



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 14 FEBRUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg
Ms Sidney Thompson
Ms Carolyn Buff

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Shyamala Alagendra
Ms Maja Dimitrova
Ms Julia Baly

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Thursday, 14 February 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:29 5 PRESIDING JUDGE: Good morning. I note a change of counsel
6 at the Prosecution Bar.

7 MS HOLLIS: Morning, Madam President, your Honours. Brenda
8 J Hollis, Mohamed A Bangura, Shyamala Alagendra and Maja
9 Dimitrova appear today for the Prosecution.

09:30:51 10 PRESIDING JUDGE: Thank you. Mr Griffiths?

11 MR GRIFFITHS: [Microphone not activated].

12 PRESIDING JUDGE: Thank you. Well, there is no witness to
13 be reminded of the oath. I notice your appearances,

14 Mr Griffiths, but apparently the machinery didn't. We will have
09:31:20 15 that recorded properly.

16 MR GRIFFITHS: Courtenay Griffiths, Terry Munyard and
17 Morris Anyah, your Honours.

18 PRESIDING JUDGE: Thank you. Ms Hollis, please proceed.

19 MS HOLLIS: Your Honours, the next order of business for
09:31:45 20 this morning would be to return to the issue of the admission of
21 exhibits that were marked for identification during the testimony
22 of TF1-371. After discussions with Defence counsel it appears
23 that this will be able to be done in open session.

24 PRESIDING JUDGE: That is very good. We will proceed on
09:32:10 25 then.

26 MS HOLLIS: Thank you, Madam President. The Prosecution
27 would deal with the exhibits marked for identification in order,
28 beginning with MFI-16. This was a single sheet with identifying
29 data relating to the witness. However, the witness subsequently

1 gave that information on the record. The Prosecution does not
2 move for the admission of MFI-16.

3 PRESIDING JUDGE: Thank you. I will note that accordingly.

09:32:48

4 MS HOLLIS: MFI-17, the Prosecution moves for the admission
5 of this exhibit. This is a diagram entitled "NPFL command
6 structure circa 1990 to 1991, as indicated by TF1-371".

7 PRESIDING JUDGE: Mr Griffiths?

8 MR GRIFFITHS: I have no observations to make regarding
9 this document, your Honour.

09:33:12

10 PRESIDING JUDGE: The document is admitted as prosecution
11 exhibit number --

12 MS IRURA: P-54, your Honour.

13 PRESIDING JUDGE: Thank you, P-54. Please proceed,
14 Ms Hollis.

09:33:28

15 [Exhibit P-54 admitted]

16 MS HOLLIS: The Prosecution moves for the admission of
17 MFI-18. This is a diagram entitled "RUF command structure after
18 the invasion of Sierra Leone circa March to June 1991, as
19 indicated by TF1-371".

09:33:50

20 MR GRIFFITHS: [Microphone not activated].

21 PRESIDING JUDGE: Document MFI-18 is admitted in evidence
22 as prosecution exhibit P-55.

23 [Exhibit P-55 admitted]

09:34:09

24 JUDGE SEBUTINDE: Mr Griffiths, if you could remember to
25 activate your microphone because you are not recorded.

26 MR GRIFFITHS: I am sorry, your Honour. Your Honours, can
27 I indicate that we may be able to short-circuit this process
28 because as far as I am concerned, I am not interested in raising
29 an objection to any of the documents that the Prosecution are

1 seeking to admit. Any issues that we want to deal with can be
2 dealt with at a much later stage.

3 PRESIDING JUDGE: That is very helpful, Mr Griffiths.
4 Ms Hollis, you have heard Mr Griffiths' observation. As I
09:34:41 5 understand it, and Mr Griffiths will correct me, he is neither
6 consenting nor objecting. Is that correct?

7 MR GRIFFITHS: That is absolutely right, your Honour, which
8 means we can perhaps go through this process a lot more swiftly.
9 If my learned friend has, for example, a copy of the list of
09:34:59 10 items marked for identification, rather than go through the
11 laborious process of mentioning each one, if we just mark the
12 exhibit number in the right-hand column.

13 PRESIDING JUDGE: That seems practical. Have you any
14 objection, or comment on that, Ms Hollis?

09:35:17 15 MS HOLLIS: As I understand it, your Honour, I will simply
16 indicate the MFI number of the exhibits in composite.

17 PRESIDING JUDGE: I suggest we just look at - take the
18 title of each one for purposes of record, yes.

19 MS HOLLIS: Yes. Some exhibits we will not be tendering,
09:35:39 20 but I will deal with those as I come to them.

21 Your Honour, MFI-19, "RUF command structure circa February
22 to October 1996, as indicated by TF1-371".

23 PRESIDING JUDGE: That will become prosecution exhibit
24 P-56.

09:36:05 25 [Exhibit P-56 admitted]

26 MS HOLLIS: MFI-20, transcript of the RUF "Speech to the
27 Nation".

28 PRESIDING JUDGE: That document, transcript of the RUF
29 speech, will become prosecution exhibit P-57.

1 [Exhibit P-57 admitted]

2 MS HOLLIS: MFI-21, the Sierra Leone Gazette dated
3 Thursday, 4 September 1997, the first and second page of that
4 document.

09:37:01 5 PRESIDING JUDGE: MFI-21 headed the "Sierra Leone Gazette"
6 will become prosecution exhibit P-58.

7 [Exhibit P-58 admitted]

8 MS HOLLIS: The Prosecution will not offer MFI-22. MFI-23,
9 "AFRC/RUF junta command structure circa May 25 1997 to February
09:37:43 10 1998".

11 PRESIDING JUDGE: That document, a one page document headed
12 "AFRC/RUF junta command structure" will become prosecution
13 exhibit P-59.

14 [Exhibit P-59 admitted]

09:37:57 15 MS HOLLIS: MFI-24, diagram headed "AFRC/RUF junta military
16 command structure circa May 25 1997 to February 1998".

17 PRESIDING JUDGE: That one page document headed "AFRC/RUF
18 junta military command structure" becomes prosecution exhibit
19 P-60.

09:38:31 20 [Exhibit P-60 admitted]

21 MS HOLLIS: MFI-25, "Minutes of an emergency council
22 meeting of the AFRC held at State House on Monday, 11 August
23 1997".

24 PRESIDING JUDGE: That document of four pages headed
09:38:56 25 "AFRC - secret minutes of an emergency council meeting" becomes
26 prosecution exhibit P-61.

27 [Exhibit P-61 admitted]

28 MS HOLLIS: MFI-26, a diagram entitled "AFRC/RUF alliance
29 command structure after the fall of the junta circa March 1998,

1 as indicated by TF1-371".

2 PRESIDING JUDGE: A one page document entitled "AFRC/RUF
3 alliance command structure" becomes a prosecution exhibit P-62.

4 [Exhibit P-62 admitted]

09:39:42 5 MS HOLLIS: MFI-27, a document with the title
6 "Revolutionary United Front of Sierra Leone defence headquarters,
7 2 December 1998, forum with the external delegates led by the of
8 defence staff".

9 PRESIDING JUDGE: A five page document with a handwritten
09:40:11 10 title "Battle Field Commander RUF/SL and the Revolutionary United
11 Front of Sierra Leone" becomes prosecution exhibit P-63.

12 [Exhibit P-63 admitted]

13 MS HOLLIS: The Prosecution will not offer for admission
14 MFI-28. MFI-29, "Statement on the historic return to Freetown,
09:40:42 15 Sierra Leone, of the leaders of the alliance of the Revolutionary
16 United Front of Sierra Leone and the Armed Forces Revolutionary
17 Council, Freetown, Sunday, October 3 1999".

18 PRESIDING JUDGE: A three page document with the start of a
19 title "Statement of the historic return to Freetown, Sierra
09:41:08 20 Leone" becomes prosecution exhibit P-64.

21 [Exhibit P-64 admitted]

22 MS HOLLIS: MFI-30, at the top "Of the organisation" -
23 handwritten - "Revolutionary United Front of Sierra Leone, 5 May
24 1992, letter to his Excellency CIC Charles Ghankay Taylor".

09:41:39 25 PRESIDING JUDGE: A one page document with some handwriting
26 on the top and then "The Revolutionary United Front of Sierra
27 Leone" becomes a prosecution exhibit P-65.

28 [Exhibit P-65 admitted]

29 MS HOLLIS: MFI-31, a document, at the top "Confidential,

1 Revolutionary United Front of Sierra Leone brigade headquarter -
2 Buedu, 24 June 1998, to his Excellency the President of the
3 Republic of Liberia, Dr Charles G Taylor".

09:42:22 4 PRESIDING JUDGE: That is a one page document with a
5 heading "Confidential" followed by further heading "Revolutionary
6 United Front of Sierra Leone" becomes prosecution exhibit P-66.

7 [Exhibit P-66 admitted]

8 MS HOLLIS: MFI-32, a handwritten document "To the Leader,
9 from the Black Revolutionary Guards, situation report" and the
09:42:51 10 numbers stamped at the top for this document begin 00009672. On
11 the last page of the document the number is 00009681.

12 PRESIDING JUDGE: That is a ten page document with an
13 obscure title "Revolutionary" something "of S/Leone (people's
14 arm) to the leader" becomes prosecution exhibit P-67.

09:43:38 15 [Exhibit P-67 admitted]

16 MS HOLLIS: MFI-33A, which is a - 33, which is a composite
17 exhibit comprised of photographs which are given the letters A
18 through J. Do you wish me to go through each photograph?

19 PRESIDING JUDGE: I think, in the circumstances, since they
09:44:01 20 are separate - counsel for the Defence hasn't indicated he wants
21 them separately. I am just thinking for the purposes of record
22 it would be wise to have them separately.

23 MR GRIFFITHS: Your Honour, I really don't think we need to
24 go through all of that procedure. I think we can accept these
09:44:19 25 photographs as read if it speeds up the process.

26 MS HOLLIS: Madam President, perhaps speed would give way
27 to accuracy in this point and I would go and simply give the
28 number that is stamped on them so there is a clear unique
29 identifier for each.

1 PRESIDING JUDGE: They each have a number so it is
2 important that we record it properly, so if we can go through
3 each number.

09:44:47

4 MS HOLLIS: Quickly, your Honour. 33A, the number on the
5 photograph 00029867.

6 PRESIDING JUDGE: That becomes prosecution exhibit 68A.

7 [Exhibit P-68A admitted]

8 MS HOLLIS: 33B, 00029861.

9 PRESIDING JUDGE: Becomes prosecution exhibit P-68B.

09:45:11

10 [Exhibit P-68B admitted]

11 MS HOLLIS: 33C, 00029865.

12 PRESIDING JUDGE: Becomes prosecution exhibit 68 - excuse
13 me, P-68C.

14 [Exhibit P-68C admitted]

09:45:35

15 MS HOLLIS: 33D has two numbers. I will not give the
16 number that has been struck through, I will give the number that
17 is not struck through. That is P0000827.

18 PRESIDING JUDGE: I am just looking at the list that has
19 been supplied by our Court Management and it says 865. We are
20 talking about the same one, are we?

09:46:06

21 MS HOLLIS: Madam President, 33D is --

22 MS IRURA: Your Honour, we are speaking about 33D not 33C,
23 which ends in 865. 33D ends in 827.

24 PRESIDING JUDGE: I thought we were talking about C.

09:46:33

25 MS HOLLIS: No, Madam President.

26 JUDGE SEBUTINDE: No, 33D, MFI-33D ends in 827.

27 MS IRURA: That is correct, your Honour.

28 JUDGE SEBUTINDE: Therefore, it is true that on the list
29 supplied it is different.

1 PRESIDING JUDGE: For the purposes of clarity I will record
2 that MFI-33D, which is photograph ending in 827, becomes
3 prosecution exhibit 68D.

4 [Exhibit P-68D admitted]

09:47:10 5 MS HOLLIS: Thank you, Madam President. 33E is the
6 photograph P0000847.

7 PRESIDING JUDGE: That photograph becomes prosecution
8 exhibit 68E.

9 [Exhibit P-68E admitted]

09:47:34 10 MS HOLLIS: 33F is a photograph with the number 00029863 on
11 the left side of the photograph.

12 PRESIDING JUDGE: That document becomes prosecution exhibit
13 68F.

14 [Exhibit P-68F admitted]

09:47:59 15 MS HOLLIS: 33G, I will not give the number that has been
16 struck through. The number is P0000831.

17 PRESIDING JUDGE: That photograph becomes prosecution
18 exhibit 68G.

19 [Exhibit P-68G admitted]

09:48:24 20 MS HOLLIS: 33H, again I will not give the number that has
21 been struck through. The number is P0000835.

22 PRESIDING JUDGE: That document becomes prosecution exhibit
23 68H.

24 [Exhibit P-68H admitted]

09:48:52 25 MS HOLLIS: 33I, again I will not give the struck through
26 number. The number is P0000828.

27 PRESIDING JUDGE: That document becomes prosecution exhibit
28 P-68I.

29 [Exhibit P-68I admitted]

1 MS HOLLIS: 33J, with the number P0000618.

2 PRESIDING JUDGE: That becomes a prosecution exhibit P-68J.

3 [Exhibit P-68J admitted]

09:49:43

4 MS HOLLIS: The next prosecution exhibit has been marked
5 for identification as 40, 40, and that is "United Nations
6 Security Council Resolution 1132 (1997) adopted by the Security
7 Council at its 3822nd meeting on 8 October 1997".

8 PRESIDING JUDGE: That is a two page document headed
9 "United Nations" and the sub-heading "Security Council", dated 5
10 June, becomes prosecution exhibit P-69.

09:50:21

11 [Exhibit P-69 admitted]

12 MS HOLLIS: Your Honour, perhaps I misheard. This,
13 I believe, is a four page document.

09:50:40

14 PRESIDING JUDGE: You are quite right, Ms Hollis, it is a
15 four page document.

16 MS HOLLIS: Thank you, Madam President. The next exhibits
17 in order, your Honours, are the Defence exhibits.

09:51:04

18 PRESIDING JUDGE: For the purposes of record the other
19 security resolution will become P-70. Sorry, was that not being
20 tendered?

21 MS HOLLIS: Yes, that is the next one. That was marked as
22 MFI-41, which was "United Nations Security Council Resolution
23 1171 (1998) adopted by the Security Council at its 3889th meeting
24 on 5 June 1998".

09:51:27

25 PRESIDING JUDGE: Thank you. Now, this is the two
26 page document headed "United Nations" with a sub-heading
27 "Security Council" and that will become prosecution exhibit 70.

28 [Exhibit P-70 admitted]

29 MS HOLLIS: Thank you, Madam President.

1 PRESIDING JUDGE: Mr Griffiths, we are now turning to some
2 of your MFIs.

3 MR GRIFFITHS: Your Honour, yes. Your Honour, can we go
4 back to page 1 and commence with MFI-22 which has been discarded
09:52:06 5 by my learned friend and we would like that exhibited, please.
6 MFI-22 is a letter from Johnny Paul Koroma to Charles Taylor
7 seeking assistance for help in the defence of Sierra Leone
8 against ECOMOG forces, dated 3 October 1997.

9 PRESIDING JUDGE: Ms Hollis, you have heard the
09:52:33 10 application?

11 MS HOLLIS: We have no objection.

12 PRESIDING JUDGE: MFI-22, a three page document with the
13 heading "State House, Freetown, Republic of Sierra Leone" becomes
14 Defence exhibit D --

09:52:50 15 MS IRURA: D-4, your Honour.

16 PRESIDING JUDGE: D-4.

17 [Exhibit D-4 admitted]

18 MR GRIFFITHS: If we then move, please, to the third
19 page of this schedule and it is MFI-34A, a DVD containing a
09:53:15 20 documentary entitled "The Empire in Africa", 1 hour and 27
21 minutes in length.

22 PRESIDING JUDGE: Ms Hollis?

23 MS HOLLIS: Your Honours, the Prosecution has no objection
24 to this exhibit. The exhibit, however, does raise a trial
09:53:38 25 practice point and that is that the Prosecution were not given
26 advance notice of this exhibit, nor a copy of the exhibit. In
27 the Prosecution's view this is not a matter of Article 17 rights,
28 or the rules of procedure in evidence. Once the Defence
29 determines to provide an exhibit then the question is, under the

1 rules, does the cross-examining party have to give notice and a
2 copy to the other party? It is a trial practice issue and if the
3 determination of the Court is that no such advance notice or copy
4 need be given, then certainly we will follow that. We expect
09:54:20 5 that should the Defence put on a case, that would be the rule for
6 us as well, so it is simply a trial practice a point that we are
7 raising and we do not see it as anything going to fundamental
8 rights of the accused. We do not object to the exhibit.

9 PRESIDING JUDGE: I note that. Do you have a copy of the
09:54:40 10 DVD now?

11 MS HOLLIS: We asked Court Management and were able to get
12 a copy of it.

13 PRESIDING JUDGE: You have heard Ms Hollis, Mr Griffiths.

14 MR GRIFFITHS: I have heard Ms Hollis, your Honour, and if
09:55:07 15 the submission being made is made in terrorem, in the sense that
16 it is a threat as to actions which the Prosecution might take
17 during the course of the Defence case, then of course we reject
18 that because it seems to us that, given the nature of this
19 exhibit, which is self-explanatory, the suggestion that the
09:55:32 20 Prosecution have somehow been taken by surprise, which must be
21 the foundation for the objection, seems to us to be totally
22 unfounded and we cannot see what disadvantage the Prosecution
23 have suffered as a consequence of not being given a hard copy of
24 that DVD before it was, in fact, shown to the tribunal.

09:56:04 25 JUDGE SEBUTINDE: Mr Griffiths, do you have an objection to
26 such a practice in principle, whereby either cross-examining
27 party, out of courtesy, extends a copy of whatever document to
28 the other?

29 MR GRIFFITHS: Your Honour --

1 JUDGE SEBUTINDE: For future purposes.

2 MR GRIFFITHS: I have no difficulty with the practice and
3 to be quite frank I was unaware of the nature of the practice, in
4 particular that in this instance, where we are showing a DVD to
09:56:35 5 the whole courtroom, that the Prosecution really require to have
6 seen it beforehand. I find that difficult to comprehend, but of
7 course in future where we are seeking to put a document before
8 the Court, we will endeavour to ensure that the Prosecution are
9 given notice of that document. I apologise to my learned friend
09:56:56 10 if the Prosecution were offended by our failure in this
11 particular instance.

12 Your Honour, can I rise, hopefully helpfully, to mention
13 that I am reminded by my learned friend Mr Anyah that there was a
14 court trial management meeting at which it was agreed that
09:57:58 15 exhibits would be provided to the other side on the morning -
16 perhaps it might be best if Mr Anyah dealt with this because he
17 was present at that meeting.

18 PRESIDING JUDGE: We were not. We know nothing about it.

19 MR ANYAH: Good morning, your Honours, Madam President. We
09:58:16 20 did indeed have a meeting back in December 2007 and at that time
21 there was a disagreement between the parties regarding the
22 practice of how and when exhibits to be used under
23 cross-examination by the Defence would be tendered to the
24 Prosecution. We took the view - and I represented the Defence at
09:58:39 25 that meeting - that on the morning of a cross-examination we
26 would provide to the Prosecution documents that we would use
27 during the examination. It appears that Mr Griffiths has stated
28 on the record today that we will indeed provide such documents
29 and the only issue that remains is the timing, or the time at

1 which we will provide them and our position remains that we will
2 do so on the morning of the cross-examination. Thank you, Madam
3 President.

09:59:20 4 PRESIDING JUDGE: Thank you, Mr Anyah. We are aware of the
5 rules of procedure and evidence that deal with disclosure of
6 evidence and those, of course, will be applied in any dispute.
7 Any other disputes, or questions about notice, et cetera, prior
8 notice of documents, matters that will be tendered, or could be
9 tendered as exhibits, will be dealt with as they arise from case
10 to case. There has been no objection to this particular exhibit
11 and therefore it will become a Defence exhibit D-5. [Microphone
12 not activated] I am reminded. That is the DVD itself entitled
13 "The Empire in Africa" and the transcript thereof, so they will
14 become --

10:00:24 15 MR GRIFFITHS: I am tendering the transcript as well, your
16 Honour. I overheard that. So, if they can become D-5A and D-5B
17 I would be grateful.

