



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 13 OCTOBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Alain Werner
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Ms Emily Mitchell

1 Monday, 13 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:27 5 JUDGE LUSSICK: Yes, good morning. We will take
6 appearances first, please.

7 MR BANGURA: May it please your Honours, good morning,
8 Mr President, good morning your Honours, good morning counsel
9 opposite. Your Honours, for the Prosecution this morning
09:29:54 10 Ms Brenda Hollis, myself Mohamed A Bangura, Mr Alain Werner and
11 Ms Maja Dimitrova. Thank you, your Honours.

12 MR GRIFFITHS: Good morning Mr President, your Honours,
13 counsel opposite. For the Defence today, myself Courtenay
14 Griffiths and Ms Emily Mitchell who has been with us before.

09:30:14 15 JUDGE LUSSICK: Yes, thank you, Mr Griffiths. Well, I
16 understand before we proceed there are some interpreters to be
17 sworn. Is that correct?

18 MS IRURA: That is correct, your Honour.

19 [Interpreters sworn]

09:31:09 20 JUDGE LUSSICK: All right, thank you. Now, Mr Bangura, you
21 will be conducting the evidence of this next witness and I
22 understand it is TF1-087, is that correct?

23 MR BANGURA: That is correct, your Honour. Your Honour,
24 this is a witness who is covered by protective measures ordered
09:32:04 25 by Trial Chamber I in a decision dated 5 July 2004. Your
26 Honours, the witness under that decision is entitled to testify
27 with a pseudonym and to do so behind a screen. Your Honours, the
28 Prosecution having met with the witness prior to his testimony
29 here today - his expected testimony here today - have indications

1 from the witness that he does not wish to be - he wishes to
2 testify openly and does not wish to testify using those measures
3 that were ordered by the Court in 2004. Your Honours, to the
4 extent that those measures are applicable to this witness, the
09:32:56 5 Prosecution applies that they be rescinded so that the witness
6 testifies openly before this chamber.

7 JUDGE LUSSICK: Thank you, Mr Bangura. Mr Griffiths, I
8 take it you would not be opposing that application?

9 MR GRIFFITHS: I am certainly not opposing that,
09:33:12 10 Mr President, and you will of course be aware of the caveat that
11 we have added to our acceptance of this change and subject to
12 that of course the witness is free to give evidence freely.

13 JUDGE LUSSICK: Yes, thank you.

14 MR BANGURA: May it please your Honours, the witness will
09:33:31 15 testify in Krio.

16 JUDGE LUSSICK: Yes, thank you, Mr Bangura. Well, we note
17 the application by the Prosecution to rescind the protective
18 measures and that application is not opposed by the Defence.
19 However, in the light of a previous decision by this Trial
09:33:51 20 Chamber which is currently under appeal, we hold that the
21 application is redundant in any event and that the witness is not
22 covered by any protective measures and we note the Defence
23 position on this very same issue.

24 Yes, you can call the witness, Mr Bangura.

09:34:12 25 MR BANGURA: Thank you, your Honour. Your Honour, just for
26 clarification before I call the witness, based on the ruling your
27 Honour has just delivered, in the event where the Prosecution
28 does intend to call other witnesses who we deem to be covered by
29 this decision and for whom we would be making - might wish to

1 make applications for a recision, is it my understanding that we
2 may not need to make such applications for recision if this
3 application is considered redundant?

09:34:50

4 JUDGE LUSSICK: That is a matter entirely for you. If you
5 wish to change your position - I thought you were the ones who
6 appealed this decision of the Trial Chamber. I will leave it to
7 you, Mr Bangura. It is up to you to adopt your own position on
8 this issue.

09:35:05

9 MR BANGURA: Thank you, your Honour. Your Honour, may the
10 witness 072 be called and that witness is James Kpumgbu.

11 JUDGE LUSSICK: Which number did you say?

12 MR BANGURA: Sorry, 087, your Honour. I have been dealing
13 with different numbers this morning. James Kpumgbu, 087. For
14 the record the spelling of the surname is K-P-U-M-G-B-U.

09:37:02

15 WITNESS: JAMES KPUMGBU [Sworn]

16 JUDGE LUSSICK: Go ahead, Mr Bangura.

17 MR BANGURA: Thank you, your Honour.

18 EXAMINATION-IN-CHIEF BY MR BANGURA:

19 Q. Good morning, Mr Witness.

09:37:14

20 A. Yes, good morning, witness.

21 Q. Can you hear me in Krio?

22 A. Yes, yes.

23 Q. I am going to ask you some questions this morning,
24 Mr Witness.

09:37:43

25 A. Yes, yes.

26 Q. Can you tell the Court your name, please?

27 A. My name is James Kpumgbu.

28 Q. How old are you?

29 A. I am 33 years old.

1 Q. Do you do anything for a living?

2 A. No, I depend on my friends.

3 THE INTERPRETER: Your Honours, the witness is speaking
4 English.

09:38:45 5 JUDGE LUSSICK: Mr Witness, you have chosen to give
6 evidence in Krio and so will you kindly speak Krio.

7 THE WITNESS: Yes.

8 MR BANGURA:

9 Q. When you say you depend on your friends, what do you mean?

09:39:22 10 A. Well, it is they who can give me something to eat if I want
11 anything. It is on them that I depend.

12 Q. Do you have a family?

13 A. Yes, I have my wife and two children.

14 Q. Mr Witness, do you recall a time they refer to as 6
09:39:53 15 January?

16 A. Yes, I can recall.

17 Q. At that time, where were you?

18 A. I was at Thompson Street.

19 Q. What address at Thompson Street?

09:40:18 20 A. 24 Thompson Street.

21 Q. And where is Thompson Street?

22 A. Kissy.

23 Q. Which area in Kissy is Thompson Street?

24 A. At the mental home.

09:40:44 25 Q. Now, did you live alone at 24 Thompson Street in Kissy?

26 A. No, I lived with my mother, father, sister, my child. That
27 is it.

28 Q. Now, during this time that you lived at Thompson Street, do
29 you recall anything that happened?

1 A. Yes.

2 Q. What do you recall that happened?

3 A. I can recall 6 January.

4 Q. What happened during that time?

09:41:31 5 A. That was when the rebels came.

6 JUDGE SEBUTINDE: Mr Bangura, did you mention a year or did

7 I just not hear?

8 MR BANGURA: No, not a year, your Honour:

9 Q. Now, you say that was the time the rebels came. Who were

09:41:51 10 these rebels, when you said the rebels who came?

11 A. Those who burnt down houses, who raped and amputated arms.

12 Q. And when you say they came, where did they come to?

13 A. Kissy.

14 Q. Is it just to Kissy that they came?

09:42:20 15 A. It was all over the area.

16 Q. Now, did anything happen to you yourself during that
17 period?

18 A. Yes, they amputated my arm.

19 Q. Do you remember on what date this happened?

09:42:43 20 A. Yes, it was 6 January 1990.

21 Q. Now, where were you when this happened?

22 A. I was in Kissy.

23 Q. Which part of Kissy were you when this happened?

24 A. I was at Thompson Street.

09:43:17 25 Q. Was it at Thompson Street that they cut your hand, as you
26 have said?

27 A. Yes, it was at Thompson Street that my hand was cut.

28 Q. Around which part of Thompson Street did this incident
29 happen?

1 A. It was near St Patrick's church.

2 Q. And is St Patrick's church near any particular area that
3 you now remember?

4 A. No, just around the area, close by.

09:44:02 5 Q. Now, can you explain how it happened?

6 A. Yes.

7 Q. How did it happen?

8 A. The rebels called us and they asked us to follow them.

9 Q. When you say the rebels called you and asked you to follow
09:44:25 10 them, where were you when they called you?

11 A. I was in Kissy, Thompson Street.

12 Q. And what were you doing at that time that they called you
13 to follow them?

14 A. I was going to - I was going in search of my mother.

09:44:51 15 Q. Where were you going to look for your mother?

16 A. I was going up to the mental home.

17 Q. This mental home that you were going to, is that where your
18 mother lived?

19 A. Yes.

09:45:13 20 Q. Was it your mother only who was there at the mental home?

21 A. My mother and father were both there.

22 Q. What were they doing there?

23 A. They had escaped. They were there in hiding, hiding away
24 from the rebels.

09:45:35 25 Q. Do you know when they went there to hide from the rebels?

26 A. It was on a Thursday.

27 Q. Do you know why they were hiding from the rebels? Why they
28 had to run away and hide from the rebels?

29 A. Yes.

1 Q. Why?

2 A. Because they had said that the rebels were coming to cut
3 people's hands.

4 Q. Now that Thursday, you yourself, where were you?

09:46:16 5 A. I was at a friend's place called Ralph.

6 Q. And where was that - where was that place that you were at
7 your friend's place?

8 A. Winter Street.

9 Q. Where is Winter Street?

09:46:38 10 A. Just near St Patrick's church.

11 Q. And in which area is that?

12 A. That is Kissy.

13 Q. Now, where did you spend that night, Thursday night?

14 A. I spent the night at Ralph's house.

09:47:04 15 Q. And did you do anything in the morning?

16 A. No.

17 Q. Did you go anywhere in the morning?

18 A. Well, the Friday morning I said I should go to look for my
19 mother.

09:47:21 20 Q. And where were you going to look for your mother on Friday
21 morning?

22 A. At the mental home.

23 Q. Did you go straight to the mental home that morning?

24 A. No, I just stopped at the door.

09:47:38 25 Q. Before you got to the door of the mental home, did you pass
26 anywhere else?

27 A. I passed through the house at Thompson Street.

28 Q. And when you say "the house", which house are you referring
29 to?

- 1 A. That is the house at Thompson Street.
- 2 Q. Is it the house where you lived at Thompson Street?
- 3 A. Yes.
- 4 Q. When you passed by the house at Thompson Street, did you
09:48:14 5 observe anything there?
- 6 A. Yes.
- 7 Q. What did you observe?
- 8 A. I observed that our house had been burnt.
- 9 Q. Did you meet anyone there?
- 09:48:31 10 A. Yes, I met our landlord there.
- 11 Q. Who was your landlord?
- 12 A. Mr Babah [phon].
- 13 Q. Did Mr Babah tell you anything?
- 14 A. Yes.
- 09:48:46 15 Q. What did he tell you?
- 16 A. He told us that the house had been burnt down.
- 17 Q. Did he tell you who burnt the house?
- 18 A. Yes.
- 19 Q. Who did he say burnt the house?
- 09:49:02 20 A. He said the rebels.
- 21 Q. Did you see anybody else at the house apart from Mr Babah?
- 22 A. I saw Yombo [phon], I saw my child, I saw my sister.
- 23 Q. Anybody else?
- 24 A. No.
- 09:49:32 25 Q. Did you then go to see your mother as you have stated?
- 26 A. Yes, later I went there to see her.
- 27 Q. Did you go alone to see your mother?
- 28 A. No, we were many.
- 29 Q. Who was with you when you went to see your mother?

1 A. My sister was with me, my child, Mr Babah's wife, even
2 Mr Babah himself, Pa Lansana was there and I too of course was
3 there.

4 Q. Who is Pa Lansana?

09:50:14 5 A. He was a tenant in the house.

6 Q. Now, you have told this Court that you went up to the
7 mental home. Did you get into the mental home?

8 A. No, I did not enter the mental home.

9 Q. Where did you stop?

09:50:35 10 A. I stopped at the door.

11 Q. Did anything happen while you were at the mental home?

12 A. Yes.

13 Q. What happened?

14 A. Four of the rebels called us.

09:50:58 15 Q. Where were these rebels?

16 A. They were at the St Patrick's church.

17 Q. When you say they were at St Patrick's church and you were
18 at the mental home, are they close by or is it a distance apart?

19 A. They were close by.

09:51:24 20 Q. Now, who were these rebels that called you? Did you
21 recognise them?

22 A. Yes.

23 Q. How many of them did you see?

24 A. They were four.

09:51:38 25 Q. What did you notice about them?

26 A. Three of them had guns and the other one had an axe.

27 Q. Do you remember how they were dressed?

28 A. Yes.

29 Q. How were they dressed?

1 A. All of them had black T-shirts, black pairs of jeans and
2 they had a red headband and they had black boots on.

3 Q. Were they all having a red headband on?

4 A. It was three of them who had guns and red headbands.

09:52:24 5 Q. Now, you said that you saw these rebels and what happened?

6 A. They called me.

7 Q. Was it you alone that they called?

8 A. We were three that they called.

9 Q. Who were those three? Yourself and who were the other two?

09:52:48 10 A. Pa Lansana and Mr Babah.

11 Q. Did they say anything to you when they called you?

12 A. They said we were to follow them.

13 Q. Did they tell you where you should follow them to go?

14 A. Yes.

09:53:08 15 Q. Where?

16 A. They said we were to go near St Patrick's church.

17 Q. And did you follow them?

18 A. Yes, yes.

19 Q. Did anything happen when you got there?

09:53:26 20 A. They said we were --

21 Q. Did you get to St Patrick's church?

22 A. Yes. They said I was to sit on the floor.

23 Q. Was it in the church that you went to, or was it just
24 outside the church?

09:53:45 25 A. It was outside of the church.

26 Q. And you said they told you to sit down. Who told you to
27 sit down?

28 A. Yes, the rebels told me to sit on the ground.

29 Q. Were you in any particular place outside the church where

1 they told you to sit down on the ground?

2 A. It was near the mango tree.

3 Q. Did you sit down as you were ordered?

4 A. Yes, I sat down.

09:54:24 5 Q. Did anything happen after that?

6 A. Yes, he said I should put my right hand on the root of the
7 mango tree.

8 Q. Who told you to put your right hand on the root of the
9 mango tree?

09:54:46 10 A. The rebel who had the gun.

11 Q. Did you put your hand on the root of the mango tree as you
12 were ordered?

13 A. Yes, I did it, but I was pleading with him not to cut off
14 my hand.

09:55:05 15 Q. Did he listen to your plea?

16 A. No, he did not listen to me.

17 Q. Now, who was this - you said this one with the gun who told
18 you to put your hand on the root of the mango tree, is that
19 correct? Is that what you said?

09:55:25 20 A. Yes.

21 Q. What about the others? What were they doing at this time?

22 A. The other ones were surrounding me holding their guns and
23 they were pointing the guns at my face.

24 Q. Did anything happen at that point?

09:55:46 25 A. Yes. Then he cut off my hand.

26 Q. Who cut off your hand?

27 A. The rebel with the gun - sorry, with the axe.

28 Q. So it is the rebel with the axe?

29 A. Yes.

- 1 Q. How did he do it?
- 2 A. He chopped it off once.
- 3 Q. And after one blow with the axe, what happened?
- 4 A. Then the hand was cut off.
- 09:56:28 5 Q. And anything?
- 6 A. Then blood was oozing from the hand.
- 7 Q. Did anything happen after that?
- 8 A. Then he said I should put my left hand as well.
- 9 Q. And did you do as he ordered you to do?
- 09:56:59 10 A. Then I was pleading with him not to cut off my left hand.
- 11 Q. Did he listen to your plea?
- 12 A. No, he did not listen to my plea.
- 13 Q. And what happened after that?
- 14 A. And he made another attempt to cut off the other hand.
- 09:57:21 15 Q. When you say he made another attempt to cut off the other
16 hand, what did he do exactly?
- 17 A. He chopped it, but he did not chop it off.
- 18 Q. How many times did he try to - did he chop your hand?
- 19 A. It was once.
- 09:57:46 20 Q. When you say the bone did not come out, how was your hand
21 after that stroke of the axe on your hand?
- 22 A. It was hanging like this.
- 23 Q. After that did anything happen?
- 24 A. Yes. He said I should go and tell Tejan Kabbah --
- 09:58:12 25 THE INTERPRETER: Your Honours, can the witness repeat
26 this.
- 27 MR BANGURA:
- 28 Q. Mr Witness, can you repeat again what they told you? I
29 asked you did anything happen after the rebel with the axe tried

1 to amputate your other hand. What happened after that?

2 A. Then I was bleeding.

3 Q. And you said he told you something. What did he say to
4 you?

09:58:43 5 A. He said I should go and tell Tejan Kabbah that they were
6 fighting for power.

7 Q. After that, did you do anything?

8 A. Then I got up and I walked down to Summertime, that is
9 Kissy.

09:59:10 10 Q. What is Summertime? When you say you went to Summertime,
11 what is that?

12 A. It is where the - it is a hospital.

13 Q. Thank you. Was that far from where your hand had been
14 amputated?

09:59:36 15 A. No, it was not far.

16 Q. Were you able to go there very easily?

17 A. No, I could not go there very easily. In fact, I even fell
18 off once before I could go finally.

19 Q. When you got to Summertime, did you get any attention
20 there?

10:00:02 21 A. Yes.

22 Q. How long were you at Summertime?

23 A. I passed the night there once and on Saturday I went to the
24 hospital.

10:00:22 25 Q. Now, which hospital did you go to?

26 A. I went to the Connaught Hospital.

27 Q. And how long were you at Connaught Hospital?

28 THE INTERPRETER: Sorry, your Honours, can the witness
29 repeat.

1 MR BANGURA:

2 Q. Mr Witness, can you repeat your answer again. How long
3 were you at Connaught Hospital?

4 A. I was there for --

10:00:55 5 THE INTERPRETER: Your Honour, the witness's answer is
6 really confusing. He said he was there three months a year.

7 MR BANGURA:

8 Q. Mr Witness, your answer is not clear. You said three
9 months and you add years. Were you there three months at
10:01:15 10 Connaught Hospital?

11 A. I was there for three months a year.

12 Q. Three month in that year that you went there? Is that what
13 you are saying?

14 A. Yes.

10:01:32 15 Q. Mr Witness, you said that there were three of you whom the
16 rebels took to St Patrick's church and under the mango tree at St
17 Patrick's church. Do you recall that?

18 A. Yes, I remember.

19 Q. Do you know what happened to the other two persons that you
10:01:58 20 have mentioned, Pa Babah and Mr Lansana?

21 A. Well, we met each other at the Connaught Hospital.

22 Q. When you say you met each other at the Connaught Hospital,
23 can you explain exactly what happened there? What did you
24 observe at the Connaught Hospital?

10:02:20 25 A. It was then that Mr Lansana told me that the rebels had cut
26 off his hand.

27 Q. What did you observe about Mr Lansana?

28 A. Even Mr Babah's hand was amputated like this.

29 Q. Now, let us take them one at a time. First you mentioned

1 Mr Lansana. Did you observe anything about his hands?

2 A. Yes, both of his hands were cut.

3 Q. And Mr Babah, what did you observe about him?

10:03:09

4 A. Well, Mr Babah's hands were both cut as well but not - it
5 was not cut off completely. They were chopped.

6 JUDGE SEBUTINDE: Mr Bangura, Mr Lansana's hands were cut.

7 That means what exactly? Cut off or --

8 THE WITNESS: They cut off both hands.

9 MR BANGURA:

10:03:28

10 Q. In the case of Mr Lansana they cut off both hands, you have
11 said. In the case of Mr Babah, were the hands completely cut
12 off?

13 A. No, it was chopped like this.

14 THE INTERPRETER: Your Honours, the interpreter's mistake.

10:03:48

15 The word was "chopped".

16 MR BANGURA:

17 Q. Mr Witness, you have indicated - you have told this Court
18 that your right hand was amputated and an attempt was made to
19 amputate the left hand. Would you like the Court to see the
20 right hand - your right hand?

10:04:16

21 A. Yes, yes.

22 Q. Just show the Court.

23 A. Yes, yes, yes.

10:04:29

24 MR BANGURA: Your Honours, may the record reflect that the
25 witness is showing a photograph, the stump of the left hand where
26 it is amputated from just below the elbow. The right hand.

27 JUDGE LUSSICK: That is the right hand. Yes, I can see
28 that the forearm looks amputated on the right arm about halfway
29 along.

1 MR BANGURA: Just below the level for the elbow.

2 JUDGE LUSSICK: You saw that, Mr Griffiths?

3 MR GRIFFITHS: Yes, I am willing to stipulate to that
4 effect, your Honour, if it assists.

10:05:03 5 JUDGE LUSSICK: Thank you, Mr Griffiths.

6 MR BANGURA:

7 Q. And can you show the Court your left hand?

8 A. Yes.

9 Q. Mr Witness, if you just do it in a way that the Court sees
10:05:12 10 where the attempt was made to cut off the hand. The way you are
11 doing it is not too --

12 A. It is here. In the middle here.

13 JUDGE LUSSICK: Can you put your hand out like that.

14 MR BANGURA:

10:05:31 15 Q. Out and turn it - no, no, other way. Yes, more inwards
16 than outwards.

17 JUDGE LUSSICK: Yes, I can see an indentation. It is
18 approximately two-thirds of the way along the forearm from the
19 wrist.

10:05:57 20 THE INTERPRETER: Can your Honours reactivate the mic.

21 JUDGE LUSSICK: I am sorry. I can see an indentation on
22 the left forearm approximately two-thirds along the forearm from
23 the wrist.

24 MR BANGURA: Thank you, your Honour. May I at this stage
10:06:25 25 ask that the witness be shown documents that were included in the
26 exhibit, please, for this witness. The list is that for week 34
27 as amended.

