
2 the greatest respect to you, lack of candour on your part to
3 admit that there is clearly a logical nexus here.

4 PRESIDING JUDGE: If that is your objection, it's
12:52:14 5 overruled.

6 MR TAKU: Thank you, Your Honour.

7 PRESIDING JUDGE: Ms Jallow?

8 MS KAH-JALLOW: I have no objection.

9 PRESIDING JUDGE: Thank you. This document is marked as
12:52:22 10 Exhibit 72 and this is the last paragraph. What is it exactly?

11 MS ALAGENDRA: Yes, Your Honour, the last paragraph.

12 PRESIDING JUDGE: Last line or last paragraph?

13 MS ALAGENDRA: The last paragraph, Your Honour.

14 [Exhibit No. 72 was admitted]

12:52:40 15 PRESIDING JUDGE: Thank you. That completes your
16 re-examination?

17 MS ALAGENDRA: Yes, Your Honour. I have no further
18 questions.

19 PRESIDING JUDGE: Mr Witness, we thank you for coming.
12:52:48 20 That completes your evidence in this Court and we wish you good
21 luck. Thank you very much.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: I had indicated, Mr Harrison --

24 THE WITNESS: Okay.

12:53:02 25 PRESIDING JUDGE: Yes, you may stand up, yes.

26 MR HARRISON: I was just wanting the Court to know I've
27 spoken to Mr Werner and I realise the Court may have other
28 matters it has to deal with, but the estimate is roughly 60
29 minutes in direct for the next witness.

1 PRESIDING JUDGE: We know but experience has shown that
2 lately it's not necessarily the estimate of the Prosecution but
3 the overall estimate is such that at times it's slipping away and
4 we're not prepared to take another witness this afternoon,
12:53:37 5 Mr Harrison. That's basically what I had said earlier and we'll
6 stick by that. So please have this witness as part of the
7 witnesses in the next session. Thank you.

8 So that completes this session of the RUF trial and I wish
9 you all a good holiday season and a merry Christmas, because I
12:54:01 10 don't think we're going to see you before, and happy new year as
11 well. So hope to see you all well in the new year. Thank you
12 very much.

13 [Whereupon the hearing adjourned at 12.55 p.m.
14 to be followed by a Status Conference on
15 Monday, the 27th day of February, 2006
16 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 71	49
Exhibit No. 72	58

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-004	2
EXAMINED BY MR WALLBRIDGE	2
CROSS-EXAMINED BY MR JORDASH	14
CROSS-EXAMINED BY MR TOURAY	22
WITNESS: TF1-008	32
EXAMINED BY MS ALAGENDRA	32
CROSS-EXAMINED BY MR TAKU	38
CROSS-EXAMINED BY MS KAH-JALLOW	50
RE-EXAMINED BY MS ALAGENDRA	54