18 PRESIDING JUDGE: Thank you, so they become exhibits D-5A
19 and D-5B.

10:00:45 20 [Exhibit D-5A admitted]

21 [Exhibit D-5B admitted]

22 MS HOLLIS: Madam President, we have no objection to 5B
23 either.

10:00:54 24 PRESIDING JUDGE: I apologise, Ms Hollis, I didn't ask you
25 that before I declared the exhibit number.

26 MR GRIFFITHS: The next item, your Honour, is MFI-35 which
27 was a handwritten statement by TF1-371 prepared for submission to
28 the Truth and Reconciliation Commission in Sierra Leone, dated
29 February 2004.

1 PRESIDING JUDGE: Ms Hollis?

2 MS HOLLIS: No objection, your Honour.

3 PRESIDING JUDGE: I can't remember how many pages this was.
4 I counted them at the time, but it doesn't matter I am sure. It
10:01:37 5 is a handwritten document and it will become prosecution [sic]
6 exhibit D-6.

7 [Exhibit D-6 admitted]

8 MR GRIFFITHS: Defence exhibit, your Honour.

9 PRESIDING JUDGE: Excuse me, Defence exhibit D-6. That
10:02:06 10 would appear to deal with all the exhibits.

11 MR GRIFFITHS: No, it doesn't, your Honour. There is also
12 MFI-36 which is the letter dated 12 August 1998 from the Embassy
13 of Liberia, PO Box 80, Conakry, Guinea, from "The Honourable
14 Christopher Minnicon [phon], acting Minister of Foreign Affairs,
10:02:39 15 Ministry of Foreign Affairs, Monrovia, Liberia". It is a two
16 page document, your Honour.

17 MS HOLLIS: The Prosecution does have an issue with this
18 document. The relevance was not established of the document and
19 the witness was unable to assist because the witness was unaware
10:03:02 20 of the document and the trip made by one of the individuals
21 mentioned in the document, to the witness's knowledge was in the
22 same year but for a different purpose, so we do object to this
23 exhibit.

24 MR GRIFFITHS: Your Honour will see reference in the second
10:03:20 25 paragraph of that letter to Major Kanneh and it was in connection
26 with the timing of Mr Kanneh's arrival in Liberia why we put this
27 document to the witness TF1-371, so it is relevant to that issue.

28 PRESIDING JUDGE: By majority that will be admitted as
29 Defence exhibit D-7.

1 [Exhibit D-7 admitted]

2 MR GRIFFITHS: The next document, your Honour, is MFI-37
3 which is a type written document entitled "Unofficial
4 translation, verbatim report on a recorded discussion between
10:04:29 5 Corporal Foday Sankoh and his cohorts on his return from
6 detention in Nigeria in 1999".

7 PRESIDING JUDGE: Ms Hollis?

8 MS HOLLIS: No objection, your Honour. For the record,
9 should they offer MFI-38 and MFI-39 we would have no objections
10:04:52 10 to those either.

11 PRESIDING JUDGE: Thank you. MFI-37, a 16 page document
12 headed "Unofficial translation, verbatim report on recorded
13 discussions" becomes Defence exhibit D-8.

14 [Exhibit D-8 admitted]

10:05:15 15 MR GRIFFITHS: We do offer MFI-38, your Honour, which are
16 excerpts from "The salute report to the leader of the revolution
17 from Major General Sam Bockarie".

18 PRESIDING JUDGE: MFI-38, a 14 page document headed
19 "Revolutionary United Front of Sierra Leone RUF S/L defence
10:05:44 20 headquarters" becomes Defence exhibit D-9.

21 [Exhibit D-9 admitted]

22 MR GRIFFITHS: Finally, your Honours, MFI-39, which is a
23 handwritten transcript of a Sierra Leone police interview
24 conducted with witness TF1-371 on 2 June 2000.

10:06:25 25 PRESIDING JUDGE: Ms Hollis, you have heard the - you did
26 not object to that one. Thank you.

27 MR GRIFFITHS: That completes the exhibits, your Honour.

28 PRESIDING JUDGE: This is a photocopy of a lengthy document
29 headed "The Sierra Leone police force". MFI-39 becomes exhibit

1 D-10.

2 [Exhibit D-10 admitted]

3 Thank you. I note that completes the exhibits for both the
4 Defence and the Prosecution. I am grateful to counsel for their
10:07:03 5 cooperation in this matter. If there are no other matters we
6 will proceed to the next witness, Ms Hollis.

7 MS HOLLIS: Madam President, the next witness will be
8 TF1-026. This witness will testify subject to protective
9 measures including a screen, voice and face distortion and no use
10:07:29 10 of the name of this witness but rather reference by TF number.

11 Also, this witness will be testifying in Krio.

12 PRESIDING JUDGE: For the purposes of record I note that
13 these measures were from a previous - Ms Hollis, for purposes of
14 record only, I am noting that the protective measures you have
10:07:56 15 stipulated, or specified, are as a result of an order.

16 MS HOLLIS: That is correct, Madam President. It is a
17 decision dated 5 July 2004.

18 PRESIDING JUDGE: Thank you.

19 MR ANYAH: Madam President, I will be undertaking the
10:08:13 20 examination of the witness for the Defence. I did want to make
21 an observation, if it please the Court, regarding the protective
22 measures. The Court Officer advised me yesterday of how the
23 process would work vis-a-vis the voice distortion measure. I am
24 told that following every question we interpose to the witness we
10:08:41 25 are supposed to turn off our microphones before she responds, or
26 else it increases the likelihood that her real voice will be
27 revealed, or disclosed. I don't know how long the examination of
28 this witness will take, but in future cases, where we are talking
29 about a few days of witness evidence, I wonder if the Court could

1 enquire whether in the future the technicians would be able to
2 correct this problem so that there is some rhythm to the
3 examination, rather than after every question the microphone is
4 turned off and on. That would be one issue.

10:09:22 5 Then the second issue would be I would indicate to the
6 Prosecution that I will be mindful of this procedure, but perhaps
7 the witness might be instructed also, in the event an objection
8 is interposed, or in the event somebody seeks to correct the
9 transcript, that she perhaps hold off responding, if she were in
10:09:46 10 the course of giving a response, until the Court addresses the
11 issues.

12 PRESIDING JUDGE: Normally there is only one microphone on
13 at a time, or should be only one microphone on at a time, isn't
14 that - that is the way it should be, so that should, in theory,
10:10:03 15 not be a problem, Mr Anyah.

16 MR ANYAH: I understand the Court's position. I see
17 Justice Sebutinde wishes to - I will hold on.

18 PRESIDING JUDGE: Court Management, will we have these
19 technical problems?

10:11:21 20 MS IRURA: Your Honour, this is the standard practice in
21 all tribunals for voice distortion measures. The fact that all
22 the microphones are in one room raises the chance of the
23 witness's voice leaking over one of the microphones, so for voice
24 distortion to be effective in all tribunals the microphones of
10:11:40 25 the counsel and the Chamber have to be switched off if the
26 witness is to respond so that voice distortion can take effect.

27 PRESIDING JUDGE: Mr Anyah, and I am not sure who is
28 leading this witness for the Prosecution, we will have to ensure
29 these microphones are off despite the problems that - or the

1 practical problems that may arise.

2 Is the witness here and we had better get this screen
3 opened, closed, or - before the witness is brought in can you
4 please ensure that the screen and the other protective measures
10:12:24 5 are in place. Is the Krio interpreter in place?

6 THE INTERPRETER: Yes, your Honours.

7 MS IRURA: Your Honour, in addition we would request that
8 the people sitting on the extreme end should not, under any
9 circumstances, go to the witness cam because that could reflect
10:13:27 10 the face of the witness. So, that means Mr Munyard's computer,
11 Ms Hollis and Ms Maja should have their screens off so that the
12 witness's face does not leak to the public gallery.

13 MR MUNYARD: Madam President, may I say something about
14 that because I was one of the parties who took part in the
10:13:57 15 experiment about these screens. I can't remember now who it was
16 from the Prosecution, but there was Court Officer Mr Romans,
17 I should say Legal Officer, Senior Legal Officer Mr Romans,
18 myself and one of the Prosecution advocates and we went through
19 into the public gallery mainly to see if there could be any
10:14:27 20 reflection in the screen behind the Bench and we were all
21 satisfied that there could be no reflection of a face there to
22 anyone in the public gallery, but we also were concerned about
23 these two extreme end computer screens and we were assured by
24 security, by the Head of Security, who was with us in the course
10:14:54 25 of this experiment that it would only be if somebody in the
26 public gallery came and stood over here, in other words beyond
27 the seating, that they would be able to peer in. They would have
28 to be literally behind where I am sitting and behind where
29 Ms Hollis is sitting. Now, nobody is allowed to go there.

1 Members of the public are not allowed to go there and they have
2 to sit down when they are in the public gallery. I will
3 undertake - let me put it this way: I will avoid using the
4 witness camera. I very rarely do use the witness camera, in
10:15:39 5 fact. One of the benefits of sitting here, even with this
6 curtain up, is that you can see sufficiently and I have to say
7 today, as I am not involved in this particular cross-examination,
8 I will not be having - there will be no need for me to be looking
9 at the witness, but as far as the danger that Madam Court Officer
10:16:01 10 has adverted to, it is highly unlikely and indeed it should not
11 be possible that anybody would be in a position to look in there.
12 It would only be if a serious error was made on the part of the
13 security staff having conduct of the security of the public
14 gallery. I am telling you all of that for your information.
10:16:24 15 I am not saying we should or should not have our screens on or
16 off on the witness camera, but we did take quite some time to
17 test these potential problems in the public gallery and
18 certainly, on the face of it, there should not be the danger that
19 Madam Court Officer has quite rightly raised as a matter of
10:16:49 20 concern. I don't think, in practical terms, it does pose the
21 danger that was suggested.

22 PRESIDING JUDGE: Thank you for that.

23 MS HOLLIS: May I add to that, please. The Prosecution's
24 recollection of that particular point is somewhat different, in
10:17:02 25 that if you were to stand there you could see, but also persons
26 seated on the edges in the front can also see, so certainly we
27 will be very mindful of that and not do that.

28 MR MUNYARD: I am sorry --

29 JUDGE LUSSICK: You were speaking on the position of the

1 Defence, were you, Mr Munyard, not on behalf of the Prosecution?

2 MR MUNYARD: Your Honour, we went to - well, I went to both
3 ends to look. Certainly, from what I could see, it was extremely
4 unlikely and the only really position that would give you a view
10:17:43 5 of the screen was if you came and stood by the window. Nobody is
6 allowed to stand by the window. Can I say I am not going to put
7 my witness camera on and so I will not be looking at any image of
8 the witness, but I just wanted the Court to know that the danger
9 that has been adverted to is minimal, in our view, in the light
10:18:08 10 of the experiment we conducted and if the security in the public
11 gallery - well, one thing they could do is they could just make
12 sure that everybody in the public gallery, of whom there are very
13 few and usually are very few when there is a protected witness
14 giving evidence, are seated in the middle of the public gallery.

10:18:28 15 PRESIDING JUDGE: I understand this witness has face
16 distortion in any event.

17 MR MUNYARD: I have nothing further to add because I just
18 wanted you to know that from my experience the danger is minimal.
19 I am obviously not suggesting that we should be lax in any way,
10:18:52 20 but I do feel that the danger of such exposure is minimal in the
21 extreme and there is a very simple step that can be taken with
22 the very small number of people that come to the public gallery
23 for these sort of sessions: If they are kept in the middle the
24 danger is completely obviated.

10:19:09 25 PRESIDING JUDGE: Thank you, Mr Munyard, Ms Hollis for
26 those observations and if it is necessary we will have the - ask
27 that the public do not sit at the edge. Please have the witness
28 sworn.

29

1 WITNESS: TF1-026 [Sworn]

2 PRESIDING JUDGE: Ms Alagenda, I note you are leading this
3 witness.

4 MS ALAGENDRA: Yes, your Honour, good morning. Just before
10:19:58 5 I proceed to examining the witness, I would like to inform the
6 Court and the parties that I will be seeking for a closed session
7 towards the end of the testimony of this witness in order to
8 elicit certain names and the names of places, which she may
9 identify, your Honour, but they cannot be public.

10:20:19 10 PRESIDING JUDGE: We will hear the application if and when
11 it arises, Ms Alagenda.

12 EXAMINATION-IN-CHIEF BY MS ALAGENDRA:

13 Q. Morning, Madam witness.

14 A. Good morning.

10:20:34 15 Q. Witness, can you tell the Court when you were born?

16 A. 1984.

17 Q. Do you remember the date and the month?

18 A. 9 November.

19 Q. Witness, how old are you now?

10:21:01 20 A. 24 years.

21 Q. Which country do you come from?

22 A. Freetown, Sierra Leone, Wellington.

23 Q. Which tribe do you belong to?

24 A. Limba.

10:21:31 25 Q. Do you have children?

26 A. Yes, two.

27 Q. What is the age of your eldest child?

28 A. 9 years.

29 Q. What languages do you speak?

1 A. I can speak Krio.

2 Q. Witness, do you remember the year 1999?

3 A. Yes.

4 Q. Can you tell the Court where you were living on 6 January

10:22:20 5 1999, without naming the exact village you were living in?

6 A. Okay, I was at Wellington, Freetown, Sierra Leone.

7 Q. Did anything happen to you, or your family, on 6 January

8 1999?

9 A. Yes.

10:22:51 10 Q. What happened, witness?

11 A. On 6 January the RUF rebels came to our house.

12 Q. How many of them came to your house?

13 A. There were nine.

14 Q. Who were you at home with?

10:23:20 15 A. I was at home with my mother, father, my sisters, my

16 family.

17 Q. When the nine RUF rebels came to your house, what happened?

18 A. When they came they had guns and they were shooting whilst

19 coming, so I ran away and hid under my bed.

10:23:56 20 Q. What happened after that?

21 A. So, when they came they took out my sister to the veranda,

22 together with me, but at that time my sister was crying and they

23 shot her and she died, because they said she was causing noise.

24 Q. Why was your sister crying?

10:24:21 25 A. She was crying because while they were shooting and they

26 had - they are taking all of us outside and that was why she was

27 crying.

28 Q. What happened after they shot your sister, witness?

29 A. She died.

1 Q. What happened after that?

2 A. Then they took me. They said they were going to take me
3 along and I started crying and they said if I cried they would
4 kill me.

10:25:05 5 Q. Who said they wanted to take you along and who said they
6 would kill you if you cried?

7 A. It was the RUF rebels.

8 Q. What happened after that?

9 A. And they took me along and they went with me.

10:25:32 10 Q. Where did they take you to, witness?

11 A. Up mountain.

12 Q. Do you remember the place you were taken to?

13 A. Yes, Wellington in Freetown, up on a mountain, Sierra
14 Leone.

10:25:56 15 Q. Is that the place they took you to, or took you from?

16 A. It was the place that they first took me after we had left
17 my house.

18 Q. Witness, before you left your village did anything happen
19 in your village?

10:26:21 20 A. Yes.

21 Q. What happened?

22 A. In the village they started burning houses and amputating
23 people.

24 Q. How many people were amputated?

10:26:46 25 A. Seven people.

26 Q. Who was doing the amputation?

27 A. It was the RUF rebels.

28 Q. And who were the people who were being amputated?

29 A. The civilians.

1 Q. Are you able to describe how this amputation took place?

2 A. Yes.

3 Q. Can you describe it for us, witness?

10:27:37

4 A. Like the - for men they will cut from the wrist and they
5 say it is long sleeve and for the women they cut just above the
6 elbow and they refer to that as short sleeve.

7 Q. Do you remember the ages of these civilians who were
8 amputated?

9 A. Yes.

10:28:05

10 Q. Can you tell us the ages?

11 A. 24, 26, 25.

12 Q. Is this the ages of the men?

13 A. Yes.

14 Q. Do you remember the ages of the women who were amputated?

10:28:31

15 A. 20, 22, 24.

16 Q. Did anything happen to any of the men who were amputated in
17 your village?

18 A. Yes.

19 Q. What happened?

10:28:57

20 A. One of the men whose arms was cut, they told him to go and
21 tell the people that they were coming, they the rebels.

22 Q. Did all the men whose hands were amputated survive?

23 A. One of them died. He had a white vest on.

24 Q. How did he die, witness?

10:29:34

25 A. Because he couldn't withstand the pain after his arm had
26 been amputated.

27 Q. You said that the RUF rebels were burning houses?

28 A. Yes.

29 Q. Are you able to say how many houses were burnt?

1 A. They burnt many houses.

2 Q. Did the RUF rebels do anything else in your village before
3 they left?

4 A. Yes.

10:30:22 5 Q. What did they do?

6 A. While they were burning the houses they burnt one man who
7 was a cripple. He was called Mr Wilson. He was a teacher. He
8 was in the house when he was burnt.

9 Q. Did anything happen to him?

10:30:49 10 A. He died in the house.

11 Q. Witness, where were you when the RUF were burning and
12 amputating civilians in your village?

13 A. We were there with them because at that time they had
14 captured me, so I was with them.

10:31:20 15 Q. How do you know that all this was happening in your
16 village?

17 A. Because during that time they said I should be there to see
18 what was happening, I should stand there to see.

19 Q. Do you know why they asked you to see this?

10:31:43 20 A. Yes.

21 Q. Why?

22 A. Because they said if I attempted to escape, or to do
23 anything, they will do the same thing to me, so that was why they
24 asked me to stand there to witness it myself.

10:32:04 25 Q. What did you feel when you were watching all this happening
26 in your village?

27 A. At that time I did not feel good. I was crying even.

28 Q. Witness, when you were being taken away where were your
29 parents?

1 A. My parents were at the house as they were taking me along.
2 I don't know how - where they went.

3 Q. Did they see you being taken away?

4 A. Yes, my mother and father were all there and they saw me
10:32:59 5 being taken along. They said they were going to go with me.

6 Q. Did your parents react in any way to see you being taken
7 away?

8 A. Yes, my mother attempted to plead with them and they said
9 if my mother said anything they would kill her.

10:33:32 10 Q. Witness, this group of RUF rebels that came to your
11 village, did they have a commander?

12 A. Yes.

13 Q. Do you know his name?

14 A. Yes.

10:33:47 15 Q. What was his name, witness?

16 A. He was called CO Rocky.

17 Q. Was he there at your village when all this was happening?

18 A. Yes.

19 Q. How do you know his name was CO Rocky?

10:34:11 20 A. When the RUF captured me they told me that, "This is our
21 boss, he is our commander", and they showed me his name.

22 Q. Were you the only civilian that was taken away from your
23 village with the RUF?

24 A. No.

10:34:39 25 Q. Who else was taken from your village?

26 A. Together with other - my colleagues. We were eight in
27 number.

28 Q. Were they male, or female?

29 A. Female.

1 Q. Apart from the eight females, were there any others taken
2 from your village?

3 A. Yes.

4 Q. Who else was taken from your village?

10:35:21 5 A. Civilians, many other people.

6 Q. Are you able to give an estimate of the number of people
7 taken from your village?

8 A. We were many, up to 50.

9 Q. And, witness, where did you say you went to from your
10:35:51 10 village?

11 A. When we left the village they took us to Calaba Town.

12 Q. Did anything happen on the way from your village to Calaba
13 Town?

14 A. Yes.

10:36:14 15 Q. What happened?

16 A. They met with two young boys and they amputated their arms.

17 Q. Can you describe how the arms were amputated?

18 A. One of them his arm was amputated from here [indicated] and
19 the other one his arm was amputated from here [indicated].

10:36:47 20 PRESIDING JUDGE: For the purposes of record I will note
21 that the witness indicated the mid-upper arm.