28 JUDGE LUSSICK: Incidentally, Mr Griffiths, I omitted to
29 ask you whether you saw that left arm injury as well.

1 MR GRIFFITHS: I agree I saw the injury to the inner aspect
2 of his left forearm.

3 JUDGE LUSSICK: Right, thank you.

4 MR BANGURA: Can the witness be shown the photograph in
10:07:28 5 tab 3, please. That is ERN number 00039129.

6 THE WITNESS: Yes, yes, yes, yes, yes, that is James.

7 MR BANGURA:

8 Q. Can you just wait, Mr Witness. Do you see the photograph
9 which has been shown to you?

10:07:52 10 A. Yes, yes.

11 Q. Do you recognise the person in that photograph?

12 A. Yes, it is James.

13 Q. Is it yourself?

14 A. Yes, yes.

10:08:16 15 Q. Do you know when this photograph was taken?

16 A. Yes.

17 Q. When was it taken?

18 A. It was the time when the lady who obtained statement from
19 me at Grafton. That was the time.

10:08:45 20 Q. And this photograph shows the condition of both of your
21 hands. Is that correct?

22 A. Yes.

23 Q. You would like the Court to see this photograph?

24 A. Yes, yes, yes.

10:09:01 25 MR BANGURA: Your Honours, may I ask that this photograph
26 be marked for identification.

27 JUDGE LUSSICK: Yes, the photograph of the witness showing
28 the arm injuries, ERN number 00039129, will be marked for
29 identification MFI-1.

1 MR BANGURA: Can the witness be shown the photograph in tab

2 4. That is marked ERN 00039131:

3 Q. Mr Witness, do you see that photograph?

4 A. Yes.

10:10:16 5 Q. Do you know who that photograph is of?

6 A. Yes.

7 Q. Who is that photograph?

8 A. Yes, it is James.

9 Q. Is it yourself?

10:10:30 10 A. Yes, yes.

11 Q. And what part of your body is shown in that photograph?

12 A. [No interpretation].

13 Q. Okay. Would you like the Court to see the photograph?

14 A. Yes, yes.

10:11:11 15 MR BANGURA: May it please your Honours, I need to go back
16 on a question I asked the witness about what part of his body.

17 There is no interpretation that is shown on the screen:

18 Q. Mr Witness, I ask you again what part of your body is shown
19 in that photograph?

10:11:30 20 A. It's my left hand.

21 Q. Thank you. And you would like the Court to see the
22 photograph?

23 A. Yes.

24 MR BANGURA: Your Honours, may I respectfully ask that this
10:11:42 25 photograph be marked for identification.

26 JUDGE LUSSICK: Yes, the photograph bearing the ERN number
27 00039131 identified by the witness as an injury to his left
28 forearm will be marked for identification MFI-2.

29 MR BANGURA:

1 Q. Mr Witness, the left hand which has just been shown in the
2 photograph there, can you tell the Court whether you are able to
3 use it fully now.

4 A. No, I cannot use it because I can feel some serious pain
10:12:40 5 and here even the vein was chopped.

6 Q. Now, of the fingers in your left hand, are you able to move
7 and use all of them freely?

8 A. No, I cannot use all of them.

9 Q. So which ones are you not able to use?

10:13:04 10 A. I cannot use two of them.

11 Q. Which ones are they?

12 A. The thumb and the second one, the index finger.

13 Q. The index finger.

14 A. Yes.

10:13:17 15 Q. What about the other three, are they fully functional?

16 A. Yes.

17 Q. Okay, thank you. Are you able to do anything by yourself
18 to earn a living right now?

19 A. No, except when people assist me.

10:13:40 20 MR BANGURA: Thank you. Your Honours, may I confer for a
21 moment? Your Honours, that will be all for this witness.

22 JUDGE LUSSICK: Thank you, Mr Bangura. Mr Griffiths, do
23 you have any questions?

24 MR GRIFFITHS: I do have a few questions for the witness.

10:14:18 25 CROSS-EXAMINATION BY MR GRIFFITHS:

26 Q. I don't have many questions for you. Now, if you are 33
27 this year, it means that when that terrible thing happened to you
28 you were only just 24 years old. Is that right?

29 A. Yes.

1 Q. And were you working at that time?

2 A. No, I was not working.

3 Q. So what were you doing at the time that this terrible thing
4 happened to you?

10:15:02 5 A. Well, I was not doing anything.

6 Q. So you were just living at home with your parents?

7 A. Yes.

8 Q. Now at the time when this terrible thing happened to you,
9 you knew that a war had been going on in your country for many

10:15:22 10 years, didn't you?

11 A. Well, I didn't know. It was later that I came to know.

12 Q. At the time that this happened to you, did you know there
13 was a war going on in the country where you lived?

14 A. Yes.

10:15:48 15 Q. And who were the opposing forces in that war?

16 A. I don't know.

17 Q. Have you ever heard of the name RUF?

18 A. No.

19 Q. Have you ever heard the name Ruf?

10:16:19 20 A. No, no.

21 Q. Have you ever heard the name Revolutionary United Front?

22 A. No, no, no.

23 Q. Have you ever heard the name Foday Sankoh?

24 A. No, no.

10:16:42 25 Q. Have you ever heard the name Sam Bockarie?

26 A. No.

27 Q. Have you ever heard the name Mosquito?

28 A. No, no.

29 Q. Have you ever heard the name Issa Sesay?

- 1 A. No.
- 2 Q. What about Morris Kallon?
- 3 A. No.
- 4 Q. What about Charles Taylor?
- 10:17:16 5 A. No.
- 6 Q. So you have never heard any of those names? Have you never
7 heard any of those names?
- 8 A. Well, I heard when Charles Taylor's name was being called.
9 That was over the radio even.
- 10:18:00 10 Q. When was that?
- 11 A. I cannot recall the year.
- 12 Q. Was it before or after your arm was chopped off?
- 13 A. It was after my arm was - my hand was chopped off.
- 14 Q. Did you have a radio in the house at which you lived in
10:18:22 15 Thompson Street?
- 16 A. No, no.
- 17 Q. Did you listen to the radio at all?
- 18 A. No, I did not listen to the radio.
- 19 Q. Have you ever heard of the junta?
- 10:18:53 20 A. I only heard the name.
- 21 Q. Do you remember when President Kabbah was elected President
22 of Sierra Leone?
- 23 A. No, I don't remember.
- 24 Q. When the rebel said something to you about President
10:19:10 25 Kabbah, did you know who he was talking about?
- 26 A. No, I don't remember.
- 27 Q. So when he said you should take your hand to President
28 Kabbah, did you have any idea who that man was talking about?
- 29 A. Yes.

1 Q. Who was he talking about?

2 A. It was the President, the then President.

3 Q. And do you remember when that President had been elected?

4 A. No, I don't remember.

10:19:51 5 Q. Did you vote in that election?

6 A. No, I did not vote.

7 Q. So just so that I am clear, the only name out of all of
8 those I have asked you about that you remember are Charles Taylor
9 and President Kabbah. Is that right?

10:20:32 10 A. Yes.

11 Q. And you only heard the name Charles Taylor after your hand
12 had been cut off?

13 A. Yes.

14 Q. And help us, please. In what circumstances did you come to
10:20:49 15 hear the name Charles Taylor mentioned?

16 A. It was when people were saying it.

17 Q. And what were people saying?

18 A. They said that was Charles Taylor.

19 Q. What do you mean, "They said that was Charles Taylor"? Was
10:21:12 20 he on the television at the time?

21 A. Yes, it was on the television when we were watching the
22 television.

23 Q. And somebody said to you, "That's Charles Taylor"?

24 A. Yes.

10:21:32 25 Q. What was he doing on the television?

26 A. We were watching some movies.

27 Q. What movie?

28 A. It was a movie that they said they were going to show
29 Charles Taylor in that movie.

1 Q. So was it a Hollywood type movie, or was it a documentary?
2 I hope you know the difference and, if not, I'll explain it.

3 A. Yes.

4 Q. Which of the two questions I asked you are you saying "yes"
10:22:32 5 to? It was a Hollywood movie, was it?

6 A. It was a documentary.

7 Q. And can you remember now what was the documentary about?

8 A. I don't remember.

9 Q. In any event, pardon me, as you have helpfully told us at
10:23:03 10 the time this happened to you you weren't working. That is
11 right?

12 A. Yes.

13 Q. And you have been unable to work since, is that right?

14 A. Yes.

10:23:17 15 Q. Because obviously, given your current disability, it would
16 be difficult for you to get work, is that right?

17 A. Yes.

18 Q. But until that terrible day that this happened, your life
19 had been unaffected by the war?

10:23:42 20 A. Yes.

21 Q. And after this terrible thing happened, again the war
22 didn't affect your life after that, apart from the fact that you
23 were unable to do things for yourself. Is that right?

24 A. Well, except when I do business.

10:24:14 25 Q. When have you been doing business?

26 A. No, it is now that I want to start a business.

27 Q. So you haven't had a business in the past?

28 A. No.

29 Q. Now, from what I understand, and this is based upon records

1 that have been given to me by the Prosecution, you first spoke to
2 someone from the Prosecution on 26 February 2003. Do you
3 remember that?

4 A. Yes, I remember.

10:25:00 5 Q. And at that time do you remember you spoke to a white
6 female called Corinne Dufka?

7 A. Yes, yes, I remember.

8 Q. Now, help me. When you first spoke to Corinne Dufka, did
9 she say why she had come to speak to you in particular?

10:25:30 10 A. Yes.

11 Q. What did she say to you?

12 A. Well, she said I was to talk about what the rebels had done
13 to us.

14 Q. Right. And were you alone when you first spoke to her?

10:25:54 15 A. No, we were many.

16 Q. How many of you were present at the time, just roughly?

17 A. It was only one person.

18 Q. Who was that? Do you know who it was?

19 A. Yes.

10:26:48 20 Q. Is it the case that you don't want to tell us?

21 A. No.

22 Q. Why not?

23 A. There is another man who was - with whom we were all at
24 Grafton. He too was there. I have just forgotten the name.

10:27:26 25 Q. Is it that you have forgotten the name or is it that you
26 don't want to tell us?

27 A. Yes, I have forgotten the name.

28 Q. Are you telling me the truth about that?

29 A. Yes, it is the truth that I am telling you.

1 Q. Why did you have to pause for so long before telling me
2 that simple thing?

3 A. You know, I forgot the person's name.

4 Q. Very well. Now, how long did you spend with Corinne Dufka?

10:28:05 5 A. We spent a long time together.

6 Q. And where was it that you were when you spoke to her?

7 A. It was at Grafton.

8 Q. What is that place?

9 A. It is a settlement home in Grafton.

10:28:33 10 Q. And where is Grafton?

11 A. After Kossoh Town, then you get to Grafton.

12 Q. Is that in Freetown?

13 A. Yes, yes.

14 Q. And when you spoke earlier, when you were being asked
10:28:57 15 questions by the gentleman over there, of Kissy Town we are
16 talking about Kissy Town in Freetown, aren't we?

17 A. Yes.

18 Q. And it was in Kissy Town in Freetown that this terrible
19 thing happened to you?

10:29:18 20 A. Yes.

21 Q. Now, those rebels who did that to you, had you heard prior
22 to that terrible day that those rebels had come to Freetown?

23 A. Yes, I heard it.

24 Q. How long before this terrible thing happened to you did you
10:29:54 25 hear that rebels had come to Freetown?

26 A. It was 6 January.

27 Q. And what did you hear that they were doing?

28 A. They were burning houses and they were raping.

29 Q. And who did you hear this from?

1 A. I saw the rebels myself.

2 Q. So you had seen the rebels around and about Kissy Town --

3 A. Yes.

4 Q. -- before [overlapping speakers].

10:30:41 5 A. Yes.

6 Q. How long had you seen them around and about?

7 A. Well, it was after 6 January.

8 Q. But for how many days had you been hearing this?

9 A. Well, I heard it for about three days.

10:31:16 10 Q. And during the time that you were hearing this, were you
11 still living at your parents' address?

12 A. Yes.

13 Q. And were you or anyone close to you fighting to kick those
14 terrible rebels out of Freetown?

10:31:51 15 A. Yes, I was staying with Pa Lansana and Mr Babah.

16 Q. And they and you were fighting against the rebels, were
17 you?

18 A. No, we did not fight against the rebels.

19 Q. So, did you or anyone close to you - I ask you again - do
10:32:20 20 anything to try and kick those terrible rebels out of Freetown?

21 A. No.

22 Q. Are you sure?

23 A. No, no, no.

24 Q. Now these rebels, to which group did they belong?

10:32:58 25 A. I did not know the group to which they belonged.

26 Q. But if I understand what you have told us, the four rebels
27 who captured you were all wearing what?

28 A. Black jeans.

29 Q. Black jeans. And what were they wearing on the tops of

1 thei r bodi es?

2 A. Black T-shi rts.

3 Q. And was there anything else distinctive about them?

4 A. They had on black boots.

10:33:36 5 Q. Anything else?

6 A. And three of them had headbands.

7 Q. And did they say to you which group they belonged to?

8 A. They did not tell me.

9 Q. Which group did you think they belonged to?

10:34:09 10 A. Well, after they had done that to me, I only concluded that
11 they were rebels.

12 Q. But did they say to you "We belong", for example, "We
13 belong to the junta"?

14 A. They did not tell me that.

10:34:33 15 Q. Did they say, "We belong to the RUF"?

16 A. They did not tell me.

17 Q. So, for all you know, they could be just gangsters who
18 decided to do something terrible to you because they were wicked
19 men?

10:34:58 20 A. Yes.

21 Q. And how old were these four people?

22 A. I don't know.

23 Q. Just help us. Are we talking about youths of 17, 18, 19?
24 Are we talking about young men between 20 and 30, about the same
10:35:27 25 age as you, or are we talking about older people than that?

26 A. No, they were all tall; they were fat, but I can't tell
27 their age.

28 Q. Were they about the same age as you? Remember you were 24
29 at the time; were they about the same age that you were?

1 A. No, I did not know their ages.

2 Q. I am just interested in how they appeared to you. I know
3 you can't be accurate but, just roughly, did they appear to be
4 the same age as you?

10:36:16 5 A. No, they were all tall, but I did not know their ages.

6 Q. Did there appear to be one of them who was in charge who
7 was giving orders to the others?

8 A. Yes, save for the one who was chopping off the hands.

9 Q. He seemed to be in charge, did he?

10:36:41 10 A. Yes.

11 Q. Did you ever hear a name called for him?

12 A. No.

13 Q. So what orders was he giving?

14 A. Well, he just ordered that you should place your hand and
10:37:05 15 then they will chop it off.

16 Q. Now, the last thing I want to ask you about is this: As
17 you have told me on more than one occasion you were not working
18 at the time this happened, yes?

19 A. Yes.

10:37:25 20 Q. And you have also helpfully told me that after this
21 terrible thing happened to you you weren't able to work after
22 that. Is that right?

23 A. Yes, yes, yes.

24 Q. I just want you to help me with this then, please. I
10:37:43 25 wonder if Madam Court Manager could help me, please. First of
26 all, can I ask you this: Can you read?

27 A. No, no, no.

28 Q. Well, it matters not. I just want something to be put up
29 on the screen which we can all see, please. Let me explain what

1 this is. This, we are told, is a record of payments made to you.
2 Mine isn't working. But you will see that amongst the payments
3 made to you both on that page which is on the screen and on the
4 following page are payments for lost wages and what I would like
10:39:00 5 you to help me with, please, is this: How does a man who was not
6 working at the time his arm was chopped off and who was unable to
7 work thereafter - how is such a man paid for lost wages? Can you
8 help me?

9 A. Well, they did not used to pay me. They only used to give
10:39:31 10 me chicken change.

11 Q. I know you can't read, but those of us who can will see on
12 that page and on the second page that you were being paid sums of
13 money, for example the --

14 A. Let me --

10:39:54 15 Q. On 22 January 2004, on 24 May 2007, on 13 August 2007, on
16 18 August of this year and again in September of this year you
17 were being paid for lost wages, but you weren't working. So you
18 agree with me, don't you? You can't be paid for losing wages
19 that you never earned, do you agree?

10:40:28 20 A. They never used to pay me.

21 Q. No, but, you see, according to what we have been given by
22 them they say they were paying you for lost wages and all I am
23 asking is if you were not working you could not be paid for lost
24 wages, could you?

10:40:53 25 A. Yes.

26 Q. Is that yes you couldn't be paid for lost wages?

27 A. They never used to pay me.

28 Q. No, no, just try and - let's try and take it slowly.

29 A. They did not pay me.

1 Q. Somebody gets wages when they are working, do you agree?

2 A. No.

3 Q. When you get a wage, that's when you're working, isn't it?

4 A. Yes.

10:41:26 5 Q. So if you're not working you can't be losing wages, can
6 you?

7 A. Yes.

8 Q. Are you agreeing with me?

9 A. Yes.

10:41:39 10 Q. So somebody can't be paying you for wages you haven't lost.
11 So can you help me as to why we have been given a document which
12 says you have been paid for lost wages when you could not have
13 been? Can you help me?

14 A. They did not pay me.

10:42:09 15 Q. But according to them they did. According to them they
16 paid you for lost wages, so can you help us?

17 A. They only used to give me money to buy petty things, petty
18 items.

19 Q. Well, according to them, you see, it wasn't for petty cash,
10:42:35 20 miscellaneous things, it was for lost wages, and I am struggling
21 to understand how a man can be paid for lost wages when he wasn't
22 working and that's what I'm seeking your assistance with. Can
23 you help me?

24 A. Well, they never used to pay me.

10:42:59 25 MR GRIFFITHS: That is all I ask, Mr President.

26 JUDGE LUSSICK: Yes, thank you, Mr Griffiths. Mr Bangura,
27 do you have any re-examination?

28 MR BANGURA: I have no questions in re-examination for the
29 witness, your Honour.

1 JUDGE LUSSICK: Thank you. Well, there are no questions.
2 You have got two documents marked for identification, Mr Bangura.

3 MR BANGURA: That is correct, your Honour. Your Honour, I
4 respectfully at this point wish to apply to have these documents
10:43:32 5 admitted as exhibits.

6 JUDGE LUSSICK: Any objection to that, Mr Griffiths?

7 MR GRIFFITHS: I have no objections whatsoever.

8 JUDGE LUSSICK: Thank you. Firstly the photograph marked
9 MFI-1 showing injuries to both arms of the witness will be
10:43:54 10 admitted into evidence as exhibit P-187.

11 [Exhibit P-187 admitted]

12 And a photograph marked MFI-2 showing injuries to the left
13 forearm of the witness will be admitted into evidence as exhibit
14 P-188.

10:44:16 15 [Exhibit P-188 admitted]

16 MR BANGURA: Thank you, your Honour.

17 PRESIDING JUDGE: Thank you. Well, Mr Witness, that
18 completes your evidence and we would like to thank you for coming
19 along. We appreciate it.

10:44:26 20 THE WITNESS: Thank you. Yes, thank you too.

21 JUDGE LUSSICK: All right. You will be escorted out of the
22 Court now, Madam Court Manager.

23 THE WITNESS: Okay, thank you.

24 JUDGE LUSSICK: Mr Bangura, will you be conducting the next
10:45:06 25 witness?

26 MR BANGURA: Yes, your Honour, I continue to be in the
27 driving seat, borrowing the words of Justice Doherty.

28 JUDGE LUSSICK: Can you tell us the pseudonym number of the
29 next witness.

1 MR BANGURA: Yes, your Honour. The next witness is
2 TF1-072. Your Honour, this is a witness - again I go by the
3 procedure as with the previous witness. This is a witness who we
4 say is covered by the same decision, the 2005 decision, July
10:45:47 5 2005, and, your Honours, he is entitled under that decision to
6 basic protective measures which are a pseudonym and a screen,
7 testifying behind a screen.

8 Your Honours, to the extent that those measures apply to
9 this witness, I respectfully apply that they be rescinded for
10:46:10 10 purposes of his testimony before this Chamber.

11 JUDGE LUSSICK: You mentioned a July 2005 decision. I
12 think you meant 2004.

13 MR BANGURA: I am sorry, your Honour, I misstated the year.
14 2004. 5 July 2004.

10:46:28 15 JUDGE SEBUTINDE: And this is a witness not named in any of
16 the annexes to that decision.

17 MR BANGURA: He is named - your Honours will appreciate the
18 position in which that decision was granted. Prior to that there
19 had been filings and the witnesses who we say fall into category
10:46:52 20 1 had been listed on previous filings before that decision and he
21 is listed as one of those witnesses in a prior filing.

22 JUDGE SEBUTINDE: I was referring to an annex in the
23 decision.

24 MR BANGURA: No.

10:47:18 25 JUDGE LUSSICK: Once more, Mr Griffiths, I take it that,
26 subject to the caveat you have already put on record, you would
27 have no objections to this application?

28 MR GRIFFITHS: None whatsoever, Mr President.

29 JUDGE LUSSICK: Thank you.

1 MR BANGURA: Your Honour, just for further information of
2 the Bench, this is a witness for whom we are going by the 92 bis
3 procedure and he had testified before previously in another
4 trial.

10:47:56 5 JUDGE LUSSICK: All right. Thank you, Mr Bangura. Well,
6 as with the previous witness, we note that there is an
7 application by the Prosecution to rescind protective measures and
8 that application is not opposed by the Defence, but subject to
9 the Defence's position which they have taken on witnesses falling
10:48:26 10 into this category.