22 MS ALAGENDRA: That is correct, your Honour.

23 MR ANYAH: Well, Madam President, sorry to interrupt, but
24 I understood her to say the first one was to the wrist and the
10:37:07 25 second one was to the arm.

26 PRESIDING JUDGE: Thank you for that, Mr Anyah. Actually
27 your view is better than mine. I have a machine in front of me.
28 We will have that properly recorded on the record.

29 MS ALAGENDRA: Your Honour, can I just ask the witness to

1 show it again to be sure?

2 PRESIDING JUDGE: Yes, let us do that. Could you stand up,
3 Madam Witness, a little bit, maybe not the whole way, and repeat
4 what you have just demonstrated.

10:37:41 5 THE WITNESS: They cut here. They said it is long sleeve
6 [indicated].

7 PRESIDING JUDGE: Thank you.

8 THE WITNESS: And they amputated here [indicated]. They
9 said short sleeve.

10:37:58 10 PRESIDING JUDGE: Thank you, Madam Witness. Please be
11 seated. I will correct that record then. The witness
12 demonstrated that the first victim was cut at the wrist and the
13 second, mid-upper arm.

14 MS ALAGENDRA:

10:38:25 15 Q. Witness, do you remember the ages of these two boys?

16 A. One of them was 19.

17 Q. And the other one?

18 A. 20.

19 Q. How did you come to know the ages of these boys, witness?

10:38:47 20 A. Before their arms were amputated they asked them their
21 ages.

22 Q. Who asked them their ages?

23 A. The RUF rebels.

24 Q. Did anything else happen on the way to Calaba Town?

10:39:09 25 A. And they shot one man.

26 Q. Who shot the man?

27 A. The RUF rebels.

28 Q. Who was the man they shot, do you know?

29 A. He was a civilian.

1 Q. Why did they shoot him?

2 A. Because they told him to be halted and he did not. He ran
3 away. That was why he was shot.

10:39:58

4 Q. Witness, where were you and all the other civilians that
5 were captured when this was happening?

6 A. We were with them because as we were going along so they
7 were doing what they were doing, so for us to witness it
8 ourselves.

10:40:28

9 Q. What did you feel when you were watching all this happening
10 along the way?

11 A. I was not feeling good. I felt it so much.

12 Q. Did you, or any of the civilians with you try to escape?

13 A. Yes, but they hadn't any chance to escape because they were
14 being threatened.

10:41:00

15 Q. How were they being threatened?

16 A. They said if anybody attempted to escape they would be
17 killed.

18 Q. Along the way from your village to Calaba Town, where was
19 Major Rocky?

10:41:19

20 A. He was with them.

21 Q. With who, witness?

22 A. He was with the RUF rebels.

23 PRESIDING JUDGE: Ms Alagendra, did you say Major Rocky?

24 MS ALAGENDRA: Yes, I did, your Honour.

10:41:42

25 PRESIDING JUDGE: It is just I thought the witness had said
26 CO Rocky. Are they one and the same?

27 MS ALAGENDRA: Your Honour, I will stick to CO Rocky,
28 I apologise:

29 Q. Witness, did anything happen when you arrived in Calaba

1 Town?

2 A. Yes.

3 Q. What happened as soon as you arrived in Calaba Town?

10:42:25

4 A. When we got to Calaba Town the rebels took us, we the
5 girls, eight of us, and they put us in a living room.

6 Q. Who were the eight girls, witness, without naming their
7 names?

8 A. The civilians.

10:42:49

9 Q. Were these the eight girls that were captured with you from
10 your village?

11 A. Yes.

12 Q. Who took you into the living room?

13 A. The RUF rebels.

14 Q. Witness, how old were you at this time?

10:43:13

15 A. I was 14 years old.

16 Q. Did you know the ages of the other seven girls?

17 A. Yes.

18 Q. Are you able to tell the Court how old they were then?

19 A. They were 19, 18, 20.

10:43:43

20 Q. Do you remember the ages of the others?

21 A. 17.

22 Q. There was two more, witness, who you have not told us the
23 ages for. Do you know the ages?

24 A. Yes.

10:44:00

25 Q. What were the ages?

26 A. 22, 17.

27 Q. What happened when you and the seven girls were taken into
28 the living room?

29 A. So they took me to a corner place, four of them, the

1 rebels, in the same living room.

2 Q. What about the other seven girls, witness?

3 A. They were also in the living room, but they were on the
4 other side of the same living room.

10:44:49 5 Q. Who took them into the living room?

6 A. The RUF rebels.

7 Q. Are you able to say in total how many RUF rebels were in
8 the same living room as you and the seven girls?

9 A. They were eight, eight RUF rebels.

10:45:22 10 Q. Witness, you have said you were taken to the corner by four
11 of the RUF rebels. Without naming their names, can you tell the
12 Court what happened next?

13 A. When they took me to the corner they asked me to take off
14 my clothing and I started crying. I did not do it and they said
10:45:50 15 if I did not do it they would kill me, and all of them stood up
16 and they took off their dress.

17 Q. At this time were they carrying anything?

18 A. Yes, yes.

19 Q. What were they carrying?

10:46:08 20 A. They had guns.

21 Q. How many of them had guns?

22 A. All of them had guns. All of the four that took me had
23 guns with them.

24 Q. What happened after you were forced to remove your clothes
10:46:34 25 and they removed their clothes? What happened?

26 A. And they took off my underpants and the first one who went
27 there tripped me down and he took off his underpants and he put
28 me on the floor and he started fucking me.

29 Q. Witness --

1 JUDGE SEBUTINDE: Ms Alagenda, please. Mr Interpreter?

2 THE INTERPRETER: Yes, your Honour.

3 JUDGE SEBUTINDE: Can you find appropriate language to use
4 in the court.

10:47:21 5 THE INTERPRETER: Your Honours, in Court I two years back
6 the witness - the witness used --

7 JUDGE SEBUTINDE: Find appropriate language to use in court
8 that does not distort the meaning.

9 THE INTERPRETER: Okay, your Honour, I am sorry.

10:47:30 10 JUDGE SEBUTINDE: If you don't know, find out from the
11 dictionary.

12 THE INTERPRETER: Okay, your Honour, but a colleague used
13 to have said "sex" and a colleague was criticised in Court I.

14 JUDGE SEBUTINDE: Did the witness use the word you have
10:47:47 15 just used?

16 THE INTERPRETER: She did, your Honour, the very word.

17 JUDGE SEBUTINDE: Continue, Ms Alagenda.

18 MS ALAGENDRA:

19 Q. Witness, what were the other three men doing when the first
10:48:37 20 person was doing that to you?

21 JUDGE LUSSICK: Sorry, Ms Alagenda, were there three men,
22 or eight men altogether?

23 MS ALAGENDRA: Your Honour, she testified she was taken to
24 the corner by four men.

10:48:50 25 JUDGE LUSSICK: I see, I am sorry.

26 MS ALAGENDRA:

27 Q. Witness, I will ask you the question again. Can you tell
28 the Court what the other three men were doing?

29 A. The other three were arguing amongst themselves and one

1 would say, "After you I will be the next."

2 Q. The three men that were standing up, could they see you?

3 A. Yes.

4 Q. Could you tell the Court in relation to where you were

10:49:37 5 lying with the one man, how far they were, the other men, from
6 you?

7 A. We were lying like here and they were standing like here
8 [indicated].

9 PRESIDING JUDGE: The witness indicated, I would estimate,
10:50:04 10 about 2 metres. Is that estimation agreeable to the parties?

11 MS ALAGENDRA: Yes, it is, your Honour, for me.

12 MR ANYAH: It is for the Defence.

13 MS ALAGENDRA:

14 Q. Witness, what happened after that?

10:50:26 15 A. After the first one had completed, the second one did and
16 after all of them had used me in the living room and I started
17 bleeding.

18 Q. Witness, what did the second person do to you, witness?

19 A. After the first one had completed then the second one lay
10:51:02 20 on top of me and he started fucking me.

21 Q. What were the other two rebels who were standing there
22 doing at this time?

23 A. They were saying the same thing. The other one said after
24 his companion he will be the next.

10:51:30 25 Q. Witness, what happened after the second rebel finished
26 using you?

27 A. And the third one came and did the same thing to me.

28 Q. Witness, what was the fourth rebel doing when the third
29 rebel was using you?

1 A. He was standing, waiting, telling him to hurry up.

2 Q. Witness, what did you do when this was happening to you?

3 A. I was crying that time.

4 Q. Witness, when this was happening to you do you know what
10:52:37 5 was happening to the other seven girls that were in the parlour?

6 A. Yes, it was the same thing that they were doing to them
7 because it was a big living room.

8 Q. Are you able to describe what was happening to them?

9 A. Yes.

10:53:19 10 MS ALAGENDRA: Your Honour, can the Court perhaps ask the
11 witness if she would like a break, or to continue?

12 PRESIDING JUDGE: Madam Witness, are you feeling all right
13 and are you able to continue?

14 THE WITNESS: I want to have some time to - some time away.

10:53:42 15 PRESIDING JUDGE: Is there someone here from the Witness
16 Support Unit, please, and if - we will take the mid-morning break
17 early in the light of the witness's distress and I would ask that
18 someone from the Witness Support Unit could come and assist the
19 witness. Before we rise it will be necessary to close the
10:54:09 20 windows, I think.

21 Sorry, Mr Griffiths, I notice you are on your feet.

22 MR GRIFFITHS: Your Honour, I would not mind an opportunity
23 of addressing your Honours after the witness has departed, just
24 briefly.

10:54:25 25 PRESIDING JUDGE: Very well. In that case we will close
26 the blinds, please, and have someone assist the witness.

27 [In the absence of the witness]

28 Mr Griffiths?

29 MR GRIFFITHS: Your Honour, I thought it might be difficult

1 to experience anything more distressing than the DVD than we
2 watched the other week, but this experience certainly comes
3 close. Now, there has to be a limit to which the Prosecution are
4 willing to go in calling this kind of evidence. I say this for
10:55:27 5 this reason: Why do we need to go into this degree of detail
6 given the nature of the case being put by the Prosecution against
7 this accused man? Does it really assist the Court in deciding
8 his role to be causing this young woman to relive this experience
9 in this kind of detail? I cannot see how, given the way in which
10:55:57 10 the indictment is put, any of this detail is necessary, or indeed
11 relevant.

12 PRESIDING JUDGE: Ms Hollis, your reply?

13 MS HOLLIS: Thank you. It is most distressing and it is
14 this type of crime that brings us to this Court and the
10:56:20 15 Prosecution must prove not just this accused's involvement in
16 these crimes, but the crimes themselves and the world, if they
17 see this, that is part of this process. We do not bring
18 witnesses who say they will not come because we understand how
19 distressing it is, but talking about it in court is no doubt much
10:56:41 20 less distressing than when it was happening and it is because of
21 the crimes that we are here in court and there is certainly
22 relevance to it. There are three things we have to prove: The
23 underlying act, the rapes such as she is describing and the other
24 crimes, that they were crimes against humanity, or that they were
10:57:01 25 violations of Common Article 3, or they were other serious
26 violations, and, thirdly, this accused's involvement in all of
27 this, so this is a component of our proof and it is most
28 distressing. It is unfortunate we are here at all, but it is a
29 part and a very real part of this case.

1 JUDGE SEBUTINDE: Could we also observe, Mr Griffiths, that
2 the Defence has not agreed to the crime basis in the agreed facts
3 for the Prosecution. If you had, we might not be having this
4 conversation.

10:57:34 5 MR GRIFFITHS: Well, your Honour, I note the way in which
6 my learned friend has responded and I agree that none of this is
7 in the agreed facts, but your Honours will recall as long ago as
8 August of last year we outlined the way in which we intended to
9 defend this case and indicated that as far as the crime base
10 witnesses are concerned we didn't see the need to call any of
11 them to give evidence. We indicated that because, as far as this
12 degree of detail is concerned, it seems to us that we are not in
13 a position to challenge any of it. Now, if this witness were to
14 be naming this accused as being personally present, supervising
10:58:24 15 and ordering this behaviour, then one could see that there was
16 grounds upon which this witness should be called and should be
17 cross-examined. I still fail to see the relevance, particularly
18 as this Tribunal has already heard copious evidence of this
19 nature. So, to what extent does it assist the Court to repeat
10:58:50 20 that experience? Maybe I am missing something here.

21 JUDGE SEBUTINDE: Mr Griffiths, when you say this Court has
22 already heard copious evidence of this nature what are you
23 referring to?

24 MR GRIFFITHS: I am referring to this witness, as I
10:59:12 25 understand it, having already given evidence in the AFRC trial.

26 JUDGE SEBUTINDE: That is not this Court. We are not aware
27 of this witness's evidence. We are seeing this witness for the
28 first time.

29 PRESIDING JUDGE: And it is a different court, a different

1 trial.

2 MR GRIFFITHS: My learned friend Mr Anyah indicates that
3 I have got my facts confused, but some of the crime base
4 witnesses have certainly given evidence before.

10:59:38 5 PRESIDING JUDGE: I trust, Mr Griffiths, you are not
6 suggesting that - I speak for myself - I am coming with
7 pre-determined ideas.

8 MR GRIFFITHS: No, that is not the reason why I am making
9 the point, your Honour. I am making the point for this simple
10:59:54 10 reason: That at one level this Court knows the horrors of the
11 experiences in Sierra Leone, so to what extent do we really need
12 to be going through these experiences? It is a simple point.
13 I appreciate that having this kind of testimony broadcast
14 globally does create headlines and if that is what the
11:00:15 15 Prosecution want, fine, but the question is one of relevance it
16 seems to us.

17 PRESIDING JUDGE: Thank you, Mr Griffiths, you have made
18 your point.

19 MS HOLLIS: Madam President, this Court, in this case, will
11:00:28 20 decide this case on the evidence brought before it in this case.
21 These facts are not judicially noted, they are not agreed facts.
22 We have the burden of proof, we have the burden for you and the
23 burden on appeal. For the Defence to insinuate that we bring
24 people here to make headlines we take great offence to. We are
11:00:50 25 doing our job. We find it most distressing that people like this
26 exist, but they do and the crimes have to be proven as well as
27 the accused's connection to them.

28 PRESIDING JUDGE: If it is alleged that crimes have been
29 committed then there is an obligation and duty on the Prosecution

1 to prove those crimes in the absence of any other form of
2 agreement, or agreed facts. The evidence of the witness will
3 proceed.

4 We will take the mid-morning break now and we will resume
11:02:32 5 at 11.35.

6 [Break taken at 11.05 a.m.]

7 [Upon resuming at 11.35 a.m.]

8 PRESIDING JUDGE: Madam Witness, are you feeling better
9 now.

11:35:52 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: If you have a problem, please tell us.
12 And I think is there a Witness Support Officer in the Court?
13 Yes, thank you.

14 Please proceed, Ms Alagendra.

11:36:12 15 MS ALAGENDRA: Thank you, your Honour:

16 Q. Witness, you stopped when you were telling the Court that
17 the same thing was happening to the other seven girls in the same
18 parlour and you were able to see it, and I had asked you whether
19 you were able to describe what was happening to them and you said
11:36:31 20 "Yes". Witness, can you describe what was happening to the other
21 seven girls in the parlour?

22 A. Yes.

23 Q. Please describe it, witness.

24 A. They too were stripped naked. The RUF themselves were
11:36:56 25 naked and they were fucking them too.

26 Q. From where you were lying, could you see how many RUF were
27 using those seven girls?

28 A. Yes.

29 Q. How many, witness?

1 A. There were four.

2 Q. Was it four to each girl, or four for all the seven girls?

3 A. After the four had finished, the three joined the four and
4 they became seven and they were using the seven girls.

11:37:56 5 Q. From where you were, could you hear if the girls said
6 anything while this was happening to them?

7 A. No, they too were crying.

8 Q. Witness, when this was happening to you and the seven
9 girls, where were the other civilians that had been captured from
10 your village and brought to Calaba Town?

11 A. They were outside.

12 Q. Could they see what was happening inside?

13 A. They were unable to see through.

14 Q. Did they know what was happening inside?

11:38:48 15 A. Yes.

16 MR ANYAH: Objection.

17 PRESIDING JUDGE: You are asking the witness to speculate,
18 Ms Alagenda. You cannot see what is in the minds of others.

19 MS ALAGENDRA: Your Honour, I was going to follow that
11:39:03 20 question by asking how she knew that they knew and so I would
21 first have to establish the foundation that they knew.

22 PRESIDING JUDGE: In that case I will hear your
23 application, Mr Anyah.

24 MR ANYAH: My application would have been the same as the
11:39:14 25 Court has indicated. The question invites speculation and I
26 suppose there are other ways to lay the appropriate foundation
27 without posing the question at the front of the sequence.

28 PRESIDING JUDGE: Yes, you will have to lay a different
29 foundation, Ms Alagenda.

1 MS ALAGENDRA: Perhaps I will ask the witness if she knew
2 whether they knew what was happening, if my learned friend does
3 not object to that?

4 MR ANYAH: I will allow the question.

11:39:49 5 PRESIDING JUDGE: I allow the question, Mr Anyah.

6 MR ANYAH: Yes, Madam President. Yes.

7 PRESIDING JUDGE: Please proceed, Ms Alagenda. We will
8 allow that question.

9 MS ALAGENDRA: Thank you, your Honour:

11:39:58 10 Q. Witness, do you know if the people that were outside knew
11 what was happening to you and the seven girls inside the parlour?

12 A. Yes, they knew.

13 Q. How do you know that they knew?

14 A. Because when they knew, after we had come out, two of the
11:40:19 15 women asked me what happened that we were crying and I explained
16 to them.

17 Q. What was their reaction to what you explained?

18 A. I was not feeling fine. I was feeling hurt, because at
19 that time I was feeling dizzy and at that time I was nervous.

11:40:50 20 JUDGE SEBUTINDE: Just a minute. Mr Interpreter, did you
21 say "I was feeling hot", or "hurt"?

22 THE INTERPRETER: Hurt.

23 MS ALAGENDRA:

24 Q. Witness, what was the reaction of those people when you
11:41:07 25 told them what happened inside?

26 A. They were not feeling fine. Then the two women at the time
27 that I was crying they told us to stop crying and they said if
28 they found us crying, rather than them killing us better stop
29 crying. That was the advice that she gave to us.

1 MS ALAGENDRA: Your Honour, for some reason I am not
2 getting a translation through my earphones.

3 PRESIDING JUDGE: I am hearing quite clearly. Madam Court
4 Attendant, would you assist counsel for the Prosecution and see
11:41:47 5 what is happening.

6 MS ALAGENDRA:

7 Q. Witness, how long did you and the other captives spend with
8 the RUF in Calaba Town?

9 A. Two days.

11:43:01 10 Q. Did anything happen to you or anyone else the next day in
11 Calaba Town?

12 A. Yes.

13 Q. What happened, witness?

14 A. The next day one of the RUF rebels took me inside and he
11:43:24 15 said I should remove my clothes and when I did that he fucked me
16 there again.

17 Q. During the two days that you were with the RUF in Calaba
18 Town, were you given food to eat?

19 A. We fended for ourselves.

11:43:50 20 Q. How did you fend for yourself?

21 A. Well, the civilians who were outside some of them had ghari
22 and boga wheat. We asked them and they gave us - they shared it
23 among us and we ate.

24 Q. Witness, after the two days in Calaba Town, where did you
11:44:16 25 go to?

26 A. Then we went to Waterloo.

27 Q. Who went to Waterloo?

28 A. The RUF and us, we went to Waterloo.

29 Q. Did anything happen along the way from Calaba Town to

1 Waterloo?

2 A. Yes.

3 Q. What happened?

11:44:54

4 A. They met a man and they called the man and he wanted to run
5 away and they said, "If you run away we will shoot you", but they
6 caught the man and they cut off his hand and they told him to go
7 and tell them that they were coming. They were at the rear.

8 Q. Who was the man?

9 A. He was a civilian. He was a civilian.

11:45:15

10 Q. And who cut off his hand, witness?

11 A. The rebel.

12 Q. Are you able to describe how they cut off his hand?

13 A. Yes.

14 Q. Please describe it, witness.

11:45:34

15 A. They lay his hand like this [indicated] and they took a
16 cutlass and they cut off his hand here. [indicated]

17 MS ALAGENDRA: Your Honour, for the record the witness is
18 pointing to the wrist.

11:45:53

19 PRESIDING JUDGE: Yes, for the record the witness indicates
20 the wrist.

21 JUDGE SEBUTINDE: Mr Interpreter, we have on the record,
22 "They cut the man and they cut off his hand". Did the witness
23 say "They cut the man", or did the witness say "They caught the
24 man"? It doesn't make sense.

11:46:15

25 THE INTERPRETER: Your Honours, can the witness kindly be
26 asked to repeat her answer?

27 PRESIDING JUDGE: Madam Witness, would you please repeat
28 your answer for the interpretation.

29 THE WITNESS: Yes. When they caught the man they cut off

1 his arm here. [i ndi cates]

2 PRESIDING JUDGE: Thank you. Please proceed, Ms Alagendra.

3 MS ALAGENDRA:

11:46:56

4 Q. Did anything else happen, witness, along the way to
5 Waterloo?

6 A. Yes. When we arrived at Waterloo, when the civilians saw
7 the rebels coming with me they were running away and they started
8 shooting after them and they were dying.

11:47:18

9 Q. Witness, the number of civilians that left with you from
10 your village when you were first captured, was it the same number
11 by the time you arrived at Waterloo?

12 A. Yes, there were more than that number.

13 Q. How did the number increase, witness?

11:47:44

14 A. There were many. I cannot tell the number at that time.
15 There were many.

16 Q. And how was it there was now so many people more than when
17 you left your village first?

11:48:10

18 A. That is the time that we were going, those were the ones
19 that were being captured. They joined us. That was why the
20 people were many.

21 Q. The captured civilians that were going with the RUF, were
22 they doing anything along the way?

23 PRESIDING JUDGE: Which "they", Ms Alagendra? The persons
24 captured, or the rebels?

11:48:33

25 MS ALAGENDRA: The civilians, your Honour.

26 THE WITNESS: Yes.

27 MS ALAGENDRA:

28 Q. What were they doing, witness?

29 A. They gave them bags to carry.

- 1 Q. What was in the bags that the civilians were made to carry?
- 2 A. There were things in there in the bags.
- 3 Q. And do you know where they got the things from?
- 4 A. Those that they were taking from those houses were the ones
- 11:49:13 5 that they put in those bags.
- 6 Q. Who was taking things from the houses?
- 7 A. The RUF rebels.
- 8 Q. And from whose houses were they taking things?
- 9 A. The civilians' houses.
- 11:49:36 10 Q. Witness, when you were going from Calaba Town to Waterloo
- 11 where was CO Rocky?
- 12 A. He was with them.
- 13 Q. When you arrived at Waterloo, did you meet anybody?
- 14 A. We met civilians at Waterloo.
- 11:49:59 15 Q. Apart from civilians, did you meet anybody else?
- 16 A. Yes, we met CO Rocky. CO Rambo, sorry.
- 17 Q. Who is CO Rambo?
- 18 A. He was an RUF commander.
- 19 Q. How did you know that, witness?
- 11:50:31 20 A. Because wherever we went when they met any of the bosses
- 21 there they would tell us that, "This is a big man for us". That
- 22 is how we knew.
- 23 Q. Who would tell you that?
- 24 A. The RUF rebels.
- 11:50:49 25 Q. How long did you stay in Waterloo?
- 26 A. We were there for a week.
- 27 Q. Where did you go to after the one week?
- 28 A. We went to Makeni.
- 29 Q. Who did you go with to Makeni?

1 A. We and the RUF and the CO Rocky.

2 Q. When you say "we", witness, who are you referring to?

3 A. We the civilians.

4 Q. What happened when you went to Makeni?

11:51:42 5 A. When we arrived at Makeni, they took us to Brigadier Issa.

6 Q. Do you know Brigadier Issa's full name?

7 A. That is - that was the only name I knew when we were there.

8 Q. Do you know who Brigadier Issa was?

9 A. Yes.

11:52:10 10 Q. Who was he?

11 A. He was the big man in Makeni. He was the RUF big man in
12 Makeni. The commander.

13 Q. Did you meet anybody else in Makeni that you can remember?

14 A. Yes.

11:52:37 15 Q. Who were they, witness?

16 A. We met Superman there.

17 Q. Who is Superman?

18 A. He was also a big man in the RUF.

19 Q. How long did you remain in Makeni?

11:53:02 20 A. In Makeni we were there for three weeks.

21 Q. What were you and the other civilians doing in Makeni when
22 you were there for three weeks?

23 A. We were at CO Issa's house. We used to cook, launder and
24 whenever his wife wanted to go to the market she would ask us to
11:53:32 25 accompany her. Those were the works we did.

26 Q. Why did you have to do that work?

27 A. Because during those times they had captured us we were
28 under them. That is why whatever they asked us to do we would
29 do.

1 Q. What happened after the three weeks?

2 A. Then Issa said they should take us to Kailahun. He said a
3 woman should not be among them. She has not been trained and so
4 they should take us to Kailahun.

11:54:14 5 Q. When you say "Issa", witness, are you referring to
6 Brigadier Issa?

7 A. Yes.

8 Q. And who was he saying it to that the woman had to be taken
9 for training?

11:54:35 10 A. He was telling C0 Rocky that they should take us along.

11 Q. What happened after that?

12 A. Then they took us from there to Kailahun in Buedu.

13 Q. Who took you to Buedu in Kailahun?

14 A. C0 Rocky took us along and he handed us over to Mosquito.

11:55:10 15 Q. How many of you were taken to Buedu?

16 A. We were 20 girls.

17 Q. Witness, who is Mosquito?

18 A. He was the big man for all of them.

19 Q. All of whom?

11:55:35 20 A. The RUFs.

21 Q. How did you know that, witness?

22 A. Because when we arrived they told us that this was our
23 boss.

24 Q. Who told you that?

11:55:55 25 A. The RUF C0 Rocky.

26 Q. Where did you meet Mosquito in Buedu?

27 A. In Buedu Town. That is how they called there, Buedu. That
28 is what I know.

29 Q. Did you meet him in any particular place in Buedu that you

1 can remember?

2 A. At his house. The house where he was, that was where we
3 met him in Buedu.

4 Q. What happened when you went to Mosquito's house in Buedu?

11:56:38 5 A. Then Rocky, CO Rocky, told him that, "These girls, Issa had
6 said that we should bring them for training". Then Mosquito said
7 we should be taken to the field - Buedu field - and that he will
8 be coming.

9 Q. Witness, how did you travel from Makeni to Buedu?

11:57:03 10 A. After Makeni, we boarded a vehicle that took us to Kono.
11 From Kono we walked to Kailahun.

12 Q. Witness, what happened after Mosquito said you had to be
13 taken to the field for training?

14 A. Then they took us there, CO Rocky took us there, and we met
11:57:32 15 a woman there. She was called Krio Mammy and he handed us over
16 to her.

17 Q. Who was Krio Mammy?

18 A. An RUF woman. A vanguard.

19 Q. Why were you handed over to Krio Mammy?

11:57:58 20 A. They said she should train us.

21 Q. What happened after you were handed over?

22 JUDGE SEBUTINDE: Could we have some spellings, please.

23 Spellings.

24 MS ALAGENDRA: I beg your pardon, your Honour. Krio Mammy,
11:58:16 25 your Honour, is K-R-I-O and the next word is M-A-M-M-Y:

26 Q. Witness, what happened after you were handed over to Krio
27 Mammy?

28 A. After he had handed us over to Krio Mammy, we were there
29 when Mosquito came and met us on the field.

1 Q. What happened when he came and met you on the field?

2 A. He said they should start training us.

3 Q. Did he say anything else?

4 A. No, he said now that we are at the field if anybody

11:59:14 5 attempts to run away if he or she is caught he or she will be
6 killed.

7 Q. What happened after Mosquito said that?

8 A. When he said that he went away and they started training
9 us.

11:59:36 10 Q. Who was being trained on that field?

11 A. We the civilians. They were training us.

12 Q. How many of you were being trained?

13 A. We were 20.

14 Q. And who were these 20 civilians?

12:00:04 15 A. The girls. We the girls. The civilians.

16 Q. Witness, what kind of training were you given at this
17 training base in Buedu?

18 A. We were trained. They were telling us to lie down and we
19 lie down on the ground and they will tell us to crawl using our
12:00:29 20 arms and we will crawl and they will tell us to roll from one
21 point to the other. They also taught us how to shoot a gun.

22 Q. Do you know why they were teaching you how to crawl and
23 roll from one side to another?

24 A. They said because when we were with them if the ECOMOG
12:01:02 25 attacks we should know how to shoot, how to crawl, in order to
26 escape because they will not be able to fight for us at that
27 time.

28 Q. What kind of guns were you trained how to use?

29 A. They said AK. They had the other one called G3.

1 Q. Were all the trainees trained how to use a gun?

2 A. Yes.

3 Q. And during the training did each of the 20 trainees have a
4 gun?

12:01:56 5 A. Yes.

6 Q. Witness, how old were you when you were being trained?

7 A. I was 14 years old.

8 Q. Did you know the ages of the other 19 girls who were being
9 trained?

12:02:24 10 A. 19, 18, 20.

11 Q. Witness, you have given me three ages. Do you remember the
12 ages of the others?

13 A. 22, 24, 25, up to 26.

14 Q. How long did you undergo this training?

12:02:58 15 A. We were there for six months.

16 Q. Witness, did you or any of the other trainees ever try to
17 escape the training base in Buedu?

18 A. Yes.

19 Q. Did anything happen to you or any of the trainees who tried
12:03:26 20 to escape?

21 A. Yes.

22 Q. Witness, can you tell the Court how you tried to escape and
23 what happened?

24 A. When we were there, we became tired. Then the two girls
12:03:54 25 they were in Kono and I asked them if they know a route by which
26 we could escape and they said "Yes". They showed us one road and
27 we went down. There was a place there called Waterside. We met
28 four girls there. They too were trying to escape. They had come
29 from the training base, but they were the first to arrive there.

1 They said we should wait there. A boat was coming to take us to
2 Liberia. That was where we were standing in wait, when two women
3 came and met us there and they told us that Mosquito was coming.
4 They said they have told him that there are some girls down
12:04:35 5 Waterside who want to escape, so the two of us ran away and came
6 back to the training base and left the two others down the
7 Waterside.

8 Q. Witness, I would ask you to pause. Witness, the other two
9 girls that you met down at the Waterside, who were they?

12:05:03 10 A. They were the Kono girls who were all at the training base.
11 They were civilians. They were the ones we met at the Waterside.

12 Q. Did they return back to the training base with you when you
13 went back?

14 A. No, we left the two of them there at the Waterside. The
12:05:29 15 four of us who went there came back.

16 Q. Did anything happen after you arrived back at the training
17 base?

18 A. Yes.

19 Q. What happened?

12:05:40 20 A. Yes. When we came they took some time and Mosquito came
21 back with the two girls and they called all of us up and we stood
22 and they said he was coming to set an example for any person who
23 would attempt to escape that he would do the same thing to them.
24 He took a gun from one of his boys, the RUF boys, and he shot the
12:06:07 25 two girls and killed them. He said that was an example for any
26 of us who would attempt to run away he will do the same thing to
27 us.

28 Q. Witness, who was watching this example that was set by
29 Mosquito?

1 A. We the civilian girls who had been taken there for
2 training. We were watching.

3 Q. How many of you were watching?

4 A. Seven - we were 17.

12:06:54 5 Q. Witness, earlier you mentioned that there were 20 of you
6 that went for training?

7 A. Yes.

8 Q. And you have said there were 17 of you watching this
9 example?

12:07:11 10 A. Yes, because the reason I said we were 17 during the
11 training before we ran away one of the girls died because she was
12 unable to undergo the training and so 19 of us remained. That
13 was why I said 17 of us were watching.

14 Q. Witness, how did that girl die?

12:07:42 15 A. She died. She said that she was unable to undergo the
16 training. She was complaining of headache and body ache and so
17 the next day she died.

18 Q. Witness, what happened after Mosquito shot those two
19 trainees?

12:08:09 20 A. After that he passed an order that all of us there should
21 be marked, because when you were marked "RUF" if you ran away
22 wherever you went if you were caught you will be killed. That
23 was the time they took the knife and started marking us "RUF".

24 Q. Witness, were you marked "RUF"?

12:08:37 25 A. Yes, one woman took the knife. She said it was a dagger.
26 She wrote on my chest "RUF". When she writes "R", she would
27 space it and write another letter until she finished writing
28 "RUF" on my chest.

29 Q. Witness, how many of you were marked with "RUF" on your

1 chest?

2 A. 17 of us.

3 Q. Did you suffer any wound as a result of the marking?

12:09:32

4 A. Yes, she used a knife, so when she was marking me she would
5 wound me and the blood was oozing from there. I felt it when she
6 was doing that, but I couldn't do anything because there was a
7 gun pointed at my back.

8 Q. And the other 16 girls, witness, did they also suffer a
9 wound?

12:09:50

10 A. Yes, yes.

11 THE INTERPRETER: Your Honours, could the witness be
12 advised to wait for the Krio interpretation, please.

13 PRESIDING JUDGE: Madam Witness, the interpreter asks for
14 you to pause and hear the interpretation completely before you
15 answer. Do you understand?

12:10:11

16 THE WITNESS: Yes. Yes, sir.

17 PRESIDING JUDGE: Thank you.

18 MS ALAGENDRA:

19 Q. Witness, how long did it take for your wounds to heal?

12:10:38

20 A. It took one week, because after he had marked me I ground
21 charcoal and I was putting it there. It took one week. Then it
22 got dried. After a week, I started removing the scab. I thought
23 that by removing the scab the mark would be erased.

24 Q. Witness, in which part of your body were you marked?

12:11:11

25 A. On my chest.

26 Q. And the other 16 girls, in which parts of their bodies were
27 they marked?

28 A. On their chests.

29 Q. Witness, what happened after you completed six months of

1 training?

2 A. After the six months training, then Mosquito said they
3 should bring us to Makeni to hand over us to Issa.

4 Q. Were you handed over to Issa in Makeni?

12:12:03 5 A. Yes.

6 Q. And when you say "Issa", do you mean Brigadier Issa?

7 A. Yes.

8 Q. How long did you remain in Makeni, witness?

9 A. When we left Kailahun, I spent two months in Makeni.

12:12:33 10 Q. What were you doing for two months in Makeni after you were
11 handed over to Brigadier Issa?

12 A. We used to cook. We cooked, we laundered and wherever he
13 sent us - wherever his wife sent us we would go there. We were
14 not going there alone. They would give us one of the RUF boys to
15 accompany us.

12:13:02

16 Q. And why were you doing all this work in Makeni for Issa and
17 his wife?

18 A. Because during those times we were under him. He had
19 captured us. We had no power. That was why whatever he told us
20 we would do.

12:13:26

21 Q. And the other 16 girls, witness, what were they doing when
22 they were in Makeni?

23 A. They too were doing the same work.

24 Q. And why were they doing the work?

12:13:51

25 A. Because we had all been captured and we were under them.
26 That was why they too were doing the same work.

27 Q. Witness, did anything else happen to you and the other 17
28 girls when you were in Makeni?

29 A. Yes.

1 Q. What happened?

2 A. Issa said - Brigadier Issa said - a woman should not be
3 among them without a husband and so everybody should have a
4 husband. Then he took us and gave us to his boys, the RUF boys.

12:14:32 5 He would say, "You, this is your own husband. You, this is your
6 own husband". That was how we were there.

7 Q. Witness, was there any procedure before the RUF became
8 husbands to you and the other 17 girls?

9 A. No.

12:15:10 10 Q. Witness, you said you were from the Limba tribe. Is that
11 correct?

12 A. Yes.

13 MR ANYAH: Madam President, I am sorry to interrupt. The
14 record initially when she mentioned her tribe represented it as
12:15:32 15 being Nimba with an N.

16 PRESIDING JUDGE: I did notice that, Mr Anya. I clearly
17 heard "Limba" and I was intending to bring this up later. I
18 think the record is incorrect.

19 MR ANYAH: Thank you, Madam President.

12:15:51 20 MS ALAGENDRA: Your Honour, for the record it is Limba
21 spelt L-I-M-B-A.

22 PRESIDING JUDGE: Yes, I think the witness did say that
23 quite clearly.

24 JUDGE SEBUTINDE: That is why it is important to catch up
12:16:06 25 with these spellings as and when they happen.

26 MS ALAGENDRA: Yes, your Honour:

27 Q. Witness, in your tribe how does a woman get married to a
28 man?

29 A. Well, on our side if you have a man that wanted you he

1 would go to your people and ask for your hand in marriage. Then
2 after your people had approved, some people do bring calabashes
3 wrapped in white cloth, some would take a ring and others - then
4 they will marry you. That is what I used to see and that was how
12:17:00 5 I saw my elder sister being married.

6 Q. Witness, did your parents have to agree before you could
7 marry the man?

8 A. Yes.

9 Q. What would happen if you or your parents refused to marry
12:17:23 10 the man?

11 A. The marriage won't take place.

12 Q. Now, witness, you have testified that you had an RUF rebel
13 husband. What did you have to do, or did you have to do anything
14 as a wife to this rebel husband?

12:18:00 15 A. Well, I would launder for him. When he sends me I will go
16 there. The two of us stayed together at night. We would sleep
17 together. So, that was what happened when he became my husband.

18 Q. Witness, what do you mean when you say "sleep together"?

19 A. When night falls, the two of us would meet. He would use
12:18:33 20 me as a woman. He will fuck me.

21 Q. Witness, did you have a choice whether or not you wanted to
22 sleep with your rebel husband at night?

23 A. This was something I did not like, but for my safety I
24 agreed.

12:19:14 25 Q. Witness, how old were you when you were married off to this
26 rebel husband of yours?

27 A. I was 14 years.

28 Q. You have testified that you were in Makeni for two months?

29 A. Yes, yes.

1 Q. What were the circumstances under which you left Makeni
2 after the two months?

3 A. After the two months, I became pregnant. When I became
4 pregnant I too decided that I was going to escape, because that
12:20:05 5 was my first pregnancy and I did not understand anything about
6 pregnancy and so I ran away and came to one village and slept
7 there. In the morning, I came to a place called Gbere Junction.
8 That is where I boarded a vehicle and came in search of my
9 people.

12:20:24 10 MS ALAGENDRA: Your Honour, for the record Gbere is spelt
11 G-B-E-R-E Junction:

12 Q. Witness, how did you travel to Gbere Junction?

13 A. When I left Makeni, I saw a road. I travelled through that
14 road up to a village. Nobody was in that village. I entered a
12:20:56 15 house - a mud house - and slept there. In the morning I saw
16 another road and I used that and I went up to the junction and I
17 stood there until I saw a vehicle which I boarded.

18 Q. The vehicle that you boarded, where did it take you to?

19 A. It brought me to Freetown in Wellington, Sierra Leone.

12:21:28 20 Q. Witness, from Makeni to Wellington did you make the journey
21 alone?

22 A. From Makeni to Gbere Junction I was alone. From Gbere to
23 Wellington I was not alone. It was the RUF vehicle which was
24 there, but at that time the war had started to subside and so
12:22:00 25 there were no checkings and so I unboarded it.

26 THE INTERPRETER: Boarded it, your Honours. Sorry,
27 interpreter's mistake.

28 MS ALAGENDRA:

29 Q. Where did you go to in Wellington, witness, without naming

1 your village, the place you went to?

2 A. When we got to Wellington I searched for my people's place,
3 the village where my mother was, so I went there.

4 Q. Did you meet your mother?

12:22:38 5 A. Yes.

6 Q. What was her reaction when she met you?

7 A. When I met my mother she started crying, because they had
8 told her - she said they had told her I had died and I said, "No,
9 I am not dead. I just escaped". She was afraid even.

12:23:13 10 Q. Did you meet anybody else in your village?