11 We will note that this witness will be testifying without
12 any protective measures and, as in the case of the previous
13 witness, we hold that the application by the Prosecution is in
14 any event redundant in that the witness is not covered by
10:48:54 15 protective measures by the July 2004 decision.

16 Yes, call the witness, please, Mr Bangura.

17 MR BANGURA: Yes, your Honour. Your Honour, may the
18 witness TF1-072 be called. For further information to the Court
19 this witness will testify in Kono.

10:49:53 20 JUDGE SEBUTINDE: Mr Bangura, did you mention that there is
21 a decision by this Chamber with regards to the Rule 92 bis
22 procedure for this witness, or what?

23 MR BANGURA: I do not recall mentioning that there is a
24 decision by this Chamber. I said the witness had testified
10:50:07 25 before, if I recall, and we were going by the 92 bis procedure in
26 respect of this witness. I did not specifically say. Yes, your
27 Honour, there has been a decision but I did not mention there is
28 a decision.

29 JUDGE SEBUTINDE: This is what you said on the record -

1 "This is a witness for whom we are going by the 92 bis procedure
2 and he had testified before previously in another trial."

3 MR BANGURA: That is correct.

4 JUDGE SEBUTINDE: What do you mean?

10:50:38 5 MR BANGURA: Your Honour, the witness had testified in
6 another trial and we have transcripts of his testimony from that
7 trial to be used in this trial.

8 JUDGE SEBUTINDE: Which we have granted you permission to
9 do so?

10:50:51 10 MR BANGURA: Yes, your Honour.

11 JUDGE SEBUTINDE: Yes, that is the decision I had wanted
12 you to cite on the record.

13 MR BANGURA: I take the point, your Honour. I will cite
14 the decision. Your Honours, the decision pursuant to which we
10:51:03 15 are proceeding under 92 bis is a decision of - on Prosecution
16 notice under 92 bis - for admission of evidence related to, inter
17 alia, Kono District. That is a decision dated 8 October 2008.
18 Thank you, your Honour.

19 WITNESS: SAMUEL KOMBA [Sworn]

10:55:15 20 JUDGE LUSSICK: Yes, Mr Bangura.

21 MR BANGURA: Thank you, your Honour.

22 EXAMINATION-IN-CHIEF BY MR BANGURA:

23 Q. Good morning, Mr Witness.

24 A. Good morning.

10:55:45 25 Q. Mr Witness, can you tell the court your name, please?

26 A. I am Mr Samuel Komba.

27 Q. How old are you?

28 A. I am 60 years old.

29 Q. Where were you born?

1 A. I was born in Kamara Chiefdom, Kono District, Tombodu.

2 Q. What ethnic group do you belong to?

3 A. I speak Kono, I speak a little bit of Krio and I went to
4 school, but I didn't further my education.

10:56:41 5 JUDGE LUSSICK: I missed the name of that chiefdom. Could
6 you get that again, please, Mr Bangura.

7 MR BANGURA:

8 Q. Can you tell the Court again, Mr Witness, the name of the
9 place where you were born?

10:56:58 10 A. Tombodu, Kamara Chiefdom, Kono District.

11 Q. Thank you. I had asked you which ethnic group you belonged
12 to but you told us the languages that you speak. Which
13 particular ethnic group do you actually belong to?

14 A. I am a Kono by tribe.

10:57:51 15 Q. You told us you - you told us you had some education, am I
16 right?

17 A. I went to school. At that time I stopped at standard 3.

18 Q. What do you do for a living?

19 A. Initially I worked, I brushed, do some brushing, but now I
10:58:33 20 can't do anything except I am by the side of my wife and we go
21 and do some picking and we plant potato so that we can feed our
22 children. I can't do anything for now with my hands.

23 Q. Thank you. Do you recall having testified before the
24 Special Court before today?

10:59:08 25 A. Yes, I did testify in Freetown.

26 Q. Do you remember when that was?

27 A. I cannot recall the date again, because it has taken a long
28 time.

29 Q. Would I be right if I suggested to you that that was on 1

1 July 2005?

2 A. Yes.

3 Q. Do you remember in what case you testified in Freetown?

10:59:53

4 MR GRIFFITHS: I hope I can interrupt to assist my learned
5 friend. This is all a matter of record, Mr President, and I am
6 not so sure that one can test the witness's memory. This isn't a
7 memory test after all and if it is a matter of record I really
8 don't see the point.

11:00:10

9 JUDGE LUSSICK: Well, I take it where appropriate, just by
10 establishing the transcript, you would have no objection to
11 Mr Bangura leading the witness to that extent?

12 MR GRIFFITHS: None whatsoever.

13 MR BANGURA: I take the point and I thank my learned
14 friend:

11:00:22

15 Q. Did you testify in the case against Alex Tamba Brima - the
16 Prosecutor against Alex Tamba Brima, Brima Bazzy Kamara and
17 Santigie Borbor Kanu?

18 A. These were the same words.

19 Q. Was that the case in which you testified?

11:00:46

20 A. The same case. Yes, it is the same case.

21 Q. Now, have you recently had an opportunity to review the
22 transcript of your testimony in that trial?

23 A. Yes, I came to Freetown and it took a month and a half and
24 they explained to me and I did testify and they explained to me
11:01:18 25 in Kono and they learnt it in Kono to me and they translated it
26 to me in English.

27 Q. It's is not entirely clear, Mr Witness. The question is
28 whether you have had the opportunity to review the transcripts
29 which came from that trial - your testimony in that trial. After

1 you had testified in that trial, have you since that time had an
2 opportunity to look back at the transcripts that came from your
3 testimony?

11:02:00 4 A. Yes, they did reflect my memory back. They explained to
5 me.

6 Q. And where was that?

7 A. That happened in Freetown.

8 Q. Was it only in Freetown that that happened?

11:02:15 9 A. And when I came here again and the same thing was explained
10 to me and I said, "Yes, that's it".

11 Q. And how did you review the transcripts? How were they
12 reviewed with you?

13 A. Yes, they explained to me in English and somebody explained
14 to me in Kono and I said, "Yes, that is exactly what I said".

11:02:39 15 MR BANGURA: Can Madam Court Manager assist, please. We
16 need to show the witness this, but first to counsel. Your
17 Honours, just before the witness is shown that document, the
18 document is a transcript from his testimony in the case against
19 Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu and
11:03:43 20 those transcripts number 41 pages and the CMS numbering on them
21 reads from 18434 through to 18474. Can the witness be shown the
22 document, please:

23 Q. Mr Witness, do you recognise the document that has been
24 shown to you?

11:04:29 25 A. I can recall, but I cannot read because I cannot see
26 properly with my eyes.

27 JUDGE LUSSICK: I take it, Mr Bangura, what you are showing
28 the witness are the parts of the transcript that were allowed
29 under Rule 92 bis in our decision of 8 October 2008, subject to

1 this witness being available for cross-examination. Is that
2 correct?

3 MR BANGURA: That's correct, your Honour.

4 JUDGE LUSSICK: Thank you.

11:05:04 5 MR BANGURA:

6 Q. Mr Witness, the document shown to you, do you agree that
7 that is a document which you reviewed - which you said you
8 reviewed here in The Hague and in Freetown?

9 A. Yes.

11:05:18 10 Q. And do you wish to adopt the transcripts from that trial as
11 part of your testimony before this Court?

12 A. Yes.

13 MR BANGURA: Thank you. Your Honours, may I respectfully
14 move that this document be marked for identification.

11:05:44 15 JUDGE LUSSICK: Yes, the transcripts from the trial of
16 Prosecutor against Brima, Kamara and Kanu dated 1 July 2005, in
17 particular pages 18434 to 18474, will be marked for
18 identification as MFI-1.

19 MR BANGURA: Your Honours, I have no further questions for
11:06:17 20 the witness.

21 JUDGE LUSSICK: Thank you, Mr Bangura. Yes, Mr Griffiths.

22 CROSS-EXAMINATION BY MR GRIFFITHS:

23 Q. In 1998, ten years ago, you would have been aged 50,
24 wouldn't you?

11:06:49 25 THE INTERPRETER: Your Honours, can the learned counsel
26 repeat the question again.

27 MR GRIFFITHS:

28 Q. In 1998, ten years ago, you would have been aged 50,
29 wouldn't you?

1 JUDGE SEBUTINDE: Mr Griffiths, please. Mr Interpreter,
2 can you please switch on to the right channel. You are confusing
3 us. You have entered the English channel. Mr English
4 Interpreter, are you okay? Mr English Interpreter, are you
11:07:28 5 there?
6 THE INTERPRETER: Yes, I am here.
7 JUDGE SEBUTINDE: Are we okay with the channels?
8 THE INTERPRETER: Yes, please.
9 MR GRIFFITHS: Let's start again:
11:07:41 10 Q. In 1998, ten years ago, you would have been aged 50,
11 wouldn't you?
12 A. I am 60 years old now.
13 Q. So you were 50 in 1998?
14 A. That I cannot tell that I read it on the paper, but that's
11:08:12 15 my age.
16 Q. In any event in 1998 you were living in Tombodu, weren't
17 you?
18 A. Yes, I was born in Tombodu. I was there.
19 Q. And had you always up to that time lived in Tombodu?
11:08:37 20 A. I lived there.
21 Q. I didn't catch that answer. It is my fault I'm sure. Had
22 you always lived in Tombodu?
23 A. Yes, I was living there.
24 Q. Now Tombodu is in Kono District, isn't it?
11:09:06 25 A. Yes.
26 Q. Had you ever worked as a diamond miner?
27 A. Well, in relation to diamond mining when people used to go
28 I used to follow them, but I did not do diamond mining on my own.
29 Q. Did you ever do it at all?

1 A. Di amond mi ni ng?

2 Q. Yes.

3 A. Di amond mi ni ng, peopl e will not - you will not say you do
4 not mi ne, but I did not do it on my own.

11:09:49 5 Q. But did you ever do it?

6 A. Yes. I said I did not do it on my own. I said I did not
7 do it on my own, but I used to follow people who went for mining.

8 Q. And up until 1998, who had been mining in Tombodu?

9 A. What? I don't understand.

11:10:26 10 Q. Up until the year 1998, who had been mining in Tombodu?

11 A. Well, people used to go there. Companies used to go there
12 to work. I used to see them working. They said they were
13 companies doing di amond mi ni ng. I used to hear that.

14 Q. Do you remember a time when ECOMOG came to Tombodu?

11:11:02 15 A. I can't remember. Maybe I was not there.

16 Q. Do you know who ECOMOG is?

17 A. I heard the name, but I do not know the distinction.

18 Q. What is ECOMOG?

19 A. What? I don't understand.

11:11:36 20 Q. Let me try again. What are ECOMOG forces?

21 A. I do not know the distinction.

22 Q. Have you ever heard the name ECOMOG before?

23 A. I just heard it here from you, but I did not know what they
24 called that.

11:12:06 25 Q. So the first time you heard the name ECOMOG was when I used
26 the word here?

27 A. Yes, yes.

28 Q. Please, sir, I am not here to call you a liar, but please
29 could we have some truthful answers. Are you telling me that the

1 first time you heard the name ECOMOG was this morning when I
2 mentioned the name to you?

11:13:01

3 A. What I told you - that was why I swore on the Bible. What
4 I first told you is what I am still telling you. I wouldn't tell
5 you lies.

6 Q. So are you telling me truthfully that the first time you
7 heard the name ECOMOG was when I mentioned it to you this
8 morning?

11:13:21

9 A. That was what I told you and I have said it again. What do
10 you want me to say again?

11 Q. Well, it would be helpful if you would tell me the truth.
12 You are telling us the truth when you say on oath in front of
13 these judges that the first time you heard the name ECOMOG was
14 when I mentioned it this morning. That is the truth? Is that
15 what you want us to accept?

11:13:48

16 A. What I started with is - what I said is what I am still
17 saying. Even if I repeat it, that's the same thing I will be
18 saying.

11:14:20

19 MR GRIFFITHS: Very well. I wonder if we could, please,
20 put this document up on the screen and I apologise to everyone
21 because I did not intend to confront this witness with any
22 statements and there are a couple of highlights on the first page
23 of this document:

11:14:47

24 Q. We are told that this is a record of an interview conducted
25 with you and I wonder, because I can't get this up on my screen,
26 if I can be reminded of the date of the document, please. It's
27 undated. It's undated, but in any event we are led to believe
28 that this is a record of an interview conducted with you, okay?
29 Now do you remember being interviewed by investigators attached

1 to the Prosecution at the Special Court in Sierra Leone?

2 A. What did you say?

3 Q. Do you remember being interviewed by investigators attached
4 to the Special Court in Sierra Leone?

11:16:08 5 A. That one I can remember. They met me at a secondary school
6 in Ahmadiyya. I just explained a little.

7 Q. Thank you. Can we put up, please, the last page of that
8 document. Now if we count four lines from the top of that page
9 we see a sentence which includes the words "to Kamadu then

11:16:41 10 occupied by ECOMOG forces". Now according to this you were
11 mentioning ECOMOG to the investigators on this date and yet you
12 are telling me that until I mentioned that name to you this
13 morning you had never heard it. Now can you help me as to how
14 come "ECOMOG", that word, appears in this statement if you were

11:17:08 15 telling me the truth moments ago?

16 A. What you are saying - I want to understand what you are
17 saying. Is it about ECOMOG, or what I said in relation to them?
18 Is that what you mean?

19 Q. No, no, no, you told me very clearly minutes ago that you
11:17:37 20 had never the word ECOMOG until I mentioned it to you this
21 morning and what I would like you to explain to us, please, is
22 how come if that is true the word "ECOMOG" appears in a statement
23 made by you on an earlier date?

24 A. The one that happened ever since, I cannot talk about
11:18:15 25 ECOMOG. What I told you is what I have told you. That's what I
26 have told you again. I cannot say ECOMOG came, what they did,
27 where they went, no.

28 Q. But all I'm asking - and please help me. If you want to
29 retract what you told me earlier feel free to do so. Did you

1 hear the name ECOMOG for the first time this morning, or had you
2 heard that name before?

3 A. That's what they said. I used to hear about ECOMOG, but I
4 did not say anything about ECOMOG, because when we were sitting
11:19:07 5 down people used to talk about ECOMOG, but I did not say anything
6 about ECOMOG.

7 Q. Right. So we have got that clear now. You had heard the
8 name ECOMOG before this morning, yes?

9 A. I can't say that's a lie, but I did not say anything in
11:19:27 10 relation to it.

11 Q. But you had heard the name ECOMOG before this morning,
12 hadn't you?

13 A. Yes.

14 Q. So help us --

11:19:44 15 A. Now you have said the truth. I heard the name, yes, I used
16 to hear that name.

17 Q. So why did you tell us a matter of minutes ago - and you
18 told me on three occasions - that you heard it for the first time
19 this morning? Why did you tell us that?

11:20:08 20 A. You did not bring it this way. The way you brought it was
21 that if I said anything in relation to ECOMOG. You did not say
22 whether I knew the name ECOMOG. I said I did not say anything in
23 relation to ECOMOG. You said I said something to somebody in
24 relation to ECOMOG and I said no.

11:20:26 25 Q. I asked you a very clear and simple question, had you heard
26 the name ECOMOG before, and you told me on more than one occasion
27 no. What I would like to know now is why did you tell me that on
28 oath minutes ago?

29 A. You said that I said something in relation to ECOMOG and I

1 disagreed and I told you I can't say anything in relation to
2 ECOMOG. Then you said if what I first said that I called ECOMOG,
3 but I said I did not say anything in relation to ECOMOG. I want
4 you to understand that.

11:21:16 5 Q. I don't understand, but I don't want to waste any more time
6 on this because it is not my intention to keep you in that
7 position for too long. So let's move on. Were you ever aware of
8 ECOMOG soldiers mining in Tombodu?

9 A. I can't recall.

11:21:50 10 Q. Have you ever heard of RUF soldiers mining in Tombodu?

11 A. That one, I did not see it and I did not meet them there.

12 Q. In 1998, if I understand the evidence that you gave to
13 another court, some horrible things happened to you, didn't they?

14 A. The things that happened to me, I was captured, yes. That
11:22:44 15 one? If you want me to explain I will explain, but I won't talk
16 about mining, no. What they did to me I can explain.

17 Q. Well, let's just ignore mining for the minute and we can
18 deal with this very quickly. Some horrible things happened to
19 you, didn't they, in 1998?

11:23:09 20 A. Yes.

21 Q. And as a consequence of that you have lost the movement in
22 your right hand, haven't you?

23 A. They hacked it. Look at it. They hacked it. It's not an
24 injury. Somebody took a cutlass and chopped it. It's not an
11:23:34 25 injury. They put it on a log and chopped it. And I was stabbed
26 on my side and they slapped me in the face. I can't see
27 properly. Look at my leg, it is swollen.

28 Q. I accept all of that and I go further and say whoever did
29 that to you was a wicked, wicked individual. That's right, isn't

1 it?

2 A. Somebody uses a metal to hack you. I was not born with my
3 hands up and somebody says, "Come and let me chop off your hand"
4 and he has the power. If he says that, what would you do? You
11:24:22 5 just have to go there and they were in power at the time. They
6 who brought that, they were in power at the time and he did that
7 to me. I was not born with my hand disabled and if he says,
8 "Come and let me I cut off your hand" and he did it. He did it.

9 Q. And the person, the wicked person who did that, was
11:24:50 10 appropriately named Savage, wasn't he?

11 A. He was the one who did it.

12 Q. And his name was Savage, wasn't it?

13 A. Yes.

14 Q. And he was a soldier in the Sierra Leonean army, wasn't he?

11:25:15 15 A. I did not know. The time that I knew him, when I was
16 captured in the bush and they brought me to him where he was - at
17 the time that I was captured and brought to him it was at that
18 time that I knew him. They said he was called Savage. Whether
19 he was in the military or not, it was at that time that I knew
11:25:42 20 that he was Savage. I never knew him before.

21 Q. Did you know nothing at all about him?

22 A. I said it was at that time that I knew him, at that time
23 that he chopped off my hand. It was at that time that they
24 called him Savage and he was the leader of the people. He was
11:26:08 25 the leader. When they brought me from the bush I was handed over
26 to him.

27 Q. And you didn't know that he was a soldier in the Sierra
28 Leonean army?

29 A. It was on that day - it was on that day he that I knew him,

1 that he was the one called Savage. He was wearing a military
2 uniform, but I did not know him before that he was a soldier.

3 Q. I just want one clear answer from you, because I don't want
4 us to make another mistake as we did earlier about ECOMOG. So
11:26:48 5 Let me ask you very slowly and very clearly were you aware that
6 Savage was an SLA soldier?

7 A. It was on that day that I knew. You have made this thing
8 to get off my ears. It was on that day that I knew. Whether he
9 was a soldier or not I did not know. It was on the day that he
11:27:19 10 chopped off my arm that I saw him in a military uniform that day.

11 Q. Well, I am not as powerful as Savage so I have no idea why
12 your headphones fell off, but let me just ask you another
13 question. Did you know anything at all about Savage's
14 background?

11:27:42 15 A. It was on that day that I knew. It was on that day that I
16 knew that he is Savage. Where he was born, what is he, I did
17 not. It was on that day. It was on that day that I knew that he
18 was the one called Savage. He chopped off my hand.

19 Q. In a moment we are going to have a break --

11:28:07 20 JUDGE LUSSICK: We are be getting close to the end of the
21 tape, Mr Griffiths.

22 MR GRIFFITHS: Very well. Your Honour, I will come back to
23 the topic after the break.

24 JUDGE LUSSICK: Thank you. Mr Witness, we are going to
11:28:19 25 have a break now for half an hour. We will reconvene the Court
26 at 12 o'clock.

27 THE WITNESS: That's not bad.

28 [Break taken at 11.30 a.m.]

29 [Upon resuming at 12.00 p.m.]

1 JUDGE LUSSICK: Go ahead, Mr Griffiths.

2 MR GRIFFITHS: I am grateful, Mr President:

3 Q. Before the break I was asking you about a man called
4 Savage. Do you know whether Savage was a soldier in the Sierra
12:00:15 5 Leonean Army?

6 A. Let me say it again. Let me tell you again. That day that
7 we were brought out of the bush and handed over to him, it was on
8 that day that his soldier introduced us to him and said he was
9 called Savage. It was on that day that I knew that he was the
12:00:37 10 one that was called Savage. It was on that day that he chopped
11 off my arm. It was on that day that he beat me up. That was the
12 day that I knew he was Savage.

13 Q. What's his real name?

14 A. What?

12:00:54 15 Q. What's his real name?

16 A. I do not know his real name. That's the name I knew,
17 Savage, and that's the name I can recall. Whether he was called
18 something else, I don't know. That's the name I knew, Savage.

19 Q. Where is he from?

12:01:20 20 A. I do not know where he came from. I do not know where he
21 came from. When we were captured, they introduced us. They
22 handed us over to him in Tombodu. They said he was the leader of
23 the people there. He was the commander there. I do not know
24 where he came from.

12:01:36 25 Q. All you can tell us about this wicked man who chopped your
26 arm is that his name is Savage and you can't tell us anything
27 else?

28 A. That man, the way he treated me I know that he's a wicked
29 man. Someone who mutilates, who beats you up, in a way how can

1 you say he is - this man was somebody who took my arm and put it
2 on a log and chopped it off and he beat me like an animal. I
3 didn't ask where he came from, or where he had come from, or
4 where he was, but he said he was the leader there. He was the
12:02:22 5 commander there of those people, Savage.