11 A. I met my sisters and my relatives in the village with other
12 people.

13 Q. How did your relatives and the other people in the village
14 react to you when they saw you?

12:23:41 15 A. When I just went and they saw me they were not coming close
16 to me because they said I was a rebel. Even when I would be
17 passing they would say, "Look at that rebel", but at that time my
18 mother was talking to me and so I didn't use to walk around
19 except when I would want to go to the hospital because I was
12:23:57 20 afraid myself because I didn't want them to do anything to me.

21 Q. Witness, what happened after you went back to your village?

22 A. When I had come my mother took me to the hospital. When I
23 told her that I was pregnant, she took me to the hospital.

24 Q. What happened at the hospital?

12:24:34 25 A. So, my mother went to the doctor and the doctor was to be
26 treating me and so I used to go there.

27 Q. Did you have your baby, witness?

28 A. Yes.

29 Q. Is the child still with you?

1 A. Yes.

2 Q. How old is the child now?

3 A. Nine years.

4 Q. Witness, you told the Court that when you arrived back at
12:25:13 5 your village your relatives and villagers were avoiding you and
6 referring to you as a rebel. Has that changed until today?

7 A. Well, now it is not all of them. Some of my companions who
8 are younger will still that to me, "I am not going to be with you
9 because you are a rebel".

12:25:44 10 Q. How do these people treat your child?

11 PRESIDING JUDGE: Madam Witness, are you all right? Could
12 you please assist the witness.

13 WITNESS SUPPORT OFFICER: Your Honour, the witness would
14 like to proceed with her testimony.

12:26:38 15 PRESIDING JUDGE: That is fine. Madam Witness, if you need
16 a break you must tell us. If you are happy to proceed that is
17 equally good. So, we will go on. Please proceed and if we could
18 have the curtains reopened, please.

19 MS ALAGENDRA: If I may, your Honour?

12:27:27 20 PRESIDING JUDGE: Yes, please proceed, Ms Alagenda.

21 MS ALAGENDRA:

22 Q. Witness, you were telling the Court how do your relatives
23 and villagers - how do they treat your nine year old child today?

24 A. If the children would be playing and if mine did anything
12:27:46 25 they will just say, "Leave this place. You are a rebel". They
26 treat my child with scorn, except when my mother will call my
27 child and start talking to my child.

28 Q. Does your child know what happened to you and the
29 circumstances of her birth?

1 PRESIDING JUDGE: Have we determined whether it is a her?

2 MS ALAGENDRA: I will ask the question, your Honour:

3 Q. Witness, this child of yours, is it a boy or a girl?

4 A. She is a girl.

12:28:36 5 Q. I will repeat my question for you. Does she know what
6 happened to you and the circumstances surrounding her birth?

7 A. She doesn't know because she is too young for now.

8 Q. Has she ever asked?

9 A. She used to ask me when she would play - go to play with
12:29:04 10 her colleagues and some of them would talk about their fathers
11 and she would ask me "Where is my father?", and my father would
12 tell her that "No, I am your father."

13 Q. Witness, you have testified that when you were in Buedu at
14 the training camp you were marked "RUF" on your chest. Do you
12:29:31 15 still have the scars?

16 A. When I came the scar was there. It was permanent, but
17 there was an NGO called COOPI, they took me, they said they were
18 going to take the mark off so they took me to a hospital at Lungi
19 called IMC, but I still have the scar, but the RUF initials is
12:30:01 20 not there any more.

21 PRESIDING JUDGE: Could we have the spelling of the
22 hospital, please, Ms Alagenda and the location.

23 MS ALAGENDRA: Your Honour, I think witness said IMC.

24 PRESIDING JUDGE: I heard something like COOPI.

12:30:30 25 MS ALAGENDRA: Your Honour, it is C-0-0-P-I. It is an NGO,
26 your Honour:

27 Q. Witness, who did you go with when you went to IMC to have
28 your marks removed?

29 A. They took ten of us, myself and other girls. Ten of us

1 were taken there.

2 Q. Why did those ten girls go there?

3 A. They too had the "RUF" inscription.

4 Q. Where did they have the inscription?

12:31:18 5 A. The same spot where we all were, that was where they got
6 the mark.

7 Q. Is that across the chest, witness?

8 A. Yes, but I saw - I saw one girl - I saw the mark here. It
9 was written there "AFRC", written on the arm [indicated]. I did

12:31:50 10 know that girl.

11 MS ALAGENDRA: Your Honour, for the record the witness is
12 pointing to the right upper arm on the outside.

13 PRESIDING JUDGE: Thank you, Ms Alagendra.

14 MS ALAGENDRA:

12:31:59 15 Q. Witness, these girls that went with you to IMC to remove
16 their marks, were they the same girls that were marked at the
17 same time you were marked?

18 A. No, those were different ones.

19 Q. Do you know the circumstances under which these ten girls
12:32:25 20 were marked?

21 A. It was the same thing. They said they did that for them
22 not to escape.

23 Q. Did they tell you who did it to them?

24 A. I didn't ask them.

12:32:53 25 Q. Witness, you have told the Court that you still have the
26 mark across your chest. Do you remember when you were meeting
27 with investigators from the Prosecution office whether you showed
28 them your mark?

29 A. Yes.

1 Q. Do you remember if they took a photograph of what you
2 showed them?

3 A. Yes.

12:33:29

4 MS ALAGENDRA: Your Honour, can I ask that the witness be
5 shown the document that was just passed around during the break.

6 PRESIDING JUDGE: Madam Court Attendant, if you would
7 assist, please. Mr Anyah, you have got a copy of this?

8 MR ANYAH: Yes, Madam President.

9 PRESIDING JUDGE: Thank you.

12:34:04

10 MS ALAGENDRA:

11 Q. Witness, can you have a look at the document that was just
12 given to you. Do you recognise that photograph?

13 A. Yes.

12:34:53

14 Q. Could you tell the Court what is that a photograph of,
15 please?

16 A. It is the mark which is on my chest.

17 Q. Can you confirm that that is a photograph of you, witness?

18 A. Yes.

12:35:23

19 Q. Witness, did you come to know what happened to the other
20 girls that were trained with you in Buedu and married to rebel
21 husbands in Makeni? Did you come to know what happened to them?

22 A. Because I had left there I don't know what had happened
23 then.

12:36:00

24 Q. Witness, these ten people that you said went with you to
25 get their marks removed, did they tell you where they were
26 marked?

27 A. I did not ask them and they did not tell me.

28 Q. Witness, at the time you were having your marks removed,
29 how old were you?

1 A. I was 15.

2 Q. At the time your first baby was born, how old were you?

3 A. When I delivered I was just 15.

4 MS ALAGENDRA: Your Honour, at this stage I want to make a
12:36:55 5 request that we go into a closed session because I wanted to ask
6 the witness to name her exact village.

7 PRESIDING JUDGE: Is that the only question that you wish
8 to ask, Ms Alagendra?

9 MS ALAGENDRA: And also the names of the rebels who were
12:37:16 10 raping the women and later the names of the bush husbands in
11 Makeni.

12 PRESIDING JUDGE: Before I invite a reply from the Defence,
13 is the witness able to read and write?

14 MS ALAGENDRA: She is not, your Honour.

12:37:36 15 THE WITNESS: No.

16 PRESIDING JUDGE: Mr Anyah, you have heard the application
17 on the part of the Prosecution and it would appear that the
18 witness is unable to write.

19 MR ANYAH: With respect to the first issue, which I believe
12:38:07 20 counsel said had to do with the name of the village, we would be
21 happy to stipulate to the name if counsel were to tell - I mean I
22 believe I know the name counsel seeks to elicit. I would be
23 happy to agree that that is the name of the village. With
24 respect to the names of the rebels, I think she has already
12:38:32 25 testified the group, or the warring faction, to which they were
26 and of course counsel is entitled to elicit the names if she
27 wishes, but I am just seeking to keep the proceedings as open as
28 possible, but counsel is entitled to pursue her examination as
29 she wishes. I cannot presuppose I know all the names she wishes

1 to put to the witness, otherwise I would have agreed to stipulate
2 to it as well. Thank you.

3 PRESIDING JUDGE: Thank you. Madam Witness, if you were
4 asked to write down a name, or some names, would you be able to
12:39:59 5 write those names?

6 THE WITNESS: I cannot write all.

7 PRESIDING JUDGE: If someone assisted you would you be able
8 to write all of them?

9 THE WITNESS: Yes.

12:40:47 10 PRESIDING JUDGE:

11 MR BANGURA: Your Honours, if I may, I think probably that
12 is the way your Honours are thinking, but what I was going to
13 suggest is the Court Officer attends on the witness and counsel
14 for the Defence, as well as counsel for the Prosecution are
12:41:00 15 present, so that if there is any question about spelling of the
16 names that the witness gives, it is sorted out there while the
17 Court Officer records that name. If that can be of help.

18 PRESIDING JUDGE: That appears to be a satisfactory way of
19 circumventing the need to close the Court, whilst maintaining
12:41:24 20 respect for the privacy and the security of the witness. So, I
21 would ask Madam Court Attendant to get some paper --

22 MS MUZIGO-MORRISON: Your Honour, just to let you know of
23 the more complicated technical aspect: The witness's microphones
24 are permanently on and so unless we are going to move the witness
12:41:46 25 from that location to another location --

26 PRESIDING JUDGE: What about the second microphone?

27 MS IRURA: Your Honour, the risk is if the witness speaks
28 the voice of the witness can leak through that microphone.

29 PRESIDING JUDGE: Are you saying both microphones? That is

1 my question.

12:42:17 2 MS IRURA: The two microphones that the witness is using
3 are for distortion purposes, but the other microphones are
4 ordinary microphones and therefore the risk of the name leaking
5 through them would happen.

6 JUDGE LUSSICK: Well, Madam Court Attendant, what if the
7 microphones were covered by somebody's hand? Would that solve
8 the problem?

12:42:34 9 MS IRURA: Your Honour, they are exploring the
10 possibilities of switching off the microphones. Your Honour, we
11 have a response. They can switch off the microphones.

12 PRESIDING JUDGE: That sounds an ideal solution. So, we
13 will have some paper and a pen or pencil for the witness and if
14 you can assist. Mr Anyah, Mr Bangura has invited you to be there
12:42:59 15 to ensure complete transparency.

16 MR ANYAH: We appreciate that, your Honour. Thank you.

17 PRESIDING JUDGE: And Ms Alagenda also to be present.

18 MS ALAGENDRA: Yes and just for record, if I can just state
19 the two questions that she will be answering.

12:43:15 20 PRESIDING JUDGE: Very well. We will have those recorded.

21 MS ALAGENDRA: The first question, your Honour, would be the
22 name of her village in Wellington. The second question will be
23 the names of the four men.

12:43:34 24 PRESIDING JUDGE: This is in relation to the incident at
25 Calaba Town?

26 MS ALAGENDRA: In Calaba Town, that is right, your Honour.
27 The third question, your Honour, would be the names of the other
28 girls who were with her in Calaba Town in the parlour and the
29 fourth question, your Honour, would be the name of her bush

1 husband, or rebel husband rather.

2 JUDGE SEBUTINDE: Ms Alagendra, I suppose you were cut
3 short, but did you mean to say the four men who raped her?

12:44:56

4 MS ALAGENDRA: I was, your Honour. Your Honour, I think
5 there is an issue of interpretation for the witness. Your
6 Honour, may I suggest that I ask a question and then we go up to
7 her to get the answer and then we repeat the process four times?

8 PRESIDING JUDGE: It looks like the only way, Ms Alagendra.

9 MS ALAGENDRA:

12:45:22

10 Q. The first question, your Honour, was the witness's village
11 that she comes from in Wellington.

12 The next question is the names of the four men who raped
13 you in Calaba Town.

12:47:28

14 The next question is the names of the other seven girls
15 that were raped in the same parlour at Calaba Town by the RUF.

16 The next question was the name of the rebel that the
17 witness became a wife to in Makeni.

18 MS ALAGENDRA: Your Honour, I have one last question for
19 the witness.

12:50:40

20 PRESIDING JUDGE: Just pause a moment. The witness has
21 given - and you have recorded the answers, Madam Court attendant.
22 If you wish to take a seat, please, while counsel continues. If
23 the microphone for witness can be switched on. Did you mean a
24 question in open, or private session?

12:51:16

25 MS ALAGENDRA: It could be in open, your Honour:

26 Q. Witness, among the four people, the four RUF rebels that
27 raped you in Calaba Town, one of them has the same name as the
28 man you said became your rebel husband in Makeni. Do not call
29 out the names, witness. Is that correct?

1 A. No, yes, that is correct.

2 Q. I just want to clarify whether that is a yes or a no from
3 the interpreters, please?

12:52:10

4 THE INTERPRETER: No, sorry, your Honours, the witness said
5 "no, yes".

6 MS ALAGENDRA: Maybe I will ask the question again, your
7 Honour:

12:52:25

8 Q. Witness, from the four men who raped you in Calaba Town,
9 one of them has the same name as the person you said became your
10 rebel husband in Makeni. Is that correct?

11 A. Yes.

12 Q. Witness, are they both the same person?

13 A. No.

12:52:44

14 MS ALAGENDRA: Thank you, witness. Your Honours, I have no
15 further questions for this witness.

16 PRESIDING JUDGE: Thank you, Ms Alagenda. We haven't seen
17 these names.

12:52:59

18 MS ALAGENDRA: Your Honour, for now if I can just ask Madam
19 Court Attendant to show it to the Court and for it to be marked
20 for identification.

21 PRESIDING JUDGE: You are applying for it to be marked for
22 identification.

23 MS ALAGENDRA: Yes, your Honour.

24 PRESIDING JUDGE: I see.

12:53:07

25 JUDGE SEBUTINDE: And the photograph?

26 MS ALAGENDRA: Yes, your Honour, and the photograph,
27 please.

28 PRESIDING JUDGE: Ms Alagenda and Mr Anyah, we have looked
29 at the names and I am presuming you have both seen them.

1 MR ANYAH: Yes, your Honour, I have.

2 MS ALAGENDRA: Yes, your Honour.

3 PRESIDING JUDGE: A one page document with handwriting will
4 become MFI-16 and a photograph identified by the witness will
12:54:32 5 become MFI-17.

6 Mr Anyah, your cross-examination of the witness, please.

7 MR ANYAH: Thank you, Madam President. I am mindful of the
8 time and our usual break period at 1.30. In light of that I was
9 going to seek the Chamber's permission to be allowed perhaps ten
12:55:09 10 minutes to consult with some of my colleagues, as well as our
11 client, because perhaps, if allowed that, I might be able to
12 expedite matters ultimately to the efficiency of the Court.

13 PRESIDING JUDGE: In the light of that, we will adjourn for
14 ten minutes or whatever shorter period that counsel indicate to
12:55:38 15 us. Please adjourn the Court temporarily.

16 MR ANYAH: Thank you.

17 [Break taken at 12.55 p.m.]

18 PRESIDING JUDGE: Yes, Mr Anyah?

19 MR ANYAH: Yes, thank you, Madam President. I am grateful
13:08:08 20 to the Chamber for acquiescing to our request for ten minutes.
21 Having consulted with our client and my colleagues, I am under
22 direction instructions from the accused, Mr Taylor, that we are
23 not to pose any questions to this witness; a primary reason being
24 that we are not in a position to seriously contest the evidence
13:08:34 25 of this witness. That being the case and considering our
26 position and expediting the process of this case, focusing on the
27 linkage witnesses if you will, I have no questions for this
28 witness.

29 PRESIDING JUDGE: Thank you very much, Mr Anyah, for that.

1 I will just pause.

2 Madam Witness, I have one small question. When you said
3 you had to walk from Makeni to Buedu, how long did it take to
4 walk from Makeni to Buedu?

13:09:21 5 THE WITNESS: From Makeni we boarded a vehicle to Kono. It
6 was from Kono that we walked to Buedu.

7 PRESIDING JUDGE: Right, you did say Kono. How long from
8 Kono to Buedu?

9 THE WITNESS: Two days.

13:09:39 10 PRESIDING JUDGE: Thank you.

11 JUDGE SEBUTINDE: Madam Witness, are you able to tell us
12 how long in total you spent under rebel captivity?

13 THE WITNESS: I can say nine months.

14 PRESIDING JUDGE: Are there any questions arising, counsel?

13:10:13 15 MS ALAGENDRA: No, your Honour.

16 MR ANYAH: No, your Honour.

17 MS ALAGENDRA: Your Honour, I would like to make a request
18 for the documents to be marked as exhibits to be admitted and
19 marked.

13:10:22 20 PRESIDING JUDGE: Very well. I will ask Madam Court
21 Attendant to give them - one document referred to. There are two
22 documents before the Court. The first was taken confidentially.
23 I am taking it you will move that one first, Ms Alagendra, for it
24 is the first chronologically.

13:10:58 25 MS ALAGENDRA: Yes, your Honour. That is MFI-16.

26 PRESIDING JUDGE: Yes, MFI-16.

27 MS ALAGENDRA: That is the handwritten document, your
28 Honour.

29 PRESIDING JUDGE: Mr Anyah, you have heard the application?

1 MR ANYAH: I have no objections, your Honour.

2 MS ALAGENDRA: Your Honour, can I request that this
3 document be admitted as a confidential exhibit.

4 PRESIDING JUDGE: Confidential.

13:11:23 5 MS ALAGENDRA: And sealed, your Honour.

6 PRESIDING JUDGE: MFI-16, a one page handwritten document,
7 will become Prosecution exhibit P --

8 MS IRURA: P-71, your Honour.

9 PRESIDING JUDGE: P-71 and it will be admitted
10 confidentially and under seal.

11 [Exhibit P-71 admitted]

12 MS ALAGENDRA: Your Honour, the Prosecution also requests
13 that MFI-17 be admitted into evidence and marked as an exhibit
14 and this is the photograph of the witness's scar on the chest.

13:12:03 15 MR ANYAH: No objection, Madam President.

16 PRESIDING JUDGE: Very well. A one page photograph will
17 become Prosecution exhibit P-72.

18 [Exhibit P-72 admitted]

19 If there are no other matters, I will release the witness.

13:12:30 20 MS ALAGENDRA: There is nothing else, your Honour, thank
21 you.

22 PRESIDING JUDGE: Madam Witness, that is all your evidence
23 finished. We thank you very much for coming and giving your
24 evidence today in Court. You will be at liberty to leave the
13:12:41 25 Court shortly. If you just remain in place.

26 THE WITNESS: Okay, thank you.

27 PRESIDING JUDGE: Ms Alagenda, is there another witness
28 available? I am just looking at the time.

29 MS ALAGENDRA: There is, your Honour, but before that

1 witness comes in the Prosecution wants to deal with the expert
2 report of Beth Vann.

13:13:51 3 PRESIDING JUDGE: Let us release the witness first. Now,
4 we don't have this document, just a minute. Mr Munyard, you are
5 on your feet.

6 MR MUNYARD: Madam President, I think before we do anything
7 further we have to go into proper open session, but may I put
8 down a marker at this point that once we do I would like to say
9 something about the timing of this particular piece of evidence.

13:14:08 10 PRESIDING JUDGE: Thank you for that reminder. Can we have
11 the Court in open session, please. Are we now in public?

12 MS IRURA: Your Honour, we have been in open session. We
13 had just lowered the blinds to remove the witness.

14 PRESIDING JUDGE: Right. Mr Munyard?

13:14:55 15 MR MUNYARD: All I would ask, Madam President, is that we
16 deal with this application tomorrow morning and can I explain
17 why?

18 PRESIDING JUDGE: Actually just pause, Mr Munyard. I don't
19 have an application in front of me yet. I have an indication
13:15:07 20 that one might be made and I was just remarking that we don't
21 have papers. So, let me hear the application first and then I
22 will - or let me see if there is an application and then I will -
23 it would appear --

24 MR MUNYARD: I am entirely in the Court's hands.

13:15:25 25 PRESIDING JUDGE: It would appear that you are going to
26 move an application and Defence wants some time. Is that the
27 situation as I understand it?