6 Q. Please, sir, you do appreciate that you took an oath at the
7 beginning to tell the truth, don't you?

8 A. And that is what I am still doing. I have taken an oath on
9 my God book that they did not bring me here to give me money.

12:02:56 10 What they did to me is what I'm saying. That is why I swore.

11 Q. Very well. I wonder if we can put this on the screen,
12 please. Now, this is the same record of an interview conducted
13 with you by investigators. If we read five lines from the bottom
14 of the page we see this:

12:03:33 15 "A red Land Rover drove to the Ekuma Junction, from which
16 one Sahr Buffa, alias Savage, alighted. Savage was then an SLA
17 soldier. He was born in Nimi koro, to Chief Pa Buffa."

18 Now you claim that you don't know anything about this guy,
19 so why is it that you were telling the investigators here that
12:04:08 20 you knew his name, you knew he was an SLA soldier, you knew his
21 father, you knew where he was born? Why?

22 A. Can I repeat?

23 Q. Yes, please.

24 A. The reason - that Land Rover that you are referring to, the
12:04:35 25 reason it came to Tombodu we were there together with my wife. I
26 did not go there. None of my relatives went there. My wife did
27 not go there. I did not go there. The Land Rover came and it
28 stopped at Ekuma Junction. Then I saw people disembarking. Then
29 I said to my wife, "I have seen people coming, running". We have

1 our children. They are very small. I said, "What is going to
2 happen? Let's go. Let's go", because if we start asking, "Who
3 are you? What is your name?" - but this Land Rover indeed came
4 to Ekuma Junction. That was the time we went, together with my
12:05:23 5 wife, and my child was ahead of us and I said we should go. As
6 we were going we saw people coming, following, everybody was
7 finding his or her own route, until I did not return there any
8 more to go and see anybody because my children were many and they
9 were very young. We went away.

12:05:43 10 When we went to my elders, let me tell you again that it
11 was on that day that they captured me and took me out of the
12 bush. It was on that day that this man - that they mutilated my
13 arm and chopped it off and he beat me up. It was on that day
14 that they told me his subordinates that were with him, they said
12:06:09 15 his name is Savage. It was on that day that I knew that, but I
16 did not return to Ekuma Junction to ask, "Who is this? Who is
17 this?" No, no, no, we all ran away.

18 Q. Let me try my question again. You told us on more than one
19 occasion, "I only met Savage on that day. I don't know anything
12:06:37 20 about him", and yet in this statement you are saying, "I know his
21 real name. I know who his father is. I know he was an SLA
22 soldier. I know where he was born". All I'm trying to find out
23 is which of those two things is true? Did you know those things
24 about him, or didn't you?

12:07:08 25 A. I did not know anything about him. It was on that day that
26 he chopped off my hand that I knew that he was Savage; that he
27 was the one who was called Savage. Whether he was born, what
28 happened to him, who was he, it was on that day that I knew that
29 he was the one called Savage. The soldier who took us from the

1 bush, he was the one who took us to him and handed us over to him
2 and said he was the Savage.

3 Q. Let me try it differently. Did you say to the
4 investigators that Savage's real name was Sahr Buffa?

12:07:45 5 A. What I'm telling you I said on that day that my arm was
6 mutilated, whether he was called Buffa or not Buffa I am still
7 repeating it was on that day that I knew that he was called
8 Savage. Whether he was called Buffa or what was he, I wouldn't
9 say that I knew that that was his name.

12:08:12 10 Q. Listen carefully to the question. Did you tell the
11 investigators that his real name was Sahr Buffa?

12 A. Those who went to obtain statements from me, is that what
13 you mean?

14 Q. Yes, please.

12:08:38 15 A. That is what I said. That he - they said this is the man
16 whom they called Savage. He was the one who caused this atrocity
17 to me. I did not know after that.

18 JUDGE SEBUTINDE: Mr Witness, you are dodging the question.
19 It's a very simple question that requires a yes or no answer.

12:09:00 20 Please ask the question again.

21 MR GRIFFITHS: I am grateful.

22 JUDGE SEBUTINDE: And this time, Mr Witness --

23 THE WITNESS: Let him repeat.

24 JUDGE SEBUTINDE: Yes, we want a yes or no answer. A very
12:09:07 25 simple question.

26 MR GRIFFITHS:

27 Q. Did you tell the investigators that Savage's real name was
28 Sahr Buffa?

29 A. That one, I did not tell them that. That's - the only name

1 I told them was that one, yes.

2 Q. Did you tell the investigators that Savage was at that time
3 an SLA soldier?

12:09:44 4 JUDGE SEBUTINDE: Wait. Mr Witness, a shaking of the head
5 will not do. It's either yes or no. Please don't shake your
6 head either way. Just say yes or no, because we can't record a
7 shaking of your head on the record.

8 MR GRIFFITHS: Let me ask the question again:

12:10:17 9 Q. Did you tell the investigators that Savage was at the time
10 an SLA soldier?

11 A. No.

12 Q. Did you tell the investigators that Savage was born in
13 Ni mi koro?

14 A. I do not know his birthplace, no.

12:10:35 15 Q. No, listen to the question. Did you tell the investigators
16 that Savage was born in Ni mi koro?

17 A. No.

18 Q. Did you tell the investigators that Savage's father was
19 Chief Pa Buffa?

12:10:59 20 A. I did not say that.

21 Q. Can you help us as to how it comes about that in a record
22 of an interview, supposedly conducted with you, you were supposed
23 to have told the investigators all of that? Can you help you?

12:11:39 24 A. I did not write this document. The person who wrote it was
25 asking - was talking to somebody, so I cannot say I said that he
26 was born there, or he was born there. What I knew about him was
27 that he was called Savage. So I did not say that. The person
28 who was writing, I did not tell him that.

29 Q. So does it follow that if you didn't say that, whoever

1 wrote this down wrote these things down claiming that you had
2 said them when in fact you hadn't? That must be the case,
3 mustn't it?

12:12:21 4 A. What? He asked me and I said yes. I said I did not say
5 so, yes, no, what?

6 Q. So the writer of this document must have made it up?

7 A. What? What did you say?

8 Q. Whoever wrote this document must have made it up?

9 A. I can't say. I can't sit here telling lies.

12:12:51 10 Q. But if you didn't say it, whoever wrote this down must have
11 made it up, mustn't they?

12 A. You are trying to confuse me. I did not say that.

13 JUDGE LUSSICK: That's not a difficult question,

14 Mr Witness. You have been spoken to before. You are simply
12:13:15 15 asked if you didn't say those things, whoever put them in a
16 statement must have been making up a story. That's all you are
17 being asked. Now, what's your answer?

18 THE WITNESS: That is what he said, what did he say? What
19 did he say?

12:13:38 20 MR GRIFFITHS:

21 Q. What he said was this: If you didn't say it, whoever wrote
22 this down must have made it up?

23 A. This one? I said yes, I wrote it. What I said was what he
24 wrote down.

12:13:58 25 Q. So did you tell the writer of this document that you knew
26 what Savage's real name was?

27 A. Let me repeat. On the day that my arm was mutilated it was
28 at that time that I knew his name, Savage. Is that the time that
29 they chopped my arm, when they wrote this document, is that what

1 you're referring to? Because when they chopped my arm and we
2 returned, is that what you're talking about?

12:14:48 3 Q. I'm sure it's my fault so let me try again. Do you
4 remember at some stage, years after that wicked man chopped your
5 arm, somebody came to you and said, "Look, we're investigating
6 what happened during the war in Sierra Leone and we would like
7 you to tell us about that experience." Do you remember that
8 happening?

9 A. Yes, I've understood that.

12:15:10 10 Q. When that person came to you and said, "Look, Mr Komba,
11 tell us about Savage", did you say to that person, "I know that
12 man Savage. His real name is Sahr Buffa." Did you tell them
13 that?

14 A. Yes, yes, at that time when my arm has been disabled.

12:15:37 15 Q. No, no, no. Did you tell that person who was asking you
16 that Savage's real name was Sahr Buffa?

17 A. Yes.

18 Q. Where did you get that name from?

19 A. Those who came, when I said he was called Savage, he
12:16:05 20 explained to me that he was --

21 THE INTERPRETER: Your Honours, can he kindly repeat this
22 one. He is not very clear in his answer.

23 JUDGE LUSSICK: Start again, please, Mr Witness. Do you
24 need the question repeated to you?

12:16:22 25 THE WITNESS: What is confusing me is this: They chopped
26 my arm. It was at that time that I knew that he was called
27 Savage. Do you mean when we returned? This person who went to
28 me, he was the one who told us that Mr Buffa, who is in Nimikoro,
29 that is his son. He said that is his son, Savage. He was the

1 one who told me his name, that name that you are calling. I did
2 not know, but it was that person who said that was his name.

3 MR GRIFFITHS:

4 Q. Which person told you that?

12:17:04 5 A. People who obtained statement, a lot of them used to go
6 there. I cannot remember his name because it's quite a long time
7 now.

8 Q. When did that person tell you his name?

9 A. Well, where we were, a lot of statement takers used to go
12:17:27 10 there. At that time I cannot recall his name. Let me not tell
11 you lies.

12 Q. I didn't ask you about his name. I asked you: When did
13 that person tell you his name, Savage's name?

14 A. It's quite a long time now. It's quite a long time now.
12:17:47 15 It's quite a long time now.

16 Q. How long after your arm was chopped?

17 A. When they chopped my arm in '98 - '98, when they chopped my
18 arm, I was captured and taken there, to this man Savage, in '98.

19 Q. And when in relation to that were you told his name?

12:18:22 20 A. From that time, when we returned, that was the time they
21 started naming people that this is this person, this is this
22 person.

23 Q. Where was Savage born?

24 A. I did not know his birthplace.

12:18:43 25 Q. Have a look at the page in front of you. "He was born in
26 Freetown." That's what it says?

27 A. Well, what?

28 Q. So according to this, which you are supposed to have told
29 the investigators, you knew he was born in Freetown. So which is

1 right: "I don't know where he was born" or, "He was born in
2 Freetown"? Which of those two things is right?

3 A. I do not know where he was born, no.

4 Q. Let me try once more. Can you help us as to why it is this
12:19:29 5 document, which claims to be a record of what you said, claims
6 that you told the investigators Savage was born in Freetown? Can
7 you help us as to how that comes about?

8 A. I can't. I do not know where he was born. They said -
9 what they said, the day my arm was chopped, when we returned,
12:19:59 10 they said he was born in Freetown. That was what that man told
11 me. I did not know where he was born.

12 Q. So can I try another question again. Can you help us as to
13 how this document claims to suggest that you told the
14 investigator that? Can you help me with that?

12:20:29 15 A. Yes.

16 Q. Please do.

17 A. Can I - you want me to read or you want me to explain?
18 What can I explain? Because I'm just seeing - I'm just looking
19 at it but I can't see. I can't see properly with my eyes. I've
12:20:54 20 been slapped in my eye before. I can't see clearly.

21 JUDGE LUSSICK: Mr Witness, why don't you just please
22 listen to the question. The questions are not difficult.
23 Concentrate and listen to the question. Perhaps once more,
24 Mr Griffiths.

12:21:14 25 MR GRIFFITHS:

26 Q. Mr Witness, just so that we understand, what is up on this
27 screen is supposed to be a record of what you said to an
28 investigator on a previous occasion. Do you understand that?

29 A. Yes.

1 Q. Now, according to this record, you were supposed to have
2 said to the investigator, "Savage was born in Freetown." That's
3 what this says. Do you understand that?

4 A. Yes.

12:21:50 5 Q. But you've told me a couple of minutes ago you don't know
6 where Savage was born. Have you followed me so far?

7 A. I am listening to you.

8 Q. So can you explain to me how is it that today you are
9 telling us, "I don't know where he was born", yet on a previous
12:22:18 10 occasion according to this document you said, "He was born in
11 Freetown." Can you explain the difference?

12 A. Yes, I can explain the difference. The day my arm was
13 disabled I did not know that was his name. When these people
14 came to me to obtain this statement, it was at that time that I
12:22:46 15 knew that he was born in Freetown. That was why I told those
16 people that he was born in Freetown. That he was born in
17 Freetown. And all the names that they said were his names. Now
18 I've known the distinction, yes, that's it.

19 Q. And tell me: Who gave you all of those details about
12:23:10 20 Savage?

21 A. Many statement takers used to go there. If I name the
22 person now, I will be telling lies. I cannot recall. If I tell
23 you, I would be telling lies.

24 Q. So it was the person who took the statement who gave you
12:23:31 25 those details?

26 A. Yes, that - yes.

27 Q. Very well. Now that man Savage, did you ever hear that he
28 was mentally ill?

29 A. I? No, nobody told me that.

1 Q. But that man Savage was responsible for killing a lot of
2 people in Tombodu, wasn't he?

3 A. When we returned, that is what they said. They said there
4 was a pit there called Savage pit, yes, where he threw people.

12:24:40 5 The pit is there.

6 Q. Now, did you know who Savage's boss was?

7 A. He was there as the boss for all of them. He was the one I
8 knew. He was the one in Tombodu.

9 Q. Does the name - have you ever heard the name Superman?

12:25:01 10 A. I used to hear those names, but I did not know the
11 distinction.

12 Q. Now, did you ever hear about Superman putting a stop to the
13 killings being done by Savage?

14 A. No, no.

12:25:30 15 Q. Did you ever hear of the junta?

16 A. I used to hear about the junta, but I do not know the
17 difference. I did not know what junta is.

18 Q. Up until the time when Savage did these terrible things to
19 you, how had the war affected you?

12:26:00 20 A. Can I explain?

21 Q. Yes, please.

22 A. Can I explain? Okay, okay. I was in Kamara, together with
23 my children, and then we left at that time. I cannot recall that
24 time. Then I saw my people coming. They were running. He said,

12:26:39 25 "A vehicle has come", and I said, "A vehicle has come? What

26 vehicle?", and he said, "A red one". I said, "If a vehicle

27 comes, should people be running away?", and they said, "Yes,

28 soldiers have come. Then, well, I said, "If we are to run, then

29 we should run". I did not go close to there. Then we went. I

1 told my wife, "Have you seen people coming, running? We have to
2 go. Our children are too young", and she said, "Where are we
3 going today?" I said, "Can't we go to our in-laws where you were
4 born?", and then still we started going and we slept in one
12:27:25 5 village.

6 Q. Mr Witness, I am sorry to interrupt you, but maybe it's my
7 fault and you misunderstood my question. You've already told us
8 that this thing that was done to you by Savage took place in
9 1998, okay?

12:27:43 10 A. Yes.

11 Q. Now, we know that the war had been going on in Sierra Leone
12 for something like seven years up until then and all that I'm
13 asking you is during those seven years or so how had the war
14 affected you?

12:28:08 15 A. The way it has affected me? It has caused me - where we
16 were in hiding, they took us from there in the bush. Seven
17 soldiers, we met them on the way. They said they were coming to
18 redeem us. We had gone in search of yams - bush yams - and when
19 we met them on the way they said, "We've come to save you. Why
12:28:42 20 is it that you people are in the bush?"

21 Q. I'm sorry to interrupt you yet again, but I'm sure it's my
22 fault and so let me try again. Rebels invaded Sierra Leone in
23 1992, okay? This that was done to you was done in 1998. All I'm
24 asking you is between 1992 abouts and 1998 had the war affected
12:29:19 25 you in any way during those years? That's all I'm asking.

26 A. Okay, in '98 they disabled my arm. They stabbed me on my
27 side with a bayonet.

28 JUDGE LUSSICK: Mr Witness, that's not the question you
29 were asked. Counsel is referring to the period before you were

1 disabled; the period before you were badly injured. Now the
2 period before you were badly injured, had the war affected you in
3 any way?

4 THE WITNESS: There was no food because at the time there
12:30:11 5 was no school for children to go to. Me too, the way I was
6 initially I was not like that any more. I was worried about my
7 children. I was tormented and it was difficult for me. I was
8 not able to do anything normal, because there was no house for me
9 any more.

12:30:37 10 MR GRIFFITHS:

11 Q. Mr Witness, what I'm trying to understand is this. In 1998
12 Savage chopped your hand and did other horrible things to you,
13 okay?

14 A. Yes.

12:30:55 15 Q. I understand and I accept that. What I want to know is I
16 want to know what life was like in Tombodu, where you were
17 living, in the five years or so before that terrible thing
18 happened to you. Do you follow me? So, help me. What was
19 happening in Tombodu five or six years before your hand was
12:31:29 20 chopped? That's all I want to know.

21 A. Well, before the war there was happiness there. At that
22 time we were in happiness, we were doing everything, but when
23 this thing happened there was nothing there. There was chaos
24 everywhere.

12:31:53 25 Q. Let me ask a different question then. Before 1998, did you
26 see any rebels in Tombodu?

27 A. I did not know them. A human being is a human being. I
28 did not know them at that time, but I used to see people. I
29 would see women and there were so many people used to come to

1 Tombodu, but I did not know their difference.

2 Q. Before 1998, did you see men with guns in Tombodu?

3 A. Before '98?

4 Q. Yes, please.

12:32:41 5 A. In February, yes. At that time in February, people had
6 guns. I used to see people with guns. They used to come there
7 every day.

8 Q. Before February 1998, did you see men with guns in Tombodu?

9 A. Yes.

12:33:03 10 Q. When?

11 A. That one in February up to '98. That's what I'm saying.

12 Q. What about in the years - years before February 1998, did
13 you see men with guns in Tombodu?

14 A. I can't remember that one.

12:33:33 15 Q. Before February 1998, were there any killings in Tombodu?

16 A. Oh, that one I was not there any longer. I was not there
17 any longer. I was not there any longer. That February period I
18 was not there. It was when we had gone.

19 Q. Before February 1998, were there any killings in Tombodu?

12:34:13 20 A. That one? I was not there any longer. I had gone. I had
21 gone. I did not stay to see.

22 Q. How long had you lived in Tombodu by the time you had your
23 arm chopped?

24 A. February '98, all the rest I was - '98 February I left. I
12:34:52 25 left for the bush, together with my children.

26 Q. Before February 1998, had you always lived in Tombodu?

27 A. Before February, is that what you mean? Yes, at that time
28 I was there.

29 Q. Because you were born in Tombodu in 1948, weren't you?

1 A. You still want to question my age? My birth certificate,
2 all of them were burnt down.

3 JUDGE SEBUTINDE: Mr Witness, please listen, focus on the
4 question. You are simply asked where you were born, not how old
12:35:41 5 you are.

6 THE WITNESS: At Tombodu.

7 JUDGE SEBUTINDE: Why don't you answer straightforwardly?
8 These are simple questions being asked of you. You are wasting
9 so much time going around and around. Please answer the question
12:35:56 10 directly.

11 MR GRIFFITHS:

12 Q. You were born in Tombodu, weren't you?

13 A. Yes, initially I told you that that was where I was born.
14 Initially that was what I said, two times, three times.

12:36:10 15 Q. And you lived in Tombodu up until the time you were
16 chopped?

17 A. Yes.

18 Q. And what I want to know is: Before you were chopped,
19 during your time in Tombodu, did you see any killings?

12:36:39 20 A. No. That one, I did not see anybody killing any other
21 person. I was not there. I did not see anybody at that time.

22 Q. Before you were chopped, whilst you were living in Tombodu,
23 did you see any rebels?

24 A. I can't say that I saw them because we were many in the
12:37:06 25 town. I did not know whether they were there or not. I will be
26 telling lies.

27 Q. When was the first time that you saw rebels or soldiers in
28 Tombodu?

29 A. That is why I told you, that that day that I was captured

1 in the bush and brought to Tombodu, that was the day I set eyes
2 on them.

3 Q. So that was the first time that you saw armed men in
4 Tombodu?

12:37:43 5 A. Yes.

6 Q. Thank you. And prior to that day life had been fine in
7 Tombodu --

8 THE INTERPRETER: Your Honours, the interpreters want you -
9 your Honours, the witness is not listening to the interpretation.

12:37:58 10 JUDGE LUSSICK: Just a minute, please. What are you
11 saying, Mr Interpreter?

12 THE INTERPRETER: He is not listening to the interpretation
13 so there is confusion when I'm interpreting and learned counsel
14 is as well asking the question because the witness is ahead of
12:38:13 15 the interpreter.

16 JUDGE LUSSICK: I'm not quite sure what the problem is,
17 Mr Griffiths.

18 MR GRIFFITHS: From what I understand, Mr President, the
19 witness is starting to answer the question before the interpreter
12:38:28 20 has finished the translation and basically he needs to wait until
21 the end of the translation before he starts to the answer.

22 JUDGE LUSSICK: All right. Did you hear what counsel just
23 said, Mr Witness?

24 THE WITNESS: Yes.

12:38:47 25 JUDGE LUSSICK: Just wait until the interpreter finishes
26 interpreting before you begin your answer.

27 THE WITNESS: I'm listening. Thank you.

28 MR GRIFFITHS:

29 Q. That day when you were caught by those armed men in the

1 bush, that was the first time that you saw armed men in Tombodu.

2 Is that right?

3 A. Yes.

4 Q. So before that day life had always been fine in Tombodu?

12:39:34 5 A. Please repeat. What did you say?

6 Q. Before that day when you saw those armed men who captured
7 you, life had been fine in Tombodu?

8 A. That one, I was not there any longer. I told you that I
9 was not there any longer. I was not there any longer.

12:40:11 10 MR GRIFFITHS: I think there must be a problem with the
11 interpretation, because the witness seems genuinely perplexed by
12 my questions.

13 JUDGE LUSSICK: Mr Witness, do you understand that that
14 question was referring to the time before - before you saw armed
12:40:37 15 men in Tombodu? Do you understand that?

16 THE WITNESS: Before I saw the armed men in Tombodu? Are
17 you saying if I saw something in Tombodu? Is that what you mean?

18 JUDGE LUSSICK: The question is: Before you first saw
19 those armed men in Tombodu life had always been fine. Is that
12:41:07 20 correct or not?

21 THE WITNESS: At that time there were no guns there. Life
22 was - there was happiness at that time. But when we heard about
23 the gunmen we did not wait. We went away.

24 MR GRIFFITHS:

12:41:31 25 Q. Now, was Savage the only top man that you knew about in
26 Tombodu?

27 A. He was the only one that was shown to me as the senior man.

28 Q. Now, you told me earlier that you had heard the name
29 Superman. Is that right?

1 A. I did not tell you that. You said if I knew somebody
2 called Superman. No, no.

3 Q. So you had never heard that name?

4 A. I did not hear it.

12:42:23 5 Q. Did you ever hear the name Mosquito?

6 A. That one, I used to hear that one.

7 Q. Did you ever hear the name Sam Bockarie?

8 A. All those ones, it was after the war. I used to hear those
9 names.

12:42:47 10 Q. During the war, did you hear those names?

11 A. During the war?

12 Q. Yes, please.

13 A. I was not there. I was not there. I was not there.

14 Q. No, I'm not asking if you were there. Did you hear any of
12:43:09 15 those names during the war?

16 A. Yes, that one, I used to hear that one before I went into
17 the bush, yes.

18 Q. Which name did you hear before you went into the bush?

19 A. Those names that you've called.

12:43:37 20 Q. Did you hear the name Charles Taylor before you went into
21 the bush?

22 A. At that time we were in Sierra Leone, we used to hear his
23 name in Liberia.

24 Q. Did you hear that name Charles Taylor on the radio?

12:44:02 25 A. Yes.

26 Q. What about the name Foday Sankoh?

27 A. I used to hear that one too.

28 Q. And did you hear about a rebel organisation called the RUF
29 on the radio?

1 A. No, that one.

2 Q. You never heard that name?

3 A. That one, I wouldn't know because I was not there.

4 JUDGE SEBUTINDE: Mr Witness, you were not where?

12:44:51 5 THE WITNESS: What?

6 JUDGE SEBUTINDE: You were not where?

7 THE WITNESS: Where I heard these names? At that time I

8 used to hear their names. Even before the war I used to hear

9 their names from Liberia, but I was not there with them. I used

12:45:11 10 to hear their names.

11 MR GRIFFITHS:

12 Q. After your arm was chopped did you ever work again?

13 A. Up until now can't you see it's bent. Can I work with

14 this? Look at this. Look at this. Can I work with this? I was

12:45:36 15 not born like this. I was not born like this. My mother didn't

16 give birth to me like this. I can't work with this. What work

17 would I do with this? Except my wife who works for me. I cannot

18 work with this. Look at this, how bent it is. I was not born

19 like this.

12:45:53 20 Q. Are you sure you weren't working at the time that you spoke
21 to the prosecutors?

22 A. What did you say?

23 Q. Are you sure you were not working at the time you spoke to
24 the prosecutors?

12:46:09 25 A. When my arm was chopped? I was working. I was going
26 together with my wife to our garden to go and work. That was
27 what I was doing.

28 JUDGE LUSSICK: Before you develop that, Mr Griffiths, he
29 has incorporated in his previous answer - held up his right arm

1 to show how disabled he was. I think we should get some note of
2 that on the record.

3 MR GRIFFITHS: Very well.

12:46:54 4 JUDGE LUSSICK: Mr Witness, can you hold up that right arm
5 again, please?

6 THE WITNESS: Have you seen it? Have you seen it? Look at
7 it. They used the cutlass. Have you seen my leg? Can I get up?
8 But I have these things on my ears. Can you see it's swollen?
9 Look at it. Have you seen it?

12:47:23 10 JUDGE LUSSICK: Wait. Let's concentrate on the right arm
11 first and then we will get to the leg. What I am seeing the
12 witness hold up is - his right hand has a definite deep scar
13 across the back of it close to the wrist. And his little finger
14 and the finger next to it look as though they may be permanently
12:47:52 15 bent. If anybody else has any further observations please say
16 so.

17 THE WITNESS: I can't work with this any more.

18 MR GRIFFITHS: What I would suggest, your Honour, it seems
19 that all four fingers apart from the thumb appear to be unusable.

12:48:15 20 JUDGE LUSSICK: Is that right, Mr Witness, that you can't
21 use those four fingers on that hand?

22 THE WITNESS: I can't. I can't write anything. I can't do
23 anything with this. All of this is mutilated. Look at it. Have
24 you seen this? It was like this one. This one and this one, are
12:48:30 25 they the same? This one and this one, are they the same? This
26 was like this one, but it was mutilated. They put it on top of a
27 log. Twice - it was chopped twice with a cutlass, you see, and
28 he also chopped me on the leg. This Small Mosquito - this one
29 they called Small Mosquito, he stabbed me also on my side and he

1 slapped me in the face. Have you seen my eyes? I can't see
2 clearly. You see it.

12:49:04 3 JUDGE LUSSICK: All right. Well, Mr Griffiths, I presume
4 you are going to question the witness on his ability to work, are
5 you? This might be an appropriate time for him to also show the
6 Court his left leg.

7 MR GRIFFITHS: And also, if need be, the wound to his left
8 side, Mr President.

12:49:23 9 JUDGE LUSSICK: Yes, fine. All right, Mr Witness, you were
10 telling us you were also injured in your left leg. Could you
11 please show that to the Court.

12 THE WITNESS: My side here. Here. When he hit me with the
13 metal. Then I told Small Mosquito. Then he put his arms behind
14 his back like this and he removed and then he hit me here, on my
12:50:07 15 side here. Up until now I can't walk properly. Look. These
16 two, are they the same? This and this, are they the same? Have
17 you seen it? He hit me. It was not like this. It was not like
18 this.

19 MR GRIFFITHS: I think, Mr President, what we can say is
12:51:01 20 that the witness has exposed his lower left leg which appears to
21 be severely swollen and much larger than his other leg. I don't
22 know if that adequately describes it.

23 JUDGE LUSSICK: Well, there is a circular indentation all
24 the way round, but I'm not sure whether this is an injury or
12:51:17 25 simply caused by a tight sock and the witness has --

26 THE WITNESS: Can I remove it?

27 JUDGE LUSSICK: Just a minute, please. The witness has not
28 had his headphones on so I haven't been able to ask him, but I
29 would agree with the way you've described the left leg as being

1 swollen. But, Mr Witness, you tried to show us also some injury
2 to your left side, but when you were trying to show us you had
3 your hand over it and perhaps some of your clothing hid the wound
4 as well, but I was not able to see anything. So, firstly, could
12:52:00 5 you please once more stand up and show us the wound in your left
6 side and please make sure you keep your hand clear of it.

7 THE WITNESS: Have you seen this? Look at this one. Have
8 you seen this? This one and this one, are they the same? This
9 one was like this one, but now --

12:52:30 10 JUDGE SEBUTINDE: Mr Witness, we have seen your hand. We
11 now want to see your side, by the back. We now want to see your
12 back.

13 THE WITNESS: Have you seen this? Bayonet. Have you seen
14 this? Bayonet.

12:53:24 15 JUDGE LUSSICK: I think show Mr Griffiths. Mr Bangura, I
16 hope you don't think I am ignoring you. I take it you've already
17 seen all of these scars.

18 MR BANGURA: Save for the wound on his back. I have seen
19 all the others, but for the one on his back which he's just shown
12:53:50 20 to the Court.

21 MR GRIFFITHS:

22 Q. Mr Witness, you can put your sock back on now.

23 JUDGE LUSSICK: Well, while the witness is --

24 THE WITNESS: You see here, this is where he hit me. I
12:55:32 25 can't see properly.

26 JUDGE LUSSICK: All right. Just one moment, please,
27 Mr Witness. We have to get something down on the record. The
28 witness also showed the Court some injury to his left side. I
29 would describe that injury as being to the posterior aspect of

1 the left rib cage and what I saw was a rather prominent scar,
2 possibly an inch and a half across, and then two less prominent
3 scars. Would you argue with that?

4 MR GRIFFITHS: I wouldn't argue with that at all.

12:56:13 5 MR BANGURA: I agree with your Honour.

6 JUDGE LUSSICK: And now Mr Griffiths has also described
7 some severe swelling of the left leg in the ankle region which is
8 clearly visible on inspection. I might say the Court does not
9 know at this stage how that condition to the left ankle occurred.

12:56:48 10 MR BANGURA: I agree with that as well, your Honour, the
11 description of his left ankle.

12 JUDGE LUSSICK: Sorry?

13 MR BANGURA: The condition of his left ankle, left leg and
14 the ankle, I said I agree with the description as well, your
15 Honour.

12:57:03 16 JUDGE LUSSICK: Thank you, Mr Bangura.

17 MR GRIFFITHS:

18 Q. And if I can try to clarify something - I am talking to you
19 now, Mr Witness - that injury to your leg, how was it caused?

12:57:16 20 A. He hit me. It was not like this. Since then I'm still
21 undergoing the pain.

22 Q. So he hit you on the leg with what?

23 A. A metal. A metal. He really hit me hard. Even here, look
24 at the scar here. Look at it here. Look at it where he cut me
12:57:43 25 with the cutlass. Here, have you seen it? This is where he cut
26 me also with the cutlass. He beat me continuously before
27 chopping my arm. He put a mattress on top of me. That mattress
28 he put on top of me and they set it on fire, about 14 of us.

29 But, you see, even here, he really punished me before he finally

1 chopped my arm. Can I tell lies about him now I have sworn on
2 the Bible? I was not born like this. Can I tell lies? He
3 really put a mattress on top of me.

4 MR GRIFFITHS: I don't want to further delay matters, your
12:58:30 5 Honour, but the witness has now made reference to a scar on his
6 right leg and I think for the purposes of the record we perhaps
7 ought to get a description of that down.

8 JUDGE LUSSICK: Yes, I agree, Mr Griffiths.

9 MR GRIFFITHS:

12:58:46 10 Q. My apologies, Mr Witness, but could I ask you, please, to
11 stand up and show us the injury to your right leg, to the other
12 leg?

13 A. Have you seen this? Look at it from here. This is where
14 he cut me with the cutlass. Have you seen the scar? Look at it.
12:59:29 15 He hacked me with the cutlass. Look at it.

16 JUDGE LUSSICK: Mr Bangura, have you seen that particular
17 scar?

18 MR BANGURA: Not particularly, your Honour. I would be
19 grateful if it's shown to me.

13:00:27 20 THE WITNESS: Cutlass. Have you seen the scar?

21 JUDGE LUSSICK: What I saw was a long, thin, discoloured
22 patch of skin running from slightly above the knee down the leg
23 towards the ankle for about 9 inches. Is that the scar you were
24 looking at, Mr Griffiths? I noticed there were two other marks
13:00:58 25 on his leg he wasn't claiming were injuries.

26 MR GRIFFITHS: I totally agree, your Honour.

27 JUDGE LUSSICK: All right. Well, please go ahead,
28 Mr Griffiths. I take it you don't quarrel with that description,
29 Mr Bangura?

1 MR BANGURA: No, I do not, your Honour.

2 JUDGE LUSSICK: Thank you.

3 MR GRIFFITHS:

4 Q. Now, the final matter that I want to come to is this: As a
13:01:29 5 result of those injuries you've never been able to work since
6 1978; is that right? Sorry, I meant 1998.

7 A. Up until now --

8 Q. Sorry, I meant 1998.

9 A. Up until now even as I'm sitting here I can't work because
13:01:43 10 I am suffering from so much pain behind my back. I can't work.
11 I can't do any work.

12 Q. Did you work in 2004?

13 A. 2004? At that time my arm has not been disabled. At that
14 time I used to work. I used to do petty jobs but from 8, up
13:02:08 15 until now, you see.

16 JUDGE SEBUTINDE: In 2004 you were working? 2004?

17 THE WITNESS: I was working. 2008 my arms were disabled, I
18 was not working. 2004? Why have you taken me again. I said I
19 used to work during those times, but when my arm was cut I was
13:02:34 20 not able to do anything any longer.

21 JUDGE SEBUTINDE: Mr Witness, the trouble is you don't
22 listen carefully. The year in question is 2004. This is after
23 you were chopped. 2004, were you working?

24 THE WITNESS: Yes, I was working at the time, 4.

13:03:09 25 MR GRIFFITHS:

26 Q. 2004 is six years after you were chopped. Were you working
27 six years after you were chopped?

28 A. No, I can't. When my arm was chopped, no, I'm just sitting
29 here. I can only beg, but I can't - I can't work.

1 Q. Did you work at all this year 2008?

2 A. 2008? 2008? Except if people assist me to give me
3 handouts. I don't work. I only work with my wife. I only work
4 with my wife with this one arm. When she says, "Put this here" I
13:04:05 5 put it there. When she says, "Put that one there" I put that one
6 there, but I can't work.

7 Q. You see, the reason why I'm asking you all of this is for
8 this very good reason. I wonder whether, Madam Court Manager,
9 you could help us. I have here a list of monies paid to you by
13:04:40 10 the Special Court for Sierra Leone and, according to this, in
11 April 2005 you were being paid for lost wages. Now, how can a
12 man who is not working be given money for lost wages? Can you
13 help me?

14 A. This one, they did not pay me. Whenever they needed me,
13:05:18 15 transportation, if I had left it at my house, no, they did not
16 pay me. They did not pay me. There was no payment.

17 Q. It says here that in April 2005 they gave you money for
18 lost wages but you couldn't have been paid for lost wages because
19 you couldn't work. So can you explain that?

13:05:45 20 JUDGE LUSSICK: Madam Court Manager, could you please move
21 that document up so we can see the entry for April 2005. Thank
22 you.

23 MR GRIFFITHS:

24 Q. You see, what it says there is payment for lost wages,
13:06:04 25 communication and meals to travel and meet with members of the
26 office of the Prosecution in Freetown, 40,000 in local currency.
27 And all I'm simply asking is if you weren't working can you
28 explain why you were being paid for lost wages?

29 A. Nobody paid me. Whenever they needed me to come to Court

1 they will give me transportation fares, or I will come with
2 somebody. So they did not pay me. We don't have a payment
3 contract. Whenever they needed me to come to contract - just
4 transport fares and the little thing that I live with my family.

13:06:56 5 No, I was not working. No, that was not between us.

6 Q. If you look at the second page, please. Because according
7 to this, in January 2007 you were paid 10,000 in local currency
8 for lost wages, to meet with members of the OTP. So can you help
9 us, if you weren't working, why were you being paid for lost
10 wages?

13:07:35

11 A. Ask him to repeat. Let me hear. Is it a local court?
12 Please, okay, you repeat it so I can listen to it very well.

13 Q. According to this document, in January 2007 you were given
14 10,000, I think leones, for lost wages, but you weren't working
15 so you couldn't be paid for lost wages, could you?

13:08:10

16 A. We don't have any payment contract between us to say they
17 will pay me for me to work. No, nobody paid me. I don't have
18 any payment contract with anybody for me to work for that person,
19 no.

13:08:33

20 Q. You see, according to this in May of last year you were
21 being paid 30,000, I guess leones, for lost wages and medical,
22 but again you weren't working, so how could you be paid for lost
23 wages? Can you help me?

24 A. There was not payment contract between myself and anybody.

13:09:00

25 If these people want to assist - if these people wanted to assist
26 me and it was time to come to Court they would say, "Come to
27 Court. You will go to Court at so and so time." I have told you
28 this over two times now.

29 Q. Well, at the risk of infuriating you further, let me try

1 once more. So you agree --

2 A. No, I won't be angry.

3 Q. Do you agree that one only gets wages when one is working?

4 Do you agree?

13:09:41 5 A. But I'm not working, who would pay me?

6 Q. Exactly, but somebody here claims to have paid you for lost

7 wages and all I'm trying to find out is how can you be paid

8 lost wages when you're not working? That's all I want to know?

9 A. Nobody paid me. I don't have payment contract with

13:10:13 10 anybody.

11 Q. But you see when we go to the bottom of that same page -

12 Madam Court Manager, please - in August of this very year you

13 were paid 80,000 Leones for, amongst other things, lost wages.

14 So, please, why are they paying you for lost wages when you are

13:10:41 15 not working? Can you help me?

16 A. If somebody needed me to come to Court, they can give me

17 money to come here because it's a long distance or going to

18 Freetown. That one is not payment. We don't have that between

19 us, because they needed me to come to Court. That's what I know.

13:11:00 20 Q. I totally agree with that. If you're being asked to travel

21 all the way to Freetown it's perfectly reasonable for you to be

22 paid for that, but what I'm suggesting is it can't be reasonable

23 to pay a man for lost wages when that man isn't working and

24 that's all I'm asking about.

13:11:26 25 A. I'm not working. Why would they pay me? That's what you

26 said. I'm not working, why would they pay me?

27 Q. That's the point. Because the prosecutors claim that they

28 were paying you for lost wages, but if you weren't working it

29 means that somebody has got this document completely wrong,

1 doesn't it?

2 A. Nobody paid me. They did not pay me for anything. We
3 don't have any payment contract - I don't have any payment
4 contract with anybody.

13:12:06 5 MR GRIFFITHS: I think that is as far as I can take it,
6 Mr President. I have no further questions.

7 JUDGE LUSSICK: Thank you, Mr Griffiths. Mr Bangura, do
8 you have any re-examination?

9 MR BANGURA: No, your Honour, I have no questions in
13:12:21 10 re-examination for the witness.

11 JUDGE LUSSICK: Thank you.

12 MR BANGURA: Your Honour, a document had been introduced
13 which was marked for identification.

14 JUDGE LUSSICK: You are tendering that?

13:12:50 15 MR BANGURA: Yes, your Honour, I am respectfully applying
16 that it be admitted as an exhibit.

17 JUDGE LUSSICK: Thank you, Mr Bangura. Mr Griffiths, do
18 you have any objection to that transcript going in?

19 MR GRIFFITHS: None whatsoever.

13:13:03 20 JUDGE LUSSICK: Thank you. The particular transcript
21 identified as MFI-1 will now be admitted into evidence as a
22 Prosecution exhibit, exhibit P-189.

23 [Exhibit P-189 admitted]

24 Thank you, Mr Witness. Your ordeal is over now and we
13:13:28 25 thank you for coming along to give evidence. You are free to
26 leave now.

27 THE WITNESS: Thank you too.

28 MR BANGURA: Your Honour, the next witness for the
29 Prosecution will be led by my learned friend Mr Werner. He will

1 address the Court.

2 JUDGE LUSSICK: Thank you, Mr Bangura. Yes, Mr Werner.

3 MR WERNER: Good afternoon, your Honours. Good afternoon,
4 counsel opposite. The next witness will be TF1-074 and again for
13:14:22 5 this witness we have protective measures from the decision dated
6 5 July 2004. Now again we have spoken with this witness and the
7 witness told us that he would like to testify openly. According
8 to this decision he is a category 1 witness and again we would
9 apply to rescind the protection to the extent that they are
13:14:51 10 applying to this witness. We say it's pseudonym and a screen.
11 So we say we are in the same scenario as the previous witness.

12 JUDGE LUSSICK: I understand, Mr Werner. Just for my own
13 edification, was this a witness who appeared in any of those
14 annexes to the 2004 decision?

13:15:11 15 MR WERNER: No, he did not, your Honour.

16 JUDGE LUSSICK: Right. And would I be correct in assuming
17 you don't object subject to the caveat you put on record,
18 Mr Griffiths?

19 MR GRIFFITHS: Perfectly correct.

13:15:33 20 JUDGE LUSSICK: We note then that witness TF1-074 is going
21 to give evidence without any protective measures being in force.
22 Again we note the Prosecution application to rescind the
23 protective measures. We note that the Defence does not object to
24 that application, subject to the caveat put on record earlier
13:15:58 25 today by Mr Griffiths, and we refer to our previous decision in
26 which we ruled that witnesses in the category of this witness are
27 not in fact covered by the 5 July 2004 decision in any event and
28 that therefore the present Prosecution application is redundant.

29 Yes, Mr Werner, you can --

1 MR WERNER: Yes, your Honour. This witness, like the
2 previous one, is covered by your decision of 8 October 2008 and
3 as a consequence we are bringing the witness and we will follow
4 the usual procedure and he is a witness whose evidence will be
13:17:01 5 admitted pursuant to Rule 92 bis. I can tell the Court that the
6 name of the witness is Sorie Kondeh, Kondeh is spelt K-O-N-D-E-H.
7 He is a Muslim and he will testify in Krio.

8 JUDGE SEBUTINDE: His first name, please?

9 MR WERNER: Sorie, S-O-R-I-E.

13:18:19 10 WITNESS: SORIE KONDEH [Sworn]

11 EXAMINATION-IN-CHIEF BY MR WERNER:

12 Q. Good afternoon, Mr Witness.

13 A. Yes, good afternoon.

14 Q. Mr Witness, could you tell this Court your name?

13:20:34 15 A. Yes, sir.