28 MS ALAGENDRA: I am not sure what the Defence wants, your
29 Honour, but I do have an application to make.

1 PRESIDING JUDGE: Yes. Well, go on with your application
2 and let us see what it is all about.

3 MS ALAGENDRA: Your Honour, the Prosecution is requesting
4 for the expert report of Beth Vann dated 14 May entitled
13:15:48 5 "Conflict related sexual violence in Sierra Leone" and the
6 materials cited in the report to be admitted into evidence and
7 marked as an exhibit. Your Honours, for the information of the
8 Court the Defence had accepted the report and stated that it did
9 not wish to cross-examine this witness in their notice under 94
13:16:15 10 bis, which they filed on 29 May 2007.

11 JUDGE SEBUTINDE: Ms Alagenda, this is a small matter, but
12 could you please spell the names of the expert for the record.

13 MS ALAGENDRA: Yes, your Honour, it is Beth Vann, MSW. It
14 is B-E-T-H, the next word is Vann, V-A-N-N, and it is MSW, the
13:16:43 15 letters in capital, and the report is dated 14 May 2007.

16 Your Honours, a further request by the Prosecution in
17 relation to this expert report is, as we did for the expert
18 Jessica Alexander, to be allowed to read a summary of the report
19 for the public record. Your Honour, it is a six-and-a-half page
13:17:25 20 summary that we would like to read into the record. That is the
21 request, your Honour, thank you.

22 PRESIDING JUDGE: Now, Mr Munyard.

23 MR MUNYARD: Your Honour, I have a five page summary. I
24 hope it is the same one. I don't think there is going to be any
13:17:47 25 difficulty about that. Can I say that the Defence - the new
26 Defence team adopted the same approach as the previous Defence
27 team in relation to Ms Vann's report. On the basis of the five
28 page summary that I have got - and it may just be a different in
29 font that has been used, or the spacing - we don't have a problem

1 with the summary either, the one that I have got. What I am not
2 in a position to deal with today, but will be in a position to
3 deal with tomorrow morning, is the question of the other
4 materials that the Prosecution want to put in together with
13:18:24 5 Ms Vann's report and it is only that aspect on which there may be
6 some disagreement between Prosecution and Defence. All I am
7 asking for is overnight for me to finalise my position, our
8 position, on the additional documents that the Prosecution wish
9 to put in, together with the report and the summary, neither of
13:18:46 10 which we object to.

11 PRESIDING JUDGE: As I have already indicated, I don't have
12 this in front of me and so I am not entirely clear. There is a
13 report and documentation and it is a document that has been
14 tendered as one bundle. Is that it?

13:19:05 15 MR MUNYARD: I think that is the way it has come out, yes.
16 I mean originally we got the report and then I think it is right
17 to say we then got the further documentation. That is the way it
18 has come to me, but of course when I say "me", the present
19 Defence team received first of all the report and then the
13:19:24 20 additional documentation and subsequently the summary. We don't
21 have any difficulty with the report and we don't have any
22 difficulty with the summary. It is the additional documentation
23 that I am still in the process of considering, but I will
24 certainly be in a position to deal with it in less than 24 hours.
13:19:45 25 I am not saying that we will agree it, but I haven't finalised
26 our position on each and every aspect of the additional
27 documentation.

28 PRESIDING JUDGE: I am clear on that point, Mr Munyard.
29 You have heard Mr Munyard's application, Ms Alagendra.

1 MS ALAGENDRA: Yes, your Honour. Just to be clear the
2 supporting documents that we are seeking to admit, I think that
3 is what Mr Munyard is referring to, is in fact material which was
4 referred to by the expert in her report and is cited in there.

13:20:15 5 That is the material.

6 PRESIDING JUDGE: There is an application to defer the
7 response to your initial application. What do you have to say to
8 that?

9 MS ALAGENDRA: We have no objection to that, your Honour.

13:20:48 10 PRESIDING JUDGE: By consent the response by Defence to
11 this application will be deferred until tomorrow morning.

12 MR MUNYARD: I am very grateful.

13 MS ALAGENDRA: Your Honour, does that mean now that the
14 entire matter in relation to this witness will be dealt with
15 tomorrow?

13:21:05

16 PRESIDING JUDGE: You mean Ms Vann?

17 MS ALAGENDRA: Yes, your Honour.

18 PRESIDING JUDGE: You have made an application, I haven't
19 got a response yet, so I will deal with the response and a ruling
20 tomorrow morning.

13:21:15

21 MS ALAGENDRA: Thank you, your Honour.

22 MR MUNYARD: In the meantime, Madam President, we will
23 check that the five page document and the six-and-a-half page
24 document summary of Ms Vann's report is actually the same thing
25 and I see we have got a few minutes before the normal break. My
26 learned friend and I can no doubt spend the time usefully in
27 checking that these are both the same document.

13:21:27

28 MS ALAGENDRA: Your Honour, I understand there is just a
29 larger font, but I am willing to go through it with my learned

1 friend just to be sure.

2 PRESIDING JUDGE: Yes, let's be sure. There appears little
3 point in starting another witness at this late hour so we will
4 adjourn a few minutes early and resume at 2.30.

13:22:10 5 [Lunch break taken at 1.24 p.m.]

6 [Upon resuming at 2.30 p.m.]

7 PRESIDING JUDGE: Mr Bangura, I first of all note a change
8 of appearance on your bar and we'll take that first and then
9 we'll remark on the fact that there's no witness sitting there.

14:28:35 10 MR BANGURA: Yes, your Honour. Your Honour, for the
11 Prosecution this afternoon Brenda Hollis, Julia Baly and Julia is
12 J-U-L-I-A, Baly is B-A-L-Y, Mohamed Bangura, Shyamala Alagendra
13 and Maja Dimitrova.

14 PRESIDING JUDGE: Thank you. Well, I think Ms Baly is a
14:29:05 15 new person to us so we welcome her to the Court and we will note
16 appearances for the Defence.

17 MR MUNYARD: Madam President, for the Defence there's
18 myself Terry Munyard and Morris Anyah. I should tell you that we
19 did use the time before the lunch adjournment. Myself and my
14:29:22 20 learned friend confirmed that what we were looking at was the
21 same document but hers was in a larger font. We went right
22 through it to make sure it was the same thing. So we're now
23 completely in agreement over all of that and we'll deal with the
24 outstanding issue tomorrow morning.

14:29:40 25 Can I also mention the fact Mr Griffiths has had to catch a
26 flight back to London because he has court commitments there and
27 this is something that he's been committed to for a very long
28 time before he even took on this case and his absence may engage
29 him for most of the next few weeks, but this is something that

1 Mr Taylor is well aware of. It's a commitment that he had no
2 choice but to adhere to by order of the Court

3 PRESIDING JUDGE: Very well, Mr Munyard. I'm sure
4 Mr Taylor will be capably represented in his absence.

14:30:17 5 MR MUNYARD: Thank you, your Honour.

6 PRESIDING JUDGE: Now Mr Bangura.

7 MR BANGURA: Your Honour, just before I proceed to address
8 you on the situation with the witness I notice that Ms Baly's
9 name has appeared wrongly spelt. It's B-A-L-Y, now B-A-Y-L-Y. I
10 hope that can be corrected.

14:30:37

11 Your Honour, the next witness for the Prosecution is
12 TF1-101. Your Honour, the reason why the witness has not been
13 called in yet is that he is a protected witness and he is a
14 witness who had testified before, before Trial Chamber I and he
15 was granted protective measures. Those measures - he's
16 categorised as a category 1 witness which means that he testified
17 with a screen and a pseudonym.

14:31:06

18 Your Honours, during prepping sessions with this witness he
19 has indicated that he intends to testify openly before this
20 Chamber in this trial and it is in that regard that we thought it
21 fit to make the necessary application before Your Lordships so
22 that the witness can come in - can testify in the open.

14:31:35

23 In that regard then, your Honour, may I respectfully apply
24 that the measures which were granted - protective measures
25 granted for this witness by Trial Chamber I on 5 July 2004 be
26 rescinded. That is to say, the measures which entitled to him to
27 testify with a screen and being referred to by a pseudonym.

14:32:00

28 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard,
29 you've heard Mr Bangura's application.

1 MR MUNYARD: Madam President, we always welcome open
2 justice at every stage of the case and we have nothing to add.

3 PRESIDING JUDGE: Thank you.

4 MR BANGURA: If I may add the witness will testify in Krio.

14:32:40 5 PRESIDING JUDGE: Thank you. We note the application to
6 rescind the protective measures and in accordance with the rules
7 we will rescind those measures provided by Trial Chamber I and
8 note that the witness will give evidence in open session in Krio
9 and, as my learned colleague has just reminded me, in regard to
10 these proceedings only, this session only.

11 MR BANGURA: Yes, your Honour.

12 PRESIDING JUDGE: I will check if the interpreter is in
13 place. Mr Interpreter, have you a Krio interpreter?

14 THE INTERPRETER: Yes, your Honour.

14:33:35 15 PRESIDING JUDGE: Thank you. We are ready to proceed if
16 the witness can appear.

17 MR BANGURA: Your Honours, just before the witness is
18 sworn, given the physical state of the witness may I ask that an
19 officer from the Witness Protection Unit be available just when
20 he requires assistance.

14:35:14 21 PRESIDING JUDGE: Yes, we will implement that immediately.
22 I would observe that that used to be the practice to have someone
23 in court all the time. I will ensure that is implemented in
24 future. As soon as the witness is sworn we will arrange to have
25 that done.

26 WITNESS: TF1-101 [Sworn]

27 PRESIDING JUDGE: Please proceed, Mr Bangura.

28 EXAMINATION-IN-CHIEF BY MR BANGURA:

29 Q. Good afternoon, Mr Witness.

1 A. Good afternoon, sir.

2 Q. Mr Witness, can you tell the Court your name, please?

3 A. Yes, sir. My name is Mohamed Sesay, born of Sierra Leone.

4 Q. Now in which chiefdom in Sierra Leone were you born?

14:37:13 5 A. I was born in Koya chiefdom. The village where I was born
6 is called Mayekson, Port Loko District.

7 Q. Mr Witness, just pause. Your Honours, Mayekson is

8 M-A-Y-E-K-S-O-N and Port Loko is P-O-R-T, one word, L-O-K-O.

9 Mr Witness, you presently reside in the Western Area of Sierra
14:37:58 10 Leone. Correct?

11 A. Well --

12 Q. Just before you answer I am not inviting you to say exactly
13 where you live. The area where you live in Sierra Leone is in
14 the Western Area. Is that correct?

14:38:29 15 A. Yes.

16 Q. Mr Witness, do you have a family?

17 A. Yes, sir.

18 Q. What is the composition of your family?

19 A. Well, myself, number one. I have my son who is Osman
14:39:09 20 Sesay. The second one is my girl child, her name is Kadiatu
21 Sesay and the third one is Foday Sesay. The youngest is called
22 Mohamed Junior Sesay. The other one, that is my wife, her name
23 is Safiatu Kamara. That is the family I have.

24 Q. Thank you, Mr Witness. Your Honours, I will provide some
14:39:47 25 spellings. Osman is O-S-M-A-N. Kadiatu is K-A-D-I-A-T-U.

26 Foday is F-O-D-A-Y. Mohamed is M-O-H-A-M-E-D, it could be double

27 M. Safiatu is S-A-F-I-A-T-U. And they all carry one surname
28 which is Sesay, S-E-S-A-Y.

29 Mr Witness, what do you do for a living at the moment?

1 A. Well, for now except I go to town to beg the people and
2 whatever they will give to me and I will bring it home and we
3 eat. And apart from that my wife does some gardening and when
4 she harvest from that garden she will sell the proceeds and we
14:41:06 5 will eat and that is how we live.

6 Q. Mr Witness, you have said that you go around and you beg.
7 How long - and you beg and what you get from begging is partly
8 what you survive on. How long have you lived in this kind of
9 situation?

14:41:36 10 A. Well, that is from 1999 January 6. After I had this
11 accident that I have now I had no other way to do what I used to
12 do.

13 Q. Okay, thank you, Mr Witness. You've said that since
14 January 6 of 1999 and you talked about an accident. I shall be
14:42:10 15 asking you about that later. Now before this accident which you
16 talk about what did you used to do to earn a living?

17 A. Well, I was a petty trader. I used to buy and sell. But
18 from that time - before that time, before the accident that was
19 how I used to get my living.

14:42:47 20 Q. Thank you. Now, Mr Witness, do you recall - you mentioned
21 a date just now January 6 of 1999. You recall that date very
22 well, correct?

23 A. Yes, sir.

24 Q. Now at this time where were you living?

14:43:16 25 A. I was in Freetown.

26 Q. Where in Freetown?

27 A. At Kissy Shell company. The name of the street is Falcom
28 Street. Number 5 Falcom Street. That was where I was.

29 MR BANGURA: Your Honours, Falcom is F-A-L-C-O-M as

1 pronounced by the witness. I think Kissy and Shell have been
2 spelt before.

3 Q. Mr Witness, on this date January 6 of 1999 did anything
4 happen?

14:44:16 5 A. Yes, sir. We were in bed in the middle of the night when
6 we heard firing. Then I realised that the rebels had come.

7 Q. Now just before we move on you said you heard firing. What
8 sort of firing did you hear?

9 A. We heard gunshots all over the place.

14:44:58 10 Q. And then you said in your mind that you said the rebels had
11 come. Now why did you say that to yourself?

12 A. Why I said that to myself was before January 6 we used to
13 receive people, they were coming and running, telling us that the
14 rebels were coming. At that time all of us were panicked in the

14:45:53 15 city. But at that time it was the Kamajors who were securing the
16 city.

17 Q. Now, Mr Witness, you said before this date you had people
18 who came and were saying that the rebels were coming. Who were
19 the rebels as far as you knew?

14:46:35 20 A. These were people who were fighting against those bad
21 people, Pa Sankoh's people, with the SLAs. We used to see them
22 during the AFRC time when Mr Koroma was in power and he invited
23 the rebels to the city. So the people were saying that and I
24 used to see them too.

14:47:32 25 Q. Mr Witness, I just need you to clarify one or two points.
26 Now you have said that these were people who were fighting
27 against those bad people, Pa Sankoh's people. Can you clarify
28 that again or can you clearly explain who these rebels were as
29 you understood them?

1 A. The rebels were fighting to come to the city. Their leader
2 was Pa Sankoh with other people who was Paul Koroma. That is
3 what I understood about them.

14:48:44 4 Q. And you said your understanding of them spans from the
5 period of the AFRC. Is that correct?

6 A. Yes, sir.

7 Q. Now let us come to January 6 again. You heard the shooting
8 during the night. Did anything happen in the morning when you
9 woke up?

14:49:16 10 A. Yes, sir. In the morning when I woke up everywhere I
11 turned I would only see rebels. They had guns. Some of them had
12 machetes. Some of them had axes. Some of them, the way they
13 were dressed, some of them had socks on without having shoes,
14 some had military shirts on without the pants, some of them will
14:50:23 15 have the military pants without the shirts on. There were many
16 at that time.

17 Q. Mr Witness, these people that you saw that morning, were
18 they doing anything?

19 A. Yes. They were shooting in the area.

14:50:51 20 Q. And were they saying anything to anybody?

21 A. No at that time except the noise that they were causing and
22 the shooting around.

23 Q. Now, Mr Witness, you have talked about the situation as you
24 woke up that morning. Were you able to do anything or go
14:51:28 25 anywhere because of that situation?

26 A. No, sir. At that time we had nowhere to go. We were only
27 in houses, up to five to six days.

28 Q. Just before you go on to what happened after five or six
29 days, when you say we who are you referring to? Yourself and

1 who?

2 A. That was my family and me, together with the other
3 civilians who were within the same area.

4 Q. So you were coming to the situation as it unfolded after
14:52:40 5 five or six days. Did anything happen by that time?

6 A. Yes, sir. After five to six days we the civilians had a
7 way to go out. We went out to buy to eat. We went out to a
8 market which we called Marbela market.

9 Q. Just pause, Mr Witness. Your Honours, Marbela is
14:53:38 10 M-A-R-B-E-L-A. Yes, and where was this Marbela market situated?

11 A. Well, it is in the eastern part. It is in Freetown. That
12 was where we went and bought things, the food to eat.

13 Q. And did anything happen during that time when you went to
14 Marbela to buy food?

14:54:27 15 A. Yes. After we had bought food then we returned. While
16 returning together with my companions who had gone to buy we got
17 to PWD. That is by Ferry Junction. We met a checkpoint there.

18 Q. Now this checkpoint which you met at PWD, did you know who
19 had mounted it?

14:55:24 20 A. Yes, sir.

21 Q. Who?

22 A. We met the rebels and the SLAs. They constructed - they
23 mounted that checkpoint.

24 Q. And did anything --

14:55:43 25 A. When we got to the checkpoint then they asked us the
26 civilians to sit down.

27 Q. Who asked you to sit down?

28 A. The rebels. The rebel told me to sit down on the floor.

29 When we sat down then he made a remark. He said, "We the rebels

1 whom you said are dead", he said, "We are not dead, we are here.
2 We've come back. We are the rebels".

3 Q. Now, Mr Witness, when you arrived at this checkpoint apart
4 from the rebels and the SLAs who had mounted the checkpoint
14:56:53 5 itself did you meet anyone there?

6 A. Yes, sir. We met so many people there. We even met our
7 president who was Momoh. He was in a hammock.

8 Q. Now, Mr Witness, this person whose name you've called Momoh
9 and you say he is the president, was he president at that time?

14:57:45 10 A. No.

11 Q. Now you have said that you met many people there at this
12 checkpoint. What were they doing?

13 A. Well, I cannot say this is what they did there but --

14 Q. In what condition did you find them when you got there?

14:58:23 15 A. Well, the only thing that I know, after they had asked us
16 to sit down one of the rebels came out and told his colleague
17 rebels that - that we were to offer a sacrifice. After he had
18 said that, that was when two men were taken from us the
19 civilians.

14:59:15 20 Q. Can you describe these two men that were taken from you the
21 civilians?

22 A. Yes, sir. One of them is black. The other one is fair in
23 complexion.

24 Q. Now when you say one of them is black and the other is fair
14:59:45 25 in complexion, can you explain better what you mean by the other
26 being black?

27 A. Well, I am talking about the skin colour. We are all black
28 people but the skin colours are not the same.

29 Q. Was he dark in complexion and the other fair; is that what

1 you mean?

2 A. Yes, sir.

3 Q. Okay, thank you. So what happened next?

4 A. So one of the rebels shot the black man and he told the
15:00:51 5 other rebels after he had shot the man who was black in
6 complexion that they were to stab the other man who was fair in
7 complexion to death.

8 THE INTERPRETER: Your Honours, can the witness repeat
9 that.

15:01:15 10 PRESIDING JUDGE: Mr Witness, can you please repeat the
11 last part of your answer for the interpreter.

12 THE WITNESS: One of the rebels who had said that we should
13 offer a sacrifice, he shot the man who was black in complexion
14 and he told the other rebels to stab the other man who was fair
15:02:04 15 in complexion to death.

16 MR BANGURA:

17 Q. And was this order carried out?

18 A. Yes, they did it. They stabbed him to death.

19 Q. Did anything happen after that?

15:02:27 20 A. Yes. After they had killed him, then they took some of his
21 blood and they put the blood in one bowl. After that then they
22 went. Those who stayed at the checkpoint, they allowed us to
23 pass through and we were passed through.

24 Q. Thank you, Mr Witness. Now this rebel who gave the order
15:03:13 25 for a sacrifice to be made, when he spoke was he speaking to all
26 of you or did he speak only to his commanders?

27 A. He was not talking to us. He was talking to those who were
28 the rebels and the SLAs who had met there. He was talking to
29 them.

1 PRESIDING JUDGE: Just before you go to the next question,
2 Mr Bangura, I notice you said only to his commanders. Have we
3 ascertained whether there were any commanders present?