16 Q. Please do so?

17 A. My name is Sorie Kondeh.

18 Q. Do you know how to spell your family name?

19 A. Yes, sir.

13:20:50 20 Q. Please do so.

21 A. S-O-R-I-E, Sorie, K-O-N-D-E-H.

22 Q. And, Mr Witness, do you know your date of birth?

23 A. Yes, sir.

24 THE INTERPRETER: Your Honours, could the witness be
13:21:11 25 advised to speak up a bit.

26 JUDGE LUSSICK: Yes, Mr Witness, the interpreter is having
27 difficulties hearing you. Could you please raise your voice.

28 THE WITNESS: Okay.

29 JUDGE SEBUTINDE: Mr Werner, did you tell us the language

1 that this witness - or did I mishear?

2 MR WERNER: I did, your Honour. It is Krio:

3 Q. Let me ask you again. Mr Witness, what is your date of
4 birth?

13:21:48 5 A. I was born in 1978, on 17 January.

6 Q. And do you know your place of birth?

7 A. Yes, sir.

8 Q. Please tell us your place of birth?

9 A. I was born in the Kono District, in the Sandor Chiefdom in
13:22:15 10 the township of Yomandu.

11 Q. Mr Witness, what is your tribe, if any?

12 A. I am a Mandingo.

13 Q. And what is your level of education, Mr Witness?

14 A. Well, I stopped at Class 5.

13:22:44 15 Q. And which languages do you speak?

16 A. I speak Krio and I speak Mandingo and I also speak Maraka.
17 I speak Kono too, because I was born on the Kono land.

18 MR WERNER: And, your Honour, Maraka would be M-A-R-A-K-A.

19 THE WITNESS: Yes.

13:23:11 20 MR WERNER:

21 Q. Mr Witness, do you speak some English?

22 A. Well, in English a little bit, but not that much.

23 Q. And can you read in any languages?

24 A. Yes, I can read Arabic because I studied that one and
13:23:37 25 English a little bit.

26 Q. Thank you. Now, Mr Witness, do you remember on 12 July
27 2004 in Freetown having testified in the case of Prosecutor
28 versus Sesay, Kallon and Gbao, the RUF case? Do you remember
29 that?

1 A. Yes, sir.

2 MR WERNER: Now I would like a transcript to be shown first
3 to my learned friend. Your Honour, that is transcript of the
4 case Prosecutor versus Sesay, Kallon and Gbao, 12 July 2004, 65
13:24:31 5 pages, and the CMS page numbers are 18476 to 18540.

6 JUDGE LUSSICK: Did you say 65 or 55 pages?

7 MR WERNER: 65, your Honour.

8 MR GRIFFITHS: [Microphone not activated]

9 MR WERNER: The count was given to me.

13:25:24 10 MR GRIFFITHS: My copy of the transcript of 12 July which I
11 was served goes to 71 pages. This copy I have just been given
12 goes to 67 pages with the last page heavily redacted. I wonder
13 whether my learned friends would like over the luncheon
14 adjournment to check the situation.

13:25:48 15 JUDGE LUSSICK: I was about to say that is probably an
16 appropriate matter that parties could get together with over
17 lunch. Let's sort this out before we proceed any further, so I
18 think we will call the lunch break now.

19 Mr Witness, we are going to have a break for lunch at the
13:26:10 20 moment and we are going to resume Court at 2.30. Please adjourn
21 the Court, Madam Court Manager.

22 THE WITNESS: Very well, sir. Thank you.

23 [Lunch break taken at 1.27 p.m.]

24 [Upon resuming at 2.30 p.m.]

14:28:49 25 JUDGE LUSSICK: Yes, Mr Werner.

26 MR WERNER: Good afternoon, your Honours. For the
27 Prosecution this afternoon are Mohamed A Bangura, Kathryn
28 Howarth, Maja Dimitrova and myself Alain Werner.

29 JUDGE LUSSICK: Thank you. And you had some problems with

1 the transcript.

2 MR WERNER: Yes, indeed. What was filed was 65 pages. The
3 reason why some pages had been taken off, I understood some legal
4 matters, but now I think we do agree that this is 65 pages and
14:29:30 5 maybe I should give again the CMS numbers of the pages for your
6 Honours.

7 JUDGE LUSSICK: Yes.

8 MR WERNER: So again it was in the case Prosecutor v Sesay,
9 Kallon and Gbao of 12 July 2004 and the CMS pages are 18476 to
14:29:55 10 18540. Could I ask that this transcript be shown to the witness,
11 please:

12 Q. Mr Witness, in front of you is the transcript of your
13 testimony in the RUF trial; the testimony that you gave on 12
14 July 2004. Have you reviewed this transcript recently,
14:30:54 15 Mr Witness?

16 JUDGE LUSSICK: Mr Werner, is that date correct, 12 July
17 2004, or should it be the - no, I beg your pardon. I'd made a
18 mis-note here myself. Please go ahead.

19 MR WERNER: Thank you:

14:31:10 20 Q. Mr Witness, have you reviewed this transcript?

21 A. Yes, sir.

22 Q. And you told this Court that you could read only a little
23 English, so did someone read to you --

24 A. Yes, sir.

14:31:28 25 Q. Just wait for the question, Mr Witness. Did someone read
26 to you - read this transcript to you in the language that you can
27 understand?

28 A. Yes, sir.

29 Q. And do you adopt this transcript of your prior testimony?

1 A. Yes.

2 MR WERNER: So, your Honours, we would request this
3 transcript to be marked for identification.

14:32:07

4 JUDGE LUSSICK: All right. Well, the parts of the
5 transcript of Prosecutor v Sesay, Kallon and Gbao of 12 July
6 2004, pages 18476 to 18540, will be marked for identification as
7 MFI-1.

8 MR WERNER: Thank you, your Honour:

14:32:43

9 Q. Now, Mr Witness, have you testified in July 2005 - on 5
10 July 2005 - in the trial Prosecutor v Brima, Kamara and Kanu?

11 A. Yes.

14:33:19

12 MR WERNER: And can I ask for a copy of this transcript to
13 be shown to my learned friend. So here is a transcript of
14 Prosecutor v Brima, Kamara and Kanu, 5 July 2007, 57 pages, and
15 the CMS page numbers are 18544 to 18600:

16 Q. Now, Mr Witness, this is a transcript of your testimony in
17 the AFRC trial that you gave in July 2005. Did anyone recently
18 go through this transcript and read it to you in the language
19 that you can understand?

14:34:06

20 A. Yes.

21 Q. And do you adopt this transcript as your prior testimony?

22 A. Yes, it is my actual testimony that I gave to them.

23 Q. And are you happy to adopt it?

24 A. Yes.

14:34:30

25 MR WERNER: Your Honours, there was a little complication
26 for this transcript in the sense that the public version of this
27 transcript which can be found on the SCSL website contained a
28 redaction just on one page I believe made by WVS and because in
29 our filing 92 bis we filed completely unredacted at the time we

1 filed it confidential. So I spoke with my learned friend and
2 what we would propose is to have two MFI: one MFI with the
3 public transcript and a second MFI could be 1B with that single
4 page where a redaction had been made. For your Honours
14:35:23 5 information, the page in question is 18546. So we would have
6 MFI-1A with the transcript, except this page, and MFI-1B with
7 that single page, and later we would ask that that be the exhibit
8 but filed confidential.

9 JUDGE LUSSICK: Just to get that clear, the 1A will be all
14:35:54 10 of those pages you've read out, the 57 pages, minus page 15846,
11 and the 1B will be simply page 18546 or the whole transcript
12 again?

13 MR WERNER: Yes, your Honour, we would propose simply that
14 one page.

14:36:11 15 JUDGE LUSSICK: Right, thank you. That's clear. So you
16 want those marked now?

17 MR WERNER: Yes, your Honour.

18 JUDGE LUSSICK: All right. Well, the transcript of 5 July
19 - was that 2007, or --

14:36:29 20 MR WERNER: 2005, your Honour.

21 JUDGE LUSSICK: The transcript of 5 July 2005 in the case
22 of Prosecutor v Brima, Kamara and Kanu at pages 18544 to pages
23 18600, less page 18546, will be marked for identification as
24 MFI-2A and page 18546, which has been omitted from the previous
14:37:21 25 MFI-2A, will be marked MFI-2B. I'll make it clear on the record
26 that page 18546 has a redaction on it and that's why it's taken
27 from the rest of the transcripts.

28 MR WERNER: Thank you, your Honour. We would ask the
29 witness to be shown one photograph, please. Your Honour, this is

1 a public AFRC exhibit which was tendered on that day, on 5 July
2 2005, and it was marked P-27. It's one picture of the witness
3 and it's not showing the witness's face but it's showing the
4 witness's chest with some scars and markings on it. Can it be
14:38:29 5 shown to my learned friend. The CMS page for that exhibit was
6 18542:

7 Q. Now, Mr Witness, can you look at this picture.

8 A. Yes.

9 Q. Was this picture shown to you during the AFRC case?

14:39:16 10 A. Yes, they had shown it to me.

11 MR WERNER: We would request this picture to be marked for
12 identification, your Honours.

13 JUDGE LUSSICK: Yes. I'd like to see the picture.

14 MR WERNER: I apologise.

14:39:50 15 JUDGE LUSSICK: The picture that was tendered in evidence
16 in the AFRC case, that is the case of Prosecutor against Brima,
17 Kamara and Kanu on 5 July 2005, and admitted in that case as
18 exhibit P-27 with a transcript reference of page 18542, will be
19 marked here as MFI-3.

14:40:35 20 MR WERNER: Thank you, your Honours. The next picture we
21 would like the witness to be shown - and again this picture was
22 shown to the witness in the case Prosecutor versus Sesay, Kallon
23 and Gbao - and because this picture showed the witness entirely
24 including his face that was tendered at the time as a
14:41:00 25 confidential exhibit, so we would just ask that it not be put on
26 the overhead but just shown to the witness after my learned
27 friend and the Judges have seen it.

28 Your Honours, there was as well a CMS number for that
29 exhibit. That was RUF exhibit 2. It's one photograph of the

1 witness with his face and the same scars and markings and the CMS
2 number for that photograph is 18603.

3 JUDGE LUSSICK: The picture of the witness --

4 MR WERNER: Your Honours, I intend to ask the witness if

14:42:19 5 he --

6 JUDGE LUSSICK: Of course. I'm sorry.

7 MR WERNER: -- so if you could just show it to the witness:

8 Q. Mr Witness, can you look at this photograph and can you
9 tell us whether this photograph was shown to you during the RUF

14:43:00 10 case?

11 A. Yes, they had shown it to me.

12 MR WERNER: So we would request, your Honour, that this
13 document be marked for identification and we would later require

14 that it would become an exhibit on a confidential basis, as it

14:43:22 15 was in the RUF trial, your Honour.

16 JUDGE LUSSICK: I see. All right. Well, the picture of
17 the witness that was admitted in the RUF trial, that is the
18 Prosecutor against Sesay, Kallon and Gbao, as Prosecution exhibit
19 2 in that case, and identified by the page number 18603 in that

14:43:45 20 case, is now marked for identification as MFI-4.

21 MR WERNER: The final matters, your Honours - and again I
22 spoke about that with my learned friends - in the AFRC trial on 5
23 July 2005 the Defence marked for identification and then
24 exhibited a prior statement of this witness to show

14:44:25 25 inconsistencies, and I do not think that the witness would be

26 familiar with what happened at the time, so that at the time had
27 been tendered as exhibit D-8 in the case Prosecutor versus Brima,
28 Kamara and Kanu, and it's a witness statement dated 16 November
29 2002, six pages handwritten and the CMS page numbers are 18605 to

1 18610. Can it be shown to my learned friend.

2 So, your Honours, because it is part of the record and
3 because it is a related exhibit to the testimony of this witness
4 we would ask directly that this would be marked for
14:45:42 5 identification. I don't think there was any point asking the
6 witness about that as it was a legal matter.

7 JUDGE LUSSICK: Do you want that statement back, Mr Werner?
8 Do you want the statement back now?

9 MR WERNER: We would ask for it to be marked for
14:46:00 10 identification.

11 JUDGE LUSSICK: Yes, I'll mark it, but where does it go
12 from there, that's all I'm asking. Do you want it in front of
13 the witness or do you want it? Just leave it with - you are not
14 going to use it just now?

14:46:13 15 MR WERNER: I'm not, no.

16 JUDGE LUSSICK: I see. All right.

17 MR WERNER: Sorry, your Honour. Sorry about that, just one
18 more matter that again in the AFRC trial this exhibit D-8 was
19 filed confidential. The reason is that the name of the witness
14:46:28 20 is in the first page, so it was filed confidential and because it
21 was a confidential exhibit in a prior trial we would request it
22 to be as well later become a confidential exhibit in this trial.

23 JUDGE LUSSICK: All right. For the present anyway, the
24 statement of the witness dated 16 November 2002, six pages long
14:46:53 25 which was admitted into evidence in the trial of the Prosecutor
26 against Brima, Kamara and Kanu, on 5 July 2005 as exhibit D-8 and
27 identified by the pages 18605 to 18610, will be marked MFI-5.

28 MR WERNER: Your Honour, we have nothing further.

29 JUDGE LUSSICK: Right. Thank you, Mr Werner. Yes, go

1 ahead, Mr Griffiths.

2 MR GRIFFITHS: Thank you.

3 CROSS-EXAMINATION BY MR GRIFFITHS:

14:47:43

4 Q. Mr Kondeh, you would have been aged 20 in 1998, wouldn't
5 you?

6 A. Well, from '78, could I be permitted, please, to check it
7 out before giving an answer? Could I be permitted, please, so
8 that I can check? I do not want to give a wrong answer.

14:48:09

9 JUDGE LUSSICK: Where are you thinking of checking from,
10 Mr Witness?

11 THE WITNESS: From my birth year, so I would want you to
12 give me the opportunity to check it out first before answering,
13 because the man is now asking me about it that I was 20 years by
14 then, so I wouldn't want to give wrong answer. I want you to
15 permit me to check it out before I give the answer.

14:48:32

16 JUDGE LUSSICK: Listen here, you've given sworn evidence
17 that you were born in 1978. If you add 20 on to that it comes to
18 1998. What do you want to check out?

14:48:58

19 THE WITNESS: Yes, I have checked it, and I was 20 years by
20 then.

21 MR GRIFFITHS:

22 Q. And up until that date had you always lived in Yomandu?

23 A. Yes.

24 Q. And had you been working up until that date?

14:49:19

25 A. Well, it's not possible that I be born in '78 and start
26 working at that time. By then I was going to school and it was
27 later that I started doing a little bit of mining.

28 Q. Right. How old were you when you started doing some
29 mining?

1 A. Well, I was above 13 by then.

2 Q. So did you continue mining from age 13 up until 1998?

3 A. No.

4 Q. For how long did you continue mining from age 13?

14:50:13 5 A. Well, I'm unable to tell the actual time because by then I
6 just used to follow people to go and do the mining and by then I
7 had not been very strong in the mining system itself and by then
8 I was going to school, but sometimes when we hadn't school I
9 would go to the bush with the people, but to say I was on it
14:50:39 10 full-time, no, I do not want to lie.

11 Q. How old were you when you left school, Mr Kondeh?

12 A. Well, my age by then, I do not want to lie, I have taken an
13 oath that I would not lie. I am unable to tell you my actual age
14 at the time I left school, but I was going to school. I do not
14:51:17 15 want to lie.

16 Q. In what year were you captured?

17 A. It was in '98.

18 Q. And can you give us a month in '98?

19 A. Yes, sir. It was during the fifth month.

14:51:46 20 Q. That would have been May then 1998?

21 A. Yes, sir.

22 Q. Now just prior to that date were you working?

23 A. I was studying and I was working.

24 Q. And what were you studying?

14:52:23 25 A. I was studying English and Arabic.

26 Q. And were you also mining at the same time?

27 A. Yes.

28 Q. And were you mining for someone, or for yourself?

29 A. For my father.

1 Q. Now up until May 1998 had you seen any soldiers or rebels
2 in Yomandu, your home town?

3 A. Yes.

4 Q. When had you first seen either soldiers or rebels?

14:53:20 5 A. The first time I saw them in Yomandu - and that was in '98
6 - was the time they came to Yomandu Town from Koidu and they
7 entered with three vehicles and on one it had the inscription
8 "AFRC".

9 Q. Now prior to that, before that day when you saw those three
14:53:47 10 vehicles had you seen any soldiers before that?

11 A. I saw soldiers twice when they came in vehicles, not those
12 who did not actually come in vehicles. I am talking about those
13 who came in vehicles. The first one was when they came to Koidu
14 and the next ones that I saw were the ones that came from the
14:54:20 15 Yardu area and in there they had Johnny Paul and others there.
16 Those were the two occasions.

17 Q. Now, Mr Kondeh, I will come and deal with those two
18 occasions in due course. What I'm asking you is this. Before
19 that day - before - had you seen any soldiers or rebels in
14:54:40 20 Yomandu?

21 A. Yes, I saw soldiers.

22 Q. When did you first see soldiers in Yomandu?

23 A. The first instance is what I have referred to. I said they
24 came in vehicles and I said the others again who came in the
14:55:07 25 vehicles, but that one you've said we just suspend it and the
26 others - the other incident was when they were retreating at a
27 point in time.

28 Q. Let me start again. Mr Kondeh, we know that a civil war
29 began in Sierra Leone in about 1992. Do you remember that?

1 A. 1992 I recall that, but by then I was very small.

2 Q. I agree. Now, between about 1992 and 1998 where were you
3 living?

4 A. 1992?

14:56:03 5 Q. Until 1998.

6 A. In 1992 I was in Yomandu when Koidu Town was attacked and
7 that was the time my brothers took me to my mother's home town in
8 the Koinadugu District. That was in 1992. After they had freed
9 up the area, we came back. Since then I was in Yomandu up to the

14:56:33 10 time the next attack took place in 1998. I did not go to Guinea.
11 I did not go to any other country. That was where I was in
12 Sierra Leone.

13 Q. So for a number of years up until 1998 you had been living
14 unmolested by rebels in Yomandu, is that right?

14:57:05 15 A. When things intensified in '98, we realised that they were
16 now going out of control so we decided to go to a village --

17 THE INTERPRETER: Your Honours, the name of the place
18 referred to by the witness did not come out very clear to the
19 interpreter.

14:57:27 20 JUDGE LUSSICK: Can you say the name of that village again,
21 Mr Witness?

22 THE WITNESS: Dandayardu.

23 MR GRIFFITHS:

24 Q. Can you help us with how to spell it?

14:57:49 25 A. Yes, sir.

26 Q. Please do.

27 A. DAN - should I go?

28 Q. Yes, please.

29 A. YARDU.

1 Q. Thank you.

2 A. Thank you too.

3 JUDGE SEBUTINDE: Mr Witness, can you say the name again of
4 that village?

14:58:23 5 THE WITNESS: Dandayardu.

6 MR WERNER: We have a spelling, if that can assist the
7 Court, from the previous testimony.

8 JUDGE LUSSICK: What is the correct spelling, Mr Werner?
9 Obviously the spelling doesn't agree with the pronunciation at
10 the moment.

14:58:38

11 MR WERNER: It would be D-A-N-D-A-Y-A-R-D-U.

12 JUDGE LUSSICK: Thank you.

13 MR GRIFFITHS:

14 Q. Mr Kondeh, what I'm trying to understand is what life was
15 like for you living in Yomandu in the years up to May '98 when
16 something terrible happened to you. Do you follow me? All
17 right. All I'm wanting to find out is what was going on in your
18 area - your part of the world - during those years. Do you
19 understand me?

14:59:03

20 A. Come again. I did not get you clearly, sir.

21 Q. What I want you to help us with is for you to describe what
22 life was like in Yomandu between about 1992 and 1998. Do you
23 follow me? That's all.

24 A. Okay.

14:59:55

25 Q. So can you describe what life was like?

26 A. Well the two years that you have decided to bring together,
27 that is 1992, the war did not actually come there directly. We
28 were comfortable in life. But in '98 that was when the confusion
29 started, so life by then was not comfortable for us and we were

1 living in the bush by then and they were searching for us in the
2 bush like animals. I am saying this between God and man.

3 Q. So we are to understand that up until 1998 life went on as
4 normal for you and your family living in Yomandu?

15:01:06 5 A. 1992.

6 Q. Until 1998 life went on as normal, did it?

7 A. At those times we did not get any problems, life was
8 normal, but in '98 it was very rough.

9 Q. Thank you. Now during those years that I'm talking about,
15:01:31 10 '92 to '98 when life was normal, who was carrying out mining in
11 your area?

12 A. What do you mean? Who was carrying out mining what way?

13 Q. Well, any kind of mining. Was it a company? Was it
14 individuals? Who was doing mining in your area during those
15:02:05 15 years?

16 A. You mean from 1992 to 1998? Well, from 1992 let me make
17 that area clear. In 1992 some other people were doing mining and
18 companies were doing mining, but in 1998 the rebels, the
19 soldiers, civilians and other people, they were all doing the
15:02:41 20 mining. I do not want to lie. All of them were doing the
21 mining.

22 Q. Now, does the name ECOMOG mean anything to you?

23 A. ECOMOG? Well I also heard about them, ECOMOG, but those of
24 you who are learned people you know much about them. I am not a
15:03:08 25 learned man, so you can tell me about it.

26 Q. I just want to ask you one or two very simple questions
27 about them. Were ECOMOG ever involved in mining in your area?

28 A. I do not want to lie. I did not see ECOMOG mining. I do
29 not want to lie.

1 Q. In any event, do you remember a time in 1997 when President
2 Kabbah was overthrown and had to flee the country?

3 A. Yes, I recall the overthrow.

4 Q. Where were you living at that time?

15:04:00 5 A. I was in Yomandu, like I said.

6 Q. And after that coup did any soldiers come to Yomandu in
7 1997?

8 A. I do not want to lie. I do not recall whether soldiers
9 came there, but I was in Yomandu.

15:04:34 10 Q. And between the time of the coup and May 1998, what was
11 happening in Yomandu?

12 A. Sir? Once more.

13 Q. Between the time of the coup when Kabbah was overthrown and
14 May 1998, what was life like in Yomandu?

15:05:17 15 A. Well, during the coup - the coup did not directly affect us
16 because we were in the village. Those who were living in the
17 city must answer to that question. The question should be
18 referred to them. We were in the village and we were not in the
19 city.

15:05:40 20 Q. So it didn't affect you at all?

21 A. We saw soldiers retreating, but in actual fact we were not
22 affected that much like the time of the rebels.

23 Q. In any event in about February of 1998 one afternoon you
24 saw three vehicles driving to Yomandu, didn't you?

15:06:21 25 A. Yes, sir.

26 Q. The first vehicle had the words "AFRC Junta" marked on it,
27 didn't it?

28 A. Yes, sir.

29 Q. And there were AFRC soldiers in that vehicle in full combat

1 uniform, is that right?

2 A. Yes, sir.

3 Q. Also with that small convoy was another vehicle which
4 carried a man you later discovered to be Johnny Paul Koroma?

15:07:05 5 A. Yes, sir.

6 Q. He was dressed like a woman, is that right?

7 A. Yes.

8 Q. Were you told that they were escaping from ECOMOG soldiers
9 who had invaded Freetown?

15:07:37 10 A. They told us that they were retreating to Kailahun.

11 Q. Did you know why they were going to Kailahun?

12 A. No, I did not interview them.

13 Q. For how long did they remain in Yomandu?

14 A. I cannot tell, because by then I had also escaped and that
15:08:10 15 was my colleague who was captured, he was the one who came and
16 told me that it happened that way, but whether it was ten days,
17 11 days or a month, I don't want to lie, I don't know.

18 Q. In any event there came a time, did there, when you
19 yourself were captured in the bush? Is that right?

15:08:36 20 A. By who?

21 Q. By rebels.

22 A. Yes, sir. You have given the question a curve. You said
23 they came and they captured me. I want you to make that area
24 clear. Whether they came to Yomandu and captured me or where
15:09:02 25 actually did they come to capture me. I want you to make that
26 area clear.

27 JUDGE LUSSICK: Look, Mr Witness, it's not your place to go
28 asking counsel questions. If he's asked you something that's not
29 true you can say it's not true or it's incorrect, or yes or no,

1 but don't go asking counsel questions. Just answer the questions
2 he asks you.

3 THE WITNESS: Okay, sir.

4 MR GRIFFITHS:

15:09:32 5 Q. Can we just take it slowly please, Mr Kondeh. Did there
6 come a time when you were captured?

7 A. Yes, sir.

8 Q. Who captured you?

9 A. Both the AFRC and RUF, because by then they were now a
15:09:54 10 mixed force.

11 Q. And where were you when they captured you?

12 A. Well, I was on my way to Guinea and we heard about an
13 attack in front of us, so we entered into the bush and it was in
14 that bush that we were captured from there they took us - they
15:10:20 15 drifted us towards Wordu.

16 Q. Now, why were you going to Guinea?

17 A. It was because of the war.

18 Q. Now, who was in charge of those who captured you?

19 A. Well, in that bush where they met us, those who met us
15:10:53 20 there, who captured us, they were Bangali, they had Francis, he
21 was called Kill Man No Blood and they had Gbessay. They were the
22 ones who met us in the bush where we were captured, I, together
23 with my father and others. But later they released them and we
24 were - they took us with them.

15:11:22 25 Q. Now for the record, just to make sure we've got it right,
26 Bangali, how do you spell that name, please?

27 A. Bangali? B-A-N-G-A-L-I.

28 Q. And is Francis spelt F-R-A-N-C-I-S?

29 A. Well, I'm unable to spell that one. I do not want to lie.

1 You can also help me there.

2 Q. But he was also called Kill Man No Blood, yes?

3 A. Yes.

4 Q. And then the last person you named was called Gbessay? How
15:12:18 5 do you spell that name?

6 A. Yes, I'm unable to spell that one.

7 Q. Very well. But in any event, who was the top man, the man
8 in charge?

9 A. The head of the rebels, Komba Gbundema was in charge.

15:12:48 10 Q. And is that spelt K-O-M-B-A, yes?

11 A. Mm-hm.

12 Q. G-B-U-N-D-E-M-A?

13 A. Spell that again.

14 Q. G-B-U-N-D-E-M-A.

15:13:20 15 A. I am unable to spell that. I don't know the spelling for
16 that.

17 Q. But was he the man in charge when you were scarred in the
18 way that we know you were by those men? Was he the man in charge
19 of doing that?

15:13:47 20 A. He was in charge at the time we were marked because - but
21 the man who marked me actually was Bangali.

22 Q. But Bangali was told to do it by Komba, was he?

23 A. Komba was not that moment present at the time we were being
24 marked but he was the battalion commander, but he was not

15:14:20 25 present. But it was Bangali and others who were present at the
26 time we were being marked. That present moment, it was Bangali
27 who was there. He was the one who addressed the people. From
28 there he addressed us and he spoke well to us. He said if any
29 one of us wanted to go back to our families we can proceed and he

1 said not everybody would become a warrior, but by then he had
2 briefed us and he gave us confidence, and I even attempted to go
3 - that I should go to my family, but my friend who was standing
4 beside me signed to me that I shouldn't attempt that, and up to
15:15:16 5 the time those who attempted that they wanted to go, he said they
6 should kill them and later that woman who was called Martha said
7 that they shouldn't do that. They would say later it was the
8 rebels who did that and it was by then Bangali sent the SBU unit.

9 THE INTERPRETER: Your Honours, could the witness slow down
15:15:39 10 his pace and repeat the last bit of his answer.

11 JUDGE LUSSICK: Mr Witness, you're talking a little too
12 fast for the interpreter, and please remember everything you say
13 is not only being interpreted but it's being written down as
14 well, so slow down a bit. Your last answer - the last that we
15:16:00 15 have on record is these words from you: "They would say later
16 that it was the rebels who do that and it was by then Bangali
17 sent the SBU unit." So can you carry on from there?

18 THE WITNESS: Okay, sir. Okay. Please forgive me. I will
19 not go that rapid again. Bangali was the one who sent the Small
15:16:36 20 Boys Unit to the Kayima hospital and they went and collected some
21 surgical blades to mark us so that we wouldn't escape.

22 MR GRIFFITHS:

23 Q. Did someone give Bangali an order to do that to you?

24 A. No, I don't want to lie. Nobody ordered him. He was the
15:17:07 25 one who ordered the Small Boys Unit to go and collect the
26 surgical blades to mark us. I wouldn't lie that it was Gbundema
27 who ordered him because Gbundema was not present at that moment
28 and he was the one who sent the Small Boys Unit.

29 Q. And did Bangali have a rank? Was he like a sergeant, a

1 corporal, anything like that, do you know?

2 A. Yes.

3 Q. What was he?

4 A. They referred to him as Lieutenant Bangali.

15:17:55 5 Q. Now, after you were marked in that way you remained with
6 those men for a long time, didn't you?

7 A. Yes, sir.

8 Q. And during that time you were mostly used to do domestic
9 work. Is that right?

15:18:19 10 A. Yes, sir.

11 Q. You were never asked to fight?

12 A. I was just a bomb carrier. Sometimes I collected bullets
13 to the war front and I would take them - and in return I would
14 collect the looted properties and bring them with me. That was

15:18:49 15 what I used to do.

16 Q. And during that time in what district were you?

17 A. I was in the Kono District.

18 Q. So you were in Kono District from 1998, is this right,
19 until the end of the war?

15:19:19 20 A. I was in Kono, but sometimes they took us to go to the
21 northern area on attacks.

22 Q. Now, during that period of time did you see any organised
23 mining going on in Kono District?

24 A. At the time I was captured? I do not want to lie, to say
15:19:55 25 that they were mining or whether they had organised mining going
26 on, I was not in that area. The area where I was is what I am
27 talking about. They did not do mining. May the Lord forgive me.
28 They captured me to do domestic chores, but to say they captured
29 me and took me to the mining site to mine, no. Sometimes they

1 will tell me to go and fetch water or to do some other domestic
2 chores. That is when I was captured. I am not talking about any
3 other person. I am talking about myself.

4 Q. Did you during that period ever see any organised mining?

15:20:46 5 A. I was in Kono and the branch to which I was attached, like
6 I told you, I was doing domestic chores. I did not know anything
7 about mining and they never sent me to fetch water for miners.
8 All of the things that I used to do for them was sometimes to go
9 on food-finding mission, to go and fish, to launder, maybe to
15:21:22 10 produce coal and to launder and some other domestic chores like
11 that. But SK himself never sent me to a mining site. Ibrahim
12 did not send me to a mining site. Bangali did not send me to any
13 mining sites. I do not want to lie.

14 Q. During that period of when you were captured, who was the
15:21:47 15 most senior officer in the area where you were?

16 A. Well, I lived in different areas with them. Like in the
17 case of Komba Gbundema, he was a commander and he was a senior
18 man, and then that man Bangali, he too was a commander. And
19 Ibrahim, with whom I was staying, he too was a commander, and up
15:22:26 20 to their boss Issa. For him, everybody knew about him. I was
21 not the only person who knew about him. Everybody knew about
22 him. It was a general issue.

23 Q. Did you ever meet Issa?

24 A. To meet him where?

15:22:46 25 Q. Anywhere.

26 A. Well, I heard about him as a commander, but I did not meet
27 him for any thing. I do not want to lie.

28 Q. Does the name Sam Bockarie mean anything to you?

29 A. Sam Bockarie? I heard about him as a rebel commander.

1 Q. Did you ever meet him?

2 A. Well, at one time he came to Koidu during the time the
3 rebels were there, but I did not see him with my own naked eyes
4 because of the population. I did not actually see him with my
15:23:41 5 naked eyes. And at that time I and my boss went there but he --

6 THE INTERPRETER: Your Honours, could the witness again
7 slow down. That area was not very clear.

8 JUDGE LUSSICK: Mr Witness, once more you're going too fast
9 for the interpreter.

10 THE WITNESS: Okay, okay, okay. Okay, sir.

11 JUDGE LUSSICK: The interpreter missed some of your answer,
12 so just continue your answer - I'll quote you the last words you
13 said. You said: "And at that time I and my boss went there but
14 he" --

15 THE WITNESS: Yes.

16 JUDGE LUSSICK: Now, can you continue from there?

17 THE WITNESS: Okay. I and Ibrahim went to Koidu at a point
18 in time and it was the time that Sam Bockarie came there, but I
19 did not actually see him with my naked eyes and --

15:24:41 20 THE INTERPRETER: Your Honours, he did not speak up the
21 last bit of his answer.

22 JUDGE LUSSICK: Mr Witness, the interpreter didn't hear the
23 last --

24 THE WITNESS: Yes, sir.

15:24:53 25 JUDGE LUSSICK: -- part of your answer. Just one moment,
26 let me finish before you talk, otherwise none of it gets
27 recorded.

28 THE WITNESS: Okay.

29 JUDGE LUSSICK: The interpreter didn't hear the last part

1 of your answer because you dropped your voice as you were
2 finishing the sentence. Now all the interpreter got were these
3 words. Listen to me, will you? You said, "Okay, I and Ibrahim
4 went to Koidu at a point in time and it was the time that Sam
15:25:26 5 Bockarie came there but I did not actually see him with my naked
6 eyes and" - what did you say after that?

7 THE WITNESS: I said I did not see him with my naked eyes,
8 but because the man who brought this question about, that's the
9 reason why I entered that area; I interfered with that area.

15:25:56 10 MR GRIFFITHS:

11 Q. Now there came a time, did there not, Mr Witness, when you
12 spoke to an investigator about this experience you had?

13 A. Sir?

14 Q. In 2002 November, you spoke to an investigator about your
15:26:19 15 experiences, didn't you?

16 A. Yes.

17 Q. Were you working at that time?

18 A. I was working.

19 Q. So after disarmament you began working again, did you?

15:26:48 20 A. Yes. The work I was doing was not mining.

21 Q. What was it?

22 A. We used to make coal.

23 Q. And is that what you're still doing now?

24 A. No.

15:27:12 25 Q. Are you working now?

26 A. I am working now. Just like I have started telling you, I
27 will go for my studies and after which go to the mining field.

28 MR GRIFFITHS: That's all I ask.

29 JUDGE LUSSICK: Thank you, Mr Griffiths. Do you have any

1 re-examination?

2 MR WERNER: Just one brief matter, your Honour.

3 RE-EXAMINATION BY MR WERNER:

15:27:52

4 Q. Mr Witness, when you were asked questions this afternoon
5 you said this - and I'm referring to LiveNote 106, lines 8 to 11,
6 and I believe I am on the font 12. Here's what you said:

7 "But in 1998 that was when the confusion started. So life
8 by then was not comfortable for us and we were living in the bush
9 by then and they were searching for us in the bush like animals."

15:28:29

10 Mr Witness, who were searching for you in the bush like
11 animals?

12 A. It was the AFRC junta and the RUF rebels.

13 MR WERNER: Can I have just one second, your Honours? That
14 is all, your Honours.

15:28:58

15 JUDGE LUSSICK: Yes, Mr Werner.

16 MR WERNER: Yes, your Honour. We would - sorry.

17 MR GRIFFITHS: Can I short-circuit this: There's no
18 dispute about any of the items marked for identification.

15:29:27

19 JUDGE LUSSICK: Thank you, Mr Griffiths. Just to make that
20 clear, I understand some of the items at least were marked
21 confidential. There's no dispute about that?

22 MR GRIFFITHS: No dispute about any of it.

23 JUDGE LUSSICK: Thank you.

24 MR WERNER: So can I just recall the Court that MFI-2 --

15:29:44

25 JUDGE LUSSICK: Mr Werner, I might be able to short-circuit
26 it. I take it that all of the documents marked for
27 identification you are tendering in evidence now, is that
28 correct?

29 MR WERNER: Yes, your Honour.

1 JUDGE LUSSICK: And there's no objection from the Defence
2 to you doing that, so what I'll do is I'll read them out and if I
3 make a mistake please let me know immediately.

4 The transcript from the case of Prosecutor against Sesay,
15:30:19 5 Kallon and Gbao, the evidence given on 12 July 2004 by this
6 witness, 65 pages running from pages 18476 to 18540, and marked
7 for identification 1, will now be admitted into evidence as
8 Prosecution exhibit P-190.

9 [Exhibit P-190 admitted]

15:30:59 10 The transcript of evidence from the case of Prosecution
11 against Brima, Kamara and Kanu, given on 5 July 2005, 57 pages,
12 running from pages 18544 to 18600, with the exception of page
13 18546, will be admitted into evidence as Prosecution exhibit 191A
14 and page 18546 just referred to will be admitted into evidence as
15:31:53 15 Prosecution exhibit P-191B.

16 [Exhibit P191A and Exhibit P191B admitted]

17 Some of these are marked confidential. You had better
18 remind me which ones are.

19 MR WERNER: Yes, your Honour. Just the one single page
15:32:19 20 would be marked confidential.

21 JUDGE LUSSICK: Thank you. That last exhibit P-191B will
22 be marked confidential. Before I go on, was there anything else?
23 You did mention some other documents.

24 MR WERNER: Yes, your Honour. MFI-3, we would not request
15:32:41 25 confidential, but for MFI-4 and MFI-5, both of them, for the
26 reasons stated, we would ask to be marked confidential.

27 JUDGE LUSSICK: Yes. The picture of the witness showing
28 scars and markings on his chest, which was tendered as exhibit
29 P-27 in the AFRC case on 5 July 2005, will be admitted into

1 evidence as P-192.

2 [Exhibit P-192 admitted]

3 The picture admitted in the RUF case as exhibit 2, and
4 identified by the page 18603 in that case, will be admitted into
15:33:51 5 evidence as P-193 and marked confidential.

6 [Exhibit P-193 admitted]

7 The prior statement of the witness dated 16 November 2002,
8 admitted in the AFRC case as exhibit D-8, and running from pages
9 18605 to 18610 in that case, marked MFI-5 in this case, will be
15:34:35 10 now admitted into evidence as P-194 and marked confidential.

11 [Exhibit P-194 admitted]

12 I haven't missed anything, have I?

13 MR WERNER: You haven't, your Honour.

14 JUDGE LUSSICK: Thank you. Mr Witness, thank you very much
15:34:59 15 for coming to court to give evidence. That completes your
16 evidence and you're free to go and Madam Court Manager will now
17 escort you from the Court.

18 THE WITNESS: Okay, sir.

19 MR WERNER: Your Honour, the next witness, Ms Howarth has
15:35:47 20 carriage of that witness so I will let her introduce the witness.

21 JUDGE LUSSICK: Yes, certainly. Thank you, Mr Werner.
22 Yes, what's the number of this witness, Ms Howarth?

23 MS HOWARTH: It's TF1-076.

24 JUDGE LUSSICK: Yes. Well, I almost hesitate to ask this:
15:36:48 25 Are there any protective measures in place or not?

26 MS HOWARTH: Your Honour is right to hesitate. There are
27 protective measures in place but I can happily say there's an
28 application for rescission which I hope shouldn't take too long.
29 This witness is a Category A witness pursuant to the decision of

1 5 July 2004. She's a victim of sexual violence and therefore
2 benefitted from a screen, a pseudonym and voice distortion. She
3 has expressed a wish to testify openly and therefore the
4 Prosecution application is to rescind those measures.

15:37:28 5 I have a copy of that decision so that we can be sure about
6 the exact measures that we are rescinding, or inviting the Court
7 to rescind.

8 JUDGE LUSSICK: Well, firstly was the witness in one of
9 those annexes to the decision?

15:37:43 10 MS HOWARTH: Yes, she was.

11 JUDGE LUSSICK: Right, thank you. Perhaps you had better
12 hand that up, please.

13 MS HOWARTH: Yes, and perhaps I can hand up the decision
14 also. Your Honour, I'm just handing up the annex and it's number
15:38:59 15 15 in that annex.

16 JUDGE LUSSICK: Mr Griffiths, I take it your position would
17 be the same.

18 MR GRIFFITHS: Exactly the same, Mr President.

19 JUDGE LUSSICK: All right, thank you. Well, we note that
15:40:00 20 this witness was the subject of protective measures granted by
21 Trial Chamber I in the decision of 5 July 2004. The Prosecution
22 in this case has applied to have those protective measures
23 rescinded, the Defence does not oppose this application and from
24 the information the Prosecution has given this Trial Chamber we
15:40:36 25 think it's an appropriate case for rescission and we will grant
26 that application. Thank you, Ms Howarth.

27 MS HOWARTH: I'm grateful. Your Honour, may I just make
28 one point clear about the application, in as far as it would
29 apply to - on your pages 15 and 16 it's (a), (e), (f) and (g) and

1 then (b) and (c), save for the address neither being made public,
2 or if it becomes public not being expunged, and that (d) would
3 remain.

15:41:35

4 JUDGE LUSSICK: The protective measures you don't want
5 rescinded, is that simply paragraph (d)?

6 MS HOWARTH: It's simply (d) and then (b) and (c), but only
7 in as far as they relate to the address.

8 JUDGE LUSSICK: They're the only ones you want to remain in
9 place?

15:42:10

10 MS HOWARTH: Yes.

11 JUDGE LUSSICK: Does that change your point of view,
12 Mr Griffiths?

13 MR GRIFFITHS: It doesn't, your Honour.

15:42:20

14 JUDGE LUSSICK: All right. Well, the order we've just made
15 granting that rescission means that the protective measures
16 granted by Trial Chamber I in the 5 July 2004 decision are
17 rescinded with the exception of order (b) to the extent that the
18 witness's address is not to be disclosed and I think you
19 mentioned (c) as well, didn't you?

15:43:00

20 MS HOWARTH: (c) in the same way and then (d) in its
21 entirety.

15:43:23

22 JUDGE LUSSICK: And the same applies to order (c) to the
23 extent that the witness's address is not to be disclosed and
24 order (d) remains in force. I'll quote that order. That
25 provides that documents of the Special Court identifying
26 witnesses shall not be disclosed to the public or media.
27 However, with those exceptions the protective measures granted by
28 Trial Chamber I are rescinded. Needless to say, the order we
29 have just made applies only to these proceedings.

1 MS HOWARTH: Your Honours, the next witness is again
2 pursuant to your Honours' decision of 8 October 2008 and so this
3 is a 92 bis witness.