4 MR BANGURA: That was my error. I should have used another
15:04:06 5 word:

6 Q. Was he talking to his colleagues, not commanders actually?

7 A. Yes, sir.

8 Q. Now you said you were given - you were allowed to pass at
9 that stage to continue on your journey. Did anything happen
15:04:34 10 next?

11 A. Yes, sir. From there we arrived at the place called
12 Saroula.

13 MR BANGURA: Your Honours, Saroula is S-A-R-O-U-L-A.

14 Q. Continue, please?

15:05:12 15 A. We met a checkpoint there too. This checkpoint that we met
16 there, they told us that we should sit down.

17 Q. Who told you to sit down at this checkpoint?

18 A. The rebels and the SLA who we met at that same checkpoint.

19 Q. And did anything happen? Did you follow their orders?

15:05:44 20 A. Yes, sir. Then we sat down. After we had sat down they
21 started arguing among themselves. One of them who was a rebel,
22 he was telling the SLA that they should go and fight in town.

23 The SLA was telling him that he was not going. He said the
24 reason is that they have not come to the city to fight, to

15:06:36 25 overthrow. He said they had not come to the city to overthrow.

26 They had an arrangement to pay them to put them into the city.

27 So if you say we should go and fight again they have to first

28 give them the money they had promised them to take them to the

29 city. If they did not give them the money he was not going

1 anywhere to fight any more.

2 Q. Thank you, Mr Witness. Can you just clarify for us, who
3 said that they had an arrangement with the other?

15:07:49

4 A. The SLA was telling the rebel that the rebels and the SLAs
5 had had an arrangement to pay them some money.

6 Q. Who was to pay who money?

7 A. The rebels were to pay the SLAs to take them to the city.

8 Q. To take who into the city?

9 A. The rebels. The SLAs were to take the rebels to the city.

15:08:20

10 Q. Did anything happen after - as they got on with this
11 argument?

12 A. Yes. It was not long when one rebel said, "Okay, look at
13 Captain Blood coming". After he had said that he came.

14 Q. Who came, Mr Witness? Who came?

15:08:54

15 A. The leader of the rebels, one of them whom they called
16 Captain Blood. He came, he asked them. When he asked them all
17 of them explained to him.

18 Q. What did he ask them?

15:09:33

19 A. Captain Blood asked the rebel who was arguing with the SLA,
20 he explained to him. After he had finished explaining he asked
21 the SLA and he too explained to him. After he had explained

22 Captain Blood told them that, that you the SLAs and us the rebels
23 are one. He said please, the problem which you've spoken about,
24 the money, we would organise it. Then the SLA said okay. From
15:10:28 25 then on they allowed us to go through and we went through. At
26 that time where I was to where I stayed were close so I went to
27 my house.

28 Q. Now, Mr Witness, did anything happen after this day that
29 you recall?

1 A. No. I just went to my house. We slept for about two to
2 three days. It was after that that something happened.

3 Q. What happened after two to three days?

15:11:40

4 A. We were sitting at the back of our house at 5 Falcom
5 Street. We the civilians and the other rebels who were around,
6 we had a mango tree which was at the back of our yard. That was
7 where they used to sit. We were sitting down there, we were many
8 civilians and SLAs.

9 Q. You said civilians and SLAs and who else?

15:12:24

10 A. With the rebels. The rebels.

11 Q. Did anything happen while you were sitting there at the
12 back of your house?

13 A. Yes, sir.

14 Q. Please tell the Court?

15:12:42

15 A. We were sitting down there when we saw five men who were
16 rebels. They were carrying guns. All of them were carrying
17 guns. They met us there. One of them spoke to the rebels and
18 the SLAs who were sitting together. He told them that, "You
19 people are sitting down here, they've asked you to go and fight
20 and you've refused". He said, "Look at what President Kabbah -
21 look at what President Kabbah has done". He said, "When they
22 said there should be ceasefire we had accepted the ceasefire but
23 he refused". He said, "Now he has sent the ECOMOG to come and
24 fight us". He said, "From now if they come all of us will die".

15:13:22

25 Q. After he had said these words, one of the rebels had said
26 these words, did anything happen?

15:14:08

27 A. Yes. So it was not long - it was not even up to five
28 minutes from the time he spoke then two rebels came again. One
29 of them was a lady. The other was a man. They met us at the

1 same place.

2 Q. Now you said one of these was a female. Can you describe
3 her?

4 A. Yes. She was not carrying a gun, the woman. But the one
15:15:09 5 who was with her had a gun. But the way she spoke, she was not
6 speaking like a Sierra Leonean. The way she spoke she was
7 speaking Liberian language, that is the woman.

8 Q. Did she say anything, this woman?

9 A. Yes, yes. He said the same thing that he had first spoken
15:15:51 10 to them. He said now that you've refused to fight, he said - she
11 said, "Now they want to come and kill us". She said, "Right now
12 I'm giving you all an order, Operation No Living Thing". So this
13 was what she said.

14 Q. Before you continue let us just clear up a few things.

15:16:25 15 This woman, can you describe how she was dressed?

16 A. Well, the woman, she was not carrying a gun. I didn't see
17 her carrying any rifle. The only thing was that she was wearing
18 a black boot. She wore a black boot and a trousers and a
19 [indiscernible] t-shirt.

15:17:05 20 Q. And what about the man with whom she had come. You said
21 there were two of them that came. The other rebel, what about
22 him?

23 A. Well, he wore the full uniform but he hadn't a boot on.

24 Q. Now you said that this woman spoke in a language which did
15:17:29 25 not sound Sierra Leonean. You said she sounded Liberian. How
26 could you tell or how were you able to tell at that time that the
27 language she spoke sounded Liberian?

28 A. Well, I had been to Liberia for some good four months. I
29 had gone to visit my brother in Liberia.

1 THE INTERPRETER: Your Honours, can the witness kindly
2 repeat the name of the brother.

3 PRESIDING JUDGE: Just pause, Mr Witness, please, the
4 interpreter asked you to repeat the name of the brother. Is
15:18:22 5 there any problem with him naming the brother, Mr Bangura?

6 MR BANGURA: No, your Honour.

7 PRESIDING JUDGE: Could you please repeat the name of the
8 brother you referred to.

9 THE WITNESS: My brother's name is Mohamed Deen. He was in
15:18:39 10 Liberia.

11 MR BANGURA: Your Honours, Deen is D-E-E-N.

12 JUDGE SEBUTINDE: Also, Mr Bangura, I'm sorry to interrupt,
13 but the interpreter - there was a lot of he said she said. I'm
14 not sure who was speaking, whether it was this female or whether
15:18:59 15 it was the earlier rebel that had said a statement. There's he
16 said, she said.

17 MR BANGURA: I will cover that, your Honour:

18 Q. Now, Mr Witness, you have said that after the five rebels
19 came this lady and another rebel, two others, came and you said
15:19:23 20 she also said something. Is that correct?

21 A. No. I said the two rebels, one of them was wearing a
22 uniform, the woman is a rebel, but at that time she was not
23 wearing a combat. She was wearing a civilian dress.

24 Q. And this woman, this rebel woman, said something; is that
15:19:57 25 not so?

26 A. Yes, sir. She told them that now that they have refused to
27 fight Pa Kabbah has sent ECOMOG to come and fight against them,
28 so now she was giving an order to the SLAs and the rebels with
29 whom we were sitting in the same place, she told them that

1 Operation No Living Thing. That was the only thing that the
2 woman said where I was.

3 Q. Now you said that this woman was addressing the soldiers -
4 the rebels and the SLAs who were there with you. How were you
15:20:57 5 able to hear these orders that she gave to the soldiers - the
6 rebels and the SLAs?

7 A. We were sitting down in the same place, them and us the
8 civilians were sitting in the same place.

9 Q. Now after this order had been given did anything happen?

15:21:34 10 A. Yes. After she had said that we were with one rebel who
11 was with us at the house where I was whom they called Issa
12 Conteh.

13 MR BANGURA: Your Honours, Issa is I-S-S-A and Conteh is
14 C-O-N-T-E-H:

15:22:08 15 Q. Yes, continue.

16 A. So one old man who was passing by, Issa Conteh shot the old
17 man and killed her.

18 PRESIDING JUDGE: Mr Interpreter, did you say shot the old
19 man and killed her?

15:22:34 20 THE INTERPRETER: The old woman and killed her.

21 PRESIDING JUDGE: It was an old woman?

22 THE INTERPRETER: Yes, an old woman and killed her.

23 MR BANGURA:

24 Q. Now, Mr Witness, just clarify for us after the order was
15:22:46 25 given for Operation No Living Thing you said one of the rebels
26 Issa Conteh shot at somebody. Who did he shoot at?

27 A. One woman. He shot a woman and killed her. From there an
28 old man was passing on that same lane. I saw him too fall down
29 and died, but I do not actually know the person who shot him when

1 he died.

2 Q. Now you said one of the rebels was called Issa Conteh. How
3 did you know his name?

15:23:52

4 A. Well, he was a person I knew before. We were born in the
5 same town. His people - he had joined the rebel war or had
6 become a rebel for long. Even his people drove him away because
7 he joined the rebels. So he was an old man in the rebel
8 movement. So that was where I knew him.

15:24:30

9 Q. So apart from Issa Conteh did you know any of the rebels
10 before? The ones that were in your area, did you know any of
11 them before?

12 A. Yes. The others I did not know before, I do not know their
13 names. It was only Issa Sesay whom I knew before, but --

14 PRESIDING JUDGE: This is a new name?

15:25:03

15 MR BANGURA: Your Honours, did I hear the interpreter say
16 Sesay?

17 PRESIDING JUDGE: Yes, that's why I'm querying it.

18 MR BANGURA:

19 Q. Mr Witness, we're talking of Issa --

15:25:15

20 MR MUNYARD: Can we find out what name the witness said,
21 not the name that is about to be put to him, please.

22 PRESIDING JUDGE: Mr Witness, you said a name just now.

23 What was the name you said? Please repeat it.

24 THE WITNESS: Issa Conteh.

15:25:35

25 MR BANGURA: Your Honours, I don't think there is any doubt
26 that the witness has been referring to Issa Conteh. I think the
27 record is clear.

28 MR MUNYARD: There is no doubt that that was the name he
29 first used. It doesn't follow that that's the name that he's

1 always going to use and he should not be led.

2 PRESIDING JUDGE: I'm not leading him. I'm querying it,
3 Mr Munyard.

4 MR MUNYARD: Madam President, I'm not suggesting you're
15:25:58 5 leading him. It was my learned friend who was about to.

6 JUDGE SEBUTINDE: Also talking of leading, Mr Bangura, you
7 keep referring to this word soldiers. I've let it go twice. I
8 don't know what or who you're talking about but this has not come
9 from the witness and there is a presumption that we know what SLA
15:26:22 10 means through this witness. We don't know what SLA means through
11 this witness.

12 MR BANGURA: Your Honour, I caught myself twice referring
13 to soldiers but I believe I tried to correct myself and go back
14 to SLA, but I will get the witness to clarify that:

15:26:37 15 Q. Mr Witness, the SLAs that you refer to who came, who were
16 in your area, who were they? Apart from knowing them as SLAs do
17 you know them by any other name?

18 A. Yes. We used to call them People's Army. That is the
19 soldiers who were in Sierra Leone. That was what we were calling
15:27:16 20 them. Those who joined the rebels, that was the name that we
21 used to call them, People's Army, SLA, that was how we called
22 them.

23 Q. Now what about the rebels, did you know them by any other
24 name?

15:27:38 25 A. Yes. We used to call them rebels, RUF. Those were the
26 names we used to call them.

27 Q. Now those that you say you used to call People's Army, from
28 what time did you start calling them that name or did you know
29 that they were called by that name?

1 A. Well, since the AFRC days. That was the time we started
2 calling them those names.

3 Q. Mr Witness, coming back to the shootings that had taken
4 place around your house, did anything happen after - you said you
15:28:32 5 saw two people getting killed. Did anything happen after that?

6 A. Yes. That day they were just shooting around the area. At
7 that time we too went into our houses up to nightfall.

8 Q. Mr Witness, during this period that we're talking of since
9 6 January 1999 up until that moment what was the situation for
15:29:18 10 the civilians generally? What was life like for civilians?

11 MR MUNYARD: Well, he can only talk about what life was
12 like for himself and those immediately around him.

13 MR BANGURA: Your Honours, I imagine that those around him
14 who lived with him were also civilians.

15:29:40 15 PRESIDING JUDGE: You will have to limit it to those he
16 knows of, Mr Bangura.

17 MR BANGURA:

18 Q. Mr Witness, yourself and the people around you who lived in
19 your area, what was life like for you about this time, from
15:29:59 20 January 6 through to this period you're talking of?

21 A. During those times we were very frightened. Our lives were
22 just hanging at that time, the reason being that we didn't know
23 that we would survive. We were frightened. There was nobody who
24 was not panic stricken. We were very frightened at that time.
15:30:36 25 That was the only thing we the civilians were going through at
26 that time.

27 Q. Now did anything happen after this day on which two people
28 were shot dead?

29 A. No. It was after one day and on the second day in the

1 evening I was in my house when I saw two rebels arrive. We used
2 to sit together. The one was carrying one --

3 THE INTERPRETER: Your Honours, can the witness clarify
4 what he means by one rubber of petrol.

15:31:34 5 PRESIDING JUDGE: Mr Bangura, if you're going to put the
6 question please do so.

7 MR BANGURA:

8 Q. Mr Witness, you said that you saw two rebels who came and
9 can you just say what they were carrying again?

15:31:51 10 A. Yes. One of them was carrying - was carrying a Havoline
11 rubber that had fuel. He took the fuel and sprayed it on the
12 house.

13 Q. Mr Witness, just before you continue you said one was
14 carrying a rubber which you called Havoline. What sort of rubber
15:32:23 15 is this?

16 A. Those rubbers in which they put oil. Those were the
17 rubbers I'm referring to.

18 PRESIDING JUDGE: Just pause, Mr Witness. Mr Interpreter,
19 exactly interpret the word rubber, please.

15:32:50 20 THE INTERPRETER: It could be a jerry can but we are
21 worried about the size.

22 MR MUNYARD: Madam President, I think both Mr Bangura and I
23 heard the word Havoline twice. I think indiscernible has come up
24 but I think Havoline is a brand and if that could be clarified
15:33:11 25 with the witness I'm sure we'll all understand what he's
26 referring to.

27 PRESIDING JUDGE: I've also written the word Havoline, but
28 --

29 MR BANGURA: I was going to get on to size and get him to

1 clarify:

2 Q. Mr Witness, the rubber which you have described as
3 Havoline, what size was it?

4 A. It was 5 gallons.

15:33:39 5 Q. And when you say Havoline, what do you mean?

6 A. It's the same jerry can in which they put oil. That's how
7 we call them there, Havoline. That's how we call them there.

8 Q. Okay, thank you. I hope that suffices. Mr Witness, you
9 said you saw these two people. Where were you when you saw them?

15:34:24 10 A. I was inside the house, but I was in the parlour. One of
11 the windows was open. It was there that I was when I saw them.
12 The one who was carrying the jerry can, he took the fuel and
13 sprinkled it on the house. The other one took the match, lit it
14 and lit the house.

15:35:14 15 Q. Mr Witness, were you alone in the house at this time?

16 A. Yes. Before that time I had sent my wife and my children
17 to some other place and I said I will stay in the house.

18 Q. And after they had sprinkled fuel and lit a match on the
19 house did anything happen?

15:35:57 20 A. Yes. The house caught fire and I was in the house. One of
21 the rooms was burnt and the fire went into the other rooms and I
22 came out running. I went to one man's house. He was called Pa
23 Bobodin. I hid there.

24 Q. Just pause, Mr Witness. Your Honours, Bobodin is

15:36:48 25 B-0-B-0-D-I-N. Continue, please.

26 A. Then we slept.

27 Q. When you say we slept were there other people in the house,
28 Bobodin's house?

29 A. Yes. I met civilians in the parlour.

1 Q. Did anything happen the next day?

2 A. Yes. In the morning we left Pa Bobodin's place trying to
3 leave the area. We met our companions, civilians, at one
4 Mr Abass's house.

15:38:04 5 MR BANGURA: Your Honours, Abass is A-B-A-S-S.

6 Q. Yes, continue.

7 A. When we met our fellow civilians there we went into the
8 house and we sat.

9 Q. Now, Mr Witness, you said yourself and other civilians
15:38:37 10 moved from - first of all you met other civilians in Pa Bobodin's
11 parlour, Pa Bobodin's house. Now these other people that you met
12 in Pa Bobodin's house, were they all living in that house
13 themselves?

14 A. No.

15:39:00 15 Q. Do you know why they had come there?

16 A. Well, during the time of the fight everybody was fighting
17 to escape. Those were the people I met there.

18 Q. Now the next day you said you moved and you went to
19 Mr Abass's house and you met some more civilians there. Is that
15:39:39 20 correct?

21 A. Yes, sir. We met many of them there but the house where we
22 met them was a storey building. It was a two storey building.
23 But that too was burnt. We went and sat under the house.

24 Q. Mr Witness, when you say under the house what part of the
15:40:13 25 house are you referring to?

26 A. After the first floor --

27 THE INTERPRETER: Your Honours, the witness is using an
28 expression, can he say that again.

29 MR BANGURA:

1 Q. Mr Witness, it is not clear which part of the house you
2 were. Can you say again which part of the house you went into?

3 A. Well, it was at the veranda, somewhere in the parlour, but
4 the house was burnt. So that was where we were sitting on that
15:41:00 5 day.

6 Q. Now you have said that your house was burnt the day before
7 and here also you said that Mr Abass's house was partly burnt.
8 Now apart from these two houses did you know of other houses that
9 had been burnt in your area about this time?

15:41:31 10 A. Yes. They burnt so many houses in the area. Even at
11 Falcom Street they burnt many houses there. Even at Taylor
12 Street they burnt many houses. Even at Saroula they burnt many
13 houses there. Coming right up to Alpha Morlai they burnt houses
14 there.

15:42:10 15 MR BANGURA: Your Honours, Alpha Morlai is A-L-P-H-A
16 M-O-R-L-A-I.

17 Q. Now you said that there were many of you civilians in
18 Mr Abass's house. Can you give an estimate of the number of
19 people there at that time?

15:42:41 20 A. Well, I can even tell you that we were more than 50 people.
21 We were many. But that is the only number that I can give for
22 now, but there were many.

23 Q. Now did anything happen while you were in Mr Abass's house?

24 A. Yes. I was there at the veranda. We saw seven rebels,
15:43:28 25 they met us there. Their commando told the six other men, the
26 rebels, he said, "Bring all the young men from among them to the
27 junction".

28 Q. Now at this time what was the composition of you the people
29 in Mr Abass's house?

1 A. They were civilians, but we had old women and old men
2 amongst us. We had some children, small children and young
3 ladies. But he said we the young men should be selected from
4 amongst the number.

15:44:50 5 JUDGE SEBUTINDE: Mr Bangura, was this the commando or
6 commander or who was this person? I thought I heard commando
7 through the interpreter.

8 MR BANGURA: I will get the witness to say again, your
9 Honour:

15:45:06 10 Q. Mr Witness, you said there were seven people who came to
11 the house, Mr Abass's house, and one of them was - he ordered the
12 six to go and get you the young men out of the house. Now this
13 one who ordered the six others, what was he? Who was he, what
14 was his title?

15:45:29 15 A. Well, they called him commando.

16 Q. Thank you. And so did these six men carry out the orders
17 of the commando?

18 A. Yes. They selected all of us and took us to the junction.

19 Q. Do you remember how many of you were selected?

15:46:04 20 A. Yes. When we got there they asked us to queue, to queue
21 up. But at that time I was standing. They counted us and we
22 were 24 in number.

23 Q. And did anything happen after that?

24 A. Yes. On that day the commando who gave the order, who had
15:46:41 25 said they should select us, said he was going to amputate our
26 arms but we pleaded with him but he did not accept. He told the
27 other rebels to go and look for a stick to come and amputate our
28 arms.