15:44:03

4 JUDGE LUSSICK: All right, thank you. Well, perhaps Madam
5 Court Manager could bring the witness in, please.

6 WITNESS: YEI SUNDU MACULEY [Sworn]

7 JUDGE LUSSICK: What language will this be in, Ms Howarth?

8 MS HOWARTH: Yes, it's in Kono.

9 EXAMINATION-IN-CHIEF BY MS HOWARTH:

15:46:39

10 Q. Madam Witness, can you make sure you listen carefully to
11 the questions and give your answers slowly and clearly. What's
12 your name?

13 A. My name is Yei Sundu Maculey.

15:46:56

14 MS HOWARTH: Your Honours, the name of the witness is spelt
15 Y-E-I S-U-N-D-U Maculey M-A-C-U-L-E-Y.

16 JUDGE LUSSICK: Thank you.

17 MS HOWARTH:

18 Q. When were you born?

19 A. I was born in '82.

15:47:20

20 Q. And where were you born?

21 A. In Tombodu.

22 Q. Can you tell us what chiefdom that's in?

23 A. In Kamara.

24 Q. And do you have a tribal affiliation?

15:47:45

25 A. I didn't understand.

26 Q. Do you belong to a tribe?

27 A. Kono.

28 Q. And what religion are you?

29 A. I'm a Christian.

1 Q. What languages do you speak?

2 A. Kono and Krio.

3 Q. Do you read or write?

4 A. No.

15:48:19 5 Q. Did you testify in the case of Prosecutor v Brima, Kamara
6 and Kanu on 27 June 2005?

7 A. Yes.

8 MS HOWARTH: Your Honours, I have a copy of the transcript
9 in that case. It's CMS numbers 18611 to 18625.

15:48:49 10 THE WITNESS: Yes.

11 MS HOWARTH: It's okay, Mrs Witness, these aren't questions
12 for you. That totals 15 pages. I'm so sorry, I've got that
13 wrong. It's actually 18612, not 18611. I do apologise.

14 JUDGE LUSSICK: Just while you're on the numbers, if it's
15:49:25 15 page 18612 to page 18625 could that be 15 pages?

16 MS HOWARTH: Your Honour is quite right.

17 JUDGE LUSSICK: No, that would be, what, 14, isn't it?

18 MS HOWARTH: 14, yes. Perhaps my learned friend could just
19 be shown a copy of that transcript. I'm grateful:

15:49:59 20 Q. Madam Witness, has that transcript been read to you in a
21 language you understand?

22 A. Yes.

23 Q. And do you adopt that as your prior testimony?

24 A. Yes, that was my prior testimony.

15:50:16 25 MS HOWARTH: Your Honours, as with the previous witness
26 there's a section of that transcript that has been redacted by
27 the Witness Service. Mrs Witness, again this isn't a question
28 for you and so if you can wait for a moment. That is pages 18615
29 to 18616, so in the same way I would ask that the pages 18612 to

1 18625 minus 18615 to 18616 be identified separately.

2 JUDGE SEBUTINDE: Ms Howarth, I need to understand this
3 redaction. By whom was it done?

15:51:07

4 MS HOWARTH: I'm so sorry, it's by the Witness Management
5 Service. The Witness and Victim Service.

6 JUDGE SEBUTINDE: How comes?

7 MS HOWARTH: It's done because this witness was a
8 previously protected witness and that information which would
9 have identified her was redacted in the public transcript.

15:51:21

10 JUDGE SEBUTINDE: Was that by court order?

11 MS HOWARTH: Yes, that was by that previous order of Trial
12 Chamber I in the 5 July 2004 decision and that would be the (b)
13 and (c) and it's pursuant to Rule 75F of our rules of evidence
14 that because it's protected in the first set of proceedings our

15:51:42

15 current rescission only applies in relation to this testimony and
16 not the prior transcript.

17 JUDGE SEBUTINDE: I understand that, but I needed to
18 understand who redacted it in the first place and why.

19 MS HOWARTH: Yes, yes. Have I made that clear?

15:51:55

20 JUDGE SEBUTINDE: I don't think so.

21 MS HOWARTH: Okay. In that case the redaction was made by
22 the Witness and Victims Management Unit and it was redacted so
23 that the information that might identify this witness wasn't made
24 public.

15:52:14

25 JUDGE LUSSICK: Do you mean that the WVS redacted the
26 transcript after the Court had ordered it be redacted, or are you
27 saying that this is something that the WVS took upon itself to do
28 without any court order, or thirdly are you saying that the Court
29 ordered the transcript to be redacted but it was on the

1 application of the WVS rather than either of the parties?

2 MS HOWARTH: My understanding is that it's the decision of
3 5 July 2004 obtains. In that decision there are provisions
4 whereby any information that would identify the witness is
15:52:56 5 redacted from the public record should it form part of it and
6 therefore it's pursuant to that order that redactions are
7 subsequently made.

8 JUDGE LUSSICK: But where does the WVS have power to redact
9 the transcript?

10 MS HOWARTH: Well, it would be pursuant to that order. I
11 can certainly check with those behind me if I'm getting this
12 wrong.

13 JUDGE LUSSICK: I hope you are, Ms Howarth, because you see
14 how serious this is, that sworn evidence can be subdued or
15:53:36 15 totally redacted without either of the parties knowing and the
16 Court doesn't - and without the Court knowing that their record
17 has been tampered with.

18 MS HOWARTH: Perhaps your Honour could just give me a
19 moment. Your Honour, I am informed that the way I have explained
15:54:49 20 it is how - our understanding is of how it works. We do have a
21 copy of those two pages if your Honours would like to see exactly
22 what redactions are made.

23 JUDGE LUSSICK: But what we want to know is where does the
24 WVS get the authority to interfere with the transcript of sworn
15:55:08 25 evidence without either of the parties or the Court having any
26 say in the matter?

27 MS HOWARTH: Your Honour, I don't think I can add to what
28 I've already said, other than that there was the decision of 5
29 July 2004 by Trial Chamber I. Part of that decision is to prevent

1 information that might identify witnesses from becoming part of
2 the public record. That's the record that's on the transcript.
3 And my understanding is that the procedure is that redactions are
4 then made to give force to that order. I'm not sure I can assist
15:55:49 5 the Court any further on that point, I'm afraid.

6 JUDGE SEBUTINDE: That is not how it is supposed to work
7 and if that's the way it's been working it's an astounding
8 revelation to us. Once a witness has testified in court every
9 redaction that needs to be done is done pursuant to a court order
15:56:09 10 while the witness is on the stand and with the knowledge and
11 acquiescence from both sides. Once that witness has testified
12 and the record is what it is, I do not believe that WVS or any
13 other authority has the power to then go back and of their own
14 decide what to redact and what not to redact. Am I wrong?

15 MS HOWARTH: Your Honour, my understanding is that the
16 redactions that they make are pursuant to that order.

17 JUDGE SEBUTINDE: Yes, on whose discretion? Whose
18 discretion do they impose these redactions?

19 JUDGE LUSSICK: I hope we're talking about two different
15:56:57 20 things here. Are you talking about a document that was redacted
21 before it was tendered or are you talking about sworn evidence
22 that was redacted by the WVS and not by the Court?

23 MS HOWARTH: I'm talking about the transcript of this
24 witness's testimony. That information which could then identify
15:57:18 25 her such as her address, whereabouts, for example, is then
26 redacted by WVS pursuant to the order of 5 July 2005.

27 JUDGE LUSSICK: So, in other words, you're saying that it's
28 up to the WVS to decide what information discloses the identity
29 of the witness and not up to the Court?

1 MS HOWARTH: Well, your Honour, I don't wish to speak on
2 behalf of WVS. I don't wish to misquote their procedure. I'm
3 here on behalf of the Prosecution, but I can only say that my
4 understanding is that they would be looking at information such
15:57:53 5 as the address, and that information is clearly required to be
6 confidential as per the order of 5 July 2004. It's not my
7 understanding that there would be - they would be going beyond
8 any discretion otherwise.

9 JUDGE LUSSICK: Except for making court orders on behalf of
15:58:15 10 the Court.

11 JUDGE SEBUTINDE: Perhaps we should look at these pages
12 that you're saying --

13 MS HOWARTH: Yes, I'll pass them up.

14 JUDGE SEBUTINDE: And, Mr Werner, this other page that we
15:58:36 15 admitted as exhibit P-191B, confidential, is that another page
16 that WVS redacted on their own volition?

17 MR WERNER: Yes, your Honour, it's the same procedure.

18 [Trial Chamber conferred]

19 JUDGE LUSSICK: Well, Ms Howarth, I can tell you this:
16:01:27 20 That none of the Judges were aware that WVS was doing its own
21 redactions without any specific court orders and this is what
22 we're going to order.

23 If we go back to the previous witness TF1-074, we have what
24 is now exhibit P-191B, page 18546 of the previous transcript,
16:02:05 25 which I take it has not been redacted by the Court but by the
26 WVS. Now we're going to lift the confidentiality on that. That's
27 not filed as a separate confidential document. In fact, what we
28 will do now is we will eliminate the denomination of exhibit
29 P-191B, and the subject matter of that previous exhibit will now

1 simply be part of exhibit P-191.

2 [Exhibit P-191B admitted as P-191]

3 As to the present witness, the transcript that I've just
4 mentioned that is marked for identification 1 will in fact be
16:03:06 5 pages 18612 to 18625 and there will be no pages marked as
6 confidential. I beg your pardon. Yes, I meant to say there will
7 be no pages marked as confidential because there won't be any
8 pages considered as redacted. Furthermore, any similar
9 redactions made by WVS are to be regarded as invalid.

16:03:46 10 Lastly, this Trial Chamber calls for a report from the head
11 of WVS to outline or to detail, rather, where he is endowed with
12 the powers to interfere with trial transcripts by his actions of
13 redacting.

14 Yes, go ahead. Just before you - sorry, I said to go
16:04:20 15 ahead. We want that report by the end of the week. We want that
16 by this Friday at the very latest, which is Friday the 17th. 4
17 p.m., Friday the 17th we want a report from WVS, as I said, as to
18 where they get their power from, and we would also like a list of
19 witnesses in respect of which they have redacted evidence without
16:04:50 20 a specific court order.

21 Go ahead.

22 MS HOWARTH: Your Honour, as it's 92 bis, I don't have any
23 questions for this witness. The witness is tendered for
24 cross-examination.

16:05:09 25 JUDGE LUSSICK: Thank you. Yes, Mr Griffiths.

26 CROSS-EXAMINATION BY MR GRIFFITHS:

27 Q. Madam Witness, I have a very, very few questions for you
28 and I am certainly not going to ask you about that horrendous
29 experience you had. Okay?

1 A. Okay, I've understood.

2 Q. Were you born in Tombodu?

3 A. Yes.

4 Q. And did you live in Tombodu until this terrible incident
16:05:57 5 happened to you?

6 A. No, I was not in Tombodu. When Paul Koroma came we left
7 Tombodu and went to Foendor.

8 Q. Did you ever see any soldiers or rebels in Tombodu?

9 A. No. They met us in Foendor in the bush.

16:06:35 10 Q. And it was three rebels who you met in the bush. Is that
11 right?

12 A. Yes, they met us in the bush.

13 Q. Roughly how old did they look, the three of them?

14 A. I don't know their age. I don't want to lie.

16:07:03 15 Q. Did they look like men who were less than 20 or did they
16 look as if they were, say, 20 to 30?

17 A. They were men. They were a little bit older. Some of
18 them, they used to refer to them as young boys. That is how I
19 would refer to them.

16:07:32 20 Q. And how were they dressed?

21 A. The other had a combat shirt, the other had a T-shirt and
22 the other had a short pants.

23 Q. And the two who were wearing combats, those were combat
24 trousers, were they?

16:08:08 25 A. The other one, he was wearing a combat shirt. He had a
26 long gun. Two of them had guns and the other had a machete.

27 Q. Now, tell me, did they speak with any particular accent?

28 A. Yes.

29 Q. What was that?

1 A. I heard them speaking Liberian English.

2 Q. Now, have you ever heard the word "ULIMO"?

3 A. Not at all. But what I heard them saying was "My meh, my
4 meh".

16:09:01 5 Q. Have you ever heard of a fighting force called ULIMO?

6 A. I don't want to lie. I never heard about that.

7 Q. Have you ever heard of a fighting force in Sierra Leone
8 called the STF?

9 A. Auntie, tell the learned counsel that this question that
16:09:41 10 he's asking me, I cannot remember that one.

11 JUDGE SEBUTINDE: Madam Witness, if you don't know the
12 answer to a question you just simply say you don't know. It's
13 okay.

14 THE WITNESS: Okay.

16:09:58 15 MR GRIFFITHS:

16 Q. These three men who stopped you, what organisation did they
17 belong to, do you know?

18 A. Those three gentlemen?

19 Q. They certainly weren't gentlemen given what they did.

16:10:16 20 Those three men, what organisation did they belong to?

21 A. They came and said to us that they are soldiers and they
22 had a gun and that gun was to be used to kill people.

23 Q. What I mean is this. Were they Kamajors, were they RUF,
24 were they SLA? Do you know who they were?

16:10:45 25 A. They were RUFs because they used to kill people.

26 Q. How do you know they were RUF?

27 A. They had said "No Living Thing".

28 Q. Who said that?

29 A. The very RUFs.

1 Q. No, no, no. Did any of these three men say "No Living
2 Thing" to you?

3 A. No, not at all. About the three of them, I did not hear
4 that one from the three of them. I don't want to lie.

16:11:24 5 Q. All I'm trying to find out is how do you know those three
6 men were RUF? Did they say to you, "We are RUF"?

7 A. No. When they went there the word they said was "My meh".
8 That RUF business, we heard that before we fled into the bush.

9 Q. But I'm simply asking can you be - did any of those three
16:11:59 10 men identify themselves to you as members of the RUF?

11 A. No, auntie. I have told you. I have said they did not say
12 so because they used to kill people and they had guns and when
13 they came they fired under our feet.

14 Q. So can I take it then that it was an assumption you made
16:12:34 15 that they were RUF?

16 A. It was not my own assumption. That was I heard it with my
17 ears. I did not hear that from them. Before we fled into the
18 bush that was what I used to hear.

19 Q. Yes, you might have heard that there were RUF in the area.
16:12:57 20 All I'm asking is: How can you be sure that these three men were
21 RUF? Can you help us as to why you're so sure they were RUF?

22 A. Auntie, the way they approached us, I could refer to them
23 as RUF because when they went there they fired under our feet.
24 They were intending to kill us.

16:13:25 25 Q. But, you see, the three men who you saw, you've told us
26 more than once they didn't say they were RUF. So all I'm wanting
27 to understand is, what is the basis for you saying they were RUF?
28 That's all I'm asking.

29 A. Because my elder sister's husband was beaten and again one

1 of my - one of them said he is going to kill my uncle, so --

2 JUDGE SEBUTINDE: Madam Witness, just go slowly because the
3 interpreter is trying to keep up with you. So please repeat.

4 THE INTERPRETER: She should repeat her answer.

16:14:13 5 JUDGE SEBUTINDE: Repeat the answer, please.

6 THE WITNESS: Repeat? The reason I knew they were RUF,
7 they beat my elder sister's husband. My uncle too was brought,
8 they said they were going to burn him down, and they had sex with
9 me as well.

16:14:38 10 MR GRIFFITHS:

11 Q. I'm sorry, but I would like to ask you just a few more
12 questions about this.

13 A. Okay.

14 Q. On this terrible day you see three men who you've
15 described. Am I right?

16:14:53 15 described. Am I right?

16 A. Yes.

17 Q. One of them pulls you to one side and does a terrible thing
18 to you?

19 A. Yes.

16:15:11 20 Q. The only thing you hear these men say is, "Men, men, men"
21 in a Liberian accent. Is that right?

22 A. Yes, because I heard that word from Liberia people.

23 Q. And at no stage did any of the three say to you, "We are
24 RUF." Is that right?

16:15:44 25 A. Auntie, how I came to know because the way they flogged my
26 elder sister's husband, and later again they had sex with me,
27 that was how I came to know that they were the RUFs.

28 Q. But my question is very simple: None of them said to you,
29 "We are from the RUF", did they?

1 A. Not at all. But their behaviour was sufficient to prove
2 that they were the RUFs.

3 Q. Well, sadly, they weren't the only people in Sierra Leone
4 doing those kinds of terrible things. But, anyway, following
16:16:30 5 this horrible incident, did you continue to live in Tombodu?

6 A. Yes. No, we went to Guinea.

7 Q. Did you go to Guinea immediately after this terrible
8 incident?

9 A. After that incident my elder sister's husband came and
16:17:01 10 [Indiscernible] me and asked my sister to move - come out of the
11 bush and to let us go to Forni [phon] Konia and we went as far as
12 Forni Konia.

13 Q. So you had no further contact with rebels after that
14 terrible incident?

16:17:23 15 A. Not at all.

16 MR GRIFFITHS: That's all I ask.

17 JUDGE LUSSICK: Yes, thank you, Mr Griffiths.

18 THE WITNESS: I thank you very much.

19 JUDGE LUSSICK: Thank you. Yes, Ms Howarth.

16:17:40 20 MS HOWARTH: I don't have any re-examination for this
21 witness.

22 JUDGE LUSSICK: Yes. Well you're tendering the transcript,
23 I take it, Ms Howarth?

24 MS HOWARTH: Yes.

16:17:51 25 JUDGE LUSSICK: Any objections, Mr Griffiths?

26 MR GRIFFITHS: None, your Honour.

27 JUDGE LUSSICK: All right. Well, the transcript from the
28 case of the Prosecutor against Brima, Kamara and Kanu of evidence
29 given on 27 June 2005, pages 18612 to 18625 will now be admitted

1 into evidence as Prosecution exhibit P-195.

2 [Exhibit P-195 admitted]

3 Witness, we'd like to thank you for coming to court to give
4 evidence and you are now free to leave.

16:18:41 5 THE WITNESS: Okay.

6 JUDGE LUSSICK: Madam Court Manager will escort you out.

7 THE WITNESS: Okay.

8 JUDGE LUSSICK: Are you handling the next witness as well,
9 Ms Howarth?

16:19:08 10 MS HOWARTH: No, I'm not. It's Mr Werner who has carriage
11 of the next witness.

12 JUDGE LUSSICK: I see, thank you.

13 MR BANGURA: Your Honours, as your Honour pointed out the
14 Prosecution does have another witness waiting, but looking at the
16:19:21 15 time and we don't know - by the time the witness settles in court
16 and we go through the formalities I don't know whether it's worth
17 the while starting that witness today. We may very well not be
18 able to move beyond a certain point, I don't know, but we are in
19 the hands of the Bench.

16:19:42 20 MR GRIFFITHS: Can I respectfully support my learned
21 friend's application, your Honour. It's been quite a hard day
22 dealing with all those witnesses by myself.

23 JUDGE LUSSICK: It has indeed, Mr Griffiths, and I was
24 about to say that Mr Bangura is speaking eminently good sense, so
16:19:59 25 I think we will adjourn now until tomorrow morning and we will
26 take the witness in the morning. But tell me before we do
27 adjourn, could you give us the TF1 number, please, of the next
28 witness.

29 MR WERNER: Yes, your Honour. The next witness is TF1-077

1 and again we will have some protective measures issues to sort
2 out.

3 JUDGE LUSSICK: I see. Well --

4 MR WERNER: It will not take long.

16:20:44 5 JUDGE LUSSICK: My colleague has pointed out it's a matter
6 that we could resolve now and I don't think it would take any
7 extra work to sort out the protective measures. Is there a
8 problem with the protective measures?

9 MR WERNER: He is a Category 1 witness for this 5 July 2004
16:21:08 10 decision. He is not on any list. He is not an A or B witness.
11 Again we spoke with that witness and this witness told us that he
12 would like to testify openly, so again we would apply to rescind
13 the same measures applicable and so it's basically the same
14 application that I believe was done like two times today.

16:21:36 15 JUDGE LUSSICK: Mr Griffiths, I take it you would not
16 oppose that application on the same terms as the other witnesses
17 today.

18 MR GRIFFITHS: Certainly, Mr President.

19 JUDGE LUSSICK: Thank you. Just to make that clear, this
16:22:03 20 witness is not in any of the annexes to the July 2004 --

21 MR WERNER: He's not.

22 JUDGE LUSSICK: All right, thank you. In that case, the
23 Court will repeat what it said earlier. The witness will testify
24 without any protective measures, but the Court holds that the
16:22:26 25 Prosecution application is not necessary and redundant.

26 Thank you. We will now adjourn court until 9.30 tomorrow
27 morning.

28 [Whereupon the hearing adjourned at 4.24 p.m.
29 to be reconvened on Tuesday, 14 October 2008 at

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9.30 a.m.]

I N D E X

WITNESSES FOR THE PROSECUTION:

JAMES KPUMGBU	18114
EXAMINATION-IN-CHIEF BY MR BANGURA	18114
CROSS-EXAMINATION BY MR GRIFFITHS	18130
	18145
SAMUEL KOMBA	
EXAMINATION-IN-CHIEF BY MR BANGURA	18145
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SORIE KONDEH	
EXAMINATION-IN-CHIEF BY MR WERNER	18188
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YEI SUNDU MACULEY	18217
EXAMINATION-IN-CHIEF BY MS HOWARTH	18217
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Exhibit P-189 admitted	18186
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