29 Q. Mr Witness, when you say a stick what kind of stick was

1 this?

2 A. It was a log, a big one, but not very big.

3 Q. Now can you explain what happened next?

4 A. Yes. Then he put the log in front of us, we who were
15:47:48 5 queued up. But after that the seven rebels and he the commando -
6 he the commando had a pistol in his hand. The four other rebels
7 had four guns. One of them had an axe. The other one had a
8 machete.

9 Q. Now when you say the four rebels had four guns, how did
15:48:34 10 they distribute four guns amongst themselves?

11 A. At that time what I saw is what I have explained. One of
12 them had a machete, the other had an axe. The four others had
13 long rifles. The commando had a pistol. That was what I saw at
14 that time.

15:49:18 15 Q. And you have said that the commando ordered his men to go
16 and get a log. Did they follow his orders?

17 A. Yes. They went, searched for it and they brought it.

18 Q. Did anything happen after that?

19 A. Yes. The commando told the man who was in front of us, the
15:49:57 20 civilians who were in the queue, he told him to put his hand down
21 to - his arm down to be amputated. The man pleaded with him,
22 saying, "Please don't do that to me".

23 Q. Mr Witness, you are talking of two people here. Could you
24 be clear enough and say who asked who to put their hand down and
15:50:27 25 who was pleading with who?

26 A. The commando, the rebel, told the civilian to put his arm
27 down to be amputated. So the civilian was pleading with him not
28 to do that. The rebel commando did not accept. The civilian man
29 as well refused to put his arm down and the commando took one of

1 the long rifles from one of the rebels and shot the man in his
2 face and he killed him.

3 Q. Which man did he shoot, Mr Witness?

4 A. The civilian whom he had said should put down his arm to be
15:51:40 5 amputated and he had refused. That was the civilian he killed.

6 Q. Did anything happen after this?

7 A. After he had killed him he took the gun again and gave it
8 to the junior rebel from whom he had taken it.

9 Q. Did anything happen after that?

15:52:12 10 A. Yes. He told the next man in the line after he had killed
11 the first one to put his arm down. That man too pleaded with
12 him. That was the civilian pleading with the rebel commando for
13 his arm not to be amputated. The commando did not accept. He
14 took the rifle again from the same boy whom he had given the long
15:52:53 15 rifle and shot the man on his chest and he jumped up twice and he
16 fell down and died.

17 Q. At this stage, Mr Witness, did anything happen?

18 A. Yes. After he had done that we were all frightened. All
19 of us our shivering, we didn't know what to do next. At that
15:53:35 20 time I cannot describe to you how I felt. Let that day never
21 come again in my life.

22 THE INTERPRETER: Your Honours, can the witness repeat
23 that.

24 PRESIDING JUDGE: Mr Witness, could you please repeat the
15:53:55 25 last part of your answer for the interpreter.

26 MR BANGURA:

27 Q. Mr Witness, you were saying that you pray that that day
28 never comes again?

29 PRESIDING JUDGE: It was after that, Mr Bangura.

1 MR BANGURA:

2 Q. After that what did you say next?

3 A. I said what I saw on that day, I pray that I'll never
4 experience that in my life. How I was, how my life was, how I
15:54:37 5 felt, that was the first day that I had ever had such a feeling,
6 with the sort of way that I was frightened.

7 MR BANGURA: Your Honours, I had earlier asked that the
8 support officer be around. I'm not so sure, the witness has not
9 said that he needs a sip of water but he's been on for over an
15:55:05 10 hour. We could go on but it might --

11 Q. Mr Witness, are you all right?

12 PRESIDING JUDGE: Mr Witness, are you all right?

13 MR MUNYARD: Your Honour, can I suggest we have a short
14 break.

15:56:19 15 PRESIDING JUDGE: Mr Witness, would you like to have a
16 short break please to help you? Would you like to have a short
17 break, Mr Witness?

18 THE WITNESS: Let us continue. I am just recalling what I
19 saw on that day.

15:57:01 20 PRESIDING JUDGE: I understand, Mr Witness. If you need a
21 break you just tell us.

22 THE WITNESS: Let us continue.

23 MR BANGURA:

24 Q. Mr Witness, you were going to tell us what happened next
15:57:23 25 after the second person had been shot. Do you recall that?

26 A. Yes, sir.

27 Q. Can you continue, please?

28 A. After that one he told the other man to put his arm down
29 and the man was still pleading him and he did not agree. He

1 fired - shot rapidly and he killed about six of them. After he
2 had finished killing them he told the rebels that they should not
3 waste their bullets any more. Then he took the weapon and gave
4 it back to the rebel whom he had taken it from. Then he took out
15:58:37 5 the marijuana from his pocket and all of them sat down and
6 wrapped it, the seven rebels. After they had wrapped the
7 marijuana they smoked. After they had finished smoking, the
8 commando told the other rebels that - he said they should
9 lacerate the people on their heads and they should be killed.
15:59:21 10 That is the civilians who were there.

11 MR BANGURA: Your Honours, I'm not so sure the witness's
12 evidence has come out the way it's been stated. Now, I will
13 probably ask the question again and get the interpreter to say:

14 Q. Now, Mr Witness, you said that after they had smoked the
15:59:46 15 marijuana the commander ordered the rebels with him to do
16 something to the other people. What did he order them to do?

17 A. He told them to use the axe and the machete and split the
18 people's heads, he said because he was not going to waste his
19 bullets any more. After he had finished saying that, they did
16:00:27 20 it.

21 Q. Now, when you say "they did it", what did they do and who
22 did what?

23 A. They took the cutlass and the axe and they split people's
24 heads, five of them.

16:00:46 25 Q. Who took the cutlass and the axe? Who?

26 A. The same rebels from among the seven rebels, those who -
27 the one who had the machete and the other one who had the axe,
28 they did that. It was not the commando who did it. About five
29 of them, their heads were split and they were killed.

1 Q. Thank you. Did anything happen after this?

2 A. Yes.

3 Q. Before you go on to say what happened, at this point what
4 was the - how did you feel?

16:01:46 5 A. I said I pray that that day will never come back in my
6 life, because you would want to turn your face the other way so
7 that you could not see what was happening, but they would not
8 accept that. I was not feeling good. I was afraid. All of us
9 were sitting, whom they had said we should sit there at that
16:02:18 10 junction, we were all frightened.

11 Q. Were there any other people around at the time? Apart from
12 you who had been brought out of Mr Abass's house and the rebels
13 who were with you, were there any other people around?

14 A. No. At that time I did not see any other civilian around
16:02:45 15 us. The only people - everywhere, everywhere you would turn you
16 would only see rebels and SLA.

17 Q. Now, after these five others had been killed did anything
18 happen?

19 A. Yes, sir.

16:03:10 20 Q. Please tell the Court?

21 A. That was the day, that was the time - in that queue I was
22 the first person in the queue. Then one of them said, "This one
23 who is standing, we are going to amputate his arm. We're going
24 to start with him." Then I pleaded with them. I said, "Instead
16:03:47 25 of you amputating my arm, I'll rather - I'd rather prefer you
26 kill me", and the man said I was not to dictate to him what he
27 should do. He said what he wanted to do was what he was going to
28 do.

29 Q. Mr Witness, which one of them was talking to you at this

1 time - were you having this conversation with at this time?

2 A. Me and - I and the commando.

3 Q. Continue, please.

4 A. After that the other men who were sitting on the ground,
16:04:40 5 all of them got up and we were pleading with him and he said,
6 "Okay, now I see, now that you are standing up you want to fight
7 us", and we told him that, "We don't want to fight you", and he
8 said no, we wanted to fight them. He dipped his hand into his
9 pocket and pulled out the --

16:05:10 10 THE INTERPRETER: Your Honours, can the witness repeat the
11 word that he --

12 THE WITNESS: He got out a whistle and he blew it. When he
13 blew the whistle many rebels came and they gathered around us.

14 MR BANGURA:

16:05:29 15 Q. Now, Mr Witness, you earlier said that there were seven of
16 them, the commander included. You say now that he blew his
17 whistle and many came. Were there more than the seven who were
18 with you?

19 A. They were many. They came from all angles and they came.

16:05:57 20 Q. Did anything happen after this?

21 A. Yes, sir. They came and got us forcefully, put us on the
22 ground and tied all of us up. They beat some people even, but I
23 was not beaten. They tied all of us up.

24 Q. Did anything happen after that?

16:06:26 25 A. Yes, sir. At that time the commando told one of the rebels
26 to go and untie us. This rebel whom he had told to untie me, he
27 was the youngest of the rebels. He was not even 13 years old.
28 He asked him to go and amputate my arm. Then the boy came. He
29 came and untied my arm. At that time those who had come, we were

1 now under gunpoint and they got hold of my arm and put it on the
2 log. The boy had the machete. He took the machete and amputated
3 me here on the left [indicated]. He amputated me here first.
4 The commando said - he said, "Are you a fittish person that you
16:07:52 5 can - someone would want to amputate you and they cannot amputate
6 your bone, only your flesh can go off?" He told the boy whom he
7 had told to amputate me, he said, "Okay, excuse me", he took the
8 axe from the other rebel and he came.

9 Q. Mr Witness, who is he?

16:08:25 10 A. That is the commando took the axe and he came. He put my
11 arm. When they put my arm he came and hit my left arm twice.

12 Q. Where did he cut your arm - your hand? You said he came
13 and he put your hand. Where did he put your hand?

14 A. The other rebels held us and put our arms on the log where
16:09:09 15 our arms were to be amputated.

16 Q. And what did the commander do - commando do?

17 A. After they had put my arm on the log he took the axe. He
18 hit the left arm twice.

19 Q. Did anything happen?

16:09:31 20 A. It was not cut off completely, but it was just hanging now
21 on a small flesh, small lump of flesh.

22 Q. When you say it was not cut off completely, what was not
23 cut off completely, please explain?

24 A. When he had hit it twice the bone was cut off, but then the
16:10:08 25 arm was still hanging on a small flesh.

26 Q. And this was your left hand, you said?

27 A. Yes, sir. After that they took this other arm and put it
28 on the same log.

29 Q. Which hand was that?

1 THE INTERPRETER: Your Honours, can counsel wait for the
2 interpretation.

3 MR BANGURA: I'm sorry:

4 Q. Say again, which was the next hand?

16:10:51 5 A. This was the first one, the left that they first amputated.
6 The next one was the right arm. They took it again and put it on
7 the log. That one he only hit it once. This too was hanging on
8 the flesh just as the left one, but he had cut it off almost
9 already.

16:11:20 10 Q. Now, Mr Witness, earlier in your evidence you mentioned
11 something about an accident which you suffered, when I asked you
12 whether you - what work you do and you talked about since you had
13 an accident you had not been working gainfully. Is this the
14 accident that you were referring to?

16:11:49 15 A. Yes, sir. I had no other problem in my life.

16 Q. Now, after this had happened did anything --

17 JUDGE SEBUTINDE: Mr Bangura, before you proceed I note
18 that on the record the age of this rebel, which I thought I heard
19 was 13 years, is recorded as 30 years.

16:12:19 20 MR BANGURA: Thank you, your Honour. It's noted. I was
21 going to ask him to clarify that again:

22 Q. Mr Witness, you said when you were tied the commando gave
23 an order to one of his rebels to untie you and you said that that
24 order was given to the smallest of the rebels. You gave an age,
16:12:48 25 you said that this rebel was not even up to a certain age. Do
26 you remember the number that you gave?

27 A. Yes, sir.

28 Q. Can you say again what that number is?

29 A. I said the boy who he commanded to come and amputate me was

1 not even 13 years. If he was 13, he was not up to 14 years. He
2 was the youngest of them.

3 Q. Thank you, Mr Witness. Now, after the commando had cut
4 your right hand and amputated your right hand, did anything
16:13:37 5 happen?

6 A. Yes, sir. He told the other man to put his arm down. As
7 he put his arm, one of the seven rebels he told him that Rambo is
8 coming.

9 Q. Now just clarify "he". One of the seven rebels told who?

16:14:13 10 A. The youngest of the seven rebels told the commander that,
11 "Look at Rambo coming." After he had told him he did not
12 amputate the man's arm again. Rambo was with many other people.

13 Q. Mr Witness, just before we talk about Rambo, as a result of
14 this act by the commander, who you say amputated your hands, you
16:14:57 15 are in the present condition in which you are, is that correct,
16 regarding your physical condition? Is that correct?

17 A. Yes, sir. It was as a result of the cutting that that man
18 did, that was why I don't have a complete arm.

19 MR BANGURA: Your Honours, I would ask that the record
16:15:28 20 reflect the witness's physical condition, which is as a result of
21 the blows he received from the commando.

22 PRESIDING JUDGE: Yes, we have noted for purposes of record
23 that the witness has both hands amputated above the wrist.

24 MR BANGURA:

16:15:48 25 Q. Now, you said that Rambo arrived. Who was Rambo?

26 A. Well, I think he was their leader. He was one of their
27 leaders. When he came, he came along with a lot of people. We
28 had a street there around our area there which we called --

29 THE INTERPRETER: Your Honours, can he kindly repeat the

1 name of the street.

2 PRESIDING JUDGE: Pause, Mr Witness.

3 MR BANGURA:

16:16:34

4 Q. Mr Witness, you talked about a street in your area. What's
5 the name of that street, please?

6 A. Bus stop. It was an old bus stop closer to Kissy Mental
7 Home, in that area.

8 Q. And what happened there?

16:16:56

9 A. So all of them came and parked the vehicles in which they
10 had come.

11 Q. Can you remember how many of them?

12 A. They were more than 40.

13 Q. And did anything happen when they arrived there?

16:17:24

14 A. Yes, sir. He went and met us. When he met us, where they
15 had killed the people and where they had amputated my arms --

16 Q. Mr Witness, who are you referring to when you say "he"?
17 Please give the name?

16:17:54

18 A. Rambo met us there along with the people he had come with.
19 When he met us there, the commando and the others, all of them
20 saluted him. After they had saluted him Rambo asked the

16:18:36

21 commando, he said, "What are you doing here?" He said, "Why are
22 you killing these people?" He said, "Why are you chopping off
23 these people's arms?" He said, "Is that why you came here?" He
24 said, "I am going to punish you." Then he said, "Release these
25 people, release these remaining people." He told him - at that
26 time he was holding to my one hand, my one arm, that is Rambo, he
27 still held my one arm. He told the commando who had chopped off
28 our arms, whom he had said he would punish, he said, "All of you
29 follow me to the base." We went up there. Look at the church

1 and there was - look at the Kissy Mental Home. It was in that
2 area that I was. So when we arrived there we met a lot of guns.
3 When we arrived he told them to stand there, that is he told the
4 commando and the other rebels who were there, he put them
16:19:53 5 outside, he told them to stand there. He asked for one Captain
6 Blood. I saw the Pa come out. He asked him, "Where is the
7 doctors?"

8 THE INTERPRETER: Sorry, correction, interpreter, "Where
9 are the doctors?"

16:20:29 10 THE WITNESS: And the Pa told him that they had gone out.
11 So Rambo told Captain Blood that, "Have you seen what this man
12 did to these people?" He said, "I was going to punish him." He
13 said, "That was not why he came." Then he took out 100,000, that
14 is Rambo took out 100,000 and placed it in my pocket. He told me
16:21:09 15 to endure, that was what God ordained. Then he took - he asked
16 one rebel to accompany me. So the rebel accompanied me up to
17 Taylor Street and he returned. At that time I was feeling dizzy.
18 I was not seeing properly and I fell down close to the bathroom.
19 That was where I laid. In the morning of Friday I tried to get
16:21:57 20 to Helena.

21 MR BANGURA: Your Honours, Helena is H-E-L-E-N-A:

22 Q. Yes?

23 A. So the ECOMOG met me there with their armoured car. They
24 put me in, took me to Ferry Junction. After Ferry Junction they
16:22:29 25 took me to Connaught Hospital. I was there at Connaught Hospital
26 for 26 days, but when we went there there were no medicines
27 there.

28 Q. At Connaught Hospital - your Honours, Connaught is
29 C-O-N-N-A-U-G-H-T. At Connaught Hospital were you the only

1 amputee who was taken there at this time?

2 A. No, so many people whose arms had been amputated, I met
3 some there, some met us there. Throughout that week they were
4 taking them there.

16:23:19 5 Q. Did you learn where these others had had their hands
6 amputated?

7 A. Yes. Some of them said their arms were amputated in
8 Freetown. They would call the street where they were at that
9 time. At that time it was only the capital city and there were
16:23:55 10 other people from the provinces, different areas, so that was how
11 they were giving the reports.

12 Q. Mr Witness, in your earlier evidence you mentioned a
13 Captain Blood. At Saroula - there was an argument between SLAs
14 and RUF at Saroula and you said a Captain Blood, who was a senior
16:24:16 15 person amongst the RUF, came to the scene and then later you also
16 mention the same name, Captain Blood, when you were taken to the
17 base where Rambo was. Now, are they the same, one and the same
18 persons, the Captain Blood who you saw at Saroula and the Captain
19 Blood who was at the base where Rambo took you? Are they one and
16:24:49 20 the same persons?

21 A. No, no. The one at Saroula and the one at the base by
22 Kissy Mental Home, they were not the same people. The last one,
23 I had never known him. He's an ageable person, he has bald head,
24 but the one who was at Saroula was a young man.

16:25:23 25 Q. Mr Witness, you said that the house where you lived at 5
26 Falcom Street was burned?

27 JUDGE SEBUTINDE: Mr Interpreter, what is "ageable"?

28 THE INTERPRETER: That was what he said. An old man.

29 THE WITNESS: What I mean, he's a fairly old man. He's a

1 fairly old man. What we say, he's an old man, fairly old man.
2 He's not a young man.

3 MR BANGURA:

4 Q. Thank you, Mr Witness. You talked about the house where
16:26:07 5 you lived at 5 Falcom Street which got burnt. Who was the owner
6 of that house?

7 A. The house was owned by my dad. That was where we stayed
8 with our other family members. It had four rooms and a parlour,
9 but it was a house made of board. That was where we lived.

16:26:38 10 Q. Now, at the time when your hands were amputated, or after
11 your hands had been amputated, did anybody say anything to you
12 just after that?

13 A. Yes. The only person who told - the commando who amputated
14 my arm, after he had amputated my arm he told me to go to
16:27:21 15 President Kabbah because we had voted for him, let him give me a
16 false arm. That was the only person who spoke to me. No other
17 person told me that.

18 Q. Mr Witness, do you remember on what date this incident
19 occurred, the amputation of your hands?

16:27:50 20 A. Yes, the 19th.

21 Q. The 19th of what?

22 A. Of January. That January 6th, the 19th, on a Thursday. On
23 Friday 28th I went to Connaught Hospital.

24 Q. Now, you mentioned Rambo. Is this somebody whom you had
16:28:18 25 known before?

26 A. Yes, I knew him a little. At one time I was coming from
27 where I sell wares at Fourah Bay Road and arrived at - I arrived
28 by Taylor Street. He had a car which had broken down. We met
29 him there. He asked us to push his car for it to get started.

1 We pushed it up to Cline Town. That was when the car started
2 moving. One civilian who was among us, those of us who were
3 pushing the car, he told us that this was one of the bosses for
4 the RUF. He said this is the Rambo who has the name.

16:29:40 5 PRESIDING JUDGE: Mr Bangura, I would have been hopeful to
6 finish the examination-in-chief, but the tape and time have run
7 out and we will have to adjourn at this point.

8 Mr Witness, this is the time we normally have to finish for
9 today. We will hear the rest of your story tomorrow and between
16:30:03 10 now and the time that all your evidence is finished you must not
11 discuss your evidence with anyone else. Do you understand?

12 Was that interpreted to the witness?

13 THE INTERPRETER: Yes, your Honours.

14 PRESIDING JUDGE: Thank you. We will adjourn the Court
16:30:37 15 until 9.30 tomorrow.

16 [Whereupon the hearing adjourned at 4.30 p.m.
17 to be reconvened on Friday, 15 February at
18 9.30 a.m.]

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I N D E X

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